

tion to the provision authorising the Governor-General in Council, with the approval of the Secretary of State, to make regulations as to the conditions under which nominations of Additional Members should be made and to prescribe the manner in which those regulations should be carried into effect. He observed that the spread of education and enlightened public spirit, and the recent organisation of local self-government, might render it possible to give representation to the views of different races, classes, and localities through the medium of corporations vested with definite powers upon a recognised administrative basis, or of associations formed upon a substantial community of legitimate interests, professional, commercial, and territorial.

9. When the Councils were thus enlarged and the elective principle was introduced, it was recognised that territorial representation was unsuited to India, but an endeavour was made to constitute the electorates so that all the more important classes and interests should, as far as possible, be represented. In the case of Provincial Councils it is admitted that the results have not justified the expectations formed. The District Boards in particular have conspicuously failed to fulfil the expectation that they would represent the landed interest. Out of 54 Members elected by them to the Provincial Councils, only 10 have been landholders, while 36 have been barristers and pleaders. Similarly, out of 43 Members elected by the District Municipalities, 40 have been barristers or pleaders and only two landholders. Something has been done by nomination to remedy these defects; but of the 338 non-official Members who have been appointed, whether by election or by nomination, to the Provincial Councils since election was introduced in 1893, as many as 123 or 36 per cent. have been lawyers and only 77 or 22 per cent. landowners. It is thus apparent that the elective system has given to the legal profession a prominence in the Provincial Councils to which it is not entitled, while it has signally failed to represent other important elements of the community. These shortcomings are reflected in the Legislative Council of the Governor-General, where of the non-official Members nominated or elected since 1893, 27 or 40 per cent. have been lawyers or school masters, while the landholders have numbered only 16 or 23.5 per cent. and the mercantile community has been represented by 17 or 25 per cent. The Government of India are far from denying that the professional classes are entitled to a share of represent-

ation proportioned not merely to their numbers, which are small, but to their influence, which is large and tends continually to increase. But they are not prepared to allow them a virtual monopoly of the power exercised by the Councils, and they believe that the soundest solution of the problem is to be found in supplying the requisite counterpoise to their excessive influence by creating an additional electorate recruited from the landed and monied classes.

10. It is the desire of the Governor-General in Council that the Legislative Councils in India should now be enlarged to the fullest extent compatible with the necessary authority of the Government. He desires, moreover, that these bodies should be so constituted in respect of non-official Members as to give due and ample representation to the different classes and interests of the community. In carrying out this system, which the Government of India agree with LORD LANSDOWNE'S Government in regarding as the only one in any way applicable to Indian conditions, they consider it essential that the Government should always be able to reckon on a numerical majority, and that this majority should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official Member. The principle of a standing majority is accepted by the Government as an entirely legitimate and necessary consequence of the nature of the paramount power in India, and so far as they know it has never been disputed by any section of Indian opinion that does not dispute the legitimacy of the paramount power itself. That is not an open question, and if two men are not able to wield one sceptre, it is idle to dissemble that fact in constructing political machinery. The question then arises what number of official Members of the requisite standing and experience can, without detriment to the public service, be spared from their regular duties for attendance in Legislative Councils? The enlargement of the Councils is certain to add considerably to protraction of debate, thus entailing larger calls upon the time of their Members. The necessity of maintaining an official majority thus implies the necessity of limiting the number of non-official Members; and the problem which faces the Government of India now, as it faced LORD LANSDOWNE'S Government fifteen years ago, is how to provide for the due representation, within the narrow limits thus imposed, of the vast diversity of classes, races, and interests in the Indian Empire.

The Imperial Legislative Council.

The most logical and convenient mode of dealing with the question would have been first to discuss and settle the composition of the electorates, and the powers of the Provincial Legislative Councils and then to build up on the basis of these materials a revised constitution for the Imperial Council. That was the procedure followed with great care and thoroughness by LORD LANSDOWNE'S Government in the years 1889 to 1893 when no single step was taken without the amplest consultation with the Provincial Governments. It may no doubt be said that the scheme set forth below for the enlargement of the Imperial Legislative Council will afford a convenient model for the guidance of the Local Governments in framing their own proposals. This statement, however, is true only to a limited extent. From the nature of the case that scheme makes no provision for the representation of the Municipalities and District Boards, the Universities, the Presidency Corporations, the Trades Associations, the European Planting and Industrial interests and Indian Commerce, so that in respect of these essential elements of the Provincial Councils it can hardly be said to afford sufficient guidance to Local Governments. The constitution of the Imperial Legislative Council is in fact so closely bound up with that of the Provincial Councils, by which a certain proportion of its Members are elected, that it is almost impossible to formulate final proposals for the one without having first determined the character of the other. It must be understood, therefore, that the scheme set forth below for the enlargement of the Legislative Council of the Governor-General is intended to be entirely provisional and suggestive, that it indicates only the main lines upon which, in the unaided judgment of the Government of India, the extension of the Council might be effected, and that they reserve to themselves the fullest discretion to modify their proposals in the light of the comments and criticisms which those proposals may elicit from the Local Governments and the public.

12. With these introductory remarks the Government of India pass on to consider how the principle of the representation of classes and interests can be given effect to in the Governor-General's Legislative Council. They suggest that the Council might in future be constituted on the following lines :—

INDIAN CONSTITUTIONAL DOCUMENTS.

(1) The maximum strength of the Council might be 53, or, including the Viceroy, 54.

(2) This number might be made up thus—

A.—Ex-officio, the Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the Members of Executive Council	...	...	...	8
B.—Additional officials to be nominated, not exceeding	...	...	...	20
C.—A Ruling Chief to be nominated by the Viceroy	...	...	...	1
D.—Elected Members—				
(a) By the Chambers of Commerce of Calcutta and Bombay	...	...	...	2
(b) By the non-official Members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma	...	...	...	7
(c) By the nobles and the great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces	...	...	...	7
(d) By Mahomedans	...	...	...	2
E.—Non-officials nominated by the Viceroy to represent minorities or special interests, not less than two to be Mahomedans	...	...	...	4
F.—Experts to be nominated by the Viceroy, when necessary, for special purposes	...	...	...	2
			Total	53
			or, including His Excellency the Viceroy	54

13. Under the present system four additional Members are elected by the non-official Members of the Councils of Bombay, Madras, Bengal, and the United Provinces. The Government of India propose to raise the number to seven by extending the privilege of election to the non-official Members of the Councils of Eastern Bengal and Assam, the Punjab, and Burma. The number of non-official Members of such Councils will no doubt be materially increased. This will remove the objections which have been taken to entrusting the privilege of election to so important a post as that of

Member of the Viceroy's Council to an electorate consisting of only about ten persons.

14. The Government of India are impressed with the necessity for giving substantial representation to the great landholders, who not only constitute the aristocratic and stable elements in Indian society, but also represent the interests of the landlords, great and small. For the purpose of securing the adequate representation of this class, it has been suggested that a list of electors should be formed in each Province, and that they should be required to elect direct. The precise details of the electorate will require careful consideration, and they will necessarily vary with the circumstances of each Province, but the general idea is that a provincial electorate varying in size from one hundred to one hundred and fifty should be aimed at, and that the amount of land revenue giving the right to vote should not be less than Rs. 10,000/- a year. The exact limit to be fixed must, of course, depend on the status of the landholders in the Province concerned. In every case it would be made a condition that the Member elected to represent this class must himself belong to it. Owing to the peculiar conditions of Burma, where there are no large land-owners outside the primitive Shan States, that Province would be excluded from this category.

15. The question may be raised whether a satisfactory constituency for the purpose of electing a Member of the Imperial Legislative Council can be formed by massing together for voting purposes the entire body of landholders in so large and in many respects so heterogeneous an area as an entire Province. It may be thought that an electorate thus constituted would be wanting in solidarity, that it would be apt to fall into the hands of wirepullers, and that by reason of the incongruous elements which it comprised, it might fail to choose a suitable representative on the Imperial Council. On this point, therefore, the Governor-General in Council reserves judgment until he is in possession of the views of Local Governments. As an alternative solution the suggestion has been made that a representative of the landholders should be elected to the Imperial Council by the landholding members of the provincial Council either from among their own number, or from among landholders paying the amount of land revenue that may be fixed as giving the right to vote for or to be a Member of the Provincial Council. It is also a matter for consideration whether in some Provinces representatives of this class, whether on the Provincial or on the

Imperial Council cannot be better obtained by a system of nomination.

16. The last point that remains for consideration under this head relates to the representation of special interests and minorities, and in particular of the Mahomedan community. In this connection I am to invite attention to the observations made by His Excellency the Viceroy in reply to the address presented to him by a large and representative deputation on the 1st October, 1906. The Government of India concur with the presenters of the address that neither on the Provincial nor in the Imperial Legislative Councils has the Mahomedan community hitherto received a measure of representation commensurate with its numbers and political and historical importance, and they desire to lay stress upon His Excellency's observation that "any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent." Under the system of election hitherto in force, Hindus largely predominate in all or almost all the electorates, with the result that comparatively few Mahomedan Members have been elected. These have been supplemented by nominations made by Government. But the total representation thus effected has not been commensurate with the weight to which the Mahomedan community is entitled; and it has, moreover, been strongly urged that even the system of nomination has frequently failed to secure the appointment of Mahomedans of the class by whom the community desires to be represented.

17. The Government of India suggest, therefore, for the consideration of Local Governments, the adoption of the following measures :—Firstly, in addition to the small number of Mahomedans who may be able to secure election in the ordinary manner, it seems desirable in each of the Councils to assign a certain number of seats to be filled exclusively by Mahomedans. Secondly, for the purpose of filling the latter, or a proportion of them, a special Mahomedan electorate might be constituted consisting of the following classes :—

(1) All who pay land revenue in excess of a certain amount. The figure need not be the same in each Province; but should in all cases be sufficiently low to embrace the great body of substantial landholders.

(2) All payers of income tax. This would comprise the trading and professional classes, with incomes exceeding Rs 1,000 a year.

(3) All registered graduates of an Indian University of more than say, five years' standing.

The electoral lists would be prepared on a district basis, and the distribution of seats would be settled by the Local Governments. It would not be necessary, however, to throw open all the seats to election. Indian gentlemen of position sometimes refuse to offer themselves as candidates to a wide electorate, partly because they dislike canvassing, and partly by reason of their reluctance to risk the indignity of being defeated by a rival candidate of inferior social status. For these reasons it would probably be advisable to reserve a proportion of the seats to be filled, as at present, by nomination.

18. In the case of the Governor-General's Council, it has been suggested that of the four seats which the Government of India have proposed to set apart for Mahomedans, two should be filled by nomination by the Viceroy. For the other two election by the following Provinces in rotation, viz., Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, Bombay and Madras, is suggested. In Burma and the Central Provinces the proportion of Mahomedans is not large enough to entitle them to special representation. The composition of the electorate in the six Provinces mentioned above formed the subject of representations by some prominent Members of the Mahomedan deputation which waited upon His Excellency the Viceroy in October 1906. They proposed that the electorate should be constituted as follows :—

(a) The Mahomedan non-official Member of the Provincial Councils as ultimately expanded.

(b) The Mahomedan Fellows of the local University, where one exists.

(c) Mahomedans paying income-tax upon an annual income of Rs 25,000/-, or paying an amount of land revenue to be determined for each Province separately, which will indicate a corresponding income.

The Government of India apprehend that some difficulty may be experienced in compiling a list of voters under the last of these heads, but this is a matter on which they will be guided by the opinion of Local Governments. Should it be found impracticable to compile a register of voters under (c), then they are disposed to think that the electorate should be confined to the Mahomedan non-official Members of the Provincial Councils. This proposal is open to the objection that the number of electors will be small; but it has the merit of being uniform with the system under which the other non-official Members are elected by the Members of the Provincial Councils.

19. Of the four seats provided by the nomination of non-officials under head E, two would be reserved for Mahomedans, to whom not less than four seats in the Governor-General's Council would thus be definitely appropriated. In as much as in two of the seven Provinces with Legislative Councils, namely Eastern Bengal and Assam and the Punjab, the followers of this religion constitute a majority of the population, it seems possible that a certain number of Mahomedans may also be returned to the Council under sub-head (b) of head D.

The Provincial Legislative Councils.

20. The foregoing scheme for the Imperial Legislative Council necessarily omits several elements which may form part of the Provincial Councils. Having regard to the wide variety of conditions in different parts of India, it is improbable that any one scheme will prove to be equally adapted to all Provinces. For instance, the principle of having recourse to election may be distasteful to the landed classes in some Provinces, while in others, where it has become familiar, it may be accepted without objection. The general principle to be borne in mind is, as already stated, that the widest representation should be given to classes, races, and interests, subject to the condition that an official majority must be maintained.

21. At present the larger number of the elected Members of the Provincial Councils, who again constitute the majority of the electorate for the Imperial Council, are chosen by Municipalities and District Boards. The Government of India have examined the franchises which have been framed for these bodies and they find that the qualifications required both for electors and for candidates are extraordinarily low. Thus, in all but three of the Mufassil towns of Bengal, any one who pays Rs. 1-8 a year in rates is entitled to vote in the election of Municipal Commissioners, and is himself eligible for membership, not only of the Municipal Committee, but also of the Provincial Legislative Council; while any one who pays Re. 1 a year as road cess may take part in the elections for the Local Boards, who in their turn elect the Members of the District Boards. This is the franchise upon which the election of the Bengal Members, not only of the Province, but also in a large degree of the Imperial Council, rests ultimately, though not immediately. And in the other Provinces the qualifications are of much the same order of magnitude. The franchises were primarily devised with a view not to election of Councils,

but to the management of local affairs; and their unsuitability as a foundation for the election of legislators seems to have escaped notice in 1893. The Government of India do not propose to withdraw from District Boards and Municipalities the privilege of election to the Provincial Councils which they have enjoyed for the last 14 years. But it does not follow that the present system of voting must be maintained unchanged, and a solution might, perhaps, be arrived at by introducing special qualifications for Members of Council while leaving the electoral franchise in other respects unchanged.

22. It would be well also to consider whether, in view of the constitution of Indian society, it would not be advisable to introduce some such system for the representation of classes now liable to be crowded out by any predominant section of the population, as has already been admitted to be necessary in the case of Mahomedans. The Government of India do not wish to impose upon Provincial Governments any special line of action in making proposals with this object, but they desire to draw attention to the following scheme which has been suggested to them for the due representation of classes in local Councils and Boards :—

- (a) The Local Government shall determine how many seats are to be filled by elected representatives of the most important classes into which the population of the Province is divided by race, caste, or religion and shall allot these seats to the several classes.
- (b) For the election of representatives of each class the Local Governments shall publish a list of voters consisting of members of that class who have held or are holding office in the Municipal or Local Boards, supplemented by others whom the Government may nominate after consultation with the *anjumans*, *panchayats* or other bodies who have been constituted by the class in question for the direction of its own affairs.
- (c) As the constitutions of the Provincial Councils must largely depend upon the Municipal and Local Boards, it is suggested that Local Governments should introduce into their systems of election and nomination for these Boards, the principle of assigning a fixed proportion of seats to each of the leading classes into which the population is divided by race, caste, or religion and permitting the members of that class to select its own representative. In the Municipalities of Rangoon and Mandalay and to a limited extent in certain Municipalities in the United Provinces this principle of class representation has been adopted with successful results. In the case of district and local Boards it might perhaps be possible to distribute the seats to be filled by election among groups en-

gaged in the same occupation, such as landholders, cultivators, traders and professional men and to select certain castes as representing each group. The members of those castes who paid a certain sum in taxes or possessed certain property qualifications might then be empowered to elect one of their own number to represent the occupational group on the Board. Suppose, for example, that in a particular area eight members had to be elected to serve on the local Board, four seats might be allotted to the Mahomedans and the remaining four, distributed among the Hindus, so that one seat should be given to the landholders, one to the traders, one to the cultivators and one to the professional classes. The census statistics supplemented by local enquiries would afford the means of determining what castes should be selected for the purpose of electing a Member for each of these groups, and only persons belonging to those castes and having certain property qualifications would be entitled to vote in the electoral group to which their caste had been assigned and to elect a representative from one of the castes so assigned. It seems probable that by some plan of this kind the voting power might be distributed over a wider circle than at present, and would be less liable to become concentrated in the hands of a single section of the community.

Discussion of the Budget in the Legislative Council.

23. The discursive and unfruitful character of the Budget debates, both in the Imperial and Provincial Councils, has on many occasions formed the subject of comment and criticism. The Government of India entirely recognise the defects of the practice which prevails under the existing regulations, and they are anxious to introduce such changes as will make the debates less unreal and will bring them into closer relation with the financial policy and administrative decisions of the Government. To this end they propose that the Budget should be discussed, in the first instance, by separate heads, or groups of heads, which would be explained severally by the Member in administrative charge, this discussion being followed by a general debate in which Members would enjoy the same freedom as at present of criticising the administration. This change would evidently involve an extension of the time now allotted to the discussion, and it would afford a far better opportunity for systematic criticism than exists under present arrangements. These compel a Member of Council to include within the limits of a single speech all the observations that he has to offer on any of the numerous subjects that naturally present themselves in an annual review of the administration of the revenues of India. Remarks made in the course of the

amplified and more practical discussion which is now contemplated would be borne in mind by the Government of India or the Local Government when making financial arrangements in subsequent years, and it might perhaps on occasion be found possible to alter the Budget actually under review.

24. These are the provisional and tentative proposals which, with the approval of His Majesty's Government, the Governor-General in Council now lays before the Governor in Council (His Honour the Lieutenant-Governor or you) in the fullest confidence that they will receive the careful scrutiny and sympathetic consideration that their high importance demands. I am to request that after consultation with important bodies and individuals representative of the classes of the community, the Governor in Council (Lieutenant-Governor or you) will submit his matured conclusions on each branch of the subject to the Government of India, together with a detailed statement of the alterations that the Governor in Council (the Lieutenant-Governor or you) desire(s) to make in the Council regulations in order to carry his proposals into effect.

25. I am to ask that a reply to this letter may be received by the Government of India not later than the 1st March 1908.

E.

EXTRACTS FROM THE DESPATCH FROM THE GOVERNMENT OF INDIA TO THE SECRETARY OF STATE (THE RT. HON'BLE VISCOUNT MORLEY OF BLACKBURN, O. M.), NO. 21, DATED THE 1ST. OF OCTOBER, 1908.

We have the honour to address you on the subject of the constitutional reforms which were initiated more than two years ago by His Excellency the Viceroy in a Minute reviewing the political situation in India. LORD MINTO then pointed out how the growth of education, encouraged by British rule, had led to the rise of important classes claiming equality of citizenship, and aspiring to take a larger part in shaping the policy of the Government, and he appointed a Committee of his Council to consider the group of questions arising out of these novel conditions. From the discussions thus commenced there was developed, by stages which we need not detail, the tentative project of reform outlined in the Home Department letter to Local Governments, No. 2310-12, dated the 24th August. 1907.

