

would be that most naturally supplied by members with recent official experience in India; and we contemplate that with the reservation just named the majority of the Committee will possess such a qualification. In these cases we do not consider it advisable to incur the risk of limiting the field of appointment by making statutory the requirement laid down in sub-section (3) of section 3 of the Government of India Act as to the qualification of recent service or residence in India in the case of nine members of the Council of India. We assume as a matter of course that the Committee would include a certain number of Indian gentlemen. The new conditions appear to us to accentuate the desirability of securing the services of some Indian members who would be accepted in India as truly representing Indian political thought. To this end we recommend that not less than one-third of the members of the Committee should be persons domiciled in India, selected by the Secretary of State from a panel of names submitted by the non-official members of the Indian Legislative Assembly and the Council of State. We consider that a statutory provision to this effect would be appreciated in India as signalling the spirit of co-operation between the Secretary of State and representative elements of Indian public opinion. Our recommendation leaves it open to appoint Indians representing special interests or possessing administrative experience, in addition to those selected from the panel.

25. We recommend that the tenure of office of all members should be fixed by statute at five years. We consider that this period represents a tenure which would be sufficiently attractive to men on high administrative qualifications, and at the same time would afford the Secretary of State the full benefit of the members' experience, while ensuring that the experience should be reasonably in touch with current Indian conditions. There would, however, be an understanding that an Indian member would not necessarily bind himself, by accepting appointment to the Committee, to remain in office for the full term of service. In our opinion, provisions for the re-appointment, resignation, and removal of members, which are given statutory expression in section 3 (5), (6) and (7) of the Act, might more conveniently be met by rule-making powers. We think, however, that section 4, which provides that no member of the Council of India shall be capable of sitting or voting in Parliament, should be amended so as to apply to members of the Advisory Committee. Our reason is that the close connection which we contemplate the members will have with the administration of the Secretary of State is incompatible with the duties of a member of either House of Parliament, and that combination of the two functions might in practice be found to lead to grave inconvenience. On full consideration of the status of the Committee and of the

nature of the work which the members will be called upon to perform we recommend that the salary of each member should be £1,200 a year. We purpose that all Indian members, in view of the fact of their domicile, should receive a subsistence allowance of £600 a year in addition to the salary of £1,200.

We make two further suggestions which find natural place at this stage of our exposition, although they are not directly dependent on the disappearance of the Council of India. The first is that the signification of His Majesty's assent to reserved Bills of the Indian Legislature and of the local legislatures should be made by His Majesty in Council, instead of through the Secretary of State in Council as hitherto, and should be notified by the Secretary of State to the Governor-General, and that the disallowance of Acts of the Indian and local legislatures, and of Regulations and Ordinances, should similarly be signified by His Majesty in Council. We should explain that we make this suggestion irrespective of our conclusion as to the Council of India, in order to mark the new status of Indian legislation, but for the sake of clearness we have preferred to state it after our proposals for the remodelling of the Home Administration as it directly implies a small modification of the existing system.

27. Our second suggestion is that the Secretary of State should regulate by executive orders the mode of conduct of correspondence between the India office and the Governments. The issue of orders and communications has hitherto been regulated by the somewhat meticulous procedure prescribed by the Act of 1858; and we do not think we need justify our proposal to liberate the India Office from the restrictions imposed by a bygone age and to place it on the same footing as other Government Departments in this respect. There may be other portions of the existing Act to which the spirit of this recommendation would equally be applicable.

28. To sum up in brief our recommendations we propose the transfer of responsibility from the Secretary of State in Council to the Secretary of State, and the establishment of an Advisory Committee of from six to twelve members, appointed by the Secretary of State, of whom not less than one third should be Indians selected from a panel of names submitted by the non-official members of the Indian Legislature; members of either House of Parliament to be ineligible for appointment to the Committee; the tenure of office to be fixed at five years, and the salary at £1,200 a year, with an additional allowance of £661 a year in the case of members domiciled in India. The statutory changes which appear to us to be entailed by our recommendations are as follows. For sections 3 of the Government of India Act, 1915-16,

would be substituted a clause providing for the establishment of the Advisory Committee. Section 21 would terminate with the words "shall be subject to the control of the Secretary of State". The words "Secretary of State" with any other consequential alterations throughout the remainder of the Act, and throughout the Government of India Bill which is now before Parliament.

V

29. We proceed to the subsidiary heads of our enquiry, of which the first is the organisation of the India Office establishment. We have interpreted this reference to imply that we should indicate general lines of reconstruction, without entering into technical questions of departmental arrangements. We are satisfied that the time has come for a demarcation between the agency work of the India Office and its political and administrative functions, and the step would commend itself to all classes of opinion in India as marking a stage towards full Dominion status. Accordingly we recommend that preliminary action should be taken with a view to the transfer of all agency work to a High Commissioner for India or some similar Indian Governmental representative in London. We suggest that in the first instance communications should be entered into with the Government of India with the object of transferring to the direct control of that Government the Stores Department and also the Accountant General's Department (subject to any necessary reservations, including the relation of work connected with higher finance) and that the Government of India should at the same time be invited to make suggestions for the transfer to their control of any other agency business such as that transacted by the Indian Student's Department.

30. As regards modifications in the system of the recruitment to the higher administrative staff of the India Office, we find difficulty in adopting a suggestion which appears in the Joint Report, that as one alternative the India Office staff might be recruited from the Indian Civil Service. One serious objection is that a preliminary period of training, undergone in India before the new recruit enters on his duties at the India Office, though it would undoubtedly give his work the initial stimulus of local and freshly-felt experience, would inevitably have to be general and somewhat indefinite in character, and would tend to lose the usefulness of its effect just at the time when he would begin to take a responsible part in the administrative work of the Office. Our general attitude towards the question is governed by the fact that authoritative Indian experience will be represented in the Advisory Committee, and will not be supplemented on the same plane by members of the permanent establishment. We draw a clear distinction between the advice tendered to the Sec-

retary of State collectively by a body of the status we have in view and that submitted to him individually by his subordinates. In the case of the latter, we regard personal knowledge of Indian conditions as a valuable adjunct rather than as an essential qualification. The evidence before us has indicated the great value of bringing the superior officers of the Home and the Indian Administrations into close touch with each other under daily working conditions, and we presume that the system of deputing these officers, on special duty and with definite objects, from one country to the other will be continued and possibly expanded. So far, we have been dealing more particularly with the case of members of the India Office staff. As regards members of the Indian Services, the position is easier. The terms of leave and deputation from India make them more readily available for interchange, they are not hampered in any special sense of ignorance of local conditions, and experience has already proved in the temporary adjustment of the India Office staff to war conditions, that they can be employed in the Office with success. The widening of their experience in regard to the political and Parliamentary functions of the Home Administration and its relations with other Departments cannot fail to be of very considerable value. At the same time we fully realise that the work of the Home Administration requires a special outlook and a special technique which can only be acquired by a continuous training under the traditions of the Home Service.

For this reason, and also to avoid the effect of discouragement on the permanent staff recruited at home, we would deprecate any systematic reservation of higher appointments in the India Office for members of the Indian Services. To sum up our conclusions, we are of opinion that it is desirable that from time to time the Secretary of State should depute members of the India Office staff on special duty in India, whenever convenient opportunities present themselves, and should also employ officers of the Indian Services, or non-officials versed in Indian administration, in the superior work of the India Office, but ordinarily on a temporary footing or as supplementary to the permanent establishment. We do not, however, think that it is desirable or possible to arrange any formal system of interchange between members of the India Office and the Indian Services.

31 We can readily understand the aspiration of Indians to be admitted to a more intimate part in the Home Administration of Indian affairs. In considering how best to provide a legitimate opening, we have to bear in mind that representative Indian opinion will find its place on the advisory Committee, and that the permanent staff requires certain qualifications of a kind to which we

have already referred. Administrative efficiency no doubt will be progressively forthcoming among the Indians who will be available for employment at the India Office under the general scheme of interchange that we have outlined above, and we anticipate that full opportunity will be taken to utilise their services freely with those of the British representatives of administrative work in India. We do not consider, however, that it would be in the best interests of the Indian Empire to create special facilities, whereby appointments in the ordinary administrative line of the India Office might be claimed as a matter of privilege by Indians not necessarily possessing the qualifications which would enable them to gain access to the Office through the channels we have already indicated. There is nevertheless a special force in the argument that Indians should be able to take their place in the higher control of the Office, as distinct from the advisory functions of the proposed Committee. We are of opinion that it would be advantageous if occasion were now and then taken to appoint an Indian to one of the posts which stand as intermediary between the Secretary of State and the Heads of Departments, and we should be willing to see an additional appointment of this kind created, to be filled by an Indian, provided that there were other grounds which could reasonably be held to justify such an addition to the establishment.

