

sidered this an unjust provision which ensured the European, even under British rule, a different law from that which was administered to the Indian. It was considered a galling humiliation to Indians and an intolerable stigma on India's fair name. An attempt was made, in the time of Lord Ripon, to amend these provisions, but the European community rose up in revolt and threatened to proceed to extreme measures. The Government was forced to yield and the special privileges of European nationals continued to be on the Indian Statute book. Under the changed conditions of to-day, these provisions were considered anomalous, and under pressure from the Legislative Assembly, a Committee was appointed, consisting of Indian and European members, to report on the question. Legislative effect was given to their recommendations, and though the privileges of Europeans have not been totally abolished, the Assembly was able to amend the law in a manner which left it less offensive to Indian sentiment than before.

Another piece of important legislation establishing the rights of Indian citizenship, dealt with the abrogation of the Repressive Laws. The fact of India's political subjection was emphasised by the extraordinary powers which the Executive wielded under the authority of Regulations and Laws which limited personal liberty. A Committee was appointed by the Legislature to report on this question, and, though its recommendations were halting and partial, the legislation which gave effect to it registered a considerable advance in the march of popular freedom. A third measure of importance was the amendment of the Press Law. Before the Reforms, the Executive had armed itself with wide powers to restrict criticism in the Press. The Nationalist newspapers especially suffered greatly, and there was not a single organ of advanced Indian opinion which had not come into conflict with the comprehensive provisions of the Press Act. The Local Governments had the right of not only punishing the Editor of

an offending newspaper, but of demanding a heavy money security and of confiscating the press and machinery. This Law was a special object of resentment, as the section of the public affected by it was the most vocal, as it was also the most influential, among the educated classes. The general public resented it as a humiliation and a bar-sinister to their citizenship. The Assembly lost no time in taking up this question, and a Committee was appointed under pressure from the Legislature, to enquire and report on it. The Committee recognised the necessity of leaving in the hands of the Government, sufficient authority to deal with mischief-mongers, but recommended the liberalisation of the provisions and the repeal of those clauses which were meant to be repressive rather than punitive.

(The influence of the Assembly in establishing for the people the rights of citizenship was exerted in other important directions also. It was able to persuade the Army Authorities to undertake important schemes as a step in the direction of national defence. A territorial organisation meant to give military training to Indian youths and to provide for a reserve of officers and men in case of necessity, was started by the Army Command, in order to meet the wishes of the Assembly. A more important scheme, which in course of time must have a profound effect on the political evolution of the country, was the proposal (now being carried into effect) to *Indianise* 8 units of the army by the gradual displacement of European officers by Indians holding the King's Commission. These schemes naturally meant the establishment of a Military College in India and the reservation of facilities for Indian Cadets at Sandhurst. ) No country can claim its freedom without being able to defend itself effectively, and no citizen can be considered free, who has not the right to defend his freedom from aggression. National freedom is a privilege: national defence is its corre-

sponding duty. The Assembly, in recognising this and in demanding a share in the defence, has established on a firm basis the right of Indians to citizenship, even more than by abrogating racial distinctions and amending repressive laws.

[The Central Legislature also interested itself largely in social legislation. The Indian Factories Amendment Act, modernised the law on that important subject along English lines. The Workman's Compensation Act and the Indian Mines Act introduced essential—though still inadequate—safeguards for the protection of workers. The non-official Members have shown, indeed, a most progressive spirit in legislation intended to benefit the poorer classes, and Measures like the Bill introduced by Mr. Chamanlal for weekly payment of labourers, could not get through the Legislature merely because of the opposition of the Government. On the side of social reform, the most important legislation—perhaps the most important single Act that has been passed in India for many hundred years—is the Civil Marriage Act.) The history of this Measure is interesting. In the old Legislative Council, leading non-officials brought forward a Measure to validate marriage between different castes in Hindu society. It must be said *en passant*, that according to Hindu religious law, marriages between two members of different castes, of even different sub-castes, was not valid. Progressive men among the Hindus had long recognised the evil effects of this system which fragmentised Hindu society into mutually exclusive groups, each standing entrenched behind immemorial customs against social freedom. The first Bill which was introduced by the Hon. B. N. Basu was thrown out by the official majority in the Council. Another attempt was made by the Hon. V. J. Patel, now Speaker of the Assembly, but that also met with the same fate. In the first Reformed Legislature, Dr. (now Sir) H. S. Gour introduced a similar measure, but it was thrown out by one vote, the majority of elected non-

officials voting for the reform. In the second Assembly, the Measure received overwhelming support from the Nationalist majority, and in spite of the opposition of officials was passed by the House. Many other non-official bills to promote the cause of necessary social reform, for which educated India has been clamouring, were brought forward in the Assembly on behalf of the Nationalist opposition. Among the most important may be mentioned a Bill to regulate Hindu religious endowments, and a Bill for raising the age of consent for marriage. The last Measure which was introduced in the Assembly, during the summer session of 1927, was opposed by the Government as being too radical, though the proposal was only to raise the marriageable age to 14. But in spite of official opposition, the Bill has been taken up for consideration.

The codifying activities of the Legislature were mostly directed towards criminal procedure. Lord Reading in his speech proroguing the Chambers on the 28th July 1923, stated that "in the Criminal Procedure Amendment Act the Legislature brought to a successful conclusion a task of great magnitude and complexity which had occupied the energies of the craftsmen for nearly a decade."

There is another aspect of the work of the Assembly which demands special attention, and that is, the constant pressure put on the Government to encourage the industrial development of the country. As a result of a resolution of the House, the Government appointed an Industrial Commission with a predominantly Indian personnel, and, on their report, embarked on a policy of discriminating protection. A Tariff Board was set up with powers to enquire into the condition of special industries and to recommend methods for their encouragement. The Steel Protection Act is the most outstanding result of this policy. Again, an Indian Marine Committee was appointed, as a result of a resolution in the



Assembly for enquiring into the possibility of developing Indian shipping, and the Legislatures have been assiduous in pressing the vital need of an Indian Merchant Marine. Again, the Assembly demanded and obtained a promise from the Government that, as far as possible, all stores for Government and railways would be purchased in India. It is clear from these facts, that the economic prosperity and industrial development of India occupied much of the attention of the Reformed Legislatures, and their achievements in this direction have been by no means inconsiderable.

The Assembly has exerted its influence on the administration by every means in its power, by resolutions, questions and motions of adjournment. Among the important resolutions of a political nature, carried in the House, may be mentioned the motion recommending the immediate abolition of the distinction between votable and non-votable items. The demand for a Round Table Conference to settle the Constitution of India, and the resolution separating railway from general finances. The appointment of Committees to advise the various departments of the Government of India has also been a source of influence and was utilised a great deal by the Assembly. There is no doubt that the authority and influence of the Legislatures have increased in scope and become more effective in operation than the authors of the Act had intended.

The increase of its powers and influence being undoubted, the question is naturally asked whether these powers have been used wisely and for the benefit of the people. We have seen, that so far as the popular point of view is concerned, the activities of the Assembly have been directed towards political progress by the establishment of the rights of citizenship and by the partial Indianisation of the civil and military services: towards economic prosperity, by the encouragement of Indian industries: and towards

social reform by enlightened legislation. But have their increased powers of control over the Executive been used wisely? The answer to this depends on the view-point one takes on the question of Indian political evolution. If the Assembly is considered merely as an advisory body, the use of its powers in forcing the Government to yield on important questions, may be considered, as Anglo-Indian critics have done, an aggressive and unwise act. But, if we look upon the Assembly as a constitutional legislature representing the people, evidently its purpose is to enlarge its functions and authority by the use of every opportunity that presents itself. The electorate expects the Assembly not only to safeguard its existing rights, but to press its claims in every manner, and acquire on behalf of the people, increasing influence over the Government. This, it is submitted, is the only point of view from which a Constitutional Assembly can be judged. It is clear, that both Parliament and the Government of India, accepted this point of view when the idea of entrusting more powers to the Assembly, by the establishment of constitutional convention, was recognized and even encouraged. Lord Reading in the prorogation speech from which we have already quoted, stated the principle thus: "When I examine the position the Legislative Assembly has attained, the use it has made of its opportunities, the effect and dignity with which it conducts its debates, and the broader aspects of its powers on the policy of the Government of India, I cannot but feel that the Assembly at times takes far too narrow and restricted a view of its potentialities and real influence."

If this is the principle by which the attitude of the Assembly is to be judged, it is not possible to criticise as unconstitutional or even aggressive, the spectacular demonstration of the Nationalists in the spring session of 1924. The Nationalist majority at that time threw out the Budget on the principle of grievances before supply. It may have been an

unreal action, on the ground that the Assembly could not withhold supplies, because the Governor-General had the right of certifying it under his emergency powers, but that was all the more reason for a constitutional demonstration of this nature. Parliamentary obstruction may be futile, but it cannot certainly be called unconstitutional. It may be unwise, but on that account it cannot be stigmatised as being a subversive action, especially when it is used for the purpose of demanding a revision of the Constitution. The *Swarajists* have given ample proof, after the first ebullition of their obstructionist enthusiasm, that they know how to utilise the machinery of the Assembly to further the national cause. They have served on Select Committees and co-operated with the Government to get important legislation through. They have even assumed the strange and unfamiliar role of being defenders of the Government of India against the dictation of the Secretary of State in the matter of the Reserve Bank Bill. It is, therefore, merely mistaking the shadow for the substance when the cry is raised that the Nationalist majority in the Assembly did not take their responsibilities seriously and hampered the working of the Government instead of co-operating with it.

The Central Legislature, in spite of the fact that it was given powers without responsibility, and therefore was encouraged in a way to take up an unreasonable position, has been one of the most successful features of the Reform Act. It has been critical of the attitude of the Government: it has on occasions used its powers for purposes of political demonstrations. But no impartial critic, who studies its debates and estimates its work, can fail to come to the conclusion that it has used its powers for the benefit of the people with reasonable regard to the difficulties of the Government and the anomalous position of a non-sovereign Executive. Its legislative work has been far-reaching and comprehensive; its

influence, in matters of administration, has not been directed either towards a weakening of the Central Government or exercised without consideration for the supreme necessity of maintaining law and order. Its enthusiasm for social reform has been praiseworthy and it has been assiduous in its demand for Indianisation of the services and for a share in national defence. It has effected considerable retrenchment in administration and has continuously impressed on the Government the necessity of economy.