After receiving your approval in Council, that letter was laid before Parliament and was published in England and India. The local Governments to whom it was addressed were instructed to consult important bodies and individuals representative of various classes of the community before submitting their own conclusions to the Government of India. These instructions have been carried out with great care and thoroughness.

Reception of the scheme.

2. The provisional scheme thus submitted to the judgment of the Indian public comprised the creation of Imperial and Provincial Advisory Councils, the enlargement of the Legislative Councils, and more ample facilities for discussing the Imperial and Provincial Budgets. Every feature of our proposals has aroused keen interest, and has met with ample and outspoken criticism from the most intelligent members of Indian society, and the voluminous correspondence which we now enclose may be regarded as an adequate and exhaustive expression of the views of those who are qualified to pronounce an independent opinion on the weighty and intricate matters now under consideration. In a country where the separation of classes, castes, races and communities is so marked as in India, and little common national sentiment has as yet been evolved, the natural tendency is, as the Bombay Government have pointed out, for the advocates of each particular class or interest to consider how their own advantages can best be furthered, and to overlook the wider aspects of the subject. This tendency comes out strongly in the non-official opinions forwarded by the Local Governments. From the landholders, whether Hindu or Mahomedan, the scheme has met with a generally favourable reception. With very few exceptions, they either approve of the proposals regarding Advisory Councils or make suggestions which leave their principle untouched. They welcome the separate representation of the landowning interest on the Legislative Councils, and many of them lay stress on the condition that the member elected to represent their class must himself belong to it. The Mahomedans point out that the reforms of 1892 paid no regard to the diversity of the interests involved, and that territorial representation, in so far as it was then introduced, has placed a monopoly of voting power in the hands of the professional class. Most of them express their satisfaction with

the scheme of Advisory Councils, and they are unanimous in their commendation of the proposal to assign special seats to Mahomedans on the Legislative Councils, though some of them urge that the measure of representation offered to them falls short of that which their numbers and influence entitle them to demand. On the other hand the leaders of the professional class regard the Advisory Councils as superfluous and illusory; they protest against class electorates for the Legislative Councils; and they demand the formation of territorial constituencies on a scale which would render their own influence predominant. Comparatively few opinions have been received from the commercial and industrial classes. But all of them, whether European or Indian, agree in complaining that their interests have received insufficient consideration and that they ought to have more Members on the Imperial Legislative Council.

3. The divergent opinions briefly summarised here bear striking testimony to the wisdom of LORD LANSDOWNE'S Government in describing Indian society as "essentially a congeries of widely separated classes, races and communities, with divergences of interests and hereditary sentiment which for ages have precluded common action or local unanimity," and in insisting that the representation of such a community could only be secured by assigning to each important class a Member specially acquainted with its views. The conditions which existed then are shown by the present correspondence to continue still. Indeed, the advance in general education, that has taken place since 1892, has added to the complexity of the problem by bringing to the front classes which were then backward, and by making them more keenly conscious of their individual interests and more disposed to claim separate representation by means of special electorates. In framing the greatly enlarged scheme of reform, which is explained below, we have given careful consideration to the views of all classes, and we desire to acknowledge the value of opinions which have been submitted by the educated members of all communities who, though their number is relatively small, deservedly occupy a special position by reason of their intellectual attainments and the attention they have given to public questions. With these preliminary observations we pass to the consideration, in fuller detail, of the actual proposals upon which we now submit our final recommendations to His Majesty's Government.

An Imperial Advisory Council.

4. *Opinions on its composition.*—The considerations by which we were influenced in proposing the creation of an Imperial Advisory Council are fully stated in paragraph 4 of our letter of 24th August, 1907. The Council then suggested was to consist of about sixty Members, of whom twenty were to be Ruling Chiefs and the rest territorial magnates. The opinions of Local Governments on the advantages of the scheme are divided. The views of the Madras Government are wholly adverse; the Government of Bombay cordially agree with the principle involved, but demur to the combination of Chiefs and territorial magnates, and suggest an Advisory Council of Ruling Chiefs for consultation on questions affecting them alone; the Lieutenant-Governors of Bengal and the United Provinces approve. The Lieutenant-Governor of the Punjab is opposed to a mixed Council, but thinks that a smaller Council of Princes to discuss matters of Imperial and general importance might be of advantage, and suggests that to this Council there might be admitted a few men of wide reputation throughout India. The Chief Commissioner of the Central Provinces takes substantially the same view. The Lieutenant-Governors of Burma and of Eastern Bengal and Assam approve generally of the scheme. Most of the non-officials receive with enthusiasm the general principle of associating the people more directly with the Government, but there is no unanimity in regard to the means by which this end may be attained, and the leading features of the Government proposal are generally condemned on various grounds. The main objections are that Ruling Chiefs will not sit with subjects of the British Government, who are necessarily of inferior status: that they have no knowledge of the conditions of British India, and that they would for that reason be useless either for the purpose of advising the Government, or of diffusing information to the people. As regards territorial magnates, it is alleged that they are out of touch with the people, and that their interests are necessarily adverse to those of the great body of agriculturists.

5. *Criticisms on the functions of the Council.*—Apart from the qualifications of its personnel the proposed Council is criticised on the grounds that it would have no legal recognition and no formal powers; that the Government would be under no obligation to consult it or to be guided by its advice; that its proceedings would be secret, and that Government

would have discretion to publish or not to publish them as it thought fit; and that the views of a nominated Council would command no respect if they were in conflict with those of the elected Members of the Legislative Council, while if the two bodies concurred in opposing the Government the difficulties of the situation would be increased. The views of a number of Ruling Chiefs have been ascertained by letter and by personal consultation, and several political officers have also been consulted. The majority of Ruling Chiefs are opposed to the formation of a Council on which Ruling Chiefs and territorial magnates would sit together. Nearly all the political officers are of the same opinion.

6. *Recommendations of the Government of India.*—We have carefully considered and discussed these criticisms. In view of the opposition of the Chiefs to a Council of mixed composition, and of the unfavourable reception which our proposal has met with in British India, we consider that the published scheme should not be proceeded with at present. It is possible that in course of time the relations of Native States to British India may become more intimate, and that common interests may arise which might with advantage be referred for discussion to a mixed Council, or to a Council consisting of two Chambers, one of Chiefs and the other of Notables. But in present conditions we are of opinion that an attempt to create a mixed Council in any form would result in failure. We think, however, that there should be an Imperial Council composed only of Ruling Chiefs. The scope of such a Council would necessarily be narrower than that of a mixed Council, but there are many questions of an Imperial character on which the advice of Ruling Chiefs would be of great value, and we are of opinion that the time has come when they should be invited to assist the Governor-General in the guardianship of common and Imperial interests.

7. *Proposal for the Council of British Indian Notables.*—The question then arises whether, in addition to a Council of Chiefs, there should be an Advisory Council composed exclusively of Notables of British India. As to this our view is that if an experiment is to be made in the direction of Advisory Councils, it should be made, in the first instance, by the institution of Provincial Advisory Councils on the lines indicated below, and that the question of an Imperial Council of Notables for British India only should not be entertained until the success of that experiment has been vindicated. It

will always be open to the Viceroy to ask for the advice of Members of Provincial Councils if he so desires.

8. *The Council of Chiefs.*—Concerning the manner in which a Council of Chiefs should be called into existence we observe that legislation is not necessary and would not be appropriate; we consider that the Council should be created in the exercise of the right of the Viceroy to choose his own advisers in respect of matters which are under his control as the head of the Government. This disposes of the various suggestions put forward in the papers as to local recognition, statutory powers, election of the whole or part of the Council, periodical meetings, right of initiative, power to block Government measures by the vote of a majority of a certain strength, public discussion, and so forth. It puts the scheme on its proper footing and leaves it to develop by the natural process of growth to which all successful political institutions are due.

9. *Number and term of office.*—Passing now to the question of the number of the Council, the mode of appointment and the term of office, we recommend that it should be limited to such a number as is appropriate in view of the claims and traditions which have to be considered. We observe that the Imperial Privy Council proposed by LORD LYTON included only 12 Chiefs, and that His Lordship said that he could not recommend a larger number "without extending the honour to minors, or Chiefs of a rank too low for so high and honourable an office or to Chiefs not wholly fitted for the dignity of Councillors." Eventually only eight Chiefs were given the title of Councillor of the Empress. As the Council should, in our opinion, be appointed by the Viceroy, it follows that neither hereditary tenure nor election would be admissible. The Members would hold office during the Viceroy's pleasure, and it would be at his discretion to consult any of them, individually or collectively, as he might think fit from time to time.

10. *Subjects for discussion.*—There is abundant evidence in the opinions that have come before us of the existence of a strong feeling that the Council ought to be given some power of initiative and that their discussions should not be strictly limited to matters formally referred to them. This view appears to us natural and reasonable, and we recommend that any Member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the Viceroy to grant such a request.

We do not, however, think it desirable in announcing the creation of the Council to enumerate by way of catalogue the subjects to be referred to it. Such an enumeration, would, on the one hand, tend to limit consultation, while on the other, it might lead to the Council being overburdened at starting with a list of subjects, some of which did not call for immediate consideration. We have little doubt that questions will arise from time to time the disposal of which will be materially facilitated by the deliberations of such a Council as we contemplate. We do not think it advisable to define the scope of consultation more precisely, and for the present, at any rate, we would leave the whole matter to the unfettered discretion of the Viceroy.

11. *Meetings and procedure.*—For much the same reasons it does not appear to us to be necessary, until further experience has been gained of the actual working of the Council, to determine whether it should meet periodically, and, if so, at what intervals. That will obviously depend partly upon the amount of business to be brought before the Council and partly on the question whether the nature of the business is such as to call for personal and collective discussion, or whether it can more conveniently be dealt with by means of correspondence. It is true that the opinions on the subject, both those of the Chiefs and those sent up by Local Governments, are in general agreement that the Council should meet once a year at least. It has, however, been pointed out by several critics that the expense of assembling the Council would be considerable, and could not fairly be charged either on the taxpayers of British India or on those of the Native States. We observe, moreover, that some of the more important Chiefs dislike the idea of collective consultation, that they hint at difficulties of precedence among themselves, and that they evidently consider free discussion to be only possible among equals. These Chiefs express a preference for consultation by letter, or for the appointment of certain Chiefs to offer advice when they think it necessary. They do not wish to be invited to attend meetings, both for the personal reasons already suggested, and because of the expense and inconvenience and the interruption of their regular administrative work. It appears to us that there is much force in these objections. We believe, however, that they might be got over by holding a meeting in the first instance for the purpose of inaugurating the Council, and of giving opportunity for an informal interchange of views, and then conducting the business of the Council by means of

correspondence, unless some occasion should render it desirable to call together the entire body. In our opinion the proceedings of the Council when invited to assemble for collective consultation should ordinarily be confidential; but it would rest with the Viceroy after consultation with the Council to cause a statement of the subjects discussed and the decisions arrived at to be published.

Provincial Advisory Councils.

12. *The Government of India's original proposal*.—In our letter of the 24th August, 1907, we suggested that the various Provincial Governments should, when the local conditions admit, be furnished with a selected body of advisers, whom they would consult upon all measures of importance affecting the populations committed to their charge. The Provincial Councils were to be of smaller size than the Imperial Council then contemplated, but their membership was to be large enough to embrace all interests of sufficient importance to claim representation on such a body. The greater and smaller landholders, industry, commerce, capital, and the professional classes were to be included in the Council; and it was observed that the association of non-official Europeans standing for these important interests, with the natural leaders of Indian society in common consultation on matters of public importance would tend to promote a better understanding, and to clear away on both sides injurious prejudices and misconceptions. Each Local Government was to be at liberty to consult its Advisory Council, either individually or collectively, in regard to any provincial question.

13. *Views of Local Governments*.—The replies of Local Governments are not unanimous, but on the whole they are in favour of the proposal. The Government of Bombay approve of the general idea, but consider that the practical success of the Council must depend on the personal weight and influence of its Members, each of whom should, as far as possible, represent some important class or interest. Their number should not exceed 20; all should be nominated for three years; and the Council should elect its own President in the absence of the Governor. A separate Council of not more than five Members should be appointed for Sind. The Lieutenant-Governor of Bengal proposes a Council of about 30 members representing large and small landholders, Feudatory Chiefs, European and Indian Commerce, tea and indigo, the professions, the Univer-

sity, the district boards and the municipalities. The Lieutenant-Governor of the United Provinces suggests that the Council should consist of 35 nominated Members, including representatives of the Province on the Imperial Council, and four elected Members of the Provincial Legislative Council, the balance being made up by representatives of land, industry, commerce, the planting community, the professional classes, and educational and religious interests. The Council should be free to choose its own President and Secretary, and should conduct its deliberations in the absence of any Government official. The Lieutenant-Governor of Burma approves of the scheme as a general measure of policy, but considers that the Province is not yet ripe for such a measure. The Lieutenant-Governor of Eastern Bengal and Assam thinks it doubtful whether a Provincial Advisory Council could be easily got together owing to the expense and labour of attending meetings. He suggests a Council composed of the Members of the Legislative Council and representatives of other interests, including Members elected by the District Advisory Councils which he thinks should be formed. The Lieutenant-Governor of the Punjab dwells on the difficulty of finding suitable men for an Advisory Council and a Legislative Council and observes that if, for the sake of uniformity, it is necessary to have an Advisory Council in the Punjab, its number should be the smallest compatible with adequate representation of the main creeds, classes and interests. He considers that five or at the most seven Councillors would be sufficient. The Chief Commissioner of the Central Provinces proposes a Council of 25, comprising 8 Members elected by district boards and large municipalities, 6 Members nominated to represent the commercial classes and minorities, and 11 official Members. The Madras Government criticise the published scheme on the grounds stated at length in their letter of 13th March, and, instead of creating a Provincial Advisory Council, propose to consult the non-official Members of their Legislative Council informally when they require advice. In regard to the question whether the proceedings of the Council should be strictly private and confidential, or whether some provision should be made for public conferences, we find few definite expressions of the opinion of Local Governments. The Governments of Eastern Bengal and the United Provinces appear to contemplate giving a certain amount of publicity to the proceedings of the comparatively large Councils which they propose, and the Government of Bombay, though they propose a relatively small Council, do not suggest that its proceedings

should necessarily be confidential. On the other hand, the Lieutenant-Governor of Bengal advises that the proceedings should be "informal, private, and confidential", while for the Punjab a small confidential Council is proposed.

14. *Views of other persons.*—The opinions before us from other persons are beyond doubt in favour of the creation of some form of Provincial Advisory Council, in order to bring the people more closely into touch with Local Governments. There is, however, considerable diversity of opinion as to the size and constitution of the proposed Council. Suggestions vary from a small Council of not less than 10 representing land, commerce, the professions and retired officials, to larger bodies of 50, 60 or 80 Members partly elected and partly nominated. Generally speaking, the tendency of the professional middle class is to propose a rather large statutory Council, wholly or partly elected so as to represent a variety of interests, holding public sittings at regular intervals, and exercising extensive legal powers, which would include an unlimited initiative, power to ask questions and to call for information and papers, and an absolute or suspensory vote on Government proposals. The landholders are mainly concerned with securing adequate or preponderant representation for themselves, but many of them make much the same proposals as the professional class. The MAHARAJA OF BENARES puts forward the suggestion, which has been adopted by the United Provinces Government, that the Council should have its own President and Secretary; SIR FAIYAZ ALI KHAN proposes an elected Council; the RAJA OF MALABAR pleads for legal recognition, periodical meetings, public discussion, and election of Members. The British Indian Association advocate district representation, power of initiating questions, and publication of opinions. The Mahomedan opinions are almost unanimous in desiring a Council, but differ as to its composition. Some ask for large Councils on which each district would have a representative; others propose smaller bodies with 25 or 30 Members. Several writers suggest that religious interests should be specially represented. Among the Mahomedans of the Punjab the best opinion accepts a small Council of six or seven Members as appropriate.

15. *Final recommendations of Government of India.*—The demand for Advisory Councils of large size, and for opportunities of public debate, appears to us to have its origin mainly in the feeling, which has been generally expressed, that there ought to be greater facilities for the discussion of public measures than now exist. We recognise the force of this claim,

but we think that it should be met rather by extending the powers of the existing Legislative Councils than by setting up large rival Councils which must to some extent conflict with them. In the recommendations which we shall presently submit to Your Lordship in regard to the Legislative Councils we have suggested the removal of the restrictions which now prevent debate on matters which are not before the Council in the form of legislation, and we believe that this change should satisfy those who ask for large Advisory Councils for the reason given above. But the question remains whether it would not be of advantage for the Head of a Local Government to have a small body of Councillors to whom he could turn for advice, before his policy was definitely shaped, or whom he could use as a channel of communication with the public in the matters which could not conveniently be brought before the Legislative Council. Beyond doubt the bulk of opinion is in favour of the formation of some consultative body, and we recommend that Advisory Councils of the character indicated above should be constituted in those Provinces in which the Head of the Government is of opinion that they would be of service. Conditions vary, and we would not compel any Local Government to make what, after all, can only be an experiment, unless local conditions were held to warrant it. But we believe that such Councils, if wisely directed, might become of marked value in some Provinces. They would provide a means of obtaining advice both on proposals for legislation and on administrative questions, and of conveying information as to the intentions and motives of Government, and further they would be a visible sign of the desire of the Government to take the best minds in the Province into their confidence. It is, however, in our opinion, essential that such Councils should be limited in size and that the decision as to their numbers should rest with the Government of India. The reason for this is plain; the effect of any departure from the standard model would not be confined to a single Province, but would inevitably affect the administration of other Provinces and of India as a whole. The appointment of Members would naturally rest with the Local Government, and in our judgment the criterion of membership should be distinction of some kind, whether arising from intellectual capacity, personal influence, or representative position. It follows from the fact that the Councils are to be advisory bodies only, that no legislation is required for their creation. We do not propose to attempt any formal enumeration of the subjects with which such Councils should deal. We think it sufficient

to say that the Council should consider matters referred to it by the Head of the Government, but that any Member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the Head of the Government to decline to refer a particular question to the Council. We are of opinion that a record should in all cases be kept of the subjects discussed and of the conclusions arrived at, and that it should rest with the Head of the Government to determine in consultation with the Council whether and in what form a statement of the views of the Council should be published.

The Imperial Legislative Council.

16. The history of the various stages by which the Imperial Legislative Council has developed into its present form is given in SIR COURTENAY ILBERT'S *Government of India* and need not be repeated here. Under the law and rules at present in force the Council stands thus :—

Ex-Officio.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the Members of the Executive Council 8

Additional.

