

dealt with sympathy and intelligence with this problem of the separation of the two functions, as also with another burning topic—Europeans and the *Indian Courts*—but has in dealing with this latter subject where color-prejudice and race-passions are so easily and violently roused, most judiciously withheld all expressions of his own opinion.

While about this subject, a few remarks about the methods of Criminal Courts within Cantonment limits and on the *personnel* of these courts would not be amiss. These courts are presided over by a junior military officer who knows little of law and even less of Procedure; the result is, that not judicial but martial law is dealt out right and left. Worse still, cases arising *beyond* Cantonment limits are also sent to him for trial. All this requires remodelling. It is not at all necessary that the magistrate should invariably be a European military officer. He is not engaged in trying Europeans but Indians. Then again is it necessary that he must be a military officer? When the *executive temperament* unfits a person for holding a judicial post, much more then does the *martial temperament* unfit a man for such work requiring a nice balancing of evidence. As Tennyson says :—"Theirs' not to reason why, theirs' but to do and die." As these courts administer the ordinary everyday Criminal Law of the land and not Military Law, in the interests of tens of thousands of Indians a reformation of these courts is essential. The magistrate must be a fairly elderly man with a *sound* knowledge of the spoken language of the district as

also of Criminal Law—especially of the Evidence Act and of the Criminal Procedure Code.

After all that has gone above it needs no pointing out that the present method of recruiting for the judgeships from the I. C. S. cadre is radically wrong, and should be given up. All judicial officers should be recruited from the legal profession, as is done at both ends of the line. The subordinate judiciary is appointed from among the practicing lawyers of the country, and two-thirds of the High Court Judges from among Barristers and Vakils. The District Judges may well be recruited half and half from the Indian and the English bar. With regard to pay, the gentlemen recruited in India whether from the bar or by promotion should be given a fixed salary of Rs. 1,200 per month; while those recruited in England over and above this fixed sum, an *expatriation* allowance of Rs. 1,200 per month or say a total of £ 2,000 per annum.

#### CONFIDENTIAL REPORTS.

It would be well to recognise that the I. C. S. officers are also made of flesh and blood, even though they be European, and are not above limitations. The widespread irritation against the system of confidential reports is not due to any absurd and unreasoning touchiness on the part of the subordinate Indian officials, on being reported on by supervising officers, but because of the present arrangements according to which they are kept confidential—and quite consistently too—not only from the public and the service but also *from the official reported on*. It is this police method

of spying and tale-bearing behind one's back, that is the root-cause of all this irritation. The secrecy allows of full play to the prejudices of the reporting officer, the officer reported against becomes aware of the existence of black marks against him only by inference, when he finds that he is being constantly moved on from district to district, never gets good districts, is condemned to pass the larger portion of his service in unhealthy districts and is constantly passed over for promotion; while superannuated members of the service who are in the good graces of the powers that be are getting liberal extensions of service and thus blocking all promotions. The system requires a drastic change if genuine dissatisfaction is to be allayed. All reports favourable or otherwise should invariably be communicated to the official concerned, and in cases of adverse reports, the official concerned should be given every opportunity to vindicate himself against the charges made. At present it brings more black marks if the poor officer has the temerity to submit an application for the consideration of his case and asks for information about adverse reports against him. It may even lead to his being degraded. As reported in the papers at the time, one Burmese witness before the Royal Public Service Commission went so far as to say that the Civilian head was not always above the human infirmity of abusing his position by introducing malicious and vindictive remarks against his subordinates. This may or may not be true, for I have no first hand knowledge on the point, but I will unhesitatingly assert

that equity demands a *judicial* and not an *executive* attitude in this matter. It affects the *morale* of the P. C. S. as a whole. The procedure is so characteristically un-British in its disregard of fair-play and of justice that one wonders that this method of stabbing in the dark has not been thoroughly discredited long ago. Fairness imperatively demands that all such reports should be communicated to the official concerned, and he should be asked for an explanation. Simply because a subordinate official has not been able to please his superior by playing up to his whims and crotchets, he should not carry permanently a black mark in the service, which he could very often easily explain away if only informed about it.

In this connection I would also like to say something about the "character books" of the non-official visitors and other prominent people of the district kept by the I. C. S. Collector. It is generally an innocuous thing, containing facetious, humorous, or sensible notes on the characteristics of the visitors according to the idiosyncracies of the note-writer, and handed on as an heirloom to each successor to be his guide. But sometimes an unfortunate individual has the misfortune to tread on the corns of some officer, and then woe betide the unlucky offender. It becomes a case of the Police *badmashi* Register, in a milder form! Each successive official looks askance at him and makes his life a burden, full of pinpricks, if not of much more serious trouble. I have known of such cases. Now all such people should invariably be given the chance of re-establishing them-



selves in the good graces of the Government. It is a very serious matter to be libelled in the dark by such powerful agencies and he without the means of rebutting the charges. Another thing. It is the offensive way in which this 'character book' is used by some officials. He keeps it before him, when a visitor is ushered into his presence, and coolly turns over its pages, to refresh his memory! I have known of such cases also.

#### FATAL DRAIN.

As many of the above sections have dealt with the different departments of the public service, I may now refer to the fatal drain of knowledge and experience caused by the present system of practically reserving all the high posts for Europeans.

European publicists and even a number of responsible officials who ought to know better, and most unfortunately even some Indians, regard this persistent agitation, this continuous demand, these strenuous efforts to secure a foothold in the higher administrative posts and especially the Secretariat, where all policies are hatched, as nothing more than a sordid and selfish hankering after the sweets of higher offices and their enormously larger emoluments. It is nothing of the kind. India feels that it is steadily losing its self-respect by being kept down to subordinate positions only. This hurts the pride of a people who were great and civilised when the Englishman was yet a naked savage in the jungles covering himself with skins and painting himself with

wood. Further and still more serious injury is done to the future of the country by this system of keeping Indians out of the higher appointments. It is making them lose more and more the craft of administration and of statesmanship. The Indian has been realising that while he is employed only as a semi-skilled labourer to mind the machine, he is not given the opportunity to learn to run the machine himself. He is not being trained to be even a foreman, much less the directing head. He feels that the men at the head of affairs are all foreigners and have neither domicile nor interest in the country. So soon as their term of service is over, they carry with them to their distant oversea homes all their talent, their hard-won knowledge, their life-long experience acquired in India and at our expense, which gets lost to us totally. We, therefore, are naturally crying out in season and out of season that the children of the soil be also allowed in ever-increasing numbers to acquire the art of Government by being given the necessary training and thus of steadily building up for future generations a well-formed tradition of administration. The advocates—whether English merchants or English officials—of the policy of total exclusion of the 'natives' from the higher appointments are too late with their nostrums. The Dutch policy of keeping the 'natives' practically enslaved and ignorant of European languages and services, engaged in producing goods for the benefit of their masters as is being done in Java, South Africa and other places, cannot

be carried out with safety in India with its very different past and present conditions of historical evolution, civilisation and education.

#### SOCIAL INTERCOURSE.

A few words on the subject of good manners and of social intercourse between Europeans and Indians would not be amiss. It is not by the herding together of hundreds of Indians with the Europeans of the station at stray garden-parties for an hour or so that real social intimacy and sympathetic understanding of each other's attitude is possible. At most of these parties there are two distinct, marked off 'pens'—Indian and European—in which gather the gentlemen, each in his own pen, and the exceptions are very rare indeed where an Indian ventures to stroll into the European crowd, or a European wanders into the Indian, unless it be the official host. Such big crowds are naturally unmanageable for all social purposes, and the only result of the time and money wasted is a sense of emptiness and dissatisfaction. It would be far better to have many more and much smaller parties of not more than 10 to 15 persons. These would allow of less formality, greater freedom and opportunities of sensible, connected conversation, instead of the snappy, frivolous nothings of big crowds. The club life of the European is also responsible to a fairly large extent for his narrowness, his ignorance and misunderstanding of Indian life; for no Indians—with very rare excep-

tions—may be made members. The atmosphere is also very deadening to all intellectual life, it is mostly bridge and whist and Poker. There are many minor social amenities also to be considered which, though minor, are none the less of far-reaching consequences, for instance, the question of rising to receive a visitor, of shaking hands with him, ringing for his carriage, seeing that a properly furnished room with the convenience of fans, etc., in the hot weather and a portico for use in wet weather, is set apart for visitors. The visitor should not be made to feel that he has come to worship at the temple of a god and must behave humbly. No English official ever calls on an Indian or returns his visit. The plea often put forward, that Indian homes are so arranged that it would be a burden and a bother if a European called, is not a good plea. Do not English missionaries freely call on Indian gentlemen and are gladly received and treated with all honour and politeness? Do not European travelling agents of firms call equally freely? Does the civil surgeon who is as much a gentleman as the Civilian, find it derogatory or find respect for him diminished, because he freely goes into Indian homes? The European official need not fear that he would make himself 'cheap' by such visits. He would learn a great deal more of the country and its people than he does now, wrapped up in his insularity. This bad custom of not calling on Indians has got such a firm root that even the College professors do not

get into closer touch with their pupils, but stand apart like beings from a different world. The drawing room is always *taboo* to the 'native.'

