

THE FUTURE GOVERNMENT OF INDIA



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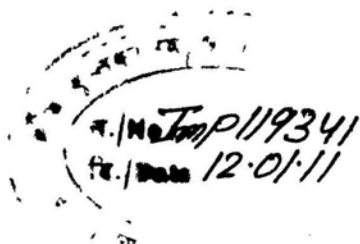
BY

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MACMILLAN AND CO., LIMITED
ST. MARTIN'S STREET, LONDON

1918

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PREFACE

AT all times pledged to good government, England's task in India to-day is to pledge herself to Self-Government, retrieving the neglect and mistakes of the past, making up for lost time and wasted opportunities. Such a responsibility would have devolved upon her at this moment as a direct consequence of all that has transpired in India since 1833, and particularly of the changes effected in 1892 and 1909, even if the present World-War had not broken out. Its outbreak and its progress for over forty months have taken the problem of Indian constitutional changes out of the discretion of the Bureaucracy and lifted it above the level of optional obligations of the ruling country. What would be due to India in legitimate compliance with her long and persistent demand has, on account of the War, acquired an imminence that can no longer remain unheeded without serious detriment to British prestige and international unity. The problem now is to determine the lines of our advance. It is with this question of practical moment that this book deals in a critical and constructive way. The scheme of reform offered for consideration here is intended to be given effect to immediately by suitable statutory provisions, and is so designed as to give minimum room to contention

and controversy on the ground of an abrupt and sudden break with the past. A revolutionary change need not necessarily be brought about by violence and disorder, by strife and bloodshed. It may be effected by peaceful ways and means dictated by a frenzied desire to begin with a new order of things, especially when so much of the past is eligible for condemnation. Such a desire is apt to be rendered attractive by a mistaken perspective in which many factors get out of view and escape detection, and many others are brought too near the line of vision and loom large. Any reconstruction in India at the present time in a manner that effaces the present in so far as the constitutional mechanism is concerned is bound to land the undertaking in an experimental quagmire. A constitution that is expected to grow is not made on paper based on theoretical deductions or with the help of models from other lands and which have grown under other conditions. It is no masonry work. We must set our face against "copying," and completely eschew the art of designing from first political principles. British rule has been in India for decades. It has acquired, notwithstanding mistakes of policy and impulse, a certain character as British Indian Rule; our task now is to make it conform to national ideals and requirements in those respects in which it has remained a foreign rule, but not to make it a still more foreign rule in the mechanism we are to devise and in the machinery that is to be established. Multiplication of political machines designed on *a priori* assumptions has answered nowhere, and British distrust of them, so happily congenital to the race, must be particularly alert in the matter of effecting changes of such a kind.

“ Responsible Government ” occurring in the statement made by Mr. Montagu in Parliament has been virtually interpreted in one quarter to mean Government for the first time and liberty to go back upon what has already acquired a constitutional value. On the other hand, we have, at present, to effect not even a constitutional change, but only to furnish a transitional pathway for a constitutional change. From one point of view all enduring changes are in fact no more than transitional changes. The best of constitutional histories is no more than a series of transitions, with periods of violent distemper which have only served to bring into greater relief the inherent superiority of timely transitions. This is so, because growth is transition. Forgetting so essential a fact, to deduce from the term “ Responsible Government ” a series of abstract propositions and to proceed to construct a scheme based on them is to convert a process of growth into a process of pulling down and putting up. Far from following such a plan, what is attempted in the following pages is to take up the mechanism as it is and to bring out its inherent potentialities, leaving it at the same time responsive to necessary changes in the near future. In this respect the method will be found a thorough contrast to the scheme drafted in Calcutta by a joint body of Europeans and Indians, an outcome of the well-meaning but totally ill-equipped efforts of Mr. Lionel Curtis, who seems to believe in all earnestness that the Indian constitution is a fit pastime for holiday constitution-makers of the Empire, whose acquaintance with Indian conditions begins with their attempt to draft a new constitution for the country !

Amongst other schemes promulgated and deserving

notice is the one produced by a joint committee of the Indian Congress and the Moslem League. It is happily free from the fundamental vitiati6n of the Calcutta Scheme. It falls, however, far short of the necessary momentum in the very first essential principle of infusing responsibility in the supreme and provincial legislatures, and entirely fails to make provision for the evolution of a representative legislature, which in course of time will create its own responsible executive. It perpetuates the present constitution of legislative councils with the executive entering as a component part, an executive not appointed by them, not liable to go out of office on account of an adverse vote, not in fact a Parliamentary executive, but the Indian Bureaucracy pure and simple as it is. It is not meant that the scheme is defective, because it does not provide immediately for a popular legislature which will create its own executive. Had it in fact aimed at it, it would have aimed at too much for the time being. But its deficiency lies in the fact that it does not furnish even that necessary transitional stage for such a legislature coming into existence, while the entire problem of Indian constitutional development is deeply involved in finding such a solution. As it is, the Congress-League scheme is a skeleton without a backbone, a mass of executive and legislative, of bureaucratic and representative elements, so beaten together by provision of powers and responsibilities as to leave one in wonder whether after all its result will not be merely* to weaken the Bureaucracy without proportionately strengthening the popular element as a responsible representative factor. With a weird and mixed body of a hierarchy of officials and non-

official public men under the name of a legislative council still continuing, there can be neither a legislature, representative of popular interests and answerable to the people, nor an executive which will be on its way to become responsible to such a legislature, gradually owing its place to the legislature itself. So long as the very men who are called bureaucrats and whose system is called bureaucracy form an integral part of the legislature, the popular element cannot but lack a feeling of responsibility inherent in itself, and the officialdom cannot but labour under the notion that its old function survives, subject to having to placate an opposition that cannot govern in turn and will not allow it to govern in its own way. If we add to these elements of radical weakness in the system the claim of the Congress-League scheme for a certain proportion of the members of Provincial and Supreme Executive Councils to be elected by the legislatures, the picture of bureaucratic helplessness and of non-official powerlessness will become complete. What really operates as a check in politics is not so much owing one's place to the choice of others, as the wholesome fear of having to vacate the place at the choice of others. It is the fact that one may not be returned again, that one who fills a place may have to quit it if he fails to behave to the satisfaction of the party to whom he owes his selection, it is this that is of value and not the bare appointment. The whole question is whom will the elected member of the executive council have to please *after* his appointment? Not certainly the legislative members who elected him for the place or the "panel," at whose hands he has nothing to expect, and less to fear; but the bureaucracy from whom will still

continue to emanate the stars and stripes, the dignities and decorations, and which stimulates the sense of gratitude which is so happily translated as a lively sense of favours to come. To concede this demand of the Congress League of all demands will be to consent to a most demoralising arrangement by which the discredit of the appointment alone will fall to the lot of the popular party—since the members will have no means of controlling the person appointed and he will have everything to care for from the executive of which he becomes a part. Moreover, how can it be possible for any Cabinet or Government, or Bureaucracy, for any controlling agency to take a colleague from the choice of others, while any colleague-to-be must inspire their confidence to be so taken? We can understand a person as the premier of a Cabinet being given the confidence of a legislature, but it is an infantile arrangement indeed for a legislature to elect by a formal vote the colleagues of the premier. Unheard-of devices indeed! Verily because it is not the part of organisations like the Congress and the Moslem League to draft a scheme in addition to making a demand for the beginnings of representative government.

There was a time when the executive in India, with one or two nominees added to it, was the legislature as well. Now non-official representative members are a component part of the legislature with the executive as its dominant part. The next stage is a legislature composed solely of popular representatives, whether the executive is its creation or not, and whatever may be the present nature and extent of the control that may be exercised over it. Just as in administration the executive has to be

separated from the judiciary, so in governance it has to be separated from the legislature. The scheme proposed in the book towards this end is a transitional scheme, suited for the present stage, providing for the executive a place in the legislature, not as a constituent part, but for purposes of influencing its deliberations and vindicating its views and measures before a representative body. From this initial difference all other differences in detail between the Congress-League scheme and the scheme presented here have their origin. The control sought to be exercised over the executive is likewise a transitional arrangement in which all existing factors are given a constitutional value until the coming of the time when the representative element will take precedence subject to the veto of the sovereign power. In leaving the Viceroyalty of India merged in the office of the Governor-General as at present, the Congress-League scheme makes no provision for the evolution of a system in which, while there will be room for a shifting head of the administration, there will be a permanent representative of the Crown who will correspond in function and purpose to the King in England. The need for separating these two constitutional factors has been discussed in the book, and the utility of the suggestion may be easily imagined after what the Princes of India have come to be in the estimation of the British Empire since the War. In two particulars, in regard to compulsory primary free education and the institution of a simultaneous civil service examination in England and India, I take a different view from the usually favoured one with ample justification therefor, which is far more greatly serviceable to the interests of the country

at large, securing, as will be seen, more efficiently the end we have to attain. In regard to Parliamentary control of India, not only is the abolition of the council urged, but a practical way has been suggested to effect the abolition. In all other respects, while avoiding abstract constitution-making, the book is a systematic constructive exposition of reforms too long delayed, aiming at a fuller use of existing factors and endowing them with greater vitality and fuller scope for action within the legitimate sphere of each, so as to make India by necessary adaptation and adjustment from time to time a fully self-governing part of the Empire in the near future.

