



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

Oral Evidence (In two Volumes)

Volume I

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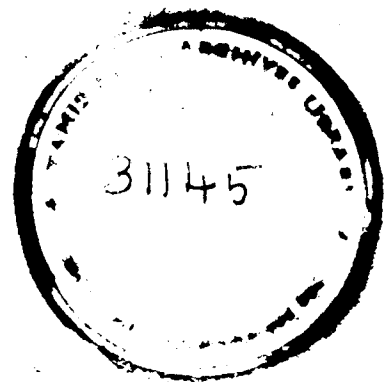


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REFORMS ENQUIRY COMMITTEE.

Thursday, the 7th 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. S. M. Chitnavis, ex-Minister, C. P.

EXAMINED BY THE CHAIRMAN.

Q.—We propose to examine you, Mr. Chitnavis, publicly. I suppose you have no objection ?

A.—No.

Q.—In the first place, I should like to thank you on behalf of the Committee for your memorandum. I propose to ask you a few general questions as to your position, not because this Committee do not know the facts, but because the evidence will be read by the public who may not be aware of your position. Therefore I may just ask you to explain what positions you have held.

A.—I was a Minister.

Q.—In the first place, you were a member of the first reformed Council in the C. P. ?

A.—Yes.

Q.—And you held the office of Minister throughout that Council ?

A.—Yes.

Q.—Can you tell us what subjects you were in charge of ?

A.—Excise, Registration, Agriculture, Veterinary, Co-operative societies, Industries.

Q.—You held charge of the same subjects throughout the three years ?

A.—Yes.

Q.—Before you were a Minister, I think you were a Deputy Commissioner ?

A.—Yes.

Q.—And therefore you had considerable experience of official business ?

A.—Yes.

Q.—And your colleague in the first Council was Rao Bahadur Kelkar ?

A.—Yes.

Q.—Then in the second Council you were again Minister ?

A.—Yes.

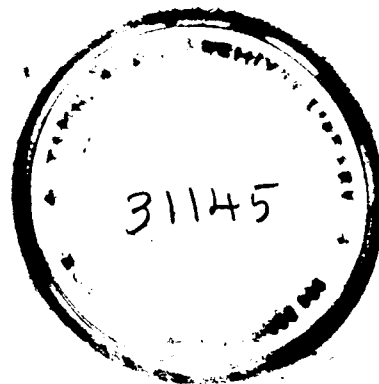
Q.—But not Rao Bahadur Kelkar ?

A.—No.

Q.—The second Ministry held office till March 1924 ?

A.—Yes.

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Q.—Then both the Ministers resigned on an adverse vote ?

A.—Yes. A vote of 'no confidence' was passed in the month of January and subsequently in March the whole budget was thrown out and the Ministers salaries were voted at Re. 1 a year for each Minister.

Q.—On that general vote you resigned ?

A.—Yes.

Q.—I propose to take you through one or two main points in your memorandum. Have you got a copy of your memorandum ?

A.—Yes.

Q.—I see that in paras. 1 and 2 of the memorandum you take the view that the electorate in the Central Provinces is a small one ?

A.—Yes, it is.

Q.—And also I take it that you consider it to be a somewhat illiterate electorate ?

A.—Yes.

Q.—Speaking generally, you consider it as illiterate ?

A.—Yes, in the rural areas particularly.

Q.—And you mention in the paragraph which follows, that practically the party system did not exist, and that there were no recognised parties ?

A.—Yes, there were no recognised and well-knit parties.

Q.—Can you tell us what voting power you yourself commanded ?

A.—It varied from time to time.

Q.—Had you any definite nucleus of members on whom you could rely on always ?

A.—A few of them were my constant supporters.

Q.—How many ?

A.—About a dozen.

Q.—Then in para. 4 you criticise the fact that there was no Ministry in the proper sense ?

A.—No.

Q.—That is, that there was no corporate responsibility. You say that the Government of India Act does not recognise corporate responsibility ?

A.—The wording of the Act and the Rules gives that impression.

Q.—I put it to you, is there anything in the Government of India Act, in your opinion, which prevents joint responsibility of ministers ?

A.—No, but it does not clearly recognise it.

Q.—May I put it to you that the responsibility of Ministers is rather a convention than a law. I do not think you will find in any Act definite provisions providing for joint responsibility. Is it in your opinion the fact that you cannot expect joint responsibility till you have a party system ?

A.—I think so.

Q.—And therefore the fact that you had not a party system, naturally resulted in your defeat ?

A.—In the present Council there is a party, but it is pledged to wreck dyarchy, and the Ministers had no sufficient backing.

Q.—As a matter of fact your colleague in his note complains that, as regards the excise policy, he was not consulted by you ?

A.—He is not right, I am sorry to say, because the policy was settled at a Cabinet meeting. What happened was, that a resolution was to be moved in the Council. Our practice was to discuss all resolutions at a meeting of the whole Government, three or four days before the Council session commenced, and all the resolutions of that session were accordingly discussed and my colleague was present at the meeting.

Q.—I did not put the question with the object of eliciting the particular circumstances ?

A.—He was present.

Q.—I am putting it to you whether in the Central Provinces there is any rule requiring consultation in a case where two Departments are concerned ?

A.—That was at the discretion of the Governor. He called a meeting of the whole Government whenever he thought it necessary.

Q.—In the Model Rules which were circulated to Local Governments, rule 25 definitely lays down consultation. Was there not such a rule ?

A.—There was. All questions of major importance were discussed at cabinet meetings.

Q.—Is it provided for in the Rules of Business ?

A.—I have not got a copy of the Rules with me, and I have no recollection as to what they contain.

Q.—You say practically the Ministers relied very largely on the official vote ?

A.—In certain cases.

Q.—That was given in favour of your policy ?

A.—It had to be given because the policy was settled by the Government as a whole and each half voted for the other.

Q.—But my point was this that the policy was your policy ?

A.—Yes.

Q.—Then you suggest at the end of paragraph 5 that when a vote is taken on transferred subjects the official members should not vote.

A.—If you want the Ministers to develop a sense of full responsibility to the Council, such a convention would be necessary.

Q.—But as a matter of fact, in the Central Provinces that would have resulted in the defeat of your policy ?

A.—On occasions it might have been so.

Q.—The result would have been that you would not have carried out your policy ?

A.—No. The Ministers might have had to resign.

Q.—Then you can hardly say that they are a serious stumbling block on your policy ?

A.—I objected to the manner in which the objections were put forward.

Q.—I understand that was not successful ?

A.—It was not successful because our proposals were sound.

Q.—There is one other point on this financial matter, Mr. Chitnavis, on which I should like to ask a question. On the question of the appointment of the Joint Finance Secretary you say that his position would be unenviable. Why do you think so ?

A.—He would not be liked by the Finance Secretary or the Finance Department. He would likely be looked upon as a spy.

Q.—Surely he would put forward your case from the expert point of view ?

A.—One was not required in the Central Provinces and we did not ask for one. If one had been appointed he could not have served any useful purpose.

Q.—On the whole, the Finance Department was not unreasonable ?

A.—No.

Q.—He would be your financial adviser. The rules contemplate the appointment of a Joint Finance Secretary and I think you ought to be consulted as to the person to be appointed ?

A.—Yes.

Q.—In view of what we have had so far, would you like to modify in any way this statement of yours in paragraph 9 ?

A.—What is it about ?

Q.—You say on page 5 of the printed memorandum, paragraph 9, "The Finance Department possesses the constitutional power of conducting itself in such a way as to keep the transferred departments on reduced rations ?"

A.—It has got the constitutional power of doing it if it wants to do it. It was not done. As the constitution stands they have got the power.

Q.—On the occasions on which they obstructed you, you were able to over-rule them ?

A.—I could get what I wanted by friendly discussion.

Q.—By reduced rations, you mean that there was no money or do you mean anything more than that ?

A.—More money can be appropriated if so desired towards the reserved departments than towards the transferred departments.

Q.—We had it from you that on the question of allocation between the two sides there was never any difficulty ?

A.—There was none. As I have said there was financial stringency. But difficulties might arise and these should be provided against.

Q.—No difficulty has actually been experienced in the working ?

A.—Not in the Central Provinces. Owing to want of money very few new improvements could be made.

Q.—That of course was not the fault of the Finance Department ?

A.—I have not complained. I got on well with the Finance Department on the whole.

Q.—Then again you say "The virtual conversion by rules of the Finance Department into a Reserved Department is wrong in principle and its drawbacks can be emphasised actually in practical administration." I think your evidence goes to show that that was not so actually in the Central Provinces ?

A.—Not in my province. I have only referred to contingencies.

Q.—Then coming to paragraph 10 about restrictions of higher authorities firstly as to legislation and secondly as to finance. I would leave the question of legislation to other members. As to finance, do you find that this rule which requires the sanction of the Governor General in Council to borrowing of money or taxation beyond Schedule II an unreasonable rule ?

A.—About borrowing money I do not think it is an unreasonable rule. About taxation it may be sometimes.

Q.—Would you refer to Schedule II and suggest any alterations ?

A.—I have no alterations to suggest.

Q.—You comment on the fact that the administration of transferred subjects must be exercised in accordance with the provisions of the all-India Codes. What codes have you in mind, Mr. Chitnavis ?

A.—I have mentioned these. We have got the Civil Account Code and Fundamental Rules and there are other codes, for instance, the P. W. D. Code and other codes according to which the administration has to be carried on.

Q.—Do you consider they are unduly restrictive ?

A.—I have mentioned this matter in support of introduction of responsibility in the Central Government.

Q.—Then Rule 49 is referred to, that is the control of the Government of India over transferred subjects. The rule as it stands allows the exercise of powers of superintendence, direction and control for three purposes :—

- (1) to safeguard the administration of Central subjects,
- (2) to decide questions arising between two provinces in cases where the provinces concerned fail to arrive at an agreement, and
- (3) to safeguard the due exercise and performance of any powers and duties possessed by or imposed on the Governor General in Council, for the purposes of the following provisions of the Act, section 29A, section 30 (1a) or any rules made by or with the sanction of the Secretary of State in Council.

Do you regard that as too broad a restriction on powers in regard to transferred subjects ? Is it of importance in connection with provincial autonomy ?

A.—There does not seem to be any objection to that.

Q.—That, in your opinion, is the limit of the Central Government's control?

A.—Yes.

Q.—Then you come to the conclusion that on account of the constitution of the Government, defects in rules and the large number of non-votable items the present condition of affairs stands in the way of enabling Ministers to rise to the full height of their stature and prevents them from giving effect to the wishes of the people in the Legislative Council. We dealt with the defects in the rules and we dealt also with the constitution of the Government, and the one point on which we have not had any observations is that there are a large number of non-votable items which you consider should be votable?

A.—It is only as regards the services mostly; because they are non-votable, they are a constant source of friction and discontent.

Q.—You would like all the services to be votable?

A.—I think so, with certain safeguards in the interests of the services.

Q.—If you were a Deputy Commissioner, would you like your pay to be votable?

A.—There ought to be certain safeguards and the interests of the services ought to be protected.

Q.—Passing on then to the next point, I see you say that dyarchy has given some training?

A.—Yes, it has given us some training.

Q.—Not only to the Ministers but also to the Legislative Council?

A.—The Legislative Council too has received some training and at the same time it has brought to notice defects and disadvantages of the system.

Q.—In the first part of your Memorandum I think you lay down the proposition, subject to correction, that a narrow electorate cannot be entrusted with further powers?

A.—That I say is the argument urged in favour of dyarchy.

Q.—But you repeat that argument?

A.—The electorate is now capable of knowing its interests to a greater extent than before. If the representatives returned by the electorate are of the necessary calibre and capable of running the work that is entrusted to them and of protecting and furthering the interests of the masses, I think that ought to suffice.

Q.—My point is whether in your opinion the representatives who have been trained in the Legislative Council are in fact in a position to discharge their duties properly?

A.—On account of Non-co-operation certain members who came in were not capable, but there were others who understood their business.

Q.—I will leave it to one of my colleagues to question you further on that point. You come to the conclusion, apart from your general recommendations, that minor amendments in the Act which are possible should be made; for instance, the excessive powers conceded under the rules to the Governor can be curtailed. What excessive powers are there which you want curtailed?

A.—The Minister is his adviser. The Governor may order a Minister to do a thing or not to do a thing and dismiss him. The Governor was made more absolute in the administration of transferred subjects than in reserved subjects. The settlement of policy for the transferred subjects does not really rest with the Minister. The responsibility of the Minister for policy is greatly diluted.

Q.—But the position as regards the Ministers under dyarchy is exactly what it would be under your scheme?

A.—The Act lays down that in relation to transferred subjects the Governor should be guided by the advice of the Ministers.

Q.—I do not quite follow the argument that your object could be achieved by simple amendments. Then you say it is possible to increase the number of transferred subjects. What subjects would you propose to transfer?

A.—Land Revenue, Law and Justice, and all the others.

Q.—Land Revenue and Law and Justice?

A.—Yes.

Q.—You think Law and Order could be transferred?

A.—I think it could be. Some mistakes might be committed, but as has been said the best school for responsibility is responsibility itself. We all want that there should be peace and tranquillity in the country and I do not think Ministers would be found wanting in maintaining these.

Q.—The next recommendation you make is that the recommendation of the Joint Committee of Parliament concerning joint deliberations between the reserved and transferred halves of Government should be made statutory?

A.—Yes.

Q.—As a matter of fact in the Central Provinces do you think there will be no difficulty about it?

A.—None. At present Ministers are consulted as regards matters concerning reserved subjects wherever the Governor wishes to have their advice, but as their views do not count much they do not feel proper interest in the matter.

Q.—Is not that the same position as regards the reserved side?

A.—Yes, but their position is much better.

Q.—They cannot vote on the transferred subjects. And then you further recommend that most, if not all, of the powers of superintendence, direction and control should be delegated. But as regards the transferred subjects, you agree that the existing rule is satisfactory.

A.—The Secretary of State's powers should be delegated to the Government of India.

Q.—As regards the transferred subjects, you agree that Rule 49 goes as far as it can go?

A.—So far as the Government of India's supervision is concerned.

Q.—The same rule applies to the Secretary of State, see the rule under section 19A of the Act. The position is the same as regards the Secretary of State.

A.—So it seems to be.

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Q.—And you agree that is as far as you can expect to go ?

A.—Yes.

Q.—And if you transferred more subjects, you would also reduce the superintendence, direction and control, as they would fall under the same rule ?

A.—There should be more freedom given to the Ministers in the exercise of the responsibility placed on them.

Q.—In what way ?

A.—There should be less restrictions on their actions. The Legislature should be made to realize its responsibility. At present the belief is that the Government is responsible for whatever may befall having the power to act independently.

Q.—My point is this. You yourself admit that the power of interference in Rule 49 should be there ?

A.—I mean the Governor's power.

Q.—Please see Rule 49 and the rule under section 19A ?

A.—The Governor General has got those powers.

Q.—The Secretary of State has got the same powers under section 19A. Do you admit that the principle laid down in Rule 49 is a good principle ?

A.—I have no objection to raise against that.

Q.—Then there is the rule under 19A in the first page of this Blue Book. Do you think that those two rules are satisfactory as regards the transferred subjects ?

A.—That all depends on the rules made. He has got powers to make rules and regulate and restrict his own powers.

Q.—Those rules are known to you ?

A.—Yes.

Q.—Are they satisfactory ?

A.—I do not think the power of re-entry as regards the subjects is very satisfactory.

Q.—That is the power in the Act itself. You think there should be no power of re-transfer ?

A.—I think not.

Q.—What then is the position in your own province ? How are things to be carried on ?

A.—Things are being carried on at present ; a chance may be given to the electorate to correct its representatives if it so desires.

Q.—You therefore suggest that the Act should be amended taking away the power of re-transfer ?

A.—Yes, and putting the responsibility upon the electorate.

Q.—Would that not lead to a difficult position if you refuse to take office ?

A.—What the Swaraj party desires is end of dyarchy, and that is what it is working for. If dyarchy is ended, they might take office. I must say I do not agree with its methods.

Q.—You see no danger, no serious trouble to the administration ?

A.—I cannot see any danger. The Government can be carried on as it is being done at present.

Q.—But surely it is not to be carried on on that basis ?

A.—Then you ought to appeal to the electorate and let the electorate exercise its choice.

Maharaja of Burdwan.—You say you want some relaxation of the control of the Governor over the Ministers. Will you kindly cite to me the difference between the control of the Governor over a Minister and that over an Executive Councillor ?

A.—As I have already said the Governor was made more absolute in the administration of transferred subjects than in reserved subjects.

Q.—But he is also not bound to take the advice of the Executive Councillor ?

A.—I would refer to section 50 (1) of the Government of India Act.

Q.—In that case would it not meet your case more if instead of the Governor's control being relaxed the Ministers had certain privileges now enjoyed by a Member of Council with regard to notes which they do not possess at present ?

A.—I do not think that will satisfy the people at all.

Q.—Now take a case of the reserved side. The Executive Councillors record their notes of dissent and then the whole case goes up to the Government of India. Your contention is that in the case of Ministers the Governor decides the case and the Ministers have no further say in the matter. Their case must rest with the Governor. Am I correct in this ?

A.—Yes.

Q.—Supposing it were possible for the Ministers on the transferred side also to go up to the Government of India like the Executive Councillors on the reserved side, would your difficulties or your views that the Minister is more controlled by the Governor disappear or not ?

A.—I think not.

Q.—Another point that I wish to put to you is this. You said in answer to a question put by the Chairman that there was a need of new policy, without the Government control, in your province during the three years that you were a Minister. That is to say, you had very often to rely upon the official vote, because that was the policy settled by Government.

A.—On certain occasions we had to rely on official vote.

Q.—But is it not the case that the Governor ordinarily does not call a joint meeting with regard to a transferred subject unless it be the express wish of the Minister concerned along with the Governor to bring that matter to a joint meeting ?

A.—That did occur only on certain occasions. We used to have a joint meeting of the Government and in this meeting before each Council session the attitude to be adopted by Government with regard to the resolutions and motions was decided upon.

Q.—What I meant was this. There are two procedures. One is that before a Legislative Council session begins all the important resolutions are tabulated and the policy of the Government whichever side it may be—reserved or transferred—is decided upon ; and that is the policy that is to be pursued in reply to a resolution in the Legislative Council. The other procedure that I have in my mind is this. Supposing the Department concerned, say the Ministry of Public Health, has a particular subject on which the Minister of Public Health desires a particular policy to be enunciated, then the Governor in consultation with the Minister naturally first of all calls a meeting of that half of Government.

A.—Such a thing did not happen in our province.

Q.—Ordinarily if the Minister and the Governor were agreed about a subject, there was no need for a joint meeting. But if there was any difference of opinion among your colleagues on the transferred side, then the matter was very often referred to the joint meeting.

A.—Yes, the matter was then referred to the whole Government.

Q.—Now, supposing that the matter had not been referred to the whole Government and was settled, as in the case of a reserved subjects, by the meeting of the Executive Council, do you think that your policies as Ministers would have been far better if the Governor often held meetings with your half of Government jointly ?

A.—It might have been in a few cases.

Q.—That being so, don't you think that the new policy which you mentioned to the Chairman would have been better by which more new policies could be launched even if that procedure necessitated the Ministers going out ? Was not that more due to the fact of the Ministers desiring to hang on rather than the policy itself ?

A.—There was no desire on my part to hang on. The Ministers must, in my opinion, try and secure the support of a majority of the members of the Legislative Council, rather than depend upon the official bloc.

Q.—My experience, so far as the Bengal Legislative Council is concerned, has been that very often it has been necessary for the Minister—I won't go to the question why it has been necessary—to carry out his policy with the help of the official vote ?

A.—We had also on some occasions to do the same.

Q.—I think you mentioned to the Chairman that you had to have the official vote.

A.—We had it as a matter of course. They voted with us and we voted with them, although we may have held different views.

Q.—In other Legislative Councils it very often happens that the Ministers first of all mention to the Governor whether they need the official vote or not. If they need the official vote, the official bloc is at their disposal. What I want to know is whether in your Legislative Council it was the invariable practice to have the official vote ?

A.—It was the invariable practice that they voted with us.

Q.—Was it not a practice that you allowed to grow ? There would have been no necessity for this practice to grow if you were certain of your policy. If you were strong in your policy there would have been no need to have the official-bloc to support you. What I am driving at is this that during the three years of your Ministry you had recourse to the official vote because that was a sort of custom ?

A.—Quite so.

Q.—Supposing it was not the custom because the rules do allow a certain amount of elasticity and supposing the official body was allowed to be reserved or there was a free vote given in Council both to officials and non-officials, do you think that the policy that you launched for three years would have succeeded or that there would have been an occasion for you to go out ?

A.—There may have been an occasion for us to go out.

Q.—Therefore it follows that your policy, whatever it was, was not strong enough to stand without the official vote ?

A.—The composition of the Council was such that Ministers could not always rely upon non-official support.

Q.—What I want to say is that without the official vote the Legislative Council would not have accepted the policy that you Ministers launched in the Central Provinces during the last three years ?

A.—Yes, in some cases.

Q.—The second point that I want to put is this. I know it is very unsatisfactory for a Minister to be called to attend a joint meeting and be called an adviser whether his advice is taken or not and yet he has got no responsibility before the Legislative Council. In your Legislative Council did ever an occasion arise when in a matter relating to the reserved side your Governor permitted you to reserve your vote ?

A.—None.

Q.—You were invariably told to vote ?

A.—Yes.

Q.—I believe there is a rule by which you can reserve your vote ?

A.—Yes.

Q.—Now, as regards the question of the enlargement of the powers of Ministers. I should like to know whether a case has ever occurred in your Council, in your Cabinet so to speak, when at a joint meeting a transferred subject came up and when—supposing it was a subject relating to your department of Industries—your colleague and your colleagues on the reserved side voted against you, and in consequence your policy had to be modified ?

A.—We had no such occasion ; at least I had no such occasion.

Q.—If that be the case, is there really very great difficulty or reason for grouching that Ministers are called into consultation relating to the reserved departments and then they cannot vote ?

A.—There are occasions for a grouse.

Q.—Supposing there was a matter in your department with which the Governor did not agree. Would you ordinarily allow that to go to a joint meeting ? Supposing the Minister and the Governor were not of the same opinion about a policy launched by the Minister, what would be the course followed by your Governor ?

A.—He would call in a meeting of the whole Government and take their advice.

Q.—Now supposing in a joint meeting he found that there were four against one or one against four, what will the Governor do ?

A.—In that case my colleague would side with the Governor.

Q.—Have you had any instance of that kind ?

A.—No.

Q.—Supposing you had an instance of that kind, the natural result will be that the Minister would resign ?

A.—Yes, he ought to resign if he has got any self-respect.

Q.—But so far in the working of your province you have had no occasion on which the particular Minister's policy or Bill, whatever it may be, that was brought forward at a joint meeting was, so to speak, thrown out by the Legislative Council ?

A.—No.

Sir Muhammad Shafi.—Are you speaking of the period when you were Minister or are speaking of the new period ?

A.—I am speaking of the period when I was a Minister. There were only I believe three Bills that were introduced during that time.

Q.—As regards reappropriation, could you tell me whether you experienced any real difficulties for the following reasons ? Supposing under the head "Medical" you had, say, a lakh of rupees which had been voted and passed in your original budget. Now, to transfer, say, Rs. 5,000 for a dispensary at Nagpur or a charitable dispensary at Amraoti or at some other place you have to go up to the Legislative Council for a supplementary grant ?

A.—I do not think you have to go up for that.

Q.—You do. The reappropriation very often does happen like that. That is to say you very often have to reappropriate from one major head to a minor head and *vice versa*. Supposing there is a grant of Rs. 5,000 for a dispensary at A. Instead of giving it to the dispensary at A, can you give it to a dispensary at B ?

A.—I think that can be done under the rules.

Q.—If that be so, then what is the difficulty that you feel about reappropriation ? Could you give me an instance ?

A.—I cannot quote an instance from memory.

Q.—I know that the Finance Department is a very troublesome department but nevertheless what I want to know is whether you have had an occasion in which the Finance Department objected to a case like that I just mentioned for transferring the sum of Rs. 5,000 from one dispensary to another ?

A.—None.

Q.—What is the kind of reappropriation that you have in mind ?

A.—There are certain reappropriations for which the Finance Department has to be consulted. If in the Agriculture Department you have money provided for starting a demonstration farm and you want to purchase motor-tractors instead you must consult the Finance Department.

Q.—Supposing you wanted motor tractors, would you not have to go to the Legislative Council ?

A.—I am not sure that I would have to.

Q.—I do not say about your being sure, but I ask you under the rules.

A.—I cannot give an answer offhand.

Q.—What I meant to say was under the rules, for instance, if you wanted to reappropriate a sum of money for a farm, say, for motor tractors, could you not have to go to the Legislative Council for that ?

A.—Yes, I might have to go to the Legislative Council.

Q.—As a supplementary grant ?

A.—Probably.

Q.—Do you not find that it is very often an impediment to go ahead in your department ?

A.—You can call in a meeting of the Standing Committee and place the matter before it. If the members agree you can go on with it.

Q.—Can you give me an instance where the members of the Standing Committee agreed and the Finance Department turned it down ?

A.—There were such cases, but I cannot give particulars.

Q.—I do not want to go into the question of other transferred subjects. I think in your province the system of *malguzar* is prevalent ?

A.—Yes.

Q.—You do not have any actual permanent settlement ?

A.—We have periodical settlements.

Q.—From that point of view you would not have any great sentimental objection, apart from any real objection on the part of the *malguzar*, to land revenue being made a transferred subject ?

A.—The principles upon which a land-revenue settlement will be made are now to be embodied in an Act. Then you have got your Revenue Codes and circular orders and instructions. I do not apprehend any objection on the part of the *malguzars*. Our Tenancy Act adequately safeguards the rights of tenants.

Q.—Would your minister be more certain of an equilibrium under a Tenancy Act of the Legislature than it would be in the case of it being a reserved part?

A.—I can see no difficulty. The rights of tenants are safeguarded and they have got certain privileges which malguzars cannot interfere with.

Sir Henry Moncrieff Smith.—I want to ask you one or two questions about paragraph 10, that portion of it which deals with legislative business and restrictions of higher authorities. In your summary in paragraph 18 you suggest that the Ministers be relieved of a great many of the existing legislative restrictions, and in paragraph 10 you enumerate a lot of restrictions, but you do not suggest which of those should be removed?

A.—I had no difficulty in this matter. No Bills were introduced by me.

Q.—You have told us just now that there were only 3 or 4 Bills on the transferred side?

A.—Yes.

Q.—I understand that any Bills that were introduced were not introduced on your side of the Government?

A.—Introduced by my colleague.

Q.—Can you tell us whether you initiated any legislative proposals which had to be dropped?

A.—Not in my department. They were dropped during the last session when the Swaraj bloc in the Legislative Council would not accept any proposals of the Ministers.

Q.—Your difficulties, so far as your experience goes, are theoretical rather than practical?

A.—Yes, to a limited extent.

Q.—Among the restrictions which you recite in paragraph 10, starting at the opposite end you mention the veto of the Crown in England. You say, "Legislative proposals of Ministers even though they may have passed through all prescribed stages in India are liable to be vetoed by the Crown in England." Is that a restriction which you suggest should be removed?

A.—I think so. Acts passed by a Legislative Council and consented to by the Local Government ought not to be vetoed by the Secretary of State.

Q.—Assuming you could get removed the veto of the Crown, then you would advocate that should be removed, and still more I take it you would remove the powers of veto which are vested in the Governor and the Governor General in regard to provincial legislation?

A.—That is what my colleague found.

Q.—You want them to be entirely removed without any restrictions?

A.—Yes.

Q.—In your paragraph on these restrictions I take it that you are complaining about statutory restrictions only?

A.—Yes, that is all.

Q.—Such restrictions as are imposed by the Acts and by rules under them?

A.—Yes.

Q.—You have no complaint so far as the Government of India is concerned of restrictions imposed by executive orders?

A.—Which do you refer to?

Q.—You know there is a set of instructions issued to Local Governments regarding legislation. Have you any complaints about restrictions included in those rules?

A.—Rules of executive business?

Q.—No. They are not rules of executive business. They are executive instructions to Local Governments regarding proposals for legislation in provincial Councils.

A.—You are referring to Rules of Legislative business?

Q.—I do not think you will find them there. But probably as a Minister you may have some experience of their working?

A.—Not personally.

Q.—You have no complaint of any obstruction or difficulties?

A.—Personally I had no occasion to complain.

Q.—By reason of executive instructions from the Government of India?

A.—There was no occasion.

Q.—Confining yourself to statutory restrictions, you realise, I presume, that they are not all inherent in dyarchy, they are not due to dyarchy?

A.—No.

Q.—Many of them are inherent from the old Government of India Act. Some of these restrictions have been as old as the Councils in India themselves, much older than the Legislature in the C. P.?

A.—They place dyarchy at a great disadvantage. That is why I propose that they should be relaxed.

Q.—You cite some of these difficulties in paragraph 10. You talk about legislative measures regarding "public health, sanitation, agriculture or Veterinary departments, all of which are transferred subjects, the Ministers want to deal with infectious diseases, or animal diseases, or destructive insects and pests and plant diseases." I want to invite your attention to the following words—"they cannot take action which

is not in accordance with principles settled in Acts of Indian Legislature." Can you tell us where you get that from, because it is rather new to me?

A.—I think it is in the Schedule I of the Devolution Rules.

Q.—"Subject to legislation by the Indian Legislature." I knew that that was in your mind. It seems to me that you have rather misinterpreted those words. Can you tell us what you regard as the effect of those words?

A.—I am afraid I cannot.

Q.—Here in the Government of India we never interpret it in the way you interpret it. May I suggest to you what really those words mean? If you look at section 80A (3) of the Government of India Act you will find that the only restriction on Ministers legislating in the Provinces in regard to infectious diseases, animal diseases, insects and pests and so on, is that before the Bill is introduced the particular provision dealing with insects, pests, etc., has to receive the sanction of the Governor General. That is the whole effect of it and there is no more to it than that. Then you are going too far, I think you will admit, when you say that you cannot take action which is not in accordance with principles settled in Acts of the Indian Legislature. Of course, I put it to you that that is not the case. I am trying to clear this up because your memorandum is rather misleading. Then you say, "It is the function of Ministers to prevent adulteration of food stuffs, but they can take no measures which may affect the Import or Export trade of India, a subject exclusively under the control of the Central Government." That, again, I put it to you is a misrepresentation of the legal position. They can take legislative action, I think you will agree?

A.—Yes.

Q.—But only this that they have to get the previous sanction of the Governor General. The export and import trade of India is not a subject exclusively under the control of the Central Government. I hope you understand that?

A.—Yes.

Q.—"Exclusively" there is very misleading because the Government of India Act itself specifically enables the Central Legislature and the Ministers to introduce legislation dealing with that subject. The same thing with regard to standards of weight about which you say, "their action must be governed by the Act of the Indian Legislature." There also the position is the same, merely getting the Governor General's previous sanction.

(Mr. Jinnah).—Q.—I want to know what your opinion is on that point.

Sir Henry Moncrieff Smith.—I am putting to the witness whether he agreed on these points.

A.—I do not know. I must consider the point before I agree.

Q.—Why mention it is because this is not the view which has ever been taken by the Government of India, but as it appears in the memorandum it may mislead. I asked Mr. Chitnavis whether he has ever

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considered the effect of those words in the Schedule, "subject to legislation by the Indian Legislature." Can you point to any rule or enactment which explains the effect of those words?

A.—No. I have taken it from this Schedule.

(Mr. Chairman).—Q.—What the Committee would like to know is if you accept the view of those words which Sir Henry Moncrieff Smith has put?

A.—I must reserve my opinion.

Q.—May I read the portion of section 80A (3), "The Local legislature of any province may not, without the previous sanction of the Governor General, make or take into consideration any law regulating any provincial subject which has been declared by rules under this Act to be either in whole or in part, subject to legislation by the Indian legislature." That is where the words come in again—

(Mr. M. A. Jinnah).—I am anxious to know what is the authority by which the witness supports his statement. That is rather important. The witness says, "It is the function" but they can take no measures which may affect the import or export trade of India subject exclusively under the control of the Central Government.

A.—That is a central subject.

Q.—Do you mean to suggest that the Local Legislatures have no power to legislate?

A.—That is how I understand it. You cannot take any action in regard to Central subjects without the sanction of the Government of India.

Q.—Your statement in your memorandum is absolute that you cannot take any action at all.

A.—That will have to be qualified. What I meant to say is that the sanction of the Governor General is necessary.

Q.—You say that you had no experience and that you have not been hampered by this requirement personally. Have you any knowledge of any Bills on the transferred side in the Central Provinces during your time of office that were hampered by this requirement of previous sanction?

A.—The Universities Bill and certain portions of the Municipal Act had to be referred to the Government of India.

Q.—Requirement of reference does not mean that legislation is hampered?

A.—It was hampered in this way. It caused delay and there was a good deal of discontent in the Legislative Council.

(Mr. Chairman).—Q.—That was not your subject?

A.—No.

Q.—You said that Rule 49 which defines the extent of the control of the Government of India over transferred subjects is reasonable?

A.—Yes.

Sir Sivaswami Aiyer.—I just want to refer to one point you made in reply to the Chairman. Between paragraph 1 of your memorandum and paragraph 15 there is an apparent inconsistency. Paragraph 1 reads as if you were for the continuance of dyarchy?

A.—I have merely given the arguments that are advanced in favour of dyarchy. That is not my view.

Q.—You are not in favour of the continuance of dyarchy?

A.—No.

Q.—You refer in paragraph 1 to the likelihood of a conflict of interests between the enfranchised classes and the unenfranchised masses?

A.—That is also one of the arguments put forward in favour of dyarchy.

Q.—In your experience taking the field of legislation, has there been any conflict of interest between the enfranchised classes and the unenfranchised masses?

A.—None.

Q.—Has there been any preference of communal or sectional interests in the field of legislation?

A.—None.

Q.—References were made to this question of corporate responsibility of the Ministers and you admitted there was nothing in the Act to prevent the enforcement of such corporate responsibility?

A.—No. But it can be variously interpreted.

Q.—If the Governor had chosen, corporate responsibility could have been enforced?

A.—Yes.

Q.—If it had been enforced, it would have tended to the formation of a party? Would it not?

A.—Yes.

Q.—Is there any insuperable difficulty in the way of recognition of joint responsibility?

A.—I do not think so.

Q.—It is said that there is a scantiness of material from which you could choose Ministers if one set of Ministers resign. Is that so?

A.—It was so in the old Council but now you have got better men. You are likely to get better men in the future, and I do not think there will be any difficulty now provided the Swaraj party choose to take office. Owing to non-co-operation, we had in the last Council a certain number of members who were not qualified. Now that difficulty has disappeared and we have got men with sufficient education.

Q.—At any rate in your opinion there is no insuperable difficulty in the way of enforcement of corporate responsibility?

A.—I do not think so.

Q.—You said there could be no parties without full responsible government. Would you kindly explain? At present you have responsibility in one half of the Government?

A.—It is so. In the absence of responsibility members are liable to vote irresponsibly. The consciousness that they are not responsible for their decision, that it would not seriously matter which way the votes are cast, evidently influences some of the members.

Q.—When you said there could be no parties without full responsibility, were you referring to responsibility on the transferred side or responsibility in the entire business of Government?

A.—Entire business.

Q.—Supposing there was full responsibility in the transferred half and that there was no responsibility in the reserved half, do you think that it will be an impossible position?

A.—It will be difficult. There is constant conflict between the Government on the reserved half and the people.

Q.—Can you give us any instances of such conflict in your experience?

A.—There have been several in our Council and several Resolutions were moved.

Q.—When you are speaking of Resolutions which were carried, I should like to know whether they were Resolutions which commanded your approval or were merely carried over your heads in the Local Legislative Council?

A.—You mean in the reserved half or the transferred half?

Q.—Transferred half.

A.—In the transferred half, the Resolutions which were carried were generally accepted, excepting such as related to abolition of certain posts and the like.

Q.—In the transferred half, do you suggest that Resolutions should be binding on the Government?

A.—To a great extent they are.

Q.—In your experience were the Resolutions of the Legislative Council always practicable?

A.—Not always.

Q.—Do you know whether Resolutions passed in the House of Commons are obligatory on Parliament?

A.—I do not know.

Q.—You said there was a difference in the relations between the Governor and the Councillors on the one hand and Government and the Ministers on the other hand. You said that the Governor was not bound to accept the advice of the Ministers. With regard to the Councillors also, is the position not the same practically?

A.—It may be the same but there is no harm done to them. We are supposed to be responsible to the legislature and we cannot justify our position there if our advice is not accepted and we cannot carry our point. It makes our position difficult.

Q.—I would now draw your attention to two sections : section 52 (3) :—" 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 ". Then refer to another section 50 (2) :—" Provided that whenever any measure is proposed before a Governor in Council whereby the safety, tranquillity or interests of his province or of any part thereof, are or may be, in the judgment of the Governor essentially affected and he is of opinion either that the measure proposed ought to be adopted and carried into execution or that it ought to be suspended or rejected and the majority present at a meeting of the Council dissent from that opinion the Governor may on his own authority and responsibility, by order in writing, adopt, suspend or reject the measure in whole or in part." Then there is another section about written communications and so on. Apart from such difference as may be inferred from the specific language of section 50 (2) and section 52 (3), is it not a fact that the Governor can over-ride both Ministers and Councillors ?

A.—He can do that.

Q.—Would you prefer to have the power of the Governor with regard to the Ministers couched in the same language ? Would that suit you ? Would you like the relations between the Governor and the Ministers to be governed by a similar provision ? As a matter of fact have there been occasions when the Governor has over-ridden the Ministers ?

A.—He has done it.

(Mr. Chairman).—Q.—Have you ever been over-ruled ?

A.—Not on my side.

(Mr. Chairman).—Q.—Nor on the side of your colleague ?

A.—He has quoted some instances. I have not seen the papers. So, I could not tell you.

Q.—Then you said that the Minister did not receive the support of the reserved half ?

A.—They received the support but it is not right for them to depend upon it.

Q.—In paragraph 5 of your memorandum you say " As in order to hold a commanding position in the Legislature the Ministers have to depend on the support of the official bloc ; it is natural for them to appear as suppliants before the Executive Council ". Is that the fact, is it the real position of the Ministers that they have to depend on the support of the official bloc ?

A.—I have quoted some cases in which the official bloc saved us from danger.

Q.—You supported them and they supported you ?

A.—That was the convention.

Q.—If dyarchy is to work, is it not a reasonable arrangement ?

A.—It is so. It is rather humiliating.

Q.—Why did you not reject their assistance and stand on your own legs ?

A.—We had no party to support us and we were not sure as to how the voting would go. When you have a party system, then the Ministers will be in a position really to discard them, and in order to evolve the party system you must have full responsibility.

Q.—Could you first develop the party system and then discard the support of the executive or could you discard the support of the executive first ?

A.—We must of course develop party system first.

Q.—You say a convention should be allowed to grow by which the official bloc of votes should not be used to support the Ministers ?

A.—That will force Ministers to evolve a party of theirs.

Q.—Do you think it a right principle to follow in the present state of things ?

A.—Not in the present state of things.

Q.—Then with regard to the Financial Department's interference, apart from the restrictions imposed by statutory rules, have you found the Financial Department interfering in an unduly irksome manner ?

A.—I did not find them do it. I say there is the possibility of their doing it.

Q.—Is it your actual experience ?

A.—No. If the Finance Member and the Finance Secretary were men of a different temperament, they might have and could have done so.

Q.—In your province the Finance Minister is in charge of other portfolios as well ?

A.—Yes, Revenue, Forests, Irrigation.

Q.—And you believe naturally there will be a bias in favour of those departments ?

A.—Yes, that is human nature.

Q.—Then what is the remedy you would suggest ? There are various solutions. Would you entrust the financial portfolio to a Minister or to a Secretary ?

A.—Have a separate expert in charge who is not a member of the Government.

Q.—Would you have a separate Member for Finance only ? What do you think of that arrangement ? Supposing you had one Executive Councillor in charge of Finance only just as we have here in the Government of India and without any other portfolio, would that satisfy you ?

A.—I think theoretically it would be unsound. Again there will be the same difficulty.

Q.—What is the difficulty again ?

A.—He is responsible of course to the Secretary of State and to Parliament and he would naturally be inclined to favour those subjects and departments which are similarly placed.

Q.—Do you say that there has been any such instance ?

A.—Not in our province. There has been, I think, in other provinces.

Q.—Would you entrust it to a Minister then ?

A.—Similar objection could be raised. A Minister might be tried and so also an Executive Councillor.

Q.—I want to know what solution you would suggest. You object to the financial portfolio being entrusted to a Councillor. There would be similar objection to the financial portfolio being entrusted to a Minister. If neither solution is acceptable, would you abolish the financial portfolio and merely have a Financial Secretary ?

A.—Have a Finance Secretary or some officer in charge of Finance, who would not be responsible either for the reserved or transferred subjects.

Q.—Who will not have equal status with the Members and Ministers ?

A.—An expert authority.

Q.—Will a Finance Secretary common to both departments suit you ?

A.—The Finance Secretary is at present common to both departments.

Q.—Would you prefer that arrangement ?

A.—I should like to give it a trial.

Q.—What would you do about the presentation of the budget ? You see the Budget has to be presented to the Legislative Council by some member of Government. Would you have a unified budget presented by some member of Government or Minister or would you have a divided budget one half presented by a Member and the other half by a Minister ?

A.—I should keep it unified and the Governor could entrust its presentation to any member.

Q.—To any Member or Minister ?

A.—Yes ; it may be left to the Governor's discretion.

Q.—But you said the Governor himself being responsible to the Secretary of State, he would have a bias towards the reserved half. Would your suspicion extend to him ?

A.—I have not found any case like that.

Q.—The remedy of a Joint Financial Secretary is suggested. Is it not ?

A.—It is in the Rules.

Q.—You know there has been a controversy about the question of a separate purse or joint purse between the two departments. Have you any decided opinions upon that question ?

A.—I should keep it a united purse. I do not think a divided purse would be workable.

Q.—You are in favour of a joint purse ?

A.—Yes.

Q.—With regard to the question of responsibility in the Central Government, you say in regard to those matters in which the previous sanction of the Government of India is necessary or the control of the Government of India is necessary, it would be a different thing if such control were exercised by a responsible Minister. Is not that so ?

A.—Yes.

Q.—Are you in a position to say that the control of the Government of India has been exercised in an unsympathetic or unsatisfactory manner ? Could you suggest any particular case or give any instance ?

A.—No, I could not.

Q.—It is only a general observation ?

A.—Yes.

Q.—Then with regard to the addition of transferred subjects, you suggested two or three, Local Revenue, for instance ?

A.—I want the whole of them.

Q.—You gave them as examples. Take for instance Land Revenue. Does the ryotwari system obtain in the Central Provinces ?

A.—In Berar and a few portions of the Central Provinces it does. Excised forest areas have been settled on the ryotwari system.

Q.—As regards the people in the ryotwari area, you know there is a strong sentiment, and very often agitation too, in favour of a permanent settlement ?

A.—Not in the ryotwari but in the Malguzari area.

Q.—Are in favour of such permanent settlement ?

A.—No.

Q.—But supposing a permanent settlement in the ryotwari tracts is inexpedient and supposing also that if it were transferred, the Council were likely to press for a permanent settlement and carry a resolution.

A.—I do not think so. The Council, so far as I have gauged it, is against the malguzari system and for having the ryotwari system. That feeling is growing.

Q.—Have you seen that in the Madras Presidency people are in favour of a permanent settlement ?

A.—What we desire is long term settlement.

Q.—What safeguards would you provide against the danger of a permanent settlement being pressed for and carried through ?

A.—It may be pressed, but there must be certain powers given to the Governor in such matters. He must have power of veto in certain cases.

Q.—Though you transfer the subject of Land Revenue to the Ministers, you would insist on certain safeguards against playing with the revenue ?

A.—Yes.

Q.—Similarly in regard to Law and Order, you said you saw no objection to the transfer of these departments ?

A.—No.

Q.—Supposing the administration of Law and Order suffered, who do you think would be the persons likely to suffer most ?

A.—It will be the people.

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Q.—And do you think the people will be indifferent to the administration of Law and Order ?

A.—I do not think so. They would not be indifferent to mal-administration.

Q.—Is it likely that communal and class interests will prevail to the extent of bringing about deterioration in the standard of Law and Order ?

A.—I do not think so.

Q.—But it might deteriorate if unsuitable persons were appointed to administer Law and Order. Is it not likely ?

A.—How are you to gauge the suitability or unsuitability of the Minister ?

Q.—It all depends upon patronage ?

A.—The Governor will have to exercise his judgment.

Q.—Then you would not allow the Ministers to exercise patronage. Is that so ?

A.—At present of course we have got selection boards and they select and recommend men for appointment.

Q.—Would you seek a remedy in the appointment of a Public Services Commission ?

A.—Certainly.

Q.—You prefer that ?

A.—Yes. We have now got Selection Boards for every Department and they select the candidates and recommend them. Government is not bound by that selection. They are merely advisory boards, but still there has been a good deal of improvement.

Q.—Is there any or no abuse of patronage ?

A.—A certain amount of patronage is unavoidable.

Q.—You have said that there are no parties. Can you give an explanation as to why there have been no parties ?

A.—We have not got any well-knit parties.

Q.—No strong party ?

A.—None.

Q.—Can you explain why there has been no strong party ?

A.—It is a question of Government versus the people. The struggle is of a people to take away from the British part of the Government those departments which have been kept as its special preserves. The object in view is the same, though methods differ.

Q.—So you think the whole thing is due to the fact that it is all supposed to be a question of fighting the Government ?

A.—Fighting the Government and getting more powers.

Q.—And upon that point all classes and parties are agreed ?

A.—Yes.

Q.—Supposing full responsibility were introduced, do you think that would help the organization of parties ?

A.—I think so.

Sir Arthur Froom.—Q.—Mr. Chitnavis, I want to ask you just a few questions. I come to your summary at the end. Is it your idea that your proposals as summarised should be introduced forthwith ?

A.—The main proposals or the last two.

Q.—You have made a summary at the end of your Memorandum.

A.—Yes. Full autonomy and power over the purse are the main demands. Under these Ministers will get more freedom of action.

Q.—Your idea is that those two should be introduced ?

A.—Yes.

Q.—Then you go on to No. 3, namely that the powers of Ministers should be enlarged. Do you mean to apply to them what you said in paragraph 15, that the executive Government should be abolished at an early date ?

A.—Yes.

Q.—And then your province would be governed by Ministers or Ministry with the Governor acting with them.

A.—Yes.

Q.—How would your Ministers be appointed ? Will they be elected by the Council ?

A.—They may be selected out of a panel to be given by the Council. That will probably be more satisfactory.

Q.—Who would elect the panel ?

A.—The Legislative Council will have to suggest a panel and the Governor to select out of it.

(Sir Muhammad Shafi).—Q.—Does that system obtain in any country ?

A.—I have no knowledge.

Q.—Supposing a resolution against this Ministry were passed, would you expect them to resign in a body ?

A.—Yes, certainly.

Q.—Do you know of any country where the Executive Government resigns when resolutions are carried against it ?

A.—I cannot tell you. I am not a constitutional scholar.

Q.—At any rate you expect your Ministry to resign if a Resolution is carried against in the Council ?

A.—Yes.

Q.—It may be any resolution ?

A.—It must be an important resolution affecting their policy. There may be certain other resolutions which will not necessitate their resignations at all.

Q.—You do not know of any country where a resolution being carried against the Executive Government caused that Executive Government to resign ?

A.—No. I cannot say.

Q.—Supposing the Ministry brings forward some administrative Act which is rejected by the Council, then the Ministry resigns again ?

A.—The Ministry will be required to have a substantial backing. Without a backing and without a party behind them they will not be able to carry on.

Q.—Do you think you will have frequent resignations of the Ministry ?

A.—I do not think so.

Q.—With regard to your proposal for the Government of the Central Provinces, would you suggest that the Governor should retain the power of veto ?

A.—Yes ; he requires certain powers.

Q.—And also powers of certification ?

A.—Of course, yes, but very limited.

Q.—Then you say that you want the Ministry responsible to the Council and you also want the Executive Council to be done away with. So, in effect, the whole of the great Province of the Central Provinces would be governed by its Council. Are you prepared to entrust the Government of the Central Provinces now to the present Council of the Central Provinces ?

A.—If it changes its present policy. It will make some mistakes but will learn by experience.

Q.—You do not think that it will be better to learn on under the present arrangement ?

A.—The present arrangement does not afford a congenial soil for learning the art of administration. It is impossible to emphasize too strongly the serious disadvantages to the public good of setting up a dual administration which places constantly before the people the British element and the popular element of the Government as opposing factors.

Q.—You say in your memorandum that they have learnt something. Don't you think that they might learn more before an extreme step is taken ?

A.—At every stage the present system leaves a greater ill-feeling than before.

Q.—So you think it is better to introduce the new system of Government at once ?

A.—Yes.

Sir Tej Bahadur Sapru.—Q.—Mr. Chitnavis, you are not by profession a lawyer ?

A.—No.

Q.—You have been for nearly 30 years of your life a servant of the Government ?

A.—Yes.

Q.—And you rose to be a Deputy Commissioner ?

A.—Yes.

Q.—And I take it that you are one of the biggest landholders in the Central Provinces ?

A.—Fairly big.

Q.—So that I take it that you have very substantial stake in the Central Provinces ?

A.—Yes.

Q.—As a rule you have not been accustomed to interpret laws ? Not even as a Deputy Commissioner in the Central Provinces ?

A.—I have exercised judicial functions.

Q.—I suppose a District Magistrate in the Central Provinces has got to do a great deal with the Indian Penal Code and the Criminal Procedure Code but very little with the Government of India Act. He had very little to do with the constitutional questions ?

A.—Quite so.

Q.—Now I take it that you were at one time very fond of dyarchy and such little love as you had for it has gone now ?

A.—Quite so.

Q.—May I take it that that is not merely your feeling but the feeling of the intelligentsia in the province ?

A.—Yes.

Q.—Will you please tell the Committee what has been exactly the relation between what is called the intelligentsia and the masses there during the last three or four years ?

A.—There has been no conflict between them.

Q.—I am putting to you point blank. It is sometimes suggested that there is a very wide gulf which divides the intelligentsia from the masses. Is that the position now ?

A.—I do not think that is the position now.

Q.—Then am I to take it that the general feeling among the political classes—the Swarajists, the No-changers, the Liberals, the Independents and the Non-descripts in your province is that dyarchy must go ?

A.—Certainly.

Q.—You said in reply to the Chairman that you went out because there was a vote of no confidence passed. Was that a censure on the Ministers personally or was that the way which the Council adopted of expressing its dissatisfaction with the present system ?