A.—Nominated Members ; not more than 6 to be officials ; the non-officials to be nominated with reference to legislative business or to represent interests 11

B.—Elected Members 5

(a) By the Legislative Councils of Madras, Bombay, Bengal and the United Provinces... .. 4

(b) By the Calcutta Chamber of Commerce 1

Total 24

or, including His Excellency the Viceroy 25

17. In our letter of 24th August, 1907 we suggested that effect might be given to the principle of the representation of classes and interests by means of a Council constituted in the following manner :—

Ex-officio.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the Members of the Executive Council 8

Additional.

A.—Nominated Members ; not more than 20 to be officials ; of the non-officials, one to be a Ruling Chief ; four to represent minorities or special interests, not less than two being Mahomedans ; and two, when necessary, to be experts nominated for special purposes				27
B.—Elected Members				18
(a)	by the Chambers of Commerce of Calcutta and Bombay			2
(b)	by the non-official Members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma.			7
(c)	by the nobles and the great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces			7
(d)	by Mahomedans			2
			Total	53
	or, including His Excellency the Viceroy			54

18. *Principle of representation.*—We have carefully considered the proposal of Local Governments on the subject and the large body of non-official opinions submitted. In our judgment these papers bear out to the fullest extent the conclusion that representation by classes and interests is the only practicable method of embodying the elective principle in the constitution of the Indian Legislative Councils. A great array of authorities may be cited in support of this opinion. Twenty years ago, in the course of the discussions leading up to the report of SIR GEORGE CHESNEY'S Committee, MR. (NOW LORD) MACDONELL, then Home Secretary to LORD DUFFERIN'S Government, said in a note which was forwarded to the India Office : "The process of modifying the existing constitution of the Councils should proceed on a clear recognition and firm grasp of the fact that India is a congeries of races, nationalities and creeds, widely differing *inter se* in a variety of ways." On the same occasion SIR GEORGE CHESNEY expressed similar views, and SIR CHARLES AITCHISON observed that "the division of the people into creeds, castes, and sects with varying and conflicting interests" rendered representation in the European sense an obvious impossibility. A passage in LORD DUFFERIN'S Minute annexed to the Government of India's Despatch of the 6th November, 1888 describes the population of India as "composed of a large number of distinct 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 social usages, and even antagonistic material interests." This opinion is not confined to Englishmen, but is shared by competent Indian observers at the present day. In a recent address to a modern political association on the duty of patriotic Indians, **HIS HIGHNESS the AGA KHAN** has given emphatic expression to similar sentiments. "In India," he says, "no such union as is essential to the creation of a strong, independent, homogeneous state is possible without centuries of consolidation. Even if we assume that the forces tending to unification are quickened by the machinery of modern civilisation, generations must pass before India is a nation. In very truth we can detect signs of the advent of that unity which is the first essential to the creation of a modern State."

19. These views receive striking independent confirmation from the debates in Parliament on the Indian Councils Bill which became law in 1892. In the Upper House **LORD RIPON** referred to the extreme difficulty of "selecting men who represented the various classes of the community, and the various sections of opinion, as well as the various localities of India." **LORD KIMBERLEY** said—"The notion of a Parliamentary representation of so vast a country—almost as large as Europe—containing so large a number of different races is one of the wildest imaginations that ever entered the minds of men." He went on to emphasise the necessity of ascertaining the feelings of "a most important body.....the Mahomedans of India. If you were to be guided entirely by the Hindu popular opinion you would find yourself in great difficulty." **LORD NORTHBROOK** considered that provision should be made "for the representation of different classes of people—people of different races and different religions." In a later stage of the discussion **LORD KIMBERLEY** agreed with **LORD NORTHBROOK**, and observed—"It has been found in this country not very easy to protect the interests of minorities by any contrivance that can be devised; but there must be found some mode in India of seeing that minorities such as the important body of Mahomedans, who are frequently in a minority in parts of that country, are fully represented." In the House of Commons the weightiest utterance was that of **MR. GLADSTONE**, who referred to the difficulty of introducing the elective principle "in an Asiatic country like India with its ancient civilization, with institutions so peculiar, with such diversities of races, religions and pursuits." He also drew atten-

tion to "the danger of having persons who represent particular cliques or classes or interests, and who may claim the honour of representing the people of India," thus anticipating the observation, now made by the Bombay Government, that "the educated classes, although a very small minority, appear to claim to represent the interests of all sections of the people, and are inclined to oppose any measures which appear likely to lessen their influence." MR. SAMUEL SMITH spoke of "the endless shades of caste, race, and religion in India"; SIR WILLIAM PLOWDEN and SIR RICHARD TEMPLE followed in the same strain; and the latter observed that "in fixing the ratio of Members, the interests to be represented, and the classes which constitute the bulk of the people, ought to be the determining factors rather than the population."

20. To the principle thus affirmed by both Houses of Parliament LORD LANSDOWNE'S Government endeavoured to give as wide a scope as was then possible, in the regulations framed by them for the constitution of the Provincial Legislative Councils. In the letters addressed by them to Local Governments on the 15th August, 1892, they enumerated the interests which seemed to be of sufficient importance to require representation, and indicated the manner in which the seats to be filled by recommendation should be allotted so as to secure the object in view. The question of the direct representation of those interests on the Imperial Legislative Council did not at that time arise, as it was believed that the non-official Members of the Provincial Legislative Councils, as reconstituted under the regulations then about to be made, would form a sufficiently wide electorate for the Supreme Council. This electorate, however, while it has worked advantageously in the case of one class, can hardly be said to have afforded proportionate representation to the other interests concerned. Of the non-official Members elected to the Imperial Council since 1893, 45 per cent. have belonged to the professional middle class; the landholders have obtained 27 per cent. of the seats, and the Mahomedans only 12 per cent; while the Indian mercantile community, a large and increasingly important body, have had no representative at all. The advance of English education, and the demand of influential classes and interests for representation on a more ample scale, now render it necessary to examine the whole subject in the light of the experience of the last fifteen years, and to treat it on more liberal and comprehensive lines than we have hitherto been able to follow. With the enlargement of the Imperial Council it ceases to be possible to

rely exclusively upon a single source of recruitment. New constituencies must be formed, and in framing them we have to consider what sections of the population can properly claim representation for British India as a whole. With due regard for the limitations of a purely numerical test, we would refer to the following statistics of communities, interests, and adult male persons who can read and write, as indicating in a general way the main factors which enter into the problem. The figures are taken from the Census of 1901 and relate to British India only :—

Communities.

			Number.		Per cent.
Hindus ...	...	...	158,601,000	...	68
Mahomedans ...	...	...	53,804,000	...	23
Buddhists ...	...	...	9,411,000	...	4
Christians ...	...	...	1,904,000	...	81
Sikhs ...	...	...	1,574,000	...	67
Jains ...	...	...	479,000	...	20

Interests.

Agriculture ...	...	...	155,678,000	...	67. 1
Commerce and Industry ...	...	...	38,302,000	...	16. 5
Professions ...	...	...	3,871,000	...	1. 6

Adult Males.

Literate in English ...	...	...	652,000	...	1
Literate in Vernacular ...	...	...	8,616,000	...	14

21. Starting from these data and bearing in mind the principles laid down by Parliament in 1892 for the guidance of LORD LANSDOWNE'S Government, we propose that the Imperial Legislative Council should be constituted as follows :—

A.— <i>Ex-officio</i> Members ...	...	...	...	8
B.—Officials representing Provinces ...	...	...	...	8
C.—Nominated Members ; not more than 15 to be officials ; the non-officials to be representatives of minorities or special interests, or experts ...	...	...	...	18
D.—Elected Members ...	...	...	...	28
(a) by the Provincial Legislative Councils and by the Advisory Council of the Central Provinces	...	...	...	12

(b) by the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces	...	7
(c) by Mahomedans of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and (alternately) Madras and Bombay	...	5
(d) by Chambers of Commerce of Calcutta and Bombay...	...	2
(e) by representatives of Indian Commerce	...	2
	Total...	62
or, including His Excellency the Viceroy	...	63

The Council, when assembled in full strength, would be composed (excluding the Viceroy) of 31 officials and the same number of non-officials, so that His Excellency would only be called upon to vote in the event of the Council being equally divided. Our reasons for the constitution which we propose are stated in detail in the following paragraphs.

22. *Enlargement of the Council.*—In our letter of 24th August, 1907 we suggested that the size of the Council should be more than doubled. Among Local Governments, Bengal, the United Provinces, and Burma approve of the proposal and make suggestions tending to raise the number still further. The Chief Commissioner of the Central Provinces is alarmed at the demand for additional official Members, and throws out the suggestion that their number might be reduced by giving each official vote a double value. Most of the opinions forwarded favour enlargement, and a number of persons either propose a number in excess of 54, or make suggestions for the representation of particular interests which necessarily involve an expansion of the Council beyond that limit. We are impressed with the unanimity of the feeling in favour of a large Council, and we consider that the rise in the standard of general intelligence, and the universal desire for a greater share in the management of public business, render an increase inevitable and desirable. In view of the various classes and interests which claim representation, we find it impossible to propose a smaller number than 62 or, including His Excellency the Viceroy, 63.

23. *Power to create an official majority.*—The principle of an official majority was accepted by His Majesty's Government in the correspondence which took place last year, and was embodied, with their authority, in our letter of 24th August, 1907. We can discover nothing in the present correspondence that would justify us in proposing its surrender. It is obvious

that under existing constitutional conditions the Government cannot resign, it must be able to settle the Budget and procure supplies for the service of the country : and it cannot divest itself of the power to give effect by legislation to the decisions of His Majesty's Government. Those non-officials who approach the subject from its practical side clearly realise the anomaly of the Executive Government being placed in a permanent minority. In the scheme submitted to us by the HON'BLE MR. GOKHALE, who may be taken to represent the better informed section of Indian publicists, he carefully guards himself against any such idea. On the Councils outlined by him the Government is "assured of a standing majority behind it" and the Head of the Government is further vested with a general veto. He asks only for "a minority—but a respectable minority" of non-official Members. In all Provinces the opinions which carry most weight, owing to the position of the writers and their experience as Members of a Legislative Council, proceed on similar lines ; though the strength of the official majorities proposed by them differs slightly, and some suggest that official votes should have a double value, or that the official proposals should prevail and that no cognizance should be taken of the votes. We gladly recognize the moderation and good sense by which these views are inspired. At the same time in order to avoid the inconvenience and waste of power involved in taking a number of officers away from their ordinary work merely for the purpose of voting on the Government side, we would reduce the official majority to the narrowest limits. Our scheme provides (excluding His Excellency the Viceroy) for 31 official Members,—8 *ex-officio*, 8 representing Provinces, and 15 appointed from among those officials at the headquarters of Government whose services can be made available without undue interruption of their ordinary duties. In the event of the Council being equally divided so that 31 officials were on one side and 31 non-officials on the other, the Viceroy's vote would turn the scale.

24. *Ordinary constitution of the Council.*—We have stated in the last paragraph our reasons for deeming it essential to retain the power of procuring, in the last resort, the support of a majority of officials in our Legislative Councils. Subject to this essential condition, we are prepared, in the Councils as constituted for ordinary purposes, to make a far larger concession than has as yet been suggested and to dispense with an official majority. We have every hope that the confidence we are willing to place in the intelligence and public spirit of the

non-official Members will be justified, and that increased responsibility will bring with it the requisite forbearance. We believe that on all ordinary occasions the Government may reckon with practical certainty upon securing sufficient non-official support to enable them to carry on the work of legislation with a Council containing less than the full quota of official Members, and we are willing to give this system a fair trial. Our specification of the Council has been framed accordingly. The provision that of the nominated Members not more than 15 shall be officials will enable us to dispense with an official majority for ordinary purposes, and we anticipate that it will hardly ever be necessary to appoint so large a number of officials as would secure an absolute official majority. In short, we propose to work normally with a minority, but to reserve power in the last resort to transform it into a majority.

25. *Omission of the Ruling Chief.*—The inclusion of a Ruling Chief in the Imperial Legislative Council proposed last year is objected to by a large number of persons on the ground that it is anomalous that an outsider should take part in making laws by which neither he nor his subjects will be affected, and that in most cases a Chief can know very little about the subjects with which British Indian legislation is concerned. We have considered these arguments, and we recommend that a Ruling Chief should not form an obligatory element of the Council. When there happen to be special reasons for appointing one, it will always be open to His Excellency to appoint him to one of the seats reserved for nomination, where he might at the same time serve the purpose of representing a minority such as the Mahomedans or the Sikh community.

26. *Representation of the professional middle class.*—Our proposal to assign seven seats to the non-official Members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and Burma is accepted by all Local Governments except the Punjab, which observes that as the number of non-official Members on its Provincial Council will probably remain small, "it would be difficult, though not of course impossible, to concede to them the right of electing a Member for the Imperial Council." This portion of the published scheme has, however, been attacked on the ground that it gives to the professional middle class only three more seats (corresponding to the three additional Provinces to be represented) than they now possess. Several suggestions are made for increasing

the number by assigning two or more Members to each of the Provincial Councils. We have considered these proposals, but we find it impossible to give each of the seven Provincial Councils as many as two Members without raising the total strength of the Imperial Council to an extent that would be inconvenient. We recommend, therefore, that the four Provinces, which will have comparatively large Provincial Councils, namely, Madras, Bombay, Bengal and the United Provinces, should be allowed to elect two Members, the three Provinces with smaller Councils, namely, the Punjab, Eastern Bengal and Assam and Burma getting only one Member each. This would raise the number of Members elected by Provincial Legislative Councils from seven to eleven, which seems a fair allotment so far as the Provinces with Councils are concerned. The case of the Central Provinces has also to be considered. There is at present no Legislative Council in those Provinces, and there are difficulties in forming any kind of suitable electorate. For the present, therefore, we think that some use may legitimately be made of the Advisory Council, and we consider that the representative might be nominated by the Chief Commissioner in consultation with that Council. This is perhaps not a very great advance, but it represents a somewhat nearer approach to election than nomination pure and simple, which appears to be the only practicable alternative.

27. *Representation of Landholders.*—The proposal made in our letter of 24th August, 1907 that the nobles and great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces should be represented by seven Members, is generally approved by the Local Governments, and has been well received by the landholders themselves, and we consider that it gives sufficient representation to the landed interest. The question, however, of the manner in which the Members are to be selected is a difficult one, and there is little uniformity in the answers. The Governments of Madras and Bengal propose to form electorates based upon income from land. The United Provinces has a scheme for election proper in Agra, and another for election by associations in Oudh. The Government of Bombay make no suggestion as to the manner in which the representative of the Bombay landowners on the Imperial Council should be selected. The Chief Commissioner of the Central Provinces thinks that the formation of an electorate is impossible and puts forward a scheme for election by Durbaris combined with nomination. The Lieutenant-Governor of Eastern Bengal

and Assam proposes election by an association, and the Lieutenant-Governor of the Punjab is in favour of nomination. Among these conflicting opinions it is impossible for us, with the materials available, to make any definite proposal which would admit of general application, nor is it probable that any uniform system would be feasible throughout India.

28. We may, however, discuss, as briefly as possible, the various suggestions that have been made. Of the proposals put forward in our published letter election by the landholding Members of the Provincial Councils is rightly objected to on the ground that the electors, numbering from two to four only, would be likely to differ over the selection of the candidates. Election by a constituency comprising all landholders who pay a certain amount of land revenue, or derive a certain income from land, is approved in principle by most people, though there is some difference of opinion as to the exact sums which should confer the franchise. But doubts are expressed by some Governments and several landholders as to the possibility of working such an electorate over an area so large as an entire Province, and the question is one that can only be settled by actual experiment. If the landholders themselves take a real interest in the matter, and are anxious to demonstrate their fitness to exercise the privilege of voting, Provinces will compete with each other in devising methods of election and the best system will in the long run prevail. Meanwhile we may point out that the success of the Calcutta University in organising the election of Fellows by a large number of graduates scattered all over India furnishes some ground for believing that the difficulties anticipated will not be found insuperable.

29. When regular electorates cannot be formed, the simplest and most convenient method of selecting Members would be to recognise election by associations. This practice has precedent in its favour. It was mentioned with approval in the Parliamentary debates on the Act of 1892, and in one form or another it appears in all of the existing regulations. There are, however, certain possibilities connected with it which may become more serious if the expansion of the Councils and the enlargement of their powers should stimulate the electioneering spirit in India. If election by associations is admitted as the standard means of giving representation to classes, it seems probable that rival associations may claim recognition, and that it may be difficult to decide between them. There is also the danger that an association may be captured by a

small ring of politicians ; that its original character may be transformed by changing the conditions of membership or by manipulating admissions ; or again that the whole organization may exist, as the HON'BLE MALIK UMAR HAIYAT KHAN has suggested, "more on paper than in practice." Lastly, where parties are formed within an association, with the result that the validity of an election is disputed and each party charged the other with fraud, it is obvious that the Government would find some difficulty in determining which of two rival candidates should be held to have been elected. For these reasons we consider that the recognition of associations as electoral agencies should be regarded as a provisional arrangement, to be maintained only until the interests which they purport to represent demand the formation of a regular electorate, and succeed in satisfying the Government that this step in advance is practicable. Where there are no representative associations, and electorates cannot be formed, the only possible alternative is to have recourse to nomination until the community has developed sufficiently to be fit for a more independent system. In applying each of these methods regard would be had to local conditions. For instance in the United Provinces the claim of the British Indian Association, which represents the Oudh Talukdars, to elect a Member deserves special consideration ; but the principle to be borne in mind is that election by the wishes of the people is the ultimate object to be secured, whatever may be the actual machinery adopted for giving effect to it. We are in agreement with most of the landholders who have discussed the subject in considering it essential that in all cases the candidates for election should themselves be Members of the electorate.

In framing these proposals we have not lost sight of the fact that the interests of landlords and tenants are by no means identical ; that our electorates will consist mainly, if not exclusively, of the former class, and that no means can at present be devised of giving the great body of tenants direct representation on the Legislative Councils. Their interests, however, are in no danger of being overlooked. In the debate in the House of Lords on the 6th March, 1890 both LORD RIPON and LORD KIMBERLEY pointed out that when the Bengal Tenancy Act was under discussion in LORD DUFFERIN'S Council "the only representative of the ryots was the Government." Among the official Members of the Legislative Councils there will always be some experts in Indian land questions, who will be qualified to represent the views of the cultivators.