Reference may be relevantly made here to a topic that has suddenly overspread the political atmosphere of some parts of the country like an exhalation from below. A demand has been made in some quarters for the representation of "communities" in the supreme and provincial legislatures, apart from representation of territories or interests. A more grotesque and less intelligible proposal has never been made in the history of political agitation. One who is called upon to deal with it feels that he has to deal with an attempt to hold water in a sieve. Those who have urged it have not chosen to pause to inquire if communal representation is to be in addition to or in lieu of representation of interests and territories. In either case, however, the lack of principle is the same and the idea of a legislature composed partly or entirely of representatives of communities is equally original and beyond comprehension. A community strictly so designated in India is one among the families of which intermarriage obtains by custom and practice. Nothing can be more misleading than

to think of Brahmins, or of non-Brahmin Hindus of any of the three other main castes, as a single community. A Brahmin community in any province of the country is a sociological fiction. There are Brahmins, and Brahmin communities, but no Brahmin community comprehending them all. To think of the "Konkanees," the "Sarasvaths," the "Thulus," the "Neyogees," the "Vaidiekees," the "Sri Vaishnavas," and the other numerous sections of the South Indian Brahmins as a single community is to indulge in a bit of conscious sarcasm or to pay an unconscious and undeserved compliment. If we turn to non-Brahmin Hindus we have to descend to the classification of the three main divisions of Kshatriyas, Visyas, and Shudras, and wade our way through a number of main divisions and numerous subdivisions of each before we get at a communal unit. When we have got at these communities, is the legislature to be composed of their representatives, irrespective of interests or territories, or are we to have a council in which each interest will be represented on the communal basis, *i.e.* each interest being represented as many times as there are communities? Or, are we to have in the legislature, in whatever manner it may be elected, a number of representatives whose qualification will be that they do not represent any interest in particular beyond those represented already, that they are not there in virtue of any uniform system of communal representation either, but are given a place because they have the negative qualification of not being members of a particular community? Such a nondescript body will have not only all the drawbacks of a legislature constituted on the communal basis, but the additional stain of

withholding communal representation from particular communities.

A legislature strictly on the communal basis will be a pilgrim gathering, a Kumba Mela of Haridwar on a small scale; on the basis of interests multiplied by the number of communities, a bewildering modern babel in legislation; on the basis of legislative donations to a number of communities exclusively by preference over and above the representation of civic interests—a wanton anomaly which would soon become unworkable, because no community will care to forgo what another is given, and it could not but aggravate schismatic tendencies within and foment open and secret disaffection against a Government that constructs a legislature by communal preference. An Englishman can imagine to some extent the difficulties of introducing the communal element by picturing to himself a legislative body for the entire Christendom on a communal basis, comprehending the Nestorians of Asia Minor, the Syrians of Malabar, the Anglicans of the United Kingdom, the Catholics and Protestants of different denominations, and by further imagining that each of the various Christian communities is strictly exclusive of the rest for purposes of marriage, by custom, ritual, and religion in all cases, and by law also in most. In whatever way communal representation may be introduced, wholly or redundantly or preferentially and punitively against some community, the vice of utilising as a factor in politics what is not of politics but merely a bundle of traditions for purposes of domestic exclusion or inclusion is a vice too hideous to be ignored or chastened.

From the time of and prior to Asoka, through all

the intervening periods of the rise and fall of kingdoms and empires, of ruling houses and dynasties, the peoples of India have been divided into innumerable communities—but neither as political factors nor for purposes of politics. It would be too amusing a frame of mind to try to believe that there was no politics in India prior to the establishment of British Rule. On the other hand, it was then that we had politics in abundance. Both when the Pandiyas and later the Nayak Viceroys of Vizianagar held sway, when again the Cholas reigned in Tanjore, and were succeeded later by Nayaks and Mahrattas, the rulers were all Hindus but not Brahmins. In Mysore again both before and since the "Odeyars," the rulers were and have been Hindus, but not Brahmins, excluding the period of usurpation. In Travancore and Cochin, then as to-day, and throughout the Malabar Seaboard then, the rulers were Hindus but not Brahmins. Numerous tributary chieftains and commandants of troops holding large military fiefs were almost all non-Brahmin Hindus. Whatever system of government was designed in any part of the country was designed irrespective of communal considerations, except that the Kshatriyas as rulers were looked upon as the divinely appointed arm for protection and governance. But in the body-politic the Vellala accountants were not less conspicuous than Brahmin Dalawaiys; Nayak Captains and Brahmin "Khajanjies" were answerable to the same authority irrespective of the community to which any of them belonged. Civil and military efficiency and character had nothing to do with communal considerations. Ancestry and family no doubt held good, but they held good in the case

of all communities alike. If the communal factor did not operate prior to British Rule as a matter of inherent worth in determining political relationship, if it did not influence the consolidation of British Power through its successive stages for a hundred years and more, if it had no part in knitting provincial administrations, in evolving codes and systems, in displacing efficiency and honesty in the service of the State, if British political policy has unfailingly drawn its sustenance from its inherent tendency to make for identity of political interests despite communal differences,—is it to be seriously contended that the time has now come for going back upon all these and to construct a legislative chamber composed of representatives of groups of families, as though its function is to regulate communal customs, crafts, creeds, and rituals ?

Still, the origin of this idea is not without an instructive historical background or a vicious impetus from a section of those who have had a share in shaping the affairs of the country. It will necessitate a chapter to unfold the effect of a great centralised administration for a century, wedded to non-interference, sterilising the germs of social expansion by rigid legal interpretations, arresting interaction and free-play from within, unintentionally offering a premium to a life of exclusive self-centredness, a system in which for a great many things which count in life every one has had to look to a foreign official door, thereby minimising communal self-reliance and interdependence—it will take a chapter to unfold the effect of such an administration in gradually diminishing the confidence and cordiality that would have otherwise existed among the various communi-

ties of the country. Furthermore, the natural incapacity of European races to understand the inner significance of the life of the Indian, to appreciate the deeper spiritual outlook of the people, affected the development of their Indian policy and created subtle difficulties unknown in the history of the country. Fifty years of a grossly defective educational policy and an administrative system which was based on the assumption that the rate of progress in all matters was bound to be slower in the East than in the West, while on the contrary it is capable of being in a sense quicker in some, has introduced into Indian political practice the dubious postulates that Asiatic races are unfit for Self-Government, that Self-Government means Government by representatives elected in accordance with an irrefragable system of election, that political representation by means of election is admissible only when the electorate is educated and has received political training according to Western standards, that communities which do not possess these qualifications in full must receive special treatment as if their political interests varied with these qualifications and differed from those of the other communities, and that in India which has diverse creeds and peoples there can be no representative Government without communal representation—these are some of the postulates which have come to influence a section of Anglo-Indian administrators. They have their genesis in the attempt of the local authorities to mask the evils which have resulted from their social and economic policy and which threaten to increase in the future. Results which are due to those defects are attempted to be traced to cleavages in society on account of

religion. Political principles are thus crippled in their action by being connected with religious divergences ; and it is not surprising that the communities which are loudest in their demand for communal representation are the very communities which have suffered by the exploitation of British merchants and by the deficiencies of a narrow, illiberal system of education along with an economic policy culpably ill-suited to the conditions of the country. In fact, representative Government in India can only be in their conviction a strange mixture of incompatible elements destined to degenerate into Government by representatives of groups of families, each of which followed its own social, ethical, and ritualistic code. There could be, *ergo*, no representative Government in India. In their solicitude for religious freedom and equality of opportunities they worked to the conclusion that all these guarantees of British dominion will be jeopardised unless every political machinery was designed to make room for the representation of what in fact can be accurately described as inter-marital groups. But for those ties which religion and social structure have kept alive, in spite of the cleavages due to them, the effect of a foreign rule with these silent articles of political and administrative faith over so long a period would have benumbed national consciousness and left the country a collection of mutually repellent communities, each of which touched the Government at a point and lived for itself, except for commercial intercourse. But the Hindu genius for co-ordination and integrity amongst widely divided social factors in spite of racial, linguistic, and credal divergences, and in spite of foreign initiative in government, has

saved the Hindu Society from what would have otherwise been national annihilation. Nevertheless, the process of social ossification due to British rule would have been gradually remedied with greater political expansion, with the centres of social adjustment restored to fresh life, and with a larger and more copious supply of elements tending to nationality. But, when the time for such expansion first came, an attempt was made, on the other hand, to divert the first scheme of Reform towards a communal slough by the powers that be in India. It is noteworthy the suggestion then made emanated entirely from the authorities who thought in an unaccountable manner that if communal distinctions did not exist for purposes of political representation, they at any rate called for it. The interrogatories circulated by the Government of India expressly called for opinions on the proposal. However, there was more political sanity as well as political incorruptibility in South India especially between 1907 and 1909 than eight years later. The proposal was uniformly condemned by every non-Brahmin Hindu of any note, and the Government had to drop it with the sensation of a man who had taken his pigs to a wrong market. That idea, regrettably enough, succeeded in another quarter with the Mahomedans, and Lord Morley fell a victim to the introduction of the thin end of the wedge. The merits of this question are dealt with in the section headed "Morley's Mistake." Ten years after this truly catastrophic recognition a fresh impetus has been given to it now, and that blunder has come home to roost. Are the authorities, more responsible than the Indian Civil Service, are they to walk in the track of the blunder then