A.—The majority of Council said it distinctly that the motion was not an attack against the Ministers personally but it was against the system of which they were a part.

Q.—So there was no personal censure ?

A.—That was what the majority party said.

Q.—Now you spoke of joint consultations in your Cabinet in the Central Provinces. May I know what was the practice so far as the circulation of files in your Government was concerned. Did the Ministers get the files on matters relating to the reserved department which came up for discussion at a joint meeting?

A.—Certain files did come. When a file was marked for a Cabinet meeting, it was sent to us. Those files were circulated. Every file relating to the reserved departments was not circulated.

(Mr. Chairman).—Q.—The files were circulated in every case in which there was to be a Cabinet meeting?

A.—Yes.

Q.—So that you did not go to the Cabinet meetings without preparation?

A.—No. On some occasions however as, for instance, the appointment of a Judge in the Judicial Commissioner's court, the file was not circulated to us, but the Governor asked for our opinion.

Q.—Was that practice in existence from the very beginning or did it come into vogue at some late stage?

A.—It was from the very beginning.

Q.—And it lasted right up to the last moment?

A.—Yes. In some cases, very few, it happened that we were called in at certain stages and not at others. The Governor used his discretion.

Q.—What I want to know is whether the subjects relating to the transferred subject also came up for discussion at these meetings?

A.—Yes, in certain cases.

Q.—So that most of the subjects that came up for discussion were really subjects relating to the reserved half of the Government?

A.—Yes.

Q.—Did you or your colleague ever ask the Governor to treat you and him as jointly responsible for the transferred half?

A.—No.

Q.—Why not?

A.—So far as my departments were concerned there was need for joint deliberation on two or three occasions and this was done.

Q.—Apart from your relations with the Governor, did you or your colleague ever jointly consult each other?

A.—Not formally.

Q.—Would you hold the Governor responsible for that?

A.—Certainly not.

Q.—Did you and your colleague belong to the same political party?

A.—I belong to the Liberal Party. He is, I believe, an independent.

(Mr. Jinnah).—Q.—Cannot you tell even now after having worked together for three years?

A.—It is rather difficult to say.

Q.—I want to know whether it was due to incompatibility of temperament or whether it was due to differences in political principles that you and your colleague could not evolve for yourselves the joint cabinet meeting system of consultation?

A.—You may put it to the difference in temperament.

Q.—But if there had not been this difference of temperament, then there would have been nothing to prevent you from consulting him?

A.—None.

Q.—Now in point of fact you will agree with me that, as the law stands at the present moment—and if I am wrong please contradict me—there is nothing to prevent the Governor from selecting his Ministers from two different parties?

A.—Nothing, at present there is nothing to prevent him from doing that.

Q.—And, in point of fact that has been done at some places?

A.—Yes.

Q.—May I ask you to explain exactly the position of the depressed classes in your province?

A.—There seems to be a general desire to help them in improving their position and status.

Q.—Would you say that the orthodox sentiment in the Central Provinces is confined to the older generation and that the younger generation is more forward in its views and more sympathetic towards them?

A.—That is true.

Q.—What is the political strength of the older generation?

A.—I do not think it is very much.

Q.—It is disappearing?

A.—Yes.

Q.—We heard last year in England a great deal about a resolution which was stated to have been passed in your Council to the effect that certain members of the depressed classes should not be allowed to draw water from joint wells. Will you please tell the Committee whether any such resolution was passed. If so, at whose instance it was passed and what was the attitude of the educated classes with regard to it?

A.—I have, I must confess a bad memory, I cannot give a reply without referring to the Council proceedings.

Q.—Is there any means by which you can find that out?

A.—Yes. I tried to get hold of the proceedings, but I found the Library closed.

Q.—Could you tell us what was really the attitude of Brahmins in your Council towards this resolution?

A.—They were on the whole in favour of the use of public wells by the depressed classes.

Q.—All the Brahmins were in favour of it or some of them ?

A.—Most of them were in favour of it. The resolution was, I think, about the use of public wells and the places of public worship. The resolution contemplated the admission of members of the depressed classes into temples. The resolution was moved by the members of the depressed classes. There are two nominees of the depressed classes in the Council and the resolution was brought forward by them.

Q.—What was the result ?

A.—I could not tell you from memory.

Q.—What I want to know is whether the Brahmins supported the depressed classes in their demand ?

A.—My impression is that a majority were in favour of the use of wells by the depressed classes. There are probably some difference as regards places of worship.

Q.—So far as the admission to the temples is concerned, you will probably admit as a Hindu that that bar is not only against the depressed classes but against certain other classes of Hindus and other communities too ?

A.—Yes. I believe in Madras there is a good deal of trouble about this. In one place I am told my caste people have had to build a separate temple for themselves.

Q.—Admission into places of public worship among Hindus depends upon quite other considerations ?

A.—Yes. About public roadside wells, there are no restrictions. In villages, however, objections do exist.

Q.—Is there any objection to the members of the depressed classes passing through the streets in your province ?

A.—There is nothing of that in my province.

Q.—Or travelling in the same compartment ?

A.—None.

Q.—Or to their attending the same schools ?

A.—None now. They now get admission in all schools. Objections were raised, a few years back, but now free admission is granted. During the last session a resolution was passed granting special concession as regards admission into the Government High School at Nagpur.

Q.—Is there any demand for further representation by election among the depressed classes in your province ?

A.—Yes.

Q.—You think that if nomination in their case was done away with and certain seats were thrown open to election, they would be able to give a good account of themselves ?

A.—I think so.

Q.—What is exactly the position of the Muhammadan community in your province ?

A.—They have got separate representation in the Council but not on the local bodies, I think, yet.

Q.—And not on the local bodies ?

A.—No.

Q.—Is there any movement for getting separate representation in local bodies among Muhammadans ?

A.—When the Municipal Act was under debate and discussion in the Council that question was raised, but I believe it was subsequently given up.

Q.—Will you please tell me what has been the general relation between the Hindus and Muhammadans in the C. P. as a whole during the last three years ?

A.—There has recently been conflict in Nagpur, but in the rest of the province I have not heard of any differences. The conflict relates to the playing of music in front of Mosques.

Q.—But before that what was the state of things ?

A.—The relations were on the whole cordial and friendly.

Q.—The relations were on the whole cordial and friendly ?

A.—Yes.

Q.—What was the general attitude of the Muhammadan members of the Council towards the Ministers ?

A.—I think they were very cordial and helpful.

(Mr. Chairman).—In fact, you had a Muhammadan colleague.

Sir Tej Bahadur Sapru.—Not in the last Council.

Q.—You said in reply to some questions that you did not think that a proper party system could grow up under the present system. May I put it to you whether it is not the fact that the ministers in your province as also your supporters suffered in popular estimation because rightly or wrongly they were supposed to be associated with the Government in regard to their policy of Law and Justice ?

A.—Yes.

Q.—That is the fact ?

A.—Yes.

Q.—And am I right in assuming that whatever may be the number of subjects that may be transferred you cannot possibly develop in this country a true party system unless you first of all transfer Law and Justice ?

A.—Yes, I think so.

Q.—It would be quite impossible to develop a party system. I suppose that is because the average man comes directly into touch with the administration of criminal justice in this country ?

A.—Yes.

Q.—And he judges of the Government by that ?

A.—Yes.

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Q.—Will you tell me one thing more ? As regards the transfer of the land revenue department you, as a malguzar and a big malguzar too, do not apprehend any serious danger to your interests as a malguzar or to the community of malguzars if that subject can be transferred ?

A.—I think we shall be able to look after ourselves.

Q.—And what about Forests ?

A.—Well, I do not think there can be any difficulty. They are in Bombay managed by a Minister and I do not think that any difficulties have arisen, or any mismanagement or maladministration has been discovered.

Q.—Will you please tell me whether you have given any consideration to section 19A of the Government of India Act ?

A.—Not very much perhaps. I am not a lawyer and I have not been a lawyer.

Q.—May I in this connection remind you of the speech of Sir Malcolm Hailey in the Assembly last February or March ?

A.—I have read it, but I do not remember now exactly what Sir Malcolm said.

Q.—The point of view which he put forward before the Assembly was this. It is impossible to take action—for the Secretary of State to take action—under 19A unless we get complete responsible government. I hope I am not doing any injustice to Sir Malcolm Hailey, but that was the substance of it. Now, do you agree with that view ?

A.—For that reason, we want complete responsible government.

Q.—And when you get complete responsible government there will be no occasion for the Secretary of State to take action under section 19A.

A.—I think not.

Q.—May I in this connection draw your attention to section 131 of the Government of India Act ? Having considered these two sections, will you kindly answer this question of mine ? Whatever the Secretary of State may do under section 19A, he cannot extinguish himself ?

A.—No.

Q.—Or his powers ?

A.—No.

Q.—That is to say, as Sir Malcolm Hailey pointed out, under section 19A no action could be taken by the Secretary of State so long as the present constitution lasted ?

A.—Quite so. I think that is the position.

Q.—There are two more questions I should like to put to you. I suppose your Council at some stage passed a resolution suggesting or recommending that the Commissioners should be abolished ?

A.—Yes.

Q.—What happened to that resolution ?

A.—That has not been given effect to.

Q.—Why not ?

A.—The Government is of opinion that they are needed and that it cannot make out a strong case for the abolition of these posts. They will be needed in some form or other. I believe the Retrenchment Committee are in favour of retention of some of them. The public feeling is not altogether in favour of the abolition.

(Dr. Paranjpye).—Q.—As a Board of Revenue ?

A.—Yes, as a Board of Revenue.

Q.—You said that you would like the number of non-votable subjects to be reduced and you particularly referred to the item dealing with salaries.

A.—Salaries, appointments.

Q.—What exactly do you mean there by salaries ? Would you include travelling allowances also and many other allowances ?

A.—Yes.

Q.—That is to say, will you please formulate your answer ?

A.—There are various allowances which were objected to by the Council and the Retrenchment Committee also I believe recommended that they should be abolished, but no action has been taken with regard to them.

Q.—But so far as general salaries are concerned, you would probably be prepared to give protection to the public servants ?

A.—Certainly.

Q.—But you would not give an extended meaning to the word "salaries" ?

A.—No.

Q.—Then I take it that your position generally is that you want what is generally called provincial autonomy ?

A.—Yes.

Q.—Would you have provincial autonomy in the provinces controlled by an irresponsible executive in the Government of India ?

A.—No.

Q.—Then you would go the whole hog ?

A.—Quite so.

Q.—Then do you think that the present situation in the C. P. which has practically removed the ministers would have arisen if you had at an earlier stage resigned your office ?

A.—I do not think so. It would have been the same thing. Even if I had resigned before the resolution on the vote of confidence, was moved or immediately after that, the situation would have been the same so long as dyarchy continued.

Q.—Do you find any change in the attitude of the Members of the Council who were practically responsible for your expulsion ?

A.—There has been no occasion to gauge it. We have had no meeting of the Council since. I do not think there has apparently been no change. The majority party are still against dyarchy, I think.

Dr. Paranjpye.—Q.—You have told us that your two Ministers were practically independent of each other?

A.—Yes.

Q.—And there was no joint consultation between you two?

A.—None to speak of.

Q.—Have you heard of the state of things in Madras where Lord Willingdon asked one man to select his own Ministers? He appointed one as Chief Minister and asked him to select his colleagues?

A.—That is what I have heard.

Q.—Do you think that if such a practice had been followed in the C. P. it would have led to a better state of things?

A.—Probably, it would have been.

Q.—What I want to know is this. If there had been a Chief Minister and he had been asked to select his colleagues, then is it not possible that he would have selected such colleagues that all of them together might have been able to command a majority in the Council?

A.—I have my doubts, but that is the right procedure, and I would add that the nominations of non-officials ought to be made in consultation with the Ministry.

Q.—That might have been somewhat better, there was a greater possibility....

A.—That is, the Governor should have consulted one Minister, first selected one, and asked his advice as to his colleagues. He could have given several names and then the Governor could have selected one of them.

Q.—In that way you think that a majority might have been more easily obtained?

A.—Yes.

Q.—You said you yourself had no definite majority in the Council?

A.—None.

Q.—Apparently, Mr. Kelkar had no definite majority in the Council?

A.—I do not think he had.

Q.—Do you think you two together could have commanded a sufficient number of votes to be in a majority?

A.—We might have.

Q.—Supposing you two had worked amicably together as joint ministers, you were consulting each other on all important matters, at least, in an informal way, do you think you would have been able to command jointly a majority to support you on any line of policy which you had decided upon?

A.—On the whole we worked amicably.

Q.—There is one difficulty which suggests itself to me however. It is this. You would have a certain number of supporters. Those supporters obviously would have wanted your advice as to the line of policy to be followed on various questions. You might give them certain tips as to the line of policy to be followed on transferred subjects. But would they not have accepted your advice on reserved subjects also?

A.—Yes, they might have.

Q.—And now under the present system of dyarchy would it have been possible to give them advice on reserved subjects?

A.—No.

Q.—So that, although you might have been able to command a majority on the transferred subjects you would not have been able to get a majority on the reserved subjects?

A.—No.

Q.—Has it been your experience that the attitude of the Legislative Council, I am talking of the last Legislative Council, towards transferred subjects was rather different from their attitude towards reserved subjects?

A.—After a year or so, there was a great distinction.

Q.—They were prepared to give you a little more latitude, treat you rather more kindly?

A.—When they realised the position of the transferred subjects and also the position of the Ministers, there was a change in their attitude.

Maharaja of Burdwan.—Q.—What I would like to ask in connection with this is was not that attitude regarding reserved subjects more marked when it came to any question regarding political matters or law and order. Supposing it was a matter of the Irrigation Department's canalisation of a particular tract, the Legislative Council's attitude towards that matter of the reserved subject was more or less like the attitude it had towards the transferred subject but the attitude was more marked when it came to a question of a political nature?

A.—Yes, about Law and Justice, about appointments and such questions.

Q.—Do you think that when you voted with the executive Government on reserved subjects, even though it may be against your own personal opinion, it was resented by the members of the Legislative Council?

A.—It was.

Q.—Did you ask the Governor to excuse you from voting at any time? Did you exercise your right of abstention?

A.—On one occasion.

Q.—As it is, the transferred subjects were rather better treated by the Legislative Council?

A.—Comparatively they were.

Q.—If, therefore, more subjects were transferred, practically all subjects were transferred to the ministers, the Legislative Council would be more favourable and reasonable?

A.—They will realise their responsibility and it will be brought home to them that if they took any wrong action it will have a bad effect. The present system contains no corrective to their actions. In the absence of inevitable results flowing from engendered causes public opinion as to the right or wrong of actions forms very slowly and is uncertain and futile.

Q.—You say that you were unable, and I see this from some observations of the Central Provinces Government also, that ministers were unable to reject the opinion and advice of the Governor because they did not command a majority. Suppose you had a definite policy, that you had told your supporters and non-official members that you depended entirely on them and a majority of them refuse to support you, would you resign?

A.—I think so.

Q.—From this point of view you think that the transference of all subjects would not have led to any difficulty at least in the last Council?

A.—I imagine not.

Q.—I will ask one or two questions about the Finance Department. You make a good deal of complaint as regards the possibilities of the powers of the Finance Department. Was it a convention in your province that the objection of the Finance Department must prevail unless it was overruled by the whole Government? Was that convention a formal convention?

A.—I think so.

Q.—When you had any difficulty with the Finance Department the question would come before the whole Government and the whole Government probably commanded a majority on the executive side and consequently the Minister is bound to fail in his point of view?

A.—Quite so.

Q.—That possibility may be one of your reasons of complaint?

A.—Yes.

Q.—Did the Finance Department interfere with any cases that you sent up on the merits of the case?

A.—In one case they tried to interfere but they did not succeed, about the excise rates.

Q.—You think that the Finance Department ought to have no right to interfere on the merits of the case?

A.—When you have settled a policy, you must go on in consonance with it.

Q.—The Finance Department has got certain rules for the management of financial business?

A.—Yes.

Q.—Suppose you send up a scheme for the appointment of four new officers. The Finance Department considers that the scheme is not suitable. They think that the scheme ought to contain six more officers. Do you think the Finance Department should have any such power?

A.—Of course not.

Q.—They could only tell you that they have got no money in the budget for your scheme; in your opinion they ought not to interfere on the merits of the case as it is?

A.—I have no recollection of any case on my side. We had no new demand. We were endeavouring to reduce the staff rather than adding to it.

Q.—In any case the working of the Finance Department led to a great deal of delay in carrying out schemes. Was it greater in the case of the transferred subjects than in the case of the reserved departments?

A.—I have no knowledge.

Q.—There is the question about reappropriation. I want to get a little more out of you about it. When a grant is sanctioned in the budget, is it true that the sanction of the Finance Department is required for spending it?

A.—Yes.

Q.—You cannot issue orders about the spending of grants which have been sanctioned?

A.—Not without the consent of the Finance Department.

Q.—Did they cause any needless delay in such matters?

A.—Not needless delay, but there was delay. There used to be certain amount of delay.

Q.—Is it true that the Finance Department can call for any papers at any stage?

A.—Yes.

Q.—Have they often done that in your case?

A.—Yes.

Q.—You talk about the departmental heads. In your province, I understand that several departmental heads are Secretaries to Government?

A.—We have introduced that system. The two Chief Engineers only were formerly Secretaries for their departments. Now, the Director of Public Instruction and the Commissioner of Settlements have been added.

Q.—What is your opinion about this?

A.—There are both advantages and disadvantages about that system. You save a certain amount of expenditure in clerks and all that in the Secretariat. At the same time they get access to the Governor and they can, if they want to, get your orders upset.

Q.—How often has it happened? Has it happened frequently often when the departmental heads went to the Governor over your head?

A.—The Secretaries have got to go to the Governor once in a week. They take all the important files and a monthly abstract of decided cases is put up to His Excellency, and if he likes he makes remarks on the abstract or in the cases which are put up by the Secretary.

Q.—Does the Secretary tell you of the cases he is going to take to the Governor?

A.—Not till after they have been seen by the Governor.

Q.—Is there a rule like this, that the Secretary must report to the Minister ?

A.—He goes on his allotted day and shows the Governor the cases that have been disposed of and which have not been seen by the Governor before.

Q.—He does not tell you beforehand ?

A.—Not necessarily.

Q.—Could you refer to your rules and find out ?

A.—I have not got them here at present.

Q.—Were there many disputes about postings and transfers ?

A.—Not in my departments. Mine were minor departments in the transferred half.

Q.—What is your opinion about the starting of a Public Services Commission for the making of appointments. Do you think the Ministers want to have the patronage in their hands ?

A.—It is better that this is done by an independent body.

Q.—Would they like to hand it over to an independent body like the Public Services Commission ?

A.—I think so.

Q.—What is the best policy ?

A.—An independent body would be preferable and save the Ministers from the charge of favouritism.

Q.—Have you had any cases during your time of administration about racial questions in the matter of appointments, Indians *versus* Europeans ?

A.—We have been trying to Indianise in the Agricultural Department for instance. Whenever there was a vacancy we tried to obtain a qualified Indian and we did succeed in the four cases that I had in my time. We wrote to the Government of India to select men for the vacancies, and the selection board at Pusa, made the selections.

Q.—Did you have any difficulties with your heads of departments ?

A.—The heads of departments came to realise in time that Indianisation was the policy and they came round and agreed to taking in Indians.

Q.—Apparently you have not made any new appointments in the Imperial services, nor created fresh appointments ?

A.—We had neither money nor any necessity for it.

Q.—You had no opportunity to make a reference to the Secretary of State ?

A.—Yes. One post we abolished in the Co-operative department.

Q.—Were there any meetings of the Governor and the Ministers alone ?

A.—I do not think there were.

Q.—Have you any idea as to how often the Governor and his Executive Council used to sit ?

A.—I could not tell you.

Q.—How often did the meetings of the joint Cabinet take place. Once a week ?

A.—Whenever occasion arose.

Q.—Could you make a note on the file that a subject should be considered in a joint meeting ?

A.—Yes.

(Mr. Chairman).—Q.—Whenever you suggested a joint meeting effect was always given to your wishes ?

A.—Yes.

Q.—How often did you claim joint meetings ?

A.—Probably in one or two cases.

Q.—You told us that you noted on the files ?

A.—Only in those cases that were circulated.

Q.—Had you the right to ask for a joint meeting ?

A.—Whenever we thought it was advisable, we asked for a joint meeting. Mr. Kelkar in two or three cases noted that the whole question should be considered in a whole cabinet.

(Mr. Chairman).—Q.—The request was never refused ?

A.—No.

Q.—You wrote it on the file or communicated with the Private Secretary ?

A.—We have no Private Secretary in our Province. It had to be written on the file.

Q.—Now, as regards Governor's control over reserved subjects and Governor's control over transferred subjects, don't you think there is a great deal of difference between the two ?

A.—Yes, I think so.

Q.—In the one case the Governor has ordinarily to accept the opinion of the majority of his Executive Council and if he wants to overrule it, he has got to make a special note about it and the members of the Executive Council could record their Minute against it ?

A.—Quite so.

Q.—In the case of the Transferred Departments, don't you think it would be useless to record the Minute of dissent, because the proceedings in the case of the Executive Council have got to go to the Government of India and the proceedings in regard to the Transferred Departments do not go to the Government of India ?

A.—Yes.

Q.—So it would be futile to make a record of the Minute ?

A.—Yes.

Q.—And moreover is the opinion on transferred subjects, in the Council, arrived at by a vote of the two Ministers or by a single Minister ?

A.—By a vote of the Ministers.

Q.—The vote of the two Ministers is taken together ?

A.—Yes.

Q.—If a question of a transferred subject came to a joint meeting and a decision had to be reached, did the Governor tell you after discussion that he would himself tell you what course was to be followed ?

A.—Yes.

Q.—He did not take the votes of you two ?

A.—No. He saw what our views were.

Q.—Whom did the Governor usually support when a Secretary took a case over your heads to the Governor ?

A.—He generally accepted my view.

Q.—You have been telling us that there has been a great deal of financial stringency. I will just put up a hypothetical question. Supposing there had not been this financial difficulty and you had a fair amount of money to spend on new schemes, do you think dyarchy would have fared better ?

A.—In some subjects it might have, not in others, in my province.

Q.—The same impasse would have arisen even then ?

A.—Yes.

Q.—So you think that on the whole no small measures would ease the situation. You think practically all the subjects must be transferred ?

A.—Yes.

Q.—My last question is about the reconstitution of the Central Provinces. Do you think that the present constitution of the Central Provinces is satisfactory ?

A.—It is not satisfactory to some people. Generally there is a conflict between Berar and Central Provinces and between Maharashtra Central Provinces and the Hindi Central Provinces. But you could not reconstitute it without incurring an increase in the cost of administration. The question will have to be carefully gone into.

Q.—Do you think it is absolutely necessary ?

A.—I think not.

Mr. M. A. Jinnah.—Do you consider the electorate or electorates in your province competent to select representatives of proper calibre ?

A.—On the whole they are. There can be no complaint as to the calibre of the representatives. But they are pledged to a certain policy, and that is a different thing. Some good men have no doubt been kept out on the ground that they had co-operated too much with the bureaucracy.

Q.—What I want to know is this. You see it is said that the electorate is not literate. It is illiterate. That is what is said. It is a fact that the percentage of literates in the electorate is a very small one. Is not that so ?

A.—In the rural areas it is so.

Q.—Generally the percentage is not very much ?

A.—No.

Q.—Do you think that there is a sufficient element of literate voters who are competent to return proper representatives ?

A.—Yes, that is what I said. They are intelligent enough to understand what is to their interest.

Q.—My next point is this. I think you went to the Council during the first election after the Act of 1919 ?

A.—Yes.

Q.—I want to know this from your own personal knowledge. Is it or is it not a fact that a large body of voters did not vote because they pursued the policy of Non-co-operation ?

A.—Yes, it is a fact.

Q.—And had they voted they would have certainly returned better men than those that got in the first election ?

A.—Yes. Some of the men who had got in would not have been there.

Q.—And the next election might show still better men ?

A.—We have got at present men with proper educational qualifications.

Q.—Now, it is said that the second election has sent men who have adopted an irresponsible policy. What is their attitude ? Is that any responsible attitude or because they think that these reforms cannot be worked ?

A.—They think that the reforms cannot be worked and they ought to be changed.

Q.—That is so far as the electorate is concerned. Now we come to the next point. I want to know this clearly from you. Supposing certain defects or certain flaws which have been pointed out by some of the Members here, supposing they were put right to your satisfaction, would you advise this Committee to continue the system of dyarchy ?

A.—No.

Q.—Even if they were put right ?

A.—No.

Q.—Then, do I take it from you that this system of dyarchy is incurable ?

A.—I think so. It has got many disadvantages.

Q.—It is incurable. I want to understand this clearly. It is suggested that there is a great deal of potentiality for improving the present position. You have had several suggestions from various members, for instance, the joint consultation, then the removing of various difficulties about finance and so on. They are all small things. I want to put it to you distinctly. Supposing all that was done to your satisfaction, would you then recommend that dyarchy should continue ?

A.—No, I am against dyarchy and I should like it to be removed. I strongly advocate its removal.

Q.—You were appointed a Minister by nomination ?

A.—Yes, selection by the Governor.

Q.—Nomination. The Governor nominated you ?

A.—Yes.

Q.—When you were nominated a Minister, did you command a majority ?

A.—No.

Q.—So far as your departments were concerned to whom were you responsible ?

A.—I was supposed to be responsible on the one hand to the Legislature and on the other to the Governor.

Q.—Let us go step by step. You were supposed to be responsible to the Legislature on the one hand ?

A.—Yes.

Q.—And on the other you were also supposed to be responsible to the Governor ?

A.—Yes.

Q.—I want to know how you were responsible to the Legislature ?

A.—They could pass a vote of no-confidence and they could force me to resign, if my policy did not meet their approval.

Q.—So far as the Legislature was concerned, at the most, they could pass a vote of censure ?

A.—Yes, and refuse supplies.

Q.—And refuse supplies. That is your salary of course ?

A.—Yes.

Q.—And then you would have to resign ?

A.—Yes, not necessarily under the Act. But still the right thing would be to resign.

Q.—If you chose to continue you could ?

A.—I think so, so far as my reading of the Act goes.

Q.—Notwithstanding the vote of censure if you chose to disregard it you could continue ?

A.—Yes.

Q.—If you displease the Governor ?

A.—He could dismiss me.

Q.—Instantaneously ?

A.—Yes.

Q.—In one minute ?

A.—Yes.

Q.—What is the total number of elected members in your Council ?

A.—55, I think.

Q.—And the officials, nominated officials ?

A.—Nominated officials are 8, and nominated non-officials 8 or 9.

Q.—Now, look at the sections of the Government of India Act about the Minister. Section 46 is the first. That section says that government in relation to transferred subjects shall be by the Governor acting with Ministers appointed under this Act ?

A.—Yes.

Q.—What is the position of the Minister ? Is he his colleague ?

A.—He is an adviser. The settlement of policy in the transferred subjects does not really rest with the Minister. The ultimate authority rests in the Governor.

Q.—Supposing we gave him a glorified name, Minister in charge of the Department. Look at section 52, clause (3), which says :

“ 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.”

Therefore in practice he is a mere adviser. That is all ?

A.—It seems to me that he is an adviser. The Governor may accept or he may not accept the advice.

Q.—If your view is not accepted by the Governor and if you do not agree with the Governor then the only course open to you is to resign ?

A.—Yes.

Q.—And if you do not resign and if the Governor does not agree with you and the Legislature is of the same opinion, you will get a vote of censure ?

A.—Yes.

Q.—That is your position ?

A.—Yes.

Q.—It is rather precarious, very precarious ?

A.—Yes, it is.

Q.—It was said that there is no party ?

A.—There was no well-defined party in the last Council.

Q.—I want to know whether there can be a party under the present constitution ?

A.—There is at present no room for more than one party.

Q.—And that only party is the opposition party to Government ?

A.—Yes.

Q.—There cannot be any other party ?

A.—I think not.

Q.—And the party which opposes the Government only differs as to the methods ?

A.—Yes.

Q.—One party tries to persuade Government, one tries to obstruct Government and so on ?

A.—Yes.

Q.—Now, I do not quite understand your paragraph 18 which sums up. You say "The Ministers be emancipated from a great deal of control over them reserved to the Governor" and so on. Does that assume that if all that was done you do not mind dyarchy or what ?

A.—I have already said above in para. 16 that you may do all this but still we will not be satisfied. What we want is full provincial autonomy.

Q.—Now it was put to you—I think by Sir Arthur Froom—whether you want this to be done immediately and I think you said "Yes". Do you know that what you want us to do involves the amendment of the constitution of the Act ?

A.—Yes, I know that.

Q.—And you say that, if necessary, that should be undertaken ?

A.—Yes.

Q.—I want to ask you one question which I ought to have put to you before. Supposing you had complete autonomy granted to your province, do you think that the commercial interests or any other interests will be secure under that system of Government or not ?

A.—I think they will be quite secure.

Q.—Will there be the slightest risk to their security in your province if full autonomy was granted ?

A.—I do not think there will be.

(Dr. R. P. Paranjpye).—Q.—You accepted the Ministership three and a half years ago. You had certain ideas about the way in which this Act would be administered and certain ideas about the way in which you would have to work. Do you think that during the last three years those ideas have been changed ?

A.—They have been considerably altered.

(Dr. R. P. Paranjpye).—Q.—So you are disappointed in your expectations ?

A.—Quite.

Sir Muhammad Shafi.—In reply to the Chairman you said that you would make the salaries of the services voted. Does that statement apply to services administering the transferred departments or also to services administering the reserved departments ?

A.—It applies to all the departments.

Q.—You said that you would transfer even Law and Order. Does that statement of yours apply to all provinces or only to your province ?

A.—I am telling only of my province. I have no experience of other provinces.

Q.—You said that these troubles in Nagpur between the Muhammadans and the Hindus are only recent.

A.—There was trouble some years ago but there was no trouble after that.

Q.—What are these troubles due to ?

A.—The dispute is about playing music in front of mosques.

Q.—The trouble is the same as we had in Panipat, Ajmere and other places ?

A.—Yes.

Q.—Have you heard of the Shuddi movement ?

A.—Yes, I have.

Q.—And also of the Sangatan movement ?

A.—Yes.

Q.—Are they not of recent origin too ?

A.—Probably they are.

Q.—And the troubles that we had recently in Delhi, Cawnpore and Nagpur and other places had all occurred after the Shuddi and Sangatan movements were started.

A.—The Shuddi movement did not extend to my province, until after the present trouble arose. There have been a few re-conversions but not since then.

Q.—In reply to Sir Sivaswami Iyer you said that paragraph 1 of your statement submitted to the Committee represented the views of supporters of dyarchy and that your own views were embodied in paragraph 15 where you say that dyarchy must go.

A.—In paragraph 1, I have given the arguments of those who justify dyarchy.

Q.—Did you form this opinion that dyarchy must go while you were a Minister actually a member of the dyarchy as the result of your own personal experience ?

A.—Yes.

Q.—At the time when you were Minister ?

A.—Yes.

Q.—Did you hold this view when your local Government asked you to submit a memorandum embodying your views regarding the constitutional changes ?

A.—I had not all the papers with me and therefore I sent them only my views about the constitutional aspect of dyarchy.

Q.—You have told me just now that you form this view that dyarchy must go as a result of your own personal experience when you were a Minister. The Local Government asked for your views now after you had completed your three years of office and had ceased to be a Minister. My point is : Did you hold this view that dyarchy must go at the time when the Local Government asked you to submit the memorandum ?

A.—As I understood the scope of that reference, I thought that the only proposals wanted were for the amendment of the present system. That is how I understood the reference.

Q.—Therefore you expressed no opinion as to whether dyarchy should go or not ?

A.—I did not do so in consequence.

Q.—May I invite your attention to the last paragraph of your written statement to your local Government. This is what you say in the final paragraph of your memorandum submitted to the Local Government : " Perhaps dyarchy is a clumsy weapon for forging a system of complete Government ; but still I should think it has given us some training. During the last few years the country has received immense political awakening. The electorate, though still ignorant and lacking in public spirit, is not quite so backward as it was three or four years ago. The franchise can now be extended and the electorate widened. With a wide electorate more powers can be entrusted to the representatives of the people in Provincial Legislatures. Only in that way can the anomalies inherent in a system of dyarchy be removed, and Ministers entrusted with powers commensurate with their responsibilities." Now I put it to you that in this paragraph you suggested a definite remedy for the removal of anomalies inherent in dyarchy and expressed not the slightest indication of your view that dyarchy should go.

A.—As I said, I understood the reference to mean that we had only to point out the defects in the present system and not give an opinion as to whether the present system should remain or go.

Q.—So you pointed out the difficulties so far as dyarchy was concerned and suggested the remedy for it ?

A.—Yes.

Q.—At that time in your view the defects in dyarchy were remediable and in consequence you suggested the remedy ?

A.—Some improvements in the present system, are possible, but they would not go to the root of the question.

Q.—In reply to another question by Sir Sivaswamy Iyer you said that at the time of the first election owing to non-co-operation Chamars and ignorant men were elected, but that is not the position now. And in reply to a question put to you by Mr. Jinnah you stated that the electorate now has given its representatives as is shown by the result of the last election ?

A.—They have returned educationally better representatives.

Q.—Your Local Government in their memorandum speaking on this matter say : " It was anticipated that, while the new Council will prove to be more advanced in views, it would contain a greater number of men of ability. The latter anticipation has not been fulfilled." Do you endorse that statement ?

A.—The ability of several of the new men has yet to be tested. Being committed to a certain policy their ability as regards constructive work is untested.

Q.—Do you mean to tell the Committee that as a result of the last election the best men in your province have been elected to the Legislative Council ?

A.—Fairly good men have come in. They are generally graduates and pleaders.

Q.—In reply to Dr. Sir Tej Bahadur Sapru you stated that there was no personal want of confidence in the Ministers. The Swarajist action was against the system ?

A.—That is what the Swarajists said.

Q.—If there was no want of confidence in the Ministers why did the Ministers resign ?

A.—I could see no good in sticking on to office under existing conditions.

Q.—You know that according to the ordinary constitutional practice of every country a Minister is called upon to resign when a vote of want of confidence has been passed by the Legislature in so far as he is concerned. We were told that this action of the Swarajists was not due to any want of personal confidence in the Ministers. It was merely because they were not satisfied with the system. If that is so, if the Swarajists and non-Swarajists had personal confidence in the Ministers why did the Ministers resign ?

A.—They had no confidence in the Ministers as part of the present system. Without money no useful measures could have been adopted. There was nothing left but ordinary routine work, and even that might have been obstructed.

Q.—In so far as the Council is concerned, measures taken by Ministers for the administration of their department would come before the Council only when there is a Bill relating to that department, or at the time of the budget when supplies are to be voted ?

A.—Yes.

Q.—During the year unless there is a definite measure brought forward before the Council the Ministers can carry on ?

A.—Bills were brought before the Council which were thrown out. There were three Bills thrown out by the Council,—the Primary Education Bill, the Opium Bill, and a third Bill.

Q.—In reply to Dr. Sapru, again, you said you cannot have a party system unless you transfer Law and Justice. That is a mere statement. Will you kindly give me your grounds in justification of that statement ?

A.—Unless Law and Justice is also transferred there cannot be full provincial autonomy.

Q.—Dr. Sapru put to you a leading question, and in reply to that you said ' Yes '. The statement was you cannot have a party system in the Legislative Council unless you transfer Law and Justice. That was your statement. Can you give your grounds in justification of that statement ?

A.—A partial transfer would still operate powerfully to make the differences of opinion that arise between the people and that part of the Government which is known as British. At every stage a greater ill-feeling will be left than before.

Q.—What has that to do with the creation of a party system ?

A.—Without full responsibility it will not be possible to evolve a party system on right lines.

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(Mr. M. A. Jinnah).—Q.—If you transfer Law and Order you transfer everything ?

Q.—Is there not a Swaraj party in the Legislative Council ?

A.—Yes, but that is for a different purpose at present.

Q.—Is there not a landlord party in your Council ?

A.—None.

Q.—Is it essential to transfer Law and Justice in order that a party representing landlords should turn up ?

A.—No.

Q.—That is a matter relating to the government of the Province. My point is, how is the transfer of any subject essential to the creation of a party system ?

A.—I have formed that opinion.

Q.—In reply to Dr. Paranjpye you said that the Finance Department can call for any case at any stage ?

A.—Anything relating to finance ; not every case.

Q.—You told the Committee that during the three years you were a Minister in the C. P. the Governor and his Ministers never met together in connection with any matter ?

A.—I do not think we met purely in connection with a transferred subject.

Q.—What I would like to know is this. On any occasion did any one of the two Ministers suggest to the Governor that there should be a joint meeting of the two Ministers and the Governor and he refused ?

A.—I cannot remember any such case.

Q.—I want to ask you one or two questions apart from what you have already stated. The views contained in paragraphs 10 to 15 of your memorandum concerning what you describe as restrictions of higher authorities are, I presume, a result of the belief that removal or relaxation of control of higher authorities is essential to the development of constitutional government ?

A.—Yes. I do not say that all of them should be removed, but they should be curtailed.

Q.—You consider relaxation essential to the development of constitutional government ?

A.—Yes, for the development of full responsibility.

Q.—And that is the reason why you have put forward those views ?

A.—Yes.

Q.—Do I understand that you advocate complete removal, for instance, of the Secretary of State's.....

A.—His control I think ought to be removed.

Q.—Complete ?

A.—To a very great extent.

Q.—Is it relaxation you contemplate or complete removal ?

A.—We ought to have I think complete removal.

Q.—Is that consistent with what you have said in another part of your statement on foreign affairs, affairs relating to Indian States and defence ?

A.—That is in connection with the Central Government, not with regard to the provinces. My statement is with regard to the provinces.

Q.—Your statement excludes Indian States ?

A.—Yes.

Q.—The Central Government will have to have control of these three. But have any Provincial Governments anything to do with foreign affairs ?

A.—No. I am not talking about that.

Q.—Then you think that in regard to these three subjects the control of the Secretary of State over the Government of India should continue ?

A.—Yes.

Q.—Until full responsible government is granted ?

A.—Yes, in the Central Government.

Q.—Then it is relaxation of the Secretary of State's control really that you advocate and not absolute removal ?

A.—In the provinces, I advocate absolute removal.

Q.—I am not talking of the provinces, but of the Central Government. Will you kindly look at section 19A of the Government of India Act ?

A.—He can delegate under that section.

Q.—Restrict the control by rules ?

A.—Yes.

Q.—For your purpose what you have in view can be achieved under section 19A without amending the Act ?

A.—Whatever can be done under the Act.

Q.—You are not a lawyer, but for three years you were a minister of the reformed Government and had to do with the Government of India Act during that period and do you mean to say that you never looked it up ?

A.—That can be done under 19A., and whatever can be done under the Act may be done.

Q.—Let us then turn to your specific proposals. If you turn to page 8 of your statement, the first proposal is that the ministers should be emancipated from a great deal of control—not entirely, but a very great deal of control—over them reserved to the Governor. That can be done by rules and by conventions?

A.—I think so. I think I said that.

Q.—A Ministry in place of individual Ministers, be recognised and corporate responsibility prescribed. That can be done without amending the Act?

A.—Yes.

Q.—The powers of Ministers be enlarged and they be relieved of a great many of the existing restrictions—financial, legislative and administrative. That can be done without amending the Act?

A.—Yes.

Q.—The Finance Department be removed from the control of a Member of the Executive Council. That can be done without an amendment of the Act?

A.—Yes.

Q.—Full autonomy and power over the purse be granted in the provinces to the representatives of the people in the legislatures. Some part of it can be done by rules, but the whole of it cannot be done without an amendment of the Act?

(Sir Tej Bahadur Sapru pointed out that it must not be assumed that those of the members of the Committee who were hearing these questions accepted the suggestions implied in them.)

(Mr. M. A. Jinnah drew the attention of the Chairman to the fact that the Hon. Sir M. Shafi was pursuing a fresh line of examination of the witness. He said that he could be re-examined only on such matters as arose out of cross-examination. The Chairman permitted the Hon. Sir M. Shafi to continue his examination.)

Q.—And the steps which you have mentioned at the top of page 8 can also be taken. You yourself have given an illustration of the steps?

A.—Yes.

Q.—May I put to you one question with regard to these. Are these your personal opinions, or as a result—these demands—of the study of the Indian political conditions you think that this is the general view of the politically minded Indians?

A.—Yes.

Q.—Are these your personal views, or do you think that this is the general view of the politically minded Indians?

A.—My view after studying the political situation in the country and taking into consideration the political circumstances.

Q.—That being so, I want you to explain this sentence in your statement, "I must not omit to say that the advance which it will be possible to make by such means will fall very much short of true responsible government which the country demands—that I can understand." Then you go on to say, "and it will be deeply resented and strongly opposed by all politicians in India." I confess I do not understand that. You enumerate certain steps which ought to be taken. You say that the politically minded Indians all want these steps to be taken and yet you add that if these steps were taken then they will be opposed and resented.

A.—That is, if complete autonomy is not granted and if you only take a few steps and make changes in the rules that would not be acceptable.

Q.—You really mean that these steps will not satisfy Indian public opinion? That is all you mean by "opposed and resented?"

A.—Yes.

Mr. Chairman.—Q.—I only want to ask one question. It is a matter of information. In the papers I have before me it is stated thus:—"In the C. P. and Berar there are 14 millions of people of whom under six hundred thousand or less than five per cent. are literate." Then it refers to "Gonds," "Mahars," "Chamars," "Kunbis" and "Telis" as comprising nearly half the population of the province. Am I right that the castes referred to there are what are called depressed classes?

A.—The numbers must have been taken from the last Census returns.

Q.—I want to know whether these castes belong to the depressed classes?

A.—We have got Mahars.

(Sir Tej Bahadur Sapru).—Q.—The Chairman wants to know which of these persons you would be prepared to classify as depressed classes in the Central Provinces, namely, the Telis, the Gonds, the Mahars?

A.—Not the Telis.

Q.—The Gonds?

A.—Only in the jungly tracts.

Q.—Mahars?

A.—Yes.

Q.—The Kunbis?

A.—The Kunbis are not a depressed class. They are farmers—agriculturists.

We are very much obliged to you, Mr. Chitnavis, for your attendance and the evidence which you have given.

The witness then withdrew.

Saturday, the 9th August, 1924.

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

Witness :—Rao Bahadur N. K. Kelkar, Ex-Minister, Central Provinces.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Kelkar, do you like to be examined in public ?

A.—Yes, Sir.

Q.—In the first place, Mr. Kelkar, let me thank you for your Memorandum and your courtesy in attending our examination. Before I ask you any questions on the Memorandum, I should like to explain that I am asking questions purely with the object of eliciting information and not with a view to criticise your views. I wish first to put a few questions about yourself. I take it, Mr. Kelkar, that you were a member of the first Legislative Council in the Central Provinces ?

A.—Yes.

Q.—Would you mind telling us what experience you had of local administration before that ?

A.—Do you mean provincial administration ?

Q.—Yes.

A.—Before I became a member of the Legislative Council as it was in the pre-reform days, I had practically no experience of provincial administration as such, because I was not directly connected with provincial administration. But I had a lot of work to do in connection with local bodies, municipal boards, district councils and co-operative banks.

Q.—What was the constituency by which you were elected ?

A.—In the first council, I represented the district councils of the southern districts of the Central Provinces ; and in the second council I represented the landholders constituency.

Q.—Was there a by-election ?

A.—There were two regular elections. In the first election after the Reforms I represented the rural constituency of the Balaghat district.

Q.—That is in the council now in existence ?

A.—There were elections in the month of December last.

Q.—What constituency did you represent in the first reformed council ?

A.—The rural constituency in the Balaghat district.

Q.—And you still represent that ?

A.—No, I have been ousted.

Q.—You are no longer a member ?

A.—No.

Q.—Did you stand for that constituency again ?

A.—No, I stood for another constituency, viz., Nagpur City cum Kamptee, Non-Mohamedan Urban Constituency.

Q.—And you were appointed Minister ?

A.—Yes, I was appointed Minister in the first term of the Reformed Council.

Q.—And you held office for 3 years in the first Council ?

A.—Yes.

Q.—What were the departments in your charge ?

A.—Four departments, Local Self-Government, Education, Public Works (Roads and Buildings) and Public Health and Medical Relief.

Q.—And you held charge of these departments throughout that period ?

A.—Yes.

Q.—Have you got your Memorandum with you ?

A.—Yes.

Q.—I see in paragraph 6 you say “ time will soon come for extension of franchise ”. When you said the time will soon come, what sort of time had you in view ?

A.—One or two elections under the new constitutions of district boards and municipal committees.

Q.—The number of electors in the Central Provinces according to my papers here is about 150,000 ?

A.—Yes, about that.

Q.—What would you contemplate when the time comes for extending the franchise ? To what extent would you propose extending it ? Would you double it ?

A.—About 5 per cent. more.

Q.—Five per cent. of the population of the existing electorate ? Will it be 5 per cent. of the 150,000 ?

A.—5 per cent. of the total population. That is 14 millions.

Q.—That would double the electorate ?

A.—It will be more than double, about 4 times.

Q.—Do you think in two or three elections that would be possible having regard to your view that the present electorate is illiterate ?

A.—Yes.

Q.—I see you say that they are illiterate and a fairly large portion of the literate voters generally do not care to think of the elections in the provinces.

A.—Yes.

Q.—How then could the franchise be extended ?

A.—Because I find in the municipal elections, and in the district council elections, and also legislative council elections, people do take more interest than they used to do before.

Q.—You recommend that special qualifications should be imposed in the case of members as distinct from electors ?

A.—Yes.

Q.—Could you give the Committee any idea of what qualifications you can suggest ?

A.—Yes, certain educational qualifications and administrative experience in the past, such as being members of local bodies or having done some administrative work in the co-operative movement, and so on.

Q.—Is not that a rather curious franchise, previous administrative experience ? I think as a rule franchise is based on educational qualifications in certain cases, on restrictions on age and on property. Can you tell me any instance of franchise based on administrative experience ? I mean Parliamentary franchise ?

A.—That is not my object. I do not mean to say candidates. Candidates for election as members must possess certain qualifications.

Q.—You suggest administrative qualifications ?

A.—Yes, that gives administrative experience.

Q.—Your object in making that proposal is that the task of Government must be entrusted to those who are capable of realising responsibility ?

A.—Yes.

Q.—Then, in paragraph 9 and onwards you are dealing with the question of communal representation, to which you are very greatly opposed. But I find that in certain provinces communal representation is at present recognised ?

A.—Yes, it is recognised.

Q.—Special seats are provided for Muhammadans ?

A.—Yes, and depressed classes come in by nomination and the Anglo-Indian community comes in by nomination.

Q.—Let me take the question of election. I think I am correct in saying that there is communal representation only in the case of Muhammadans by election ?

A.—Yes.

Q.—Would you abolish that ?

A.—Yes.

Q.—Would you abolish also nomination which is now permitted for representation of the depressed classes ?

A.—Yes, I would.

Q.—How would you ensure the representation of the depressed classes in the local council ?

A.—In the general constituency they will be amply represented.

Q.*—Is there any instance of a member of the depressed classes having been elected by a general constituency so far ?

A.*—They did not stand at all.

Q.*—There is no instance of a member of the depressed classes having been elected by a general constituency ?

A.*—Not in the Central Provinces, because they did not stand at all.

Q.—Do you think that if they had stood there would have been any chance of their being elected ?

A.—Yes, if they possessed certain qualifications they would have been elected.

*Mr. Kelkar explains later that these answers do not refer to the candidates put forward at the first General Election to discredit the Council.

Q.—Do you know as a matter of fact whether they possess the qualifications ?

A.—I do not quite follow.

Q.—You said if they had possessed qualifications they would have been elected. As a matter of fact are there any members of those classes who do possess those qualifications at present ?

A.—None at present, except perhaps one or two.

Q.—Then it would be rather difficult without the necessary qualifications for them to secure election under your scheme ?

A.—Yes.

Q.—Have you noticed in the course of your experience in the first council any tendency to increased communal feeling ?

A.—Yes.

Q.—Would it be right to say that the rivalry between Berar and the Central Provinces became more marked ?

A.—That was not due to communal feeling, but that was due to territorial jealousy.

Q.—Would it be right to say that there is a certain amount of jealousy between the Hindi speaking and Mahratti speaking districts ?

A.—There is no jealousy as such. I do not think there is any jealousy.

Q.—Was there any feeling between the Hindus and Muhammadans noticed in the council ?

A.—Yes, it was noticed in the council.

Q.—Did it increase or was the tendency the other way ?

A.—It was on the increase, I think.

Q.—There is one question I should like to put to you with regard to paragraph 12. I have read it but I have not quite understood it. You say that "Very few non-officials care to avail themselves of official training and experience". Does it mean that the officials do not put their training and experience at the disposal of the non-officials or does it mean that the non-officials will not listen to the officials ?

A.—In the old council the non-officials did not mind the presence of the officials on the councils, but in the present councils—councils under the reforms—I have noticed that the non-officials do feel their presence.

Q.—They resent the presence of the officials ?

A.—Yes.

Q.—Do they resent the presence of the officials to such an extent as not to be prepared to avail themselves of their training and experience ?

A.—Yes.

Q.—I only wish to get the point clear ; I did not quite understand. In the same paragraph you say that the council should rid of the aristocratic element ?

A.—Yes.

Q.—And I take it by aristocratic element you mean the landholding classes ?

A.—The landlords classes, not the landholders.

Q.—Therefore you would take away the special representation to them ?

A.—Yes.

Q.—Is it your view that these classes would be able to obtain satisfactory representation in the general constituency owing to their influence ?

A.—Yes.

Q.—That is all your point ?

A.—Yes.

Q.—You do not desire to exclude from the local legislature those persons who have a large stake in the country altogether ? You would not disqualify them ?

A.—I do not see the point in giving them special representation.

Q.—You do not desire to prevent them from standing in an ordinary constituency ?

A.—They may stand in the ordinary constituency and seek election.

Q.—Do you think they would be successful ?

A.—Yes, they would be successful.

Q.—Owing to their influence and position ?

A.—Yes, on account of their position in the society.

Q.—As a matter of fact is any member of the landholding class at present representing a general constituency ?

A.—Yes, several persons who pay a certain amount of land revenue.

Q.—Do you mean the malguzari or the zemindari people ?

A.—That representation is confined to a certain number of people who pay a certain amount of land revenue, over Rs. 3,000 I believe.

Q.—Then you mean to say that at present there are separate constituencies ?

A.—Yes. There are several Malguzars in the Council who have come in the Council under the general constituency, although they do not pay land revenue amounting to Rs. 3,000 and over.

Q.—In paragraph 15 of your statement you say that it will take years before the electorate is properly trained in the sense of forming a judgment on definite political issues. Of course, you qualify that statement by saying that, although that is so, you would go on and widen the franchise.

