

CHAPTER VIII.

THE GENERAL PRINCIPLE OF CONTROL OVER
ADMINISTRATION.

Let us take a general view of the C. L. Scheme and its official criticism so far as we have dealt with them. In the first place we must not obscure the great issues involved. The C. L. Scheme stands for three great principles :—

- (1) Complete control of the legislature over finance.
- (2) Complete control of the legislature over legislation, subject to veto.
- (3) Some direct control of the legislature over administration through resolutions &c.

In general terms, the C. L. Scheme is based upon the fundamental principle of the control of legislature over administration, and its official criticism is based upon a denial of this principle. We have dealt with this conflict of views separately in connection with each of the three great principles in the previous sections. Let us now take a general view of the question, as a problem in political science, as to the necessity of control over administration and the various methods of it.

1. Necessity of control.

"The action of the administration is so important that it is impossible for any country possessing constitutional government to allow the administration perfectly free hand in the discharge of its duties. The public is so dependent upon the action of the administration that it is of the utmost importance that the administration shall be efficient. The administration

attends to many things which it is impossible for the individuals to attend to at all. If the administration does not perform its duties or performs them unwisely or inefficiently it will follow that these will not be done at all or will be done in such a way that the results of administrative action will be of little value. Individuals also are so at the mercy of the administration that some protection must be offered to them against the violation of their rights. The administration is often thrown into relations with the individual citizens which must necessarily be hostile. It demands of them sacrifices which they regard as unreasonable or not justifiable by the law of the land. Nearly all of the expressions of the will of the state which are to be carried out in their details and executed by the administration cause a conflict at times between the conception by the administration of what the public welfare demands and the conception by the individual of the sphere of private rights guaranteed to him by the law. If the administration had in such cases the power of perfectly discretionary and uncontrolled action, it is to be feared that individual rights would be violated. For the administration has at the back of it the entire force of government. Of course, it is the purpose of all administrative legislation to reduce as far as possible the realm of administrative discretion, to lay down limits within which the administration must move. But it is impossible to do this with such precision as effectively to protect individual rights. The discretion of the administrator cannot be completely taken away by legislation without causing its usefulness to be seriously impaired. Large discretion

must be given to the administration in all states by the legislative authority, so large that some means of controlling the administration must be devised if private rights are to be maintained."

"Finally, the action of the administration must be such as will, as far as possible, promote the welfare of society at large. There are many cases where, though the action of the administration is not subversive of the private rights of any particular person, it will still not be in accordance with the interests of society as a whole. Here again the discretion of the administration cannot, without diminishing greatly its powers of usefulness, be so controlled by legislation as perfectly to ensure the promotion of the public welfare. As before, some other means must be devised of controlling the action of the administration, more concrete in its character, more adaptable to particular cases.

"For all these reasons then, it is desirable, indeed necessary, that there be formed some system of control over the action of administration to the ends that such action be efficient, consider private rights, and promote the welfare of society at large."

II. Interests to be regarded.

"The formation of such a system of control is as difficult as it is necessary, partly on account of the variety and continual recurrence of the administrative acts to be controlled."

"In the formation of the control over the administration, regard must be had then for the interests to be furthered by the administrative law. The first of these

interests is that of *governmental efficiency*. Some method of control must be devised by which to force the officers of the administration to act, in case they neglect their duties; or to correct their action, in case they act unwisely. As, many cases may arise where the neglect of officials will not cause a serious violation of private rights but will simply tend to impair the efficiency of the administration, and, as it is the interest of the government that its administration be efficient, this method of control should be so formed that it may be exercised by the organs of the Government of their own motion and not simply at the instance of private persons."

"The second interest to be regarded is the *preservation of individual rights*, the maintenance in its entirety of the sphere of freedom of individual action, guaranteed by the law of the land. Some method of control must be devised by which the officers of the government may be prevented from encroaching upon this sphere. As this method of control is formed in the interests of the individual, it should be so formed that it may be exercised by the individual, who should be allowed to appeal to impartial tribunals from the acts of the administration which he believes violates the rights assured to him by the law. Such impartial tribunals are found in the courts, as at present organised in all civilised countries, which in various ways may be given the power to prevent encroachment by the administration on the domain of private rights."

"The third interest to be regarded by the administrative law is *the social well-being*. There must be some method of control devised which will force the

administration in its action to keep before its mind always that it is not a law unto itself, that one of the great reasons of its existence is the promotion of the social welfare. Such a method of control should be so organised as to allow that body which primarily represents society in the government *i. e.* the legislature, to step in and compel the administration to regard the interests of society."

III. Kinds of control.

"There are thus three pretty distinct interests to be regarded and there should be three pretty distinct methods of control, each of which aims primarily at the protection and consideration of one of these three interests. These three methods of control which we find in all states in various stages of development and perfection, are called, respectively, the administrative control, the judicial control, and the parliamentary or legislative control,—their names being derived from the authority which exercises them."

The Administrative Control

"This is exercised primarily in the interests of governmental efficiency, though it may be used subsidiarily in the interests of the protection of private rights and the furtherance of public welfare. Its main endeavour is to obtain harmony in administrative action, efficiency in the service in general, and uprightness and competency in the officials. It is exercised, as its name implies, by the higher officers of the administration over the actions of the subordinates. When analysed, this administrative control will be found to consist of a

disciplinary power, and a power of supervision possessed by the higher administrative officers over the lower administrative officers."

2. *The Judicial control.*

"This is exercised by the courts and primarily in the interests of the individual for the protection of his rights, but it may be made use of subsidiarily in the interests of administrative efficiency. By its means individuals may prevent the administration from violating their rights and from making any misapplication of administrative law."

"*Kinds of Judicial control*: The Judicial control thus proves, on analysis, to be of a three-fold character. In the first place, it is exercised by the civil courts, first, in the power which is almost every where given to them to entertain suits of a private legal character against or by the government, or some of the public corporations within the government; and second, in the power which in nearly all countries is given to the courts to entertain suits against officers of the administration for the damages which they may have caused by their illegal acts or the negligent performance of their duties."

"In the second place, the Judicial control is exercised by the criminal courts, first, in the power which they have, to pass upon the validity of the acts of the administration when an individual is prosecuted before them for the violation of these acts or of the law which the administration seeks to enforce; and second, in the power which they have to punish officials for the

commission of ordinary crimes or for the criminal violation of their official duties."

"In the third place, either there have been formed special courts, or there has been given to the ordinary courts a special jurisdiction, to hear appeals directly against the acts of the administration i. e. an administrative jurisdiction. As a result of the possession of the administrative jurisdiction these courts may often annul or amend the acts of the administration which are complained of."

"All systems of administration make use of these different methods of judicial control but the combinations of the different elements, of which the judicial control consists, will be found to be different in different countries."

3. *Parliamentary or legislative control.*

"This is exercised primarily and, it may be said, almost exclusively in the interests of the general social well-being, and is exercised by the legislature or its committee or committees."

"The formerly all-embracing parliamentary control has been reduced thus practically to the exercise of three powers which are largely subsidiary to the exercise of other methods of control. These three powers are : first, the power to remedy special abuses in the interests of the social well-being by entertaining propositions *de lege ferenda* and by investigating the conduct of the administration ; secondly, the power of controlling the general policy of the administration through the voting of appropriation and the examination of the accounts of the administration after the execution of

the budget in order to see whether the provisions of the appropriation acts have been observed ; and thirdly, the extraordinary power of impeachment, to be made use of only when all else fails, to bring the administration within the bounds of the law"

(Goodnow, "Administrative Law" Vol. II, Book VI.)

(a) *Power of legislature over legislation in different countries.*

Besides the above powers exercised by the Legislature over the executive which are included within what is technically called the "legislative control," it will be remembered that in every system of constitutional government, the power of legislation exclusively belongs to the legislature, subject only to the veto of the supreme head of the executive, and that too, only in some countries.

"The English system legally vests both the initiation and the veto of legislation in the executive ; in practice, the initiation is almost exclusive, but there is no veto. The system of the United States vests in the executive a limited veto but no initiation. The French system vests in the executive a right of initiation and the power to require re-consideration. In Germany neither initiation nor veto is directly vested in the Emperor but in his quality of Prussian King he exercises both powers indirectly, a general power of initiation and partial veto."

(Burgess, "Political Science &c." Vol. II, pp. 129, 130.)

The right of initiation of legislation vested in the executive in French and English systems does not in

any way affect the supremacy of the legislature in this respect, because in both these systems, there is ministerial responsibility to the legislature, and hence the ministry, representing the majority in the elected house, only exercises the power of the majority. The power of the executive to veto legislation is only limited and partial in the United States and Germany and non-existent in England and France. Therefore, the supremacy of the legislature in the power of the legislation is fully established in the constitution of these four greatest states of the world.

(b) Legislature the regulator of administration.

It is through the exercise of this exclusive power of legislation that the legislature, in all civilised countries, lays down the general policy of administration and defines the limits within which the executive must confine its activities. The legislature thus acts as the regulator of the administration.

"In all countries the action of the executive is subject to the control of the legislature. In the first place, the legislature has the power to lay down norms in accordance with which the executive is to act. The legislature has been called, the regulator of the administration." Goodnow "Administrative Law" Vol. I, p. 31.

As we have dealt with the subject of legislative control in the previous section in greater details, only the general aspects of this principle, as forming part of the system of control over administration are briefly touched here.

CHAPTER IX

THE ABSENCE OF CONTROL IN INDIAN GOVERNMENT.

-When we look to India, we find that the gravest defect in the present construction of the machinery of government is the want of a proper system of control. Let us try to explain this proposition.

(a) *The separation of powers.*

(i) *The principle.*

The first fundamental principle to be recognised in the constitution of a government is the principle of the separation of powers. According to this principle the three great powers of government, namely, the legislative, the executive, and the judicial, should be distinguished from one another and each of these powers should be entrusted to an authority distinct from and independent of the others.

