

a list of electors. They had to find out whether they could get the electors to the poll, and whether the electors would vote on the questions at issue, or only on religious questions or something of that kind. He believed they could soon create a real Indian electorate to which Parliament could entrust its trusteeship of the government of India, but until the electorate was in existence Parliament would not be justified in surrendering its trusteeship. (Hear, hear.) The whole question of land revenue was really a question for the electorate. Whatever was done, the first electorate would not be thoroughly representative of all classes interested in the land. There was no distrust of India; but there was a jealous maintenance of the principle upon which the Bill was founded, and Government asked for a few years of delay before they transferred the services in question until they could feel assured that there was in India a full and efficient electorate.

It had been said that diarchy was a novel term which could not be defended. The bill was its defence. It proposed to transfer something in order to judge in the future whether, having created an electorate, other services could also be transferred. For instance, he did not want to hand over factory legislation, even if it could be separated from other things until he was sure that there was an Indian electorate which could take an interest in the work of the Minister in charge and hold him responsible. He believed, once the Bill was through, the progress of India to complete Self-Government was irresistible and nothing could stop it. But there was one enemy in the path, and that was if, in order to satisfy those who were impatient, Parliament departed from the principle upon which the Bill rested and wrecked it by over loading it. (Cheers.)

**Commander Kenworthy** said the arguments of the right hon gentleman were the same old trusted Tory objections that used to be advanced against the extension of the franchise to agricultural labourers in this country. (Laughter.)

**Colonel J. Ward** urged that the idea of sanitation in the minds of Eastern people differed so greatly with the idea in the Western mind that no one having knowledge of the subject would dream that by the handing over of the control of that department to native management an advantage would be conferred on the Indian people. In regard to the transfer of factory legislation also, Mr. O'Grady and he asked many questions in the House in 1909-10 concerning the factory population of India, and they discovered that almost all of the factories in India were owned by wealthy Indians who had no knowledge of European ideas of labour and objected to any

regulation, and that it was through the apprehension of their hostility that more had not been done to improve the factory system in India. It would be a fatal blunder for Labour members of this House to allow the possibility of influencing factory conditions in India to pass beyond their reach.

**Mr. N. Mclean** contended that the arguments against the proposal afforded reasons for setting up a Labour electorate in India.

**Major Barnes** pointed out that the Bill contained no restriction upon the extension of the list of transferred subjects at future dates.

**Major Ormsby-Gore** remarked that the Labour members failed to realise that the industrial population of India was a comparatively insignificant part of the whole population.

*The amendment was rejected, on a division, by 260 votes to 47.*

**Colonel Wedgwood** moved an amendment to leave out from the clause the provision that the rules might provide for fixing the contributions payable by local governments to the Governor-General in Council, and making such contribution a first charge on allocated revenues or moneys. He said the Central Government had large sources of revenue, and he wished to enter his protest against the demand that the provinces should also contribute their quota to it. When the next step forward was taken grants from the provinces ought to cease. The present system of claiming contributions from the provinces was particularly unfair in certain cases, such as those of Madras and the United Provinces, and any proposal which tended to perpetuate it was open to objection.

**Mr. Montagu** said the inequalities of the present system were notorious. All that could be said for the scheme under the Bill was that it certainly did not make them worse. (Colonel Wedgwood.—It perpetuates them.) He did not think so. It would be impossible to saddle the Government of India with the necessity of raising its own revenues entirely all on a sudden. These inequalities must take time to remove. Assuming the Bill passed, it had been decided to appoint a Financial Relations Committee, and Lord Meston had consented to go out to India again to act as chairman. He hoped to get a Committee together which would be quite impartial as between province and province, and would assist them in coming to the end they all desired. Whatever might be the taxable capacity of India, it could not be developed in a day.

The amendment was withdrawn.

**Colonel Wedgwood** moved to omit paragraph 3, in order to elicit whether the right hon. gentleman contemplated that the new provincial executives would have Cabinet responsibility, or whether the Indian Ministers would present demands for money which they would have to balance by making suggestions for additional taxation.

**Mr. Montagu** said, as he understood the position, the Provincial Governments in India had practically no powers of taxation. To his mind, taxation ought not be imposed on the provinces. He hoped it never would be imposed except when the whole Government, after considering the resources at their disposal, agreed to go to the legislatures to ask for taxation. He contemplated that all Budget proposals would be discussed in common between all parties concerned.

*The amendment as negative without a division*

*On the question that the clause stand part of the Bill—*

**Mr. Oman** explained that "diarchy" was a German word invented by Professor Mommsen and applied to the relations between the Emperor Tiberius Augustus and the Senate. It was the most loathsome piece of political farce ever foisted on a great nation. He regretted the passing of this clause because it sanctified racial differences. It created in the Provincial Government a body which was purely Indian. We had ceded to purely Indian administration a great part of the provincial functions of Government. It would have been better if the whole functions of Government had been partly given over to Indians. It was lamentable that a purely Indian body would have charge of some things in which the great Indo-British Civil Service should hold sway. He referred particularly to sanitation and education. There was a great agitation in India in favour of a so-called indigenous medicine—a fad of which the medical science of the world did not approve, but which had great popularity. That question would come, not before the Indo-British medical service, but the service entirely controlled by the Indian part of the Administration. That was deplorable.

**Colonel Yate** said they had no notion whether the Government of India agreed to the transfer of education. So far as they were aware the Government of India were entirely averse from this transfer.

**The clause was agreed to, as also clause II (Borrowing powers of local Government).**

**On Clause III.**

**Mr. Spoor** moved that Burma be included in the operation of the clause, his object being to ascertain whether it was intended for the benefit of Burma to introduce at the earliest possible moment a measure analogous to the one which they were then considering.

**Mr. Montagu** quite agreed that Burma must have an analogous grant of Self Government adapted to her own local conditions, and Burma would get without loss of time one of two things. She would either become a Governor's province and be dealt with Clause 15, if that turned out to be the best solution, or be given a different Constitution, in which case it would be necessary to bring in new legislation, which would be introduced without loss of time.

**Mr. G. Throne** asked the right Hon. Gentleman to say when he expected to come to a decision, and Earl Winterton submitted that a good deal of harm might be done if the position of Burma were discussed at length on that occasion.

**Mr. Montagu** said he could not give a definite promise as to when legislation would be introduced, for he was not in a position to pledge the Government. But his desire was to finish this great work: he was in communication with the Government of India in regard to Burma, and he should be disappointed if at the end of the next Session a Burma Bill was not then introduced.

The Amendment was withdrawn.

**Sir H. Craik** moved an amendment to provide that the Governors of the provinces should be appointed by the Governor-General with the approval of His Majesty, and that they must have been, at the time of their appointments, at least 10 years in the service of the Crown in India.

**Mr. Fisher**, (President of the Board of Education) said it was not the intention nor the effect of the clause that Civil servants should henceforward be excluded from the new Governorships. The clause expressly provided for the possible appointment of members of the Indian Civil Service to those exalted posts. The new duties were not of a nature for which the Indian Civil Service was the best preparation.

After further debate, **Mr. Montagu** denied that the clause was put in with a desire to do anything unjust to the Civil Service of India, which had no greater admirer than himself. Nor did the clause rob them of anything. It gave them every chance still to



reach the position of Governor. What it did do—and the clause was fully agreed—was to throw those positions open to the best man who could be found for the job. In the law Civil servants in India were eligible for Governorships of presidencies, and he thought it would be a very unfortunate thing to regard the rare occasions on which that particular appointment had been made as precluding this appointment being made. He did not believe that in practice for some years to come the clause would make a very great difference. He wanted nothing so much as to ensure for India in the future the best Civil Service that could be got. He was sanguine enough that when this great controversy was settled and this bill was law, the relationship between Indian politicians and the Civil Servants who undertook to carry it out would have none of the bitterness which had been the terrible lot of the unfortunate Civil servants who had done their duty with unswerving application during the last 10 years.

*The amendment was negatived, and the clause was agreed to.*

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The House of Commons again went into Committee on Dec. 4  
on the recommitted Government of India Bill,  
Mr. Whitely in the chair

**The Chairman** pointed out that there were amendments on Clause 7, which dealt amongst other things with qualification of electors, ranging over several matters, and he proposed, with the assistance of the Committee, to take three leading points from amongst them—viz, (1) the question of sex qualification, (2) the question of the candidates, and (3) the question of the electorate. This would give members an opportunity of putting forward their views in each class.

**Major Hills** moved as an amendment, that in framing the rules which laid down the qualification for voters, no discrimination should be made on account of sex. His desire was to include women as men in the electorate, and his amendment, whilst it qualified a woman to vote, would not qualify her to sit upon the legislative councils. It could not be said that there was no demand for women's franchise because as far as Indian opinion went it was quite unanimous in favour of granting women the vote. A distinguished Indian Civil servant had told him that woman and woman's opinion largely ruled matters in India. The objection to the amendment was, he understood, that the idea of the franchise was

totally foreign and repugnant to the social and religious feelings of India. His reply was that we had made great inroads on the social structure of India by this Bill and that it would be a tall order to say that Indian opinion would not sanction the vote. The Bill would enfranchise about five million men and the effect of his amendment would be to enfranchise one million women. We had already sapped the traditional historical system of India, and he did not believe that a new world could be built without the aid of women. The safest as well as the justest cause would be to grant them the vote.

**Mr. Montagu** expressed the hope that the Committee would support the decision of the Joint Committee. He quite recognised the force of the demand for woman suffrage in India, and Parliament would make a mistake in denying to the women the opportunity of becoming enfranchised; nevertheless in many parts of India there was a strong conservative opinion against it, opinion more prominent in some provinces than in others, and based largely on the belief in old established customs, amounting in some cases to religion. There being on a subject of this kind such divergence of opinion on a matter cutting deep down into the social life of India, what was the best thing for Parliament to do? He submitted that it was to maintain the impartiality which had been characteristic of the British Government in India ever since it was founded, and to leave it to the people of India to decide the matter themselves as represented under the Bill. This was not a question of enfranchising women in our own country and under our own social conditions. The question was whether they should decide now and at once to enfranchise women who lived under different conditions, and whose relations to the men in India were matters for Indians themselves to decide.

**Lady Astor**—But it is to be decided by Indian men (Hear, hear.)

**Mr. Montagu**—That is quite true. But the Hon. Member will remember that the question of woman franchise in the country was decided by men.

**Lady Astor**—Only after enormous pressure from the ladies. (Laughter and cheers.)

**Mr. Montagu**—That also is quite true. But the pressure will come into existence in India, if it is not in existence already, and the question will be decided in the same way. I agree with what has been said as to the valuable contributions that women could

make to the political questions of the country, both as electors and representatives. If I were an Indian and a member of the Legislative Council I should vote for the proposition. But I do not think I am entitled to do so here and now. We should leave it to those who are Indians.

Mr. Spoor speaking as a member of the Joint Committee which considered the Bill, said they had all been profoundly impressed by the reasons given by Indian women witnesses for the political enfranchisement of their sex, and the earnestness and eloquence with which those reasons were supported. He believed a majority of the Committee, were they left to decide according to convictions, would have agreed to the inclusion of the proposal in the Bill. In the circumstances the decision of the question would not be left, as was pointed out by the noble lady (Lady Astor), to the women of India, nor even to the people of India for 98 per cent. of the people would be excluded from the electorate.

Earl Winterton supported the amendment. He said the purpose of the Bill was to allow India to advance by progressive steps towards the ideal of Western democracy. There was no logical reason why Indian women should not be permitted to make an advance along that path. Of course the extension of the franchise to the women of India "would cut deep into the social susceptibilities of that country," as the Joint Committee remarked, but was not that observation applicable to the same reform in any country? (Hear hear). Too many people in this country took their ideas of the position of women in the East from such plays as *Afgar*. All the evidence available went to show that the women living under the veil in Eastern countries took an interest in politics and the affairs of life generally now such as was unknown 10 years ago, and the experience of English ladies living in the East and coming into close touch with the native women was that very often the women who lived in what seemed the utmost detachment from the world took the deepest interest in political and public questions. The women of those countries wielded a far greater influence through their husbands than was generally supposed, and to keep them out of the franchise system would involve the risk of having an agitation in India resembling the women franchise agitation in this country, and would place a serious weapon in the hands of agitators. Of course, there were in India, as in every country, some women, as well as some men, who were unfitted to exercise the vote. Reading some recent reports of the Divorce

Court, one might say that some women in this country were unfitted to exercise the vote. For example, would "the major's girl wife," when she reached the age of 30 years, be more fitted to exercise vote than would a woman graduate of Bombay University? (Hear, hear.) What would be needed above all else in India, when the new system of Government came into operation, would be to bring informed public opinion to bear upon questions of hygiene and reform. He contended that, after what had taken place in this country, Parliament could not logically refuse to extend the franchise to the women of India. (Hear, hear.)

**Mr. Bennett** said that he thought the course which the Joint Committee had proposed should be taken in this matter was, on the whole quite as helpful to the cause of woman suffrage in India as the course recommended by the supporters of the amendment.

**Mr. Fisher**, (President of the Board of Education) appealed to the Committee to come to a decision on this question, the issues of which were now fully before them. The Government felt that if the text of the Bill was preserved in its present form, woman suffrage would be introduced in many provinces of India where it was popular, where there was a strong element in its favour, and where woman's organizations were already fully developed. But from all the evidence at their disposal, they were convinced that to introduce this question at this moment in the Punjab for instance would create very serious difficulty. For that reason they had come to the conclusion that it was far better to leave the decision of this question to the opinion of the provinces of India and not to decide it on the floor of the House.

**Lieutenant-Commander Kenworthy** said the Punjab had been referred to. A letter of the Aga Khan, the head of the Indian Musalmans, appeared in *The Times* three or four days ago strongly recommending the grant of the vote to women. The three great native political organizations—the Indian National Congress, the Indian Moslem League, and the Home Rule League of India—had by large majorities passed resolutions, not asking but demanding that the limited number of women who would be included should be granted the franchise.

*The amendment was rejected by 202 votes to 67.*

**Colonel Wedgwood** moved an amendment providing that non-residence in a constituency should not disqualify for election to Governors' Legislative Councils. He said the obligation of residence did not exist and would not be tolerated in this country,

and ought not to be introduced in India. The argument against a residential qualification in England applied with greater force to India, where few candidates would be available. It would increase the difficulty of selecting the leaders of the new democracy in India. He felt that at the back of this limitation of the choice of candidates in Bombay, the Punjab, and the Central Provinces was a desire to have representatives in these Legislatures who would have less education and less experience, and would be more amenable to political pressure. Another amendment he had on the paper provided that a man should not be disqualified for standing by reason of the fact that he had been dismissed from the Government, or had been imprisoned for any offence not involving moral turpitude. The best way to put into an agitator a sense of serious responsibility to the community was to put him in Parliament. He had a third amendment to provide that membership of a local legislature should not be a disqualification for election to the Imperial Legislature at Delhi.

**Mr. Montague** said that when the rules relating to the franchise came back from India and were laid before Parliament an opportunity would be given to the House to discuss them. He believed the residential qualification was a bad one because it was of very little use. The adoption of the principle in three of the provinces was a compromise. If it were found that the absence of a residential qualification in the other provinces led to good representation of rural constituencies, then he hoped that at the next revision of the franchise the residential qualification in the three provinces would disappear.

**Lieutenant-Commander Kenworthy**—When will the first elections take place in India?

**Mr. Montagu** said he could not give the date till the Bill was through. But he wished to have the first elections held in November, 1920, so that the first session of the new Councils could commence in January, 1921.

*The amendment was negatived. Clause 7 added to the Bill.*

### On Clause 9

**Mr. Spoor** moved an amendment designed to ensure the selection of such President by direct election, instead of by appointment by the Governors, until the expiration of a period of four years from the first meetings.

**Mr Montagu** said he thought no better way could be found to prejudice the start of the scheme than to adopt the amendment. The proposal in the clause was that until the first Councils had gone by and an election had taken place, Presidents should not be appointed who would have the qualifications and experience necessary for such a position, but for some reason which he could not understand the mover of the amendment was not content to wait until, at the end of four years, elected Presidents could be chosen.

*The amendment was negatived and the clause agreed to.*

**Mr Montagu** on an amendment moved by Mr Stewart to Clause 10, providing that local legislatures should not make or take into consideration any law relating to currency or coinage, assured the hon member that there was not the slightest danger of currency or coinage ever being a provincial subject in India. It was physically impossible that it should be so without the assent of the House, and absolutely impossible that anybody should propose it.

*The amendment was negatived*

*The clause was afterwards agreed to as were clauses 12 to 17*

#### On Clause 19

**Lieutenant Comander Kenworthy** moved an amendment which provided that the members should be nominated or "directly" elected. He argued that the chamber should be directly elected, as it was desirable to start the new Legislative Assembly on the most democratic lines.

**Mr. Montagu** was in cordial agreement with the advantages of direct representation. The Government of India were hopeful of advising a system of direct representation, and that would, in all probability, be put in the scheme which would come before the House. There was, however, a possibility that the direct electorate could not be devised in time for the starting of the Bill.

*The amendment was negatived*

On an amendment to **Clause 24**, which deals with the proceedings in the Indian Legislature, **Colonel Wedgwood** raised the question of fiscal autonomy, which, he said, almost the whole of the evidence from India asked for. At present they had gone so far as to allow that the Government, if they thought fit, should propose import duties to the Legislature. He considered that the question of import duties should be dependent upon the Assembly itself.

