

happens to be in the unenviable position of finding that his and his vote alone, means life or death to a measure. This decision can be secured if the President is allowed no initial vote, nor on the first tie. Whenever such occurs, the meeting should be adjourned for a few hours or even for a day, and a second vote taken ; it will be found that by then fluctuations have been brought about, removing the deadlock ; but if there be a tie even after this, then a casting vote may be permitted to the President.

#### BUDGET HEADS.

The schedule proscribes the discussion of certain heads of revenue and of expenditure. One can understand the reasons for keeping the budgetary provisions concerning the Army, Marine and Military Works out of the control of the Councils, though these might well be discussed, to allow of the Executive learning the mind of the country through the Council. But when Stamps, Customs, and Assessed Taxes on the revenue side, and Assignments and Compensations, Interest on Debt, Ecclesiastical, Territorial and Political Pensions, State Railways, and Major Works on the expenditure side are put out of the control of the Legislature, one fails to see the reasonableness of the arrangement. These heads do not affect the stability of the British Dominion in India, and there is no reason why these heads should not also be freely thrown open to the control of the Council like the other heads. All financial proposals should, therefore, be embodied in Bills and all such Bills and the Budget as a whole should be

submitted for the sanction of the Councils, excepting, of course, all items concerning the Defence of the Country, and its Foreign and Political relations.

Incidentally I may mention here that two rich sources of Revenue have not been opened up yet. They are a graduated Income-Tax on the incomes of legal practitioners rising up to fully fifty per cent. in case of incomes of a lakh and over; and a graduated Inheritance Tax (known as Death Duties in England) on all landed properties. It is preposterous that Zemindaris yielding a rent roll of anything between 15 lakhs (one million sterling) to 60 lakhs (4 millions sterling) should go so lightly taxed. An Inheritance Tax modelled on the English Act, would yield a very large revenue. The proposer of these two taxes would incur a great deal of odium and even the enmity of the two powerful classes concerned, and it would be an extremely difficult matter to secure the sanction of the Legislature to such taxation, seeing that both these classes are so overwhelmingly strongly represented in it. But the interests of the people, as a whole, require that neither the fear of odium, nor the more serious risk of incurring enmity ought to prevent a well-wisher of his country from doing his duty by it.

#### BUDGET.

Every civilised country has provided itself with some machinery by which the national income and expenditure are controlled more or less fully. A Cobden Club publication on Budget Control gives full details how

different countries of Europe have, by somewhat different but substantially similar methods, established some sort of a check on expenditure and taxation. Considering the conditions, however, under which India is governed, I would suggest that for the present the annual Budget be roughly divided into two portions, one portion, for instance, that dealing with the army might be discussed and passed as at present, the Council not having power to amend it or ask for a division, but, of course, exercising as at present the power of criticising and suggesting improvements. But the other portions of the Budget, for instance, the portions dealing with education, irrigation, railways, sanitation, agriculture, should be submitted to a full and *free* discussion with power to *amend*. The official members, too, should be released from leading strings and *invited* to give their votes *independently*.

The procedure of the House of Commons that prevents its voting money for purposes which in its opinion are necessary, unless and until the Ministry becomes of the same mind and itself demands such expenditure, is not justifiable under Indian conditions, nor is its necessary corollary that no proposals for the levy of a new tax or the enhancement of an existing one (the power to lower it is there) must come from the House. As the Indian Government is wholly independent of the Legislatures, owning no responsibility to the *people*, nor likely to become dependent on the legislatures in the near future, it is necessary, therefore, for their representatives to possess these two powers

Both in the Financial and Legislative spheres, as Sidgwick acutely points out :—

an assembly chosen for a limited period, by the people at large, is held likely to know what the people at large want, better than any Council or assembly otherwise appointed, and to be more concerned to provide it. (p. 372).

It is because a properly-constituted Legislative Council is in touch with the people, which the alien British Indian Government can never be, and so will be "more concerned to provide" for their wants than the Executive, that it is necessary, that this power should not be withheld from it. The French practice is in accord with the above suggestion, the French Parliament having full powers to modify the Budget in any way it chooses, irrespective of the wishes of the Ministry and this freely modified Budget being accepted by the Ministry and not leading to its resignation as it would in England (*vide* President Poincaré's *How France is Governed*). Similar is the American practice (*vide* Lord Bryce's *The American Commonwealth*).

A second suggestion is that a Committee of Scrutiny be appointed for a term of three years, composed of non-official members with the Finance Minister as its President, and this Committee of seven should make a detailed report on the Budget a fortnight after the Budget has been presented to the Council, which report should be printed and circulated, and the discussion in the Council should take place only after this report has been in the hands of the members for at least one week. The discussion should last through at



least six sittings to allow of a full and fair deliberation on all the points raised.

A third suggestion is that, as for instance in Austria, and even in England, the Government should, every year, before presenting the new Budget, lay before the Council "an exact account of the preceding year touching the *management* and *disposal* of the sums allowed by the Budget legally voted within the limits thereby granted." This account should then be referred to the Committee of Scrutiny to be as carefully looked into as the Budget, and, on their submitting a full report, should be again brought before the Council for the expression of its approval or disapproval. The *whole* of the expenditure, including that for the army even, ought to be submitted to this searching scrutiny, and final discussion in the full Council.

The late Mr. Gokhale made a lifelong fight for an independent audit, and though he met with much official sympathy, it was all confined to words, and remains yet to be transformed into action. Since his days matters have improved and the Councillors are permitted greater latitude in their dealings with the Budget. But all this show of freedom barely touches the fringe of the question, and all real control over any portion of taxation or of expenditure is still in the hands of the administration. The voice of the representatives of the people is still a voice in the wilderness. How much longer are they to continue to "cry in the forest" unconsolated?