Nor can it be said that it has refused to shoulder the responsibility of unpopular taxation. It is true, that the Assembly reduced the salt tax and forced the Governor-General to have recourse to his extraordinary powers to restore it; but that was not because the popular representatives did not realise the necessity of balancing the budget or of imposing fresh taxation, but solely on the ground that a tax on salt was unjust to the poor man. In the years of extreme financial stringency, the Assembly cheerfully assented to fresh taxation, imposing a heavy burden on the people, merely insisting, as it was in duty bound to do, that effective retrenchment of unnecessary expenditure must precede the demand for fresh taxation. In the light of these facts, it is impossible to deny that the Assembly has used its power with tact, moderation and wisdom, and, if it has assumed powers or extended its authority over grounds which it was not originally meant to cover, it was solely on the strength of its proved capacity to wield more authority without entailing trouble or difficulties for the Government. So far, as the Central Government is concerned, the Reforms, therefore, have achieved a measure of success far in excess of what was hoped by Parliament and even the Authors of the Act.

## CHAPTER IX

### THE FUTURE

#### (1) *The Conditions of Enquiry*

WE have now to turn our attention to the question as to how and in what manner the Government of India Act should be amended to satisfy the Indian claim for greater self-government and fulfil the promise contained in the Declaration of 1917, which was subsequently embodied in the preamble to the Statute of 1919, 'of progressive realisation of responsible government.' It was laid down in the Act that this progress could only be in successive stages. With the appointment of the Simon Commission, announced in Parliament on the 8th of November last, one such step has been definitely reached. The Government of India Act lays down that "at the expiration of 10 years after the passing of the Government of India Act, 1919, the Secretary of State, with the concurrence of both the Houses of Parliament, shall submit for the approval of His Majesty the names of persons to act as a Commission for the purpose of enquiring into the working of the system of government, the growth of education and the development of representative institutions in British India and matters connected therewith, and the Commission shall report as to *whether* and to *what extent* it is desirable to establish the principle of responsible government or to extend, *modify* or *restrict*, the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not

necessary." The Commission therefore has full right to recommend a restriction of the powers now enjoyed by the Legislatures, if it finds that they have been unwisely used. But, from what has been said in the previous chapters, it must be clear that there is no possibility whatever of the Commission finding either that the Reforms have failed or that Indians are incapable of working them or that they have not worked them satisfactorily. The only question that really faces the Commission, and through it the British Public and Parliament, is the line or direction of further advance.

The Declaration of 1917, which the peoples of both countries have accepted, may be said to define the goal. The British people are committed to the policy 'of progressive realisation of responsible government in India as an integral part of the British Empire.' Accepting that as the goal to which we must advance, the immediate problem resolves itself into a definition of the further stage, the second degree, to which India must now be raised. The questions that we shall discuss in the following chapters deal with some of the major issues which will come before the Commission for consideration. They may be divided conveniently under 4 heads: (1) the Government of India, (2) the Provincial Governments, (3) the Services, (4) Franchise.

One preliminary remark, however, must be made. Both Indian public men and British Ministers have recently been announcing that what India wants is a constitution "suited to her own genius." This is a phrase common in India, and those who understand the psychology of the national movement, know that it is a phase of the re-action against the West that is now manifesting itself in every aspect of Indian life. When Indian politicians talk of institutions suited to Indian genius, it means one of two things; either a constitution indigenously developed without outside ideas and influence, or a natural development from purely Indian

institutions. Both of these, if one may be permitted an expressive vulgarism, are pure moonshine. The development of a constitution on a purely Indian basis is an impossibility. Village government, caste *panchayats*, and ancient republics are all undeniable facts, but it is no more possible to go back to them so as to develop an Indian constitution, as it is to make the Ganges flow back to the Himalayas. The problem of an Indian constitution developing naturally out of the institutions that existed in the country previous to the British rule, is equally impossible. The constitution of the Moghul Empire served India well at the time. If the Mahrattas had been left free to grow into an all Indian empire, they might have developed a constitution suited to their policy and to their methods of administration. But no one would, for a moment, consider the possibility of establishing in India a constitution of the kind which Akbar founded or which Sivaji and his successors found serviceable in the 17th and the 18th centuries.

Indian political ideals—and Indian political practice—are largely the reflection of what has grown up in England. The contact between India and England, which people are inclined to consider as superficial and unimportant, except in the political and commercial spheres, is in truth more fundamental and more far-reaching in the realm of ideas. The British political tradition has become a part of the heritage of India and this is the governing fact in the Indian situation. This may be proved by an analysis of the daily attitude of not only the leading politicians, but of any person who takes interest in politics. I shall take a few examples. The greatest complaint that India has, at the present time, and about which we hear every day in the Indian press, is the arrest and deportation of a large number of people without trial or other judicial proceedings. This is characterised as being the *rule of Unlaw*, as against the rule of law. The rule of law,

as a judicial conception, is purely English, but the Indian public has taken it as part and parcel of the conception of public rights in India. The right of certification again has given rise to much bitterness, but this denial of discretion to executive authority, where the legislature has resolved in a particular manner, is again a purely British practice. In fact the whole conception of law, politics and public rights which is now prevalent in India, as a part of the mental equipment of every educated Indian, is wholly derived from English sources. It is not that the conception of liberty did not exist in India. The Indian idea of liberty was the right of social institutions to develop without political interference. The liberty to the Indian meant, until recently, the freedom to follow the customs of his caste, religion and sect, rather than the political ideas which we associate with it. No ancient government, Mohammedan, Hindu, or Buddhist, would have thought of interfering with them. One such interference by the British led to two years of bloodshed in the Mutiny. But that conception of freedom has entirely vanished. People now clamour for social reform, that is the interference of the State in the customs and institutions of the people. Their complaint now is that the British Government does not lend its support to the efforts that are being made to re-order society. And this is but natural. So long as the State was merely a tax-collecting machine, ensuring peace and safety, freedom for the individual could not mean anything else. The fuller life which man required, he was compelled to find in the independent social institutions of caste and trade groups. But the State has long ago ceased to be a mere tax-collecting machine. Modern life makes a superimposed state an impossibility. A state has to educate, legislate, and control a man in a hundred other ways. It is worthy of note that the ancient states did not have to legislate. They had only to administer laws which had either grown up as customs or had



been laid down by religious leaders as the ideal law. It was not the state that legislated, but private jurists like Jimuta-Vahana or prophets like Mohammed. With the conception of the executive organ of social forces manifesting itself mainly in legislative and educative activities, the ancient conception of liberty, as the right to live under the laws of groups without interference from outside, ceases to have validity.

With this changed conception of the functions of the State, comes the new idea of liberty as the right of man to order his own state, especially as it is an organisation which interferes so much in his life. Liberty now is not freedom from state control but the right to control the state. This, as we have seen, arises from the growth of the functions of executive government. A state which does not educate, which does not enforce sanitation, fight diseases, regulate conditions of work, &c., will not now be considered civilised. This enlargement of functions necessarily involves limitation of individual freedom and group autonomy. The Hindu can no longer be allowed to refuse being vaccinated, on the plea of religious scruples—because small-pox among one section involves danger to the life of others—than he can refuse to pay taxes.

If so much is granted, all the talk about going back to indigenous institutions and developing a constitution without outside influence will be found to be a vain dream. The attitude of English statesmen when they talk of not imposing British ideas on Indian people is equally the result of fallacious thinking. What they mean is that what has proved to be of benefit to England, may not, in the conditions of India, prove to be of benefit to the Indian people. They point out that representative institutions have not been worked with success in any country except in England and in her Colonies, that more than one country has gone back on it, that Asiatic nations which have tried

the experiment are still struggling to find their equilibrium, as in China, unless those institutions have been used merely to disguise autocracies as in Turkey and in Japan. All this is true and unquestionable. But this line of argument ignores two important, and in this case, cardinal facts. The first is, that the Indian political tradition during the last one century—the century that saw the development of democratic institutions in England—has been entirely British; the second, which is equally important, is that representative institutions in India are meant to be worked in co-operation with the British and not independently of her. A self-governing India postulates not merely representative institutions, but a British connection, involving British co-operation for some time in the maintenance of essential services, British advice in matters of high policy, and close collaboration in matters of defence. Even, if the claim is accepted that representative institutions are a purely British affair, there is therefore every reason why they should flourish in India as in other British Dominions.

It is not merely *a priori* assumption. The experience of the Minto-Morley Councils and of the Montagu-Chelmsford Reforms of 1919, has clearly proved the fact. The Minto-Morley Reforms may not have registered much of a political advance, but their working showed the aptitude that the Indian mind had for representative institutions. Sir Guy Fleetwood Wilson, who was Finance Member of the Government of India, expressed thus the effect which these Councils made on his mind. "All of a sudden there burst upon India a really representative body which expressed the opinions of educated Indians. It came as a great shock to a great many people, and I do not think, I could possibly have coped with it—I dare say I did not cope with it happily—at any rate I struggled there with it—had it not been that as a private secretary I had had to sit under the gallery of the House of Commons for year after year during the debates. It was

really a small House of Commons, composed of men with brilliant intellects and men who were extraordinarily hardworking. The mind of an Indian will assimilate knowledge rapidly, its receptive capacity is good, and it is really a serious matter to cross swords with them in debate.\* What has been said of the working of the Legislature under the 1919 Reforms, establishes the same fact. The Indian mind has shown a true appreciation of parliamentary responsibility and democratic institutions, not because there were democratic bodies in ancient India, but because they have, by the prolonged contact with the British and by the penetration of ideas from the schools, become a part of the national character. It is impossible for modern Indians now to go back to the rule of a Chandragupta, Harsha or Akbar, just as much as it is for English people to go back to George III or even William IV. The idea of an Indian Constitution on indigenous models and on principles suited to oriental minds—if there be such—must therefore be abandoned as foolish and illogical.)

It is clear on what basis the Indian Constitution should be. It can only be on the basis of responsible government in the English sense; that is, government by an executive responsible to and removable by a parliament consisting of the elected representatives of the nation. That is clearly laid down in the Declaration of 1917 and is embodied in the preamble of the Act. Any attempt to go back on that principle, would be nothing less than a grave betrayal of the trust on which England claims to hold India and a disaster fraught with the gravest consequences for the future.

## (2) *The Government of India*

If the principle of the enquiry into the Constitution of India be the widening of the existing institutions with a view to the progressive realisation of responsible government, then

---

\* Vide "The Future Government of India," by Vyasa Rao, p. 9.

the main problem for which a solution has to be found may be stated in a few words. *To what extent and in what manner can the Government of India be freed from the control of the Secretary of State and made responsible to an Indian Parliament. This is the fundamental question.* The Government of India as we have noticed, is merely a subordinate agency of the British Government which, through the Secretary of State for India, controls the administration of a country many thousands of miles away. The first essential condition of responsible government in India is that the Governor-General in Council should be freed from the leading strings of the Secretary of State. The Secretary of State is said to exercise his authority on behalf of Parliament, but, as we shall show, the parliamentary control over him is merely in name. Of all the Cabinet Ministers, the Secretary for India is the only one whose actions never come in for an effective debate in Parliament. It is a recognized convention, that the affairs of India should be above party politics, and in fact, it has been so ever since the impeachment of Warren Hastings. Since that time an Indian policy has never been a plank in any party's platform. It is true, that the Labour party in its annual conferences passes, generally without discussion, a resolution affirming the right of India to govern itself. But the few months during which a Labour government was in power sufficed to convince India, though not the more conservative section of the British public, that whatever be the professions of Labour statesmen when out of office, they are no more likely to bring their socialist point of view to the consideration of Indian questions than the other traditional parties are. The control of Parliament in the affairs of India must therefore be ruled out as an effective check to the authority of the Secretary of State who governs India by dispatches from Whitehall.