committed and provide for Provincial and Supreme legislatures composed of representatives, not of interest or territories, but of groups of families which are inclusive or exclusive for purposes of marriage and dining? If such be the evolution of Indian Legislative Councils, a more poignant humiliation cannot be imagined. The ashes of Sodom would become the harvest of British and Indian labour. Such a sacrilegious mutilation of our efforts in the past and of our hopes for the future, no man of any race or colour with the least title to a modicum of political sanity can countenance. If, in any measure, they commit themselves to such a policy it could only be to help those who desire to discredit themselves and others, to turn an orderly progressive efficient business body into a travesty of legislature, a mimicry shaped for impotence and failure, a mockery out of which nothing but disappointment can emanate, if not ineradicable mischief. Instead of retracing the steps from where Morley left us in this regard we would be moving neither forward nor backward, but downward into a dim and dark cavern of increasing confusion. The writer is aware of the strength of language he has employed, but when the Empire is engaged in a devastating war, a few individual members of the Indian Bureaucracy have lent themselves to fomenting communal dissensions as a strategic move to stay the beginning of the end of unhampered bureaucratic power. It is not unlikely that an ear may be lent to this demand which was unanimously and unhesitatingly, item by item, almost scornfully repudiated in 1909 by the very persons some of whom have now figured under bureaucratic inspiration as leaders of this demand,

which is as incomprehensible as a political scheme as it is a negation of all political antecedents of India even prior to the advent of the British. It is no doubt true, rather pitifully true, that a kind of recognition has been given to communal representation in certain schemes prepared under other than bureaucratic influences, and which should have known far better. But what is incomprehensible from one quarter is rarely rendered less so from another. The explanation seems to be that, in the great anguish not to forgo the opportunity presented by the events that have steadily led up to political expansion in India by want of a certain measure of unanimity among those who press for reform, and with a view to counteract the forces of disunion, the desire for a compromise, however ridiculous and devoid of political understanding it may be, has unfortunately asserted itself. But such a recognition can no more make a scheme of communal representation workable than it would have been in its absence.

The question of a Second Chamber has exercised some thought, partly as a result of the demand for communal representation, and partly as a claim from a small section of landed magnates for the exercise of special political influence. Although a Second Chamber may in certain constitutions come to be a fifth wheel, there is no instance worth relying upon for introducing a Second Chamber as a fifth wheel to begin with, even as a matter of theoretical constitution-making. The bodies dealing with the political and administrative affairs of a country are not a species of debating societies, although they decide questions by voting after debate. They must have living roots as growing constitutions. To

mass together a number of permanently settled estate holders or to mass together men of wealth and call them a Second Chamber and go about in search of powers to be exercised by them will be to provide for all the complications of a meddling, hampering "fifth wheel." What is called a Second Chamber we have now in the Bureaucracy itself—with ample powers to act as a restraining factor, and as a balancing and steadying element. In its presence, and even after the popular element becomes a greater power than it is now, there is room only for a Lower House, or the present First Chamber. At the same time we cannot but foresee an early day when the Bureaucracy will no longer exercise this function of restraint when it ceases to be a factor in government. A Second Chamber cannot be brought into existence all of a sudden then; and unless it comes into existence as an organic part of the body politic, it will be a wanton imposition, an importation of a foreign matter, with meddling as its function. The solution for this difficulty has been found in the District Assemblies to be constituted for purposes of representation to the District authorities and dealt with in the chapter on District Administration. These assemblies will be in direct contact with the people and be representative of the people of every village and town in the administrative unit. A Chamber of Deputies elected by these District Assemblies will be organically connected with the life of the province, will draw its sustenance from live roots, and will prove neither unwholesomely sectional nor effete and senile in results. The present Legislative Councils representing institutions and interests will then become the other Chamber, and the Chamber of Deputies will play the part of

an efficient First Chamber, in direct contact with the people through their constituencies of District Assemblies, which will not act like an artificial electoral college, but discharging other functions will be a "functional institution" in closest contact with the wants of the common people. Within a period of six years after the successful working of these District Assemblies the idea of a Chamber of Deputies composed of their representatives must be given effect to, and the question of delegation of powers to them may then be appropriately considered. What is of utmost importance now is to grow the roots of the new constitution in the districts themselves, just as the roots of the existing Legislative Councils have been grown in the Municipal and Taluq Boards and in the organisations of commercial, industrial and banking interests, learned professions and agencies for the diffusion of knowledge and culture. Once the roots of direct representation are grown in the districts they may be foreseen to bring forth a necessary stem to serve their purpose as a vital personality in the constitution.

Before concluding this preface I feel it my duty to express my indebtedness to Messrs. A. P. Watt & Sons, Literary Agents, and to Messrs. Macmillan & Co., Ltd., for the interest they have taken in the publication. My thanks are due to Mr. Doddi Srinivasa Rao, B.A., B.L., for the Index.

As this is not a theoretical treatise I thought its value would be enhanced as a book of constructive suggestions, especially at a time when there are schemes and proposals to perplex and confound responsible authorities in England, if it should be read by a competent person whose eminence both as an

official and public man will carry unquestionable weight. Dr. Sir Subramanya Iyer, retired Judge of the High Court of Judicature (Madras), has done me the honour of going through these pages, and I may reproduce what he has said of this book in a letter he wrote to the Private Secretary to the Rt. Hon. E. S. Montagu: "The difficult problems which it will be the Secretary of State's duty to solve in the immediate future with reference to the coming reforms will be found nowhere discussed with more intimate knowledge of Indian conditions and greater desire to suggest efficient practical remedies with as little interference with the existing mechanism as possible. The work is really an independent contribution to the subject, and in my humble judgment is not unworthy of careful consideration." In permitting me to quote this passage he has been pleased to add: "But for the terms it was but proper to use in addressing so high and responsible an authority, I would not have hesitated to say that, out of the immense mass of literature on the subject now pouring forth, it has not been my good fortune to come across an examination of the whole question so fairly critical and really helpful from the constructive point of view as that contained in this most readable of books. You have succeeded in unravelling and laying bare those fundamental elements indispensable to the construction of a sound and workable scheme of Constitution for India under conditions so peculiarly its own. However much one may range over the world of political constitutions of the present day, it is certain that no model could be found that would be of real help in the solution of the problems of our country. The nearest parallel is no doubt that of

Ireland. But even that fails to suggest the expedients without which our problem is not solvable. It is therefore gratifying that you have unerringly hit upon what alone is calculated to solve the problem satisfactorily."

K. VYASA RAO.

TRIPLIKANE,
December 28, 1917.

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PART I
IMPERIAL

CHAPTER I

INTRODUCTORY

BRITISH control of India has reached a stage at which it may be said, without flagrant exaggeration, to have attained perfection so far as a system of government by proxy can do so. The time has yet to arrive when that control may be vested in Indian representative bodies subject to British Imperial supremacy. Between the stage which British rule in India has reached and the beginning of full responsible government, now accepted as the goal of British policy, lies the pathway of Indian constitutional development. The destiny of India under British rule, and the future of Great Britain so far as it may be influenced by India's contentment, fidelity, and progress, depend to no small extent on the generosity and discernment with which British statesmanship will guide the progress of India along this difficult pathway. Such guidance necessarily involves the easing of the burden of officialdom that has lain heavily on the country as a consequence of government by proxy. Almost every branch of the administration calls for a relaxation of the official grip, and has to be adapted to the advancement in public spirit and popular efficiency. Barriers of racial preference and prejudice, that have become

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incompatible with the results of British efforts in India, and belie the traditions of British freedom and fair play, must be razed to the ground as having survived their time, and as provocative of disaffection and danger. Legitimate outlet has to be provided for qualified ambition chafing under untenable and provoking differentiations. Rural prosperity, which has been steadily declining, and involving in its decline the stamina and vitality of all classes of the population except the infinitesimal section of well-paid officials and prosperous members of the learned professions and of the commercial community, has to be revived by appropriate administrative and legislative action. Apart from all this, Indian government, in its character and outlook, in its vivifying impulses, in its capacity to open out a vista of realisable hopes, and to sustain the aspirations that have inevitably followed progress in England and abroad, should no longer be content to remain the mere unbending officialism that it now is. It must become instead of a machine a human institution, on which the people may rest their hopes for the future, and which will thus give them a cause which they will espouse and defend at all costs and risks. In a word, it must come to possess the character of a National Rule which shall inspire the affection and retain the attachment of the people as well as fulfil the obligations of a National Government. Great Britain's sacrifices in rising to this expectation will be a thousandfold made good by an India throbbing with confidence and gratitude.