In this connection it should be pointed out that some fault lies at the door of the Government also. Two little examples will make my point clear. All P. C. S. officers are addressed as Lala, Babu, Pandit or Maulvi, etc., but no sooner do they get promoted to one of the listed posts, than they begin to figure as Mr.; similarly Indians who are Barristers or hold European degrees are addressed as Mr., while the stay-at-home is given the Indian forms of address. Such a differentiation carries invidiously the suggestion that Babu, etc., are lower than Mr. Again there is the marked differentiation between English and Indian titles. An Indian does get, though sparingly, the English knighthood or baronetcy; though no Indian has yet got a peerage; but an Englishman is *never* given an Indian title. This definitely gives it a lower status. The Moghul Emperors were wiser, they made no such racial and credal difference in their awards. Hindus were made Mirzas, Nawabs, etc., Mussalmans, whether pure-bred foreigners or Indian born, were made Rajas. Why should not the so far solitary example of a Raja Brooke of Borneo be extended and Europeans in India be also made Rajas and Nawabs, Rais and Khans, Diwans and Sirdars, Shams-ul-Ulamas and Mahamahopadhyayas? Such a procedure would raise the value of these in the people's eye, and by putting both the Indian and

the European in the same titular 'pen' make for better social intercourse.

I will close with a word about the suggestion worked out in detail by Sir Theodore Morison, in all good faith, we believe, but full of danger, all the same. Sir T. Morison has failed to realise the full bearings of the solution he has suggested and as to how it strikes an Indian.

In one of his books—*Imperial Rule in India*—written many years ago and presumably with a thorough and sympathetic understanding of all the conflicting factors governing the ruling of this great dependency by Britain, he has advanced the startling proposition that some *un-important* Province be *wholly* made over to "Native" agency and that the cadre composing its various services from the Head downwards should be made up wholly of Indians, without any European intermixture. The writer is discreetly silent as to the *personnel* of its military side.

We are wholly opposed to any such administrative juggling. On the first blush the suggestion made looks reasonable and very tempting; but a little closer inspection displays the cloven foot beneath the gorgeous exterior. We do not want a Republic of Liberia planted on the shores of Africa, made up of liberated serfs by the 'generosity' of America, to be set up in our midst. What we demand is the right to stand shoulder to shoulder with our European fellow-subjects of the King-Emperor and not isolation in water-tight compartments. We will not be denied

our birthright to work for our country and the Empire alongside of our English co-equal fellow-subjects, in every part of it. We can afford to wait for the day when we have won by strenuous work the right to be regarded as brothers and equals and when even the most captious critic will be silenced before the irrefutable logic of facts. We in India who are in touch with the actualities governing the situation here cannot but see through this fair outer covering to the core, which is nothing else than the dominant race-prejudice which wrecked the good and humane principles of the sagacious Government of Lord Ripon and so loosened the reins of even official discipline, that Sir Rivers Thompson, the L. G. of Bengal, went out of his way to excite a "white-mutiny" against the large-hearted Viceroy, and raised up a tremendous outcry over what came to be known as the Ilbert Bill—the embers of which controversy are not quite cooled even by now. (See the whole story in Sir Henry Cotton's *Indian and Home Memories*.) In fact, it was owing to the same feeling that the Local Self-Government Scheme of Lord Ripon came to naught; year by year Administrative Circulars played havoc with the projects of the truly religious and God-fearing statesman till only a mere shadow of the original was left us, the substance having never been allowed to come into actual existence. It is the ever-present feeling of racial superiority which will not brook taking orders from a person of the *inferior* race or allow a "mere Native" to be in a position of

authority over a European, however well-qualified he may be. The question of color is so tremendously strong, that *color-blindness* is not easy to produce. It is because of this overwhelming color-sentiment that the hands of the Government have been so tied, whenever the question of the promotion of a "Native" Civilian comes up. Not till this feeling has utterly died down will a satisfactory and lasting system for both Civil and Military arrangements be evolved; when European and Indian will work side by side and the criterion governing each case will not be race and color prejudice, but sheer, downright ability to do the work in hand. Only when this comes about will come the real heart-felt loyalty and the permanence of the British overrule in India be secured. It was only when the Mussalman rulers of India fully accepted this principle, even to the extent of intermarrying freely in the country, that their rule came to be regarded as indigenous and not alien. The Hindu was no whit behind his Mussalman fellow-subject in rendering obeisance and whole-hearted fealty to the Muslim Emperor; for was not the latter *his* Emperor as well, and were not some of them not only not ethnically different but even kith and kin, being sons of Hindu queens? By a repetition of the same process, will the Indian people receive a further increase of strength and expansion of nationality, and to the Hindus, Parsis, Mussalmans and Indian Christians, including Eurasians or Anglo-Indians being added English, Scotch, Welsh and Irish and even other



Europeans—all equally interested in the welfare and uplift of India and in the preservation of the connection with Great Britain, to the benefit of both.

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### S U M M A R Y.

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1. Nine Provinces, each with a Governor and an Executive Council of six Ministers exclusive of the Governor, who will be his own Prime Minister, but without a portfolio. Their salaries and sumptuary allowances to be reduced.

2. Not less than half of the Ministers to Indians and not more than half to be Europeans. A these to be appointed by the Governor himself within three months of his taking office, and to go out within three months of his resigning the Governorship.

3. Boards of Revenue ; Financial, Settlement, Excise, Territorial, etc., Commissioners all to be abolished. Their appellate work to be handed over to the Civil Courts and their administrative work to the various Ministers and to the District Officer, who should be given his correct designation namely that of *Commissioner*.

4. The other higher supervising agencies, known as Director, Deputy-Director, Inspector-General, Deputy-Inspector-General etc., etc., should be drafted into the Secretariat replacing the present Secretaries.

5. The Provincial Governments to possess full powers of *initiative* in all matters, subject only to the

vote of the Supreme Government, but with the right of appeal to the Secretary of State.

6. The Executive Council should meet at least once a week.

7. If a vote of want of confidence is passed by an overwhelming majority in the Legislative Council against any Minister, he must resign.

8. No less than one-third of the higher grades of the Secretariat of each Department should be filled by Indians.

9. Advisory Boards whose *personnel* should be selected from the Legislature, to be attached to each Ministry.

10. Hill *capitals* to be abolished.

11. The High Courts to be in complete *administrative* charge also of all the judicial officials.

12. Chief-Justiceships should not be a preserve of the British bar, but should be freely thrown open to Indian Barristers and Vakils also.

13. Not more than half the High Court Judges should be Europeans. Nor should the Registrars etc., be taken from outside the legal profession as at present.

14. Territorial limitations of the Provincial Universities to be abolished. Educational facilities to be immensely increased—especially in *applied* Science, Medicine and Engineering in all its departments—*Electrical, Mechanical, Military, Naval, Civil, Sanitary* etc.,

15. District Advisory Councils are an urgent need.

16. The Punitive Police system should be abolished totally.

17. In case of religious riots, the local officials must be punished departmentally, as a rule, without enquiry.

18. Separate the Executive and the Judicial functions and send Rent and Revenue appeals to the Civil Courts.

19. Confidential Reports against persons should invariably be communicated to them.

20. There should be fixed a reasonable salary for each post, on the basis of the Indian market. But for those services which continue to be recruited in England, over and above this, *expatriation allowances* should be given. which would be sufficiently tempting to attract the best type of men for the purpose. If an Indian has undertaken the economic burden of a higher qualification by going to Europe or America he should be indemnified by an *economic allowance* of Rs. 200 to Rs. 600 per mensem according to the expenditure incurred by him.

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## CHAPTER V.

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### THE LEGISLATIVE COUNCILS.