If the Secretary of State is not, in fact, responsible to Parliament, then clearly there is no justification for the

constitutional position taken up that the Government of India is merely an agency which should carry out every direction from Whitehall, without murmur and without question. That principle makes it impossible for the Government of India to take up an honest and straightforward attitude on many questions that are brought up for discussion in the Legislative Assembly. It subordinates the interests of India—so it is suspected with ample evidence in the earlier history of Whitehall dictation—to the economic and trade interests of London. It leads to decisions taken without due appreciation of Indian opinion and conditions. Finally; it reduces the status of the Government of India to that of every day subordination, especially in these days when orders could be conveyed by cable and by radio. The first step in any Reform, therefore, must be the relaxation of the Secretary of State's control over the Government of India.

I should not be understood to be arguing for a complete abolition of the supervisory authority vested in the Secretary of State. It will take considerable time before the Secretary of State for India occupies the same position as the Minister for the Dominions. In matters affecting imperial and foreign policy, defence, and to a less extent, vital changes affecting the Constitution, the Secretary of State, as representing the paramountcy of Parliament, would still have to possess effective authority. But his control over the internal policy of the Indian Government and his interference in the daily affairs of administration must vanish, with the development of responsible government in India.

If the Government is to be made autonomous in this limited sense, it is not, evidently for the purpose of enthroning a Grand Moghul at Delhi instead of at Whitehall. The power of the Secretary of State could be relaxed only to the Legislatures. As Mr. Montagu well put it, the alternative to the government by dispatch is government by vote. In those

matters over which the Parliament, through the Secretary of State, resigns control, the Indian Assembly should be given the final power. The problem of Indian reforms is essentially the problem of constituting in India an authority to which the Government of India may be made responsible to the extent that it ceases to be answerable to the Secretary of State.

There is one supremely important fact that stands in the way of this suggestion of making the Government of India, in certain matters, responsible to the Indian Legislature, and that is the complex character of its functions. The Governor-General in Council has two distinct and clearly separable functions. It is in one aspect, the direct government of British India, which covers only two-thirds of the Indian Empire. Besides this, it is also the Central Authority, the Paramount Power which is suzerain over Indian States, and is the Supreme Authority for the whole of India. The fact that these two functions are concentrated in the same hands, should not blind us to their distinct and separable character. It is clear that the Government of India, in its Imperial capacity, i. e. as the Paramount Power, cannot be made responsible to a Legislature elected only from British India. That would be handing over the rights that belong to the whole people of India to a part of it.

It is obvious that the people of British India have no more claim to authority over the people of the Indian States than the latter have to authority over them. Clearly, therefore, until such time as it is possible to establish a Parliament representing the people not only of British India but of the Indian States as well, that aspect of the Government which deals with the whole of India must remain outside the control of the Legislature.

This can easily be achieved by bifurcating the functions of the Government. The Governor-General is now his own foreign minister and prime minister. A bifurcation of function, as suggested here, would mean that these two offices should be

separated. The Governor-General in Council, as representing the Paramount Power in his relations with Indian States, with the Indian foreign neighbours, would continue to be the representative of the Crown and the Cabinet responsible only to Parliament. In his capacity as the Chief Governing Agent of British India, he would be responsible to the Indian Legislature.

It may be objected, by superficial critics, that this is merely perpetuating a system of Dyarchy in the Central Government. A moment's consideration will show that this is most emphatically not so. The essence of Dyarchy is that it divides the functions of a Unitary Government, interdependent in every matter, into halves and makes the Governor-General arbitrator in matters of dispute. The division here proposed in the Central Government is merely the separation of two distinct functions, whose union, in the same hands, has been the cause of much confusion. So far as the administration of British India is concerned—and it is only there that Parliament can directly interfere—the administration will be one and unitary under a Prime Minister and Cabinet who would represent all the constitutional powers of the Governor-General in relation to British India. The Central Government, in its capacity as a Paramount Power, will be a distinct authority interested in the affairs of British India only to the same extent as it is now in the affairs of Mysore or Baroda. Without such a differentiation, responsible government is impossible in India, because the British Government has not the right, even if it so wishes, to hand over the suzerain powers which it enjoys over the people of Indian States to the people of British India.

Where these functions are separated and the Government of British India comes to be concerned solely with the people directly under the authority of Britain, the problem of responsibility in the Central Government becomes easy. The

administration of British India could be made responsible to a British Indian Legislature. The anomaly of the dual control of the Government of India would vanish, and the Secretary of State would retain in his hands, only as much of his authority as is necessary to safeguard Imperial interests, such as lines of communication, naval and military defence, and matters affecting foreign policy. The present accusation that the economic and political interests of the Indian States are being sacrificed for the advancement of British India would also lose its effect. This is, in fact, the only possible solution consistent with the promise contained in the Declaration of 1917, that responsible government was the goal of British policy and the guarantee of independence given to the Indian States by their treaties.

### (3) *The Provincial Governments*

The centre of the whole Reform Act of 1919, as we had emphasised in the earlier part of this study, was the Devolution of Powers to Provincial Governments. Dyarchy in the Provinces was no more and no less than a system of specific devolution. The Montagu-Chelmsford Report in adumbrating this scheme in relation to the Provincial Governments, stated as follows: "The considerations of which we took account in Chapter VI forbid us immediately to hand over complete responsibility. We must proceed therefore by transferring responsibility for certain functions of Government while reserving control over others. *From this starting point we look for a steady approach to the transfer or complete responsibility.*" The goal of Provincial Reforms is stated in the last sentence in the most unequivocal terms. Provincial autonomy, together with the establishment of complete responsible government in the Provinces, was the objective towards which Dyarchy was to serve as a stepping stone. The objective was in no sense new. In the famous dispatch of the Hardinge Government, dated Aug. 25th, 1911, the principle of Provincial



autonomy receives full recognition. "The only possible solution of the difficulty," said the Government of India of which Lord Hardinge was then the head, "would appear to be gradually to give the Provinces a larger measure of self-government until at last India would consist of a number of administrations autonomous in all provincial affairs, with the Government of India above them all and possessing power to interfere in cases of misgovernment but ordinarily restricting their functions to matters of imperial concern." The object was therefore not new. What was new, was the introduction of the principle that, to the extent the Provinces became autonomous, they must be responsible to the elected Legislature.

We have, in the earlier portions of this book, seen how far Dyarchy has been successful in this respect. Its difficulties and troubles have arisen almost solely on account of the unnatural division of functions and the preponderance of authority given to the Reserved subjects. It was devised as a transitional method of familiarising the Councils with political responsibility. In that fundamental object it has been eminently successful, though as a method of administration, it did not achieve the success which its advocates hoped for it. But it should not be forgotten that what was tested was *not whether Dyarchy would work but whether the Councils and the Ministers responsible to them could be trusted with administrative responsibility*. On this latter point there has been no difference of opinion. Though Dyarchy as an administration might have failed, the political capacity of the Councils and the Ministers has been fully vindicated. The problem before the Commission, as well as before the student of Indian politics is—what is the next step?

The answer to that question, in the words of the Joint Report, lies in the transfer of complete responsibility in the Provinces. In the opinion submitted to the Muddiman Committee, Sir William Marris recorded the following opinion :

"Dyarchy is obviously a cumbrous, complex, confused system having no logical basis, rooted in compromise, and defensible only as a transitional expedient. The difficulties and defects inherent in the scheme are quite incurable by the mere alteration of the Act, or the rules. There is no half-way house between the present and a new constitution, concessions which fall short of complete provincial autonomy will secure neither stability nor contentment."

The only possible alternative to the present system in Provincial Government is to abolish the division of the Transferred and 'Reserved halves, and re-establish a unitary Government removable by and responsible to the Legislature. This means clearly two things : one that the Government of India which still maintains control over the Reserved subjects of the Provinces, must relax it to the same extent as in the Transferred departments, *i.e.* establish Provincial autonomy : secondly, the control which was previously exercised by the Government of India, must be exercised by the Legislatures, *i.e.* establish responsible government.

The Provinces of India can be autonomous only within a limited sphere. The power of the Central Government must remain unimpaired over a vast variety of subjects, in view of India's peculiar social, political and racial structure. Apart even from questions like defence, customs, railway policy, post and telegraphs, it is clear that a good deal of Provincial legislation must be indirectly controlled by the Central Government. Of these, the most important naturally will be Bills affecting social structure, land settlement, &c. Where provincial jealousies are great, and the particularism of nations in formation or already in existence is so keen as in India, the most essential thing, if political unity is to be preserved, is to maintain a powerful Central Government. The demand for Provincial autonomy, should not obscure this essential fact.

Within the limits thus laid down, the Provinces may be given full freedom from the control of the Central Government. And to the extent that they are free from the Central Government, they should be made fully responsible to the Legislature. The line of reform lies in this direction. The responsibility in Provincial matters to the Councils must be full and absolute. There is no further justification for the division into Transferred and Reserved halves, with the Governor as a final arbiter of conflicting jurisdiction. This, as we saw, led to an aggrandisement of the power of the Governor to an extent which would have been inconceivable before the Reforms, and to a complete travesty of the principle of Ministerial responsibility, especially in their accountability to the Legislature. What is of importance is that, in any further scheme of reform, the responsibility of the Ministers to the Legislature should be made absolute and unquestionable, and it should not be possible for any Governor to put forward the claim that the Ministers are only his advisers whose counsel he is at liberty to accept or to disregard.

This essential reform involves another—the abolition of the Reserved half. Much of the trouble in Provincial administration arose out of the unnatural relation that subsisted between the Reserved and Transferred halves. The Transferred half became the appanage of those powerful departments which were still under the control of the non-parliamentary Executive. How this transformation took place we have noticed in another chapter. As long as Finance remains a Reserved subject, and the portfolio of Law is in the hands of an Executive Councillor, the centre of gravity must always shift away from the Ministers. If the new Reforms are not to be an expensive sham and a meaningless mockery of parliamentary institutions, the whole Provincial administration, subject to the advice and control of the Governor, should be transferred to the Ministry. This is what the Indian demand of Provincial autonomy means.