"The differentiation of three somewhat separate governmental authorities was the result of the political history and experience of Europe, and especially of England. Historically it may be shown that all governmental power was at one time expressed in, all cases in final instance by a single organ viz. the early mediaeval monarch. Experience proved, however, that certain expressions of it should be made by the State, i. e. by the constitution-making power, and not by the government at all. This resulted in the distinction of the State from the government. Experience also showed in the case where this governmental power should be expressed by the government, it is a deliberative body

largely independent of any other governmental organ which should act in a series of instances ; that in another series it is an executing organ, largely separate from and independent of all other governmental authorities which should act ; and that finally in another series of cases duties should be imposed upon a third series of authorities forming the judiciary. These three authorities were called respectively the legislative, the executive, and the judicial authority. This differentiation of governmental authorities was first noticed in modern times by Locke and Montesquieu, the latter of whom based upon this fact his famous theory of the separation of powers. This theory was very generally adopted by the political science of the time immediately succeeding Montesquieu, and, in a somewhat more extreme form than was probably believed in by Montesquieu himself, came to be regarded as almost a political axiom, which should lie at the basis of the political organisation of all civilised states." Goodnow Vol. I pp. 19-20.

" This theory may be stated as follows. The action of the legislature, which is commonly called the legislative power, but which is in reality merely an expression of the governmental power by the legislature, consists for the most part in the enactment of general norms of conduct for all persons and authorities within the state ; the action of the executive authority, commonly called the executive power, is the application of these norms to concrete cases ; and finally, the action of the judges at the Courts, commonly called the judicial power, is the settlement of controversies arising between individuals or between individuals and the governmental authori-

lies as to the application of the laws. It may further be added that experience has shown that in general it is best that these different authorities be confined to the exercise of the powers respectively assigned to them by this theory." Ibid p. 22.

"This theory in its extreme form is unworkable in practice, but with necessary modifications it has been adopted into the constitution of all modern states. This theory still lies at the basis of most political organisations at the present time." (Ibid p. 22).

(ii) *A condition precedent for a proper system of control.*

Viewed from the point of the "system of control over administration" which we have discussed at some length above, it may be stated definitely that if a proper system of control is essential for good and efficient government, a condition precedent for its establishment is the practical separation and independence of the legislative, executive and judicial authorities. If a system of control is to have any reality or significance, by their constitution the three authorities must be first separate from one another and not dependent on one another for their existence and for the due discharge of their normal functions.

(iii) *Its absence in India.*

Now, it does not require any analytical examination to show that the separation and practical independence of the three authorities are non-existent in the present constitution of India. The executive dominates the

legislature in India and can practically have any law passed by it. The executive dominates the judiciary in India, the judicial service being only a branch of the executive with frequent interchange of officers in all grades between the two. Most of the appointments to the highest Courts depend upon the good will of the executive, and instances are not unknown in which a police report prevented the appointment to a High Court Judgeship. The power of promotion, transfer, and prospects of the Judges of all other Courts is practically exercised by the executive. And, in the lower Criminal Courts, we have the curious phenomenon of the functions of the prosecutor and the Judge combined in the same executive officer. Thus, in India we have all the three Governmental powers vested in the executive alone, which renders it despotic. So, in India we are still living in the days of "*the early mediaeval monarch*." The Government in India is mediaeval in essence, though modern in time.

(iv) *The C. L. proposal in this respect.*

The C. L. Scheme demands this essential reform and insists upon the separation and practical independence of the three authorities ; but the official criticism, and the official scheme for the matter of that, deny this first fundamental principle of civilised government. And yet there are people in this country, who in their blissful ignorance, are prepared to sacrifice the C. L. Scheme and to hail with delight the official scheme as giving us a responsible form of government, the highest form of self-government existing in the most advanced states.

There is a tragical humour in the spectacle of Great Britain offering to us responsible government, while denying to us the first principle of civilised government.

It follows as an axiomatic truth that when the very first condition for the existence of a proper system of control is non-existent, it is vain to look for it in the constitution of the Indian government.

(b) Non-existence of any system of control in Indian government.

We have seen above that a system of control is essentially necessary for good and efficient government. It is necessary for efficient administration, it is necessary for the protection of the individual in the enjoyment of his rights granted by the law, and it is necessary for the promotion of the well-being of the society, which alone legitimises the existence of all government. In countries ruled by their own people, the rulers and the ruled belong to the same society and are permeated by the same ideals; and the rulers belonging to the same society instinctively feel the grievances of the people and the needs for the social well-being. This is more so in countries where the bureaucratic form of administration does not exist and the people elect the chief executive officials for short terms as in the United States and England. Now, if the experience of such countries, ruled by their own people, has shown the necessity of a system of control, based upon the separation and independence of the three authorities, how infinitely greater must be the necessity for this condition in a country where the government is carried on by an alien bureaucracy, pro-

professional and permanent in nature, the members of which belong to a radically different social type, who keep themselves aloof from the people, who can have no common sympathies in the social ideals and interests of the people, and who cannot possibly realise either the nature or the extent of the grievances of the people ?

(c) *Necessity of control over administration in India.*

(i) *Legislative control.*

The arguments advanced by the learned author, quoted above, in support of the principle of the necessity of control, apply with greater force under present conditions in India. The argument in respect of safeguarding the interests of social well-being is, that, "The administration attends to many things which it is impossible for the individuals to attend to at all. If the administration does not perform its duties or performs them unwisely or inefficiently, it will follow that these will not be done or will be done in such a way that the results of administrative action will be of little value." We in India know to our cost how bitterly it is true. In matters of sanitation, education, development of economic resources of the country &c., we know to our cost how the administration does not attend to many things at all, and how in respect of many other things the results of administrative action are of little value.

(ii) *Judicial control.*

The arguments in respect of the preservation of individual rights, and the maintenance in its entirety of the sphere of freedom of individual action, are first, that,

"Individuals are so at the mercy of the administration that some protection must be offered to them against the violation of their rights." We in India in the 20th century are living in the days of the *lettres de cachet* and *the Bastille* in the shape of the Defence of India Act, the Dullunda House &c. Any Indian can be put inside a jail whenever it is the pleasure of the police. Even the law courts, subordinate to the executive, which we possess, are denied the right of interference in the administration of many penal acts such as the Press Act. And we know only too well how we are completely and helplessly at the mercy of the administration.

Some other arguments in this respect are that, "The administration is often thrown into relations with the individual citizens which must necessarily be hostile. It demands of them sacrifices, which they regard as unreasonable or not justifiable by the law of the land. Nearly all of the expressions of the will of the state which are to be carried out in their details and executed by the administration cause a conflict at times between the conception by the administration of what public welfare demands and the conception of the individual of the sphere of private rights guaranteed to him by the law. If the administration had in such cases the power of perfectly discretionary and uncontrolled action, it is to be feared that individual rights would be violated." Now, we in India know to our cost how the possibilities, apprehended by the author, are the actualities of our miserable life, and to such an extent, that we scarcely know if we have any rights of citizenship at all, as understood in the civilised world. For rights without

measures of protection for their enjoyment are not rights at all. To provide for this, as the learned author points out, the method of judicial control "should be so formed that it may be exercised by the individual, who should be allowed to appeal to impartial tribunals from the acts of the administration which he believes violates the rights assured to him by the law. Such impartial tribunals are found in the Courts as at present organised in all civilised countries." If by such impartial tribunals are meant, as it is understood in all civilised countries, tribunals which administer the law without being influenced by considerations of administrative efficiency, and which for that purpose are placed in a position of independence beyond the control of the executive,—then we have none in India.

(iii) Separation of the judicial and the executive.

In this respect, as in many other respects, concerning the form of government, India is not fit to be called a civilised country. The C. L. Scheme proposals in this respect, providing for separation of the judicial and the executive, and for placing the judicial branch entirely under the highest court of the province, have been treated with silence both in the official criticism and in the official scheme. And yet the C. L. Scheme "is essentially unsound in principle" and the official scheme grants us responsible government! What can be a greater travesty of truth than this?

(iv) Administrative control.

We have seen above that there are three kinds of control (1) the administrative (2) the legislative and

(3) the Judicial control. These three kinds of control are primarily designed to safeguard respectively, administrative efficiency, social well-being and individual rights. But each of these controls, under a power system, safeguards, besides the primary interests, the two other subsidiary interests. Thus the administrative control "is exercised primarily in the interests of governmental efficiency, though it may be used subsidiarily in the interests of the protection of private rights and the furtherance of public welfare." "We have also seen that so far as India is concerned, far from there being any legislative or judicial control over the administration, the very essential condition for their existence, namely, separation of the three authorities and their practical independence of one another, is non-existent. The only control, therefore, that exists, is the administrative control, exercised by the higher officers of the administration over the actions of their subordinates. This control is necessary for the very preservation of the machinery of administration and for its efficiency. An administration may be efficient and at the same time may not be good. A foreign administration is peculiarly liable to be so. The British administration in India is efficient but there is something terrible in its efficiency. This efficiency has crushed all manliness out of the people, has rendered them utterly helpless, dependent on the government, and incapable of taking any initiative. The fittest commentary on this efficiency is furnished by the spectacle of millions dying of starvation or of preventable diseases year by year—but all dying without a murmur

These terrible results of administrative efficiency are due to the non-existence of legislative control and judicial control or in other words of any proper system of control in the government of India. Had there been a proper system of control, the results might have been quite otherwise. Prussia possesses the most efficient bureaucracy in the world, but it is, at the same time, the most enlightened bureaucracy and most enthusiastic in the promotion of social well-being. Speaking about the change brought about by the reforms of Stein, Hardenburg and Bismarck in Prussia, the learned author, mentioned, above remarks as follows :

"Under the system in vogue up to the time of the late reform, the administration in its local as well as its central instances, was almost a law unto itself. It was not only relieved from all central legislative control, but also from all central judicial control, except in so far as it might be considered as being regulated by the principles of the private law. The experience of Prussia during the first half of this century was, however, such as to prove that if the administration was to be satisfactory to the individual and regardful of his rights, some sort of judicial control over it should be established. This, as has been stated, was one of the main ends of the Reform Movement of 1872. By the establishment of this judicial control, Prussia, has taken a great stride in advance and may now be regarded as occupying, so far as her local administration is concerned, a position similar to that which has for so long a time been occupied by both England and the United States, where the actions of the local

authorities are subjected to the strictest sort of judicial control." Goodnow, Vol. I, p. 337.

