

It would bring the classes specially concerned within the popular electorate, and so meet the criticisms of the Hindus to which you refer in paragraph 30; second, it establishes a principle that would be an answer to further claims for representation by special classes or associations; third, it would ensure the persons chosen being actually drawn from the locality that the Electoral College represents; fourth, it would provide a healthy stimulus to interest in local self-government by linking up local bodies (rural and Municipal Boards) more closely with the Provincial Legislative Councils. To this end, it might be provided that the candidate for election to the Provincial Council must himself have taken part in local administration.

The due representation of the Indian mercantile community on which you touch in paragraph 31 of your letter, might be included in the scheme if the commercial classes fail to organise themselves as you suggest that they may arrange to do, in Associations similar to the European Chambers of Commerce.

To meet possible objections founded on the difficulty of bringing together Electoral Colleges to vote in one place, I may add that this is not contemplated in the scheme. You refer at the close of paragraph 28 to the success of the Calcutta University in organising the election of Fellows by a large number of graduates scattered all over India. The votes of the electors in each College could, I imagine, be collected in the same manner without requiring them to assemble at a common centre.

OFFICIAL MAJORITY TO BE DISPENSED WITH.

From the electoral structure I now turn to the official element in the constitution of Provincial Legislative Councils, dealt with in paragraphs 43 to 56 of your letter. I first observe that in all of them you provide for a bare official majority, but you contemplate that in ordinary circumstances, only the number of official members necessary for the transaction of business shall be able to attend. The first question, therefore, is the necessity of maintaining in these Councils the majority of officials.

We have before us to begin with the leading fact that in the important Province of Bombay there is in the

LORD MORLEY'S REFORM DESPATCH CCXiii

Council, as at present composed, no official majority, and that the Bombay Government, even in the smaller of its alternative schemes presented to Your Excellency in Council, is willing to dispense with such a majority. Considering the character of the Legislation ordinarily coming before the Provincial Council. Is it not possible with due representation given to the various classes and interests in the community to do without a majority of officials. After a careful consideration, I have come to the conclusion that in the Provincial Councils such a majority may be dispensed with provided that a substantial official majority is permanently maintained in the Imperial Legislative Council.

I do not conceal from myself the risks in such an arrangement. The non-official majority may press legislation of a character disapproved by the Executive Government. This should be met by the exercise of the power to withhold assent possessed by the head of the Government? Although the Local Legislature is vested with power to make laws for the peace and good government of the territories constituting the Province, still the range of subjects is considerably narrowed by the statutory exclusions now in force. Thus, for example, the Local Legislature may not without the previous sanction of the Governor-General make or take into consideration any law affecting the Public Debt of India or the Customs duties or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the Government of India, or regulating currency or postal or telegraph business, or altering in any way the Indian Penal Code, or affecting religion or religious rites or usages, or affecting the discipline or maintenance of Naval or Military forces, or dealing with patents or copyrights, or the relations of the Government with foreign Princes or States. It is difficult to see how any measures of such urgency that delay might work serious mischief can come before a Provincial Council, for, mere opposition to a useful and beneficial project would not come within this description

On the other hand, and perhaps more often, there may be opposition on the part of the non-official Members to legislation that the Government desires. With a Council, however, representing divergent interests and realising, together with its increased powers, greater responsibility, a combination of all the non-official members to resist a measure proposed by the Government would be unlikely, and some non-officials at least would probably cast their votes on the side of the Government. If, however, a combination of all the non-official members against the Government were to occur, that might be a very good reason for thinking that the proposed measure was really open to objection, and should not be proceeded with.

Your Excellency will recall since you came into the authority of Governor-General, an Act proposed by a Local Government which a representative Legislative Council would almost certainly have rejected. Your Excellency's action in withholding assent from the Act shows that in your judgment it would have been an advantage if the Local Government had been induced by a hostile vote to reconsider their Bill. If, in spite of such hostile vote, the comparatively rare case should arise where immediate legislation were still thought absolutely necessary, then the constitution, as it at present stands, provides an adequate remedy. The Governor-General in Council to-day possesses a concurrent power to legislate for any Province, and though I strongly favour a policy that would leave to each local Legislature the duty of providing for its own requirements, still I recognise in this power an ample safeguard, should, under exceptional circumstances, a real demand for its exercise arise.

CONSTITUTION OF PROVINCIAL COUNCILS

This decision will make it necessary to modify to some extent the constitution of the several Provincial Councils proposed by you and will enable you to secure a wider representation. Subject to consideration of these details (which will not involve the postponement of the proposed Parliamentary legislation for the amendment of the Indian Councils Act, 1892, and for other purposes), I am ready to

LORD MOALEY'S REFORM DESPATCH CCXV

accept generally the proposals for the numbers and the constitution of the Councils set forth in your letter.

THE IMPERIAL LEGISLATIVE COUNCIL.

Your proposals in relation to the Imperial Legislative Council are necessarily entitled to the greatest weight. I am glad to find myself able to accept them practically in their entirety. While I desire to liberalise as far as possible the Provincial Councils, I recognise that it is an essential condition of this policy that the Imperial supremacy shall be in no degree compromised. I must, therefore, regard it as essential that Your Excellency's Council, in its legislative as well as its executive character, should continue to be so constituted as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes and must always owe to His Majesty's Government and to the Imperial Parliament. I see formidable drawbacks that have certainly not escaped Your Excellency to the expedient which you propose, and I cannot regard with favour the power, of calling into play an official majority while seeming to dispense with it. I am unable to persuade myself that to import a number of gentlemen to vote down something upon which they may or may not have heard the arguments will prove satisfactory. To secure the required relations, I am convinced that a permanent official majority in the Imperial Legislative Council is absolutely necessary, and this must outweigh the grave disadvantages that induce us to dispense with it in the Provincial Legislatures. It need not be in any sense an overwhelming majority, and this Your Excellency does not seek, but it must be substantial as it is certainly desirable that the Governor-General should be removed from the conflict of the division list and that the fate of any measure or resolution should not rest on his vote alone.

I have already dealt in the earlier paragraphs of this Despatch with elective principle, and it will be for Your Excellency to consider how far the popular electorate can be utilised for the return to your Legislative Council on landholders and Mahomedans. Some modifications of the scheme suggested for the Provinces will no doubt be necessary and the Electoral Colleges would probably have to

be on the basis of Provinces and not of Divisions, and the case of the Central Provinces would probably (in view of the disappearance of Advisory Councils) have to be met by nomination until a local Legislature is provided.

I accept your proposals for securing the representation of commerce, both European and Indian.

I also agree to your proposals as to nomination, but it will be a matter for your consideration whether, to meet requirement of a substantial official majority, the number of nominated officials should not be raised.

Your plan for securing occasional representation for the interests of minorities such as the Sikhs, the Parsis, the Indian Christians, the Buddhists and the Domiciled Community meets with my entire approval, and I am complete sympathy with your intention sometimes to appoint one or two experts in connection with legislation impending before the Councils.

INCREASED FACILITIES FOR DEBATE.

I turn to the proposals contained in paragraphs 57-59 of your Despatch affording further facilities for debate. This subject, as Your Excellency remarks, was not dealt with in the earlier correspondence out of which your present proposals arise, but I am entirely in accord with Your Excellency's Government in regarding it as of cardinal importance.

The existing law which confines discussion, except on the occasion of the Annual Financial Statement, to the Legislative proposals actually before the Council, imposes a restriction that I am convinced is no longer either desirable or necessary. The plan of Your Excellency's Government contemplates a wide relaxation of this restriction, and in sanctioning it generally, I am confident that these increased facilities, judiciously used, will be pronounced of the greatest advantage, not only by Councils and those whom they represent, but also by Government who will gain additional opportunities both of becoming acquainted with the drift of public opinion and of explaining their own actions.

EFFECT OF THE RESOLUTIONS.