32. We have now to consider what alteration should be made in the present system under which the whole of the charges on account of the Indian office are payable from Indian revenues. We understand that it is the intention of His Majesty's Government that the salary of the Secretary of State should, like that of all other Ministers of the Crown, be defrayed from Home revenues and voted annually by Parliament. Our main principles have already led us to distinguish the political and administrative duties of the Secretary of State acting as a Minister, from the agency business conducted by the India Office on behalf of the Indian authorities. It appears to follow as a general conclusion that the charges incidental to the former should be met from British revenues. They form a normal part of the cost of Imperial administration, and should in equity be treated similarly to other charges of the same nature. We include under this head the charges on account of the Advisory Committee, which is constituted to assist the Secretary of State in the performance of his Ministerial responsibilities. Charges on account of agency work would naturally continue to be borne by India, in whose interests they are incurred. The exact apportionment is clearly a matter of technical detail which is best left for settlement between the India Office and the Treasury. The principle that we would lay

down is that, in addition to the salary of the Secretary of State, there should be placed on the Estimates (a) the salaries and expenses (and ultimately pensions) of all officials and other persons engaged in the political and administrative work of the Office as distinct from agency work; (b) a proportionate share, determined with regard to the distinction laid down in head (a), of the cost of maintenance of the India Office; the exact sum payable under heads (a) and (b) to be determined by agreement between the Secretary of State and the Lords Commissioners of the Treasury from time to time. Any arrangement made under this scheme would supersede the adjustment agreed to between the India Office and the Treasury as a result of the recommendations of the Royal Commission on Indian Expenditure, over which Lord Welby presided. The India Office building and site and other similar property paid for in the past by Indian revenues, and now held by the Secretary of State for India in Council would continue to be Indian property. The statutory change necessary to give effect to our recommendation is provided in clause 22 of the Government of India Bill.

33. In considering in their new aspect the functions of the Secretary of State more particularly in regard to his Parliamentary responsibilities, we have not been able to leave out of account the proposal made in the Joint Report for the appointment of a Select Committee of the House of Commons on Indian affairs. The object of the Select Committee is stated to be to ensure in Parliament a better informed and more sustained interest in India, and its composition is to be limited to the House of Commons on the ground that it is in that House that effective control over Indian administration will, in the view of the authors of the Report, be exercised by means of the debate on the Estimates. We are of opinion that these objects would not be furnished by the appointment of a Select Committee. We do not believe that such step would usefully contribute towards the creation of a well-informed opinion on Indian affairs. Members of the House of Commons are already overburdened by the heavy and ever-increasing duties in connection with Home affairs to which their constituents not unnaturally expect them to give priority. If Parliamentary interest in India is focussed in a Select Committee, effective discussion and Control might be confined within even narrow limits than at present, and criticism of Indian administration from the independent standpoint will indirectly be discouraged. But in any case we feel that the proposal is open to a far more fundamental objection. We believe that the appointment of such a body might encourage a tendency to interfere in the details of Indian administration, and that the result might

mitigate against the modification of control which is the object of the Reforms to secure. In fact we hold that the argument for a Select Committee, however strong it might have been in the past, inevitably loses weight in proportion as India progresses towards responsible government.

34. As it is clear that the form of the Home Administration of Indian affairs should not be given a greater rigidity than the forms of government which are to be granted in India as the first step towards full responsibility, we assume that the statutory commission of enquiry will include within the scope of their review the range of subjects with which we have dealt in our Report.

35. (This paragraph gives a summary of the Recommendations, for which see the Register for 1919, sec. 'Govt Reports,' p. 199.)

36. Our colleagues, Sir James Brunyate and Professor Keith (See p. 140 find themselves unable, for the reasons stated in the memoranda which they append respectively to this Report, to agree with us in our main conclusions. They have been good enough, however, to place at our disposal the valuable benefits of their assistance in framing our Report, and we desire to record our indebtedness to them for their ready co-operation and for many helpful suggestions which have greatly contributed towards a clear statement of our objects and proposals. Mr. Basu's views also differ in some material parts, and he prefers to state them in a separate Note. Mr Gosling was prevented by pressure of other work from taking part in the consideration of the Report.

37. We desire also to acknowledge the valuable aid rendered by our secretary, Mr. W. R. Gourlay, C.I.E. I.C.S., private secretary to the Governor of Bengal, and to express our thanks to Lord Ronaldshay for his ready consent to our retaining Mr. Gourlay's services through the summer. He was ably assisted by Mr. S. K. Brown of the India Office, whose special experience was of great value to us in considering the working of the India Office and its relations with the Government of India. We cannot speak too highly of the assiduity and capacity displayed by both these gentlemen during the conduct of the enquiry and also in the preparation of this Report..

Crewe,
Aga Khan,
Esher,
G. P. Collins,
G. E. Murray,
W. Ormsby-Gore.

W. R. Gourlay, (Secretary)
June 1919.

Mr. B. N Basu's Note

On the India House Reforms

[Mr. Basu, Member of the India Council, and also member of the Crew Committee, gave a separate Note. The following is the Text.]

I agree with the principle laid down in the majority Report, para. 13, that when the Government of India is in agreement with the Legislative Assembly, their joint decision should ordinarily prevail, and with the recommendations contained in paras. 14, 15 and 16 of the Report to give effect to that principle.

2. As regards the basis adopted in para. 16 of the Report on the subject of delegations, namely, that the principle of previous consultation should be substituted in all cases where previous sanction is required, I do not think it will carry us far. I think it would have been preferable if the Report had gone further and specified the directions in which this principle could be put into operation at the outset. My own view is that in all important matters the Government of India will, before deciding to act in agreement with the Legislative Assembly, take the sanction of the Secretary of State, and previous consultation will in practice come to mean previous sanction.

3. The situation, however, has its possibilities. A convention would soon grow up as to which class of subjects should be sent to the Secretary of State for previous advice or sanction, and which for information only. Sir James Brunyate, in the valuable and thoughtful statement appended to the Report, has propounded a scheme, which, if I understand him rightly, anticipates the growth of this convention by attempting to indicate this class of cases. The two methods are to my mind, having regard to the relations between the Secretary of State and the Government of India, the same in essence. If, therefore, the scheme of Sir James Brunyate for regulating the future relations between the Sec. of State and the Government of India is acceptable as being more definite and a more cautious method of progress, I should be prepared to accept it, as, in my view, the checks it suggests in Group A would soon establish themselves in practice. It has the great merit of suggesting a basis on which future action may be taken in the Government of India itself. Sir James Brunyate rightly says that his enumeration of the subjects under Group is not exhaustive. I therefore do not offer any criticism on it, except to point out that presumably it is his intention to

include education and sanitation in Group B so far as they are not finally provincialised.

4. Special difficulties prevented us from going into the question of the relationship between the Secretary of State and the various local governments, particularly as to whether and how far this relationship should be direct or through the Government of India. I am aware that there is a considerable body of opinion in the provinces in India that this relationship should be direct. I am not inclined to go beyond the limited area of such direct relationship that now exists in regard to the Presidency Governments. I am of opinion that the intervention of the Secretary of State whenever it may still be required in provincial matters, should be through the Government of India, this method of procedure will ensure co-ordination and uniformity of treatment and will facilitate a quick adjustment of disputed matters, as a settlement may be arrived at on the spot more speedily. I am aware that provincial autonomy in certain spheres of government is not only desirable but necessary and at one time, owing to provincial finances being left entirely at the mercy of the Central Government, this cry became insistent in India. The position, however, will now greatly change and provinces will henceforth be able to develop their resources without the fear of these resources being commandeered by the Central Government. In this connection I may be permitted to raise a note of warning to my own countrymen. We have to bear in mind that some of the most important matters of administration, such as the Army, foreign relations, etc., which bring together governments of a federal type, will, for a considerable time yet, remain in the hands exclusively of the official Government, and will not be available as a cement to bind the different provinces of India into one organic whole. In the meantime, if we give up the present constant association of the provinces with the Central Government, the growing common life of India may again break into pieces and we may lapse back into an India of diverse and mutually hostile states, unable when the time comes, owing to lack of experience in associated work, to take charge of our corporate responsibilities.

5. Apart, however, from the question of co-ordination and association, to which I attach great importance, the creation of a dualised form of government in the provinces, partly official and partly popular, will to a great extent reduce the area of interference of the Secretary of State in the provinces. I should like briefly to indicate the formula that I should propose.—

(a) In central subjects, the provincial government must take the previous sanction of the Government of India.

(b) In reserved subjects, in matters where it desires to adopt the certificate procedure, it must also do the same.

(c) In reserved subjects, where it is willing to abide by the decision of the Legislative Council, it need only "ex post facto" inform the Government of India

(d) In transferred subjects its duties will be as in (c).

(e) In all subjects where the Local Government desires to overrule the Ministers or the Legislative Council, it should take the previous sanction of the Secretary of State.