Thus we have seen that the position of India in this respect is far behind that of civilised countries, inasmuch as the very essential principle of control is not yet recognised in the constitution of her government. The extension of this fundamental principle has been demanded with great insistence by the C. L. Scheme and has been denied with equal fervour in the official criticism and in the official scheme. Yet the C. L. Scheme is branded as being essentially unsound in principle and the official scheme, based upon this great denial, is hailed as the better substitute. We hear of hallelujahs and thanks-givings for the great boon of responsible government conferred by the official scheme, although it denies the first principle of representative government for which the C. L. Scheme stands.

PART III.

A step towards responsible Government.

CHAPTER X.

ELECTION OF MEMBERS TO THE EXECUTIVE COUNCILS.

In the previous sections we have discussed the main principles upon which the proposals of the C. L. Scheme are based. And, we have shown that these are the essential principles of Representative Government. So far as the main proposals of the C. L. Scheme, based upon these principles, are concerned, they do not go

beyond the legitimate sphere of Representative Government. In the present Chapter we shall discuss certain minor proposals of the C. L. Scheme which go beyond the sphere of representative government and, therefore, constitute a step towards responsible government, which we have shown, according to the meaning attached to it in British constitutional policy and in political science is something more than representative government,—its special feature being the responsibility of the ministry to the legislature.

We must not obscure the great issues involved in the C. L. Scheme which is essentially a scheme for representative government. Therefore, those features of it, which are the special features of representative government, constitute the essential part of the scheme,* and other features, which go beyond the sphere of representative government, constitute the non-essential part. One such non-essential feature is embodied in the proposals regarding election of half the members of executive councils by the elected members of the legislature.

(a) *The proposal of the C. L. Scheme.*

The proposals of the C. L. Scheme on this subject are as follows—

(a) *Re. Provincial government.*

1. Not less than one-half of the members of the Executive Council shall consist of Indians to be elected by the elected members of the provincial legislative council.

2. The term of office of the members shall be five years.

(b) Re. the Government of India.

The proposals are similar to the above.

We may at once concede that the above principle of election of half the members of the executive councils is not an essential feature of representative government. This is the only feature of the C. L. Scheme which goes beyond representative government and constitutes a step towards responsible government. It is for this reason that we have reserved the discussion of this principle for a part separate from the one in which the main principles, forming the foundation of representative government, are discussed.

(b) It falls short of responsible government.

We have conceded that this principle is not an essential feature of representative government. But, at the same time, it falls far short of responsible government. The essential features of the responsibility of ministry to the legislature are (1) that such persons only are appointed ministers who can command a majority in the representative assembly; (2) that the ministers are retained so long as they retain the confidence of the majority; and (3) they are not allowed to continue in office when they lose the confidence of the majority.

Now the proposals of the C. L. Scheme only go so far, that half the members of the council should be elected by the elected members of the legislature. Once the election is over the persons elected are to retain office for a fixed term and the legislature has no further control over them. It is a well-recognised constitu-

tional principle that all ministers hold their office during the pleasure of the Crown, so that if they are found incompetent or unsatisfactory for any grave reasons, the Crown has the power to remove them. Thus the only control of the legislature over the ministers, proposed in the C. L. Scheme, is that half of them shall be appointed upon the principle of election by the elected members of the legislature. By providing for a fixed tenure of office the proposals fall short of claiming any further control over them, which is the essential feature of responsibility of ministers to the legislature. The C. L. Scheme proposes the position of a nomination board only for the legislature for selection of half the members of the executive council.

(c) It is a step towards responsible government.

The proposals of the C. L. Scheme, therefore, fall far short of responsible government and may be said to constitute a first step only towards that direction. In this sense, the demand does not go beyond the announcement of August 20, which promises the initiation of substantial steps towards responsible government immediately.

We have pointed out over and over again that in the language of constitutional law and British Colonial policy, representative government means something definite, with certain special features, and that responsible government means something higher than representative government, with an essential feature of its own, distinguishing it from mere representative government. It follows, therefore, that so long as the improvements

proposed or effected in the government only invest it with the features of representative government, these can only be called steps towards representative government, and that when the form of full representative government is attained, any further improvement thereafter only, can be called steps towards responsible government. The normal course of development of any system of government throughout the British Empire has only been through a complete form of representative government to responsible government. It is a snare and a delusion to either propose or to believe that a system of government which lacks in the essential features of full representative government, may yet be raised to the level of responsible government.

A system of government which is not a complete form of representative government and yet contains some external features of responsible government, is in substance, neither the one nor the other. It is without any precedent and contrary to political experience all over the world.

The C. L. Scheme avoids such monstrous creations by demanding a full measure of representative government and then suggesting a step towards responsible government.

CHAPTER XV.

OBJECTIONS TO THE PROPOSAL.

Let us next consider the criticism on the point contained in the official Report. The objections are :

1. Election would deprive the Governor of all discretion in making recommendations as to his colleagues.

2. It will be impossible to take steps to give all communities an opportunity of obtaining these appointments.

3. Ability in administration being generally the test, nomination by those who are in the best position to judge must be far more satisfactory than election.

(4) The Scheme involves association of individuals in the same Government who will share the same responsibilities but will derive their authority from different sources, being responsible to the Secretary of State in the one case, and to the legislative council in the other ; hence it will be difficult to secure unity of action in cases of divergence of opinion.

(5) Such a scheme is without any precedent in the constitution of any important country.

(1) *Depriving the Governor of his Discretion.*

As regards the first objection, it is very difficult to understand the point of it. In a colony where responsible government exists, certainly the Governor has in reality no discretion in nominating the ministers, he has to send for the leader of the party in majority, to form a cabinet and it is this leader who chooses his colleagues. If we are to advance towards responsible Govern-

ment in India, the same practice will have to be followed. One cannot possibly retain some power in his hands and at the same time say that he has parted with it. If the Governor is to keep intact his discretionary power in choosing ministers, there can be no advance towards responsible government. If such an advance has to be made it follows axiomatically that his discretionary powers must be gradually reduced.

Perhaps the authors of the report desire to lay emphasis on the words "recommendations as to his colleagues." It may plausibly appear that if the head of a government is not able to choose his colleagues how can he carry on the work of administration smoothly? Stated in the form of a broader proposition it may be said, that if a premier is not allowed to choose his colleagues how can there be harmony in the cabinet and how can the work of the cabinet be carried on without friction? This is really what the objection comes to. Now, in the first place, the position of a Governor is not that of a minister of his council, but that of the Crown which he represents. The constitutional position of a governor is that of the representative of the Crown, who governs through his councillors. He certainly should always remember his high position and try to hold the balance even between the executive and the legislature, and between the government as a whole and the people. The position of the governor in a Self-Governing Colony is that of a constitutional monarch, and his position in a government advancing towards that form must also increasingly approximate towards that ultimate position. You cannot surely advance and still remain where you

were. Advancing certainly means change of position. Are we to believe that the official scheme has been framed on this grand principle of advancing without changing position ?

Whatever may be the official view on this point, the framers of the C. L. Scheme were only ordinary mortals and they understood that advancing meant change of position and therefore suggested this step as an advance towards responsible government.

(2) *Want of opportunities for all communities to obtain ministerial appointments.*

When we read this objection along with the argument for the next one that ability is the proper test for high administrative appointments, it would appear that there are two official standards for testing qualifications for these posts. When the question is one about the fitness of Indians as a whole for higher posts, the standard used is administrative ability and they are found disqualified on this ground. But when the question is about the posts to be given to Indians, then the other official standard is used, namely the caste or class of the candidates. We have never yet heard that in forming a cabinet or executive council in England or any other country, care is taken to select persons representing the Roman Catholic and the Jewish faith or the various sects of Protestants. Are all these excellent principles of political philosophy to be reserved for the special benefit of India alone ? Does the history of the modern world furnish any example where the executive council of a country or province is based upon this communal principle ?

When self-governing institutions were introduced in Canada, the population was divided into two hostile camps, the English and the French, who were at war with one another only a few years before, and who carried on a bit of civil war even thereafter. The two classes of the people differed from one another in race, language, religion, social and political traditions and institutions, to such an extent as will not be found amongst any two advanced communities in India to-day, taking all the elements into consideration. Yet we do not find any such principle in the constitution of Canada at any stage of her development towards responsible Government. Self-Government was introduced in South Africa only a few years after the Boer War, in which the English Colonies of Cape Colony and Natal were on one side, and the Dutch Colonies of Transval and Orange Free State were on the other side. These former enemies joined together in the Union of South Africa but never thought of reserving such representation in the Union Government? Even the C. L. Scheme which is the result of a compromise between the Hindus and Mahomedans, the two great communities in India, and which provides for communal representation in the legislature, as a term of that compromise, does not go so far as to demand communal representation in the executive council. Even in the Native States of India we do not find any such reservations in favour of different communities.

