

with the refusal of a provincial council to pass a law by the device of promulgating an ordinance. As we saw, this power was a revival of the old system by which the original executives made the law ; it was in its revived form never intended for more than emergency use, to which purpose it has since been strictly confined. Apart from war legislation, the Governor-General's ordinance-making power has been employed only six times in 57 years. To resort to it as an ordinary means of carrying Bills that had been refused by a provincial council would excite the strongest opposition ; and to pass ordinances without first enabling the council to discuss them would be to abandon all the advantages of publicity and criticism. The idea that the provincial Governor in Council should be equipped with a power to make ordinances was also one to which we gave some consideration. Inasmuch as there will be a strong Indian element in the provincial executives of the future the opposition to such legislation by the executive would no doubt be diminished ; but we felt that it was impossible to ask Parliament to confer on the Governments of provinces a power which they had never enjoyed since 1833 and which is opposed to the whole spirit of our reforms. A further practical objection was the likelihood that the executive would be often divided upon the merits of a particular project, and that the Governor who proposed to put it into force by the medium of an ordinance might find himself faced with the resignation of some of his Indian colleagues or ministers.

250. We considered further whether these objections could not be mitigated by laying the proposed  
 Other proposals. ordinances before an advisory committee, or by carrying them by the machinery of a separate council dealing only with reserved subjects. In this latter case the Governor in Council would obtain his essential legislation and supplies from a Legislative Council so constituted as to enable Government to give effect to its wishes, while the ministers would lay their Bills and financial proposals before another legislative council wholly or predominantly elected. We abandoned this idea, first, because it appeared to us to emphasize most unwisely the severance between the two elements in the administration which it should be our consistent aim to bring together as closely and continuously as possible ; and, secondly, because it deprived the popular legislature of the power which it now enjoys of affecting the action of Government in the reserved subjects.

251. The alternative plan of constituting an advisory committee before which draft ordinances should be placed before their promulgation did not satisfy us. We felt that though the deliberations of such a body might palliate the nakedness of what is really an official edict, the fact that the committee's assent to the measure would not be necessary would deprive the palliative of any political value.

252. Because, as we shall show in paragraph 258, we have decided not to recommend the institution of second chambers in the provinces we cannot apply to the provinces the scheme which we propose hereafter for the Government of India; and we must turn to some form of unicameral arrangement. The solution which we propose is as follows. For the purpose of enabling the provincial Government to get through its legislation on reserved subjects we propose that the head of the Government should have power to certify that a Bill dealing with a reserved subject is a measure "essential to the discharge of his responsibility for the peace or tranquillity of the province or of any part thereof, or for the discharge of his responsibility for the reserved subjects." In employing these words we are not assuming the function of a parliamentary draftsman; we merely mean to indicate that words will be needed to show that this exceptional procedure will be used only when the Government feels that its legislation is necessary if peace and tranquillity are to be secured, or more generally if it is properly to discharge its responsibility for the reserved subjects even if no question of maintaining order arises. It will be seen hereafter that we propose similar procedure for controlling non-official Bills, amendments and clauses and for controlling budget allotments on reserved subjects. In these cases also we shall speak of certification as indicating that the Governor was using the exceptional procedure in the circumstances described above. Such a certificate as we have described would not be given without strong reason; and we suggest that the reasons justifying recourse to it might be included in the Instructions to Governors which the India Office should issue; for instance, we think that the Governor should not certify a Bill if he thought its enactment could safely be left to the Legislative Council. The effect of the Governor's certificate when published with the Bill will be to intimate the procedure which we now describe. The Bill will be read and its general principle discussed in the full legislative council. It will at this stage be open to the council by a majority vote to request the

Governor to refer to the Government of India, whose decision on the point shall be final, the question whether the certified Bill deals with a reserved subject. If no such reference is made, or if the Government of India decide that the certificate has been properly given, the Bill will then be automatically referred to a grand committee of the council. Its composition should reproduce as nearly as possible the proportion of the various elements in the larger body. Our first intention was that the grand committee in each province should be a microcosm of the existing council. But we find that the existence of communal and special electorates makes it difficult to secure to all of these their due representation on a smaller body without at the same time sacrificing the representation of the interests represented by the general electorates, to which it is our special intention to give a greater voice in the councils than heretofore. Accordingly, we propose that the grand committee in every council should be constituted so as to comprise from 40 to 50 per cent of its strength. It should be chosen for each Bill, partly by election by ballot, and partly by nomination. The Governor should have power to nominate a bare majority exclusive of himself. Of the members so nominated not more than two-thirds should be officials, and the elected element should be elected *ad hoc* by the elected members of the council on the system of the transferable vote. It is clear that the composition of the grand committee ought to vary with the subject matter of the particular Bill; and we believe that the council and the Governor between them can be trusted to ensure that whether by election or nomination all the interests affected by the Bill are properly represented. It may be objected that such a grand committee so composed offers the official executive no absolute guarantee that its measure will get through. We agree that this is the case; but there is no such guarantee at present. In a grand committee of 40 members, there could be 14 officials, and we consider that no great harm will ensue if Government defers legislative projects which are opposed by the whole elected element and for which it cannot secure the support of six out of the seven members, whom the Governor has it in his power to select from the whole body of the non-official members in the council.

253. On reference to the grand committee, the Bill will be debated by that body in the ordinary course and if necessary referred to a select committee, to which body we think that the grand committee should have power

Procedure after reference to grand committee.

to appoint any member of the Legislative Council whether a member of the grand committee or not. The select committee will, as at present, have power to take evidence. Then, after being debated in the grand committee and modified as may be determined the Bill will be reported to the whole council. The council will have the right to discuss the Bill again generally but will not be able to reject it, or to amend it except on the motion of a member of the executive council. The Governor will then appoint a time-limit within which the Bill may be debated in the council, and on its expiry it will pass automatically. But during such discussion the council will have the right to pass a resolution recording any objection which refers to the principle or details of the measure (but not of course to the certificate of its character), and any such resolution will accompany the Act when, after being signed by the Governor, it is submitted to the Governor-General and the Secretary of State.

254. Legislation on transferred subjects and non-certificated legislation on reserved subjects will continue to be passed by the full council. This makes it necessary to provide for the contingency that a Bill on a transferred subject may trench upon the reserved field of legislation. We suggest that it should be open to any member of the executive council (though to prevent irresponsible obstruction we would not give this power to members of the legislative councils generally) to challenge the whole Bill or any clause of it on its first introduction, or any amendment, as soon as such amendment is moved, on the ground that the Bill, clause, or amendment impinges on the reserved sphere. The question will then be referred to the Governor, who may allow the Bill to proceed in legislative council. But if he rules that the Bill, clause, or amendment trenches upon the reserved subjects, he may, if he sees reason to do so (after hearing any representations that the legislative council may desire to make), certify it accordingly. The Governor's certificate to this effect should be final, subject only to the right of the council to require a reference to the Government of India (as provided in paragraph 252, *supra*). If the Governor certifies the Bill, clause, or amendment it will be open to him either to decline to allow it to be discussed, in which case it would drop; or to suggest to the council an amended Bill; or at the request of the council to refer the Bill to a grand committee. With this proviso, there will be no need to impose restrictions other than those already imposed by section 80 of



the Government of India Act, 1915, on the right of private members to introduce Bills. We may be told that the procedure suggested is cumbrous and dilatory, and offers a premium to obstructive tactics. But we confess that we have not been able to find any simpler method of reconciling two competing aims—the competence of Government to secure its necessary legislation, and on the other hand the power of the elected element in council to ensure that such discretion shall not be used arbitrarily or without due necessity by the executive. It must, we think, be left to the good sense of the council itself, which will realize that its own record will be closely scrutinized and adjudicated upon by the periodic commission, which we propose below, to exert itself to check abuses. We consider also that the Governor of a province should have power to dissolve his legislative council and that this will give him a valuable means of control. It will be understood that the assent of the Governor, the Governor-General, and the Crown (signified through the Secretary of State) will remain necessary for all provincial legislation, whether certified or not. We think, moreover, that the Governor's discretionary power of assenting to a Bill should include a power to return the measure for reconsideration of particular provisions in it; and that the Governor-General should have the same power of reserving provincial laws for the Royal assent as he has in the case of all Indian legislation.

255. We now come to the crucial question of budget procedure. It is more difficult than that of legislation, because while legislation on a reserved subject may clearly not impinge on transferred subjects, money devoted to reserved objects of expenditure can with some sort of reason be always represented as being diverted from the transferred objects. There must, therefore, be means of securing that the executive council shall be able to find the money to keep the administration of the reserved subjects efficient, and there must also be means of securing that to the expanding cost of the transferred services, a fair proportion of the total revenue is devoted. For it must be remembered that the transferred services are generally those which stand in greater need of development.

256. To this end we have examined various expedients. We were attracted by the possibility of appointing a joint committee representing both official and non-official views to make  
 Its difficulties and their solution.

a financial settlement dealing with both reserved and transferred subjects, which should hold good for a period of say six years, always supposing that it can be varied meantime by agreement, confirmed by the assent of the legislative council. We were anxious to find some solution for the difficulties and friction which might otherwise annually occur between the two elements in the Government which are responsible for the reserved and transferred services. The device of reference to the Government of India we dismiss as being a negation of our leading principle of provincial autonomy. It seems to us even more idle to suggest a settlement by process of laying papers before Parliament. It has also been proposed that disputes might be composed by an internal tribunal within the province, comprising a high court judge, a Government official, and an elected member; but we dismiss such an expedient from consideration, because so long as the Governor in Council is responsible for reserved subjects, we hold that he must have power to decide what revenues he requires. On full consideration we have decided to set aside all suggestions for a settlement. We doubt whether any committee's recommendations would commend themselves to Indian opinion much better than the Governor's decision, to which in the event of irreconcilable difference of opinion between the two halves of the Government the matter must ultimately come. A settlement would also result in a rigid allocation, which would be yearly attacked in debates and which it might be difficult to vary by agreement; and at best it only defers the difficulty for a six years' period, at the end of which it would present itself again with the accumulated force of six years' discontents. It is impossible to foresee the contingencies which may occur in six years, and to budget in advance for so long a period. The difficulty is fundamental and we cannot overcome it by any simple device. Nor are we without belief in the educative efficacy of the annual budget discussion. We propose therefore that the provincial budget should be framed by the executive Government as a whole. The first charge on provincial revenues will be contribution to the Government of India; and after that the supply for the reserved subjects will have priority. The allocation of supply for the transferred subjects will be decided by the ministers. If the revenue is insufficient for their needs the question of new taxation will be decided by the Governor and the ministers. We are bound to recognize that in time new taxation will be necessary, for no conceivable economies can finance the new developments which are to be anticipated. The budget will

then be laid before the council which will discuss it and vote by resolution upon the allotments. If the legislative council rejects or modifies the proposed allotment for reserved subjects the Governor should have power to insist on the whole, or any part of the allotment originally provided, if for reasons to be stated he certifies its necessity in the terms which we have already suggested. We are emphatically of opinion that the Governor in Council must be empowered to obtain the supply which he declares to be necessary for the discharge of his responsibilities. Except in so far as the Governor exercises this power the budget would be altered in accordance with the resolutions carried in council.

257. We anticipate that anxiety may be felt as to the supply for the transferred subjects. We believe that this anxiety is largely based on an exaggerated view of the possibilities of economy in the reserved subjects. We do not feel, however, that there need be any apprehension. No Governor in Council is likely, without real reason, to disregard the wishes of the legislative council, and we hold that, if he has real reasons, he ought to disregard them in the discharge of his responsibilities. But we may point out the series of safeguards which our plan provides. The budget will be considered by the whole Government acting together. Those in charge of the transferred subjects will have every opportunity of acquainting themselves with the considerations upon which the allotment for the reserved subjects is based. In these joint discussions the provincial revenues will be estimated ; the contribution to the Government of India will be set apart ; the proposed allotments for the reserved subjects will then be carefully scrutinized and examined with a view to facing criticism in the legislative council, and the remainder of the revenue will be at the disposal of the ministers. If such residue is not sufficient, it is open to the ministers to suggest extra taxation either within the schedule of permissible provincial taxation, or by obtaining the sanction of the Government of India to some tax not included in the schedule. Such taxation proposals would be presented to the legislative council only with the approval of the ministers. Moreover, there is a standing committee representative of the legislative councils not only on finance, but attached to all the reserved portfolios ; and these standing committees will have the opportunity of scrutinizing all proposals for substantial expenditure, and of familiarizing themselves

with departmental needs. But if the ministers and the legislative councils are compelled to accept allotments for the reserved subjects with which they do not agree our proposal that a periodic commission shall review the proceedings affords another safeguard. Both the Government and the legislative council will decide on their course of action with the full knowledge that their conduct in the matter will, in due course, come under review by the Commission. There will be opportunity of arguing before the Commission, on the one hand, that reserved subjects have been extravagantly administered, or that the Governor in Council has unnecessarily disregarded the wishes of the legislative council, or, on the other hand, that the attitude of the legislative council with regard to the expenditure on reserved subjects has been so unreasonable as to make it unsafe to transfer further powers. Although we believe, therefore, that no insuperable difficulty will arise if reasonable men conduct themselves in a reasonable manner this periodic sanction will tend to produce a spirit of compromise and co-operation.

258. At this point we may explain that we have considered the feasibility of establishing a bicameral system in the provinces. Its advocates urge that in creating upper houses we should follow the system which generally prevails in countries where popular government has firmly established itself. We might also expect that the representation of minority interests would become more effective in an upper house than in a single composite chamber, because minority representatives sitting in a chamber of their own might feel themselves freer to defend the interests which they represented than if they sat together with other elements in a lower house. We might secure men for the upper houses who would not seek election or even accept nomination, to a composite assembly where the majority of members were of a different status from themselves; and so the second chamber might develop a conservative character which would be a valuable check on the possibly too radical proclivities of a lower house. But we see very serious practical objections to the idea. In many provinces it would be impossible to secure a sufficient number of suitable members for two houses. We apprehend also that a second chamber representing mainly landed and moneyed interests might prove too effective a barrier against legislation which affected such interests. Again, the presence of large landed proprietors in the second chamber might have the unfortunate result of discouraging other members of

the same class from seeking the votes of the electorate. We think that the delay involved in passing legislation through two houses would make the system far too cumbrous to contemplate for the business of provincial legislation. We have decided for the present, therefore, against bicameral institutions for the provinces. At the same time we bear in mind that as provincial councils approach more closely to parliamentary forms the need for revising chambers may be the more felt ; and we think that the question should be further considered by the periodic commission which we propose hereafter.

259. We should now make it clear what the relations of the executive officers in the provinces will be to the new Government. Let us say **Relations of the services to the Government.** at once that we have no intention of introducing any duality into the services. It would be unfair to expect ministers new to responsibility to assume the burden of office unless they could command the assistance of the present highly trained services. To require them to inaugurate new services for their own departments would, we think, be to saddle them with difficulties that would doom the experiment to failure. This consideration, among others, was prominent in our minds when we concluded that ministers should form part of the executive Government of the province rather than a separate Government. That there are difficulties in either case we do not deny, but they would certainly be greater if one and the same officer received his orders from two Governments instead of one. The objection may be taken that the same authority may not be felt to attach to orders coming from ministers as to orders coming from the executive council. We do not admit that they will come from either. All orders will come from the Government, and they will all be Government orders. At the present time it is not the business of an executive officer to differentiate between an order conveyed to him by the secretary to Government in one department, and an order conveyed to him by the secretary in another department, and the procedure will not differ in the future.

#### *Future Development.*

260. Having now described the new constitution which we propose at the outset let us show how we intend to provide for its assured and regular development in future. Our idea is that as the popular element of the Government acquires ex-

**Modification by the Government of India.**

perience and learns to discharge its duties efficiently further powers should be entrusted to it. The process in fact will be one of adding to the transferred subjects and of taking from the reserved ones, until such time as with the entire disappearance of the reserved subjects the need for an official element in the Government, or of procedure by grand committee, vanishes, and thus the goal of complete responsibility is attained in the provinces. What we have to do is at once to encourage and to regulate this process. After five years' time from the first meeting of the reformed councils we suggest that the Government of India should hear applications from either the provincial Government or the provincial council for the modification of the reserved and transferred lists of the province; and that after considering the evidence laid before them they should recommend for the approval of the Secretary of State the transfer of such further subjects to the transferred list as they think desirable. On the other hand, if it should be made plain to them that certain functions have been seriously maladministered it will be open to them with the sanction of the Secretary of State to retransfer subjects from the transferred to the reserved list, or to place restrictions for the future on the ministers' powers in respect of certain transferred subjects. This examination of the question by the Government of India after the lapse of five years will be of value in enabling the allotment of portfolios to be redetermined, if need be, in the light of the experience gained during that time. But it is also desirable to complete the responsibility of the ministers for the transferred subjects. This should come in one of two ways, either at the initiative of the council if it desires and is prepared to exercise greater control over the ministers, or at the discretion of the Government of India, which may wish to make this change as a condition of the grant of new, or of the maintenance of existing, powers. We propose therefore that the Government of India may, when hearing such applications, direct that the ministers' salaries, instead of any longer being treated as a reserved subject and therefore protected in the last resort by the Governor's order from interference, should be specifically voted each year by the legislative council; or failing such direction by the Government of India, it should be open to the councils at that time or subsequently to demand by resolution that such ministers' salaries should be so voted, and the Government of India should thereupon give effect to such request. The ministers would in fact become ministers in the parliamentary sense. The councils would have power to refuse to pass their

salaries, and they would have to accept the consequences which constitutional convention attaches to such a vote.

261. The arrangements sketched in the last paragraph, however, are intended to provide merely *Periodic commission.* for *ad interim* changes; and we regard it as essential, if the terms of the announcement of August 20 are to be made good, that there should from time to time come into being some outside authority charged with the duty of resurveying the political situation in India and of readjusting the machinery to the new requirements. We would provide, therefore, that ten years after the first meeting of the new councils established under the statute a commission should be appointed to review the position. Criticism has been expressed in the past of the composition of Royal commissions, and it is our intention that the commission which we suggest should be regarded as authoritative and should derive its authority from Parliament itself. The names of the commissioners, therefore, should be submitted by the Secretary of State to both Houses of Parliament for approval by resolution. The commissioners' mandate should be to consider whether by the end of the term of the legislature then in existence it would be possible to establish complete responsible government in any province or provinces, or how far it would be possible to approximate to it in others; to advise on the continued reservation of any departments for the transfer of which to popular control it has been proved to their satisfaction that the time had not yet come; to recommend the retransfer of other matters to the control of the Governor in Council if serious maladministration were established; and to make any recommendations for the working of responsible government or the improvement of the constitutional machinery which experience of the systems in operation may show to be desirable. We intend these propositions to be read rather as an indication of our general intentions than as an attempt to draft the actual terms of the reference to the commission.