A.—Yes.

Q.—Then in the next paragraph you say that if the points mentioned in para. 15 are not carried out and if the Council is not re-constructed, then it is worse than useless to think of further political advance or to talk about representative and responsible government ?

A.—Yes ; and I am very strong on that point. If the Council is divided into communal and class compartments, then it is useless to think about representative and responsible government in the proper sense.

Q.—Therefore the first step that you propose is to improve the constitution of the Council ?

A.—Yes.

Q.—By that you mean to get a better electorate and better members and these you will get by laying down qualifications for the membership ?

A.—Yes.

Q.—You are in favour of Council Secretaries ?

A.—Yes.

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Q.—And you think that the Act should definitely be amended to provide for their selection out of the elected panel ?

A.—Yes.

Q.—That would involve the amendment of Section 52 of the Act ?

A.—Yes.

Q.—There is a complaint in paragraph 19 that sufficient papers are not given to Standing Committees ?

A.—Yes.

Q.—I made enquiries on that matter and found that it is nowhere the practice to place notes before the Standing Committees. By notes I mean Secretariat notes. What is generally done is that a Memorandum is sent round. Is not that the practice in the Central Provinces ?

A.—No.

Q.—Will it meet your views if that was done ?

A.—Yes. The memorandum should contain all the facts and reasons.

Q.—The present practice is that a note is written by an officer and it is more or less of a personal character and I think in the Secretariat it is the rule that these notes are written for the information of the Department concerned ?

A.—I think the memorandum will do provided it contains all material facts and reasons. That would meet my requirements.

Q.—You make an interesting suggestion in paragraph 22, which I have seen repeated elsewhere, that three years is too short a period for the duration of the Council. By what period would you like to extend it ?

A.—I have suggested that the life of the Council should be five years.

Q.—You would, of course, notice that if you increase the period of the Council you would diminish the number of general elections and thereby you would delay to some extent the education of the electorate, because the more frequently the electorate exercise their functions the quicker is their education. Perhaps you have not taken that point into consideration ?

A.—My view on the contrary is that the people must be free of these frequent elections.

Q.—You think that the elections are too frequent at present ?

A.—Yes.

Q.—And you would adhere to five years ?

A.—Yes.

Q.—One of your arguments in favour of this view is that the Ministers must have time to learn their business ?

A.—Yes.

Q.—In practice, as a matter of fact, you have found that you would have learnt a good deal more if you had been a Minister for five years instead of three ?

A.—Yes.

Q.—You say that party loyalty is not a distinct feature of the Local Council. So far as these parties are concerned you fear that there may be danger in the future ?

A.—I do not see any danger in the future ; but that is a thing which we see nowadays and we have to guard ourselves against it. I do not think such a thing is likely to happen in the future.

Q.—Then what is your reason for such a thing not happening in the future ?

A.—Because there is a very strong tendency now to build up parties and to stick to the party programmes.

Q.—In paragraph 27 you suggest that it is not advisable to retain in the Act the provision that the Ministers should be appointed by the Governors and that they should hold their office during the pleasure of the Governors. One of the reasons that you give is that the Governor has not the power to restore the salaries of the Ministers. Do you think it is advisable that he should have this power ?

A.—No.

Q.—I do not quite understand, under your system, who would appoint the Ministers ?

A.—I suggest that the act of nominating the Ministers may be done by the Governor but they should be taken out of a panel elected or selected by the Legislative Council.

Q.—Is not that a very unusual suggestion ?

A.—It may be.

Q.—Can you mention any constitution in any part of the world where there is such a panel elected by the Legislature ?

A.—I think the general practice is to elect Ministers who enjoy the confidence of the House.

Q.—Undoubtedly the King summons those Ministers who enjoy the confidence of the House, but they are not first of all elected by the Legislature. Don't you think that there might be some difficulties if your suggestion is adopted ? Supposing there are three parties nearly well balanced in a Legislature. On what system would you elect your Ministers ? If the majority are to nominate a panel, then presumably they will nominate the panel of their own supporters, who do not, in fact, enjoy the confidence of the House. Don't you think there might be a difficulty there ?

A.—That is conceivable, I think, but I do not think it will happen in practice that the Council will divide into three or four parties equally balanced.

Q.—Supposing it is divided into two parties—one Hindu and the other Muhammadan. What will be the result of your system of appointment of Ministers ?

A.—But if we retain the provision in the present Act, there will be deadlocks.

Q.—Do you think it is advisable to have these deadlocks ?

A.—But I cannot see how the appointment by the Governor would help us.

Q.—Because the Governor would select Ministers who will carry on the business ?

A.—But if the Ministers get a handsome salary of one rupee a year, I don't think they will stick to their posts.

Q.—Is it not possible that the Act may be so amended or modified that the Ministers receive their salaries as long as they work ?

A.—What I mean is that the Ministers should be appointed in consultation with the Council. Those persons only should be appointed Ministers who enjoy the confidence of the House.

Q.—That of course is the constitutional position ; but what about the election of a panel by the Legislature ?

A.—The panel simply means this. The Governor will send for a certain number of prominent members of the House and obtain from them the information as to who is likely to get the largest amount of support of the Council.

Q.—That is not the same procedure as election of a panel by the House. Do you wish to pursue that point ?

A.—It would serve my purpose if the Governor invariably sends for the prominent members of the Council or invariably consults the Council in one way or the other in order to find out as to who has the largest amount of support of the Council. The panel system would probably be useful in case the suggestion put forward by you does materialise, namely, when the Council is divided into two or three equal parties. In that case panel system would certainly be preferable.

Q.—You think that there should be a definite provision regarding the interference of the legislative with the executive work ?

A.—Yes.

Q.—You have found that there are tendencies from the Legislature to interfere unduly and beyond its reasonable powers. Do you suggest that there should be a statutory provision for that ?

A.—I suggest that there should a provision in the Rules.

Q.—You mean to say a statutory provision ?

A.—I do not think there is time to make any provision of that kind just now. If the other suggestion is accepted perhaps there would be no occasion for it.

Q.—Is this a very definite suggestion of yours ?

A.—Yes ; because I do not like that the Legislative Council should interfere too much with the administrative details.

Q.—Don't you think that the tendency to interfere in administrative matters would continue however the Council may be constituted ? Don't you think the Minister and the party, if they are well supported, will have such a tendency ? It will be rather accentuated than reduced ?

A.—In that case I do not think it will continue.

Q.—You think that the stronger the Legislature is the less it would interfere ?

A.—Yes.

Q.—In paragraph 33 you say that the Cabinet meetings were few and far between.

A.—Yes.

Q.—But we had a witness from your province on Thursday who, I think, said that there were frequent Cabinet meetings. I mean meetings of the whole Government.

A.—I am not talking about those meetings. I am talking about the meetings of the Ministers and the Executive Councillors and the Governor.

Q.—That is what you call Cabinet meetings ?

A.—Yes.

Q.—They were not frequent ?

A.—No.

Q.—Were meetings between the Governor and the Ministers frequent ?

A.—I have said in my note that I have no knowledge of these meetings. They may have been well known outside but they are not known to me.

Q.—My question was : Whether the meetings between the transferred half of the Government, that is, the Governor and his two Ministers, were frequent ?

A.—The Governor and his two Ministers never met together. Our meetings used to consist of the Governor, the Executive Councillors and the Ministers.

Q.—Then there were no meetings of the transferred half ?

A.—Not as such.

Q.—You have no information as to the meetings of the Council, that is the Governor and his Executive Council ?

A.—No.

Q.—That naturally you would not have because you have your own joint meetings which, of course, you attend.

A.—I desire that the Ministers should have the right of attending all the other meetings also.

Q.—Then they would have joint meetings ?

A.—Yes.

Q.—Your point is that the Government should never meet except in joint meetings ?

A.—Yes.

Q.—In fact one of your main objections to the working of the system in the Central Provinces was that there was not sufficient consultation between the various branches of the Government ?

A.—No.

Q.—You yourself freely consulted with your fellow Ministers ?

A.—Yes, on general questions of policy I did.

Q.—Therefore as far as you could you facilitated joint consultation ?

A.—That was not joint consultation ; I consulted them individually but not at joint meetings.

Q.—You think that the main difficulty was that there were not enough joint meetings, and you would have liked to have a vote at the joint meetings ?

A.—Yes.

Q.—If you had voted at a joint meeting, that would have been something different to what is generally understood as dyarchy ?

A.—Yes.

Q.—I see you are of opinion that the power of a Member of the Executive Council to record a minute ought to be granted to a Minister ?

A.—Yes.

Q.—To whom would that minute be forwarded ? The minute of the Member of the Executive Council can be sent to the Government of India, but the Government of India have no authority over the transferred subjects. To whom would the minute of the Minister be sent ?

A.—At least it would remain there.

Q.—You merely desire it for the purpose of declaring your position ?

A.—Yes, and if it refers partly to reserve departments and specially to the services, perhaps it may be necessary to send the minutes of the Ministers to the Government of India.

Q.—But you would like that power ?

A.—Yes, if the services are to continue subject to the control of the Secretary of State or the Government of India, I would like to have that power.

Q.—But you would like to have the power to record a minute in any case ?

A.—Yes, there must be a record of our votes.

Q.—In paragraph 52 you say :—“ I always took the view that they (the Ministers) had only two courses open to them when they failed to influence the Governor from within, viz., they must either resign or they must put up some member of the Council to agitate the same question in open Council.” Would you regard that as loyal to your Governor ?

A.—No. Later on I have said that that is not a desirable course ; but that is inevitable.

Q.—What would be the view taken if a Member of the English Cabinet was to incite a Member of the House of Commons to attack his own Government ? Would it not be regarded as a breach of party loyalty ?

A.—I am afraid there is no such analogy between the British Cabinet and the Indian Cabinets because there is no dyarchy in England.

Q.—Still if a Minister retains office, he surely has some obligations towards the Government under which he holds office ?

A.—Yes, but he owes more obligation to the Legislative Council than to the Governor.

Q.—That would be met by resignation ?

A.—Yes, if the Government thinks it is a desirable course that the Ministers should be compelled to resign every now and then.

Q.—I am not trying to cross-examine you on the matter ; I am trying to get your ideas. Do I understand you to say that that is a legitimate course for the Minister retaining office to put up a Member outside the Government to raise a question ?

A.—No, I have said it is not desirable.

Q.—You would regard it as wrong ?

A.—I have explained how the Minister's position becomes awkward, because people expect us to do certain things and they ask us to place the popular view before the Government or the Governor, and if the Governor vetoes the Minister's proposals, what is the Minister to do ? He has to tell the people that he did not succeed inside the Government.

Q.—It is quite a different thing if it is taken up by the Member himself, but it is another thing if the Member is put up by the Minister ?

A.—Indirectly he is put up.

Q.—Will you look at paragraph 57. You claim there that the permanent officials challenge the propriety of the Ministers' orders, and you add that the Ministers can do them no harm, even if their recommendations are negated by the Governor. That might be read that you

desire to punish a permanent official for putting forward a certain policy, that is not your meaning ?

A.—No, that is not it.

Q.—You say the Ministers can do them no harm ; would you desire to do a man any harm merely because he put forward a reasonable view ?

A.—Whether the Minister's view is a reasonable view or the view of the Head of the Department is reasonable is a question of fact.

Q.—That is not my question. My point was this. Supposing an official put forward a view, however wrong you might think it, if you believed that it was an honest view, you would not desire to do him any harm ?

A.—No.

Q.—What you really have in mind is factious opposition ?

A.—Yes.

Q.—Factious opposition you would like to have power to punish ?

A.—Yes.

Q.—As it is put it might be read that you desire to punish a perfectly honest expression of opinion, that is not so ?

A.—The question is whether this system should be retained at all.

Q.—Under any system you would not desire, I take it, to punish the propagation of honest differences of opinion, otherwise government would be very difficult ?

A.—Yes, but the real question is whether the heads of the departments should have this power at all.

Q.—Of opposing the Ministers ?

A.—Yes.

Q.—You would not suggest that they should not put their views before the Ministers ?

A.—They should put their views before the Ministers and argue before the Ministers.

Q.—Would you suggest that they did more than put their views before you ?

A.—They should put their views before the Minister, but if the Minister overrules them, they should accept the decision.

Q.—They should have no other recourse ?

A.—They should have no right of appeal to the Government.

Q.—Not even to bring their views to the Government ?

A.—No.

Q.—The Ministers would be in a position much stronger than the Members of the Executive Council ?

A.—Yes.

Q.—In the case of a Member of the Executive Council the Secretary can take a case to the Governor. You would not allow that in the case of a Minister ?

A.—No.

Q.—You imply generally that, although you were given a free hand in regard to policy, you were much interfered with in regard to detail ?

A.—Yes. What I mean there is that, so far as the Governor was concerned, I was allowed to have a free hand, but that does not mean that the heads of the departments did not oppose my policies.

Q.—But you were successful as a rule with the Governor ?

Q.—It was mainly in connection with pensions, salaries, punishments, etc., that your proposals were not accepted, and you thought wrongly ?

A.—Yes, I believed so.

Q.—You say heads of departments can seek interviews with the Governor in regard to transferred subjects but not in regard to reserved subjects, is that so ?

A.—Yes, I think so. May I read out the particular rule ? :—

“ Then if the head of a department desires to discuss any subject with the Governor, he may make a request for an appointment, and shall at the same time inform the Minister concerned of what he has done and of the subject he proposes to discuss.”

Q.—Is not that true of the head of a department in a reserved subject ?

A.—There is no such rule here.

Q.—Will you look at paragraph 74 ? I gather from the whole tenor of your report that your relations with the Governor were of the most friendly character personally. Did you ever have any difficulty in obtaining an interview with the Governor ?

A.—No. I am talking of the matter of the rules.

Q.—Is there any rule which provides for an interview ?

A.—I may say at once that the Governor was accessible to me at any moment.

Q.—In these circumstances is any rule required ? Is there any rule giving a right to a Member to approach the Governor ?

A.—No.

Q.—May I suggest the reason that in the case of subordinate officers it is necessary to provide for an interview, in the case of Members of the Government it is not necessary. I do not propose to take you through these instances you have given ; they relate to persons and I think it may be undesirable. You think Ministers should be consulted in regard to recommendations for Honours ?

A.—Yes.

Q.—Is that not done ?

A.—No.

Q.—Not even informally ?

A.—Not that it was not done, but I once made a representation to the Governor that I should be consulted before these honours were conferred, and I was told that it was the exclusive privilege of the Governor and that no Member of the Government had any right.

Q.—No Minister or Member ?

A.—That is what I understood.

Q.—Then it is not a grievance particularly of Ministers ; it is shared by the other Members of the Government ?

A.—Presumably, but I do not know what the Executive Councillors have got to say.

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Q.—They were not frequent ?

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Q.—You would withdraw from the legislatures, if I understand correctly, the annual consideration of salaries ?

A.—Yes.

Q.—Because, as you say, unless some such step is taken it would be difficult to check the annual vagaries ?

A.—Yes.

Q.—By that I think you mean that there should be some permanency in these matters. They ought not to be matters for every year's discussion ?

A.—Yes.

Q.—Did you have any difficulty in the Finance Department yourself : You have not mentioned very much ?

A.—I have not mentioned very much because there were no finances

Q.—No. Not on the point of the purse but on the question of reference to the Finance Department ?

A.—I had occasion only once to differ from the Finance Department.

Q.—Not a serious difference ?

A.—Yes, it was a serious difference ; I wanted to borrow a loan for a certain purpose and I was told it was not permissible.

Q.—Did you object to that ruling ?

A.—Yes, I did.

Q.—What was it based on ?

A.—It was based on the fact that the purpose for which I wanted the loan was not a remunerative purpose.

Q.—Is that one of the rules of the Government of India—that loans must be for remunerative purposes ?

A.—I think so, yes.

Q.—Do you consider that the rule should be changed and that loans should be made for unremunerative purposes ?

A.—What do you mean by "unremunerative" ? For instance, I wanted the loan for building a Science College and proposed to pay it back out of the current revenue every year.

Q.—And the Finance Department objected to that ?

A.—Yes.

Q.—You think that unsound ?

A.—Yes.

Q.—Would you like wider powers ?

A.—Yes.

Q.—I don't want to go into the details of the case but I see that on one occasion a question arose—I am referring to paragraph 121 of your statement at the end—a question arose which concerned two departments. Did you ask for a joint meeting about that ?

A.—Well, I was not consulted. Prosecutions had been instituted and it was no use to have a consultation afterwards.

Q.—In other words action was taken before you could be consulted. But if this was not so, would you have asked for a joint sitting ?

A.—Yes.

Q.—Did you complain to His Excellency afterwards ?

A.—Yes ; I put it on record and I believe all such records were sent to His Excellency.

Q.—Where two departments are concerned it is a rule that there should be a joint consultation. That is provided for by the rules ?

A.—Yes, but what they said was this was a matter which did not concern two departments.

Q.—That is a matter for the Governor's decision ?

A.—Yes, but the Executive Member had already acted on his own responsibility. He passed the orders, the prosecutions were instituted, and the Governor or the Minister had no voice.

Q.—It is not my suggestion that anything arises on this particular case. My point is in a matter where two departments are concerned the rules do provide for joint consultation ; and if a joint consultation is not secured, that is not the fault of the rules but the administration of the rules ?

A.—As I read the rules, the rules mean that if in any particular case two departments are concerned then joint consultation is provided for.

Q.—That is not in the rules themselves but in the administration of the rules ?

A.—In the rules themselves also. The rules do not provide for joint consultation regarding something which arises out of one department and which ostensibly belong, to another department. For instance it was said that as soon as the election were over the ministers' jurisdiction ceased.

Q.—My question was not with regard to this particular case. What I say is had the rules been faulty they would not involve joint consultation in a case such as I state where two departments—whether transferred or reserved—are concerned ?

A.—Yes, but the Executive Councillors may choose to treat a particular case as belonging to one reserved department in his charge.

Q.—But the decision whether a subject belongs to one department or another rests with the Governor ?

A.—In that particular case ?

Q.—In all cases.

A.—But in this particular case the two cases were dealt with separately.

Q.—That is to say, it is a defect in the administration and not in the rules. That is all I mean ?

A.—Yes.

Sir Muhammad Shafi.—Q.—Mr. Kelkar, you were a member of the Pre-Reform Council. What constituency did you represent ?

A.—I represented two constituencies in the pre-Reform Councils. In the first Council from 1914 to 1917, I represented the district boards of the southern districts in the Central Provinces. In the second Council, from 1917 to 1920, I represented the landholding classes.

Q.—That means that you were a member of the Central Provinces Legislative Council for 9 years ?

A.—Yes, altogether.

Q.—You have told us that you would abolish Moslem electorates ?

A.—Communal electorates generally.

Q.—You would abolish separate Moslem electorates ?

A.—I do not say Moslem electorates ; even if you give it to Mahratta Brahmins I would abolish it.

Q.—What do you mean by the abolition of communal representation ?

A.—I mean the representation of special communities.

Q.—You have stated in answer to a question by the Chairman, that you would abolish separate Moslem electorates.

A.—I did not mean it in that way, and if I gave that impression I would correct it now. I would say that I am entirely opposed to communal representation.

(Mr. Chairman).—What I said was that the only communal representation in the Central Provinces was Muhammadan, would you abolish that ?

Q.—And you said yes. Do you stick to that view ?

A.—Yes.

Q.—How do you propose to secure Muhammadan representation in the Council ?

A.—Through the general constituencies.

Q.—Looking at the number of electors in your Province I find that there was no separate Moslem electorate, the number of Hindus being electors. Do you think that in that state of things any Muhammadan would have any chance of being elected to your Council ?

A.—Yes, I believe so.

Q.—Assuming that the electorates were what you call general and there was no separate Moslem electorate, the number of Hindus being what I have stated, do you think any Muhammadan would have a chance of being elected to your Provincial Council ?

A.—I think so. Having regard to the state of political feeling I think the Muhammadans have every chance now ; and if I may be permitted to add, if you look at some of our municipal elections in the Central Provinces you will find that Muhammadans have sometimes been elected in preference to Hindu candidates, although in the particular cases I have in mind the number of Muhammadan voters was much smaller than that of Hindu or non-Muhammadan voters.

Q.—Can you give any instances ?

A.—Yes, the Bhandaran Municipal elections. In Jubbulpore also Muhammadans were elected. I am talking now of municipal elections.

Q.—Let us have something definite. Of what Municipality were you yourself a member ?

A.—Balaghat, which is one of the districts in the Central Provinces.

Q.—Is the electorate there mixed or separate ?

A.—Mixed for municipal elections.

Q.—How many elected members are there on that Municipal Board ?

A.—Now 10.

Q.—Out of those 10 how many are Muhammadans ?

A.—One. He was the only candidate who stood for election and he succeeded. He was opposed by a Hindu.

Q.—Who was he ?

A.—He was the agent of some Malguzars—that is, an agent of a landholder.

Q.—Of the principal landholder there ?

A.—Not principal.

Q.—One of the principal malguzars ?

A.—I do not think so. He is not principal malguzar.

Q.—Who was the rival Hindu candidate ?

A.—A pleader.

Q.—On what district council were you ?

A.—Balaghat.

Q.—How many elected members were on that district council ?

A.—Before the reforms or after the reforms because you must make a distinction.

Q.—I am now thinking of the reform period, not before the reforms.

A.—Well, that is very material. I may be permitted to explain that in the Central Provinces in the district councils only Malguzars had representation by election, and a few trading classes, before the Central Provinces Local Self-Government Act was amended in 1920. The rules under the Act were framed towards the end of 1921 and the first elections under the new Act took place in 1922-23.

Q.—Well, I am speaking of the 1922-23 elections. How many elected members were there on this Council ?

A.—It was a mixed electorate.

Q.—I said how many elected members were there on this new Council ?

A.—There are 22 district councils.

Q.—I mean your district council ?

A.—In the Balaghat District Council ? I cannot tell from memory but probably 24.

Q.—Was there any Muhammadan among the 24 ?

A.—I don't know.

Q.—So far as you know was there a Muhammadan member on that district council ?

A.—Not elected to my knowledge but probably nobody stood for election.

Q.—Do the Muhammadans in your Province insist on having separate electorates ?

A.—Yes, that is what I gather to be the feeling. Because Muhammadans in other Provinces claim separate representation, the Muhammadans of the Central Provinces also want that.

Q.—That is a reason. Mine was a question of fact. I did not ask for reason. Now do the landholders of your Province want separate election, do they insist on having separate election ?

A.—They wanted it in the pre-reform days but I am not sure if they want one now.

Q.—In paragraph 12 of your memorandum there is a sentence with reference to which the Chairman put one or two questions. I want to ask you a general question with regard to that sentence. You say "Very few non-official care to avail themselves of official training and experience." Kindly explain what exactly you mean by that statement?

A.—That is to say, whatever is stated by the officials, they do not regard it as advice necessary for their guidance in conducting the affairs of the Legislative Council.

Q.—In paragraph 15 of your statement you enumerate the four steps which you consider essential. In paragraph 16 you go on to say "If these points fail to receive immediate consideration and if the Councils are not reconstructed on the lines suggested above I think it is worse than useless to think of further political advance or to talk about representative and responsible government." Is it your opinion that unless these four points are conceded, you would have no further political advance?

A.—That is not what I mean, but that even if you give further political rights they won't be of much consequence.

Q.—What do you mean by representative government in this sentence?

A.—Representative government means a government which represents the views of the general body of tax payers.

Q.—Then you think that although communities may have a stake in the country, although they may be numerically, comparatively in a minority and even though they may not have any separate representation at all, yet you can have representation in spite of it? What is meant by "they are not sufficiently strong or numerically strong?"

A.—According to my view there is not a single community in the whole country which is not a minority. For instance I do not understand how the Hindus and Muhammadans in Muhammadan constituencies and non-Muhammadan constituencies are constituted.

Q.—I give you an example. There is the non-official European community in India. They have a material stake in the country?

A.—Yes.

Q.—Do you think that a Government can be said to be representative if it has no non-official European member on the Legislature?

A.—It is not representative if they do not come through elections—but if they come through general elections, there is nothing to prevent them from doing so.

Q.—In paragraph 26 you have stated that the opposition to the Ministers may be minimised by selecting the Ministers out of a panel suggested by you. In reply to a question put to you by the Chairman you said that the power of selection of course would rest with the Governor. The question I want to put to you is this. Assuming in the Central Provinces Legislative Council that the majority of the elected members belong to a particular community, is it not probable that the panel elected by them will belong to that particular community?

A.—Not necessarily.

Q.—I did not say that that will be invariably the case. I said is it not probable that the panel would belong to that particular community?

A.—It is very difficult to answer what is probable and what is not probable, but I think having regard to the political awakening in the country now, it is not probable.

Q.—In paragraph 34 you have stated that the Executive Councillors did not take you into their confidence even in regard to important administrative matters and consequently although you were expected to influence the votes of Council members on any debate you confess you did not do so wholeheartedly. I would like to ask you this question. Did you in the administration of the transferred subjects in your charge take the Executive Councillors into your confidence?

A.—Yes. I can say that confidently.

Q.—Did you consult them on questions of policy?

A.—Yes.

Q.—They did not reciprocate?

A.—No.

Q.—In paragraph 49 you say, "Ordinarily, the Executive Councillor's decision is binding on the Governor who can overrule it only under the circumstances..." and you refer subsequently to the rule which makes it necessary for the Ministers to submit cases of importance to the Governor. Does not that rule apply equally to the Executive Councillors? Are not the Executive Councillors also bound to submit cases of importance to the Governor?

A.—Yes. The rule may be applicable to the Executive Councillor, but in dealing with the case submitted by the Executive Councillor the Governor has to abide by the provisions contained in section 50 (2), while in dealing with a case submitted by the Minister he is not necessarily bound by that rule. There is a difference in the rule and the provisions contained in the Act.

Q.—May I invite your attention to section 52 sub-section (3) of the Government of India Act. You have yourself made a distinction under the rules between cases of minor and those of major importance. In cases of minor importance the Minister has the final word?

A.—Yes.

Q.—It is only in cases of major importance that you had to submit cases to the Governor? Is it not so?

A.—Well, who is to decide which is a case of minor importance and which one is of major importance—whether the Ministers or the Heads of Departments or Secretaries.

Q.—Would it not be for the disposing authority in the first instance to decide what was a case of minor importance and what was a case of major importance? That is to say, the case first goes to the Minister. If it be the opinion of the Minister that the case is one of minor importance, he disposes of it himself. If he is of opinion that the case is one of major importance he submits it to the Governor. Is not that ordinarily the case?

A.—I do not quite follow you. What I mean is that the Minister, at least I, considered every case to be within my cognisance, and so long as I considered that any case was within my cognisance it was immaterial for

my purpose whether others thought it to be of major importance or of minor importance.

Q.—Exactly. Then if you considered the case to be within your own *cognisance*, you disposed of it, no matter what others thought. It is only cases which you considered were of major importance that you submitted to the Governor. Now, kindly turn to sub-section (3) of section 52. In relation to the transferred subjects the Governor shall be guided by the advice of Ministers unless he sees sufficient reasons and so on. Bearing in mind the meaning which is attached to the word 'shall', does not the section mean that ordinarily the Governor is bound by the advice of the Minister? It is only in exceptional cases that he would, for reasons stated in the section, overrule the Minister?

A.—What I think is that the first part of that sub-section is materially modified by the second part of that sub-section. Although the first part of that sub-section is a very positive statement of law, the second part of it materially qualifies it.

Q.—Of course, it qualifies it, but in exceptional cases. It shows that the correct reading of the section is that it is only in exceptional cases and ordinarily the Governor shall abide by the Minister's advice.

A.—Yes. Why is the distinction made between section 52 and section 50 (2)?

Q.—The Committee will no doubt discuss that at the proper stage. At present we only want information. In paragraph 95 you say that "the rules above referred to debar Local Governments from creating or abolishing posts." You see for yourself that that is a very general statement to make. Would you like to qualify it in any way?

A.—Posts of the kind mentioned in the rule—that is what it means obviously.

Q.—You mean posts ordinarily held by members of the All-India Services?

A.—Yes.

Q.—Of course, the Local Governments have the power to abolish or create posts in what are called Provincial Services and Subordinate Services.

A.—Yes.

Q.—In paragraph 97, last sentence, you say, "This is a source of irritation in the past and is likely to be so in the future if the distinction between the reserved and transferred subjects is maintained." What is your exact suggestion in this sentence?

A.—That is about the Public Works Department. I was dealing with the Public Works Department.

Q.—In the Public Works one part is transferred and one part is reserved. Irrigation is reserved and the other branch is transferred. But what I wish to ask you is this, what exactly is your suggestion in that sentence? Would you remove the distinction by making the transferred subjects reserved, or would you remove that distinction by making the reserved subjects transferred?

A.—That is not what is meant by it. What is meant by it is that although roads and buildings are a transferred subject, so far as buildings are concerned, the Ministers have got no administrative functions provided

such buildings do not appertain to the particular department of which he is in charge. That is how it is construed, and I objected to that, and said that so far as buildings were concerned, the Minister must have administrative power also.

Q.—In paragraph 99 you say, "Ministers cannot enforce any disciplinary measures against such officers nor do the Ministers possess the power of posting such officers to places desired by them (Ministers)." Can you mention to the Committee any rule which prevents Ministers from doing so?

A.—About All-India Services Officers.

(Mr. Chairman).—Q.—You mean All-India Service Officers?

A.—Yes. All such orders—I do not call it orders. I call them mere recommendations or suggestions by the Minister and as such they must receive the final approval of the Governor.

Q.—Are you speaking of any rule precluding Ministers from passing orders in question, or are you referring to practice?

A.—That is how I read the rule—I believe it is rule no. 10.

(Mr. Chairman).—It is rule 10 (b).

Q.—In paragraph 108 of your statement you make a suggestion. "In the interest of stability and to avoid hardship in individual cases and to give the Council more effective control over department expenditure it would, I think, be better if the strength of each department and scales of salaries of different cadres were fixed by an Act of the legislature." Do you mean by an Act of the Indian Legislature, or by an Act of the Provincial Legislature in the Province concerned?

A.—Provincial Legislature, for every Province must be at liberty to fix its own cadre and fix its own terms of service.

Q.—In paragraph 117 you summarise your proposals. In proposal (f) you say, "The distinction between 'reserved' and 'transferred' subjects may be abolished and all subjects may be transferred." For that you realise that an amendment of the Act would be necessary?

A.—Yes.

Q.—All the remaining suggestions that you have put forward can be carried out without amendment of the Act?

A.—That is a very technical question. It is for the lawyers to say whether that can be done without the amendment of the Act or not. But as a layman I may say that the amendment of the Act in certain respects may be necessary.

Q.—In your memorandum you have given us mainly your ideas about the Provincial Governments. It has nothing to do with the Central Government?

A.—No.

Q.—What is your opinion about the question of the restriction or relaxation of the Secretary of State's control over the Central Government?

A.—That ought to be relaxed and the Indian Government must be subject to the Indian Legislature.

Q.—In all matters?

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A.—I think logically in all matters but as a matter of practical politics I may concede for the present that Army may be excluded, but later on it will be necessary.

Q.—What about foreign affairs?

A.—Yes, foreign affairs also.

Q.—You remember the recommendation of the Joint Parliamentary Committee, that where the executive government and the legislature, whether of the Central Government or of the provinces, agree, ordinarily the control of the higher authorities should not be exercised?

A.—There is that recommendation of the Joint Committee.

Q.—Are you in favour of leaving it at that or would you frame a rule under the Government of India Act to that effect?

A.—To what effect?

Q.—Would you leave it merely as a recommendation or would you frame a definite proposal under the rule-making power to that effect?

A.—Whether it is a mere recommendation or whether it is embodied in a rule, I believe for all practical purposes the recommendation or the rule would be a mere pious provision. As a matter of fact we find that the executive government and the legislative council often differ from each other. It is only on very rare occasions that they agree.

Q.—But on those rare occasions on which they agree are you in favour of restricting the Secretary of State's control?

A.—Of course it must be so.

Q.—You are in favour?

A.—Yes.

Q.—My point is this. Would you leave that to a mere convention or would you frame a rule under the rule-making power embodied in the Government of India Act to that effect, assuming that the cases are rare?

A.—As I am at present advised I am inclined to think that a rule would be more effective than a mere recommendation contained in the Joint Committee's report.

Q.—You have said that excepting foreign affairs and the army, you would make the Government of India responsible to the legislature?

A.—In all civil matters.

Q.—Would you apply this rule that you say ought to be framed in those rare cases in which the legislature and the executive government are in agreement to questions relating to army and foreign affairs?

A.—Am I to understand that the rule which you propose should be applicable only to the civil administration?

Q.—My question is very clear. You have just now said that in your view the Secretary of State's control over internal affairs ought to be removed and that the Government of India should be made responsible to the Central Legislature except in cases relating to army and foreign affairs. My question was, ought the rule which you say must be framed, that where the executive government and the legislature agree the Secretary of State's control ought to be relaxed or restricted, to apply to matters concerning the army and foreign affairs?

A.—Such a rule would be relevant only in those cases where the control is not transferred to the Legislature. In the other cases it would not be relevant.

Mr. M. A. Jinnah.—Q.—Mr. Kelkar, what do you mean by saying that the army should be excluded?

A.—I mean expenditure on the army up to a certain limit. For instance it may be fixed in the first instance that the expenditure on the army should be 20 crores or 50 crores. Beyond that limit, the Government of India must be subject to the control of the Legislature.

Q.—You mean to say that certain amount of expenditure should be votable by the Legislature?

A.—Yes.

Q.—You do not exclude the army to that extent from the purview of the Legislature?

A.—No.

Q.—Anything else?

A.—Not that I can think of at present.

Q.—Have you considered this question?

A.—No.

Q.—Have you considered how the army is established in this country?

A.—No. Of course I have got a general idea but not more than that.

Q.—You just now said that a certain portion of the army expenditure should be subject to the control of the legislature?

A.—Yes.

Q.—Would you also give any power to the legislature to have any control over the organisation or the reorganisation of the army?

A.—That means you give the whole control to the legislature.

Q.—You would not give any control over the organisation or the reorganisation?

A.—It is very difficult to answer that question.

Q.—You have not considered that question?

A.—No.

Q.—Would you give any voice to the legislature in the actual military administration?

A.—Voice I would certainly give.

Q.—How?

A.—By saying that the budget should not exceed a certain figure.

Q.—That is purely on the financial side?

A.—Yes.

Q.—I am referring to the practical administration?

A.—That would be by means of Resolutions. That is the only method.

Q.—That would not be binding?

A.—It would be a voice only.

Q.—You said you want some sort of voice or control in the actual civil administration. Do you suggest there should be any control of the legislature over the military administration?

A.—As I have said I came here prepared, to make only general statements. As a matter of practical politics army may for the present be excluded from the operation of the general rule which I have laid down. I cannot give you any useful advice on the other matters just now.

Q.—What I want to know is this. You know that home defence is certainly essential for home rule ?

A.—It is.

Q.—You say that the army should be excluded. Do you think that some scheme is necessary which will give you sufficient training and qualifications to take over the defence of the country ?

A.—Yes, certainly that is necessary.

Q.—Suppose you exclude the army, what happens to it ?

A.—I said, exclude the army for the present as a matter of practical politics.

Q.—And leave it to what ?

A.—And leave it for some time till the other civil administration is brought under the control of the legislature. Then take over the question of the army. I do not mean to say that the army should be excluded permanently or for all time.

Q.—With regard to the separate communal electorates, I think you said that at present generally the Muhammadan community is in favour of separate electorates ?

A.—Yes.

Q.—And would you be prepared to go against that view ?

A.—Yes.

Q.—Would you force the Muhammadan community to give up the separate electorates, if the bulk of the Muhammadans desire to continue them ?

A.—Yes, I would ask them to do it.

Q.—Would you force them ?

A.—I would force them if it is necessary.

Q.—Against the wish of the bulk of the Mussalmans ?

A.—Yes.

Q.—We are not concerned with the wisdom of the thing. Supposing the Muhammadans all over India think that for the present they must have separate electorates, you would force them to give it up by legislation ?

A.—Yes.

Q.—How would you force them ?

A.—I would repeal the present rule and have a general electorate only. Let them take part in the general elections.

Q.—You will have common electoral rolls ?

A.—Yes.

Q.—There would be no provision in the common electoral rules even if the Muhammadans fail to secure a certain number of representatives ?

A.—No.

Q.—Do you understand my question ?

A.—Yes.

Q.—That is the system that you will advocate ?

A.—Yes.

Q.—So far as your province is concerned, you said the electorate or a large portion of it is not literate. Do you think that that electorate is capable of returning competent representatives to the legislature at present ?

A.—Yes, if my suggestion is accepted, then only competent people would stand.

Q.—I am speaking about the voters, not the candidates ?

A.—The electorate is being qualified and they are learning by mistakes.

Q.—Please answer my question. What is your opinion at present ? You have been an administrator for three years. I want to know from you whether your province has got electorates which are sufficiently qualified and able to return proper representatives to the legislature. That is to say representatives who would have sufficient calibre to carry on Government if responsibility is thrown on them ?

A.—That view was never placed before the electors. They always talked about Swaraj.

Q.—I am not asking about Swaraj or other political issues.

A.—I understand your point. What I mean is that they understand the view, the particular view which is placed before them and they are able to exercise their votes in favour of that particular view.

Q.—Then they can give an intelligent judgment ?

A.—Yes.

Q.—Never mind the present politics. What I want to know is can they exercise an intelligent judgment, the electors as they are ?

A.—On any definite political issue or on the consequences of their actions ?

Q.—Yes.

A.—I think I have made it quite clear in my note that they are not in a position to express any definite opinion on any political issues.

Q.—They are incompetent ?

A.—You may take it as you like. My note is there. What I have said in my note I have made very clear, that at present they are not in a position to pronounce any definite opinion on any definite political issues or to understand the consequences of what would happen if they returned A, B or C.

Q.—In that case do you advocate the transfer of all subjects ?

A.—Yes.

Q.—Why ?

A.—If there is any justification in transferring certain subjects, there is justification in transferring other subjects also. I attach more importance to the subjects which are at present transferred than to those which are reserved.

Q.—Then according to you if all the subjects were transferred, the legislature would be quite competent to carry on ?

A.—Yes, if the responsibility is thrown on the Legislature.

Q.—Then according to you the electors can send representatives who would be able to carry on the government satisfactorily ?

A.—Subject to that qualification.

Q.—What qualification?

A.—The qualification of the candidates.

Q.—Subject to this, that the candidate must have certain additional higher qualifications?

A.—Yes.

Q.—What should the candidates do? Pass an examination or should they have administrative experience?

A.—Administrative experience.

Q.—Who will decide whether they have administrative experience or not? It will be a qualification.

A.—If a man has served on a local body say for 3 years.

Q.—Who will decide that?

A.—That is what I am telling. If a man has served for a local body say for 5 years you can safely assume that he has got administrative experience.

Q.—Who is to assume?

A.—That is the test I would apply.

Q.—Do you mean to say that if his nomination is sent in he will save to say he has such and such experience? What qualification would you lay down? Let us have that first?

A.—That he should have worked as a member of a local body for 5 or 10 years.

Q.—One qualification would be that he should have been a member of a local body for 5 or 10 years?

A.—Yes, that gives you administrative experience.

Q.—Let us have all the qualifications?

A.—Then, certain educational qualifications, for instance a graduate of a University or a member of some learned profession.

Q.—He must be at least a graduate of a University?

A.—Or a member of the legal profession or medical or other learned profession. That is the educational qualification.

Q.—Anything else?

A.—Nothing else.

Q.—You will lay down two qualifications, one educational, that is to say he must have obtained some degree, or he should belong to certain profession, and further if he does not possess educational qualifications, he must have served for 5 years in a local board. Is that correct?

A.—Not in the alternative, but both together.

Q.—He must have served a local board for 5 years *plus* his educational qualifications?

A.—Yes.

Q.—And unless he has both, that would not be?

A.—No.

Q.—Under that scheme, will the Right Honourable Mr. Sastri be qualified as a candidate?

A.—I do not know.

Q.—Have you considered that?

A.—I do not know that. But cases of that kind must be rare. Hard cases do not make bad laws.

Q.—Have you considered how many will be excluded if you impose 5 years' service in a local board and also educational qualifications?

A.—If you will look at my note you will see that if the general principles are accepted it will not be difficult to frame rules. This will have to be examined further as I have said in my note.

Q.—Now, provided the candidates have certain qualifications, you think that your province is ready for complete provincial autonomy?

A.—That is my view.

Q.—You know that that requires a drastic amendment of the constitution?

A.—Yes.

Q.—Do you advocate the amendment of the constitution at once?

A.—Yes.

Q.—I do not quite follow your summary. Are you in favour of this system of dyarchy continuing if certain improvements and amendments are possible within the Act? Are you in favour of that?

A.—No, not at all. I am not at all in favour of dyarchy. It must be done away with.

Q.—Not dyarchy as it stands, but dyarchy *plus* this, that certain improvements are made, certain imperfections and certain defects are removed, such as several that you have pointed out. Supposing those defects were rectified, would you accept the system of dyarchy and work it?

A.—I would not accept dyarchy, No.

Q.—I want to know your opinion?

A.—I would not accept dyarchy.

Q.—And you would not work it? You think it will not work satisfactorily?

A.—No, it would not work. Past experience has shown that even if improvements are made it would not work.

Q.—Past experience has shown that even with all the improvements which you have suggested it would not work?

A.—No.

Q.—You were appointed a Minister?

A.—Yes.

Q.—When you were appointed a Minister, did you command a majority of the votes of the representatives in your council?

A.—It is too big an order for me to answer, but I believe that I did.

Q.—What did you find in practice?

A.—In practice except on one or two occasions it worked well.

Q.—I am not asking about the working. Your relations might have been very pleasant. Did you command the support of the representatives of your council?

A.—On the majority of the occasions.

Q.—To whom were you responsible really as a Minister?

A.—I considered myself responsible to the Legislative Council. But since I was appointed by the Governor, I had to consider myself responsible to the Governor also.

Q.—Then you were between the devil and the deep sea ?

A.—I have said so. It is quite clear in the note which I have written. I had to please two masters, the Governor and the Legislative Council.

Q.—You do not want to repeat that experiment ?

A.—No.

Q.—Do I understand this correctly ? So far as the transferred subjects are concerned, this is what you say in your summary : " If the distinction between " reserved " and " transferred " subjects is retained, then let the transfer be real and not nominal. The Ministers should not be mere advisers to the Governor but they must be real administrators responsible both for policies as well as for details." Responsible to whom ?

A.—To the Legislative Council.

Q.—Then do I understand from that when you say that the transfer should not be nominal that for all practical purposes it is the Governor who really has charge of these subjects ; neither the Minister nor the Legislature has a voice in the matter ?

A.—Yes, that is what I understand from the wording of section 52.

Q.—For all practical purposes it is the Governor who really runs these departments ?

A.—He is the ultimate authority.

Q.—As the ultimate authority the Governor runs the departments. The Minister is merely an adviser and the Legislature cannot do very much ?

A.—That is correct.

Dr. R. P. Paranjpye.—Q.—Rao Bahadur Kelkar, you spoke about electorates and you appear to be very strong about having a proper electorate. Do you think it is impossible to have a representative Government without having a very large electorate ?

A.—In the ideal sense it is perhaps not, but we have to go on. We cannot stop.

Q.—Perhaps you have read a little bit of history of England ?

A.—Yes.

Q.—And you can tell us whether in the earlier stages of representative government in England the electorates were so very vast ; before the Reform Bill of 1832, for instance, what was the proportion of the voters in England ?

A.—I could not give you the figures, but it was small.

Q.—You know it was very small ?

A.—Yes.

Q.—And that by successive Reforms Bills, the electorates have been greatly increased and it is only during the last 3 or 4 years that the electorates are 15 to 20 per cent. of the total population ?

A.—Yes.

Q.—So that you can conceive of cases where even if the electorate is comparatively small it is possible to have responsible government ?

A.—Yes.

Q.—You talked about communal representation and the depressed classes. Can you tell us from your experience of 3 years' working of the

Legislative Council whether in the councils any law has been passed or whether any resolutions have been passed which had special reference to the interests of the advanced classes and which were detrimental to the interests of the unrepresented classes ?

A.—No such law has been passed. On the contrary a resolution has been passed by the advanced classes which is in favour of the depressed classes.

Q.—I believe you were responsible for passing a Primary Education Act in the Central Provinces ?

A.—It was not in my time as Minister. But when I was an ordinary Member of the Council that Primary Education Act was passed.

Q.—But you were thinking of further extension of the Primary Education Act ?

A.—Yes. In fact, the rules under the Act were framed by me.

Q.—For whose interests these extensions were meant ? Were they in the interests of the people who were actual voters or in the interests of the people who were not voters ?

A.—They were in the interests of the masses.

Q.—That is to say, persons who were not ordinary voters ?

A.—Yes.

Q.—Particularly, for instance, they were in the interests of the depressed classes, seeing that they have the greatest amount of illiteracy ?

A.—They were in the interests of practically all the classes in the Central Provinces. Most of the classes, for instance, labouring classes and the agricultural classes, in the Central Provinces are illiterate.

Q.—Now let us come to another point. What is the proportion of the voters who can read and write ?

A.—You mean the proportion of 1,39,000 voters. It is very difficult to give the exact figure. I am not a mathematician.

(Mr. Chairman.—We have got this proportion in the Local Government's statement and we should take it to be correct.)

Q.—Don't you think that even with the small electorate the present tendency is to legislate in favour of the classes which they represent and not in favour of the unrepresented majority ?

A.—Not at all. On the contrary the tendency is more in favour of illiterate and the poor.

Q.—Although you appear to lay such great stress upon having a very vast illiterate electorate, it is not an insuperable difficulty for the moment ?

A.—For the moment it is not.

Q.—You think that the Councils will take proper care to see that the masses are educated and are brought up to the proper level. You think that it is possible to have a representative Government even with a comparatively small proportion of the population ?

A.—Yes.

Q.—Then I go on to your opinion about communal electorates. What proportion of population in the Central Provinces is Muhammadan ?

A.—The proportion is about 4 per cent. taking the Central Provinces and the Berar together.

Q.—What is the total number of elected members in your Council ?

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A.—54.

Q.—So that at this rate the proper proportion of Muhammadans in the Council ought to be about 2 to 3. Do you think it is possible to get at least this number of Muhammadan representation by means of general electorate ?

A.—It is possible.

Q.—What is the total number now of Muhammadan members ?

A.—Seven.

Q.—All of them are elected ?

A.—Yes.

Q.—None is nominated ?

A.—One is nominated.

Q.—And you do not think that there would be 7 elected ?

A.—There are seven Muhammadan elected members.

Q.—In the old Councils before the Reforms Scheme came into force, when there was hardly any representation, do you remember of any case in which any Muhammadan was returned as a Member of the Central Provinces Legislative Council ?

(Witness could not reply).

Q.—You have been very thorough in your opinion that there should be no communal electorates. So you would not even mind if there are no representatives of minorities. Don't you think it would a better state of things to have all classes represented in your Council ? I mean all interests should have, at any rate, a chance of being heard ?

A.—Yes, all interests but not all classes.

Q.—After all communities apparently in our country to a certain extent form interests, at least they have a tendency to form interests ?

A.—I do not know that.

Q.—Have you ever thought of an alternative by which, on a common electorate, it is possible to get these various interests represented by means, for instance, of multi-number constituencies or proportional representation or anything of that kind ?

A.—At one time I considered this question and I thought that the members of a particular community can be elected by a joint electorate.

Q.—At present we have one member constituency, and the majority will have their representatives. But suppose there are large constituencies electing 4 members. It is possible, for instance, for a number of voters slightly exceeding one-fifth to get a member to be their representative.

A.—Yes, it is quite possible.

Q.—It is absolutely certain that they will get a representative ?

A.—Yes.

Q.—There will be constituencies extending over three or four districts, but supposing we have.....

A.—I should like to have a clear statement of facts, before you expect me to reply to this question. We are rather confusing the real issue. Supposing there are several communities. Take the city of Nagpur for instance. There are several communities residing in that town. The

Brahmin community is in a minority there. But still at the last election it was the Brahmins who were elected there.

Q.—And no other ?

A.—No other.

(Mr. Chairman).—Q.—The proposal is that you should have a very large constituency returning 4 members in order to secure minority representation ?

A.—In the Central Provinces only one constituency is a plural constituency. All other constituencies are single man constituencies ?

(Mr. Chairman).—Q.—But if they were plural constituencies ?

A.—Then it will mean that you will have to put several districts together. I do not think that system will work well. It will cause confusion and will be very expensive.

(Mr. Chairman).—Q.—Such a constituency will be very large ; or, in other words, the Council will have to be very large ?

A.—Yes.

Q.—Now I shall ask you about your proposal for the qualifications of membership. All my other colleagues have also asked you questions about this subject. What do you mean by administrative experience ? Do you consider the experience on local bodies the only possible administrative experience ?

A.—Not necessarily.

Q.—I suppose your experience as a Director of Co-operative Societies would be supposed to be an administrative experience ?

A.—Yes.

Q.—Would you consider a man like myself who is the head of a college to have administrative experience ?

A.—I do not know what administrative experience you have had.

Q.—Would you consider a large landholder who is managing an estate which brings him an income of, say, Rs. 25 lakhs a year to have an administrative experience ?

A.—No. I will not consider him to be a good administrator because he administers the affairs of an estate which yields him an income of 25 lakhs of rupees per annum. This sort of experience is quite different from the experience of administering public affairs.

Q.—You would therefore practically confine your administrative experience to an experience on local bodies ?

A.—I do not say that at all. As a general statement I would say that the working on various public avenues that are at present open to Indians is an administrative experience.

Q.—What other public offices would there be ?

A.—The Co-operative Societies and the local bodies. That is all I can think of just at present.

(Sir Muhammad Shafi).—Q.—Retired District officers, for instance ?

A.—Yes.

Q.—So according to you the holding of a Government post would be an administrative experience but the managing of a college would not be ?

A.—I have never said that.

Q.—You suggested that Ministers should not be really practically nominated by the Governor but the Legislative Council should have something to do with their appointment. Your suggestion was that they should be appointed out of a panel. What do you think of a proposal like this. The Governor may first of all nominate the Ministers, but as soon as they meet their Legislative Council for the first occasion the first motion that should be placed before the Legislative Council should be a motion of confidence in the Ministers?

A.—It comes to the same thing.

Q.—If they do not get this vote of confidence they should immediately resign?

A.—If a vote of confidence is passed then it is distinct evidence of the fact that the Ministers do enjoy the confidence of the Council. But if the Council sits quiet and does not pass either a vote of confidence or a vote of censure, then we may assume that the Ministers do enjoy the confidence of the House.