The Budget is the linch-pin of every adminis-

trative chariot; but how many are the Indian legislators, who take the trouble to qualify themselves to understand in all its bearings its inner meaning, its deeper significance, and fit themselves, by years of patient labour over repelling figures, as Mr. Gokhale had done, to offer helpful criticism—destructive and constructive? It might safely be asserted that since his days—and it has to be remembered that the restraint on such discussions was much greater in those days—nobody has arisen to take his place, as the unsparring critic of Government proposals, and as well informed, as, if not better than, the originators and defenders of its policy themselves.

As this question of Financial control is of such supreme importance, a quotation from Sidgwick would not be amiss. It would by the way interest Indians to know that he was intimately related to the conservative governing class of England, his wife being a sister of the Right Hon. A. J. Balfour. This might make the I. C. S. if possible, attach greater weight to his reasoned conclusions, due to his world-wide recognised position as a philosopher-politician.

In his *Elements of Politics* he shows how very necessary it is that this power of taxation and expenditure should not be left to the Executive, if the people are to be reasonably secure against the arbitrary exercise of the power to take away their property and spend it at its own sweet will, even when such expenditure may not be to their benefit and may even be injurious. He says:—

The proportion of the national income required for Governmental expenditure cannot be fixed once for all. . . . private members of the community must submit to the degree of insecurity involved in an indefinite right of Government to take their property. It seems, therefore, important, in order to minimise this insecurity and render the exercise of this power of taxation as little formidable as possible, that the taxes to be levied should not be determined by the officials who will have to spend the proceeds, or other officials under their influence; it is important that the "Budget" of the State should receive the assent of a separate and independent body, specially qualified to watch, in the interest of the taxpayers, the collection and expenditure of the taxes, and to prevent, as far as possible, any oppressiveness in the former or excess in the latter. It is, accordingly, an accepted principle in the construction of a modern Government that the ultimate control of Governmental finance should be in the hands of such a body. (pp. 335, 336-)

On this point, the otherwise enlightened and progressive British Government of India, wallows in mediæval darkness and refuses to be bound by the "accepted principle," at the same time setting its face against another equally "accepted principle, in the construction of a modern Government," . . . "that this money-granting body should be *elected by the citizens at large.*" (f. n. to p. 336. Italics mine.)

#### FREEDOM OF VOTING.

One of the suggestions made above, namely, that official members should not be tied in the matter of their votes, but left free to follow their independent judgment, opens up a rather wide question. It involves also the position of the non-official nominees to the Councils. For these also—especially almost all the Indian ones—do not hesitate to cast in their lot with the official side. The latter are *supposed* to be free. But as far as the *theory* of Representative Government is concerned, every one, official and non-official alike is free

to vote according to the light that is in him. But here we are concerned with the actual practice. Two factors—an ostensibly higher, and so avowable, another definitely lower, and so unconfessable—enter into the considerations, of the voting nominee, official and even non-official voting. The first is that the nominated member, being a repository of the trust put in him by the Government, so far betrays that trust if he votes against the wishes of the Government, and so becomes morally blameworthy, by embarrassing it. The second reason is 'expectations of favours to come'—honors, titles, re-nominations, appointments to non-competitive posts, for self, relatives, dependents, promotions if already in service, and so on, making it incumbent on those who are prepared to sell their conscience for these earthly goods to keep the powers that be in gracious mood by an attitude of deferential agreement with their beliefs, prejudices and interests. These subtle forms of bribery are well-known all the world over, and no number of Corrupt Practices Acts can ever completely put a stop to them, for the very good reason that no legislative mesh is fine enough to catch these. It might look perilously like a libellous statement to include members of the Indian Civil Service also in the above analysis and to suggest that they too are subject to these human weaknesses and allow themselves to be swayed by these lower motives; but there is very high official authority in support of this view. I need only name one. General Sir George

Chesney, K.C.B., M.P., Military Member of the Government of India, in his *Indian Polity*, with a strange amalgam of military bluntness, official cautiousness, and the natural feeling not to give his friends and colleagues away, asserts unhesitatingly that such is the case, and that there are people who are so swayed, and so, in the interests of a pure administration, members of the Executive Councils should not be eligible to Provincial Headships under Viceregal patronage.

As said above, actions done under the second motive cannot be prevented by Acts and Regulations. It is a question of conscience and of character.

The first factor, however, can be and should be eliminated through a proper regulation. It needs no painting out that the administration of the country is a "benevolent despotism" and not a Parliamentary one, to be shaken down by every gust of popular disfavour. There can then be no question of party loyalty, of stringent party discipline, and so on. The ever to be remembered words that Burke addressed to his constituents of Bristol, in 1774, should be laid to heart by every individual nominated member of the Councils, be he official or non-official. To fully understand his words, it should be noted that his colleague was a gentleman of an accommodating nature and had expressed his willingness to carry out any instructions which he might receive from his constituents. Burke said :—

Certainly, gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his

constituents. Their wishes ought to have great weight with him; their opinion high respect; their business unremitting attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions, to theirs; and above all, ever, and in all cases, to prefer their interest to his own. But, his unbiassed opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

My worthy colleague says his will ought to be subservient to yours. If that be all, the thing is innocent: if Government were a matter of will upon any side, yours, without question, ought to be superior. But Government and legislation are matters of reason and judgment, and not of inclination; and what sort of reason is that, in which the determination precedes the discussion; in which one set of men deliberate, and another decide; and where those who form the conclusion are, perhaps, three hundred miles distant from those who hear the arguments?