This would mean a large measure of power for the Provincial Legislative Councils. The administration of all the departments will be responsible to them through a Parliamentary Executive, removable directly by a vote of no-confidence or indirectly by a refusal to support important Government proposals. An Executive which has to justify its policy before the Council and whose appropriations may, to a large extent, be cut down, but which is not removable by its vote, strikes at the root of parliamentary government, and unless this is changed, by the abolition of the Reserved half, there can be no real responsibility to the Councils. With this would also go the "Retainer vote," which is a device meant to give the non-parliamentary Executive a minimum number of votes which would be decisive in case there are two parties in the Council. The abolition of the nominated votes, raises other problems besides the responsibility of the Executive, especially the representation of the suppressed and backward classes, which will be dealt with in the section on Franchise. Here, it is sufficient to say, that no system of parliamentary government in the Provinces, meaning thereby the full responsibility of the Executive to an elected Legislature, can co-exist with a system of nominated members, commanding a large and indivisible *bloc* and constituting a guard of janissaries impervious to public opinion, around the Government.

In connection with the constitution of provincial government, there is one subject which the terms of the Parliamentary Commission specially require it to investigate, and that is the desirability of establishing second chambers in the Provinces. The Central Legislature consists at the present time of two Chambers, the Legislative Assembly and the Council of State. The Council of State was created, as its authors declared, as a counterpoise to a popularly elected lower house, which the authorities were afraid might take up

an irresponsible attitude. In the Central Government, which is responsible for the defence and other vital matters concerning the whole of India, such a Chamber, which will by its constitution be cautious and more amenable to official opinion, may be necessary. It is, however, worth while noticing that even in this sphere, its debates have attracted but little attention, and its powers have been utilised by the Government only for the purpose of getting its sanction, as a preliminary, to certifying the Finance Bills and other Legislative Measures, like the Princes Protection Act. No such functions of importance concerning the peace, tranquillity or safety of India, are entrusted to the Provinces, and therefore, even if the Legislative Councils behaved irresponsibly, there is no reason why the Government should be anxious to put them right. When the Legislatures realise that irresponsible actions will only react on themselves, they will be more cautious in their attitude towards Government measures. In fact, the Provincial Legislatures, even under Dyarchy, have shown in spite of extreme political pressure to act otherwise, a spirit of moderation and responsibility which would justify the belief that, if given full responsibility, and made to feel that the result of unwise and immature decisions would only be their own undoing, they will not abuse their powers to a greater extent than legislatures in other countries are prone to. *Prima facie* there is, therefore, no reason to extend the principle of a two-chamber Legislature to the Provinces.

During the course of the last 7 years, during which the Reformed Constitution has been worked, no section of Indian opinion has so far demanded the establishment of a second chamber in the Provinces. On the other hand, Indian opinion has looked upon the proposal with suspicion, and has generally considered it as another device by which the Services desire to entrench themselves in power. The

experience of the Council of State has only tended to prove this. That body, consisting of Government nominees, landed magnates and representatives elected from constituencies where popular opinion cannot hope to permeate, has not fulfilled either the purpose of the Government to serve as a popular cover for its extraordinary powers, or the proper function of a second chamber as a revisory body. After this experience Indian politicians, and so far as one can judge, even the Indian Government, are not anxious to extend the principle to the Provinces.

The only plausible agreement that could be advanced in favour of a second chamber in the Provinces is, that it would serve as a field for the representation of special interests, like Chambers of Commerce, depressed classes, &c., and could be utilised to provide safeguards for minorities. An upper Chamber, constituted on such a basis of special representation, and minority safeguards, would not clearly carry weight with the public, and could hardly constitute an efficient revisory authority, except in regard to the special interests it is supposed to safeguard. It is not denied that these interests should be provided with adequate safeguards, and guarantees, but a second chamber, constituted for the purpose, would be the least effective way of doing it; firstly, because public opinion will always look upon it as a body set up to defeat the intentions of the popular legislature, and secondly, it would not, through lack of powers in financial matters, carry the same authority with the Government. The proposal for a second chamber in the Provinces therefore, would not find support with any section of the people, and is not justified by political or administrative necessity.

#### (4) *The Services*

The problem of the Administrative Services in India covers the whole field of Indian politics and government. A full and

detailed discussion of their organisation, functions and future, would take us outside the scope of this work. We shall confine ourselves here solely to the question of the nature of adjustments that would have to be made in the Services in case a further advance in the direction of self-government is to be made.

No one in India wants a weakening of the Executive power of the essential Services which have done so much to establish a united administration over so vast an area. The power of organisation, the executive efficiency and the methods of administration which the Indian Services represent are among the most valuable assets, and constitute the basis on which every future Government of India has to be raised. The greatest credit is due to the British people in having provided India with this strong and durable administrative foundation. No less is the credit of having developed Provincial Services, mainly Indian in personnel, but deriving its administrative tradition from the all-India Services which were essentially British in character. It is the existence of these two bodies, one thoroughly British in principle and mainly British in personnel, and the other deriving its inspiration from the Superior Services, but manned entirely by Indians, that makes the progressive realisation of self-government possible.

At the same time, it is clear that with the increasing adoption of the methods of parliamentary government, important changes in the function of the Services are inevitable. A bureaucracy, which not only administers but governs, is incompatible with parliamentary government. The position of the Civil Services up to 1921, was essentially that of a governing corporation. So far as the Transferred subjects were concerned, there was in principle, an alteration of character as the Ministers in charge were given the right to initiate policies and control their execution. In practice, as we have noticed, the Services were too powerful for the Ministers,

and parliamentary government in Executive matters was but imperfectly realised even in the Transferred departments. If effective power is to be transferred to Indian hands, it is obvious that the governing functions of the Civil Services must disappear and their control and direction in India should go to the Ministers. It is not desired that the Services should become the sport of political factions or that higher appointments in them should go according to the "spoils" system. We shall be able to suggest methods by which the invasion of politics could be resisted. What is emphasised here, is the necessity of transforming the Civil Services from a partially political corporation into a purely administrative body, as in England and in other parliamentary countries.

At the present time, the Services wield political authority in three ways. The senior members of the Service are in charge of the main subjects on the Reserved side, combining in their office parliamentary and administrative functions. The Governors (of five out of the eight major Provinces) are senior civilian officials; and thirdly, permanent official heads of departments are nominated to every Legislative Council in which they speak and vote as members. It will be conceded that this system goes against the principle of parliamentary government, and was justifiable only on the plea that the experience of officials of tried capacity was essential to train the Indian Councils in the art of administration. Complete responsible government in the Provinces postulates, at least, that official heads would cease to be Members of Council and that the non-parliamentary Executive consisting of Civil Service officials and nominated Indians would vanish. The continuance of nominated permanent officials on the ministerial side would lead to impossible positions; because, with a removable Ministry, the heads of departments, unless they are also to resign their offices with their Ministers, would have to speak in support of



contradictory motions in the Council. The continuance of I.C.S. officials as Executive Councillors would *ex hypothesi* be impossible, as complete responsibility in the Provinces would mean that they should be removable by the Council.

If Ministers are thus made responsible for all departments, and the Civil Service is to be transformed into a purely administrative machinery, then it is clear that the present unnatural relations existing between them must also disappear. Now, in the Transferred departments, the Ministers are supposed to be in control, but they have no authority over the permanent officials. The promotions, transfers and postings are in the hands, nominally, of the Governor, but in practice in the hands of the Chief Secretary who is himself a senior official. Thus the Services continue to be self-governing and the Minister has not authority even over his Secretary. The fact that, in spite of this anomaly, Indian Ministers and European officials have pulled together well, is highly creditable to both. That was possible only because, on the one hand, the Ministers realised the limited authority the Councils possessed in the matter of enforcing their rights ; and on the other, the officials recognised the changed character of the administration, and were accommodating in form though not often in spirit. But with the grant of increased powers for the Councils, the question is bound to come to a crisis, if the Ministers do not possess the ordinary authority of parliamentary heads over their departmental officials. It is in this direction that important changes have to be introduced in the function of the Services. The authority of the Minister in ordinary matters of disciplinary action, in promotions, postings and transfers, must be recognised as final, and the permanent officials made clearly to understand that the responsibility of administration does not lie with them, but with the Councils.)

It is, at the same time, only just that the Services should be given effective guarantees against injustice, nepotism and

political corruption. It would be a disaster of the first magnitude, if the Superior Services which have been built up through the efforts of over a century and on which depends the peaceful evolution of self-government, should be made a prey to shifting political considerations and communal and personal interests. This can be effectively guaranteed by continuing the power now vested in the Governor to see that personal injustice is not done to officials on flimsy pretexts. Again, the present right, enjoyed by officials of appealing to the Government of India and the Secretary of State, may be transferred to the Public Services Commission which should be constituted with full powers of disciplinary authority over the Services.

A service so constituted and its legitimate authority and powers effectively guaranteed in the manner suggested above, would be a steel-frame in the right sense of the word for the structure of Parliamentary Government in India. It would mean a considerable diminution of the powers now enjoyed by the Civil Services. That is but inevitable in the change from a bureaucratic to a parliamentary form of government. Only so much of the functions of the Civil Services, as is incompatible with the authority of the Councils, should be thus curtailed. For the rest, the purely administrative authority of the Services should be maintained intact and without interference either from the Ministers or from the Council. This is as much a part of parliamentary government, as the corresponding duty of the Council and the Ministers to maintain in their own hands, the purely political and governmental aspects of administration.

Two other problems, affecting the Services, deserve notice. The first is the question of "Indianisation," and the second, the attempt that is being made as a corollary to it, to introduce the principle of communal representation in the Services. With the introduction of the Montagu-Chelmsford

Reforms, the Government of India accepted the principle that the Public Services of India should be progressively Indianised. Even before 1919, the penetration of the Indian element in all the Superior Services of India was going on steadily. In the Judicial, Educational and other "non-safety" Services, the Indian element had already become very considerable, and their work had met with universal appreciation. The Provincial Services were completely Indian in personnel, and though the controlling authority was vested in the heads of the Superior Services, the efficiency and integrity of the Provincial Services were generally recognised and the importance of their contribution to administrative work was nowhere questioned. When the principle of "increasing association of Indians with every branch of administration" was officially laid down by the Parliamentary Declaration of August 1917, it was understood in India to mean that the Superior Services would be progressively Indianised. Important steps were taken in this direction in connection with the Reforms, the most significant of which was the direct recruitment of Indians for the Indian Civil Service by an open competitive examination in India. It was also laid down that a specific percentage of the Service should be made Indian as soon as possible. Indian self-government, as the British Cabinet and the Indian Government recognised, involves a progressive Indianisation of the Services to the utmost possible extent, without destroying or weakening the principles borrowed from British public life, on which it has been built. The policy of Indianisation, which the Government of India has followed during the last 7 years with caution, has led to no catastrophe. It has not witnessed any sudden fall in administrative efficiency, nor has it diluted the tradition of the Civil Services. The Indian demand therefore is that this policy should be extended, not with a view to displace the British element in the Services, but in order to give greater opportunity to Indians.

