



# The Proposed Constitutional Reforms in India

---

By

The Indo-British Association.

---

The objects of the Indo-British Association are

**"To promote and foster the unity and advancement of the Indian peoples under the British Crown. This Association realises that the natural result of British rule in India has been to encourage the growth of the spirit of nationality among Indians, and recognises therefore that British policy must be directed to lead them along safe and prudent lines, compatible with their security, contentment and moral and material progress, towards the goal of responsible Government."**

The Association believes that these objects can only be attained by gradual and orderly evolution. The Pronouncement in Parliament of the 20th August, 1917, contemplates an evolution of this character. The proposals of the Viceroy and the Secretary of State for India do not, in the opinion of the Association, conform to the principles then enunciated. They would result in a sudden and violent transfer of authority which would, the Association believes, gravely endanger the tranquility, progress and prosperity of India.

The appalling object-lesson which Russia presents is a plain warning of the disastrous effects of any weakening of a centralised form of Government. If British rule in India, which is the only guarantee of law and order among the most heterogeneous population in the world, is weakened, the conditions which followed the break up of the Moghul Empire will be reproduced.

It is from this point of view that the proposals of the Viceroy and the Secretary of State must be carefully considered. A mistake at the present moment, when a violent agitation and widespread intimidation of all moderate opinion in India are proceeding, and when in the crisis of a great war neither Parliament nor the public at home have time to give to an exhaustive examination of the problems of India, might prove fatal.

**It is impossible within reasonable space to explain all the details of the Report. It contains much which will be cordially approved by everyone who knows the presents defect in the Government of India, and who earnestly desires that the path towards ultimate self-Government shall be made smooth, continuous, and safe.**

Speaking broadly, there are two ways by which Indians can be brought into closer responsible relations with the administration.

1. The geographical process, by which the administration in defined areas would be handed over to Indians, the areas being increased when experience proved that Indian interests were being secured and promoted by the transfer.

2. A division of services in the executives, beginning with a selection of those to which Indian control might be considered now suitable, and proceeding by successive transfers until the entire executive of a province falls into Indian hands.

The Viceroy and the Secretary of State have chosen the second method, in face of the earnest warnings and the evident alarm expressed in addresses from Indians of all classes who clearly realise the position in which they will be placed if uncontrolled authority is given to the dominant political party in India.

This decision has led to certain specific proposals, which, in the opinion of the Indo-British Association, must prove unworkable in practice, while ensuring the maximum of friction and inter-racial ill-feeling. These proposals, being based upon a wrong principle, do not contain the elements of a fair compromise. They cannot satisfy the demands of the Home Rule party; but, if persisted in, they will quickly bring British rule into contempt in every province in India, and will lead to the employment of force under British authority to carry out measures conflicting with British principles. This result is foretold in some of the memorials presented by Indians to the Viceroy and the Secretary of State.

The "diarchy" which had to be introduced because the geographical principle was rejected can be briefly explained.

An Indian province is to have one Legislative Council and two Executives, which may be styled, for the sake of brevity, A and B. The two Executives must eventually involve two secretariats.

A.—An Executive, corresponding to that which now exists, but reduced in number by one, so as to consist of one British and one Indian member. Such a Government can work satisfactorily as experience has shown, unless a permanent anti-Government majority in the Legislative Council, which it is the principal object of the political party led by Mr. Tilak and Mrs. Besant to create, is brought into being.

B.—Another Executive of one or more Ministers, chosen by the Governor from the elected majority of the Legislative Council and appointed for the life-time of that Council, from which they cannot be removed until a fresh election takes place.

In addition, there may be one or two members without portfolio, status or vote, chosen from the ranks of officials, for purely advisory purposes.

Certain services to be hereafter decided are to be transferred to B, and subsequently extended until A disappears.

The Indo-British Association believes that it is not necessary to criticise this scheme in detail. Nothing of this description exists in any country in the world, or has been hitherto suggested. The Association objects to the scheme on the following main grounds :—

(a) It is impossible to separate services the administration of which throughout the country is closely interwoven. A Commissioner or the head of a district cannot serve two masters.