Consequently it is only in regard to (b) and (e) that the intervention of the Secretary of State will be required

I am in general agreement with Sir James Brunyate's proposals so far as they apply to reserved subjects, subject to the qualification that the Government should not be empowered to adopt the certificate procedure save with the express authorisation of the Secretary of State and in regard to transferred subjects, I am of opinion that while information as to important action taken therein will naturally be regularly supplied to the Government of India and the Secretary of State from time to time (see paras 25 and 26 of the statement) it should be distinctly laid down that these should be essentially for information only and that the Government of India and the Secretary of State should refrain from using such information as the basis for anything which could be interpreted as interference with the decisions taken.

6. Moreover, as regards expenditure, whether in the Government of India or in reserved subjects in the provincial governments I should not recommend any considerable relaxation of delegation except on one condition, that details of all enhancement over the previous year's Budget are shown in the annual statements to be presented to the Legislative Assembly or the Legislative Council. In regard to transferred subjects in the provinces, it will be a matter of devolution and there should be no reference to the Secretary of State, except when the Local Government seeks to interfere.

7. If the question of provincial governments was a matter into which we could go, apart from their relations with the Secretary of State, I should wholly support the recommendations contained in paras 24 and 26 of the very elaborate and instructive note of Professor Keith, except that in clause 4 of para 26 I should state the formula as regards the withholding of assent to Bills of Local Governments in the terms set out in para 15 of the Report, namely, that such assent should be withheld "only in cases in which the Secretary of State feels that his responsibility to Parliament for the peace, order and good government (of the provinces or of any other part) of India, or paramount considerations of Imperial policy require him to secure reconsideration

of the matter at issue by the Legislative Council." "The form suggested by Professor Keith may expose a province in India to influences of special vested interests in any part of the Empire, which is not desirable.

8. As regards the abolition of the Council of the Secretary of State, I agree with the Majority Report though not quite for the same reasons. My reasons are, firstly that the abolition of the Council will naturally result in the Secretary of State leaving things more and more to the Government of India, and interfering only in matters of Imperial concern, and secondly, it will thus throw a much greater responsibility on the Government of India, which in its own interests will have to share it with the representatives of the people, apart from any question of statutory obligation. We shall thus bring about greater co-operation and responsible association between the Government and the people, and greater reliance upon their conjoint action, and pave the way to the attainment of self-government in India without much dislocation of machinery.

Advisory Committee.

9. But the creation of a statutory Advisory Committee may deflect the course of events. It will retain the demerits of the present system and will lose some, if not most, of its merits. Having expert Indian advice at his elbow, the Secretary of State will be inclined to take a much larger share than he would otherwise have done in the financial, administrative and legislative function of the Government of India, much to the same extent as he does now except in regard to matters to be excluded by delegation, convention or Statute; therefore the freedom of the Government of India will not be secured; its official or bureaucratic character, that it is to say, its final reliance upon official authority at Whitehall will still continue unimpaired; and the process of evolution which the Montagu-Chelmsford scheme so greatly lays stress on, namely its increasing association with and reliance on the representatives of the people, will be seriously checked.

10. Moreover it will not establish "the undivided responsibility to Parliament of the Secretary of State" on which the Majority Report to a great extent relies for its recommendation on this head. For, if the Secretary of State was at all protected from Parliament by reason of his having an expert Council whose authority he could under the Statute in some cases over-rule, he may as easily seek protection behind his Advisory Committee which if constituted on the lines recommended in the Report will be composed mainly of expert officers whose opinions, for purposes of protection from outside, would have much the same weight as of the existing Council.

11. Then again the Advisory Committee, not being associated with the Secretary of State in the orders he will issue, is bound to lose its sense of collective responsibility; the spirit of co-operation and mutual accommodation which this sense of collective responsibility induces will be weakened, and may disappear, and the Secretary of State may be thus forced to rely more on the advice of individual members than on the joint advice of the Committee.

12. The position of the Indian members who will be taken on a modified system of election will also be difficult. There being no corporate responsibility, their opportunities of influencing the opinion of their official colleagues will be less than at present. The Secretary of State will be under no obligation to seek the advice of his Advisory Committee, and naturally, it cannot be expected that he will seek the advice of his non-official—and, in official view—inexpert, Indian members to the same extent as that of his official expert advisers. This may create a very undesirable situation. I have no doubt that a Secretary of State will always try to avoid any appearance of indifference or slight but the situation is not without its possibilities of misunderstanding and friction.

13. I am therefore opposed to an Advisory Committee with no responsibility and no statutory functions. If it should be decided that for some time at least a Council or an Advisory Committee is necessary, I should prefer a Secretary of State in Council, and to make it easy for the Council to disappear when the time comes without having to wait for a Parliamentary Statute. I should accept the recommendation of Professor Keith, that the King in Council, when even he is so advised, may make an order transferring the function of the Secretary of State in Council to the Secretary of State and abolishing the Council. Nor do I see much objection to accept as an alternative, the suggestion of Sir James Brunyate, that the Council should at the end of the first period of 10 years cease to exist unless the Parliamentary Commission reports in favour of its continuance.

14. If the final Parliamentary decision now be in favour of an Advisory Committee distinct from the Secretary of State, the Committee should have statutory powers, so that the difficulties I have suggested as likely to arise may be avoided; and so long as the revenues of India are by Statute vested in the Secretary of State and can be dealt with by him irrespective either of the Government of India or of any popular control in India, I would not abolish the veto of the Council; the veto has, it is true, never been exercised, but its existence must have a restraining influence and must streng-

then the position of the Secretary of State as against the Cabinet. The abolition of the veto may create unnecessary suspicion in India, as an attempt to remove that last obstacle to the inroad of the British Treasury on Indian revenues, especially in view of the fact that the non-official Indian element in the body which would advise the Secretary of State is about to be strengthened.

15. The Report recommends that not less than one-third of the body should be Indian public men selected from a panel, and leaves it open to the Secretary of State to appoint other Indians representing special interests or possessing administrative experience. In my opinion, having regard to the altered circumstances, the necessity of restraining the officials, when they may be tempted to overstep the limits of their spheres, of stimulating, advising, and guarding the popular governments, of harmonising the relationship between the official and non-official Provincial Governments and between the Government of India and its Legislative Assembly, the authority which will have the final decision cannot be safely constituted with less than half its members as Indians. I would, therefore, recommend that half of the number should be Indians, and I am prepared to concede, though this is neither desirable nor essential, for I am sure Indian electorates will elect men possessed of the requisite qualifications, that not less than two-thirds of this number should be selected as recommended in the Majority Report, the rest being nominated by the Secretary of State. As regards the other half, it must be evident from the nature or the duties that the Council or Advisory Committee will have to discharge, that it should not consist wholly of officials. The official experience will be primarily and efficiently represented in the despatches that will come from the Government of India, and also in the permanent departments of the India Office; this experience, while essential in matters of ordinary administration in which the Secretary of State will interfere less and less, is not of the same value when he has got to deal with important matters of policy or constitutional usage involving decisions of critical question between the official government and the popular elements. Under these conditions it is not only not desirable but may even be embarrassing to have a preponderatingly official element in the Council of the Secretary of State. What is wanted is not a reduplication of the Indian official point of view but a broadened outlook from the Indian and British points of view. The Indian point will be secured by the increased representation of the non-official Indian element. The British point of view can only be secured by the introduction into the Council of a new element, namely, Englishmen taken from the public life of England. I would therefore recommend that room should be provided for such association by laying down that not more than

one-third of the members should be officials who had held office in India, the rest being men of British experience nominated by the Secretary of State. To my mind a council so constituted will be an ideal flywheel for the new machinery we are setting up. If we revert to the old constitution, of an overwhelming official preponderance in the body which will advise the Secretary of State we shall be courting grave risk. I see no sufficient reason why the members of the Council of the Secretary of State should be, as now, excluded from sitting in Parliament. There would be obvious advantages if they were allowed to do so especially if they become a merely advisory body.

16. This is a feature of the Montagu-Chelmsford Report which has met with universal and unqualified approval in India. The Majority Report has raised an objection to it which it considers fundamental, namely, that an increasing interest taken by Parliament in Indian affairs might encourage a tendency to interfere and might militate against the object of the Reforms, which is gradually to transfer control to the Legislatures in India. We have to bear in mind, however, that this object, specially in the Central Government, is remotely in prospect, and we shall have a long way to travel before reaching it. In the meantime all the more vital concerns of Government will remain vested in an official executive. This executive will have a very difficult part to play. It is casting no slur upon it to say that it is not properly trained or constituted for its new role. Hitherto, it has held all the threads of administration in its hands; it has been alike the source of power and the instrument of its effective use in all directions. Henceforth while it will still exercise the paramount functions of government, and consequently retain its position of unchallenged supremacy in what are justly regarded as the attributes of power, namely, the enforcement of law and order, it will have in other branches of administration to take a subordinate place as executant of the will of the people whom it is controlling and governing in a different sphere. The Civil Service has shown great adaptability in the past and I hope its fabric will respond to the new conditions in a spirit of loyal co-operation. But the whole situation requires careful supervision and guidance, not alone by the Secretary of State but by Parliament itself. Parliament is now deliberately transferring some of its powers to the Indian legislatures, and has reserved to itself the determination of the future stage of further transference until India has secured self-government within the Empire. Therefore, until that goal is reached India would not only fear any tendency in Parliament towards taking an increasing interest in her affairs but would urgently want it, and would welcome any means to secure it. We cannot at the present moment give Parliamentary representation

to India, though India, which is still governed by Parliament, stands on a different footing in this respect from the Dominions; and therefore the only way to secure in Parliament some knowledge of and interest in Indian affairs is by means of a Parliamentary Committee, which will be annually constituted with importation of fresh blood, and will thus in the course of a few years give the House of Commons a fairly large number of members with some acquaintance with Indian affairs. Even if this Committee, like the Committee of Public Accounts, deals with the preceding year, it will be able by its annual reports to place before Parliament a 'resume' of some of the most important aspects of administration in India, in a form essentially different from the present official Report on the Moral and Material Progress in India. The British public will have the inestimable advantage of having a picture of India in outline presented by an independent body of men who are dissociated from both the official and non-official elements in India and are the chosen representatives of the British people, and the Indian public will have access to an authority which it will regard more or less as impartial.