262. There are several other important matters, germane *Other matters for con-* in greater or less degree to our main pur-  
*sideration by the com-* pose, which the commission should review.  
*mission.* They should investigate the progress made in admitting Indians into the higher ranks of the public service. They should examine the apportionment of the financial burden of India with a view to adjusting it more fairly between the provinces. The commission should also examine the develop-

ment of education among the people and the progress and working of local self-governing bodies. Lastly the commission should consider the working of the franchise and the constitution of electorates, including the important matter of the retention of communal representation. Indeed we regard the development of a broad franchise as the arch on which the edifice of self-government must be raised; for we have no intention that our reforms should result merely in the transfer of powers from a bureaucracy to an oligarchy. We shall be told that we are laying a heavy charge upon the commission. We agree that this is so, and it will probably be necessary to appoint more than one commission; but we think it important that the review of all these questions should be undertaken at one and the same time. It is our desire to revive the process by which the affairs of India were periodically subjected to searching review by investigating bodies appointed with the approval of Parliament itself; and we propose therefore that the further course of constitutional development in the country, together with the other matters just enumerated, shall from time to time be similarly investigated at intervals of twelve years, a period which represents the life of four councils under the existing regulations.

263. In proposing the appointment of a commission ten years after the new Act takes effect we wish to guard against possible misunderstanding. We would not be taken as implying that there can be established by that time complete responsible government in the provinces. In many of the provinces no such consummation can follow in the time named. The pace will be everywhere unequal, though progress in one province will always stimulate progress elsewhere } but undue expectations might be aroused if we indicated any opinion as to the degree of approximation to complete self-government that might be reached even in one or two of the most advanced provinces. The reasons that make complete responsibility at present impossible are likely to continue operative in some degree even after a decade. Within that time many persons will have been brought in touch with problems of administration and a considerable number will have some experience of the actual exercise of responsibility; but we recognize that time is necessary for the development of responsibility in the electorates and the growth of proper relations between representatives and constituencies. At present electorates of a

The importance of an electorate.



general character hardly exist. Almost all are designed to represent special classes or interests and consist of very few persons. Those which represent Muhammadans were intended to be fairly inclusive but even those are limited to a few hundred electors. The much larger electorates that will now be set up, though still a mere fraction of the population, will be devoid of political experience. The habit of considering political issues as issues to be decided by a man's own judgment, of realizing their value of the proper use of a vote and of judging candidates with regard to their fitness to represent the elector's views have all to be acquired. The physical circumstances of electorates thinly scattered over wide areas with indifferent communications will render the task of educating them particularly difficult, especially for men who will have to undertake a work of which they themselves have so little experience. These difficulties will be increased by the general lack of education. Where the great mass of the population is illiterate, as is unfortunately the case all over India, political ideas may be expected only to spread slowly and the progress of political education to be impeded. But we have already recognized the rapid rate of progress which has taken place in India during recent years in the development of political opinion; and we cannot foresee how much the pace will be accelerated under the new conditions. It is, therefore, clearly desirable that periodic inquiries should take place at intervals that may prove too short rather than that encouragement should be given to agitation by undue delay.

264. But inasmuch as complete responsible government essentially depends upon the existence of an electorate sufficiently active and cognizant of affairs to hold their representatives effectively to account we think that one of the most important duties of the commission will be to examine the growth of capacity and responsibility in the electorates. The approximation to complete responsibility must depend among other things on the growth of the electorate and on the measure in which they give evidence of an active and intelligent use of the franchise. We wish to attain complete responsibility where we can and as early as we can, and we intend that its attainment should depend upon the efforts of the Indian people themselves. It would not be fair to give it to them till they fulfil the necessary conditions.

*Matter for special consideration.*

## The Government of India and the India Office.

### I.—*The Government of India.*

265. We shall have discharged our task indifferently if it is not already plain from our report that all the changes which we suggest are no more than the necessary adjustment of the constitution to a rapidly changing environment. So long as the people of India were content to leave their government in official hands the system was well-devised to the needs of the country, and was directed with astonishing zeal and success to beneficent ends. We have tried to give some account of the burden of the work. We may well pause to pay a tribute to the part played by the Government of India itself in guiding and inspiring the entire system. Rarely has a heavier burden of responsibility continuously rested on a smaller body of men; rarely has it been discharged with greater ability or a higher sense of public duty. We have changes to propose, corresponding to changing conditions; but we should keenly regret it if anything we said were taken as failing in the tribute due to great work finely done. But more is now being demanded of the system than it can give. It is no longer sufficient to administer India; it is necessary also to satisfy her political aspirations; and because we were all too slow in taking cognizance of the changes that were occurring the task is all the heavier because there is leeway to make up. We must therefore introduce a new element of strength into the Government.

266. We have already made our opinion clear that pending the development of responsible government in the provinces the Government of India must remain responsible only to Parliament. In other words, in all matters which it judges to be essential to the discharge of its responsibilities for peace, order, and good government it must, saving only for its accountability to Parliament, retain indisputable power. With the precise manner in which the control by Parliament must in future be modified we shall deal hereafter. For the present we will concern ourselves with changes in the functions, structure, and methods of the Government of India itself. We think we have reason for saying that in some respects the machinery is no longer equal to the needs of the time. The normal work of the departments is heavy. The collective responsibility of the Government is weighty,

especially in time of war. There is little time or energy left for those activities of a political nature which the new situation in the country demands. A legislative session of the Government of India imposes a serious strain upon the departments, and especially on the members in charge of them. They have not merely to carry on their heavy task of administration and to share in the discussion and decision of grave matters of policy, but they have to prepare themselves to meet a growing volume of criticism at meetings of the legislative council; and when as has now happened, they are called upon in addition to deal with urgent and complex questions of constitutional reform, the burden becomes one that it is unreasonable to impose on so small and highly worked a body of men. We desire to take this opportunity of acknowledging how ungrudgingly their services have been given to our present task. But, apart from the inevitable complexities of the moment, the growing burden of business, which results from the changing political conditions of the country, is leading to an accumulation of questions which cannot be disposed of as quickly as they present themselves. We find the necessity for reforms admitted, principles agreed upon and decisions taken, and then long delays in giving effect to them. Difficulties are realized, inquiries are started, commissions report, and then there is a pause. There is a belief abroad that assurances given in public pronouncements of policy are sometimes not fulfilled. On this occasion, therefore, we have taken steps to guard against such imputations, and to provide means for ensuring the ordered development of our own plans.

267. The main fault for the clogging of the machine does not, we think, lie altogether with its highly trained engineers. What is chiefly wanted is some change of system in the directions of simplicity and speed. How does it happen that announcements are made that arouse expectations only to defeat them? We know that it is not from any intention of deluding the public. We suggest that it is because the wheels move too slowly for the times; the need for change is realized, but because an examination of details would take too long promises are made in general terms, which on examination it becomes necessary so to qualify with reservations as to disappoint anticipations and even to lead to charges of breach of faith. We suspect that a root cause of some political discontents lies in such delays. Now, so far as the provinces are concerned, we believe

that our proposals for freeing them to a great extent from the control of the Government of India and the Secretary of State will improve matters. But the Government of India are in the worst case. In all important matters they have to consult local Governments, and then to secure the approval of the Secretary of State. (Consultation with local Governments there must always be; but with developing autonomy in the provinces, and less frequent interference by the Secretary of State, we see no reason why quicker and more informal methods should not be pursued.) We hope that the new departure inaugurated in January last at the conference between the Government of India and all the heads of Governments in Delhi may be repeated annually, and may lead to a closer understanding of the varying conditions of the provinces and some diminution of official correspondence.

268. References to the India Office are a second fruitful cause of delay. The India Office, having statutory responsibilities to discharge, exercises its authority with good care and with all the expert knowledge at its command. Proposals that have been examined in India are re-examined in England and fresh suggestions may be forthcoming from Whitehall upon which Delhi may find it necessary to take the further opinion of Calcutta, Bombay, and the rest. Now we recognize that so long as the Indian Government is not responsible to an electorate the guardianship of the welfare of India as a whole must remain in the hands of Parliament. Indeed, as we shall show, we go on hereafter to make suggestions for sustaining the interest taken by Parliament in India better and for improving the means of information at its disposal. But, on the other hand, we must also consider practical needs. We have seen how rarely Parliament asserts its power, how little interest and time it devotes to Indian affairs, and how much it leaves to the Secretary of State in Council. Granting, therefore, that Parliament's understanding of the larger Indian questions, and its responsibility for policy, ought to be increased there is no real inconsistency in saying that we should ask it simultaneously to agree to relax the Secretary of State's control in details. We consider that the Secretary of State's previous sanction to decisions taken in India should be required in fewer cases than in the past; and that in some matters it will suffice in future if he asserts his control by means of a veto, if necessary.

269. A further cause contributing to delay is that the departments at head-quarters are now *Insufficiency of staff.* overworked. It is often overlooked how small is the staff which carries on the work of the great departments. Normally, it consists of a member in charge, a secretary, a deputy-secretary, and an under-secretary. The remainder of the staff is purely clerical. If this is compared with the staffing of one of the great departments in Whitehall, and every allowance is made for the difference of conditions, it will be clear how numerically weak the staff of the Government of India is; and how great is the strain upon its members, especially in such times as the present. One reason why the departments can move quickly in England is because their day-to-day administration runs itself. New inquiries can be set on foot, and policies thought out by the head of the department, with the help of a large and experienced permanent staff. In India the higher staff of the secretariats is not permanent, because rightly or wrongly it has always been held desirable to maintain touch between the headquarters offices and the districts. Men are selected from the administrative staff, serve for a time in the offices, and return to administration. One result of this discontinuity is that questions which a permanent civil service can safely dispose of by word of mouth become the subject of continuous minuting. Changes of personnel necessitate a record of the questions, and the aspects of questions considered. We express no opinion on the system, but it requires detailed examination. Indeed, the Viceroy has already signified to his colleagues his intention of causing it to be examined after the war. Till that time comes, the inquiry could not be pursued with advantage; but once the stress of war is over, and departments can estimate their permanent needs, the inquiry should be taken up probably with the assistance of experts from England. Our proposal is made without prejudice to the process of taking further Indians into the services. From whatever source the additional help is to be sought there can be no question of its acute necessity.

270. But a constitutional element of delay may be found in the character of the Government itself. *Inherent tendencies of an official Government.* Because it is bureaucratic it is naturally less anxious to move than a responsible Government. In the matters where Parliament does not affect its duty is to its own conscience—or perhaps we should say to its successors in office—and not to any constituents. We

should do well to associate with it a really representative assembly so as to ensure that in the comparative seclusion of its domicile in Delhi and Simla the wishes of the country are accurately and regularly presented to it and that its action is adequately criticized. In this way not merely shall we get a succession of stimuli from outside which would benefit the Government in India, but the Secretary of State in England will have the means of judging what view is taken in India of the actions of the Government, and so the modified measure of Home control which we propose will come to be exercised not merely in accordance with British views, but with regard also to the expressed views of those who represent constituencies in India. These are the considerations underlying the proposals which we put forward for changes in the structure of the Government of India both in its executive and legislative aspects.

271. We have explained already how the executive council of the Governor-General is constituted and how portfolios are allotted in it. **The Governor-General's Executive Council.** Its changed relations with provincial governments will in themselves materially affect the volume of work coming before the departments, and for this reason alone some redistribution will be necessary. We would, therefore, abolish such statutory restrictions as now exist in respect of the appointment of members of the Governor-General's Council so as to give greater elasticity both in respect of the size of the Government and the distribution of work. If it is desired to retain parliamentary control over these matters they might be embodied in statutory orders to be laid before Parliament.

272. Further, we propose to increase the Indian element in the executive council. We do not think it necessary to argue the expediency of enabling the wishes of India to be further represented in the Cabinet of the country. **Increase in Indian element.** The decision of Lord Morley and Lord Minto to appoint one Indian member to the council marked an important stage in India's political development; and has proved of value in enabling the Government to have first-hand acquaintance with Indian opinion. In recommending a second appointment we are only pursuing the policy already determined upon in respect of the public services. There exists, of course, at present no racial prescription in the statute, nor do we propose that any should be introduced. There is even no formal guarantee that any appointment shall

be made on the grounds of race. The appointment of Indian members will be made in the future as in the past as a matter of practice by the Crown on the recommendation of the Secretary of State; and we suggest the appointment of another Indian member as soon as may be.

273. We now come to the changes required in the Indian Legislative Council. Its existing composition we have already explained. No argument is needed to show that under present conditions 27 elected members, many of them returned by small class electorates, cannot adequately represent the interests of the entire country in the supreme assembly. Indeed, no council the composition of which is conditioned by the necessity of maintaining an official majority could possibly serve that purpose. We recommend, therefore, that the strength of the legislative council, to be known in future as the Legislative Assembly of India, should be raised to a total strength of about 100 members, so as to be far more truly representative of British India. (We propose that two-thirds of this total should be returned by election; and that one-third should be nominated by the Governor-General of which third not less than a third again should be non-officials selected with the object of representing minority or special interests.) We have decided not to present to His Majesty's Government a complete scheme for the election of the elected representatives; our discussions have shown us that we have not the data on which to arrive at any sound conclusions. Some special representation, we think, there must be, as for European and Indian commerce and also for the large landlords. There should be also communal representation for Muhammadans in most provinces and also for Sikhs in the Punjab. There is no difficulty about direct election in the case of special constituencies. It is in respect of the general, or residuary, electorate, including therein the communal electorates for Muhammadans and Sikhs, that complexities present themselves. Our decided preference is for a system of direct electorates, but the immensity of the country makes it difficult; it may be impossible to form constituencies of reasonable size in which candidates will be able to get into direct touch with the electorates. Moreover, there is the further difficulty (which, however, presents itself in any system of constituencies) of the inequalities of wealth existing between the different communities. If constituencies are to be approximately even in size it may be necessary to concede a special

The Indian Legislative Assembly.

franchise to the Muhammadans, who, taken as a whole, are poorer than the Hindus; and this means giving a vote to some Muhammadans who would not be entitled to vote if they were Hindus.) That is an undesirable anomaly, to which we should prefer the anomaly of unequal constituencies; but on our present information we find it impossible to say how great the practical difficulties of variation in size might be. Similar problems will present themselves in respect of constituencies for the elections to provincial councils. It is obviously desirable to deal on uniform lines with the electoral arrangements both in the provincial and Indian councils. As regards the former we have already recommended the appointment of a special committee to investigate questions of franchises and electorates; and to that body we would, therefore, also commit the task of determining the electorates and constituencies for the Indian Legislative Assembly. They may find it wholly impracticable to arrange for direct election. In that case, they will consider the various possible systems of indirect election. We are fully aware of the objections attaching to all forms of indirect election; but if the difficulties of direct election compel us to have recourse to indirect, we incline to think that election by non-official members of provincial councils is likely to prove far more acceptable to Indian opinion and, in spite of the smallness of the electoral bodies, certainly not open in practice to greater objection than any of the other alternative methods which have been from time to time proposed.

For reasons similar to those which we have given in the case of the provincial legislative councils we recommend that members of the Indian Legislative Assembly should not be designated "Honourable" but should be entitled to affix the letters M.L.A. to their names.

274. The suggestion we have made for the number of elected members was based on the calculation that the three presidencies would be represented by 11 members each; the United Provinces by 10, the Punjab and Bihar and Orissa by 7 each, the Central Provinces by 5, Burma by 3, and Assam by 2. We also think that in view of the importance of the Delhi province as the Imperial enclave and the seat of the central Government it should be represented by a member.

275. In respect of the non-official members to be nominated by the Governor-General we advise that no hard-and-fast rule should be laid

Representation of the provinces.

Nominated members.



down. These seats should be regarded as a reserve in his hands (for the purpose of adjusting inequalities and supplementing defects in representation.) Nominations should not be made until the results of all the elections are known; and then they should be made after informal consultation with the heads of provinces. The maximum number of nominated officials will be two-ninths of the whole, and it will rest with the Governor-General to determine whether he requires to appoint up to this maximum. The officials will, however, include the executive members of council, sitting not by appointment, but *ex officio*; and also some representation from the provinces. It may, therefore, not be possible for secretaries to the Government of India to continue to sit in the assembly; this may in itself be of advantage as decreasing the dislocation of administrative business during the session. It may, however, be necessary to allow the secretary to speak and vote on behalf of the member when occasion demands. But for this purpose we think that a preferable alternative may be to appoint members of the assembly, not necessarily elected, nor even non-official, to positions analogous to those of parliamentary under-secretaries in England; and we advise that power be taken to make such appointments. We attach importance to the further proposal that official members of the assembly, other than members of the executive government, should be allowed a free right of speech and vote, except when the Government decides that their support is necessary. We think that this change of procedure will affect the tone of discussions very beneficially. We think that, for the reasons which we have given already in support of a similar recommendation in respect of the provincial councils, the president of the Legislative Assembly should be nominated by the Governor-General. We do not propose that his choice should be formally limited, but it seems necessary that, at any rate for the present, the president should be designated from among the official members.

276. We began with the fundamental proposition that the capacity of the Government of India to obtain its will in all essential matters must be unimpaired. The institution of an assembly with a large elected majority confronts us with the problem, as in the case of the provinces, of enabling the executive government to secure its essential legislation and its supplies. Here also we have examined several possible expedients. In this instance, there can be no

Means of securing the affirmative power of legislation.

question of relying on legislation by superior authority. The only superior authority is Parliament, and Parliament is too far off and notoriously too preoccupied and not suitably constituted to pass laws for the domestic needs of India. It is true that the Governor-General has the power of making temporary ordinances for certain emergent purposes. We propose that this power should be retained; its utility has been strikingly demonstrated during the present war. It merely provides, however, a means of issuing decrees, after private discussion in the executive council, and without opportunities for public debate or criticism; and normally it should be used only in rare emergencies. It would be unsuitable for our purpose. What we seek is some means, for use on special occasions, of placing on the statute book, after full publicity and discussion, permanent measures to which the majority of members in the Legislative Assembly may be unwilling to assent. We seek deliberately, when the purpose justifies us, to depart from popular methods of legislation; and it is obvious that no device which conforms to those methods can possibly serve our purpose. For this purpose we have come to the conclusion that we should employ the method now familiar to Indian institutions of maintaining such a number of votes, upon which the Government can in all circumstances rely, as to ensure the passage of the legislation that it requires. It is here alone, and only (as will be seen hereafter) for use in cases where it is obviously necessary, that we propose to perpetuate the official *blgc*. We are seeking to provide for a period of transition; for which purpose no novel expedient, such as multiplying the value of official votes, or calling in officials who have not taken part in the argument to record their votes, or of passing measures automatically after discussion, would be as easily understood, or as acceptable, as the continuance in modified form of the present system.

277. One suggestion which we considered was that we should follow the plan adopted in the provinces, and institute grand committees to which the Government's essential Bills should be referred. But the conditions of Indian legislation are different from those of provincial. Matters are more important, the Government's responsibility to Parliament is closer, and the affirmative power must be more decisively used. We feel also that there are advantages, both direct and incidental, in setting up a separate constitutional body, in which Government will be able to com-

The Council of State.

mand a majority. We do not propose to institute a complete bicameral system, but to create a second chamber, known as the Council of State, which shall take its part in ordinary legislative business and shall be final legislative authority in matters which the Government regards as essential. The Council of State will be composed of 50 members, exclusive of the Governor-General, who would be president, with power to appoint a vice-president, who would normally take his place : not more than 25 will be officials, including the members of the executive council, and 4 would be non-officials nominated by the Governor-General. Official members would be eligible for nomination to both the Legislative Assembly and the Council of State. There would be 21 elected members, of whom 15 will be returned by the non-official members of the provincial legislative councils, each council returning two members, other than those of Burma, the Central Provinces, and Assam, which will return one member each. Elected members returned to the Council of State would vacate any seats they occupied on the provincial council or the Legislative Assembly. The remaining six elected members are intended to supplement the representation which the Muhammadans and the landed classes will otherwise secure ; and also to provide for the representation of chambers of commerce. Each of these three interests should, we suggest, return two members directly to the Council of State. Bearing in mind the fact that among the members of the provincial legislative councils who will elect to the 15 seats there will be a proportion of Muhammadans, and assuming that in each of the bigger provinces each elector will be able as now to give both his votes to one candidate, we estimate that the composition of the Councils of State should comprise at least six Muhammadans whether sitting by direct or indirect election or by the Governor-General's nomination. Moreover, it is desirable that the four seats to be filled by direct election should be used so as to ensure that the Muhammadan and landed members should as far as possible be representative of the whole of India. Deficiencies may occur in this respect in any one council but they should be corrected in elections to the subsequent council. For this reason the regulations for elections to the four seats should be framed by the Governor-General in Council in such a way as to enable him to decide, after consideration of the results of the indirect elections, from what part of India, or possibly in what manner from India, generally the seats should be filled.