Taking the proposals in detail, I agree that the Resolutions to be moved should take the form of recommendations

LORD MORLEY'S REFORM DESPATCH CCXVII

to Government, having only such force and effect as Government after consideration shall deem due to them. The introduction and discussion of Resolutions should not extend to subjects removed from the cognizance of Legislative Councils by statute, and must obviously be subject to rules and restrictions. These, as Your Excellency observes, may best be laid down, in the first place, when the rules of business are drawn up and developed thereafter as experience may show to be desirable. Meanwhile, I agree generally with the conditions suggested in paragraph 59 of your Despatch. I must, however, remark upon the first of the suggested conditions that isolated incidents of administration or personal questions may be and often are at the same time matters of public and general importance. It would, in my opinion, be sufficient to lay down that Resolutions must relate to matters of public and general importance, inasmuch as the President of the Council will have the power of deciding finally whether any proposed Resolution does, or does not, satisfy this condition.

INTERPELLATIONS

In respect of rules on the asking of questions, I have come to the conclusion that subject to such restriction as may be found requisite in practice and to the existing general powers of the President, the asking of supplementary questions should be allowed. Without these, a system of formal questions met by formal replies must inevitably tend to become unreal and ineffective and in an assembly in which, under proper safeguards, free discussion and debate is permitted and encouraged, there can be no sufficient reason for prohibiting that method of eliciting information and expressing indirectly the opinions and wishes of the questioners.

DISCUSSION OF THE IMPERIAL BUDGET

Special importance attaches to rules as to the discussion of the Imperial Budget and I recognise with much satisfaction the liberality of the proposals that you have placed before me. The changes under this head constitute a notable step in the direction of giving to the representatives of Indian opinion a part in the most important administrative operation of the political year. I approve the dates suggested for the promulgation of the Financia

Statement and for the beginning and ending of its discussion in Committee, and I anticipate valuable results from the knowledge which your Government will acquire in these debates of the views of those whom the proposed measures will chiefly and directly affect, and which it will be able to utilise in shaping its final financial proposals for the year. Generally, also, I approve the rules sketched in paragraph 84 for the regulation of discussions in Committee and of the moving of Resolutions and I concur in your opinion that the form of procedure should be such as to show clearly that the power of executive action resides exclusively in Government, who, while inviting the free expression of opinion in the form of Resolutions do not thereby forego any part of the power and responsibility which has been and must continue to be in their hands.

PROVINCIAL BUDGETS

Your proposals for the discussion of the Provincial Budgets seem entirely sound. As in the case of the Imperial Budget, so with respect to the Provincial Finances, I observe with satisfaction that provision is made for full and free discussion and for the consideration by Government of the results of such discussion before the final proposals for the year are framed, and I believe that under the system suggested by you the Local Governments will retain that ultimate control over the financial policy of their Provinces, without which not only the authority of the Government of India but also that of the Secretary of State in Council and Parliament would inevitably disappear.

FURTHER REFORMS

Your Excellency claims for your scheme as a whole "that it will really and effectively" associate the people of India in the work not "only of occasional legislation but of actual every-day administration." The claim is abundantly justified, yet the scheme is not and hardly pretends to be a complete representation of the entire body of changes and improvements in the existing system that are evidently present to the minds of some of those whom your Government has consulted and that, to the best of my judgment, are now demanded by the situation described in the opening words of the Despatch. It is evidently Desirable.

LORD MORLEY'S REFORM DESPATCH CCXIX

Your Excellency will agree, to present our reformed constitutional system as a whole. From this point of view, it seems necessary to attempt without delay an effectual advanced in the direction of Local self-Government.

LOCAL SELF-GOVERNMENT

The principles that should inspire and regulate measures with this aim can hardly be laid down in sounder or clearer terms than in the Resolution published by the Government of India on the 18th May, 1882. I do not know where to look for a better expression of the views that should govern our policy under this important head, and I will venture to quote some passages in this memorable deliverance. Explaining the proposal for Local self-Government of that date the Government of India place themselves on ground which may well be our ground also. "It is not primarily," they say, "with a view to improvement in administration that this measure is put forward and supported, it is chiefly derivable as an instrument of political and popular education;" and again, "there appears to be great force in the argument that so long as the chief Executive officers are, as a matter of course, Chairmen of the Municipal and District Committees there is little chance of these committees affording any effective training to their members in the management of local affairs or of the non-official members taking any real interest in local business. The non-official members must be led to feel that real power is placed in their hands and that they have real responsibilities to discharge." This anticipation has been, to some extent, warranted by experience. Funds have not existed for an efficient Executive staff. The official element within the local bodies has been in many places predominant. Non-official members have not been induced, to such an extent as was hoped, to take a real interest in local business because, their powers and their responsibilities were not real. If Local self-Government has so far been no marked success as a training ground, it is mainly for the reason that the constitution of the local bodies departed from what was affirmed in the Resolution to be "the true principle" that "the control should be exercised from without rather than from within; the Government should revise and check the acts of local bodies but not

dictate them." I have no doubt that the Government of India to-day will affirm and actively shape their policy upon the principle authoritatively set forth by their predecessors in 1882:—"It would be hopeless to except any real development of self-Government if the local bodies were subject to check and interference in matters of detail, and the respective powers of Government and of the various local bodies should be clearly and distinctly defined by statute, so that there may be as little risk of friction and misunderstanding as possible within the limit to be laid down in each case. However, the Governor-General in Council is anxious that the fullest possible liberty of action should be given to local bodies."

THE STARTING POINT IN PUBLIC LIFE

Your Excellency will recall that the Resolution from which I have quoted treats the sub-division, taluka or the tahsil as the smallest administrative unit. It is a question whether it would not be a wise policy to go further. The village in India (generally) has been the fundamental and indestructible unit of the social system, surviving the downfall of dynasty after dynasty. I desire Your Excellency in Council to consider the best way of carrying out a policy that would make the village the starting point of public life.

A SPECIAL DEPARTMENT

The encouragement of Local self-Government being an object of this high importance in the better organisation of our Indian system, it remains to be considered how far in each province it would be desirable to create a department for dealing exclusively with these local bodies, guiding and instructing them and correcting abuses in a form analogous to the operations of the Local Government Board in this country. That, however, is a detail, though a weighty one, in a question on which as a whole I confidently expect that Your Excellency will find much light in the forthcoming report of the Royal Commission on Decentralisation.

EXECUTIVE COUNCILS : ADMISSION OF INDIANS

In the closing page of your letter Your Excellency raises a question of a high order of importance. You recognise as you inform me that the effect of our proposals will be

LORD MORLEY'S REFORM DESPATCH CCXXI

to throw a greater burden on the heads of Local Governments, not only by reason of the actual increase of work caused by the long sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the recommendations of those Councils. You then suggest the possibility that experience may show it to be desirable to strengthen the hands of the Lieutenant-Governors in the large Provinces by the creation of Executive Councils and of assisting the Governors of Madras and Bombay by enlarging the Executive Councils that now exist in these Presidencies.

I have to observe with respect to Bombay and Madras that the original scheme under the Act of 1833 provided for the appointment of three members in these Presidencies. It seems conformable to the policy of this Despatch to take power to raise to four the numbers of each of these Executive Councils, of whom one, at least, should be an Indian. I would not, however, propose to make this a provision of a statute, but would leave it to practice and usage growing into confirmed rule.

MORE EXECUTIVE COUNCILS IN THE LARGER PROVINCES

As to the creation of Executive Councils in the larger Provinces, I am much impressed by both of the considerations that weigh with Your Excellency in throwing out the suggestion and more especially by the second of them. All will depend for the wise and efficient despatch of public business upon right relations between the supreme head of the Executive power in the Province and the Legislative Council. The question is whether these relations will be the more likely to adjust themselves effectively if the judgment of the Lieutenant-Governor is fortified and enlarged by two or more competent advisors with an official and responsible share in his deliberations.