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When in the autumn of 1907 the Government of Lord Minto sent round the circular letter inviting the opinions of the Provincial Governments and of the public about the best means of so remodelling the Imperial and the Local Councils that the people of the country may be associated with the governing of their country in a much larger measure than they had been heretofore, hopes ran high that the long years of weary waiting were now to end, and our standing grievance that the people who were to be governed were allowed no voice in the matter which concerned them so vitally was going to be redressed.

But alas ! for human hopes. The just and generous intentions of the two noble lords—Morley and Minto—were most effectively perverted to very different ends by the bureaucracy rampant in the Secretariats of Simla and the India Office. Lord Morley's reforming Bill, which ultimately became the Indian Councils Act 1909, and which narrowly escaped becoming a total wreck over the rocks and shoals in the shape of the Tory Lords, Curzon and Macdonnell, by the throwing overboard of some of its most important freight, became a most mischievous law through the power it gave to the Government of India to make Regulations under it for

the purpose of enlarging the Legislative Councils and arranging the machinery and method for its composition and work. The Bill, as it was originally drafted, was in itself more or less a measure of compromise, as it did not embody all the recommendations put forward by the Royal Decentralisation Commission; for instance, one of the recommendations was that not *less* than four members were to constitute the Provincial Executive Councils, the Bill had, not *more* than, this change of one word making a world of difference; and it was further shorn in the House of Lords.

Coming back to the Regulations laying down the rules governing the *personnel* of the Councils and their rules of business, we find that, hatched as they were, in the secrecy of the Home Department of the Government of India, under purely official influences, they became the source of endless strife and mischief, producing exceeding communal bitterness and ill-feeling. If only Lord Morley had remembered the words of one of his predecessors in the office, Sir Charles Wood, much unnecessary heart-burning would have been avoided, and the Hindu and the Muslim not set by the ears as they have been most lamentably for many years now, by the ill-considered action of the Indian Government. Sir Charles Wood, during the course of his speech in the House of Commons, while introducing the East India Council Bill, said :—

I have seen a measure which I myself introduced in 1853, with one view, changed by the mode in which it was carried into execution so as to give it an operation totally different from that which I intended. The mischiefs resulting from that change have been great; and I am therefore anxious, in any

measure which I may propose, to avoid the likelihood of misconstruction or misapplication by the Government of India. (p. 175, *Indian Constitutional Documents*.)

Every one of the above words, instead of being spoken in 1861, may well have been uttered in 1909 for denouncing the Council Regulations.

Luckily for the life of the budding Indian nationality, the trend of events in Turkey, in Egypt, in South Africa, in Persia, in short, not only in Europe, Africa and Asia, but even Australasia, in the United States of America and Canada, proved to the hilt, if any further proofs were wanted, that unless India composed its benumbing creedal squabbles in matters political, her case for a self-respecting manhood asserting its rights of equality of treatment within the British Empire and of international status without it, would be lost for ever. After many tribulations and heart-searchings, the desired consummation has come and in the memorable Christmas week of 1916, the Hindu and Muslim leaders met together in Lucknow and reached the haven of a working compromise.

#### REPRESENTATION BY RELIGIONS.

What is the proper constitution for a Representative Assembly, which would show its true function, is easiest understood by an analogy.

As a map is which reproduces on a smaller scale all the important features of the country surveyed, and shows their inter-relations as well, not showing them as mere isolated, unrelated, or even inimical features as a superficial observer might conceivably mistake them to be, but as an inter-dependent organic whole, such

should be a Representative Assembly. It should reproduce all the main interests going to the composition of a people under one administration in their proper juxtaposition and their proper proportion.

Most unfortunately the scheme promulgated by the Indian Government put the Hindus in a most invidious and humiliating position of inferiority *due to their religion*, and the Muslims on a pedestal *because of their being Muslims*. The favoured creed-treatment was not extended to the Hindus in those Provinces where they were in a numerical inferiority, it being reserved for the Muslims alone.

All this roused great resentment throughout the Hindu community, with its inevitable psychological reaction in the Mussalman community, breaking down, luckily only for a time, the bridge of amity and of brotherliness of the days of the great Akbar that was being slowly rebuilt between the two.

The separatist policy which under official inspiration was in the ascendant for the last three decades has now been found out by our Muslim fellow-citizens to be a very perilous one. They have begun to realise that every community in India is necessary for the well being of the other, and none may be condemned and antagonised without peril to the whole. But it will take long before the evils of the past die, and Mussalmans realise that *separate* electorates do not make for *united* nation. The demand for a representation of all the main religions should be continued to be satisfied as long as such demand exists in its present intensity,

*but*, let us hope and pray that the good sense and patriotism of our co-citizens will convince them of the disservice that an insistence on a creedal electorate register does to the cause of United India. Lord Morley, out of his great sympathy with our political aspirations and his keen insight into the ways and means of promoting racial and creedal amity and brotherliness among divergent peoples, acquired in the difficult school of the administration of Ireland, suggested a very helpful scheme, but which at the time, most unfortunately, met with a curt reception.

His scheme was to create an Electoral College in which both Hindus and Muslims would be represented in the proportion in which they existed in a Province, and this Electoral College was to elect so many Hindus and so many Muslims, each member having only one vote. He laid stress on this point of a single vote, because he realised what the Government of India would not see, having determined to shut their eyes for reasons best known to themselves, that the scheme proposed by the Indian Government while it would give Muslims plural voting, and that too on a register best calculated to fan into flame the religious animosities and fanaticism, bringing to the top creedal bigotries, it would shut Hindus out from any part in the election of Muslim candidates. He points out that after being given special electorates, the Muslims should be prevented from voting in territorial electorates, for "if that were not done, they would evidently have a double vote, and this would probably be



resented by other classes of the population." The Government of India in spite of the definite and unequivocal disclaimer of the Muslims against being given a double vote in their Memorial to the Viceroy in 1909 (of the All-India Moslem League) and the warning of Lord Morley still gave them this strife-breeding privilege!

To come back to the scheme, he wrote :—

In this way it is evident that it would be in the power of each section of the population to return a member in the proportion corresponding to its own proportion to the total population.

Now mark his reasons for advocating single voting in mixed electorates:

The political idea at the bottom of that recommendation which has found so little favour was that such composite action would bring the two great communities more closely together, and this idea of promoting harmony was held by men of very high Indian authority and experience who were among my advisers at the India Office.

All Lord Morley's good intentions came to nothing. He was successfully 'bluffed' by the Indian Government into dropping his wise and equitable plans in favour of its own. Everybody knows that no organism, howsoever feeble it may be, ever willingly parts with any attribute or power it may have. What, then, about such a mighty bureaucracy which holds India in its grip? No blame to it that it will not allow any of its powers and privileges to be diminished. Do we not see this fight for power going on every night on the floor of the House of Commons? No quarter is given or asked. Party supremacy is above all the laws of Ethics. The Indian Government, past masters in the art of what on a famous occasion

Disraeli described as "dishing the Whigs," practised this art of "dishing" by so manipulating the electorate that instead of the threatened bridge being built between the two communities the chasm was made wider, and for the time being the danger was averted and the power remained where it had been for so long.

However, all this has become 'ancient history' now, and a *via media* has been found by the two communities. It would, however, not be equitable to the other smaller communities now, not to extend to them this same principle of being represented by men of their own faith and in a larger proportion than they bear to the population at large the Sikh, the Parsee, the Indian Christian, (these would, of course, include the "domiciled community", the Eurasian, Anglo-Indian, etc.), as also to the Hindus in those areas where they are in a numerical inferiority. The question of Jains and Buddhists does not arise, for the former are for all practical purposes as much an integral part of the ocean of Hinduism as the numberless other sects; while the Buddhists are all concentrated in Burma, and Ceylon, which last is still unfortunately kept politically separate from India and of which it ought to be made an integral part, the sooner the better. Sikhism is on the border line, and it is best to give it the benefit of the doubt. It will be to the lasting good of the country to help to make this 'protestant' movement in Hinduism, a prepotent one and not allow its force to be dissipated.