**Mr. Montagu** said that the amendment was unnecessary. He was quite in agreement with fiscal autonomy for India but it was for the Government to put forward the proposals. Most of the officials in India had been Protectionists, he himself was a convinced Free-trader. It was certain that if we had the key industries in this country, India would have the same. India should have the opportunity of revising her tariffs in what she considered to be her interests. Any tariff proposed in India must be in the shape of a Bill, which could only be carried by votes of the Legislative Assembly.

*The amendment was negatived and the clause agreed to.*

*Clauses 26 to 32 were agreed to after a number of amendments had been negatived or withdrawn*

**On Clause 33**, relating to the control of the Secretary of State, Mr. Montagu, in reply to Colonel Wedgwood, gave an undertaking that before rules were made embodying the franchise, he would submit them to the House of Commons for approval and give the House an opportunity of amending them

The clause was agreed to

Clauses 34 and 35 were agreed to. Before Clause 36 relating to the Civil Services in India was agreed to, Mr. Montagu said it was far better that Civil servants should retire than work unwillingly under the new constitution. He would exercise his discretion if he were still Secretary of State in dealing with the matter, but he could not grant proportionate pensions on his own sole authority. The information he had tended to show that Civil servants, having expressed their apprehension about certain aspects of the Bill, would, in accordance with the great traditions of the service, do their best to make it a success

The remaining clauses were agreed to, and the Bill was reported without amendment to the House

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# The Govt. of India Bill, 1919

## Third Reading in the House of Commons

( Friday Dec 5, 1919 )

The speaker took the Chair at 12 o'clock

On the motion for the Third Reading of the measure —

**Mr. Adamson** said that the Labour Party recognised the Bill as a definite step in the right direction. Their principal criticism was that it did not go far enough, and that we were not taking advantage fully of the help of the people of India in the great task we had in hand. The Bill gave the people a measure of control in the various provinces, but no real control in the Central Government. Thus, in the opinion of his party, was a mistake, and might deprive us of the sympathetic co-operation of some of the best elements of the population of India.

His party also regretted that the Bill only provided for a very limited franchise, and they especially regretted that the industrial workers were excluded from it. There were industrial problems facing the Indian people and demanding solution and the industrial workers of India were initiating trade union movements for the improvement of their condition. The Bill failed to provide the working classes with the political safety-valve which had been provided here ( England ) and in other industrial countries. In this country political freedom had given the working classes an alternative to direct action. This had enabled them to proceed on constitutional lines, the lines of evolution, as against revolution, and there was a strong probability that Labour would assume the responsibilities of Government in this country in the not far distant future. If political freedom were denied to the industrial worker in India, he might be driven back to direct action. A profound mistake would have been committed, and it might prove very costly to the Empire and to the people of India themselves. The Labour Party also regretted the exclusion of women from the franchise. Here our experience had shown the great value of allowing men and women to face together the problems of national life. But notwithstanding the defects of the Bill, the Labour Party welcomed it,



as he had said, as a step in the right direction. They hoped it would prove a success, and so justify the grant of a further instalment of political power to the people of India at no distant date (Hear, hear.)

**Sir J. C. Rees** said the Bill was a great experiment, and of course there was danger in it, but as it was generally accepted that something must be done and that delay would be dangerous, he was glad that the Bill had come to its last stage in the House. He had felt aghast at the proposal made last night that as many women as men might be safely enfranchised in India. This confidence could only be based on want of knowledge. He, like others, had been captivated by the eloquence and charm of the ladies who came from India to plead the claims of their sex. But any one who wanted to know the real India must go, not to the cosmopolitan and hardly Indian city of Bombay, from which came the women's deputation but to the least industrial and most rural, and therefore the most representative provinces—first Madras, and then the United Provinces. The women of India enjoyed the privilege of choosing their husbands and dismissing them at will, and he must say that so reasonably did they exercise this tremendous privilege that if a husband conducted himself at all well he had a very good chance of being kept on. (Laughter)

It was said that the Lieutenant-Governors were opposed to the Bill. The other day he was shooting with two Lieutenant-Governors—he was happy to say they shot every well as the birds found out (laughter)—and they said to him, "It is by no means the case that Lieutenant-Governors are all of one mind in this matter. It may be that we, as old Civil servants, would prefer the present system to go on"—so he would, too, as an old Civil servant—but we realise that India cannot stand still, that she must have some share in that advance of democracy for which, rightly or wrongly, we fought in the War, and we do not oppose the arrangements made for the distribution of work, which we are represented as condemning." But now that Persia, which was proverbial for its unalterable laws, had become a Parliamentary Government, that China, the symbol of unchanging conservatism, had become a Republic, that the autocratic Thrones of the world were in the dust—not that he rejoiced over these things (laughter)—it was folly to talk about personal predilections, or to pretend that they did not want the reasonable and moderate and thoroughly well guarded advance which the Bill proposed. Throughout the Bill there were

the completest and most satisfactory safeguards of the maintenance of British supremacy. The provision that increases of the land tax should be, as far as possible, the acts of the Legislatures, and not the executive and administrative acts of the Government, was great and far-reaching, and should commend itself to the more Radical section of the House, in which all were Radicals now (Laughter.) The Secretary for India had shown great sagacity and ability in his conduct of the Bill, and the people of India were fortunate that at a time like this his right hon friend should have had charge of such a measure (Hear, hear)

**Sir D Maclean** said he regarded the Bill as a great Liberal measure, and thought the nation would feel that the Committee on the Bill had come to sound, fair, and statesman like conclusions. No measure affecting the great Empire of India had ever received more careful consideration. First, the Secretary of State had visited India, and with his colleagues had conducted most careful investigations at a time of great internal trouble there. Then had followed the issue of the Montagu-Chelmsford Report, one of the most remarkable State documents ever published in the history of the British Empire; next the introduction and second reading of the Bill, then its consideration by a Joint Committee of both Houses, followed by its consideration in Committee of this House, and now by its third reading. The progress of the measure had been quite remarkable. There had been much difference of opinion, honestly and competently expressed, but there had been only two divisions in the Committee stage, and it was a very remarkable event and symptomatic of the substantial measure of agreement which had been reached in regard to one of the most difficult problems ever presented to the House that the Bill had gone through without any of the customary Parliamentary pressure and without any amendment. There had been no attempt to stifle discussion there had been no obstruction, and there had been a measure of agreement which must give to those who were still mistrustful some ground for confidence that the Bill had been fairly, fully and competently discussed. Much had been said of the risks of this new experiment. So far as he could see, the strongest criticism had come from those who thought it did not go far enough. That might be the case, but in dealing with so vast a problem he was convinced that it was right to proceed with sufficient boldness to justify the confidence of the sincere reformers in India, coupled with the necessary measure of precaution dictated by experience. A problem so great and complex could

not be dealt with in a light-hearted way. If Parliament were to be true to their trust, they must deal with it on broad, statesman-like, and steady lines. He was sure that those who were true leaders of opinion in India—and it was cause for thankfulness that India was developing so rapidly a governing class of capacity, energy, and steadiness—would at no distant date of history be counted and qualified to take on their own shoulders the broad principles of Self-Government and apply them in practice in that great Dominion within the ambit of the British Crown. The Bill represented a long step forward. If we wished to retain India within the British Empire we must not be afraid of development and change. We should not keep her unless we thoroughly grasped that fact. But he believed there was no fear of India leaving the ambit of the British Empire so long as we fully and in time recognised that we must give her, growing as she was in knowledge, intelligence, and consciousness, her due measure of Self-Government.

**Professor Oman** speaking as a member of a group whose amendments had been rejected, said they were not opposed to the Bill, but had only sought to add to it clauses that would protect enlightened and wise Government in India. His constituency was sometimes called the supporter of lost causes. To that list no more honourable cause could be added than that of the old Indian Civil Service, to which Oxford had given by the hundred the best of her men, and the activities of which he feared were impaired for ever by this Bill. The measure seemed to him to indicate a desire to disturb the placid content of the masses of India. The desire to disturb, disguised as idealism and high policy, had brought us into a condition which he could only view with much doubt and fear as to the future.

**Sir H Craik** said the passage of this Bill was perhaps the most hazardous and daring step that had ever been taken by the British Parliament, but the right hon. gentleman might rely on everybody doing his best to make the advance prosperous and successful. He had the strongest and closest ties with the Indian Civil Service, and he was convinced that in their doubts and difficulties, whether they were mistaken or not, they had always been deeply and sincerely anxious for what was best for India. He was equally convinced that the Service would accept the changed conditions and devote themselves in all loyalty to making a success of the new Constitution.

**Mr. Spoor** agreed that the time for criticism had now passed. What was going to be the result of this measure?

It had been claimed for it that it struck the happy medium. Time alone would show how far that hope would be realised. He sincerely hoped the people of India would take this measure, that all sections of political opinion in that country would use it, to the fullest possible advantage. But he hoped the people of India would continue to agitate on strictly constitutional lines in order to secure that wider and larger measure of Self-Government towards which the present proposal was only a step.

He had criticised the Bill because he thought it did not go far enough; but he recognised in it a definite break with the past. He believed it was actually the opening of a door, and it depended in great measure upon the attitude and the unity of the Indian people how much farther that door should be opened. He congratulated the Secretary of State for India upon having taken this historic step, for when the Bill passed he believed our relations with India would be full of promise for the future. There had been rather black pages in the past. There had been misunderstanding, coercion, and natural resentment. He would like to see the hatchet buried and the past forgotten. In order to do that it must be clearly understood that the day had gone for ever when the people of India could be regarded as a subject race.

The principle of the Bill was that we regarded the people of India as in every essential respect our equals, and if we could encourage that sense of equality and comradeship between the Indian people and the British people, the relations of the two countries would be much happier in the future than in the past. We were seeking to fulfil some of the obligation of the trusteeship which we assumed many years ago. If we could convince the people of India that the time when we unfortunately regarded them as a subject race had gone, and that they were really our equals, he believed the people of India would be able to make a much larger contribution to the peace and progress of the world than would have been possible in any other conditions.

**Major Ormsby Gore** said the really great thing the Bill did was to establish an Indian electorate. Eight and a half per cent of the adult males was a small franchise, but it was far more numerous than anything that had ever existed in the past. The hon. member for Oxford University talked of the Indian Civil Service as a lost cause, a statement which ought not to pass without challenge. The Indian Civil Service would be of as great value in the future as in the past. The Bill was being passed because we had taught India to love and admire our institutions.

and political ideals and to copy them. In the future he believed on the basis of this Bill and its progressive development there would be an increase of mutual sympathy and understanding between Indians and England. He hoped the rather too ready criticism which some Indians had adopted in recent years of the Indian Civil Service, and of Englishmen themselves, would cease; also that the talk of the subject races and of people being unable to do this and that would also cease on the other side.

**Captain W. E. Elliott** said it seemed extra-ordinary that when they had a Bill brought in by Whiggism triumphant no mention of the other great party in the State should be made. This was a change from bureaucracy to oligarchy, and the oligarchs had caught the Labour Party, who lined up behind them saying, "Here we have a great democratic advance." Whenever the Whigs had won and put a great oligarchy into power the people had been ground down and trampled on. If India had been entrusted to us by the League of Nations, should we have considered we had fulfilled the mandate by transferring it from our own people to five millions of the Indian upper classes?

When the Bill had become law, our responsibility towards India would be very greatly increased, and the supervision of Parliament would need to be far keener than it had ever been before, and he despaired of their being able to compass that in a congested state of Parliamentary business. Such supervision as would be needed seemed to him to be utterly beyond the power of any Committee or Standing Committee of members under the changed circumstances. But there was no doubt that this experiment of handing over of the Indian toiling masses to the rule of the Indian wealthy classes would have to be watched very closely. Knowing the pressure that had been brought to bear on every member of that House, they must realise that there was a driving power behind this movement which did not come solely from the mere political aspirations of the people of India. The great constitutional experiment which the Labour Party were so proud to support was a very dangerous thing, and was against the traditional policy of the proletariat in all ages, which had been to support the central Executive as against the local people. The man at the bottom looked to the man at the top for his remedy, as a private might look to the support of his colonel against a sergeant-major.

**Colonel Wedgood** said that in putting this measure on the Statute book the Secretary of State for India had done something upon which the freedom and happiness of a nation

depended and something upon which history was built. It was true that he and other members had tried to amend the Bill with a view to making it one of which they might be more proud, one which India might be more ready to accept as the goal of her ambitions. They, however, all knew that the present measure was the utmost that could be got through Lord Curzon, and that it was really a triumph for the Secretary of State, who had done something to the credit of the British Commonwealth. He hoped the example which the British Parliament was setting in building up a new Self-Governing Dominion within the Empire would be followed by the other Allied nations which had accepted mandates for the administration of other countries, and that the experiment which had proved a success in every country within the British Empire in which it had been tried would be extended to Egypt, Turkey, Mesopotamia, and even to Persia (Lieutenant Commander Kenworthy—"And to Ireland") Ireland could look after herself. But the Bill was not enough. It would not have been enough even if the amendment proposing a larger franchise and more extended powers had been carried. India, in fact, was not vitally interested in the Bill. She was infinitely more interested in the operation of the Press Act, the Seditious Meeting Act, the Rowlatt Acts, and all the other un-English Acts with which India is held down, and in the amnesty of the political offenders who were in gaol or banished to all over the world. The Bill should therefore be accompanied by a full amnesty of political offenders, and above all by a Declaration of Rights which would put the humblest Indian subject on the same footing with all subjects of the British Crown, and thereby establish within the Empire a people divided neither by colour nor by any differentiation in the rights of man.

**Earl Winterton** supporting the Bill said the haste with which it had been passed was, in the circumstances, abundantly justified. But he thought it right to utter the warning that they were passing through a period of great danger in regard to the position of the House of Commons, because almost every Bill that was brought forward was declared to be urgent on the ground that if it were not at once passed into law there would be a revolution either at home or abroad. The Secretary of State for India had shown himself to be a Parliamentarian in the best sense of the word, thus affording a refreshing contrast to some of his colleagues in the Cabinet, who seemed to think that Parliamentary experience could be learnt in a day, and treated the House of Commons in a way in which it was not accustomed to be treated. But he hoped the right hon. Gentleman would represent to the Government that,

while the House was willing to pass this Bill quickly, there was a large body of opinion in the House which regarded the hurry in which Bills were pushed through as injurious to the reputation of Parliament

**Mr G Stewart** complained that the Bill had been rushed through the House at every turn, and that the Secretary for India had not been fair to hon members in rejecting every proposed amendment and regarding those members who had given notice of amendments as necessarily hostile to the measure. The right hon gentleman might have given the House enlightenment on certain points, 'as for example, how far the financial policy of India was to be controlled by Indians. The Bill was inconsiderate to the Indian Civil Service, and although it was possible that, as the Secretary of State had said, most of the objections came from ex-Civil servants, and not from men now in the Service, that was not surprising, because the former were independent men and the latter were not. The Bill would disintegrate India at the moment when we had lost control of the foreign policy of Afghanistan and it would probably be necessary to increase the Indian Army. No provision appeared to have been made for the increased expense which a larger Army in India would involve. In framing the Bill the Government had violated one of the principles upon which the British Empire had been founded and successfully carried on—that of trusting the men on the spot. Of the Englishmen in India, 98 per cent did not like the Bill. Their opinion had not been properly considered. He did not speak as a non-reformer, and he earnestly hoped that the optimism of the Secretary of State would be justified.

**Mr Denniss** said the question how far the fiscal policy of India would be controlled by the Imperial Legislature was of supreme importance to all in this country who traded with India, but had been scarcely mentioned in the debates on the Bill. Many of our great commercial men stated that the Bill was intended to remove all checks upon the fiscal control of the proposed new Legislatures, which would consist to a great extent of the rich men, the manufacturers, and the merchants of India. He believed that the Bill would tie the hands of the Secretary of State and prevent the right hon. Gentleman placing any check upon a fiscal measure which might impose fetters upon British trade with India. The importance of that to the great cotton industry could not be over estimated, and as one of the representatives of the centre of that industry he could not let the Bill pass without uttering a warning as to what was likely to happen in the near future.

**Colonel Yate** declared that Mr. Spoor had been dancing to the tune of Brahmana and Congressmen of India. He complained of the hurried manner in which a Bill of this importance had been passed, and he doubted whether the Prime Minister or the Leader of the House had the faintest notion how far the Bill was going to take them. The Indian Civil Service was highly disturbed over this Bill, and were anxious as to the result of it. He was glad that those who desired to retire before the Bill came into operation would be allowed to retire on a proportionate pension. It appeared to him that under the Bill the Secretary of State had attached to himself all the powers of his Council, and had left himself autocratic power without any restraining influence from his Council. That would be the effect of abolishing the quorum of five. Moreover, he need only hold a meeting of his Council when he pleased to do so. Every member of the Viceroy's Council might be a native of India. How, then, could British and Imperial interests be properly presented?