Nothing can be more mischievous than to encourage the idea that each community in the country has separate political interests. It saps the very foundation

of political growth in a country, as it undermines the idea of the political unity of its people. The object of good government is the general social well-being and not the particular welfare of a special community. This object is achieved through legislation, a proper administration of the laws, and providing impartial tribunals for the protection of individuals against the violation of these laws. In no civilised country, now a days, laws are framed imposing disabilities on any particular community. In British India the Government is pledged not to interfere with the religious and social customs and practices of the different communities. The double and triple veto are sufficient safe-guards against such tendencies on the part of future legislatures in India. As regards the general administrative and judicial services, the fundamental principle to be insisted upon, is, that every officer must observe perfect impartiality towards all communities and classes and that any deviation from this principle would entail dismissal from public service. But the principle of selection to offices on communal basis is subversive of this fundamental principle. Officers selected on this principle will naturally consider themselves to be the official guardians of the special interests of their respective communities; and they will be apt to forget the essential principles of impartiality towards all communities alike. If this idea is to be encouraged, we may have a Hindu Judge favouring a Hindu litigant more than a Mahomedan, and a Mahomedan Judge doing the like towards a Mahomedan litigant and so on throughout the entire range of governmental action. Such a condition will be

the very negation of any sort of government. So from the practical point of view nothing can be more disastrous than to encourage the idea that every community has any special political interest as distinct from those of others in the country.

The best reply to this principle of communal representation in the executive councils, or in any councils, is furnished by the critics of the C. L. Scheme themselves in paras 228 to 231 of the Report, from which we quote the following :

"But when we consider what responsible government implies and how it was developed in the world, we cannot take this view. We find it in its earliest beginnings resting on an effective sense of the common interests, a bond compounded of community of race, religion and language. In the earlier form which it assumed in Europe it appeared only when the territorial principle had vanquished the tribal principle, and blood and religion had ceased to assert a rival claim with the state to a citizen's allegiance ; and through-out its development in western countries, even in cases where special reasons were present, it has rested consistently on the same root-principle.We conclude unhesitatingly that the history of self-government among the nations who developed it, and spread it through the world is decisively against the admission by the State of any divided allegiance ; against the State's arranging its members in any way which encourages them to think of themselves primarily as citizen of any smaller unit than itself." (Para 228).

"Indian lovers of their country would be the first

to admit that India generally has not yet acquired the citizen spirit, and if we are really to lead her to self-government, we must do all that we possibly can to call it forth in her people. Division by creeds and classes means the creation of political camps organised against each other, and it is difficult to see how the change from this system to national representation is ever to occur. The British Government is often accused of dividing men in order to govern them. But if it unnecessarily divides them at the very moment when it professes to start them on the road to governing themselves, it will find it difficult to meet the charge of being hypocritical or short-sighted." (Para 229.)

So far as the present objection is concerned, surely, the proposal of the C. L. Scheme is in accord with the correct principle and the objection is at variance with it.

(3) *Nomination by the Governor will be a more satisfactory test of ability :—*

The next objection is that ability in administration being generally the test nomination by those who are in the best position to judge must be far more satisfactory than election. It means that the Governor will be in the best position to judge about the fitness or ability of persons to be appointed minister. But pray, how? If the selection of ministers was to be made from deputy magistrates or Indian Civilians, of course, the governor would have been in the best position to judge about the ability of the eligible persons. But when the selection is to be made from non-official Indians, how is the Governor, or his senior European official adviser,

to know, about the fitness of persons with whom they seldom come in contact, better than their own countrymen, who know all about their career and past history and many of whom have come in contact with them in course of business transactions or otherwise? It may be that in some cases wealth and position, rather than ability, will carry greater weight with the majority of the elected members of the legislature. But such things are not uncommon in the most advanced self-governing countries, not even in England to-day.

(4) *Different parts of the Executive Council responsible to different authorities.*

This objection may be analysed thus :—

(a) Two parts of the council will derive authority from two sources—the Secretary of State and the Legislative Council.

(b) Hence they will be responsible to two different authorities.

(c) Therefore it will be difficult to secure unity of action in cases of divergence of opinion.

We have seen before that the responsibility of ministers to the legislature consists of three elements (1) they are appointed according to the wishes of the majority (2) they are retained so long as they enjoy the confidence of the majority of the House, and (3) they are removed when they lose the confidence of the majority. When a minister is appointed under these three conditions, he cannot act contrary to the wishes of the majority. So that, if he wants to initiate any policy of importance he must either carry the majority with him or desist from it, or throw up his office. But

when a minister is elected by a majority for a fixed term he is removable during it only by the Crown through the Secretary of State. In case such a minister wants to initiate an important policy, he need not be bound by the wishes of the majority in the House for the time being, for he cannot be removed at the wishes of this majority. The only apprehension may be that he will not be re-elected for another term. A minister, who satisfies his conscience that the new policy initiated by him is for the good of the public, will be fortified by this consideration and may calmly look forward to the next general election when the public may realise the good features of his policy and the new House may re-elect him. To say, that a person who is fit to be chosen a minister by the majority of the representatives of the people, will always act against his better judgment and conscience, only with a view to be re-elected, is to do the public and the men in leading position in this country, a grave injustice which they do not at all deserve. Non-official gentlemen have been hitherto appointed to Executive Councils in India, and although these gentlemen were not elected by any body of their countrymen, yet from the peculiarity of their position they certainly felt themselves to be representatives of the people and they have on many occasions opposed the measures proposed in the councils on the ground of these measures being harmful or distasteful to the public. Yet they have acquiesced in even repressive measures adopted by the government, and the work of the executive councils has been carried on smoothly.

In the next place, we see that the idea of the two

sets of ministers being responsible to two different authorities is mis-leading and unsound. To whom can an official be said to be really responsible, either to the authority that appoints him for a fixed term or to the authority that can remove him during that term? A really conscientious official is guided by his judgment and conscience in the discharge of his duties irrespective of the authorities appointing or removing him. He is open to conviction, and if after deliberation with his colleagues he is obliged to take a view divergent with the majority of his colleagues, his course is decided by the next consideration as to whether the measure going to be adopted is so retrograde or harmful in nature that he ought not to associate himself with it. In most cases he will find no such gravity in the matter and will continue in office, but in some cases he may come to a contrary decision and may be obliged to resign.

We have dealt with the case of a highly conscientious official. A person less conscientious in the position of a minister removable by the Secretary of State will rather try to make his position safe during the term by yielding to the wishes of the representative of the Secretary of State, namely the Governor, in grave matters, rather than risk removal. There can be no objection to the principle of election being limited by a rule that a person removed by the Secretary of State from the position of a minister or resigning his office cannot be re-elected either during the term of the same house or for a fixed number of years exceeding that term.

In the light of the above discussions, it follows

easily that there will be no difficulty in securing unity of action in the council in case of divergence of opinion. It is a fundamental principle that when several persons forming a committee or council have to work collectively, in case of divergence of opinion the decision of the majority is to prevail, and even the dissenting members must either loyally co-operate to carry that decision into effect, or resign. The C. L. Scheme proposes that half the members of the executive councils will be elected by the legislature and the other half will be nominated by the Governor as the representative of the Crown, and in case of equality of votes in regard to any measure the Governor will be free to decide in favour of any party he thinks to be in the right.

The authors of the Report themselves have noticed some of the important reasons, why this principle of election is insisted upon by the Indians. In para 161 they say as follows :—

"If the object is merely to find some means of ensuring that the Indian members of the Government enjoy the confidence of the legislative council, we are in full sympathy with it, though we think that it can be attained by other means. We are aware that in the past the nominations made to the executives have not always given satisfaction. There has been a disposition to regard the men appointed as chosen because they are safe and not likely to give Government trouble and if legislature and the executive are to work smoothly together, it is, we agree, necessary to make appointments which command confidence and insure efficiency and ability."

To the above reasons may be added many more in support of the principle of election. First an executive council consisting of Indian members nominated at the discretion of the Governor influenced by the advice of his civilian councillors, is likely to be regarded by the public as a "government of toadies" as it has been described by Mr. Pugh in the columns of "The Englishman." Such Indian members will be more distrusted by the Legislature than members elected by it. This will seriously affect the smooth working of the Legislative council and the executive.

Secondly, in order to ensure this smooth relation, the Indian members, should be in the position of mediators and interpreters between the executive and the legislature. The arguments which may be advanced in support of a measure in the debates of an executive council cannot be given in a meeting of the legislature. And if the official part of the executive council is able to convince the elected members about the utility of a measure apparently distasteful to the legislature or the public, then through the mediation and interpretation of the elected members, the legislature can be far more easily convinced and influenced to accept the measure. Thus unity of action between the executive and the legislature can be secured better by adopting the principle of election. Third, it has been the bitter experience in India under the present conditions that expectation of high office from the Government demoralises even men of high education, of high social position, and held in great public esteem. This expectation to a great extent has been found to unnerve such persons, to make them

forget about the duties which they owe to the public, and to render them easily amenable to official views about grave public questions. The expectation of two or three judgments has been found to paralyse the public and political activities of many High Court bars, of hundreds of vakils and advocates who are all men of high education and belong to good social position.

It is needless to add further reasons. We hope that we have been able to explain that the objections discussed above are without any substance and that there are very cogent reasons in support of the demand of the C. L. Scheme that half the members of the executive councils should be elected, subject to such rules regarding re-election of ministers resigning or removed from office as may be found proper and necessary.

CHAPTER XII.

OBJECTION REGARDING WANT OF PRECEDENT.

Now let us consider the last objection regarding want of precedent for the proposal of the C. L. Scheme for election of half the members of the executive council by the elected legislature. It is stated that there is no precedent for such a scheme in the constitution of any country of importance.

(a) *British Colony of Mauritius.*

The first precedent that strikes one is the case of the British Colony of Mauritius which is not a self-governing colony. We find the following description of the executive government of this colony in "An Analysis of the system of Government throughout the British Empire."