In winding up all this discussion over separate

creedal electorate registers and representation by members of their own persuasion, I cannot do better than quote the memorable words of Sir Edward (now Viscount) Grey when speaking in the House of Commons in 1912 on the Home Rule Bill for Ireland. We have only to substitute Muslim for Ulster and Indian Congress for Irish Nationalist for every word of that wise exhortation to apply to the conditions of India. Referring to the animosity of Ulster and the opposition of the Conservatives which was based on that animosity he said :—

From what does the real opposition to the Bill proceed? It is not the question of the Constabulary, of Customs and Excise, whether there is to be a Senate, whether nominated or not. Those are not the real causes which inspire the opposition. There are two things which inspire the opposition. One is the vehement opposition of Ulster to the Bill and the support which it receives. It is exceedingly difficult, I admit, for us to deal with the question of Ulster. We are told that it is they who will suffer and not we; that they know and we do not know, that we have no means of mitigating their animosity. They must let us state our point of view. We have here a great problem to solve, and it cannot be solved by strong feeling or the use of strong language. (*Cheers.*) One thing we cannot do for Ulster, and it is to sacrifice the House of Commons or the Central Imperial Government to Ulster feeling. (*Cheers.*) If Ulster defeated the solution we propose, or succeeded in making it impossible, we cannot afford to continue the present state of affairs. Some other solution will have to be found through this House to put the control of Irish affairs in Irish hands. That has to be done: It is necessary for the House of Commons, it is necessary for the Cabinet. You cannot in the long run have a Cabinet to manage all the important external and imperial affairs, and at the same time undertake the task of being responsible for the Executive in Ireland when that Executive may not have the good will of the people behind it. (*Hear, hear.*) On this point the Nationalist members are equally convinced of the importance of Ulster in the good working of Home Rule. (*Cheers.*) I will come in a moment to the difference of national feeling between the British and Irish peoples, and I admit that there is some difference. But it is not a difference which means that political resistance is not going to yield to moderation, toleration, and circumspection, to that sense of obligation which is in every civilized

community. (*Cheers*). When Ireland is responsible for the Government of Irish affairs, I am quite certain the last thing an Irish Executive or an Irish Parliament will do will be to provoke a strong minority in Ulster to resistance based upon the moral wrong and unreasonable treatment. (*Cheers*.) Though members from Ulster may not believe that, I believe that nothing can resist the working of those forces, and that the animosity which may exist between different parts of Ireland to-day is no measure whatever and no guide to what the feeling will be when the different parts of Ireland have for the first time a sense of joint responsibility. (*Hear hear*.) Once put them in a condition in which they know that the welfare of both depends on the good will of each that will work. It will be effective in Nationalist circles and it will be effective with the Ulster minority. (*Hear, hear*.) Nothing I believe can resist that. They have never had in Ireland that sense of responsibility. Neither party has had it. On the contrary, they have been free to let their animosity and differences of view reach whatever point they like between them, feeling that all the time it is the business of a British Government here to protect either of them or both of them from the consequences. Therefore, the feeling which exists under present conditions is no measure or guide whatever to what it may and, I believe, will be, under other conditions (*Cheers*).

#### FUNCTION OF THE LEGISLATURES.

Every such assembly, if it is to do its proper work, must not be confined to the work of assenting to the laws proposed to be enacted by the Executive as the Indian Legislatures largely are. The very nature of its being demands that it should be the 'grand inquest' of the Nation. It must not be fettered if it is to fulfil its mission. It follows from this that all rules and regulations for disallowing questions; of restricting the rights about supplementary questions; of moving resolutions; of 'dividing the House'; of initiating legislative measures; of control over the Budget, are so many fetters hampering it in its proper work. Why should there be in the Executive the power to disallow questions, when it has the power of not answering such as are against the public weal? Why should the power of asking

supplementary questions be restricted to the person who has asked the question on which it arises? There is no good reason why every member of the legislature should not have the power of putting such questions irrespective of whether he or some brother-legislator was responsible for the original question. Why should there be any restrictions on the power of elected members to introduce Bills? We shall suppose for argument's sake that there is a large non-official majority in the Council. Is not the Government assumption on which such restrictions are based, tantamount to saying that the whole body of these elected members are either so corrupt or so dishonest or such noodles that one and all will easily lend themselves to a few designing anti-Government and anti-people miscreants? It is a very untenable position. The stability of the administration is in no way endangered, even taking for granted the monstrous proposition that neither the brains nor the characters of the 'Honorable Members' is to be trusted, for has not the Administration the full mastery of the situation by a regular hierarchy in an ascending scale of the power of veto? Even where the Executive is wholly under the control of the people, 'the power of the purse' is specially jealously guarded against all encroachments of the Executive and even of an Upper Chamber. What shall we then say about its essentialness in countries where the Executive is the master of the situation. If extravagance and wild-cat schemes involving huge waste in the selfish interests of the Services and of

favoured adventurers are to be prevented and the people saved from grinding taxation and economic ruin, then it is the barest justice that their representatives should have control over taxation and expenditure.

The question of 'freedom of speech' does not seem to be very clearly settled. There is no mention of the subject in the Act nor does there seem to be any in the Regulations. As it is a matter of very serious import, it ought to be specifically included in the Act itself, as it has been in the cases of the Acts granting Constitutions to the Dominions.

#### SESSIONS.

Further, as the sessions of the Councils are discontinuous, and solely dependent upon the will of the Executive, which is not under its control, it is essential that a minimum period be fixed by the Act, (not by Regulations) for the number of times that meetings must take place, and the time that may elapse between a previous meeting and the next. The power of prolonging it or holding extraordinary meetings should be left to the legislatures as also to the Executive.

More than three months should not be permitted to intervene between one meeting and the next of the Imperial Council and more than one month of the Provincial Councils. It will probably be found that a minimum of forty working days for the Imperial Legislature and of sixty such days for the Provincial would be none too much.

The despatch on the reform of the Legislative Councils of the Government of Lord Minto to Lord

Morley among other matters specifically pointed out two drawbacks to the proper utilisation of the Councils as they then existed, namely,

(a) "their meetings are too infrequent to offer the means of confidential and intimate consultation between the Government and its subjects," and

(b) "the strict procedure by which they are restrained naturally tends to formality."

With regard to both these drawbacks so definitely pointed out by the Government, the question naturally arises whether it is not the Government itself which is to be held to blame in the matter. There are various ways by which the rigidity of the procedure could be softened and the cast-iron forms made sufficiently malleable when circumstances so required, without destroying the necessity of formality in everyday matters, to allow of free and easy or "confidential and intimate consultation" if the Government were so minded. The procedure of the House of Commons will suggest many such ways.

With regard to the charge of *infrequency of meetings*, the attitude of the Government is very peculiar. The Government of Lord Minto complains of *infrequency of meetings*, and a decade later we find the Government of Lord Chelmsford resisting and out voting the motion of Pandit Madan Mohan Malaviya for *less erratic and less infrequent meetings*! To a psychologist seeing the motives below the surface, inspiring the apparently opposed attitudes, the explanation is clear. The *head* of the bureaucracy recognises the necessity

of frequency of meetings, but its *heart* rebels against it. A Council of Representatives in *permanent session* before which the Executive has to be incessantly justifying its 'omissions and commissions' is a nuisance, besides being so degrading to its *prestige*; so let us have as little of it as decency and the necessities of the situation will permit!

On this point the views of John Dickinson criticising the bureaucratic attitude of mind which sternly repudiates the doctrine of *Government of the people, for the people, by the people*, in favour of the other, namely, Government of the people, by self-appointed Governors and only so far in the interests of the people as these do not clash with the interests of the Governors, deserves quotation in full. The whole pamphlet, published in 1853, deserves even to-day careful study, especially two of its eight chapters, namely, the Ryotwar System, and Finance and Public Works. He says:—

But now see the cruel injustice we are doing to India! We do not find it too much for ourselves to have a Parliament sitting for months every year, to correct and extend our legislation and suit it to our social changes; to have besides, the most perfect representation of all our complaints and desires in the press which it is possible to conceive; and with all this to watch vigilantly the responsibility of every depositary of power amongst us, as our only security against official tyranny, neglect, incompetency, and plunder; and, after all, we probe many serious grievances, and the reader of the public journals for the last year alone is familiar with much deserved blame of every department of our Administration, of the Foreign Office, the Colonial Office, the Horse Guards, the Admiralty, the Customs, etc. Can we then affect to believe that a sham enquiry once in 20 years, with almost total neglect in the interval, is sufficient to redress the grievances of India? Can we pretend to think that the despotic administration of 150 millions of men, conducted at a distance of many thousand miles away from us, by a few hundred foreigners, having little intercourse with the



natives and no permanent stake in their country, and directed by irresponsible Home Authorities, who betray the utmost anxiety to conceal the truth from the public, can we pretend to think that such an Administration has done or is doing justice to the people of India, without being checked by a particle of anything like political representation? Would not any man who had studied history or human nature, divine all the injury and injustice to the natives which I have described, from merely knowing the conditions of our irresponsible Indian Government? Let the reader conceive any one English question, parliamentary reform, legal reform, free trade, any one of them, being turned over to the Ministry of the day and their successors for 20 years, to give or withhold at their pleasure, without hearing one word of explanation, or remonstrance, or information of our interest in the matter, and our sufferings for want of a legislative remedy. Would not this seem monstrous in our own case? Why then do we unscrupulously apply it to India? Why do we treat, not one, but all, of her vital questions and dearest interests in a manner which seems monstrous when applied to ourselves? Oh, my countrymen! do not continue this inhuman system. Do not consign India to an irresponsible Government for another 20 years, and coldly tell her "abi in paco," as the Inquisition used to say in sending its victims back to the torture, when you know it must lead to cruel neglect and mal-administration. (*India: Its Government Under a Bureaucracy*, pp. 193 to 195.)