278. Inasmuch as the Council of State will be the supreme legislative authority for India on all crucial questions, and also the revising authority upon all Indian legislation, we desire to attract to it the services of the best men available in the country. We desire that the Council of State should develop something of the experience and dignity of a body of Elder Statesmen ; and we suggest therefore that the Governor-General in Council should make regulations as to the qualifications of candidates for election to that body which will ensure that their status and position and record of services will give to the council a senatorial character, and the qualities usually regarded as appropriate to a revising chamber. We consider that the designation "Honourable" should be enjoyed by the members of the Council of State during their tenure of office. In accordance with the proposals which we make hereafter for associating the Ruling Princes with the Government for the purpose of deliberation on matters of common concern it would be, as will be seen, the Council of State with which the Princes would be associated. It is desirable that as is the case with second chambers elsewhere, the lifetime of the Council of State should be longer than that of the assembly ; and assuming that the life of the latter will be three years, we propose five years as the normal duration of each Council of State.

279. Let us now explain how this legislative machinery will work. It will make for clearness to deal separately with Government Bills and Bills introduced by non-official members. A Government Bill will ordinarily be introduced and carried through all the usual stages in the Legislative Assembly. It will then go in the ordinary course to the Council of State, and if there amended in any way which the assembly is not willing to accept, it will be submitted to a joint session of both Houses, by whose decision its ultimate fate will be decided. This will be the ordinary course of legislation. But it might well happen that amendments made by the Council of State were such as to be essential in the view of the Government if the purpose with which the Bill was originally introduced was to be achieved, and in this case the Governor-General in Council would certify that the amendments were essential to the interests of peace, order, or good government. The assembly would then not have power to reject or modify these amendments, nor would they be open to revision in a joint session.

We have to provide for two other possibilities. Cases may occur in which the Legislative Assembly refuses leave to the introduction of a Bill or throws out a Bill which the Government regarded as necessary. For such a contingency we would provide that if leave to introduce a Government Bill is refused, or if the Bill is thrown out at any stage, the Government should have the power, on the certificate of the Governor-General in Council, that the Bill is essential to the interests of peace, order, or good government, to refer it *de novo* to the Council of State; and if the Bill, after being taken in all its stages through the Council of State, was passed by that body it would become law without further reference to the assembly. Further, there may be cases when the consideration of a measure by both chambers would take too long if the emergency which called for the measure is to be met. Such a contingency should rarely arise; but we advise that in cases of emergency, so certified by the Governor-General in Council, it should be open to the Government to introduce a Bill in the Council of State, and upon its being passed there merely to report it to the assembly.

280. We come now to non-official members' Bills. They would be introduced in whichever of the two chambers the mover sat and, on being carried there, would be taken to the other chamber and carried through that. In the case of a difference of opinion between the two bodies the Bill would be submitted to a joint session of both, and would either be finally rejected, or would be submitted for assent in the form in which it was there passed. It might, however, occur that a non-official member's Bill emerged from the assembly, whether originally introduced there or not, in a form which the Government thought prejudicial to peace, order, and good government. In this case, also, if the Governor-General in Council were prepared to give a certificate in the terms already stated, the Bill would go or go back to the Council of State and could only become law in the form there finally given to it.

281. Our object has thus been where possible to make assent by both bodies the normal condition of legislation, but to establish the principle that in the case of certificated legislation the will of the Council of State should prevail, and in other legislation the will of the non-official members of both chambers taken together should prevail. In time to come, if

Advantages of this procedure.

and when the procedure by certification becomes unnecessary, the Council of State will become, as in other countries, a purely revising chamber, and differences between the two chambers will be adjusted by joint sessions. We considered the alternative course of leaving non-certificated Bills wholly to the Legislative Assembly, and using the Council of State only for certificated Bills. We dismissed this plan, first, because we regard it as important to establish what may hereafter become a normal second chamber; secondly, because we were unwilling to exclude the non-official members of the Council of State, to which we wished to attract the best men available, from all share in the passing of non-certificated business, and all opportunities of introducing Bills. Finally, our own proposal which gives the Government an opportunity of amending a private member's Bill, instead of leaving the Government with no alternative but to veto a measure some features of which it may disapprove, affords the means by which beneficial changes in the law may result from non-official initiative. It will, we believe, be found to be not the least advantage of the institutions which we propose that by allowing questions to be freely discussed, first in a popular assembly and then reviewed by a revising body in which Government is in a position to exert as little influence as it likes, the course of social legislation to which our Indian advisers attach particular importance will be materially promoted. For if Government is assured that projects of social reform have the support of the Indian element in two chambers so differently constituted it will have the less reason for offering any obstacle to their progress.

282. The objection may be raised to our proposal for joint sessions that the non-official members of the assembly will be swamped by the official members of the Council of State in combination with the official members of the assembly. We think that this criticism will be disposed of by further consideration of the figures. The assembly will consist of, let us say, at last 78 non-official, and at most 22 official, members. The Council of State will consist of 25 non-officials, and at most 25 officials, because the whole number of officials in either chamber need not necessarily be appointed. In a full joint session, however, there might be 103 non-officials, and about 40 officials, because the members of the Governor-General's Executive Council will be members of both bodies. But we have provided that the official members of the assembly may also be nominated to membership of the Council

of State, and we imagine that this will be the rule rather than the exception. It would be difficult, and also inadvisable, from the point of view of departmental business, to bring 40 official members to the meetings of the legislative bodies, and we conceive therefore that, including the members of the executive council, the official element in a joint session might be taken at 30. Moreover, in debates on a non-certificated Bill, official members would be left free to vote and speak as they please, and therefore should not be expected to act as a solid body. In these calculations we have classed together the nominated non-officials and the elected members of both chambers. But the 15 nominated non-officials will be nominated to represent particular interests, and we see no reason to anticipate that they will act less consistently than they have done in the past with their elected fellow-representatives.

283. The Governor-General should in our opinion have power at any time to dissolve either the Legislative Assembly or the Council of State, or both these bodies. It is perhaps unnecessary to add that the Governor-General and the Secretary of State should retain their existing powers of assent, reservation, and disallowance to all Acts of the Indian legislature. The present powers of the Governor-General in Council under section 71 of the Government of India Act, 1915, to make regulations proposed to him by local Governments for the peace and good government of backward tracts of territory should also be preserved, with the modification that it will in future rest with the head of the province concerned to propose such regulations to the Government of India.

284. Fiscal legislation will, of course, be subject to the procedure which we have recommended in respect of Government Bills. The budget will be introduced in the Legislative Assembly but the Assembly will not vote it. Resolutions upon budget matters and upon all other questions whether moved in the Assembly or in the Council of State will continue to be advisory in character. We have already given our reasons for holding that it is not feasible to give resolutions a legal sanction. But since resolutions will no longer be defeated in the assembly by the vote of an official majority they will, if carried, stand on record as the considered opinion of a body which is at all events more representative than the legislative Council which it dis-

placed. That in itself will mean that the significance of resolutions will be enhanced ; there will be a heavier responsibility upon those who pass them, because of their added weight ; and the Government's responsibility for not taking action upon them will also be heavier. It will be, therefore, incumbent on Government to oppose resolutions which it regards as prejudicial with all the force and earnestness that it can command in the hope of convincing the assembly of their undesirability. There must, however, remain to the Government power not to give effect to any resolution which it cannot reconcile with its responsibility for the peace, order, and good government of the country.

285. We wish to apply the procedure of standing committees, described in the last chapter, as far as may be to both portions of the Indian legislature. The committees would be drawn jointly from the Assembly and the Council of State. We do not overlook the difficulties entailed by the nature of many of the subjects with which the central Government is concerned, and also by the comparative infrequency with which, owing to considerations of distance, such committees can assemble. The fact that many matters of ordinary internal administration will in future be left to provincial Governments also limits the scope of utility of standing committees in the central legislature. We would leave it to the Government of India to decide with what departments standing committees can be associated ; and to the member in charge to decide what matters can be referred to the committee. Our idea is that the non-official members of the Assembly and Council of State might elect by ballot in proportion to their respective strength two-thirds of the members of each committee while Government nominates the remaining one-third. It is obvious that these committees cannot play such an important part in the work of the Government as the similar committees which we have suggested in the provinces. It will be difficult to obtain their assistance in practice, except during the session or immediately before and after it, but we think there should be no difficulty ordinarily in obtaining their views on important new projects, whether legislative or administrative. Their functions might be determined by regulations to be made by the Governor-General in Council.

286. A few subsidiary matters of minor importance remain to be dealt with. We think that any member of the Assembly or the Council of State (and not merely the member who

Questions and rules  
of procedure.



asks the original questions) should have the right to put supplementary questions. The control of questions in both bodies should be regulated on lines similar to those which we have suggested in the case of provincial councils; and the question of restrictions upon resolutions should also be similarly treated. But apart from matters affecting the powers of the legislature we think that the rules of procedure for both bodies should be made in the first instance by the Governor-General in Council. The Assembly and the Council of State should both have power to modify their rules with the sanction of the Governor-General. The approval of the Secretary of State and Parliament should not be required.

287. We have a further recommendation to make. We would ask that His Majesty may be graciously pleased to approve the institution of a Privy Council for India. For time to time projects of this kind have been mooted and laid aside; but with the changed conditions we believe that such a body would serve a valuable purpose and do useful work. India for all its changing ideas is still ready to look up with pride and affection to any authority clothed with attributes that it can respect and admire. Appointments to the Privy Council should be made by the King-Emperor, and for life, which would ensure that they would be valued as a high personal distinction. Officials and non-officials, both from British India and the Native States, would be eligible; but it would be necessary to confine appointment to those who had won real distinction, or had held or were holding the highest offices, such as Members of the Governments, Ruling Princes, Members of the Council of State and High Court Judges. Indian Privy Councillors should enjoy the title of "Honourable" for life. The Privy Council's office would be to advise the Governor-General when he saw fit to consult it on questions of policy and administration. It is our hope that for one purpose or another committees of the Council comparable to those of the Privy Council in England, which have done such valuable work in connexion with industrial and scientific research and education, will be appointed.

288. At the end of the last chapter we recommended that ten years after the institution of our reforms, and again at intervals of twelve years thereafter, a commission approved by Parliament should investigate the working of the changes introduced into the pro-

vinces, and recommend as to their further progress. It should be equally the duty of the commission to examine and report upon the new constitution of the Government of India, with particular reference to the working of the machinery for representation, the procedure by certificate, and the results of joint sessions. The commission will doubtless, if they see fit, have proposals to make for further changes in the light of the experience gained. There is no need for us at this stage to attempt to anticipate the line which their recommendations may take.

289. Let us now sum up our proposals. We seek to create

**Summary.**

an enlarged Legislative Assembly with an elective majority ; to reserve to the decision of the Council of State, in which the Government will command a bare majority, only those measures which it must have power to carry in the discharge of its continuing responsibility for the good government of the land ; to restrict the official *bloc* to the smallest dimensions and the least frequent activity that is compatible with the same guiding principle ; to institute a Privy Council of India as a means of honouring and employing ripe wisdom or meritorious service ; to admit a second Indian member into the innermost counsels of the Indian Government. It is true that we do not offer responsibility to elected members of the Legislative Assembly ; and that we define the sphere in which the Government will defer to the wishes of the elected members not by specific directions in a schedule, as we have done in the provinces, but by a general prescription which we leave the Government to interpret. But we have carried the advance right up to the line beyond which our principles forbid us to go ; and by confining the use of the special machinery of autocracy to essential cases where a public declaration of necessity must be made we have gone definitely beyond the position implied in the Morley-Minto reforms. If there be among Indian politicians those who are impatient of any delay that they encounter on their way to occupy the citadel they may remind themselves how often before in Indian history has it been said '*Hanoz Dihli dur ast*' \*. Impatience we cannot, and ought not, to seek to satisfy. What we have done is to afford Indians a fair share in the government of the entire country, while providing in the provinces the means for them to attain the stage of responsible government to which the beginning of responsibility for the Government of India itself must be the sequel.

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\* 'Delhi is yet afar off.'

II.—*The India Office.*

290. It now remains for us to examine the effect of our proposals upon the position of the Secretary of State for India in Council and the control which Parliament exercises through him over all the Governments in India. We have already explained how the Act of 1858, which brought the East India Company to an end, set up the Secretary of State with the Council of India to assist him, as the Minister of State responsible for Indian affairs. In the language of the existing law the Secretary of State has power to "superintend, direct and control all acts, operations and concerns which relate to the Government or revenue of India and all grants of salaries, gratuities and allowances and all other payments and charges, out of or on the revenues of India." Again, section 21 of the Government of India Act, 1915, reads as follows:—"The expenditure of the revenues of India, both in British India and elsewhere, shall be subject to the control of the Secretary of State in Council; and no grant or appropriation of any part of those revenues, or any other property coming into the possession of the Secretary of State in Council by virtue of the Government of India Act, 1858, or this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council of India."

Delegation to the Government of India. In transferred matters.

291. It has been, of course, impossible in practice that the affairs of a vast and remote Asiatic dependency should be administered directly from Whitehall; and, as we have seen, large powers and responsibilities have always been left by the Secretary of State to the Government of India and again by the Government of India to local Governments. At the same time, the Secretary of State's responsibility to Parliament has set very practical limits to the extent of the delegation which he can be expected to sanction. Now that His Majesty's Government have declared their policy of developing responsible institutions in India—we are satisfied that Parliament must be asked to assent to set certain bounds to its own responsibility for the internal administration of that country. It must, we think, be laid down broadly that, in respect of all matters in which responsibility is entrusted to representative bodies in India, Parliament must be prepared to forego the exercise of its own power of control, and that

this process must continue *pari passu* with the development of responsible government in the provinces and eventually in the Government of India. The process should, we think, begin with the conclusions arrived at on the report of the committee which will consider the question of transferred subjects. Having taken their report and the views of the Government of India upon it into consideration the Secretary of State would, we imagine, ask Parliament's assent to his declaring by statutory orders which he would be empowered to make under the Act that such and such subjects in the various provinces have been transferred; and when Parliament has assented to such orders the Secretary of State would cease to control the administration of the subjects which they covered. The discussion of such matters by Parliament in future would be governed by the fact of their transfer. We appreciate the difficulties of the situation; but it must be recognized that it will be impossible for Parliament to retain control of matters which it has deliberately delegated to representative bodies in India. At the same time, it will be necessary to ensure that the Secretary of State is in a position to furnish Parliament with any information upon Indian affairs that it desires; and nothing in our proposals should be taken as intended to impair the liability of the Government of India and the provincial Governments to furnish such information to the India Office at any time.)

292. So far we have had in mind only the transferred subjects. But even as regards reserved subjects, while there cannot be any abandonment by Parliament of ultimate powers of control, there should, as we have indicated already, be such delegation of financial and administrative authority as will leave the Government of India free, and enable them to leave the provincial Governments free, to work with the expedition that is desirable. On the purely financial side this delegation will involve an examination of the various codes and other regulations and orders, which we have already described as limiting too straitly the power of the authorities in India. This matter is already being examined in India, and the Government of India will make proposals to the Secretary of State in Council. On the purely administrative side there are as we have seen no general orders, like those embodied in the financial codes, prescribing the matters for which the Secretary of State's sanction is required. But in an earlier chapter we gave an illustrative list of the subjects regarded as falling within that category; and

And in reserved matters.

generally speaking, it is well understood that all important new departures require his previous approval. The drawing of the line between the important and unimportant can only be left to the common sense of the authorities in India and at Home. But we are agreed that a wider discretion ought henceforth to be left to the Governor-General in Council; and that certain matters which are now referred Home for sanction might in future be referred merely for the information of the Secretary of State in Council.) The exact definition of these particular matters must also be pursued at greater leisure and the Government of India will take this question in hand. It will follow in such cases in future that when the policy of the executive Government in India is challenged Parliament must be asked to accept the explanation that in accordance with deliberate policy the Government of India have been given discretion in respect of the topic in question and that for this reason the Secretary of State is not prepared to interfere with what has been settled in India.) It is not part of our plan to make the official Governments in India less amenable to the control of Parliament than hitherto. It must be for Parliament itself to determine the limits which it will set to the exercise of its own powers. On the other hand, intervention by Parliament may involve intervention by the Government of India in matters which otherwise would be recognized as of provincial concern. It will be distracting both to the Government of India and the provincial Governments if the operation of this principle of discretionary delegation is left either to the idiosyncrasies of Secretaries of State, or to the disposition of party forces in Parliament. We hope, therefore, that Parliament will assent to facilitate the working of our reforms by a provision authorizing the Secretary of State, by rules to be laid before Parliament, to divest himself of control of the Government of India in some specified matters even although these continue to be the concern of the official Governments, and to empower the Government of India to do likewise in relation to provincial Governments. On large matters of policy in reserved subjects there can, of course, be no question of such delegation.)

293. It will be seen that our proposals involve material alterations in the functions of the India Office, and in conformity with these we think that its organization should be reconsidered. This obviously can best be done by a committee sitting in London for the purpose. We propose that such a

Organization of the  
India Office.

committee should be appointed forthwith. Without attempting to draft the terms of the reference to it we may suggest the main principles by which its deliberations should be guided. The India Office should in future be so organized as to discharge its functions as expeditiously as possible. Knowledge is an important element in coming rapidly to a right decision; and hence it is almost as essential now as it was in 1858 that the Secretary of State should be in a position to command expert advice. It is necessary that Parliament should be satisfied, and expedient that the Government of India should be satisfied, that the decisions conveyed in orders from the India Office have been arrived at after consideration of the advice of those whose knowledge of India is greater than that of the Secretary of State. But such advice needs to be informed with recent acquaintance with a changing India; and for this reason it will probably be well to modify the present constitution of the Council of India, and to arrange if not for the recruitment of the India Office staff from the Indian Civil Service, at least for some interchange of personnel between the staff of the India Office and the public services in India. Either method would have the advantage of enabling an Indian element to be employed at the India Office otherwise than on the Council of India.