(b) It is impossible for the Executive, which is responsible for law and order, to be obliged to carry out decrees of another Executive which has no such responsibility. The masses of India could never be made to understand the "diarchy" and to discriminate between the action of Executive A and Executive B. They will naturally and inevitably hold the authority, which wields force, responsible for measures of which it may wholly disapprove, and every measure taken by Executive B will be attributed to Executive A—or, in other words—to British rule, while Executive B could, if it wished, quickly make the latter appear hateful.

(c) The services transferred to Executive B will depend upon the Budget provision for their efficiency. So far as can be seen, no effective control over policy which is expressed in Budget allocation is to be retained by anyone. If the Governor wields this control by veto, as seems to be intended, he will be liable to violent attacks every year when the Budget comes round unless he conceded the demands of Executive B; while, in any case, Executive A and Executive B will be in perennial conflict. The only solution of the difficulty put forward in the Report lies in the words "no insuperable difficulty will arise if reasonable men conduct themselves in a reasonable manner," a solution which to any person with experience of the hard facts of Indian political spirit and Indian administration must appear unconvincing.

(d) In the Legislative Councils all matters connected with transferred services may not be voted upon by the official members, who must silently acquiesce in decisions that will be frequently based upon perversions of facts. While Executive B can vote on all measures, the Executive responsible for law and order can only vote on reserved subjects. The inevitable result of this extraordinary arrangement must be that every Legislative Council will be permanently divided into hostile camps.

(e) The framers of the Report seem to realise that the Government, which is to be split into two conflicting Executives, of which one is responsible for order among tens of millions of people and the other has no responsibility at all

nature, may be unable to obtain legislation which it regards as vital. There is strong probability that this would occur, with the disastrous result that the authority of all government throughout India would be shaken to its foundations.

To palliate this evident danger, the following procedure is proposed :—The Governor may certify that “a Bill dealing with a reserved subject (a subject not relegated to Executive B) is a measure ‘essential to the discharge of his responsibility for the peace or tranquility of the Province.’” It is then open to a majority of the Council to appeal to the Government of India, which is to decide “whether the certified Bill deals with a reserved subject.” If the Government of India supports the certificate, a violent agitation against that Government or the Viceroy may be set up. If, on the other hand, the Governor’s judgment, on a matter which he must know better than the Government of India, is thrown over, his position may be made impossible. If the elected members do not take action, or if the Governor receives the support of the Government of India, the fate of the Bill is still undetermined. It is to be referred to a Grand Committee, consisting of 40 to 50 per cent. of the Legislative Council, reproducing “as nearly as possible the proportions of the various elements in the larger body,” but the Governor may nominate a “bare majority.” But the opportunities afforded for friction and delay are even so not ended. The Grand Committee is to debate the Bill and may then refer it to a Select Committee. After the Select Committee has completed its labours, the Grand Committee will again debate the Bill and then report it to the Legislative Council, which will have power again to discuss the Bill generally, subject to a time-limit imposed by the Governor. The Bill will then pass automatically. But the Legislative Council may still insist upon its objections being forwarded with the Bill to the Governor-General and the Secretary of State, who, if they choose, can severally refuse sanction to the Bill. It is difficult to imagine anything more cumbrous and unseizable than this procedure, which might last for months, and must incidentally create acute irritation.

(f) Apparently Bills dealing wholly with transferred subjects can be passed in defiance of the Governor’s disapproval, but are subject to the veto of the Governor, the Governor-General, or the Secretary of State, the exercise of which in some circumstances would be difficult. Such measures might, however, if not vetoed, create an outbreak of disorder which the Governor and Executive A would have to suppress, though they might be in complete sympathy with the disturbers of the peace.

To state these proposals is to make clear their danger, even to persons who have no knowledge of India. Anyone with experience of the working of civilised governments in any form, or of practical administration, must come to the conclusion that, quite apart from the special and peculiar conditions of India, the “diarchy” can only lead to administrative anarchy.