## PLACE OF MEETINGS.

Lord Hardinge, with shortsightedness that was strange in a statesman so alert and so sympathetic, would not listen to the protests of Mr. Gokhale against the making of the Legislative Council chambers an *annexe* of gubernatorial palaces. The Indian statesman with truer insight into the future, rightly insisted that the future Parliaments required buildings standing in their own grounds, wholly dedicated to their work and under their complete control. Even though the meeting place of the Imperial Council in new Delhi has been built as a wing of the Viceregal palace, bricks and mortar cannot make it a "settled fact." The demand for a separate building must be insistently kept up till such time as not only new Delhi, but every provincial capita

also has its own separate housing arrangements for its Parliament. Plans of the 'Parliament' buildings of the Continent, of the Dominions, of the United States of America, should be obtained and with their help a fitting plan devised to suit our conditions, for the Imperial Legislative Council (the Senate) and the Provincial Legislative Councils (the House of Representatives.)

It should be clearly understood that no Council meetings should ever take place up in the Hills. Government from the safe playground of hills has been the base of Indian Administration. Not only we but also the non-official Europeans have been crying themselves hoarse over this playing with such awful responsibilities as those of governing a vast and varied country. There should be no such mischievous things as Hill *Capitals*. So far there has been only one single voice, namely, that of Lord Carmichael, which has been blunt enough and honest enough to confess that hill stations are not the ideal places for real hard work as they have been made out to be by those whose interest it is to enjoy life there at the expense of the poor Indian taxpayer.

#### ELECTION DATE.

It is a good arrangement by which the dissolution of all the Provincial Legislatures takes place almost simultaneously. It would be immensely better to so arrange affairs that the life of the Legislatures should correspond with the tenure of office of the Governors. Those rare cases, where a Governor has died in office, or has resigned, or been recalled might be supposed to

create a situation which would make such squaring of the gubernatorial tenure of office with the fixed quinquennial Council period impossible. It is only a seeming difficulty. As the five year term of office of the Governors is only a matter of convention and not fixed by statute, it can be easily arranged that when a term comes to an untimely end, the successor's tenure of office might be either shortened, if the predecessor had been in office for a very short period only; or lengthened if he had been in office for the major portion of his tenure. Thus will be reproduced here the condition of affairs in Great Britain and the Dominions, where a new Prime Minister with his new Cabinet meets a new Legislature. In those countries this is brought about by the dissolution of the Lower Houses; here it will be brought about much more simply and much more economically by a manipulation of the term of office of the Governor. To fully understand the bearing of the above argument it has to be remembered, that the Governor-General and the Provincial Heads are their own Prime Ministers.

#### CONTROL OVER THE SERVICES.

One constantly hears in India the phrase 'rulers and ruled'; the universally-accepted connotation of which is that the I. C. S. is the ruler and the Indian the ruled. Courtesy bred of modern circumstances is, however, making the Britisher mildly deprecate the phrase when used publicly and give some such inane explanation as that we are all fellow-subjects of the King, etc. But

the actualities of the position will unfortunately not allow of such a cheap covering up of the reality.

Mr. Fisher (now a member of the British Ministry, in charge of the Education Department) one of the Commissioners on the Royal Public Service Commission on India and so one who cannot be flippantly dismissed as the globe-trotting Pagett M. P. of Anglo-Forcigu papers, says of the English Civil Service :—

It is brought into continual contact with Parliamentary life and Parliamentary criticism by the questions addressed to Ministers in Parliament, and, lastly, it works under the direction of Parliamentary chiefs. The Civil Service of Great Britain is never permitted to forget that it is in a true and literal sense a body of servants whose work is liable at any moment to be brought under the master's eye. That it has escaped or can entirely escape the characteristic vice of all bureaucracies cannot, perhaps, be confidently affirmed, but if it is comparatively free from that senseless surplussage of regimentation which is common in autocratic countries, the cause is to be found in the last two of the four safeguards which have been mentioned, the Parliamentary critic in the House, and the Parliamentary chief in the office. In other words, administrative questions cannot be considered in a purely dry light; they must be viewed in a political light. And it is an essential part of the skill of an experienced civil servant to feel how a measure will represent itself to the vision of Parliament, and with what modifications it may be made acceptable. The machine is continually up against the living forces of opinion, which, despite all party discipline, make themselves felt in the House of Commons, and since the members of the Civil Service are obliged to furnish answers to parliamentary questions and apologies for departmental actions to their parliamentary chiefs, they acquire a wide kind of political education, tending perhaps towards a certain spirit of caution or even timidity, but based upon a close apprehension of the views, prejudices, and aspirations of the country.

In the Crown Colonies, and more particularly in India, the spirit of the Administration is widely different. Here the Administration is the Government, and nothing else particularly matters. Questions, indeed, may be asked in London about Indian affairs, but nobody is particularly interested in them, and the Indian Budget night is notoriously regarded as one of the least interesting occasions of the session. . . . In reality the last word lies with Indian Official opinion in the sense that a measure would not be forced upon India against the united opposition of the Indian bureaucracy. . . . The work of administering India is not

done in London. It is done in India itself. It is for this reason that the organisation of the Public Services of India is a matter of such great importance. . . . The Indian Civil Service is the Government. . . . Cabinet Councils, Government majorities, diplomatic agencies in the Native States, administrative agencies in British India—all are provided by the Indian Civil Service, which is expected to turn out Judges, revenue officers, heads of administrative departments, pro-consuls, legislatures, political officers or diplomats, and under the new regime, parliamentarians as well.

The supremacy of the Indian Civil Service among the Public Services of India is one of the leading facts which every student of Indian administration has to take into account. The Civil Service is the political, the governing service of the country. . In the Table of Precedence an Indian Civilian will always rank above a member of any other Indian Service. . . the other services are ex-officio. . . however distinguished an officer of these services may be, he is always subordinate to the head of the district who is a civilian.

This pre-eminence enjoyed by the Indian Civil Service in India is, perhaps, most clearly illustrated by the position of the Secretariat. In view of the fact that parliamentary government does not exist in India it might have been expected that the Governor or Lieutenant-Governor of an Indian Province would rule with the assistance of a Cabinet composed of the administrative heads of the different departments, that the Education Service would supply him with a Minister of Education, the Public Works Department with a Minister of Public Works, the Forest or Agriculture department with a Minister of Agriculture. This, however, is not the case. These departments indeed do possess official heads, but they are not part of the Provincial Government. Their work comes up in the first place before a Secretary to Government, who is always a member of the Indian Civil Service, and no large proposal can be carried into effect without the imprimatur of the premier service. Some day, with the growth of specialisation and complexity, this hegemony may be broken down. . . . There is a wide demand that the Indian Civil Servant shall no longer rise to the Judicial Posts of District, Sessions and High Court Judge or exercise magisterial functions, and that the Indian judiciary should be filled by a separate form of recruitment. . . In India the Civil Servant is, as has been said, the most highly paid agent of the Government. In Nigeria the Civil Engineer commands a higher rate than the head of the District. If an administrative system had to be created for India for the first time to-day, it is very unlikely that it would assume the shape which a long train of historical circumstances has given to the present system. There would be a single Civil Service of India, divided into a number of branches, executive, judicial, medical, agricultural and the like, each recruited at the rate at which work of the type

required can be supplied. There would be no one service so prominent among the other services as is the Indian Civil Service, or so exclusively entrusted with the central functions of advice at the head quarters of Government. The executive head of the Government would have a wider choice of secretaries and advisers. There would be more equality in pay and prospects between the different branches of the public service, more interchangeability, a less rigid system of administrative caste. (*The Empire and the Future*, pp. 51, 57).