Your Excellency anticipates longer sittings of the Legislative Council with increased activity of discussion, and the effectual representation of Provincial opinion and feeling as a guide to executive authority is the central object of the policy of Your Excellency's Despatch. The aim of that policy is two-fold, at once enable Government the better to realise the wants, interests and sentiment of the governed; and on the

other hand to give the governed a better chance of understanding, as occasion arises, the case for the Government against the misrepresentations of ignorance and malice. That double object, as Your Excellency fully appreciates, is the foundation of the whole system in India and all over the world of administration and legislation either through or subject to the criticism of deliberative bodies, whether great or small.

The suggestion for the establishment of Executive Councils for Lieutenant-Governors, as Your Excellency is aware, is not new. A really new problem or new solution is in truth surprisingly uncommon in the history of British rule in India and of the political or administrative controversies connected with it. Indeed, without for an instant undervaluing the supreme necessity for caution and circumspection at every step and motion in Indian Government, it may be open to some question whether in some of these controversies before now even an erroneous conclusion would not have been better than no conclusion at all. They are now considering what was much discussed in obedience to the orders of the Secretary of State in 1868 by men of the highest authority on Indian questions and I do not conceive that after all the consideration given to the subject then and since, further consultations could be expected to bring any new arguments of weight and substance into view.

It has sometimes been argued that the creation of Executive Councils in the major provinces would necessarily carry with it as in Bombay and Madras the appointment in each case of a Governor from Home. This would indeed be a "large departure from the present system of administration," almost amounting to the confusion and overthrow of that system reposing as it does upon the presence at the head of the highest administrative posts of officers trained and experienced in the complex requirements and diversified duties of the Indian Government. I take for granted, therefore, that the head of the Province will be, as now, a member of the Indian Civil Service appointed in such mode as the law prescribes.

THE POWER OF VETO

I propose, therefore, to ask for power to create "Executive Councils from time to time as may be found

LORD MORLEY'S REFORM DESPATCH CCxxiii

expedient. In this connection, we cannot ignore the necessity of securing that a constitutional change designed both to strengthen the authority and to lighten the labours of the head of the Province shall not impair the prompt exercise of Executive power. It will therefore, be necessary to consider most carefully what decree of authority over the members of his Council in case of dissent should be vested in the head of a Province in which an Executive Council may be called into being. It was recognised by Parliament more than a century ago that the Governors of Madras and Bombay should be vested with a discretionary power of overruling these Councils in cases of high importance and essentially affecting the public interest and welfare. A power no less than this will obviously be required in the Provinces in which a Council may come to be associated with the head of the Executive, and I shall be glad if you will favour me with your views upon its definition. Your Excellency will readily understand that the use of such a power, while not to be evaded in the special cases for which it is designed, is not intended for a part of the ordinary mechanism of Government. Rather, in the language of the historical Despatch of 1834, it is my belief that "in a punctual, constant and ever fastidious adherence to your ordinary rules of practice you will find the best security not only for the efficiency and also for the despatch of your Legislative proceedings."

VII

The Resolution on the Reforms, 1909.

The following is the Resolution of the Governor-General in Council, dated the 16th November 1909, issued when bringing the Indian Councils Act, 1909 into operation :—

No. 4213.—With the approval of the Secretary of State in Council, the Governor-General in Council has to-day brought into operation the Indian Councils Act, 1909, and has published the rules and regulations relating to the nomination and election of the members of the enlarged Legislative Councils. This act marks the completion of the earnest and prolonged deliberations that was initiated by the Viceroy more than three years ago, when he appointed a Committee of his Executive Council to consider and report on the general question of giving to the peoples of India a larger measure of political representation and wider opportunities of expressing their views on administrative matters.

2. The various stages of inquiry and discussion which followed need not be viewed at length. In the Home Department letter of the 24th August 1907, the Government of India put forward certain provisional and tentative proposals, and invited the local Governments to submit their matured conclusions, after consulting important bodies and individuals representing the various classes of the community. The voluminous opinions elicited by that letter were fully dealt with in the Despatch which the Government of India addressed to the Secretary of State on the 1st October 1908, and in Lord Morley's Despatch of the 27th November following. Since those papers were published, the Government of India have been engaged, in communication with the Secretary of State, in working out the principles accepted by him, and the scheme finally adopted for the future constitution of the Legislative Councils is embodied in the Indian Councils Act and in the Regulations which are published to-day. The Governor-General in Council will now proceed to state briefly the extent and nature of the changes introduced and to indicate in what

THE RESOLUTION ON THE REFORMS CCXXV

respects they differ from the proposals contained in the papers already published.

3. The maximum strength of each Council fixed is by the first schedule of the Act. Excluding the head of the Government and the members of the Executive Councils, it varies from 60 for the Council of the Governor-General to 30 for the Councils of the Punjab and Burma, the number for each of the other five Provincial Councils being 50. The actual strength of each Council is determined by the Regulations: the statutory maximum will at present be worked up to only in the Imperial and Bengal Councils, but as will be seen from the annexed statements the numbers are in every case slightly larger than those shown in the Despatch of the 1st October 1908.

4. For the reasons given by the Secretary of State in his Despatch of 27th November 1908, there will continue to be a majority of officials in the Governor-General's Council but the Regulations provide not only that there may be, but that there must be, a majority of non-official members in every Provincial Council. The following statement, from which the head of the Government is in each case excluded, shows the effect of this great constitutional change on the composition of each Council. It will be within the power of a local Government to increase the non-official majority by nominating less than the maximum number of officials and substituting non-officials, but that majority cannot be reduced except to the limited extent indicated below and then only for a specified period or in connection with a particular measure:—

Legislative Council of Officials. Non-officials. Majority

					<i>Official.</i>	
India	...	...	...	35	32	3
						<i>Non-Official</i>
Madras	...	...	...	19	26	7
Bombay	...	...	...	17	28	11
Bengal	...	...	...	17	31	14
United Provinces	...	...	...	20	26	6
Eastern Bengal and Assam	...	...	...	17	23	6
Punjab	...	...	...	10	1	4
Burma	...	...	...	6		3

These figures relate to the ordinary constitution of the Councils and leave out of account the two experts who may be appointed members of each Provincial Council

when the legislation in hand is of a nature to demand expert advice. If these members are non-officials the majority will be strengthened, and even if both are officials it will not be entirely neutralised. The strength of the non-official majority varies with local conditions.

5. Special provision has been made for the representation of the professional classes, the landholders, the Muhammadans, European commerce, and Indian commerce. The first of these interests will be represented on the Governor-General's Council by the members elected by the Provincial Legislative Councils and by the district Councils and Municipal Committees in the Central Provinces; and on the Provincial Councils by the representatives of the District Boards, the Municipalities, the Corporations of the Presidency towns and the Universities. The others will be represented upon all the Councils by members elected by special electorates or nominated under an express provision of the Regulations. The representative of the Bombay landholders on the Governor-General's Council will be elected at the first, third and subsequent alternate elections by the landholders of Sind, a great majority of whom are Muhammadans, while at other elections he will be elected by the Sardars of Gujerat or the Sardars of the Deccan, a majority of whom are Hindus. Again the landholders of the Punjab consist of about equal numbers of Muhammadans, and non-Muhammadans and it may be assumed that their representative will be alternately a Muhammadan and non-Muhammadan. It has accordingly been decided that at the second, fourth, and succeeding alternate elections when these two seats will presumably not be held by Muhammadans, there shall be two special electorates consisting of the Muhammadan landholders who are entitled to vote for the member who represents in the Governor-General's Council the landholders of the United Provinces and Eastern Bengal and Assam respectively. In some Provinces there are special interests, such as the tea and jute industries in Eastern Bengal and Assam and the planting communities in Madras and Bengal, for which special provision has been made. The representation of minor interests and smaller classes will be provided for by nominations made from time to time as the particular needs of the moment and the claims of each community may require.