Acceptable as such an ideal will be to the British nation, the difficulties lie in devising practical methods which will gradually bring it nearer realisa-

tion. Indian constitutional development does not differ from other desirable objects which have languished for want of constructive proposals of a feasible kind. It stands in no need at the present moment of denunciations which suggest no *via media*, and criticisms which offer no constructive alternatives. All the political and administrative problems of India are capable of being dealt with in a spirit and a manner that will tend to convince the people of India that the ideal of England is to make British rule subserve the purposes of a national rule. It is only a spirit of fatuity or of unthinking dogmatism that will contend that this cannot be done without disorganising the administration of the country or impairing its efficiency. Nor need the Indian Government remain any longer—145 years after the passing of the Regulating Act—without making a start in constitutional development. If statesmen in power will not shirk the labour of thought, their political vision is easily capable of detecting ways and means of reconciling a rudimentary constitutional status for Indian citizens with immediate and ultimate British responsibility. Between government entirely from without, and government completely from within, both under British supremacy, there is a long way to travel—with many milestones to be reached and left behind. Indian aptitude for constructive criticism and British solicitude for Indian development have to be requisitioned for fixing these milestones of India's further progress under Great Britain. It ought to be possible, if the Indian constitution is to be developed at all, to ascertain the character of the period of progress that lies before us in the

immediate future. The goal will never be reached unless one stage be left behind for another. As the Indian Government is constituted at present, the question of practical moment is, what is the next constitutional advance which we may make, consistent with what has been accomplished and in keeping with the integrity of the present mechanism of government? If no such advance can be made, if no such next step can be taken, it will be futile to have our gaze fixed on some final consummation. What can rescue Indian politics from futility is the adoption of such constructive proposals of a practicable nature as will aid in the formation of a rudimentary Indian constitution. The fact is that politics, to bear fruit as a beneficent factor in human affairs, must not only excite the patriotism of the governed, but must lend itself to practical adaptation as well. It is often its failure to succeed in the latter rôle that has led to the shrivelling up of patriotic hopes and longings, ending in national apathy or impotent chagrin, in violent distempers or desperate and disastrous remedies.

If, from such considerations of Indian affairs, we turn to the position of Great Britain, events have taken place proving beyond permissible cavil that Indian constitutional development on right lines ought to be a matter of immediate consideration for Great Britain. The day is receding, as "Western civilisation" is advancing, when we may expect the world to slumber on the lap of peace. One menace after another will have to be vigilantly coped with and bravely faced at the hour of trial by any nation which may have possession of India. England, which has grown old in political supremacy as well

as political wisdom, cannot fail to comprehend the ambitions of younger nations desirous of dominating the course of world events. The peace of the world is best ensured by the domination of a country that has become used not only to power, but to the constitutional rights of the subject as well; that cannot become heady by the lead it has gained, having ever exercised a beneficent influence by its love of civic freedom and faith in constitutional safeguards. But it can continue supreme only so long as it is strong enough to protect itself from a perpetual possibility of aggression. Great as England's strength unquestionably is, it cannot but become appreciably greater by the splendid use she can make of India; nor can that strength fail to become perceptibly attenuated by the conversion of India into a possible centre of alarm in times of trouble. Territorial expansion without political assimilation has been the ruin of the empires of former times; as a rule England has hitherto evaded that danger by assimilating her acquisitions. India ought not to be an exception; and although the course of British rule assures us that it may not be so, the decisive turn has yet to be taken that will make this indubitably clear, and the time for taking this turn has now arrived. In one of his letters published just as the Austro-Serbian crisis was taking shape, the military correspondent of *The Times* made an observation which few would be inclined to modify or dispute, especially in the light of subsequent facts. "We have lost beyond recall," he said, "our old time supremacy at sea against any combination, while the failure of our people at Home to train themselves to arms ties the Navy to our shores, endangers our sea dominions and fetters the freedom

of our strategy. . . . The time is at hand when we shall have to call India and the Dominions to our Councils to survey the whole field of Imperial strategy and to establish a defensive system adequate to the needs of an Oceanic Empire." "To call India to our Councils" strikes the keynote of a policy already familiar and now almost insistent in its importance. If, however, the writer meant by 'India' the half-dozen persons who constitute the government of India, he missed the full significance of his own statement. In order that India may accept the call as an honour and with gratitude, she should enter upon a period of responsible association with England in regard to Indian affairs, as well as to questions of Imperial interest. If testimony be needed as to her fitness to enter upon this stage, it can be furnished to the satisfaction even of the Indian Civil Service. Speaking in January 1911 to a deputation of the Indian Congress, Lord Hardinge said of the reforms effected by Lord Morley: "To the material advancement of the Indian people has now been added a large measure of political concession in the expansion of the Legislative Councils on a wider representative basis, and in the appointment of Indians to the Executive Councils of the Viceroy and of Local Governments, as also to the Council of the Secretary of State. THESE REFORMS ARE STILL IN THEIR INFANCY AND REQUIRE CAREFUL CONSOLIDATION." Still, these reforms, *while yet in their infancy*, have effected a transformation in the character and outlook of the Council Chambers of India, as has been admitted in no faltering terms by so competent and careful an authority as the late Finance Member of India, Sir Guy Fleetwood Wilson. In one of the

speeches which he made in England, soon after his retirement, he expressed himself as follows, touching the effect of the Morley Reforms: ". . . All of a sudden there burst upon India a really representative body which expressed the opinions of educated Indians. It came as a great shock to a great many people, and I do not think I could possibly have coped with it—I daresay I did not cope with it happily—at any rate I struggled there with it—had it not been that as a private secretary I had had to sit under the gallery of the House of Commons for year after year during the debates. It was really a small House of Commons, composed of men with brilliant intellects and men who were extraordinarily hard-working. The mind of an Indian will assimilate knowledge rapidly, their receptive capacity is good, and it is really a very serious matter to cross swords with them in debate. *It must be recognised that educated Indian opinion is an opinion which must be viewed with the greatest possible respect and regard.* It is a very important item in the administration of India now; though it used not to be. Its criticisms of financial transactions are of the gravest and soundest character very often, and it will become daily more important for a Finance Minister to be perfectly sure of his ground in dealing with them." We have only to add to Sir Guy's testimony, that what he says of the Imperial Legislative Council is equally true of all the Provincial Councils as well, and that all of them put together contain but a small fraction of the men of capacity whom the country can supply for helpful and patriotic co-operation with the Government in the control of Indian Administration. It is clear that Indian constitutional development

must mark a period of growth from "infancy" before India can profitably be called to the Councils of the Empire; albeit that infancy has been admitted to be of no mean or negligible promise.

In such a combination of circumstances, no one who has any regard for the enduring good of India and England, for the strength and unity of an Empire that has a mission in the history of the world, will dispute the value of constructive schemes in regard to the Indian Constitution and Administration. Differences of opinion must always be expected in the discussion of political questions, but there can be no difference of opinion as to the utility of diverting political discussions into constructive channels, at a time when the initiation of a new era is not only looked for, but is becoming inevitable by the force of events. It is easy to dispose of constructive proposals as "Constitution-mongering," and to label criticisms of administrative blunders, anomalies and iniquities as captious fault-finding. But if these constructive proposals are mainly an elucidation of the best possible ways of improvement, the cheap ridicule of a vacuous mind averse to intellectual effort or of an incurable political bias, is no more than a sign of political irresponsibility, to be guided by which will be to stumble into a pitfall. If the criticisms are an exposure of the real sources of political danger, it will be criminal indolence to give them a bad name and refuse to look at them. If Canadian discontent had not been remedied in time; if the South African States had not been trusted and endowed with a complete measure of political responsibility; if the Irish claim had not been the concern of a great political party which has refused to be

thwarted by constitutional obstacles or overawed by unconstitutional intimidations; if in India itself the Curzonian regime, which was but the consummation of bureaucratic ascendancy, had not been succeeded by an epoch of reform and the still more memorable era of reconciliation ushered in by the Imperial visit, the strength of England in recent months would have been split up to keep under restraint forces which have most willingly supplemented British resources in men and materials. With such an experience England cannot credit the counsels of those who are prepared to neglect the sources of genuine and legitimate discontent, to ignore grievances and hardships which have been again and again unavailingly ventilated, to override aspirations from the recognition of which there can emanate no danger to the authority or stability of the State, but which may be essential to the further progress of the governed. In the following chapters the problem of the ways and means of constitutional development in India and the outstanding questions of Indian administration form subjects of constructive criticism. They may be weighed by fair-minded critics, British and Indian, but if no better proposals can be made, it stands to reason that the future Government of India ought not to be condemned to a policy of alternate distrust and vacillation on the specious and somniferous plea that Rome was not built in a day. Rome never could have been built had not every day furthered the building of the city. Again, there are times when the political good faith of a nation may have been too long under the strain of a test; and in such circumstances policy and righteousness must both advise an attitude if not of compliance, at least of being