The above rather lengthy extracts from the lecture on *Imperial Administration*, included in the above-named work may seem like a digression; they are not really so. It was necessary to fully bring out the super-eminent position of the I. C. S. before their restiveness under criticism could be properly realised. For, persons not intimately acquainted with the situation are apt to be misled by the name *Indian Civil Service* into regarding it in the light of their English experience as an organisation of glorified clerks, of subordinates, and not as an oligarchy of masters.

It will be seen that out of the four safeguards against the misuse of its powers by a bureaucracy mentioned by Mr. Fisher, two of the most important ones do not exist in India, while a fifth, which is no less serious, and which does not occur in the statements quoted above is, that this bureaucracy is wholly alien—differing in religion, in colour, in race, in language, in traditions, in temperament, in almost everything but a nominally common humanity. This makes the factor of its complete isolation from the social life of the people, and with its almost total independence of their wishes, the problem becomes much harder in India.

It is for putting a curb on this omnipotence, that we so strenuously demand a powerful Legislature. It is for enlightening this omniscience that we so insistently demand a representative Legislature. It is because the Indian Civil Service despises light and hates a curb, that it so zealously resists the demand for a wide franchise, for non-plural voting, for direct elections, for larger councils, for non-official majorities, for permanent sessions, and finally for non-official Presidents of the Legislatures appointed by themselves. As Legislatures are, according to its conception of its work in India, evils, though unfortunately unavoidable ones, it has made them as inert and as innocuous, as bureaucratic ingenuity could make them, though in its attempt to utilise them as weapons against the budding national consciousness, thanks to imperative circumstances, it has not been wholly successful.

#### MISNOMER.

I may, in passing, point out that the name *Legislative Council* is a misnomer. It would be correct enough if its function was merely to grind out Acts, but as it even in its present manacled condition is something more than that, it should be renamed fittingly. There is a good deal in a name as every psychologist knows. A well-selected designation is a powerful factor towards the realisation of the purpose for which the name was bestowed. The House, Assembly, or Council of *Representatives* seems to be a proper designation. It has the high authority of the late Prof. Sidgwick to recommend it, and

still better its adoption by the United States of America and the British Dominions and Crown Colonies. The Supreme Council should be named the *Senate*.

NUMBER OF MEMBERS.

The joint scheme of the National Congress and the Muslim League asks for a membership of 150 for the Imperial Council with four-fifths elected and one-fifth nominated, and for the Provincial Councils a like proportion between elected and nominated but a smaller number, namely, 125 for the major Provinces and 50 to 75 for the minor ones.

This is rather an arbitrary way for fixing the number of representatives. A much better way, and which has universal practice to support it, is the fixing of the number of such representatives on a *population basis*, as bearing a definite relation to the population to be represented, and rising or falling automatically after each census. I would suggest for the present one representative for every half-million of the population for the House of Representatives (Provincial Council) and one Senator for every three million of the population for the Senate (The Imperial Council). This comes near enough to the numbers demanded in the Congress-League scheme. If the demand put forward by the scheme were to be fully granted, it will mean that twelve-hundred legislators will have to be forthcoming. I am afraid, however, that for sometime to come we will not be in a position to meet such a large demand, satisfactorily. The scheme suggested here would require only a little more than half that number.



The Congress-League scheme has unfortunately erred also in neglecting to take account of Indian India, and has thereby left out seventy millions of the population of the country. If I may make bold to offer some suggestions on this point I would suggest that the 'Native States' of India should not be left out. It is a very short-sighted policy which would keep *British India* and *Indian India* in watertight compartments. Indians at least should not be guilty of such a blunder. Mr. H. A. L. Fisher, M. P., son-in-law of Sir C. P. Ilbert, after his tour through India as a member of the Islington Royal Public Service Commission, realised the *vital* nature of the action and re-action of Native States and British India. In his lecture on *Imperial Administration*, reprinted in *The Empire and the Future* he says :—

If ever India is removed from the category of dependencies into the category of dominions, the constitutional pattern of the new state must be a federation in which hereditary monarchies and principalities are included as constituent parts, (pp. 66, 67).

We need not stop to squabble over the portentous "if ever" which may mean *never*, nor over his other suggestion that Great Britain should create many more Native States in British India, (he is wisely reticent as to whether they are to be of a Monarchical or Republican pattern) and which Mr. Fisher candidly admits will meet with no support from the Indian leaders of political thought. Mr. Fisher cannot but be ignorant of the woeful conditions of affairs in many of the Indian States, for his two winters in India were fully taken up with his

work on the Public Service Commission, and he could scarce have had enough time to devote to a deep study of 'Native' India. An open-eyed tour through some of the Hindu as well as Mussalman States after a course of studies of the secret archives of the Foreign department containing the annual Reports of the Residents, would have opened his eyes to the true state of affairs. But when men of great Indian experience like Sir Walter Lawrence, or Sir Thomas Holdich (see his latest book *Boundaries and Frontier-Making*, where his rabid color prejudice stalks abroad unabashed) advocate the creation of a congeries of Native States out of British India, one cannot help suspecting their motives, and rubbing his eyes and asking:—Can it be that they wish the *Native* to stew in his own juice?

But, as here we are only concerned with the ways and means making for the much desired *rapprochement*, it is not worthwhile going further into that matter. One of the most helpful ways is by giving a representation to the Indian States in the Imperial Legislative Council. I have already outlined in my chapter on *The Indian States* a scheme for marshalling these States in five groups and how each *group* is to be represented in the Council of Princes. This group system would come in very handy for sending representatives to the Supreme Council. Each group should elect for the period of five years five representatives, thus making a total of twenty-five. This is a very right proportion also, seeing that while the States cover a third of India, their inhabitants

number only a fourth of the total population. One limitation about who may not be elected is very necessary, namely, no ruling Prince should be eligible ; these should sit only with their peers in the Council of Princes. Beyond this there need be no further restrictions. The question of the electorate for these will have to be settled in consultation with the States, and need not detain us here. Whether these should have representation in the Provincial Councils also, in those cases where their territories are mixed up with British India, is a question worth serious consideration.

With regard to the question of the one-fifth *nominated* members, while expediency requires that there should be a number of members under the direct control of the administration, no case seems to have been made out for these being non-officials or 'experts.' Instead of the discredited system of nominations, the plan of having one-fifth *ex-officio* members has far more to recommend it. The Viceroy, his Ministers, the principal Secretaries and other high officers of his Government would thus be automatically members of the Supreme Council (the Senate), while the provincial Heads, with their official entourage would be equally automatically members of their respective Provincial Councils (the House of Representatives). Marshal MacMahon understood how much odium nominations brought to the nominator and was very careful in not being made the scapegoat for the sins of his nominees. J. E. C. Bodley in his *France*

(p. 275) says: "He foresaw that the President, if he accepted the right of nomination, would be identified with the performances of his nominees" and so refused to accept the dubious privilege. The position of the nominated non-official member is a very invidious and thankless one. He cannot sit on the fence. Come down he must to the arena, and get flattened out between the upper official and the nether popular mill-stone. The affectation of free and independent discussion and vote is a pitiable farce unworthy of such solemn occasions. It deceives no one but only makes the administration an object of ridicule.

With regard to "Experts" how can the Government be helped in the matters in which it keeps the right of appointing one or at most two specialists. Their votes would not be enough to turn the scales in case of an adverse attitude of the Council. These could be fully and properly utilised by so modifying the procedure that the whole Council could sit as a committee, as is done in the House of Commons, and hear and question the expert on the points which the administration thought it necessary to get expounded by a specialist to the members.

#### OFFICIAL MAJORITIES.

Lord Minto was for permitting non-official majorities in every Council. Lord Morley, however, vetoed the proposal as regards the Imperial Council, while in the Provincial Councils, though the doctrine of non-official majorities has been accepted, this has been done with

such stringent limitations, that it is as good as non-existent. It is because of this ever-present prejudice against non-official majorities in the minds of our rulers that an expansion of the membership of the Councils presents such formidable difficulties. There is always present the necessity of having a very large number of Government officers to take part in the deliberations, which would mean enormous cost and great dislocation of work. I would ask here, is it necessary to increase very much the numbers of these highly paid official members, and take them away from their own legitimate work for the sole purpose of watching the Viceroy's face and saying ditto to His Excellency? When nobody even dreams of questioning the power of veto exercised first by the Governor-General in Council and finally by the Governor-General individually and then again by the Secretary of State, where is the danger, with such *triple* barred gates, of the power of the Government being defied and set at naught? The presence of the official members in the Council is a make-believe which deceives no one. They are there not for a free and independent discussion of the subjects presented to that body but only for voting with the Government. Why should Government with its triple veto make elaborate arrangements to keep up this farce of an independent discussion and voting? It straightforwardly declares that "if two men are not able to wield one sceptre, it is idle to dissemble that fact in constructing political machinery."