"Governor with an executive Council of 5 officials and 2 elected members."

(b) *Provinces⁸ of the Union of South Africa.*

The next case in point is the executive government of the provinces of South African Union namely Cape Colony, Natal, Transval and Orange River Colony. We find the following description in the same book :—

"Administrator appointed by the Governor-General for 5 years.....The Administrator is Chairman of the Executive Committee of 4 persons elected by the Provincial Council from among its members or otherwise."

It goes without saying that these provinces being parts of a Self-Governing Colony, their legislature, which consists of one chamber only, is composed entirely of elected members. It may be mentioned here that, the legislature of these provinces called Provincial Council is elected for three years and is not liable to previous dissolution.

The case of Mauritius may be distinguished on the ground that it is a small country and not of any importance, but surely the case of South African provinces cannot be distinguished on that ground. It is rather unfortunate that the authors of the Report forgot these instances when they wrote "so far as we are aware there is no precedent, on which we can base ourselves, in the constitution of any country of importance."

(c) *Switzerland.*

There is another omission more glaring still in the case of Switzerland, the model state, in the opinion of many publicists. It would appear however that the name of the Council of States for the Upper Chamber of

the Indian legislature was borrowed from the constitution of Switzerland. This country consists of a number of autonomous provinces called cantons with a central or Federal Government. The national legislature called Federal Assembly consists of two branches one of which, known as the National Council, corresponds to the American House of Representatives and is elected directly by the people; while the other, called the *Council of States*, corresponding to the American Senate, contains two members chosen by each Canton.

"The executive head of the Federal Government is not the President but the Council called Federal Council consisting of seven members. The members of the Federal Council are all elected at the same time by each new Federal Assembly as soon as it meets. They are chosen for three years, or, speaking strictly for the term of the National Council, because, if that body is dissolved before the three years have expired, the new Assembly elects the Federal Council afresh.

"At the head of the Federal Council is one of the seven councillors called "President of the Swiss Confederation," who is elected every year by the Federal Assembly as is also the Vice-President. The constitution expressly provides that the President shall not be elected President or Vice-President for the ensuing year, and by the present custom, the Vice-President is always elected President, so that the office passes by rotation among the members of the council. The President is in no sense the chief of the administration. He has no more power than the other councillors, and is no more responsible than they are for the course of the govern-

ment. He is simply the chairman of the executive committee of the nation, and as such he tries to keep himself informed of what his colleagues are doing and performs the ceremonial duties of the titular head of the state. He takes charge of any one of the seven departments of administration.

"The work of the administration is divided into seven departments, which are allotted to the members of the council by arrangements among themselves. Each councillor thus presides over a separate department, and, for the sake of convenience and greater efficiency, he usually retains the same one continuously.

"The relation of the executive to the legislature in Switzerland differs from that of every other nation. The Federal Council is not like the President of the United States, a separate branch of the Government, which has a power of final decision within its own sphere of action. It has been given no veto upon laws to prevent encroachment upon its rights and even in executive matters it has, strictly speaking, no independent authority at all, for it seems that its administrative acts can be supervised, controlled, or reversed by the Federal Assembly. In practice this power is rarely used to set aside acts that have already been performed, but every year the Council presents an elaborate report, and the chambers take advantage of the discussion that follows to recommend any changes in the method of administration.

"But while the connection between the executive and the legislature is as close as it would be under a parliamentary system, the relations between the two are based upon an entirely different principle, because the Federal

Councillors are not responsible in the parliamentary sense of the term and do not resign when their measures are rejected. On the contrary, if the Assembly disagrees with them in legislative or executive matters, they submit to its will as the final authority, and try loyally to carry out its directions. It is in fact a general maxim of public life in Switzerland that an official gives his advice, but, like a lawyer or an architect, does not feel bound to throw up his position because his advice is not followed.

"To the Swiss, indeed, it seems as irrational for the state to lose a valuable administrator on account of a difference of opinion about a law, as it is inconceivable to an Englishman that a minister can retain his place after his measures have been condemned by the Parliament. If the position of the Council is unlike that of the cabinet in England, it differs still more from that of the cabinet in France. The defiant attitude habitually assumed towards the ministers there, is replaced by a spirit of mutual confidence, and the forms of procedure are free from the contrivances designed to harass them and trip them up.

"The Swiss Confederation is on the whole, the most successful democracy in the world. Unlike almost every other state in Europe, it has no irreconcilables, the only persons in its territory who could, in any sense, be classed under that name being a mere handful of anarchists, and these as in our own land, are foreigners. The people are contented. The Government is patriotic, farsighted, efficient, and economical, steady in its policy, not changing its course with party fluctuations.

Corruption in public life is almost unknown and appointments to office are not made for political purposes by the federal authorities, or by those of most of the cantons. Officials are selected on their merits and retained so long as they can do their work; and yet the evils of a bureaucracy scarcely exist. All this bears witness to the capacity of the Swiss for Self-Government, and to the integrity and statesmanship of their rulers."

The above description of the Swiss Federation has been taken from Lowell on "Government and Parties in Continental Europe." Vol. II.

The example of Switzerland is specially instructive, because, in the first place, Switzerland has very satisfactorily solved the racial question, the population consisting of three distinct elements, French, German and Italian, speaking three distinct languages. In the second place, the Swiss Federal executive is formed on the principle of election by the legislature for a fixed term. In the third place, the relation between the executive and the legislature is perfectly harmonious although the legislature possesses full control over legislation and finance and exercises a free control over the administration sometimes even reversing the decision of the executive and yet the executive does not resign, and the result is most beneficial for the people.

• Upon a review of the above cases, we see that the proposal of the C. L. Scheme about the election of part of the executive by the elected assembly is not without very good precedents in the constitution of important countries, and that the system is in full operation elsewhere, and is working smoothly and satisfactorily.

CHAPTER XIII.

PROGRESSIVE REALISATION OF RESPONSIBLE
GOVERNMENT.

The C. L. Scheme, in the first place demands full representative government, in the main proposals discussed before, and in the next place, demands a first step towards responsible Government in the proposal of election of half the members of the executive council. In this proposal, the C. L. Scheme suggests a very natural and simple method of "progressive realisation of responsible Government." It proposes that half the members of the executive councils to begin with, may be elected by the legislature. If this line of progress be followed, the proportion of elected members of the executive council may be gradually increased at periodical intervals, until the whole council is thus elected, and lastly the final step may be taken by making the tenure of office of the ministers depend upon the confidence of the House. We have seen that such a measure is quite consistent with the principles of constitutional development inside and outside the British Empire.

In the announcement of August 20, the policy of British Government in India has been declared to be a progressive realisation of responsible government. In the previous parts we have discussed how responsible government can only begin where representative government ends, and also that the essential feature of responsible government is the responsibility of the ministry to the legislature. We have also discussed

how the project of raising a system of government to the stage of responsible government is without any meaning unless it is first raised to the level of complete representative government, the essential features of which are a representative assembly having complete control over Finance and legislation just as in responsible government, with some direct control over the executive through resolutions &c.

So far we have seen that the demand of the C. L. Scheme, which is essentially a demand for complete representative government, is quite in accord with the constitutional developments in the cases of British colonies and other great states outside of the British Empire, and is not inconsistent with the policy outlined in the announcement of August 20.

In the present Part of the book we have considered the proposal of the C. L. Scheme which constitutes a step beyond the sphere of representative government and toward responsible government. We have also discussed in the preceding chapters that this proposal really constitutes only a step to begin with and nothing more than that. Therefore, even this proposal of the C. L. Scheme does not go beyond the line of policy laid down in the announcement of August 20.

We have also examined the various objections urged in the official criticism against the last proposal, and we have found them to be without any substance. We are, therefore, forced to conclude that in this proposal the C. L. Scheme suggests a very natural and simple method of "progressive realisation of responsible

government" as outlined in the announcement of August 20.

Now let us see how the official scheme seeks to fulfil the great promise made by the British Parliament in this respect. In the first place, we see that although it is promised that substantial steps in the direction of responsible government shall be taken immediately, yet we find that even the essential features of the lower form of representative government are denied. In a system of representative government we find the legislature having a complete control over finance, both taxation and allotments, regarding all subjects but under the official scheme the provincial legislature is to have real control over allotments regarding transferred subjects only and the Indian Legislative Assembly is to have no control over finance at all. In the next place, in a system of representative government we find the legislature having full power of legislation subject to veto only, but under the official scheme, in a provincial legislature we find the novel contrivance of the "Grand Committee" with a majority of nominated members having real power over all important legislation, and in the Indian Legislative Assembly, we find the Council of States monopolising this power. In the third place, in a system of representative government, we find the legislature having some direct control over the executive through resolutions appointing committees of investigation &c but under the official scheme the resolutions passed by the legislature will only have the force of recommendations.

Thus we see that under the official scheme the sys-

tem of government in India is not to be advanced even to the stage of representative government far less to responsible government which is a higher form than the former.

On the other hand, these proposals of the official scheme are without any precedent in history either ancient or modern, whether of the British Empire or of other countries.

Next when in search for the element of responsible government, proposed to be introduced, we come to the constitution of the executive and its relation to the legislature in the provincial government, we find the curious system of dyarchy and independence of the executive of all control of the legislature as the basis of the relation between the two.

We may search through the annals of States both ancient and modern, in vain, to find a parallel for this novel system of dyarchy, a system without any precedent and essentially unsound in principles.

So beyond a promise for the future we do not find any element of responsible government in the official scheme. And it is foolish to expect to find it where even a full measure of representative government is denied.