The proposals in the Report also operate to undermine British authority even in the sphere of the supreme Government in India, where a complicated bi-cameral Legislature is to be set up, in which a Government majority is secured only in the Upper Chamber. The effect will be that the Lower Chamber will, as regards a certain class of measure, be in permanent opposition. The Report admits that "the capacity of the Government to obtain its will in all essential matters must be unimpaired"; but the machinery provided is complicated and dilatory. Each measure will be debated in both Chambers, and, if agreement cannot be reached, they will sit together, in which case five nominated members might defeat the Government. Certification by the Governor-General in Council may then be resorted to; or, if urgency is claimed, a Bill may be passed in the Upper and reported to the Lower Chamber.

There is no justification for saddling India with two Chambers, and the only result will be long delays in legislation, and ample opportunities for the elected members in both Chambers to form a *bloc* capable of embarrassing and humiliating Government, while a premium will be set upon political intrigues, in which the East excels. No man with strength of character and first-class ability would accept the Governor-Generalship on these terms, and the weakness which for some years has been the most marked characteristic of government in India will become permanent under a system which aims at "deliberately disturbing the placid, pathetic contentment of the masses" (Report, para. 144) and discarding our heavy responsibilities.

The diarchical principle appears to be extended in disguised form to this country, where a new committee of the House of Commons is to be set up which, though dealing with Indian matters, appears to be debarred from exercising control over transferred subjects. The far greater personal knowledge which exists in the House of Lords is to be thrown away, and Indian matters will be handled by persons most of whom will be totally ignorant of the affairs and conditions of that country. The general effect will be administrative chaos arising from divided authority in India and at home, which will be felt right through the entire machine of Government down to the humblest officials.

A few years ago a large Commission toured through India at great cost, with the result of stirring up some ill-feeling. This body recommended that 25 per cent. of superior appointments in the Civil Service should be allotted to Indians. The Report ignores this proposal, and increases the proportion to 33 per cent., with an annual increment of  $1\frac{1}{2}$  per cent. until another Commission is appointed to review the situation after ten years. To this percentage, presumably, has to be added the number of those who are recruited through the open competitive examination in England. The effect of this will be that progress in India on Western lines will be quickly

checked, while the Civil Service itself, offering diminished chances of advancement and entailing a strenuous life passed in conditions of perplexity and discouragement, will rapidly deteriorate and cease to exercise any influence upon the masses. So far as regards those who are already in the Indian Civil Service, it is questionable whether these proposals do not in some measure transgress the provisions of the Covenant which is mutually binding upon them and the Secretary of State.

The main effect of these proposals must be the destruction of authority, which, among Eastern peoples, is not only universally desired, but is the one steady force.

Destructive criticism standing by itself is futile, and the Indo-British Association desires, therefore, to indicate in brief outline the reforms which it advocates and which it has reason to believe will satisfy sane and moderate opinion. It makes these proposals on the understanding that the powers, authority and constitution of the Imperial and Provincial Governments are unimpaired.

These reforms are :—

1. Readjustment of the responsibilities of the Secretary of State in Council and the Viceroy in Council in order to put an end to the meticulous interference in financial matters, which is injurious to the interests of India, while retaining the control of Parliament over general policy. (It is announced that a committee is to be set up to consider this question.)
2. Reconstruction of the India Office, not only with a view to remedying patent defects in office machinery long obsolete, but to secure greater and more recent knowledge of the conditions and affairs of India.
3. Decentralisation of the excessive powers wielded by the Government of India, so as to confer full authority upon provincial Governments in all their domestic affairs, and to transform the most centralised Government in the world into a federal system. This change was advocated in the Delhi Durbar despatch of 1911; but nothing has been done, and reform is long overdue. The general progress of India has been checked for years by crass centralisation. Incidentally, the federal principle would automatically give greater influence to Indian opinion in every province. (It is stated that another committee is to be set up to deal with this question.)
4. Reconstruct the electorates of the provincial Legislative Councils on a broader basis. The electorates created in 1909 have not proved satisfactory. If real Indian opinion is to find a voice in these Councils, the communal principle must be adopted, and all large communities, or groups of communi-

ties, must be represented by their own members. As the alliance between the Congress extremists and the little Moslem League was only effected on condition that the Mahommadans were to receive separate representation, the Indian politicians cannot oppose an extension of a principle which is essential in a caste-ridden country, unless the workers are to be entirely excluded from all influence upon affairs. The communal principle is extended in the Report to the Sikhs of the Panjab, because "they supply a gallant and valuable element to the Indian Army." (A third committee, of which the chairman is to be a person who does not know India, is to be set up to deal with the whole question of the franchise and electorates.)