The question, then, as to "what number of official

members of requisite standing and experience can, without detriment to the public service, be spared from their regular duties for attendance in Legislative Councils" in my humble opinion does not arise at all. I have not the least hesitation in asserting that for this purpose alone not *one* official can be spared without detriment to the public service. All the officials that the Government proposes to bring into the Legislative Council might, with great advantage, be left to do their own legitimate work ; while the power of the veto when necessary might be exercised a little more directly than as at present through the mouth of nominated members, and so avoid adding to the already heavy financial burden of the country in the shape of the pay and travelling allowances of these official members. This safeguard is *quintupled* in the case of the Provincial Councils ; for there two more authorities—the Governor and the Governor-in-Council—intervene. Once this fact is realised, that however large the number of non-official members a legislature may possess, it exercises its *powers* under very stringent safeguards, and so can never become mischievous ; (if one may permit oneself to make use of such an expression in regard to such responsible bodies composed of the elect of the Indian nation) the official opposition to large numbers would get considerably modified. The opposition to elective majorities would be still further weakened, when it is borne in mind that the Defensive and the Political Departments will be virtually independent of the Legislature for some time to come.

## ELECTORATE.

The detailed scheme for the franchise can only be properly worked out by a select committee of all the Legislatures but some of the principles on which such a scheme should be based may be briefly enumerated here.

(a) It should be territorial. This does not imply that artificial single-member constituencies are to be created. Single member constituencies invariably result in the practical disfranchisement of very substantial minorities.

(b) It should not permit of plural voting. At present there are cases where so many as seven votes are permitted to one individual !

(c) It should not, by prescribing rigid rules of domicile or by limiting the choice as for instance of landlords to a landlord, or high property qualifications, make it difficult to return a worthy representative. Lord Bryce in *The American Commonwealth* has very clearly pointed out the evils of such restrictions. He says :—

Inferior men are returned because there are many parts of the country which do not grow statesmen ; . . . . men of marked ability and zeal . . . are produced chiefly in the great cities of the older states.

And, as  
there is not room enough there for nearly all of them  
and as  
no other doors to Congress are  
open to them  
the nation is deprived of the benefit of their services.

Such limitations have the further demerit of interrupting careers which might have proved of great service to the country :—

A promising politician may lose his seat in his own district. . . . (and) since he cannot find a seat elsewhere, as would happen in England, he is stranded.

(d.) It should be on as broad and as direct a basis as is possible in this country at present.

How very irritating and undesirable the present franchise is, is best brought out by the fact that the representative of the University of Madras is a gentleman who is professionally pledged to denounce as false every Asiatic religion except that of Christ, and whose ideas of what is a proper education for Indians are all dominated by his belief that only such education should be given to them as will bring them to the feet of his Saviour! Incidentally this throws a lurid light on the composition of our University Senates and Syndicates, and shows how little they are in touch with the interests of the people.

The Congress-League scheme rather vaguely lays down that the franchise should be widened as far as possible on the lines of the electorates for Mussalmans for the Provincial Councils. But the qualifications vary so widely not only from Province to Province but even within a Province, as for instance, in Bengal, that no real lead is given by the scheme. For instance, Bombay and the United Provinces allow graduates of any University of the British Empire to exercise the franchise while other Provinces restrict this reasonable right very much in varying degrees. The payment of land-revenue of Rs. 100 is enough qualification in the Presidency of Bombay, it is as high as Rs. 3,000 in the United Provinces; similarly the Income-Tax qualifications vary



from incomes of Rs. 1,000 to Rs. 3,000. The receipt of pension is no qualification in Bombay, while Madras allows votes to persons in the receipt of even up to Rs. 15 per mensem. There are many such variations and the only right course would be to lay down a nearly uniform standard of qualifications for all the Provinces. As affairs are at present, the legislators feel no responsibility to the electors, nor do the voters realise their duty of exercising a wise choice. There are so many intervening bodies between the elected and the elector that the close personal tie, which only can be mutually educative and beneficial is wholly non-existent. The official mind which elaborated this travesty of an electoral system evidently never really cared to give a system which would not be a sham but a reality.

(e) The "intellectuals,"—the lawyer, the teacher, (the two classes whom the Government of India's despatch anathematises,) the physician, the engineer, *etc. etc.*, should be very largely represented. Special arrangements may be necessary to get in large numbers of the last three professions, as the lawyer is very well able to take care of himself. It may be necessary to fix a certain definite proportion, as in the case of Mussalmans and Landlords, in which they should be present in the Councils.

(f) No one should be simultaneously a member of both the Legislatures.

(g) The adult members of the Hindu Joint Family must not be neglected, as they are present, whether as electors or as candidates.

(4) Some method should be devised which would make it possible for an appreciable number of the sixty millions of the untouchable castes to come on the Voters' Register. This would serve as a powerful lever in the raising of their social and economic position, much to their benefit as well as that of the Nation as a whole.

With regard to the Supreme Legislature, it is doubtful whether direct elections would be the best. The electorate would be so vast that it would not have much chance of knowing the candidate nor would these be able to canvass on such an enormous scale. On the whole the Provincial Legislatures seem to be the best electoral media for it. The expiring Provincial Councils in the last month of their existence should meet to elect members for the Supreme Council. This procedure has many points in its favour. It will allow of Provincial Councillors offering themselves along with others as candidates; and all those who are not returned to the Supreme Council will have a chance of trying for the new Provincial Council.

As regards Zemindar, European, Mussalman or any other special community or interest to be represented on this Council, it is not possible to reconcile oneself to separate electorates on a communal or professional basis. The reasons that Lord Morley gave against such a register are so wise, so sympathetic, so genuinely inspired by the wish to develop the budding Indian Nationality, that nothing could add to their cogency. While all the different elements should and indeed must

be represented on the Imperial Council, their selection should not be left to small coteries. Such electorates can only have a divisive effect, making for mutual distrust and sharp antagonisms. They are the favourite breeding grounds of fanaticism and extremism of every kind. But if the Provincial Legislative Councils *as a whole* take part in the election of *every* interest, then practicality, compromise, reasonableness, commonsense will come to the fore, and vested interests thrust in the back-ground. The need for canvassing will lead to a good deal of social intercourse and consequent mutual understanding of each other's view-points, and of the psychology of clashing interests. In short not a credo-professional register of *electors* but of *candidates* is the real solution of the problem, so unwisely discarded by the Government of India under the baneful influence of the then Home Member, Sir H. H. Risley.

With regard to the electorate for the Provincial Legislatures (the House of Representatives) a good deal of spade-work has yet to be done before any reasonably final solution can be arrived at. The present system of double, triple and quadruple distillation cannot produce the wished-for result. Just one instance to show the drawbacks of the present method. In the United Provinces the members of the District and Municipal Boards elect Legislators. But they themselves are elected on very varied qualifications, the qualifications of electors as well as of candidates being diverse for the various Municipalities. while in the case of District Boards, they are the acme of chaos. And how could it be

otherwise, seeing that the electors are the nominees of the local officials, and personal idiosyncracies, in the absence of well-defined rules, naturally find full vent?

There will also be definite interests that must be represented on the local legislature, and the organised bodies representing them will have to be the primary electorates, for instance, the Universities, and the Chambers of Commerce. With regard to the Universities, I would suggest that they should send not one Representative elected by the Senate but ten, two for each of the Faculties of Science, Arts, Medicine, Engineering and Law elected by the graduates from amongst themselves.

As regards qualifications of the candidates, there should be an age limit, but lower than for the Senate. Thirty and over would be reasonable. The educational qualification of a sound knowledge of English is as indispensable for the Representative as for the Senator. If property-qualification be required it should be the very minimum possible. There is no need to have it higher than that now required from members of Municipal and District Boards.