The India Office

17. As regards interchange of the superior staff between England and India, I do not appreciate any very great difficulties. The higher officials in the India Office may and should from time to time be sent out to India to serve or assist in the Secretariat, and their place taken here by Indian officials, who should be of Indian descent, if available. I would not claim any special privilege for the Indian, but it is only fair that when the Indian is equally qualified, he should have preference, not because he is an Indian, but because the British element will, in the very nature of things, be preponderantly represented in the India Office staff. This will be a matter of arrangement which will grow into a system and so arranged as not to affect the prospects of the home officials. As regards Indians being allowed to take a responsible part in the higher control of the office, I think it should be definitely laid down that there should always be an additional Indian permanent Under-Secretary of State. Ordinarily he should not be an Indian Official. With an Indian non-Official member in all the Provincial Executive Councils, and probably more than one minister in all the provinces, with also not less than two members in the Executive Council of the Government of India, it will be easy to combine non-official training with administrative knowledge in a non-official Indian selected for the post.

18. I cordially acknowledge the courtesy and consideration shown to me by my colleagues in the course of our discussions.

B. N. Basu.

Memorandum by Prof. Keith.

Dated the 3rd April, 1919, on Head I. of the terms of reference.

The members of the Committee have accepted the duty of advising the Secretary of State as to "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". This is the fundamental part of the functions of the Committee, and on the nature of the conclusions arrived at by the Committee upon it must largely depend the conclusions of the Committee on the specific questions mentioned in Head II. of the Terms of Reference. The form and mode of working of the Home administration of Indian affairs must be determined by reference to the functions of that administration, it is not possible to decide whether the powers of the Council should be made advisory only or how it should be constituted, unless and until it is known what duties it must perform. It is true that the burden laid on the Committee by asking it to advise on these fundamental questions is a heavy one, but it would be absurd to suggest that as constituted the Committee is incapable of dealing with them, and it is equally clear that it is the need of advice on these issues that justified the calling together of so strong a body.

To enable the Committee to form opinions on these topics, it is eminently desirable that it should have the advantage of receiving the opinions of Mr. Montagu and Mr. Chamberlain, given, of course, informally and not recorded as evidence. But it is also desirable that the Committee should be informed of the views of such Members of the Council of India as may care to express views on these matters, and of ex-Governors such as Lord Carmichael. To evidence of this type should be added that of a representative of the Labour Party as already suggested, and two such representative constitutional authorities as Lord Bryce and Sir C. Ilbert might profitably be asked for their views.

The task of the Committee is facilitated by the fact that it is not compelled to consider the question in *vacuo*, in which case it would doubtless have been impossible for the members to accept the duty of advising. The Committee is entitled to assume that the scheme of reform adumbrated in the Report is to be adopted and that their duty is to supply material for completing the scheme. Examination of the Report shows that on the question of the relations between the Home administration and the Indian Governments it is, doubtless, deliberately vague, and that it leaves wide room for recommendations by the Committee. Moreover, in certain matters, the Report expresses aspects of the problem without seeking to harmonise them. Thus it is suggested that when certain subjects have been transferred to Provincial Government "the Secretary of State would cease to control the administration of the sub-

jects which they covered". On the other hand, it is expressly contemplated (pp. 179, 180) that the Governor in regard to transferred subjects shall not be at first in the position of a purely constitutional Governor, and that instructions for his guidance in his relations to his Ministers shall be laid down by the Secretary of State in Council. Similarly, even in non-reserved matters (p. 193) the Governor in Executive Council is to have a right in certain cases of intervention. As it cannot be contemplated that the Governor is to act without responsibility to the Secretary of State, it follows that the suggestion on p. 233 must be read as referring to normal procedure, and not as contemplating the complete abandonment of the Secretary of State's control. Similarly, when it is proposed (p. 234) that the Secretary of State "should divest himself of control of the Government of India in some specified matters," this proposal is clearly to be read subject to the fundamental rules (p. 157) that "the Government of India must remain wholly responsible to Parliament". It would appear, therefore, that in his relation to Parliament the Secretary of State remains under the reform scheme responsible for the Government of India, subject to his right when any act done in India is called into question to ask Parliament to refrain from criticism, on the ground that the act in question was that of Indian Ministers responsible to an Indian electorate, with whose discretion it was unpolitic to interfere.

The duty of the Committee under Head I. would therefore seem to lie in investigating the existing modes of control exercised over Indian Governments and Legislatures, and framing recommendations as to the retention or modification of such control. It may be convenient as a basis of discussion to consider one or two points in this regard in outline.

I.—Legislation.

(A) *Provincial*.—(a) At present it is incumbent on Provincial Governments to submit for the previous sanction of the Government of India and the Secretary of State all their projects for legislation before introduction (pp. 97, 98). So long as the Legislative Councils were merely in effect advisory bodies, the Government possessing an official majority, the necessity of this rule was obvious. But it would hardly be possible to find any precedent for the application of the rule to a representative legislature. It is open to argument that if Ministers are to have any real authority they must be allowed to submit, after consultation with the Governor, their own projects of Law to the Legislative Councils, since otherwise they can not develop responsibility.

(b) Again, provincial legislation is at present subject to the rule that it cannot alter legislation passed by the Indian Legislative Council save with the previous sanction of the Governor-General. Is it desirable that this restriction should be relaxed as inconsistent with the position of a representative legislature? Might it not be sufficient if early information on the proposed measures were given to the Government of India, as in the case of certain tax proposals dealt with at page 172 the Report?

(c) At present provincial legislation is subject to the assent of the Governor, the Governor-General, and the Crown acting through the Secretary of State in Council. Is it necessary for the Sec. of State to retain the intervention of the Government of India, or should the stage of the submission to the Governor General be cut out, leaving it of course open to the Government of India to submit any objections on the measure to the consideration of the

Secretary of State? The Report (p. 106) contemplates that the Governor-General should in future be allowed to reserve a provincial Bill, and, if this were done, the position would of course be in effect the same as if reference to the Governor-General were cut out. If the stage in question were omitted, it would be necessary to give the Governor the power to reserve a Bill, and it may be possible that this power should be given in any case.

(d) Whatever relaxation of control may be possible as regards transferred subjects, the question arises to what extent similar relaxation is possible as regards reserved subjects. Should a distinction be made between such matters when submitted to the Legislative Council as a whole and when subjected to the Grand Committee procedure? In the former case might the measures be treated on the same footing as measures on transferred subjects, while in the latter case should the full control of the Government of India and the Secretary of State retained? Should the Governor be instructed never to resort to Grand Committee procedure without the authority of the Secretary of State?

(e) On what principles should the Secretary of State exercise his power of disallowance whether directly or through the Governor? Is provincial legislation to be judged on its merits as they appear to the Secretary of State in Council or to the Governor? Or is the principle to be accepted that legislation passed by a clear majority of the elected members is to be allowed to stand unless it runs counter to some Imperial interest or is flatly immoral? The divergence between these two standpoints of criticism would often be fundamental.

(B) *Indian*.—In the case of Indian legislation, where the complication of transferred and reserved subjects does not arise, the chief question appears to be the extent to which the Government of India should be granted freedom of action in submitting measures for enactment to the Legislative Assembly. Measures to be carried by the Council of State would presumably first be submitted for the approval of the Secretary of State, but is it desirable to retain so much control in the case of measures to be approved by a representative legislature? Again, what criterion of approval should be applied to acts passed by the Legislative Assembly?

II.—Administration

(a) As regards administration, the first question which presents itself is the nature of the relation to exist between the Governor and Ministers. Is he virtually to govern through them, or is he to be only a candid critic? The legal position which he will occupy will be so strong that he will be able, if he so desires, virtually to reduce the powers of Ministers to a minimum, and the actual nature of the new form of Government must depend on the instructions given to the Governor. For instance, he might be instructed to report every case in which he overruled Ministers, giving his reasons for action, so that he might receive the benefit of the advice of the Secretary of State, while in matters of great importance in which he differed from Ministers, he might even be instructed to suspend action pending reference to the Secretary of State.