**Mr. Montagu**—There is no change in that.

Colonel Yate said that if British rule was essential to the welfare of India, at least half of the Viceroy's Executive Council should be British born subjects. They were weakening the Government of India, not only in the provinces, but also in the Central Government. In a four months' tour in India the Secretary of State had produced a Constitution to form into one nation 315,000,000 of people differing in race, creed and language—that was an impossible thing to do. As in the case of Egypt, they ought to have a Commission of the most experienced men to find out before the Bill came into force all the different nationalities which ought to have their separate Councils. Throughout the Bill there was an absence of recognition of the King as Emperor of India. Everything possible should be done to increase the reverence throughout India of the King-Emperor, and if a Commission were to go out nothing could be more welcome to the people of India than that it should be under the presidency of the Prince of Wales. The pronouncement of August 20 was made by the Secretary of State in answer to a question. The right hon. gentleman arrogated to himself the position of the King-Emperor. The pronouncement ought to have been made in the name of the King Emperor.

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**Mr. Montagu's Reply.**

**Mr. Montagu** said the hon. and gallant gentleman would have been the first to criticise if the announcement of August 20 had been made on the advice of the Government by the King, because he would then have told them that they ( Govt ) had jockeyed the House into accepting a statement which they would not have been able to criticise because it came from his Majesty. For another reason he wanted to be sure that His Majesty the King-Emperor, who was personally venerated throughout India, could not be associated with an announcement until he ( Mr. Montagu ) was sure of Parliament carrying it out. It was no use making an announcement in India; what they wanted was an effective application. Whatever might be said against the method by which the Bill had been brought in, it was 3½ years since its first inception. He gladly acknowledged that this seemed to him to be the most responsible and at the same time the proudest moment of his life (cheers). He had been associated with the Government of India not as his hon. and gallant friend had said, for four months, but for six years—four years as Under Secretary and two years as Secretary of State. He had kept before him one ambition, that was, to have the privilege of carrying through Parliament what he believed to be the only justification of the Empire—a step of Self-Government for India.

It was quite true what the hon. gentleman behind (Captain Elliot) had said by way of taunt that he once belonged to a party, or a section of a party, called liberal Imperialists, but he never had more than one conception of Imperialists, never had more than one conception of Imperialism in his mind—that there could be no pride for pleasure in a Crown Colony, no pride for pleasure in domination or subordination, no pleasure in flying the British flag for the benefit of British trade, but that the only Imperialism that was worth having was a trusteeship which has intended to develop the country under the British flag into a partnership in the commonwealth. He thought it was a great thing for India that the House of Commons had passed the Bill up to this stage in a spirit of almost complete, if not complete unanimity, neither snatching more here, nor saving a little elsewhere, but giving it generously and with a set purpose that this should be a transitional Constitution on a road which the House of Commons would to-day determine to follow.

### **The Responsibility of Parliament.**

If the Bill was accepted, both in its provisions and in what it was intended to be, a transitional stage in the development of Self-Government, a great responsibility rested on the Parliament of the future. No constitution seemed to him to be of any use unless it was carried out by those who would be responsible for the Government of India on behalf of Parliament, the Secretary of State in Council, and the Governments, there in the letter and in the spirit. The powers that were reserved to the Government, and were not to be controlled by the representatives of the Indian electors, must be exercised as if they were applicable to a country of growing national consciousness on the road to Self-Government, and not as if we were administering a great estate (cheers). Parliament must see that they did not at one and the same time withhold things for a particular reason and refuse the opportunity for curing that reason. It must not say that it was only a minority that wanted this thing, and then complain if the minority tried hard to convert the majority. They must expect to see political life develop throughout India. Do not let them deny to India Self-Government because she could not take her proper share in her own defence, and then deny to her people the opportunity of learning to defend themselves. These were problems for which Parliament took upon themselves the responsibility by the passage of this Bill.

He thought the passage of the Bill portended the end of the old *regime*. Was it too much to ask that the Indian representatives of India would cease to abuse the Indian Civil servants? Let us forget the past and start afresh. He was the representative of the Civil Service in that House, and that was his privilege and pride. It was on him to ask every section of Parliament to see that those Indian Civil servants who worked so unselfishly in India, and who would be our help and mainstay in carrying out the new policy, did their work unhampered by often cruel criticism, particularly when they had no opportunity of defending themselves. Let them begin on both sides with a desire to carry out the policy of Parliament, for it would be the policy of Parliament when the Bill finally went through.

He welcomed with enthusiasm the appearance of the Labour Party in an organised fashion, and the great part it had taken in the discussion of the Bill. He hoped that some of the members would take an early opportunity to visit India. He could not help thinking while listening to his right hon. friend on the front

Opposition bench that he had not yet got a real conception of what the industrial labour development was to-day in India and of how small it was. He endorsed his right hon. friend's welcome to trade unionism in India, and hoped that it would be a great power for achieving a proper standard of life and conditions of labour. But it was no use trying to get a franchise to-day and now for which one had not got the materials. He wanted to ask his hon. and gallant friend, one of the most popular men in the House, who had shown himself to be so close a student of all the intricacies of the Bill, as well as other members who had spoken, to give him their help in shaping the new era.

[At this point of the right hon. gentleman's speech an Indian visitor in the Stranger's Gallery called out, "Give complete Home Rule to India and remove oppression." An attendant at once informed him that he must withdraw, and he left the gallery quietly.]

Mr. Montagu, proceeding, asked members not to support a particular view because it was held by people who were in a hurry without feeling quite sure that they understood the situation. If Labour members would act not only as the spokesmen of what he might call the extremist party in India, but also as the restrainers of some of the misapprehensions among these people, they would help in the development of political life in India among those who were now looking to them for leadership. Although there were great dangers and anxieties about this Bill, and although he did not minimise the responsibility which he felt, and which the House ought to feel, yet he was certain that there was no better way of consolidating the British Empire than by initiating a measure of this kind and steps in this direction. (Cheers.) Mr. Montagu then ended by expressing his thanks to the witnesses who had given evidence before the Committee that had considered the Bill.

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# Government of India Bill

## House of Lords

### 2nd Reading

11 Dec. 1919.

#### LORD SINHA'S SPEECH

Lord Sinha in moving the Second Reading of the Government of India Bill 1919, said that if any arts, eloquence or powers of persuasion were necessary to induce the House to accept the main principles of the Bill, he would despair of the task, but he was so convinced that the great experiment which the Bill inaugurated was likely to prove successful and beneficial not only to India but to the Empire, that he rose with humble and grateful pride to make the motion. The Bill was the immediate outcome of the memorable Declaration of August 20th 1917 practically the whole of which was embodied in the preamble. The Bill was a first step that the Parliament was asked to take to fulfil the pledge then given. He confidently hoped that their Lordships would feel that they were taking a generous and perhaps a bold step, which was not rash, hasty nor unnecessary.

He then recalled in detail the history of the Bill, and paid a tribute to the valuable work of the Southborough Committee, without which, he said, it would have been impossible to frame the Bill. The report of the Joint Committee was almost equally as important as the Bill and should be regarded in India quite as much as the Bill as the Charter of India's progressive liberty. In view of all these facts it was impossible reasonably to maintain that the path then Lordships were now asked to tread had been insufficiently explored. The Bill was the natural and inevitable sequel to the long chapter of previous legislation for better government in India. The ten years since Morley's reforms were inaugurated had been fruitful in experience and rapid development.

Turning to the War, he said, no words of his were needed to give lustre to India's part in the war. The impression that India

desired or demanded the Bill as a reward for war services was absolutely false. The Bill must stand on its own merits. No doubt as a result of the war the status of India had been greatly advanced. She had been privileged to participate with the Dominions in the Imperial War Council and in the Peace Conference in Paris and had been admitted as an original member of the League of Nations, on which so many of their future hopes depended. These experiences had quickened her sense of national unity. It was no longer possible to doubt her rapidly growing sense of nationality. He asked, did their lordships intend to keep India on leading strings or did they believe that the time had come when Indians themselves should be given some control of policy and be put in a position to adopt Self-Government.

The present system of Government was identical with the system of sixty years ago. It was purely an official Government. The Provincial Councils had been gradually becoming representative, but their functions were confined, broadly speaking, to criticism only. The Councils did not possess what the representatives of the people asked, namely, some guarantee that the executive would conform to their wishes when they represented the real desire of the majority. That these demands postulated complete self-Government for India at present or even weakened the responsibility of the British Parliament for the maintenance of peace and order he, for one, emphatically repudiated and he was convinced that in so doing he had voiced the sentiment of the vast majority of his countrymen. India was not yet fully equipped for complete self-Government and he would not be so rash as to attempt to predict what she would be. But so long as the present system continued, she would never be fit for self-Government. Only responsibility would fit her to embark with every hope of success upon such a course.

The Bill, he said, was not intended to establish a final permanent constitution in India. It provided for a period of transition. He would not venture to predict the length of that period. Government desired to give Indians immediately some control of policy, law-making and taxation, and must do this by a system of ensuring orderly advance. Lord Sinha, proceeded to declare that the Bill attempted successfully to provide for the progress and transition from bureaucratic Government to self Government by gradually enlarging the field until no subjects remained reserved. He was unable to predict that date, but obviously it could not arrive until there was throughout India a widely diffused and tried electorate capable of formulating clean and wise conception of policy and selecting representatives able to guide and voice the views of the population. If it were necessary to train administra-

tors, to give Legislatures real work to do and real responsibilities to shoulder, it was equally necessary to train electors and teach the value and proper use of the vote. Success was achieved then through failures.

It was idle, he said, to suppose that Indian Legislators would spring into being full fledged and they expected mistakes but the Bill provided every reasonable safeguard to minimise the possibility of their recurrence or seriousness of their results. This plan had been given the somewhat terrifying name of dyarchy, but he preferred to call it a system of specific devolution. The Bill interpreted, with scrupulous accuracy, the policy of August 20th 1917.

It would be foolish to disguise the fact that many who were in full accord with the general policy regarded the basic principle of the Bill with misgivings. There might be objections, but there was no practical alternative to dyarchy. All alternative schemes submitted were essentially the same. They purported to give the legislature some responsibility over all matters of Government, rather than full responsibility over some. The problem was to give the representative assemblies in India a measure of control over the policy and action of Government so that the control should gradually be increased, as those to whom it was entrusted exhibited fitness for increase, and so that each increase came by ordered controllable processes, so that the process would always be evolution and not revolution. To give some control immediately over the whole field, instead of practically full control over certain defined field, was not a practical proposition and could only result either in complete failure to establish real responsibility to Parliamentary institutions in the Councils of India, or the paralysis of Government which would rapidly and inevitably lead to the complete control by the legislatures of India and complete ousting of the authority of the British Parliament. The hypothesis underlying all these alternative schemes was divided allegiance to Parliament on the one hand, and Provincial Legislatures on the other hand, and the division affected or might affect every issue coming before Government.

The criticism that it was a dangerous expedient to leave so much to be done by rules was unjust. He particularly drew attention to the provisions of clause 3 to clause 11 section 5, empowering Government to secure the passage or rejection of Bills in certain circumstances. This substitution of the Joint Committee for the original plan in the Montford report was a great improvement. Nothing would be lost and much would be gained by the Committee's more straight-forward plan.

Referring to the I. C. S., he said all tribute was due to the work of the Civil Service which had made India fit for this change; the passage of the Bill would not close the story of the ungrudging toil of the Civil Service. India would long need men of the type which Britain had so long given her and he refused to believe that India would not continue to receive from sons of Britain the same loyal and devoted service as she had received to her lasting benefit in the past. (Cheers). He cordially echoed the conviction of the Joint Committee that the Civil Service would accept the changed conditions and devote themselves loyally to making the new constitution a success.

He felt confident that the position he was privileged to hold, as representative of his countrymen, would ensure him the indulgent and sympathetic hearing, and that every member of the House would approach the examination of the Bill in the traditional spirit of British fairness and impartiality and with the earnest desire for the advancement of India's welfare, which had done so much for the betterment of India in the past. There might be Noble Lords who thought that the passage of the Bill would not advance India's welfare, that the system of Government which, with little essential change and with so many beneficial results, had endured through the nineteenth century, should continue essentially unchanged through the twentieth, and that time had not yet arrived to sever leading strings. If they wished to secure the gratitude, the contentment and the loyalty of India, that view could no longer be maintained. The whole fruitful course of British Administration in India, culminating in the recognition of India as a real partner in the Empire, had produced justifiable expectations that we should now agree to treat her as having outgrown her political infancy.

Lord Sinha also avowed that no reasonable Indian claimed that Indians had to-day reached politically the man's estate, but he did claim that they had reached the age of adolescence. This stage of growth was notoriously difficult, but the guardian best served his ward's interests who conserved the relationship of mutual trust and affection and so ordered his control that the aspirations of freedom and self-expression, which inevitably accompanied adolescence, received wise and reasonable indulgence and that active control was exercised only to prevent irretrievable errors or correct undesirable developments. He believed that the Bill would enable the British Parliament to adopt that attitude towards India and he had sufficient faith in the essential wisdom and justice of the Mother of Parliaments to believe that the result of the measure would be to inaugurate the relationship between the two countries which would

enable India in due time to reach the full stature of a prosperous, loyal and grateful partner in the privileges and duties belonging to the great world family of the British Empire.

To Indians who might be still inclined to dispute the substantial nature of the advance proposed, Lord Sinha said, that of course, he did not agree with them but even if there was any proof of their doubts and suspicions, let him tell them in the word of the great Book, if he might do so without irreverence, that what was being given to India was like the grain of a mustard seed which man sowed in a field and which became a tree so that the birds of air came and lodged in its branches (Loud Cheers).

THE DEBATE WAS ADJOURNED TO THE NEXT DAY.

### 12 Dec. 1919.

The Lord Chancellor took his seat on the Woolsack at 3 o'clock.

The adjourned debate on the motion for the second reading of this Bill was resumed by

#### Lord Carmichael

He said that it was not so very long ago that he was the Governor of a presidency in India, and that he held views on the subject of the measure which might be thought are advanced than those of most of their Lordships. He did not regard the Bill as perfect. He did not love the India of diarchy any more than the majority of their Lordships of that House did, but he realised that no other alternative had been presented. In any case what was done would be somewhat in the nature of an experiment, and there would be difficulties, and he recognised that there would be danger. But personally he did not much mind what form the Bill took as long as something was done and as long as it led to a better state of affairs in India. He recognised that there were a large number of people there in India of whom it could not be said that they were suitable for Self Government, but a great many were suitable for it, and he held that we ought not to wait until everyone was. No one could regret more than he did the way in which the Indians who were best informed on political matters disliked and distrusted Englishmen. There was nothing that gave him greater anxiety when he was in office in India, but he did not think that this distrust need continue.

He asked Lord Sinha to look at one matter. Many of their Lordships read *THE TIMES* newspaper, and might have read a letter from Professor Barrledale Keith of Edinburgh University, in which



he drew attention to a point which he said was one of the highest constitutional importance and which his Lordship also thought was of very high importance, and which Professor Keith thought might have escaped consideration. He drew attention to the amendment of Part II. Schedule III., by which an addition was made to a clause of the Government of India Act of 1915 saying that a Minister appointed under the Act should not be subject to the original criminal jurisdiction of any High Court. There was a reply in THE TIMES from Sir Edward Chamier, which gave the explanation. No doubt it was an explanation thought good enough by the Government, and it might be the only explanation. He did not pretend to be a lawyer, but he thought this was a very important point. It might be said that the new Ministers should be put on the same footing as the Executive Councillors or Governors. He was not certain himself that the Governors ought to be in that position. He thought that looking ahead the point ought to be fully considered and the public ought to know it was being fully considered. He did not think that in India there had been much attention drawn to it. His knowledge of India led him to think that was the sort of point that some years hence might come up. In India the only people who considered that sort of point wished to be on a level with the other parts of the British Empire, and he did not believe they wanted their Ministers to be in different position.

Speaking as to the general question, his lordship said that he felt strongly that the greatest danger was to do nothing, and the next greatest danger was to do something or anything which seemed in any way to detract from the authority of the Viceroy and the veneration in which he was held in India. This Bill was put forward on the strength of recommendations made by the Viceroy and the Secretary of State, and he thought it would be most unfortunate if they went very far from what they had recommended. The Bill was merely a step in the right direction. They were going to take a step which people in European countries would look upon with surprise, and the whole world would be looking to India to see what the result was. It lay and must lie with the Indian people more than with anybody else to make the scheme a success. Indians of whatever class were not as a rule satisfied with the present position. He knew many moderate reformers who felt very bitterly because they were never quite sure when they might, to use a colloquial expression, be "put in the cart." Neither Extremists nor Moderate men had the power of getting anything done. He sympathised with the Moderate men very much. They made suggestions to him or to his officers which were not very practicable. How could they?

They had no experience of administration. Really the worst thing in India was the fact that the officials, from top to bottom, were overworked. From the Viceroy down to the most newly joined official, they were called upon to do far more than ought to be expected of them. He did not wonder that Moderate men asked themselves whether they might not just as well be Extremists. When this Bill became an Act, one of its best effects would be that it would give some sense of confidence to the men of moderate views.