30. *Representation of Mahomedans.*—All Local Governments approve of the proposals for the special representation of Mahomedans which were made in our letter of 24th August, 1907. These proposals are, as a rule, adversely criticised by the Hindus, who regard them as an attempt to set one religion against the other, and thus to create a counterpoise to the influence of the educated middle class. Some Hindus, however, recognise the expediency of giving special representation to the Mahomedan community, and the Bombay Presidency Association, while they object strongly to the creation of a special Mahomedan electorate, make provision in their scheme of a Council for the election of two Members by the Mahomedan community. Notwithstanding their formal protest against the principle of religious representation, the Association doubtless realise that the Indian Mahomedans are much more than a religious body. They form in fact, an absolutely separate community, distinct by marriage, food, and custom, and claiming in many cases to belong to a different race from the Hindus.

The first question is how many seats should be allotted to the Mahomedan community. After carefully considering the demands of the Mahomedans themselves and views expressed by the Hindus, we think that the claims of the former will be adequately met if four elective seats are assigned to them, and provision is made for a fifth seat being filled by nomination until suitable machinery for election can be devised. The four elective seats should be permanently assigned to the four Provinces which have the largest Mahomedan population, namely, Bengal, Eastern Bengal and Assam, the Punjab and the United Provinces. The fifth seat should be given alternately to Bombay and Madras, where the Mahomedan population is smaller, and for this it will be necessary to have recourse to nomination until satisfactory electorates can be formed. The question of a Mahomedan electorate presents much the same difficulties as the formation of a landholding electorate. In most Provinces the Mahomedans are in favour of election and regard nomination as an inferior method of obtaining admission to the Legislative Council. The Governments of Madras and the United Provinces propose electorates, based partly upon property and partly upon literary qualifications, which appear to us to be well devised, but the former Government have since expressed a preference for nomination. The Mahomedans of Bombay are said to be widely scattered over the Presidency, and at present unorganised for common purposes, so that a

special electorate cannot be treated. In course of time it may be possible to arrange for election by a central association, but for the present their proportionate representation can be secured only by careful nomination. The Government of Bengal proposes a scheme of a similar character which includes graduates of five years' standing and holders of recognised titles; both of these are doubtful features. The Government of Eastern Bengal and Assam suggests that the Mahomedan representative should be elected by the Provincial Mahomedan Association. The Lieutenant-Governor of the Punjab considers it impossible to form a Mahomedan electorate, and proposes that the Mahomedan representative should be nominated by the Lieutenant-Governor. We would deal with the question in the same way as we have proposed to deal with the representation of landholders. Our view is that in Provinces where election by a regular Mahomedan electorate is feasible, that method should be adopted; that Mahomedan associations should be made use of where electorates cannot be formed; and that nomination by Government should be resorted to where neither of the first two methods is practicable. It will be for the Local Government to determine, in consultation with the leaders of the Mahomedan community, which plan should be adopted.

31. *Representation of Commerce.*—In the scheme put forward by us in August 1907, two seats on the Council were assigned to the Chambers of Commerce of Calcutta and Bombay. No provision was made for the representation of Indian commerce otherwise than by nomination. The opinions show that there is a general feeling in favour of increasing the number of commercial representatives. It is difficult, however, to find room for more than four such Members, and it is doubtful whether merchants not residing in Calcutta will be willing to leave their own business to attend meetings of the Legislative Council. Taking four seats as the maximum that can be permanently allotted, we propose—

- (1) that two seats should be given to the Chambers of Commerce, of Calcutta and Bombay as representing in the largest sense European commerce throughout the whole of India;
- (2) that two seats should be reserved for Indian commerce, the Members to be nominated by the Governor-General, in consultation with Local Governments, until a method of election by commercial associations is developed.

It may be said that the first proposal excludes from representation the

<i>Value of sea-borne trade in 1907-08.</i>			European commercial
Bengal ...	Rs. 1,64, 84,	29, 000	interests of Burma,
Bombay ...	" 1,67, 53,	10, 000	Madras, Upper India,
Sind ...	" 42, 65,	26, 000	Sind and the Punjab.
Madras ...	" 43, 70,	37, 000	On the other hand the
Burma ...	" 63, 55,	69, 000	figures noted in the
Eastern Bengal and Assam.,	7, 22,	49, 000	margin show how

enormously the commercial interests of Bengal and Bombay preponderate over those of the other Provinces. It may be added that the Chambers of Commerce of Calcutta and Bombay will naturally receive references from the other Chambers on subjects affecting European commercial interests, and will arrange to have them brought to the notice of the Council by their own Members; that representatives of the other Chambers can be brought in by nomination as experts or in the place of officials; and that all of these bodies will recommend Members for the Provincial Councils who will bring forward their views in the debates on the Budget. None of the Local Governments suggest any practicable arrangement for the representation of Indian commerce by means of election, but we are disposed to think that if two permanent seats are assigned to that interest, associations will in course of time be formed which will be sufficiently stable and representative to admit of their being utilised as electoral agencies.

32. *Seats reserved for nomination.*—We have explained above our reasons for recommending that the full Council should comprise not more than 15 nominated officials, exclusive of the additional officials required for the purpose of representing the Provinces. We find it impossible without increasing the size of the Council, to assign more than three seats to nominated non-officials. This number, however, appears to us sufficient to enable the Governor-General to give occasional representation to the interest of minorities such as the Sikhs, the Parsis, the Indian Christians, the Buddhists, and the domiciled community and sometimes to appoint one or two experts in connexion with legislation pending before the Council. It may reasonably be expected that some, at least, of these minorities, will obtain seats by the ordinary process of election, while the others need only be represented at intervals. It must also be remembered that although 15 nominated officials are provided for under head C, so as to guarantee in the last resort an ab-

solute official majority, it will scarcely ever be necessary to appoint more than about six, and it may sometimes be possible to nominate non-officials to some of the seats reserved for officials. When we give power we create responsibility, and a solid opposition of all non-official Members will not be so lightly undertaken in the larger Council of the future as in the smaller Council of the past, where such opposition made no possible difference to the result.

Provincial Legislative Councils.

33. In our letter of the 24th August, 1907, no specific scheme of a Provincial Council was put forward, but the general principle was laid down that the widest representation should be given to classes, races and interests, subject to the condition that an official majority must be maintained. These principles have been borne in mind by Local Governments in the proposals which they have made, except that the Bombay Government desire to have no majority even in a Council of the maximum strength.

34. *General remarks.*—In framing proposals for the constitution of the Provincial Legislative Councils we have proceeded on the lines followed in the case of the Imperial Legislative Council. We have endeavoured to reduce the official majority to the narrowest limits by making the number of officials and non-officials (excluding the head of the Government) equal, so that, in the event of the full Council being equally divided, the vote of the Governor or Lieutenant-Governor would turn the scale. We have also laid down that of the nominated Members not more than a certain number shall be officials, the non-officials being representatives of minorities or special interests, or experts. This will enable the Head of the Government to dispense with an official majority in the Council as ordinarily constituted, while at the same time retaining in his hands the power to appoint the entire number of officials requisite to secure a majority of one in the full Council. We trust, however, that the closer association of officials with non-officials in public business, which will result from our proposals, will render it unnecessary to have recourse to this expedient. It may reasonably be anticipated that in the newly-constituted Councils only as many officials need be appointed as will be sufficient, in conjunction with three or four non-officials, to enable the Government to carry their legislative measures. We have

made no attempt to frame regular constituencies, for the election of landholders, Mahomedans, and representatives of Indian commerce. The materials before us are insufficient for the purpose, and the conditions in different Provinces vary too much for any uniform plan to be feasible. Some Governments may be able to form electorates based upon payment of land-revenue or income-tax or upon the income derived from land; others may permit associations to recommend Members; and others again may have recourse to nomination. It must be understood, therefore, that in describing certain classes of Members as "elected" we use that term subject to the reservation that in some cases election in the ordinary sense may be found impossible or inexpedient. In any case the question to what extent election proper can be introduced will have to be considered further when the regulations are being drawn up, after the Act of 1892 has been amended.

* * * * *

Resolutions, Questions, and Discussion of the Budget.

57. *Power to move Resolutions.*—By the Act of 1861, under which the present Legislative bodies were constituted, discussion was confined to legislative proposals actually before the Councils in the form of Bills. In 1892 this limitation was relaxed to the extent of allowing debate on the annual financial statement although no legislation was involved, and in this debate it is permissible for Members to draw attention to any matter they please, whether it arises directly out of the Budget proposals or not. But a general debate of this character can never be satisfactory. Members do not know beforehand the subjects which are to be brought forward by their colleagues; the discussion is necessarily of a desultory character; and the absence of notice not uncommonly prevents the official Members from giving full information in answer to questions that are raised. We are of opinion that the time has come when there should be further facilities for debate. We think that Members should have opportunities for placing their views on public questions before the Government, and we are impressed with the benefits which both the Government and the educated public would derive from the well-ordered discussion of administrative subjects in the Legislative Councils, either on a reference from the head of the Government, or at the instance of a private Member. Such

discussions would give the Government an opportunity of making their view of a question known and of explaining the reasons which had led them to adopt a particular line of action. We therefore propose that power should be given by statute for Members to move resolutions on matters of general public importance, subject to the checks to which we shall presently refer. So far as the educated public are concerned, there can be little doubt that the right to move resolutions on such questions, and to argue these in a regular debate, will be welcomed as a very great concession; that it will be resorted to freely; and that it will tend to bring about more intimate relations between the official and non-official Members. We think that the resolutions should be in the form of recommendations to the Government, because this form expresses the constitutional position more precisely, and emphasises the fact that the decision must in any case rest with the Government and not with the Council. In the event of a resolution not being accepted by the Government an opportunity would be taken of explaining their reasons.

58. This subject was not included among those which Your Lordship authorised us to put before Local Governments, and our letter of 24th August, 1907 contained no reference to it. But it is a reform to which we attach great importance. In support of it we would point out that a similar proposal was put forward in 1888 by SIR GEORGE CHESNEY'S Committee in reference to Provincial Councils. They recommended that, in addition to legislation, it should be one of the functions of the Local Councils to originate advice and suggestions on any subject connected with internal administration, and that their views should be embodied in the form of a memorandum addressed to the Head of the Government. They advised, however, that it should not be permissible to propose resolutions relating to subjects removed from the cognizance of the Provincial Legislative Councils by section 43 of the Councils Act of 1861, which forbids them, except with the previous sanction of the Governor-General, "to make regulations or to take into consideration any law or regulation" relating to the public debt, customs, and Imperial taxes; coin, bills, and notes; post office and telegraph; altering the Penal Code; religion; army and navy; patents or copyright; foreign relations. That proposal was not adopted at the time, and it may have been premature in the conditions which then existed, but at least it had the high authority of the Members of that Committee.

59. The discussion of administrative questions can however only be permitted subject to certain rules and restrictions which must be clearly laid down. We do not feel ourselves in a position at the present stage to make an exhaustive enumeration of these, and we anticipate that, as has been the case in the House of Commons, actual experience will lead to the framing of standing orders designed to meet the exigencies of debate. It seems to us, however, that the following conditions must be imposed from the first—

- (1) Resolutions must relate to matters of public and general importance, and not to isolated incidents of administration or personal questions.
- (2) No resolution should have by itself any force or effect. It must rest with the Government to take action or not to take action as it thinks fit. This is the English principle, and it is obvious that the Council cannot claim for its resolutions a higher degree of authority than attaches to a resolution of the House of Commons.
- (3) The order of business must be absolutely under the control of the President, and no discussion of his orders can be permitted.
- (4) The President must have power to disallow any resolution without giving any other reason than that in his opinion it cannot be discussed consistently with the public interests. This will enable him to reject resolutions which are contrary to public policy, or which relate to matters which could not be discussed without anticipating, or seeming to anticipate the decision of the Secretary of State.
- (5) In order to avoid the too frequent exercise of this general power of disallowing resolutions certain classes of subjects ought to be expressly excluded. In the case of the Provincial Councils the proposals of SIR GEORGE CHESNEY'S Committee referred to above seem to be suitable. In the Imperial Council the admissible range of discussion is necessarily larger, and it is less easy to define its limits precisely. For the present we think it sufficient to say that some subjects must be specially excluded, and that the question, which those should be, can be best settled later on when the rules of business are drawn up.
- (6) It will also be necessary to place some limitation upon the time allotted to the discussion of resolutions.

60. *Power to ask questions.*—The right of asking questions in the Legislative Councils, subject to certain conditions and restrictions, was conceded by the Indian Councils Act of 1892. We recommend that it should be extended to the enlarged Councils which we propose for the Punjab and Burma. We do not suggest any alteration in the rules governing the subject.

61. *The discussion of the Budget.*—Under this head it was proposed in our published letter of 24th August, 1907 that the Budget should be explained by heads or groups of heads by the Members in charge of departments, and should be discussed in the same way by the other Members, and that this discussion should be followed by a general debate conducted on the same lines as at present. No method was suggested of enabling the non-official Members to exercise any influence on the actual settlement of the items. The opinions received do not throw much light on the question, how the Government can give the Councils an effective share in the financial administration of India, without surrendering any essential principle, or parting with the right of original initiative and ultimate control. The Governments of Madras, Bombay, Bengal, the United Provinces, and the Punjab put forward, in more or less detail, proposals for holding informal conferences with the non-official Members of the Legislative Council, when the first edition of the Provincial Budget has been prepared, and thus eliciting criticisms and suggestions which might be considered when the second edition comes to be settled. The Bombay Government claim a greater degree of financial independence, and they and other Governments argue that, so long as the Provincial Budget requires the previous sanction of the Government of India the discussions in the full Councils can deal only with settled facts, since no alterations can be introduced by the Local Government in consequence of anything that may be said in the public debate. All Governments approve of discussion by heads as proposed in the published letter. No Government suggests any plan for enabling the full Council to debate and vote upon specific assignments of funds. The non-official critics either demand the power of moving amendments to any items of the Budget, or express general approval of the Government of India's proposals.

62. We are clearly of opinion that it is advisable that the Councils should be afforded increased facilities for expressing their views upon the Budget, and that these facilities should be given at a sufficiently early stage to enable the Government to take advantage of any advice that may be tendered, and to adopt and give effect to such suggestions as may be found practicable. The ultimate control must, however, rest with the Government, and no useful purpose would be served by affecting to ignore this essential fact. It is the Government and not the Council, that decides any question arising on the

Budget, and the utmost concession that can be made is to give the Council ample opportunities of making recommendations to the Government in respect of particular items. But, without departing from this principle, we think that the Council may properly be empowered to record its opinion by vote on the greater part of the Budget proposals. The Indian public have long desired an opportunity of this kind, and we think that the time has come when it may properly be given in the manner and to the extent which we shall presently explain. In our letter to Local Governments we did not put forward any plan by which Members of Legislative Councils could vote on the Budget, but we are anxious to meet the public demand, and we trust that our proposals in the matter, both in regard to the Imperial and to the Provincial Councils, may obtain your Lordship's approval.

63. *The Imperial Budget.*—These being the general objects which we have in view, we believe that they may be attained in the case of the Imperial Budget by laying down that the financial statement shall be presented during the last five days in February; and that the final discussion of the Budget shall take place not more than four weeks later. There are very strong reasons for being particular about dates; and we need not enter here into the arrangements which will be necessary in order to admit of the Budget being opened three weeks in advance of the usual time. The figures will be less accurate than they are now, and a considerable part of the detailed explanations which are now appended to the financial statement will have to be dropped. The Finance Member's speech will necessarily be more general in its tone, and will not describe the figures of expenditure with the same precision. This advantage will, in our opinion, be amply counterbalanced by the fact that the earlier presentation of the Budget will enable the Government to obtain the views of the Council on their financial proposals at a stage when it will still be possible to act upon their advice. On the presentation of the financial statement, it will be convenient for the Council to resolve itself into Committee for the discussion of the Budget by blocks. It should be a Committee of the whole Council, with a Member of the Government in the chair; and the first meeting should take place not later than one week after the day on which the Budget is presented. The Committee should sit from day to day until its work is complete; and there should be a rule requiring it to finish its business on or before the 10th of March; since it is essential that the final corrections should all

be known in good time to get the Budget, with its supplementary tables and notes, into the shape in which it is to be finally presented.

64. For the purpose of discussion in Committee the major heads or groups of heads would be taken up in order, the discussion being opened with an explanatory speech by the Member of the Executive Council who controls the departments concerned, or, if so arranged, by another Member on his behalf. Each Member would then be at liberty to move a resolution, in the form of a recommendation to the Government, relating to the figures in any heads or group, two days' notice being given in each case. The Council would divide upon any resolutions which were pressed; and the result would be duly recorded. But the Government would not be bound to take action upon any resolution, either in whole or part. Power should be vested in the Chairman to close the discussion upon any head or group, when he thinks that it cannot be continued with advantage, and there should be a time limit for individual speeches. Here, as in paragraph 62 above, we desire to lay stress on the condition that the resolutions should be in the form of recommendations to the Government, as indicating that the power of passing the Budget is vested, not in the Council, but in the Executive Government. This is not a mere verbal refinement; it denotes a constitutional fact; and it has the further advantage of avoiding any objection that may be taken to the scheme on the basis of the English rule that all proposals for the increase of expenditure must be initiated by the Crown. If it is necessary for us to support our proposals by a reference to Parliamentary practice, the requisite analogy is to be found in the right of the House of Commons to submit an address to the Crown recommending certain expenditure.

65. When the Council sitting in Committee has completed its labours, it will be for the Government to decide what alterations, if any, should be made in the Budget as a result of the discussion. These would be carried out in the estimates at once. At the adjourned meeting of the Council, the Finance Member would submit the Budget in its final form, along with a formal report of the proceedings in Committee. This opportunity would be taken to explain briefly why Government had been unable to accept any resolutions that were carried in Committee. After the Finance Member's speech, a general discussion would follow; but at this stage no further resolutions would be admissible. The Finance Member would make a

general reply and the Viceroy would sum up the debate ; whereupon the Budget would come into effect.

66. *The Provincial Budgets.*—In preparing its Provincial Budget, a Local Government has no anxieties about ways and means in the wider sense of that term. Its surplus or deficit is absorbed in the general balances of India. It is not affected by remissions of taxation, for the effects of which the Imperial Exchequer provides full compensation. Its sole concern is to keep the demands of its departments within its estimated revenue, without drawing unduly upon the provincial balance. In our opinion it is in this task that the Provincial Council may suitably assist the Local Government. Nor ought such assistance to be unwelcome. For a Local Government at Budget time is flooded with proposals for new expenditure, and purely departmental efficiency may sometimes push aside more genuine needs. It is not, of course, suggested that the intervention of the Provincial Council will ensure an infallible judgment between conflicting claims. But it will put the proposals on their defence ; it will enlist some outside knowledge of local interests ; and it will give the non-official Members a substantial share in the preparation of the Budget.