(b) As regards reserved matters and the executive authority of the Government of India, it may be asked what treatment is to be accorded to Resolutions of the representative legislatures calling for executive action. Should, in any case in which effect can not be given to the Resolution, the

Government considered he required to report the Resolution to the Secretary of State with a statement of reasons for not acting upon it? And generally should it be a standing instruction to the official governments that in their action even within their own sphere they shall seek the closest possible co-operation with the representative legislatures?

III.—Finance.

(a) It is clear that in the past the necessity of supervision by the Secretary of State has arisen from the absence of popular control in India. In view of the new arrangements contemplated for the provinces, would it be desirable to lay down that all proposals for expenditure must first be submitted to the Legislature; that, if approved by that body, they would normally be accepted by the Secretary of State before the Governor exercises his power of insisting on an allotment?

(b) In the case of the Indian Budget, should it be a rule that in any case in which a Resolution of the Legislative Assembly on an item is objected to by the Government, the matter should be reported to the Secretary of State for his decision?

(c) In view of the existence of representative legislatures should the classes of matters in which the sanction of the Secretary of State in Council is necessary be drastically revised so as to bring within this category none but proposals of great magnitude? If so what limits can be suggested either in the case of appointments or of public works?

Minority report by Professor Burriedale Keith on the terms of reference to the Committee on the Home Administration of Indian Affairs

I regret that the divergence of opinion between the majority of my colleagues and myself on certain important matters is so great as to render it impossible for me to concur in the Majority Report. This divergence of view rests on our varying conception of the true line of development in the relations between the Secretary of State for India as representing the Government of the United Kingdom, and the Government of India, which should be followed in order to achieve the progressive realisation of responsible government in India, the goal envisaged in the declaration of the policy of His Majesty's Government made by the Secretary of State in the House of Commons on 20th August, 1917. From some of my colleagues I differ also in holding that it is no part of the duty of the Committee to take into consideration, in framing their proposals, difficulties which His Majesty's Government might experience in securing their acceptance by either House of Parliament, as I hold that Parliament would derive more real help from conclusions based entirely on the merits of the case. I must also express the opinion that the evidence taken by the Committee was far too predominantly official in character, and that the views of political circles in India were not adequately before the Committee. Had it been possible for my colleagues to realise the force and weight of Indian opinion on the issue before us, I cannot but feel that there must have been a considerable difference in the terms of their Report, which, in my opinion, is in too large measure based on the views which were with equal energy and ability urged upon us by several members of the Council of India and officials of the India Office, who have attained official maturity under the Council system, and who, I consider,

hardly realise the true significance of the declaration of 20th August, 1917, and of the Montagu-Chelmsford Report. Further, I consider that a fundamental error has been committed by my colleagues in treating as the main subject of our enquiry the position of the Council of India in the scheme of Home administration of Indian affairs. It appeared to me that this question was one essentially of secondary importance, and that it was impossible to treat it with any prospect of a satisfactory conclusion until the problem—appropriately placed as the first of the terms of reference—of the relations of the Secretary of State to the Government of India had been examined with due care disposed of. The conclusions reached, therefore, by my colleagues seem to me to suffer from the fatal defect that they are not based on any clear or consistent conception of the measure of control which in future is to be exercised by the Secretary of State over governments in India.

2 It is a fundamental feature of the Montagu-Chelmsford Report, which formed the basis of our enquiry, that the Government of India shall remain an official Government, and be exempt from the principle of dyarchy adopted for the government of the provinces. But it is another essential part of the scheme that, while the official character of the Government shall be rigidly maintained, a new charter shall be given to the legislature by the substitution for the present Legislative Council, of two chambers, in one of which, the Legislative Assembly, at least two-thirds of the members shall be elective. To prevent the occurrence of the deadlocks, almost inevitable between an official government and an elective chamber, special power is given to the Government of India to secure legislation by the second chamber, the Council of State, in which there is a nominated majority alone, but it is clear that the intention of the framers of the Report is that the Legislative Assembly will normally share in all legislative proposals and will have opportunities of criticising expenditure.

3. The fundamental question before the Committee, therefore, appears to me to be the relation in which the Governor-General in Council under the reform scheme is to stand to the Secretary of State. The following among possible answers, may merit notice.

(a) It may be held that the maintenance of the Government of India as an official government does not necessitate any change in principle in the relations which it occupies to the Secretary of State, and that, while delegation of authority in financial and other matters from the Secretary of State may go on, this should be governed by the principles at present adopted, no essential change being involved in the existence of the Legislative Assembly.

This is an extreme view, and I do not think it necessary to say more than that it seems to me flatly contrary to the whole spirit of the policy of His Majesty's Government.

(c) It may be held that, as suggested to us by one witness, the Secretary of State should retain control of the Government of India only in certain defined matters, covering such questions as external affairs and criminal law, but in all other matters he should abandon formally any right to control the Government of India. It is of course possible to hold the view that this might be a suitable method of leading up to responsible Government, the Government of India cut off from normal connection with the Secretary of State might become more and more amenable to Indian influence, and the Im-

perial Government might thus find it easy to consent to a complete change in the official character of that body.

I consider, however, that this scheme must be regarded as inadmissible on the ground that it contravenes an essential constitutional principle by creating a body of officials who are not responsible to an Indian Legislature and yet are not responsible through the Secretary of State to the British Parliament. In practice I cannot conceive that any Secretary of State or House of Commons would tolerate such a state of affairs.

(e) It may be held—and I think that those of my colleagues who favour the retention of a permanent advisory body by the Secretary of State must logically hold—that, while the existence of a representative Legislative Assembly must be taken into account in determining the nature of the control to be exercised by the Secretary of State, the time has not yet come when the attitude of the Secretary of State towards the actions of the Government of India can be based substantially on the consideration whether or not the Government in so acting is carrying out the wishes of the elected representatives of the people. From this position it follows that no clear guidance can be given to the Secretary of State as to the principles which should guide his action, and it will rest with him, in consultation with his advisers (whether, as Sir James Brunyate desires, the Council of India or, as the majority prefer, an Advisory Committee) gradually to work out some line of action.

I cannot think that such a solution of the problem much help in the development of responsible Government in India. It could hardly avoid bringing the Secretary of State into needless controversy with the Legislative Assembly, and it would certainly hamper that process of decentralisation which is admittedly one of the most clamant needs of India.

(d) The true solution appears to me to lie in realising that the reform scheme is a reality, and that it demands a definite decision of the Secretary of State to abandon the use of powers which he has long and doubtless beneficially wielded, but which cannot, consistently with the development of self-Government in India, remain in normal exercise. The principle to be adopted is simple *when the action of the Government of India is in accordance with the wishes of the majority of the representatives of the Indian people in the Legislature, interference by the Secretary of State is justifiable only when, after careful consideration of all the circumstances, he is satisfied that his intervention is necessary in the interests of the peace, order, and good government of India or of some part of the Empire other than India.*

4. It is clearly impossible to define the classes of cases, in which the Secretary of State may have to intervene, in such a manner as to permit of any restriction by statute or by statutory orders of the supreme right of superintendence, direction and control vested in him by Section 2 of the Government of India Act, 1915. It must be remembered that in India the electorate which will be represented in the Legislative Assembly is a very small fraction of the people of India, and this fact alone makes more delicate and difficult the duties of the Secretary of State. But the essential feature of the situation under the reforms scheme should be the deliberate and honourable acceptance of the view that, if the Government of India has the support of the representatives of the people, it lies with those who advise interference to make out a substantial and grave cause of interference.

5. If, on the other hand, it is felt necessary by the Government of India to disregard the wishes of the Legislative Assembly, there will rest on the Gov-

entiment the burden, not merely of satisfying the Secretary of State of the advisability of their action, but also that causes existed which justified them in insisting upon carrying it out, despite the wishes of the Assembly. The Government of India will thus have every reason to bring its action more and more into accord with Indian feeling, while retaining its official character, and a real, if modest, step will have been taken towards the consummation of the ideal, set in the declaration of 20th August, 1917. To go further than this would violate the principle of the official character of the government postulated by the reforms Report; to concede less than this would, in my opinion, justly be regarded as falsifying the legitimate aspirations founded upon the scheme and language of that Report. I recognise that my proposals may be deemed dangerously to weaken the power of the Government of India, but I am convinced that this opinion is erroneous, and that the just authority of that Government will suffer no impairment, but rather be enhanced, by being brought into closer touch with Indian feeling. The justification of British Rule in India is that it promotes the interests of the Indian people, and it would be a calamity if any encouragement were given to the idea that the Government of India should not aim earnestly at working in harmony with those who from their position must often be better judges of Indian interests than the most benevolent official Government.