THE RESOLUTION ON THE REFORMS CCXXVII

6. In the Despatch of the 1st October 1908 it was explained that some of the seats there shown as elective might at first have to be filled by nomination, pending the formation of suitable electorates. Further inquiry has shown this course to be unavoidable at present in respect of (1) the representative of Indian Commerce in all Councils except that of the Governor of Bombay ; (2) the representatives of the landholders and the Muhammadan community of the Punjab on the Governor-General's Council; and (3) the representative of the planting community on the Bengal Council. The Regulations, however, provide that a member must be nominated to represent each of these interests ; and it is the intention of the Governor-General in Council to substitute election for nomination wherever a workable electorate can be formed.

7. It will be seen that the Regulations have been divided into two parts, first, the substantive Regulations, which deal with all matters of general application, and, secondly, a series of separate Schedules defining the constitution of each electorate and prescribing the electoral procedure to be adopted in each case.

8. The qualifications required for both candidates and voters are specified in the Schedules, but the disqualifications, which apply generally, are given in the Regulations. The only voters disqualified are females, minors, and persons of unsound mind, but for candidates wider restrictions are obviously necessary and these are set forth under nine heads in Regulation IV. The last of these provides that no person shall be eligible for election if he has been declared by the Government of India or the local Government to be of such reputation and antecedents that his election would, in the opinion of the Government, be contrary to the public interest. The Act of 1892 laid down that an elected candidate must be nominated by the head of the Government before he could take his seat on the Council. It thus gave power to exclude a candidate whose presence would bring discredit upon the Council, and although this power was never exercised, yet it served a useful purpose in deterring such persons from coming forward for election. If the dignity and representative character of the Legislative Councils are to be maintained, there

must be some means of excluding unworthy candidatures, though recourse to it would be of rare occurrence, and the disqualification imposed would not necessarily be permanent.

9. In accordance with the practice of the House of Commons and of other British Legislatures, members of the enlarged Councils must, before taking their seats, make an oath or affirmation of allegiance to the Crown.

10. If a candidate is elected for more than one electorate he is required by Regulation IX to choose for which electorate he will sit. The votes recorded for him in any electorate for which he decides not to sit will be deemed not to have been given, and the seat will go to the candidate who would have been elected but for such votes. This is in accordance with the procedure prescribed for ward elections in the city of Bombay, and it has the advantage of rendering a fresh election unnecessary.

11. The normal term of office has been extended from two to three years, but a member elected to fill a casual vacancy will sit only for the unexpired portion of the outgoing member's term. This provision is necessary to meet the case of electorates which elect by rotation. To deprive such a constituency of its representation for what might be a considerable portion of the term allotted to it would be unfair; while to allow the constituency of the out-going member (who might have sat for nearly the full term) to elect another member for a further period of three years would be open to still greater objections. The provision is also required to secure the retention of the advantages of cumulative voting in two-member constituencies.

12. It has been expressly laid down that corrupt practices shall render an election invalid. There is no such provision in the existing Regulations, but the great extension of the principle of election and the probability of keen contests render it desirable to provide safeguards against the employment of improper practices. The definition of "corrupt practices" is taken from the Bombay District Municipalities Act. It covers false personation on the part of a voter and the use of threats of injury, as well as the actual purchase of votes by the candidate or his agent.

THE RESOLUTION ON THE REFORMS CCXXIX

13. Any person who is qualified as a voter or a candidate may question the validity of an election and apply to the Government of India or the local Government, as the case may be, to set it aside. After such inquiry as may be necessary, the Government may declare whether the candidate whose election is questioned was duly elected; or whether any, and if so, what other person was duly elected; or whether the election was void (Regulation XVI). An election will not, however, be set aside on the ground of minor irregularities which do not affect the result (Regulation XV).

14. In most cases the electorates are sufficiently defined in the Regulations; where more detailed information is necessary, this has been given in the Schedules prescribing the electoral procedure. Where the electorates are scattered, as is the case with the landholders and the Muhammadans, provision has been made for the preparation and publication of an electoral roll containing the names of all persons qualified to vote. After the first election this roll will be brought under revision from time to time, when claims and objections will be decided; but the roll actually in force at the time of any election will be conclusive evidence on the question whether any person has the right to vote. The Governor-General in Council regrets that it has not been possible to allow claims to be made or objections to be taken in respect of the first roll. The qualifications upon which each roll is based could not be announced until the Regulations had received the approval of the Secretary of State, and no revision of the roll could be undertaken until the new Act had been brought into operation. At least two months would have to be devoted to the disposal of claims and objections, and it is probable that even at the end of that period some cases would still be pending. It would thus be impossible to constitute the Provincial Councils before March 1910, and the Governor-General's Council could not assemble before the end of that month or the beginning of April. The consequent loss of the whole of the legislative season would cause so much inconvenience that it would be necessary to defer putting the Act into operation and to postpone the

assembling of the new Councils until the session of 1910-11. The Governor-General in Council is sensible of the objection to holding an election on a register which has not been subjected to the test of revision, but he is convinced that those objections are greatly outweighed by the keen disappointment that would be caused by further delay in introducing the constitutional changes which have now been under discussion for more than three years. Moreover, the danger of improper omission or inclusion is comparatively small. The two principal qualifications are payment of land revenue and income-tax, the records of which are detailed and complete, and steps were taken beforehand to ensure, as far as possible, that doubtful cases and claims based on other qualifications should be brought to notice. The Governor-General in-Council believes that the great majority of those interested in the question will recognise the difficulties of the situation, and will acquiesce in the decision to prefer the possibility of some small degree of error affecting only a few individuals to the certainty of further prolonged delay in the assembling of the new Councils.

15. The qualifications prescribed for electors in the cases of the landholders and the Muhammadans vary greatly from province to province. They are in accordance for the most part, with the specific recommendations of the Local Governments, and these recommendations again were based upon inquiries made by a special officer appointed in each province to ascertain by personal consultation the wishes of the members of the two communities. The Governor-General in Council would have preferred some nearer approach to uniformity; but the principle he has borne in mind is that election by the wishes of the people is the ultimate object to be secured, and he has felt that he must be guided by the advice of the local authorities as to what those wishes are. The status and circumstances both of the landholders and of the Muhammadan community differ widely from province to province, and qualifications which would produce a satisfactory constituency in one case would in another give an electorate insignificant in numbers and deficient in representative character.

THE RESOLUTION ON THE REFORMS CCXXXI

16. The qualification for candidates are, as a rule, the same as those prescribed for voters, but in some cases, such as that of candidates for election to the Governor-General's Council by the non-official members of a Provincial Council, any such restriction would be inappropriate. In other instances, there has been some difference of treatment in different provinces, but the object in all cases has been to secure that the member shall really represent the electorate.

17. The different kinds of electoral machinery may be broadly classified under two main heads,—one under which the electors vote direct for the members and the other under which they select direct delegates by whom the members are elected. A subsidiary distinction in each case is that the electors or delegates either vote at a single centre before a Returning Officer, or vote at different places before an Attesting Officer, who despatches the voting papers to the Returning Officer. A further distinction in the case of delegates is that in Bengal each delegate has a varying number of votes, the number depending in the case of District Boards and Municipalities upon the income of those bodies, and in the case of a Muhammadan community upon the strength and importance of the Muhammadan population of a district or group of districts. Elsewhere the same object has been attained by varying the number of delegates on like grounds, each delegate then having only one vote. In the Central Provinces, however, the number of delegates to be elected by each District Council and Municipal Committee has been fixed, not with sole reference to income or population, but with regard to a number of factors, of which those two are perhaps the most important.

18. A special case of voting by delegates is that of the election of a member of the Governor-General's Councils to represent the Muhammadan community of Bombay. The delegates in this case are not appointed *ad hoc*, but consist of the Muhammadan members of the Provincial Council. This exceptional method has been admitted on the assurance of the Governor in Council that the Muham-

madan community of the Presidency as a whole would be better represented by the Muhammadan members of the Provincial Council than by any form of direct electorate that could be devised.