#### POLYANGULAR CONTESTS.

One very important matter, not properly dealt with by the Regulations determining the mode of election is this of polyangular contests in the constituencies. With no definite party organisations each running its own candidate as in England, the contest in India often becomes a scramble for votes. It has happened not once or twice but many times, that

irresponsible persons have come into the field, out of sheer spite against some particular candidate, either self-invited or egged on by wire-pullers, just to prevent the election of that particular candidate by the scattering of votes. The result is that not the person, whom the community would have been only too glad to have as its representative, gets in, but some person, who has by sheer chance secured a majority of votes. To prevent such flagrant abuse of electioneering methods, it is imperative that a scheme be devised which would prevent the return of any but the candidate really wanted by the majority of electors. There are many methods in vogue, but perhaps the system of vote by *elimination* may be the least irksome and the most helpful. The method is quite simple. *All* the candidates are voted for in the first instance. The candidate getting the least vote is eliminated. A second balloting takes place in which *all* the voters including those who have voted for the eliminated candidate divide their vote among the remaining candidates. This process continues to be repeated till only one candidate remains. Under such a system the nuisance of being 'represented' by one whom the majority of the people do not want would be got rid of, and a general sense of comfort and of trust diffused through the community.

#### PROPORTIONAL REPRESENTATION.

A good deal is being heard these days about proportional representation, as the one panacea for the manifold recognised disadvantages of the systems in

vogue in Great Britain and her oversea Dominions. The procedure is simplicity itself. To begin with, the constituencies should return more than three members but not an even number of members. For in a three-membered constituency, there would still be left unrepresented a very large minority, for only a minority amounting to a full-third of the electorate can secure representation. And in an even-membered constituency, a simple balance of votes might stultify the actual predominance of one set of opinions. An ideal constituency, then, would be a five-membered one. With five seats there may be any number of candidates. Each elector, then, will have a voting paper on which he can give his one vote to any one candidate in the event of his first choice (1) having more than the quota required; or (2) being out of the running altogether. It is asserted that under such a system, the whole political life of the country would occupy an ever-increasing higher and higher level. A politically better educated electorate will elect better representatives, and better representatives will educate the electorate better; so acting and reacting both, will go on improving steadily. (See the Right Hon. J. M. Robertson's article on the subject in *The Edinburgh Review* for July 1917 for an illuminating discussion of the subject).

#### PAYMENT OF MEMBERS.

The Congress-League scheme is silent about the remuneration of the elected legislators. In the earlier days the members of the Imperial Council were paid

ten thousand rupees each annually; but since the new Act has come into force, this has been replaced by the system of travelling and halting allowances.

Such a system of payment is radically wrong and unfair; putting as it does a premium on mere wealth, and making it impossible for the poor but otherwise eminently fit person to represent his people. A legislator is as much a 'public servant' as any one of the thousands of officials, from the Governor, and Judge, down to the village Chowkidar, carrying on the daily work of administration. In every civilised State he is paid a fixed salary just like his colleagues, the Judicial and Executive officers. India cannot afford such high salaries as the United States of America (£1,000), France (£600), Australia (£600,) or England (£400) pay. But as things are in modern India a salary of £400 *per annum* (Rs. 500 per month) would be fair remuneration for work in the Supreme Council; while for the Provincial Councillars half this sum, namely £200 *per annum* (Rs. 250 per month) would amply meet the needs of the situation. This would make it possible for men of the Gokhale stamp to dedicate their lives to public work. I well remember his telling me once that but for the salary paid for his work on the Council by the Government, poor as he was, it would have made his work in Calcutta almost impossible.

#### TENURE OF MEMBERSHIP.

Our demand for a longer term than the then existing short two years, which, as Lowell points out

in his *Government and Parties in Continental Europe*, exists nowhere, has been met in a very unsatisfactory fashion by the Government. The prolongation of the term to three years is not enough. It is strange that while for their still-born Advisory Imperial and Provincial Councils of Notables, they suggested a term of five years' membership, they should have whittled it down to three years for the Legislative Councils. Bryce in his *American Commonwealth* points out very clearly the evils of a short tenure. He says :—

There are few walks of life in which experience counts for more than it does in parliamentary politics.

If the

members are too much harassed by the trouble of procuring their re-election they will not have time or motive for the serious study of political problems.

Sidgwick also in his *Elements of Politics* advances some very cogent arguments in favour of a duration of tenure for five, six or even seven years. He says :—

If a body of electors is normally called upon to express a practically decisive opinion on the conduct of their representative, only at intervals of some years, the more intelligent electors will probably be able to judge of at least important parts of his conduct after events have unmistakably shown their wisdom or unwisdom. This consideration, I hold, shows us the grounds on which the proper duration of Parliaments should be determined : While they should not be so long as to weaken the sense of responsibility in the person elected, they should be long enough to give an honest and intelligent elector a fair opportunity of taking the measure of the intellectual and moral qualifications of his representatives. It is, of course, impossible to deduce from general considerations the exact number which fulfils best these two conditions ; but I may perhaps say that a period of five, six or even seven years, appears to me to fulfil them very fairly. A period of this length gives the electors fair opportunities of judging, with regard to members of Parliament who offer themselves for re-election, whether they have consistently carried out the principles and pursued the aims avowed by them at the time of their election, and how far their



forecast of consequences has been confirmed by events ; while, on the other hand, the period is not long enough to lead either side to forget the promises and predictions made at the beginning of the period, or the account which will have to be rendered at its close. (pp. 556, 557.)

After these weighty reasons little remains to be said in favour of the demand for a five years' tenure. Indeed I am not certain whether it would not be advisable, especially for the membership of the Imperial Council, to extend the tenure to even seven years. For the Supreme Council may be taken to be our "Upper House" and most States and Colonies find it helpful to give its members a longer tenure than to those of the "Lower House."

Even in such a thoroughly democratic State as that of Australia, the Upper House (the Senate) is elected for six years. In South Africa, it is elected for ten years. The drawbacks of a short tenure are these: (a) It lessens the responsibility of the electors. They feel that if an inferior person gets in, it does not matter so very much, for at the next election, he will get displaced by some other. This is demoralising to the electors. A fairly long, but not too long, term would force them to awaken to their responsibilities and vote for the best man available. The present unedifying scramble, with its 'first come first served' would cease very largely. (b) The representative too is demoralised by the necessity of (i) having to show some immediate work; he dare not take time. (ii) He has generally a feeling that it will be a case of turn and turn about. He has had his fling, and he should retire giving place to the latest popular favourite. All

this cannot but react upon his work. He becomes irresponsible, taking his duties light-heartedly, may be, even frivolously.

PRESIDENT.

Many political thinkers in the country are against the Heads of the Imperial and Provincial Governments even being members of the Legislative Councils, on the analogy of the self-governing British Colonies. There is also another potent but unexpressed reason behind this demand. It is felt that their position is so commanding that it becomes very difficult to speak out fully and frankly in their presence, or resist their requests for withdrawing motions, etc. I do not agree with the demand, for here the Heads actually govern, they are not merely pageant kings, they are their own Prime Ministers; and I think it is a good thing that they are so. But the question of the President and Vice-President-ship of the Councils is on a different footing. Here the demand is perfectly just and reasonable, that these high officials shall not be *ex-officio* Presidents, or the Vice-Presidents their nominees. The evils of such a system every elected member of the Councils realises only too well. The duties of the President are those of an *umpire*, and it is impossible for a *partisan* to hold the balance even. If such is the case with the rank and file of an administration, how irresistible will be the bias in the case of their Heads. The Speaker of the House of Commons is the one person who never makes a speech, can this be possible to gubernatorial Presidents, or

their nominees, the official Vice-Presidents ? The Councils should have the right of electing their Presidents and Vice-Presidents, but perhaps, during the transition stage, it may be that, while Vice-Presidents may be chosen by the Councils, the Presidents may for the first and last time, be appointed on the *nomination of the Speaker of the House of Commons* for a period of five or seven years, from amongst the members of the House of Commons on adequate salaries, say Rs. 60,000 a year for the Supreme Council and Rs. 48,000 a year for the Provincial, half of these sums being regarded as the salary proper and the other half as expatriation allowance—for when Indians come to be appointed to the office, surely they should not be paid on this high scale.

A further duty that should be laid on the Presidents would be the headship of a department of independent audit for which Indian public opinion led by the late Mr. Gokhale has been all along asking. Ex-Presidents and ex-Vice-presidents might very well also be made *ex-officio* members of the Councils over which they have presided.

#### TIES.

It is the universal practice to resolve ties by the casting vote of the President. But is it not throwing a most onerous responsibility on a single individual, besides opening the door to much mud-slinging ? I would suggest that the final decision should be due to the action of the representatives themselves and not of the unfortunate gentleman who