So we see that from whatever stand-point we may judge, it is not the C. I. Scheme but its official criticism and the official scheme, that are really unsound in principles and without any precedent in history. We arrive at this conclusion when we judge by the standard of constitutional development whether inside the British Empire or outside of it. We arrive at

the same conclusion when we judge by the standards of general principles of Political science. We also arrive at the conclusion that it is the C. L. Scheme and not the official scheme which substantially fulfills the promise of progressive realisation of responsible government in India, contained in the announcement of August. 20.

PART IV.

Special conditions in India.

CHAPTER XIV.

THE CHARGES AGAINST INDIA.

In the foregoing parts we have dealt with the criticism of the principles on which the Congress League Scheme is based, from the stand-point of Constitutional Law and Political Science. It may be urged that the application of the general principles is limited by the special conditions in India. This objection based upon the assumed racial inferiority and abnormal social condition of Indians as rendering them unfit for self government, is constantly dinned into our ears by our British masters, in season and out of season. This argument has been resorted to in the official Report, one entire chapter of which, chapter VI is devoted to a detailed discussion of special conditions in India which retard the progress towards responsible government. In this chapter, the authors of the Report, in their masterly way, have very lucidly ex-

explained the case against India dealing with all points that might possibly be urged.

Let us begin with the statement of the case against India as contained in Chapter VI of the Report, in which the authors propose "to describe as justly as we can the character of Indian Society."

The points sought to be made out may be summarised as follows :—

(1) Vast majority of Indian population is rural and only a small minority is urban. The material things which awake men to a consciousness of their common needs begin to be a serious concern only in urban life (Para 133)

(2) Vast majority of Indian population is agricultural and not industrial. What concerns the agricultural people is mainly the rainfall, or the irrigation supply from wells or canals, the price of grain and cloth, the payment of rent to the landlord or revenue to the state, the repayment of advances to the village banker, observance of religious festivals, the education of their sons, the marriage of their daughters, their health and that of their cattle. They are not concerned with district boards or municipal boards ; many of them know of no executive power above the district officer ; and of Parliament or even the legislative councils they have never heard (Para 133).

(3) Extent of Education in India is very small :— Only 6 per cent. of the population, males and females together, were able at the last census in 1911, to comply with the test of literacy, the per centage in the case of men being 11 and in the case of women 1.1. The

knowledge of English is confined to less than two million people. (Para 134).

(4) Poverty and Distribution of Wealth :—The number of persons enjoying a substantial income is very small, and the enormous masses of the population are very poor and have very little to spare for more than the necessities of life. (Para 135).

(5) Political interest confined to a small minority :—The fraction of the people who are town-dwellers contribute only a very small proportion to the revenue of the state but among them education has made some headway, municipal institutions have been at work, and the presence of political leaders among the professional classes, has made itself felt. This is the radius to which interest in political problems is chiefly confined. On the otherhand is an enormous country population, for the most part poor, ignorant, non-politically minded and unused to any system of elections, immersed indeed in the very struggle for existence. (Para 136).

(6) Abiding faith of the rural people in the Government officials.—Hitherto they have regarded the official as their representative in the council of Government ; and now we have to tear up that faith by the roots, to teach them that in future they must bring their troubles to the notice of an elected representative ; further that they have the power to compel his attention. We have to bring about the most radical revolution in the people's traditional ideas of the relation between the ruler and the ruled, and it will be a difficult and even danger-

business, for it is neither safe nor easy to meddle with traditional ideas in India (Para 137).

(7) Relations of the educated classes to the masses :— The prospects of advance very largely depend upon how far the educated Indian is in sympathy with and capable of fairly representing the illiterate masses. The old assumption that the interest of the ryot must be confided to official hands is strenuously denied by modern educated Indians. On the other hand it is argued that in the limited spread of education, the endurance of caste exclusiveness and of usages sanctioned by caste, and in the records of some local bodies and councils, may be found reasons which suggest that the politically-minded classes stand somewhat apart from and in advance of the ordinary life of the country. It has been made a reproach to the educated classes that they have followed too exclusively after one or two pursuits, the law, journalism or school teaching ; and that these are all callings which make men inclined to overrate the importance of words and phrases. (Para 140)

“We have shown that the political education of the ryot cannot be a very rapid and may be a very difficult process. Till it is complete he must be exposed to the risk of oppression by people who are stronger and cleverer than he is ; and until it is clear that his interest can safely be left in his own hands or that the Legislative Councils represent and consider his interests, we must retain power to protect him. So with the depressed classes”. (para 155).

(f) Divisions of Indian society by races, creeds and

castes:—Thirty years ago Lord Dufferin drew the following picture of India :

"This population is composed of a large number of political nationalities, professing various religions, practising diverse rites, speaking different languages, while many of them are still further separated from one another by discordant prejudices, by conflicting sources of usages, and even antagonistic material interests."

The Public Services Commission in their report remarked as follows :

"Even amongst the educated, the conflicting traditions of Hindus and Muhammadans are still constantly reflected in their respective attitudes towards social and political questions of the first order, whilst, in addition to this main line of religious cleavage, there are other important communities such as Sikhs, Parsis, Buddhists (chiefly in Burma) and Indian Christians, who are all more or less widely separated from the bulk of the population, either Hindu or Muhammadan. Nor does religion constitute the only line of cleavage. Geographical and climatic as well as social conditions have also helped to preserve down to our own times differences originally imported into India, by successive waves of conquest and migration. Of all these considerations it would be unwise not to take cognisance."

(Para 141)

(c) *Reasons for emphasizing the difficulties*:—"In the first place, of course, we wish to insist on the importance of these factors in considering the time necessary for the complete attainment of responsible

government in a country where in spite of rapid processes of growth so great a majority of the people do not ask for it, and are not yet fitted for it." (para 143).

CHAPTER XV.

A GENERAL REPLY.

In the previous Chapter we have enumerated the special conditions of Indian society, which, according to the authors of the Report, render India unfit for the immediate grant of Self-government. It follows, therefore, that until these special conditions are removed India will not be found fit for responsible government, in the opinion of the authorities.

In the first place, let us examine the general nature of the accusations against India. There is no doubt that compared with England, in India to-day, the percentages of urban, industrial and literate population, of rich people and politically-minded persons, are very small. As regards Indian society it is also true that it is divided by races, creeds and castes; but the significance attached to these social divisions is erroneous and due to a misapprehension natural for an outside observer not familiar with the social organisation and the modes of life and thought of the people of India. The objection, regarding the relations between the masses and their educated countrymen on the one hand and the European officials on the other hand, are purely imaginary, and have been invented by the Indian Civil Service, to support their opposition to the transference of any powers from them to the people.

In the second place, assuming that the charges are more or less true, does it follow that India is therefore unfit for representative government ; or that these conditions must be removed before responsible government can be granted ? This is the crucial proposition that deserves the most serious consideration.

Several books have already been published by well-known Indians dealing with the subject of unfitness of India for self-government on the ground of special conditions. One such book is "Self-Government for India under the British Flag" by the Hon'ble Mr. Srinivasa Sastri. But the best book on the subject is "Towards Home Rule" by the well-known editor of the "Prabasi" and the "Modern Review," Bubu Ramanānda Chatterjee, one of the sincerest and most well-informed patriots we have in India to-day.

For a full discussion of all the objections that have been and may possibly be urged, the reader is referred to Babu Ramananda Chatterjee's book "Towards Home Rule." In order to make the scheme of the present work a comple whole, we have to deal with the subject shortly here.

We may approach this question from two points of view. First, assuming that the present conditions render India unfit for the grant of self-government, we may proceed to determine the time required for realisation of the ideal conditions and thereby test the validity of the proposition. Secondly, we may refer to the history of other countries to see, at what stage of their social conditions, Self-Government had been introduced, comparing those with the present conditions in India.

(a) Time required for realisation of ideal conditions.

For the calculation of time-limit, we require some definite data. Let us take up some of the specific charges in connection with which official figures marking the advance of India are available.

The first specific charge is that the urban population of India is very small and it is in urban life that people first awake to a consciousness of common needs, which is the very foundation of civic life. It has been pointed out in para 133 of the Report that the percentage of urban population in England and Wales is 80 per cent. whereas that in India is 7.4 only. Now let us take the case of Bengal which is regarded as one of the most advanced provinces. We find from the Census Report of 1911 that in Bengal the percentages of urban population were 5.7, 6.1 and 6.5 in 1891, 1901 and 1911 respectively. Therefore the rate of increase in urban population was .4 for each period of ten years during the last twenty years, which gives the rate of increase as 1 per cent in 25 years. Now suppose that according to the official standard, Bengal is not to be passed as fit for Self-Government regarding the test of urban population unless it reaches the percentage of 80 per cent. possessed by England and Wales. Then, to reach this standard of 80 per cent of urban population, which is an increase of 73.5 per cent over the present, Bengal will take $73.5 \times 25 = 1837$ years.

Let us, next, take up the second charge which is that the percentage of people whose occupation is agriculture, is 71 in India whereas it is 8, only in England. (See

Report, para 133). Now if we take the figures for Bengal, we find that in 1901 this percentage was 61 and in 1911 it was 75; or in other words, there was an increase of 14 per cent in ten years. It passes the skill of any mathematician to determine how long it will take Bengal to decrease the percentage of agricultural population from 75 even to 50, a low standard of test, when instead of decrease there has actually been an increase during the last ten years. So we may hazard a guess that Bengal will be unable to pass this test of efficiency in less than a couple of thousand years hence.

In the next place, let us take up the third test of literacy. It has been pointed out in paragraph 135 of the Report, that the percentage of literates in India is only 6. We may take the percentage of literates in England at not less than 95 because the system of compulsory education has long been established there. If we take the figures for education from the Census Report of Bengal for 1911, we find the percentages of literates to be 11.7, 13.4, 12.6 and 14.8 for 1881, 1891, 1901 and 1911 respectively, from which we get the average rate of increase to be 1 per cent for each period of ten years during the last thirty years. At this rate, Bengal will take $10 \times 80 = 800$ years to reach the standard of 95 per cent literates.