19. The procedure for voting is generally similar to that prescribed by the English Ballot Act. In some cases, however, such as the elections by the Corporations of the Presidency Towns, the Chambers of Commerce and the Trades' Associations, the voting will, as at present, be regulated by the procedure usually adopted by those bodies for the transaction of their ordinary business.

20. The rules authorising the moving and discussion of resolutions, the discussion of the Budget, and the asking of questions have been framed in accordance with the decisions on these matters which have already been announced. In the rules relating to the discussion in the Governor-General's Councils of matters of general public interest it is provided that no discussion shall be allowed in regard to subjects removed from the cognisance of the Council by the Indian Councils Act of 1861, or matters affecting the foreign relations of His Majesty's Government or the Government of India, or matters which are *sub-judice*. The President may also disallow any resolution on the ground that its introduction is opposed to the public interest, or that it should be moved in the Legislative Council of a Local Government. Subject to these necessary restrictions, a resolution may be moved regarding any matter of general public interest and all such resolutions may be fully discussed and put to the vote. The President may assign such time as he may consider reasonable for the discussion of resolutions or of particular resolution.

The examination of the annual financial proposals in the Governor-General's Council will be divided into three parts. There will first be an opportunity for discussing any alteration in taxation, any new loan, or any grant to Local Governments proposed or mentioned in the financial statement or the explanatory memorandum accompanying it. In the second stage, each head or group of heads of revenue or expenditure not excluded from discussion

THE RESOLUTION ON THE REFORMS CCXXXIII

will be explained by the member in charge of the administrative department concerned, and any member may then move a resolution relating to these subjects. The final stage consists of the presentation of the Budget by the Finance Member, who will explain why any resolutions passed by the Council have not been accepted. A general discussion of the Budget will follow, but at this stage no resolution may be moved.

The rules for the asking of questions are substantially the same as those hitherto in force, with the important exception that they permit a member who has asked a question to put a supplementary question.

In respect of these matters each Provincial Council is governed by rules of its own, which in essentials differ but little from those of the Governor-General's Council. One distinguishing feature, however, is that the Local Financial Statement is first examined by a Committee of the Council consisting of twelve members, of whom six will be nominated by the head of the Government and six elected by the non-official members of the Council.

21. The Governor-General in Council is conscious that many of the details of the scheme which is being introduced may be found on trial to be unsatisfactory or capable of improvement. Experience alone can show how far methods which are new to India give to the different classes and interests a measure of Representation proportionate to their importance and influence, and to what extent an untried electoral machinery is suitable to the varying circumstances of the different provinces and the numerous electorates. Defects will no doubt be discovered when the rules are put into operation, but, if this proves to be the case, the law admits of the regulations being amended without difficulty.

22. Under the arrangements that have been made the new Provincial Councils will assemble at the beginning of January 1910, and the Council of the Governor-General in the course of that month. It is a source of great satisfaction, both to the Viceroy personally and to the Members of his Council, that the deliberations which have extended

over the greater part of Lord Minto's Viceroyalty should have achieved their purpose before he lays down the office of Governor-General. The constitutional changes that have been effected are of no small magnitude. The Councils have been greatly enlarged; the maximum strength was 126: it is now 370. All classes and interests of major importance will in future have their own representatives. In the place of 39 elected members there will now be 135; and while the electorates of the old Councils had only the right to recommend the candidate of their choice for appointment by the head of the Government, an elected member of the new Councils will sit as of right and, will need no official confirmation. Under the Regulations of 1892 officials were everywhere in a majority; the Regulations just issued establish a non-official majority in every Provincial Council. Nor has the reform been confined to the constitution of the Councils: their functions also have been greatly enlarged. A member can now demand that the formal answer to a question shall be supplemented by further information. Discussion will no longer be confined to legislative business and a discussive and ineffectual debate on the Budget, but will be allowed in respect of all matters of general public interest. Members will in future take a real and active part in shaping the financial proposals for the year; and as regards not only financial matters but all questions of administration they will have liberal opportunities of criticism and discussion and of initiating advice and suggestions in the form of definite resolutions. The Governor-General in Council feels that these momentous changes constitute a generous fulfilment of the gracious intention, foreshadowed in the King-Emperor's message, to entrust to the leaders of the Indian peoples a greater share in legislation and government, and he looks forward with confidence to these extensive powers being loyally and wisely used by them, in association with the holders of executive authority, to promote the prosperity and contentment of all classes of the inhabitants of this great country.

VIII

Resolution on Local Self-Government, 1882.

The following is the Resolution on Local Self-Government issued by the Governor-General in Council during the Viceroyalty of the Marquis of Ripon initiating measures of Local Self-Government in India, in 1882 :—

THE Governor-General in Council in the Resolution of the Financial Department, dated the 30th September 1881, set out, for the information of the Local Governments, the principles upon which it was proposed to revise the agreements then in force for the administration of the Provincial Services, and to establish the decentralised system of finance on a uniform and extended basis. It was explained that intimately connected with this general scheme for the decentralisation of finance was the very important question of developing Local self-Government. Considerable progress in the direction had, it was admitted, been made since 1870. A large income from local rates and cesses had been secured, and in some provinces the management of this income had been freely entrusted to local bodies. Municipalities had also increased in number and usefulness. But there was still, it was remarked, a greater inequality of progress in different parts of the country than varying local circumstances seemed to warrant. In many places services admirably adapted for local management were reserved on the hands of the central administration, while everywhere heavy charges were levied on Municipalities in connection with the Police, over which they had necessarily no executive control.

Paragraph 11 of the Resolution went on to say:—"His Excellency the Governor-General in Council is therefore of opinion that the time has now arrived when further

practical development may be afforded to the intentions of Lord Mayo's Government, and that the Provincial agreements should no longer exclude from all consideration the mass of taxation under Local and Municipal management, together with the similar resources still retained in provincial control, and ignore the question of Local Self-Government. The Provincial Government, while being now largely endowed from imperial sources, may well, in their turn, hand over to Local Self-Government considerable revenues, at present kept in their own hands, but similar in kind to many which have long been 'locally managed with success by Committees, partly composed of non-official members and subject only to a general remedial control reserved to the State by the Legislature. At the same time, such items should be generally made local as the people are most likely to be able to understand the use of and to administer well. His Excellency would therefore invite the Local Governments to undertake a careful scrutiny of Provincial, Local, and Municipal accounts, with the view of ascertaining (1) what items of receipt and charge can be transferred from 'Provincial' to 'Local' heads, for administration by Committees comprising non-official and, wherever possible elected members, and what items already 'Local,' but not so administered, might suitably be so; (2) what re-distribution of items is desirable, in order to lay on Local and Municipal bodies those which are best understood and appreciated by the people; (3) what measures, legislative or otherwise, are necessary to ensure more Local Self-Government. Incidentally to the scrutiny they will probably notice, and might carefully consider (4) ways of equalising Local and Municipal taxation throughout the Empire, checking severe or unsuitable imposts, and favouring forms most in accordance with popular opinion of sentiment. The Government of India have already made some preliminary enquiries in the same direction, the results of which will shortly be communicated to the several Local Governments for consideration in conjunction with their own."

LOCAL SELF-GOVERNMENT CQXXXVII

2. Accordingly on the 10th October 1881 letters were addressed to the various Local Governments indicating those branches of expenditure which appeared to the Government of India most suited for local control, and inviting each Government to examine any other heads of accounts which might seem to cover items capable of transfer to such control. It was pointed out that it was not the intention of the Government of India that the proposed transfer of the control of expenditure of a specially local character to local bodies should involve any addition to existing local burdens; and it was, therefore, shown to be necessary to arrange for the simultaneous transfer of receipts sufficient to meet any net balance of additional expenditure which in any instances might arise. The receipts to be thus transferred should, it was suggested, be such as to afford a prospect that, by careful administration, with all the advantages due to local sympathy, experience and watchfulness, they would be susceptible of reasonable increase. In cases where larger assignments of funds were required, the receipts from pounds, or a share of the assessed taxes collected within the jurisdiction of local body, were indicated as suitable sources of revenue to be made over. But on this, as on other points, a wide discretion was left to the Local Governments.