### Lord Crewe's Support

The Marquess of Crewe, a former Secretary of State for India, in support of the Bill, expressed great satisfaction that Lord Sinha, at a time of heavy domestic trouble, should have presented the Bill with a lucidity of statement and a force of conviction which were appreciated both inside and outside their Lordships' House. They were told, and it was a patent fact, that the provisions of the Bill were altogether novel, and that Parliament and the country were being asked to take a "leap in the dark." But they had to remember that all constitutional reforms were a leap in the dark. It was true that when in 1909 Lord Morley and Lord Minto introduced the constitutional reforms known by their names it was never contemplated that those reforms should be intended to lead up to a system of Responsible Government. Events had moved fast since then, and the need of a change had become clearer. There was a general feeling, even among those who were most adverse to the provisions of the Bill, that some step forward was demanded, and would be demanded, even if the declaration of August, 1917, had not been made.

There were those who were in favour of a unitary system of Government by conferring on Indians a far greater influence upon the whole of the Government and by a closer and increased association with the different administrations; and there was the alternative proposal in the Bill of a dual form of Government, giving for all practical purposes complete control to Indian Ministers on certain classes of subjects. The supporters of the Bill believed it could be shown that it would hardly be possible to proceed to complete Responsible Government without the intervention of the dual stage. It was only through the dual system that the requisite training could be acquired by Indian politicians which would enable them to come in a fuller sense to Self-Government. It might be that those who favoured the unitary system were convinced that a completely responsible form of government in India must be relegated to the Greek Calends. Although some of them might not feel much sympathy with that view, it was equally necessary

to guard against the too sanguine hopes of ardent Indian politicians, who believed that full Responsible Government was a matter of a very few years. While believing in a steady advance in that direction, he believed also that it might be generations before India possessed a form of Government precisely analogous to that of Australia or New Zealand. In the meantime, he hoped that the system set up by this measure would have a fair chance for a definite period of years, and that no attempt would be made in India to agitate for special changes during the first few years. All the political energies of the ablest statesmen in India should be directed to ensuring the smooth and successful working of this scheme, and at the same time they should carefully consider in what respects it ought to be amended when amendment became possible. As to the relaxation of the control of Parliament, he was sure that, as in the case of the Dominions before they received complete Self-Government, Parliament would understand that meticulous interference with details of Indian Government ought to be relaxed, and that it would be relaxed. (Hear, hear.)

In considering how this scheme ought to be amended, they would have to make up their minds whether they desired a federation of practically independent States, or whether they should follow the example of a Central Government as a pivot on which the political life of India should move. The possibility of Responsible Government hinged not on the existence of a limited number of competent and eloquent statements but upon the existence of a solid and reasonably informed electorate. The principle aim of India must be to secure an electorate which could be regarded as adequately representative, and for that purpose there was obviously no question as urgent for Indian statesmen to consider as that of the general improvement of education all over the country. The joint Committee left the question of woman suffrage to the different provinces of India to solve.

He should like to pay a word of tribute to some women in India who had not received adequate public recognition. He meant the wives and mothers of the soldiers who went out from India and played so great a part in the War. Those women showed a quiet power of resistance and patience and heroic control which cheered the warriors of their families, and it must have contributed in a large degree to keeping their spirits as high as it remained throughout the War. He was one of those who thought it would be wiser to change the composition of the Council of India from that of a statutory body endowed with special powers, some of them in practice obsolete, to that of an advisory body. The

majority of those on the Committee did not take that view. A large number of Indians would like to see the India Office Indianised. They all welcomed the presence of some Indians as members of the Council, but he questioned whether it was to the advantage of the India Office that it should be manned to any considerable extent by Indian officials. To his mind the advance towards the solution of the Government of India should be made in India itself, and not on this side of the waters. The more they could give India responsibility in India itself the better, but it was burning the candle at the wrong end to attempt to start a separate Indian Administration here. Risks were being taken in a measure of this kind, but he looked forward with confidence to the future. There would be no finer test of the capacity of Indian statesmen and politicians than their attitude towards the treatment of the Indian Civil servants. There would be a number of other matters in which they would be concerned which would be closely and even jealously watched by critics both in India and here, and he hoped that they would pass the test well. Those among their Lordships who might be in that House in 10 years time would, he believed, agree that the measure now before them had been for the benefit of India and for the credit of the Empire. There was very little probability that anybody would desire to divide the House against the measure, but if anyone were to do so, his lordship declared that he would cheerfully record his vote in favour of it.

Lord Sydenham next rose to speak and said that in his opinion this was the most dangerous and possibly the most complicated Bill ever presented to their Lordships' House. It seemed to him that it did not arise from any desire on the part of the people of India, and that it represented the maximum concession which the Secretary of State was prepared to make to the demands of a comparatively small class in the hope of securing tranquillity, and he sincerely hoped that it would secure it. Some of the great Chiefs of India were gravely concerned about the future, and if their interests had been carefully considered he saw no sign of it in the Bill. The persons who had organised the agitation that had led to the introduction of the measure were, he believed, very small in number as compared with the millions of people in British India. Many of the disorders of recent years had been due to a widespread propaganda of an anti-British character. The main constructive proposal under the Bill was the establishment of a system of dual Government which would not be tolerated in any civilised country in the world. It could not work well, and we were forcing it upon India at a most critical time. The Leader of the House had warned them

that the Government of India must not be weakened, but everybody must admit that by the amended Bill the Supreme Government of India was made far weaker than before. Control in some very important aspects of policy was taken away, and while powers were vested in the Viceroy he might not be able to use them in the face of a hostile Legislative Assembly. Under the ballot set up there must be corruption on a huge scale. The Bill set up the rule of a small class of oligarchy varied by spasmodic manifestations of autocracy. Yet it was widely acclaimed as a democratic measure, and the Labour Party had been cleverly captured by the Brahmanas. The Bill supplied no substitute for the authority which it destroyed, and in a few years it would undo much of the finest achievements of our people. Thinking, as he did, only of this country and of the people of India, he felt it his duty to utter these words of warning. Considering the way the Bill had been rushed through the Commons, he earnestly hoped their Lordships would give careful consideration to the amendments which would be moved in Committee.

The Earl of Selborne, Chairman of the Joint Select Committee, (which dealt with the Bill for five months,) said they had no responsibility for the Bill or for the policy on which it was based, their business was to turn out the best Bill they could. If he had been responsible, he would not have touched the Government of India at all, while making this great experiment in the Provincial Governments, except to this extent, that he thought it very wise to introduce Indian statesmen into the Government of India. There could be no possible danger in this wide extension of a number of Indians on the Viceroy's Council, because those gentlemen were chosen by the Viceroy on his own judgment, and further, because they therewith removed the statutory barrier to the numbers of the Viceroy's Council. The declaration of August 20, 1917, was unfortunately worded, but it was binding. Nothing could be more fatal than that our fellow-subjects in India should learn to doubt our word. But even if that declaration had not been made, important changes were bound to come. The centralisation of Government in India had constantly increased, notwithstanding the heroic efforts of successive Viceroys. Centralisation of Government was still increasing, with the result that the load had become too great for the machine, but the Indian Civil Service would remain what it had always been, one of the very finest examples of the power of government and devotion of our race. The time had come when provincial autonomy was absolutely necessary. The results of the system of education carried out in India were now coming to their fruition. We had carefully trained a large body of very intelligent and efficient critics, and had given them no work

or profession in life except that of criticism. There was an urgent call to associate Indians in every possible way with the Government of India; the changes must be in the direction of Self-Government. Was the Self-Government proposed in the Bill the right form? On the question of diarchy, he found himself in the sharpest possible conflict with Lord Sydenham. He held in the strongest possible way that the Viceroy and Secretary of State for India were absolutely right in advocating that system of diarchy and the Lieutenant-Governors of the provinces who advocated the unity system were absolutely wrong. They desired to remove all causes of friction and all shams and to fix responsibility everywhere. They desired to leave the Government of India with real weapons to fulfil its responsibility. They had declared in the preamble that further grants of Self-Government ought to depend on the use the people of India made of this grant of Self-Government, and for 10 years there ought to be no change. At the end of 10 years a commission should be sent out to see in each province and in India as a whole what use had been made of the powers given in this Bill. The Indian Civil Service was a magnificent set of men. The way they had been attacked by certain Indian politicians was a disgrace, but what was far worse was the ingratitude they had met with from some critics in this country. Some of the reflexions passed on them by certain sections of the Press in this country were such as one would not have thought it possible to write. He urged that there should be some provision in this Bill whereby, in the event of a Provincial Government passing a measure inconsistent with the Government of India Act then the Government of India Act should prevail.

**Lord Macdonnell** said the Joint Committee had recommended the creation for the commencement of Second Chambers. He considered the creation of Second Chambers in India as most essential. That was the greatest achievement in the Joint Committee's report. He knew of no country in the East in which a Second Chamber was more necessary, as the wealthy landowners and scions of old families would never contest seats with their inferiors in the polling booths. He wished that boon had been extended to Provincial Governments. Referring to the electoral proposals, he entered his protest against the view that the system of franchise should not be altered for the first 10 years, for it seemed to him that these should be years of experiment and change. The investigations hitherto made did not touch the fringe of the great electorate problem. He suggested that the diarchic system should be postponed, and that as the first step in the reform they should adopt the unified system, which seemed to him essential in the present circumstances. By adopting that system they would avoid

clothing Ministers with full personal responsibility until adequate experience had taught them the A B C of their work. This system would be more simple and natural, and by far the more educative system, and at the end of the first decennial period it might have served its purpose. Ten years were as nothing in the life-time of a Nation. Had any real effort been made to reconcile the interests and the status of the Indian Civil Service with the new dispensation? The Extremists in India knew that the Indian Civil Service was the first bulwork of British rule, and they made it their deliberate purpose to smash that bulwork, because their object was to smash British rule. He was oppressed with the feeling that this matter was being pushed too hastily. There was no step backwards, therefore every step they took should be well considered.

**Viscount Middleton** said he made no complaint of the manner in which the Government had carried out its pledges. Without criticising the language of the original declaration of the Leader of the House (Earl Curzon), nothing affected his judgment with regard to it so much as the fact that the noble Earl was a party to it. They must all have been convinced that nothing but an overwhelming sense of the necessity and urgency of the case would have caused him to have made a pronouncement at once so sweeping and so binding upon Parliament and the Government. Under the Bill only a small minority of people would be represented. It was not possible to do more than that. India has not had a universal Education Act as in England and it was inevitable that political knowledge and interest would be of slow growth. Therefore the conclusion at which the Committee arrived seemed to be wholly justified. While they desired to give a share, and a large share, in the administration of the country to these popularly elected assemblies, and to do so in no grudging spirit, at the same time they were determined that the responsibility should be clearly defined, so that if mistakes were made those who made them should be the persons on whom responsibility should fall. Those who would not be represented in the Indian Parliaments were the poorest of the poor. They were numbered by tens of millions, and even by doing the best they could, it was possible, it might be found that the urban constituencies were stronger than the rural representations, and that rural interests were not as strongly regarded as they should be. It was surely the duty of the Imperial Parliament, so long as it represented those who were not represented themselves, to take care that the immense advances in civilisation in India during the last 100 years should not be imperilled or vitiated by hasty or ill-considered action on the part of the new bodies. Men

of the most diverse views in the Imperial Parliament had agreed that the concessions made to India should be given in no grudging manner, and the Bill would leave Parliament with no feeling of bitterness behind it. It would be sent on its journey with the fullest desire that it should be a success. He sincerely hoped, however, that they would have a Joint Committee of Parliament constantly watching Indian affairs. He believed that the success of the experiment depended very much upon the class of men selected as Governors. It would be well, he thought, that such a man should have had some parliamentary experience.

**Lord Meston** said that he had been deputed by the Viceroy of India and his advisers to plead the case of the Indian reforms before the Government and Parliament. There was no assembly in the world which had a knowledge of Indian affairs at all comparable with the experience possessed by their Lordships' House, and the many eminent members of it who had held exalted posts in India. Forces which had been very largely subterranean and invisible in the days when so many of their lordships had served in India were now covering the country with a flood which it was impossible for us to stem, even if we wish to do so, and which all our instincts of statesmanship required us to divert into the channels of healthy political life.

Was the policy underlying the Bill the result of panic and of yielding to the noisy, irresponsible demands of a few politicians? This was very far from being the case. There could be no greater mistake, no more serious misreading of the recent history of India, than to imagine that the new Constitution had been wrung from a reluctant Government by noise, demonstration, and agitation. There had, of course, been agitation in India, and it was the inevitable results of our work there. If there had not been agitation our work in India would have tailed. It was not a protest against British administration, it was a demand for privileges which we had taught India to expect, and for which we had been training her to qualify, and which many patriotic Indians believed in all sincerity that they were not going to get unless they asked for them in terms of political vituperation.

If some critics were to be believed, the only force behind the political agitation in India to-day was a small crowd of noisy agitators. He begged their Lordships to exercise a wider judgment in that matter. The Government of India was not being dragged at the tail of a revolutionary movement by a negligible group of professional agitators. What lay behind and below the whole of the political difficulties in India was the spirit of nationalism, a spirit bred in the soil, nurtured by our methods and examples,



and spreading rapidly through all ranks and classes of Indian society. It permeated the professional classes with whom it originated. It was also going deep into the trade and moneyed classes, and it was spreading to the landed classes. It was an open secret that most of the progressive and enlightened princes in India were deeply in sympathy with all that was best in that Nationalist movement. As education continued to spread, and the standard of comfort quite properly rose, the rural masses would be shaken out of their lethargy, and it required very little gift of prophecy to foretell that they also would find themselves in the Nationalist movement. It was that spirit of Nationalism which made it impossible for the Government in India to carry on without a declaration of policy as to what England meant to do with India. He expressed the gratitude of the Indian Civil Service for the generous tribute that had been paid to their work. There was a general resolve in the Service to live up to its high traditions and to make the new order a success, and what had been said would stimulate their resolve. There were those who believed that this experiment was a mistake, that what India needed was strong Government on the old lines, and that the Constitution now proposed meant the introduction into India of bitterness and discontent. He agreed that India did want strong, just, and competent Government, and it was for Parliament to see that that Government was secured. The Bill provided for the initiation and training of Indians with all wise precautions. The work of the British Administration was not brought to a close when they had produced order out of chaos in India. Before them lay a more difficult and certainly a higher task in fostering the growth of the Nation. They could not stand still. This Bill might be full of dangers, but a far greater danger than any in the Bill was the danger of doing nothing, and so ignoring the reasonable and natural demands of the Indian people for larger share in the management of their own affairs. They would find the remedy for the present unsettlement and misunderstanding in India in giving India a vision and a whole-hearted support in the realisation of that vision. He believed that in trusting the Indian people with a share in the work and responsibility of Government they would bring all the more stable elements in Indian society into genuine partnership with us in her government, and in no other way would they foster the spirit of national pride and esteem which in time would surmount the religious troubles, the tyranny of caste, and all the other evils which made the administration of India increasingly difficult. Lord Meston finally wound up by declaring that he believed the Bill went a considerable step in the right direction.

**Earl Curzon**, Leader of the House, said this was by far the most important Bill for the Government of India that had been introduced or passed in Parliament for more than a hundred years. The most distinguishing feature of the Bill was not merely the magnitude of the changes it introduced, it was the spirit in which they had been approached. Throughout this controversy there had been an extraordinary absence of bitterness, and the presence of good temper, a friendly spirit, and a patriotic desire to do the right thing in this country and in India. It was true that many doubts were expressed in some quarters about this Bill. On the one hand, great fears were entertained as to what it might lead to, and on the other hand, hopes were entertained of what it might produce. He imagined that the truth lay between these two extremes. The real merit for the success of the Bill in its final form was in the main due to the labours of the Joint Select Committee. The report of that Committee was now in their possession, and he had never read a more moderate, temperate, or more statesmanlike pronouncement. It was a State paper of first-class importance. He thought the action of the Committee and their report had been very bold. They had produced an incomparably better scheme than the old one. As regards the dual system of Government, this was a great and novel experiment. He himself regarded it with great apprehension. In having duality in the scheme the Committee had robbed it of its greatest difficulties. They had placed responsibility on the right shoulders, and they had provided for the close co-operation between the two sections of the permanent Government. He thought they had very wisely refrained from touching the female franchise. The fact was that the women's question cut much more deeply into the roots of National life, customs, and prejudices in India than it did here. He approved warmly of the plan that there should be no change for 10 years, and believed that this change gave the measure a better chance of success than any other alteration could have given. He pointed out next that for the first time a responsible and representative British Committee had conceded to India almost absolute freedom of fiscal policy. That was a change so fundamental and fraught with such stupendous consequences that he was amazed that it had attracted so little attention in this country. It would be a factor in the growth of Self-Governing institutions in India the importance of which could not be exaggerated.

He was glad that the Council of India had been spared. That Council had never possessed sufficient power or independence, and the Secretary of State had tended, when he felt it necessary, to overrule or ignore it. He thought the existence of the India

Council was much more likely to save the Secretary of State from error than to tempt him to make mistakes. As regards Parliamentary procedure, he re-echoed the approval of the suggestion for the creation of a Standing Committee on India, composed of members of both Houses of Parliament. That was in his opinion one of the best changes made in the Bill. It would keep Parliament in closer touch with Indian affairs, and he believed such a Committee might be of the greatest use both to the Secretary of State and to Parliament itself. As to the effect the measure would have upon particular classes or individuals, he said he believed that even more than in the past we should get the best men for the post of Provincial Governor. He sometimes thought that people in this country hardly realised what a Provincial Governor was, and that he was the vital, and effective head of a most important and far reaching organization. He hoped the Prime Minister, or whoever might have to make the appointments to those offices, would succeed in attracting to them what was best in character and ability in the House of Commons, the House of Lords, and in the public life generally of England.