To deliver an opinion, is the right of all men; that of constituents is a weighty and respectable opinion, which a representative ought always to rejoice to hear; and which he ought always most seriously to consider. But authoritative instructions, mandates issued, which the member is bound blindly and implicitly to obey, to vote and to argue for, though contrary to the clearest conviction of his judgment and conscience,—these are things utterly unknown to the laws of the land, and which arise from a fundamental mistake of the whole order and tenor of our constitution.

Parliament is not a Congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent, and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole; where not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed: but when you have chosen him, he is not a member of Bristol but he is a member of Parliament.

The above is the completest statement that I know of, of the case for the independence of the legislator. applies no less fully to the Government members. Everybody concedes that a sane adult ought not to be interfered with in his choice of a physician. But his sanity

would be much doubted, if he proceeded to dictate to the physician of his choice how he ought to treat him, beyond pointing out his special ailment and the measures that have disagreed. Similarly if a Board of, say, seven or nine physicians sits to diagnose some disease and formulate a method of treatment, with the prior condition that everyone of the members of the Board was bound to agree to whatever the President dictated, the position is so absurd that it needs only to be stated so nakedly to be laughed out of court. While the *action* to be taken should be that of the majority, the *opinions* of none should be trammelled by the supposed needs of a united front. If the purpose of any set of members is merely to act as a sounding board to swell the volume of the single vote—then it might be unhesitatingly asserted that no more mischievous performance is possible. The idea, referred to before, that the nominated members are *morally* bound by considerations of *loyalty* to vote with the Government, *i.e.*, the Head thereof who is their nominator—is rank fallacy. Unless there has been a previous pact between them (which would be illegal) the governing principle in the case is that the nominator has just trust in the *judgment*, and not in the *blind obedience* of the nominees.

#### MINISTERIAL TENURE.

As the various Indian 'Cabinets,' (including in this term the Head of the administration, Provincial and Supreme, and his Executive Councillors) are what Sidgwick calls Periodic, *i.e.*, immovable for a fixed term of five years, and not Parliamentary *i.e.*,

dismissible at the pleasure of the Legislature; the present method of appointing these Councillors (Ministers) needs a complete change. The present method is for the newly-appointed Head, the Governor or Governor-General (Prime Minister), to take on all the old Ministers and try to work through them, and as the term of appointment of these expire, to go on appointing to each post as it falls vacant. This cannot but make for a great deal of friction hampering the machinery, about which, of course, the outside world hears nothing, it being kept a profound secret from the profane. Sir William Wedderburn and Sir K. G. Gupta have in their note published in *India* (Oct. 1915), suggested an exceedingly good way out of this difficulty. It is this: *Every Minister to be appointed by the incoming ruler and to lay down office along with him.* Somehow this very important suggestion has escaped notice, and has got crowded out among the lot of other, perhaps more insistent, suggestions. It deserves, however, to become as prominent as the others.

#### TREATY-MAKING POWERS.

The joint reform scheme put forward by the Congress-League expressly repudiates all wish to control the power of the Government of India in the matter of entering into treaties. We know that even the Government of India has no control over the treaty-making power, which resides completely in the Secretary of State for India, and that he too exercises that power, largely as a delegate of the British Cabinet, and as a



member of that Cabinet, and not as an independent authority. This is not a desirable state of affairs. The Dominions have successfully asserted their right to be given a prominent voice in all treaty negotiations, and have even extorted the right to enter into independent treaty relations with other States even to the extent of such trade conditions as are prejudicial to the Mother-Country, as for instance, Canada.

I would suggest that treaties should be divided into two categories, namely, Political and Commercial. This would permit of allowing the Government of India and the Indian Legislature some substantial voice in their making. (a) I would say, then, that in all treaties of a political nature, but which *directly* affect India, the Government of India should be consulted *long before the time of ratification*, for at that last stage no modifications of conditions would be possible. (b) But such treaties or such portions of them as directly affect our trade and commerce must not be entered into without the matters being brought up before the Indian Legislature and its consent obtained. (c) I would also suggest that the Indian Government be allowed freedom similar to that permitted to the Dominions to enter into commercial negotiations with other States on its own account and through its own agents. Finally, (d) I would suggest that the Government of India also be given a representation on the Advisory Committee of the Board of Trade in England on the same principle on which the Dominions have been allowed representation, the

representative being an Indian. As no treaties with Commercial clauses are entered into by England without consulting this Committee *betimes*, Indian interests would not then go overboard for want of an advocating voice, as they do now.

#### BICAMERAL LEGISLATURE.

So far I have said nothing about double legislative bodies, either for the Provinces, or for the Government of India. It is to be hoped that the scheme of having an Imperial Advisory Council and Provincial Advisory Councils of Notables, published by the Government of Lord Minto, has been given its final quietus, and that no such bodies bodeful only of mischief will ever be advocated again for India. The analogy of England, with its House of Lords and its House of Commons is totally inapplicable to India. The British Dominions have all copied it, but the results have been very different from what the imitators of the British institution fondly imagined would result. One has only to look into the pages of A. B. Keith's *Responsible Government in the British Dominions*, 3 vols. to see the sordid squabbles between the Upper and the Lower Chambers, and the utter helplessness of the former. These second chambers representing different interests and recruited on a different franchise, and demanding different qualifications from its members, are a device to serve as breakwaters against the headlong rush of first chambers in more or less democratically-governed countries. But nowhere have they been a success, not even in England. India has not the slightest need for them.