There is, however, a serious element of weakness in the demand for a complete Indianisation of the Services, and that is the pressure exercised to introduce the principle of communal representation in recruitment. It goes without saying that, ideally speaking, competence, character and education alone should form the criteria for recruitment to the Public Services. Unfortunately, in the special conditions of Indian political and social structure, this is not wholly possible. The minority communities, especially the Mohammedans, the Sikhs and the Anglo-Indians, claim that their interests in the Public Services, should be specially looked after by nominations to higher appointments not merely on the basis of efficiency, but on the ground of community. It is certainly just that the Public Services should be recruited equally from all communities without distinctions of caste or creed. There is also much to be said for the view that the method of selection by open competitive examination puts a premium on mere book knowledge, while administrative services require other characteristics besides mere intelligence of a specialised type. The claim of the Mohammedans, Sikhs and others, so far as they are based on this, is certainly just. But when this principle of representation in offices is claimed on the basis of a numerical percentage, and is pressed with vigour as part of a political programme, there is serious danger that the ideal of an efficient public service may be subordinated to a method of balancing communal claims. That this is no imaginary danger may be shown from a few cases. In Madras, the Mohammedan population is just over 5 per cent. They claimed immediately after the Minto-Morley Reforms, that their interests should be represented on the High Court Bench. As there was no Mohammedan lawyer of sufficient standing in Madras, a Bengali Mohammedan had to be brought in to satisfy their claim. The non-brahmins of Madras have again been claiming that a certain percentage of appointments in all departments

should be allotted to them, and during the days of their power, they influenced the Government to make appointments to the High Court Bench on a communal basis. There is no doubt that the authorities in making appointments should take the claims of communities into consideration. But any system of recruitment into the highest branches of the Public Services, based on the principle of balancing communal claims, is fraught with the greatest danger.

The progress of Indianisation, therefore, must necessarily be cautious, because any attempt to man the essential Services by officials recruited on a communal basis, would mean the breakdown of the administrative system whose unimpaired strength is the only foundation on which Indian self-government can be built. Subject to this grave limitation, the method of advance lies in progressively Indianising the machinery of Government and subordinating every branch of it to Parliamentary control. Without it no scheme of responsible Government can work, and unless this is attempted, the policy of the Imperial Government of gradually leading India into an autonomous state would be rendered ineffective in the long run.

#### (5) *The Franchise*

The problem of representative government is essentially one of finding a proper electorate which is capable of judging the political issues before the country, or at least, of choosing between the opinions of rival candidates. In earlier times, when communications were difficult and the machinery of party government in its modern form was undeveloped, even in democratic countries, the electorate had only to choose some local man of influence whose interests were in most cases theirs or, at least, in whose judgment they had complete confidence. But with the development of well-defined parties choosing candidates, finding funds and controlling elections,

the functions of the electorate have become more complicated. The electorates have now to choose between rival programmes and decide what, in their opinion, is the best for the country. They are called upon to express an opinion on legislation that has already been passed or is under contemplation, on questions of taxation which may affect the price of the cloth which they wear or of the ploughs they use. The interest of the representative, more often nominated by the caucus for his influence in and knowledge of the locality, is not necessarily the same as that of the electors, and hence the electorate has not only to elect but keep a constant watch on the proceedings in parliament. All this necessitates that the electorate should be well-informed, critical and thoroughly alive to the country's interests. To find such an electorate is the main problem in India.

Three main difficulties stand in the way: illiteracy, communal claims and untouchability. The effect of these on finding a wide and representative electorate is different, but cumulatively, they make the present method of Indian representation a most complicated, ineffective and ill-arranged system, to which there is no parallel anywhere else.

Illiteracy in modern times is by itself a great handicap to a parliamentary elector. While it is possible to find illiterates who are well-informed and shrewd, and fully-educated in the best sense of the term, the effect of a general and widespread illiteracy, extending over 90 per cent of the population, would only be to make the masses totally ignorant and impervious to modern ideas. This is no argument against Indian self-government; because, if the British administration of over 100 years could educate only so small a percentage of the population, it is all the greater reason for holding that that Government should be reformed. But, in its immediate effects, it makes a thoroughly democratic electorate a dangerous experiment, for it would hand over

political power to those who could not yet form reasoned opinion on questions affecting the administration. Illiteracy therefore necessarily restricts the franchise. We have, as a result, to accept the principle that in India adult universal suffrage, and all the other machinery of advanced democracy, would not be immediately possible. A restricted franchise, based on a small property, or minimum educational or administrative qualifications, becomes a necessity.

The present electoral qualification in the Provinces, in the popular constituencies, is based on property. In Madras, for example, it is laid down that a person shall be qualified as an elector for the city constituency, who was assessed for property-tax, or tax on companies, or professional-tax, or occupied for not less than 6 months in the previous year, a house in the city for an annual value of not less than Rs. 60, or was assessed to income-tax, or is a retired, pensioned or discharged officer, or non-commissioned officer or soldier of His Majesty's Regular Forces. In the rural constituencies the vote is given to any person who was registered as a *rayatwari pattadar*, *inamdar* or registered lease-holder or holder of land the annual rent value of which is not less than Rs 10/-, or was assessed to income-tax or municipal-tax or is a retired officer or soldier of the Army.

Under the then prevailing conditions of India, there can be no doubt that the electorate established by the Act of 1919 was liberal and reasonably representative. So far as the masses in India continue to be steeped in ignorance, it is impossible to alter this basis so radically as to abolish all property qualification. But it is equally clear that any enlargement of the Reforms must be based on a further liberalisation of the franchise. This is possible, by giving the right of votes to all who have gained electoral experience, by having been registered voters for a fixed period of time in

the local institutions such as municipalities and local boards, or have been members, for a fixed time, of any registered trade union or co-operative society. As the electoral qualifications in the local-government institutions are popular and democratic, and include as much of the urban and rural population as could be reasonably thought capable of political education, and as the trades union and co-operative societies, expanding and popular bodies, whose membership brings considerable knowledge of affairs, an enlargement of franchise based on these proposals, would tend to liberalise the electorate, without the risk of political power passing into the hands of the uneducated masses. It will, at the same time, give political representation to the labouring classes whose interests may otherwise suffer, by an electoral system based entirely on property qualifications.

A more difficult problem that faces the student of Indian franchise is the question of communal representation. The system of the representation of communities by different electorates arose in India, as a result of the demand of the Mohammedans for the protection of their special interests. The Mohammedan community is numerically only one-third of the total population of India. When the Minto-Morley Reforms were on the anvil, the Mohammedans claimed that the introduction of the principle of popular representation in the Legislatures of India would lead to the sacrifice of their interests, as they were in a numerical minority on an all-India calculation. They claimed that, even in the Punjab and in Bengal where they were in a majority, they were educationally and economically so backward as to require special protection. The Indian leaders did not deny the right of minorities for adequate guarantees, both in representation and in the distribution of power; but the Mohammedan claim was more than this. The Mohammedans insisted that their representatives should not be elected from the common electorate, but



represent merely the Mohammedan community and the Mohammedan interests in the Councils. Lord Morley, though he recognised that communal representation was a principle, fraught with the gravest mischief, accepted it as a temporary measure. In that stage of Indian development, there was perhaps nothing inherently wrong in what Lord Morley did. The Government of India was an autocratic authority which took the representatives of the people into consultation. The Minto-Morley Reforms did not pretend to alter the autocratic character of the Constitution and emphasised the fact that the Councils were only consultative. When national interests are in the keeping of autocracy, sitting above and beyond the rivalry of communal interests, no harm could come from the Councillors whom it consulted being representatives of special interests. In such a Council, where the Mohammedans came to put forward the points of view of Mohammedans, and Hindus to put forward Hindu claims, it was but natural that representation should be by special electorates. But the mistake lay in thinking that the Minto-Morely Councils would remain purely consultative bodies. From their very first session, they became parliaments, with limited authority, and it was clear that, in a short space of time, they would claim authority as representing the nation.

In the Montagu-Chelmsford Reforms, this system was perpetuated under pressure from Mohammedan opinion. The Mohammedan community, organised under the banner of the Muslim League, made the acceptance of communal representation the price of their co-operation in the agitation for further reforms. In the Congress that met at Lucknow, the Hindu leaders yielded to the demand, and an agreement, known as the Lucknow Pact, was signed on the basis of Mohammedan representation through separate electorates. The Lucknow agreement, which was in the main accepted by the Montagu-Chelmsford Report and by the Joint Committee, laid

down the percentage of Mohammedan representation in all the Provinces on a combined basis of numerical and "political importance." At the time of the Lucknow Pact, the Indian leaders had no thought of representative parliamentary institutions, and their idea of reform lay mainly in the direction of an enlargement of the Minto-Morley Councils with non-official majorities and more effective power. The Moutagu-Chelmsford Reforms changed the whole system. The fundamental principle was the establishment of a semi-parliamentary system in the Provinces. As we have already seen, this involved a considerable devolution of political power to the Councils which, for the first time, became not merely consultative bodies, but parliamentary institutions deciding the issues which affect the whole population. It is clear that the principle of sectional representation cuts at the root of parliamentary government. The central conception of parliament is that it is representative of national interests and voices the opinion of the people. Unless each member of such an assembly feels that he is elected to safeguard the interests of the country and to represent the interests of the people, the collective authority of parliament ceases to exist. What happens now is the very opposite of this. The Legislatures consist of members representing Hindus, Mohammedans, Sikhs and Europeans: none of them represent the country. They all speak for their own communities and are entitled to speak only for them. While they can with justice claim to represent the point of view of various sections, they cannot claim to represent the views of the people as a whole.

Besides, the system of representation by separate electorates has led inevitably to an accentuation of communal feelings. The only method of getting elected from a Hindu constituency is by championing extreme Hindu claims. No Mohammedan who did not pose as a faithful follower of the Prophet and a hater of the idolatrous Hindus, had any chance

of getting elected to the Councils. This is not an *a priori* conclusion. In the general elections that took place in the winter of 1926, the supporters of the Hindu *Maha Sabha* put up candidates against the *Swarajist* party candidates on the platform of orthodox Hinduism. The main plank of the *Maha Sabha* candidates was that they were better Hindus and that the *Swarajists* were non-communal in outlook. The same tendency was evident among the Mohammedan candidates. It is the more fanatical section, that which was imbued with the strongest communal spirit, that gained the ear of the separate electorate. Even those politicians who were known to be lax from the religious point of view, had to publicly profess the orthodox creed to get elected. Thus Hindus, who freely eat beef, had to pose before the electorate as the champions of the cow; while Mohammedans who were notorious wine-bibbers and were never known to pray, became the clamant supporters of the Mohammedan claim of "No Music before Mosques."