Q.—You have further considered that the three years period is too small a period and that you want the duration of the Council to be extended to five years?

A.—Yes.

Q.—What is your particular reason for it? Is it because the Executive Councillors are appointed for a period of five years?

A.—Yes, that is one of the reasons. The other reason is that the Ministers do require some time to understand the administrative machinery and if they want to make any radical changes or some substantial changes they must have time. They do require some time to consult public opinion and to gain the confidence of the public.

Q.—Your idea is that if they pass any measures in the third year they would like to put them into actual practice in the next two years if they are getting on well with their Council.

A.—Yes. At present however the Ministers do very little in their third year because they are busy with their own election.

Q.—What was your experience of Council Secretaries in the Central Provinces?

A.—I have already mentioned in my note that my experience about Council Secretaries is not quite hopeful.

Q.—Then why do you advocate the retention of the Council Secretaries?

A.—The reasons given for their retention are quite different. I think if proper remuneration is given to the Council Secretaries they would be very helpful.

Q.—What were they paid in your province?

A.—In the beginning the pay was fixed at Rs. 250 a month each. This was afterwards reduced to a handsome figure of Rs. 2 per diem. You cannot expect a business man or an intelligent man to work as Council Secretary for this sum.

Q.—You make a great point of the fact that Ministers were not taken into confidence with reference to reserved subjects and still Ministers had to suffer unpopularity. Can you suggest any remedies for this?

A.—There should be general consultation.

Q.—Were you shown all the papers with regard to reserved cases?

A.—No.

Q.—So whenever you were asked for your opinion in a Cabinet meeting about reserved subjects you had to give it on the spur of the moment?

A.—In some cases we were shown the files.

(Mr. Chairman).—Q.—When there was a joint meeting, were you shown all the papers with regard to the joint meeting?

A.—Yes.

Q.—But if you wanted some other papers could you call for them?

A.—No.

Q.—If a case was to come before you and suppose you wanted some further papers to study that case, could you call for those papers?

A.—Not, unless it had direct connection with some case which was pending disposal before a Minister.

Q.—Did you take any steps to get over this unpopularity naturally attending upon your position? You were considered to be a mere Government man and therefore you practically lost the character of a representative in the eyes of the public. Did you tell the people that you were not responsible for these things and so on?

A.—No, I could not tell them that.

Q.—Why could you not? You could easily tell them?

A.—I took it that it would be a breach of faith on my part to expose the other half of the Government.

Q.—You could tell them, according to the constitution, this is a reserved subject and you are not responsible for it?

A.—The natural question would be, "What did you do to influence the policy of the reserved half of the Government?" Then I would have to tell them I did so and so in the Cabinet; my opinion was so and so, but the other half did not mind me. That is giving away the whole case.

Q.—You have mentioned that Ministers cannot record minutes of dissent. What is the use of recording minutes of dissent? There are certain cases which come before Government which belong to both sides, in that case did you ask for permission to record your minutes of dissent?

A.—Yes.

Q.—Was it given to you?

A.—No.

Q.—If there were certain communications from the Government of India about questions of policy which might be considered at a joint meeting, say, for instance upon the general question of the political situation or the general advance of the Reforms, or things like that, was your opinion taken? You gave your opinion?

A.—Yes.

Q.—Did you ask that your opinion be forwarded to the Government of India?

A.—Not on those occasions.

Q.—Would it be allowed if you asked ?

A.—No. In one case I did it and I was told I had no right to do it.

Q.—You were told you had no right to send your opinion to the Government of India ?

A.—Yes, or to record it.

Q.—Did you at any time exercise your right to abstain from voting on any reserved question ?

A.—No, I did not exercise that right.

Q.—But you had that right in the Legislative Council ?

A.—There was a difference of opinion on that point, and we always took the view that to remain absent from voting practically meant that we differed from the Executive half.

Q.—You did not vote against each other, but you could abstain from voting, but you never exercised that right ?

A.—No.

Q.—Why did you not ?

A.—For this reason : I did not want to expose the other half of the Government. I was very loyal to the other half of the Government.

Q.—What were your relations with the heads of departments generally ? So far as the impression made by your note is concerned, the relations between the heads of your departments and the Secretaries were not very cordial ! They tried to get round you somehow or other ! Was it a racial question ?

A.—No, I do not think so.

Q.—In regard to questions of services in which European members were concerned ?

A.—No I do not attach any racial importance to that question ; but probably they thought this is a new man who was practising at the Bar for some time and has had no administrative experience, and why is he so very assertive.

Q.—So they were rather jealous of your going over their heads all of a sudden ?

A.—No, I do not say jealous.

Q.—They did not reconcile themselves to that position of a pleader coming in over their heads ?

A.—Probably they thought I should abide by their advice, but I do not think they were jealous.

Q.—You used to be overruled by the Governor in points of detail ?

A.—Yes.

Q.—Did you represent to His Excellency that being overruled in points of detail in this manner undermined your position very much ?

A.—Yes.

Q.—And that your position really became very undesirable ?

A.—Yes, I represented it.

Q.—You say that even in postings you were over-ruled. Did these files about postings come to you ?

A.—Yes.

Q.—And you made your minutes and your opinion was not accepted generally ? The Governor took his own point of view ?

A.—Yes.

Q.—You think this is one of the great drawbacks of your position ?

A.—That is one of the drawbacks, whether it was great or small I cannot say. But for the Governor to interfere in details is not, I think, a very desirable position.

Q.—What is your settled policy which you mention in regard to the services in paragraph 66 ?

A.—It is only in one class of cases that there was a settled policy.

Q.—You mean settled policy on the part of the Government ?

A.—Yes. My proposals with regard to pensions, etc., were generally upset, except in one or two cases.

Q.—Did you give any reason for this upsetting of these proposals ?

A.—Yes.

Q.—Can you give us one or two instances of this ? I want to know on what grounds it was, I do not want any names. Suppose you suggested that a man should be posted to one particular division in the Educational Department ?

(Mr. Chairman).—If you prefer to give this evidence in private, Mr. Kelkar—(to Mr. Paranjpye) Do you wish to press the point ? Don't you think we had better have that in private ?

Mr. Paranjpye.—Yes, I quite agree.

Q.—You refer to the Finance Department and say in regard to loans that they would only sanction any loan which was for a remunerative purpose ? Don't you know that there is another clause to that, that if you were to establish a sinking fund for the loan, then, even if it was not remunerative, such a loan would be allowed ?

A.—Yes.

Q.—If you had a sinking fund to get rid of that loan in a short time and pay the interest from your budget, the loan would be allowed. Have you made a proposal like that ?

A.—I am not quite clear about that rule.

Q.—Look at rule 2 (a) sub-clause (ii) " If the project appears to the Governor General in Council unlikely to yield a return of not less than 6 per cent. arrangements may be made for the amortization of the debt." Had you made a proposal like that ?

A.—My proposal was that provision should be made for redeeming this loan out of the revenues.

Q.—From your own budget ?

A.—Yes.

Q.—But still it was not sanctioned ?

A.—No.

Q.—Then in paragraph 121 where you say you had some controversy with the local Home Member, did you call for a joint meeting on that occasion ?

A.—There was no occasion to call for a joint meeting ; everything was done beforehand.

Q.—Could you call for a joint meeting under the rules ?

A.—I think the Ministers can.

Q.—Had you any occasion to call such meetings ?

A.—We did suggest it and the Governor did call for a joint meeting.

Q.—Is there any provision in the rules ?

A.—I have not been able to find it.

Q.—It is only a favour of the Governor ?

A.—I do not know if it is a favour or an unwritten right of Ministers.

Q.—Do you think the method of appointing two Ministers independently of each other is the better rule, or having one Chief Minister and asking him to appoint colleague ? Which of these two things would you recommend, either in the present dyarchy or even if dyarchy is done away with and local provincial autonomy is given ?

A.—That means the Chief Minister would be the boss of the other Ministers ? I think the position would be intolerable in that case. I would not like to work it.

Q.—You know in Madras there is a Chief Minister and he gets his colleagues ?

A.—That means the Governor sends for the man who represents the party in power and asks him to select his Colleagues. There is no objection to that. But if you say the Governor should in the first instance appoint a man as Chief Minister and then delegate to him the power of appointing his other Ministers, I think it would be open to some objection.

Q.—That would be a Cabinet. The Prime Minister is responsible for that Government and the whole Cabinet will go if any proposal sanctioned by the whole Cabinet is rejected by the Legislature ?

A.—But what do you mean by Chief Minister ? It means the other Ministers would have to act under and be subordinate to the Chief Minister ?

Q.—Their policy would have to be discussed together ?

A.—What are the functions of the Chief Minister ?

Q.—The Premier in England, what are his functions ? The same functions. One man should be asked to form his own cabinet.

A.—That means the Governor must consult the wishes of the Council.

Q.—You do not believe in the appointment of a Chief Minister or Premier ?

A.—No.

Q.—If you were asked to form the Ministry ?

A.—That is another thing.

Q.—In that way don't you think it would be possible to command always a majority in the Council, if one man selects his colleagues from such groups, that each group would command a certain number of votes and the total of those votes would be a majority in the Council ?

A.—You must appoint such number of Ministers as there are communities in the Council.

Q.—Not necessarily, but sufficient to command a majority. Suppose there are four or five groups, three would command a majority, and the Ministers should be taken from those three groups, provided they have a majority of votes in the Council ?

A.—Practically it comes to the same thing that we have to consult some of the leading members of the Council.

Q.—I would say the Governor should not consult leading people ; he should only take such men as he is able to make up his Cabinet with to command a majority in the Council. You do not agree with that ?

A.—I am not in a position to disagree with you at present because I have no practical experience of it.

Q.—Now, when you accepted your position as Minister you had certain ideas about the working of dyarchy, about the good you would be able to do and the methods in which you would work. Do you think those ideas were fulfilled during your experience of office ?

A.—That is a very general question.

Q.—I just want your general feeling only.

A.—I had certain ideas, and I have said that so far as policies were concerned I was able to go through those ideas.

Q.—Do you think even under the present rules if there had been a different spirit animating those rules in the minds of the Governor or the bureaucracy, this dyarchy would have shown better fruits ?

A.—I don't know. I cannot say. It is a very difficult question to answer ; it is very difficult to read the minds of people, what is at the back of their minds. We can only judge them by outward actions.

Q.—I mean what is your impression ?

A.—I don't think it would have worked well.

Q.—You don't think under the best circumstances dyarchy would have worked properly ?

A.—I don't think so.

(Mr. Chairman).—Q.—Although you were able to carry out your general policy ?

A.—Yes.

Q.—That is all. I merely wish to obtain a clear answer.

Sir Tej Bahadur Sapru.—Q.—Before you became a Minister you were known in the Province as a very keen worker in the cause of the Co-operative movement ?

A.—I hope so.

Q.—You were a Governor ?

A.—Of the Co-operative Federation, yes.

Q.—Now your work under the Co-operative Federation brought you into very direct and close touch with the village people ?

A.—Not only as a Governor but also as a worker in a bank. I was director of a bank.

Q.—Now when you were in this co-operative movement for a number of years and made an appeal to the villagers, were they able to appreciate its benefits ?

A.—Appreciate the benefits of the co-operative movement ? Yes, they were.

Q.—And do you think your work in that sphere had some educative effect on the general public so far as co-operation was concerned ?

A.—Yes.

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Q.—Now when the Primary Education Bill was passed in the old Council in 1920 was that Bill a Government measure or was that Bill really a private member's measure ?

A.—A Government measure.

Q.—Now was there any opposition to that Bill in the old Council ?

A.—No, there was no opposition to the Bill. The general principles were accepted, but the non-officials wanted to improve it further.

Q.—Further than the Government went ?

A.—Yes.

Q.—In what way did the non-officials want to go further ?

A.—I was the person who moved a number of amendments.

Q.—Will you just give us a general idea ?

A.—Well, in the first place, my idea was it would not be safe in the present state of things to leave primary education only to the local bodies ; the Government must reserve to itself certain rights of forcing local bodies to introduce primary education.

Q.—Were you an advocate of compulsion ?

A.—Yes, that is, compulsion not only on the parents to send their children to school but compulsion on the local bodies to introduce compulsion.

Q.—That was your view ?

A.—Yes.

Q.—And the Government were not prepared to accept your view ?

A.—They were opposed to it.

Q.—Then when you came into office as a Minister and had to work it, were you able to give effect to your policy of compulsion more or less so far as primary education was concerned ?

A.—It could not be done because before I came into office the rules under the Act were not framed. The rules had to be framed and explained to the local bodies. The financial position had to be considered and before that was done I could not think of compulsion, because as soon as I thought of compelling the local bodies the local bodies would at once ask me for some financial support and I had no money.

Q.—Now you were in charge of primary education for three years. Will you please tell the Committee what was the state of primary education when you took office and what was the state of primary education when you came out of office ?

A.—So far as attendance at the schools was concerned the state of primary education in the province taken as a whole was much better when I accepted office. The reason was that on account of the Non-co-operation movement several children were taken out of school and it took some time to induce the parents to send them back to school. It was not due to the Minister or to dyarchy or the Legislative Council or the form of government. Non-co-operation was entirely responsible for the falling off.

Q.—Did the numbers go up again ?

A.—Yes, it has risen now.

Q.—Did you multiply the number of schools, primary schools, I mean ?

A.—There was no necessity because many of the existing schools were empty—on account of the Non-co-operation movement.

Q.—And with regard to secondary education, what was the state of things in your province ? Were you in charge of that ?

A.—Yes, I was in charge of secondary education also.

Q.—What was the state of things in your province ?

A.—There also if you look at the numbers there was a falling off in the numbers on account of the Non-co-operation movement.

Q.—But there was an upward tendency again when you left office ?

A.—Yes, in fact in some cases admission had to be refused ?

Q.—Towards the end of your official career ?

A.—Yes, in some high schools.

Q.—Why ?

A.—For want of accommodation and the boys had to go to some other schools.

Q.—You were responsible for the establishment of the Nagpur University ?

A.—Yes.

Q.—And also the High School Education Board ?

A.—Yes.

Q.—On the lines recommended by the Sadler Commission ?

A.—Yes.

Q.—And were you able to find the money for the University in your Province ?

A.—No, I did not like to wait for the money. Money would come afterwards. My first duty was to establish the University and leave it to the people to find the money.

(Sir Muhammad Shafi).—Q.—Did you actually originate the proposal for the establishment of the Nagpur University ?

Q.—Were you the author of the idea of a University there or did you borrow the idea from somebody else ?

A.—We had been thinking of establishing a University in the Central Provinces for some time.

(Sir Muhammad Shafi).—Q.—Or did you not merely carry out a proposal which has already been sanctioned by the Government of India ?

A.—Well, I do not remember exactly but the proposal for establishing a University at Nagpur had been under consideration for some time—20 years.

(Sir Muhammad Shafi).—Q.—Do you remember that the non-official representative of your province moved a Resolution in the old Imperial Legislative Council before the introduction of the Reform scheme when I was Member in charge of Education and the Government of India accepted the Resolution ?

A.—Yes, I remember that. That is what I say. The scheme had been under the consideration of Government for nearly 20 years.

Q.—But you were able to initiate the measure. Whether the Government of India favoured it or not the fact is you were able to establish the University and you held yourself financially responsible ?

A.—Yes.

Q.—You held yourself financially responsible for the measure and your measure had to come up in the ordinary way as a Bill to the Government of India for sanction?

A.—Yes.

Q.—Well, now I should like to put you a few questions with regard to the depressed classes in your province. Will you please tell the Committee what is exactly meant by the expression "depressed classes" in your province; who are the people comprised in that phrase?

A.—Almost all the aborigines—the *Gonds*, the *Baigas*, the *Mahars*, *Chamars* and *Mektars*—all untouchables, as they are called.

Q.—What about the *Tellis*?

A.—Some are, some are not. The *Tellis* and the *Bharais* or carpenters are included in that category.

Q.—Now with regard to these depressed classes will you please tell the Committee what is the general feeling of the principal classes of the Indian community in your province?

A.—It is generally in favour of elevating the depressed classes.

Q.—Is that feeling confined to any particular section of the community or is it general?

A.—It has become general now.

Q.—Very well, I understand that there was a Resolution moved in your Council with regard to the depressed classes being allowed the privilege of drawing water from common wells.....

A.—And also for using sarais in common with other people.

Q.—Now will you please tell the Committee who moved that Resolution?

A.—A member of the depressed classes.

Q.—Then what was the attitude of the Brahmins who were members of your Council towards that Resolution?

A.—Well, I was placed in charge of the Resolution—I accepted that Resolution.

Q.—You are a Brahmin?

A.—Yes.

Q.—You accepted the Resolution and it was carried?

A.—It was carried in the Council.

Q.—Now, what was the state of voting in your Council.

A.—There was no dissenting vote.

Q.—Now let me tell you I have read references to it in the press in England saying it was the Brahmins who destroyed that Resolution, and a very eminent member entered into a controversy with me over his own signature. You were the Minister in charge and you are prepared to say that that Resolution was accepted and supported by the Hindus. Were there any dissenters from that Resolution?

A.—One or two dissenters I believe there were.

Q.—Who were they?

(The Chairman here suggested that the proceedings of the Central Provinces Legislative Council with regard to that Resolution might be circulated to the Committee.)

A.—If it is permissible for a witness to volunteer any information, I may say something in connection with it. That Resolution was passed but some members of the Government were opposed to it—not the Brahmin members but other members of the Government.

Q.—Were they Indians or Europeans?

A.—Not Indians. And they put it to me in this way.—If this Resolution is accepted by Government or not opposed by Government, then there will probably be a breach of the peace, so in the interests of maintaining peace and order it would be proper not to accept the Resolution.

(Mr. Chairman).—It was not opposed on the ground of caste feeling but merely on the ground that it would lead to trouble?

(Dr. Paranjpye).—But you were prepared to face that trouble?

A.—I was prepared to face that trouble. I said let it come once: we must have it because without breach of the peace we cannot have any reforms in this direction.

Q.—I do not subscribe to that, but of course, the witness is at liberty.

A.—I was responsible for the view that there would be no breach of peace. I was sure there would be no breach of peace.

Q.—Was there in fact any breach of peace after that?

A.—No. On the contrary, I see now that some of the municipal committees have taken up that resolution very seriously, and they have also issued *ishtihars* or proclamations in their own towns prohibiting people from preventing these depressed classes taking water from the wells or using the *serais*. Another thing is that immediately afterwards, that was probably in the month of October 1923, the Jagat Guru Sankaracharya came to Nagpur and delivered a public lecture there in the course of which he said that Central Provinces Legislative Council had done the best thing.

Q.—Am I right in assuming that so far as your province is concerned it shares the general feeling among the Hindu community in this country now in favour of the depressed classes?

A.—Yes.

Q.—May I draw your attention to a speech made as recently as 21st July last by your Governor on this question. I will only read two or three sentences. In reply to an address presented by the *Mahars* His Excellency said, "From your address I think that your views regarding the future of your community are unduly pessimistic. During my long service I have seen a great advance among the depressed classes—an advance to my mind greater than has been made by any other community within the same period. I have known individuals of the *Mahar* community rise to positions of importance and wealth and I find them taking part in the trade of the country, and some of the most important contractors are *Mahars*. Your education is increasing rapidly, and I find a demand amongst *Mahars* for facilities for primary education....". He also refers to the appointment of a *Mahar* as a Naib Tahsildar. Do you generally agree with His Excellency with regard to the *Mahars* in the province?

A.—Yes.

Q.—Do you?

A.—Yes.

Q.—Leaving aside the *Mahars*, I will take the case of the *Chamars* in your province. What is the state of things in regard to the *Chamars* in your province? Are they making any progress?

A.—Not as much as *Mahars*.

Q.—But are there any strong prejudices against them also now?

A.—No.

Q.—Will you please tell us what is the position with regard to the aborigines in your province—the *Ghonds*, the *Bhils*?

A.—There was never any religious prejudice against them. They were not considered to be untouchables, they were never considered to be so. Although as regards some of the castes like *Powars* who refused to take water brought by them, still I do not think that there was any serious objection, on that score. They were never regarded as untouchables.

Q.—With regard to the admission of these people into the temples what is the position in your province?

A.—In the temples there is some objection—in private temples.

Q.—In regard to public temples?

A.—There are no public temples in the Central Provinces, i.e., temples built and maintained out of public revenues.

Q.—In regard to the temples, I suppose, you as a Hindu know that there are certain castes which are not untouchables and which do not belong to the depressed classes, which too would not be allowed admission in certain classes of temples?

A.—That is a fact.

Q.—I am talking of the Hindu community.

A.—Yes.

Q.—A man may be a non-Brahmin and he may not be a member of the depressed classes, he may not be a member of the untouchable classes, and yet he may not be allowed admission into a certain temple?

A.—Yes.

Q.—And that would not by any means imply any social degradation in the eyes of the Hindu community?

A.—No.

Q.—Or any one else's eyes?

A.—No.

Q.—Therefore, am I right in assuming that you can look forward to the future of the problem of the depressed classes and untouchables with hope in the near future in your province?

A.—Yes.

Q.—And can you say from your knowledge as a member of the Government that there was any resolution passed or anything done by members belonging to the upper classes of the Hindu community in your council which was directly detrimental to the interests of the depressed classes?

A.—None to my knowledge.

Q.—I will now pass on to the Muhammadans in your province. You said that you would not favour any separate electorate, but I suppose you will agree with me that generally it is a sound principle that if there is

a minority that minority in the constitution should receive adequate protection. I am not talking of the ways and means by which it should be done. You do not take exception to that general principle. If there is a minority which feels that it should receive protection, it should receive protection. I want you to say whether you agree with me in that principle as a general proposition. Suppose in a particular country there is a minority which says that its interests require protection; then do you agree with the principle that it should receive protection, or do you think that the minority should receive no protection. I am not talking of the ways or means. With that I will deal later. Do you think the principle is sound or unsound?

A.—I think it is unsound for this reason. That means that the minority suspects the other people. There is the element of suspicion and I want to do away with the element of suspicion.

Q.—Now, Mr. Kelkar, supposing the Muhammadans of India were to tell you that the only condition on which they can come into line with you towards any scheme of reforms is that they must get their interests, whatever they may be, adequately protected, and if you are not prepared to guarantee that protection to them they would not only withhold themselves from your scheme but they would actively obstruct you. Would you rather that they obstructed you, or would you rather make a concession or whatever you may call it, in their favour so as to get along? I put to you that proposition.

A.—I would be prepared for the latter contingency. That is to say, I would be prepared to forego all these reforms because I do not believe in these reforms and in these councils which are divided into communal compartments.

Q.—Then you would not on any account make any concession in favour of any minority?

A.—No. If you make a concession in favour of one community, you will have to do it in the case of other communities too. A feeling of suspicion arises.

At this stage the Committee adjourned till 10-30 A.M., on Monday, the 11th August 1924.

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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.
Examination of Mr. Kelkar—(continued).

Sir Tej Bahadur Sapru—(contd.)—Q.—Mr. Kelkar, the last question that I put to you was about communal representation. Now, am I to understand that the views, which you expressed on this question on the last occasion, are your individual views or whether those views are the views of the Hindu community in the Central Provinces at large?

A.—I have expressed them as my individual views and based them on such experience as I have been able to get during the last 3 years.

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A.—I have expressed them as my individual views and based them on such experience as I have been able to get during the last 3 years.

Q.—But what I want to know is whether the Hindus at large, at any rate the political classes of Hindus at large, do share your views generally speaking in the Central Provinces ?

A.—As a matter of principle they say that my view is entirely sound, but as a matter of practical politics or expediency they say that it ought not to be pressed just now.

Q.—And when you expressed your views with regard to the Hindu Muhammadan problem on the last occasion had you the Central Provinces mainly in view or did you take into consideration such provinces as, say, the United Provinces, the Punjab or Bengal where, you will agree with me, the problem is really acute ?

A.—I have heard that the feelings in the other provinces is rather more acute than in the Central Provinces, but what I say is that the poison spreads to other provinces. If it is acute in one province, it spreads to other provinces also, and then it becomes very difficult to resist.

Q.—But what I wanted to make clear was as to whether you would enforce your views only with regard to the Central Provinces or whether you would enforce your views with regard to the rest of India ?

A.—I do not know if I have got power to enforce my views.

Q.—If you could ?

A.—If I can, taking that as a hypothetical case, I think I can enforce it without offending the feelings of the Muhammadans in the Central Provinces.

Q.—You will perhaps agree with me, or you can say that you do not, that in any scheme of political advance in this country the basis of it must be Hindu Muhammadan unity.

A.—It is absolutely necessary that there must be Hindu Muhammadan unity. There must be unity not only between Hindus and Muhammadans but between all the communities. That is absolutely essential.

Q.—And if it should so happen that any particular community at the present moment, take for instance the Muhammadans, think that that unity can be promoted in a particular way, such for instance as their representation by special electorate, would you oppose the promotion of that unity in that way ?

A.—I would not do anything that is likely to oppose the progress of unity, but I believe that my method is the better of the two.

Q.—You prefer your method, but you would not oppose the other method if you think it would lead to unity ?

A.—Oh “if you think”, but I do not think so.

Q.—Any how you are quite clear about your views in this matter ?

A.—Yes, and I think that although in the beginning there might be some troubles, in the end we shall be able to square up if we act conjointly. That is my individual view. On the contrary I believe that the opposite method, the other method suggested by those who are certainly more competent than myself—I am nothing in comparison with them—will lead to many troubles ; and I find in practice that this feeling for communal representation, for increased communal representation, is spreading to a very

dangerous extent. If you will permit me, I will not take up a very long time, I will place before the Committee what has come to my knowledge. And if in spite of what has come within my knowledge and if it is a fact that the members of the Committee desire to take an opposite view, then I shall certainly abide by whatever the decision the other people may give. I will not revolt against it. But I must place before the Committee the experience that I have had.

(Sir Muhammad Shafi).—Q.—Don't you think that in the existing conditions—and I am only speaking of the existing conditions—mixed electorates furnish the periodically recurring cause of friction between the two communities ?

A.—I have been hearing these expressions “existing conditions” and “present conditions” since a very long time, but I do not know when these conditions are likely to change.

(Sir Muhammad Shafi).—Q.—Under the existing conditions don't you think that mixed electorates furnish the periodically recurring causes of friction and the result is that bitterness is continued ?

A.—That is what I was going to explain. My contention is that the present state of things is brought about by the rules framed under the Govt. of India Act. It is these rules that have in a way given impetus for claiming more and more communal representation. Not only in the representative institutions such as the legislative bodies but also in the local bodies this feeling is noticed. In the Central Provinces, for instance, we have had the representative institutions for more than half a century. We have never heard of communal representation. If you will look at the Acts and the Rules framed under the various Acts you will find that we have never heard about these communal representations at all until only very recently. When I introduced the Central Provinces Municipal Bill an amendment was sent in for the first time that there should be communal representation. I opposed it. Then take the Nagpur University Bill. Besides, I fail to understand what has education got to do with communal representation.

(Mr. Chairman).—I think we have heard your views sufficiently on this point.

Q.—I will not examine him further on this point. Mr. Kelkar, in reply to certain questions put to you by certain of my colleagues you said that you would like to raise the standard of qualification of the candidates who stood for election and that you would insist upon a certain amount of administrative experience on their part and you would also probably insist on certain educational qualifications. May I point out to you that this view of yours is open to the obvious criticism which is sometimes levelled that it will create an oligarchy in India.

A.—I have said so in my note. It is open to that criticism. But when I wrote my note I had in my mind certain speeches made very recently by persons who now hold responsible positions under Government. It was on account of these speeches that I was induced to place this view before the Committee. I know that there are certain difficulties in the way of framing rules. For instance, who should be considered a competent man for the purpose of election ? But that difficulty can be got over by devising some means. But supposing if we retain this communal representation.....

Q.—I am not talking of communal representation....

A.—But this communal representation has direct connection with this. I had finished with it for the present, but it has got a direct connection with this suggestion of mine also.

Q.—My point is this. Suppose you are told that this suggestion of yours would lead to the concentration of political power into the hands of a few. Would you fight shy of that situation?

A.—I may at once say that I would like to draw your attention to my note in which I have recognised this difficulty. But I want to place before the Committee the other difficulty.

Q.—My question is a very simple one?

A.—It is open to that criticism and I have said so in my note.

Q.—Supposing political power were passed into the hands of what are called the educated classes, I put it to you whether you would have sufficient confidence in their patriotism and in their unselfishness to deal with their uneducated men fairly and properly?

A.—If they are not unselfish then they are not educated.

Q.—Have you sufficient confidence in them?

A.—Yes.

Q.—Do you think that they will be able to appreciate the feelings and sentiments of their uneducated and poorer fellow-countrymen much better than the present system allows the administrators to do?

A.—Certainly.

Q.—Coming now to the question of dyarchy. If you were asked to say whether in your opinion, taking everything into consideration, dyarchy has been a success or failure, what would be your answer?

A.—Failure.

Q.—Would you say that dyarchy has been a failure because of the circumstances in which it was introduced or because of some of the inherent defects of dyarchy?

A.—There are inherent defects in dyarchy. And what are the circumstances, they should be enumerated.

Q.—For instance, it is said that it was introduced in an atmosphere of political hostility and at a time when there was considerable excitement in the country and that it was not given a fair trial. What would be your answer to that?

A.—Even if it was introduced in a favourable political atmosphere I maintain that it would have been a failure. Men like myself entered into the Councils in spite of non-co-operation and in spite of the political feeding in the country; we did not meet with any political opposition from the non-co-operators as such. Still we could not work the system of dyarchy successfully.

Q.—Therefore, I take it that your view is that there is a serious inherent defect in the constitution?

A.—Yes.

Q.—You would probably treat it as a sort of incurable disease?

A.—Yes. If I were a Doctor I would treat it as an incurable disease.

Q.—If you think that dyarchy is an inherent defect in the constitution, would you end it or mend it?

A.—We cannot mend it without ending it.

Q.—Therefore, you would kill it?

A.—Yes.

Q.—Now, having done away with dyarchy, which you consider to be a very serious defect in the constitution, what would you give us in its place?

A.—Full responsible government in the provinces. I would also do away with the distinction between the transferred and the reserved subjects.

Q.—Would you please inform the Committee whether you can give effect to your desire for full responsible government in the provinces under the present Government of India Act?

A.—No.

Q.—Supposing you were told that it was possible to frame certain rules or regulations consistently with the Government of India Act as it is at the present moment and that the effect of these rules and regulations would be to remove many serious defects, if not all, that exist in the present system, would you be satisfied with that?

A.—No, because the defects may be removed in the working by means of rules, but you cannot remedy the inherent defect.

Q.—When you talk of responsible government in the Provinces, do you suggest that you would have no control of the Government of India otherwise it would not be responsible?

A.—Yes.

Q.—That is to say, you would not have any control of the Government of India over the provinces?

A.—Yes.

Q.—But what about the control of the Secretary of State?

A.—Then we will have nothing to do with the Secretary of State. If we do away with the immediate control we must necessarily also do away with the higher control.

Q.—May I draw your attention to section 19A of the Government of India Act? Will you please read it carefully? (The witness read the section). Now under section 19A, it would be open to the Secretary of State in Council by rule to regulate and restrict the exercise of the powers of superintendence, direction and control vested in him in such a manner as may appear necessary or expedient in order to give effect to the purposes of the Government of India Act, 1919. Suppose the Secretary of State frames certain rules regulating and restricting the exercise of that power, would you look upon that state of things as amounting to provincial autonomy or full responsible government?

A.—What sort of rules will he frame?

Q.—Supposing he lays down rules generally restricting and regulating the exercise of the power of superintendence, direction and control in every matter?

A.—Those rules must be consistent with the purpose of the Act. He cannot frame any rules inconsistent with the purpose of the Act and the main purpose of the Act is dyarchy and secondly there must be Secretary of State's control, which means ultimate responsibility of Parliament.

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This section may appear to be somewhat self-contradictory because in the first part of the section it is said that notwithstanding anything contained in this Act, etc., and the latter part of that section says that the rules must be framed to give effect to the purpose of this Act, the inconsistency is apparent than real. What is meant is that the relaxation must not exceed the purpose of the Act.

Q.—At this stage will you please go to Section 131. It says "Nothing in this Act shall derogate from any rights vested in His Majesty, or any powers of the Secretary of State in Council, in relation to the Government of India." How would you reconcile section 131 with section 19A.

A.—As far as I understand the Secretary of State is responsible to the Parliament and he must frame such rules as are consistent with section 131.

Q.—Am I right in understanding your position to be that even if the Secretary of State desires to restrict his control or regulate his control under section 19A, he could not devise means under the present system?

A.—No.

Q.—Then I suppose you have read the exposition of this matter by Sir Malcolm Hailey in his speech delivered in July 1923?

A.—Yes.

Q.—Am I to understand that you agree with Sir Malcolm Hailey's views? Here is his speech in the Legislative Assembly's Debates.

A.—I think it has the same effect as the view I have expressed just now.

Q.—You agree with Sir Malcolm Hailey's views?

A.—Yes, on the interpretation of the law.

Q.—If that view of Sir Malcolm Hailey is correct, then I take it your position is that a mere amendment of the rules or regulations will not give you what you want, namely, responsible government in the Provinces?

A.—No.

Q.—Do you think your Province could be run successfully on those lines, that is if you had responsible government, you could manage it?

A.—I am quite confident of that.

Q.—Do you think you have a sufficient supply of men in your Province who could run every Department of the administration successfully?

A.—I think so.

Q.—But what about the electorate? Do you think the electorate would be able to exercise sufficient control over its representatives, supposing there were full responsible government?

A.—I think so; if there is responsible government, then there will be less irresponsibility, and if any mistakes are committed by the Members or the Ministers, then surely the people will take care of themselves and see that such mistakes are not committed afterwards. Every elector may not be able to do so, but as a body, and under somebody's guidance, they will surely be able to do so.

Q.—What I want you to tell the Committee is whether in your opinion, the electorate is sufficiently intelligent, I will not say educated, to appreciate the nature of the administrative problems which really arise in the administration of a province. Take, for instance, your own Department, the building of a road or the establishment of a school or hospital?

A.—Things like that they can understand very easily. The police administration they can understand very easily.

Q.—What would be their attitude with regard to law and justice?

A.—They would surely like to maintain law and order.

Q.—Do you think that the average elector in your Province has any correct appreciation of the issues involved in the administration of law and justice?

A.—Certainly they have. Even an illiterate rustic knows his property is secure if there is peace and order.

Q.—And occasionally he does indulge in a riot?

A.—When he is put up by some people, not otherwise. The general idea is that his property is safe when there is peace and order, that is the general impression. I leave out of account abnormal times and circumstances, but I take into consideration only normal times and circumstances, and in these times even an illiterate rustic knows his property and his *izat* are safe only when there is peace and order.

Q.—Supposing a political situation arose in the Province when you had to take strong steps for the maintenance of law and order, as a Minister do you think you would be supported by the Council and by public opinion in your Province?

A.—Yes, I think if we get responsible government. At present we have no responsible government. At present we are not responsible for the consequences.

Q.—Do you agree with the criticism that the average Indian elector shrinks from taking strong steps at the present moment in support of law and order? What is your explanation of that?

A.—It is merely an argument invented for the purpose of opposing progress.

Q.—Could you substantiate it?

A.—That is the inference one can draw from circumstances. In the first place the educated people have had no occasion up to now to shoulder the responsibilities of law and order. Of course we are going upon suppositions now and what we say is—take my case, when I was an ordinary Member of Council and when I became a Minister, I at once saw some difference in myself.

Q.—That is to say office brought you a certain sense of responsibility?

A.—Yes, similarly if representatives in the Council see that they are responsible for everything, they will surely enforce law and order. It is the responsibility that makes people perfect.

Q.—But why do they shrink from supporting now any proposals for the maintenance of law and order? How do you account for that?

A.—How can you say that they shrink now.

Q.—It is for you to answer?

A.—If I can get any concrete example, then I shall say whether they really shrink. As a matter of fact, they do not shrink from it.

Q.—In point of fact it is said that when any strong action is taken by the Government to put down what is called lawlessness or disorder, or any tendency to it, the non-official members of the Council always show weakness for the perpetrations of those crimes or the sympathisers of those people. What is really the explanation of that?

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A.—The real explanation of it may be found in this fact, that in the first place, the non-officials do not know the other side of the picture. In one part of my note there I have stated that all the facts and the grounds should be circulated to the Members of the Standing Committee. If all the facts and the grounds are circulated to the Members of the Council or made known to the Council, then I think they will take a different view; but you simply ask them to judge or to express a one-sided or *ex parte* opinion. They do not know the Government side fully.

Q.—Now supposing you were a Minister of Law and Justice in your Province and you were face to face with a situation which required taking strong action, do you think that you could safely rely upon the support of your party in the Council in that event?

A.—The general public you mean.

Q.—Supposing you were a responsible Minister in your own Province in charge of the Law and Justice Portfolio, and it became necessary for you to take some very strong action in the interests of law and order and peace, could you, in that event, safely depend upon the support of your own party in the Council?

A.—I think, I could, if I explained the whole thing to them fully. If I took them into my confidence and did not keep anything secret from them surely they would support me. It is this thing that has led to all of this trouble in the past.

Q.—What thing?

A.—The Members of Council are not taken into confidence, the non-official members. If you explain to them the real situation, even without showing them the confidential papers, they will surely take your word.

Q.—Did any situation arise in your Province during the last three years when the non-official members of your Council offered any strong opposition to any action taken by the reserved half of the Government for the maintenance of law and order?

A.—The only case I remember at present is the Nagpur Satyagraha affair, but in that case there was no question of law and order as such, because everybody knew that there was not likely to be a breach of the peace.

Q.—Then what was the action taken by the Government?

A.—The action taken by the Government in the first instance was to issue an order under section 144 of the Criminal Procedure Code prohibiting certain persons from taking the national flag along certain roads. They disobeyed those orders and they were afterwards prosecuted under one of the sections of the Indian Penal Code, which is a milder section, probably 188. That did not deter the people from disobeying the order of the District Magistrate. Then Government took drastic measures and took action under sections 109 or 120B or 118 and some such sections.

Q.—Then what was the attitude of the non-official members of the council?

A.—The non-official members of the council opposed this action.

Q.—Why?

A.—Because they maintained that it was not necessary to take these drastic measures. Even if people were allowed to take a national flag along certain roads, there was not likely to be a breach of the peace. And if you read the Council proceedings of that debate, you will yourself find

that the Government was not able to make out any case that there was going to be a breach of the peace. On the contrary what they said was there was an order and at any cost, right or wrong, the people were bound to obey it. It was on that account....

(Mr. Chairman).—The question put to you was could you give any instance where the Council supported the enforcement of law and order. This apparently is an instance where there was no point of a breach of law and order.

Q.—Will you please turn to paragraph 70 of your Memorandum. There you say that "the most irritating or humiliating part of the whole business was that in cases in which my views differed from those of the heads of the departments or Commissioners I was asked to send the cases for the final orders of His Excellency." May I know where was the occasion for you to feel humiliated? You may have felt irritated. Will you please explain that?

A.—This is merely a war of words; you may take one word or another. I felt every now and then a person who in the eyes of the law was my subordinate was able to challenge the accuracy of my decision and say he was not going to abide by it, let it be sent to the Governor. I felt humiliated.

Q.—Am I to understand that you resented the attitude of your subordinates when they said they were not going to obey your orders, or that you resented such advice as it is their duty to give you before you came to a decision?

A.—No, I did not resent their advice; they had every right to give advice. I argued with them, but after the argument, when I passed the order, I expected them to carry it out.

Q.—And they said they would not, and the matter had to go to the Governor? May I put it to you Mr. Kelkar, why did you not as a self-respecting Minister tender your resignation then and there?

A.—I have given my reasons for it. In fact on one occasion I did, but my non-official friends and other people induced me to withdraw it, to stick on and gain experience. I have said that in my note.

Q.—Will you now please turn to paragraph 90. There I believe you are thinking of rewards. You say:—"With regard to the last my complaint is that I was never taken into confidence either by the heads of the departments in my charge or by His Excellency the Governor." Were you ever told that while the heads of your department could make any recommendations to His Excellency the Governor, that it was not open to you as a Minister?

A.—I did not say that the Governor ever told me that it was not open to me as a Minister to make any recommendations, what I said was that I was not consulted with regard to the recommendations received from my subordinates directly. The Governor told me that it was a confidential matter with which he could alone deal.

Q.—The awarding of titles and honours?

A.—Yes, that was his exclusive privilege.

Q.—You say "I was never taken into confidence by the heads of departments."

A.—I mean the heads of the departments directly submitted their recommendations to the Governor.

Q.—Without consulting you ?

A.—Yes.

Q.—And you entered a protest ?

A.—Yes, in writing, and then in reply to that I was told it was not necessary to send recommendations through me.

Q.—Now we will pass on to paragraphs 101 and 102. I don't want you to mention the name of a single officer, I am only asking generally one or two questions. You say there in paragraph 101 : " It was the settled policy of the Government to allow local bodies freedom in the administration of the statutory duties including appointments of their servants. In spite of this policy, the Commissioner, I am leaving out the name of the place, " refused to confirm the appointment of one man whom the Municipal Committee wanted to appoint as their Secretary." I don't want you to name either the Commissioner or even the district. Then you say " The Municipal Committee represented the matter to me for orders. On examination of the Berar Municipal Act, I found that the local Government had no power to revise the orders of the Commissioner and hence I had to reject the Committee's representation." Now as a Minister weren't you bound by the Berar Municipal Act ?

A.—Yes, therefore I rejected the Municipal Committee's representation.

Q.—With the result that the Commissioner's view prevailed ?

A.—Yes.

Q.—What was your grievance then ?

A.—My grievance was that I told the Commissioner " This is the policy of the Government and the order which you have passed is not in accordance with this policy." I therefore requested him to reconsider it.

Q.—And he declined ?

A.—He declined.

Q.—Then, will you pass on to paragraph 108 ?

(Dr. Paranjpye).—Q.—Before you pass on to another subject I should like to put one question. Is it not possible for you to take away the power from the Commissioner in the future ?

A.—The Act has been amended now and the power has been taken away.

Q.—At that time you had not that power ?

A.—At that particular time I had not that power.

Q.—Now, will you pass on to paragraph 108. You say : " In the interest of stability and to avoid hardship in individual cases and to give the Council more effective control over departmental expenditure it would, I think, be better if the strength of each department and scales of salaries of different cadres were fixed by an Act of the legislature. This suggestion needs further scrutiny or examination, but until some such step is taken it would be difficult to " check the annual vagaries." Am I to take it that what is at the back of your mind is that the position of services should be safeguarded by an Act of the legislature ?

A.—Yes.

Q.—You would not object to it ?

A.—No.

Q.—Now, when you talk of the services, I suppose you include in that expression both the All-India services and the provincial services ?

A.—Yes, I include the provincial services.

Q.—Now, what is your idea about the security that you would give to the services ?

A.—That is to say, they must be free from these annual vagaries. For instance, if we appoint a certain number of persons as Inspectors this year on a certain salary, next year the Legislative Council should not have the power to say " We don't want so many inspectors now ; let them be dismissed and their services dispensed with ; or let their salaries be reduced."

Q.—But perhaps you will agree with me that it is vitally necessary for the successful administration of responsible government or any government that the services should be not only honest but independent and free from political corruption ?

A.—Yes.

Q.—And for that purpose perhaps you will agree that it is necessary to secure their interests ?

A.—Yes.

Q.—Then, when you use the word " interest " do you include in that their emoluments—that is to say, salaries, allowances, pensions ?

A.—Yes.

Q.—And what about promotions ?

A.—That is an administrative matter. All administrative or disciplinary matters must be left entirely outside the jurisdiction of the Legislative Council. What I mean is that the Legislative Council should have the right to determine the cadre and the salary of the cadre and the general conditions of service.

(Mr. Chairman).—Q.—And have no other control ?

A.—In disciplinary matters, no.

Q.—Then to whom would you give disciplinary control ?

A.—Well, I would give disciplinary control either to an independent Commission, an independent body or to the heads of the departments, or the Executive Councillors or the Ministers.

Q.—Which of these would you prefer ? Would you prefer the Public Services Commission ?

A.—Speaking personally I think the Minister should have nothing to do with these disciplinary matters. That I say from my experience. So far as discipline is concerned, the Minister should not be troubled.

Q.—What about promotions and postings and annual increments ?

A.—Whether a particular man should get an increment or not is a matter of discipline and I would leave it to the head of the department.

Q.—Not to the Minister ?

A.—No, the Minister's position would become very awkward.

Q.—Am I right in inferring generally from your attitude that so far as the actual prospects of the services or their pecuniary interests are concerned, you would not bring them under the control of political parties ?

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A.—Yes.

Q.—You would secure to them the utmost possible independence ?

A.—Yes.

Q.—And that with regard both to the Imperial services as also the provincial services ?

A.—Yes, if you want to retain the distinction between Imperial and Provincial Services. So far as the Provinces are concerned, since you have asked me that question, I must add that I do not want to have any such distinction at all.

Q.—Now, will you please pass on to paragraph 112. Speaking with regard to the Finance Department you say : " I can however say that owing to the distinction between reserved and transferred subjects disputes between the two halves of the Government are quite conceivable." Did any disputes in point of fact arise between the reserved half and the transferred half ?

A.—No. I have said so, because there was no money to fight for.

Q.—If there had been any money to fight for there would necessarily have been disputes ?

A.—The rules are quite clear. The impression left on my mind by a perusal of the rules is stated there.

Q.—Then, did you have to go to the Finance Department for any sum of money for your own Department ?

A.—There was no money.

Q.—But you must have gone to the Finance Department for some money to carry on the work of your department.

A.—For the routine work, yes. The Finance Department did not interfere with me so far as the routine work was concerned.

Q.—But take any scheme of development with regard to any one of the services under your control. Did you ever have to go to the Finance Department ?

A.—Only in one case which I mentioned the other day—for a Science College.

Q.—And you were not allowed to borrow ?

A.—Yes.

Q.—The only other question I have to put to you is—you have said something about responsible government in the Provinces ; what about the Central Government—have you got any suggestions about that ?

A.—Yes, I have made the suggestion that so far as the civil administration is concerned it should be transferred.

Q.—But do you think it possible to effect it under the present Act by means of rules ?

A.—No, not by means of rules. An amendment of the Act will be necessary.

Sir Arthur Froom.—Q.—Mr. Kelkar, you have already answered many questions about communal representation, so I will leave that alone. Now turning to paragraph 15 you prescribe a remedy for the deficiencies of the electorate by suggesting certain qualifications for candidates to your

Legislative Council. You have already detailed these qualifications. If they had been in force at the last election would, in your opinion, they have operated against any of the present members of your legislative council ?

A.—In very few cases.

Q.—You consider that the present members of the Central Provinces Legislative Council comply with the qualifications you detail there ?

A.—Yes, except perhaps in few cases.

Q.—Again in paragraphs 21, 22 and 23 you are in favour of a longer term of office for Ministers ?

A.—Yes.

Q.—And for the Council ?

A.—That naturally follows.

Q.—And I understand that you told one of my colleagues that one of your chief reasons for this was that it would provide a longer training for the Ministers themselves ?

A.—Yes, they must have sufficient opportunities to study the whole thing and put their schemes in operation.

Q.—So, I take it that had your term of office been for 5 years, you would have felt more at home in it during the last 3 years than you did during the first 2 years ?

A.—I do not quite follow.

Q.—You said had you been in office for 5 years you would have been learning all the time, gaining experience all the time ?

A.—No, I would not be getting experience during the whole period but I would take some time to acquire experience and then I would require some time to educate public opinion, to get round the members of Council and to introduce a policy and see that that policy was successfully carried out, so that it would not be possible to be upset by subsequent ministers.

Q.—I understand that you suggest a Minister would take about 2 years to gain experience and therefore if he remained in office another 3 years your Province would receive the benefit of your experience ?

A.—Yes. In some cases the Minister might get experience in six months.

Q.—You mean a very clever man ?

A.—Yes, or if he has been already in service, perhaps he may not require any time. But speaking ordinarily.....

Q.—Yes, speaking ordinarily, that is what you told one of my colleagues before, and I just wanted to emphasise that. I quite follow.

(Mr. Jinnah).—I should like to make that quite clear. I don't know if you followed Sir Arthur Froom's point.

Q.—My point was that in answer to a question previously put by one of my colleagues, Mr. Kelkar, suggested it would be beneficial for the Ministers themselves if they were in office for a longer term—say, 5 years, because he said they would gain experience and then he said that possibly they take 2 years to gain experience and therefore during the last 3 years of the term his Province would naturally gain by it.

A.—Yes. Looking to the class of people from which the Ministers are recruited at present, generally they take some time to study their

subjects ; then they have to educate public opinion before they can introduce their policy and see it carried out. That is what I mean.

Q.—In paragraph 27 you say that “ if the Ministers and the Council are allowed to act subject to each other’s control, there may be less cause given for heart-burning.” You mean of course the Provincial Council ?

A.—Yes.

Q.—What do you mean by “ subject to each other’s control ” ?

A.—There must be joint responsibility.

Q.—You mean that the Minister would feel entirely responsible to the House ?

A.—Yes, to the whole House.

Q.—In paragraph 44 you say that your grievance is not only against the Executive Councillors and that you are quite willing to place the Ministers also in the same category. I understand there were only two Ministers during your term of office. Is your grievance against the other Minister ?

A.—Yes, and against myself also.

Q.—You have a grievance against yourself also ?

A.—Yes, so far as the constitution is concerned.

Q.—You did not like your position ?

A.—Yes. That is what I mean. I did not make a secret of this fact. At the end of my note I have said that probably this was all due to inexperience.

Q.—At any rate leave yourself alone. You say that you had a grievance not only against the Executive Councillors but also against your brother Ministers ?

A.—Not only against my brother Ministers but against myself also. I remember one occasion on which I took action. I thought that it was purely an administrative matter, but afterwards it turned out that it was a serious matter on which I ought not to have taken any action without consulting the other Minister. Of course the other Minister supported me afterwards. But the mistake was there.

Q.—I rather wanted to be clear on this point. I thought you said that you and your fellow Minister did not pull together. Was that so ?

A.—That was not so.

Q.—It seemed to me from Mr. Chitnavis’ memorandum that he seemed to think you did not pull together.

A.—I do not think so. If he has created that impression I am very sorry for it.

Q.—That is the impression I gained from his memorandum.

A.—I do not think so.

Q.—You did work together wholeheartedly in all matters and consulted each other ?

A.—It was not done as a matter of course. We consulted each other whenever it suited our convenience to do so, but as a matter of policy or as a matter of practice it was not done invariably. That is what I mean.

Q.—In paragraph 56 you say that under the administrative dyarchy in the Executive Government “ the Ministers, though ostensibly parts of Government, are for all practical purposes reduced to the position of heads

of departments and nothing more. They have no incentive to feel any interest in the well being of the Government as a whole.” When you took up office as Minister, did you start with that feeling ?