open to conviction, instead of one of callous indifference. Great Britain must also understand that it will be nothing less than political folly to allow discontent to accumulate in a country like India. In the absence of proper machinery for the removal of grievances, British rule itself rather than any particular administration responsible will gradually become discredited. In England, the unpopularity of the Ministry brings the Opposition into power. In India, no such result being possible in the very nature of things, the unpopularity recoils on British rule itself. To allow the accumulation of grievances or to retard the beginnings of constitutional development, in a spirit of supine satisfaction with the past achievements of British rule, or in a spirit of sleepy reliance on the all-sufficiency of British resources, or to wait for the pressure of widespread agitation, as has become the political habit in England, is to commit a blunder of no mean magnitude. The signs are clear, however, that the days of such mistakes are gone; England is now in a position to cope with the Indian problem with a more accurate grasp of facts and with the power to rate at their worth, if not entirely to eliminate, the assiduous obstruction of vested interests and the selfish hostility of an officialism which cannot forget its long schooling or willingly subdue its traditional promptings. British failure in India can only be averted if the leaders of political thought in England realise that India has long outgrown Anglo-Indian tutelage. The value of all reforms consists in the time when they become operative; if they are yielded as belated concessions when they can no longer be withheld, they begin to take effect when the prestige of the rulers has suffered

in popular estimation. But if they are conceded at the proper stage of the political development of a country, besides serving the purposes for which they are meant, they strengthen the attachment of the ruled and enhance their esteem for and confidence in the rulers. "Ask and it shall be given" is no doubt good, but "Do as you would be done by" is infinitely better. Till quite recently, however, until the dawn of the Morley era, with two exceptions alone, it was neither the one nor the other; it was a policy of "we know what to give, we know when to give, we know whether to give,"—a policy under which practically nothing that the people either desired or deserved was given. Under it grievances have accumulated beyond endurance, progressive measures have been held in abeyance, discontent has smouldered dangerously long, and the people had almost come to lose their faith in Great Britain taking the control of their destinies out of the hands of its proxies. British statesmen who were time after time confronted with the problem laid it aside with a heave, because they did not know to whom to pass on that control. Thus an era of promises was always succeeded by an era of "evasions" and "transparent subterfuges." The official announcement made by Mr. Montagu in Parliament on August 20, 1917, is valueless if it does not mean that British statesmen know now at least where to locate the power taken out of the hands of the Anglo-Indian proxies. This problem of where to locate that power is dealt with in all its phases in the following chapters; and whatever view may be taken of the proposals made therein, the Civil Service can no longer continue the ruling power of the country in the interests of the Empire and the World's peace.

CHAPTER II

THE FORECAST OF AUTONOMY

SECTION I

A Consequence of the Reform Scheme

MOST of those who have vigorously canvassed the statement as to Provincial autonomy in the third paragraph of the Despatch of the Government of India, dated August 25, 1911, now known by the historic name of the Delhi Despatch,¹ do not seem to have realised that it is, when dispassionately examined, no more than the anticipation of a policy that is bound to be the outcome of the reforms effected during Lord Morley's tenure of office as Secretary of State for India.

Leaving aside all that has followed in the wake

¹ That paragraph ran as follows: "The maintenance of British rule in India depends on the ultimate supremacy of the Governor-General in Council, and the Indian Councils Act of 1909 itself bears testimony to the impossibility of allowing matters of vital concern to be decided by a majority of non-official votes in the Imperial Legislative Council. Nevertheless it is certain that in the course of time the just demand of Indians for a larger share in the government of the country will have to be satisfied, and the question will be how this devolution of power can be conceded without impairing the supreme authority of the Governor-General in Council. The only possible solution of the difficulty would appear to be gradually to give the Provinces a larger measure of self-government, until at last India would consist of a number of administrations, autonomous in all provincial affairs, with the Government of India above them all, and possessing power to interfere in case of misgovernment, but ordinarily restricting their functions to matters of Imperial concern."

of the Durbar, it does not require much argument to arrive at the conclusion that the principle of autonomy was destined to obtain recognition sooner or later as a necessary and inevitable consequence of the Reform Scheme of 1909. For that measure, in spite of the tentative character of some of its important details, is not only progressive, but necessitates a certain amount of readjustment in the system of government. Its framers, it is true, did not advert to what was necessarily its potential aspect; but that in no way alters its innate character. Under it not only have non-official majorities been brought into existence in Provincial Councils, not only has the gulf of numerical superiority of the official over the non-official element been considerably narrowed in the Supreme Council, but provision has been made to take a vote on any question of administration, except the foreign policy of the Government. But there has been no change whatever in the position of the Supreme and Provincial Governments as regards such powers of adjustment and adaptation as may be rendered necessary by an effective utilisation on the part of the non-official element in the Councils of their new rights and opportunities. The result is that the position of a Provincial Government becomes untenable, when, though it may be disposed to agree with the non-official majority in its Council, it is precluded from giving effect to any measure owing to the different view entertained by the Secretary of State or the Government of India. The result is similar when the Government of India is in substantial agreement with the non-official vote in the Supreme Council, but feels unable to own that agreement, because of its subordination to the

Secretary of State, who may favour a different policy. Should the non-official consensus of opinion be continually ignored owing to the opposition of the Indian or Home Government there must at all times be a danger of serious dissatisfaction. But this danger is vastly aggravated when it is known or even suspected that the opinion of the Supreme or Provincial Governments in India is the same as that of the non-official section in the Supreme or Provincial Councils, but cannot be acted upon because the higher authorities stand in the way.

A position such as this has to be faced; and unless it is suggested that we should go back upon the Reform Scheme, the only manner in which it can be faced is by evolving a system of autonomy, however gradual the process of building it up may be. If such a state of affairs as this did not at the present moment exist, it might perhaps be contended that the statement in the Delhi Despatch granted an uncalled-for boon, erring on the side of generosity and incapable of being co-ordinated with the prevailing system of administration. But the present position of the Provincial and Supreme Governments being what it is in relation to the reformed and enlarged Councils, the statement in the Delhi Despatch cannot but be regarded as a sagacious forecast of a plan that is the rational and inevitable consequence of the previous history of Indian administration. That His Majesty's Ministers should have seized the magnificent opportunity furnished by the Imperial visit to India to foreshadow it, is a stroke of policy that cannot be too highly praised, and it displays a political prevision by no means common in the annals of British statesmanship in the conduct of Indian affairs.

The view I have been trying to enforce here will probably obtain readier recognition if I state the position in a slightly different form, if, for instance, the question is asked whether the problem of autonomy could have possibly come up for discussion, if the Reform Scheme had not been introduced nearly seven years ago, and acknowledged since by the Government in India and at Home as a measure that has fulfilled the expectations of its authors. Would it have been possible to think of autonomy under a system of administration which is not only not responsible to the governed, but has not even to admit responsible criticisms and suggestions, or feel called upon to answer the criticisms and in their light to consider the suggestions? Whatever powers a government may possess under such a system, and whatever may be its relations to the source from which it derives its authority, there is no question of autonomy in regard to it. It is a despotism, benevolent or otherwise, of a single official head or of an autocracy of officials, but a despotism all the same, within the scope of its powers; and no question of autonomy can arise so long as it remains untouched by any inclusion of the popular element in its constitution. There is no meaning in demanding "autonomy" for such a government. But the moment that there is cast upon it the responsibility of justifying its methods and measures in a representative or semi-representative council, the question of autonomy becomes a question of practical politics; for no government can render itself even morally responsible to criticism without being invested with freedom to adapt itself to fresh requirements; and the essence of autonomy lies in this freedom of

adaptation. So long as a subordinate government is a despotism pure and simple, its only duty is obedience to its higher authority; but the instant it ceases to be a despotism pure and simple, and has to justify its actions before the representatives of the people, its duty of obedience must be made elastic by a measure of freedom that will secure it the power to pursue a policy which it can espouse and defend as its own. It is with this measure of freedom that the question of autonomy is mainly concerned. Whenever autonomy is possible, it becomes inevitable, as the position of the governing body will hardly be supportable otherwise; and it becomes possible only when a government that has been in practice a despotism has become amenable to responsible criticism. Autonomy in India has been rendered both possible and inevitable by the Reform Scheme of 1909; and, but for that, neither the presence of His Majesty at the Delhi Durbar, nor the mere change of capital to Delhi, would have furnished the essential conditions which alone would render autonomy practicable and necessary. After all, autonomy is not so much a right in itself as a consequence of rights, and it cannot be granted as a right to a subordinate government unless popular rights have been granted previously. When once these rights have been granted and successfully exercised, autonomy cannot be long withheld.

In spite of the brilliancy of the event in connection with which it was first officially formulated, there is hardly any justification, therefore, for the view that the promise of autonomy contained in the Delhi Despatch is an abrupt departure in Indian policy, or a sudden deviation from what has preceded it, or that

it effects a change in the traditions and ideals that have distinguished and inspired British rule in every part of the Empire. On the contrary, that promise is only the declaration of a necessary development in the Government of the Indian Empire, made on the eve of an historic occasion which thereby has been rendered additionally memorable. To provide for independent and responsible criticism in the Supreme and Provincial Councils as Lord Morley did eight years ago, and yet to leave the power of readjustment the same as it was before, would have been grotesque statesmanship. The announcement in the Despatch, when considered in the clear light of the events of the past seven years, is in fact no more than the placing of the cupola on the edifice of the Reform Scheme, raised under the stress of memorable circumstances, as the authors of the Despatch were themselves ready to admit. In the planning and the execution of this most memorable of all functions in the history of ancient and imperial Delhi—signalising the triumphs of peace under Britain no less than the glories of her valour and the achievements of her diplomacy—the magnanimous solicitude of the Sovereign, the sagacity and courage of his Ministers and Viceroy, the weight of public opinion, and the common sense of the British nation have all had a share. But the combined effect of all these need not lessen our appreciation of the crucial fact that the Reform Scheme of 1909 contained the principle of autonomy as a direct consequence of its own success.