67. What we propose for adoption is a procedure in four stages. The first stage is the rough draft of the provincial estimates. In this the Local Government would include all projects for new expenditure in excess of Rs. 5,000 which are put forward by the different departments, provided that they are covered by administrative sanction, and that there is no *prima facie* objection to them. All such projects would be listed in a schedule, which would consist of two parts. In part I the Local Governments would place those items for which it considers that provision must be made in order to carry on a scheme already in hand, or in pursuance of orders from the Government of India or the Secretary of State, or to meet an urgent administrative need. All other items, not ear-marked above, would be put in part II of the schedule. The draft Budget, with this schedule of new expenditure, would then be submitted to the Government of India. Now it is manifest that an estimate of expenditure prepared on these lines is certain to exceed what the Province can afford. It would rest, therefore, with the Government of India, after correcting the estimate of revenue and the opening balance (which it always has to do at present), to determine, in consultation with the Local Government, the aggregate expenditure for which the Provincial Budget should provide ; but the detailed correction of the expenditure estimates

which is now undertaken in the Finance Department would be dispensed with. The alterations in the revenue figures, and the figure of total expenditure, as fixed by the Government of India, would then be communicated to the Local Government. The Government of India would also reserve the power—we consider this essential—to alter or add to part I of the schedule.

68. The second stage would bring the Provincial Council upon the scene. We are inclined to think that the work would be better done by a select Committee than by the more unwieldy body of the whole Council. We accordingly recommend the appointment of a standing Finance Committee of the Council, numbering not more than 12: in the smaller Councils 8, or even 6, might suffice.

There would be an equal number of officials and non-officials. The latter might be elected by the non-official Members of the Council, once a year, by ballot or as directed by rules. The officials would be nominated by the Local Government, and would be selected mainly for their capacity to represent the bigger spending Departments. The Financial Secretary (or, in Madras and Bombay, the Member of Council who has charge of the Financial department) would be Chairman, with a casting vote. Most Local Governments have proposed a procedure substantially on these lines; and the recent action of the Government of Madras and Bengal in appointing Committees of their Councils to consider the Budget informally has been received with general approval.

69. On receipt of the Government of India's orders on its draft Budget, the Local Government would at once convene this Committee, place all the papers before it, and instruct it to revise part II of the schedule in such a manner as to bring the total estimates of expenditure down to the figure sanctioned by the Government of India. The proceedings of the Committee would be private and informal. Discussion would be free, and the decisions would go by the vote of the majority. Where items were disputed, the officer representing the department concerned would be heard in their support, their urgency would be compared with that of items supported by other departments, and the Committee would then vote upon them on their merits. On occasion, the Committee might decide to insert in the Budget a project which had not appeared in the original estimate; and to this there appears to be no objection, if the scheme were one for which administrative sanction existed, or which the Local Government were prepared to support. On the conclusion of its work, the Committee would report the

corrections in part II which it considered necessary, in order to bring the total Budget expenditure within the figure sanctioned by the Government of India. After considering the Committee's proposals the Local Government would revise its expenditure estimates, make any alteration in the revenue estimates, which the progress of actuals might suggest, and report the figures which it decided to accept under both heads to the Government of India for incorporation in the Imperial Budget.

70. The third stage would begin with the presentation of the estimates as a whole to the Provincial Council. On receiving the second edition of the estimates, as explained in the last paragraph, the Government of India would make no further changes on the expenditure side, unless, in the exercise of a power which they must always reserve, they found it necessary to direct a general reduction of expenditure in consequence of any exceptional strain on either the Imperial or the Provincial resources. But they would bring the revenue figures up to date, give effect to any taxation proposals affecting the Budget, and insert any special grants for the Province which the Secretary of State might have sanctioned out of the Imperial surplus. They would then, in accordance with the present practice, compile the figures and incorporate them in the Imperial financial statement. An abstract of the figures, as thus settled, would be communicated to the Local Government on the day when the Imperial Budget is opened. The Local Government would at once print up its Budget, and call a meeting of its Provincial Council, when the Budget would be formally presented by the official in charge, with a speech describing its general purport.

71. The best method of conducting the consideration of the Budget would be for the Council to sit as a Committee. This would allow of greater freedom of debate, and it would permit the head of the Province to leave the chair and to put one of the official Members in charge. In Committee, each head or group of heads would be taken up separately. The figures would be explained by the official Member who represents the administrative department concerned. Any Member would then be at liberty to move a resolution, in the form of a recommendation to the Local Government, regarding any entry in the head or group under discussion, and the resolution would be debated and put to the vote. The opportunity would be taken by the official Members to move any addition to the estimate of expenditure in consequence of an Imperial grant, or any reduc-

tion in consequence of a specific direction from the Government of India to curtail expenditure. All resolutions carried by a majority of votes would be reported to the Local Government ; but it would be entirely at their discretion to accept any such resolution in whole or in part, or to reject it. In order to allow sufficient time to have the Provincial figures incorporated in the Imperial Budget before the latter is prepared in its final form, it would be necessary to close the discussion in Council by a certain date. Rules would have to be framed for this purpose.

72. The fourth stage would commence as soon as the Council sitting in Committee had finished with the Budget. The Local Government would then consider what alterations, if any, were to be made as the result of the discussion. Without the Government of India's sanction, it would not be competent to change the revenue figures or to increase the total figure of expenditure as formerly settled by that Government. But it might, if it so desired with reference to the Committee's recommendations, vary the distribution of the expenditure in detail. The figures as finally altered would be telegraphed to the Government of India, and the final edition of the Provincial Budget would then be compiled and printed. This would be presented by the Member in charge at an adjourned meeting of the Council along with a report of the Committee's proceedings. He would describe any changes that had been made in the figures, and explain why any resolutions of the Committee had not been accepted by the Local Government.

A debate would follow ; but no resolution or voting would be permitted.

73. *Subjects for discussion.*—In regulating the new system of discussion, whether in the Imperial or Provincial Councils, one of the first points for consideration is the range of subjects on which resolutions and voting will be permitted. Since we propose taking our stand on the practice of the House of Commons, to lay down that no recommendation will be binding upon the Government, the limits within which resolutions may be proposed can be very materially enlarged without running any risk of causing embarrassment or misunderstanding. It is clearly imperative, however, on grounds of public policy, that certain items both of revenue and of expenditure should be excluded from debate ; and we annex to this despatch a schedule showing what heads of the Imperial and Provincial Budgets we consider should be thus reserved. We desire to

draw attention to the large number of items which we have left open to discussion, and the comparatively small number which we propose to exclude. The grounds for exclusion are various. Some items both of revenue and expenditure are fixed by law, and the proper method of proposing any alteration of them is the introduction of a bill. Most of the political heads are governed by treaties or engagements with which the Councils have no concern; the debt heads depend upon contracts which cannot be altered; and military and ecclesiastical charges raise far-reaching questions of policy which it would be inexpedient to discuss, and impossible to put to the vote. Finally, it is obvious that the Imperial Council can only discuss with advantage the revenue and expenditure which is under the administration of the Government of India, while a Provincial Council must equally be restricted to items subject to the control of the Local Government. In addition to these specific reservations, which we have endeavoured to make as few as possible, it will be necessary to impose some further restrictions upon resolutions with the object of preserving the business character of the debate and of restricting it, as far as possible, to the financial aspects of the Budget. The discussion of the Budget by heads is intended to deal with the settlement of the figures, and generalities having no direct bearing on this point should be ruled out as irrelevant at that stage, and relegated to the general debate. We apprehend that there will be no difficulty in framing a rule which will give to the Chairman of the Council when sitting as a Committee a general power to enforce this necessary distinction.

74. *Effect of Budget proposals.*—Our proposals under this head indicate a treatment of the Budgets which will maintain full power for the Government over ways and means, while giving the Councils a reasonable share in the settlement of expenditure. They will have a marked tendency to promote decentralisation, but they will in no way relax the control which is exercised by the Secretary of State in Council over the expenditure of the revenues of India. They will confer on Local Governments a larger measure of financial independence and will enable them in the exercise of these increased powers to avail themselves of the assistance of the Legislative Council to an extent which has hitherto been impossible. And, both in the Imperial and the Provincial Councils, they will place the representatives of all classes of the population in a position to take a more effective part in shaping the policy of

the Government, and to exert a real influence upon the actual work of administration.

General Conclusions,

75. In framing the proposals, which we now submit to your decision, we have given ample consideration to the great variety of opinion elicited by our letter of 24th August 1907. We readily acknowledge the value of many of the criticisms that have reached us, and we believe that no material point has escaped our observation. We have accepted in substance several important suggestions, and we have introduced into our scheme measures of a far more advanced character than have hitherto been proposed. We will now sum up the results of our deliberations. In accordance with the most authoritative opinion we have abandoned the idea of an Imperial Advisory Council as originally planned, and have substituted for it a Council of Chiefs to be appointed by the Viceroy, and utilized by him in the guardianship of Common and Imperial interests as the demands of the time may require. We have planned Provincial Advisory Councils on lines which will enable Local Governments to avail themselves of the advice and co-operation of the leading representatives of the best non-official opinion, and we trust that the proposal will commend itself to popular feeling, and will satisfy the demand for extended opportunities of consultation on matters of local interest. The enlargement of the Legislative Councils, and the extension of their functions to the discussion of administrative questions, are the widest, most deep reaching and most substantial features of the scheme which we now put forward. Taking first the Imperial Legislative Council, we propose to raise the total strength of the Council, excluding His Excellency the Viceroy, from 24 to 62, and to increase the number of non-official Members from 10 to 31, and of elected Members from 5 to 28. On all ordinary occasions we are ready to dispense with an official majority, and to rely upon the public spirit of the non-official Members to enable us to carry on the necessary work of Legislation. We have dealt with the Provincial Legislative Councils in an equally liberal manner. The total strength of the Council, and the numbers of non-official and elected Members have in every instance, except that of Burma, been more than doubled. In all these cases, while giving fuller play to the elective principle, we have also greatly enlarged its range, and have endeavoured to afford proportionate representation to all classes that have

reached a sufficiently high level of education, the land-holders, the Mahomedans, the professional middle-class, and the commercial community both Indian and European. To all of them, again, we propose to concede the novel right of moving resolutions, and dividing the Council on administrative questions of public and general interest, and of taking part in settling the actual figures on the Budget, both by informal discussion and by bringing forward specific recommendations which will be put to the vote. Regarding the scheme as a whole, we consider ourselves justified in claiming for it that it will really and effectively associate the people of India with the Government in the work not only of occasional legislation but of actual everyday administration. It is an attempt to give India a constitution framed on sufficiently liberal lines to satisfy the legitimate aspirations of the most advanced Indians, whilst at the same time enlisting the support of the more conservative elements of Indian society. We are not without hope that it will be accepted by all classes in the spirit in which it has been planned, and that it will unite in the common service of India all those, whether officials or private individuals, who have her highest interests at heart.

76. In conclusion we have one more observation to make. We recognise that the effect of our proposals will be to throw a greater burden on the heads of Local Governments, not only by reason of the actual increase of work caused by the longer sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the recommendations of those Councils. It may be that experience will show the desirability of strengthening the hands of Lieutenant-Governors in the larger Provinces by the creation of Executive Councils, as SIR CHARLES AITCHISON suggested in connexion with the proposals of 1888, and assisting the Governors of Madras and Bombay by enlarging the Councils which now exist in those Presidencies. But it would be premature to discuss these contingencies until experience has been gained of the working of the new legislative bodies. The creation of Councils with executive functions in Provinces in which they do not exist would be a large departure from the present system of administration, and is a change that could only be recommended after the fullest consideration, and after consultation with the heads of the Provinces concerned.

F.

DESPATCH FROM THE SECRETARY OF STATE (LORD MORLEY) TO THE GOVERNMENT OF INDIA, NO. 193 DATED LONDON, 27TH NOVEMBER, 1908.

I have to acknowledge the important Despatch of the 1st October 1908, in which I had submitted for approval and decision a group of constitutional reforms, framed by Your Excellency in Council in pursuance of a policy initiated more than two years ago. Your proposals, in their present shape, are the outcome of a tentative project placed in August last year in the hands of Local Governments in India, with instructions to consult important bodies and individuals representative of various classes of the community, before putting their own conclusions before the Government of India. Those instructions, as you are very evidently justified in assuring me, were carried out with great care and thoroughness. After examining, moreover, the enormous mass of material gathered together in a prolonged operation I gladly recognise the admirable industry, patience, thought, and candour, with which that material has been sifted by your Government, and worked out into practical proposals, liberal in their spirit and comprehensive in their scope. I have taken all the pains demanded by their importance to secure special consideration of them in Council. It is a sincere satisfaction to me to find myself able to accept the substantial part of Your Excellency's scheme, with such modifications as would naturally occur to different minds, in handling problems of remarkable difficulty in themselves, and reasonably open to a wide variety of solution.

2. The original proposal of an Imperial Advisory Council was based on the interesting and attractive idea of associating Ruling Chiefs and territorial magnates of British India, in the guardianship of common and Imperial interests, and as a means of promoting more intimate relations among component parts of the Indian Empire. The general opinion of those whose assent and co-operation would be indispensable has proved adverse, and Your Excellency in Council now considers that the project should for the present not be proceeded with.

3. You still favour an Imperial Council composed only of Ruling Chiefs. LORD LYTTON made an experiment in this

direction, but it remained without successful result. LORD CURZON afterwards proposed to create a Council composed exclusively of Princes contributing Imperial Service Troops, and deliberating on that subject exclusively. Opinion pronounced this also likely to be unfruitful and ineffectual in practice. Your Excellency's project is narrower than the first of these two expedients, and wider than the second. I confess that, while entirely appreciating and sympathising with your object, I judge the practical difficulties in the way of such a Council assembling under satisfactory conditions, to be considerable,—expense, precedence, housing, for instance, even if there were no others.—Yet if not definitely constituted with a view to assembly, it could possess little or no reality. It would obviously be a mistake to push the project, unless it commands the clear assent and approval of those whose presence in the Council would be essential to its success, and the opinions expressed in the replies with which you have furnished me, lead me to doubt whether that condition can be secured. But in case Your Excellency still favours this proposal, which is in itself attractive, I do not wish to express dissent at this stage, and if after consultation with the leading Chiefs, you are able to devise a scheme that is at once acceptable to them and workable in practice, I am not inclined to place any obstacle in the way of a full and fair trial. And in any event the doubt I have expressed must not be taken as discouraging consultation with individual Chiefs, according to existing practice; for nobody with any part to play in Indian Government, can doubt the manifold advantages of still further developing not only amicable, but confidential relations of this kind, with the loyal Rulers in Indian States, possessed as they are of such peculiar authority and experience.

4. Next, I agree with Your Excellency in the judgment that the question of a Council of Notables for British India only should not be entertained. I am inclined furthermore, for my own part, to doubt whether the creation of Provincial Advisory Councils is likely to prove an experiment of any marked actual value. The origin of the demand for bodies of that character, whatever the strength of such a demand amounts to, is undoubtedly a desire for greater facilities in the discussion of public measures. Your Excellency indicates what strikes me as pointing in a more hopeful direction, in the proposition that this claim for increased facilities of discussion should be met "rather by extending the powers of the existing Legislative

Councils than by setting up large rival Councils which must to some extent conflict with them." Large or small, such rivalry would be almost certain to spring up, and, from the first, the new species of Council would be suspected as designed to be a check upon the old. As in the case of Ruling Chiefs, or of Notables in British India, so here too, informal consultation with the leading men of a locality would have most or all of the advantages of an Advisory Council, without the many obvious disadvantages of duplicating political machinery.

5. From these proposals I pass to what is, and what you declared to be, the pith and substance of the Despatch under reply. "The enlargement of the Legislative Councils," you say, "and the extension of their functions to the discussion of administrative questions, are the widest, most deep-reaching, and most substantial features of the scheme, which we now put forward." This perfectly correct description evokes and justifies the close scrutiny to which these features have been subjected in my Council, and I am glad to believe that the result reveals few elements of material difference.

6. Your Government have now felt bound to deal first with the Imperial Legislative Council and from that to work downwards to the Councils in the Provinces. I gather, however, from your Despatch of the 21st March 1907, that you would at that time have preferred, as LORD LANSDOWNE had done in 1892, to build up the higher fabric on the foundation of the Provincial Councils. In your circular letter of the 24th August, 1907, you observed that "the most logical and convenient mode of dealing with the question would have been first to discuss and settle the composition, the electorates, and the powers of the Provincial Legislative Councils, and then to build up, on the basis of these materials, a revised constitution for the Imperial Council." In the absence of proposals from Local Governments and Administrations, you were precluded from adopting this course; and, therefore, you set tentatively before them the line on which, first, the Legislative Council of the Governor-General, and thereafter those of Governors and Lieutenant-Governors, might be constituted.

7. In your present letter you have followed the same order. But with the full materials before me such as are now supplied by local opinions, it appears to be both more convenient and, as you said, more logical to begin with the Provincial

Councils, and afterwards to consider the constitution of the Legislative Council of the Governor-General.

8. The first question that arises touches the principle of representation. This is fully discussed in paragraphs 18 to 20, 26 to 31, and 34 of your letter. Citing previous discussions of the subject, and referring to the precedent of the measures taken to give effect to the Statute of 1892, you adhere to the opinion that in the circumstances of India "representation by classes and interests is the only practicable method of embodying the elective principle in the constitution of the Indian Legislative Councils" (paragraph 18). You justly observe that "the principle to be borne in mind is that election by the wishes of the people is the ultimate object to be secured, whatever may the actual machinery adopted for giving effect to it", (paragraph 29). You consider that for certain limited interests (corporations of Presidency towns, Universities, Chambers of Commerce, Planting Communities and the like, limited electorates must exist as at present; and you foresee no serious obstacle in carrying out arrangements for that purpose. Difficulties come into view, when you go beyond these limited electorates and have to deal with large and widespread interests or communities, such as the landholding and professional classes; or with important minorities, such as Mahomedans in most Provinces in India, and Sikhs in the Punjab. You dwell upon the great variety of conditions in the various Provinces of the Indian Empire, and the impossibility of applying any uniform system throughout; and your conclusion generally appears to be that class electorates should be framed where this is practicable and likely to lead to good results, and in their failure or defect, it will be necessary to have recourse to nomination.

9. With the general principles advanced by Your Excellency in this chapter of our discussion, I am in entire accord. I agree that, to some extent, class representation must be maintained in the limited electorates to which you refer; and here, as you point out, no serious obstacle is to be anticipated. I agree, also, that the Legislative Council should reflect the leading elements of the population at large, and that no system of representation would be satisfactory, if it did not provide for the presence in the Councils of sufficient representatives of communities so important as are the Mahomedans and the landed classes. But in examining your plans for obtaining their representation, I am struck with the difficulty of securing

satisfactory electoral bodies under them, and, with the extent to which, as you expect, nomination will be demanded to supply the deficiencies of election. The same awkwardness and perplexity appear in obtaining satisfactory representation of the Indian commercial classes, where, as is found generally throughout India with very few exceptions, they have not established Associations or Chambers to represent their interests.