294. But whatever control over Indian affairs the Secretary of State keeps he keeps in the name of Parliament; and it will not suffice to improve the agent so long as his relations with his principal are not what they should be. Of all the great departments of the State the India Office is at present the least concerned with Parliament. Parliamentary control cannot in fact be called a reality. Discussion is often out of date and ill-informed; it tends to be confined to a little knot of members, and to stereotyped topics; and it is rarely followed by any decision. We fully realize the other pre-occupations of Parliament, and yet we are sure that means must be found of enabling it to take a real and continuous interest in India. No one would wish matters that ought to be discussed and settled in India to be debated and decided in Parliament; but there remain large questions of policy with which only Parliament can deal. We are anxious that Parliament should be in a position to take them up with interest and to decide them with knowledge. We have already made one important proposal—that for periodic commissions to deal with the political progress

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Secretary of State with  
Parliament.

of India—which will be of value for this purpose. We will add two further suggestions. We advise that the Secretary of State's salary, like that of all other ministers of the Crown should be defrayed from Home revenues and voted annually by Parliament. This will enable any live questions of Indian administration to be discussed by the House of Commons in Committee of Supply. On previous occasions when this proposal has been made it has encountered the objection that it would result in matters of Indian administration being treated as party questions. Without entering into speculations as to the future of parties in Parliament we do not see why this result would follow from such a debate more than from the existing debate on the budget; and in any case the proposal which we make in the next paragraph would do something to prevent it. It might be thought to follow that the whole charges of the India Office establishment should similarly be transferred to the Home Exchequer; but this matter is complicated by a series of past transactions, and by the amount of agency work which the India Office does on behalf of the Government of India; and we advise that our proposed committee upon the India Office organization should examine it and, taking these factors into consideration, determine which of the various India Office charges should be so transferred, and which can legitimately be retained as a burden on Indian revenues.

295. But the transfer of charges which we propose although it will give reality to the debates on Indian affairs, will not ensure in Parliament a better informed, or a more sustained, interest in India. We feel that this result can only be accomplished by appointing a select committee of Parliament on Indian affairs. We have considered whether such a committee should be drawn jointly from both Houses. But it is in the House of Commons that effective control over the Indian administration will be exercised by means of the debate on the estimates; and also it is to the House of Commons that the comments in the preceding paragraph mainly apply. We recommend, therefore, that the House of Commons should be asked to appoint a select committee on Indian affairs at the beginning of each session. Such a select committee would, like other select committees, exercise its powers by informing itself from time to time upon Indian questions, and by reporting to the House before the annual debate on the Indian estimates. Like other select committees it would have no administrative

A select committee on  
Indian affairs.

functions. The Secretary of State would appear before it to answer questions about those aspects of Indian administration in which he, and therefore Parliament, continued to exercise the right to interfere. Thus by means of interrogations and requisitions for papers the members of the committee would keep themselves informed upon Indian questions. To such a select committee Indian Bills might be referred after their second reading. There would thus soon grow up a body of men in Parliament who took a continuous and well-informed, interest in Indian questions; and by the committee's reports the House of Commons would be invited to focus their attention in the debate on the budget on matters of importance which had arisen during the year. There is, we may repeat, no inconsistency in distinguishing between the general direction and the execution of policy, nor in desiring at one and the same time, that the directing power shall be more interested and better informed and that the executive agents shall be given a larger measure of discretion within the limits laid down for them.

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## PART VII

### SELECT DOCUMENTS ILLUSTRATING THE RELATIONS BETWEEN THE BRITISH GOVERNMENT AND THE NATIVE STATES OF INDIA.

#### I. DOCUMENTS RELATING TO HYDERABAD.

##### A. Treaty with the Nizam.\*

Dated the 21st May, 1853.

Whereas friendship and union have subsisted for a length of time between the Honourable East India Company and His Highness the Nawab Nizam-ool-Moolk Ausuph Jah Bahadoor, and have been cemented and strengthened by treaties of general defence and protection ; and whereas in the lapse of time many changes in the condition of Princes and neighbouring States have taken place, by reason of which it has now become expedient to revise the military arrangements that were formerly agreed upon for the fulfilment of the said Treaties ; and whereas differences and discussions have for some time existed between the contracting parties regarding the adjustment of charges connected with portions of the military arrangements subsisting between the States ; and whereas it is fit and proper, and for the mutual advantage of both powers, that such differences should now be finally settled, and that the recurrence of such discussions, which tend to disturb the friendship and harmony of the contracting parties, should effectually be prevented : wherefore the Honourable East India Company and His Highness the Nawab Nizam-ool-Moolk Ausuph Jah Bahadoor have agreed upon the following Articles of a Treaty between the States :—

*Article 1.* The peace, union, and friendship so long subsisting between the Honourable East India Company and His Highness the Nawab Nizam-ool-Moolk Ausuph Jah Bahadoor shall be perpetual ; the friends and enemies of either shall

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\* Aitchison's Treaties &c., Vol. ix, p. 93.

be the friends and enemies of both ; and the contracting parties agree that all the former Treaties and agreements between the two States now in force, and not contrary to the tenor of this engagement, shall be confirmed by it.

*Article 2.* The subsidiary force, which for general defence and protection has been furnished by the Honourable East India Company to His Highness the Nizam, shall be continued, and shall consist, as heretofore, of not less than eight battalions of sepoys, and two regiments of cavalry, with their requisite complement of guns, and European artillerymen, fully equipped with warlike stores and ammunition.

Unless with the express consent of His Highness, there shall never be less than five regiments of infantry, and one of cavalry (with a due proportion of artillery) of the said subsidiary force stationed within the territories of His Highness, and the residue of such subsidiary force shall at all times be brought into His Highness's territories without delay, on His Highness making requisition therefor.

The said subsidiary force shall be employed when required to execute services of importance, such as protecting the persons of His Highness, his heirs and successors, and reducing to obedience all rebels and excitors of disturbance in His Highness's dominions ; but it is not to be employed on trifling occasions, or like sebandee, to be stationed in the country to collect revenue.

*Article 3.* The Honourable East India Company further agrees that in lieu of His Highness's present contingent, it shall maintain for His Highness, his heirs and successors, an auxiliary force which shall be styled the "Hyderabad Contingent," according to the provisions for the maintenance of that force which are detailed in 6th Article of this Treaty.

It shall consist of not less than five thousand infantry and two thousand cavalry, with four field batteries of artillery. It shall be commanded by British officers fully equipped and disciplined and controlled by the British Government, through its representative the Resident at Hyderabad.

Whensoever the services of the said contingent may be required, they shall be afforded at all times to His Highness the Nizam, fully and promptly, throughout his whole dominions. If rebellion or disturbance shall be excited, or if the just claims and authority of His Highness shall be resisted, the said contin-

gent, after the reality of the offence shall have been duly ascertained, shall be employed to reduce the offenders to submission.

*Article 4.* As the interests of the two States have long been identified, it is further mutually agreed that if disturbances shall break out in the districts belonging to the Honourable East India Company, His Highness the Nizam shall permit such portions of the subsidiary force as may be requisite, to be employed in quelling the same within the said districts. In like manner, if disturbances shall break out in any part of His Highness's dominions contiguous to the territories of the Honourable East India Company, to which it might be inconvenient, owing to the distance from Hyderabad to detach any portion of the subsidiary force, the British Government, if required by His Highness the Nizam, shall direct such portions of its troops as may be most available to assist in quelling the disturbances within His Highness's dominions.

*Article 5.* In the event of war His Highness the Nizam engages that the subsidiary force, joined by the Hyderabad Contingent, shall be employed in such manner as the British Government may consider best calculated for the purpose of opposing the enemy, provided that two battalions of sepoys shall always remain, as settled by former Treaties, near to the capital of Hyderabad; and it is also hereby agreed that, excepting the said subsidiary and contingent forces, His Highness shall not under any circumstances be called upon to furnish any other troops whatsoever.

*Article 6.* For the purpose of providing the regular monthly payment to the said contingent troops and payment of Appa Dessaye's chout, and the allowances to Muhiput Ram's family, and to certain Mahratta pensioners, as guaranteed in the 10th Article of the Treaty of 1822, and also for payment of the interest at six per cent per annum of the debt due to the Honourable Company, so long as the principal of that debt shall remain unpaid, which debt now amounts to about fifty lakhs of Hyderabad Rupees the Nizam hereby agrees to assign the districts mentioned in the accompanying Schedule marked A, yielding an annual gross revenue of about fifty lakhs of Rupees, to the exclusive management of the British Resident for the time being at Hyderabad, and to such other officers, acting under his orders, as may from time to time, be appointed by the Government of India to the charge of those districts.

*Article 7.* By the 12th Article of the Treaty of 1800 the British Government can in time of war call upon that of His Highness the Nizam to furnish nine thousand cavalry and six thousand infantry to accompany the British troops in the field; the present Hyderabad Contingent, which is to be maintained at all times (whether in peace or war), is accepted as an equivalent for the larger body of troops above specified to be furnished in time of war; and it is accordingly hereby declared that the Nizam shall not be called upon at any time by the British Government to furnish any other troops but those of the subsidiary force and the Hyderabad Contingent, and that part of the 12th Article of the Treaty of 1800, which requires the Nizam to furnish nine thousand cavalry and six thousand infantry is accordingly hereby annulled.

*Article 8.* The districts mentioned in Schedule A are to be transferred to Colonel Low, C. B., the Resident, immediately that the ratified Treaty shall be received from Calcutta; and that officer engages on the part of the British Government, that the Resident at the Court of Hyderabad for the time being shall always render true and faithful accounts every year to the Nizam of the receipts and disbursements connected with the said districts, and make over any surplus revenue that may exist to His Highness, after the payment of the contingent and the other items detailed in Article 6 of this Treaty.

*Article 9.* This treaty, consisting of nine Articles, being this day concluded and settled by Colonel John Low, C. B., on behalf of the Honourable the English East India Company, with the Nawab Nizam-ool-Moolk Ausuph Jah Bahadoor, Colonel Low has delivered one version thereof, in English and Persian, signed and sealed by himself, to the Nawab, who on his part has also delivered one copy of the same to Colonel Low, duly executed by His Highness; and Colonel Low hereby engages to deliver a copy of the same to His Highness the Nizam, duly ratified by the Governor-General in Council, within thirty days from this date.

**B. Translation of a Sunnud from the Nizam's Government.\***

Dated 10th July, 1861.

Whereas many Europeans, foreigners and others, descendants of Europeans, and born in India, are resident in the territory of His Highness the Nizam; and as disturbances arise

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\* Aitchison's Treaties, Vol. ix, p. 107.

amongst themselves and the inhabitants of the said territory ; it is hereby made known by the Nizam's Government that, in the event of any dissension or dispute arising among the classes aforementioned within the said territory, except those employed by this Circar and its dependants, the Resident at Hyderabad, or other officer or officers whom he may from time to time consider it desirable to vest with the same, shall be empowered to enquire into and punish any such offences.

**C. Adoption Sunnud granted to His Highness the Nizam of Hyderabad—1862.\***

Her Majesty being desirous that the Governments of the several Princes and Chiefs of India who now govern their own territories should be perpetuated, and that the representation and dignity of their Houses should be continued ; I hereby, in fulfilment of this desire, convey to you the assurance that on failure of natural heirs any succession to the Government of your State, which may be legitimate according to Mahomedan law, will be upheld.

Be assured that nothing shall disturb the engagement thus made to you so long as your House is loyal to the Crown and faithful to the conditions of the Treaties, grants or engagements which record its obligation to the British Government.

Dated 11th March, 1862.

(Sd.) CANNING.

**D. Extradition Treaty between Her Majesty the Queen of Great Britain and His Highness the Nizam.—1867.†**

*Article 1.* The two Governments hereby agree to act upon a system of strict reciprocity, as hereinafter mentioned.

*Article 2.* Neither Government shall be bound in any case to surrender any person not being a subject of the Government making the requisition. If the person claimed should be of doubtful nationality, he shall, with a view to promote the ends of justice, be surrendered to the Government making the requisition.

*Article 3.* Neither Government shall be bound to deliver up debtors or civil offenders, or any person charged with any offence not specified in Article 4.

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\* Aitchison's Treaties, Vol. ix, p. 108.

† Aitchison's Treaties, Vol. ix, p. 108.

*Article 4.* Subject to the above limitations, any person who shall be charged with having committed within the territories belonging to, or administered by, the Government making the requisition any of the undermentioned offences, and who shall be found within the territories of the other, shall be surrendered :—The offences are mutiny, rebellion, murder, attempting to murder, rape, great personal violence, maiming, dacoity, thuggee, robbery, burglary, *kidnapping,\* abduction*, knowingly receiving property obtained by dacoity, robbery, or burglary, thefts of property exceeding 100 Rupees in value, cattle-stealing, breaking and entering a dwelling house and stealing therein, setting fire to a village, house, or town, forgery, or uttering forged documents, counterfeiting current coin, knowingly uttering base or counterfeit coin, embezzlement, whether by public officers or other persons, and being an accessory to any of the abovementioned offences.

*Article 5.* In no case shall either Government be bound to surrender any person accused of any offence, except upon requisition duly made by, or by the authority of, the Government within whose territories the offence shall be charged to have been committed, and also upon such evidence of criminality as, according to the laws of the country in which the person accused shall be found, would justify his apprehension and sustain the charge if the offence had been there committed.

*Article 6.* The above Treaty shall continue in force until either one or the other of the high contracting parties shall give notice to the other of its wish to terminate it, and no longer.

*Article 7.* All existing engagements and agreements shall continue in full force.

#### **E. Agreement made between His Highness the Nizam and the Government of India—1887†**

Whereas a Treaty relating to the extradition of offenders was concluded on the 25th May, 1867 between the British Government and the Hyderabad State; and whereas the procedure prescribed by the Treaty for the extradition of offenders from British India to the Hyderabad State has been found by experience to be less simple and effective than the procedure

\* These have been added subsequently to the list in 1884.

† Aitchison's Treaties Vol. ix, p. 110.

prescribed by the law as to the extradition of offenders in force in British India ; it is hereby agreed between the British Government and the Hyderabad State that the provisions of the Treaty prescribing a procedure for the extradition of offenders shall no longer apply to cases of extradition from British India to the Hyderabad State, but that the procedure prescribed by the law as to the extradition of offenders for the time being in force in British India shall be followed in every such case.

**F. Agreement made between the Government of His Highness the Nizam of Hyderabad and the Government of India—1900.\***

Whereas His Highness Asaf Jah, Muzaffar-ul-Mamalik, Nizam-ul-Mulk, Nizam ud-Daulah, Nawab Mir Mahbub Ali Khan Bahadur, Fatteh Jung, G. C. S. I., Nizam of Hyderabad (Deccan), maintains a force of Imperial Service Troops for the purpose of co-operating, if need be, in the defence of the British Empire, and

Whereas it is necessary that the Imperial Service Troops of the Hyderabad State, when associated with troops of the British Army, should be under the orders of the Officer Commanding the combined forces, and subject to the like discipline and control as the officers and soldiers of Her Majesty's Indian Army, and

Whereas it is not the wish or intention of the Government of India that a British Officer should be appointed to command any corps of Imperial Service Troops, though British officers are employed in order to assist in the instruction of and inspect the said troops,

It is hereby agreed between the Governor-General of India of the one part and His Highness Asaf Jah, Muzaffar-ul-Mamalik, Nizam-ul-Mulk, Nizam-ud-Daulah, Nawab Mir Mahbub Ali Khan Bahadur, Fatteh Jung, G. C. S. I., Nizam of Hyderabad, of the other, as follows, namely—

1. Whenever the said troops or any portion thereof are moved beyond the frontiers of the said State, and so long as they remain beyond those frontiers, they, together with their own commanding officer, shall be attached to the command and be under the orders of the British Officer Commanding the District, Contingent or Force in or with which they are employed or associated.

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\* Aitchison's Treaties, Vol. ix, p. 176.

2. The aforesaid British officer shall, by virtue of this agreement, be authorised to administer in respect of the said troops, so serving beyond the frontiers of the said State, the Military laws and regulations to which they are subject under the laws of the said State and for that purpose and for the due preservation of discipline among the same to convene all such Courts, and to issue all such orders, and to pass all such judgments and sentences, and generally to exercise all such authority as may be lawfully convened, issued, passed and exercised by the authorities of the Hyderabad State when the said troops are serving within the territorial limits of the said State : Provided always that the execution of every sentence so passed beyond the territorial limits of the said State shall be carried out with the sanction and under the orders of His Highness Asaf Jah, Muzaffar-ul-Mamalik, Nizam-ul-Mulk, Nizam-ud-Daulah, Nawab Mir Mahbub Ali Khan Bahadur, Fatteh Jung, G. C. S. I., Nizam of Hyderabad, or of some person to whom the requisite authority in this behalf has been expressly delegated by him.

3. In order further to ensure the efficiency of the said Imperial Service Troops, and the maintenance of discipline among them when serving along with Her Majesty's forces, His Highness Asaf Jah, Muzaffar-ul-Mamalik, Nizam-ul-Mulk, Nizam-ud-Daulah, Nawab Mir Mahbub Ali Khan Bahadur, Fatteh Jung, G. C. S. I., Nizam of Hyderabad, has embodied in the disciplinary law of his State, applicable to the said Imperial Service Troops when employed on active service either within or without British India, the provisions, with necessary modifications, of the Indian Articles of War for the time being in force.

4. The due application and enforcement of the said provisions in respect of the Imperial Service Troops aforesaid shall be carried out under the authority of the British Officer commanding the District, Contingent or Force aforesaid.

## II. DOCUMENTS RELATING TO MYSORE.

### A. Proclamation.\*

Dated the 30th March, 1868.

His Excellency the Right Hon'ble the Viceroy and Governor-General in Council announces to the Chiefs and people of Mysore the death of His Highness the Maharajah Krisnaraj Wadiar Bahadoor, Knight Grand Commander of the Most Exal

\* Aitchison's Treaties &c., Vol. ix, p. 230.



ted Order of the Star of India. This event is regarded with sorrow by the Government of India, with which the late Maharajah had preserved relations of friendship for more than half a century.

His Highness Chamrajendra Wadiar Bahadoor, at present a minor, the adopted son of the late Maharajah, is acknowledged by the Government of India as his successor and as Maharajah of the Mysore Territories.

During the minority of His Highness, the said territories will be administered in His Highness's name by the British Government, and will be governed on the same principles and under the same regulations as heretofore.

When His Highness shall attain to the period of majority, that is, the age of eighteen years, and if His Highness shall then be found qualified for the discharge of the duties of his exalted position, the Government of the country will be entrusted to him, subject to such conditions as may be determined at that time.

#### **B. Instrument of Transfer\*—1881.**

Whereas the British Government has now been for a long period in possession of the territories of Mysore and has introduced into the said territories an improved system of administration : and whereas, on the death of the late Maharajah the said Government, being desirous that the said territories should be administered by an Indian dynasty under such restrictions and conditions as might be necessary for ensuring the maintenance of the system of administration so introduced, declared that if Maharajah Chamrajendra Wadiar Bahadur, the adopted son of the late Maharajah, should, on attaining the age of eighteen years, be found qualified for the position of ruler of the said territories, the Government thereof should be intrusted to him, subject to such conditions and restrictions as might be thereafter determined : And whereas the said Maharajah Chamrajendra Wadiar Bahadur has now attained the said age of eighteen years and appears to the British Government qualified for the position aforesaid, and is about to be intrusted with the Government of the said territories : And whereas it is expedient to grant to the said Maharajah Chamrajendra Wadiar Bahadur a written Instrument defining the conditions subject to which he will be so intrusted : It is hereby declared as follows :—

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\* Aitchison's Treaties &c., Vol. ix, p. 231.