Head I The existing system of Home administration of Indian affairs, and the relations between the Secretary of State, or the Secretary of State in Council, and the Government of India.

A.—Central Subjects

I.—Legislation

(1) *Introduction of Bills*

6. The divergence in principle between my colleagues and myself appears at once in our attitude to the question of the necessity of the Government of India obtaining the approval of the Secretary of State prior to the introduction of legislative proposals into the Indian Legislature. It follows from the principles which I have set out that I would leave a general discretion to the Government of India to introduce legislation into the Legislative Assembly without prior consultation with the Secretary of State save in cases where Imperial interests were obviously affected, namely, bills affecting (a) the discipline or maintenance of any part of His Majesty's military, naval or air forces, and (b) the relations of the Government with foreign princes or States. In these matters no Bill can be introduced by a member of the Legislature without the sanction of the Governor-General, and there is, therefore, no difficulty in making effective the rule of prior consultation with the Secretary of State. In any other case, of course, the Government of India would be entirely at liberty to apply to the Secretary of State for advice and help, and doubtless it would often do so, but the only rule I would lay down would be that the Government of India should keep the Secretary of State fully informed (by telegram in cases of importance) of all legislative proposals introduced into the Indian Legislature, whether proposed by their authority or by private members.

7. My colleagues, however, are not prepared to make any further concession than the substitution of prior consultation with the Secretary of State for prior consent, and the grant of permission to the Secretary of State to

define the cases where he considers such prior consultation necessary from time to time, on the understanding that he may vary the list by addition or subtraction as he deems fit. The former change is one in which I entirely concur, but it is important to recognise that, while the new phraseology is preferable to the old, there will in substance be no alteration in the effectiveness of the control of the Secretary of State; the advice of the Secretary of State in the ultimate issue, if it is pressed, is indistinguishable from a command; no Secretary of State could accept responsibility for his statutory duties towards India if he could not rely on the Governor-General deferring in the ultimate issue to his opinion as the representative of His Majesty's Government. The latter change amounts to no more than a pious intimation of opinion that decentralisation is necessary; a view which hardly rises above the level of a platitude, and a confession of the incapacity of the Committee to deal with the point at issue. The suggestion, however, that the Secretary of State is to be free to increase his control as well as relax it from time to time can only be based on a distrust, which I do not share, of either the Government of India or the Indian Legislature. A final *reductio ad absurdum* of the position appears to me to be afforded by the fact that any private member may introduce at pleasure measures which the Government of India must submit to the Secretary of State and thus, if it so desired at any time, the Government could secure the presentation of its views in this form without reference to the Secretary of State. The importance of the point lies in the fact that if Bills continue thus to come home for the prior examination there is retained a large amount of unnecessary work to be performed by the India Office to act as a normal part of the machinery of Indian government instead of exercising its role of high control. Moreover it seems to have been forgotten by my colleagues that the value of prior consultation is indefinitely limited by the introduction of a fully representative element in the Legislature, which will result in far freer amendment than hitherto of Indian legislation. Nor can I think that it is altogether consistent with the dignity of the Government of India that it should be subject to a closer degree of supervision than the Governments of the Crown Colonies.

8. The position, however, differs entirely when it is not a question of carrying legislation through the Legislative Assembly, but when it is intended that the Governor-General-in-Council should certify a measure as essential for the safety, tranquility, or interests of some part of British India, or on the ground of emergency, and secure its enactment by the Council of State without the assent of the Legislative Assembly; or when the Governor-General-in-Council purposes to make regulations for some part of British India under section 71 of the Government of India Act; or when the Governor-General exercises the extraordinary emergency power of legislating by ordinance. In all these cases, in which *ex hypothesi* the matter is being withdrawn from the cognisance of the representatives of the people I consider that prior assent should always be obtained, by telegraph if necessary. I suggest therefore 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, and that no regulation or ordinance shall be passed, unless the Secretary of State has previously approved of the substance of the proposed measure on the ground that it is essential in the interest of the peace, order, and good government of India. Unless the arrangement is adopted, I consider that there is

grave risk in leaving the liberties of British India at the mercy of legislation by ordinance or regulation, and I cannot believe that my recommendation in this regard is really, as my colleagues seem to hold, more than an affirmation of existing usage.

Assent to, Reservation of, Bills

9 It is with much pleasure that I find that the majority of my colleagues concur with my view "that assent should be refused to Indian legislation accepted by the majority of non-official members of the Legislative Assembly only in cases in which the Secretary of State feels that his responsibility to Parliament for the peace, order, and good government of India, require him to secure reconsideration of the matter at issue by the Legislative Assembly." It is hardly necessary to emphasise the real nature of the recognition thus accorded to the importance of the Legislative Assembly as expressing the popular will, on the other hand, the Secretary of State will be bound to act with due regard to Imperial interests in the wide sense of the term, and it is not impossible that, in view of the comparatively restricted character of the franchise, he may be compelled at times to consider whether the Legislative Assembly in a given case really represents the will of the people. This will be a task of great delicacy and difficulty, the occasion for action should seldom arise, since the Government of India can always prevent the passing of legislation unfair to the interests of the classes imperfectly represented in the Legislature, but the principle must be conceded as a necessary concomitant of the imperfection of representative institution in India for the time being.

10. Objection was taken in the discussion of this resolution in the form given above, in which I moved it, to the specification of the majority of non-official members as being the dominant condition of the operation of the proposal. The reason, however, for this limitation is simple; under the reform scheme, as modified by the report of the Franchise Committee under Lord Southborough, of total membership of 120 in the Assembly no less than 26 may be officials, and in a conceivable case the officials with the nominated members and but 20 elected members might carry measures against 60 elected members. In actual practice, a measure may not rarely be carried by a majority, while the majority of non-official members are opposed to it. In such a case it would be absurd to place any fetter on the action of the Secretary of State, but in dealing with the measure he will doubtless give such weight as may be appropriate in each case to the fact that the measure has been carried against the views of the elected members.

11. Measures passed by the Indian Legislature will fall in future into two broad classes, those which will be regarded by the Secretary of State as requiring no special examination or scrutiny, and Bills which will call for earnest consideration in the light of the responsibilities which he will still retain. A simple and effective means of discriminating between these two categories of measures has played a large part in the history of the treatment by the Crown of Dominion legislation, and it appears to me that the moment when India is beginning to enter upon a path which if intended to lead in the future to her achieving Dominion status, is appropriate for adopting the system in India. This can be effected in the first place by providing that the power of reserving Bills which is at present enjoyed by the Governor-General

shall be exercised according to His Majesty's instructions, and in the second place by requiring that the Governor-General shall reserve Bills falling under certain classes, it being understood that Bills not falling in the category will normally not be disallowed by His Majesty, while Bills included in any of the classes specified will be subject to scrutiny of closer nature, and will only come into force on approval by his Majesty's Government

12 I suggest, therefore (1) that section 68 of the Act of 1915 be amended by adding after "the Governor-General may declare" the words 'according to his declaration, but subject to His Majesty's instructions' (that he assents to the Bill or withholds assents from the Bill, or reserves the Bill for the signification of His Majesty's pleasure thereon); and (2) that the following instruction be given by His Majesty to the Governor-General

"The Governor-General shall not assent to any Bill of the following classes

(1) Any Bill containing provisions which are repugnant to the provisions of the Government of India Act or any other Act of Parliament

(2) Any Bill containing provisions to which Our assent has been refused or which has been disallowed by Us

(3) Any Bill which he has been specially required by one of our Principal Secretaries of State to reserve

(4) Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by treaty

(5) Any Bill imposing differential duties

(6) Any Bill affecting the currency of India or relating to the issue of banknotes.

(7) Any Bill affecting the discipline or maintenance of any part of Our military, naval, or air forces

(8) Any Bill affecting the relations of the Government with foreign princes or States.

(9) Any Bill whereby persons not of European birth or descent may be subjected to or made liable to any disabilities or restrictions to which persons of European birth or descent are not subjected or made liable

(10) Any Bill for the divorce of persons of European birth or descent joined in holy matrimony.

(11) Any Bill of an extraordinary nature and importance whereby Our prerogative, or the rights and property of Our subjects not residing in India, or the trade and shipping of the United Kingdom or any part of Our Dominions other than India, may be prejudiced.

Provided that it shall not be necessary for the Governor-General to reserve any such Bill if it contains a clause suspending the operation of the Bill until the signification of Our pleasure thereupon, or if he has received instructions from one of Our Principal Secretaries of State either to assent to the said Bill or to withhold his assent; or, if he is satisfied that an urgent necessity requires that the said Bill be brought into immediate operation, in which case he is authorised to assent to it, but is to transmit to Us, by the earliest opportunity, the Bill so assented to, together with his reasons for assenting thereto

(3) *Form of Assent to, and Disallowance of, Legislative Measures.*

13. I desire also to recommend—and this quite irrespective of any decision arrived at as to the future of the Council of India: (1) that the signi-

Sanction of His Majesty's assent to reserved Bills of the Indian Legislature (section 68 of the Act of 1915) and of the local legislatures (clause 10 of the Bill) shall be made in Council, and not through the Secretary of State in Council, and shall then be notified by the Secretary of State to the Governor-General; and (2) that the disallowance of an Act of the Indian and local legislatures, of regulations under section 71 of the Act of 1915, and of ordinances under section 72 of the Act, should similarly be signified by His Majesty in Council. In this view my colleagues concur.