5. Transfer all municipal and local government to elected bodies, subject only to such control as is exercised by the Executive Government and coupled with such safeguards as will ensure both the adequate representation on such bodies of all interests in the municipal and local areas concerned and the proper protection of all interests, which are not confined to such local areas. The effect will be (a) to give to Indians large powers, including taxation, and experience of the administration of practical business; and (b) in time to develop a sense of responsibility, now wholly wanting, among voters. It is only in comparatively small areas that this sense can be created among the illiterate masses. Local government might, however, be reorganized by creating Boards dealing with larger than District areas, so as to confer more importance upon these bodies. It would be of advantage to have a uniform franchise for the Legislative Councils and local bodies.
6. Press forward elementary education, which has been neglected owing to initial misdirection in 1833, and later to the efforts of Indians to advance secondary and university education, which could be done only at the expense of elementary education. There is no country in the world where the disproportion of public expenditure upon elementary and higher education is so marked as in India. Special attention should be paid to agricultural, industrial and technical schools.
7. In every province place one or two districts wholly under the Indian members of the different services. This has been done in Bengal, but the experiment is inconclusive because of the want of a revenue system. If, after a period of trial, this system is proved to work well, other districts can be similarly staffed. Later a Commissioner's division can be so handed over, and the process, if shown to be successful, can be continued until a whole province comes under Indian rule in the future.

The Indo-British Association is convinced that, by the



geographical method referred to on page 4, effective power can be gradually and safely transferred to Indian hands without dislocating the existing machinery, creating interminable friction, and undermining throughout all India the only authority which holds the heterogeneous masses together and stands between them and such anarchy as now prevails in Russia.

Viewing the Report as a whole, the Association is painfully impressed by the absence of any adequate recognition of existing conditions in India. In a country where the tyranny of caste has effectually prevented the growth of a democracy, the application of a democratic form of government, even with the temporary and illusive limitations proposed, can only lead to the negation of all the principles on which democracy rests in Western countries.

• The adoption of the Report will result in the transfer of authority to a little upper caste oligarchy, composed of elements which have never shown any sympathy with the vast masses of working Indians, and have frequently obstructed measures by which the position of the cultivators, who number 72 per cent. of the population, have largely benefited. This little oligarchy is largely denationalised by Western education, often imperfectly assimilated. It is mainly town-bred, and its interests conflict to a large extent with those of the dwellers in the 750,000 villages of India, who have hitherto looked to British Rule as their only safeguard against caste oppression. As soon as it is in possession of executive powers, it will inevitably develop sharp antagonism to the principles by which British Rule has been guided and inspired. Such authority as the Viceroy and Secretary of State propose to leave in British hands will then have to be exerted either in support of measures which British officials strongly disapprove, or in restraint of powers formally conceded to the oligarchy. The first course would be revolting to British ideals, the second would have the effect of shattering the edifice which it is proposed to set up. So long as India remains wholly dependent upon the British Government for the preservation of internal order and for defence against external aggression, and upon British credit for commercial and industrial advancement, the authority of that Government must be maintained intact. Two authorities—one based on the resources of the British Empire, and the other upon an insignificant fraction of the Indian upper classes masquerading as a democracy—cannot co-exist.

In the opinion of the Indo-British Association, the adoption of the ill-conceived proposals of the Report must lead to the weakening of *all* authority among 315 millions of people, and to the rapid deterioration of the public services, to the guidance and energies of which the prosperity and the wonderful progress which India has attained are wholly due. The result will be "red ruin and the breaking up of laws," and the advance of India towards nationhood, which it is our object and our duty to promote, will be checked indefinitely.