1. The Maharajah Chamrajendra Wadiar Bahadur shall, on the twentyfifth day of March, 1881, be placed in possession of the territories of Mysore, and installed in the administration thereof.

2. The said Maharajah Chamrajendra Wadiar Bahadur and those who succeed him in manner hereinafter provided shall be entitled to hold possession of, and administer, the said territories as long as he and they fulfil the conditions hereinafter prescribed.

3. The succession to the administration of the said territories shall devolve upon the lineal descendants of the said Maharajah Chamrajendra Wadiar Bahadur, whether by blood or adoption, according to the rules and usages of his family, except in case of disqualification through manifest unfitness to rule :

Provided that no succession shall be valid until it has been recognized by the Governor-General in Council.

In the event of a failure of lineal descendants, by blood and adoption, of the said Maharajah Chamrajendra Wadiar Bahadur, it shall be within the discretion of the Governor-General in Council to select as a successor any member of any collateral branch of the family whom he thinks fit.

4. The Maharajah Chamrajendra Wadiar Bahadur and his successors (hereinafter called the Maharajah of Mysore) shall at all times remain faithful in allegiance and subordination to Her Majesty the Queen of Great Britain and Ireland and Empress of India, Her Heirs, and Successors, and perform all the duties which in virtue of such allegiance and subordination may be demanded of them.

5. The British Government having undertaken to defend and protect the said territories against all external enemies, and to relieve the Maharajah of Mysore of the obligation to keep troops ready to serve with the British army when required, there shall, in consideration of such undertaking, be paid from the revenues of the said territories to the British Government an annual sum of Government Rupees thirty-five lakhs in two half-yearly instalments, commencing from the said twenty-fifth day of March, 1881.

6. From the date of the Maharajah's taking possession of the territories of Mysore, the British sovereignty in the island of Seringapatam shall cease and determine, and the said island

shall become part of the said territories, and be held by the Maharajah upon the same conditions as those subject to which he holds the rest of the said territories.

7. The Maharajah of Mysore shall not, without the previous sanction of the Governor-General in Council, build any new fortresses or strongholds, or repair the defences of any existing fortresses or strongholds in the said territories.

8. The Maharajah of Mysore shall not, without the permission of the Governor-General in Council, import, or permit to be imported, into the said territories, arms, ammunition or military stores, and shall prohibit the manufacture of arms, ammunition and military stores throughout the said territories, or at any specified place therein, whenever required by the Governor-General in Council to do so.

9. The Maharajah of Mysore shall not object to the maintenance or establishment of British cantonments in the said territories whenever and wherever the Governor-General in Council may consider such cantonments necessary. He shall grant free of all charge such land as may be required for such cantonments, and shall renounce all jurisdiction within the lands so granted. He shall carry out in the lands adjoining British cantonments in the said territories such sanitary measures as the Governor-General in Council may declare to be necessary. He shall give every facility for the provision of supplies and articles required for the troops in such cantonments, and on goods imported or purchased for that purpose no duties or taxes of any kind shall be levied without the assent of the British Government.

10. The military force employed in the Mysore State for the maintenance of internal order and the Maharajah's personal dignity, and for any other purposes approved by the Governor-General in Council, shall not exceed the strength which the Governor-General in Council may, from time to time, fix. The directions of the Governor-General in Council in respect to the enlistment, organisation, equipment and drill of troops shall at all times be complied with.

11. The Maharajah of Mysore shall abstain from interference in the affairs of any other State or Power, and shall have no communication or correspondence with any other State or Power, or the Agents or Officers of any other State or Power, except with the previous sanction and through the medium of the Governor-General in Council.

12. The Maharajah of Mysore shall not employ in his service any person not a native of India without the previous sanction of the Governor-General in Council, and shall, on being so required by the Governor-General in Council, dismiss from his service any person so employed.

13. The coins of the Government of India shall be a legal tender in the said territories in the cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India ; and all laws and rules for the time being applicable to coins current in British India shall apply to coins current in the said territories. The separate coinage of the Mysore State, which has long been discontinued, shall not be revived.

14. The Maharajah of Mysore shall grant free of all charge such land as may be required for the construction and working of lines of telegraph in the said territories wherever the Governor-General in Council may require such land, and shall do his utmost to facilitate the construction and working of such lines. All lines of telegraph in the said territories, whether constructed and maintained at the expense of the British Government, or out of the revenues of the said territories, shall form part of the British telegraph system and shall, save in cases to be specially excepted, by agreement between the British Government and the Maharajah of Mysore, be worked by the British Telegraph Department ; and all laws and rules for the time being in force in British India in respect to telegraphs shall apply to such lines of telegraph when so worked.

15. If the British Government at any time desires to construct or work, by itself or otherwise, a railway in the said territories, the Maharajah of Mysore shall grant free of all charge such lands as may be required for that purpose, and shall transfer to the Governor-General in Council plenary jurisdiction within such land ; and no duty or tax whatever shall be levied on through traffic carried by such railway which may not break bulk in the said territories.

16. The Maharajah of Mysore shall cause to be arrested and surrendered to the proper officers of the British Government any person within the said territories accused of having committed an offence in British India, for whose arrest and surrender a demand may be made by the British Resident in Mysore, or some other officer authorised by him in this behalf ;

and he shall afford every assistance for the trial of such persons by causing the attendance of witnesses required, and by such other means as may be necessary.

17. Plenary criminal jurisdiction over European British subjects in the said territories shall continue to be vested in the Governor-General in Council, and the Maharajah of Mysore shall exercise only such jurisdiction in respect to European British subjects as may, from time to time, be delegated to him by the Governor-General in Council.

18. The Maharajah of Mysore shall comply with the wishes of the Governor-General in Council in the matter of prohibiting or limiting the manufacture of salt and opium, and the cultivation of poppy, in Mysore; also in the matter of giving effect to all such regulations as may be considered proper in respect to the export and import of salt, opium and poppy-heads.

19. All laws in force and rules having the force of law in the said territories when the Maharajah Chamrajendra Wadiar Bahadur is placed in possession thereof, as shown in the Schedule hereto annexed, shall be maintained and efficiently administered, and, except with the previous consent of the Governor-General in Council, the Maharajah of Mysore shall not repeal or modify such laws, or pass any laws or rules inconsistent therewith.

20. No material change in the system of administration, as established when the Maharajah Chamrajendra Wadiar Bahadur is placed in possession of the territories, shall be made without the consent of the Governor-General in Council.

21. All title-deeds granted and all settlements of land revenue made during the administration of the said territories by the British Government, and in force on the said twenty-fifth day of March 1881, shall be maintained in accordance with the respective terms thereof, except in so far as they may be rescinded or modified either by a competent Court of Law, or with the consent of the Governor-General in Council.

22. The Maharajah of Mysore shall at all times conform to such advice as the Governor-General in Council may offer him with a view to the management of his finances, the settlement and collection of his revenues, the imposition of taxes, the administration of justice, the extension of commerce, the encouragement of trade, agriculture and industry, and any

other objects connected with the advancement of His Highness's interests, the happiness of his subjects, and his relations to the British Government.

23. In the event of the breach or non-observance by the Maharajah of Mysore of any of the foregoing conditions, the Governor-General in Council may resume possession of the said territories and assume the direct administration thereof, or make such other arrangements as he may think necessary to provide adequately for the good government of the people of Mysore or for the security of British rights and interests within the province.

24. This document shall supersede all other documents by which the position of the British Government with reference to the said territories has been formally recorded. And if any question arise as to whether any of the above conditions has been faithfully performed, or as to whether any person is entitled to succeed, or is fit to succeed, to the administration of the said territories, the decision thereon of the Governor-General in Council shall be final.

FORT WILLIAM :

*The 1st. March, 1881.*

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(Sd.) RIPON.

### III. DOCUMENTS RELATING TO BARODA.\*

- A. Substance of a Letter from the Honourable Mountstuart Elphinstone, Governor of Bombay, to His Highness Syajee Rao, Guikwar.

Dated 3rd April, 1820.

Since my arrival at Baroda we have had many interviews, at which, besides increasing the former friendship by personal intercourse, we have had various conferences regarding the manner in which you are to be vested with the administrations of your own government. For the better remembering of the points settled, I now commit them to writing.

All foreign affairs are to remain as hitherto under the exclusive management of the British Government.

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\* Aitchison's Treaties, Vol. viii. p. 80.

With regard to internal affairs Your Highness is to be unrestrained, provided you fulfil your engagements to the bankers, of which the British Government is guarantee. The Resident is, however, to be made acquainted with the plan of finance which your Highness shall determine on at the commencement of each year. He is to have access to the accounts whenever he requires it, and is to be consulted before any new expenses of magnitude are incurred.

The guarantees of the British Government to ministers and other individuals must be scrupulously observed.

Your Highness to choose your own minister, but to consult the British Government before you appoint him.

The identity of interests of the two States will render it necessary for the British Government to offer its advice whenever any emergency occurs, but it will not interpose in ordinary details, nor will its native agent take a share as formerly in the Guikwar government.

This letter is written in the spirit of entire friendship and good-will towards your State, and I look to hear henceforward of your increasing prosperity and reputation.

**B. Adoption Sunnud granted to His Highness the Maharajah Guikwar of Baroda,—1862.\***

Her Majesty being desirous that the governments of the several Princes and Chiefs of India who now govern their own territories, should be perpetuated, and that the representation and dignity of their Houses should be continued, I hereby, in fulfilment of this desire, convey to you the assurance that, on failure of natural heirs, the adoption by yourself and future rulers of your State of a successor according to Hindoo law and to the customs of your race will be recognised and confirmed.

Be assured that nothing shall disturb the engagement thus made to you so long as your House is loyal to the Crown and faithful to the conditions of the Treaties, Grants, or Engagements which record its obligations to the British Government.

*The 11th March, 1862.*

(SD.) CANNING.

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\* Aitchison's Treaties, Vol. viii, p. 5.

## C. Proclamation.\*

Dated the 13th., January, 1875.

To all whom it may concern :

Be it known that *Whereas* an attempt has been made at Baroda to poison Colonel R. Phayre, C. B., the late British Resident at the Court of His Highness the Gaekwar, and evidence has been adduced to the effect that His Highness Mulhar Rao Gaekwar instigated the said attempt to administer poison to Colonel Phayre ;

*And Whereas* to instigate such an attempt would be a high crime against Her Majesty the Queen and a breach of the condition of loyalty to the Crown under which Mulhar Rao Gaekwar is recognised as ruler of the Baroda State, and moreover such an attempt would be an act of hostility against the British Government, and it is necessary fully and publicly to enquire into the truth of the charge and to afford His Highness Mulhar Rao Gaekwar every opportunity of freeing himself from the grave suspicion which attaches to him ;

*And Whereas* in consequence thereof it is necessary to suspend Mulhar Rao Gaekwar from the exercise of power and to make other arrangements for the administration of the Baroda State :

*It is hereby notified* that from this date the Viceroy and Governor-General of India in Council temporarily assumes the administration of the Baroda State, and delegates all the powers necessary for the conduct of the administration to the Agent to the Governor-General and Special Commissioner at Baroda. The administration will be conducted, as far as possible, in accordance with the usages, customs, and laws of the country.

All Sirdars, Inamdars, Zemindars, and inhabitants of the Baroda territories, and all officers and persons whatsoever in the civil and military service of the Baroda State, or liable to be called upon for such service, are hereby required to submit to the authority of and render obedience to the said Agent to the Governor-General and Special Commissioner during such time as the State may be under the administration of the British Government.

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\* Aitchison's Treaties, Vol. viii, p. 96.



In accordance with the gracious intimation made to the Princes and Chiefs of India that it is the desire of Her Majesty the Queen that their Governments should be perpetuated, and the Representation and Dignity of their Houses should be continued, a Native Administration will be re-established in such manner as may be determined upon after the conclusion of the enquiry and after consideration of the results which such enquiry may elicit.

By order of His Excellency the Viceroy and Governor-General of India in Council.

**D: Proclamation, dated the 19th April, 1875.\***

To all whom it may concern :

His Highness Mulhar Rao, Gaekwar, was suspended from the exercise of power, and the administration of the Baroda State was temporarily assumed by the British Government, in order that a public enquiry might be made into the truth of the imputation that His Highness had instigated an attempt to poison Colonel R. Phayre, C. B., the late Representative of the British Government at the Court of Baroda, and that every opportunity should be given to His Highness of freeing himself from the said imputation.

The proceedings of the Commission having been brought to a close, Her Majesty's Government have taken into consideration the question whether His Highness Mulhar Rao, Gaekwar, shall be restored to the exercise of sovereign power in the State of Baroda.

The Commissioners being divided in opinion, Her Majesty's Government have not based their decision on the enquiry or report of the Commission, nor have they assumed that the result of the enquiry has been to prove the truth of the imputations against His Highness.

Having regard, however, to all the circumstances relating to the affairs of Baroda from the accession of His Highness Mulhar Rao, Gaekwar, to the present time, his notorious misconduct, his gross misgovernment of the State, and his evident incapacity to carry into effect the necessary reforms ; having also considered the opinion of the Government of India that it would be detrimental to the interests of the people of

\* Aitchison's Treaties, Vol. viii pp. 97, 98.

Baroda and inconsistent with the maintenance of the relations which ought to subsist between the British Government and the Baroda State, that His Highness should be restored to power, Her Majesty's Government have decided that His Highness Mulhar Rao, Gaekwar, shall be deposed from the sovereignty of Baroda, and that he and his issue shall be hereafter precluded from all rights, honours, and privileges thereto appertaining.

Accordingly His Excellency the Viceroy and Governor-General in Council hereby declares that His Highness Mulhar Rao, Gaekwar, is deposed from the sovereignty of the Baroda State, and that he and his issue are precluded from all rights, honours, and privileges thereto appertaining.

Mulhar Rao will be permitted to select some place in British India, which may be approved by the Government of India, where he and his family shall reside with a suitable establishment and allowances to be provided from the revenues of the Baroda State.

*Her Most Gracious Majesty the Queen*, in re-establishing a Native Administration in the Baroda State, being desirous to mark her sense of the loyal services of His Highness Khundee Rao, Gaekwar, in 1857, has been pleased to accede to the request of his widow, Her Highness Jumna-baee, that she may be allowed to adopt some member of the Gaekwar house, whom the Government of India may select as the most suitable person upon whom to confer the sovereignty of the Baroda State.

The necessary steps will accordingly be immediately taken to carry into effect *Her Majesty's* commands. In the meantime, with the consent of His Highness the Maharajah of Indore, Sir Madava Rao, K. C. S. I., will at once proceed to Baroda, and conduct the administration of the State as Prime Minister, under instructions which he will receive from the Governor-General's Agent and Special Commissioner at Baroda.

In conferring the sovereignty of the Baroda State no alteration will be made in the Treaty engagements which exist between the British Government and the Gaekwar of Baroda, and the new Gaekwar will enjoy all the privileges and advantages which were conveyed to the Gaekwar of Baroda in the Sunnud of Earl Canning, dated the 11th of March, 1862.

By order of His Excellency the Viceroy and Governor-General of India in Council.

#### IV. EAST INDIA COMPANY'S TREATY WITH THE RAJAH OF JEYPORE 1803.\*

*Article 1.* A firm and permanent friendship and alliance is established between the Honourable the English Company and Maharajah Dheeraj Juggut Sing Bahadur, and between their heirs and successors.

*Article 2.* Whereas friendship has been established between the two States the friends and enemies of one of the parties shall be considered the friends and enemies of both, and an adherence to this condition shall be constantly observed by both States.

*Article 3.* The Honourable Company shall not interfere in the Government of the country now possessed by Maharaja Dheeraj, and shall not demand tribute from him.

*Article 4.* In the event of any enemy of the Honourable Company evincing a disposition to invade the country lately taken possession of by the Honourable Company in Hindoostan, Maharajah Dheeraj shall send the whole of his forces to the assistance of the Company's army, and shall exert himself to the utmost of his power in repelling the enemy, and shall neglect no opportunity of proving his friendship and attachment.

*Article 5.* Whereas, in consequence of the friendship established by the second Article of the present Treaty, the Honourable Company become guarantees to the Maharajah Dheeraj for the security of his country against external enemies, Maharajah Dheeraj hereby agrees, that if any misunderstanding should arise between him and any other State, Maharajah Dheeraj will, in the first instance, submit the cause of dispute to the Company's government, that the government may endeavour to settle it amicably. If from the obstinacy of the opposite party no amicable terms can be settled then Maharajah Dheeraj may demand aid from the Company's government. In the event above stated it will be granted; and Maharajah Dheeraj agrees to take upon himself the charge of the expense of such aid, at the same rate as has been settled with the other Chieftains of Hindoostan.

*Article 6.* Maharaja Dheeraj hereby agrees, although he is in reality the master of his own army, to act during the time

\* Aitchison's Treaties Vol. iii., p. 102.

of war, or prospect of action, agreeably to the advice and opinion of the Commander of the English army which may be employed with his troops.

*Article 7.* The Maharajah shall not entertain in his service, or in any manner give admission to, any English or French subjects, or any other person from among the inhabitants of Europe, without the consent of the Company's government.

\* \* \* \* \*

(Sd.) WELLESLEY.

This treaty was ratified by the Governor-General in Council on the 15th January, 1804.

#### V. TREATY BETWEEN THE HONOURABLE THE ENGLISH EAST INDIA COMPANY AND MAHARAJAH SOORUT SING BAHADUR THE RAJAH OF BIKANER, 1818.\*

*Article 1.* There shall be perpetual friendship, alliance, and unity of interests between the Honourable Company and Maharajah Soorut Sing and his heirs and successors, and the friends and enemies of one party shall be the friends and enemies of both parties.

*Article 2.* The British Government engages to protect the principality and territory of Bikaner.

*Article 3.* Maharajah Soorut Sing and his heirs and successors will act in subordinate co-operation with the British Government and acknowledge its supremacy, and will not have any connection with any other Chiefs or States.

*Article 4.* The Maharajah and his heirs and successors will not enter into negotiation with any Chief or State without the knowledge and sanction of the British Government; but the usual amicable correspondence with friends and relations shall continue.

*Article 5.* The Maharajah and his heirs and successors will not commit aggressions on any one; if by accident and dispute arise with any one the settlement of it shall be submittey to the arbitration and award of the British Government.

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\* Aitchison's Treaties Vol. iii., p. 343.

*Article 6.* Whereas certain persons of the principality of Bikaner have adopted the evil courses of highway robbers and banditti, and have plundered the property of many, to the great molestation of the peaceable subjects of both of the contracting parties, the Maharaja engages to cause to be restored the property plundered from inhabitants of the British territories upto this time, and for the future entirely to suppress the robbers and plunderers in his principality. If the Maharaja be not able to effect their suppression assistance shall be afforded on his application by the British Government, in which case the Maharajah will pay all the expenses of force employed; or, in the event of his not finding means to pay those expenses, he will in lieu cede parts of his territory to the British Government, which, after the payment of those expenses, shall be restored.

*Article 7.* The British Government, on the application of the Maharajah, will reduce to subjection the ~~taukoor~~ and other inhabitants of his principality who have revolted and thrown off his authority. In this case the Maharajah will pay all the expenses of the force employed, or, in the event of not having the means, will, instead, cede parts of his territory to the British Government, which shall be restored after the payment of those expenses.