The fourth and fifth of the specific charges relate to the small minority of Indians enjoying substantial income or taking interest in political matters. The Census Report, unfortunately, does not contain any data for determining the increase in the numbers of Indians

enjoying a substantial income, or the increase in the number of Indians taking interest in political problems. Therefore we are unable to calculate mathematically how long it would have taken Bengal to pass these tests. But we are sure that the result of such a calculation could not have given less than a period of thousand years for each.

So we see that if India is to be judged fit for Self Government according to these official standards, even an advanced province like Bengal will have to pass through a probationary period of a thousand years, at the present rate of progress, to pass the above tests.

As regards the divisions of Indian Society, by races, creeds and casts, it is impossible to calculate when these will disappear. These existed more than two thousand years ago when Alexander the Great came to India, and there is no chance that these will disappear during the next two thousand years. Social abuses exist in every system of social organisation and the extent of the evils is only more or less according to the state of material and moral progress of the society. Such abuses, as exist in the mutual relation of the various groups in Indian Society, will disappear in accordance with this natural law. But one might as well wait till doomsday to see all distinctions of race, creed and caste disappear from India.

Thus we see that in order to realise the conditions of Self-Government, according to the official standards, India will have to wait for thousands of years, or perhaps till eternity.

(b) *Relations of the Indian Masses with the European officials and the educated classes.*

With regard to India's claim for immediate grant of representative government, it is pointed out that the European officials are the best friends of the masses, so this relation ought not to be disturbed, and that the educated classes have their own interests not compatible with those of the masses, and will set up a tyranny over the masses through the legislatures if they are granted real powers. Till the political education of the ryot is complete, according to the authors of the Report, the ryot "must be exposed to the risk of oppression by people who are stronger and cleverer than he is; and until it is clear that his interest can safely be left in his own hands or that the Legislative Councils represent and consider his interests, we must retain power to protect him. So with the depressed classes." (Para 156).

Nothing can be more grotesque or further from the actual state of things than the above arguments. A short and simple reply to these, is furnished by the following extract from "An Indian Catechism for British Electors", an article contributed to the *Contemporary Review* of April, 1917, by the late lamented Sir William Wedderburn, Bart :—

"You have further enquired, what are the arguments put forward by the opponents of India's claim? Originally, it was urged that self-government could not be granted because it was not desired by the Mahomedan community, but this plea fell to the ground and was abandoned, when the All-India Moslem-League gave

its cordial support to the Congress proposals. Now, in support of the present system, a new and curious claim is brought forward, *viz.*, that the permanent Civil Service, manned by foreigners, is a better friend of the masses, and understands the ryot's requirements better, than the Indian National Congress, whose members are elected freely, in all the provinces of India, by every caste and creed. Cogent proof is required to establish so fantastic a proposition. But as a matter of fact, the evidence is all the other way: *for the two great calamities from which the Indian masses are suffering, are, destitution and illiteracy; and a reference to the public records will show that the practical schemes for relief have come from the Congress side, and the opposition in each case from the official body.* Thus, for the relief of the ryot from his hopeless indebtedness to the money-lender, schemes were matured by educated India for Agricultural Banks and Arbitration Courts; but after a prolonged struggle, extending to a debate in the House of Commons, these proposals were crushed by the authorities. Even enquiry into the facts of the ryot's condition was refused, as in the case of the Indian Famine Union, whose memorial to the Government demanded an economic inquiry in typical famine villages. Then as regards any official claim to be apostles of enlightenment to the Indian Masses, we have the crucial case of Mr. Gokhale's Bill for free and compulsory elementary education, which was supported by independent members of the Viceroy's Legislative Council, but was refused a second reading by the official majority. Surely here it was the educated Indians who

showed themselves the good Samaritans towards the masses."

The Indian attitude towards the Civil Service is very clearly explained in the same article as follows :—

"The complaint is not against the men, but against the system, which has placed them in a false position, making them masters where they should be servants. An *Imperium in Imperio* has thus been created at Simla ; so that the permanent Civil Service, a privileged foreign body, with professional interests adverse to Indian aspirations, dominates the administration, and intervenes, as a non-conducting medium between the good-will of the British Democracy and the reasonable claims of the Indian people."

Babu Ramananda Chatterjee has dealt exhaustively with all possible objections that may be raised against the fitness of India for self-government, in his book, "Towards Home Rule." We quote the following reply he has given in this book to the question under discussion :—

"Another objection is that in India the educated men are a minority, and they do not understand the wants and feelings of the mass of the people and cannot, therefore, be considered their representatives. Even if this were true, the reply would be: "The foreign bureaucracy are a far smaller minority ; they understand the wants and feelings of the mass still less, differing from them as they do, in race, language, religion, customs, habits &c., and being also birds of passage ; and therefore their right to speak for the mass of the people is non-existent." But in reality the

educated minority are sprung from the uneducated majority in the villages and towns, they are the bone of their bone and flesh of their flesh, they come from the same homes in which dwell the majority, they speak the same language and profess the same religions and follow the same customs as the majority, they can feel for them and know their wants and can voice their grievances, and many educated persons are in increasing numbers devoting their time, money and energies to the *unpaid* service of the unlettered poor. The bureaucracy may know the statistics of the country better than ourselves but we know India from the inside; for we have been inside the hovels, huts, cottages and palaces and have dwelt therein, and have shared with our sisters and brethren their joys, sorrows, and anxieties. How many hours during the whole course of their official careers do the officials, big and small, spend in the houses of the people? The white officials have knowledge of criminals, supplicants and flatterers. But what intercourse is there between them and the people, as between man and man? How many minutes in the year do they or can they spend in conversation with those who cannot speak English?

In all countries particularly in the early stages of self-government, it is the better educated and more intelligent persons, forming a minority, who manage public affairs. Why should then such a state of things be considered a disqualification in the case of India? Why then should the educated minority be considered unfit to be the representatives and trustees of their kinsfolk, the unlettered majority? Sir

H. S. Maine says in his "Popular Government :," "All that has made England famous and all that has made England wealthy, has been the work of minorities, sometimes very small ones."

The Necessity of Representative Government.

It would appear from official criticism that a people ought not to be given representative government until their social and economic progress has reached a sufficiently high stage. Are we to understand then that representative government is a luxury or superfluity to be enjoyed only by the people who have attained a high stage of moral and material progress? But Universal History teaches that it was only through representative government, that the foremost nations of the modern world, worked out marvels and transformed the social and economic conditions of their life in an incredibly short space of time. History teaches that representative government is the only cure for all the evils of social and economic life. History of England shows how England was transformed through representative government. History of the United States shows the same thing and the history of the self-governing British Colonies teaches the same lesson. The best reply to the objections of the official critics, based upon the special conditions in India, against our demand for self-government, is, therefore, furnished by History. In the next two Chapters we shall give a brief sketch of the social conditions in the United States on the eve of her independence and in Canada at the time of the grant of self-government.

CHAPTER XVI.

AMERICA ON THE EVE OF HER INDEPENDENCE.

(From "*Towards Home Rule*" by Babu Ramanand, Chatterjee, M. A.)

Let us turn to the circumstances that existed in those British Colonies which are now known as the United States of America, before their separation from England. When America was discovered by Columbus, it was inhabited by many tribes whom the European nations designated as Indians. As America was colonised, so the fate of these tribes was sealed. Colonisation means displacement. So the Christian nations almost exterminated the aborigines of America. The colonists did not belong to one race, one creed or to one original country. Respectable men were not entirely wanting among them, but speaking generally, it was the dregs of the countries of Europe who furnished the ranks of the colonists of America. Their character was such that no one considered them capable of self government. We will quote here the views of some of the authors who had personal knowledge of these colonies before their separation from England and formation into the United States of America.

Burnaby, an acute observer, travelled through these North American Colonies in 1759 and 1760. According to him:—

"Fire and water are not more heterogenous than the different colonies in North America. Nothing can exceed the jealousy and emulation which they possess in regard to each other. The inhabitants of Pennsyl-

vania and New York have an inexhaustible source of animosity in their jealousy for the trade of the Jerseys. Massachusetts Bay and Rhode Island are not less interested in that of Connecticut. The West Indies are a common subject of emulation to them all. Even the limits and boundaries of each colony are a constant source of litigation. In short, such is the difference of character, of manners, of religion, of interest, of the different colors, that I think, if I am not wholly ignorant of the human mind, were they left to themselves, there would soon be a civil war from one end of the continent to the other ; while the Indians and negroes would with better reason impatiently watch the opportunity of exterminating them altogether."

Otis, who was a well known American patriot, wrote in 1765 :

"God forbid these ever prove undutiful to their mother country. Whenever such a day shall come, it will be the beginning of a terrible scene. Were these colonies left to themselves to-morrow, America would be a mere shambles of blood and confusion before little petty states could be settled."

The historian Lecky says :

"Great bodies of Dutch, Germans, French, Swedes, Scotch, and Irish, scattered among the descendants of the English, contributed to the heterogenous character of the colonies, and they comprised so many varieties of government, religious belief, commercial interest, and social type, that their union appeared to many incredible on the very eve of the Revolution."

In India there is not one common language. But that was the case in the colonies too. Lecky writes :

"Twenty one years before New York, or as it was then called, New Amsterdam, fell into the hands of the English, it was computed that no less than eighteen different languages were spoken in or near the town, and it continued under English rule to be one of the chief centres of foreign immigration."

Even at the present day during the presidential election campaigns in the United States different parties have to publish pamphlets in 12 or 13 languages.