3. As regards the character of the local bodies to whom those powers of control and administration were to be entrusted, it was remarked that already in most parts of British India there were in existence Municipal Committees whose powers might in many cases be advantageously extended, and District Committees for various purposes, which might very well be consolidated into single homogeneous working bodies, with ancillary subordinate committees for each tahsil or sub-division of the district. It was suggested that the Magistrate and Collector should be President of the District Committee, and the Assistant or Deputy Magistrate in charge of the sub-division, President of the subordinate committees; but in each case the local bodies should, it was said, comprise persons not in the service of Govern-

ment, and elected or nominated, as might seem best, in a proportion of not less than from one-half to two-thirds of the whole numbers. For the satisfactory development of this plan, it was admitted that legislation would probably be necessary in most provinces, and the Local Government were invited in their replies to explain the general outline which such legislation should follow. In regard to this it was said—

“Special attention will be required in settling the relations between the various local bodies and the officers of the general administration, and in providing for a certain measure of control and inspection on the part of Government. It would be hopeless to expect any real development of self-Government, if the local bodies were subject to check and interference in matters of detail; and the respective powers of Government and of the various local bodies should be clearly and distinctly defined by statute, so that there may be as little risk of friction and misunderstanding as possible. Within the limits to be laid down in each case, however, the Governor-General in Council is anxious that the fullest possible liberty of action should be given to local bodies.”

4. The policy thus enunciated by the Government of India has, on the whole, been loyally, and in some cases warmly accepted by the Local Governments, several of which have already drawn up schemes for giving effect to it, and have submitted these for the information of the Government of India. The Governor-General in Council desires to acknowledge the care and thought with which some of these schemes have been worked out. Upon each the Government of India will communicate hereafter its views in detail to the local Government concerned. Meantime, however, it will be convenient that the Governor-General in Council should explain somewhat more fully than he has hitherto done the general mode in which he would wish to see effect given to the principle of Local Self-Government throughout British India outside the Presidency Towns. This is the more necessary, as further considerations of the subject and examination of the schemes pre-

LOCAL SELF-GOVERNMENT CCXXXIX

pared for the different provinces have suggested the propriety of certain modifications of the plan sketched out in the Circular letters of the 10th October last.

5. At the outset, the Governor-General in Council must explain, that in advocating the extension of local self-Government, and the adoption of this principle in the management of many branches of local affairs, he does not suppose that the work will be in the first instance better done than if it remained in the sole hands of the Government District officers. It is not, primarily, with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. His Excellency in Council has himself no doubt that in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will in fact follow. But at starting there will doubtless be many failures, calculated to discourage exaggerated hopes, and even in some cases to cast apparent discredit upon the practice of self-Government itself. If, however, the officers of Government only set themselves, as the Governor-General in Council believes they will, to foster sedulously the small beginnings of independent political life; if they accept loyally and as their own the policy of the Government, and if they come to realise that the system really opens to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it supersedes, then it may be hoped that the period of failures will be short, and that real and substantial progress will very soon become manifest.

6. It is not uncommonly asserted that the people of this country are themselves entirely indifferent to the principle of self-Government; that they take but little interest in public matters; and that they prefer to have such affairs managed for them by Government officers. The Governor-General in Council does not attach much value to this theory. It represents no doubt the point of view which commends itself to many active and well-intentioned District officers; and

the people of India are, there can be equally no doubt, remarkably tolerant of existing facts. But as education advances, there is rapidly growing up all over the country an intelligent class of public-spirited men whom it is not only bad policy, but sheer waste of power, to fail to utilise. The task of administration is yearly becoming more onerous as the country progresses in civilisation and material prosperity. The annual reports of every Government tell of an ever-increasing burden laid upon the shoulders of the local officers. The cry is every where for increased establishments. The universal complaint in all departments is that of over-work. Under these circumstances it becomes imperatively necessary to look around for some means of relief; and the Governor-General in Council has no hesitation in stating his conviction that the only reasonable plan open to the Government is to induce the people themselves to undertake, as far as may be, the management of their own affairs; and to develop, or create if need be, a capacity for self-help in respect of all matters that have not, for imperial reasons, to be retained in the hands of the representatives of Government.

7. If it be said that the experiments hitherto made in this direction have not been encouraging, the Governor-General in Council must avow his belief that the principle has not as yet been, in any general or satisfactory fashion, fully and fairly tried. There is reason to fear that previous attempts at Local Self-Government have been too often over-ridden and practically crushed by direct, though well-meant, official interference. In the few cases where real responsibility has been thrown upon local bodies and real power entrusted to them, the results have been very gratifying. There is even now a vast amount of assistance rendered to the administration by Honorary Magistrates, Members of Municipal Corporations and other Committees; and there is no antecedent improbability in the theory that if non-official auxiliary agency were more thoroughly organised and more fully trusted, there would be a speedy and marked improvement, not only in its amount, but in its efficiency.

8. Holding therefore, that it is the duty and interest of the ruling power to take care that the further advance which it is now proposed to make in the direction of local self-Government shall be, though cautious, yet at the same time real and substantial, the Governor-General in Council will proceed to indicate, for the guidance of the Provincial Administration, the general principles upon which, in the judgment of the Government of India, these measures should be shaped. The subject may, for the purposes of this Resolution, be divided into two parts—the first, relating to the mode in which Local Boards, whether Municipal or District, should generally be constituted; and the second, to the decree of control which the Government should retain over such bodies, and the manner in which that control should be exercised.

9. In regard to the first of these points, the Governor-General in Council would observe that he is quite aware of the absurdity of attempting to lay down any hard-and-fast rules which shall be of universal application in a country so vast, and in its local circumstances so varied, as British India. It would be unreasonable to expect that any uniform system of Local Government could be applied with equal success in Provinces differing as the Punjab, for instance differs from Madras, or Bengal from Burmah. A large latitude of application must, therefore, in every case be left to the local authorities. Indeed, we are really as yet so much in the infancy of self-Government, and have, perhaps so little knowledge of the directions in which it would naturally develop itself among the people, that there is a distinct advantage in having different schemes tried in different places, in order to test, by practical experience, what arrangements are best suited to the ways of thinking, habits, and other idiosyncrasies of the heterogeneous populations of the Empire. But there are, nevertheless, fundamental principles which, after every allowance has been made for local peculiarities, must be universally followed and frankly adopted, if the system is to have anywhere a fair trial.

10. The Government of India desires, then, that while maintaining and extending, as far as practicable, the plan

of municipal government in the cities and towns of each Province, the Local Governments will also maintain and extend throughout the country, in every district where intelligent non official agency can be found, a net work of Local Boards, to be charged with definite duties and entrusted with definite funds. The Governor-General in Council considers it very important that the area of jurisdiction allotted to each Board should in no case be too large. If the plan is to succeed at all, it will be necessary to secure among the members both local interest and local knowledge. Experience proves that District Committees are, as a rule, very badly attended by members not actually residing in the vicinity of the headquarters' station. Those who do attend have frequently no intimate acquaintance with the wants of outlying parts of the district. The consequence is, either that undue attention is given to the requirements of the immediate neighbourhood of the central station, or that the business falls entirely into the hands of the District officer, the Committee contenting itself with formally endorsing his proposals. Modifying, therefore, to some extent the suggestions made in paragraph 8 of the Circular letters of the 10th October last, the Governor-General in Council desires that the smallest administrative unit—the sub-division, the taluka or the tahsil—shall ordinarily form the maximum area to be placed under a Local Board. He would not indeed object to even smaller jurisdiction were these deemed suitable. In some Provinces it may be found possible to leave these sub-divisional Boards to their own independent working, arranging for a periodical District Council, to which delegates from each Local Board might be sent, to settle such common matters as the rate of land-cess to be levied during the year, allotment to be made of district funds, and other questions of general interest. In other Provinces, again, it may be thought best to have a District Board with controlling power over the smaller Local Boards. But whatever system is followed, the cardinal principle, which is essential to the success of self-Government in any shape, is this, that the jurisdiction of the primary Boards must be so limited in area as to ensure both

local knowledge and local interest on the part of each of the members.