SECTION II

Autonomy and Federalism

The policy foreshadowed in the Delhi Despatch has been subjected to attack and ridicule on the ground that it is a dangerous and thoughtless attempt to introduce into the Government of the Indian Empire the principle of Federalism, which would be the beginning of the end of British responsibility in India. The critics of that policy have imagined and have also asked others to imagine, as the result of autonomy, a state of affairs in which the Supreme Government will be reduced to a condition of practical impotency, unable to cope with the semi-independent provinces which would enter upon a career of mutual aggrandisement and reduce the orderly progress of the country almost to chaos! They have solemnly warned us of Federalism and the brood of evils that follow in its train; and earnestly hoped that His Majesty's Ministers did not, in their anxiety to signalise the Durbar, intend to perpetrate an act of folly of such momentous consequence. We can at least give credit to criticism of this kind for being disinterested if we may be sure that the distinguished critics are incapable of understanding what they are saying. Since we cannot make such an assumption in their case, we can only attribute the criticism to an overpowering desire to avail themselves of anything and everything possible to discredit the action of His Majesty's Government as an unrelieved blunder from beginning to end. These critics who deplored the entire policy expounded by the Delhi announcements did not hesitate to deplore the

promise of autonomy as a hasty and incautious plunge into Federalism by those who were utterly ignorant of Indian conditions and regardless of sound political considerations. There is not, however, the slightest justification for looking upon the grant of a certain measure of autonomy to the Supreme and Provincial Governments in India as the inauguration of a federal scheme of government for the Indian Empire. Nay, there is in fact hardly any excuse for the confusion of thought that runs through this attempt to look at autonomy in the light of Federalism. It is almost inconceivable that so palpable a blunder could have been committed by men who, if they had only had the patience, if not the sense of fair play, to distinguish the one from the other, would not have fallen into a mistake which a schoolboy could hardly have committed. Nowhere in the Delhi Despatch does the word Federation or Federalism or any of its cognate forms occur, as those who were responsible for its drafting must have understood what they were about too clearly to fall into such an error. Probably they did not even imagine that "autonomy" could be so easily confounded with Federalism by their critics as to make it necessary that they should by an express disclaimer protect themselves against an attack based upon such a misapprehension. Parliamentary criticism is at times extraordinarily searching and acute, and there are evidently statesmen of experience who believe that it is better to err on the side of hypercriticism rather than fail to utilise any possible ground of attack. But it will be hardly necessary to expose at great length the absurdity of such a line of thought, because no mistake in the construction of political terms or

in the apprehension of political facts can be more transparent than this. Federalism is the outcome of the effort of a number of states with a separate political existence to evolve a supreme common control; whereas autonomy is the outcome of the efforts of a central government on behalf of the administrations subordinate to it to trust the provinces under its authority with greater powers of internal control. If this essential distinction between Federalism and autonomy be granted, it is a mystery to understand how autonomy can lead to Federalism, unless we are to be called upon to believe that a time may come when the tail will wag the dog. If, by undertaking a criticism of any policy or measure, we embark upon a sea of possibilities, then we need have no regard for actualities or for a reasoned anticipation of probable consequences; in a region of wild anticipations and gloomy forebodings autonomy may lead to Federalism, and Federalism to American Democracy. When a Supreme Government retains in its own hands whatever power it believes necessary for the due discharge of its responsibilities, and divests itself only of the rest in its own case for administrative efficiency, it cannot as a consequence of this step become a creature of the subordinate Provincial Governments, and have the boundary of its own authority determined for it by them. But if it be contended that such a possibility is not unimaginable, there are other possibilities which can with equal readiness be imagined as awaiting the Supreme Government in India, and all government must become practically moribund, if weight be attached to these grim misgivings. We may therefore dismiss these fearful prognostications with an easy conscience, and regard

autonomy as not only a necessary outcome of those measures of reform to which effect has been already given in the government of India, but as a phase of progress which has no element of disruption in it, as an organic principle. The effect of vetoing such a legitimate outcome of British rule will be to deny the Indian constitution its natural path of progress, and consign it to a quagmire of uncertainties worse than any Federalism could prove to be. The test of British statesmanship in shaping the future of the Empire lies in guiding the progress of the Indian Constitution through the initial stages of autonomy into which it has already advanced. It will be clear, however, that unless these initial stages can be definitely determined the conception of autonomy for India must remain a pious political wish, a laudable mental attitude with no prospect of materialisation.

CHAPTER III

AUTONOMY OF THE GOVERNMENT OF INDIA

SECTION I

Imperial Autonomy prior to Provincial Autonomy

A GOOD deal of what has been said hitherto in connection with Autonomy has had reference almost exclusively to provincial autonomy, and little or no attention has been bestowed by writers or politicians on that of the Government of India, without which provincial autonomy can in no large sense be real. If the Government of India lacks the essential requirements of an autonomous body in its powers and constitution, it can only delegate to the provinces considerably less than its own shadowy pretensions, and we shall to all intents and purposes continue to be where we are at present. Apart, however, from this consideration, there is the central fact that whatever rights may be granted to Provincial Governments which they may not possess at present, the Government of India will not only retain the control of provincial administrations, but will have to exercise powers in all questions that affect the well-being and progress of the Indian Empire as a whole. We have to examine more accurately the powers of the Government of India

in fulfilling its obligations to the people of the country, as a Government autonomous in itself, and as a body forced to defend its policy in open debate, although not yet responsible to a popular Legislature. It stands in need of having its own rights better defined in face of the new obligations which the reform scheme has imposed upon it as well as upon the Provincial Governments. If the Provincial Governments are to have a larger share and a freer hand in the disposal of their finances, and an ampler measure of discretion in meeting their administrative requirements in a way that will best conduce to efficiency and economy, it follows with equal cogency that the Supreme Government stands in need of similar freedom in its relations with the Secretary of State for India. Nay, provincial autonomy may be somewhat tardy in coming, as its progress will necessarily have to be in keeping with the form of government in each province and the general advancement and capacity of its people. But these conditions do not apply to the Supreme Government in India. The measure of freedom and responsibility with which the Government of India may be credited is a question from the consideration of which these qualifying conditions are largely eliminated; for, unlike the Provincial Governments, the constitutions of which vary, and therefore may call for varying degrees of autonomy, it is a single body which has a definite constitution. In the case of the Government of India, therefore, autonomy is not a matter of administrative exigency or convenience, as in the case of Provincial Governments; it is more largely a question of constitutional status, of political expediency, of a necessary demarcation of boundaries in the field of Imperial

responsibilities, and, to a limited extent, of guarantees of good government. The constitution of the Supreme Government in India has grown as all stable and progressive constitutions grow; but it has reached a stage in its growth when its individuality has to be recognised and its sphere of authority in relation to the Secretary of State for India clearly marked out. It is not suggested that there could be any radical change in the subordination of the Government of India to the Home Government. The most satisfactory system of autonomy that could be devised for the Government of India must necessarily recognise the control of the Secretary of State, who represents the paramount authority of the British Parliament. Nor is this subordination a bare theoretical admission to be controverted whenever occasion may require its recognition in the practical conduct of affairs; it is an admission in regard to which no dispute can be allowed to arise at any time, and on it alone any autonomy devised for the Government of India must be based. On no other basis could the paramountcy of British rule in India be sustained. Nor need we hold that the recognition of so fundamental a fact may derogate from the prestige of the Governor-General in Council; on the other hand, it is the hesitancy with which such a basic principle of the Indian Constitution has sometimes been grudgingly acknowledged, and the complaint that has been occasionally preferred as to the liability of the Indian Government to be superseded, that have contributed to place the Governor-General in Council in an unreal position. Only that which corresponds with actual facts can ever add to the prestige of a Government which is exposed day after day to a flood of criticism,

most of it neither misinformed nor misdirected. It is making much ado about what does not exist, more than a candid avowal of what cannot be ignored or combated, that impairs prestige. But the most unreserved admission of the fact that any Government of India has to occupy a position of constitutional subordination to the Secretary of State is in no way inconsistent with the delegation to the Government of India of powers which will confer on it greater freedom and leave it less subject to anomalies. Unless the subordination of the Government of India is to mean that India is to be *administered* from Downing Street, the Government of India should be permitted to develop into an autonomous constitution discharging its responsibilities primarily to the people governed, although liable to be superseded by the Secretary of State in matters touching the internal or external safety of the Indian Empire, or in questions that affect Imperial interests of paramount importance. Such a delegation of powers is absolutely essential, if only to save the Government of India from being subject to anomalies (as it is at present) and to enable it to justify its measures in the presence of its critics.