Not only has representation through separate electorates led to bringing the more communal spirited of politicians to the forefront to the exclusion of the more liberal-minded, but, it has also had the effect of introducing religion as a first-class issue in all political questions. Since the representatives to the Assembly and the Councils are elected to champion communal and not national interests, and the communal electorate ensures the election of only those who are extreme champions of communal claims and more; since the record of the representatives will be judged by their constituencies, not by what they do in the interests of the country, but by what they do in the interests of the community, it naturally follows that every question of importance will be viewed, not from the public point of view, but from the special advantage that would accrue to the community from it. ♦

There is another deplorable result that has followed

from this system. Since the Mohammedans have secured representation through special electorates, the other minorities have not been slow to follow their example. The Sikhs in the Punjab, and the Indian Christians in Madras have demanded and obtained the same privilege. This principle could in fact be indefinitely extended.

Now, what is the basis on which this claim is worked? In the case of Mohammedans it is said that they are an important minority which should be protected. While in an all-India sense this is a claim of some validity, from the point of view of the Provinces, it is of little value. In the two major Provinces of the Punjab and Bengal, the Mohammedans are in a majority. Surely then they could not want separate representation to protect themselves in Provinces where they are in a majority, as the claim is made on the basis of their being in a minority. In Madras they are only 6 per cent of the population, in the United Provinces 13 per cent, and in Bombay only about 12 per cent. In the Provinces where they are in such ineffective minority, separate representation is clearly no effective guarantee. In the Provinces where they are in a majority, separate representation is clearly unnecessary.

So far the proportion of seats has been decided not strictly on the basis of numbers. The Mohammedan claim has been that the numerical strength of their representation should be on the basis of their political importance. On this basis, the 13 per cent of Mussalmans in the United Provinces were to receive 35 per cent of seats, while the Mohammedan majorities in Bengal and in the Punjab were converted into minorities. The claim now made is that the disproportionate distinction of seats in the United Provinces, Madras and Bombay, must be retained on the basis of the political importance of the Mohammedans, while in the Punjab and Bengal, they should receive majorities propor-

tionate to the numerical strength. If the basis of political importance is taken, curious situations arise both in the Punjab and in Bengal. In the Punjab, there is the numerically small but politically very highly important community of Sikhs who supply a very large portion of the Indian army. Once the principle of representation on the basis of political importance is recognised, their claim to a larger percentage of elected seats, than their numbers warrant, could not be contested. The Mohammedan majority of the Punjab vanishes, if the Sikhs are given seats commensurate with their importance. In Bengal also the case is the same. The landowners of Bengal are mainly Hindu. The Mohammedan population in East Bengal is poor and uneducated, as compared to their Hindu brethren in West Bengal. Then there are those interests which are specially represented in the Councils. If representation is granted to the Hindu community commensurate with its political importance, the Mohammedan majority in Bengal is immediately converted into a minority, because the landholders (5 seats), the Calcutta University (1 seat), the Bengal National Chamber of Commerce (2 seats), the Bengal *Marwari* Association, the Bengal *Mahajan Sabha* (1 seat each) are practically Hindu constituencies. Thus the separate representation of minorities, on the basis of political importance, really works against the Mohammedans by depriving them of the majority to which they are entitled in the Punjab and in Bengal. In fact, it is maintained merely in the interest of the Mohammedans of the United Provinces, who form only 13 per cent of the population, but receive 35 per cent of representation.

No one denies that adequate guarantees should be inserted into the Indian Constitution to see that minorities do not suffer. But separate representation is the most ineffective method of doing it. It gives no guarantee in Provinces where the community is in a minority and makes

it powerless where it is in a majority. Other methods have to be devised combining an effective guarantee for minorities with the principle of national representation. This would be possible only by a common electorate with reserved seats, with judicial guarantees for the free performance of religious and social rights recognised by law. The principle of the reservation of seats has been in operation in Madras where it has proved extremely successful. The non-brahmin communities of Madras, though they form 98 per cent of the population, asked for communal representation, on the ground that the social and sacerdotal authority of the Brahmins gave them an advantage which they turned to political advantage. Instead of introducing communal representation, a minimum number of seats was reserved for them on the common electorate. This insured a proper representation of non-brahmins, while it maintained the general principle of electing those who had the confidence of the people. The result has been that after the first election, the non-brahmins themselves found out that extreme and uncompromising communal claims were of no use with the electorate, the result being that communal passions have practically died out in the Province. So far as the Mohammedans are concerned, in the Provinces where they are in a majority, the problem of separate representation does not really arise. So also in Bombay, Madras, the Central Provinces, Bihar and Orissa, their representation does not give rise to difficulties ; because neither numerically, politically nor economically, do they possess any special importance which may not be guaranteed by a reservation of seats higher in proportion to that which they are numerically entitled. The crux of the problem lies in the United Provinces where, though they are in a minority of 13 per cent, their economic and political importance is far in excess of their numbers. A considerable percentage of the larger landholders in Oudh are Mohammedans. It is but just

that representations in this Province should be such as to guarantee them the maintenance of this influence. This could be done by reserving a third of the seats to which they are entitled by the present arrangement.. \*

The question of Mohammedan representation in the Legislative Assembly is more difficult. The Mohammedan representatives, in whatever way elected, are bound to remain in a perpetual minority. The guarantees which the minorities require, cannot therefore be in the method of representation. They must be sought in other constitutional provisions. One such, which has been made by some of the leaders of the Muslim community, is the proposal that no legislation should be enacted by the Assembly which two-thirds of the elected members of a particular community claim to affect their religion. This, in effect, gives the veto on legislative proposals to the majority of a single community. Besides, it would be impossible to think of any serious legislative proposal which does not affect the religious practices of either Hindus or Mussalmans. If the prescribed majority of a community consider essential legislation to affect their interests adversely, which is the authority to adjudicate on the matter? This is ill-conceived, unworkable, and from every point of view unsatisfactory.

The solution of this problem seems to my mind, to lie in submitting the matter to a supreme court which will be vested with authority to decide on all matters of constitutional importance. It may be laid down in the constitution that the Assembly is incompetent to deal with matters affecting recognised religious dogmas of any community. It should be left to the court to decide what are recognised religious dogmas. Another proposal which may be submitted is that the procedure followed by the British Parliament under Lord Oxford's Parliament Act, in deciding what is a money Bill, may be followed here. A

Special Committee of both Houses, with the Speaker as Chairman, and the community concerned having two-thirds of the seats, may be authorised to declare, whenever any case arises, where it is a piece of legislation affecting religious beliefs. With constitutional guarantees of this kind incorporated in the Act itself, the just suspicions of the Mussalman minority, that their interests would suffer under a scheme of increased self-government, may be adequately met.

There remains the question of the representation of the untouchable classes. Untouchability has become, at the present time, merely a question of ceremonial pollution which does not affect civil rights. Theoretically, the 60 million untouchables, if they have the requisite qualifications, have equal right with the rest of the population in matters of franchise. But the hold of the Hindu caste system is so rigid and the weight of it so heavy, and the economic handicaps so great, that ordinarily, their interests would not find representation in the Councils. What should be remembered, in this connection, is that the problem is not social or religious but economic, for even the untouchables who have turned Christians would find it impossible to get their interests represented. Representation must therefore take not the form of providing seats for certain depressed classes, but in giving adequate importance in the Central and Provincial Legislatures to the proletarian classes. This would include unorganised urban labourers, agricultural labourers, undeveloped tribes, and others who may be called the unpropertied workers. At the present time, these classes are represented by nominated members, a system which, as we have shown, cuts at the root of legislative responsibility, without even safeguarding, in any way, the interests of the classes represented or giving them opportunities of political education. The suggestion here proposed, is that separate electorates should be formed for these classes for a period of 10 years,



with the essential provision that the candidates to those seats may be members of any community. The necessary thing is that the depressed classes should awake to their rights and the power of the vote is the easiest method of making them conscious of their power.

It may be objected that, in this proposal, we are advocating representation by separate electorates which we have condemned in the case of Mussalmans. That is certainly true, but a moment's consideration would show that, at least for the next 10 years, the evil effects of separate representation would not show itself in the case of the depressed classes. The main objection we raised, in the case of Mohammedan separate representation, was that it led to the extreme communalists of both camps getting elected from their group constituencies. In the case of the depressed classes, it is clear that at least for 10 years to come, there will be very few men of their own communities who would represent them in the Council. The provision, that members of other communities may stand for the depressed classes seats, will bring home to those classes the value of the power vested in them, as the members of the higher communities soliciting their vote will be dependent on their favours and have to champion their claims.

## CONCLUSION ✓

WE have now finished our examination of the main features of the working of the Montagu-Chelmsford Constitution and the broad lines on which it should be enlarged. The Simon Commission who, in the words of French political usage, came out merely as *rapporteurs*, have only the duty of presenting an accurate picture to Parliament and suggest the line of action that a proper study of these facts may indicate to be appropriate. It is more than likely that the Commission may report in favour of granting India a Constitution which could, in course of time, without frequent parliamentary enquiries and legislative changes, be expanded into that of a self-governing Dominion. Such a course would clearly be justified from the results achieved by the Montagu Act. (Our analysis has shown, that though the scheme itself may have failed in important respects, the capacity of Indians to work it with due appreciation of Imperial and Indian responsibility, has been established beyond doubt. It has certainly educated the electorate, established healthy relationship between the people and the Government, and at least in the Provincial Councils, proved the capacity of Indians to carry on administration even under the most difficult circumstances. It is certainly no fault of the Indian Ministers of the Indian Legislatures, that the Devolution Rules gave the Governors more authority than they possessed before, and made the Finance Members the dictators alike of the Reserved as of the Transferred half. These

were unseen possibilities latent in the Act, which showed themselves only when the system was put to the test. The fact that these faults made themselves more and more evident as time went on, does not in any way take away from the credit of the Councils or of the Ministers. On the other hand, it only adds increased weight to the argument that, even under these adverse circumstances, the Councils and their leaders have been able to achieve so much in the domains of legislation and of administrative progress.

Whatever the recommendations made, the future Constitution must be based on principles which unite the past with the future and not separate them. Those features of our political past, on which we can build safely and securely, are the traditions of the Rule of Law and Parliamentary Government which we have inherited from the British connection, the Centralised Administration which descends through ages from Chandra Gupta Maurya to Aurangzeb, Wellesley and Curzon, and the limited countervailing influence of autonomous local Governments so strongly represented at the present time by the Indian States. Any Constitution that we may build or may be built for us by the British Parliament, must be, if it is to be successful or lasting, built within this frame work.