11. The Municipal Committees will, of course, remain the Local Boards for areas included within town limits. The relations between such Municipal Boards and the Sub-divisional or District Boards within whose jurisdiction the towns lie, must be carefully settled in each case. In some instances the Town Boards will be left entirely independent and apart. In others it may be found desirable to give the Rural Boards a certain share in the settlement of questions of common interest. In others, again, the Town Boards would be required to send delegates to the District Board or Council.

12. The Local Boards, both urban and rural, must everywhere have a large preponderance of non-official members. In no case ought the official members to be more than one-third of the whole, unless in places in which the elective system is followed, when there would be no ground for objecting to an elected member merely on the ground that he was in the service of Government. The Governor-General in Council is disposed to think that the non-official members of the Boards should hold office for at least two years after election or appointment; but probably the best plan to follow would be that of the compulsory retirement by rotation of a fixed proportion of members, those retiring being eligible to sit again. A detail of this description may, however, fitly be left to the Local Government.

13. Members of the Boards should be chosen by election wherever it may, in the opinion of the Local Governments, be practicable to adopt that system of choice. The Governor-General in Council does not require the adoption of the system of election in all cases, though that is the system which he hopes will ultimately prevail throughout the country, and which he wishes to establish now as widely as local circumstances will permit. Election in some form or other should be generally introduced in towns of any considerable size, but may be extended more cautiously and gradually to the smaller Municipalities and to back

ward rural tracts. Even as regards these last, however, the Governor-General in Council is disposed to think that if the Government officers cordially accept the principle, and set themselves to make it successful, a great advance might be made with comparatively little difficulty. Thus when the Local Governments had determined the nature of the qualifications suited to such a district (and these might ordinarily at first be fairly high); each Sub-Divisional Officer might be instructed to prepare a list or register of candidates qualified to sit upon the Local Board, and might invite all those residing in any particular area, such as a Police (thana) jurisdiction, to meet him on a day fixed at some convenient spot near their homes. He might then explain to them the objects of Government, and the nature of the duties they were invited to undertake, and call upon them to elect then or on a future day the number of representatives that had been fixed for the area in question. In the course of a few years, when the members of the Board find that they have real powers and responsibilities entrusted to them, any Government interference will become unnecessary. The electors may safely then be left to conduct their own elections under such rules as may be from time to time laid down.

14. As to the system of election to be followed, the Governor-General in Council would here also leave a large discretion to the Local Governments. Experience is wanting to determine the most suitable general system for each province; and it is desirable that a variety of plans should be tried in order to a future comparison of results. The simple vote, the cumulative vote, election by wards, election by the whole town or tract, suffrage of more or less extended qualification, election by castes or occupations—these and other methods might all be tried. New methods unthought of in Europe, may be found suitable to India; and after a time it will probably be able to say what forms suit best the local peculiarities and idiosyncrasies of the different populations. The Provincial Governments should, through their District officers, consult the leading Natives of each locality, not only as to the possibilities of introducing the elective system, but as to the arrangements most

likely to meet their local circumstances; and should use every effort to make the schemes adopted as consonant as possible to the feelings and habits of the people.

15. Doubtless the first consequence of this mode of proceeding will be that the electoral system, viewed as a whole, will present for a time a very diversified appearance, and in some places arrangements made will turn out badly and call for change; but the Governor-General in Council is not disposed to attach undue importance to this. The problem before the Government is one of no slight difficulty; being that of discovering in what manner the people of the town and districts of British India can be best trained to manage their own local affairs intelligently and successfully. The attempts hitherto made with this object have met with but little success. The best men in many cases do not at present themselves as candidates for Municipal Office. The number of voters is generally insignificant compared with the number on the registers. And yet there can be no doubt that among the more intelligent classes of the community there is a real and growing interest being taken in administrative matters. It may be suspected, therefore, that the cause of comparative failure in the efforts hitherto made is to be found rather in the character of those efforts than in the nature of the object pursued. They have been, it seems to the Governor-General in Council, wanting to a great degree in earnestness and in real endeavours to adopt the system adopted to the feelings of the people by whom it has to be worked. If this is so, the remedy must lie in ascertaining by patient and practical experiment how best to call forth and render effective desire and capacity for self-Government which all intelligent and fairly educated men may safely be assumed to possess.

16. With a view to stimulating the candidature of men of respectable standing in Native society, and to mark the importance of the functions of these Local Boards in the eyes of Government, the Governor-General in Council is pleased to direct that the courtesy titles of "Rai (or Rao) Bahadur" or "Khan Bahadur" shall in all official correspondence be applicable to Native members of all Local Boards during their term of office.

17. Turning now to the second division of the subject—the degree of control to be retained by the Government over the Local Boards, and the manner in which that control should be exercised—the Governor-General in Council observes that the true principle to be followed in this matter is that the control should be exercised from without rather than from within. The Government should revise and check the acts of the local bodies but not dictate them. The executive authorities should have two powers of control. In the first place their sanction should be required in order to give validity to certain acts, such as the raising of loans, the imposition of taxes in other than duly authorised forms, the alienation of Municipal property, interference with any matters involving religious questions or affecting the public peace, and the like. (The cases in which such sanction should be insisted upon would have to be carefully considered by each Government, and they would at the outset be probably somewhat numerous, but, as the Boards gained in experience, might be reduced in number.) In the second place, the Local Government should have power to interfere either to set aside altogether the proceedings of the Board in particular cases, or, in the event of gross and continued neglect of any important duty, to suspend the Board temporarily, by the appointment of persons to execute the office of the Board until the neglected duty had been satisfactorily performed. That being done, the regular system would be re-established, a fresh Board being elected or appointed. This power of absolute supersession would require in every case the consent of the Supreme Government. A similar power is reserved to the Executive Government under several English statutes; and if required in England, where Local self-Government is long established and effective, it is not probable that it could be altogether dispensed with in India. It should be the general function of the executive officers of Government to watch, especially at the outset, the proceedings of the Local Boards, to point out to them matters calling for their consideration, to draw their attention to any neglect of duty on their part, and to check by official remonstrance any attempt to exceed their proper functions, or to act illegally or in an arbitrary or unreasonable manner.

18. It does not appear necessary, for the exercise of these powers, that the chief executive officers of towns, sub-divisions or districts should be Chairmen or even members of the Local Boards. There is, indeed, much reason to believe that it would be more convenient that they should supervise and control the acts of those bodies, without taking actual part in their proceedings. The Governor-General in Council is aware that many high authorities hold that the District officer should always be *ex-officio* Chairman of all the Local Boards within the district, and should directly guide and regulate their proceedings. This was indeed the view taken by the Government of India itself in the Circular letters of the 10th October last, so far as the constitution of District Boards was concerned. But even then the Governor-General in Council did not see his way to accepting the principle in the case of Municipal Boards; and further consideration has led him to the belief, that on the whole, it is better to lay down no such general rule in the case of any class of Local Boards. There appears to him to be great force in the argument that so long as the chief executive officers are, as a matter of course, Chairmen of the Municipal and District Committees, there is little chance of these Committees affording any effective training to their members in the management of local affairs, or of the non-official members taking any real interest in local business. The non-official members must be led to feel that real power is placed in their hands, and that they have, real responsibilities to discharge. It is doubtful whether they have under present arrangements, any sufficient inducement to give up their time and attention to the transaction of public business. There is this further objection to the District officer acting as Chairman, that if the non-official members are independent and energetic, risk may arise of unseemly collision between the Chairman and the Board. The former would be in a far more dignified and influential position if he supervised and controlled the proceedings of the Board from outside, acting as arbiter between all parties, and not as leader of any.