10. The case of landholders is discussed in paragraphs 27 to 29 of your letter, with immediate reference to the Imperial Legislative Council, and the situation is just the same—if separate representation is to be secured—for local Councils. You “find it impossible to make any definite proposal which would admit of general application” (Para. 27); you see difficulties in devising a constituency that should consist only of landholders deriving a certain income from land (Para. 28); and you point out with much force the objections to election by voluntary Associations. In these observations I agree, and especially in your remark that the recognition of Associations as electoral agencies should be regarded as a provisional arrangement to be maintained only until some regular electorate can be formed.

11. The same difficulties, as you observe in paragraph 30, encounter the proposal to have a special electorate for Mahomedans. In some Provinces, as in Bombay, the Mahomedans are so scattered, that common organisation for electoral purposes is thought impracticable. In other Provinces it is proposed to found a scheme partly on a property qualification and partly on a literary attainment; in others, again, it is suggested that recourse might be had to voluntary associations. One difficulty in regard to Mahomedans is not mentioned in your letter; for the provision in any Province of a special electorate giving them a definite proportion of the seats on the Councils might involve the refusal to them in that Province of a right to vote in the territorial electorates of which rural and Municipal Boards will afford the basis. If that were not done, they would evidently have a double vote, and this would probably be resented by other classes of the population.

12. Without rejecting the various expedients suggested by Your Excellency for adoption, in order to secure the adequate representation of these important classes on the Councils, I suggest for your consideration that the object in view might

be better secured, at any rate in the more advanced Provinces in India, by a modification of the system of a popular electorate, founded on the principle of Electoral Colleges. The use of this method is not in itself novel; it already exists in the groups of District Boards and of Municipalities which, in several Provinces, returns Members to the Provincial Councils. The election is not committed to the Boards or Municipalities directly; these bodies choose electors, who then proceed to elect the representative of the group. I will briefly describe the scheme that at present commends itself to me, and in order to make the method of working clear I will assume hypothetical figures for a given Province. Let it be supposed that the total population of the Province is 20 millions, of whom 15 millions are Hindus and 5 millions Mahomedans, and the number of Members to be elected 12. Then, since the Hindus are to Mahomedans, as three to one, nine Hindus should be elected to three Mahomedans. In order to obtain these members, divide the Province into three electoral areas, in each of which three Hindus and one Mahomedan are to be returned. Then, in each of these areas, constitute an Electoral College, consisting of, let us say, a hundred members. In order to preserve the proportion between the two religions, 75 of these should be Hindus and 25 Mahomedans. This Electoral College should be obtained by calling upon the various electorates, which might be (a) substantial land-owners paying not less than a fixed amount of land-revenue; (b) the members of rural or sub-divisional Boards; (c) the members of District Boards; and (d) the members of Municipal Corporations, to return to it such candidates as they desired, a definite number being allotted to each electorate. Out of those offering themselves and obtaining votes, the 75 Hindus who obtained the majority of votes should be declared members of the College, and the 25 Musalmans who obtained the majority should similarly be declared elected. If the Musalmans returned did not provide 25 members for the Electoral College, the deficiency would be made good by nomination. Having thus obtained an Electoral College containing 75 Hindus and 25 Musalmans, that body would be called upon to elect three representatives for the Hindus and one for the Mahomedans; each member of the College would have only one vote and could vote for only one candidate. In this way it is evident that it would be in the power of each section of the population to return a Member in the proportion corresponding to its own proportion to the total population.

In the same way the desired proportion could be obtained of any representatives of any particular interest as, for instance, of landowners. All that is necessary would be to constitute the Electoral College in such a way that the number of electors representing the land-owning interest should bear to the total number the same proportion as the Members of Council representing that interest to be elected bear to the total number to be elected.

13. In this manner, minorities would be protected against exclusion by majorities, and all large and important sections of the population would have the opportunity of returning Members in proportion to their ratio to the total population. Their choice could in that event be exercised in the best possible way, that, namely, of popular election, instead of requiring Government to supply deficiencies by the dubious method of nomination.

14. I do not wish definitely to prescribe such a scheme for adoption, whether locally or universally, but I commend it to your consideration. It appears to offer an expedient by which the objections against a system of nomination may be avoided, and it would work through a choice freely exercised by the electorate at large, instead of by artificial electorates specially constituted for the purpose. No doubt it removes the primary voter by more than one stage from the ultimate choice; and it does not profess to be simple. I can only say that it is quite as simple as any scheme for representation of minorities can ever be. The system of a single vote, which is an essential part of it, is said to work satisfactorily in places where it is already in existence, and it is easy of apprehension by the electors. It would have several great advantages. It would bring the classes specially concerned within the popular electorate, and so meet the criticisms of the Hindus, to which you refer in paragraph 30; second. It establishes a principle that would be an answer to further claims for representation by special classes or associations; third. It would ensure the persons chosen being actually drawn from the locality that the Electoral College represents; fourth. It would provide a healthy stimulus to interest in local self-government by linking up local bodies (Rural and Municipal Boards) more closely with the Provincial Legislative Councils. To this end it might be provided that the candidate for election to the Provincial Council must himself have taken part in local administration.

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

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

17. From the electoral structure, I now turn to the official element in the constitution of Provincial Legislative Councils, dealt with in paragraphs 33 to 56 of your letter. I first observe that in all of them you provide for a bare official majority, but you contemplate that in ordinary circumstances, only the number of official members necessary for the transaction of business shall be summoned to attend. The first question, therefore, is the necessity of maintaining in these Councils the majority of officials.

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

19. I do not conceal from myself the risks in such an arrangement. The non-official majority may press legislation of a character disapproved by the Executive Government. This should be met by the exercise of the power to withhold

assent possessed by the Head of the Government. Then, although the Local Legislature is vested with power to make laws for the peace and good government of the territories constituting the Province, still the range of subjects is considerably narrowed by the statutory exclusions now in force. Thus, for example, the Local Legislature may not, without the previous sanction of the Governor-General, make or take into consideration any law—affecting the Public Debt of India, or the customs duties, or any other tax or duty for the time being in force, and imposed by the authority of the Governor-General in Council for the general purposes of the Government of India; or regulating currency or postal or telegraph business; or altering in any way the Indian Penal Code; or affecting religion or religious rites or usages; or affecting the discipline or maintenance of Naval or Military forces; or dealing with patents or copyrights, or the relations of the Government with foreign Princes or States.

It is difficult to see how any measure of such urgency, that delay might work serious mischief, can come before a Provincial Council; for, mere opposition to a useful and beneficial project would not come within this description. On the other hand, and perhaps more often, there may be opposition on the part of the non-official Members to legislation that the Government desires. With a Council, however, representing divergent interests, and realising, together with its increased powers, its greater responsibility, a combination of all the non-official Members to resist a measure proposed by the Government would be unlikely, and some non-officials at least would probably cast their votes on the side of the Government. If, however, a combination of all the non-official Members against the Government were to occur, that might be a very good reason for thinking that the proposed measure was really open to objection, and should not be proceeded with.

20. Your Excellency will recall, since you came into the authority of Governor-General, an Act proposed by a Local Government, which a representative Legislative Council would almost certainly have rejected. Your Excellency's action in withholding assent from the Act shows that, in your judgment, it would have been an advantage if the Local Government had been induced by a hostile vote to reconsider their Bill. If, in spite of such hostile vote, the comparatively rare case should arise where immediate legislation were still thought

absolutely necessary, then the Constitution, as it at present stands, provides an adequate remedy. The Governor-General in Council to-day possesses a concurrent power to legislate for any Province, and though I strongly favour a policy that would leave to each Local Legislature the duty of providing for its own requirements, still I recognise in this power an ample safe-guard, should, under exceptional circumstances, a real demand for its exercise arise.

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

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

tial, as it is certainly desirable that the Governor-General should be removed from the conflict of the division list, and that the fate of any measure or resolution should not rest on his vote alone.

23. I have already dealt in the earlier paragraphs of this Despatch with the elective principle, and it will be for Your Excellency to consider how far the popular electorate can be utilised for the return to your Legislative Council of landholders and Mahomedans. Some modifications of the scheme suggested for the Provinces will no doubt be necessary and the Electoral Colleges would probably have to be on the basis of Provinces and not of Divisions, and the case of the Central Provinces would probably (in view of the disappearance of Advisory Councils) have to be met by nomination until a Local Legislature is provided.

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

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

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

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

28. The existing law, which confines discussion, except on the occasion of the Annual Financial Statement, to the Legislative proposals actually before the Council, imposes a restriction, that I am convinced, is no longer either desirable or necessary. The plan of Your Excellency's Government contemplates a wide relaxation of this restriction, and in sanctioning it generally, I am confident that these increased facilities, judiciously used, will be pronounced of the greatest advantage, not

only by Councils and those whom they represent, but also by Government who will gain additional opportunities both of becoming acquainted with the drift of public opinion and of explaining their own actions.

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

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

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

promulgation of the Financial Statement and for the beginning and ending of its discussion in Committee, and I anticipate valuable results from the knowledge which your Government will acquire in these debates of the views of those whom the proposed measures will chiefly and directly affect, and which it will be able to utilise in shaping its final financial proposals for the year. Generally, also, I approve the rules sketched in paragraph 64 for the regulation of discussions in Committee and of the moving of Resolutions ; and I concur in your opinion that the form of procedure should be such as to show clearly that the power of executive action resides exclusively in Government, who, while inviting the free expression of opinion in the form of Resolutions do not thereby forego any part of the power and responsibility which has been, and must continue to be, in their hands.

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

33. Your Excellency claims for your scheme as a whole, "that it will really and effectively associate the people of India in the work not only of occasional legislation, but of actual every-day administration." The claim is abundantly justified ; yet the scheme is not and hardly pretends to be, a complete representation of the entire body of changes and improvements in the existing system, that are evidently present to the minds of some of those whom your Government has consulted and that, to the best of my judgment, are now demanded by the situation described in the opening words of the Despatch. It is evidently desirable, Your Excellency will agree, to present our reformed constitutional system as a whole. From this point of view, it seems necessary to attempt without delay an effectual advance in the direction of local self-government.

The principles that should inspire and regulate measures

with this aim can hardly be laid down in sounder or clearer terms than in the Resolution published by the Government of India on the 18th May, 1882. I do not know where to look for a better expression of the views that should govern our policy under this important head, and I will venture to quote some passages in this memorable deliverance. Explaining the proposal for local self-government of that date the Government of India place themselves on ground which may well be our ground also. "It is not primarily," they say, "with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education." And again, "there appears to be great force in the argument that, so long as the chief Executive officers are, as a matter of course, Chairmen of the Municipal and District Committees there is little chance of these Committees affording any effective training to their members in the management of local affairs, or of the non-official members taking any real interest in local business. The non-official members must be led to feel that real power is placed in their hands and that they have real responsibilities to discharge." This anticipation has been, to some extent, warranted by experience. Funds have not existed for an efficient executive staff. The official element within the local bodies has been in many places predominant. Non-official members have not been induced, to such an extent as was hoped, to take a real interest in local business, because, their powers and their responsibilities were not real. If local self-government has so far been no marked success as a training ground, it is mainly for the reason that the constitution of the local bodies departed from what was affirmed in the Resolution to be "the true principle," that "the control should be exercised from without rather than from within, the Government should revise and check the acts of local bodies, but not dictate them." I make no doubt that the Government of India to-day will affirm and actively shape their policy upon the principle authoritatively set forth by their predecessors in 1882 :—"It would be hopeless to expect any real development of self-government if the local bodies were subject to check and interference in matters of detail ; and the respective powers of Government and of the various local bodies should be clearly and distinctly defined by statute, so that there may be as little risk of friction and misunderstanding as possible. Within the limits to be laid down in each case, however, the Governor-General in Council is anxious that the fullest possible liberty of action should be given to Local bodies."

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

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

35. In the closing page of your letter, Your Excellency raises a question of a high order of importance. You recognise, as you inform me, that "the effect of our proposals will be to throw a greater burden on the heads of Local Governments, not only by reason of the actual increase of work caused by the long sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the recommendations of those Councils." You then suggest the possibility that experience may show it to be desirable to strengthen the hands of the Lieutenant-Governors in the large Provinces by the creation of Executive Councils and of assisting the Governors of Madras and Bombay by enlarging the Executive Councils that now exist in these Presidencies.

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

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

38. Your Excellency anticipates longer sittings of the Legislative Council with increased activity of discussion, and the effectual representation of provincial opinion and feeling, as a guide to executive authority is the central object of the policy of Your Excellency's Despatch. The aim of that policy is two-fold ; at once to enable Government the better to realise the wants, interests and sentiment of the governed, and, on the other hand, to give the governed a better chance of understanding, as occasion arises, the case for the Government, against the misrepresentations of ignorance and malice. That double object, as Your Excellency fully appreciates, is the foundation of the whole system in India, and all over the world, of administration and legislation either through, or subject to, the criticism of deliberative bodies, whether great or small.

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

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

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

G.

EXTRACTS FROM LORD MORLEY'S SPEECH IN THE HOUSE OF LORDS ON DECEMBER 17, 1908.

In the course of a long speech on the proposed constitutional reforms LORD MORLEY said :—

I do not think I need go through all the contents of the despatch of the Governor-General and my reply, containing the plan of His Majesty's Government, which will be in your Lordship's hands very shortly. I think your Lordships will find in them a well-guarded expansion of principles that were recognised in 1861, and are still more directly and closely connected with us now by the action of LORD LANSDOWNE in 1892. I have his words, and they are really as true a key to the papers in our hands as they were to the policy of the noble Marquess at that date. He said—

"We hope, however, that we have succeeded in giving to our proposals a form sufficiently definite to secure a satisfactory advance in the representation of the people in our Legislative Councils, and to give effect to the principle of selection as far as possible on the advice of such sections of the community as are likely to be capable of assisting us in that manner."

Then you will find that another Governor-General in Council in India whom I greatly rejoice to see still among us, my noble friend the MARQUESS OF RIPON, said in 1882—

"It is not primarily with a view to the improvement of administration, that this measure is put forward ; it is chiefly desirable as an instrument of political and popular education."

The doctrines announced by the noble Marquess opposite and by my noble friend, are the standpoint from which we approached the situation and framed our proposals.

I will not trouble the House by going through the history of the course of the proceedings—that will be found in the Papers. I believe the House will be satisfied, just as I am satisfied, with the candour and patience that have been bestowed on the preparation of the scheme in India, and I hope I may add it has been treated with equal patience and candour here, and the end of it is that, though some points of difference arose, though the Government of India agreed to drop certain points of their scheme—the Advisory Councils, for example—on the whole

there was remarkable agreement between the Government of India and myself as to the best way of dealing with these proceedings as to Legislative Councils. I will enumerate the points very shortly, and though I am afraid it may be tedious, I hope your Lordships will not find the tedium unbearable, because, after all, what you are beginning to consider to-day, is the turning over of a fresh leaf in the history of British responsibility to India. There are only a handful of distinguished Members of this House who understand the details of Indian Administration, but I will explain them as shortly as I can.

This is a list of the powers which we shall have to acquire from Parliament when we bring in a Bill. This is the first power we shall come to Parliament for. At present the maximum and minimum numbers of Legislative Councils are fixed by statute. We shall come to Parliament to authorise an increase in the numbers of those Councils, both the Viceroy's Council and the Provincial Councils. Secondly the Members are now nominated by the head of the Government, either the Viceroy or the Lieutenant-Governor. No election takes place in the strict sense of the term. The nearest approach to it is the nomination by the Viceroy, upon the recommendation of a majority of voters of certain public bodies. We do not propose to ask Parliament to abolish nomination. We do propose to ask Parliament in a very definite way, to introduce election working alongside of nomination with a view to the aim admitted in all previous schemes, including that of the noble Marquess opposite—the due representation of the different classes of the community. Third. The Indian Councils Act of 1892 forbids—and this is no doubt a most important prohibition—either resolutions or divisions of the Council in financial discussions. We shall ask Parliament to repeal this prohibition. Fourth. We shall propose to invest Legislative Councils with power to discuss matters of public and general importance, and to pass recommendations or resolutions to the Indian Government. That Government will deal with them as carefully, or as carelessly, as they think fit—just as a Government does here. Fifth. To extend the power that at present exists, to appoint a Member of the Council to preside. Sixth. Bombay and Madras have now Executive Councils, numbering two. I propose to ask Parliament to double the number of ordinary Members. Seventh. The Lieutenant-Governors have no Executive Council. We shall ask Parliament to sanction the creation of such Councils, consisting of

not more than two ordinary Members and to define the power of the Lieutenant-Governor to overrule his Council. I am perfectly sure there may be differences of opinion as to these proposals. I only want your Lordships to believe that they have been well thought out, and that they are accepted by the Governor-General in Council.

There is one point of extreme importance which, no doubt, though it may not be over-diplomatic for me to say so at this stage, will create some controversy. I mean the matter of the official majority. The house knows what an official majority is. It is a device by which the Governor-General, or the Governor of Bombay or Madras, may secure a majority in his Legislative Council by means of officials and nominees. And the officials, of course, for very good reasons, just like a Cabinet Minister or an Under-Secretary, whatever the man's private opinion may be, would still vote, for the best of reasons, and I am bound to think with perfect wisdom, with the Government. But anybody can see how directly, how palpably, how injuriously, an arrangement of this kind tends to weaken, and I think I may say even to deaden, the sense both of trust and responsibility in the non-official Members of these Councils. Any body can see how the system tends to throw the non-official Member into an attitude of peevish, sulky, permanent opposition, and, therefore, has an injurious effect on the minds and characters of Members of these Legislative Councils.

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

membered that the range of subjects within the sphere of Provincial Legislative Councils is rigorously limited by statutory exclusions. I will not labour the point now. Anybody who cares, in a short compass, can grasp the argument, of which we shall hear a great deal, in paragraphs 17 to 20 of my reply to the Government of India, in the papers that will speedily be in your Lordship's hands.

There is one proviso in this matter of the official majority, in which your Lordships may, perhaps, find a surprise. We are not prepared to divest the Governor-General in his Council of an official majority. In the Provincial Councils we propose to dispense with it, but in the Viceroy's Legislative Council we propose to adhere to it. Only let me say that here we may seem to lag a stage behind the Government of India themselves—so little violent are we—because that Government say, in their despatch—

“On all ordinary occasions we are ready to dispense with an official majority in the Imperial Legislative Council, and to rely on the public spirit of non-official Members to enable us to carry on the ordinary work of legislation.”