*Article 8.* The Maharaja of Bikaner will furnish troops at the requisition of the British Government, according to his means.

*Article 9.* The Maharajah and his heirs and successors shall be absolute rulers of their country, and the British jurisdiction shall not be introduced into that principality.

*Article 10.* As it is the wish and intention of the British Government that the roads of Bikaner and Bhutner be rendered passable and safe for the transit of trade to and from the countries of Cabul and Khorasan, etc. the Maharajah engages effectually to accomplish that object within his own dominions, so as that merchants shall pass with protection and safety and meet with no impediment; and with respect to custom duties the established rates shall not be exceeded.

\* \* \* \* \*

(Sd.) C. T. METCALFE  
and others.

This treaty was ratified by His Excellency the Governor-General, on the 21st March, 1818.

**VI. EXTRACTS FROM THE RESOLUTION AND PROCLAMATION REGARDING THE TRIAL OF ACCUSED PERSONS IN MANIPUR AND THE REGRANT OF THE MANIPUR STATE (DATED SIMLA, THE 21ST AUGUST, 1891).**

In March last the Manipur State openly resisted by force of arms the troops of Her Majesty the Queen, Empress of India ; and, while this resistance was in progress, Her Majesty's Representative and other British Officers were seized and put to death. The Manipur State was thereupon occupied by a British force ; and the officer commanding was instructed to place upon their trial all persons suspected of murder or abetment of murder or of having acted as leaders or instigators of revolt. In pursuance of this order the Regent, Kula Chandra Singh, and his brothers, Tikendrajit Singh, and other persons were made prisoners and placed upon their trial.

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The degree of subordination in which the Manipur State stood towards the Indian Empire has been more than once explained in connection with these cases ; and it must be taken to be proved conclusively that Manipur was a subordinate and protected State which owed submission to the Paramount Power, and that its forcible resistance to a lawful order, whether it be called waging war, treason, rebellion, or by any other name, is an offence, the commission of which justifies the exaction of adequate penalties from individuals concerned in such resistance as well as from the State as a whole. The principles of international law have no bearing upon the relations between the Government of India as representing the Queen-Empress on the one hand, and the Native States under the Suzerainty of Her Majesty on the other. The paramount supremacy of the former presupposes and implies the subordination of the latter. In the exercise of their high prerogative, the Government of India have, in Manipur as in other protected States the unquestioned right to remove by administrative order any person whose presence in the State may seem objectionable.

**Proclamation :** Whereas the State of Manipur has recently been in armed rebellion against the authority of Her Majesty the Queen, Empress of India ; and whereas, during such rebellion, Her Majesty's Representative and other officers were murdered at Imphal on the 24th of March last : and whereas by

a Proclamation bearing date the 19th April 1891, the authority of the Regent, Kula Chandra Singh, was declared to be at an end, and the administration of the State was assumed by the General Officer Commanding Her Majesty's forces in Manipur territory :

It is hereby notified that the Manipur State has become liable to the penalty of annexation, and is now at the disposal of the Crown :

It is further notified that Her Majesty the Queen, Empress of India, has been pleased to forego Her right to annex to Her Indian Dominions the territories of the Manipur State ; and has graciously assented to the re-establishment of Native Rule under such conditions as the Governor-General in Council may consider desirable and in the person of such ruler as the Governor-General in Council may select.

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## VII. EXTRACTS FROM SPEECHES AND ANNOUNCEMENTS RELATING TO THE POLICY OF THE BRITISH GOVERNMENT TOWARDS THE NATIVE STATES IN INDIA.

### A. Extracts from Lord Curzon's Speech at the Rajkote Durbar in November, 1900.

"I am a firm believer in the policy which has guaranteed the integrity, has ensured the succession, and has built up the fortunes of the Native States. I regard the advantages accruing from the secure existence of those States as mutual. In the case of the Chiefs and the States it is obvious. ....But to us also the gain is indubitable, since the strain of Government is thereby lessened, full scope is provided for the exercise of energies that might otherwise be lost to the government, the perils of excessive uniformity and undue centralisation are avoided, and greater administrative flexibility ensured. So long as these views are held,—and I doubt if any of my successors will ever repudiate them,—the Native States should find in the consciousness of their security a stimulus to energy and well doing. If the Native States, however, are to accept this standard it is obvious that they must keep pace with the age. They cannot dawdle behind and act as a drag upon an inevitable progress. They are links in the chain of Imperial administration. It

would never do for the British links to be strong and the native links to be weak and vice versa.....I, therefore, think,..... that a very clear and positive duty devolves upon them. It is not limited to the perpetuation of their dynasties or the maintenance of their Raj. They must not rest content with keeping things going in their time. Their duty is one, not of passive acceptance of an established place in the Imperial system, but of active and vigorous co-operation in the discharge of its onerous responsibilities."

**B. Extracts from the Speech of the Earl of Minto at the State Banquet at Udaipur held on the 3rd of November, 1909.\***

"It is sometimes asked by ruling Chiefs as well as by the public in India and in Europe what our policy towards Native States is.

I can tell you that the basis of that policy was laid down in Queen Victoria's Proclamation of 1858 and repeated in the Coronation Message of His Majesty the King Emperor. In 1858 Queen Victoria addressed the Princes of India as follows :—

"We hereby announce to the Native Princes of India that all Treaties and Engagements, made with them by or under the authority of the Honourable East India Company are by us accepted, and will be scrupulously maintained : and we look for the like observance on their part.

We desire no extension of our present territorial possessions : and while we will permit no aggression upon our Dominions or Our Rights, to be attempted with impunity, we shall sanction no encroachment on those of others. We shall respect the Rights, Dignity, and Honour of Native Princes as Our own : and We desire that they, as well as Our own Subjects, should enjoy that prosperity and that social Advancement which can only be secured by internal peace and good Government."

And 44 years later the King-Emperor wrote :—

"To all My Feudatories and subjects throughout India I renew the assurance of My regard for their liberties, of respect for their dignities and rights, of interest to their welfare, which are the supreme aim and object of My rule and which, under the blessing of Almighty God, will lead to the increasing prosperity

\* Speech by H. E. the Earl of Minto, 1905—1910, published by Superintendent, Government Printing, India, 1911 p.p. 321—326.



of My Indian Empire, and the greater happiness of its people." In pursuance of these pledges our policy is with rare exceptions, one of non-interference in the internal affairs of the Native States. But in guaranteeing their internal independence and in undertaking their protection against external aggression it naturally follows that the Imperial Government has assumed a certain degree of responsibility for the general soundness of their administration and could not consent to incur the reproach of being an indirect instrument of misrule. There are also certain matters, in which it is necessary for the Government of India to safeguard the interests of the community as a whole as well as those of the paramount power, such as railways, telegraphs, and other services of an Imperial character. But the relationship of the Supreme Government to the State is one of Suzerainty.

Your Highness will, I know, recognize the difficulty that must exist in adhering to an uniform policy owing to the varying conditions of different States. It is this diversity of conditions which renders so dangerous any attempt at complete uniformity and subservience to precedents. I have, therefore, made it a rule to avoid as far as possible the issue of general instructions and have endeavoured to deal with questions as they arose with reference to existing treaties, the merits of each case, local conditions, antecedent circumstances, and the particular stage of development, feudal and constitutional, of individual principalities. The foundation stone of the whole system is the recognition of identity of interests between the Imperial Government and Durbars and the minimum of interference with the latter in their own affairs."

**C. Extracts from the Speech by Lord Hardinge on February 26, 1916, on the occasion of investing the Maharajah of Jodhpur with ruling powers.\***

"Our policy towards the Ruling Princes, at least during recent years, has been one of sympathy and trust ; of sympathy with their aims and sentiments and their noble traditions ; of trust in their fervent loyalty to the Person of the King-Emperor and to the Power whose protection they enjoy. We have recognized that if a state is to be ruled justly and well and to be the source of real help to the British Empire, it is only through the Ruler himself, supported by his Sirdars and people, that these

\* Speeches, Vol, IV, p. 219.

results can be obtained. Irksome restrictions on the exercise of Sovereign powers are apt to chafe and irritate a proud and sensitive spirit with results disastrous, not only to the Ruler and his people, but also to the Empire at large. We have, therefore, made it our aim to cultivate close and friendly relations with the Ruling Princes, to show by every means that we trust them and look on them as helpers and colleagues in the great task of Imperial rule, and so to foster in them a spirit of responsibility and pride in their work which no external supervision can produce."

**D. H. H. The Maharaja of Bikaner's speech at the close of the Ruling Princes' Conference held at Delhi on November 10, 1917.**

Your Excellency,.....We are particularly pleased that Your Excellency decided to preside throughout the conference this year, and we much hope that the same may be possible in regard to future conferences. We gratefully remember that the way for these conferences was paved by Your Excellency's noble predecessor, Lord Hardinge, when you invited us to discuss the proposed Higher Chiefs' College Scheme. To Your Excellency we are indebted for the enlarged scope of the conferences, and for your kind assurance that you wish them to be annual functions during the tenure of Your Excellency's Viceroyalty. In your speech Your Excellency has referred to the recent pronouncement made by the Secretary of State. The royal attachment of the Ruling Princes to the King-Emperor is proverbial, and we consequently rejoice at the further accession of strength that this pronouncement and the impending political changes will bring to His Imperial Majesty's Empire by the enhanced loyalty, happiness and contentment of his Indian subjects. As Indians again, we rejoice at the inspirations of our fellow-countrymen in British India being thus further met by this sagacious act of British statesmanship. Might we ask Your Excellency kindly to convey to Mr. Montagu on his arrival here assurances of our warm welcome and our good wishes for the success of his mission when the views of individuals and associations regarding the nature of political reforms to be introduced in British India are shortly to be considered by Your Excellency in conjunction with the Secretary of State. We have no doubt that you will both, also, consider questions connected with the Ruling Princes and the Indian States, and we trust that before the British Government come to any decision on such questions we, the Ruling Princes, will also be con-

sulted. It can never be too often emphasised that we represent about one-third of the Indian Empire's population, and that no scheme for the progress of India can be regarded as satisfactory or complete which does not take into consideration questions relating to these important territories outside British India. We feel that we, too, must keep a definite goal in front of us, and whilst it is essential that our rights and provinces, our position as allies and friends, guaranteed to us by solemn treaties and engagements with the British Government, remain unaltered, our States cannot afford to lag behind in the general advance which India's association with Great Britain alone has rendered possible.

It is for these reasons that we are now all the more anxious to see the early establishment of a Constitutional Chamber which may safeguard the interests and rights of ourselves and of our States. As we clearly stated last year, we have no desire to encroach upon the affairs of British India any more than we want outside interference in the affairs of our States and ourselves. It is hardly necessary, therefore, to repeat that we have no desire to claim a voice in the settlement of any matters other than those relating to ourselves and our States, or which are of Imperial or common concern.

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The need for an authoritative declaration of policy in regard to minority administrations was greatly felt, and the fact that the Government of India have stated in their resolution that the policy announced has the additional weight of the authority of His Imperial Majesty's Government will be all the more gratifying and reassuring.

We listened with special attention to what Your Excellency stated in regard to the question of successions in our States and the ceremonials to be observed at the accession and coming of age of the Ruling Princes. We desire to express to Your Excellency our grateful thanks for those modifications in regard to the ceremonial procedure of such occasions, which have been made in deference to the wishes we expressed at last year's conference. As the revised memorandum has only recently been placed before us, it is not possible for us to deal fully with any points on this occasion, but we will in due course address Your Excellency on the subject. We appreciate the consideration for our convenience which prompted the Government of India to alter the arrangements in regard to our visits to places in British India.

We are specially indebted to Your Excellency for securing the representation of the Ruling Princes at the recent Imperial War Cabinet and the Imperial War Conference in London, and we have noted with gratification Your Excellency's reference to our partnership in the innermost councils of the Empire. While offering our gratitude to Your Excellency nominating His Highness the Maharaja of Bikaner to represent us, it is a matter of sincere gratification to us that Your Excellency's choice fell on one of our most distinguished members who upheld the traditions and dignity of our order and justified, as we are glad to learn from Your Excellency's speech, your selection and the confidence of the Imperial Government. With Your Excellency's valued assistance we confidently look forward to the continuation of special representation on behalf of the Ruling Princes in future meetings of the Imperial Cabinet and the Imperial Conference.

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#### E. Extracts from H. E. Lord Chelmsford's reply.

The Viceroy in reply said :—

Your Highnesses, — I am gratified to learn from the address which His Highness the Maharaja of Bikaner has read on your behalf that my decision to hold these conferences annually, and to preside over them myself, has given you satisfaction, and I can assure you that to myself it has been not only a source of enlightenment and instruction, but also a very great personal pleasure to preside at your gathering and to listen to your debates. It would not be fitting for me on this occasion to speak at any length on your request now again repeated, for the early establishment of a Constitutional Chamber to represent your interests in matters of Imperial or joint concern. We have already recognised by the institution of these annual conferences the need for some assemblage for the discussion of matters affecting yourselves, your States and your peoples and Your Highnesses will not have failed to notice that our deliberations have in practice passed beyond the domain of purely State affairs into that of questions having a common interest to the States and to British India. I have deprecated the immediate institution of a more formal assemblage with a fixed constitution and strictly defined powers, for the reasons explained in my opening address. I do not, however, in any way wish to discourage Your Highnesses from devoting to the subject at once that earnest and deliberate consideration which its paramount

importance demands, and I can assure you that any scheme which you may put forward will receive the most careful and sympathetic consideration of my Government. It may be possible to arrange for a preliminary and quite informal discussion of the subject towards the close of Mr. Montagu's stay in India, and I shall lose no time in placing before him your views on the subject when they have been formulated. In the meanwhile I would suggest that you turn the matter over in your minds with a view to framing the outlines of a scheme which, while ensuring due scope for the representation of your views, will not infringe the principle to which you have given expression, namely, that the scope of any such assemblage which you may advocate shall be strictly limited to matters relating to yourselves and to your States, or which are of joint interest to yourselves and to the Government of India. In framing your scheme you will no doubt bear in mind the possibility of providing that the Chamber or Council which you would wish to bring into being should be so constituted as to permit of joint consultation with the high dignitaries of British India.

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I rejoice to hear that our declaration on minority administrations and on the ceremonials connected with successions in your States have met with general approval, and while I would deprecate any further discussion, I shall of course, be prepared to consider carefully and sympathetically any individual representation which you may wish to address to me on these subjects. Your desire that the Ruling Princes should be specially represented in future meetings of the Imperial Cabinet and of the Imperial Conference will receive my careful attention, but this is a matter which, as Your Highnesses will recognise, raises somewhat wide issues, and I am not in a position at present to give any undertaking in the matter. I note with great satisfaction and gratitude Your Highnesses' assurance of your continued co-operation in the prosecution of the war, although after what you have already done in this direction no such assurance was needed. The aid by the great Ruling Princes towards the Imperial cause and their unflinching loyalty to the King-Emperor and his Crown, are matters of history, and I feel sure that when the war is over there will not be one among you who will not have cause to look back with legitimate pride and satisfaction to the services which his State has rendered to the cause of justice and freedom.

**VIII. PROPOSALS REGARDING THE NATIVE STATES  
CONTAINED IN THE REPORT ON INDIAN CONSTITUTIONAL REFORMS BY THE RT. HON. MR.  
MONTAGU AND H. E. LORD  
CHELMSFORD.**

296. As we have said already it is impossible to deal with the constitutional position in British India without also considering the problems presented by the Native States. India is in fact, as well as by legal definition, one geographical whole. The integral connexion of the States with the British Empire not only consists in their relations to the British Crown, but also in their growing interest in many matters common to the land to which they and the British provinces alike belong.

297. Although compared with the British provinces the States are thinly populated, they comprise among them some of the fairest portions of India. The striking differences in their size, importance, and geographical distribution are due partly to variations of policy, partly to historical events, which no Government could control. Wherever consolidating forces were at work before the British advance occurred we find that large units of territory were constituted into States; wherever disorder or other disintegrating factors were at work longer, as in Bombay and Central India, we find a large number of fragmentary territories. "Political, as well as physical, geography bears witness to the stress of the destructive forces through which a country has passed." The policy of the British Government towards the States has changed from time to time, passing from the original plan of non-intervention in all matters beyond its own ring-fence to the policy of "subordinate isolation" initiated by Lord Hastings; which in its turn gave way before the existing conception of the relation between the States and the Government of India, which may be described as one of union and co-operation on their part with the paramount power. In spite of the varieties and complexities of treaties, engagements, and *sanads*, the general position as regards the rights and obligations of the Native States can be summed up in a few words. The States are guaranteed security from without; the paramount power acts for them in relation to foreign powers and other States, and it intervenes when the internal peace of their territories is seriously threatened. On the other hand the States' relations to foreign powers

arc those of the paramount power ; they share the obligation for the common defence ; and they are under a general responsibility for the good government and welfare of their territories.

298. Now let us consider what factors have been at work to bring the Ruling Princes into closer relations with the Government of India. **Effects of the war.** Foremost is the war. No words of ours are needed to make known the services to the Empire which the States have rendered. They were a profound surprise and disappointment to the enemy ; and a cause of delight and pride to those who knew beforehand the Princes' devotion to the Crown. With one accord the Rulers of the Native States in India rallied to fight for the Empire when war was declared ; they offered their personal services, and resources of their States. Imperial Service Troops from over a score of States have fought in various fields, and many with great gallantry and honour. The Princes have helped lavishly with men and horses, material and money, and some of them have in person served in France and elsewhere. They have shown that our quarrel is their quarrel ; and they have both learned and taught the lesson of their own indissoluble connexion with the Empire, and their immense value as part of the polity of India.

299. For many years, however, influences more persistent though less forceful, than war have been at work to increase the range of matters in which the States realize their solidarity with British India. **Points of contact.** A perceptible process of infiltration has been going on. We have helped the States in times of famine ; we have lent them officers trained in British India to revise or supervise their revenue or financial administration, or to improve their agriculture and irrigation. Many of them have adopted our civil and criminal codes. Some have imitated, and even further extended, our educational system. Co-operation in matters of police and justice has been developed. Our railway and telegraph systems have been carried through and serve many of the States. The Indian customs tariff is a matter of concern to all States, including those which have ports of their own. It is, of course, true that external influences have not affected the States equally. They have not all been equally able to assimilate new principles. They are in all stages of development, patriarchal, feudal, or more advanced, while in a few States are found the beginnings of representative institutions. The characteristic features of all

of them, however, including the most advanced, are the personal rule of the Prince and his control over legislation and the administration of justice. Nor have any changes which have occurred in the least impaired the validity of the treaties which assured to the States their powers of internal administration. Indeed it may be said that in a composite society like India's, and in times when ideas are changing rapidly, the existence of States in which ideals of chivalry and personal devotion survive as the motive principle of government has been the more clearly seen to have an abiding value. The independence of the States in matters of internal administration carries with it the counter-obligation of non-interference in British Indian affairs. If the Princes were to intervene, either informally or formally, in the internal affairs of British India, such action would, we think, be reasonably questioned, unless the representatives of British India were given a corresponding right of influencing the affairs of the States. On either hand, we believe, there is no desire to cross the frontier. Rulers and politicians alike recognize that they are best employed in attending to their own progress. The obligation of mutual abstention must be always borne in mind in estimating the future position of the Native States in a changing Indian Empire.