A.—I did not start with that feeling, because I had read the proceedings of the Joint Committee and the evidence given by Sir Frank Sly before the Joint Committee and I thought that throughout we would be treated as part of one Government.

Q.—May I take it that the Committee should understand that you started with the whole-hearted idea of trying to do your best to make the job a success although you might not succeed with the Members ?

A.—Yes.

Q.—In paragraph 60 you say : “ I frankly admit that so far as departments in my charge were concerned, His Excellency Sir Frank Sly generally did not attempt to overrule me so far as broad questions of policy were concerned.” You go on further to say that there were some overrulings as regards petty details in petty cases ?

A.—Yes.

Q.—You resented that interference ?

A.—Yes.

Q.—I put it to you that there might be another side to that question. You think now that in your term of three years of office possibly you interfered in petty details which might have been left to the Heads of Departments and therefore there would be resentment on their side ?

A.—It is just possible. That is just what I have said. They thought that I was interfering with them and I thought that they were interfering with me.

Q.—And that conduced to part of your trouble ?

A.—Might be.

Q.—Have you ever had any experience in a big mercantile business ?

A.—No.

Q.—I put it to you that if the head of a mercantile firm or house were to interfere in petty details which the Assistants in his firm are left to deal with, you could not get along at all.

A.—I must recognise that principle, and so far as I considered that the matters were petty, I never interfered.

Q.—You recognised that, I suppose, as you went on in your term as Minister.

A.—From the very beginning, because I had done lot of administrative work before and I knew the difficulty of interfering in petty details.

Q.—My suggestion is that these petty details should be left to the Heads of Departments and that you should confine yourself to broad questions of policy.

A.—That is what I have said. I believe I have said in one part of my note that the Minister should be relieved of all these administrative details. But if they come to me, and if there is a dispute, then it has to be decided by me. All these cases were cases of dispute.

Q.—You don’t have any question of detail coming to you at the start ?

A.—No.

(Dr. R. P. Paranjpye).—Q.—You get appeals from the decision of others ?

A.—Yes, or from the public. It is only in cases of that kind that I interfered.

Q.—You did not leave it to the Heads of Departments to settle ?

A.—No, because it was an appeal against their orders.

Q.—You say in paragraph 65 that “ if Ministers are unfit to decide petty cases or simple questions of facts, they should be dismissed.” My point is that petty cases and simple questions of facts should be dealt with by Heads of Departments.

A.—They were decided by Heads of Departments. They came to me in appeal or revision.

(Mr. Chairman).—Q.—Do I understand that paragraph 65 is entirely confined to appeals ?

A.—To appeals and other cases that came to me in the shape of revision or on the representation of any person.

(Mr. Chairman).—Q.—Are they not confined to appeals ?

A.—I did not send for any cases decided by any Head of Department within his jurisdiction on my own initiative, except when I wanted certain information. For instance, an abstract of cases decided by Heads of Departments used to be sent to the Ministers and I used to send for cases simply for the purpose of information. In these cases I did not interfere. But when the case came before me regularly by way of representation or appeal or revision application, then I had to exercise my own judgment.

Q.—We will leave that point.

(Sir Sivaswamy Aiyer).—Q.—Were the petty cases that you referred to cases which under the rules had to come up to Government for their orders ?

A.—Yes.

Q.—I think you told Sir Tej Bahadur Sapru that you never resented criticism of your work.

A.—No. I welcomed it.

Q.—Having listened to what the Heads of Departments had to say on any matter, you differed from them and you issued your orders, and you were of opinion that these orders should be carried out without any further reference. That would mean autocratic government ?

A.—No, not necessarily autocratic government. We have to take one view or other of the facts before us and the law. You cannot necessarily say that that is autocratic.

Q.—As regards selection of Ministers, you don't like the present system of appointment by the Governor ?

A.—Yes.

Q.—You prefer Ministers to be elected by the Legislative Council ?

A.—Or after consultation with the Council in one form or another in order to see who enjoys the largest amount of confidence.

Q.—Can you suggest how they can be conveniently elected by the Council so long as there is no definite party ?

A.—I did not say so. I did not press that point.

Q.—You put forward that point.

A.—I did not press the point about election by a panel.

Q.—You are willing to concede that the present system should be adhered to, viz., appointment by the Governor ?

A.—Yes, but after consultation with the Members of the Council so that troubles may not arise afterwards.

Q.—You mean the whole of the Members of the Council ?

A.—The Governor knows who will give him the best information.

Q.—He will send for the leading members and consult them ?

A.—Yes, leading members from each party.

(Mr. Chairman).—Q.—That is exactly what is done now. Is that not so ?

A.—That was done this time.

(Mr. Jinnah).—Q.—The previous election was the first election ?

A.—Yes.

(Mr. Jinnah).—Q.—And not in the previous one ?

A.—Not in the previous one.

(Mr. Jinnah).—Q.—You mean this was done during the last election ?

Q.—In your summary you recommend the abolition of all reserved subjects and therefore that all subjects should be entrusted to Ministers.

A.—Yes.

Q.—Which more or less means doing away with the Executive Council.

A.—Yes.

Q.—Which means, in other words that the Legislative Council would be charged with the province under the direction of the Ministers selected by them ?

A.—Yes.

Q.—Would you apply that system to the first Legislative Council in the Central Provinces after the introduction of the reforms in 1921 ?

A.—Yes.

Q.—You think it would have worked ?

A.—Yes.

Q.—And no mistakes would have been committed ?

A.—Mistakes may have been committed. All human beings commit mistakes.

Q.—The Central Provinces would have progressed by the mistakes of the Council ?

A.—That does not necessarily follow. I do not say that we could not have committed mistakes.

Q.—Under the present system it is possible for mistakes to be rectified ?

A.—Yes.

Q.—Under your system they would not be rectified. Would you leave the Governor with a veto ?

A.—In very exceptional cases ; as a last measure, not otherwise.

Q.—Turning to the Central Government, I think you told Mr. Jinnah that you considered that the Army—and I think Foreign Relations—should be left as a reserved subject ?

A.—Yes.

Q.—Is it on account of any doubt about law and order being preserved in the country?

A.—No, not necessarily. Not with the intention of law and order being preserved in the country, but I am told that this is a very technical matter which the ordinary members have not yet studied and therefore I thought it should be left alone for the present.

Q.—The Army does help to maintain law and order?

A.—It is part of their duty. But that was not my reason.

Sir Sivaswamy Iyer.—Q.—You said that you would raise the qualifications for candidates. Do you not think that your proposal would have the effect of shutting out many good men?

A.—If it has the effect of shutting out many good men, then we can frame suitable rules. It is a matter of rules. I have recognised that difficulty in my written memorandum.

Q.—You know Mr. Chintamani. He is only a Matriculate. Was he a good Minister?

A.—Yes. I am told that he was a very good Minister. Matriculates may be suitable. It is not necessary to have graduates.

Q.—You would shut him out?

A.—No.

Q.—He had not had any administrative experience. He was only a journalist.

A.—That is a great administrative experience. He gets experience of the whole world.

Q.—Or again take the Right Honourable Mr. Srinivasa Sastri. Had he had any administrative experience? Your proposal would have shut him out?

A.—Not necessarily. He had great administrative experience. He managed the Servants of India Society which is a great public body.

Q.—Then you would give a very elastic interpretation of the term administrative experience?

A.—Yes. Mine was merely illustrative and not an exhaustive list.

Q.—Does it include a college or school?

A.—I have not attempted to give you an exhaustive list of the qualifications that would be required.

Q.—You have expressed a wish?

A.—I have expressed the general principle.

Q.—And in your experience of your Council whom do you find more sweetly reasonable—the graduates or those who are not graduates?

A.—What do you mean by sweetly reasonable?

Q.—Not disposed to obstruct or wreck the Council, or willing to listen to reason and so on.

A.—I think the more a man is educated the more he is inclined to reason.

Q.—But what has been your experience in your Council?

A.—My experience of the Council is that the educated people are generally open to reason. They argue with you and you learn from them. But if they are uneducated you do not get any assistance from them.

Q.—They won't listen?

A.—Not that they won't listen, but you would not get any assistance from them. I derived much assistance from obstruction. Obstruction has got considerable educative value.

Q.—From whom?

A.—Opposition criticism.

Q.—Opposition or obstruction?

A.—Opposition I mean. I do not consider the educated peoples' opposition as obstruction.

Q.—Has there been no obstruction in the Central Provinces in the Legislative Council?

A.—Yes, there is obstruction now.

Q.—But not in your time, not in the first council?

A.—No. Of course various resolutions were moved and my actions were criticised. I learnt much from those criticisms.

Q.—But not opposition for the sake of obstruction?

A.—No.

Q.—In one of your earlier paragraphs you say that the suspicion of Government is very deep rooted.

A.—Yes, against Government.

Q.—Can you give any explanation why it is so deep rooted, or the reasons for it?

A.—Well, the general political situation in the country is responsible for it—the press, the platform, speeches, and the opposite side is not adequately represented. They hear one side of the version. They get certain impressions from these speeches and from these writings in the press.

Q.—What I want to know is whether you mean to suggest that the suspicion of the Government was the result of agitation or was a justifiable suspicion?

A.—The result of agitation, and also partly it is justifiable by some actions of the subordinate officers. For instance, if a congresswalla goes to the people and says, "Look here. These irrigation people exact dues from you although you do not get water for irrigating your fields." Things like that. People readily believe that anything done by the subordinates is done by Government or done under the orders of Government.

Q.—The hardships which the people experience in the ordinary course of administration?

A.—Yes.

Q.—You have often stated that there have been no parties in the country and in the Council. Can you give any explanation of it, why there have been no parties?

A.—Well, in the first place there was not enough time to organise parties in the Councils. As I have said, even the Ministers worked to a certain extent on their own responsibility. That was one reason. And that was not an appropriate time also for organising parties in the Council on account of the non-co-operation. The third reason is that there is a general impression that there must be one party only, namely, a party to oppose the Government.

Q.—But do you think that it will remedy matters if all the subjects were transferred?

A.—Yes. Then the responsibility would be on the people themselves or the representatives of the people.

Q.—Then it will not be a case of having to fight with the Government ?

A.—No, because you have to fight with your own people in that case.

Q.—Do you think that the official element in the Central Provinces Legislative Council supplies valuable experience or not ?

A.—To the Ministers, of course, they are of valuable assistance.

Q.—And if their experience is valuable to the Ministers, don't you think that it will also be valuable to the ordinary members of the Legislative Council who have not got even the training of the Ministers ?

A.—No. I do not take that view necessarily. If the Ministers are properly trained and coached by the officers, then they ought to be there to explain the policy of the Government. Permanent officials it is not necessary to have there.

Q.—Do you think that it is always possible for the Ministers to have all the materials connected with their administration at their fingers' ends and be able to explain the actions of the Government ? Supposing the officials were kept within due limits would it not be a valuable element ?

A.—No. I do not think so. The Minister must be prepared before he comes into the Council.

Q.—What do you think of the size of the electorates in your province ? Are they unduly large or reasonable ?

A.—They are not unduly large. Only 150,000 electors.

Q.—That is on the whole. I am not speaking of that. Take each territorial electorate by itself. What is the size of each electorate ?

A.—The size of the districts differs. But the average size of a district is about 4,000 square miles.

Q.—And the number of electors on the average ?

A.—Take the small district from which I come. The number of electors is about 3,700 in the rural area.

Q.—Even 4,000 square miles do you think is a manageable area for a candidate ?

A.—For a candidate it is not a manageable area.

Q.—Would you have smaller electorates and more members ?

A.—No. I would not have smaller electorates and more members because the districts in the province are very small and people know them very well.

Q.—With regard to the principle of joint responsibility among the Ministers are there any obstacles to the enforcement of this principle ?

A.—You mean statutory obstacles ? The express provision in the law does not expressly prohibit joint consultation.

Q.—But have you seen the provisions of section 52 which says that in the transferred subjects the Governor shall act in consultation with the Minister in charge of the Department ? Does the Governor dispose of cases in consultation with the Minister in charge of the particular department or in consultation with the Ministers jointly ? Is there anything in your rules on the subject ?

A.—Yes, there is. You mean the Rules of Business ?

Q.—Yes, in the Rules of Business.

A.—Yes. I have referred to the Rules of Business in my note.

(Mr. M. A. Jinnah).—It is contained in rule 10 (a).

Q.—In the Instrument of Instructions to the Governor it says, the administration of the Governor acting with a Minister—that is what it says. But there is nothing to prohibit the Governor from consulting the Ministers ?

A.—Nothing.

Q.—Nothing to prohibit you from asking that the subject should be brought up at a meeting of the Ministers ?

A.—No.

Q.—Why did you never ask for that, for subjects being brought before Ministers jointly ?

A.—As I have said before, in cases which I have considered to be of sufficient importance to justify joint consultation I asked for a meeting of the Cabinet, consisting of both arms of the Government.

Q.—I am not talking of the Cabinet, but the Ministers.

A.—As I said before we never called for a meeting of the Ministers as such.

Q.—But if that principle of joint responsibility had been acted upon throughout, it would have tended towards the formation of parties and consultation of parties ? Would it not have ?

A.—Well, at least it would not have created any misunderstanding between the Ministers.

Q.—It would have permitted more co-operation between the Ministers ?

A.—Yes.

Q.—Do you think that if a matter was disposed of by the Governor in consultation with the Ministers he would have over-ruled you if he found that he was opposed by both the Ministers on the subject ?

A.—Ordinarily I do not think he would have over-ruled us.

Q.—He would not have over-ruled you ?

A.—That is what I think from the general way in which he behaved with us—if the two Ministers had acted together.

Q.—You complained that appointments in other departments were made without your knowledge. Is it not ?

A.—Appointments in other departments ?

Q.—In one of your paragraphs, you say that somebody was appointed without your knowledge.

A.—Yes.

Q.—But what is the practice in the reserved half ? Are appointments made in any one department with the knowledge of the members in the other ?

A.—No. The appointment department is a separate department. In writing that part of my note attention was confined to Schedule 2 to the orders issued under section 49 (2) by the Local Government of the Central Provinces.

Q.—You say that you were not consulted when somebody was appointed Additional Judicial Commissioner. That was an appointment in the Judicial Department ?

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A.—Yes.

Q.—But would a member in charge of some other department be consulted in the reserved half? You were only a Minister and it was not in your department?

A.—No.

Q.—Is such consultation the practice in the reserved half?

A.—That appointment related to the reserved half.

Q.—So you were not consulted?

A.—No, I was not consulted.

Q.—Even in the reserved half appointments in one department are not made with the knowledge of the other department?

A.—No, that is not my point. My point is that there are certain appointments of importance which are specified in the Schedule 2 to the Rules framed under section 49 of the Government of India Act.

Q.—And under the rules do they require consultation with you?

A.—Under the rules they do not require consultation, but as a matter of practice or as a matter of convention we were consulted with regard to the appointments on certain occasions and we were not consulted with regard to some appointments on other occasions.

Q.—Then it is merely the want of uniformity that you complain of?

A.—Yes. That is what I have said. That made the position of the Ministers somewhat awkward.

Q.—In paragraph 46 you say :—

“By allowing members of Government to act independently or to work with a feeling that they were responsible for their own departments only and not for the Government as a whole the Government's position was at times weakened or had become awkward. Government was put to expenses which could have been saved.”

Can you give me an instance or illustration of that?

A.—The Nagpur Flag affair, the Satyagraha case; that is the case.

Q.—You have no other case in view?

A.—No.

Q.—I have heard it stated that very often decisions which were impracticable or unwise were arrived at by the transferred half of the Government which had afterwards to be abandoned after considerable waste of time and energy. Is that correct?

A.—I used to hear this complaint when I was in office and I used to hear that complaint afterwards more repeatedly. Therefore I asked my critics to point out to me instances in which public time and money was wasted on account of anything done by the transferred half of Government and none of my critics has yet been able to point out to me a single instance of such waste of public time and money.

Q.—Do you know of any case in which the proposals of the Ministers had to be abandoned on the ground that they were impracticable or harmful after considerable waste of time and energy?

A.—I was in charge of 4 departments. So far as Local Self-Government department is concerned, I think we are not concerned now. So far as the Public Works Department is concerned, I was very keen on carrying out the policy of the Government of India for transferring public works to the local bodies. His Excellency the Governor was entirely at one with

me. But simply on account of the opposition from the men in the department themselves we were unable to give effect to that policy. A lot of time was spent—I do not say wasted—a lot of time was spent in correspondence. That is one case.

Q.—In that case you do not consider your proposal an impracticable proposal?

A.—The Government of India has decided. It was the recognised policy of Lord Chelmsford's Government. We had simply to give effect to that policy. But we could not give effect to that policy simply because officers attached to that department were opposed to it.

Q.—Any other instance?

A.—In the Education Department certain parts of my policy I was able to put through; others I was not able to put through simply on account of want of money. I remember those cases, for instance, in which a resolution was moved by a member of the council that within 10 years' time primary education should be made free and compulsory in every village in the provinces. I pointed out to the member that it was an impracticable proposal, but still we would see what could be done. Then we appointed a Committee to go into that question. The Committee took some time and then submitted its proposals with a big order for several lakhs of rupees. There was no programme. We had to draw up a certain programme, because you know that our local bodies have not got trained agency at their disposal. That agency has to be supplied by the Central Government. The Central Government therefore has to draw up a programme.

Q.—You think it was not a case of an impracticable proposal?

A.—It was not a case of an impracticable proposal. The mere fact that we were not able to give practicable effect to it was due to want of money.

Q.—Have there been cases where the Ministers in your provinces have interfered with the administration to the detriment of discipline in details of administration?

A.—As I have said before I never cared for anything in the details except when the case came before me regularly and when a case came before me regularly, I had to decide it.

(Dr. Paranjpye).—Q.—May I ask you in this connection a question? When you were touring suppose a subordinate official came to see you. Did the head of the department consider it to be a grievance that you saw the subordinate over his heads?

A.—Not to my knowledge; but certainly if they sent to me any private letters or demi-official letters, they resented. But fortunately all these demi-official letters I received were from European officers in the service.

Q.—In paragraph 49 you say “that the Governor's power of superintendence, direction and control over the Ministers appears to be much more complete than even that of the Secretary of State for India in Council.” I should have thought that under the Reforms the Governors' powers had been enormously reduced. Can you explain that statement?

A.—Theoretically the powers may have been reduced, but the rules give extraordinary powers.

Q.—What rules?

A.—The rules framed under section 49. That is what I was talking about.

Q.—If you insist upon having your way, don't you think the Governor was bound to yield having regard to the instrument of instructions?

A.—Sometimes he yielded and sometimes he did not.

Q.—If he did not yield you could have resigned?

A.—That is what I have said.

Q.—You could have threatened to resign?

A.—That is a point to be considered in consultation with the members of the council and they said "that it was purely an administrative matter and no question of principle was involved; you stick on, gain some experience and accumulate all these instances." Perhaps they had no knowledge at that time that this Committee was to be constituted.

(Dr. Parajpye).—Q.—And make a good case for resignation afterwards?

A.—They were not for tendering resignation at that time.

Q.—I put it to you that whatever power the Governor has exercised in the transferred departments, if it was exercised at all against your opinions, was due to the weakness of the Ministry and not to the system?

A.—No, it is due to the rules. It is due to the system. The Minister, I think, was sufficiently strong, but he had no power, no statutory power, to enforce his opinion.

Q.—Did the Governor really try to persuade you or over-rule you in questions which went up to him for orders? Was it a question of persuasion or dictation?

A.—In some cases it was a question of persuasion.

Q.—Of which you do not complain?

A.—When he sent me a case for disposal with certain remarks of his, then I decided the case according to my own views. In other cases he decided.

Q.—Was there any attempt at dictation by the Governor to the Minister?

A.—I never took it to be dictation. I took it to be a suggestion. I took it to be a mere suggestion from the Governor. I did not look upon his remarks as an order from him.

Q.—With regard to the allocation of finance between the reserved and transferred halves to avoid friction what is the remedy? Do you suggest any remedy, or do you say that the only means of avoiding friction is to abolish dyarchy?

A.—Yes, that is the safest course.

(Mr. Chairman).—Q.—Was there any friction as a matter of fact?

A.—None. I am not talking from practical knowledge, because I have said in my note that I have no such experience.

Q.—Have you any particular opinion on the question of avoidance of friction in the matter of finances?

A.—Yes, I said that difficulties and differences of opinion are conceivable. For instance, I have cited the Police case or the jails case. Perhaps instances of that kind could have been avoided.

Q.—Does the fact that the Finance portfolio is in the hands of a member of council who is also in charge of other departments operate detrimentally to the other subjects?

A.—As I have said, in our province we have had no occasion. It is just possible.

Q.—You have no experience?

A.—No, because there were no occasions.

Q.—With regard to the Public Works Department you seem to be under a misapprehension as to its functions. Now supposing you were the Education Minister but not the Public Works Minister. Who do you think would be the best authority to decide as to the necessity for further buildings for a school or college? The Public Works Department or yourself?

A.—I would consider the head of the department and the Member or Minister in charge, but the ultimate responsibility must be with the Minister in charge of the Public Works Department, that is to say, I do not regard the Minister in charge of the Public Works Department as merely an agent of the other departments, and I believe that is the view taken by the Government of India.

Q.—Is the Public Works Department to be the final authority in settling what the wants of the other departments are?

A.—The Public Works Department is not merely an agent responsible for throwing a few baskets of earth here and there. They have to do certain administrative work. They have to shoulder certain administrative responsibilities.

Q.—The administrative responsibility consists in controlling their establishment and seeing that they do their work economically and efficiently?

A.—That is not the view I take. I do not think the Minister's duty is merely to control the coolies under him.

Q.—You were in favour of all subjects being transferred?

A.—Yes.

Q.—Take for instance the subject of land revenue. Do you think there is any danger of any wild cat scheme, say to fix land revenue permanently or to decrease the amount of land revenue now derivable? Do you see any danger of that?

A.—I do not think so. If the responsibility is thrown, then I think there is no danger.

Q.—But you are aware that proposals have been put forward for permanent settlement even in ryotwari tracts?

A.—Yes.

Q.—You think that is due to lack of responsibility?

A.—Yes. These proposals are drawn up or suggested or are placed before a Government which is not responsible to the people.

Q.—But if the Government becomes responsible, then these proposals will not be carried?

A.—No.

Q.—Or would you provide any safeguards by way of legislation or otherwise in regard to such subjects as land revenue?

A.—Perhaps it may be wise to provide some safeguard by way of precaution, but not otherwise.

Sir Henry Moncrieff-Smith.—Q.—You have suggested that the legislative term of office should be five years rather than three. Where do you find any statutory provision which confines the term of Ministers to three years?

A.—I think in the rules it is stated that the term of the Legislative Council will be for three years. I think it is also stated in the Act.

Q.—Do you find anything in the Act or the Rules which says that the Minister's term of office should be coincident with the period of the life of the Council?

A.—If the Council is dissolved, then the Minister goes out and within six months from that date he must seek re-election. That means three years and six months.

Q.—But if he does not seek re-election?

A.—Of course, he has to go out of office at the end of six months.

Q.—If he is re-elected then there is nothing to prevent him from continuing in his office?

A.—No.

Q.—What I want to find out is whether your suggestion that the Minister's office should be extended to 5 years would also involve as a consequence that the term of the Council should also be extended to five years?

A.—Yes. The Council and the Minister must go together. Waste of time in the Local Council in regard to questions that are not of waste of time in the Local Council in regard to questions that are not of provincial importance?

A.—Yes.

Q.—I suppose you have a rule in your Legislative Rules which confines the questions to matters of public concern?

A.—Yes.

Q.—Do you mean to suggest that that rule is not enough to exclude parochial matters? Would you suggest an amendment of that rule or do you think that a strict enforcement of that rule by the President would achieve your object?

A.—I think an amendment of that rule would be necessary because we have discussed this question in our local Cabinet meetings and the Governor was unable to say which particular subject was and which one was not of public importance.

Q.—Not long ago, the Legislative Assembly passed a resolution to the effect that the Government of India should in the Central Legislature answer all questions relating to important provincial questions. I want you to look at it from your point of view as a Minister whether the Government of India should answer in the Central Legislature all important questions with regard to the subjects that you are administering in the province?

A.—I do not think it is a sound policy because it interferes with the autonomy of the province. But if the Provincial Governments were required to do certain things in consequence of any orders or suggestions from the Central Government, then it is but meet and proper that the Central Government should be responsible to answer any question relating to a provincial subject.

Q.—Then with regard to resolutions also you make very much the same complaint that time is wasted on matters of parochial interest in the Local Council. There, again, you have a standing order, I think, which

says that resolutions can only be moved on matters of general public interest. Is it your opinion that that rule is not either wide enough or is it your opinion that it allows discussions on matters which ought not to be discussed in the Council and consequently it should be amended?

A.—Yes.

Q.—And you do not think that a strict enforcement of that rule by the President will have the desired effect?

A.—It will be very difficult for the President to enforce that rule strictly. The rule is widely worded and is very comprehensive.

Q.—Now I want to ask you two or three questions about communal representation. We have heard the suggestion that seats should be reserved for Muhammadans in the Council but that they should be elected by general electorates. It is a sort of half-way house between the present system and the system that you advocate. Do you think that that would work satisfactorily?

A.—I understand that the Muhammadans are not willing to accept that suggestion. I believe the late Mr. Gokhale had made similar suggestion.

Q.—What is your opinion on the matter?

A.—It may be tried as a matter of compromise but not as a matter of principle.

Q.—So you object to this system on principle but it might possibly work more satisfactorily than the present system?

A.—Whether it would work satisfactorily or not I cannot say.

Q.—You say that you would abolish these purely Muhammadan constituencies. You deplore also the existence of communal parties in the Council. Would you ascribe the existence of communal parties to the present electoral system?

A.—The present electoral system does in a way, I think, encourage the feeling of communal representation.

Q.—You think that Muhammadans will be elected if they go to a general electorate?

A.—That is my general belief.

Q.—Suppose Muhammadans are elected from general electorates, do you think there will be a tendency still for communal parties to form in the new Councils?

A.—Those tendencies will be considerably minimised.

Q.—You don't think that the Muhammadans will as a matter of course form a Muhammadan party?

A.—I don't think in that case they will care to do so.

Q.—I want you to look at paragraphs 28 to 30 on Legislative work. There you say that you have no complaint against the Governor or the Members of the Government. Your complaint is against the Government of India?

A.—Yes.

Q.—You as Minister initiated several legislative proposals during your term of office and you piloted some important legislative measure in the Local Council?

A.—Yes.

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Q.—May I take it that you are thoroughly familiar with the provisions of the Government of India Act which confer legislative powers on you and on the Local Council, i.e., section 80A of the Government of India Act?

A.—It confers powers subject to certain restrictions.

Q.—That is what I am coming to. Section 80A lays down restrictions imposed by Parliament on the Local Council?

A.—Yes.

Q.—And the restrictions are that in certain cases the sanction of the Governor General is required?

A.—Yes.

Q.—I suppose you realise that there is a difference between the Governor General and the Governor General in Council. It is not the Government of India's sanction but it is the sanction of the Governor General?

A.—Yes.

Q.—You say that there are other restrictions. Can you tell the Committee what restrictions the Government of India have added to those imposed by Parliament in section 80A?

A.—I was dealing with two legislative measures which I have mentioned in my note.

Q.—You have said that there are general restrictions. I understood you to say just now that the Government of India have added some further restrictions to those already imposed by Parliament.

A.—Have you got that impression from my note?

Q.—I have got that impression from your note.

A.—That is not my view.

Q.—Then the only restrictions on your legislative powers are those contained in section 80A?

A.—Yes, that is what I mean.

Q.—Now please turn to paragraphs 29 and 30 of your Memorandum. You say that the Local Council and the Local Government must have a free right to frame their own laws. Do you mean to say that they should be free from all restrictions?

A.—They should be free from restrictions so far as local matters are concerned or law which relates to the particular province only.

Q.—Do you realise that a law may relate to a particular province and yet it may affect matters which are far more than provincial in their nature?

A.—In such cases it may be necessary to refer the matter to the Government of India. But in paragraph 29 I am talking of purely local laws, which affect the provinces only.

Q.—Let me put a case to you. You consider that a Municipal Bill is a matter purely of local concern and therefore there should be no restriction whatever. Now the Municipal Bill gives power to municipalities to levy taxation. Suppose a Bill proposes to give a municipality a power to levy as a municipal tax a surcharge of 50 per cent. on the income tax. Do you regard that purely a matter of local concern?

A.—That cannot be done because the power of taxation is restricted by the Schedule.

Q.—But just now I understood you to suggest that these restrictions should be removed?

A.—I meant restrictions so far as they relate to the sanction of the Governor General.

Q.—I have not quite understood you. I am trying to find out which of the restrictions, contained in section 80A of the Government of India Act would you abolish?

A.—The previous sanction of the Governor General.

Q.—Let me put it to you in another way. I think you have complained that you were not given an entirely free hand in the Central Provinces Municipal Bill?

A.—Yes.

Q.—You say it is a matter of local concern. Now what restrictions in regard to the Central Provinces Municipal Bill did you find which hampered you in piloting that Bill in the Local Council?

A.—It did not of course hamper me but it took some time to get the sanction of the Governor General.

Q.—Was it a long Bill?

A.—It was a very comprehensive Bill.

Q.—And you realise that it dealt with a large number of places? When it came up to the Government of India it had to be examined in something like six departments?

A.—Yes.

Q.—Do you know how long it was before you got the sanction?

A.—I could not tell you just now. But that is exactly my point. Our view is that there is no necessity of getting the sanction of the Government of India. Why should the local Government be under an obligation to send up the Bill to the Government of India for the previous executive sanction before it is introduced in the local Council?

Q.—The answer is because of the provisions of section 80A. I am trying to find out what are the restrictions that you would like to abolish?

A.—The previous sanction of the Governor General.

Q.—Then the section is gone?

A.—Yes, so far as local matters are concerned. I am talking about local matters only. I mean bills which relate to local subjects only.

(Sir Muhammad Shafi).—Q.—But who is to decide whether a given Bill deals merely with local matters or central matters or matters mentioned in section 80A are also involved in it?

A.—If the Local Legislature passes any law beyond its jurisdiction, then the law would be *ultra vires*.

Q.—Don't you think that prevention is better than cure? Is it not better that local Council should know beforehand where it stands?

(No answer).

(Sir Tej Bahadur Sapru).—Q.—Do you think such subjects are capable of being scheduled?

A.—Yes.

Q.—Will you look at section 80A of the Government of India Act, (a), (b), (c), down to (i), the first one prevents the imposition of a new tax unless it is scheduled. Would you abolish that?

A.—No, that is not a purely local matter.

Q.—You would not abolish that, or that “affecting the public debt of India”?

A.—No, that is not a local matter.

Q.—(d) “affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces.”

A.—No.

Q.—“Regulating any central subject.”?

A.—The Provincial Legislature cannot deal with a central subject.

Q.—You understand the local Legislature can regulate central subjects and constantly does. We never get a Bill up from the local Legislature which does not regulate central subjects?

A.—Then that is not a purely local matter.

Q.—It may be a local matter?

A.—Partly and partly it may not be, but it is not an entirely local matter.

Q.—Civil law is a central subject?

A.—Yes.

Q.—Suppose your Municipal Bill said no suit shall be brought against a Municipal Commissioner in regard to any action of his taken under the Act? Everybody has a right to bring a civil suit, you bar it?

A.—Such a provision would be *ultra vires*. I do not think any local Council would do it.

Q.—Every Local Council has done so.

A.—It is unfortunate then.

Q.—Your own Municipal Bill has a provision like that.

A.—That is to be found in most of the Acts.

Q.—But it affects the central subject of civil law?

(Mr. Jinnah).—Q.—May I put one question in connection with this? Has your attention been drawn to the proviso in section 88A? Is it not open to the local Legislature to undertake any Bill and pass it provided it is subsequently assented to by the Governor General?

A.—That is not generally done in practice; the law is there.

Q.—You agree that the local Government with its eyes open should not proceed to enact legislation which is beyond its powers?

A.—No. It should not.

Q.—We are coming back to your suggestion that the Local Governments must have free right to frame their own laws. You think that the local Council should be able to codify the Muhammadan law of the Province without any control from outside?

A.—It does not affect the Province only because Muhammadans reside not only in the Central Provinces, but all over the country.

Q.—You think they should not have the power to codify Muhammadan law?

A.—That is not a purely local matter.

Q.—Or to codify Hindu law?

A.—No.

(Sir Tej Bahadur Sapru).—Q.—In point of fact some Legislatures have been trying to pass legislation with regard to Hindu law; take for instance Madras?

A.—Yes.

Q.—You say “the sanction” (by that you mean the sanction of the Governor General under section 80A) “may be merely formal.” Do you mean the sanction, if asked for, should be as a matter of course?

A.—Yes, it is given.

Q.—But I gather you are suggesting some advance when you say it should be merely formal. You may just as well abolish it altogether if it is purely formal and given as a matter of course?

A.—Yes.

Q.—You say there is no reason why non-official members should be prevented from introducing any Bills or from moving any amendments if they consider such measures are likely to advance a popular cause. You mean there must be some restrictions on the local Government's powers of introducing legislation, but you would remove all restrictions in regard to non-official members?

A.—So far as amendments are concerned.

Q.—You say there is no reason why they should be prevented from introducing any Bill?

A.—Yes.

Q.—Therefore if you, as a non-official member, proposed to introduce a Bill to codify Muhammadan law, you think there should be no restriction on you?

A.—I do not think such a Bill will come.

Q.—But I do not know; we do get any number of proposals to codify Hindu and Muhammadan law from non-officials.

A.—If such proposals have come then I think it would be well to have a schedule of such bills as would require the sanction of the Government of India or the Governor General.

Q.—But what would the restriction be? I gather you mean there should be some restriction on the power of non-official members to introduce bills? I cited one, the codification of Muhammadan law?

A.—That is a Bill of far-reaching consequence. It will affect the Muhammadan community not only in the particular Province, but throughout the country.

Q.—Therefore there should be some restriction?

A.—Yes.

Q.—Then you are prepared to qualify your statement that there should be no restriction on the part of non-official members? You concede that Local Governments should be subject to some restriction, but not non-official members, that is your memorandum, paragraph 30?

A.—That is what I have stated.

Q.—You are prepared to qualify that statement?

A.—Yes, cases are conceivable such as you have cited now, and having regard to the cases cited by you, I am prepared to qualify the first part of it.

(*Sir Muhammad Shafi*).—Q.—You would qualify your statement to this extent, that the restrictions mentioned in section 80A on the action of Provincial Governments with regard to the introduction of legislation without the previous sanction of the Governor General should apply equally to non-official members?

A.—Yes, if such cases have arisen in the past, then I think I am prepared to qualify my statement.

(*Sir Sivaswamy Aiyer*).—Q.—Suppose there was a Bill introduced for the purpose of modifying the system of succession to Hindus or Muhammadans domiciled in your Province, what is the objection? Why should they not have it?

A.—Hindus or Muhammadans domiciled in my Province have not got a separate personal law from the Hindus or Muhammadans domiciled in other Provinces.

(*Sir Sivaswamy Aiyer*).—Q.—Suppose they wanted a change while Hindus resident in other Provinces did not want a change. Take for instance the question of earnings, if Hindus of the Central Provinces wanted to enact that a man's gains from his earnings shall be his own self-acquired property, whatever assistance he may have derived from the joint family property, why should they not have their way, and why should they be obliged to wait for a change of sentiment in the rest of India?

A.—Then you will not legislate for a particular community, you will legislate for certain colonists residing in a certain part of the country.

(*Sir Sivaswamy Aiyer*).—Q.—Hindus resident in the Central Provinces?

A.—I do not know what is meant by the Central Provinces, to-day the Central Provinces is divided into 18 districts. Supposing such a law is passed in the Central Provinces and I am under that law, and my children go and stay in the Madras Presidency, which law will they be governed by?

(*Sir Sivaswamy Aiyer*).—Q.—It won't apply to them naturally.

A.—That means the personal law would change according to the residence. I cannot understand such a law.

(*Sir Tej Bahadur Sapru*).—Q.—You know as a matter of fact there are many Hindus who reside in one Province and have property in another Province.

A.—That has not given rise to difficulties.

Q.—Do you think the Indian Penal Code should be uniform for the whole of India?

A.—Yes.

Q.—You say Law and Order should be a Provincial transferred subject?

A.—Yes.

Q.—Therefore the amendment of the Penal Code would be a matter of Provincial concern?

A.—Yes, subject to the law laid down by the Central Government.

Q.—Subject to what law?

A.—Subject to the Penal Code and the Criminal Procedure Code.

Q.—You would allow unrestricted power to amend the Indian Penal Code?

A.—No, because that is an All-India Code.

(*Sir Muhammad Shafi*).—Q.—Would that be your provincial autonomy, if you laid down that restriction?

A.—Provincial autonomy in that sense does not mean that the general law should not be applicable.

(*Sir Tej Bahadur Sapru*).—Q.—I suppose you make a distinction between the power of legislation and the power of administration.

A.—Exactly, we may adopt the law from any Province for the purpose of administration.

Q.—You say in paragraph 30 :—"By a very strange interpretation of law and rules discussion on certain amendments was actually prevented." Can you explain to the Committee what are the law and the rules which were so strangely interpreted as to prevent discussion?

A.—Yes. It was in connection with the Central Provinces University Bill, what was stated by the Governor General or by the Government of India was that since the Bill required the sanction of the Governor General, any amendments proposed to the Bill would also require the sanction of the Governor General before those amendments were placed before the House for consideration. On that ground, although a number of amendments were received, we had to postpone the meeting of the Council because that order was issued from here. And the non-official Members were told that they had no right to move any amendment because they had not obtained the sanction of the Governor General.

Q.—Will you read the opening words of section 80A (3) of the Government of India Act : "The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law"? Therefore if those amendments had been moved and considered by the Council without previous sanction, your local Council would have been infringing the Act of Parliament, would it not?

A.—I do not understand that sub-section to mean that it was meant to apply to amendments.

(*Mr. Chairman*).—Q.—If you bar the introduction of a bill and allow amendments of a bill to give effect to it, would not that be useless?

Q.—You could bring your Bill in without any objectionable clause and then begin to expand it?

(*Mr. Paranjpye*).—Q.—The amendments could only be within the scope of the Bill; they could not go outside?

A.—Whether they are within the scope of the Bill or not that also has got to be sanctioned in the first instance by the Governor General.

Q.—You still think, Mr. Kelkar, that it was a very strange interpretation of the law that prevented those amendments being moved?

A.—At least we never interpreted the law in that way, and we had allowed amendments beforehand. It was only at the time of the University Bill that the members were prevented from moving their amendments. Previously no such restriction was placed on the local council.

Q.—Now you mention one or two particular Bills. You say : "My recollection is that Mr. Mahajani's Temperance or Local Option Bill was allowed to be introduced only after he consented to drop certain provisions therefrom." This is still within your general complaint against the Government of India?

A.—Yes.

Q.—Now would it surprise you to know that the Government of India never addressed one single word to the Local Government or to Mr. Mahajani on the subject of his Bill?

A.—I understood there was some correspondence.

Q.—There was a one-sided correspondence, that is, from the Local Government. It was never answered by the Government of India.

A.—But I believe there was some correspondence. Mr. Mahajani complained to me that he was only allowed to introduce the Bill provided he dropped certain provisions therefrom.

Q.—If Mr. Mahajani received communications, and if as a matter of fact we assume that the Government of India sent no communication, then the communication must have gone from the Local Government?

A.—Probably.

Q.—From your department in the Local Government?

A.—No.

Q.—What other department of the Local Government could address Mr. Mahajani on the subject of his Temperance Bill?

A.—The Excise Department or the Revenue Department or the Legal Department.

Q.—But would they do so without your knowledge—your fellow Ministers?

A.—That is not what I mean. I do not say that.

Q.—Now with regard to the Municipal Bill you imply that all these requirements about previous sanction obstructed the introduction of the Bill. Would you look at the telegram there: "Sanction to Municipalities Bill despatched by letter to-day, subject, in the case of the Pilgrim tax, to the requirement of previous sanction of the Governor General in Council to the imposition of tax"? Do you remember getting that telegram?

A.—Yes.

Q.—Subject to the condition that the imposition of the Pilgrim Tax should require the previous sanction of the Governor General in Council, sanction was given. Do you regard that as showing that there was great obstruction on the part of the Government of India in that case? I am talking of the Municipal Bill.

A.—If there was no obstruction on the part of the Government of India, that means the Bill was perfect in itself. Therefore the inference I draw from it is that the Provincial Governments are competent to send properly framed Bills.

Q.—You have rather gone off into a side issue. I might suggest to you that if the Bill was perfect, there was no reason why non-official members should send in a host of amendments afterwards?

A.—Well, the amendments were within the provisions of the Bill.

Q.—We will leave the subject of legislation. In paragraph 108 you talk about a provincial law being passed to give stability to the Services. By "stability" you mean giving them a sense of security?

A.—Yes.

Q.—Do you think the passing of an Act in the local council would really give the services any sense of security?

A.—Yes.

Q.—Because in the next session the Bill could be altered or amended, as you suggest, without any control from overhead—it would be a purely provincial matter.

A.—But when such an Act is passed everybody will understand that it is meant to be for permanent use and not to be changed every now and then.

Q.—Nobody understands that any law is perfect. Everybody is trying to alter every law.

A.—Of course laws are liable to alteration at any moment but I don't think a law of this kind would be altered.

Q.—Passed perhaps in one session by a majority of 10 followed by a general election and a change of parties; the majority of 10 then converted into a minority of 10. Do you think in those circumstances there will be any sense of security in the services?

A.—I don't think that is likely to happen; if it does, then it will not create security. There is something like continuity of administration, and the people know it.

Q.—Now you told us that dyarchy must go; you said it cannot be mended. You have made suggestions for amending the rules to make dyarchy more bearable, but it must go by its inherent defects. By 'inherent defects' do you mean defects that cannot be cured by minor amendments of the Act, but alterations of the rules or by a rectification of present practice?

A.—Yes, by rectification of present practice and by minor amendments in the rules.

Q.—I say any amendment of the rules that is within the Act.

A.—But any amendment of the rules cannot put an end to dyarchy so long as the Act stands there.

Q.—By minor amendments of the Act I mean amendments that do not entirely upset the constitution as framed under the Act.

A.—That means section 52, but the other section of the Act will be kept as it is.

Q.—Oh yes, the sections that provide for the appointment of Ministers; but when I say minor amendments of the Act I mean for instance the section providing for the appointment of Ministers might make a change in the method of appointment, not abolishing the Ministers altogether. Instead of the Governor appointing the Minister, the Minister might be selected from a panel or something else. I should regard that, from my point of view, as a minor amendment.

A.—That is another matter but the Act proceeds on the supposition that there will be a distinction between reserved and transferred subjects. That is a material amendment.

Q.—That is your inherent difficulty in dyarchy?

A.—Yes.

Q.—That there is a distinction between transferred and reserved subjects?

A.—Yes.

Q.—Under the Act as it stands more subjects can be transferred.

A.—Yes; but not all subjects.

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Q.—And as long as there is the slightest reservation then the system laid down by this Act is unworkable?

A.—Yes.

Q.—There will be no reservations at all?

A.—No.

Q.—And you say there must be no control; the remedy is full provincial self-government?

A.—No.

Q.—Now, do you know of any constitution in which provincial Governments and provincial legislatures are free from any control from the central authority?

A.—What is meant by control? Financial control?

Q.—Would you permit financial control?

A.—Yes.

Q.—Is it not rather difficult to exercise financial control without at the same time introducing some administrative control?

A.—That is, I do not want to have financial control.

Q.—Oh, you would abolish it?

A.—Yes?

Q.—I understand you would abolish all control.

A.—Control in what respect?

Q.—Legislative control—as was pointed out just now, in the matter of certain laws the control of the Central Government would be necessary.

(Mr. Chairman).—Q.—Would you permit the Local Governments to make war on one another? Would you permit the Central Provinces Government to make war, for instance, on the Government of Madras?

A.—That is not what is meant by provincial autonomy. I don't think anybody has understood it to mean authority or permission for one local Government to wage war against another.

(Mr. Chairman).—Q.—I am not putting the question myself but I am trying to put to you Sir Henry Moncrieff-Smith's point. You said there should be no control and he is trying to get out of you an admission whether there ought not to be some control.

A.—Of course when there is likely to be friction between two Governments and things like that.

(Mr. Chairman).—Just so.

(Sir Muhammad Shafi).—Q.—In matters of inter-provincial relationships you would not give the control to the central authority?

A.—That is what is understood by provincial autonomy.

Q.—If control to this extent is possible, why do you say that dyarchy—that is to say, the majority of subjects administered by Ministers with a small reservation of subjects in the Executive Council—why is it impossible?

A.—In the first place, may I ask which subjects can you reserve, and why is it necessary to reserve the subjects? It all depends upon the importance of the subjects to be reserved. Nobody would like to reserve any unimportant subjects.

Q.—We are not discussing for the moment whether it is necessary to reserve or not. I am asking you why it is impossible. I read this in the

public utterances of very prominent men in India, politicians and so on—that it is almost impossible and the parrot cry is raised “Dyarchy must go!” What I am waiting to find out from you or from anybody else for that matter, why it is impossible. What are the inherent defects?

A.—You divide the Government into two parts. Government must be one and indivisible, which it cannot be so long as you reserve certain subjects. The members of the Government must have joint responsibility for the Government as a whole, but if you reserve certain subjects and transfer others, even if one-half or one-quarter, still the Government is divided.

Q.—Just one question with regard to legislative control, Mr. Kelkar. I do not know what you mean when you talk about free power to initiate legislation. Would you abolish the requirement of the assent of the Governor General in Council?

A.—That is merely a formal matter.

Q.—Not by any means formal.

A.—So far as provincial legislation is concerned, and legislation which relates to the province only and which does not or which is not intended to amend any Act of the Central Legislature, I would not have the assent of the Governor General.

Q.—Then again,—the same question that Sir Muhammad Shafi put to you just now—who is going to decide whether a Bill requires the assent of the Governor General or not? Who is going to see whether it is a matter merely of provincial concern or not?

A.—If the Governor General's sanction is to be required simply for the purpose of seeing whether the Local Government has acted within its jurisdiction or not, then I do not see any serious objection. But if it is for any other purpose then I think it is open to objection.

(Sir Muhammad Shafi).—A Bill must be sent up to the Central Government in order to enable the Governor General or the Governor General in Council, whoever it may be, to see whether the Bill deals with purely local matters or covers other matters also which require the sanction of the Governor General.

A.—If it is to be sent up to the Governor General or to the Governor General in Council merely for the purpose of ascertaining that the particular Bill is within the jurisdiction of the Local Government, then I do not see any objection.

Q.—My difficulty is in getting an exact definition of the kind of bills in these cases which would require the Governor General's sanction and the kind of Bills which would not. Would you care to sit down and draft a section defining matters of purely provincial concern?

A.—Yes.

Q.—Don't you think that some attempt has been made to give effect to your desire of purely provincial matters? Can you show me any item in section 80 A, where sanction is required which is a matter of purely provincial concern?

(Sir Muhammad Shafi).—Mr. Kelkar has already admitted in reply to a previous question that every one of the items (a), (b) and (c) cover more than purely local matters.

Q.—Would you do away with a provision which gives His Majesty power to disallow any Act of the Indian Legislature or any Legislature in India? The power is there of disallowance in regard to any Legislature in India? Would you restrict that power?

A.—Because it is the sanction of the Crown.

Q.—Would you restrict it?

A.—In the case of His Majesty's sanction? I would not restrict it, because law would require the sanction of the Crown. I look at it from that point of view.

Q.—Do you think Parliament will be at all likely to pass a law which would remove the necessity for assent of the Governor General to Provincial Bills?

(*Mr. Jinnah*).—How can he say whether Parliament would pass such a law or not?

Q.—He knows what the Local Councils are likely to do.

(*Mr. Jinnah*).—His experience is of the Local Council and not of Parliament. He has not been a Member of Parliament.

Q.—You told Sir Tej Bahadur Sapru that you were of opinion that if in the administration of Law and Order as a Minister—that subject having become a transferred subject—you were required to take strong measures, you would get the support of the Local Council.

A.—Yes.

Q.—Can you explain to the Committee what strong measures you had in your mind?

A.—Even shooting.

Q.—Very often, matter of shooting would not be heard by you immediately. You might hear about it a day or two after the shooting took place. You might be at headquarters. The necessity for shooting may arise somewhere else and the man on the spot decide whether shooting is necessary or not?

A.—Yes.

Q.—I want you to tell us of some strong measure which you had in your mind in which you would take the initiative, and for which you would be entirely and directly responsible. You would be only indirectly responsible for shooting, not directly.

A.—You mean what strong measures a Minister would take in order to prevent the breach of the peace?

Q.—Have you any strong measures in your mind?

A.—Well, legislative measures may be necessary; administrative measures may be necessary.

Q.—Now, suppose the situation was so bad in your province that you as a Minister decided that the ordinary law was not sufficient to maintain or restore order. That is conceivable. Suppose you found yourself under the necessity of introducing what is generally referred to as a repressive law. Do you think your Council would be with you?

A.—Yes; if the responsibility of maintaining law and order is thrown on them, then certainly.

Q.—The responsibility is thrown on them now when the Government brings in a measure and says, "You are responsible for this; you may throw it out or pass it."

A.—That is not what I understand by the word 'responsibility'. It is purely a Government measure—a Government which is not responsible to the people.

Q.—Responsibility is a sort of catch word.

A.—It may or it may not be. But that is what I understand by the word 'responsibility'. That is, a measure brought by a Government which is responsible to the people.

Q.—But if at the present moment, what I refer to as a repressive measure is put before the Council, the Council say: "We have no responsibility for law and order; we won't pass it."?

A.—No, that is not how they put it.

Q.—What then?

A.—What they say is that such a measure is not necessary.

Q.—Because it is introduced by Government. If it were introduced by a Minister, the Council will recognise it. Is that so?

A.—Yes.

(*Mr. Chairman*).—**Q.**—Just one moment. I don't want to have any mistake about this question of provincial autonomy. Will you look at Rule 49 of the Devolution Rules? Rule 49 refers to superintendence, direction and control. Do you agree that that should be the limit of the control of the Central Government or would you think that the limit should be more than that?

A.—Here a distinction is made between transferred and reserved subjects.

(*Mr. Chairman*).—**Q.**—I assume that that limitation would apply to all subjects?

A.—This rule deals with transferred subjects.

Q.—I am suggesting that for the words "transferred subjects" you should read the words "all subjects".

(*Mr. Jinnah*).—**Q.**—The question is, supposing that all subjects were transferred, would you agree to the limitation of control of the Central Government as provided by Rule 49?