My Lords, that is what we propose to do in the Provincial Councils. But in the Imperial Council we consider an official majority essential. It may be said that this is a most flagrant logical inconsistency. So it would be, on one condition. If I were attempting to set up a Parliamentary system in India, or if it could be said that this chapter of reforms led directly or necessarily up to the establishment of a Parliamentary system in India, I, for one, would have nothing at all to do with it. I do not believe—it is not of very great consequence what I believe, because the fulfilment of my vaticinations could not come off very soon—in spite of the attempts in Oriental countries at this moment, interesting attempts to which we all wish well, to set up some sort of Parliamentary system—it is no ambition of mine, at all events, to have any share in beginning that operation in India. If my existence, either officially or corporeally, were prolonged twenty times longer than either of them is likely to be, a Parliamentary system in India is not at all the goal to which I would for one moment aspire.

One point more. It is the question of an Indian Member on the Viceroy's Executive Council. The absence of an Indian Member from the Viceroy's Executive Council can no longer, I think, be defended. There is no legal obstacle or statutory

exclusion. The Secretary of State can, to-morrow, if he likes, if there be a vacancy on the Viceroy's Council, recommend His Majesty to appoint an Indian Member. All I want to say is that, if, during my tenure of office, there should be a vacancy on the Viceroy's Executive Council, I should feel it a duty to tender my advice to the King that an Indian Member should be appointed. If it were on my own authority only, I might hesitate to take that step, because I am not very fond of innovations in dark and obscure ground, but here I have the absolute and the zealous approval and concurrence of LORD MINTO himself. It was at LORD MINTO's special instigation that I began to think seriously of this step. Anyhow, this is how it stands, that you have at this moment a Secretary of State and a Viceroy who both concur in such a recommendation. I suppose—if I may be allowed to give a personal turn to these matters—that LORD MINTO and I have had as different experience of life and the world as possible, and we belong, I daresay, to different schools of national politics, because LORD MINTO was appointed by the party opposite. It is a rather remarkable thing that two men, differing in this way in political antecedents, should agree in this proposal. We need not discuss what particular portfolio should be assigned to an Indian Member. That will be settled by the Viceroy on the merits of the individual. The great object, the main object, is that the merits of individuals are to be considered and to be decisive, irrespective and independent of race and colour.

We are not altogether without experience, because a year ago, or somewhat more, it was my good fortune to be able to appoint two Indian gentlemen to the Council of India sitting at the India Office. Many apprehensions reached me as to what might happen. So far, at all events, those apprehensions have been utterly dissipated. The concord between the two Indian Members of the Council and their colleagues has been unbroken, their work has been excellent, and you will readily believe me when I say that the advantage to me of being able to ask one of these two gentlemen to come and tell me something about an Indian question from an Indian point of view, is enormous. I find in it a chance of getting the Indian angle of vision, and I feel sometimes as if I were actually in the streets of Calcutta.

I do not say there are not some arguments on the other side. But this, at all events, must be common-sense—for the Governor-General and the European Members of his Council to have at their side a man who knows the country well, who

belongs to the country and who can give them the point of view of an Indian. Surely, my Lords, that cannot but prove an enormous advantage.

Let me say further, on the Judicial Bench in India everybody recognises the enormous service that it is to have Indian Members of abundant learning, and who add to that abundant learning a complete knowledge of the conditions and life of the country. I propose at once, if Parliament agrees, to acquire powers to double the Executive Council in Bombay and Madras, and to appoint at least one Indian Member in each of those cases, as well as in the Governor-General's Council. Nor, as the Papers will show, shall I be backward in advancing towards a similar step, as occasion may require, in respect of at least four of the major Provinces.

I wish that this chapter had been opened at a more fortunate moment ; but as I said when I rose, I repeat—do not let us for a moment take too gloomy a view. There is not the slightest occasion. None of those who are responsible take gloomy views. They know the difficulties, they are prepared to grapple with them. They will do their best to keep down mutinous opposition. They hope to attract that good will which must, after all, be the real foundation of our prosperity and strength in India. We believe that this admission of the Indians to a larger and more direct share in the Government of their country and in all the affairs of their country without for a moment taking from the central power its authority, will fortify the foundations of our position. It will require great steadiness, constant pursuit of the same objects, and the maintenance of our authority, which will be all the more effective if we have, along with our authority, the aid and assistance, in responsible circumstances, of the Indians themselves.

Military strength, material strength, we have in abundance. What we still want to acquire is moral strength—moral strength in guiding and controlling the people of India in the course on which time is launching them. I should like to read a few lines from a great orator about India. It was a speech delivered by MR. BRIGHT in 1858, when the Government of India Bill was in another place. MR. BRIGHT said—

“We do not know how to leave India, and therefore let us see if we know how to govern it. Let us abandon all that system of calumny against Natives of India which has lately prevailed. Had that people not been docile, the most governable race in the world, how could you have main-

tained your power there for 100 years? Are they not industrious, are they not intelligent, are they not, upon the evidence of the most distinguished men the Indian service ever produced, endowed with many qualities which make them respected by all Englishmen who mix with them? * * * I would not permit any man in my presence without rebuke to indulge in the calumnies and expressions of contempt which I have recently heard poured forth without measure upon the whole population of India. * * * The people of India do not like us, but they would scarcely know where to turn if we left them. They are sheep, literally without a shepherd."

However, that may be, we at least at Westminster here have no choice and no option. As an illustrious Member of this House wrote—

"We found a society in a state of decomposition, and we have undertaken the serious and stupendous process of reconstructing it."

MACAULAY, for it was he, said—

"India now is like Europe in the fifth century."

Yes, a stupendous process indeed. The process has gone on with marvellous success, and if we all, according to our various lights, are true to our colours, that process will go on. Whatever is said I for one—though I am not what is commonly called an Imperialist—so far from denying, I most emphatically affirm, that for us to preside over this transition from the fifth European century in some parts, in slow, uneven stages, up to the twentieth—so that you have before you all the centuries at once as it were—for us to preside over that, and to be the guide of peoples in that condition, is, if conducted with humanity and sympathy, with wisdom, with political courage, not only a human duty, but what has been often and most truly called one of the most glorious tasks ever confided to any powerful State in the history of civilised mankind.

H

EXTRACTS FROM LORD MORLEY'S SPEECH IN THE HOUSE OF LORDS ON THE 4TH OF MARCH, 1909.

In moving the Second Reading of the Indian Councils Bill LORD MORLEY, in the course of a long speech, said—

The Bill is a short one, and will speak for itself; I shall be brief in referring to it, for in December last I made what was practically a Second-Reading speech. I may point out that there are two rival schools, and that the noble Lord opposite (*Lord Curzon*) may be said to represent one of them.

There are two rival schools, one of which believes that better government of India depends on efficiency, and that efficiency is in fact the end of our rule in India. The other school, while not neglecting efficiency, looks also to what is called political concessions. I think I am doing the noble Lord no injustice in saying that, during his eminent Viceroyalty he did not accept the necessity for political concessions, but trusted to efficiency. I hope it will not be bad taste to say in the noble Lord's presence that you will never send to India, and you have never sent to India a Viceroy his superior, if, indeed, his equal, in force of mind, in unsparing remorseless industry, in passionate and devoted interest in all that concerns the well-being of India, with an imagination fired by the grandeur of the political problem India presents—you never sent a man with more of all these attributes than when you sent LORD CURZON. But splendidly successful as his work was from the point of view of efficiency, he still did leave in India a state of things when we look back—not in consequence of his policy—not completely satisfactory such as would have been the crowning of a brilliant career.

I am as much for efficiency as the noble Lord, but I do not believe—and this is the difference between him and myself—that you can have true, solid, enduring efficiency without what are called political concessions. I know risks are pointed out. The late LORD SALISBURY, speaking on the last Indian Councils Bill, spoke of the risk of applying occidental machinery in India. Well, we ought to have thought of that before we applied occidental education; we applied that, and occidental machinery must follow. These Legislative Councils once called into existence, it was inevitable that you would have gradually, in LORD SALISBURY'S own phrase, to popularise them so as to bring them into harmony with the dominant sentiments of the people in India. The Bill of 1892 admittedly contained the elective principle, and now this Bill extends that principle. The noble Lord (VISCOUNT CROSS) will remember the Bill of 1892, of which he had charge in the House of Commons. I want the House to be good enough to follow the line taken by MR. GLADSTONE because, I base myself on that. There was an amendment moved and there was going to be a division, and MR. GLADSTONE begged his friends not to divide, because he said it was very important that we should present a substantial unity to India. This is upon the question of either House considering a Bill like the

Bill, that is now on the Table—a mere skeleton of a Bill if you like. I see it has been called vague and sketchy. It cannot be anything else on the principle explained by MR. GLADSTONE:—

“It is the intention of the Government (that is, the Conservative Government) that a serious effort shall be made to consider carefully those elements which India in its present condition may furnish for the introduction into the Councils of India of the elective principle. If that effort is seriously to be made, by whom is it to be made? I do not think it can be made by this House, except through the medium of empowering provisions. The best course we could take would be to commend to the authorities of India what is a clear indication of the principles on which we desire them to proceed. It is not our business to devise machinery for the purpose of Indian Government. It is our business to give to those who represent Her Majesty in India ample information as to what we believe to be sound principles of Government: and it is, of course, the function of this House to comment upon any case in which we may think they have failed to give due effect to those principles.”

I only allude to MR. GLADSTONE'S words in order to let the House know that I am taking no unusual course in leaving the bulk of the work, the details of the work, to the Government of India, and discussion, therefore, in this House and in Parliament will necessarily be not upon details. But no doubt it is desirable that some of the heads of the regulations, rules, and proclamations to be made by the Government of India under sanction of the India Office should be more or less placed within the reach and knowledge of the House so far as they are complete. The principles of the Bill are in the Bill and will be affirmed, if your Lordships are pleased to read it a second time, and the Committee points, important as they are, can well be dealt with in Committee. The view of MR. GLADSTONE was cheerfully accepted by the House then, and I hope it will be accepted by your Lordships to-day.

There is one very important chapter in these regulations which I think now on the Second Reading of the Bill, without waiting for Committee, I ought to say a few words to your Lordships about—I mean the Mahomedans. That is a part of the Bill and scheme which has no doubt attracted a great deal of criticism and excited a great deal of feeling in that very important community. We suggested to the Government of India a certain plan. We did not prescribe it, we did not order it, but we suggested and recommended this plan for their consideration—no more than that. It was the plan of a mixed or composite electoral college, in which Mahomedans and Hindus should pool their votes, so to say. The wording of the recom-

recommendation in my Despatch was, as I soon discovered, ambiguous—a grievous defect, of which I make bold to hope I am not very often in public business guilty. But, to the best of my belief, under any construction the plan of Hindus and Mahomedans voting together in a mixed and composite electorate would have secured to the Mahomedan electors, wherever they were so minded, the chance of returning their own representatives in their due proportion. The political idea at the bottom of that recommendation which has found so little favour was that such composite action would bring the two great communities more closely together and this idea of promoting harmony was held by men of very high Indian authority and experience who were among my advisers at the India Office. But the Mahomedans protested that the Hindus would elect a pro-Hindu upon it, just as I suppose in a mixed college of say seventy-five Catholics and twenty-five Protestants voting together the Protestants might suspect that the Catholics voting for the Protestant would choose what is called a Romanising Protestant and as little of a Protestant as they could find. Suppose the other way. In Ireland there is an expression, a “shoneen” Catholic—that is to say, a Catholic who, though a Catholic is too friendly with English Conservatism and other influences which the Nationalists dislike. And it might be said, if there were seventy-five Protestants against twenty-five Catholics, that the Protestants when giving a vote in the way of Catholic representation would return “shoneens.” I am not going to take your Lordship’s time up by arguing this to-day. With regard to schemes of proportional representation, as Calvin said of another study, “excessive study either finds a man mad or makes him so.” At any rate, the Government of India doubted whether our plan would work, and we have abandoned it. I do not think it was a bad plan, but it is no use, if you are making an earnest attempt in good faith at a general pacification, out of parental fondness for a clause interrupting that good process by sitting too tight.

The Mahomedans demand three things. I had the pleasure of receiving a deputation from them and I know very well what is in their minds. They demand the election of their own representatives to these councils in all the stages, just as in Cyprus, where, I think, the Mahomedans vote by themselves. They have nine votes and the non-Mahomedans have three, or the other way about. So in Bohemia, where

the Germans vote alone and have their own register. Therefore we are not without a precedent and a parallel for the idea of a separate register. Secondly, they want a number of seats in excess of their numerical strength. Those two demands we are quite ready and intend to meet in full. There is a third demand that, if there is a Hindu on the Viceroy's Executive Council—a subject on which I will venture to say a little to your Lordships before I sit down—there should be two Indian Members on the Viceroy's Council and that one should be a Mahomedan. Well, as I told them and as I now tell your Lordships, I see no chance whatever of meeting their views in that way to any extent at all.

To go back to the point of the registers, some may be shocked at the idea of a religious register at all, of a register framed on the principle of religious belief. (We may wish,—we do wish—certainly I do—that it were otherwise.) We hope that time, with careful and impartial statesmanship, will make things otherwise. Only let us not forget that the difference between Mahomedanism and Hinduism is not a mere difference of articles of religious faith. It is a difference in life, in tradition, in history, in all the social things as well as articles of belief that constitute a community. Do not let us forget what makes it interesting and even exciting. Do not let us forget that, in talking of Hindus and Mahomedans, we are dealing with and brought face to face with vast historic issues, dealing with some of the very mightiest forces that through all the centuries and ages have moulded the fortunes of great States and the destinies of countless millions of mankind. Thoughts of that kind are what give to Indian politics and to Indian work extraordinary fascination, and at the same time impose the weight of no ordinary burden.

Now I will come to the question which, I think, has excited, certainly in this country, more interest than anything else in the scheme before you—I mean the question of an Indian Member on the Viceroy's Executive Council. The noble Marquess said here the other day that he hoped an opportunity would be given for discussing it. Whether it is in order or not—I am too little versed in your Lordships' procedure to be quite sure—but I am told that the rules of order in this House are of an elastic description and that I shall not be trespassing beyond what is right, if I introduce the point to-night. I thoroughly understand the noble Marquess's anxiety for a chance of discussion. It is quite true, and the

House should not forget that it is quite true, that this question is in no way whatever touched by the Bill. If this Bill were rejected by Parliament it would be a great and grievous disaster to peace and contentment in India, but it would not prevent the Secretary of State the next morning from advising His Majesty to appoint an Indian Member. The Members of the Viceroy's Executive Council are appointed by the Crown.

The noble Marquess the other day fell into a slight error, if he will forgive me for saying so. He said that the Government of India had used cautious and tentative words indicating that it would be premature to decide at once this question of the Indian Member until after further experience had been gained. I think the noble Marquess must have lost his way in the mazes of that enormous Blue-book which, as he told us, caused him so much inconvenience and added so much to his excessive luggage during the Christmas holidays. The Despatch, as far as I can discover, is silent altogether on the topic of the Indian Member of the Viceroy's Council, and deals only with the Councils of Bombay and Madras and the proposed Councils for the Lieutenant-Governorships.

Perhaps I might be allowed to remind your Lordships of the Act of 1833—certainly the most extensive measure of Indian government between Mr. Pitt's famous Act of 1784 and Queen Victoria's assumption of the government of India. There is nothing so important as that Act. It lays down in the broadest way possible the desire of Parliament of that day that there was to be no difference in appointing to offices in India between one race and another, and the covering Despatch wound up by saying that—

"For the future, fitness is to be the criterion of eligibility."

I need not quote the famous paragraph in the Queen's Proclamation of 1858, for every Member of the House who takes an interest in India knows that by heart. Now, the noble Marquess says that his anxiety is that nothing shall be done to impair the efficiency of the Viceroy's Council. I share that anxiety with all my heart. I hope the noble Marquess will do me the justice to remember that in these plans I have gone beyond the Government of India in resolving that a permanent official majority shall remain in the Viceroy's Council. LORD MACDONELL said the other day :—

"I believe you cannot find any individual Native gentleman who is enjoying general confidence who would be able to give advice and assistance to the Governor-General in Council."

It has been my lot to be twice Chief Secretary for Ireland and I do not believe I can truly say I ever met in Ireland a single individual native gentleman who "enjoyed general confidence." And yet I received at Dublin Castle most excellent and competent advice. Therefore I will accept that statement from the Noble Lord. The question is whether there is no one of the 300 millions of the population of India who is competent to be the officially-constituted adviser of the Governor-General in Council in the administration of Indian affairs. You make an Indian a Judge of the High Court, and Indians have even been acting Chief Justices. As to capacity who can deny that they have distinguished themselves as administrators of Native States, where far more demand is made on their resources, intellectual and moral? It is said that the presence of an Indian Member would cause restraint in the language of discussion. For a year and a half I have had two Indians at the Council of India, and I have never found the slightest restraint whatever.

Then there is the question, what are you going to do about the Hindu and the Mahomedan? When Indians were first admitted to the High Courts, for a long time the Hindus were more fit and competent than the Mahomedans; but now I am told the Mahomedans have their full share. The same sort of operation would go on in quinquennial periods between Hindus and Mahomedans. Opinion among the great Anglo-Indian officers now at home is divided, but I know at least one, not, I think, behind even Lord Macdonell in experience or mental grasp, who is strongly in favour of this proposal. One circumstance which cannot but strike your Lordships as remarkable is the comparative absence of hostile criticism of this idea by the Anglo-Indian Press, and, as I am told, in Calcutta society. I was apprehensive at one time that it might be otherwise, I should like to give a concrete illustration. The noble Marquess opposite said the other day that there was going to be a vacancy in one of the posts on the Viceroy's Executive Council—namely, the legal member's time would soon be up. Now, suppose there were in Calcutta an Indian lawyer of large practice and great experience in his profession—a man of unstained professional and personal reputation, in close touch with European society and much respected, and the actual holder of important legal office. Am I to say to that man—in spite of all these excellent circumstances to your credit, in spite of your undisputed fitness, in spite of the emphatic declaration of 1833 that

fitness is to be the criterion of eligibility, in spite of that noble promise in Queen Victoria's Proclamation of 1858—a promise of which every Englishman ought to be for ever proud if he tries to adhere to it and rather ashamed if he tries to betray or mock it—in spite of all this, usage and prejudice are so strong that I dare not appoint you, but must appoint instead some stranger to India from Lincoln's Inn or the Temple? Is there one of your Lordships who would envy the Secretary of State who had to hold language of that kind to a meritorious candidate, one of the King's equal subjects? I put it to your Lordships in that concrete way. These abstract general arguments are slippery, I do not say there is no force in them, but there are deeper questions at issue to which LORD MINTO and myself attach the greatest importance. My Lords, I thank you for listening to me, and I beg to move the Second Reading.