It has often been said that India is not a nation or a country, but a continent inhabited by many nations. Whatever be the truth in that statement, no one can deny that powerful unifying forces are at work, which compel even the most exclusive Indian Ruling Princes to accept, in principle, the idea of collective association with the Government of India. Of all such unifying forces, a proper Constitution with a strong Central authority, maintained with the help of Britain, will be the strongest. The unification of India through political institutions, a common political language and an administrative machinery, is the greatest movement set on foot by the

British contact with this country. And it is but historically right that any proposals that are made, to or by the Commission, should keep in view this fundamental but unseen objective of British rule in India. ?

## INDEX

### A

Absolute Government, old system of, 2  
 Act of 1908, see Morley-Minto Reforms, 6  
 Act of 1919, the Reforms, 12/15, 73, 99  
 Act of 1919, further amendment of the Reforms, 110  
 Adjournment Motions on important matters, 66  
 Amendment of the Criminal law of India favouring Europeans, 102  
 Analysis of the Montagu-Chelmsford Reforms, Intro. i, 42  
 Anglo-Indian claims to representation in the Public Services, 133  
 Anomalous position of the Executive Government, 99  
 Arguments in favour of a purely Parliamentary Commission, Intro. ii/iv.  
 Artificial division of Provinces, representative government handicapped owing to, 81/82  
 Assam, 2, 21, 72  
 Autonomy in the Provinces, 121  
 Autonomy, limitations to Provincial, 123

### B

Bengal, 2, 21, 40, 63, 69, 72, 82, 85, 88, 92, 141

Bicameral System in the Central Government, 16  
 Bihar & Orissa, 2, 21, 82, 84  
 Bills, certification of, in the Central Legislature, 17, 94  
 Bills, certification of, in the Provincial Legislatures, 21  
 Bill, for raising the Age of Consent for marriage, 106  
 Bombay, 2, 21, 50, 63, 72, 82, 84, 85, 89, 141  
 Boycott of the Reformed Councils, 35/37, 79, 91  
 Boycott of the Simon Commission, Intro. iv  
 British India, Future Administration of, to be made responsible to a British Indian Legislature, 121  
 British India, Provinces of, 2  
 Budget debates, 6, 96  
 Budget procedure in the Provinces, 62/64  
 Budget, the Legislative Assembly given effective control of the, 17  
 Bureaucracy, after the Reforms, 75  
 Bureaucracy, before the Reforms, 4

### C

Causes of failure of the party System, 70  
 Central Exchequer assisted from Provincial revenues, 72  
 Central Government, a future powerful, essential, 123  
 Central Government, bicameral system in the, 16

- Central Government, no dyarchy in the, 94  
 Central Government, reforms in the 14, 94—109  
 Central Legislature, given powers without responsibility, 108  
 Central Legislature, joint sittings of both chambers of the, 94  
 Central Legislature, powers of the, 99  
 Central Legislature, reconstructed, 94  
 Central Legislature, under Morley-Minto reforms, 17  
 Central Legislature, Successful working of the, under the Reforms, 108  
 Central Provinces, 2, 21, 69, 72, 88, 92  
 Central Revenues, Separation of Provincial and, 16  
 Certification, Right of, by the Governor, 61/63  
 Certification, Powers of, & veto reserved for the Governor-General, 25, 94, 96  
 Chief Commissioners, 2  
 Civil Marriage Act passed, 104  
 Civil Servants, appointments held before the Reforms, 4  
 Civil Servants, effective guarantees to, in the future against personal injustice, 131  
 Civil Service, administrative authority of the, to be maintained intact, 131  
 Civil Service, changes in the, inevitable in the future, 128  
 Civil Service, functions of the, before the Reforms, 4, 5  
 Civil Service, governing functions of the, to be transferred to Ministers, 129/130  
 Civil Service, methods of the, 75/77  
 Civil Service, to be transformed into a purely administrative body, 129  
 Commander-in-Chief, 2  
 Commission, reasons, for a purely Parliamentary, Intro. ii/iv  
 Committee, the system, 66  
 Communal Electorates, objections to, 139—142  
 Communal representation, disadvantages of, in Councils, 81  
 Communal representation in the Public Services, 131  
 Communal representation, system of, 137  
 Composition of the Madras Legislative Council, 53, 55  
 Conciliar side of Dyarchy, the, a success, 89, 93  
 Conditions of Enquiry, Intro. v, 110  
 Constituencies, general and special, 136  
 Constitution for India, basis on which the future, should be evolved, 148  
 Constitution for India, Round Table Conference to settle a future, 106  
 Constitution for India, suited to her own genius, Intro. v, 111  
 Constitution on Indian ideals futile, Intro. vi, 112/116  
 Constitution, the Reformed, 14  
 Convention of Indian leaders, Intro. i  
 Council of India, before and after the Reforms, 2, 18  
 Council of State, a redundant body, 127  
 Council of State, composition of the, 17, 127  
 Council of State, no voice in financial matters, 95  
 Council of State, number of Members in the, 17  
 Council of State, origin and purpose of the, 17, 94, 125  
 Council of State, powers of the, 96  
 Councils, The, and the People, 79  
 Criminal Procedure Amendment Act passed, 105,  
 Curzon, Lord, 13, 148
- D**
- Decentralization Commission, 3  
 Declaration of 1917 Policy enunci-

ated in the, Intro. i, 9, 10, 18, 116, 121  
 Defect of the Central Legislature, 101  
 Defence of India Act, 29  
 Democratic Institutions, development of, 9  
 Departmental Committees, purpose of appointing, 68/69  
 Departments of the Government of India, 2  
 Depressed Classes, *see* Untouchables, 145  
 Developments in Provinces retarded owing to the Meston award, 73  
 Devolution of Powers to Provincial Governments, 42, 61, 121  
 Devolution Rules, 20, 43, 74, 147  
 Difficulties in forming a representative Indian Electorate, 135  
 Discussions on Resolutions in the Councils, 64, 65  
 District Officer, Former and New role of, 8  
 Dufferin, Lord, his policy of enlarging the Council, 5  
 Dyarchy, Alternative for, in the Provinces, 123  
 Dyarchy, Causes of failure of, 75, 122, 123  
 Dyarchy, Not worked in the way intended, 43  
 Dyarchy, The Central Government exempt from, 94  
 Dyarchy, The Essence of, 120  
 Dyarchy, Working of, in the Provinces, 18, 42, 61

E

Education, Legislative enactments dealing with, 85  
 Education of the electorate a primary measure, 135  
 Elected Members in Provincial Councils, 21, 24  
 Elected representation, Introduction of, in the Councils, 6  
 Elections, boycott of the first, 79

Electoral qualifications in the Provinces, 136  
 Electorates based on property qualifications, 136  
 Electorates, Functions of, 134  
 Electorates, separate temporary, suggested for untouchables, 145  
 Electorates, strength of Provincial, 79  
 Entertainments Tax Bill, Rejection of the Bombay, by the Legislature, 36  
 Executive Councillor, Finance a reserved subject under an, 74  
 Executive Council (Central), composition of the, 18  
 Executive Council (Central), must be Members of Legislature, 17  
 Executive Council (Provincial), Composition of, 25, 49  
 Executive Council (Provincial), Responsible to Parliament, 44  
 Executive Councillors, grounds for removing, 125  
 Executive Service too powerful for Ministers, 128  
 Expenditure, Non-votable items of, in the Provincial Councils, 24

F

Finance a reserved subject under an Executive official, 21  
 Finance & the Councils, 72  
 Finance Bill, The, 96  
 Finance Committee, duties and composition of the, 67  
 Finance Department, Powers of the, 74  
 Finance in pre-reform days, 3, 15  
 Finance Member, Dictator of the Reserved and Transferred halves, 147  
 Finance, Provincial, cause of discord, 15, 73  
 Franchise, Extension of, in the Provinces, 84  
 Franchise in rural constituencies, 136

- Franchise in urban constituencies, 136
- Franchise qualifications for Council of State, 17
- Franchise qualifications for Legislative Assembly, 16
- Franchise, qualifications for Provincial Legislatures, 21
- Franchise, The, in India, 134
- Friction between the Executive Government and the Legislature, 100-101
- Funds, reappropriation of, for Provincial purposes, 75
- Future Constitution, The, of India, 110
- G
- Gandhi—effect of Mr., 's non-cooperation movement 32, 35/37, 79, 92
- Government by dispatch, 117
- Government by vote, 118
- Government of India, The, before the Reforms, 1
- Government of India, contributions from Provincial revenues to the 15/16, 72
- Government of India, control over Provinces relaxed, 15, 18, 19, 123
- Government of India, divided responsibility under the Act, 99
- Government of India, not a free agent, 97
- Government of India, responsible to the Central Legislature, 99
- Government of India, subordination to the Secretary of State, 1, 94, 118
- Government of India, the future, 116
- Government of India, to be made responsible to an Indian Parliament, 117
- Governor, attitude to Ministers, 45
- Governor, danger of his special powers, 46, 47, 48, 124
- Governor, dual functions of the, 44
- Governor, Exceptional powers in Finance and Legislation, 22/23, 48
- Governor, Increased powers to 147
- Governor, may reserve Provincial Bills, 22
- Governor, restricted powers suggested, 124
- Governor, right of certification by the, 61/63
- Governor, statutory position of the, 44
- Governor in Council, reserved subjects administered by, 21, 44
- Governor-General, assent of, required to Provincial Bills, 21
- Governor-General, danger of his special powers, 96
- Governor-General, exceptional powers in Finance and Legislation, 21/23, 94/95
- Governor-General, may reserve Provincial Bills, 22
- Governor-General, powers of certification and veto reserved for the, 25, 94, 96
- Governor-General in Council, in his relations with Indian States to be responsible to Parliament, 120
- Governor-General in Council of British-India, to be responsible to the Indian Legislature, 120
- Governor-General in Council, powers of the, 1, 20
- Governor-General in Council, proposal to separate functions of the, 119
- H
- Hilton Young Commission on Indian Currency, 97
- Hindu *Maha Sabha*, the, party, 140
- Hindu Muslim, differences, 140
- Hindu Religious Endowment Act, 23, 80, 86
- I
- Illiteracy restricts franchise, 135
- India, referred to as the 'Lost Dominion,' 38



Indian Christians, Madras, representation through separate electorates, 141

Indian Constitution, protection for minorities in the new, 142

Indian Constitution, The future, to be based on principles uniting the past with the present, 148