The landed interest all the world over is an intensely conservative, reactionary, and selfish interest. What it means in a caste-ridden and priest-ridden country like ours needs no enlarging upon. The faith of the Government of the country in the representative value of the owners of broad acres is so charmingly naive, that it almost disarms criticism! If they represent anything or anybody, it is themselves only. They emphatically do not represent the "dumb millions" of India. One has only to call to mind the furious fights in every Legislative Council in the country put up by the landed interest, whenever the Government has attempted to right the wrongs of the peasantry against the oppression of the landlords. Every Tenancy Act is a standing witness that the Government has never been wholly successful in its attempts to improve the status and economic condition of the actual cultivators of the soil. (In passing I may point out that the land-laws whether Rent or Revenue require drastic change, and that the Government as landlord is no better, when not worse than the 'native' Zemindar. But see on this very thorny subject General Brigg's *Land Tax in India* and John Dickinson's *India: Under a Bureaucratic Government*, where the evils of the land legislation are fully exposed.)

Sheldon Amos has most truly observed that:—

It is pure legislative loss — without any compensating gain — to have one class of interests or views represented at one discussion of a measure and another class at another discussion, instead of having both represented simultaneously to the great gain of debate and the saving of time, expense and labor. (*Science of Politics*, p. 239.)

All that is expected from Provincial Upper Chambers in India apart from the gratification of mere personal vanity to which membership of an *Upper* Chamber from which less favoured mortals are excluded, may minister, will be far more efficiently performed by the Imperial Legislative Council. This is the real nucleus of the future Bundesrath of India in which the British Provinces and the Indian States will, in the no very distant future, meet to carry on the government of the country under the hegemony of Great Britain. It is obvious that no separate *Lower* Imperial Legislative Council is needed. I do not forget the Council of Princes, but as yet the body is in a very nebulous state, and he would be a bold prophet who would say definitely what shape it will take. Time only will show what place in the future government of the Greater India can be assigned to it.

#### PRIVILEGES OF MEMBERS.

Freedom of speech must be guaranteed by Statute. No member should be liable to any action or proceeding in any court, or to any penalty by an order of the Executive, by reason of his speech or vote in such Council. Nor should the printing of such speech by an authorised agency or its sale by any one bring the person or persons within the clutches of the law or the Executive.

#### DISQUALIFICATIONS.

Besides the two disqualifications above mentioned, namely, want of a sound knowledge of English and of being under thirty for a Representative and under thirty-

five for a Senator, there are certain obvious ones. For instance, pauperism, bankruptcy (whether the person be a *discharged* or undischarged insolvent, or *certificated* or *uncertificated* bankrupt), disgraceful conduct, and crimes involving moral turpitude should be valid reasons for exclusion from candidature. The holding of any office of profit under the Government (Crown) excepting the cases of *ex officio* members or of those in receipt of a pension, should also be a bar. That persons (*a*) dismissed from Government service, (*b*) debarred from practising as legal practitioners, (*c*) imprisoned for a term exceeding six months, (*d*) bound down to be of good behaviour, and, finally, (*e*) those declared ineligible by the Government under the plea that their reputation and antecedents are such that their candidature would be contrary to the public interest—that all these above-mentioned persons should be disfranchised, is rather a debatable point. Many believe for good reasons, that all these barriers should be removed.

#### QUORUM.

Seeing what the *personnel* of the Government of the country will be for a long time to come, *i.e.*, a judicious mixture of the British and the Indian elements in its composition, the question of preventing scratch majorities is of vital importance for the proper working of the Councils. It is not the difference of race, religion, or speech that so much matters, as the *difference of domicile*. The discordances arising out of the racial, creedal, or linguistic antagonisms, do get harmonised, when people have got to live side by

side. Their angles and asperities must be rubbed smooth, if they are not to exterminate each other. But difference of domicile proves an effective bar to the straightening of the 'Angle of Vision.' Even when own brothers scatter into different portions of the world, their interests and outlook inevitably become dissimilar, if not actually opposed. Much more so is bound to be the case in the circumstances when a race differing so widely, and dominant, has its home six thousand miles away from the scene of its actions, and to which home it is most deeply, most passionately, attached. The clash of outlook and of interests is bound to be perpetual. Much good humour, much good feeling, and a very high sense of duty on both sides are essential, if they are to co operate harmoniously for the good of the country. So we shall not be very wrong, in advocating a high quorum, and decidedly large majorities.

#### OUR CRITICS.

Two serious drawbacks to our fitness for real representative Government as against the shell of it, with which we have been so far cajoled by an all too paternal Government, are universally urged against us by our foreign critics and find some echo from a few Indian politicians as well. They are (a) our "unlimited capacity for futile negative criticism," and (b) our "innumerable divisions of creeds and sects, and castes and sub-castes making it impossible for us to have what may be termed national ideals, or a national will."

With regard to our faculty for criticising anything or everything, in season or out of season, I freely admit that there is a grain of truth in the charge, but no more than a grain. All over the world, whether in the East or the West, this factor does exist, and has to be taken account of by every Government, be it autocratic, oligarchic, or democratic. We have only to see what is happening in England, in France, in Russia, even while engaged in a death-struggle with German militarism. Is there not enough and to spare of this, from the official point of view, very undesirable commodity in all those countries. Permanent officials governing a country, by the very nature of their position, tend to become hyper-sensitive and intolerant of all criticism. They love to be surrounded by the subdued rosy light of adulation or at least acquiescence. But when an anglo-foreign daily like the *Calcutta Statesman*, while defending the administration of the Defence of India Act in Bengal, goes the length of saying :—

It is true that all Governments, including the Bengal Government, are capable in certain circumstances of unjust and vindictive action, (April 7, 1916.)

does it lie in the mouth of our critics to say that we are ever criticising, for mere criticism's sake ?