II.—Finance

14. With regard to finance, it is essential to bear in mind that under the Government of India Act (section 67) no measure may be introduced into the Indian Legislature affecting the public debt or public revenues of India or imposing any charge on the revenues of India without the previous sanction of the Governor-General, and that, under the terms of the Montagu-Chelmsford scheme, it is intended that, while the budget will be introduced in the Legislative Assembly, it will not be voted by that body, which may, however, exercise criticism upon it by way of resolutions. There can, therefore, be no possibility either of private members forcing upon the Government the consideration of financial measures to which it is opposed or of the Assembly coercing the Government by means of the refusal of supplies. There is, therefore, need of some conventions in practice if the association of the Legislative Assembly with the form of government, which is admittedly desirable, is to be carried out.

15. From the point of view of public opinion in India this question suggests itself especially in the form of the demand for fiscal autonomy, which is claimed partly on grounds of national self-consciousness with which all must sympathise, partly because it is believed that by means of protecting industrial activity in India it might be enormously strengthened to the advantage primarily indeed of India, but secondarily also of the whole Empire. The Government of India is credited by Indian opinion with sharing the aspiration of India in this regard, and the proposition has accordingly been pressed upon us that in fiscal matters, if a proposal of the Government of India is approved by the Legislative Assembly the Secretary of State should have no power of intervention. The Government of the United Kingdom can rely, it is argued, that the Government of India will not bring forward any proposals which would run counter to the interests of the United Kingdom. It seems to me, however, impossible to accept such a doctrine as constitutionally tenable. The members of the Government of India, whatever their nationality in the narrower sense of the term, are agents of His Majesty's Government for the administration of the affairs of India; they are not experts in the affairs of the United Kingdom, and they cannot be expected to form an impartial or accurate account of the extent to which fiscal legislation in India may affect the United Kingdom. The only authority which can decide whether or not India is to enjoy fiscal freedom and in what measure is the British Cabinet, subject to the control of Parliament, and it is impossible to lay down any constitutional principle in this regard as obligatory for acceptance by Parliament. If, indeed, India were in the position of ability to stand alone like Canada, or even to accept full responsibility for the control of all her internal affairs, no question would arise as to her right to autonomy in fiscal policy, but as matters stand it is impossible to deny to the

Government of the United Kingdom the means of securing that no hasty steps are taken which might bring the Empire into difficulties with foreign nations, or result in a severe strain on the relations between India and the United Kingdom. On the other hand, I cannot but feel that, though the logical strength of the Indian demand for fiscal autonomy is far from great, every consideration of practical statesmanship, and of the traditional generosity of the people of the United Kingdom, tells in favour of the grant in practice to India of the same measure of freedom as is accorded to the Dominions. But the grant must be frankly made by the Government of the United Kingdom; it cannot with any propriety be conveyed in the indirect form of an acceptance of the doctrine that the members of the Government of India are true representatives of the interests of the United Kingdom in all spheres.

16. I consider, therefore, that in the case of all taxation measures, while the prior assent of the Secretary of State to their introduction into the Indian Legislature should not be necessary, the Government of India should be required to submit for the information of the Secretary of State the substance of any proposals which they intended to introduce into the Legislature, in sufficient time to permit of his making any observations on the proposals which he deemed desirable on Imperial grounds. I cannot share the view of some of my colleagues that it is any part of the duty of the Secretary of State to criticise financial proposals of this on grounds of mere internal interest. I do not share the belief that the Secretary of State is ever likely to have at his disposal at home advice of such quality as to justify him in seeking to become the source of fiscal legislation for India, and interference of this kind would, I am sure, be injurious alike to the Government of India, to the Legislative Assembly, and to the Secretary of State. His one duty should lie in considering taxation proposals from the broad standpoint of Imperial and international relations, and, if he decides on some ground of this kind to take exception to proposed legislation, his intervention would bear an entirely different character and acquire much greater importance than if he normally allowed himself to become the mouthpiece of criticisms by retired officials of the progressive ideas of their successors in office.

17. On the other hand, I regret that my colleagues have determined to claim previous consultation in the case of measures not only of taxation but of expenditure, whether or not involving taxation or borrowing. If it is limited to the case of expenditure involving taxation or borrowing, then, apart altogether from the illogical character of the proposal, it seems to me to be based on a fundamental error, the view that, if India engages in rash borrowing, the United Kingdom will in some measure become responsible for its finances. No countenance should, I suggest, be given to the idea that the debts of India have any significance for the United Kingdom. The argument by which my colleagues appear to have been moved seems to be that, as the Secretary of State plays a part in the process of borrowing money in the United Kingdom, it is necessary that he should control any expenditure which it is likely to render borrowing necessary. If, however, the argument were to be pressed to the logical conclusion, the result would be to insist that all expenditure should remain permanently under the full and detailed control of the Secretary of State. But in point of fact, the true function of the Secretary of State in regard to borrowing should be treated as one of agency only, the work to be transferred as early as possible to an agency in London

of the Government of India, or, preferably, to a State Bank, just as the financial business of the Commonwealth of Australia is transacted through its own Bank. Every consideration of constitutional propriety and practical advantage points to placing on the Government of India, subject to the control of the Legislative Assembly, responsibility for expenditure, and I suggest the adoption of the following principles in the early years of the operation of the reform scheme.

(1) That all the proposed expenditure of the Government of India shall be submitted to examination and criticism by the Legislative Assembly

(2) That as far as possible the estimates submitted shall be framed to distinguish between normal recurrent expenditure and extraordinary expenditure, as in the case of (1) a reorganisation on an increased scale of, or the creation of, a branch of the public service, and (2) public works of special importance and cost

(3) That when proposals are approved by the Legislative Assembly the Secretary of State should overrule them only if satisfied that he cannot accept them consistently with his responsibility to Parliament for the peace, order, and good government of India.

(4) That, when proposals are disapproved in whole or in parts by the Legislative Assembly, the Secretary of State should approve them, with such modifications, if any, as he thinks desirable, only if satisfied that he cannot otherwise perform his duty to Parliament

(5) That, in order to provide an effective substitute for the detailed financial control hitherto exercised by the Secretary of State in Council, it is necessary that—

(1) the Audit Department in India should be given a more independent position and the scope of the audit widened ;

(2) an annual report on the account of the preceding year should be presented to the Legislative Assembly by the Auditor-General, who in drawing up the report, should follow the principles adopted in the preparation of the reports of the Comptroller and Auditor-General in the United Kingdom ;

(3) the report of the Auditor-General should be considered by a Public Accounts Committee of the Legislative Assembly, and any matters arising out of it should be brought by the Committee before the Assembly in the form of resolutions

(4) the report of the Auditor-General together with any observations on it by the Public Accounts Committee, and any resolutions of the Legislative Assembly, shall be transmitted by the Government of India to the Secretary of State, who may issue such decisions on the matters involved as he considers necessary to secure the safeguarding of the revenues of India

III.—Administration

18. On this head I recommend —

(1) That administrative decisions of the Government of India, acting in accordance with the wishes of the majority of the non-official members of the Legislative Assembly, expressed by resolution or otherwise, shall be revised by the Secretary of State only when he considers it imperative to do so in the interests of the peace, order, and good Government of India, or of some part of the Empire other than India.

(2) That in any case in which a resolution is passed by the Legislative

Assembly, to which the Government does not deem it desirable to give effect, a special report shall be made to the Secretary of State, in order that he may give any directions which he thinks fit regarding the matter at issue.

19 The first of these recommendations failed to meet with the approval of all my colleagues in so far as it makes the operation of the rule conditional on the majority in the Assembly being composed of non-officials, but I confess that I am unable to see why the Secretary of State's decision should be fettered in any way because a majority has been obtained in the Legislative Assembly by the use of the solid block of 26 official votes. Doubtless in such a case there would be little motive for intervention by the Secretary of State, but there is no constitutional ground for laying down any principle in the matter.

20. The second of these recommendations has been criticised on various grounds. It has been objected that in matters of this nature a special report would certainly be made, and that the recommendation is therefore superfluous. I would reply that, even if the assumption were true, there would be no harm in making it a clear obligation, and that in any case the recommendation goes further, since it expressly contemplates that the Secretary of State shall consider each instance on its merits, and issue directions if he thinks fit. This feature of the recommendation is the ground of another criticism as it is held that such a rule would weaken the position of the Governor-General in Council. I do not, however, accept as valid this objection, since it rests on a conception of the predominant character of the Government of India which I cannot reconcile with any constitutional form of administration.