It was apprehended by some that when the Act came into operation the Indian Civil Servants were likely to sever their connexion with India and go. This, if true, was a grave danger. The real secret of success in India was good administration. Good administration meant a contented people. He could not exaggerate the degree in which the happiness of the people depended upon the character, disinterestedness, and ability of the men at the top. If the standard there was lowered, the reaction would go down and down, and find itself expressed in the last degree in the discontent and unhappiness of the lower classes. He was sure the life of the Indian Civil Servant would be more difficult and less attractive in the future. It had been growing so for the past 15 or 20 years. But he would join in the appeal that had been made to the Indian Civil Servants to stay and carry on their work. In the transition period that was coming, that work was more than ever important. What was wanted was that they should imbue the new Indian Civil Servants with the old ideas. He could not believe that Indian Civil Servants would have any desire to kick down the ladder by which they themselves had risen. Rather did he think that they would in the initial stages be disposed to show deference to those from whose teachings they had derived such advantages.

Lastly there was the people of India themselves. They were now to be lifted for the first time to a high plane of responsibility. They would have to exchange the irresponsible criticism in which

they had indulged, and of which they were such masters in the past, for responsible action. They had many gifts. They made good judges, good lawyers, good speakers. They were wonderfully faithful in the discharge of departmental duties. The question now was Would they be fearless, upright, capable administrators and legislators? A great chance lay in their hands. They had climbed up to the highest seats of authority. Not only India but a larger world would look to them to justify themselves.

It was a great experiment. He should not quarrel with any one who used the term "a daring experiment." Would India be better governed than it had been in the past? He did not think it would be so well governed. The standards would tend to fall. But the ideas of Nationalism and Self Determination now abroad taught people that it was much more important that they should govern themselves even though they might not be so well governed than be better governed by others. The way to meet those difficulties was for all classes concerned, British and Indian, to unite in facing them and overcoming them. He urged the native Press in India to make this an opportunity of introducing a higher, fairer and more judicial tone. Let them all remember not only their responsibility, but that they could not discharge it without the friendly co-operation of our own people and let them endeavour to make this project a success. He hoped Parliament would not forget the responsibility laid upon them. In the last resort Parliament was the great tribunal in which every Indian question was referred. He hoped Parliament would watch with unceasing interest and would do anything in its power to facilitate the greatest and boldest experiment that had ever been made in the history of the British Empire.

Lord Amphill's amendment moving for the postponement of the debate having been withdrawn the Bill was read a second time.

### The following is the full Text of

### LORD SINHA'S SPEECH

My Lords, the position I have held for the last months in your Lordships' House is one of which I have been naturally and gratefully but I hope not unbecomingly proud, though I have felt oppressed with a deep sense of personal insufficiency. My Lords, these feelings reach their culminating point today when it involves the high privilege of asking your Lordships to give this Bill a second reading. If any arts of eloquence or persuasion were necessary for the purpose of inducing your Lordships' House to accept the general principles underlying this Bill I would despair of the task before me, but I

feel convinced that the great experiment which this Bill will inaugurate is likely to prove successful and beneficial, not only to India but to the Empire at large. It is because I am convinced that this Bill is wisely framed to place the feet of India on a level road leading to that goal to which she has long aspired, the goal of self-government within the Empire, and to a real partnership in that great Empire which is bound together by unswerving allegiance and enthusiastic homage to our august Sovereign, in whose person is embodied all that Empire means and connotes, I repeat that it is with feelings of humble and grateful pride that I rise to make this motion.

This Bill is the immediate outcome of the memorable Declaration of policy made by his Majesty's Government on August 20 1917. The whole of that Declaration is embodied in the preamble of the Bill; it had been read to your Lordships several times already, and I will not weary your patience by reading it again. It is the first step forward that parliament is asked to take in fulfilment of that pledge, and I confidently hope that your Lordships will agree that in taking this step you will be taking a generous and perhaps a bold step, and yet one which is neither rash nor hasty, nor unnecessary or ill-considered.

### History of the Measure

My Lords, let me invite your attention for a few moments to the immense amount of care and critical examination from every possible standpoint which have gone to the elaboration of this measure. The matter was first broached when Mr. Austen Chamberlain was still Secretary of State for India, and Lord Hardinge, after full consultation with the heads of the various local Governments, put forward certain proposals for post-war reforms. Soon after Lord Cheamsey assumed office in 1916, the need for a public declaration of policy as to the future of India was recognised by the Secretary of State and his Majesty's Government. The Government of India invited Mr. Chamberlain to visit India and confer with them as to the practical steps to be taken in pursuance of this policy. The policy was declared in August 1917, and Mr. Montagu to whom on his acceptance of office the Government of India had transferred their invitation, went to India in the autumn of that year. Before he left he had already been furnished with the results of prolonged and thorough investigation by his advisers of the India Office as to the possible lines of advance.

The Secretary of State and the Viceroy spent the cold weather of 1917—18 in a detailed inquiry in India, in the course of which they visited all the larger centres in the provinces and had the

benefit of the fullest consultation with the heads of local Governments and the members of the Government of India and of non-official opinion of all shades. The result of this inquiry was the Montagu-Chelmsford Report published in July, 1918, and this was further supplemented by the minute and careful investigations carried on throughout India by the two Committees presided over by the noble Lord, Lord Southborough. These investigations resulted in two further Reports—the Franchise Report and the Functions Report. And may I pause here for one moment to pay a humble tribute to Lord Southborough and the members of his Committee for the valuable work done by them, without which it would have been impossible to proceed with, and indeed to frame this Bill.

These three Reports, the Montagu-Chelmsford Report, the Franchise Report, and the Functions Report, have been subjected to exhaustive examination by the Government of India, results of which you have before you in three of their published despatches. You have also two other published despatches of the Government of India dealing with various special aspects of the problem. Yet another Committee, presided over by the noble Marquess, Lord Crewe, closely examined the question of the changes to be made in the system of home administration of Indian affairs, and you have the Report of that Committee before you. Finally the whole matter has been investigated and all the available material re-examined by a Select Committee of both Houses, who, after many weeks of hearing of all the evidence available in this country, both official and nonofficial, Indian and British, and after patient scrutiny of all the documentary evidence, have given you their mature conclusions in the shape of this amended Bill and of their Report upon it. This last Report is, I venture to think, of almost equal importance as the Bill itself, and will be looked upon in India quite as much as the Bill as the charter of our progressive liberties. And here again I must ask your Lordships' leave to be allowed to voice the general appreciation of the uniform courtesy, the patient industry and the ripe experience which the noble Earl, Lord Selborne, as President of that Committee, brought to bear upon its investigation. Surely, my Lords, no one in view of all these facts can contend with any show of reason that the Bill which you are now asked to read a second time has been insufficiently explored. This Bill is the natural and inevitable sequel to the long chapter of previous legislation for the better government of India. And for that purpose I will confine myself briefly to the Statutes of 1861, 1892, and 1909.

### Constitutional Development in India

From 1837 to 1861 the Governor-General in Council was the sole administrative as well as the legislative authority for British India. The Indian Councils Act of 1861 for the first time associated with the Governor-General's Executive Council and the Executive Councils of the two presidency Governors a small number of additional members, half of them being non-officials, for the purpose of making laws. But these Legislative Councils were no more than advisory committees for that purpose only, and had none of the other attributes of legislatures. Similar provisions were subsequently made for the province of Bengal and the North-West Provinces. A further step was taken by the Act of 1892 which increased the numbers of the Legislative Council slightly, but what is more, enabled rules to be made regulating the course of nomination of nonofficial members in a manner which contained the first faint beginnings of representative principle. Further, it gave liberty to ask questions and to discuss, but only to discuss and not to vote or to move resolutions upon, the financial statement.

Then came Lord Morley's Act of 1909, which still further enlarged the Legislative Council both of the Governor-General and of the provinces. But it did more. It introduced for the first time the principle of election, though not yet direct election, as the means of constituting a portion of the nonofficial members. Further, it gave the Councils power to move resolutions upon matters of general public interest, and also upon the Budget and to ask supplementary questions. The resolutions, however, were to be only advisory in character, which the executive might adopt or reject at its discretion. We see, therefore, that for a period of nearly sixty years there has been a steady increase in the number of members for the Legislative Councils, the introduction of the principle of representation by election, and a progressive increase of the functions assigned to these Legislatures, steadily tending to make these Councils more and more parliamentary in nature, character, and influence.

The Bill before your Lordship's House intends to make these Councils even more parliamentary in character by a further increase in numbers with the object of making them as completely representative of the whole population as is possible and by increasing their functions to the largest possible extent that existing circumstances will allow. Since Lord Morley's reforms were inaugurated, ten years have passed—ten fruitful years of experience and rapid development—within which fall the four crowded years of the great struggle in which India has, like other parts of the Empire

whose existence was at stake, borne her share. Of the part played by India in the war I do not propose to speak today. Her record is known to your Lordships and I will venture only to say that no words of mine are needed to give lustre to that record. Moreover, I should be creating an absolutely false impression if any remarks of mine gave colour to the impression that India desires or demands this measure as a reward for her war services. In my view this Bill must stand upon its own merits—upon the question whether or not the great experiment which it seeks to initiate is an experiment on right and proper lines.

There is no doubt that as a result of the war there has been a great advance in the status of India. She has been privileged through her own representatives to take an equal part with the dominions overseas in the Imperial War Conference, and also in the Peace Conference in Paris and she has been admitted as an original member of the League of Nations. These experiences have further quickened her sense of national unity and development, a sense which has been steadily fostered for many years by common allegiance to the same beloved Sovereign, by being amenable to one code of laws, by being taxed by one authority, by being influenced for weal or woe by one system of administration, and by being urged by like impulse to secure like rights and to be relieved of like burdens. My Lords, it is no longer possible to doubt this rapidly growing sense of nationality, any more than it is possible for India to stand aside unchanged from the turmoil of development and growth and reconstruction which has been shaking the world for the last five years.

My Lords, you have been deluged with a mass of blue-books and reports on this subject, and I do not deny that in its details the subject is one of great complexity, but I would submit to your Lordships that the real issue is a simple one. It is this. Do you intend to keep India in leading strings, or do you believe the time has come when Indians themselves should be given some control of policy and should be in a position to make a start at least on the path of self-government?

The present system of Government in India is in essentials identical with that which obtained sixty years ago, and indeed earlier. It is a purely official government, centred in the India Office, able and entitled to impose its will in every detail on the people, the administration of whose affairs has been entrusted to it by Parliament. I am deeply conscious of the debt which we owe to the Government of India, to the local Governments, and to the untiring and devoted efforts of the great services which they



employ, and which have been directed with an energy and singleness of purpose, probably unequalled in history, to the welfare and advancement of the people committed to their charge, and with a success in securing that advancement which certainly no premature attempt at self Government could possibly have achieved.

But, my Lords, during these sixty years you have had Legislatures set up in the provinces, and, including the central government, now no fewer than ten in number, gradually increasing in size, gradually acquiring more power to criticise the action and policy of the executive, and gradually becoming more and more representative of public opinion. But their functions are confined, broadly speaking, to criticism. I do not deny that the influence which they have exercised during the last years has been great, nor do I assert that the official Governments have pursued systematically, or even frequently, a policy of flouting the wishes of the non-official members. They have done nothing of the kind, I believe that, so far as has been consistent with the discharge of their responsibilities to Parliament, the Government in India and the Secretary of State in this country have been studiously careful to pay increasing deference to the representatives of the people in the Councils. But, my Lords, what these Councils do not possess, and what the representative of the people ask for, is some guarantee that the executive will conform to their wishes when they represent the real desire of the majority, in other words, they want to advance from the stage of influence to that of control, while steadfastly maintaining their loyalty to the King Emperor as an integral portion of the British Empire

In so far as these demands postulate complete self-government for India at once, or even a material weakening of the connection which ensures for India the responsibility of the British Parliament for the maintenance of peace and order and for its immunity from external aggression, I for one emphatically repudiate them, and I am convinced that in so doing I am voicing the sentiments of the vast majority of my countrymen. India is not yet fully equipped for complete self-government, and I will not be so rash as to attempt to predict when she will be. But of this I am certain, that so long as the present system continues she never will be fit for self-government. It is only with experience of actual responsibility that the fitness to exercise it grows. I am also certain that India is fit and ready to-day to embark, and to embark with every hope of success, on the experiment which this Bill proposes, and that this Bill is the only logical and necessary means for carrying out the pledge given by the announcement

This Bill will not and is not intended to set up a final and permanent constitution for India. It provides for a period of transition. How long that period will last, as I have already said, I make no attempt to forecast, but while it lasts we have to provide a bridge whereby India may pass from an autocratic and bureaucratic form of government, which guides her destinies *AB EXTRA*, to a form of government whereby she will control her own destinies. We have to give the people in India at once some measure of control over the policy which dictates their taxes, and this we have to do by a system which will enable a sure judgment to be passed on the use or misuse to which that control is put, and an orderly and justifiable advance to be made.

### Scheme of the Bill.

Let me try and explain very briefly the means proposed in this Bill with these objects in view. We start by dividing revenues and demarcating the spheres of government as between the Central Government and the provinces. We assign to the Central Government unquestioned authority over certain administrative heads, such as the defence of the country, its railways, tariffs, and other activities which cannot be localised, for these it legislates, for these it provides funds, for these it supplies and controls, either directly or through the intervention of provincial governments, its executive agency. Certain other administrative heads are handed over to the Provincial Governments, which assume within their own areas full and complete responsibility for financing and administering them. There are limitations of course—there must be limitations—on the authority of Provincial Governments in so far as they remain agents of Parliament, but I need not now confuse the broad outlines with these.

Of these matters which thus become, in the language of the Bill, 'Provincial subjects', a further division is made, and while for one portion of them the official side of the Government retains responsibility, the other portion is handed over to the administration of the Governor acting with Ministers chosen from the elected members of the Legislature. Over the matter compressed within this latter portion of the field the Legislature will be given a very real control; legislation for them will be governed by the wishes of the elected majorities, and it will vote the supplies for them. For the administration of these subjects the Ministers will be directly responsible to the Legislature, and though they are liable

to be overruled by the Governor if he considers that his endorsement of the policy proposed is inconsistent with the discharge of his responsibilities for the administration of the 'reserved' subjects or for the peace and tranquillity of his province, they can only remain in office if they are prepared to support and defend in the Legislature any action relative to the subjects in their charge, with the full knowledge that such support or defence, if the Legislature calls their acts in question, may lead to an adverse vote and possibly to resignation or dismissal.

So much for the immediate effects of the Bill as planned. But as I have said, the Bill attempts—and I submit successfully attempts—to provide for progress. It legislates for a transition from bureaucratic to self-government. And the progress is to be effected by the simple means of gradually enlarging the field made over to the administration of Ministers by the gradual transfer of more and more subjects to their administration until at length the time arrives when there are no subjects remaining 'reserved'. I have said more than once that I make no attempt to predict the date when that consummation will be reached. Obviously it cannot arrive until you have throughout India widely diffused and trained electorates capable of formulating clear and wise conceptions of policy and of selecting representatives who will be capable of guiding and voicing the view of the population at large. But here, again, it is by actual experience and by no other method that such training can be given.

If it is necessary, in order to train administrators, to give the legislatures real work to do and real responsibilities to shoulder, it is no less necessary, in order to train the electorates and to teach the value and the proper use of a vote, to give the representatives selected as the result of that vote the opportunity of controlling the course of the administration in a way which will be clear in its results, be they good or bad, to the electors. I say 'be they good or bad' advisedly, for it is human experience that success is achieved by means of failures, and that mistakes, if not irretrievable are the best of lessons, and it would be idle to suppose that Indian administrators will spring into being full-fledged and infallible. If this were to be expected there would be no justification for this half-way house with all its complications of structure. We expect mistakes, but we claim that we have provided in this Bill every responsible safeguard and every device possible to minimize the chance of their occurrence or the seriousness of their results when they do occur. In the first place, we reserve in the charge of an agency still responsible to Parliament those services or heads of

administration upon which the safety and peace of the country depend, and we provide means by which that agency, despite a large nonofficial majority in the legislatures, shall be enabled unfailingly to secure the legislation and the supply which it regards as essential to the discharge of its responsibility. In the second place, we ensure by the association of the new Ministers with an official element in the executive, that the experience and knowledge acquired by long traditions and practice of a great and successful service shall be at the disposal of the Ministers when they formulate their own policy. And, lastly, we ensure by the relations which are to subsist between Ministers on the one hand and the executive Council on the other, that the latter will have in their deliberations the advantage of friendly counsel and a knowledge of the wishes and susceptibilities of the people.

### Dyarchy.

This is the plan which has been given the somewhat terrifying name of dyarchy. For myself I should have preferred to call it a system of specific devolution. Your Lordships will not have failed to observe that the joint Committee after many weeks of patient examination of the matter from every point of view, has reported that the plan proposed by the Bill interprets with scrupulous accuracy the policy announced on August 20, 1917, and that it is the best means of carrying out that policy. By the scheme of the Bill they meant in that connection primarily its basic principle of division of functions and consequent demarcation of the source of authority which is to be behind the provincial executives. But it would be foolish to attempt to disguise from myself or from your Lordships' House the fact that this principle is regarded with misgivings by many persons who are in full accord with the general policy which the Bill seeks to carry out. The objections to this principle are obvious. But is there really any practicable alternative?