Taking it for granted for argument's sake that no constructive criticism is ever offered by the non-official members of the Legislative Councils, on whom does the blame for such an attitude of mind lie ? Are not they eternally "His Majesty's Opposition?" Trust begets trust ; responsibility begets responsibility. With the

notion firmly implanted in their minds that they are unable to influence against its will even so much as by a hair's breadth, the Executive, and that all their interpellations and speeches are mere cloistered, academic performances, is it any wonder that that sobering effect, which is the outcome of the feeling that they too may become "the Government" some day and be confronted with their sayings, is naturally in abeyance in their verbal conduct? Give them something more substantial to do and they will not "criticise" so much. As Sir Pherozeshah Mehta said once, "We have nothing else left to do." Even officials recognise the demoralising effects of the situation. Sir Reginald Craddock, as strong and unbending a bureaucrat as ever ruled the Home Department, and now the Lieutenant-Governor of Burma, wrote when Chief Commissioner of the Central Provinces in his note annexed to Mr. Slocock's letter of the 18th June 1908 :—

When a man knows that nothing that he says is likely to be put into effect, he lets his tongue or pen run away with him, but the risk that what he urges might have serious consequences is apt to check a reckless flow and to induce more sober expression.

The "intellectual" element in India has to be provided with legitimate opportunities and occupation.

The evil effects of permanent official majorities on the tone and temper of the Indian Legislatures were so clearly recognised by Lord Morley that he could not help making mention of them even while defending the system in his speech in the House of Lords. He said :—



There is one point of extreme importance which, no doubt, though it may not be over-diplomatic for me to say so at this stage, will create some controversy. I mean the matter of the official majority. . . . anybody can see how directly, how palpably, how injuriously, an arrangement of this kind tends to weaken and I think I may even say to deaden the sense both of trust and responsibility in the non-official members of these Councils. Anybody can see how the system tends to throw the non-official member into an attitude of peevish, sulky, permanent opposition, and therefore has an injurious effect on the minds and characters of members of these Legislative Councils.

There could not be pronounced by any outside critic a stronger condemnation of the system than was done by its sponsor himself. But by some strange fatality, this wise and experienced statesman ultimately accepted the course whose wrongness he has himself described so incisively ! How utterly mischievous is the method of standing official majorities is, he shows by pointing out, in that very speech, that the power was abused by a Provincial Government, and the Governor-General had to exercise his powers of veto to prevent the mischief. That this abuse of power was far from being an isolated case, a rare phenomenon, is known to us all too bitterly. Replying to the objections against non-official majorities, he observed :—

I know it will be said—I will not weary the House by arguing it, but I desire to meet at once the objection that will be taken—that these Councils will, if you take away the safeguard of the official majorities, pass any number of wild-cat Bills. The answer to that is that the head of the Government can veto the wild-cat Bills. The Governor-General can withhold his assent and the withholding of the assent of the Governor-General is no defunct power. Only the other day, since I have been at the India Office, the Governor-General disallowed a Bill passed by a Local Government which I need not name, with the most advantageous effect. I am quite convinced that if the Local Government had had an un-official majority, the Bill would never have been passed, and the Governor-General would not have had to refuse his assent. But so he did, and so he would if these

gentlemen, whose numbers we propose to increase and whose powers we propose to widen chose to pass wild-cat Bills. (*Indian Constitutional Documents*, p. 287.)

Lord Morley while permitting non-official majorities in the Provincial Legislatures, majorities by the way have not come into existence, steadily set his face against them for the Governor-General's Council, even though the Government of Lord Minto was quite prepared to concede the point, "and to rely on the public spirit of non-official members to enable us (them) to carry on the ordinary work of legislation."

Another point which should be carefully borne in mind by our critics is that the methods and technique of civilised political life have, to begin with, to be learnt and copied by Indian politicians from the English ways—the older indigenous methods and technique of constitutional monarchy, responsible government, and even downright republics having long been extinct. (See Mr. K. P. Jayaswal's admirable papers in the *Modern Review* for 1912, as also Rhys Davids's *Buddhist India* on these matters of *Gana-rajya* and *Sangha-rajya*, and the coronation oath and the king's responsibility and liability to be changed, and the ways of *varana* or election and of voting by *shalâkû* and deciding by *bahutara*, i.e., majority, and securing the *gana-purti* or quorum, etc). An essential item in these days is Press-criticism. The Indian Press might well be excused if it imitated the ways of the English Press, in the circumstances. And yet, the tone and language of the Indian Press has, so far, been far more mild and moderate, and far less out-

spoken, than that of the British is. So, the language of the non-official Indian legislators has been far more courteous and subdued than that of British Parliamentarians in the Opposition is.

To mistake strong language in such cases for sedition is the greatest of mistakes. It is only the sign of the legitimate wish to change what has been subtly growing *in-equal* subjection all this while, into "*co-equal subjection*," in the phrase of Lord Morley. Also courtesy will breed courtesy. If the anglo-foreign Press—which makes up our critics mostly, being the understood organ of the official body—will change its tone of perpetual belittlement of and contempt for the Indians, and recognise Indians as brothers—even though younger in material science and power—the Indian Press could not possibly fail to respond.

Worse even than the prevention of non-official majorities is the fact that the non-official legislator owes his seat more or less to the grace of the Government. If he is in any way obnoxious to the Government, which, in such cases, generally means some one or more officials, he can be kept out of the Councils, for the Regulations have been so framed, that this can always be done. Nor is there any statutory provision safeguarding his personal liberty and giving him a privileged position for his actions and speeches as a legislator, such as is secured to every member of the House of Commons.