Before we can determine, however, the lines on which the delegation of powers may be effected, it will be conducive to a clearer comprehension of the whole question if we examine the constitutional position of the Government of India. That position is beset with anomalies because the Governor-General in Council in his own person represents three functionaries, each with conflicting purposes to serve. Hence the autonomy of the Government of India, whatever it may now be worth, is impaired beyond the extent

which his subordination to the Secretary of State necessarily involves. In the first instance, he is the personal representative of the Sovereign; in the second place, he is "the agent on the spot" of the Secretary of State; thirdly, he is a trustee administering a country that does not govern itself. His position as "the agent on the spot" derogates from his dignity as the supreme representative of the Crown in a country where the kingly office has always been an indispensable and an integral element in any stable political constitution. It is no doubt true that this aspect of the Indian Constitution has not hitherto attracted much comment; but it is equally certain that in a country like India it could not long be disregarded by any statesman gifted with the imagination necessary to comprehend what is highest and best in Indian life and culture. Again, his position as a conscientious trustee managing the affairs of an infant ward is often rendered unenviable, and at times untenable, by his having to carry out the mandates of another as a mere agent on the spot. The consequence of all this is that he is at times lowered in popular estimation as the representative of the Sovereign; he is at times superseded as trustee; he is at times attacked for being no more than an agent which he is bound to be. On occasions he may be forced to be a party to acts and transactions that may be a clear violation of his responsibilities as a trustee; on occasions his own failure and unpopularity may involve odium of the British Constitution as a whole, and of this the Crown is the most significant factor in the estimation of the Indian people; on occasions, again, he may be subjected to adverse criticism for surrendering an authority

which he does not in fact possess. It is easy to establish the subordination of the Governor-General in Council to the Secretary of State, but it is difficult to reconcile the threefold absurdity of his position as the working agent of another, as a trustee in charge of a dependency, and as the personal representative of the Sovereign for the time being. These anomalies may have escaped attention at a time when public opinion was not so well informed as it is now, when only a small proportion of the educated cared to follow the affairs of the country in a critical spirit, and when non-official members of the Supreme and Provincial Councils possessed no power of raising debates in matters pertaining to administration. Since, however, such a state of affairs no longer obtains, these anomalies cannot be suffered without serious detriment to the progressive development of the Indian Constitution, or without making the task of British rule in India one of needless and growing complications and difficulties. We shall illustrate the position of the Governor-General in Council by a reference, to go no farther back, to some of the resolutions moved at the last Calcutta session of the Supreme Legislative Council.

SECTION II

Anomalies from Absence of Imperial Autonomy illustrated

On the 23rd February 1912 the late Hon. Mr. Gokhale moved a resolution calling for papers in connection with the "Inchcape Inquiry." The public do not yet know at whose instance and with what powers Lord Inchcape was entrusted with a com-

mission to preside over a conference composed of the Chairmen of the Railway Companies and the Railway Board, which is a department of the Government of India in charge of railway matters. Although once a member of the India Council, Lord Inchcape holds no such position now, nor is he known as an expert in railway management. His interest in railway administration is that of a partner representing one of the great firms which make common cause with railway companies for the expansion of railways in India and for the growth of Indian expenditure thereon. While his views on certain aspects of railway administration may deserve consideration from the Government of India, his position cannot be that of a disinterested outsider, and in no case can he be thought of as a suitable arbitrator between the Companies and the Railway Board, or even as an ideal president of a conference between the Companies' Chairmen and the Railway Board. Notwithstanding these considerations, the Inchcape Conference was held, and it was pointed out in the course of the debate, without contradiction, that Lord Inchcape sent his report from India direct to the Secretary of State. Mr. Gokhale's motion was virtually a censure on the whole procedure, and the defence of the Government as put forward by the member in charge of Commerce and Industry is an unconscious exposition of the nature of the autonomy which the Government of India possesses at present. He said, "There were questions outstanding between the Railway Companies and the Railway Board, and the Secretary of State decided that they should be discussed at a conference under the presidency of Lord Inchcape." This explanation is an admission,

in the first place, that the powers of the Government of India are so limited that it cannot be trusted to deal with the Railway Companies whose share of outlay is only 18 millions sterling out of a total of 264 millions sterling, the balance of 246 millions being found by the credit of the Government of India. It is an admission, further, that the Secretary of State, despite the Council which exists to advise him, cannot see his way to terminate differences without calling in the aid of an outsider with commercial interests, before whom the Government of India, through the Railway Board, is asked to submit its case. All the non-official members who spoke for the resolution resented the fact that the Government of India should be thrust out of consideration in this manner. The member in charge could neither meet the reflection which this resentment conveyed, nor answer the questions that were categorically put to him in the course of the debate; as to whether it was true that the Government of India was not consulted before Lord Inchcape was appointed, and that it had no share in determining the scope of the inquiry; and whether the report of the president of the conference was sent direct to the Secretary of State; and lastly, whether, if all this was as alleged, the Governor-General in Council was content to accept such a position without a protest. The fatuity of the reply of the member in charge of Commerce and Industry was astonishing, and was felt to be almost beyond all bounds of forbearance. Mr. Gokhale's final observation in winding up the debate was in effect that if the Government of India did not know how to protect its own self-respect, there was nothing more to be said. The autonomy

of such a government is indeed so vulnerable that a handful of railway magnates (who would be nowhere but for the continual financial assistance lavished on them, not as a policy but as a creed) find it possible to interpose between themselves and the Indian Government not the Secretary of State, but a commercial magnate representing vast private interests. The explanation of the Government of India, which ignored the constitutional points involved, was simplicity itself, and was virtually no more than the statement that "as in any case Lord Inchcape was coming out to India this cold weather, he was asked to hold an inquiry"—with the Government of India as a party to it, and to submit his report over the head of that Government! One cannot comprehend what can possibly be meant by the autonomy of such a Supreme Government.

Let us turn to another resolution, also moved by the Hon. Mr. Gokhale, recommending the prohibition of the recruiting of Indian labour under a system of indenture. A full discussion of this question is not germane to our purpose here, and we shall only advert to so much of it as bears on the "autonomous" powers of the Government of India. For merely political purposes it is enough to distinguish the principle involved in these contracts of indenture from the details of the process of recruitment, the treatment of the labourers, the moral degradation, and the political complications to which they lead, and to confine ourselves to the responsibility attaching to the Government of India in this matter. These contracts of indenture whereby labour is recruited from only one part of the British Empire, India, for certain other parts, create obligations and

impose penalties upon the labourer in a manner unknown elsewhere in the civilised world at the present time. Recruiting of indentured labour is peculiar to India, and it is resorted to for the benefit of the Crown Colonies which require imported labour for their plantations. The striking part of the bargain is that the labourer during the five years' period of contract practically ceases to be free, and becomes liable during that term to penal provisions before a magistrate of the colony for any supposed infringement of regulations or breach of discipline to which the employer may take exception, *although the acts complained of may not constitute an offence under the ordinary criminal law of the colony.* It is a system whereby not only is the labourer deprived of his freedom through the enforcement of these penal provisions, but the employer obtains the right of summary arrest of the labourer. The labourer, who is compelled to reside on the plantation, is liable to arrest without warrant if he is absent without a permit, and if his absence should be that of a "deserter" in the eye of the law he is liable to imprisonment with hard labour. He is also punishable with or without imprisonment for "offences against discipline." His liability to these punishments is not in the "contract" he signs, and they are inflicted under the authority of the law of the colony to which he emigrates. However, we shall not go into the working of this system or pause to consider the allegations to which the Hon. Mr. Gokhale drew prominent attention. It is altogether needless to do so. On the very face of it, whatever may have been the case in the past, there could be no justification for the

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Government of India to maintain it, in the year of grace 1915. If the Crown Colonies cannot or will not employ free labour from India, the Government of India ought not to abet them in the debasement of labour to a condition approximating slavery for the time being, or to permit its subjects to be treated no better than cattle. The Indian Penal Code has no doubt certain penal provisions governing contracts of labour; *but they are not legal provisions for the benefit of any industry employing labour*, and their operation is limited to cases where desertion will be almost criminal in its consequences; as for instance in the case of a paid attendant on an invalid terminating his services against the terms of the contract. But no one hears of a prosecution under these sections nowadays, and very few outside the legal world know even of their existence. In any case, should these provisions be taken as a justification of indentured labour, Indian opinion will unanimously vote for consigning all alike to the category of barbaric legislation. The provisions of the Penal Code were in fact introduced at a time when travelling had to be done in bullock-carts by easy stages and amidst serious risks, when medical attendants and nurses were practically unknown, and officials when ill or touring had to trust themselves to guides and servants. No one will be in the least degree the worse if these sections are abrogated immediately. When the member in charge of Commerce and Industry observed, "There are clauses in the Indian Penal Code which provide for something not unsimilar at the present moment," he might as well have gone a step further and pointed to the existence of those provisions of martial law under which punishment

is provided for desertion and breach of discipline. The Hon. Mr. Fremantle provoked from Mr. Gokhale an observation which shows the depth of Indian feeling in this matter, when he suggested that the Indian emigrants would not thank Mr. Gokhale for endeavouring to abolish indenture. Mr. Gokhale, always considerate in his remarks, retorted, "Sir, I am quite content that he (Mr. Fremantle) should earn their thanks by opposing the resolution. Be his the thanks which the champions of slavery expected to receive from those who were anxious to continue in slavery. Be mine the denunciation with which the advocates of abolition were threatened by those champions at the hands of slaves unwilling to be free." The most illuminating comment on Mr. Gokhale's motion was however that made by a Mahomedan member of the Council, the Hon. Malik Umar Hayat Khan, the Deputy Herald of the Delhi Durbar, whose shrewdness far surpasses his knowledge of English. Speaking for the resolution, he raised a roar of laughter, in which Lord Hardinge would have heartily joined had he been present, when he said in his own inimitable manner of expression, "I think cent per cent Indians are all on the side of Mr. Gokhale, and when we are cent per cent on one side, and it is our Government, our Government must be on our side because, otherwise, it will not be our Government." The Deputy Herald of the Durbar has certainly better notions of autonomy than most others suspect, and perhaps better than he himself suspects.