Various alternative schemes have been put forward with greater or less authority. The first in point of time was the scheme of the Congress and the Moslem League which was published before the conception of the Montagu-Chelmsford Report. More than one alternative was suggested by the official reports of the various local Governments on that Report, another scheme was formulated by five heads of provinces after the local Governments had discussed the proposals officially, and finally, the Joint Committee had yet another alternative scheme laid before them by representatives of the Indo-British Association. But apart from variations of detail, all these alternative schemes are in essence the same. They purport to provide an united or unified executive and to proceed on the basis (as one

authority has put it) of giving some responsibility to the legislatures for all matters of Government rather than full responsibility for some. They postulate a Council or executive body, consisting in part of officials and in part of members of the legislatures, and all holding office for a fixed period. They reject the device of dividing functions and subjects, and they propose that the members of this Government should preserve joint responsibility for all the action and decisions of the Government in the ordinary and usual manner of Cabinet government. They postulate that the non-official members of the Government will be selected as representing the views of the majority of the Council, and will in practice necessarily be influenced by the opinions of the Legislative Council (those words I quote from the memorandum of the five heads of provinces). This fact, they urge, will secure that the Government as a whole in its decisions on all matters will to some extent be responsible to the legislatures whose wishes will necessarily strongly influence if not shape those decisions. Lastly progress towards fuller and more real responsible government is to be achieved, on the one hand, by gradually increasing the number of members of the executive taken from the elected members of the Council and by, therefore, handing over to such members a larger range of portfolios, and, on the other hand, by a gradual increase in the deference paid by the executive to the wishes of the Legislatures. I believe that is a fair description of the essential features of all the various alternative schemes which have been put forward.

The problem can be simply stated. It is to give a measure of control to representative Assemblies in India over the policy and actions of the Government, and to give it in such a way that the control can be gradually increased as and when those to whom it is entrusted exhibit their fitness for an increase, but in such a way that each increase comes by an ordered and controllable process, and not *per saltum*, so that throughout the process may be one of evolution, and neither in its first stage nor at any subsequent stage one of revolution.

That is the problem. Now, are you going to solve it by giving to parliamentary institutions in India full control—or practically full control—over a certain defined field, or by giving at once some control over the whole field. I am confident that reflection will show that the latter alternative is not only not good method of achieving the object in view, but that it is not a practicable alternative, and, if it were introduced, it could have only one of two results—either a complete failure to establish any real responsibility to parliamentary institutions or Councils in India, or to a paralysis

of Government which would lead, and lead rapidly and inevitably, to complete control by legislatures in India and a complete ouster of the authority of this Parliament.

For what is the underlying hypothesis in all these schemes for a unified Government? It is nothing more nor less than a divided allegiance to Parliament on the one hand and the provincial legislature which affects or may affect every single issue which comes before the Government. The official members of the Government will be responsible to Parliament, under whose authority and in whose name they hold their office; the non-official members of the Government will, as members of a united Government, be similarly, in theory responsible to Parliament. But they will, remember, be necessarily influenced by the opinion of the legislative council, from whose ranks they are elected. If the official members of the Executive Government, in deference to orders received from Whitehall and Simla, or in fulfilment of what they conceive to be their responsibility to Whitehall and Simla, for the good administration of the province, adopt a policy of which the majority of the legislative council (whether rightly or wrongly) disapprove, what is to be the attitude of their nonofficial colleagues? Assuming that that view coincides with the majority of the legislature, are they to sink their difference and support their official colleagues? If they do, what has become of the element of responsibility to the legislature? Or are they to oppose their colleagues and withhold their support? If so, where is the unity of the Government? If, on the other hand, the official members of the Government adopt a course which they honestly believe to be consistent with the discharge of their responsibility to Parliament in deference to their nonofficial colleagues and the majority of the legislature, they would no doubt PRO TANTO be establishing a system of Government by popular control and rendering the executive amenable to the popular will, but would Parliament for a moment tolerate such government by abdication and would it not rightly call to account a Secretary of State who by acquiescence in such a course might endanger the peace and good government of the country?

Again, even were such a unified system workable at the outset is the road to progress in the grant of responsibility which it opens a satisfactory road? As I have stated, its supporters urge that development lies in the line of increasing the number of nonofficial Councillors, with a consequent increase in the number and scope of the portfolios committed to them, of increasing acquiescence in the wishes of the legislature and rare resort to the veto. With the two latter of these suggestions I have just dealt. As regards the two former processes, since a unified executive must as such be

answerable for its actions to Parliament and subject in the last resort in all matters of administration to Parliament's control, I fail to see how any increase in the number of nonofficial members of such an executive or any enlargement of the sphere of their administrative activities can alter the character or lessen the reality of that control. This particular point has been dealt with much more clearly and more cogently than I have been able to do by the Government of India in their dispatch of March 5 of this year, and I would only refer to paragraphs 18 to 24 in that dispatch which is published as Command Paper 123. For these considerations I submit that your Lordships will accept without hesitation the opinion of the Joint Committee on this the fundamental point of the whole Bill.

### Form of Bill

Before coming to the provisions of the Bill itself, I venture to draw attention to two particular points as regards the form of the Bill. In the first place, your Lordships will have seen that the main provisions for constitutional changes are set out in the body of the Bill itself and by means of a schedule—the second schedule to the Act—these changes are to find their proper place in the main Act, the Act. of 1915-16, so that automatically consolidation will follow. That is the plan of the Bill, and it has commended itself to the Joint Committee, and I trust will commend itself to your Lordships also. The second point in connection with the frame of the Bill is this. The Bill itself outlines the main features of the constitutional changes. It leaves these changes to be worked out in detail in the form of rules. Some objection has been taken to this latter feature, but here again I would refer to the White Paper which gives in full the reasons for this form of legislation in this particular case.

Firstly, it is in accordance with all previous precedents. The matter was debated on the last occasion when Lord Morley's Act came before your Lordships' House, and, as I read the debates, it was generally accepted that that was the proper way of framing the Bill, leaving the details of the constitutional changes to be worked out by the authorities in India, subject, however, to the control of Parliament. Secondly, it secures reasonable dimensions for the Bill, and makes elasticity possible. Thirdly, it is the only method possible for the introduction of new constitutional forms expressly devised for the conditions of a transitional stage. Fourthly, it enables different provisions to be made for different provinces, and, fifthly (and this is the feature to which I desire to draw special attention) the control of Parliament is fully secured for the exercise of the

rule making power by clauses 33 and 44 of the Bill to which I crave your Lordships' particular attention.

Clause 33 deals with the rules to be made by the Secretary of State himself for the purpose of relaxing his powers of superintendence, direction and control. That clause enacts that rules with regard to subjects other than transferred subjects shall be laid in draft before both Houses of Parliament, and therefore shall not come into operation until they have been approved by both House of Parliament. All other rules shall be subjected to the negative process of being laid on the table of the House. Parliament of course is to be at liberty to petition his Majesty to annul the rules, on which the rules shall be annulled. Clause 44 deals with by far the larger majority of rules which are to be made under this Act, namely, rules by the Governor-General in Council. These rules again, are divided into two categories—first, rules which are only to be subjected to the negative process of being laid before Parliament after they come into operation but being liable to be set aside or annulled by petition to his Majesty in Council by Parliament. It is also provided that the Secretary of State may direct that any rules to which the section applies shall be laid in draft, and that they shall not come into operation, before Parliament had approved them by positive resolution, and the Secretary of State in exercising his discretion will undoubtedly be advised by the standing Committee of both Houses what the Joint Committee recommends, or by the Joint Committee itself if Parliament chooses to reappoint it for the purpose of going through these rules. I submit, therefore, that the criticism that it is either dangerous or inexpedient to leave so much to be done by rules is neither just nor fair.

### Explanation of Provisions.

Having dealt with the fundamental principle involved in the Bill, I will not detain your Lordships long with the other features as contained in the separate clauses, especially as the Report of the Joint Committee has dealt with them clause by clause and given the reasons not only for the clauses themselves but also for such changes as they have introduced. The Bill, following the general plan of the Montagu-Chelmsford Report, starts with provincial Governments since it is in that sphere chiefly that the scheme is to be developed. Clause 3 sets up in the eight major provinces of India a Governor in Council—a form of government which has long been in force in the three presidencies. But the new local Governments are not merely to be Governors in Council—they will consist of the Governor in Council (whose functions and constitution will



remain unchanged) and of the Governor acting with Ministers, appointed from the elected members of the Legislative Council and holding office during the Governor's pleasure. To the Governor in Council will be entrusted the responsibility for reserved subjects, and the Governor and Ministers will be responsible for the transferred subjects. All matters which in a Council Government would normally come before the Council—that is, ~~everything~~ everything which is not of purely departmental or minor importance—will as a general rule come for discussion before the Governor, his Councillors, and his Ministers sitting in conclave. But the decision on reserved subjects and the responsibility for that decision will rest with the Governor in Council, while the decision and the responsibility for the decision on all transferred matters will rest with Ministers subject to the Governor's intervention and control if he feels it incumbent upon him to reject their advice. This is the provincial executive.

The Legislative Councils in all their eight provinces are to be considerably increased in size and will acquire for the first time a substantial (70 per cent.) elected majority. The Governor will not be a member of the legislature, each body will have a non-official president and deputy president to be elected by itself subject to the Governor's approval, but for the first four years the office of President is to be filled by a nominee of the Governor. Each Council will normally have a life of three years, though the Governor may at any time dissolve the legislative council. The powers of provincial legislatures will as regards legislation be much as they are at present, but in view of the fact that the scheme contemplates an almost complete abrogation of the existing executive orders which require every Bill (save those of purely formal or minor importance) to be submitted to the Government of India and the Secretary of State for previous approval before introduction—a system which has naturally not conduced to initiative and independence in provincial legislation—the necessity arises for somewhat expanding the scope of the existing statutory provisions which require the previous sanction of the Governor-General to certain classes of provincial Bills, so as to ensure that the provincial legislatures shall not infringe on the sphere which is reserved for the Central Government.

Outside matters of legislation, the powers of the Councils are to be enlarged—or perhaps it would be more correct to say that the Bill reverses the position which these bodies have hitherto held. Hitherto legislative councils in India have been presumed by the law to have no functions except those which the law has specifically allowed them. As I pointed out a short time ago legislative councils in India were at the time of their creation strictly confined in their

duties and powers to the business of discussing and passing legislative measures. Little by little the scope of their activities has been increased by the grant of further specified powers. Under this Bill they will be assumed to possess all the normal attributes and powers of a legislative body except those which are definitely withheld or the use of which is restricted.

The most important change which results from this position is that for the first time the provincial budget will be voted by the legislative councils—they will now actually vote and sanction the appropriations proposed by the Executive. All they can do at present is to vote about the budget; that is to say, they can move and vote upon resolutions recommending changes in the Government's financial proposals in the year, but the Government has usually been in a position with its nominated majority to defeat any such resolution if it wished to do so and in any case was in no way bound to accept it if carried, and hitherto the annual appropriations of expenditure have required no other sanction than the fiat of the Executive Government. That will now be changed, and the legislature will have a real voice in the disposal of provincial finances. It would be impossible, of course, to give them at the present stage a final and decisive voice over the whole field. A portion of the Government will not be responsible to or removable by the legislature, and that portion of the Government must be in a position to secure the legislation and supplies it needs for the discharge of its responsibilities. It has not the natural means of an assured majority in the House, and it must therefore be given an artificial means. Thus in 'reserved' finance, the Governor is empowered to neglect an adverse vote on a budget head if he certifies that the proposed expenditure is essential to the discharge of his responsibility for the subject, while in times of crisis, when perhaps a recalcitrant legislature may decline to vote any supplies, he is empowered to authorise such expenditure as is required for the maintenance of safety and tranquillity or to avoid administrative starvation.

There is a further safeguard against irresponsible action by the legislature in the matter of supply—that certain heads of expenditure are not to require an annual vote—in much the same way as the Consolidated Fund in this country. For example, contributions payable by the local Government to the Governor-General in Council interest and sinking fund charges on loans, expenditure of which the amount is prescribed by or under any law, salaries and pensions of persons appointed by or with the approval of His Majesty by the Secretary of State in Council, and salaries of Judges of the High Court of the Province, and of the Advocate-General.

In legislation the position of the official Government is safe guarded by the provisions of Clause 13 and Clause 11 (5) of the Bill, which give the Governor power to secure the passage or rejection of Bills in certain circumstances. I do not wish to weary your Lordships with detail, but I invite particular attention to these provisions and to the remarks in the Joint Committee's Report in explanation of them. They take the place of the original plan suggested in the Montagu-Chelmsford Report of Grand Committees of the Council, and I am confident that your Lordships will agree that the change made by the Joint Committee is a great improvement and that nothing will be lost and much gained, by their more straight-forward plan.

### Central Government

The changes made by the Bill in the Government of India are much less extensive. The Indian Legislature is considerably enlarged and is now to consist of two Chambers—an Upper Chamber or Council of State of sixty members and an Assembly of 140 members, the latter with substantial elected majority. The statutory limit on the number of the Governor General's Executive Council is a minimum of five and a maximum of six (or six and seven if the Commander in Chief is included). The Bill does away with the Extraordinary Member, and assumes, as will doubtless be the case, that the Commander-in-Chief will always continue to be appointed a member of the Council. Each member of the Executive Council will be a nominated member of one or other Chamber of the Legislature, but not of both, though they will be entitled to speak in both Chambers. Like the provincial legislatures, the Indian legislature is to have power for the first time to vote on certain portions of the Budget. That is to say, there will be the same provisions for a Consolidated Fund upon which they will not be able to vote; and further, the Governor-General will always be entitled, if he thinks necessary, to reject every vote on every item of the Budget of the legislature.

It may be urged that this change is inconsistent with the policy which has taken no step towards introducing at this stage the principle of responsible government in the Central Government in the sense of making the central Executive legally dependent upon or subject to the control of the legislature. I am confident your Lordships will agree that whatever technical inconsistency there may be, the change is sound and necessary. What is the position? In the first place, there can be no question of taking away any power which the central legislature at present enjoys. One of the powers which it has enjoyed for the last ten years is power to

propose and vote resolutions suggesting changes in the budget statement, and this power it must retain. Hitherto the Government has been able by means of its official majority to defeat any such resolution (though even if it had failed to defeat it, the resolution would have no binding effect). But in future the Government will not command a majority in the legislature.

Now my lords, which is the sounder constitutional position—the position which augurs best for a sound judgment by the proposed Statutory Commission which is to inquire into progress ten years hence and for amicable relations meanwhile, that the Indian legislature should be able year after year with no sense of responsibility flowing from a knowledge of practical consequences of its vote by an overwhelming majority, resolution after resolution recommending specific alterations in the Budget, which the Government is forced to ignore, or that the legislature should be legally responsible for passing the estimates and legally accountable for the results of any modifications they may vote? I admit that the practical difference between the two positions is not great, for if you will look at the clause—it is clause 25—you will see that the Government is necessarily given the fullest powers to reject adverse votes, since its responsibility is not to the Indian legislature but to this Parliament for the proper administration of its charge. The change is really one of form, but I do not seek to disguise its importance on that ground. It is an important change, but one which I am convinced is the logical and necessary result of constituting a representative central legislature.

I have been a member of the Governor-General's Legislative Council, it is true in an official capacity, but none the less closely associated with all the nonofficial members. I can assure your lordships that the cleavage which has unfortunately shown itself so often of late between the nonofficial and the official members of that body is largely due to the non-official's sense of aloofness from the real difficulties and decisions of the Government which the present position has engendered. They feel—they can hardly help feeling—that they are outside the machine and are not a real part of its working. I am confident that all that is required to obliterate that cleavage is an admission, with whatever safeguards and checks that may be found necessary, that the legislature and all its members are an essential and working part of the machinery of Government, that the action or inaction of every member influences the working of the whole.

Allow me to draw your Lordships' attention, so far as the Government of India is concerned, to one more clause, and that is

clause 26, because there also a new feature is introduced in place of the old device of the official RLOC, for the purpose of enabling the Governor-General to obtain the legislation which he considers necessary for his purpose. The Governor-General is able to pass any law which he thinks necessary for the safety and tranquillity of India, provided that the ordinance will require the sanction of his Majesty before it becomes law. Of course, the power of this ordinance in cases of emergencies, already exists, and it remains as it is so that for emergency purposes the Governor-General will be able to pass such laws as he thinks necessary, provided that they will be liable, as they are now, to be vetoed by his Majesty in Council.

### Other Matters.

With regard to the provisions of the Bill relating to the Secretary of State, I need say little. They make no constitutional changes, but are designed to modernize and make more elastic the statutory provisions—many of which are relics of the days of the Court of Directors—relating to the working of the India Council. Power is taken to adopt the recommendation of Lord Crewe's Committee to appoint a High Commissioner for India, and no time will be lost in working out with the Government of India the details of this purpose if it receive the sanction of Parliament.