A couple of quotations from two well-known writers on the condition of Parliamentary Government

in Germany will help to bring more clearly home to our rulers, the fact that when a defective constitution produces these evils of irresponsibility in such a highly instructed and homogeneous nation as the German, it is not to be wondered at that those evils should be great in a country like ours, so uninstructed in modern political ways, where united public life and public spirit of the new political (as distinguished from the old religious kind), are only things of yesterday, and where the rulers and the ruled are not of one nation, but the one is ever "dominant" and the other ever "subject" (*i.e.*, "thrown under," etymologically).

Mr. J. Ramsay Macdonald says :—

The German Reichstag is not a Parliament. When Bismarck drafted the constitution . . . he had two leading purposes in his mind. He determined to create a legislature based on the most democratic franchise *but devoid of every particle of real power*, (*italics mine*) and at the same time to repose the real legislative and executive authority of the confederation in a Bundesrath which was to be so constituted as to be a fortress of the most extreme kind of conservatism. The Reichstag is, therefore, little more than a debating society . . . . The parties constituting an assembly of debate, which is not an assembly of authority, must be subject to a very different set of influences . . . . A Chamber responsible to public opinion for its acts, and free constitutionally to make its will effective . . . . must make itself responsible for every step in national evolution. The parties in such a Chamber . . . will be far less able to take purely negative attitudes. (*The Socialist Movement*, p. 108-109).

Mr. Dawson, in his illuminating book, so full of instruction for us, is even stronger in his condemnation of the German constitution and its evil results on the public life of the country. Generalising from that he goes on to remark :—

It is difficult to exaggerate the injurious effect upon public spirit and political thought of the condition of impotence in which the nation is placed by constitutions which are neither absolutish nor democratic, which do, indeed, give to the representative assembly a certain amount of legislative power yet not sufficient to make parliamentary life serious and fruitful.... Legislation owing to its bureaucratic origin.... represents too often the limited views and outlook of a narrow class, a class entirely honest and faithful to duty yet not in close touch with practical life and often unable to view the questions from a broad, social and generously human standpoint. (*The Evolution of Modern Germany* by W. H. Dawson.)

Two very important factors in the bringing about of a diminution of the academic nature of the work of the non-official members are, (a) widely-diffused education of the new kind and (b) District Councils. Both these items used to be pressed on the attention of the Government by the late Mr. Gokhale, year in and year out, but to no purpose. The Government would not allow his very milk and water Bill for Free and Compulsory Primary Education to become law, nor does it do a tenth of what it should for spreading secondary education. With regard to the District Councils, the whole force of the Indian Civil Service was thrown against it, as it has been against the separation of the Executive and Judicial powers, now centering in the same individuals, and so this too remains a counsel of perfection. Until the bogey of *prestige* which haunts the dreams of official sleep is exorcised, it will be a very uphill struggle to secure these two indispensable bases, and, so long, the super-structure of the Legislative Councils cannot but continue to be a very ramshackle one.

Coming now to the other criticism, namely; that we are but a congeries of races, infinitely divided up,

and that the phrase *Indian Nation* is devoid of all content, the word India being but a geographical expression, I will content myself with one single quotation from a work written by an Indian Civilian nearly seventy years ago. This gentleman was Sir George Campbell, M. P., had a vast and varied experience of the country as a whole, and more specially from Punjab to Bengal, of which latter Province he finally became the Lieutenant-Governor. He recognised our fundamental unity, based as it is on the allegiance to one basic culture. He says :—

It is the peculiarity of the Indian population that it is one in many respects. The same systems, manners, and divisions of the people prevail throughout the country. And yet in every part there is a great variety of different classes dwelling together, but in many points altogether dissimilar. Although there are many classes, almost all the classes are found more or less everywhere, and hence the same general features of society exist alike in every part of India, even when there is a considerable difference in personal appearance and language. In effect it has become one country, and, though many different races have entered it, and have been, by peculiar institutions, kept in many respects separate, each has in its own sphere pervaded the whole country; all have become united in one common civilization; the same system of Hindoo polity has been overlaid by the same system of Mahomedan Government; inhabitants of one part of the country have served, travelled, and done business in all other parts indiscriminately; and so altogether, while the different degrees in which different elements have been mixed produce exterior differences, the essential characteristics of all are the same. Especially in the details of Government we found the same phases throughout, a result principally due to the centralising and uniform system of the Mahomedan Government, and the frequent change of functionaries from one part to another. Most of the supposed differences are of modern origin, and originate in the different views of different Europeans settling at remote points and pursuing different courses. The more one studies the subject, the more identity one finds in the state of things in all the different parts of India.

The different nations of Europe may have been, in some measure, so assimilated in former days, when successive waves of conquest and population broke over the whole continent and.

left the *debris* to ferment together into nations ; when all united in common Crusades, and English yeomen took service at Constantinople. But now widely different national characters have sprung up, and there are bold distinctions which, for the most part exist not in India. That country is common to all its inhabitants, and the most close intercourse exists throughout. Even the Mahomedan is not the fierce, proud foreigner. His character and his blood are in general much more nearly allied to the Hindu than to the Afghan.

There is but one exception to this amalgamation of the people. Throughout the interior hills, the remains of the aboriginal race is everywhere found separate and little mixed. They are small and dark, and generally complete savages, and speak a language altogether different from the Hindoos. In the farther south they seem to have been reduced to slavery ; more to the north, in and about the Bombay Presidency, they gave great trouble as robbers and plunderers of the adjacent plains. It is, however, a curious fact, which I have not seen elsewhere noticed, that in the Himalayas adjoining Hindustan proper, though much more abrupt and difficult than any of the interior hills, there exists no such race. The population of this part of the Himalayas is pure Hindoo, till it meets the Mongolian Bhootas of the other side of the hills ; and the fact might be a strong argument in favour of the indigenous or very early origin of the Hindoo civilization. The aborigines have, in their features, no trace of the Negro or Mongol, and would seem to be of Caucasian race.