(*Mr. Chairman*).—**Q.**—Would you accept that amount of limitation?

A.—Will you kindly give me two or three minutes to think about it?

(*Mr. Chairman*).—There is no difficulty in the matter. It is the exact control which the Government of India at present have over transferred subjects.

(*Mr. Jinnah*).—**Q.**—Do you accept the principle of Rule 49?

(*The Chairman did not press the question.*)

Maharaja of Burdwan.—I understood from you on Saturday that you were a Minister in the Central Provinces Government with regard to Local Self-Government, Public Works, Public Health including Medical Relief, and Education. Am I correct?

A.—Yes.

Q.—I also understood that before the introduction of the new reforms scheme, you were returned twice to your Local Legislative Council and that once you were returned by the Landlord or Landholders' constituency?

A.—Yes.

Q.—At the time when you were returned by the Landholders' constituency, did you represent correctly the views of your constituency when you were a Member of the Legislative Council?

A.—Yes, I did.

Q.—Then, when you came in again under the reforms, what made you leave that constituency?

A.—Because that constituency was no longer in existence, and secondly, unfortunately, I was not a landholder in possession of property paying land revenue of Rs. 3,000 a year or over.

Q.—Am I to understand, then, that before the reforms, the Landholders' constituency money qualification was lower than the money qualification now?

A.—Yes.

Q.—Supposing now you had a Landholders' constituency in your province with the same money qualifications that existed before the reforms, would you have chosen that constituency in preference to any other constituency in your province?

A.—I would have given preference to a general constituency. But if I wanted to get into the Council anyhow, then probably I would have gone for a special constituency, but I have no love for a special constituency.

Q.—I quite understand that. What I am driving at is this. Supposing you had the qualifications which unfortunately you do not possess (*Mr. Jinnah*.—"Fortunately.")—at the present moment in the Landholders' constituency, would you still have any inclination to go through a general electorate into the Legislative Council rather than through a special constituency like the Landholders' constituency?

A.—I would like to go into the Council through a general electorate and not through a special electorate.

Q.—That was the point I was driving at, not the point that *Mr. Jinnah* thought I was driving at. Your inclination would be to go into the Council through a general constituency, the reason being not because whether you possess the necessary money qualification or not, but because of your dislike for any special constituency?

A.—Yes. They are undemocratic.

Q.—That being so, you would not prefer any special constituency—it does not matter whether you were a Muhammadan or anybody else. Supposing that for political reasons it was necessary to have special constituencies which you would refer to as communal representation on the Council, or in other words, protection of minorities. Would you, so long as policy probably necessitated special constituencies, allow other minorities to have special representation like the Muhammadans?

A.—Well, I think, I have sufficiently answered this question in answer to other questions put.

Q.—No, you have not. What I say is that you have answered questions regarding the Muhammadan special representation because every member of the Committee has questioned on the Hindu and Muhammadan basis. My question is more a question of the protection of minorities. Whether it is creditable to a particular minority to have protection or not is a matter with which we are not concerned to-day.

What I say is that when you have to accept a policy, not a principle, or giving protection to a class or community, whether it be Muhammadan, or Jain or anybody else, when you once accept that policy, would you go further and accept for the sake of policy giving special protection to minorities? It does not matter whether they are landlords, or whether they are Muhammadans, or anything else.

A.—Well, in the first place I won't accept that policy at all.

Q.—It is not a question of you, *Rao Bahadur*, accepting the policy. But the question is whether it would be expedient for the country to accept that policy. In other words, for instance, if what you call your ideas of prophecy were falsified, supposing that there was no Muhammadan electorate in your province and the result was that there was no Muhammadan returned and, in consequence, the Local Government had to appoint a certain number of Muhammadans to adjust the equilibrium and in practice it became that communal representation was necessary, what I want to get at is that if in practice in your own province communal representation became necessary, would you then agree to other communities or minorities getting special protection. The reason I ask you this question is that on the first day, I think you got rather excited and said you would not give this privilege even to the Mahratta Brahmins?

A.—Yes, I did say that I would not give it even to Mahratta Brahmins.

Q.—Supposing in your own province that the Mahratta Brahmins like the Muhammadans were in that position where without special representation they would not get themselves heard in your Council, and supposing for the sake of expediency the Muhammadans were given special seats, would you then extend that privilege to the Mahratta Brahmin or not?

A.—That assumes a good many things. I won't give it to any.

Q.—If you accepted a compromise with regard to one community, would you not have it for the Mahratta Brahmin also?

A.—I cannot answer this question until we know the circumstances in which I shall be required to consent to the compromise.

(*Sir Muhammad Shafi*).—Q.—In that connection, may I ask you, if you had to recognise communal representation, would you confine it to the main communities, or extend it to the minor sub-divisions of each community?

(*Mr. Chairman*).—I think the witness has said very frankly that he won't give communal representation to any community in any shape or form.

Q.—If for reasons of policy of expediency you give to the Muhammadans special representation would you still deprive the Mahratta Brahmins, the great landholders, the Buddhists, or whatever else may be the minority community in your province which now gets special representation—would you deprive them all of that privilege and give it to the Muhammadans only?

A.—If you concede it in one case, can you logically refuse to concede it in other cases, is that the question? I think I have answered that.

question. I again repeat the answer that I have given, that if you concede in one case you cannot refuse to concede it in other cases. That is the poison I am seeing in it, and it is spreading to other communities.

Q.—In your opinion you think that so long as concession has to be a policy that concession cannot stop at A but may go on to Z?

A.—It cannot stop at A.

Q.—What I wanted to drive at is this. So long as you have got to swallow what is to you a bitter pill of giving communal representation to a particular class or race, so long you would not be able to stop other minorities getting communal representation or special electorates?

A.—No. We cannot stop it logically.

Q.—When you became a Minister of your province what was the ratio of official to non-official Chairman of local bodies in your province?

A.—You mean the District Councils or Municipalities.

Q.—What we call District Boards, Municipalities?

A.—I think that we have in a very large majority of cases non-officials as Chairmen.

Q.—But since you left has the rule been changed? Is it rather the rule to have non-official Chairmen and an exception to have official Chairman? I want to know what is the actual practice in your province.

A.—In actual practice in a very large majority of cases we have non-official Chairmen.

Q.—In other words, you have not got to that stage of having non-official Chairmen in every place with the exception of one or two places only maintaining official Chairmen? You have not got to that stage?

A.—We have got to that stage. We have got non-official Chairmen almost everywhere.

Q.—That is why I am asking you about. What is the ratio?

A.—I could not give you.

Q.—Supposing there were 100 district councils.....

A.—There are 22 district councils, and out of them.....

Q.—Out of them how many have non-official Chairmen?

A.—In almost every district council I believe there is a non-official Chairman. If you will give me the last report on the working of the Local Self-Government Act in the Central Provinces. I shall give you the exact detail. I am now only speaking from memory.

Q.—What I want to ask you is this. Before in the province of Bengal the district boards which were permitted to elect their own Chairmen invariably had Official Chairmen. There is a general opinion held by certain classes of officials as well as non-officials that not only has the efficiency of the district Council been impaired, by the appointment of a non-official Chairman, but that non-official Chairman would not be able to have the same facilities as a district officer had when he was Chairman of the District council. I want to know whether you have found that in practice to be the case?

A.—That is, that a non-official Chairman has not got the same facilities as an official Chairman? Well, he may not have the same facilities, but they are working satisfactorily.

Q.—I mean to say whether this complaint has been general in your province too, or rather a sort of plea against changing.....

A.—I may tell you at once that in 1920 the Local Self-Government Act was amended and one of the provisions in the Central Provinces. Local Self-Government Act is that no official should be a member of a local council. Consequently, no official can be a Chairman of the district council.

Q.—In that sense your Local Self-Government Act goes further than that of some of the major provinces. What I want to find out is whether that change has brought in any difference in your district administration, in the administration of the local bodies?

A.—No.

Q.—Has that change been appreciated by the people in general?

A.—Yes.

Q.—Has efficiency been maintained? Has there been any falling off in the efficiency?

A.—No.

Q.—I should like to ask you this question. Supposing you had the same powers as a Member of Council has on the reserved side, that is to say, you were consulted in matters relating to reserved subjects, would you be willing to give that power to a Member of Council regarding the transferred subjects? I am only talking purely as an administrative measure. I am only talking purely of the administrative unit or Cabinet as it is called. The two Ministers we have had up to now have both come from the Central Provinces, and there seems not purely a sentimental objection, but a real grievance as to the way in which they had been treated, namely, as if the Members of Council were Gods and the Ministers were merely advisers. Do you think that it would improve matters if Members of Council and Ministers were not in the watertight compartments that they are in at the present moment, but that so far as the Cabinet is concerned, it was always working as a whole and not by calling of joint meetings—I do not want any Minister to think that he can only call for a joint meeting because he wants to have one—but supposing that the Cabinet was always considered as a whole, then the Ministers would be far better regarding their position than they are at present?

A.—In what respect? In some respects they may be happier.

Q.—If the Governor had only one Cabinet, that is to say, whenever there had to be a joint meeting it was always a meeting of members and Ministers, if that was made the absolute rule, which would give opportunities to both members and Ministers to see each others papers when a matter came up before the Cabinet, do you think the Ministers would be happier?

A.—Not altogether, unless I know what the Ministers are to do there, would they vote or merely have a vote?

Q.—They will have a vote in the Cabinet (The Chairman: On reserved subject?). I will come to that afterwards. What I meant

to say was that although they would not be responsible to the legislative council they would feel that they had a vote in the Cabinet.

A.—A vote in the cabinet ; and the vote would be acted upon.

Q.—It would be binding if it was a whole Cabinet no doubt ?

A.—A binding vote—

(Mr. Chairman : Is it your question Maharaja that all members of either side of the Government should be present at Cabinet meetings and Ministers and members should vote alike ? The Maharaja of Burdwan. Yes.)

A.—Then I take it that there would be a joint cabinet.

Q.—There would be one cabinet ?

A.—One cabinet without any distinction of Ministers and members and all subjects or all matters of policy dealing with different subjects would be placed before the cabinet for discussion and decision ; then the Ministers would have a right of vote and that vote would be binding. You ask whether under those circumstances the Ministers would be happier. Well comparatively they would be happier. But I must know something more before I can say if they would be constitutionally happier.

Q.—Supposing that were so, even then do you think it would be possible to have in the legislative council still the two departments, reserved and transferred in this sense that the legislative council's vote on the transferred subject would be binding on the Governor with the exception of those cases in which he could use the power of veto and certification and in the other cases it would not be binding on the Government, but the existing practice would continue ?

A.—That means you practically nullify the votes which the Ministers have given in the cabinet and therefore the Minister's position would not be happier.

Q.—What I wanted to find out was would the Minister be personally happy if he had the full power of vote in the Cabinet. It does not matter whether he was responsible to the legislative council for the department or not.

A.—But the Minister is not there to satisfy his own personal vanities.

Q.—The question of personal vanity does not arise. Do you think the distrust would be less, because there seems to be a certain amount of sensitiveness which the Minister feels that he is only called upon to a joint meeting when it suits the Governor or the policy of the reserved side ? Supposing now the Governor were to trust his Minister as to have invariably one joint meeting of the cabinet, would it improve the position of the Ministers if afterwards when they came up in the legislative council the present restriction of reserved and transferred remained ?

A.—In some cases it might improve, in other cases it might also make the position of the Ministers worse ; if especially the Governor over-rides the Ministers' votes or afterwards over-rides the decision of the council. In such cases the Ministers position would be much worse. There would be cause for greater resentment. The Ministers would then say ' Look here, we gave a vote, we represented the popular view before the Governor and the Governor has vetoed it.'

Q.—That being the case, would you, before you think of abolishing dyarchy, make it a dire dyarchy ? In other words would you make it absolutely water-tight dyarchy in this sense that the Ministers would not be called on to any joint meeting in regard to the reserved departments. The cleavage which now exists under a particular rule of the Government of India Act will be more marked. In other words there will be no joint meetings.

A.—No, I would not recommend that.

Q.—What I am driving at is, you want to abolish dyarchy without giving it a fair trial. In my opinion dyarchy has not been given a fair trial under the new constitution, whether I like it or not. The Government of India Act has been faulty in that it has provided that wherever possible the two halves of Government should meet. You give a thing on one hand and you say you can't have it on the other. That means dyarchy has not had a fair trial. Would you like dyarchy to have a trial in the sense that dyarchy is understood to be pure and simple dyarchy before you condemn it. It has never been tried in any provincial government ?

Q.—Then from your question I understand that the word dyarchy is understood differently. What is the general sense in which the word dyarchy is understood ? I have got two meanings with me, one distinction between Reserved and Transferred halves of Government, and the second is power over the Ministers of the Governor to over-rule. If you were considered to be a member of council in charge of a transferred department, and so far as that transferred department is concerned the power of the legislative council was absolute, would you consider your position better than at present ?

A.—How can it be considered better I cannot conceive ? The joint purse is there.

Q.—The question of joint purse does not arise ?

A.—The success of every scheme depends on money. If you have got no money, there is no use talking about anything.

Q.—Supposing you have a separate purse, would you still condemn dyarchy ?

A.—I would still condemn dyarchy, because it is very undesirable to have water tight compartments. Government must be responsible for the whole administration.

Q.—Under the present scheme nothing makes the Governor responsible. That is where the difference lies, under the present scheme it makes the Governor responsible for the two halves of the Government ?

A.—Are you prepared to do away with the Governor altogether ?

Q.—I am asking you whether you would like to give dyarchy a trial if the Governor is made responsible for the two halves distinctly ?

A.—I do not think it will work. It would be unwise to divide the Governor into two parts. You are practically dissecting the Governor into two parts.

Q.—You want to abolish dyarchy without any further trial.

A.—What I say is we have had sufficient trial.

Q.—I do not think you have had sufficient trial. I do not think dyarchy and what is meant by dyarchy has been understood. The sentimental objection has been that in a whole cabinet part of it should be under the control of the legislative council and part under the control of Government. So far as the ministers are concerned, they have had joint meetings, but they have had no power of voting. Therefore dyarchy as enunciated in the Government of India Act must go.

A.—That is not the point.

Q.—Not dyarchy as understood theoretically, but dyarchy as is meant to be?

A.—It comes to this then that under dyarchy as we understand it, the position of the ministers had become awkward and under your scheme you want to make the position of the Governor absolute.

Q.—Yes.

A.—If the Governor is prepared for it you must consult him.

Q.—I am asking you what you think of it as a minister. There is no Governor here to give evidence.

A.—I do not think any Governor will agree, but I am not in the confidence of Governors.

Q.—I am asking you what you think about it as a minister?

A.—As a Minister and with my practical experience, I can say that no governor would agree.

Q.—What is your own view, as a Minister?

A.—The Ministers also would not agree.

Q.—Why?

A.—For this reason that you are dividing the administration into two parts. My main point is that the Government must be an indivisible one.

Q.—Now a great deal has been said about memorandum to standing committees. When a standing committee is called by the Minister or member as the case may be, a general memorandum of the case is given. Do you want that members of the standing committee should be shown all the papers?

A.—They must know the reasons.

Q.—Do you think that you will be able to carry through your policy in the legislative council if further papers or more details were shown to the members of the standing committee?

A.—Yes in some cases it will have that effect, if they know all the opinions, for instance; not the secretariat note.

Q.—What other papers do you possess except Secretariat notes?

A.—Several papers. For instance, in the case of a legislative or other measure we collect the opinions from the different officers.

Q.—Do you think if you did that that the standing committee of a department would be able to persuade the legislative council to support schemes that may have been budgetted for or likely to be budgetted for?

A.—What I mean is that the members of the standing committee should not be regarded as mere outsiders and should not be called upon to vote on any particular matter without giving them full opportunities to know all the facts and the grounds on which a particular measure is based.

Q.—What other material do you think should be supplied to the standing committee other than the memorandum?

A.—If that is done invariably....

Q.—I am asking you a concrete question. Would you ask your Secretary to send the main file of your department?

A.—No, no; not the main file. Papers might be lost or stolen. I do not mean that.

Q.—What do you exactly want?

A.—If a memorandum is sent containing all the facts and the grounds on which any particular measure is based, that will serve my purpose.

Q.—Is not that a difficulty that the Minister or Member can himself rectify?

A.—He can rectify it. The Member can rectify it with the consent of the Governor. There were however certain difficulties and we were told that certain papers should not be shown to members and not even the contents of those papers should be disclosed to them.

Q.—Did you in actual practice find in the Legislative Council any inclination on the part of the members of the Standing Committees to utilise information of a confidential nature that they were given in Standing Committees?

A.—Not always. If they wanted to know all the facts and the reasons....

Q.—It is not a question of their wanting to know the facts. What I want to know is whether, after knowing certain facts, they did try to adduce some further information in the Legislative Council?

A.—Not generally.

Q.—There has been a great deal said about the joint consultation of the Governor with his Ministers. Do you think that the transferred departments, as they are now constituted, require such a consultation? I can conceive of a case when you are going to have a bill, say, for public health which will affect your other colleague's work as well. But ordinarily do you think that the same practice which exists on the Executive half of the Government would improve the administration on the transferred side if it were followed?

A.—Certainly.

Q.—In what way?

A.—We do require consultations with regard to various matters. For instance, education.

Q.—If that be so, do you think that the Governor should hold not only a joint meeting of the whole Cabinet but also a joint meeting of the transferred side? Would you like that to be made a rule?

A.—Yes ; if the distinction between the reserved and the transferred side is to be kept.

Q.—According to the present constitution it has got to be kept unless the constitution is changed. So long as the present constitution continues, do you think that it would be advantageous to the Ministers themselves to have regular joint meetings of the transferred side, not simply joint meetings of the transferred and reserved side together ?

A.—It would be an improvement to a certain extent.

Q.—Would you like that to be made a rule ?

A.—Yes.

Q.—Would you like that to be left to the discretion of the Governor or would you like it to be laid down in the rules ?

A.—It must be laid down in the rules.

Q.—You have said that there is a certain amount of complaint as to the postings. I suppose in your province postings are made by the Governor direct, known as Schedule I appointments. Supposing a District Magistrate is transferred from Nagpur to some other place. What would be your particular desire to have the privilege that you should be consulted over that posting ?

A.—The District Magistrate, in the first place, is not under the control of the Minister.

Q.—I know that. What I want to get at is that when you were complaining were you complaining only of appointments relating to transferred side or were you complaining of all the appointments made by the Governor direct ?

A.—I have principally confined myself only to the transferred side.

Q.—Did you also complain of appointments relating to the reserved side ?

A.—No, I did not complain about them.

Q.—Supposing the Governor had made appointments relating to the reserved side and did not consult the Minister as he does now, do you think that is a bad practice at all ?

A.—It may be a bad practice. For instance, as a Minister I want to establish village panchayat in a certain district, then I should certainly like to post to that district a revenue officer who is in sympathy with that institution.

Q.—In other words, as a Minister you would like to have a say so far as the postings of officers are concerned simply because his posting may have an effect on some policy of the Minister in a particular area ?

A.—Yes, that particular officer has to deal with that particular subject.

Q.—Now I come to your recommendations as to Honours. Did not your Governor write to you periodically before his Honours were recommended to the Government of India as to whether you had any recommendations to make relating to your department ?

A.—No. It was only for the first time that I read the names in the papers.

Q.—May I understand then that in the Central Provinces the policy has been for the Governor never to consult his Ministers as to whether his Ministers wanted any decorations given to certain people in their own departments or not ?

A.—It has not been done.

Q.—I am surprised at that statement. I understand that is not the practice in other provinces. Do you mean to say further that not only did the Governor not consult his Ministers but that he went further and consulted his Secretaries and asked them—supposing it was the Secretary in charge of the Municipal Department—whether there were any officials in the Municipal Department who should be honoured and that the Secretary sent up his recommendation without even consulting the Minister and without even showing the letter of the Governor or the Chief Secretary to the Minister.

A.—Such a letter was never shown to me.

(Mr. Chairman).—Q.—Do you know that any such letters were written on behalf of your department by any of your Secretaries and that they were not shown to you ?

A.—I do not think Secretaries have got anything to do with it. What I understand the practice is that these recommendations are sent directly to the Governor by the heads of the departments or the Commissioners of the Divisions.

Q.—What I want to get at is that the Chief Secretary or the Private Secretary as the case may be, writes to the heads of the departments and finds out whether there are any recommendations from their departments. What I want to know is that, when the departments under you send up these recommendations, do they consult you about them ?

A.—No, they have never consulted me about them.

Q.—And you personally as a Minister were never consulted and never asked to send any recommendations for any officers ?

A.—No.

Q.—You made day before yesterday a most surprising statement, namely, that the Ministers' functions are purely advisory and that the responsibility was not in any way real. Please correct me if I am making a mistake. Do you mean to say that in all these measures that you passed during the three years that you were a Minister, all those Bills were not your Bills ?

A.—They were my Bills.

Q.—Did you not have any responsibility for them ?

A.—Yes, I had responsibility.

Q.—Then what do you mean by the expression that the Ministers' functions were purely advisory ? If the Governor had not accepted your advice, would those Bills have been passed ?

A.—I could not probably introduce those Bills.

Q.—In that case the Governor did accept your advice ?

A.—Yes, he accepted my advice.

Q.—That being so, is it not rather a sweeping assertion to make that the Ministers are mere advisers and that their functions are not real ?

A.—I don't think it is a sweeping assertion. It is a strictly logical and legal assertion to make having regard to the provisions contained in the Government of India Act.

Q.—What I mean to say is that if you say that the Ministers' powers are really imaginary....

A.—I did not say imaginary.

Q.—If the Minister's responsibility was not real, how was it possible for him to take responsibility of a particular measure in the Legislative Council if that responsibility is not real ?

A.—I can take responsibility for giving advice.

Q.—It is not a question of giving advice. The responsibility must be real, otherwise how could you introduce a legislative measure ?

A.—I introduced the legislative measures with the consent or under the orders of the Governor.

Q.—Did you introduce a legislative measure under the orders of the Governor or did you introduce it because you thought that it was necessary for your province ?

A.—Because I thought that a legislative measure was necessary.

Q.—A little while ago you said that you never considered the Governor's notes as orders but mere suggestions. You have just now been saying that you introduced legislative measures under the orders of the Governor ?

A.—I am afraid my answer was not properly understood by some members of the Committee. When I said that I regarded certain suggestions or certain notes of the Governor as mere suggestions I was dealing with a question which was put to me in regard to certain administrative matters, which the Governor did not wish to dispose of himself but he left it to me entirely to decide after taking into consideration certain observations made by him.

Q.—What I am driving at is this. It is rather contradictory in terms for a Minister to assert that his powers are purely advisory and not at all real when that very Minister can, if he gets his Governor's consent and the consent of his Government, introduce measures and have them passed.

A.—I don't think it is contradictory in terms. But in order to satisfy you I may say that it is a qualified responsibility.

Q.—It is not a question of satisfying me. I want to know what is your view. When you make an assertion that you have got no real power or responsibility, I think you yourself would qualify it if I were to point out to you that there is a certain amount of responsibility which is very real. It may not be sufficient, it may not be the same as a Member of Council has, but to say that you have no responsibility is rather a sweeping assertion ?

A.—I have never said that there is no responsibility.

Q.—I think in reply to some Member's question you did say that your functions are purely advisory and not real. I took down your very words when you expressed them.

A.—I said that the Minister's duties were advisory.

Q.—Will you still stick to that view seeing that you are able to pass great many measures of legislative importance in your Council ?

A.—I still say that.

Q.—Then how were you able to pass those responsible measures in your Council ?

A.—I introduced them. What I said was that all these things were subject to the ultimate sanction of the Governor and that is not, what I understand to be a real responsibility. Therefore, I said that I am prepared to say that it is a qualified responsibility.

(Dr. Paranjpye).—Q.—The heads of departments often send over many proposals which are accepted by the Governor and the Minister. Would you say that the heads of departments are responsible for the things that have been sanctioned ?

A.—In the sense in which you put it to me they may be responsible ; but the ultimate responsibility is not theirs.

Q.—I should like to ask you a question about Law and Order. Supposing Law and Order was a transferred subject, and you as a Minister had to clap into jail several political prisoners under Regulation III, and a Resolution came on in your Council saying that all political prisoners should be released, would you still, as you asserted a little while ago, be able to carry the Council with you ?

(Sir Tej Bahadur Sapru).—That relies on the fact that there would still be a Regulation III.

Q.—We are considering things as they are at present and not a general pandemonium that might follow if all Regulations were abolished.

A.—My reply to that question is that if as a Minister in charge of Law and Order, I make use of Regulation III, then I shall make use of that Regulation with a full sense of responsibility and a full knowledge, and belief that I shall be backed by the Council, otherwise I shall not.

(Mr. Chairman).—Q.—You will not make use of it until you have ascertained from the Council that you should ?

A.—I shall know the feelings of the Council before if I go there as a Minister.

Q.—What I am driving at is this, is the opposition to these laws being introduced or put into practice because the country at large have not got the responsibility, or is it because it is the action of the executive government ? I am asking that because there must always be an executive government, whether it is government by the people or by a foreign power or anything else.

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A.—The question, as I understand it is, are these agitations against the application of repressive laws due to the fact that the people of this country are irresponsible, or is it due to the fact that the law is made applicable by the executive government ?

Q.—No, what I said is this, do the people resent the Regulation because the Regulation is not of a responsible government by the people or would the people go on resenting any executive action by Government ? In other words does the country at large want that the legislative rather than the executive should be the final authority in the country ?

A.—No, what they want is that the executive should be subject to the control of the legislative authority.

Q.—In everything ?

A.—Yes, and if it is so, then they presume the Executive would not go wrong.

Q.—I am asking that because a very responsible member of what is known as the Swaraj party made the most surprising statement in the Bengal Legislative Council last March that one of his complaints was that he could not dismiss a police officer. I did not know that any legislature in the world wanted the power to dismiss individuals. That is why I was asking the question. You said when you over-ruled certain departmental orders, you got demi-officials and you said fortunately they were from European officials. Why did you say fortunately ?

A.—Well, if I had received similar demi-officials from Indians then probably they would have said that these Indian Ministers do not know how to maintain discipline. I did not encourage that kind of thing.

(Mr. Chairman).—Q.—Would you mind repeating that ?

A.—He asked me to say why I said fortunate. What I meant was if similar demi-officials had been sent to me by Indian subordinates, probably they would have suffered. Very severe measures would have been taken against them ; that is what I mean.

Q.—Supposing you had over-ruled your Secretary ? I am sure on these departmental facts you do not over-rule a tahsildar or somebody very low in rank. In a departmental file, if you disagree, you disagree with the Secretary or whoever he may be. Supposing you had over-ruled A. who happened to be a European and he had protested against your order, that it was not correct and therefore took his case up to the Governor. Supposing, instead of A. it was Khan Bahadur Abdul Karim, would you have considered yourself to be fortunate because the Secretary happened to be a Khan Bahadur and was an Indian ? I cannot quite follow.

A.—What I meant by fortunately was that in these acts in administrative disciplinary matters the Indians were not responsible.

Q.—I am at a loss to understand what you mean by fortunate ; however I will not press it as the Chairman does not wish it.

The Chairman having stated that the Committee was much obliged to the witness for giving his evidence, the Committee adjourned at 2-10 P.M., till Wednesday the 13th August, 10-30 A.M.

Wednesday, the 13th 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. Gokaran Nath Misra, and Mr. Hirdaya Nath Kunzru on behalf of the United Provinces Liberal Association, Allahabad.

EXAMINED BY THE CHAIRMAN.

Q.—You desire to give evidence in public ?

A.—Yes.

Q.—You desire to give evidence on behalf of the United Provinces Liberal Association ?

A.—Yes.

Q.—Would you tell me what connection you have with the Association ?

A.—My name is Gokaran Nath Misra. I am the Vice-President of the United Provinces Liberal Association, and have been connected with it almost ever since it was started.

Q.—And your colleague ?

A.—(By 2nd witness) : My name is Hirdaya Nath Kunzru. I am a member of the Association. I was at one time Secretary of the Provincial Liberal Association and have been a member of the Association—I mean, of the Party and of the Association ever since it was started.

Q.—You are empowered by your Association to give evidence ?

A.—(By 1st witness) : Yes.

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

A.—This Association has its headquarters at Allahabad. It has got more than a dozen branches in the United Provinces and on its rolls, it has members between 300 and 400.

Q.—Have you got any constitution ? Are you registered as an Association ?

A.—No, we are not registered as an Association because under the Societies Registration Act Political Associations cannot be registered.

Q.—Could you not be registered as a company ?

A.—No, we do not carry on any business.

Q.—You are not as a fact registered ?

A.—No.

Q.—Do you keep a register of members ?

A.—Yes, we do.

Q.—Do you have a paid Secretary ?

A.—No we have an honorary Secretary.

Q.—Now what is your constitution—who is the governing body ?

A.—Our constitution is that we have got a President, several Vice-Presidents, two Secretaries and then we have got an Executive Committee, and besides that we have got a Working Committee consisting of a separate Chairman altogether and members who carry on the work.

Q.—Who is your President ?

A.—Sir Tej Bahadur Sapru.

Q.—You said you had about a dozen branches—in what places ?

A.—We have got our branches at Allahabad, Lucknow, Benares, Cawnpore, Farrukhabad, Mirzapore, Agra, Sitapur, Bareilly, Aligarh, Fyzabad—that brings it to 11.

Q.—You have got about 30 members in each branch, or are they mainly at Allahabad ?

A.—(By 2nd witness) : When my friend said we had between 300 and 400 members, he meant in the central institution, not the branches.

Q.—How many have you in the branches ? Roughly ?

A.—Lucknow has got about 50 members, and roughly on an average about 30 members in the other branches.

Q.—What would the total membership of your Association be, roughly ?

A.—From 400 to 500.

Q.—Then I presume you have considerable party funds ?

A.—Yes, we have.

Q.—And you are a powerful organisation politically ?

A.—Yes, quite.

Q.—When was the Association founded ?

A.—In 1918.

Q.—It came into existence about the same time as the Reforms ?

A.—Yes.

Q.—I suppose you select candidates and put them forward for constituencies ?

A.—Certainly.

Q.—How many did you put forward in the 1920 elections ?

A.—We put forward between 30 to 40 candidates.

Q.—They stood as members of your Association ?

A.—Some of them who were not members of the Association were members of the Liberal Party and stood as such.

Q.—Did you run these candidates as a sort of political association, or were they simply members of your Association ? Did you assist them financially ?

A.—We did. We have not got such large funds in our control from which we could meet their election expenses ; but we assisted them in this way—prepared certain pamphlets, printed them and handed them over to them for being circulated in their constituencies and several of us went round addressing public meeting on their behalf.

Q.—How many of those candidates were successful ?

A.—I should say between 20 and 25.

Q.—Then when the last election came on, you did the same thing—only rather more ?

A.—Well, practically the same number.

Q.—How many meetings were addressed on their behalf by your Association ?

A.—If you take all the meetings held in the various constituencies and addressed by the members themselves, they would come to 100—150 meetings.

Q.—How many meetings did you organise on behalf of the candidates yourselves ?

A.—That number includes the number organised by the candidates themselves.

Q.—How many apart from that did your Association organise ?

A.—I should say between 20 to 25.

Q.—And how many candidates did you put forward in this election ?

A.—About 30 or 35. We fared rather badly. We got through only about 12 to 15.

Q.—Then your voting strength in the Councils may be regarded as a majority of 12 or 15 constituencies ?

A.—Yes.

Q.—You probably carried on a more intensive campaign this time ?

A.—We did.

Q.—Did you meet with very great opposition ?

A.—Yes, from the hands of the Swarajists. They were well organised. There was some opposition on behalf of the landholders too, because when the Oudh Rent Bill was before the last Council, we took the side of the tenants.

Q.—It was not popular ?

A.—Not popular with the landlords.

Q.—Not popular in the constituencies ? Do you put your defeat down to that or was it one of the factors that operated ?

A.—It was one of the factors that operated.

Q.—Now you have got your Association's Memorandum before you. I notice that you say in paragraph 5 of that Memorandum that "there is nothing more striking in the recent political history of India than the influence which the educated or political classes have acquired with the mass of the people." What has been the most striking public manifestation of this influence recently ?

A.—A striking manifestation is that the views which were advocated by the educated people are exactly the views which are held by the masses. They began to feel and they began to think in exactly the same way as the educated people.

Q.—Would you consider the Non-co-operation movement as due to the influence of the intellectual classes ?

A.—Yes, to some extent it was.

Q.—Would that be the most striking manifestation ?

A.—It would be.

Q.—That is what you refer to when you say in the next paragraph "All the symptoms of this new development may not always have been healthy" ?

A.—Yes, that is what is meant.

Q.—And you yourself have been combating that ?

A.—We have been.

A.—(By 2nd witness) : Only some aspects of it—not all.

Q.—Then you are in favour of certain aspects of the Non-co-operation movement ?

A.—(By 2nd witness) : Most undoubtedly.

Q.—You say in paragraph 8, dealing with the Hindu-Moslem situation, that efforts were being constantly made by leaders of both communities to improve the relations between them. Looking back over the last 20 years would you say you have been successful ?

A.—I think if the efforts had not been made, probably the tension would have been greater.

Q.—You think the tension is greater now than it was 20 years ago ?

A.—I won't say that, but I find it is greater than what it was in 1916.

Q.—There is a distinct increase in tension ?

A.—There is.

Q.—(To 2nd witness) : You would like to add something ?

A.—I would like to say that the degree to which two communities like the Hindus and Moslems come together can be judged only if we look back over a number of years. For the present it may seem as if there was greater tension than say in 1920 or 1921.

Q.—Your colleague said 1916 ?

A.—1916 was the year in which the *rapprochement* between the Congress and the Moslem League took place and therefore obviously the two communities could keep together to some extent—there would be absolutely no friction. Naturally they would not always keep together to the same extent.

Q.—That was not the question I asked ?

A.—But if you consider these relations since 1913, when the Moslem League adopted Self-Government as its objective, Hindus and Moslems would come together far more than they did before that year.

Q.—(To 1st witness) : You say in paragraph 9 of your Memorandum that the Association is aware that in certain quarters the view is held that the electorates in this country are not prepared to bear the full burden of responsibility and that their schooling into responsibility will have of necessity to be a somewhat slow process." You disagree with that view ?

A.—We entirely disagree.

Q.—You consider that the electorate is as fit for political power as the English electorate was at the passing of the Reform Act of 1832 ?

A.—That is our view, yes.

Q.—The electorate as at present constituted has exercised its functions on only two occasions ?

A.—Yes.

Q.—Are you aware on how many occasions before the passing of the Reform Act the English electorate had exercised these functions ?

A.—They exercised it a number of times.

Q.—Would it surprise you to learn that the main franchise in England started in the reign of Edward III, was given statutory force in 1434 and remained unchanged till 1832 ?

A.—History tells us there were rotten boroughs.

Q.—Are you aware that the main franchise was in existence in England in 1434 ?

A.—We are fully aware of that.

Q.—And probably during the period between 1434 and the passing of the Reform Act in 1832, there would have been a good many general elections ?

A.—There were, no doubt.

Q.—You propose in a later part of your statement to widen the franchise. Now the English country franchise was not materially altered during some 400 years, as we have seen ?

A.—That is so.

Q.—You suggest an alteration of the franchise after two elections ?

A.—The world is progressing, and we cannot take our lessons from the England of 400 years ago.

Q.—I am not suggesting that. I did not raise the analogy of England. It is raised in the memorandum ?

A.—Yes, the analogy is raised in the memorandum.

Q.—You say that the electorate should be widened. How would you widen it ? By lowering the franchise ?

A.—Certainly.

Q.—Do you think that that would add a more intelligent element to the electorate ?

A.—The state of intelligence will be exactly the same. For instance, a tenant, who holds at present land and pays Rs. 50 as rent, is qualified to vote for election to the Local Council. If you bring in another tenant who pays Rs. 25 as rent, his average intelligence and that of the man who pays Rs. 50 is just the same.

Q.—You would, in fact, go further and suggest manhood suffrage because the intelligence is the same ?

A.—Well, practically their intelligence would be the same. The only difference probably would be that the man having no land may not be considered to have stake in the country to the same extent as the man who possesses land actually.

Q.—There is no difference in intelligence ?

A.—Not much, except that the one who actually cultivates and actually pays rent has got a little more experience of the world than the one who has not got similar qualification.

Q.—Would you suggest that the man who paid Rs. 50 rent had more experience than the man who paid Rs. 25 ?

A.—I do not think there is much difference.

Q.—Therefore, really the electorate might also be composed of all ?

A.—I do not think I would carry it to that limit.

Q.—What is your objection to carrying it to that limit if there is no difference in intelligence ?

A.—From that point of view there is no difference.

Q.—Well, then, if you had manhood suffrage, you would have a very large electorate ?

A.—Certainly.

- Q.—And that is what you desire ?
 A.—That is what we desire to be our ultimate goal.
 Q.—The larger the better ?
 A.—Larger than the present.
 Q.—The larger the better ?
 A.—Yes.
 Q.—You think that the broader the electorate, the broader the basis of Government ?
 A.—That is so.
 Q.—But in order to give a vote, some degree of political insight is necessary. Would you agree to that ?
 A.—Yes.
 Q.—That is, to give an intelligent vote ?
 A.—Yes.
 Q.—Do you think that it would not seriously affect the value as a political voting power of the electorate however much you widen the electorate ? As I understand you, you say that the intelligence of the electorate would not greatly be impaired if you have manhood suffrage. Therefore, you would consider that the addition of all those large numbers of voters would not affect the political position at all ?
 A.—That would not.
 Q.—You say in paragraph 3 that the present constitution was not affected by Indian opinion. You say that Indians should have a voice in the shaping of their political future. You suggest that they had no such voice. Would you like to qualify that statement ?
 A.—They had a voice. They were consulted. Evidence was taken and His Majesty's Government, before they finally passed the Government of India Act, ascertained the opinion of the public.
 Q.—You would qualify your statement then to some extent ?
 A.—It only refers to the preamble of the Government of India Act where it is stated that the real authority which is to decide the time and the stage of each measure of progress is the English Parliament and no other body. It is only a statement made just to qualify this statement.
 Q.—You controvert the view that the English Parliament should decide the stage ?
 A.—We only controvert it thus far that although the British Parliament is the final authority, yet the people of India ought to have a voice in saying when a particular stage for a particular reform has been reached.
 Q.—But you would not controvert the view that however great and however rightly the Indian opinion may be consulted, the actual machinery by which the advance is to be enacted is the British Parliament ?
 A.—Yes, we are in that position.
 Q.—You would not like to be in that position ? Do I understand you to object to that position ?
 A.—As we are, we have to abide by that position.
 Q.—But that position is not pleasing to you ?
 A.—As an Indian the position is not pleasing to me. I would like that my own progress should be judged by my own self. But constituted

- as we are, we have to take our constitution from the British Parliament. That is the position.
 Q.—May I suggest to you that up-to-date, the advance, as has been made, has been made through the British Parliament ?
 A.—That is so.
 Q.—Would you wish to continue in the same channel ?
 A.—Yes, we wish to continue in the same channel and hope to reach our goal in that way. I belong to a party that still entertains that hope, although in the country there is a party that feels.....
 Q.—I am not asking about the country ; I am asking about the opinion of your Association ?
 A.—My association feels that there is still justification for hoping that progress will be achieved through the British Parliament.
 Q.—Can you see any other way by which it can be achieved ? Can your Association see any other way ?
 A.—My Association thinks there is no other way.
 Q.—Please refer to paragraph 7 of your memorandum. You quote there from Lord Bryce ?
 A.—We do.
 Q.—I take it, the reference is to his Book on Modern Democracies, published in 1921. You quote him with approval ?
 A.—We do.
 Q.—You regard his political opinions as important ?
 A.—Yes.
 Q.—You approve of his views ?
 A.—We do.
 Q.—You have read the Chapter in question ?
 A.—Yes.
 Q.—You would accept most of his statements in that Chapter ?
 A.—Well, many of the conclusions we would accept, though in some conclusions we would like to make a little modification. The broad conclusions we accept.
 Q.—He is dealing in that Chapter with the extension of Self-Government to countries which had previously been autocratically governed and he takes the case of the various States that he has named. He comes to the conclusion that self-governing institutions "grow up in comparatively small and homogeneous population. India, China and Siberia are vast countries inhabited by diverse races in very different stages of civilisation. Would you accept that as a true statement ?
 A.—I would undoubtedly accept his statement that India is a vast country. I would also accept.....
 Q.—It is the first statement that is more important. His argument is that in very large units it is extremely difficult—he does not say it is impossible but it is extremely difficult—to establish self-governing institutions. Would you agree with that ? The unit has to be small ?
 A.—Yes.
 Q.—And it must be of a homogeneous character ?
 A.—Well, ordinarily it has to be.

Q.—In fact, may I take it generally that you accept his conclusions in that Chapter ?

A.—We do, but as I have said, with certain modifications.

Q.—Generally you agree with his conclusions ?

A.—Yes, with certain modifications like these. Outwardly it might appear that India is such a large country inhabited by so many people of different culture and different civilisation that it would be impossible to introduce Self-Government. I would not, however, agree to that position at all because now we have reached that stage where Self-Government has been introduced in the country and we have got these institutions, and we can fairly work on these institutions.

Q.—Are you aware of any single Government in the world which has such a large population as India that is governed by one Legislature ?

A.—Not at present, with such a large population, except perhaps China. I do not, however, know much of China. I have not studied the subject.

Q.—I don't think China can be said to be "governed in". The American constitution probably is the biggest constitution, consisting of somewhere about 110 or 111 States ?

A.—Yes. At present our idea is that our units possessing homogeneous elements of population should consist of the various provinces under different Local Governments, and then we should have the Central Government joining them all together.

Q.—That is the general arrangement ?

A.—Yes.

Q.—What do you think of the size of the United Provinces as a unit ? What is the population of the United Provinces ?

A.—47 millions.

Q.—Do you regard it as too large for a self-governing unit or too small or just the right size ?

A.—I think we are sufficiently homogeneous to be one self-governing unit.

Q.—Are there not two sub-provinces in the United Provinces—Agra and Oudh ?

A.—Yes.

Q.—Have you ever considered the question whether self-governing institutions would not be better promoted by a division of the provinces ?

A.—We considered this question a great deal when Mr. Curtis wrote about this question and suggested that it might be possible to divide the United Provinces into two provinces and that we might then introduce two separate Legislative Councils for them. But many of us felt that the two provinces had been sufficiently long together, and the administration of the whole province had been carried on very successfully so far and the people of the provinces wished that they should be together and did not favour the idea of their being sub-divided into two portions.

Q.—That is the opinion of your Association or your personal opinion ?

A.—That is the opinion of the Association too.

Q.—I see that your Association dislikes the division of Government known as dyarchy ?

A.—Yes, it was started for a particular object and it considers that that object has been achieved. Time was not the essence but the experience to be gained was to be the essence and that experience has been gained.

Q.—That is the three years ?

A.—Probably the time we will get provincial autonomy, we will have gone on for a period of six years and that would be quite enough.

Q.—You would regard a term less than 6 years as too little ?

A.—I do not regard it so.

Q.—Do you think that three years was sufficient ?

A.—Quite sufficient.

Q.—Would two years have been sufficient ?

A.—We cannot go on like that. Three years is the period of one Council, and, therefore, we consider that three years' period is quite sufficient. We cannot go on and say whether one year or two years would have been sufficient.

Q.—I notice that in the Central Government you propose a form of dyarchy ?

A.—That again is a transitional stage. We cannot have any other at present.

Q.—You would consider that after one election—three years—that reservation should also be abolished ?

A.—It may be one election or it may be two elections.

Q.—You would not look forward to more than two ?

A.—No.

Q.—In two elections the Central Legislature would be in a position to take over the entire responsibility of the Government of the country, the Army including ?

A.—I hope so, if the Government makes effort and puts the Army in such a condition that it may be taken over by the Legislature. That is the only difficulty.

Q.—What does your Association think of the possibility of that ?

A.—My Association thinks that in 10 to 15 years the Army can be taken over.

Mr. Kunzru.—A.—May I supplement this. You asked whether two years working would be sufficient. I may point out that as a matter of fact the All-India Federation at its session in 1921 did pass a resolution for provincial autonomy and responsibility in the Central Government.

Q.—After two years ?

A.—After one year. May I just complete what I have to say. I should also like to point out that in the representations of the Liberal Party which were submitted to the Joint Committee which considered the Government of India Bill, it asked for responsibility in the Central Government before it had had any experience of the working of the new Act at all.

Q.—I am much obliged to you for that, but there seems to be some divergence of view between you two representatives ?

A.—I should not think so. My colleague himself was present at the session when this resolution was passed.

Q.—I do not quite understand the position. The position taken up by the first witness (Mr. Misra) is that dyarchy was a troublesome necessity which had to be worked ?

A.—I do not quite catch what you say.

Q.—The first witness said that his view was that dyarchy was a transitional form of Government which was necessary for a period in order that experience might be gained. I take it that that is not your view ?

A.—I did not hear him say so that it was necessary. He said as a means merely to provide for some experience.

Q.—I won't pursue that point further. That is my impression of what he said.

A.—He will himself be able to say whether he said it. Certainly it is not my view. It was accepted as a matter of political expediency only.

Q.—It is not the view of the Association that you are representing ?

A.—I should think so.

Q.—Would you mind referring to the reference in your memorandum to the powers of the Viceroy to certify. It is in paragraph 18, no. 6 page 7 of your written memorandum. Is that reference correct ?

Mr. Misra.—That reference is wrong. It should be 67 (B) (1). That is the section where the expression "interest of British India" comes in.

Q.—You say, "The word 'interest' there is too wide and should be replaced by a word with a more definite and limited meaning. As was said when the Bill was before the Parliament, the word 'interest' is so wide that one does not know what to mean by 'interest'." You are referring to Col. Wedgewood's speech ?

A.—Yes.

Q.—I think it was Mr. Inskip who drew attention to the fact that the stress should be on the word "essential" rather than on the word "interest" ?

A.—I have no recollection of that.

Q.—You have read the debate ?

A.—Yes.

Q.—Is it not a fact that Mr. Inskip following Col. Wedgewood drew attention to the fact that the stress should be on the word 'essential' rather than on the word 'interest' ?

A.—I do not remember.

Q.—But your reference was to Col. Wedgewood's speech ?

A.—That is so.

Q.—I do not propose to take you into any of your detailed remarks because I hope I am correct in believing that you never held office as a Minister ?

A.—No. I was offered office, but I refused.

Q.—(To Mr. Kunzru) : Have you ever held Office ?

A.—No. I have held no office whatsoever. I was a member of the United Provinces Legislative Council for three years ?

Mr. Misra.—I was a member of the United Provinces Legislative Council prior to the reforms from 1916 to 1920 and then I was again elected and I was a member from 1921-23.

Q.—You refused office because you had not a sufficient majority in the Legislature ?

Mr. Misra.—That was not the ground on which I refused office. The ground was that the Governor had already offered one Ministership to a member of the Council with whom I thought that it would be difficult to carry on the administration on the principle of joint responsibility.

Q.—That is rather interesting. Do you think that with your present party in the Council you would be able to rely also on any other party so as to form a ministry ?

A.—I felt no difficulty in that when the ministership was offered to me.

Q.—My point was this. In the present Council—I am not speaking of you personally, but of your party—supposing a member of your party is offered office, he would be able to accept it on the chance of a coalition with any other party in such a way that you can carry on the administration ?

A.—Yes.

Q.—What would be that party then ?

A.—I do not think it will be the Swaraj Party, but probably we may be able to create a coalition with the landholders' party.

Q.—Sufficient to enable joint responsibility ?

A.—Yes.

Q.—You attach great importance to joint responsibility ?

A.—Yes.

Q.—And you would not take office unless you can secure a colleague with whom you can work jointly ?

A.—No. That was the very reason for which I declined to accept office.

Q.—That is the view of your party ?

A.—Yes. The Governor offered it to another member of the party also and that was the ground on which he also declined.

Mr. Kunzru.—Mr. Chairman, you question my colleague about the supremacy of Parliament, in reference to what is written in paragraph 3 of our memorandum. We do not challenge the legal supremacy of Parliament. The expression is here used in a political sense. Besides, so far as I have been in touch with the members of the United Provinces Liberal Association and with its prominent members, I believe their view is that the power to amend the constitution in future should be in the hands of the Indian Legislature, I believe on the model of the Australian Act—I am not sure—I read it at one time—and not on the model of the Canadian Act which, I think, says that any change can be made only by Parliament. That is our view. It was not with any desire to controvert the legal supremacy of Parliament that that was written.

Q.—Legal supremacy and political supremacy of Parliament are the same ?

A.—Politically, of course, I would certainly like that the Parliament should be guided by our wishes, especially in view of the declarations of self-determination made during the War.

Q.—We are rather in a circle. There can be no difference between the legal and political powers of Parliament because Parliament merely exercises its powers by a majority, and if you desire to work through it,

it must be with the political assent of Parliament. Otherwise it will be inoperative. I can quite sympathise with your desire that the Parliament should operate in such a way that the Indian opinion desires it to follow ?

A.—Any advance must come through Parliament, but the bald way in which it is stated there that every advance must depend in regard to time and extent on the wishes of the Parliament rather jars on our ears. I am perfectly certain that if you were to-day to deliver a speech you would not use words quite so bald as that. You would use perhaps a smoother expression which.....

Q.—I see your point. You mean to say that the language is unnecessarily offensive to your susceptibilities. You do not deny the fact but you say that it is rather broadly stated, rudely stated ?

A.—I do not say that the intention of Parliament is to deny us all opportunities of having our views heard. The words used there are hard.

Q.—I see that you are not objecting to it as being inaccurate, but you dislike the method in which it is couched ?

A.—I meant to say that these expressions are used in a political sense. We are giving expression to our political feelings and we do not challenge the legal supremacy of Parliament.

Q.—There is no distinction between the legal and political supremacy of Parliament ?

A.—I use the words 'political' and 'legal' in the sense in which they are ordinarily used.

Sir Muhammad Shafi.—Q.—Mr. Misra, towards the end of the first paragraph of this statement, your Association says that the terms of reference to the Committee are extremely narrow and restricted in scope. Are you and Mr. Kunzru of the same opinion ?

A.—Quite.

Q.—Will you kindly look at the terms of reference for a moment ? According to the terms of reference the object and scope of this Committee's enquiry is divided into two separate heads ?

A.—Yes.

Q.—To enquire into the difficulties arising or defects inherent in the working of the Government of India Act and the rules thereunder in regard to the Central Government and the Governments of Governor's Provinces. So far as that branch of the enquiry is concerned, it governs both the Central Government and the Provincial Governments ?

A.—Yes.

Q.—And it relates to the defects as well as the difficulties in the Act as well as the rules framed under the Act ?