There is one further matter with regard to the Council—namely, that the number has been reduced. The minimum was ten and the maximum fourteen. These are now reduced to eight as a maximum. There are to be at least three Indian members of the Council. The salaries are to be £1,200 a year with £600 extra for the Indian members, and the Committee remark that the salary was calculated on a pre-war basis so that the Secretary is not precluded from granting to the Council what other permanent officials are getting here—namely a war bonus.

Part IV of the Bill relates to the Civil Services in India and its provisions are intended generally while enabling a new classification of these services to be made, to safeguard the pay and position and rights to pension of existing members of those services, and to pave as smooth a road as possible for future members. The services, my Lords, need no tribute from me. Their work is plain for the world to see, and it is their work in the main and its great results developing through the years, that have made India fit for this great experiment. But the passage of this Bill does not close the chapter of their ungrudging toil. India still needs, and will long need, men of the type which Great Britain has so long

given her, and I refuse to believe that she will not continue to receive from the sons of Great Britain the same loyal and devoted service as she has received, to her lasting benefit, in the past. I also cordially echo the hope and conviction, expressed in the report of the Joint Select Committee, that these civil services will accept the changing conditions and the inevitable alterations in their own position, and devote themselves in all loyalty to making a success, so far as in them lies, of the new constitution.

Finally, the Bill gives powers to appoint a Commission of Inquiry to report to Parliament on past progress, with a view to enabling Parliament judge what further advances can be made. The Bill provides for one such Commission after ten years' trial. This does not imply the belief that in ten years the process of training will be complete. It is perhaps unusual to legislate for an event ten years ahead; it would be clearly inappropriate to legislate for a longer period. But periodical inquiries are of the essence of the scheme, and the Bill would obviously be incomplete without some provision of this kind.

So far as Part VI of the Bill is concerned, there is only one clause to which I need draw your Lordships' attention, namely, clause 42, which modifies section 124 of the Principal Act with regard to persons engaged in any trade or business becoming members of the Executive Council or Ministers, provided they do not during their term of office, take part in the direction or management of that trade or business. The changing conditions of the country absolutely require that there should be some such provision made, because, if it is not, the Government will lose probably the benefit of people who are best calculated by their services as commercial or mercantile people to take part in the actual work of Government.

I fear that I have made a large draft upon the patience of your Lordships' House. But even if there are those amongst your Lordships whose position in this House would lead them to view my presentment of this matter critically and with caution as coming from a representative of his Majesty's Government, I am confident that the position which it is also my privilege to hold, of a representative of my countrymen, will have ensured me an indulgent and sympathetic hearing. Above all, I am confident that there is no member of this House who will be deterred by individual opinions or by my personal shortcomings from approaching the examination of this Bill in that traditional spirit of British fairness and impartiality, and with that earnest desire for the advancement of India's welfare, which has done so much for the betterment of India in the past.

There may be those amongst your Lordships who think that the passage of this Bill will not advance India's welfare, who think that the system of government which has, with little essential change and with so many beneficial results, endured through the changes of the nineteenth century, should be continued, unchanged in essentials, through the twentieth century, and that the time has not arrived to sever the leading strings. Believe me, my Lords, that is a view which, if you wish to secure a sense of gratitude and contentment amongst the populations of India, can no longer be maintained. The whole course of your administration of India, the whole of its fruitful results, culminating in the recognition which you have accorded during the past five years to India as a real partner in the Empire, have produced expectations (and I say justified expectations) that you will now agree to treat her as having outgrown her political infancy. I do not claim, and reasonable Indians do not claim, that her people as a whole have today reached politically man's estate. If I claimed this, I could not consistently support this Bill. But I do claim on behalf of my countrymen that they have reached the age of adolescence. The stage of growth is notoriously a difficult age. It is surely human experience that the guardian best serves his ward's interests, and best conserves a relationship of mutual trust and affection who so orders his control at this period that the aspirations for freedom and self-expression which inevitably accompany healthy adolescence should receive his wise and reasonable indulgence, and that active control should be exercised only to prevent irretrievable errors and to correct undesirable developments.

I believe that this Bill will enable the British Parliament to adopt that attitude towards India, and I have sufficient faith in the character of my countrymen, and in the essential wisdom and justice of the mother of Parliaments to believe that the results of this measure will be to inaugurate a relationship between them which will enable India in due time to reach the full stature of a prosperous, loyal, and grateful partner in the privileges and duties which belong to the great world-family of the British Empire.

Lastly, I ask your Lordships' leave to address a few words to those of my fellow countrymen who may still be inclined to dispute the substantial nature of the advance proposed. Of course I do not agree with them but even if there was any proof in their doubts and suspicions, let me tell them in the words of the great Book, if I may do so without irreverence, that what is being given to India is like the grain of mustard seed which a man took and sowed in the field, which now is the least of all seeds,

but when it was grown it was the greatest amongst the herbs and became a tree so that the birds of the air came and lodged in the branches thereof.

Moved, That the Bill be now read 2nd time—(Lord Sinha).

Lord Carmichael On behalf of Lord Harris, I beg to move that the debate be now adjourned.

Moved accordingly, and debate adjourned until next day, 12th Dec. '19

## Government of India Bill in Committee

### House of Lords--16 Dec. 1919

On the motion that the House go into committee on the India Bill, Lord Amptill strongly criticized the Bill and said that the Bill failed to pass the crucial test whether it carried India towards self-government, because it created an Indian oligarchy instead of a British bureaucracy. British prestige in India was already irreparably damaged by yielding to the intimidation of agitators.

Lord Islington supporting the Bill said that dualism was the only means of interpreting sincerely the Announcement of the 20th August, 1917, and the gradual development of self-governing institutions in the provinces could only by that means be carried out.

The Bill was then considered in committee, Lord Donoughmore presiding.

Lord Macdonnell moved an amendment to clause I with the object of substituting unitary system for dualism during the first ten years.

Lord Sydenham supported the amendment.

Lord Sinha declared that the acceptance of the amendment would mean the rejection of the whole principle underlying the Bill.

Lord Amptill declared that dyarchy was grotesque.

Lord Middleton opposed the amendment which was defeated by 44 votes to 5.

Lord Sydenham moved the amendment that the development of Industries should not be a transferred subject.

Lord Lamington supported the amendment and urged the postponement of its transference.

Lord Sinha pointed out that the Bill did not provide for the transference of subjects which would be dealt with by rules. Therefore, the question would arise when rules which would have to be submitted to Parliament were made.

Lord Sinha emphasized that the provision by which certain provincial industries were transferred depended on rules being made.



accordingly and being approved by Parliament. He gave an assurance that rules would be submitted to Parliament to enable it to decide whether the provision made sufficed to abolish misgivings owing to the apprehension with regard to the amount of control it was proposed to leave to ministers and, if Parliament so desired, he did not doubt that they would alter rules in order to show that there was no reason for misapprehension. But he strongly deprecated the House making a definite provision in this connection, because it might occasion suspicion that it was being done in the interests of a particular section.

Lord Middleton emphasized that apprehensions were very great. He urged the clearing up of doubts if with regard to what subjects transferred would tend to the successful working of the Act.

Lord Sinha promised that the Government of India would be free to reconsider the question in the light of that discussion before they made rules for submission to Parliament.

The amendment was withdrawn.

Two amendments by Lord Amphill were withdrawn and one negatived.

Lord Amphill then moved an amendment providing for communal representation for important communities.

Lord Middleton emphasized that the Joint Committee had deliberately considered it impossible to work out the actual scheme of communal representation and embody it in the Bill.

Lord Sinha said he could not see what more was wanted in the way of recognition of communal elections than was already in the Bill. It was absolutely impossible to specify in the Bill what communities would have communal representation. Up to the present there had been hardly any demand for communal elections apart from two communities which the Joint Committee recommended for special treatment. If there were others it was quite open to the Government of India to make provisions for an electorate.

Lord Southborough suggested that it might relieve tension with regard to this and other matters if Lord Sinha were able to state that Government had treated the recommendations of the Joint Committee as a fair basis on which they would base rules under the Act.

Lord Sinha said that was undoubtedly Government's intention. He would not be performing his duty if he went beyond the Committee's recommendations and said that nothing contrary to their advice should be done by the Government of India. The Bill left the matter open.

Replying to Lord Lamington, Lord Sinha said he assumed that, if in the opinion of the Government of India there were commu-

nities requiring communal or other representation, neither the Bill nor the Report of the Joint Committee would preclude its being given.

Lord Crewe hoped that the Government of India would take the view of Joint Committee in favour of reserving a certain number of seats for non-Brahmans

Lord Lamington asserted that Lord Crewe's statement indicated that there was nothing binding in the Joint Committee's Report.

Lord Sinha reiterated that Government had accepted the conclusion of the Committee as a basis of rules. He did not doubt that the Government of India, in making rules, would respect the recommendations of the Committee.

Lord Amphill declared that Government was absolutely committed to the system of providing for non-Brahmans by reservation of seats.

The amendment was rejected by 27 votes to 7.

Lord Macdonnell, after a number of minor amendments had been negatived and one withdrawn, moved an amendment providing for the continuance of membership of the Governor-General's Council. He declared that it was absolutely essential that the Council should be limited very closely. It ought not to be in the nature of an assembly. It ought to be composed of men in whom the greatest confidence could be placed. He viewed any enlargement of the Council very apprehensively.

LORD SINHA emphasized that the Joint committee had fully considered the matter. The Government of India completely concurred in the proposals to abolish the limit. The abolition was absolutely necessary in view of the fact that the Council would include three civil servants.

The amendment was negatived.

In clause 31, sub-section I, the following words were omitted on the motion of LORD SINHA: "Tenure of office by any person who is a member of Council at the time of passing this Act shall not be affected by this provision" and the following words substituted: "The Council as constituted at the time of the passing of this Act shall not be affected by this provision, but no fresh appointment to the Council shall be made in the excess maximum prescribed by this provision".

Clause 31 as amended, was then agreed to. Clause 32, sub-section I, was altered in accordance with the amendments proposed by Lord MacDonnell and accepted by Lord Sinha to read as follows: "Provision in section 6 of the principal Act prescribing a quorum for meetings of the Council of India shall cease to have

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effect and the Secretary of State shall provide a quorum by direction  
to be issued on this behalf.

Sub-section 2, clause 32, was omitted and the following  
substituted — Provision in section 8 of the principal Act relating  
to meeting of the Council of India shall have effect as though  
months were substituted for week

Clause 32 as amended was agreed upon.

The last paragraph in clause 33 was altered on the motion of  
**Lord Sinha** to read —

'Any rules relating to transferred subjects made under this  
section shall be laid before both the Houses of Parliament' etc

Clause 33 as amended was agreed to, also clause 34

On the motion of **Lord Sinha** the first portion of clause 35  
was altered to read His Majesty may by order in council make  
provision for the appointment of a High Commissioner for India  
in the United Kingdom and for pay, pension, powers, duties and  
conditions of the employment of High Commissioner and his  
assistants and by order may further provide' etc

Clause 35 as amended was agreed to

**Lord MacDonnell** moved the insertion of a new clause provid-  
ing for the appointment of a commission to enquire into the effect  
of the Act on the position of civil servants recruited in England

**Lord Sinha** said that the Government could not accept this.  
He expressed the opinion that the Joint Committee had provided  
for compensation for any possible loss in regard to the civil service  
and other public services. If, despite these precautions, it was  
unfortunately found that the prospects of officers on being recruited  
in England were prejudicially affected it would doubtless be the  
duty of the executive Government to make enquiry and take  
steps to remove the grievances

The proposed new clause was negatived

On the motion of **Lord Middleton** with the approval of  
**Lord Sinha** clause 41 was amended so as to read 'The Secretary  
of State with the concurrence of both Houses of Parliament shall  
submit to his Majesty names of persons' etc,

After minor amendments had been negatived and some  
drafting amendments by **Lord Sinha** had been inserted the Bill  
passed through committee amid cheers.

The sitting was then adjourned

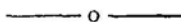
### THIRD READING—18 Dec 1919.

The House of Lords passed the third reading of the Govern-  
ment of India Bill. Lord Selborne congratulated Lord Sinha on  
his conduct of the proceedings.

REPORT OF

# Lord Crew's Committee

## On the India House Reforms.



1. The Committee was appointed to enquire into the organisation of the India office and the relations between the Secretary of State in Council and the Government of India. We were directed to have regard generally to the proposals made in the Report on Indian Constitutional Reforms for the reform of the Government of India and Provincial Governments, and in particular to the recommendations contained in paragraphs 290 to 295 of the Report.

2. Our terms of reference were as follows —

(1) To advise what changes should be made in—

(a) the existing system of Home administration of Indian affairs; and in

(b) the relations between the Secretary of State, or the Secretary of State in Council and the Government of India, both generally and with reference to relaxation of the Secretary of State's powers of superintendence, direction, and control

(2) To examine in particular—

(a) the constitutional powers of the Council of India, its relation to the Secretary of State as affecting his responsibility to Parliament and otherwise and the financial and administrative control exercised by the Council,

(b) the composition of the Council, the qualifications, method of appointment and term of office of its members, and the number of Indian members

(c) the working of the Council in relation to office procedure,

(d) the general departmental procedure of the India office;

(e) the organisation of the India Office establishment, and the question of modifying the system of its recruitment so as to provide for—

(i) the interchange of appointments with the Indian Services, and

(ii) the throwing open of a proportion of appointments to Indians and to make recommendations.

(3) To advise whether any of the charges on account of the India Office, and if so what charges, should be placed along with the Secretary of State's salary upon the Estimates.

(4) To advise how effect should be given by legislation or otherwise, to the Committee's recommendations

(5) To enquire into and report upon any other matters cognate or relevant to the above, which it may consider expedient to take into consideration.

3. At the outset of our proceedings we felt a certain difficulty regarding matters of military administration, which on a strict view might be held as falling within the scope of our enquiry. We were in doubt whether it was contemplated that these matters should be included among the problems which the Committee was constituted to investigate, and we therefore sought and obtained a ruling that they could be omitted from our consideration.

4. In the interpretation of Head 1. of our terms of reference, we have designed our work to be complementary to that already completed by the two Committees which have reported under Lord Southborough's presidency on the new franchise and the allotment of functions. In order to present on a reasoned basis our conception of the functions to be discharged in the future by the Home administration of India, we have found it necessary to assume something as to the functions to be assigned to the Government of India; and with this object in view we have accepted as our starting point the conclusion of the Committee on Functions, in so far as they indicate the relations between the central and local Governments in India.

5. We desire to record our regret that Lord Inchcape was prevented by illness from joining the Committee. We feel that his wide experience and sound judgment would have been an invaluable help to us in our deliberations.

6. The Committee assembled at the India Office on the 5th March 1919. In all we have held 33 meetings and examined 20 witnesses whose names are given in the appendix to this Report. The nature of the evidence taken was determined to a considerable extent by the necessity of eliciting the facts of the existing system. As it was clear that our conclusions might materially affect the Council of India we thought it right to give the members individually an opportunity of placing their views before us. In addition, we have had the great advantage of hearing Mr. Austen Chamberlain in whose term of service at the India Office the scheme of Indian Reform had its inception.

## II.

7. We have set constantly before us the declared policy of His Majesty's Government, namely "the gradual development of self governing institutions, with a view to the progressive realisation of responsible government in India as an integral part of the British Empire." To make clear our position in regard to the changes which in our opinion should be made in the system of the Home Administration of Indian affairs in order to achieve the end in view, it will not be out of place to recall briefly the steps in evolution which have tended to differentiate the India office in some important respects from other Government departments.

8. There is much in the existing system which has its origin in arrangements suited to the control by the East India Company of its commercial operations in a distant land. These operations led to the exercise by the Company of governmental powers, in regard to which Parliament from an early date asserted its supremacy. The interaction of the two forces had by 1858 produced a constitution which may shortly be described as follows :—

The executive management of the Company's affairs was in the hands of a Court of Directors, who were placed in direct and permanent subordination to a body representing the British Government and known as the Board of Control. The functions of the Board were in practice exercised by the President, who occupied in the Government a position corresponding to some extent to that of a modern Secretary of State for India. The Board of Control were empowered "to superintend, direct and control all acts, operations, and concerns which in any wise relate to the civil or military government or revenues of the British territorial possessions in the East Indies" (24 Geo. III, sec. 2, c. 25). Subject to the superintendence of the Board of Control, the Directors conducted the correspondence with the Company's officers in India, and exercised the rights of patronage in regard to appointments.