The chief difference in the population of the North and the South of India seems to consist in the larger intermixture with the Hindoos in the one of the later Northern races, and in the other of the population which existed prior to the Hindoo invasion. (*Modern India*. pp. 36-38.)

Dr. Radha Kumud Mukerji's excellent little book *The Fundamental Unity of India* might be read as a commentary on these very just observations of Sir George Campbell ; though some very important considerations have been omitted by the work and remain to be supplied—especially the fact of the unity of *Sanskrit literature* which pervades the whole of geographical India.

After such an accurate statement of the position of affairs, the result of the observations of a keen

discerning, and sympathetic official, nothing is left for me to add. Our differences are mostly surface ones and not so deep and wide as the selfish interests of adverse critics would make them out to be. We are what our circumstances have made us. And our prayer to the great British nation is to help us to an environment where we may be better able to fulfil our destiny of achieving a complete national life.

#### CONCLUSION.

The ever true statement that 'eternal vigilance is the price of liberty' requires to be supplemented to make it a complete truth. If 'well and rightly instructed intelligence' is wanting, no amount of mere vigilance will save the situation. Nor will the vigilance even when *instructed*, if it be of a few only of the nation, be strong enough to ward off evil. The maxim should, therefore, run in some such wise—*eternal vigilance of the well and rightly instructed intelligence of the majority of the individuals of the community is the price of liberty.* This is essential to every scheme of Self-Government, whether it be of the individual as an ethical unit, or of the community as a political unit. The better and wiser nature of the individual as of the community should be strengthened, developed and made more and more pervasive, while the lower and worse nature should be equally studiously curtailed and restrained. The frivolous spirit that unfortunately usually prevails in the so-called "uppermost units" at the 'top' of the community because of too much leisure, of too much wealth,



and too little responsibility, has as much to be brought under control and cured as the spiritlessness of dull grind at the 'bottom' of the community, due here to too little leisure, too little wealth, too little instruction. The electorate must not allow itself to become powerless. It should make itself a

continuously operative instrument of control over the Executive and Legislative elements of the political system, so that the political power of the nation shall only be delegated to the smallest possible extent, and for the shortest possible period that is compatible with its unimpaired and legitimate activity, and so that every citizen shall feel that he is not only called to exercise his electoral power of decision from time to time, but that the community demands of him a continual, intelligent supervision of its affairs, and commits to his hands a means of making his criticism or judgment instantly heard when, in his opinion, there are circumstances which call for its utterance, (*The Essentials of Self-Government* by E. T. Powell, p. 23).

The sub-title of this above-quoted very helpful book "*A comprehensive Survey . . . of the Electoral Mechanism as the Foundation of Political Power, and a Potent Instrument of Intellectual and Social Evolution; . . .*" shows how rightly a very high value is placed by the writer on a proper organisation of the Electorate.

It may be that the over-zeal of the specialist for his own subject is hidden in this extract, and that such an all-absorbing devotion to the political aspect of the national life may starve the other and equally-important aspects, if permitted to persist beyond certain limits. Yet, it has to be said that for a little while in the immediate future, in India, this even excessive attention has to be paid to the aspect of politics, without the rectification of which as the very basis of the *organised*

life of the nation, no other aspect could be properly rectified. For (as explained in the *Mahabharata*, *Shantiparva*, ch. 15 and 122) *Danda Niti*, law and politics, make national and social life possible and *danda* means, not mere 'punishment' in the ordinary sense but 'the political force and authority of the sovereign power of compulsion' which is the very basis of the State, and on which all government rests (see Woodrow Wilson's, *The State*, ch. XIII). The nature and the limits of this *danda* must first be *rectified* before everything else, as is also explained there.

If India is to be rescued from the slough of Despond into which it fell wellnigh ten centuries ago, it must knock off the shackles of a spurious Vedanta and its misbegotten, bastard cosmopolitanism (*Vasudhaiva Kutumbkam*) making us pessimistic and invertebrate; and it must also mercilessly chop off the tentacles of the socio-theological octopus which has so ordered our daily individual life that a full-bodied national life has been all but choked out of the country. The Mussalman too has to so order his life that all conflict with its environment will cease.

The three most potent modern instruments for the consolidation and uplift of a Nation are, universal education, universal suffrage and universal military service. How vital this latter is needs no special dwelling upon, with this hideous war devastating Europe for the last four years before our eyes. Even that *beau ideal* of Anglo-India, the model of what a sober Indian politician ought to be, and whose Presi-

dential speech in the Bombay Congress of 1915, received the high imprimatur of the endorsement of the Government of Lord Chelmsford, uttered a most scathing indictment of the policy which by a total withholding of all military training had so emasculated us that we were scarce fit to fully shoulder the responsibilities of real citizenship. It is the inalienable birthright of every nation that every sane and adult man or woman of it should receive proper education, that every man of it be trained to defend his home and hearth, and that they be all, as a nation, governed by the trusted men of their own choosing. Industrial regeneration will develop of itself hand in hand with this. When that glorious day dawns, may be generations hence, then will come true for India the burning words of Milton—the heroic rebel against Kingcraft and Popecraft—which he wrote for his own magnificent Nation :

Methinks I see in my mind a noble and puissant nation rousing herself like a strong man after sleep and shaking her invincible locks. Methinks I see her as an eagle, mewing her mighty youth, and kindling her undazzled eyes at the full mid-day beam, purging and unscaling her long abused sight at the fountain itself of heavenly radiance, while the whole voice of timorous and flocking birds, with those also that love the twilight, flutter about amazed at what she means. (*Areopagitica.*)

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## S U M M A R Y.