Indian Merchant Marine, 106

Indian Nationalism, growth of, 9

Indian Parliament, The Central Government to be made responsible to an, 119

Indian political Ideals and practice, 112

Indian Ruling Princes, 148

Indians, Appointment of, to the Executive Councils, 6, 18

Indians, Association of, in all branches of administration, 9, 27, 132

Indians, direct recruitment of, for the Civil Service, 132

Indians, first appointment of, to the Legislature, 5

Indianisation of 8 units of the Army, 103

Indianisation of the Public Services, 131

Industrial Commission appointed, 105

Interpellation, right of, in Provincial Councils, 65/66

Interpellation, right of, in the Central Legislature, 17

## J

Jallianwalla Bagh, The massacre of, 29, 32/35

Joint Select Committee of the Central Legislatures to co-operate with the Simon Commission, Intro. iv

Joint sittings of the Legislative Assembly and Council, 94

## K

Khilafat movement, Out-come of Treaty of Sevres, 35

King in Council, Bills reserved for the assent of the, 95

## L

Law & Order, Provincial enactments in support of, 90

Laws enacted for the Industrial development of India, 105

Leadership of the Provincial Legislatures, 51

Legislation enacted during the life of the Assembly, 101

Legislation enacted on behalf of the depressed classes, 104

Legislative Assembly, constitution of the, 16, 94

Legislative Assembly, fiscal and other powers of the, 95, 96, 98,

Legislative Assembly, Mohammedan representation in the, 144

Legislative Assembly, number of members in the, 16, 94

Legislative Assembly, powers of, the, enlarged, 17

Legislative Assembly, President of the, 16

Legislative Assembly, the enlarged, a representative body, 16

Legislative Council, composition of the, 49

Legislative Council, President of the, 51

Legislative Council, Enlargement of the, 5/7

Legislative Side of Dyarchy, The, a success, 85, 93

Legislature and the Executive, Provincial, 61

Legislature, Cut of 60 lakhs in the Bombay Budget of 1922-23 by the, 63

Legislatures, grant of autonomy to Provincial, 123

Legislatures to have complete responsibility in Provincial matters, 124

Liberalisation of the Franchise, 136

Liberal party, Reforms welcomed, by the, 28

Lieutenant-Governors, 2

Lloyd George, Mr's declaration on behalf of the Civil Service, 38/39  
 Local Governments, Control of, before the Reforms, 2  
 Local Self-Government, Transfer of, to popular control, 83  
 Lucknow Pact, The, 139

## M

Madras 2, 21, 50, 69, 72, 82, 84, 85, 90, 91, 141, 143  
 Major issues to be considered by the Simon Commission, 111  
 Measures enacted for popularising local self government 84  
 Meston, Lord, 's award criticised, 73  
 Military College, Establishment of a, for Indians, 103  
 Ministerial Responsibility, 52-60  
 Ministerial Responsibility, a failure, Intro. i, 77  
 Ministers and the Executive, Relations between, in the Provincial Councils, 49, 130  
 Minorities, protection for, 142  
 Mohammedans, claim to communal representation in the Public Services, 133  
 Mohammedans, Claim for separate electorates conceded by the Minto-Morley Reforms, 137  
 Mohammedans, claim of "No Music before Mosques," 140  
 Mohammedans, differences with Hindus, 140  
 Mohammedans, separate representation of, in all Provinces, 139, 141  
 Montagu-Chelmsford Constitution, Intro. i.  
 Montagu-Chelmsford Reforms, criticism in the, on the scheme proposed by the Muslim League and National Congress, 99  
 Montagu-Chelmsford Reforms, inadequacy of, 26  
 Montagu-Chelmsford Reforms, Mohammedans claim for separate

electorates perpetuated in the 138  
 Montagu-Chelmsford Report, conclusions on the, 11  
 Montagu, Mr's Reforms appreciated by Indians, 27  
 Morley, Lord, 's remarks on a too rigid administration, 8/9  
 Morley-Minto Councils, 17, 86  
 Morley-Minto Reforms, 6, 115, 138  
 Morley-Minto Reforms, Effect of, 78  
 Municipalities, reorganisation of, and district boards, 83  
 Muslim League, The, 99, 138

## N

National Congress, Indians, 36, 99  
 National Defence, Schemes for, 103  
 National Electorate, method to be devised for a representative, 143  
 National interests, Communal representation a set-back to, 139, 140  
 Nationalist, The, Party, 28, 97  
 Nominated members in Provincial Councils, 21, 24  
 Non-brahmins of Madras, seats reserved on the common electorate, 143  
 Non-co-operation, Mr. Gandhi's movement, 32, 35/37, 79, 91  
 Non-votable heads of expenditure, 14, 24, 95

## O

Objections to communal representation in recruitment to Public Services on the basis of a numerical percentage, 133  
 Objective of Indian political development, Intro. vi

## P

Parliamentary Government in India demands diminution of power of the Civil Service, 128, 129, 130, 131

- Parliamentary Responsible Government the basis of India's future Constitution, Intro. vi, 115  
 Parliament, certified bills laid before both houses of, 95  
 Parliament, Control of, over Indian affairs, I, 94, 117  
 Parliament, proposed combined, representing British India and the Native States, 119  
 Party System, in the Provincial Councils, 69/71  
 Party System, town *versus* country, 84  
 People, The, granted the right to vote under the Reforms, 79  
 Pledge of responsible government given to India by Parliament, 9  
 Policy, The new, 9  
 Political conditions and reforms, 8, 28  
 Political education of the people, marked, 83  
 Political powers held by the Civil Service, 129  
 Powers of Provincial Legislature of voting on grants, 62  
 Presidencies, the three, 2  
 Press Law, amendment of the, 102  
 Princes' Protection Act, 95, 126  
 Procedure of adjournment, limitations of the, 65  
 Provinces, artificial character of, a bar to effective representative Government, 81—82  
 Provinces, progress of political education in the, 83  
 Provinces, The, of India, 2  
 Provincial contribution to the Central Government, 15/16  
 Provincial Councils, legislative powers of, 23  
 Provincial Governments before the Reforms, 2/3  
 Provincial Governments, future sphere of, 121  
 Provincial Heads of Administration before the Reforms, 2  
 Provincial Legislation, part control of, by the Central Government, 123  
 Provincial Legislatures, constitution of, 21, 24  
 " " business and procedure of, 21  
 Provincial Services, the, 128, 132  
 Public Accounts Committee, Statutory, 67  
 Public Services, all branches of the, to be under Parliamentary control, 134  
 Public Services Commission, Transfer of the right of appeal of Civil Servants to the, 131  
 Public Services, equal recruitment from all communities, 133  
 Punjab, 2, 21, 72, 82, 83, 84, 90, 141
- B**
- Railway Board, Appointment of an Indian Member to the, 98  
 Record of work of the Legislative Assembly, 101  
 Recruitment for Indian Civil Service retarded after the Reforms, 38, 75  
 Reforms, Attitude of the Civil Service to the, 29, 36, 38/39  
 Reforms, Factors that have contributed to the failure of the, 28/41  
 Reforms, hampered by Finance Department, 74  
 Reforms inadequacy of the, 12, 26, 28  
 Regulation III of 1818, Use of, in Bengal, 40  
 Relations between Civil Servants and Ministers, 77  
 Religion, the main issue in all political questions due to communal representation, 140  
 Religious differences among communities, future settlement of, 144  
 Repeal of the Press Law, 102/103  
 Report of the Simon Commission to be referred to a Joint Committee of both Houses of Parliament, Intro. iv  
 Reserve Bank Bill, 97, 99

- Reserved half, proposed abolition of the 124
- Reserved subjects, under the Governor in Council, 18/21, 44
- Resolutions, right to move and discuss, in the Legislature, 6, 17, 64
- Responsibility of Ministers to the Legislatures absolute, 124
- Responsible Government, complete, in India impossible until the functions of the Governor-General in Council separated, 120
- Responsible Government, further extension of, urged, 110
- Responsible Government, in the Provinces a failure, Intro. i, 52/60
- Responsible Government, introduction of, in 1919, 26, 42
- Responsible Government, pledge of, given to India, Intro. v, 9
- Responsible Government, progressive advance of, 9/11
- Retainer Vote, abolition of the, 125
- Retainer Vote, constituting an official *bloc*, 7, 53/54, 125
- Revenue, Heads of, allocated to Government of India, 72
- Revenue, Heads of, allocated to Provinces, 72
- Rivalry between ministers and the Executive, 50/52
- Round Table Conference to settle the Constitution of India, 106
- Rowlatt Bill, the, 29/32, 41
- S
- Scheme of reforms suggested by the Muslim League and the National Congress, 99
- Second Chambers in the Provinces unnecessary, 126/127
- Secretary of State, control of the, relaxed, 12, 14/15, 19
- Secretary of State, powers of the, in Indian affairs, 1, 20, 94, 97
- Secretary of State, control of the, over the internal policy of the Government of India to cease, 118
- Select Committees of Provincial Legislatures to co-operate with the Simon Commission, Intro. iv
- Self-Government, Development of, 9/10, 83, 128
- Separation of Railway from general finances, 106
- Separation of Central and Provincial revenues, 16
- Services, The, the administrative foundation of the Indian Government, 127/128
- Sex disqualification, removed in municipal franchise, 84
- Sikhs, claim to communal representation in the Public Services, 133
- Sikhs, representation through separate electorates, 141
- Sinha, Lord, elevation to the Peerage, 12
- "", appointment to the Imperial War Cabinet, 12
- Simon Commission, The, Intro. ii, 110, 147
- Social legislation undertaken by the Central Legislature, 104/105
- Social reforms in the Provinces, 85
- Special Committee of Central Legislature, Proposed, to settle religious differences, 145
- Standing Committees, Appointments of, 66
- Steel Protection Act passed, 105
- Success of the Provincial Councils, as reformed Legislatures, 88, 92
- Supreme Court, proposed, to settle religious differences, 144
- Swaraj, Mr. Gandhi's definition of, 35
- Swarajist, The, party, 37, 69, 83, 89, 92, 108, 140
- T
- Taxation, attitude of Provincial legislatures towards fresh, 89
- Taxation Bills, Legislative Assembly consider all, 95
- Tenancy legislation, 23, 84
- Transfer of Provincial administration to the Ministry, 122, 124

Transferred Subjects in the Pro-  
vinces, 43  
Transferred Subjects, Ministerial  
responsibility in the, 52/60  
Transferred Subjects, under the  
Governor and Ministers, 18/20.  
Treaty of Severs, The, 29, 35

## U

Udama, Conference of, favour boy-  
cott of Reforms, 36  
Unification of India, The, 148  
United Provinces, 2, 21, 50, 72, 82,  
84, 85, 89, 141, 143  
Untouchables, Representation, of  
the, on the electorate, 145

## V

Votable and non-votable items,  
abolition of the distinction  
between, 106  
Voting, Power of, on Budget  
demands used with care by  
Legislatures, 64

## W

War, Change of Policy for India  
due to the Great, 9  
"White Mutiny," Cry of, raised  
in India against the Civil  
Service, 36



राष्ट्रीय पुस्तकालय  
National Library, K. S. S. S. S.