The whole question resolves itself into this: Is the Governor-General in Council, in going against "cent per cent" of Indian opinion, acting as a con-

scientious trustee? If he thinks he is so acting, does he really imagine that a *single* Indian believes in his *bona fides*? If he is acting as the agent of another, then he is subordinating the interests of his ward to the behests of his chief, and thereby forfeits the confidence of the people and undermines the reputation of his Government; and last, though not least, if he stands by this system of indenture, in his capacity as the personal representative of the Sovereign, then he is diminishing the faith of the Indian people in the justice and equity of the Sovereign. The position is insupportable from any point of view, and if it is adhered to, it is because the autonomy of the Government of India does not permit of its being vacated.

Let us take another resolution, moved by Sir V. D. Thackersey, who, next to Mr. Gokhale, made the most solid contribution to that session's debates, the resolution recommending "that a substantial portion of the gold standard reserve be held in gold in India." This question really forms a part of the policy of holding in sterling in London all the available resources of the Government of India beyond the present Home needs, with the inevitable influence that such a policy must have not only on the money-market in India, but also on the promissory notes of the Indian Government. So long as the Government of India is called upon to adopt a policy on the one hand of lending out large cash balances in London at nominal rates of interest, and at the same time of borrowing in local or foreign markets at a higher rate, Indian financial policy will be a policy of burning the candle at both ends, without any substantial excuse whatever. If amongst other reforms this

practice should give place to a sounder arrangement, the financial credit of the Government of India would unquestionably stand higher than it does at present. If the promissory notes of the Government of India cannot as securities command readier accommodation at a much lower rate of interest than at present, it is because the cash balances of the Government of India are available to London bankers at a nominal rate of interest, while Indian financiers lacking resources have to raise the rate of interest. Consequently, as securities, the Government of India promissory notes fall in the estimation of investors; and the credit of the Indian Government is lowered to that extent. Apart from this, the Indian money-market cannot but be the worse for these investments in London, and Indian trade and commerce are, to the same degree, handicapped. Sir Vithaldas characterised this method of dealing with Indian cash balances as "craving for India's money," and showed from one of Lord Morley's speeches to what an extent this craving is being pandered to under the present arrangement. According to the noble lord, "The maturing and relending of these sums (the cash balance of £18,750,000) cause a cash business which amounts to £60,000,000 a year." But this is not all. "There are other details," said Lord Morley, "with which I will not burden you, but the India Office is responsible in the year 1910-1911 for £160,000,000." Even this is not all. The autocrat of Downing Street had yet other resources to mention, and he is reported to have said, "There are other details of further management of accumulated funds of gold standard reserve in this country which amount to upwards of £17,000,000, and of paper

currency reserve which amounts to £7,500,000." These are the operations carried on with Indian balances in London at a nominal rate of interest when Indian banks need accommodation most, while the Government of India's three per cent notes stand at 82 and 83, and the Indian bank rate of interest at not less than 9 per cent on the most approved securities at the busiest season. Nobody will deny the need to some extent for keeping sterling balances in England at nominal interest for purposes of ready utilisation; but to develop a financial policy whereby at the crucial moment of Indian financial need Indian sterling balances play an actual part in London financial circles, to the direct detriment of Indian economic and commercial agencies, is to cripple Indian interests with India's own resources. It is a policy of burning Indian incense at the altar of the London money-market, with London bankers officiating as high priests, for the beatification of the Secretary of State for India. He can thus contemplate with serene satisfaction the importance of India in London finance, although it means time after time the prostration of India as an immediate consequence.

The reply of the Finance member throws a flood of light on the present autonomous character of the Government of India. "He has the advantage of me," said Sir Guy Wilson, referring to Sir Vithaldas Thackersey, "in the freedom with which he can speak on subjects upon which my position and the position of the Government of India in relation to the Secretary of State for India in Council compel me to caution and even to silence. He must not therefore misjudge me if I cannot follow him over all the field which he has opened for us in the

speech to which we have just listened. It would, for example, be wholly out of place for me to discuss his views regarding the financial advisers of the Secretary of State and the influence which they exercise on the disposition of our Indian resources. The responsibility of the Secretary of State is one and indivisible, and I, at any rate, cannot discuss his policy as if it were the policy of individuals. I can only undertake to place before the Secretary of State the expert financial opinion which the honourable gentleman represents in India, and to ask that it receive due consideration along with the expert opinion which his lordship obtains in England." The question that obviously underlies this confession is: How long is the position of the Government of India, in relation to the Secretary in Council, "to compel" the Government of India "to caution and even to silence"—even in matters in which there is complete unanimity of non-official opinion in the Supreme Legislative Council and apparent agreement of official opinion? Another question that demands an answer is: How long is this incompatibility, if not actual antagonism, between the Government of India and the Secretary of State to continue? It undermines the faith of leaders of opinion in India in the political capacity of the Government of India and the disinterested honesty of purpose of the Secretary of State. The voting disclosed the fact that all the non-official members who were present voted against the paid majority of official members. It is a picture bound to make a deep impression upon those who regard the Governor-General in Council as a conscientious trustee managing the affairs of India, or as an agent who has to defend the action of a principal and not

disclaim his responsibility, or as the supreme representative of the British Crown, who has at the same moment to occupy the position of such an agent and discharge the responsibilities of such a trustee. The autonomy of such a Government cannot but appear at times in the light of the *Jo-Hukam* autonomy of the Ministers of Aurangzeb.

Again, we will take the resolution moved at a previous session of the Council recommending the removal of the countervailing excise duty on cotton goods manufactured in India, although that duty is justifiable if only on the ground of affording protection to hand-loom textiles. The course that would command the approval of the country at large would be to give preference to the products of Indian machinery against the foreign imports, retaining both classes of goods under duties for purposes of revenue and for protection to the power-looms as well as to the hand-looms in the country. But is there the ghost of a chance of the Government of India's formulating such a tariff so long as its autonomy is in the keeping of a Parliamentary official whose own freedom is in the hands of the free-traders and capitalists of Lancashire, whose votes make all the difference between the continuance and the collapse of the party in power ?

The above resolutions have come up for discussion within a very brief period, but are enough to demonstrate the utter futility of making Indians believe that the Government of India has a voice of its own in matters that vitally concern India but come into conflict with the interests of the ruling nation or the party in power. But several of these resolutions and more of the same kind, as for instance

the one urging the separation of executive from judicial functions, which was carried at the first session of the Imperial Legislative Council at Delhi by the unanimous vote of the non-official members present, are bound to be brought forward, session after session, making the question of the autonomy of the Government of India more and more insistent. No amount of provincial autonomy can render the Government of India a whit more vertebrate than it is now. The problem of autonomy in India, which is in essence the problem of the government of India in one of its most crucial aspects, cannot be solved or even taken into consideration so long as the position of Governor-General in Council is exposed to the anomalies which we have illustrated above, and which are likely to increase as time goes on, unless the position changes. These are not anomalies which detract merely from the theoretical perfection of the constitution of the Government of India ; they are anomalies which expose the Government to practical difficulties, and, if allowed to persist, will gradually weaken its hold on the most influential classes in India. Their removal involves a readjustment of the relationship of the Governor-General to the Secretary of State, to the reformed Council, and to the Sovereign of the British Empire. "The maintenance of British rule in India," ran the observation of the Government of India in the paragraph we have quoted, "depends on the ultimate supremacy of the Governor-General-in-Council, and the India Council Act of 1909 itself bears testimony to the impossibility of allowing matters of vital concern to be decided by a majority of non-official votes in the Imperial Legislative Council." The instances which we have given and

which can be augmented will show, however, that the ultimate supremacy of the Governor-General in Council, as well as a majority of non-official votes in the Imperial Legislative Council, may jointly and severally be so slighted in matters of vital concern as to reduce the authority of the Government of India to a vanishing point. The interposition of a constitutional factor between the supremacy of the Governor-General in Council and the absolutism of the Secretary of State has become essential, so that the former may not be merged in the latter to the detriment of its individuality and of the interest of the governed. Such an interposition does not, however, mean the creation of a new constitutional element but the utilisation of the existing factors so as to effect a readjustment in their mutual relationship and render the autonomy of the Government of India more in accord with the well-being and advancement of the country.