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1. The Imperial Legislative Council should be called the Senate ; and the Provincial, the House of Representatives.

2. These should be housed in buildings of their own, and under their own control, and not in the palaces of the Viceroy and the Governors.

3. The Presidents of these should, in the first instance, be appointed for 5 or 7 years by the Speaker of the House of Commons from amongst experienced Parliamentarians ; and the Deputy-Presidents by the Councils concerned, subject to the veto of the Governor-General-in-Council or the Governor-in-Council, as the case may be. The salaries of the Presidents should be the same as those of the Ministers ; the Deputy-Presidents should be unsalaried ; both should be provided with residences in the grounds of the Legislature buildings.

4. The number of the Senators and of the Representatives should be on a population basis, say, one Senator per three millions of population, and one Representative per half a million. This for the Senate would come to roughly 85 elected for British India, about thirty elected for *Indian India*, and about thirty *ex officio*. For the House the numbers would approximate to 50 to 100, elected for the Province ; 12 to 25 *ex officio* ; and another 12 to 25 from the Indian States,

which are *geographically* included within the Provinces ; if it be thought desirable to give these last also a representation.

5. The Senators should be given a consolidated salary of Rs. 6,000 (£ 400) and the Representatives, Rs. 3,000 (£ 200) per year.

6. The Senate should meet not less than once every 3 months, the total number of meetings occupying not less than 40 days in the year. The House, not less than once a month, the total number of meetings occupying not less than 60 days in the year.

7. The quorum should be a fairly high one.

8. There should be no creedal register of electors, instead, there should be a credo-professional register of candidates, according to the original suggestion of Lord Morley. The Congress-League agreement about the number of members of each community considering the circumstances, has to be accepted, even though it gives to Muslims, in some cases, a preponderance of more than twice their actual percentage in population, for instance, in the United Provinces they number only 14 per cent. of the Hindus ; though such large over-representation is scarcely justified after the agreement that no resolution or bill or any clause thereof introduced by a non-official member affecting communal interests shall be proceeded with if three-fourths of the members of that community oppose it. The agreement is :—

33	P. C.	Moslems	for	Bombay
15	"	"	"	C. P.
25	"	"	"	B. and O.
40	"	"	"	Bengal.
30	"	"	"	U. P.
15	"	"	"	Madras.
50	"	"	"	Punjab.

provided that no Muslim shall participate in any of the other general elections to the [Imperial or Provincial] Councils.

With regard to the last Province it would be equitable to allow 20 per cent. to Sikhs, reducing the numbers of both the Hindu and the Muslim candidates by 10 per cent. In those Provinces (where there are an appreciable number of Indian Christians arrangement should be made for their representation also.

9. The Senate should have one-third Muslims, also Indian Christians and Sikhs. The non-official European community, whether domiciled or floating, would, of course, be well represented here as well as in the House.

10. The right of asking supplementary questions should belong to any member.

11. Freedom of speech should be guaranteed (though publication might, in special cases of marked extravagance, be restrained by special order of the Legislature in which the speech was made).

12. Resolutions passed by the Senate and the House by substantial majorities twice within three

years and again repeated in a new House or new Senate should be binding on the Government, their veto being nullified under the circumstances. But in the case of the Senate, if the Governor-General-in-Council so likes, he may refer the resolution to the Judicial Committee of the Privy Council, for their verdict on the matter.

13. The term of office of Representatives should be the same as that of the Governor and his Cabinet, namely, 5 years unless their tenure of office is reduced to 4 years, in that case the tenure of the Representative should be reduced to 4 years also. Their age should be 30 and over.

The tenure of the Senators should be 5 years also, unless the tenures of the Governor-General and his Cabinet are reduced to 4 years; in that case the term of the Senators should be also reduced by one year. Their age should be 35 and over.

14. If one-eighth of the elected members wish to introduce a Bill or wish to move a Resolution, the veto powers of the Government should be suspended and Government bound to provide every reasonable facility for their introduction and discussion.

15. As the Senate (The Imperial Legislative Council) would be a sort of Upper House for the whole of India, its present power of concurrent legislation in all Provincial matters, with the House of Representatives (the Provincial Councils) which are a sort of Lower House should not be curtailed in any way.

16. Indian conditions are such that no *second* chambers—whether Provincial or Imperial—will be the least good.

17. A strong committee of the Legislature should be appointed to revise the Regulations governing the procedure with regard to the work in the Councils as also the Regulations governing the electors and the candidates.

18. The interest of the adult members of a Hindu joint-family, as electors or candidates, otherwise qualified, should be safe-guarded. As the Regulations stand at present, they are debarred from being either electors or candidates.





## APPENDIX.

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Circumstances have forced me to publish at once the first five chapters of the book, and not to wait for writing out of the whole work which would have meant considerable delay. Many of the remaining chapters require special knowledge to which I can lay no claim. It was my intention, therefore, to invite gentlemen possessing this special knowledge to write those chapters. The full scheme contemplates three more volumes each of about the size of the present one. The chapters that have yet to be written are mentioned here in the hope that Mr. G. A. Natesan may be able to arrange for the necessary syndicate of writers and get the work completed at no very distant date.

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28.	Religious Endowments: management of places of worship; of burial places and cremation grounds; the Ecclesiastical establishment (of the Government of India.)
29.	Economic condition of the People.
30.	Excise (liquor and other intoxicants.)
31.	Frontier Policy.

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