300. We know that the States cannot be unaffected by constitutional development in adjoining provinces. Some of the more enlightened and thoughtful of the Princes, among whom are included some of the best-known names, have realized this truth, and have themselves raised the question of their own share in any scheme of reform. Others of the Princes—again including some of the most honoured names—desire only to leave matters as they are. We feel the need for caution in this matter. It would be a strange reward for loyalty and devotion to force new ideas upon those who did not desire them; but it would be no less strange if, out of consideration for those who perhaps represent gradually vanishing ideas, we were to refuse to consider the suggestions of others who have been no less loyal and devoted. Looking ahead to the future we can picture India to ourselves only as presenting the external semblance of some form of 'federation.' The provinces will ultimately become self-governing units, held together by the central Government, which will deal solely with matters of common concern to all of them. But the matters common to the British provinces are also to a great extent those in which the Native States are



interested—defence, tariffs, exchange, opium, salt, railways, and posts and telegraphs. The gradual concentration of the Government of India upon such matters will, therefore, make it easier for the States, while retaining the autonomy which they cherish in internal matters, to enter into closer association with the central Government if they wish to do so. But, though we have no hesitation in forecasting such a development as possible, the last thing that we desire is to attempt to force the pace. Influences are at work which need no artificial stimulation. All that we need or can do is to open the door to the natural development of the future.

301. In this respect the trend of recent events has helped. The desire to give greater reality to the consciousness of common interests is stirring among the Princes, and it is now possible and desirable to turn it to more practical account than our predecessors were able to do. Lord Lytton's proposal to constitute an Imperial Privy Council which should comprise some of the great Princes resulted only in the ephemeral and purely honorific body known as the Councillors of the Empress. Lord Dufferin's institution of Imperial Service Troops was of much greater value in giving actual and useful expression to the feeling of community of interests. Lord Curzon's plan for a Council of Ruling Princes and Lord Minto's schemes, first for an Imperial Advisory Council and then for an Imperial Council of Ruling Princes, were suggestions only a little in advance of the time. The idea which attracted his two predecessors gained fresh life as a result of the conferences which Lord Hardinge held with the Princes to consider questions of higher education in the States. Lord Hardinge made no secret of his desire to seek the collective opinion of the Princes as trusted colleagues whenever possible on matters affecting their Order; and in responding to His Excellency's invitation Their Highnesses the Maharajas of Gwalior and Indore also laid stress upon the essential identity of interest between the two halves of India. Lord Chelmsford carried the system of conferences further by utilizing them for the purpose of discussing general questions affecting the States as a whole; and His Highness the Gaekwar in welcoming the new development expressed the hope that what had by that time become an annual conference would develop into a permanent Council or Assembly of Princes. Moreover, only last year the claim of the States to be heard in matters of Imperial concern were signally recognized

Evolution of the  
Chiefs' Conference.

by the deputation of His Highness the Maharaja of Bikaner to the meeting of the Imperial Conference and the War Cabinet.

302. In view of the fact that constitutional changes in British India may react in an important manner on the Native States we have carefully considered their present relations with the Government of India. We became aware at the outset that, although the policy which has been followed for more than a century towards the States has been amply vindicated by the trust and confidence which the Princes as a body repose in the British Government, yet in some quarters uncertainty and uneasiness undoubtedly exist. Some Rulers are perturbed by a feeling that the measure of sovereignty and independence guaranteed to them by the British Government has not been accorded in full, and they are apprehensive lest in process of time their individual rights and privileges may be whittled away. We ascribe this feeling to two causes. In the first place, the expression "Native States" is applied now, and has been applied during the past century, to a collection of about seven hundred rulerships which exhibit widely differing characteristics, which range from States with full autonomy over their internal affairs to States in which Government exercises, through its agents, large powers of internal control, and even down to the owners of a few acres of land. Uniformity of terminology tends to obscure distinctions of status; and practice appropriate in the case of the lesser Chiefs may be inadvertently applied to the greater ones also. We are convinced that it would improve and assist future relations between the Crown and the States if a definite line could be drawn separating the Rulers who enjoy full powers of internal administration from the others. Our own proposals in paragraphs 306 to 311, *infra*, assume that such classification can, and will, after due inquiry, be effected, and are intended to relate only to States of the former class.

303. In the second place, we cannot disregard the fact that the general clause which occurs in many of the treaties to the effect that the Chief shall remain absolute Ruler of his country has not in the past precluded and does not even now preclude, "interference with the administration by Government through the agency of its representatives at the Native Courts." We need hardly say that such interference has not been employed in wanton disregard of treaty obligations. During the earlier

Effect of British policy.  
The term "Native States".

Government Intervention.

days of our intimate relations with the States British agents found themselves compelled, often against their will, to assume responsibility for the welfare of a people, to restore order from chaos, to prevent inhuman practices, and to guide the hands of a weak or incompetent Ruler as the only alternative to the termination of his rule. So, too, at the present day, the Government of India acknowledges, as trustee, a responsibility (which the Princes themselves desire to maintain) for the proper administration of States during a minority, and also an obligation for the prevention or correction of flagrant misgovernment.

304. Moreover, we find that the position hitherto taken up by Government has been that the conditions interpretation of treaties. under which some of the treaties were executed have undergone material changes, and the literal fulfilment of particular obligations which they impose has become impracticable. Practice has been based on the theory that treaties must be read as a whole, and that they must be interpreted in the light of the relations established between the parties not only at the time when a particular treaty was made, but subsequently. The result is that there has grown up around the treaties a body of case-law which anyone who is anxious to appreciate the precise nature of existing relations must explore in Government archives and in text books. The Princes, viewing the application of this case-law to their individual relations with Government, are uneasy as to its ultimate effect. They fear that usage and precedent may be exercising a levelling and corroding influence upon the treaty rights of individual States.

305. It is thus clear that some ambiguity and misunderstanding exist as to the exact position. Need for re-examination of the position. The Government of India has already taken cognizance of this, and is affording opportunity for the verification of any specific complaints that may be made. We do not desire to say anything that might prejudice the issue of these inquiries. In the meanwhile, however, we suggest that the time has come when it would be well to review the situation, of course only by consent of parties, not necessarily with a view to any change of policy, but in order to simplify, standardize, and codify existing practice for the future. Before we pass on to state our own proposals we wish to say that we think that the Princes should be assured in the fullest and freest manner that no constitutional changes which

may take place will impair the rights, dignities, and privileges secured to them by treaties, *sanads* and engagements, or by established practice.

306. We have explained how, on various occasions in recent years, the Princes have met in conference at the invitation of the Viceroy. *A Council of Princes.* These conferences have been of great value in assisting in the formulation of the Government's policy on important matters like minority administration and succession, and promoting interest in such questions as scientific agriculture and commercial and agricultural statistics. The meetings have given the Princes the opportunity of informing the Government as to their sentiments and wishes, of broadening their outlook, and of conferring with one another, and with the Government. But although the meetings have in the last few years been regular they depend upon the invitation of the Viceroy; and our first proposal is to replace them by the institution of a Council of Princes. We wish to call into existence a permanent consultative body. There are questions which affect the States generally, and other questions which are of concern either to the Empire as a whole, or to British India and the States in common, upon which we conceive that the opinion of such a body would be of the utmost value. The Viceroy would refer such questions to the council, and we should have the advantage of their considered opinion. We think it is all-important that the meetings should be regular, and that ordinarily the council should meet once a year to discuss agenda approved by the Viceroy. Any member of the council, or the council as a whole, might request the Viceroy to include in the agenda any subject on which discussion was desired. If questions of sufficient importance arose in the intervals between the annual meetings the Princes might suggest to the Viceroy that an extraordinary meeting should be held. We contemplate that the Viceroy should be president, and should as a rule preside, but that in his absence one of the Princes should be chairman. The rules of business would be framed by the Viceroy, after consultation with the Princes, who might perhaps from time to time suggest modifications in the rules. We believe that most of the Princes desire to see such a council created, although some of the most eminent among them have not taken part in the conferences in 1916 and 1917. The direct transaction of business between the Government of India and any State would, of course, not be affected by the institution of the council. We have used the

name "Council of Princes" to describe the body which we desire to see instituted. We have had difficulty, however, in finding a name appropriate to such a unique assembly. We wish to avoid a designation associated with other institutions, and to find one which will connote the real position of this body of Rulers, with the representative of the King-Emperor as chairman. From both these points of view the terms Council, or Chamber, or House of Princes, are open to criticism. There is much to be said in favour of an Indian name for an Indian body which, from the circumstances of the case, would exist nowhere else; but it would be necessary to choose one not peculiarly associated historically either with Hindus or with Muhammadans. While therefore we have adopted the term *Council* for temporary purposes we hope that discussion may produce some happier alternative.

307. It has been represented to us that difficulties have occurred in the past by reason of the fact that the Political Department comes to decisions affecting the Native States without being in a position to avail itself of the advice of those who are in a position to know from their own personal experience or the history of their States the right course to pursue. On matters of custom and usage in particular we feel that such advice would be of great value, and would help to ensure sound decisions. Our second proposal therefore is that the Council of Princes should be invited annually to appoint a small standing committee, to which the Viceroy or the Political Department might refer such matters. We need hardly say that no reference affecting any individual State would be made to the committee without the concurrence of its Ruler. The Council of Princes might appoint to the standing committee not only Princes but also Dewans or Ministers, who were willing to place their services at the disposal of the Viceroy when called upon for advice. This machinery is based on the principle of consultation which in so many matters underlies our recommendations in regard to British India.

308. Our next proposal is concerned with disputes which may arise between two or more States, or between a State and a local Government or the Government of India, and with a situation caused when a State is dissatisfied with the ruling of the Government of India or the advice of any of its local representatives. In such cases there exists at the present

Standing committee  
of the council.

Commissions of in-  
quiry into disputes.

moment no satisfactory method of obtaining an exhaustive and judicial inquiry into the issues, such as might satisfy the States, particularly in cases where the Government of India itself is involved, that the issues have been considered in an independent and impartial manner. Whenever, therefore, in such cases the Viceroy felt that such an inquiry was desirable, we recommend that he should appoint a commission, on which both parties would be represented, to inquire into the matter in dispute and to report its conclusions to him. If the Viceroy were unable to accept the finding, the matter would be referred for decision by the Secretary of State. The commission that we have in mind would be composed of a judicial officer of rank not lower than a high court judge and one nominee of each of the parties concerned.

309. In another class of cases we have a similar proposal to make. It has happened, and we conceive that it may happen though rarely in the future, that the question arises of depriving the Ruler of a State of his rights, dignities, and powers, or of debarring from succession a member of his family. If such cases occur in the future we think that they should be always referred to a commission to be appointed by the Viceroy to advise him. It should consist of five members, including ordinarily a high court judge and two Ruling Princes. The names of the commissioners should be intimated in advance to the defendant before they were appointed; and the proceedings of the commission should be made public only if the defendant so desired.

And into cases of misconduct.

310. Our two remaining proposals bear a direct relation to our constitutional scheme for British India. We recommend that as a general principle all important States should be placed in direct political relations with the Government of India. We feel that the necessity of communicating with the central Government through two, or even more, intermediaries is an obstruction to good understanding and a great obstacle to business. The present position is that while four large States and one small State deal directly with the Government of India through their Resident, there are in the Central India Agency some 150 States and in the Rajputana Agency some 20 States and in Baluchistan 2 States under the Agents to the Governor-General. The remaining States are in

Relations with the Government of India.

political relations with local Governments. Madras deals with 5 States ; Bombay with over 350 ; Bengal with 2 ; the United Provinces with 3 ; the Punjab with 34 ; Burma with 52 ; Bihar and Orissa with 26 ; the Central Provinces with 15 ; and Assam with 16. We have already laid stress in our report upon the need in domestic affairs for dividing matters of all-Indian, from those of provincial, concern. Now on general grounds the relations between the States and Government are clearly a matter for the central Government ; and where this principle has been departed from it has been on grounds of history or convenience. It seems to us that the changing conditions of the time afford strong reason for affirming the principle, both because the institution of a Council of Princes will give greater solidarity to the views of the States, and also because the growth of responsibility in provincial Governments will to some extent unfit them to act in political matters as mere agents for the Government of India. There will, we recognize, be difficulty in some cases where the territories of the States and British provinces intersect, but such obstacles are not insurmountable. As a general principle, therefore, we recommend that all important States should be placed in direct political relations with the central Government. We do not intend, of course, that the Durbars should write direct to the Political Secretary, but that there should, wherever possible, be only one political officer through whom the State would correspond with the Government of India. This is already the case with the States of Hyderabad, Baroda, Mysore and Kashmir. In other cases, it will be necessary to revise the existing arrangements by which correspondence passes through a local Political Agent or Resident to an Agent to the Governor-General or a local Government and thence to the Government of India. Where the authority immediately subordinate to the Government of India is an Agent to the Governor-General the choice lies generally between abolishing the offices of local Political Agents or Residents, while transferring their functions to the Agent to the Governor-General, with an increased staff of assistants, and abolishing the post of Agent to the Governor-General, while retaining Residents accredited to States, or groups of States. In other cases, instead of abolishing either the Agent to the Governor-General or the Resident, where both officers exist, the Residents of particular States might be allowed to communicate direct with the Government of India, sending a copy of such communications to the Agent to the Governor-General for his information. The future position of other States which are

now in relation with provincial Governments cannot be determined immediately since both the wishes of the Durbars, and also the administrative advantages must be considered. It may be that the Government of India will assume direct relations with these States, or that they may be left for the time being in relation with the provincial Governments ; but in the latter case it seems to us that the head of the province should in each case act in his relations with the States as agent for the central Government, and that relations with the Native States should not be matters of provincial concern in the sense that they are intended ever to be transferred to the control of the legislative council.

311. Our last proposal is intended to provide some means of deliberation between the Government of India and the Princes on matters of common interest to both, and so to ensure that as far as possible decisions affecting India as a whole shall be reached after the views of the Durbars have been taken into account. In the past it certainly has occasionally happened that the States were vitally affected by decisions taken without reference to them ; and yet no machinery for such collective consultation with them has hitherto existed. It seems to us that they have a clear right to ask for it in the future. We have abandoned for the present all consideration of suggestions that the Ruling Princes, or some representatives of their Order, should be members of the Council of State. Not only would this at the present stage infringe the doctrine of non-interference on the part of the Princes in the affairs of British India, but we are satisfied that few, if any, of the Princes themselves are ready for such a step. On the other hand, it seems to us that, when a Council of Princes has been established, and when a Council of State and a Privy Council have been created, the machinery will exist for bringing the senatorial institutions of British India into closer relations when necessary with the Rulers of the Native States. Matters affecting the Native States generally, or the Native States and British India in common, or the Empire, might, as we have seen, be referred to the Council of Princes. It would thus be possible for the Viceroy, when he thought fit, to arrange for joint deliberation and discussion between the Council of State and the Council of Princes, or between representatives of each body. He might also invite members of the Council of Princes to serve on committees of the Privy Council.



312. With these indications of the position to be occupied by the Native States in future we may rest content. We believe that the trend of events must draw them still closer into the orbit of the Empire ; we think that the process need give rise to no alarm lest their internal autonomy be threatened. We need not conceal our conviction that the processes at work in British India cannot leave the States untouched and must in time affect even those whose ideas and institutions are of the most conservative and feudal character. But in that respect there can be no intention or desire to accelerate growth by artificial means. We believe that our proposals will afford satisfaction to the progressive Rulers while respecting the legitimate desire of those less advanced to go forward at their own pace.

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## PART VIII.

### DOCUMENTS RELATING TO THE REPRESENTATION OF INDIA IN THE IMPERIAL CONFERENCE.

#### I. THE HON'BLE MR. M. SHAFI'S RESOLUTION IN THE INDIAN LEGISLATIVE COUNCIL (22ND SEPTEMBER, 1915.)

Khan Bahadur M. M. Shafi moved :—"That this Council recommends to the Governor-General in Council that a representation be sent, through the Right Hon'ble the Secretary of State, to His Majesty's Government urging that India should, in future, be officially represented in the Imperial Conference."

#### II. EXTRACTS FROM THE SPEECH OF LORD HARDINGE AT A MEETING OF THE INDIAN LEGISLATIVE COUNCIL, DATED 22nd. SEPTEMBER, 1915, ON THE ABOVE RESOLUTION.

"It has been a source of profound satisfaction to me that it has been within my power to accept for discussion the very moderate and statesmanlike Resolution, happily devoid of all controversial character, that has been proposed by the Hon'ble Mr. Muhammad Shafi, and it is a matter of still greater satisfaction and pleasure to me to be able to announce that the Government of India gladly accept this important Resolution, which has their warmest sympathy, and, if it is accepted by the Council as a whole the Government will readily comply with the recommendation contained therein.

We have all listened with deep interest to Mr. Muhammad Shafi's eloquent speech, and it is a real pleasure to the Government of India to be able to associate themselves with his Resolution.

Before proceeding further, it would be as well that I should recapitulate what has taken place at Imperial Conferences in the past, and define the actual constitution of the Conference as created by the Governments who have hitherto been represented in it.

It was due to the presence in London, in 1887, of the Premiers of the various self-governing Dominions, representing their countries at the celebration of the Jubilee of the late Queen Victoria, that the idea of a Colonial Conference first took practical shape, and similar meetings took place in 1897, 1902, 1907 and 1911. At the earlier meetings, the Secretary of State for the Colonies presided.

In 1887, the Secretary of State for India attended the formal opening meetings of the Colonial Conference, but at subsequent proceedings neither he nor any representative of Indian interests was present.

At the meetings of the Colonial Conference held in 1897, and 1902, the Secretary of State for India neither attended nor was represented.

In 1907, by arrangement between Lord Morley, then Secretary of State for India, and the Prime Minister, Sir James Mackay, now Lord Inchcape, was permitted to attend the meetings in the absence of Lord Morley, not as a member of the Conference nor as the representative of India, but on behalf of the India Office, and "with a view to the representation of Indian interests" and in a debate upon Colonial preference, Sir James addressed the Conference at some length, explaining the Free Trade principles on which the economic situation in India is based.

In that year a new constitution was approved by the Conference for its future gatherings.

Henceforth it was to be known as the Imperial Conference, and was to be, in the words of a Resolution passed by the Conference, 'a periodical meeting for the discussion of matters of common interest between His Majesty's Government and His Governments of the self-governing Dominions beyond the seas.' With the change of title additional importance was given to the Assembly by the assumption of the Presidency by the Prime Minister of the United Kingdom.

The Members of the Conference, as then and now constituted, are the Prime Minister of the United Kingdom, the Secretary of State for the Colonies and the Prime Ministers of the self-governing Dominions, but again in the words of the Resolution, 'such other Ministers, as the respective Governments may appoint, will also be members of the Conference, it being

understood that, except by special permission of the Conference, each discussion will be conducted by not more than two representatives from each Government, and each Government will have only one vote."

At the Imperial Conference of 1911, the Secretary of State for India was present at a meeting, but India herself had no recognised place in the Conference.