19. The Governor-General in Council, therefore, would

wish to see non-official persons acting, wherever practicable, as Chairmen of the Local Boards. There may, however, be places where it would be impossible to get any suitable non-official Chairman, and there may be districts where the chief executive officer must for the present retain these duties in his own hands. But His Excellency in Council trusts that the Local Governments will have recourse sparingly to the appointment of executive officers as Chairmen of Local Boards; and he is of opinion that it should be a general rule that when such an officer is Chairman of any Local Board, he shall not in that capacity have a vote in its proceedings. This arrangement will, to some extent, tend to strengthen the independence of the non-official members, and keep the official Chairman, where there must be such, apart from the possible contentions of opposing parties.

The appointment of Chairman should always be subject to the approval of the Local Government, but need not be always made by it. The Governor-General in Council would be glad to see the Boards allowed, in as many cases as possible, to elect each its own Chairman. But this matter is one which must be left to discretion of Local Governments.

20. These, then, are the principles upon which the Governor-General in Council desires to see the experiment of Local self-Government introduced throughout the several provinces of India; and he would ask the Local Governments to revise their several schemes and shape any proposed legislation in general accordance with these principles. On such of the local schemes as have already come before the Government of India separate orders will, as already intimated, be passed in accordance with the foregoing exposition of policy. There are, however, one or two points to which attention has been drawn by a perusal of the orders of the Local Governments, which, though matters of detail, are still of sufficient importance to warrant their being noticed in this resolution.

21. In the orders of the 10th October last the Government of India laid special stress on the importance of entrusting to the Local Boards, not merely the expenditure of fixed allotments of funds, but the management of certain

local sources of revenue. Sufficient regard does not as yet appear to have been paid to this part of the scheme. Not only should every Local Board have the entire control over the proceeds of all local rates and cesses levied within its jurisdiction for its own special purposes, but along with the charge of any expenditure that is at present Provincial should be transferred, where possible, the management of equivalent revenue. The License Tax assessments and collections for example, might very well be made over to the Local Boards, municipal and rural in many parts of the country, subject to the control provided by the existing law. Pounds and ferry receipts have been already indicated as suited for transfer. The allotment of lump grants from Provincial revenues should be reserved as much as possible to balance receipts and expenditure of the Local Boards. The Governor-General in Council hopes that this part of the scheme will receive very careful consideration from all Local Governments, with a view to giving full effect to the policy which the Government of India has laid down on this point.

22. Another point deserving of notice is the control, that should be exercised over the execution of local works. It will not always be possible for a Local Board to entertain a competent engineer of its own: and in any case when Government buildings and important works of other kinds are made over, for maintenance, there must be some effective guarantee for thoroughness of execution. It will probably be most convenient that, while all subordinate establishments are entirely under the control of the Boards, Government should supply the District Engineer, and furnish professional supervision, the Boards defraying in such manner as may be determined by the Local Governments with reference to the amount of work done for each Board, the payments to be made to Government on this account. Care must, however, be taken that the Boards are left unfettered in the initiation and direction of operations and that the Engineer is placed in the position of their servant and not of their master. The power of check vested in the District officer will suffice to remedy any carelessness or improper working on the part of the Boards. If this arrangement is carried out, it will probably be found possible to make over to the charge of

the Boards most of the public buildings in the districts, and other works of various kinds which would otherwise have to be kept in the hands of the Government officers. Double establishments will thus be avoided, and public money saved.

IX

Queen Victoria's Proclamation, 1858.

Proclamation, by the Queen in Council, to the Princes, Chiefs, and People of India (published by the Governor-General at Allahabad, November 1st, 1858.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith.

Whereas, for divers weighty reasons, We have resolved by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, to take upon Ourselves the Government of the Territories in India, heretofore administered in trust for Us by the Honorable East India Company:

Now, therefore, We do by these presents notify and declare that, by the advice and consent aforesaid, We have taken upon Ourselves the said Government; and We hereby call upon all Our subjects within the said territories to be faithful, and to bear true allegiance to Us, Our heirs and successors, and to submit themselves to the authority of those whom We may hereafter, from time to time, see fit to appoint to administer the Government of Our said territories, in Our name and on Our behalf:

And We, reposing especial trust and confidence in the loyalty, ability, and judgment of Our right trusty and well beloved cousin and councillor, Charles John Viscount Canning, do hereby constitute and appoint him, the said Viscount Canning, to be Our first Viceroy and Governor-General in and over Our said territories, and to administer the Government thereof in Our name, and generally to act in Our name and on Our behalf, subject to such

orders and Regulations as he shall, from time to time, receive from Us through one of Our principal Secretaries of State :

And We do hereby confirm in their several Offices, Civil and Military, all persons now employed in the service of the Honorable East India Company, subject to Our future pleasure, and to such Laws and Regulations as may hereafter be enacted.

We hereby announce to the Native Princes of India that all treaties and engagements made with them by or under the authority of the Honorable East India Company are by Us accepted, and will be scrupulously maintained; and We look for the like observance on their part.

We desire no extension of Our present territorial possessions ; and while we will permit no aggression upon Our dominions or Our rights, to be attempted with impunity, We shall sanction no encroachment on those of others. We shall respect the rights, dignity, and honour of Native Princes as Our own ; and We desire that they, as well as Our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good Government.

We hold Ourselves bound to the natives of our Indian territories by the same obligations of duty which bind Us to all Our other subjects ; and those obligations, by the blessing of Almighty God, We shall faithfully and conscientiously fulfil.

Firmly relying Ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, We disclaim alike the right and the desire to impose Our convictions on any of Our subjects. We declare it to be Our royal will and pleasure that none be in any wise favored, none molested or disquieted by reason of their religious faith or observances ; but that all shall alike enjoy the equal and impartial protection of the Law : and We do strictly charge and enjoin all those who may be in authority under Us, that they abstain from all interference with the religious belief or worship of any of Our subjects, on pain of Our highest displeasure.

QUEEN VICTORIA'S PROCLAMATION CCIII

And it is Our further will that, so far as may be, Our subjects, of whatever race or creed, be freely and impartially admitted to offices in Our service, the duties of which they may be qualified, by their education, ability, and integrity, duly to discharge.

We know, and respect, the feelings of attachment with which the natives of India regard the lands inherited by them from their ancestors; and We desire to protect them in all rights connected therewith, subject to the equitable demands of the State; and We will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

We deeply lament the evils and misery which have been brought upon India by the acts of ambitious men, who have deceived their countrymen, by false reports, and led them into open rebellion. Our power has been shewn by the suppression of that rebellion in the field; We desire to shew Our mercy, by pardoning the offences of those who have been thus misled, but who desire to return to the path of duty.

Already in one province, with a view to stop the further effusion of blood, and to hasten the pacification of our Indian dominions, Our Viceroy and Governor-General has held out the expectation of pardon, on certain terms, to the great majority of those who, in the late unhappy disturbances, have been guilty of offences against Our Government, and has declared the punishment which will be inflicted on those whose crimes place them beyond the reach of forgiveness. We approve and confirm the said act of Our Viceroy and Governor-General, and do further announce and proclaim as follows:—

Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard to such, the demands of justice forbid the exercise of mercy.

To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators in revolt, their lives alone can be guaranteed; but in apportioning the penalty due to such persons, full consideration will be given to the circum-

stances under which they have been induced to throw off their allegiance, and large indulgence will be shewn to those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing men.

To all others in Arms against the Government, We hereby promise unconditional pardon, amnesty, and oblivion of all offence against Ourselves, Our Crown and dignity, on their return to their homes and peaceful pursuits.

It is Our Royal pleasure that these terms of Grace and Amnesty should be extended to all those who comply with their condition before the first day of January next.

When by the blessing of Providence, internal tranquillity shall be restored, it is Our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement and to administer its Government for the benefit of all our subjects residents therein. In their Prosperity will be Our Strength ; in their contentment Our security ; and in their Gratitude Our best reward. And may the God of all power grant to Us, and to those in authority under Us, strength to carry out these Our Wishes for the good of Our people.