9. The transference of the administration of India to the Crown in 1858 was effected by the Act for the Better Government of India (21 and 22 Vict. c. 106), which has been regulating the Home administration of India since that year, and of which the main provisions were re-enacted in the consolidated Government of India Act, 1915-16. In general, the dual functions of the Board of Control and the Court of Directors were vested in the corporate body known as the Secretary of State for India in Council. The substitution of administrative responsibility on the part of the Government for the superintendence it had formerly exercised caused a redistribution of functions in which the lines of

inheritance became to some extent obscured ; but the persistence of the dual principle can still be traced in the corporate activities of the Secretary of State in Council

10. "The Secretary of State has and performs all such other like powers and duties relating to the government or revenues of India, and has all such or the like powers over all officials appointed or continued under this Act, 1858 had not been passed, might or should have been exercised or performed by the East India Company, or by the Court of Directors ... .. either alone or by the direction or with the sanction or approbation of the Commissioners for the Affairs of India" (i.e., the Board of Control), "in relation to that government or those revenues and the officers and servants of that Company, and also all such powers as might have been exercised by the said Commissioners alone" (Government of India Act, 1915-16, section 2 (1))

11. The functions assigned to the Council of India were in some respects derived from the position previously held by the Court of Directors. Under the direction of the Secretary of State, and subject to the provisions of the Act, they "conduct the business transacted in the United Kingdom in relation to the Government of India and the correspondence with India." But at the same time they were given a special function, which was presumably intended to act as a counterpoise to the centralisation of powers in the hands of the Secretary of State. In regard to certain decisions, and notably in regard to "the grant or appropriation of any part of" the revenues of India. The concurrence of a majority of votes at a meeting of the Council of India is required. This provision, usually referred to as the financial veto, has, not without reason, been regarded as the symbol of the special status assigned to the Council in its relationship with the Secretary of State. It is emphasised, though in a lesser degree, by the enactment that in all other matters, with two exceptions, the Secretary of State must consult his Council either at a weekly meeting or by the formal procedure of depositing his proposed orders on the Table of the Council Room for seven days prior to their issue, though he is empowered to overrule the Council's recommendations. The two exceptions are, first, that in cases of urgency he may issue orders without previously consulting the Council, provided that he subsequently communicates to the members his reasons for his action ; and secondly, that "where an order or communication concerns the levying of war, or the making of peace, or the public safety, or the defence of the realm, or the treating or negotiating with any prince or State, or the policy to be observed with respect to any prince or State, and a majority of votes therefore at a meeting of the Council of India is not re-

quire it," the Secretary of State may act on his own initiative without reference to the Council, if he considers that the matter is of a nature to require secrecy. Our description of the statutory functions of the Secretary of State and the Council of India is designedly brief, because we feel that the enumeration of legal powers and safeguards can only create a very inadequate impression of the actual principles which have been evolved in the working of the system. There are some elements which, as we have tried to show, have been derived from the days of a chartered company yielding more and more to Parliamentary control, and others which were grafted on to the structure at the time when Parliament assumed complete responsibility through its Ministerial representative; but the whole organism has been moulded by the instinctive process of adaptation to a form which does not lend itself easily to definition in set constitutional terms. We are content for our purposes to envisage the system in its present working and in its reaction to the new conditions of Indian administration.

12. The Council consists of from ten to fourteen members, each appointed for seven years, of whom nine at least must have served or resided in British India for ten years and must not have left India more than five years previously to their appointment. It is in the main a body differing in status but not in nature from the authorities in India whose activities come under its review. The Secretary of State in Council represents in fact the supreme element of expert control at the higher end of the chain of official administration. In his corporate capacity he has delegated wide powers to the Indian administrations without divesting himself of his ultimate responsibilities as the governing authority. The main provisions of the Act of 1858, as we understand them, had the effect of giving prominence to these official duties of the corporation it established. But the Secretary of State, as distinct from the Secretary of State in Council, is generally responsible as a Minister for the co-ordination of Indian and Imperial policy. The Council are by law in a position to obstruct his policy, or indeed the policy of His Majesty's Government, by interposing their financial veto if Indian revenues are affected; but in practice they have acknowledged the supremacy of the Imperial Executive by accepting proposals communicated to them as decisions of the ministry, in so far as those proposals raise issues on which they are legally competent to decide. We mention this demarcation of functions, to which we shall revert, to illustrate the way in which the hard outlines of legal definition have been rounded off by constitutional usage. But we are more immediately concerned at present with the collective functions of the Secretary of State in Council in their relations to the Government of India. And in that relation the governing



body was designed to assert an active supremacy. All measures, administrative, financial and legislative, of the authorities in India are referred to it for examination and decision, except in so far as by general or special orders it has delegated powers of sanction. Delegation has been carried out largely as a matter of expediency, with the direct object of increasing administrative efficiency; it has not implied, and has not been intended to imply, any radical change in the respective functions of the authorities between whom it has taken place. The Secretary of State in Council retains the ultimate authority as the head of the system; and we have now to see how far the conception of graduated official control—tempered it may be, at various stages by the advice of representatives of the people—can be adapted to the principle of popular responsibility which is to be introduced.

### III

13. The features which typify the Reforms Scheme are the transfer of some subjects of administration from officers of the Crown to representatives of the people in the provinces, and the encouragement in the Indian legislatures of an authoritative expression of popular opinion to which the governments will become increasingly responsive. Simultaneously with these developments a systematic delegation of powers, which, indeed, has long been felt to be desirable in the interests of efficiency, is contemplated in order that the free influence of the new forces may not be blocked at the outset by some survival of the system they are intended eventually to supplant. Leaving on one side for the present the provincial aspects, we proceed to discuss the effects of the scheme on the Government of India, where, it will be remembered, there is no transfer of subjects but a marked enlargement of popular representation. The new constitution of the Indian Legislative Assembly, which will give to the non-official members a substantial majority, is bound to make its weight felt with the Government of India. The problem with which we are immediately concerned is to secure that the opinion of the Assembly should carry corresponding weight with the authorities in whom is vested the power of controlling the Government of India. It appears to us that the conception of the Reforms Scheme leads naturally to the acceptance of the principle, which we here state in general terms, that where the Government of India find themselves in agreement with a conclusion of the Legislative Assembly, their joint decision should ordinarily prevail. We set out below what we conceive to be the application of the principle to the main divisions of governmental functions.

14. First, as regards legislation. At the outset, we think it desirable to secure that the authority of the Legislative Assembly

will not be restricted by Government intervention through the Council of State save on the direct instructions of the Secretary of State. The authors of the Joint Report lay down that the special procedure is to be applied only in three cases: first, where a Bill is passed by the Legislative Assembly in a form which imperatively requires amendment; secondly, where the Assembly refuses leave to the introduction of a Bill which the Government regard as necessary, or throws out the Bill at any stage; and thirdly, where in cases of emergency the consideration of a measure by both Chambers would take too long if the emergency which calls for the measure is to be met. On each occasion the Governor-General in Council must certify that the required amendments, or the provisions of the Bill as presented to the Assembly, are essential to the interests of peace, order or good government. Following the phraseology of the Joint Report, we recommend that the Governor-General should be instructed that save in the case of absolute necessity no measure should be certified for enactment by the Council of State without previous approval of its substance by the Secretary of State on the ground that the legislation proposed is essential in the interests of the peace, order, and good government in India. We note that the words employed in clause 20 (4) of the Government of India Bill, regarding certification by the Governor-General in Council, are "the safety, tranquillity, or interests of British India or any part thereof," which appear to be of somewhat wider import than those in the Joint Report.

15. In normal cases, where legislation comes before the Secretary of State, it must already have received the assent of the Governor-General, and must have been passed by a majority of votes in the Council of State and in the Legislative Assembly. But inasmuch as there is a substantial official vote in the latter body and normally an official majority in the former, it follows that the measure has not necessarily the support of a majority of the non-official members in either Chamber. In order, therefore, to give proper emphasis to the legislative authority of the Assembly, we recommend that whenever legislation has the support of a majority of the non-official members of the Legislative Assembly, assent should be refused only in cases in which the Secretary of State feels that his responsibility to Parliament for the peace, order, and good government of India, or paramount considerations of Imperial policy, require him to secure reconsideration of the matter at issue by the Legislative Assembly. We would complete our conception of the status to be assigned to Indian legislation by a further suggestion. It appears to us that the exercise of the Governor-General's statutory duties in regard to Acts of the Indian Legislature, as defined in section 68 of the Government of India Act, might suitably be regulated by definite principle laid down for his guidance.

in an instrument of instructions issued in His Majesty's name. Effect might be given to the suggestion by amending section 68 so as to read "the Governor-General may declare, "according to his discretion but subject to His Majesty's instructions," that he assents to the Bill, or, ' etc

16. In examination of the Budget, and in criticism of general administration, Legislative Assembly can express its views only by means of resolutions, and these will continue to be advisory in character, without legal sanction. The Government may accept a resolution either because they agree with it from the outset, or because they decide to defer to the opinion of the Assembly. Where for any reason reference to the Secretary of State is considered necessary, we recommend that a joint decision of the Government of India and a majority of the non-official members of the Assembly, reached by discussion of a resolution, should be given the same degree of authority as similar decisions on legislative proposals, and that the principle we have stated in paragraph 15 should be applied in these cases also

17. We now revert to the question of delegation, considered as a supplementary aspect of the scheme of Reform. We are in full sympathy with the opinion expressed by the authors of the Joint Report, that previous sanction to decisions taken in India should be required in fewer cases than in the past, and that in some matters it will suffice in future if the Secretary of State asserts his control by means of a veto if necessary. Delegation of powers is so much a matter of technical detail that we consider our function to be confined to the duty of laying down guiding principles for its regulation. The basis of delegation that we recommend is as follows: that without prejudice to the further relaxation of control by the Secretary of State, the principle of previous consultation between the Secretary of State and the Government of India should be substituted in all cases where the previous sanction of the Secretary of State in Council has hitherto been required; but the Secretary of State should from time to time revise the list of subjects on which he requires such previous consultation, and inform the Government of India accordingly. Our recommendations would apply to all projects, both legislative and financial, subject to the reservations that may be necessary for the proper discharge of the Secretary of State's Ministerial responsibilities. In regard to administrative questions as distinct from those involving legislation of finance, the special need for delegation in the sense applied above does not arise. The administrative power of the Government of India in this respect are not limited by any formal restrictions; but as a matter of constitutional practice, reference to the Home authorities is of course made on what are understood to be specially important

administrative matters. It is clear that that practice should be continued under the new system. We think it unnecessary to say more on this head than that the degree of discretion allowed in matters of pure administration should be enhanced in general correspondence with the wider authority to be allowed in future in matters of legislation and finance. As regards the general principle we have suggested, we assume that consultation would be real and effective in the sense that the Secretary of State would receive ample notice of the Government of India's proposals, and that a full understanding between London and Delhi would be reached by a free interchange of views.

18. We have stated our conclusion as to the extent to which the co-operative authority of the Government of India and the Legislative Assembly should be recognised and the corresponding degree in which revision from Home should by constitutional practice be limited. As regards Local Governments we have considered it to be beyond our province to explore the possible lines of devolution from the central to the local administrations which might eventually affect the Secretary of State's relations with the latter bodies. Developments in this respect are likely to vary according to the initial disparity and the different rates of progress exhibited in the several provinces, and we are reluctant to commit ourselves to a general forecast which the future might show to be not only vain but misleading. Consequently in considering the relationship between the Secretary of State and Provincial Governments, we feel precluded from making any series of explicit suggestions which events might prove to be unworkable or possibly obstructive to reform. For the inauguration of the new system, the conclusions of the Committee on Functions afford in our opinion a sufficient guide to the relationship we have to consider, and we assume that during the earlier stages, at any rate, the Government of India will in the main continue to act as the intermediary between the Secretary of State and Local Governments. On that basis, it appears to us to follow from our general reasoning that in so far as provincial action comes under the cognisance of the Secretary of State, either directly or through the Government of India, he should regulate his intervention with regard to the principle which we have sought to apply to the working of the central Government, namely, that where the Government find themselves in agreement with a conclusion of the legislature, their joint decision should ordinarily be allowed to prevail.

19. We have been unable to make a full examination of the position of the Secretary of State in regard to the Civil Services in India, and we must content ourselves with recording our recognition of the weight of the views expressed by the authors of the Joint

Report in their treatment of the matter. We desire that the recommendations in paragraphs 15 and 16 of the present Report should accordingly be read as subject to the necessary reservations on this head.

#### IV.

20 In approaching the main subject of our enquiry, we have necessarily dwelt on certain aspects of the Reform Scheme on the Indian side, in order to throw into relief the changes in the Home Administration to which they point. The conditions of reform obviously postulate a change of atmosphere in the conduct of administration by the supreme executive but it is in our view clear that to complete the structure at this end the need for something more than a change of atmosphere is imperative. We have endeavoured to show that the existing conception is that of graduated official control, amenable in some respects to popular advice, but in broad outline extending in an unbroken series from the subordinate executives in India to the Secretary of State in Council. That series is no longer to be maintained in India, and we cannot justify the retention of its essential features in London. In so far as the new co-operation between the Government of India and representatives of the people finds effective expression in the manner we have indicated, and in so far as obstacles to further expansion are removed by a wide delegation of powers from home, the case for expert control breaks down. Equally to mark the disappearance of official control from the expert standpoint at home, and to establish the undivided responsibility to Parliament of the Secretary of State, we advocate as our first principle the abandonment of the corporate idea of the Secretary of State in Council. Our recommendation is, therefore, that the powers and authority with regard to the government of India now vested in the Secretary of State in Council should be transferred to the Secretary of State, the date of transfer to be determined by Order of His Majesty in Council. We presume that an Order giving effect to our recommendation, if it is accepted, would be issued as an immediate consequence of the passing of the Government of India Bill into law. It is unnecessary, we trust, to explain that our conclusion implies no failure on our part to appreciate the great services rendered by the Council of India in the place they have hitherto filled in the scheme of Indian administration. It will also be superfluous to labour the subsidiary reasons which have helped us to form our judgment, if we have succeeded in making our main argument clear.

21. Our recommendation has not been made without a close regard to the consequences which will follow if it is carried into effect. In the first place, we have satisfied ourselves that there is no

constitutional function of the Secretary of State in Council which could not equally well, under the new conditions, be discharged by the Secretary of State. We propose that he should retain the statutory position described in the words quoted in the earlier part of this Report, and should modify it by whatever process of constitutional growth appears to him best to fit the circumstances. Our second consideration is one of practical expediency. We have distinguished in regard to the Secretary of State two spheres of action : one in which he has hitherto exercised in Council executive functions which henceforward, in our view, he will leave more and more to the Government of India acting in co-operation with the Legislative Assembly, and the other in which he will retain Ministerial control. The latter presents no difficulty, the supremacy of the Imperial Government must of course remain unquestioned. In the former case, the position would be equally clear if the Government of India were constitutionally amenable to the will of the Assembly. But we must bear in mind that that state of affairs is not yet in view. The Secretary of State will still have to decide on a number of questions, on many of which he will not wish to invoke the full authority of the Cabinet. If in such matters he finds himself compelled to overrule the Government of India he will be likely to incur the charge of ignoring, on his own personal initiative, the collective weight of trained administrative judgment. We have also to remember the variety and complexity of Indian problems. The solution that we propose is to provide him with a collective body of continuous and expert advice. We have no doubt whatever that, in the absence of such a body, the Secretary of State would take the fullest possible opportunity of securing in various quarters consultation of the most valuable kind. But the advice he would obtain would always remain informal and the special difficulty of his position would not be met. The body that we suggest would be established on a statutory basis, with a fixed tenure of office, and its composition would be designed to afford the Secretary of State the kind of advice called for by the circumstances which we hold to justify its creation.

22. An alternative scheme as regards the relations between the Government of India and the Home Administration has been put forward by our colleague Sir James Brunyate who has elaborated it in the statement appended to this Report. Briefly, his position as regards the Council of India as we understand it, is that its retention, while it may not be defensible at some future stage when the Government of India have come more completely under the control of popular representatives in India, is proportionately defensible in so far as that Government remain an executive wholly responsible to the Secretary of State. During this period he would retain the

Council of India as the normal complement to the Government of India, with its existing statutory powers other than the right of financial veto, but with definite limitations of its area of functions. As the focus of the Government of India's responsibility shifted from the Secretary of State to the Legislative Assembly, the need for the corporate control of the Secretary of State in Council would lapse. We have given careful consideration to the proposals, and desire to say that it was fully in accordance with our wishes that Sir James Brunyate has placed it on record as an alternative to our recommendations. We reiterate, however, our opinion that the present is the most opportune time, both for political and constitutional reasons, for marking the inception of the Reforms by a definite and unmistakable change in the Home Administration of India.

23. As regards the functions of the body that we propose should be established, we would mark its distinction from its predecessor by the provision that the Secretary of State should refer such matters as he may determine to the Committee for its advice and assistance, and may provide by regulations for the manner in which the business of the Committee may be conducted. There need, however, in our opinion, be little apprehension that its activities will be desultory, or that the tender of advice will not be regulated by clear and consistent principles. The substitution, for example, of previous State consultation between the Secretary of State and the Government of India for the previous sanction of the Secretary of State in Council indicates a line of work which would naturally come before such a Committee. It would thus in all probability develop a routine which will doubtless take over much of the technique evolved in the long term of the Council's existence, though without some of the statutory prescriptions as to procedure which are found to be inconvenient. We anticipate that it will prove useful to retain the principle of discussion in sub-committees, in order to provide the continuous basis of collective advice, particularly on technical matters, which has proved so helpful in the Committees of the Council of India, and which was endorsed in regard to finance by the high authority of the Royal Commission on Indian Finance and Currency which reported in 1914.

24. The functions we have outlined for the Advisory Committee will naturally determine its composition. We propose that the number of members should be fixed by statute at not more than twelve and not less than six; that the members should be appointed, as in the case of the Council of India, by the Secretary of State; and that subject to the provision suggested below in regard to a minimum of Indian members, he should have full discretion in his selection. The knowledge to which he would turn in the Advisory Committee