Representation is, therefore, at present confined to the United Kingdom and the self-governing Dominions, and no one can now attend the Conference as a Representative except a Minister. Further, alterations in the constitution of the Conference are made only by, and at, the Conference itself: and, if precedent be followed, take effect only at the next succeeding Conference. From this statement of the actual constitution of the Imperial Conference, you will see that the ultimate decision upon the representation of India at the next meeting of the Conference rests with the Conference itself. It is of course premature to consider the manner in which the representation of India, if admitted, should be effected, but *prima facie* it would appear reasonable that India should be represented by the Secretary of State and one or two representatives nominated by the Secretary of State in consultation with the Viceroy, such nominees being ordinarily selected from officials resident or serving in India. The present practice of the Imperial Conference excludes non-official representatives. It would of course be incumbent on these nominees to act in the Conference in conformity with the policy and wishes of the Secretary of State. Just as in the case of the self-governing Dominions, the Ministers accompanying the Prime Ministers have to take their policy from him, and the constitutional position of the Secretary of State is infinitely superior.

I have thought it desirable to put before you all the difficulties and obstacles that present themselves to the attainment of the object that we all desire and have in view. At the same time I am authorised by His Majesty's Government, while preserving their full liberty of judgment and without committing them either as to principles or details, to give an undertaking that an expression of opinion from this Imperial Legislative Council, in the sense of the Resolution that is now before us, will receive most careful consideration on their part, as expressing the legitimate interest of the Legislative Council in an Imperial question, although the ultimate decision of His

**Majesty's Government must necessarily depend largely on the attitude of other members of the Conference.**

This is, I venture to think, all that we can reasonably expect at the present time, and that such a pledge is eminently satisfactory as showing due consideration for the claims of India. We can only hope, with trust and confidence, that, when the right moment arrives, these claims may merit the approval and support of His Majesty's Government and receive sympathetic consideration from the Governments of the self-governing Dominions.

We have no knowledge of the date when the next Imperial Conference will be held, nor what form it will take. But much has already happened, since the last Conference was held in 1911, which will leave a lasting mark upon the British Empire, and it is to me inconceivable that statesmen of such distinguished ability and far-seeing patriotism as the Premiers and Ministers of the Self-governing Dominions will not have realised, from recent events, the great and important position that India occupies amongst the various Dominions and Dependencies composing the British Empire. It is true that India is not a self-governing Dominion, but that seems hardly a reason why she should not be suitably represented at future Conferences. India's size, population, wealth, military resources, and, lastly, her patriotism demand it. No Conference can afford to debate great Imperial issues in which India is vitally concerned, and at the same time to disregard her. To discuss questions affecting the defence of the Empire, without taking India into account, would be to ignore the value and interests of the greatest Military asset of the Empire outside the United Kingdom. So also in trade, to discuss questions affecting commerce within the Empire, without regard to India, would be to disregard England's best customer. To concede the direct representation of India at future Imperial Conferences does not strike me as a very revolutionary or far-reaching concession to make to Indian public opinion and to India's just claims, and I feel confident that if, and when, this question is placed in its true light before the Governments of the self-governing Dominions they will regard it from that wider angle of vision from which we hope other Indian questions may be viewed in the near future, so that the people of India may be made to feel that they really are, in the words of Mr. Asquith, 'conscious members of a living partnership all over the world under the same flag'."

### III. EXTRACTS FROM LORD HARDINGE'S SPEECH IN THE INDIAN LEGISLATIVE COUNCIL ON THE 24TH MARCH, 1916.

"As regards the position of India within the Empire, the announcement which I made in this Council last September to the effect that India's demand to be represented in future on Imperial Conferences would be sympathetically considered by His Majesty's Government is, I think, likely to become historic, for it marks the beginning of a new era, and the growth of more liberal ideas in regard to India not previously entertained. At the same time the reception by the Colonial Press of the resolution relating to the representation of India at the next Imperial Conference, proposed in this Council last September by the Hon'ble Mr. Muhammad Shafi and unanimously accepted, was most encouraging, and was a good indication of the change in the angle of vision of our fellow-subjects in the Dominions towards India, and the place that India should hold in the Councils of the Empire. I feel confident that the statesmen of the self-governing Dominions, recognising the splendid services rendered by India to the Empire during the war, will generously seek a modification of the constitution of the Imperial Conference, so as to admit the properly accredited representatives of India to sit side by side with them at the Imperial Council table on terms of equality. I rejoice in this matter to leave India with high opportunity before her to take her place, a just and proud place, in the Empire.

### IV. EXTRACTS FROM THE SPEECH OF RT. HON. MR. LLOYD GEORGE IN THE HOUSE OF COMMONS ON DECEMBER 19, 1916.\*

Speaking in the House of Commons on December 19, 1916, Mr. Lloyd George said :—

"We feel that the time has come when the Dominions ought to be more formally consulted as to the progress and course of the war and as to the steps that ought to be taken to secure victory, and as to the best methods of garnering in these fruits. We propose, therefore, at an early date, to summon an Imperial Conference, to place the whole position before the Dominions, to take counsel with them as to what further action

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\* London Times dated 20th December 1916.

they and we should take together in order to achieve an early and complete triumph for the ideals they and we have so superbly fought for."

# V. EXTRACTS FROM THE LONDON "TIMES" OF DECEMBER 27, 1916.

The Secretary of State for the Colonies communicated the following copy of a telegram sent by him to the self-governing Dominions on December 25, 1916 :—

"I wish to explain that what His Majesty's Government contemplate is not a session of the ordinary Imperial Conference, but a special War Conference of the Empire. They, therefore, invite your Prime Ministers to attend a series of special and continuous meetings of the War Cabinet, in order to consider urgent questions affecting the prosecution of the war, the possible conditions on which, in agreement with our Allies, we could assent to its termination, and the problems which will then immediately arise. For the purpose of these meetings Your Prime Minister would be a member of the War Cabinet.

In view of the extreme urgency of the subjects of discussion, as well as of their supreme importance, it is hoped that Your Prime Minister may find it possible, in spite of the serious inconvenience involved, to attend at an early date, not later than the end of February. While His Majesty's Government earnestly desire the presence of Your Prime Minister himself, they hope that if he sees insuperable difficulties he will carefully consider the question of nominating a substitute, as they would regard it as a serious misfortune if any Dominions were left unrepresented."

The Secretary of State for India sent a telegram to Lord Chelmsford, communicating the intention of His Majesty's Government to hold a special War Conference of the Empire, and adding :—

"His Majesty's Government have invited the Secretary of State for India to represent India at these sittings of the War Cabinet, of which for that purpose I shall be a member. I desire the assistance of two gentlemen specially selected for the purpose in consultation with you as foreshadowed in Lord Hardinge's speech in the Legislative Council on September 22, 1915."

**VI. EXTRACTS FROM H. E. LORD CHELMSFORD'S  
SPEECH IN THE INDIAN LEGISLATIVE COUNCIL,  
(FEBRUARY 7TH, 1917).\***

"His Majesty's Government, as you know, have decided to convene a special War Conference in London in order to consider urgent questions affecting the prosecution of the war, the possible conditions on which in agreement with our Allies, we could assent to its termination, and the problems which will then immediately arise. As Members are aware, His Majesty's Government have invited the Secretary of State for India to represent India and the Secretary of State has appointed, in consultation with the Government of India, three gentlemen to assist him at that Conference.

Criticism has been made of the method of representation and the manner of selection of India's special delegates. I think our critics have misapprehended the nature of the Conference and of the representation. The conference is of the Mother Country, the Dominions and India. Each dominion is represented by its Prime Minister, and has but one voice in the Conference, but the Prime Ministers are permitted to bring with them such other Ministers as they may desire and may invite these Ministers to speak on behalf of the Dominions on any particular question. It is obvious that in the case of India, so long as the Secretary of State is directly responsible to Parliament for the policy of the Indian Government, the Secretary of State must be the head of the Indian delegation, and the policy propounded by India must be the policy of the Secretary of State in Council, but I have the Secretary of State's assurance that he will be glad to have his colleagues from India to speak, whenever possible on behalf of India.

The Conference then being a Conference of Governments, it follows that the responsibility for the choice of the representative must rest with the Government. No Government could divest itself from that responsibility, and so in the case of India, the Secretary of State, in consultation with the Government of India, has chosen the three gentlemen whose names you know. The choice in fact goes beyond the promise made by Lord Hardinge in his speech of 22nd September, 1915 to which I would refer Hon'ble Members".

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\* The Gazette of India, February 17, 1917.



I am sorry to think that the enormous importance of the decision taken by His Majesty's Government stands in danger of being minimized and discounted by hasty and not very well-informed criticism. As the French proverb has it :—'It is the first step which counts'—and India has been admitted to-day for the first time to a place of honour at the Council table of the Empire. It marks a point in the history of India, which, though it may not be seen in its true perspective to-day, will, I have no hesitation in saying, be the beginning of a new Chapter in India's history under the Imperial flag.

Our three representatives have been chosen. They embark shortly. They are, I think you will all agree, men who will rise to the height of India's opportunity, and do India credit on the new stage to which she is summoned.

May they so bear themselves that from these early beginnings may spring a full and generous interpretation of India's future within the Empire : I have every confidence that by their talents they will establish India's claim to retain at the Council of Empire the place which was first won for her by the loyalty of her people and the gallantry of her soldier-sons when the Empire lay under the shadow of the Great War."

#### VII. RESOLUTION REGARDING REPRESENTATION OF INDIA IN THE IMPERIAL WAR CONFERENCE. (APRIL 22ND, 1917).

His Excellency the Viceroy received the following telegram from the Secretary of State for India, which was published for general information :—

"I have great pleasure in transmitting to Your Excellency the following resolution, unanimously passed by the Imperial War Conference, on the motion of Sir R. Borden, seconded by Mr. Massey : 'The Imperial War Council desire to place on record its view that the resolution of the Imperial Conference of April 20th, 1907, should be modified to permit of India being fully represented at all future Imperial Conferences, and that necessary steps should be taken to secure the assent of the various Governments in order that the next Imperial Conference may be summoned and constituted accordingly.'

As explained by Lord Hardinge in the Legislative Council on September 22nd, 1915, the constitution of the Imperial Conference was fixed by the Conference itself and can only be altered by the consent of all the governments concerned.

The present Conference, being summoned exceptionally and for a special purpose, did not feel competent to alter the constitution of the ordinary Conferences, but Your Excellency will be gratified by their ready acceptance of the claim to representation preferred by your Government and by the recommendation made by them to the governments concerned. His Majesty's Government will take necessary steps to carry out this resolution."

**VIII. EXTRACTS FROM THE SPEECH OF THE RT. HON.  
MR. LLOYD GEORGE IN THE HOUSE OF COMMONS.  
(MAY 18, 1917).**

I think that I ought to report to the House a very important decision that was arrived at as a sequel to the recent meetings of the Imperial War Cabinet. It is desirable that Parliament should be officially and formally acquainted with an event that will constitute a memorable landmark in the constitutional history of the British Empire. The House will remember that in December last His Majesty's Government invited the Prime Ministers or leading Statesmen of the overseas Dominions and of India to attend the sittings both of the Cabinet and of an Imperial War Conference to be held in this country. It is to the former body, which assembled in March and held 14 sittings before separately, that I desire to refer.

The British Cabinet became for the time being an Imperial War Cabinet. While it was in session its overseas members had access to all the information which was at the disposal of his Majesty's Government and occupied a status of absolute equality with that of the members of the British War Cabinet. It had prolonged discussions on all the most vital aspects of Imperial policy, and came to important decisions in regard to them—decisions which will enable us to prosecute the war with greatest unity and vigour, and will be of the greatest value when it comes to the negotiation of peace.

I should like to add on behalf of the Government that fresh minds and new points of view which our colleagues from over the seas had brought to bear upon the problems with which we have been so long engrossed have been an immense help to us all.

The Imperial War Cabinet was unanimous that the new procedure had been of such service not only to all its members but to the Empire that it ought not to be allowed to fall into

desuetude. Accordingly, at the last session I proposed formally on behalf of the British government, that meetings of an Imperial Cabinet should be held annually, or at any intermediate time when matters of urgent Imperial concern require to be settled, and that the Imperial Cabinet should consist of the Prime Minister of the United Kingdom and such of his colleagues as deal specially with Imperial affairs, of the Prime Minister of each of the Dominions, or some specially accredited alternate possessed of equal authority, and of a representative of the Indian people to be appointed by the government of India. This proposal met with the cordial approval of the overseas representatives, and we hope that the holding of an annual Imperial Cabinet to discuss foreign affairs and other aspects of Imperial policy will become an accepted convention of the British constitution.

I ought to add that the institution in its present form is extremely elastic. It grew, not by design, but out of the necessities of the war. The essence of it is that the responsible heads of the governments of the Empire, with those Ministers, who are specially entrusted with the conduct of Imperial policy, should meet together at regular intervals to confer about foreign policy and matters connected therewith, and come to decision in regard to them which, subject to the control of their own Parliaments, they will then severally execute. By this means they will be able to obtain full information about all aspects of Imperial affairs, and to determine by consultation together the policy of the Empire in its most vital aspects, without infringing in any degree the autonomy which its parts at present enjoy. To what constitutional developments this may lead we did not attempt to settle. \* \* \* We felt, however, that the experiment of constituting an Imperial Cabinet, in which India was represented, had been so fruitful in better understanding and in unity of purpose and action that it ought to be perpetuated, and we believe that this proposal will commend itself to the judgment of all the nations of the Empire"

**IX. EXTRACTS FROM H. E. LORD CHELMSFORD'S SPEECH  
IN THE INDIAN LEGISLATIVE COUNCIL.\*  
(5TH SEPTEMBER, 1917.)**

"The position of India within the Empire has obviously the first claim on our attention. You will perhaps remember what Lord Hardinge said in his speech of 22nd September 1915 to this Council—

'From this statement of the actual constitution of the Imperial Conference you will see that the ultimate decision upon the representation of India at the next meeting of the Conference rests with the Conference itself. It is of course premature to consider the manner in which the representation of India, if admitted, should be effected, but *prima facie* it would appear reasonable that India should be represented by the Secretary of State and one or two representatives nominated by the Secretary of State in consultation with the Viceroy, such nominees being ordinarily selected from officials resident or serving in India.'

The next step was taken when His Majesty's Government decided at the beginning of this year to convene a special War Conference in London and the Secretary of State, in consultation with the Government of India nominated His Highness the Maharaja of Bikaner, the Hon'ble Sir James Meston, and Sir Satyendra Sinha as his colleagues in the representation of India—a notable advance on the representation which Lord Hardinge foreshadowed. In alluding to this subject I said at our last session—

'I am sorry to think that the enormous importance of the decision taken by His Majesty's Government stands in danger of being minimised and discounted by hasty and not very well-informed criticism. As the French proverb has it, 'it is the first step which counts,' and India has been admitted to-day for the first time to a place of honour at the Council table of the Empire. It marks a point in the history of India which, though it may not be seen in its true perspective to-day will, I have no hesitation in saying, be the beginning of a new chapter in India's history under the Imperial flag.'

I think I can claim to-day that events have proved me to be right.

An Imperial Cabinet, it is now announced, is to meet once a year. India is to be represented in this Cabinet and one representative from India is to attend the Cabinet in the same way that one representative attends from each self-governing Dominion.

The status of India in the Empire is thus fully recognised and an advance has been made such indeed as might have been hoped for; but was scarcely to be expected a year ago."

**X. EXTRACTS FROM THE SPEECH OF THE HON'BLE SIR WILLIAM VINCENT IN THE INDIAN LEGISLATIVE COUNCIL ON MARCH 19, 1918.**

The Hon'ble Sir William Vincent said :—"Sir, in answering this Resolution,\* I think there is very little to add to what was said by His Excellency when he addressed this Council on the 7th of February, 1917, and I will ask the Council to bear with me while I read what appear to me to be the relevant portions of that speech. His Excellency then said :—

'Criticism has been made of the method of representation and the manner of selection of India's special delegates. I think our critics have misapprehended the nature of the Conference and of the representation. The Conference is of the Mother Country, the Dominions and India. Each Dominion is represented by its Prime Minister, and has but one voice in the Conference, but the Prime Ministers are permitted to bring with them such other Ministers as they may desire, and may invite these Ministers to speak on behalf of the Dominions on any particular question. It is obvious that in the case of India, so long as the Secretary of State is directly responsible to Parliament for the policy of the Indian Government, the Secretary of State must be the head of the Indian delegation, and the policy propounded by India must be the policy of the Secretary of State in Council, but I have the Secretary of State's assurance that he will be glad to leave his colleagues from India to speak, whenever possible, on behalf of India.

The Conference then being a Conference of Government, it follows that the responsibility for the choice of the representatives must rest with the Government. No Government could divest itself from that responsibility, and so in the case of India, the Secretary of State, in consultation with the Government of India, has chosen the three gentlemen whose names you know. The choice in fact goes beyond the promise made by Lord Hardinge in his speech of 22nd September, 1918.

"The next paper to which I would refer in this connection is the declaration of the Prime Minister in the House of Commons. I have only a telegraphic summary of it. It is dated the 18th of May, 1917. He began by saying, 'that the Imperial War Cabinet was an important event and constituted a landmark in the constitutional history of the British Empire.' He went on to explain how great the success of that Cabinet had been and added :—

'As far as the Government were concerned they could state with confidence that the experiment had been a complete success and the Imperial

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\* The resolution referred to here is the following one moved by the Hon'ble Mr. S. N. Banerjee :—"That this Council recommends to the Governor-General in Council that the Indian members for the next Imperial War Conference be appointed on the recommendation of the elected members of the Imperial Legislative Council."

War Cabinet was unanimous that the proceedings had been of such service not only to its members but to the Empire that it ought not to be allowed to fall into desuetude. Accordingly it was agreed that meetings should be held annually. The Imperial War Cabinet would consist of the British Premier and such of his colleagues as dealt with Imperial affairs, of Dominion Premiers or specially accredited representatives and an Indian representative appointed by the Government of India. The essence of the institution was that responsible heads of Governments of Empire with ministers specially entrusted with the conduct of Imperial policy would meet together at regular intervals to confer about foreign and Imperial policy and come to decisions regarding them.'

In a later part of the speech he said : 'It was felt, however, that the experiment of constituting Imperial Cabinet, in which India was represented, had been so fruitful in better understanding and unity of purposes and action that it ought to be perpetuated, and he believed that the proposal would commend itself to all the nations of Europe.'

Well, Sir, on a later occasion than that, a few days later, in reply to a question by Mr. Charles Roberts as to what modifications in the position of India relative to the Empire were effected as a result of the Imperial Conference, the Secretary of State gave the following reply :—

'In answering my Hon'ble friend's question it will be convenient to consider together the results, so far as published, of the Imperial War Cabinet and the War Conference. As my Hon'ble friend is aware the Imperial War Conference recommended to the Governments concerned that steps should be taken to amend the constitution of the Imperial Conference so that India should be represented at future sittings with the same right of speech and vote as is accorded to the representatives of other Governments. Further, India will be represented at the annual session of the Imperial Cabinet by a nominee of the Government of India as well as by the Secretary of State for India who will sit as one of the British Ministers especially concerned with Imperial affairs.'

This decision marked an immense advance in the position of India within the Empire.

Well, the only other communication I have is the telegram to which reference was made by the Hon'ble Mr. Bannerjee. In that telegram, which is dated the 5th of March, 1918, in answer to a question by Mr. Denman, Mr. Fisher replied 'that the War Cabinet consisted of Governments of chief portions of the Empire, and it was impossible to adopt the suggestion that one of the representatives of India should be selected by the elected members of the Legislative Council.'