I

EXTRACTS FROM RT. HON. MR. ASQUITH'S (THE PRIME MINISTER'S) SPEECH ON THE ORDER FOR THE SECOND READING OF THE INDIAN COUNCILS BILL (APRIL 1ST, 1909) :—

The Prime Minister said :—The changes by this Bill are in no sense to be understood as reflecting on the ability, the patriotism or the flexibility of that great hierarchy which for more than two generations has given us the present state of things. But the fact remains that there are in India things which are inevitable, but which were not foreseen—such, for instance, as the spread of education, the great inter-communion between the East and the West, and the infiltration among the educated classes of the Indian people of ideas which 50 or 60 years ago were perfectly alien to them and which nobody ever imagined would exist. These have brought about a different state of things. Owing to a number of causes of this kind you cannot rest where you are, and if your Indian administration is to be efficiently conducted and founded on a stable basis, it must be done cautiously. I agree that it must be done prudently. I agree that it must be done more and more and step by step by associating the people of the country with the Government that exists for them. That is a trust which this country exercises on their behalf. That is a state of things which must inevitably have led, whatever Government was in power, to the gradual transformation and reconstruction of the existing machinery of Indian administra-

tion. I should like to quote some words used the other night in this connection by a great authority, certainly as great an authority in our time as lives. I mean LORD CROMER. What does LORD CROMER say? He said :—

"The position of India at the present time is almost unique. It is, so far as I know, the only important country in the world where education has considerably advanced, which is governed in all essential particulars by non-resident foreigners. It is also the only country where the Civil service in all its higher administrative branches is in the hands of aliens appointed by a foreign country under stringent educational tests."

And at the same time what do you find?

"I do not think it is possible to blind ourselves to the fact that there is throughout Asia now a movement going on having for its object the association to a greater degree than formerly of the natives of those countries, not merely in the framing of their laws, but also in the direction of the appointment of natives of considerable capacity to high administrative posts. I do not think it would be politic to oppose an absolute *non possumus* to this movement in respect of the largest and most important of these Asiatic countries. Not only that, if we consider our own democratic institutions the sympathy which is felt with native aspirations by very large and influential bodies in this country, and also the effects of the educational system which, whether wisely or unwisely, we have adopted for the last fifty years in India, I do not think it would be possible to resist this movement for any very considerable length of time."

Those are the words of a man who, everybody will agree, has earned the title of being one of the most honourable personages in the service of this country. That is his diagnosis of the condition of things.

If that be so, I will come now to consider the criticism on the actual scheme which the Government proposes. The Noble Lord has said that Indian reformers will not be satisfied with the proposals in the Bill. It is not unimportant to point out the language of Indian reformers. As late as Monday last MR. GOKHALE considered the nature of Indian reform. The language which was used by MR. GOKHALE fairly represents the opinions of Indian reformers. He said he had a perfectly impartial mind in dealing with the question. He eulogised LORD MINTO and LORD MINTO'S attitude with regard to this particular proposal, and he declared that LORD MORLEY has saved India from being driven into chaos. I do not say that the aspirations of MR. GOKHALE are met by this Bill, or those of his friends, but it is a step which will avert the serious danger which has been confronting us for the last few years. The Noble Earl agrees, as I understand, entirely with that part of the Bill which proposes to increase the number of Members of

the Legislative Council, and to give them a larger right of discussion and criticism than they at present possess.

EARL PERCY : Perhaps the number is rather greater than it need be.

The PRIME MINISTER : That is a matter of detail. The Noble Lord, I understand, thinks they ought to be increased ?

EARL PERCY : Yes.

The PRIME MINISTER : Then, so far, the Noble Lord has no complaint. His main criticism on that part of the Bill which deals with the change in the constitution and composition of the Legislative Council was, that outside the Viceregal Council the non-official element would be in a majority. In regard to that the Viceregal and official majority is preserved. With regard to the nature of the regulations the Noble Lord has quite treated them as though they were the subject-matter of consideration in this debate. The practice of creating a non-official majority is, I must point out to the House, not at all the same thing as creating an elective majority. They are not representative at all. The non-official element is largely composed of nominated Members. Therefore it is not at all the same thing as if you were giving the elective representatives of particular classes or communities a voting majority on the council to which they belong. That distinction must be carefully observed. The non-official majority already exists in the Council of Bombay—under the Presidency of Bombay—and, as has been pointed out by my Right Hon. Friend when making the Motion for the second reading, whatever dangers may be apprehended—I think they are very shadowy—from the recognition of this non-official majority, they are amply safe-guarded against by the security which I think the Noble Lord rates a little too low—namely, the initiative of the power of the veto by the Viceroy, or, in the case of the other Councils, by the Lieutenant-Governors, which I think may be regarded as very adequate safeguards against any thing in the nature of violent or revolutionary legislation.

EARL PERCY : My criticism was if you exercise these safe-guards you create a sense of irresponsibility on the part of future majorities.

The PRIME MINISTER : That is always said in regard to any power, whether in this country or anywhere else, in regard to the veto. We have here in this country the power in regard to the veto, which resides not in the Sovereign, but elsewhere,

and it sometimes creates a great deal of irritation, but still we go on. I do not know how long it is going to last, nor whether it will bring the community in India to anything like the state of irritation which the Noble Lord has indicated, and which the long-suffering people of this country have endured. I do not think we need be very much alarmed about that. On the other hand, it is most desirable in the circumstances to give to the people of India the feeling that these Legislative Councils are not mere automatons, the wires of which are pulled by the official hierarchy. It is of very great importance from that point of view that the non-official element should be in the ascendant, subject to proper safeguards. In that way you obtain some kind of security that the legislation which finally passes through the mill of the council reflects the opinion of the community.

The Noble Lord spoke of the position of the Mahomedans. Speaking generally with regard to that, the Noble Lord has stated that my Noble Friend dropped his original proposal in regard to the electoral college—dropped them in deference to objections made to a large extent by the Mahomedans themselves—and that when the Bill comes into law it will be a matter prescribed by regulation in each of the particular Provinces as to how they shall elect their representatives. Undoubtedly there will be a separate register for Mahomedans. To us here in this country at first sight it looks an objectionable thing, because it discriminates between people, segregating them into classes, on the basis of religious creed. I am sure the Noble Lord will not regard that as a formidable objection, because the distinction between Mahomedan and Hindu is not merely religious, but it cuts deep down not only into the traditions and historic past, but into the habits and social customs of the people. Provided that, as we may assume, the regulations adequately safeguard the separate registration of the Mahomedan electorate, I do not think any practical suggestion has yet been made for more completely giving that kind of representation which undoubtedly as a minority they are entitled to demand. The number of Mahomedans on the Viceroy's Council are only five; but, on the other hand, as the Noble Lord knows, on the Viceroy's Council there will be 20 nominated Members, of whom 17 are to be officials, and there is no reason why the Mahomedans should not come into that category. In addition, there are to be Mahomedans elected by other communities—chambers of com-

merce, and so forth—and it is not improbable that, among this category, Mahomedan representatives might be found. I do not think there is any serious danger, or any danger at all, of the Mahomedans not being adequately represented on the Viceroy's Council.

I now come to what the Noble Lord regarded as a more serious matter, though it is one not directly dealt with by this Bill, that is, the nomination of the native Members of the Executive Council of the Viceroy. The Noble Lord said that his objection to such an appointment was not one of principle. He admitted that the King's Proclamation announced absolute equality as far as race and religion are concerned, but that his objection was one, not of principle, but of expediency. He took the point so often taken in the course of these discussions, that if you put a native Member on the Executive Council of the Viceroy, you admit him to a knowledge not merely of what I may call local administrative matters, but you give him access, at any rate, to what may be described as the Arcana of Government. The Noble Lord thinks this is a dangerous step to take. Why? In the first place he says, because the gentleman so appointed, whoever he may be, cannot have any previous experience in these high matters. But that is an argument you might carry to very great lengths not only in India, but elsewhere. A gentleman is admitted for the first time to the Cabinet in this country; he has had no previous experience on official matters of this kind. But he becomes familiar with high secrets of State, and he acquires experience and justifies the confidence reposed in him after he has got there and upon such presumption as his previous training and reputation may create. And unless you are going to lay down as a proposition that no native, Mahomedan or Hindu, whatever be his intellectual eminence, whatever be his practical training, like that of MR. SINHA in a great profession like the profession of the law, however high he may have attained in that profession in competition not only with men of his own race, but with Europeans and Englishmen—unless you are going to lay down the fact that he is an Indian, born in India, and that in itself, for all time, permanently and irredeemably disables him from being put into this great position of responsibility, I fail to see how it is possible to justify the exclusion of Indians from positions of this kind. Let me point out also that if you talk about previous experience, who are the people whom we

appointed, the men of eminence and distinction who thoroughly justified their selection, whom we have sent to India in days gone by? As a rule, in the vast majority of cases the Legal Member of the Council and the Financial Member of the Council have come from England, and, as a rule, they have been men without any previous experience of India before they landed there. LORD MACAULAY, one of the most distinguished Englishmen, had never been in India before his appointment, and had never paid any special attention to it. On his way out he studied the works of ST. CHRYSOSTOM. It is quite true when he came back he wrote most brilliant essays on the heroes of Anglo-Indian history, but he landed in India with as small an amount of expert knowledge of Indian affairs as any man who ever sailed across the Indian Ocean. So it has been constantly with the Financial Member. As a rule, he goes from here to India without previous expert acquaintance with the problems of Indian finance. How is it possible for us to say then that we are in the habit of filling these posts in that way? Be it observed I am not in the least disparaging the men who have gone there. How is it possible for us to say, when you get men like MR. SINHA, a distinguished gentleman, actually at the head of the legal profession, a man born and bred in India, who has studied the Indian law, common law, customary and statute law—how is it possible to say that he is not fitted for such a post as that of Legal Member of the Viceroy's Council? I undertake to say with the greatest confidence you could not find a man so qualified to discharge the duties of that particular position as the distinguished Hindu LORD MORLEY has got. The question really is: Are you going to say it is to be one of the inflexible rules of the Empire that, in spite of the terms of the King's proclamation, a man so eminently qualified, so pre-eminently qualified, as Mr. Sinha is for this place, is to be disqualified because he was born in India and is not a member of our own race? The proposition is not an arguable one; and I believe that my Noble Friend's action in that appointment will carry with it the assent of the vast majority of the people of this country. Let me say at once that I disclaim on the part of my Noble friend, that because MR. SINHA has been appointed to this position he is to be a see-saw between Mahomedans and Hindus in this particular position, and that a new rule of succession is to be established. Nothing of the kind. My Noble Friend plainly indicated when the Mahomedans waited upon him that he

did not regard himself in any sense pledged to anything of the kind. The appointment of Mr. Sinha must be taken as an act which has nothing to do with this Bill, but an appointment made under the powers of the old Act, and not under the new power which would be set up under this Bill. The point is whether a man so eminently qualified for one of these posts on the Viceroy's Council is to be disqualified because he is an Indian and not an Englishman.

I come to the criticism which the Noble Lord^e passed on that which is not now in the Bill, but which used to be in the Bill, and which we hope will be in the Bill again, *viz.*, the for the moment defunct clause 3, or the clause which I prefer to say is for the moment in a state of suspended animation. He said that he objected and his friends objected to the empowering—that is all clause 3 did—to giving power to the Government of India from time to time, if it should think fit, to create these Executive Councils. First of all, let me say on the point of precedent that we are wisely following the example of the Act of 1861, which gave power from time to time—a power which has been more than once exercised—to create new Lieutenant-Governorships and Executive Councils.

EARL PERCY : Governorships in Council.

The PRIME MINISTER : Oh, yes ; and I think it has been exercised in the case of Burma and the Punjab, and in the recent creation of the new Province of Eastern Bengal. If I am not mistaken at all that was done under the powers conferred by the Act of 1861. So that it is no new thing to confer upon the Government of India power of this kind to be exercised from time to time, and it has the obvious convenience that you have not got to come to Parliament each time that the situation arises for the creation of one of these new Executive bodies. So much for the precedent. Then as to the reasons. They cannot be better stated than they are stated in the passage which my Noble Friend has already read elsewhere in the Despatch of the Viceroy of March 9th. [The Right Hon. Gentleman, having read a lengthy extract, proceeded.] That is the expression of opinion of the Government of India. They say that after many months' deliberation—there is no question here that the matter has been rushed—they say they desire after full consideration that this power should be placed in their hands ; that they shall exercise it first probably in the case of Bengal, and that they shall in the light of experience cautiously and gradually apply it in other Provinces.

It is a power they say we wish to have, and through the Secretary of State we ask that Parliament should grant it. What possible objection can there be to that course? I could not quite gather from the speech of the Noble Lord whether he would be opposed to this clause if it is applied only to Bengal.

EARL PERCY : NO.

THE PRIME MINISTER : If it had been limited to Bengal, if it had ~~been~~ confined to establishing an Executive Council for Bengal, he would have agreed to the clause. Is it making an undue draft on the part of the Government of India and the Secretary of State, on the confidence of Parliament, to say that that which you admit at the present moment to be good, to be not only expedient, but necessary, for administrative purposes in Bengal, may and probably will become expedient and necessary in other parts of India from time to time. "We ask you therefore," the Government of India say, "to give us the power if and when the occasion may arise to establish these Executive Councils elsewhere, and we hope that in the interests of India you will not refuse us that power." I do not see how any more reasonable or moderate proposal could be made than this appeal to the wisdom and the confidence of Parliament. I think I have dealt with all the main points which the Noble Lord raised in his speech. I submit, with some confidence, first of all that this Bill is no breach of the great traditions of our Indian Administration. It is, on the contrary, the natural and legitimate development of the principles upon which, for the last 50 or 60 years at any rate, the Government has been avowedly and explicitly founded. I submit, further, that in regard to its practical effect—the enlargement of the Legislative Councils, the introduction into them of the elected element, the predominance, except in the Viceroy's Council, of the non-official element, and as regards the power which it gives the Government of India first in Bengal, and then from time to time, as occasion arises, in other Provinces, to assist Lieutenant-Governors by the aid of Executive Councils—all these are provisions carefully thought out, moderate in their scope, calculated to associate gradually but safely more and more the people of India with the administration of their own affairs, and consistent in every respect with the maintenance of our Imperial supremacy.

J.

REGULATIONS FOR THE CONSTITUTION AND FUNCTIONS OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR- GENERAL (ISSUED ON NOVEMBER, 15, 1909 AND SUBSEQUENT- LY AMENDED, 1912-1918.

I. Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor-General.

1. The Additional Member of the Legislative Council
of the Governor-General shall ordinarily be
Number of Members. sixty in number, and shall consist of—

(A) Members elected by the classes specified in Regulation
II, who shall ordinarily be twenty-seven in number ; and

(B) Members nominated by the Governor-General, who
shall not exceed thirty-three in number, and of whom—

(a) not more than twenty-eight may be officials, and

(b) three shall be non-official persons to be selected—

(i) one from the Indian commercial community,

(ii) one from the Mahomedan community in the
Punjab, and

(iii) one from the landholders in the Punjab :

Provided that it shall not be lawful for the Governor-General to nominate so many non-official persons under these Regulations that the majority of all the Members of the Council shall be non-officials.

Elected members. II. The twenty-seven elected Members
specified in Regulation I shall be elected
as follows, namely :—

- | | | | | |
|------|--|-----|-----|------------|
| (i) | By the non-official Additional Members
of the Council of the Governor of
Fort St. George | ... | ... | 2 Members. |
| (ii) | By the non-official Additional Members
of the Council of the Governor of
Bombay | ... | ... | 2 .. |

- | | | | | |
|--------|--|-----|-----|------------|
| (iii) | By the non-official Additional Members of the Council of the Governor of Fort William in Bengal | ... | ... | 2 Members. |
| (iv) | By the non-official Members of the Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh | 2 | " | |
| (v) | By the non-official Members of the Council of the Lieutenant-Governor of the Punjab | ... | ... | 1 " |
| (vi) | By the non official Members of the Council of the Lieutenant Governor of Burma | ... | ... | 1 " |
| (vii) | By the non-official Additional Members of the Council of the Lieutenant-Governor of Bihar and Orissa | ... | ... | 1 " |
| (viii) | By the non-official Members of the Council of the Chief Commissioner of Assam | ... | ... | 1 " |
| (ix) | ¹ [By the non-official Members of the Council of the Chief Commissioner of the Central Provinces] | ... | ... | 1 " |
| (x) | By landholders in the Presidency of Fort St. George | ... | ... | 1 " |
| (xi) | By landholders in the Presidency of Bombay | ... | ... | 1 " |
| (xii) | By landholders in the Presidency of Bengal | 1 | " | |
| (xiii) | By landholders in the United Provinces of Agra and Oudh | ... | ... | 1 " |
| (xiv) | By landholders in Bihar and Orissa | ... | ... | 1 " |
| (xv) | By landholders in the Central Provinces | ... | ... | 1 " |
| (xvi) | By the Mahomedan community in the Presidency of Fort St. George | 1 | " | |

¹ The words enclosed in square brackets were substituted for item (ix) by Notification No. 32, dated the 14th August, 1914, published in the *Gazette of India*, dated the 15th August, 1914, Pt. I, p. 1327.

The original item ran thus :—

- (ix) By the District Councils and Municipal Committees in the Central Provinces 1 Member.

- (xvii) By the Mahomedan community in the Presidency of Bombay ... 1 Member
- (xviii) By the Mahomedan community in the Presidency of Bengal ... 1 "
- (xix) By the Mahomedan community in the United Provinces of Agra and Oudh ... 1 "
- (xx) By the Mahomedan community in Bihar and Orissa ... 1 "
- (xxi) By the Bengal Chamber of Commerce 1 "
- (xxii) By the Bombay Chamber of Commerce 1 "

In addition to the Members specified in the foregoing part of this Regulation, a second Member shall be elected at the first, third and succeeding alternate elections by the Mahomedan Members of the class specified in sub-head (xiii), and at the second, fourth and succeeding alternate elections by the class specified in sub-head (xviii).

Explanation.—The expression "alternate elections" shall not be deemed to include elections to fill casual vacancies¹ [or vacancies occurring by reason of elections or nominations being declared void or seats being declared vacant].

III. The election of the Members specified in Regulation II shall be effected by the electorates and in accordance with the procedures respectively prescribed in the Schedules to these Regulations.

IV. No person shall be eligible for election as a Member of the Council if

Ineligible candidates.
such person—

- (a) is not a British subject, or
- (b) is an official, or
- (c) is a female, or
- (d) has been adjudged by a competent Court to be of unsound mind, or
- (e) is under twenty-five years of age, or
- (f) is an uncertificated bankrupt or an undischarged insolvent, or

¹ The words enclosed in square brackets were inserted by Notification No. 46, dated the 20th August, 1915, published in the *Calcutta Gazette*, dated the 25th August, 1915, Pt. IA, p. 510.