It is said that there is no patriotism, or community of feeling in India. But things were no better in America before the separation from England. To quote Lecky again :

"A country where so large a proportion of the inhabitants were recent immigrants, drawn from different nations, and professing different creeds, where, owing to the vast extent of the territory and the imperfection of the means of communication, they were thrown very slightly in contact with one another, and where the moneymaking spirit was peculiarly intense, was not likely to produce much patriotism or community of feeling."

Men like Lord Reay say that India is not fit for democratic government because its people are mostly illiterate. But the condition of the colonies was no better. Webster, the lexicographer, writes in his Essays:—

"Education is sunk to a level with the most menial services.....Will it be denied that before the war it was a frequent practice for gentlemen to purchase convicts

who had been transported for their crimes and employ them as private tutors in their families?" (pp. 17-19).

Our aristocracy and moneyed classes are charged, and justly in most cases, as lacking in public spirit. That they spend their time in idleness and worthless pursuits cannot be denied. But the aristocracy of America were no better. Their gentlemen class consisted of planters and farmers, regarding whom Adams writes :—

"The lands are cultivated and all sorts of trades are exercised by negroes or by transported convicts, which has occasioned the planters and farmers to assume the title of gentlemen, and they hold their negroes and convicts, that is, all labouring people and tradesmen, in such contempt, that they think themselves a distinct order of beings. Hence they never will suffer their sons to labour or learn any trade, but they bring them up in idleness or what is worse, in horse-racing, cock-fighting, and card-playing. The object of the men of property here, the planters, etc., is universally wealth. Every way in the world is sought to get and save money;" Adams' Works II, 436.

But the Indian people at present, on the whole, are angels compared to the colonists of America, who were brutalised by their dealing in slaves and permitting slavery. They presented the spectacle of degraded humanity. Lecky writes :—

"The most serious evil of the colonies was the number and force of the influences which were impelling large classes to violence and anarchy, brutalising them by accustoming them to an unrestrained exercise of power, and breaking down among them that salutary

respect for authority which lies at the root of all true national greatness. The influence of negro slavery in this respect can hardly be over-rated, and in the slave states a master could commit any act of violence and outrage on a negro with practical impunity.

"..... Juries in (Red) Indian cases could never be trusted, and public opinion on the frontier looked upon (Red) Indians as little better than wild beasts.....But the despatches of Johnson and Stuart are full of accounts of how the English settlers continually encroached on the territory which was allotted by treaty to the Indians; how the rules that had been established for the regulation of the Indian trade were systematically violated, how traders of the lowest kind went among the savages, keeping them in a state of continual drunkenness till they had induced them to surrender their land; how the goods that were sold to Indians were of the most fraudulent description; how great numbers of Indians who were perfectly peaceful, and loyal to the English, were murdered without a shadow of provocation; and how these crimes were perpetrated without punishment and almost without blame."

If those colonists who were brutalised by permitting slavery amongst them were worthy of liberty, why should not the inhabitants of India where no institution like that of the slavery of the colonies ever existed, be considered worthy of the same? Liberty alone befits a people to enjoy liberty.

What awakened the American colonists from their state of lethargy, and who were the mouth pieces to give expression to their discontent? Perhaps it is not

so well known, but it should be widely known, in India, that it was the lawyers, the members of the legal profession, who helped to give voice to the discontent with which American society was seething. The most intelligent men amongst the colonists took to the study of the law. Burke said :—

“In no country, perhaps, in the world, is the law so general a study. The profession itself is numerous and powerful, and in most provinces it takes the lead. The greater number of the deputies sent to Congress were lawyers.....I have been told by an eminent bookseller that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantation.”

Noah Webster wrote in 1781 :—

“Never was such a rage for the study of law. From one end of the continent to the other the students of this science are multiplying without number. An infallible proof that the business is lucrative.”

Men like Jefferson, Adams, Otis, Dickenson and others, belonged to this profession.

Do we not see the same thing happening in India? The best men of our universities belong to the legal profession. Most of the delegates returned to the Indian National Congress, and members of the public bodies and assemblies of this country are lawyers. The legal profession is so much in evidence everywhere in India that our Anglo-Indian rulers and newspapers tauntingly refer to the present state of India as “Yakil Raj.” The members of the legal profession should take this as a compliment and strive to give expression to the discon-

tent that is prevalent in India as did Otis, Jefferson and others in America, on the eve of the emancipation of the colonies. They should also try to create and direct public opinion in this country.

Lecky writes : " Few persons except lawyers had any tincture of literature, and lawyers under these circumstances had attained a greater power in this province than in any other part of the king's dominions. They had formed an association for the purpose of directing political affairs. In an assembly where the majority of the members were ignorant and simple-minded farmers, they had acquired a controlling power. They were the Chief writers in a singularly violent press. They organised and directed every opposition to the Governor, and they had attained an influence not less than that of the priesthood in a bigoted catholic country. (Lecky's History of England, Vol. IV. p. 19).

...As we have said before, the colonists of America were, on the eve of the Revolution, no better, nay worse, than the Indians of to-day. There were many colonists who were averse to throw off the yoke of England and assume independence. What were their reasons ? Lecky writes :—

"Was it not likely, too, that an independent America would degenerate, as so many of the best judges had predicted, into a multitude of petty, heterogeneous, feeble and perhaps hostile states ? Was it not possible that the lawless and anarchical spirit which had of late years been steadily growing, ... would gain the upper hand, and that the whole fabric of society would be dissolved ?"

Similar fears are professed by Anglo-Indians and entertained by many of our own countrymen. But the subsequent history of America has proved that these colonists were one and all false prophets. Their predictions have not come to be true.

CHAPTER XVII.

CANADA AT THE TIME OF THE GRANT OF SELF-GOVERNMENT.

(From "Self-Government for India under the British Flag" by Hon'ble Mr. Srinivasa Sastri.)

Canada was the first of British Colonies to be made self-governing, and it is in Canada that British political institutions are believed to have shown their happiest results. Luckily, we possess in the report of Lord Durham a graphical and in general a faithful description of the condition of the colony and its people at the time when the concession of responsible government was made.

Let us, as far as possible, in his own words, give an idea of what Canada was like, when he proposed his bold and startling reform. First as to education: "The continued negligence of the British Government left the mass of the people without any of the institutions which would have elevated them in freedom and civilization. It has left them without the education and without the institutions of local self-government, that would have assimilated their character and habits, in the easiest and best way, to those of the Empire." "It is impossible to exaggerate the want of education among

the inhabitants. No means of instruction have ever been provided for them, and they are almost and universally destitute of the qualifications even of reading and writing." "A great proportion of the teachers could neither read nor write. These ignorant teachers could convey no useful instruction to their pupils. These appointments were jobbed by the members among their political partisans; nor were the funds very honestly managed." Public administration was in a sad way: "But if such is the bad organisation and imperfections of the system at the seat of Government, it may be easily believed that the remainder of the province enjoyed no very vigorous or complete administration. In fact, beyond the walls of Quebec, all regular administration of the country appeared to cease; and there literally was hardly a single public officer of the Civil Government, except in Montreal and Three Rivers, to whom any order could be directed." One other extract should suffice under this head. "The system of justice was most unsatisfactory, and juries had ceased to command confidence. Trade was backward, banking and other facilities were ill organised, and internal communications were lacking in the remoter parts." "Lower Canada remains without Municipal institutions of local self-government, which are the foundations of Anglo-Saxon freedom and civilization." "In the rural districts, habits of self-government were almost unknown, and education is so scantily diffused as to render it difficult to procure a sufficient number of persons competent to administer the functions that would be created by a general scheme of popular local control."

In fact, judged by every criterion applied in India the French population of Quebec should have been pronounced to be utterly unfit even for representative institutions, let alone responsible government. Yet they are now amongst the most progressive and public spirited people in the British Empire and have produced statesmen like Sir Wilfrid Laurier. Here are two extracts from which it will appear how unpromising the material seemed at the time of Lord Durham: "But the French population of Lower Canada possesses neither such institutions (municipal) nor such a character (popular initiative). Accustomed to rely entirely on the Government, it has no power of doing anything for itself, much less of aiding the central authority." "The institutions of France during the period of the colonization of Canada were, perhaps more, than those of any other European nation, calculated to repress the intelligence and freedom of the great mass of the people. These institutions followed the Canadian Colonist across the Atlantic. The same central, ill organised, unimproving and repressive despotism extended over him. Not merely was he allowed no voice in the government of his province or that of his rulers, but he was not even permitted to associate with his neighbours for the regulation of those municipal affairs which the central authority neglected under the pretence of managing."

"The priest continued to exercise over him his ancient influence. No general provision was made for education, and as its necessity was not appreciated, the Colonist made no attempt to repair the negligence of his Government. They made little advance beyond the

first progress in comfort, which the bounty of the soil absolutely forced upon them; under the same institutions they remained the same uninstructed, inactive, unprogressive people."

More than all this was the natural enmity of the French and the English people, to which there is hardly a parallel in India. Sir James Craigh wrote: "The line of distinction between us is completely drawn; friendship, cordiality are not to be found, even common intercourse scarcely exists." From Lord Durham: "I found two nations warring in the bosom of a single state. I found a struggle not of principles but of races." "It is scarcely possible to conceive descendants of any two of the great European nations more unlike each other in character and temperament, more totally separated from each other by language, laws, and modes of life or placed in circumstances more calculated to produce natural misunderstanding, jealousy or hatred." To show how intense political animosity was, even after many years of responsible government, the following incident will suffice. "In 1849 a Bill was passed giving compensation to people who had suffered losses for no fault of theirs during the preceding rebellion. Lord Elgin, then Governor General, gave his assent to it. The tory opposition, consisting mostly of English, raised the cry, 'no pay to rebels' and some of them in their anger even issued a manifesto in favour of annexation (with the United States). The Parliament House at Montreal was burnt down, a great number of books and records destroyed, and Lord Elgin grossly insulted for having assented to the Bill."