A.—Yes.

Q.—Without any limitation ?

A.—Yes.

Q.—All defects and difficulties ?

A.—Yes, the words are there.

Q.—Even difficulties arising out of defects inherent in the Act ?

A.—Yes. I see that.

Q.—Assuming for the sake of argument that the Committee were to find that there are certain difficulties and defects in the machinery of Provincial Governments as set up in the Act and that these are due to the system of dyarchy, is there anything to prevent the Committee from saying so ?

A.—I hope not.

Mr. Kunzru.—Not under head 1. But it is head 2 and part (2) which led to that observation.

Q.—There is a difference between difficulties and defects and the inquiry in relation thereto and remedies under head 2. I am distinguishing those two and I am putting to you the question because both of you—one of you is a lawyer, a very experienced lawyer and the other is an experienced politician—can see the distinction between these two, the enquiry into difficulties and defects under head 1 and the remedies to be suggested under head 2. I am at present only referring to the first. Your answer is that there is nothing in the terms of reference under head 1 to prevent it from saying so.

Mr. Misra.—In my opinion there is nothing to prevent it from saying so.

Q.—Supposing the Committee were to come to the conclusion that there are certain difficulties in the working of the Act in so far as the Central Government is concerned and that these are due to the fact that while the Central Government is subject to control of Legislature in certain matters, it is not so in others, and hence the conflict. Is there anything to prevent the Committee in the terms of reference from saying so ?

A.—I do not think there is any.

Q.—Then you admit that the scope of the Committee's enquiry confining yourself to head 1, is unlimited and cannot be characterised as narrow under head 1 alone ?

A.—I hope you would now allow me to give my answer. On a strict interpretation, it would not, but looking to the way in which it has been worked and the fact that pointed reference has been made merely to the working of the Government of India Act and the rules thereunder, there is a general impression that the only thing which this Committee is asked to do is to enquire and report so far as the working of the Government of India Act is concerned and not to go beyond that. I would also like to add that this is the way in which many of the Local Governments, including our Local Government, have interpreted the terms of reference and this is the view which the general public also takes. I would be simply delighted to learn from this Committee or from the Chairman of this Committee if this Committee is prepared to enquire into the whole field and nothing would please Indians better than to know that this is the object of the Committee.

Q.—May I in this connection invite your attention to what Sir Malcolm Hailey said in the Legislative Assembly in his speech on February 18th ? "Before His Majesty's Government are able to consider the question of amending the constitution as distinct from such amendments of the Act as are necessary to rectify any administrative imperfections." Notice the word "there must be a full investigation of any defects or difficulties which may have arisen in the transitional constitution." Full investigation. I lay emphasis on the word 'full'. Bearing what Sir Malcolm

Hailey said in this speech of his with regard to the nature of the investigation of the difficulties and defects and that it is intended to be a full investigation bearing the language which we have now carefully analysed here, don't you think that the general impression that you have spoken of is really erroneous and that there is no limitation to the scope of the inquiry in so far as head 1 is concerned?

A.—My reply is that the Indian public was clamouring for a Royal Commission and the object of that Royal Commission—according to Indian opinion—was to be not only to inquire as to how far the Government of India Act and the rules under the Government of India Act require to be modified and how far the Government of India Act has worked properly, but also to go beyond it and to determine whether the Government of India Act requires any amendment or if the constitution which was promulgated under the Government of India Act requires to be amended. It should have said so distinctly and the public thought that an inquiry instituted merely by the Government of India would not be capable of doing it. Consequently this was the general impression. As I have said, if, according to the Hon'ble the Law Member's interpretation, this is so and if this is the correct interpretation that this Enquiry Committee would be able to carry its domain of enquiry so wide, nothing would please us more than that.

Q.—Does not the word 'inquiry' embrace both cause and effect?

A.—Yes, both cause and effect.

Q.—Now, let us come to the second part.

A.—Only one word more. It embraces cause and effect and also the suggestion of remedies therefor.

Q.—That is why I said let the heads be separated. Now, let us come to the second head. This is how head 2 runs: "To investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistent with the structure, policy and purpose of the Act, by action taken under the Act and the rules thereunder, or by such amendments of the Act as appear necessary to rectify any administrative imperfections." Would it be wrong to say according to your judgment that all conceivable remedies can be divided into (a) capable of satisfaction by action by means of exercise of rule-making power, (b) by minor amendments of the Act, and (c) by major amendments? Does not that exhaust the three possible remedies?

A.—The only difficulty in my way is that I can not get rid of the words "consistent with the structure, policy and purpose of the Act."

Q.—That is why I have introduced (c) by major amendments in the Act. Perhaps you did not quite understand me. Are not all conceivable remedies divisible into three, (a) by exercise of rule-making powers within the Act, (b) by minor amendments in the Act and (c) by major amendments in the Act?

A.—If by major amendments in the Act you mean that you can recommend such amendments which would be even inconsistent with the structure, policy and purpose of the Act, we would be perfectly satisfied with the scope of enquiry.

Q.—My next question is this. Are not heads (a) and (b) according to you within the jurisdiction of this Committee?

A.—Nobody doubts that.

Q.—The limitation even under head 2 is with regard to (c)?

A.—Even with regard to (c), when you propose such amendments in the Act which may appear to be inconsistent with the structure, policy and purpose of the Act....

Q.—You cannot propose those amendments under head 2. But can we not say that we find such and such defects and difficulties (a) removable by exercise of the rule-making power, (b) removable by minor amendments of the Act, and we find further difficulties and defects, so and so, but these cannot be removed by the exercise of either of those two powers. Is it not open to us?

A.—I hope it is open to the Committee to say so.

Mr. Kunzru.—Why didn't you say so plainly? That would have removed the apprehension.

Q.—That is now your carefully considered interpretation. Are you still prepared to say that the scope of the inquiry is extremely narrow and restricted?

Mr. Misra.—If the Committee is now going to consider or considers that its jurisdiction is so wide and if really the inquiry which it is going to institute is of such a wide character, I might be able to qualify the words relating to the narrowness of the enquiry and my Association might also qualify.

Q.—Let me invite your attention to what Sir Malcolm Hailey said even as regards (c). This is what he said in the Legislative Assembly, "But if our inquiry shows that no advance is possible without amending the constitution, then the question of advance must be left as an entirely open and separate issue on which Government is in no way committed." That is to say, as regards (c) under head 2, if we come to the conclusion that there are certain things which cannot be achieved without amendment of the constitution, then that question will remain an open one on which the Government has not committed itself one way or the other.

(Sir Tej Bahadur Sapru: The Government of India are not even now committed).

Mr. Kunzru.—That is our main grievance that the Government is not committed.

Mr. Misra.—If with regard to 2 (c) which you have suggested the Committee is going not only to inquire into them, but also to suggest remedies for removal of those defects, then in that case nothing more would be wanted. But that speech of Sir Malcolm Hailey which was made in the Legislative Assembly and the terms of this inquiry as they are, have given the Indian public and also my Association in particular the impression that this Committee would not go into that question of such major amendments as would be necessary for being introduced into the constitution of the Government of India Act which are inconsistent with the structure, policy and purpose of the Act.

Q.—On this point I think we have heard sufficiently from you.

A.—I suppose the position is clear.

Q.—Will you kindly turn to paragraph 18 of your statement? This is what you say: "Without prejudice to its conviction that the situation requires much larger measures than can be introduced under the Act, the Association would suggest that all possible advance under the Act should

be effected". I presume you realise that for an amendment of the Act a complicated procedure is required, introduction of a Bill in the House of Commons?

A.—I am fully aware of that.

Q.—Second reading and so on?

A.—Yes.

Q.—And that so far as the exercise of rule-making power is concerned, that is a speedier machinery in so far as it can go?

A.—Yes.

Q.—I suppose that is the reason why you advocate that in so far as action can be taken under the Act, it should be done by framing rules?

A.—Yes.

Q.—Therefore, when a witness on behalf of your Association puts forward certain proposals, it is to our advantage that it should be brought on the record that such and such proposals can be carried out by means of the exercise of rule-making powers and such and such proposals would necessitate the amendment of the Act?

A.—Most certainly.

Q.—Solely for that purpose, I wish to ask you a few questions with regard to the definite proposals that you have put forward in paragraph 23 of your Memorandum. Your first proposal in that paragraph can be realised by the exercise of the rule-making power?

A.—Yes.

Q.—The second proposal requires partly the amendment of the Act and partly it can be realised by the rule-making power?

A.—Yes.

Q.—The third proposal can also be realised by the exercise of the rule-making power?

A.—Completely.

Q.—And, in fact, the Lee Commission has actually made a recommendation on that behalf.

(*Sir Tej Bahadur Sapru*).—I am sorry to say that that is not my reading of the Lee Commission's report and I would differ with the Hon'ble the Law Member.

Q.—The Lee Commission recommend that services should be provincialised and their control vested in the Ministers?

A.—That is a very controversial question.

Q.—Then your fourth recommendation can also be realised by Rules?

A.—I have a little difficulty about that. I do not know whether the restrictions as to previous sanction of the Governor-General for introducing legislation in the Provincial Legislature can be done away with altogether under the Rules. My impression is that there is a section in the Government of India Act which expressly states that the.....

(*Sir Tej Bahadur Sapru*).—It is, I think, permissible to differ even from the Hon'ble the Law Member of the Government of India.

(*Sir Muhammad Shafi*).—Any lawyer may have his own individual opinion.

Mr. Misra.—I wanted to refer to section 67 of the Government of India Act where it is stated in clause (2) that it shall not be lawful without the previous sanction of the Governor-General to introduce at any meeting

any measure affecting the following things or any measure relating to the following things. For these measures, according to the statute, the previous sanction of the Governor-General is necessary. The Government of India will always say that every measure must come to them in order to find out whether that particular measure is not a measure which comes under clause (2) of section 67.

Maharaja of Burdwan.—Q.—Will you kindly refer to paragraph 18 (VIII) of your Association's Memorandum? Your Association would like the control of services to be more or less provincialised. Am I correct in saying so?

A.—My Association would first of all like the control of the services to be placed in the hands of the provincial Governments. If, however, this is not possible, then my Association urges that the control over the services should be taken away from the hands of the Secretary of State and should be given to the Governor-General in Council.

Q.—In other words, your Association suggests that the control of those services, which are now under the Government of India, should, in future, become provincialised?

A.—Yes.

Q.—Now please refer to paragraph 23 (III) where it is stated that "subject to paragraph 18 (VIII) of this memorandum, Governors in Council and Governors acting with Ministers, should have full control over the services serving under them". When you give this control, I take it that your Association would not favour the tampering with the services ordinarily by the Legislative Council? What I mean to say is that after the services were controlled by your provincial Government, your Association would favour the view that the services should feel some security and that the Legislative Council should not ordinarily interfere with them?

A.—My Association would not like that these services should every moment be tampered with by the Legislative Council and they think that some security must be given to the services.

Q.—That being so and having regard to part VI of paragraph 23 where it is stated that the position of the Governor should be that of a constitutional Governor, would you also agree that the Legislative Council should not have any control over the Governor's salary or his sumptuary allowance and so forth?

A.—That difficulty can be met with by passing an Act with regard to the Governor's salary.

Q.—It is at present non-voted?

A.—Yes.

Q.—When you wish to place all your provincial services beyond the control of the Legislative Council don't you think that it is only legitimate to ask that all matters relating to the Governor's allowances and so forth should also be beyond the control of the Legislative Council?

A.—The Governor's salary should certainly be beyond the control of the Legislative Council. The question of allowances is, however, a little different from the question of the salary. If the allowances are fixed permanently, it would be much better; but my Association would not like the question of allowance to be put on the same level as the question of the salary. The question of allowances may come under the control of the Legislative Council. If, however, the position is arrived at that the question of the salary and the allowances of the services generally should not be

touched by the Legislative Council, I would certainly agree that the salary and the allowances of the Governor in Council should also not be touched by the Legislative Council.

Q.—As a general principle, don't you think it would give more contentment to your services if they knew for certainty that certain definite allowances, which appertain to their salary, will remain secure from the control of the Legislative Council?

A.—There are allowances and allowances. Certain allowances might be considered to be of a nature that they ought to go with the salary. There are, however, other allowances which ought not to go with the salary. I personally have always been of opinion that allowances should be abolished altogether and that they should be taken into consideration in fixing the salary of a particular post. These allowances always lead to difficulties. In any case if it is found that there are certain allowances which have to be treated on the same level as the salary itself and if it is found also that in order to make the services contented, their salaries have to be fixed and secured and certain allowances have also to be secured, then I would not have any objection to these allowances being treated on the same level as the salary itself. Once that position has been secured to the services, I would secure that position also to the Governor in Council.

Q.—I will give you a concrete instance. In the case of a service man you say that you would give him certain halting and travelling allowances. Then he submits his Bill for his halting and travelling allowances and so forth. His superior officer, of course, checks his bills. Don't you think that in a case of that kind, it will have a much better effect on your services generally if certain very well-defined allowances were fixed with their salaries?

A.—I have already given my answer to that question. I do not consider that these halting and travelling allowances are allowances of a character which should be permanently fixed. I consider that they are not of such an important nature. But there are certain other allowances which are given to the members of the Indian Civil Service which I consider ought to be treated just like their salaries.

Q.—Now take the case of the Governor. As you know, a Governor has got to get his salary and certain other allowances for the maintenance of his Government House and so forth. Don't you think that it would be best not to bring that question before the Legislative Council?

A.—It would certainly be better if that question were not brought within the purview of the Legislative Council. But I know that there was a feeling in my Council with regard to the sumptuary allowance when we were facing the provincial stringency. Many of us thought that the Governor himself ought to reduce it. Many of the members of the Council, I remember, were even going to the extent of proposing curtailments of the budget with regard to these items. Subsequently, however, they said that it was a better part of discretion not to interfere with such items and, therefore, they left the matter to the Governor himself. My own view is that if this question of allowance is once definitely considered, subsequent Legislative Councils will not ordinarily depart from taking action on it. After all, the budget of the province does not merely consist of the Governor's allowances alone. There are other large heads of expenditure which can be touched upon in order to put the provincial funds in a good position.

Q.—Will you refer to paragraph 19? You say :—“That dyarchy has failed of the hopes formed of it is the general verdict. Several persons, who have held the position of Ministers, have declared that it is impossible to administer transferred subjects without directly and effectively sharing in the control over the finances and other allied subjects.” Supposing dyarchy had to continue, would your Association advocate a separate purse?

A.—No.

Q.—I mean to meet this difficulty you have referred to, would your Association advocate a separate purse?

A.—No, the Association would not desire a separate purse. This question was considered by the Association when the Reforms Act was just coming into operation. The Association wanted that the Ministers should have a hand in the finances which were necessary for the development of the transferred subjects.

Q.—In what way?

A.—I may tell you. At the present moment the Finance Member allots funds both to the reserved and the transferred departments. In my Council in the first budget, which was presented by Sir Ludovic Porter, he said he had dealt with both the reserved and the transferred subjects in a manner in which all the subjects were to be looked upon as transferred subjects and he had not created any distinction. We recognised that it was a very fair budget and that he had been very fair to the transferred subjects, and the Ministers were satisfied with the allotments which had been made to the transferred subjects, but after all the position was there, that the Finance Member, as long as he was a very fair-minded man and was careful about the transferred subjects.....

(*Mr. Chairman*).—*Q.*—What is the question? We must confine ourselves within reasonable limits.

Maharaja of Burdwan.—I wanted to know whether the witness is in favour of a separate purse. Then he went on to say what the difficulties are between allocation for transferred and reserved subjects.

Mr. Misra.—I will curtail my answer and I will say that my Association is not in favour of a separate purse and would like one united purse to continue, but would like that the Ministers should also have a little control over the finances in order to get sufficient funds necessary for the administration of the transferred subjects.

(*Mr. Chairman*).—*Q.*—What kind of control?

Q.—Could you kindly give me an illustration as to what way the Minister suffered because he had not that control over the finances which you have in mind?

A.—He could not get that amount of money which would be necessary to push his schemes through. It would be in the hands of the Finance Member to allot that amount of money which he thought was necessary or which he considered that he could spare.

Q.—You have just now said that in the first Council the division was considered as fair by the Minister concerned. If it was considered fair, I do not quite follow when you say that the Ministers would like to have a little more control over the Finance Member.

A.—Practically for that one year it was so. It may be so for the coming years as well, but the risk was always there, that the Finance

Member could allot funds to the transferred Departments not in accordance with the wishes of the Ministers.

(Mr. Chairman).—Q.—Are you on the question of allocation? You know the rule, rule 31, which provides the manner of agreement between the two heads, between that part of the Government which is responsible for the administration of the transferred subjects and that part responsible for the administration of the reserved subjects?

A.—Are you referring to rule 31 of the Devolution Rules?

(Mr. Chairman).—Q.—Yes, and if there is a difficulty it has to be settled by the Government of India. There is no question of dealing with the allocation of funds or individual expenditure.

Q.—Will you kindly refer to paragraph 21 of your note, in which you say that if dyarchy cannot be worked, etc., the only system of Government which can replace the present is full responsible Government with Cabinet Ministers. I should like to know whether you consider your Province, after working the Reforms for three years, is now quite fit for what you or your Association understand as full responsible Government?

A.—Completely, quite fit.

Q.—And you think that this cabinet system of Ministers, which means that the party in power, the Chief Whip of the party, would be called in by the Governor and he would be the Prime Minister and he would have a certain panel of Ministers who would form the Cabinet. Do you think in your Province at the present moment, supposing full responsible Government is introduced and you had racial questions of a nature which would require not only the maintenance of law and order, but that that maintenance of law and order would depend on the majority of the party in power, when communal questions came up how would you solve them?

A.—Very easily. Supposing the Cabinet, which was in power, belonged to a party which was in the majority in the House and any communal question came up, the Cabinet, in order to carry on its administration, would have to rely upon its majority, and the members consisting of that party will not merely be only Hindus or Muhammadans or Christians, those members will be belonging to the particular party, and it would be impossible to hold together that party for one single moment if that Cabinet were not to take a fair view of the position of all the parties.

Q.—What I was asking is whether you do consider in your Province you have reached that stage that you would have a party which would be able to be above such racial or communal questions as to be able to deal with a situation of that kind, should it arise?

A.—Quite, I could form a party tomorrow if I were put in power.

Q.—You think you would be able to maintain such a party?

A.—Certainly.

Q.—I think in answer to one of the questions you said that at one time, or rather in the last Council you had a larger number of members of your party, but this time one of the reasons that a lesser number of your party has been returned is that the landholders party resented your attitude towards the tenancy Bill that was introduced. But you later on, I think, said that an *en tente* was possible between the Liberal Federation and the landholders. May I ask why you think so?

A.—Any action with regard to one particular measure is not such as may amount to a permanent cleavage between the parties.

Q.—But you said for the very reason that the landholders were against you, you were unable to return to this particular Council a larger number than you did return?

A.—The whole thing depends on the assurances we are now able to give to the landholders.

Q.—May I know to which party the two Ministers you have at the present moment in the United Provinces belong?

A.—They belong to the landholders party, both of them.

Q.—Therefore it would not be necessary for them, so long as they have a majority, to have an *en tente* with you?

A.—Should I give an answer? They are very anxious to have that *en tente*.

Q.—Besides the landholders party, there is no other party in the Ministry? It is only the landholders party that is now in power in the Ministry?

A.—Yes.

(Mr. Chairman).—Q.—Before we go on, I should like to say that that it is not possible to examine the second witness along with the first. I think the convenient course would be that the second witness should make a note of anything he would like to amplify during the course of the examination of the principal witness, and at the end of that examination, he should mention it to me and we should then examine him on it. It is not possible to have two witnesses examined together individually. So perhaps you will make a note of any points you wish, Mr. Kunzru?

Mr. Kunzru.—I only wanted to put a question to the Maharaja Sahib to clear up a point.

(Sir Sivaswamy Aiyer).—Q.—May we not put our questions to either witness?

(Sir Tej Bahadur Sapru).—Q.—There are certain questions I would like to put to Mr. Kunzru and certain to Mr. Misra.

(Mr. Chairman).—Q.—Yes; we must not examine them both together.

Sir Henry Moncrieff Smith, (to Mr. Misra).—Q.—It has been put to us in evidence that the grant of responsible Government is dependent on the creation of an intelligent electorate; I take it that is not the view of your Association?

A.—It is the view of my Association.

Q.—That self-government is dependent on an intelligent electorate?

A.—Yes.

Q.—Is that reconcilable with paragraph 9 of your memorandum? It seems to me there that you suggest that if responsibility is given, political education will follow?

A.—What my Association feels is that, although the political education of the electorate may not have reached that ideal standard which one would like, but the standard necessary for the exercise of the responsibility was

already there, sufficient to that extent, but not to the ideal extent, which will be attained after a short time. The ideal can only be reached with the exercise of the power after it has been granted.

Q.—Can you explain to the Committee what exactly is meant by what is said in the memorandum at the end of paragraph 9, that the education of the electorate will advance so slowly that if you are going to justify any constitutional advance on that ground, there will be advance even in 1929?

A.—The view of my Association is that if the complete education of the electorates is made a *sine qua non* for a further advance, probably in 1929 the same objection could be raised which is being raised now, because in about five years' time that ideal state of the education of the electorate will not be reached; but my Association says that the state of intelligence and education of the electorate at the present moment is sufficiently high to justify giving them responsibility.

Q.—Your Association advocates an extension of the electorate?

A.—Yes, it does.

Q.—Is there any popular demand for an extension of the electorate in your province?

A.—I may tell you exactly as to what the position is. Some people think that there ought to be no widening of the franchise and no extension of the electorate at all because they consider that the electorate is wide, as it is at the present moment, is a sufficient nuisance. That is the position they take and they say it entails upon them great difficulty to go round and canvas people. That is one opinion; but the opinion of the majority is that when they go round and canvas and educate the electorate and work they are doing can easily be done with regard to the other people who are not at the present moment enfranchised.

(Mr. Chairman).—Q.—When you speak of the electorate as a nuisance, you mean the members regard them as a nuisance?

A.—Certainly, or rather I should say, the intending members regard them as such, not the members.

Q.—Well then, in so far as there is a popular demand for an extension of the franchise, does that demand come from those persons who are at present just outside the franchise?

A.—From the tenantry. I have gone into the villages myself and the tenants would assemble round me and question why they shouldn't get the franchise. That is the position. They naturally want the vote.

Q.—You think they value the vote?

A.—Yes.

Q.—They do not regard it as a nuisance?

A.—No.

Q.—Among your suggestions at the end of the memorandum, your Association says that provincial subjects should not ordinarily be subject to legislation by the central legislature. Did your Association thereby mean to imply that provincial subjects at present are ordinarily subject to legislation by the Indian legislature?

A.—What my Association feels is that at the present moment the central legislature can also legislate for provincial subjects. Of course ordinarily it does not. Under the Reforms constitution it leaves it principally to the local Government to introduce a local measure into its own council, but at present there is nothing to prevent the central legislature framing any law or passing any law regarding a provincial subject. What

my Association means is that ordinary and until special reasons are shown, the central legislature should have nothing to do with provincial subjects.

Q.—You are stating it too widely when you say there is no restriction on the powers of the central legislature to legislate on provincial subjects. The point is that in certain cases they cannot legislate—without the previous sanction of the Governor-General. If you look at section 67 (2) (i)—the section you quoted yourself—it reads “cannot introduce any measure affecting or regulating a provincial subject or any part of a provincial subject which has not been declared by rule”. You realise that just as there is a restriction on the local council as to the scope of its legislation, there is equally a restriction on the central legislature with regard to the scope of its legislation?

A.—That statement of mine ought to be qualified. I did not mean to say there should be no restriction.

Q.—Now the fourth recommendation in that same paragraph is that the restrictions as to the previous sanction of the Governor-General for introducing legislation in the provincial legislature should be done away with. Do you mean, entirely done away with?

A.—No, of course certain restrictions have to remain. We cannot do without them. We cannot make the provincial legislature entirely autonomous.

Q.—Could you give us any indication of where you would relax the present restrictions?

A.—Well, with regard to that at the present moment this difficult situation exists that every Act has to be submitted to the Government of India for the previous sanction of the Government of India before its introduction.

Q.—Excuse me interrupting, but you say every Act—do you mean an Act passed or are you referring to a Bill?

A.—Sorry, I was using an incorrect expression; I mean every Bill has to be referred to the Government of India?

Q.—Is that correct?

A.—So far as I am aware, it is correct. Every Bill that was introduced in the local council, so far as I am aware, had to be sent up to the Government of India.

Q.—Well, will you take it from me that it is only in the case of a Bill which is of such a nature that it requires the sanction of the Governor-General? But if a Bill does not require the sanction of the Governor-General under section 80 (A), if previous sanction is not necessary—then you do not suggest that it has to be sent up?

A.—No, then certainly not.

Q.—I am afraid I did not quite gather from your answer as to what restrictions you would relax—what restrictions on the powers of the local legislature. That was my main question. You say you do not intend the previous sanction of the Governor-General should be done away with entirely?

A.—No, my answer is this. At the present moment what is felt is that until a Bill is sent to the Central Government and the Central Government really sees that it does not offend against any of the restrictions which are laid down in section 67 (2), it cannot be introduced into the local council, because after all it is the central legislature which has to decide

whether it offends against any of the restrictions laid down in section 67 (2) or not.

Q.—Excuse me, it is not the central legislature ; as a matter of fact, it is the Governor-General. If you look up the Devolution Rules, you will see it is the Governor-General who has to decide.

A.—Yes, but as a layman, I think it is the Government of India which does the whole thing, for the Governor-General, the Governor-General himself, I suppose, does not deal with these matters directly. I have no knowledge with regard to the actual procedure followed in this matter, but whether it is the Governor-General himself who personally looks into all these things, or it is the department of the Government of India that looks into these things.....

Q.—It is the Governor-General himself who passes orders in every case.

A.—It may be that he passes orders, but it must pass through a particular channel ; it does not go direct to the Governor-General. I suppose it goes to the Governor-General through the Secretary or through the Law Member, even though the ultimate orders may be passed by the Governor-General.

Q.—You suggested just now that every Bill had to come up because it had to be decided here whether the previous sanction of the Governor-General is necessary or not. I put it to you that that is not a correct apprehension of the situation. It is the local Government that decides whether sanction is necessary or not, and if they decide a Bill does not require sanction and if they have no doubts, the Bill never comes up here.

A.—If that is so, I have got nothing more to say. If the Local Government decides that a particular Bill has to be sent to the Governor-General for sanction, which is necessary under the rules, that Bill must come up. My Association does not say that such a Bill should not come up to the Governor-General at all. In that case my Association has nothing to complain of.

Q.—If I assure you that that opinion is based on a misapprehension, then you are prepared to modify it ?

A.—Yes, if there is a misapprehension.

Q.—That means you do not desire any alteration in section 80A of the Government of India Act with regard to the previous sanction of the Governor-General [sub-section (3)] ?

A.—Well, ordinarily I would not abolish section 80A. I would maintain the restrictions mentioned there, except with regard to clause (f). I have nothing to say with regard to clauses (a), (b), (c), (d) and (e) ; but with regard to (f), it is stated regarding any provincial subject which has been declared to be either in whole or in part subject to legislation by the Indian Legislature in respect of any matter to which such declaration applies, etc. That, of course, is a matter of rules and that may be restricted or widened.

Q.—Your suggestion is that there should be fewer provincial subjects which should be subject to legislation by the Indian Legislature, so that the application of the Act would not be so frequent ?

A.—That is so.

Q.—If you glance again at item (4) of paragraph 23, do you wish to qualify the recommendation there that the restrictions as to previous sanction of the Governor-General should be done away with ?

A.—In the light of what I have just now stated, this may be modified to that extent ; because what the Association generally felt was that every Bill had to come up to the Government of India for sanction.

Q.—Item (7) of that paragraph—rules under section 49 ; you say you have not been a Minister and I presume you have not seen rules framed under section 49 of the Act.

A.—Once a question was put by my colleague here in the local Council that these rules should be placed on the table of the Council, but the Local Government refused, so we are not aware what those rules are.

Q.—This is just a suggestion thrown out that in case the rules do not conform to the provisions of the Act, and to the report of the Joint Committee they should be amended ?

A.—May I say the general impression is that those rules do not contain as a matter of rule any provision with regard to those matters which are put only as a recommendation in the report of the Joint Committee. and what my Association feels is that the things recommended by the Joint Committee should be embodied in the rules.

(Mr. Chairman).—If they are not already there. That is a matter of which you are not aware.

Mr. Kunzru.—With regard to the necessity for referring measures to the Government of India, we are not aware as to how far it is obligatory on the Local Government to refer Bills to the Government of India, but we know that our Secondary Education Bill and the Allahabad University Bill had to be referred to the Government of India, and under the rules made under section 81(A), it is necessary that any Bill regulating the constitution or the functions of the University should be reserved for the assent of the Governor-General. In this case it had also to be previously referred to him. Now, that is one of the things which my Association would like to have done away with. I mean, if we pass a law relating to the Allahabad or Lucknow University, it ought not to be necessary for us to refer such a Bill to the Governor-General, nor for the Government of India to reserve the Bill for the assent of the Viceroy. Of course, every Bill would have to be assented to by the Viceroy constitutionally, but it ought not to be necessary particularly to reserve such Bills for his sanction.

Q.—You are referring to the reservation of Bills Rules ?

A.—Yes, under section 81A.

Q.—If you read those Rules, you will find that previous sanction does away with the necessity for reservation. It is only where previous sanction has not been obtained that reservation is necessary.

A.—That is so. Of course, previous sanction was obtained in the case of the Allahabad University Bill, but in the case of a Bill dealing with a purely local University, it does not seem clear to my Association why it should have been necessary to refer it for the previous sanction of the Governor-General.

Q.—In fact, your Association has suggested an amendment of the Rule.

A.—To that extent it certainly has. Then again, when the Allahabad University Bill was under discussion, it was understood that the Government of India had not merely suggested certain changes, but were contemplating insistence of certain provisions in it. For instance, on a provision relating to the number of Professors that should be brought out from England—I do not think the Minister used any language which could convey that impression—that was certainly in the atmosphere there—I am not sure that such language was not used in the debate.

Q.—Your complaint, I understand, is that the Government of India in the Administrative Department interfered unnecessarily in the details of the Bill?

A.—Yes. It was not merely formal sanction of the Governor-General, but it appeared to be a rather meticulous control after a careful scrutiny of the Bill by the Department concerned.

Sir Sivaswamy Aiyar.—Q.—With regard to the connection between a trained electorate and responsible Government, do you consider it correct to hold that there should be a perfectly trained electorate before responsible Government is granted?

Mr. Kunzru.—I do not hold that view either in theory or in practice.

Q.—As a matter of fact, before dyarchy or a semi-responsible Government was introduced, had the electorate been trained in responsibility?

A.—Not certainly so far as the Provincial or the Central Governments were concerned, though they had been in municipal elections.

Q.—But though the electorate had had no training in responsibility in provincial affairs, still it was considered proper to introduce dyarchy. Would it be very improper or inexpedient to introduce full responsible Government in the provinces after this experience of three years?

A.—I do not think it will be improper at all.

Q.—Is it indispensable that there should be a trained electorate before you introduce further responsibility?

A.—As I have already said, I do not hold that view. In England itself, as the Chairman has pointed out, the franchise had been exercised by the electorates of Great Britain for nearly 300 years before the Reform Act was passed. We are not concerned with the period but the stage which the people had reached in 1832.

Q.—Are not training in responsibility and opportunities for such training by grant of responsibility really interdependent?

A.—Undoubtedly. Besides, to train the electorate would be much easier when complete responsibility is attained than it is now.

Q.—Will you kindly explain it?

A.—We can have fully developed party system only when there are divergences of opinion about domestic matters. But so long as every patriotic Indian thinks, and every patriotic elector who has the power to vote for a candidate thinks, that the work of his representative is to be judged not merely by what he does in the transferred field, but by the control which he exercises over subjects that are known as reserved and that intimately touch him, I am afraid there can be no party system. Besides, it is very difficult to bring home to the voters that there are two sets of subjects, transferred and reserved. If anybody were to go to a

village and address a public meeting, he would find out the difficulty for himself.

(Mr. Chairman).—Q.—It has not really been understood by the electorate?

A.—They find it very confusing.

(Mr. Chairman).—Q.—It has not been understood by them?

A.—That is so. It is not clearly understood. Then again, take for instance Law and Order. When we tell them that the Ministers are not responsible for it and that it is a reserved subject, they look blank. They do not understand these things. They hear claims made of Indians having got a certain amount of power and the inconsistency between that claim and their power to take action in departments which vitally concern them, they don't understand.

Q.—They consider the Minister responsible for all the acts of the Government?

A.—Yes, that is undoubtedly so. Many questions were asked as regards the reasons why the Liberals failed at the last election. One reason was that the Ministers, and through the Ministers the entire Liberal Party, were saddled with the responsibility for actions that were solely the concern of the Governor in Council.

Mr. Misra.—May I just, from my experience, add only one sentence. The villager puts the question directly whether it is in his power to effect a particular change in a particular subject, and the moment the answer is given that it is not in his power, then he loses all interest. They ask, "Is it within your power, if I send you to the Council, to do this or that?" The moment you say that it is not within your power, they ask, "Why have you come to me?" That is how the villager puts it.

Mr. Kunzru.—My third and last point is that it is really administrative departments that touch the common man at every point in his life; take, for instance, a villager. He will make you definite complaints regarding the Police and Honorary Magistrates. If you can tell him that you can take action in these departments, then he understands that you have got power. But if you tell him that it belongs to "Law and Order" and that it is a reserved subject, he wants to know what power you have got and what is "Law and Order". He does not understand what is "Law and Order". But he understands the Police Department and understands what the Honorary Magistrates do and what power they have.

Q.—Do you think it is possible now to successfully form parties without full responsibility?

A.—At present? I have repeatedly expressed the opinion that it is not possible to have the party system unless....

Q.—What is the main issue which is present in the minds of Members of the Legislative Council and the electorate now? What is the main issue upon which the attention of Members of the Legislative Council is now concentrated?

A.—At present? Mostly fighting the Government in the Reserved Department.

Q.—Is there any difference of opinion between any members of any party upon that subject?

A.—Not between members who take an active interest in politics. Of course, it is always possible for Government to get the support of a certain

number of Legislative Councillors—those who are backward in politics. I say so without meaning any offence to anybody.

Mr. Misra.—I may add one sentence from my experience. When a party is at present formed in the Council, either for the purpose of supporting or opposing a Minister, the difficulty arises in making that party take a different line of action with regard to the Government. If we say, "The party is there, it must follow a particular line of action with regard to the Ministers, that is to say, oppose the Ministers", then they say they must oppose the Reserved Subjects also. If a party says that its general policy ought to be that the Minister ought to be supported, then the party says, "We will support the Ministers and oppose the Executive Government". The actual difficulty arises in managing a party in such a way that it may support the Minister when it is proper to do so and oppose the Executive Government when it is necessary to do so. That is really the difficulty which comes in when we have to organise a party. They say, "Either oppose them all or support them all".

Q.—Is it practicable at all to make a very clear differentiation between the functions and responsibility of the two halves of the Government?

Mr. Kunzru.—Personally I can think of no device by which such a thing can be done.

Mr. Misra.—They all overlap each other.

Q.—There is one question asked by my colleague with regard to allowances. Allowances are of a varying nature. There are house allowances, travelling allowances and various other allowances.

Mr. Kunzru.—Yes.

Q.—The character of these allowances and the amount to be paid with regard to these allowances may vary from time to time?

A.—Yes.

Q.—For instance, in the case of house allowances, houses may be available at one time and they may not be available at another time and so on?

Mr. Misra.—Even the travelling and halting allowances are liable to change from time to time. Only recently the United Provinces Council made a change in the travelling allowances.

Q.—Having regard to that, would it be expedient to fix the allowances for all time to come and to render them non-votable?

A.—I have, therefore, said that there are allowances and allowances and distinction has to be made between different sorts of allowances.

Mr. Kunzru.—May I just give you an instance with regard to allowances which can be done away with? In the United Provinces Legislative Council repeatedly has the question cropped up of an allowance of Rs. 10 a day given to the Chief Secretary while he is at Lucknow. No other Member received this allowance except three, the Chief Secretary to the Government of the United Provinces, and possibly the two Secretaries to Government in the Public Works Department. The Legislative Council has repeatedly protested against this allowance when for all practical purposes Lucknow is the winter headquarters of the United Provinces Government. But the United Provinces Government have not done away with the allowance. If we were to guarantee every member the allowance that he gets, it means that we regard such an allowance as justified.

Q.—You have no objection to giving fixity with regard to the salaries and making them payable out of a consolidated fund, so that it may not be subject to the annual vote of the Council?

A.—I should have no serious objection. Only I would point out that we did not tamper with the salaries of other than all-India Services and there is no reason why we should be hard on any particular Service, or on any individual belonging to that Service.

Q.—You have no objection to giving fixity to the salaries and dispensing with the necessity for coming every year before the Council for grants with regard to salaries?

A.—So long as the control of the Council was not absolutely taken away by legislation or anything of the kind, I would not mind doing anything which would remove, in my opinion, the unjustifiable apprehensions of the members of any Service regarding their future emoluments. We want to make them perfectly secure.

Q.—But do you think that there would be any attempt to cut down their salaries if there is no provision for security?

A.—Personally, I think that when the departments have been transferred, you will not find a single member of the Legislative Council getting up and saying that the salaries of the existing members should be cut down. Such a thing I regard as quite impossible.

Q.—There will be less hostility to the Services after the introduction of full responsibility?

A.—I do not think that there is any hostility. There is certainly criticism and severe criticism of the Services in certain respects, but the moment the Council realises that it is master I dare say its attitude will change, and it will not be one of severe treatment.

Q.—You think the relations would improve?

A.—Yes, I have no doubt.

Mr. Misra.—I would like to add to this.

Mr. Kunzru.—The present opposition is due to the fear that the Services.....

(Mr. Chairman).—*Q.*—You are getting beyond the question.

Mr. Kunzru.—I was only trying to explain as to why there has been opposition.

Mr. Misra.—May I be allowed to add to this? Once the Council secures the Services with regard to the salaries which it considers proper and reasonable—once that they have been secured and the matter has come under the scrutiny of the Legislature, then the Legislature would not like to interfere any further.

Q.—What I would like to know is whether the existing scales of salaries are likely to be cut down by the Legislature and the present members of the services are likely to be injured?

Mr. Kunzru.—The scale may be cut down for future entrants, and there is no guarantee so far as that is concerned. The salaries of the present members will never be interfered with.

Q.—In paragraph 6 of your memorandum you say that the growing feeling of struggle is productive of suspicion and mistrust about the motives of the people on the part of the Government and those of the Government on the part of the people? What is the struggle that you refer to? Between whom?

Mr. Kunzru.—Between people and Government so far as the administration of reserved subjects is concerned.

Q.—Yes, and do you think that there is any mistrust about the motives of the Government?

A.—There is certainly a great deal of suspicion.

Q.—Is it in your opinion justified?

A.—When I was a member of the United Provinces Council, I certainly felt serious doubts about action taken by the Police or by the heads of districts, and sometimes I have also placed my views before the Council.

Q.—You think there is distrust and justifiable distrust?

A.—Well, I do think in many cases it is justifiable.

(Mr. Chairman).—*Q.*—In the opinion of your Association? Are you authorised to say that?

A.—Undoubtedly it is. My Association shares that view.

Q.—Can you give the causes of distrust?

A.—You take me rather far afield.

Q.—With regard to the untouchables in your province, what is the attitude of the educated classes towards them? Is that one of sympathy and desire to uplift, or is that one of antagonism or indifference?

A.—It is one of sympathy and growing sympathy. Besides, the problem has neither been acute—so acute in the United Provinces as for instance in Madras or Bombay.

Q.—In your experience is there any instance of any action in the Legislature, administrative or legislative against the interests of the untouchable classes?

A.—We have taken no action against the interests of the untouchables.

Q.—Apart from such negative conduct has there been any attempt on the part of the Legislative Council to do anything for uplift—for the education or other uplift of the untouchables?

A.—I am not sure of the sum voted this year. But the Legislative Council every year used to set apart a certain sum for the education of the depressed classes. In the District Boards Bill we introduced a provision compelling the Government to nominate one member of the depressed classes to a district board where the depressed classes have not been able to get themselves elected to that Board. Thirdly, perhaps that does not come within the action taken by the Legislature. I was going to say that there was a member of the depressed classes in our Council and we approached him just in the same way as we approached every other member of the Council.

Q.—So far as you know, has more been done during the post-reform period or during the pre-reform period for the uplift of the depressed classes by the Council and the Government?

A.—I think as the sympathy is growing, naturally a time comes when more and more measures are taken for the uplift of the depressed classes.

Q.—Has Government done more for the depressed classes since the reforms or before the reforms?

A.—I can think of no measure passed before the Reforms with special reference to the depressed classes.

Mr. Misra.—May I add a little at this stage? With regard to the attitude not only of the educated people but of the uneducated people in the United Provinces towards the depressed classes, I must say that their attitude has never been a hostile one. Even with regard to the temples which are situated in Ajodhya, Benares and Muttra, where I have personally been a number of times on religious visits, I have never found any people of the depressed classes being excluded from visiting those temples. They have gone along with the rest of the *mela* as it is called, or with the rest of the crowd. With regard to the educated people, their attitude has been always one of growing sympathy.

Q.—Are you in favour of more subjects being transferred to the transferred half?

Mr. Kunzru.—I am in favour of complete provincial responsible Government.

Q.—Do you think that if a subject like Forests were transferred to the Ministers, it would suffer in administration?

A.—Not in the least. I think the Chief Conservator of the Government of the United Provinces, if a representative of the Finance Department of the United Provinces Government were to appear here, he would bear me out that the criticism of the Legislature has been reduced, and yet department is most helpful. The expenditure has not been cut down. The grievances of the people have been redressed and *kuli-utar*, a sort of forced labour in the hills, has been abolished.

Q.—Do you think that there has been any tendency to encourage denudation of forests and disafforestation?

A.—None whatsoever. I cannot conceive of any Minister allowing such a thing.

Q.—What do you think would be the attitude of the Council towards a subject like irrigation and land revenue?

A.—So far as irrigation is concerned, we have frequently tried to impress on Government the need for giving adequate water to the cultivators, and there is no action taken by the last Council in regard to irrigation that showed that it would be unmindful of the interests of the cultivators.

Q.—But would it be equally mindful of the interests of public revenue?

A.—Do you ask whether irrigation rates would be raised when necessary? Yes, when absolutely necessary, they would certainly be raised. But nobody can give a guarantee that it would be raised to the extent to which the Government of the United Provinces raised them at one stroke, by 22.75 lakhs.

Q.—There may be legitimate differences of opinion on the point, but there would be no tendency to cut down the public revenues? You do not expect any serious tendency to cut down public revenues derived from irrigation and land revenue?

A.—Assuredly not.

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Q.—What has been the attitude of the Councils and the educated people towards the Universities? Has there been any attempt to lower the standards of University education?

A.—Not so far as I know. In fact, we tried to spend more and more money in order to raise the standard of University education. That is at the bottom of the new University legislation.

Q.—Is it a fact that there is a competition for students among universities and that they wish to attract students by lowering the standards?

A.—It is much too vague a statement. If anybody were to come forward with definite statements of fact I think I would be able to give effective replies.

Q.—You do not think that there has been any lowering of standards?

A.—Assuredly not.

Mr. Misra.—I should like to add here. Being a member of the Executive Council of the Lucknow University which was established only in the year 1920, I may be allowed to say that there has been no attempt whatsoever on the part of the Lucknow University—rather the attempt has always been to see that our degrees may receive a fair recognition at the hands of the Government and at the hands of the public. So, if anybody says that there has been an attempt on the part of the newly created University to lower the degrees and thereby to attract students, it is an entirely unfounded charge.

Mr. Kunzru.—As a member of the Executive Council of the Allahabad University, I may say that the outside colleges have been protesting against the undue haste with which they think we are raising the standards of University education—the outside colleges, that is, colleges that are not in Allahabad.

Q.—With regard to the allocation of revenues between the reserved and transferred departments, has there been any friction so far as you are aware? Or have the transferred departments got all that they wanted?

Mr. Kunzru.—There has certainly been a certain amount of dissatisfaction, but if you want information in detail, I think you may be able to get it from the Minister in charge.

Q.—Are you in a position to state whether the reserved departments have fared badly under the arrangements of financial distribution?

A.—I do not think so, because we have at times tried to cut down grants for certain reserved departments. We should not have done that if we thought they had got less than what they wanted.

Q.—That attempt to cut down—was that a justifiable attempt?

A.—Yes, we, in certain circumstances, did cut down expenditure.

Q.—Did you cut down the expenditure to limits which were not justifiable?

Mr. Misra.—We never touched or tried to cut down the expenditure on the reserved subjects because they were reserved subjects.

Q.—Has primary education really made any advance under the Reforms scheme?

Mr. Kunzru.—In 1923, 12 or 13 cities had applied for permission to make primary education compulsory. I am not sure of the number, but I think it was about that.

Q.—But I understand that the increase of attendance is more or less nominal. Is that so? Do you know anything about it?

A.—I do not know. But undoubtedly a great deal of expenditure was incurred in increasing the salaries of teachers and so on.

Mr. Misra.—Local bodies themselves realised that they were not in possession of sufficient funds and, therefore, they experienced difficulty in making education compulsory.

Q.—I understand that Rs. 40 lakhs was devoted to primary education in one year?

Mr. Misra.—It was not on compulsory education; it was on primary education.

Mr. Kunzru.—The salaries of teachers absorbed a large part of the amount.

Q.—Has Municipal administration deteriorated in the United Provinces under the Reforms?

Mr. Kunzru.—I should not think so. I think the complaints are much the same as they used to be in previous years.

Q.—Are you sure that there has been no deterioration in Municipal administration?

A.—Not in Municipal administration as a whole. I know of certain cities against which there have been loud complaints.

Q.—Benares?

A.—I would not name the cities and perhaps justifiably. There was never a time when there was no complaint against some city or other; and the Benares complaint is a long-standing one. It is due to things which occurred before 1921.

Q.—Do you think that it is possible to continue the present system without introducing responsibility? What is your experience?

A.—It is possible to continue, but not without friction and endless friction.

Q.—And the friction will increase?

A.—Yes.

Sir Arthur Froom.—Q.—Pandit Gokaran Nath Misra, I think you told the Committee that your Association numbers 400 to 500. Are they all educated class of members?

A.—Almost all of them are educated.

Q.—Have they a vote?

A.—Every one of them.

Q.—What is the total number of electorate of the United Provinces?

A.—15,09,127; roughly a little over 15 lakhs.

Q.—And out of that electorate your membership totals 500?

A.—It is so.

Q.—And so if you put 15 members into your Legislative Council, you would do very well?

A.—Yes.

Q.—Who wrote this Memorandum?

A.—This was written by two members of our Association. It is not necessary that I should name them.

Q.—No.

A.—It was written originally by two members of the Association ; then it was placed before the general meeting of the Association and it was then passed and submitted.

Q.—I want to know whether a small committee of two drew up this Memorandum and then it was put before the committee with the knowledge of all members of your Association.

A.—Yes, one of the members who drew up the Memorandum had experience of the Legislative Council of the pre-reform days.

Q.—I said that your Association formed a small committee of two to draw up this memorandum. Having drawn it up, it was approved by all the members of the Association. Did you two gentlemen attend the meeting of the Association ?

Mr. Kunzru.—I was not present at the meeting at which this was accepted by the Association.

Q.—Did you approve of it ?

A.—Yes. I approve of it. I mean the general lines.

Q.—I think that your Association is in favour of full provincial autonomy ?

Mr. Misra.—Yes.

Q.—I think you stated that in your opinion the United Provinces was ripe at the present time for full provincial autonomy ?

A.—I said so.

Q.—May I take you to paragraph 4 of your memorandum ? You say " Before the passing of the Government of India Act of 1919, India had had some experience of self-governing institutions ". What self-governing institutions do you refer to ?

Mr. Misra.—Local boards, district boards, and also to some extent the local Legislative Council.

Q.—The old Legislative Council ?

A.—Yes, I mean the pre-reform days.

Q.—And Municipal Boards have now very extensive powers under the Act of 1916 ?

A.—Yes.

Q.—Have Municipalities improved under the revised Municipal Act ? Do you consider they have made much headway ? I do not want to be critical. You may give your opinion in a very few words.

A.—They have made progress in many Municipalities. In some Municipalities owing to want of funds they have not been able to make much progress.

Q.—I read a statement the other day that Municipalities had been extraordinarily extravagant and had squandered money ?

A.—Some of them have.

Q.—So Municipalities have not necessarily improved by having autonomy ?

A.—On the whole they have.

Q.—In paragraph 8, your Association very fairly refers to certain objections against self-government for India and one of them you point to is the Hindu-Mussalman disputes. Have you any particular views as to communal representation ? Are you in favour of it or against it ?

A.—I am in favour of a general electorate allotting seats to Muhammadans ; but as the Muhammadans in the United Provinces would not accept the general electorates and would insist on separate electorates, therefore, we in the United Provinces are quite ready to accede to the Muhammadans their separate electorates and we do not want the separate electorates to be touched. Only in the Municipalities they were given separate electorates in the Act of 1916 during Sir James Meston's time. In the new District Boards Act, which was passed in 1922, we have given them separate electorates also.

Q.—I am referring to the Legislative Council and therefore please confine yourself to the Legislative Council. You then are in favour of communal representation ? I mean your Association ?

A.—We do not want in any way to do away with it.

Q.—In the same paragraph you say with regret that there are differences between the Hindu and the Mussalman communities but you hope they would be removed as years go on. But do you think that if self-government were given now to the United Provinces, then these differences would disappear, or would they increase ?

A.—My position is.....

Q.—Can't you give your opinion in two words ?

A.—I am only framing a sentence in order to embody my opinion. That is all that I am doing. I have not got ready-made answers:

Q.—Please go on.

A.—The disputes would undoubtedly exist for sometime. They would not increase, they would decrease. But the more the people of the two communities are brought together and they realise that the administration of their affairs is entirely in their hands, I think after a time the differences would disappear.

Q.—And you do not think that if there is power to be secured, there would not be increased struggle for it between the two communities ?

A.—There would be struggle for getting that power. I cannot deny that. But I think after a time things would adjust themselves.

Q.—In paragraph 9, Pandit Sahib, you refer to the education of the people. You say that rapid political education of the people will only come with a larger transference of power and you recommend that the transference of power should be given and the education of the people will come ?

A.—That is so.

Q.—That is the view of your Association ?

A.—Yes.

Q.—Don't you think it is putting the cart before the horse ?

A.—They are interdependent. You cannot separate one from the other.

Q.—You suggest that political education of the people will follow the transference of power or rather you recommend that transference of power should come and that will help education of the people. My question was won't you consider it putting the cart before the horse ?

A.—I have already answered that the two things are interdependent. If you consider that power should only be given when the electorates are thoroughly or ideally educated, that is an impossible position to achieve.

But if you will give them, situated as they are, the power and the responsibility, then education will follow as a matter of course, and after a time you will find that they are as sufficiently educated as they ought to be.

Q.—Political education of the people or say of the electorate will be acquired possibly from mistakes of the members of the legislative council?

A.—Certainly that would be one of the elements too.

Q.—In paragraph 10, your Association states that it is possible to multiply arguments against further constitutional advance, but you do not advise India to wait till 1929?

A.—No.

Q.—You admit there might be some objections, but you do not think that the objections are such that you should wait till 1929?

A.—Quite so.

Q.—In the opinion of your Association, are the objections which existed in 1919 and 1920 less in 1924?

A.—Yes.

Q.—Under the present system?

A.—Yes.

Q.—You do not think that they might conceivably become very much less in 1929 if the existing system is continued?

A.—I doubt very much.

Q.—Your opinion is that you have come to the parting of the ways and there will be no further improvement?

A.—Yes, no further improvement now is possible.

Q.—Your Association says in paragraph 14: "The Association would therefore, separate the civil administration from the military and police and foreign departments and would make the Government of India responsible to the legislature in respect of the former." Would you like to the Governor-General the power of veto?

A.—Yes, certainly.

Q.—Then if the Government of India were defeated on any particular civil administrative act, will they have to resign?

A.—Yes; they will have to resign.

Q.—Now I come to part IV of paragraph 18 of your Association's Memorandum. It is stated there that even in the initial stages of the attempt to progress towards responsible government, it is not desirable that the members of the permanent services should have any controlling voice in the shaping of Indian policy. Am I to understand from it that Indian politicians in your province do not wish in any way to avail of the extraordinary capable experiences of the permanent Service?

A.—The people of my Province fully wish to avail themselves of the experience of the class of that able body of Service known as Civilians. But they only wish to bring out that the predominant or determining voice should rest with the representatives of the people.

Q.—But here you say that you do not want them at all?

A.—We have only stated "controlling voice".

Q.—Then you do not want them to be numerically superior?

A.—With regard to that, opinions differ. Some of the members of the Association feel that there is no necessity now for the officials to be in the local Council. Some of the members feel that there is necessity for a limited number of them to remain in the Council. All, however, favour the view that they should not have the power to vote.

Q.—Then they will go there as mere ornaments?

A.—My Association would certainly not take up that attitude. They will be in the Council to enlighten the members of the various details of administration.

Q.—Then you will have the official members who will be able to make speeches but will not have the right to vote?

A.—Yes.

Sir Tej Bahadur Sapru.—Q.—That is what the Members of the Governor-General's Council do.

Q.—Now, please refer to part VII of paragraph 18. There you say that "In the opinion of this Association there does not seem to be any good reason why any item of expenditure should be excluded from discussion or so many items from voting by the Legislative Assembly." Then you go on to qualify it by saying, "Should the Assembly at any time so treat any part of the budget as really to weaken the efficiency of the army or imperil the safety of the country, there would be every justification for the exercise of the power of certification by the Governor-General." So your idea is that army expenditure should become votable?

A.—Yes. The idea of my Association, which has not been clearly put, is that there ought to be a certain sum, say, 50 crores of rupees, which should ordinarily be considered as sufficient for the management of the Army. Any item beyond that sum should be votable.

Q.—How have you arrived at 50 crores?

A.—We have taken that figure from Lord Incheape's report.

Q.—You do not take the opinion of the Commander-in-Chief?

A.—The Commander-in-Chief, after all, is the head of the Army and his opinion would not be disinterested.

Q.—Would you like to leave the army alone?

A.—Certainly; but we want that its expenditure should come up for discussion and should be votable beyond a particular limit.

Q.—Suppose you have fixed it at 50 crores. The Commander-in-Chief says that he wants 5 crores more. This amount comes up before the Assembly for its vote and it throws it out. The Governor-General is convinced of the Commander-in-Chief's just demands and he certifies it. Do you think that is a better arrangement than having no vote at all?

A.—I think that is a better arrangement because the Viceroy will think twice before certifying it when the Legislative Assembly has given its adverse vote.

Q.—Now I will refer to paragraph 19. You say there "From what the Association has been able to gather, there is no active co-operation between the two halves of the Government." That does not condemn dyarchy, does it? That is the fault of the Ministers who worked it?

A.—The Ministers cannot be held responsible for this want of co-operation.

Q.—You say that there has been no active co-operation. The fact that there has not been active co-operation is not the fault of dyarchy?

A.—Dyarchy itself was not considered from the very beginning when it was introduced to be an ideal thing. It was only meant to be for a transitional stage. *

Q.—Then I come back to my first question. Your Association recommends full provincial autonomy as soon as possible ?

A.—It does.

Q.—Would you recommend that for all the provinces in India ?

A.—I would not try to vouchsafe my opinion for all the provinces. I am only concerned with my own province.

Q.—Your province may be better than any other ?

A.—It is for the Committee to consider and the Government of India to decide.

Q.—At any rate your principle is that those provinces which are sufficiently advanced should have provincial autonomy ?

A.—Yes. My personal opinion is that all the provinces are sufficiently advanced.

Q.—They can make their own laws and levy taxes ?

A.—Yes.

Q.—Can you visualise that there may be difference of opinion ?

A.—I can see that.

Mr. Kunzru.—May I say with regard to paragraph 18 (IV) that we do not want the members of the permanent services to be Governors or Executive Councillors. That is what we mean by saying that they should not have any controlling voice in the shaping of Indian policy.

The Committee then adjourned for Lunch till 3 O'Clock.

The Committee re-assembled after lunch at 3 P.M.

The Hon'ble Sir Alexander Muddiman in the Chair.

Examination of Messrs. G. N. Misra and H. N. Kunzru continued.

Examination by Sir Tej Bahadur Sapru—(contd.).

(Sir Arthur Froom).—Q.—May I ask whether Sir Tej Bahadur Sapru, being President of the Association, wishes to examine on this Memorandum ?

Sir Tej Bahadur Sapru.—I shall put a few questions with regard to the United Provinces only.

(Mr. Chairman).—Q.—I must leave it entirely to your discretion.

Sir Tej Bahadur Sapru.—I was not going to ask a single question about the Association.

Q.—(to Mr. Kunzru). Will you please tell the Committee what you think is the leading feature of the population of the United Provinces ?

A.—The most important thing that strikes me about it is the oneness of language.

Q.—Am I right in saying that the United Provinces are about the only Province in India where one language is spoken from one end of the Province to the other ?

A.—Perhaps the Punjab is equally homogeneous, but certainly Bombay and Madras and the Central Provinces are not as homogeneous as the United Provinces in that respect.

Q.—You will recognise that there is a slight difference in the Eastern and in the Western districts, but it is practically the same language. A man from Gorakhpur might go to Saharanpur and he would make himself understood ?

A.—Quite easily.

Q.—So far as the Hindu population is concerned in the United Provinces during the past several hundred years, since Moghul times, there has been a common culture there barring religious matters. Do you agree with that proposition ?

A.—I don't. United Provinces has been affected more by Muslim culture than any other Province.

Q.—Taking for instance towns like Lucknow, Agra, Cawnpore, Meerut and the whole of the Lucknow division, do you agree, in point of culture, language and mode of living, the Hindu and Muhammadan population there are much nearer to each other than in any other part of India ?

A.—They are very near one another. I am not competent to make comparisons. And it is the same, if I may say so in the Eastern districts.

Q.—Now leaving behind for the time being the towns, do you, in connection with your work on the Seva Samiti, come very much into contact with the rural population ?

A.—I think I am fairly in touch with the people living in the rural areas.

Q.—Is the work you do on behalf of the Seva Samiti in your Province confined only to the urban population, or does it extend to the rural population ?

A.—It does extend to the rural population. We work in the Allahabad district ; we have schools there and dispensaries there.

Q.—So far as this work in the rural population is concerned, do you make any distinction between the upper classes and the depressed classes ?

A.—None whatsoever, and not merely I.....

Q.—I am talking of the Seva Samiti.

A.—I am in a position to say that no member of the Seva Samiti, not even a temporary volunteer, has ever made any difference between a man of the upper and lower classes.

Q.—Will you please tell the Committee what the Seva Samiti is ; what is its organisation and its strength ?

A.—The Seva Samiti, translated into English, would mean Social Service League, and its objects are sufficiently indicated by its name. It has nothing to do with politics and we have in it political men, Government servants, students and all other people who are willing to take part in humanitarian work.

(Mr. Chairman).—Q.—Is it confined to your Province ?

A.—No, it has branches elsewhere, but the headquarters is at Allahabad, and I may say that its work has been recognised by the authorities inasmuch as the Government of the United Provinces gives a grant to it.

Q.—What is the total strength of your membership in the *Seva Samiti*?

A.—I could not say, but we have branches in a number of districts; it is a movement which has caught on, partly because of our social work in the rural areas and partly also on account of the boy scouts movement, which is also a part of our social work.

Q.—And you are also interested in the boy scouts movement? What is the office you hold there?

A.—I call myself Chief Commissioner there; the Association calls me Chief Commissioner. I am free to say that I take a keen interest in the movement.

Q.—Now, so far as the *Seva Samiti* work is concerned, may I take it that it is a symptom of the growing desire on the part of the educated classes to do social work among people of all classes?

A.—When we have wanted volunteers, even when we have wanted 800 or a thousand volunteers, schools and colleges have offered themselves in unlimited numbers.

Q.—On what occasions have you wanted these volunteers?

A.—There was the *Kumbh* at Hardwar in 1915 and the *Kumbh* at Allahabad in 1917, and the six-yearly *Kumbh* this year, and we went also to the *Kumbh* at Nasik, and at Kurukshetra there was a fair more than a year ago.

Q.—Will you please tell the Committee further whether you or anybody of public men associated with you have done any special work in connection with the depressed classes particularly?

A.—Do you mean members of the Servants of India Society?

Q.—Members of the Servants of India Society or the *Seva Samiti* or anybody else.

(Mr. Chairman).—Q.—Are you a member of the Servants of India Society?

A.—Yes.

(Sir Tej Bahadur Sapru).—He is President of it in the United Provinces.

(Mr. Chairman).—Q.—That is a political Society?

A.—Yes.

Q.—Have you done any work in connection with the depressed classes?

A.—So far as the United Provinces are concerned, we have started schools for them.

Q.—In how many districts?

A.—It depends on the local organisation, but there are a number of districts in which there are schools for the depressed classes, but we make a special feature of it in Allahabad itself, and we have also tried to discourage the habit of drinking among them at the *Holi* festival and other occasions. In the Bombay Presidency they have devoted attention to debt redemption, particularly among the sweeper class, and also to co-operative credit work.

Q.—What is the nature of the work among the depressed classes?

A.—*Chamars* are under some disabilities in the western districts; they are not allowed to draw water from the same wells, but generally speaking there is only the *Bhangi* class which is treated as the depressed class.

(Mr. Chairman).—Q.—Would you not call the *Domes* a depressed class? I know of people who, if they were touched by *Domes*, would not go and bathe, but the *Bhangi* is on a different level. I think that is greatly due to Muhammadan influence.

Q.—Are you alive to the importance of this question? Are the politicians in the United Provinces alive to the importance of the question, or are they shutting their eyes to it?

A.—I think the movement for the uplift of the depressed classes is pretty strong in the United Provinces at any rate in these days.

Q.—You are not what I would call an orthodox Hindu?

A.—Far from it, I should think.

Q.—May I ask you whether you are an orthodox Hindu (to Pandit G. N. Misra)?

A.—Yes.

Q.—But you sat in the same Council and on the same benches with a *Chamar* Member who was nominated by the Government?

A.—I go even further and say I held meetings with them at the time of the *Holi* when I embraced the *Chamars*.

Q.—And I suppose you did not bathe afterwards?

A.—Certainly not.

Q.—I put it to you that it is part of the inheritance of us Hindus—I believe the Hindu law lays down—that there are certain kinds of impurities which have been prescribed—I am not justifying them, for myself I think it is all wrong; but I want to tell the Committee whether there are not certain kinds of impurities which are prescribed by the *Shastras* and Hindu Law, not only in the case of depressed classes but also in the case of the upper classes?

A.—There are.

Q.—On certain occasions?

A.—Yes, on certain occasions.

Q.—And this question of the depressed classes—that is my view, you are not supposed to agree with me; if you do, say so—and this question of the depressed classes historically speaking is an expansion, a development of that doctrine?

A.—First of all, I will say yes, and then I will add another sentence, and that sentence is the Hindu Lawyers have got an idea that unless a Hindu lived in a particularly clean way, he was not to be your companion, and the whole of these depressed classes have arisen because they lived in an unclean way.

(Mr. Chairman).—Q.—I would like to put one question. Are you suggesting that all the depressed classes are Hindus at all?

A.—They are all Hindus.

(Mr. Chairman).—Q.—Would you call a *Gayadome* a Hindu?

A.—Yes, I would call him a Hindu.

(Mr. Chairman).—Q.—Does he call himself a Hindu?

A.—Yes. He also calls himself a Hindu.

Q.—May I supplement your question (to Chairman) by bringing out a particular phase of Hindu society?

Now in the United Provinces has it come to your notice as a practising lawyer that there is a tendency among the lower classes to elevate themselves by describing themselves as people of the higher classes?

A.—Everybody knows there that men of the lower classes are now trying to get into the higher classes. Some, who belong to the Vaishyas claim to belong to the Brahman class, while people of the Shudra class claim to belong to the Kshatriya class.

Q.—Take for instance the *Kurmis* in the United Provinces?

A.—Yes, the *Kurmis*, the *Ahirs*, the *Kayasthas* and other such classes all call themselves Kshatriyas.

Q.—Now do I take it to be your view and the view of the educated classes in the United Provinces generally that everything should be done under the constitution to protect the interests of what are called the depressed classes?

A.—Our constant effort has been to do that.

Q.—And supposing that the constitution provides for special protection of the depressed classes, would you welcome or resent it?

A.—Welcome it very gladly.

Q.—Now coming to the Hindu-Muslim problem in the United Provinces, am I right in assuming that the Muhammadans, though a minority in the United Provinces, represent the best culture of Muhammadan days in the United Provinces?

A.—They do.

Q.—And although a minority they are very influential in certain parts of the United Provinces?

A.—They are.

Q.—Particularly in Oudh and Rohilkhand. And am I right in assuming that such differences as have arisen between the Hindus and Muhammadans in the United Provinces during recent years have been over these political issues for instance, representation in legislative bodies or local bodies, or representation in the public services?

A.—To some extent it has been due to that, but to a great extent this tension has been noticed in the western districts of the United Provinces where there was a reflection from the Punjab.

Q.—So it is really an infection which we have caught from the Punjab?

A.—I should like to say so provided I do not offend the Hon'ble the Law Member.

(*Sir Muhammad Shafi*).—I have been away from the Punjab for the past 5 years!

Q.—Then I put it to you, could you tell the Committee when the United Provinces Municipalities Act was passed?

A.—In the year 1916 under Sir James Meston's Government.

Q.—And at that time the Muhammadans stood out for separate representation in the Municipalities?

A.—They did.

Q.—There were some Hindu Members who supported the Muhammadan demand?

A.—There were—amongst them your own honourable-self.

Q.—And perhaps you will agree that those Hindu members came in for a lot of blame in the press?

A.—They did—yourself and Pandit Moti Lal Nehru, who fought for the Muhammadans getting separate representation.

Q.—And am I right in saying that even the "Leader" of the Moderate party criticised those Hindu members?

A.—Yes, criticised them very sharply too.

Q.—But is there any movement among the Hindus now to take away such privileges as the Muhammadans obtained under the Municipalities Act, 1916?

A.—None whatever.

Q.—They are quite reconciled to that?

A.—Quite reconciled.

Q.—And they have been working that Act?

A.—Yes.

Q.—Then in the reformed Council you passed a District Boards Bill?

A.—Yes, that was in 1922.

Q.—This question of separate representation came up again then?

A.—It did.

Q.—The Muhammadans demanded separate representation?

A.—They did.

Q.—What was the attitude of the Hindu members in the Council?

A.—We never opposed it.

Q.—Were the Muhammadans satisfied with the amount of representation that you gave them?

A.—Well, they were not quite satisfied; they wanted to go over the 25 per cent. which was the percentage given to them by the Committee appointed by Sir Harcourt Butler's Government to decide what ought to be the constitution of the district boards and the percentage to be given to the Muhammadans.

Q.—And that Act has been working since 1922?

A.—The first elections came on in 1928. It has been working all right.

Q.—And the Muhammadans are quite reconciled to it now?

A.—The Muhammadans are quite reconciled to it.

(*Sir Muhammad Shafi*).—Q.—As the result of this arrangement in the United Provinces the periodically recurring cause of friction provided by mixed electorates has ceased to exist?

A.—I think it has.

Q.—Now Pandit Gokaran Nath, I put it to you that if, as a preliminary to any further advance, it was considered necessary that the Hindus and Muhammadans should settle their differences even though it might involve sacrifice upon one side or the other, you would be prepared to accept such settlement, or would you rather wreck that settlement and have nothing to do with the Muhammadans?

A.—As a well-wisher of my country, I would be the first man to sacrifice anything to get the Muhammadans on our side.

Q.—Does that represent your view or the view of the Hindu Community of the United Provinces generally?

A.—Except for some of the die-hards in the Hindu community, the rest of the educated members of the Hindu community who are for an

advance in the constitutional progress of their country are all of the same opinion.

Q.—You recognise that die-hards never die ?

A.—I do not think they do anywhere.

Q.—Neither in this country nor in Europe ?

A.—Quite so.

Q.—Well then I will pass on to another question. Will you please tell the Committee what exactly has been the trouble between the landlords and the tenants in the United Provinces during the last 3 years ? On what issues have they been divided ? Please tell us very briefly whether it hasn't been the case of the tenants that they want greater security of tenure and fixity of rent ?

A.—That was the very reply I was going to give. For a long time past the tenants complained against the system of ejectment which prevailed in Oudh and there was no security of tenure. A tenant might have held his lands for three generations or for the matter of that for over a century but he could be turned out.

Q.—To remove all these grievances I think the United Provinces Government introduced a Bill in the Council ?

A.—That is so.

Q.—Am I right in assuming that that caused a rupture between the Moderate party on one side and the landholders at that time ?

A.—I should not say a rupture—a difference of opinion.

(Mr. Chairman).—Q.—Are there no landlords among the Moderates or no Moderates among the landlords ?

A.—Yes there are, I myself am a landlord.

(Mr. Chairman).—Q.—Do you belong to the Moderate party ?

A.—I belong to the Moderate party.

(Mr. Chairman).—I just wanted to make that clear.

Q.—Well, there was some difference of opinion you say. Now will you please tell the Committee what was the attitude of the moderate politicians and the educated politicians generally in the legislative Council in regard to the tenants ?

A.—Their attitude was merely to try to obtain some security of tenure for the tenants.

Q.—And you will admit that the Bill, which was passed by Sir Harcourt Butler's Government was certainly an improvement on the position as it was until that time ?

A.—A very great improvement, because the Bill as it was introduced in the Council and as it was passed, gave a life tenancy to the tenant whereas previously he had only a 7 years' lease. What we tried to do was that he should have a limited hereditary right to his holding.

Q.—Now I am told—I do not know whether it is right or wrong—I am told there is a feeling of apprehension among the landlords in the United Provinces that unless their rights are protected they may be swamped in the Councils by the tenants. Is that true ?

A.—I do not think there is any chance of that for a long time.

(Mr. Chairman).—Q.—They will in the end ?

A.—Well in the end ; the landlords themselves realize it and everybody else realises it. In the Lucknow rural constituency, for instance, the landlords' votes number 2,000 to 3,000 ; the rest are tenants.

(Mr. Chairman).—Q.—But I suppose you will agree with me that even among the landlords there is a fairly appreciable section who are alive to their responsibility towards their tenants. Their feelings towards their tenants are changing ?

A.—Their feelings are changing as will be apparent from the attitude of one member of the Local Government Nawab Sahib of Chhatari.

(Mr. Chairman).—Q.—Now perhaps you will tell the Committee what you did in your own individual capacity at the time of the election and afterwards to educate the electorate—how many meetings did you organise, how many meetings did you address ?

A.—I will tell you exactly. In the election of 1920, I addressed not less than 54 meetings, leaving no important village in my constituency, it being the district of Lucknow, where I did not address a meeting. After the Council elections were over, and I was returned to the Council, every year during the winter season I used to go round in my constituency and tell the people what were the things done for them in the Council. When the Oudh Rent Act Bill was before the Council, a number of meetings were organised by me asking the tenants as to how far they were prepared to accept the legislation introduced in the Council and how far they would like it to be amended, and many of the amendments, which I moved in the Council, were dictated by the view which the tenants themselves expressed.

Q.—Roughly speaking, how many thousands of tenants do you think you addressed before the election of 1920, and during the three years that you were in the Council ?

A.—I will tell you exactly. The average number of tenants which attended my meetings held before the election of 1920, were somewhere between 400 to 500. If you multiply that by 54 you will get over 20,000. The number of tenants whom I addressed during the three years that I was in the Council was about 10 to 15 thousand.

Q.—Mr. Kunzru, when you were a Member of the Council, am I right in assuming that it was a uniform practice of yours to go to your constituency to address your electorates ?

A.—I was slack in the first year, but I made it up subsequently.

Q.—What was your constituency ?

A.—Muzaffarnagar.

Q.—Did your constituency consist mainly of rural population or urban population, or was it a mixture of both ?

A.—It was mainly rural. The town of Muzaffarnagar is a very small town.

Q.—Will you please indicate to the Committee the nature of the subjects on which you addressed your constituency ?

A.—There was no limit to the subjects.

Q.—What was the class of subjects ?

A.—Sometimes I spoke to them about military questions, sometimes about irrigation.

(Mr. Chairman).—Q.—Are you a Member of the United Provinces Council now ?

A.—I am not in the United Provinces Council this year.

(*Sir Tej Bahadur Sapru*).—He stood for the Assembly and he was defeated.

Q.—Will you please tell the Committee what were the subjects on which you generally addressed your meetings?

A.—There was not limit. I spoke to them sometimes about the transferred subjects, sometimes about the reserved subjects, sometimes about the military question, and I can say that even so far as the military question was concerned, they followed it intelligently. Of course, not in the way in which educated people would, but they perfectly understood the injustice, for instance of not giving commissions to people who represented those who had been sent from the various districts to France and other places.

Q.—With regard to transferred and reserved subjects, did you find people taking an intelligent interest in the issues that you explained to them, or were they simply mute and never put to you any intelligent question? What was your experience?

A.—On subjects which touched their life in any respect they followed the speaker intelligently, but if the speaker began talking about responsibility and things of that kind, using English language or high-flown Persian, then of course they ceased to take an interest.

Q.—Did they have any conception of law and order?

A.—They had a very good conception. They understood what was meant by the Police and Honorary Magistrates and Collectors and Deputy Collectors.

Q.—Now, Pandit Misra, I suppose you can speak the villages' vernacular with great facility and ease?

A.—I always addressed them in their own vernacular.

Q.—Not in the high-flown vernacular of Lucknow—Urdu?

A.—Never.

Q.—What was the nature of the subjects on which you addressed your constituency?

A.—I addressed them on the Oudh Rent Act. I addressed them on the District Boards' Bill, I addressed them on several other matters which were before the Council, for instance, excise questions and the settlement questions. There was a Settlement Committee appointed in my province. I addressed them on questions relating to the Jury and so on. But whenever I addressed them with regard to transferred and reserved subjects, they said, "We cannot understand this difference. What is the difference between transferred and reserved subjects?"

Q.—Did you ever make any attempt to explain to them the currency policy of the Government of India?

A.—No, that I never did. I thought that it was no use. It was not within my domain. I never understood it myself.

Q.—Speaking with all respect, of the Members of your Council I suppose there were not many who can understand the currency policy of the Government of India, or for the matter of that, of the Local Government?

A.—I can safely confess that I myself did not understand to its fullest extent the currency policy of the Government of India.

Q.—I put it to you, from your experience of these electorates are you in a position to say that the fact that the electorates were not all

of them literate or educated to any high degree prevented them from appreciating such issues as you were able to explain to them in their own language?

Mr. Kunzru.—None whatever. I think, on the whole, they understood provincial subjects well.

Mr. Misra.—That is my experience too.

Mr. Kunzru.—It depends on the manner of explanation.

Q.—If you were asked as a politician to follow the good example of the English people to wait for 300 years until you got further reforms, what would be your attitude and what would be the attitude of your countrymen of all sections, according to your knowledge?

Mr. Kunzru.—They would be united in opposition to such a notion. There would not be a single man on the side of Government if they took up that attitude.

Q.—Now, in answer to a question by Sir Sivaswamy Aiyar, you said that you found a great deal of mistrust of the Government?

A.—Yes.

Q.—Can you tell the Committee in what respect that mistrust was? What was it which caused the mistrust of Government?

A.—The main thing, leaving aside the question of expenditure, was really the Police and district administration.

Q.—I suppose you are not very much in love with dyarchy now.

A.—I never was. As I said, we accept it only as a measure of political expediency.

Q.—Is it your suggestion that dyarchy should go?

A.—Certainly.

Q.—Am I right in assuming that you are an out-and-out advocate of provincial autonomy?

A.—Certainly, that is, responsible government in the provinces.

Q.—When you talk of responsible government in the provinces provincial autonomy, what is at the back of your mind? Do you want to get rid of all control of the Government of India in regard to all matters?

A.—We certainly do not want the provinces to be so many independent States. There must be a common authority for them, and that common authority can only be the Government of India and the Imperial Legislature.

Q.—Would you reserve the power of legislation with regard to penal laws to the Central Government or the Central Legislature?

A.—I would.

Q.—And you would not do away with the veto of the Governor or the Governor-General?

A.—It cannot be done away with in any system of constitutional Government.

Q.—And in regard to matters affecting more than one province, you would allow the Central Government and the Central Legislature to step in?

A.—Of course.

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Q.—Therefore, am I right in assuming that by provincial autonomy, what you understand is that the functions which are at present discharged partly by Ministers and partly by Members of the Executive Council should, in future, be discharged by the responsible Ministers owing responsibility to the Legislature, subject to certain safeguards in the Statute vested in the Central Legislature or the Central Government?

A.—Quite so.

Q.—With regard to the Central Government, what is it you mean by responsibility in the Central Government?

A.—For the present, we do not ask that the Army, Foreign Affairs, and Indian States should be under responsible Ministers, but the rest of the subjects should be. But even so far as these three excluded subjects are concerned, we do not wish that the Legislature should have absolutely no control over them whatsoever. I think we should be free, for instance, to ask questions even about foreign affairs, and that we should be able to move Resolutions in regard to the Army. We can do that even now.

(Mr. Chairman).—Q.—One point about Indian States. You are aware that Indian States are not part of British India?

A.—I did not say anything subsequently about Indian States. We want to have questions put about foreign affairs. About Indian States, there are occasions when the People of the Indian States and British subjects in British India come into collision and I think that the Assembly ought to be allowed some measure of interference.

(Mr. Chairman).—Q.—You said something about reserving such subjects as Indian States. I put it to you that Indian States are not part of British India.

A.—The Indian States are under the Government of India which we wish to take over.

(Mr. Chairman).—Q.—Do you wish to take over the administration of Indian States?

A.—When we take the matter completely in our hands, naturally we shall deal with Indian States.

(Mr. Chairman).—Q.—I put it to you that the Government of British India is not the same as the Government of India as a whole. Is it your idea that at some future date the British Legislature for British India should step in and have control over the Indian States?

A.—It will not pass legislation in regard to them, but it will certainly deal with them in the way in which, for instance.....

Q.—I only wanted to get your opinion.

A.—I do not contemplate that the British Indian Legislature would legislate for the people in the Indian States, unless of course the States themselves want it.

(Sir Muhammad Shafi).—Q.—You said in reply to Sir Tej Bahadur Sapru just now that you would even then like to have the right of moving Resolutions with regard to defence and foreign policy. Supposing the view of the Legislature and of the Executive Government—the Govt. of India—with regard to any of these questions of defence and foreign policy coincided, in that event would you remove the control of the Secretary of State?

A.—I accept the principle that where the Legislature and the Government of India are in accord, the Secretary of State should not interfere.

Q.—How do you visualise the future as regards the Secretary of State's control over the Government of India? Do you want it to continue or do you want it to be abandoned absolutely or do you want it to be relaxed?

A.—I want the Secretary of State for India to be in the same position as the Secretary of State for the Dominions.

Q.—There was one question put by the Maharaja of Burdwan and that was with regard to the Governor's salary. I put the question to you in a general way. With regard to the Governor's salary or the Governor-General's salary, would you object that salary being a charge on the Consolidated Revenue Fund?

A.—Not in the least. In fact, if we were to get self-government, I do not mind giving the Governor his salary and his allowances and whatever else he may have.

Q.—Will you please tell the Committee what was the attitude of the non-official Members of the Legislative Council in the United Provinces generally with regard to the Services, and in particular with regard to the Medical Service?

A.—I will answer the latter part first. With regard to the Medical Service, there was certainly a strong feeling and the strong feeling was due to that rule in the Devolution Rules which compels the Local Government to employ as many members of the Indian Medical Service as the Secretary of State shall direct. We thought that this was quite unwarranted. Besides,—it is very difficult to cite facts in proof—I cannot refer you to any witness—but the Members of the Indian Medical Service were themselves dissatisfied with being placed even partly under Ministers and I have been informed.....

(Mr. Chairman).—Q.—Are you speaking from personal knowledge or hearsay?

A.—I am an inhabitant of the United Provinces. I was for three years in the Council, and had an opportunity of coming into contact with, not merely non-officials but also officials and that is my general impression. Not that any Member of the Indian Medical Service told me so.

Q.—I put to you a concrete case from the United Provinces. I understand that there was a considerable amount of feeling among the Medical Service in the latter Province when the officiating Principalship of the Medical College at Lucknow was given to an Indian Doctor?

A.—Yes, Dr. Saidus Zafar Khan. I understand it was so.

Q.—Was there any question raised with regard to it in the United Provinces Council?

A.—We never questioned about it.

Q.—But how do you know that there was any feeling among the Medical Services?

A.—Just as I came to know a number of other things.

Q.—But what was your attitude with regard to the Irrigation Department? I understand that one criticism levelled against your Council was that non-official members would, if irrigation was a transferred subject, very much lower the irrigation rates. Can you briefly tell the Committee whether there was any discussion with regard to it in your Council?

A.—Yes. Before the rates were introduced, there was some consultation between Government and some members of the Council, and I do not know of any member who declined absolutely to raise the rates. The question was one entirely of extent and for the future nobody can guarantee that the future Local Legislative Council will not lower the rates. It may lower or abolish or raise them.

Q.—I should like to put to you one more question with regard to the Services before I pass on to the last question. It is this. Supposing that in any constitution that the British Parliament gave you, absolute security was given to the members of the Services who had entered service before that constitution came into force just as it has been done in the case of some other colonies—security given by Parliamentary statute and not given by an Act passed by the Indian Legislature, would you object to that?

A.—It would be a reflection on us in a way, but I would reconcile myself to it.

Q.—That is of course with regard to the members already existing?

A.—Yes.

Q.—And as regards the future entrants what is your view? That they should be brought under the control of the Legislature?

A.—That certainly is my view.

Q.—Have you got anything to say with regard to the appointment of a Public Services Commission?

A.—I am on the whole in favour of the appointment of such a Commission.

Q.—Would you transfer to this Commission the power of discipline, punishment, or promotion?

A.—No. I would really allow it to recruit men, and to fix the standard, but so far as discipline is concerned.

(Mr. Chairman).—Q.—The discipline would be imposed by the Legislature?

A.—By the Government, of course, which would ultimately be responsible to the Legislature.

Q.—But would you give the power of recruitment to them?

A.—Undoubtedly.

Q.—I understand that there is a feeling amongst the Muhammadans even in the United Provinces that they do not get adequate representation of their community in the Public Services. How would you meet that feeling in the future?

A.—That feeling may sometimes express itself, but I do not think on the whole that there is any feeling in the United Provinces that Muhammadans are being unjustly treated in the matter of public appointments. I would not admit it.

Q.—Would you leave recruitment of the Muhammadans only to the Minister or hand it over to the Public Services Commission?

A.—Proportions may be fixed just as we have fixed in the case of the Deputy Collectorships, and then the Public Services Commission may recruit.

Q.—Will you tell the Committee what was the attitude of the non-official members towards the administration of law and the maintenance of order in your province during the troublous days of 1921-22? Did your non-official members shrink from supporting the Government?

A.—At the beginning of the reformed Council, there was a greater feeling of harmony between the Government and the Legislature than towards the end of it. For instance, when the Seditious Meetings Act was proclaimed in Rae Bareilly and three other places in the Province, we did not criticise the Government.

Q.—Did you support the Government?

A.—I do not think we moved a resolution to support the Government or said anything. We did not criticise it.

(Sir Sivaswami Aiyer).—Q.—Did you give your vote?

A.—No question of vote. The Seditious Meetings Act was applied by the Governor in Council.

Q.—You suggest that when the Seditious Meetings Act was applied to Rae Bareilly and other places, the non-official members did not raise any debate with regard to it nor opposed Government on that issue?

A.—No.

(Mr. Jinnah).—Q.—They acquiesced in that?

A.—Yes.

Q.—What was their attitude with regard to other measures that the Local Government took with regard to certain riots that took place at that time in the United Provinces?

A.—The feeling really became strained in consequence of the proclamation of the United Provinces under the Criminal Law Amendment Act. That was really the breaking point. I do not wish to conceal from the Committee the fact that we and the Government were as poles asunder on that point.

Q.—What was that which divided you from the Government with regard to that?

A.—We thought partly the action taken exceeded even the legal requirements of the case and partly because as a measure of policy the extension of the Criminal Law Amendment Act was wholly wrong.

(Mr. Jinnah).—Q.—Was it necessary?

A.—I mean it was not necessary when I say it was politically wrong.

Q.—It was unnecessary and politically wrong?

A.—Yes. We passed a resolution in the Liberal Federation saying that intimidation could be dealt with by other means than the proclamation of the Criminal Law Amendment to the whole Province.

(Mr. Chairman).—Q.—On that occasion you did not support the Government?

A.—No. We directly opposed it and raised a debate and challenged the action of the Government.

Mr. Misra.—I myself sent in a representation to Sir Harcourt Butler calling for a special session of the Council to discuss the situation. We thought that any attempt to restrict the right of free speech was to be deprecated.

Mr. Kunzru.—Also we were at variance with Government with regard to the administration of the Criminal Law Amendment Act.

We voiced our complaints in regard to the administration of this Act and in regard to certain administration acts in certain districts in the Council repeatedly.

Q.—I have heard a criticism that the non-official members of your Council showed a considerable weakness for the political offenders at that time. How far are you prepared to meet it?

A.—I do not believe that we gave any cause for that unless it be that we asked repeatedly that these political offenders should not be treated as ordinary prisoners.

(Mr. Chairman).—Q.—Did you ask for their release?

A.—Yes.

Q.—For all or some or many?

A.—For all those who had not been guilty of offences to person or property.

Q.—But not of others?

Mr. Misra.—And that only when the situation had calmed down.

Mr. Kunzru.—I may say that it was subsequently said by Government that they would consider it as soon as the situation calmed down. But our demand was a more uncompromising one.

(Mr. Chairman).—Q.—That they should be released at once?

A.—That was our demand. When a resolution was brought up with regard to the doings of the Police in a certain district, the Finance Member of the day agreed with the Council that that was a hard case and that the Police had exceeded.....

Q.—Never mind those instances. Supposing you were told that you could get many of the defects in the Government of India removed or remedied by alteration of certain rules or by the amendment of certain sections on certain minor points or major points of an administrative character—within the meaning of the reference which you have read, would you be satisfied with that?

A.—No. I have no doubt that a number of defects could be so removed, but no minor alteration of the Act or rules would give us what we ask for.

Q.—Then what is the suggestion that you would like to make to the Committee?

A.—I speak with some diffidence because I am not a lawyer, but I think a radical amendment of the Government of India Act would be needed. I say that subject to the qualification that I am no lawyer.

(Sir Arthur Froom).—Q.—Mr. Kunzru, I understand you to say that when you were addressing your constituents they did not understand everything, but that they understood military matters, such as, the injustice of not being given Commissions when they went to war?

A.—Not when they went to war. To the representatives of the men who had been sent to France and other places during the war. I am not asking for Commissions for all educated people, but the fact that they are not getting an adequate number of Commissions was emphasised by me.

Dr. Paranjpye.—Q.—You suggest that you are in favour of certain aspects of non-co-operation. Would you tell us exactly what those aspects are?

A.—Being in touch with the masses, trying to add to their economic resources, and making it a policy that all your measures should be judged by their well-being, however new their manifestation may have been, this cardinal principle must undoubtedly be approved of by all.

Q.—That is a principle which every political association has, and the peculiarity of non-co-operation is not to have anything to do with Government?

A.—So it is.

Q.—When you say you are in favour of certain aspects of non-co-operation, you mean you are in favour of some of the actual points of their programme, such as, Hindu-Moslem unity, uplift of depressed classes, etc.?

A.—Some things that were more actively pursued by them than by other political parties.

Q.—What was your relation and the relation of the non-official members with the Ministers?

A.—There were parties—perhaps 'parties' is not applicable—there were differences of opinion with regard to Ministers, but so far as the majority is concerned, I think we were with the Ministers as may be evident from the fact that they could carry on without there being a majority of professed Liberals.

Q.—Was there a non-official association of members of your Council?

A.—We had a party known as Progressive Party.

Q.—What was the strength of that party?

A.—About three dozens.

Q.—Were the Ministers members of your party?

A.—Not formally. That was in view of the peculiar situation of dyarchy. We did not ask them to join that party I must say.

Q.—You considered the Ministers could not whole-heartedly be with you? You could not take them into your confidence?

A.—That was my feeling although Mr. Chintamani is a great friend of mine.

Q.—Why was this feeling amongst you?

Mr. Misra.—Because we wanted to oppose certain measures brought by Ministers also and to criticise them.

Mr. Kunzru.—We did not think that the Ministers had a free hand with regard to the transferred subjects. So long as the Governor presided at a meeting and has a vote you can never have the feeling that the view expressed by the Minister is his own only.

Q.—And did you consider it practically difficult for you to take the Minister in your confidence because it is supposed to be responsible, as the know of reserved subjects also?

Mr. Kunzru.—We told him of the gist of our criticisms but we never invited him to any meeting and we also knew that he had some part to take in regard to the administration of reserved subjects. We did not want to be influenced by him.

Q.—Supposing all the subjects were transferred, then I suppose the Ministers would naturally be the heads of the party?

Mr. Misra.—Naturally they would be out of our party.

Q.—And then their supporters would naturally take them into their confidence or rather they would take the supporters into their confidence?

Mr. Misra.—The Ministers would do exactly what we want.

Mr. Kunzru.—The Ministers will do everything.

Q.—Members of the opposite party would move resolutions against the Ministers and not their supporters?

Mr. Misra.—Yes, they would.

Q.—So that you think that your not getting into the full confidence of the Ministers is to a great extent due to the existence of dyarchy?

Mr. Misra.—That was so. We could never get rid of this feeling that they were not entirely with us and that there was some estrangement between ourselves and them.

Mr. Kunzru.—I may go further and say that at one period it even affected our personal relations.

Q.—Did you at any time feel resentment against the Ministers because they voted against what you considered to be the popular feeling?

A.—We were feeling it every time.

Q.—I suppose you felt that if they had not been Ministers, they would have voted with you?

A.—Yes.

Q.—You would have got one more vote?

A.—Yes.

Q.—Now you were answering the Chairman about there being no Reform Bill for 300 years before 1832. I suppose you are aware that after 1832 there were 3 or 4 Reform Bills?

A.—Yes.

Q.—You are aware that even in England they did not wait for 300 years?

A.—No.

(Mr. Chairman).—I may say with regard to that question that the point was taken from your Memorandum.

A.—Even the Chairman did not want us to wait for 300 years, that would be an intolerable situation.

Q.—Pandit Misra, you said that manhood suffrage also would be feasible?

A.—Yes.

Q.—Do you think that it should be given immediately?

Mr. Kunzru.—We are not advocating it just now.

Q.—Would it make any material difference in the way in which the affairs of your province are administered even if the number of voters at the elections was at the present figure? What difference would it make if manhood suffrage were not allowed and the present suffrage were retained?

Mr. Misra.—Not much difference, but the feeling among the people that they are being excluded from the franchise and taking part in sending their representatives to the Council, would be removed. Those who have no vote at present feel that they are being unjustly excluded.

(Maharaja of Burdwan).—Q.—Is it not a fact, Panditjee, that apart from that what the people feel is that a man, simply because he pays a few rupees more, has got the vote and a man has no vote because he pays a few rupees less even though they are exactly of the same social status.

Mr. Misra.—You are quite right. There is practically no difference between the two.

Q.—There will be practically no difference in the measures passed by the Legislative Council?

A.—Not much.

Q.—Or in the administrative measures?

A.—Not much.

Q.—There will only be the feeling of satisfaction that they have a vote?

A.—Yes.

Q.—Would you have educational qualifications for the vote?

A.—The qualifications as they are now in my province are very good. I would not add any qualification with regard to literacy or with regard to education. I think a tenant who is asked to express his opinion about a particular point can do so very well even though he is not educated.

Q.—I do not want to take away the vote from any people who are enfranchised at present. But would you add additional qualification for a vote?

A.—I would not.

Q.—A person who does not pay rent or revenue but who is at the same time educated up to a certain point?

A.—We discussed this question several times, but we were not in favour of adding that qualification.

Q.—What do you think of joint families then? One member of a joint family would have a vote and the others would not have a vote?

A.—We discussed this question and we decided to take up this position that the members of a joint family must be treated as individual members or treated as a family as a whole. If you are to be treated as a family as a whole, then in that case if we come within the qualification clause, we would get a vote. If we do not insist upon that, probably every one of the members would be dis-enfranchised. So we took up the position that it would be better to have one vote rather than have many votes at all.

Q.—A question has been put to you that while you disapprove of dyarchy in the provinces, you are advocating a somewhat similar arrangement in the Central Government?

A.—Yes.

Q.—Would you mind explaining that a little more?

A.—It can be explained in one sentence. It is this that for the transitional stage it seems to be necessary ; as it was necessary in the case of the provinces so it seems to be necessary in the case of the Central Government.

Q.—Don't you think that in the case of civil administration you had at any rate a fairly large number of people who had some experience of civil administration ? If not, in the higher rungs of the ladder, there have been Indians in the positions up to Deputy Collectors, Collectors, or on the other hand District Judges or even Judges of the High Court or Engineers or Professors or in few other posts in the Civil Service. So that to a certain extent so far as the civil administration was concerned, don't you think Indians were more or less qualified to hold posts even of a higher nature in responsible governments ?

A.—I think so.

Q.—In the case of military administration Indians have not got any experience at all of higher administration. Don't you think you require some more time for that ?

A.—That is the reason why military administration has been put on a separate level from the civil.

Q.—So you want to put the military separate from the civil because it would be difficult for Indians to take charge of military departments because they had no experience ?

A.—The whole attempt of the Legislative Assembly regarding the resolution moved by Sir Sivaswami Iyer has been to train Indians.

Q.—You agree with that ?

A.—Yes, that has to be.

Q.—Would you mind explaining to us what is approximately the composition of the various groups in the United Provinces Legislative Council during the last council ? What were the various groups ?

A.—The elected members consisted of 100 members, of whom 11 members were selected by special constituencies.

Q.—Were they fairly homogeneous ?

A.—Of the special seats, 6 went to the landholders, 2 to the Upper India Chamber of Commerce, 1 to the United Provinces Chamber of Commerce, 1 to the European community and 1 to the Allahabad University.

Q.—So that all these 11 persons were not of the same opinion on all questions ?

A.—I do not think so.

Q.—Possibly the 6 landholders were of the same opinion ?

A.—Yes. Of the rest of the people some were elected by urban constituencies and some by the rural constituencies, a certain number consisting of Hindus a certain number consisting of Muhammadans.

Q.—I do not want exactly the rules about elections. I wanted to know something about their political grouping ?

A.—Roughly there was this progressive party, which was organised by us, which consisted not only of the labelled liberals, but also of those who although they did not like to join the liberal party, but shared the same opinions.

Q.—How many were there ?

A.—Just as my friend puts it between 33 and 36. You may put down 36 progressives. Then there were two Europeans from the Upper India

Chamber of Commerce and one from the European community and one nominated Anglo-Indian. These never took part in the political grouping. Thus there were roughly 4 Europeans. Thus there remained roughly about 60 men. They were all landholders.

Q.—So the landlord party was in a majority ?

A.—Roughly so. Out of these some were Muhammadans and some were members who were not landholders at all but they did not join any party, not even the landholders' party. Out of these 60, there were 30 Muhammadans and out of them I would put down 15 Muhammadans who did not join the landholders' group altogether. If you take away from 60 these 15, roughly the landholders were about 40 to 45. But these landholders were disorganised and they seldom agreed amongst themselves about any particular thing.

(Maharaja of Burdwan).—Q.—Is there any difference between landlords and landholders ?

A.—Landlords and landholders are the same. In some Act the word landlord is mentioned, while in some other Act landholder is mentioned.

(Mr. Chairman).—Q.—Then I take it that on your own showing you were in the majority ?

A.—Practically for the purpose of coming together for voting purposes.

(Mr. Chairman).—Q.—A working majority ?

A.—We had a working majority. That was the reason why the ministers were able to carry on the administration.

Q.—You had 36 progressives, 4 Eurojeans, about 45 landlords of a fairly disorganised character and about 15 Muhammadans who did not either join the landlords party or the progressive party ?

A.—Yes.

Q.—So that there was absolutely no majority of any group whatsoever ?

A.—That was so. These landholders themselves subsequently, when the District Board Bill was before the Council, broke themselves up and some of them formed a group consisting only of 12. They called themselves progressive landlords and the others conservative landlords.

Q.—In your last Council there was no standing majority of any party ?

A.—There was no standing majority.

Q.—You had to get together two or three groups so that you might have a working majority in the Legislative Council ?

A.—That was so.

Q.—When you had these groups coming together to form a working majority, the Ministers, I suppose, had at least informally to consult these various groups ?

A.—The Ministers did not consult the groups as a whole but the Ministers informally consulted the leaders of the various groups.

Q.—And so they only introduced such measures or took such administrative measures as would on the whole secure for them a majority in the Council ?

A.—That was so.

Q.—And you think that it is possible in your Council to work it by means of the group system ?

A.—Yes.

Q.—Do you think that at any time there will be an absolute majority of any party ?

A.—I think after a short working we will be able to get a majority party.

Q.—Of your progressive party for instance ?

A.—Yes, it is possible that we might have two parties, one of absolute majority for the Ministers and the other of opposition.

Q.—In any case you think that even if there are no regularly constituted two parties if there are 3 or 4 or 5 parties, the Ministers will get the support of certain sufficient number of groups as to enable them to have a majority in the Legislative Council ?

A.—Quite so.

Q.—You do not think that the existence of two parties is absolutely necessary for the proper working of representative institutions ?

A.—Not necessarily. We can work with the groups till we get a party of absolute majority.

Q.—And in fact I suppose you know that in several continental countries this is the case that they work under the group system ?

A.—I know that.

Q.—Now you told us about the sanction of Government that is required for Bills of a provincial nature ?

A.—Yes.

Q.—I suppose you understand that sanction is required to enable the Government of India to see that these Bills are not trenching upon any subject which is reserved for them ? How many private Bills have been moved in your Legislative Council ?

A.—One was with regard to the Municipalities for lowering the franchise, and then there was the Agra Tenancy Bill, which was introduced by a private member. These were the two. I think these were the only two. There was one other Bill which was introduced by one of the present Ministers. That was with regard to certain amendments in the Agra Tenancy Act ; but he subsequently withdrew it.

Q.—Had these private members to get sanction of the Government of India before they could introduce these Bills ?

A.—That is a question about which I am not fully aware otherwise I would have given my reply. Sir Henry Moncrieff-Smith thought that I was under a misapprehension as no sanction was required with regard to these Bills.

Q.—I happen to know that in our Presidency a private Bill had to obtain the sanction of the Government of India ?

A.—That is also my impression.

Q.—Don't you think that this rule will often enable Government to delay a private member's Bill or at any rate, introduce difficulties ?

A.—That is exactly what the Association says. We maintain that the position ought to be that if there is any measure which really deals with

a local question and does not infringe any of the restrictions which are provided in the Government of India Act, then it should not come up to the Government of India at all. If the Local Government, however, decide that that Bill deals with a question for which the sanction of the Government of India is necessary, then it can come up to the Central Government for its sanction.

Q.—Mr. Kunzru, you just mentioned your Secondary Education Bill. Can you tell us whether that Bill required the sanction of the Government of India before it was introduced ?

A.—I think all the other Bills were sent to the Government of India.

Q.—Had it anything to do with any of the subjects mentioned in the schedule for which the previous sanction of the Government of India is required ?

A.—I do not think secondary education is mentioned in the schedule.

Q.—Still that Bill had to receive sanction ?

A.—I believe so.

Q.—That Bill was introduced by one of the Ministers ?

A.—Yes.

Q.—I suppose on the lines of the Saddler Commission's Report ?

A.—Yes.

Q.—Did it pass through all right without much opposition in the Council ?

A.—I think so.

Q.—Your province is rather well known for having a larger number of Universities. There are about 5 Universities—Allahabad, Benares, Aligarh, Lucknow and probably Cawnpore. You will soon have a University at Agra ?

A.—Whatever other Universities we may have in future, at present we have got only 4 Universities, the first four.

Q.—Do you think that the existence of so many Universities in your province has led to the deterioration of the standard of the University teaching, because a great point is made of that in several quarters ?

A.—I do not know personally much about the Aligarh University. But speaking about the other three Universities, I can say from my personal knowledge that their standards are by no means lowered.

Q.—Is the standard of the old Allahabad University kept up in these other Universities ?

A.—Certainly. We have not noticed the slightest inclination to lower the standard.

Q.—Are there any public examinations or any other means by which you can gauge the relative merits of graduates of these Universities ?

A.—I suppose they take part in the competitive examinations of the Finance Department. They also sit for the Deputy Collectors' competitive test. They also compete for the Indian Civil Service and the Indian Police.

Q.—And the public opinion is not against these Universities because the standard of these Universities is particularly low ?

A.—No.

Q.—There is no tendency for the students of one part of the province to go to a distant University because that University gives cheap degrees ?