B—PROVINCIAL SUBJECTS.

21 The question of the position of the Secretary of State in regard to provincial subjects is one which appeared to me to fall definitely within the limits of the Terms of Reference, and all doubt on the matter was removed by the communication in a letter of May 13th of the views of the Secretary of State on the topic. Mr Montagu wrote

"In considering the relations between the Secretary of State and the Government of India, your Committee is concerned—

(1) with the duties of the Government of India in relation to central subjects, for the administration of which the Government of India is, and is to remain, directly responsible, and

(2) with its duties in relation to provincial subjects, the administration of which is entrusted to provincial governments, over which the Government of India exercises, and is to continue to exercise, a certain measure of control."

22 At the same time Mr Montagu expressed the opinion that, while it was best for the purposes of the inquiry to assume that the Government of India would continue to be the normal intermediary between the Secretary of State and local governments, "if there are special matters in respect of which your Committee find reason to think that the normal arrangement should be departed from, and that local governments should be brought into direct relations with the Secretary of State, I do not wish them to feel themselves bound to such a strict reading of the reference as would debar them from making recommendations accordingly.

23. As it is the purpose of the Montagu-Chelmsford scheme that responsible government should first make its appearance in a certain sphere of provincial subjects, I confess that it appeared to me from the first, as will be seen from the memorandum annexed to this report, that this subject was one which demanded our most careful attention, and that the evidence taken by us should be directed largely to this topic in its various aspects. I regret that my views were not shared by the majority of the Committee, and that in the ultimate respect they have been unable even to discuss the proposals which I laid before them; their own views as expressed in paragraph 18 of their report are so hedged with reservations as to evade serious criticism nor, indeed, in the absence of discussion, am I at all certain that I wholly comprehend the basis or intention of my colleague's views. I desire, however, to deprecate strongly any suggestion that the process of relaxation of control from above is to proceed at a varying rate in the eight Governors' provinces. Nothing in my opinion, would be more injurious to the unity of India than the decision to divide the territory into provinces in different stages of progress to self government, nor could any method of creating inter provincial jealousy and ill-feeling be devised more effective than the grant to Bombay of a measure of freedom denied to the Panjab, or the concession to Bengal of rights withheld from Bihar and Orissa. In the absence of the evidence which I desired to have taken the conclusion which I have arrived at have necessarily been formed without full consideration of one aspect of the problem, the suggestion that in certain classes of matters there should be direct relations between the Secretary of State and local Governments. It must be remembered that in certain questions there is already direct communication between the governments of Bengal, Madras and Bombay and the Secretary of State, and that the reform scheme by converting Lieutenant Governorships into Governorships, inevitably raises the question whether the governors of the other provinces are to be placed in this regard in a position of inferiority to the Governors of Bengal, Madras and Bombay. It would doubtless be possible to make out a strong case for placing the legislation of the provinces, at least in transferred subjects, under the direct control of the Secretary of State, who would, of course, be able to consult the Government of India on such legislation in its bearing on the interests of other provinces or of India as a whole. The objection to such a proposal are also obvious, and I assume that the Joint Committee, by which the Bill introduced by the Secretary of State will be considered, will investigate thoroughly the whole topic.

24. The recommendations, which I now submit in the form in which I laid them before my colleagues, are based on two assumptions. In the first place, I assume that, in regard to transferred subjects, there will at once be brought into force a scheme of true ministerial responsibility in general conformity with the proposals of the Montagu-Chelmsford Report as modified by the report of the Functions Committee, which adopts the only sound principle that a minister can only hold office with the good will of the Legislature (technically at the pleasure of the Governor). To avoid misapprehension, however, I must point out that in one respect the report of the Functions Committee presses, to an extent with which I cannot concur, the doctrine of the responsibility of a minister. In cases in which the functions of reserved and transferred departments overlap, or where the action taken in one department is such as to affect the interests of the other, the Governor is necessarily given the final voice to decide what action is to be taken by a transferred department. The Functions Committee hold that the minister must then either accept the decision of the Governor, in which case he "will be responsible for the action taken and will have to defend it in the Legislative Council," or, if he declines to accept the position, must be dismissed by the

Governor who will then be set the extremely difficult task of finding another minister. There is, however, a third course of action open to ministers : they can follow colonial precedents, as admirably set out in the classic memorandum of the Hon. J. Ballance to the Governor of New Zealand of 5th August 1892 ; acquiesce in the Governor's decision in the particular measure but decline responsibility for it, and remain in office so long as they have the confidence of the Legislature ' If it be the right and duty of the Governor to act in any case contrary to the advice of his ministers, they can not be held responsible for his action and should not feel themselves justified in retiring from the administration of public affairs ' Such a doctrine is doubtless incompatible with the full development of responsible government which reduces the functions of a Governor to acceptance of ministerial advice, but it is far more consonant than the view of the Functions Committee with the measure of self government proposed for introduction into India, and if it is accepted by Indian political opinion, it may smooth the way of the working of the reform scheme.

25. In the second place, I assume that the modifications in the relations between the Government of India and the local Governments necessary to make the recommendations effective would be carried out, if the recommendations were adopted

26. My recommendations are

I.—Legislation

(1) That the previous sanction of the Secretary of State to the introduction of Bills into local legislatures should be required only in the case of

(a) Bills affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces

(b) Bill affecting the relation of Government with foreign princes or States,

(c) Bills which it is proposed to subject to Grand Committee procedure.

(2) That the Governor-General shall be instructed to refer for the decision of the Secretary of State any application for permission to introduce legislation into a local legislature to which he considers it undesirable to accede, and that permission to refuse the application should be accorded only when the Secretary of State is satisfied that the discussion of the matter in the Legislature would be prejudicial to the peace, order, and good Government of India, or to the interest of some part of the Empire other than India

(3) That the Governor-General shall be authorised, subject to His Majesty's Instructions, to reserve Bills of local legislatures and shall be instructed to reserve Bills of the classes enumerated above (para 12.)

(4) That assent to Bills passed by local legislatures shall be withheld only in cases in which in the opinion of the Secretary of State the coming into force of the Bill would be prejudicial to the peace, order, and good Government of India or to the interests of some part of the Empire other than India.

(5) That the approval of the Secretary of State shall be requisite for the withdrawal by the process of certification of any legislative proposals from the control of the local legislature and its reference to a Grand Committee

[These rules would apply irrespective of whether the matter in question was a transferred or a reserved subject]

II.—Finance

That the principles set out in paragraph 17 above shall be applied with the necessary modification to provincial finance, and that the approval of the

Secretary of State shall be necessary in any case in which the Governor desires to issue a certificate in respect of expenditure on a reserved subject which has been disapproved by the Legislature, or to authorise expenditure for some purpose for which no provision has been submitted to, or approved by, the Legislature.

III —Administration

(1) That the Governor General-in-Council shall not overrule any decision of a Governor acting with his minister (s) in relation to a transferred subject without the approval of the Secretary of State, and that such approval shall only be accorded when necessary in the opinion of the Secretary of State to secure the peace, order, and good Government of India, or the interests of some part of the Empire other than India.

(2) That the same rule shall be applicable in the case of a decision taken by the Governor in Executive Council when acting in accordance with the wishes of the majority of the non-official members of the local legislature, expressed by resolution or otherwise, in regard to a reserved subject.

(3) That a report shall be made for the consideration of the Secretary of State in any case in which the Governor-in-Council does not consider it expedient to give effect to a resolution of the local legislature regarding a reserved subject.

(4) That disputes between minister (s) and the Governor as to the nature of subjects as reserved or transferred, and as to action to be taken as regards transferred matters consequent on action taken in reserved matters and vice versa, shall be referred, if so desired by minister (s), for the decision of the Secretary of State.

(5) That a Governor shall not, without the approval of the Secretary of State, decline to accept the advice of a minister in regard to a subject under his administration, unless he is satisfied that he can, in the event of the resignation of the minister, obtain another minister prepared to accept responsibility for the policy laid down by the Governor, and that approval should only be accorded by the Secretary of State when he is satisfied that in the interest of India or the Empire it is essential that, for the time being, the control of the transferred subject (s) in question should revert to the Governor-in-Council.

C.—THE PUBLIC SERVICES.

27. I much regret that my colleagues in the case of the important questions affecting the public service in India have not seen their way to take the evidence, and make the investigations, necessary to enable them to come to any decisions on the matter. The two paragraphs following represent the opinions which I formed and which I submitted to them. They are based partly on general constitutional grounds, partly on the knowledge which I have of the Indian services.

28. As regards the public services of India, I am strongly of opinion that there are grave constitutional objections to regulating their conditions of service by an Imperial Act or by regulations made under it, thus withdrawing from the legislatures of India the control of legislation regarding these services. Moreover it is essential in the interest of decentralisation that, as far as possible, the Secretary of State should abandon detailed control of the conditions of service of officers in India, and that changes in the existing conditions should be subjected to the criticism of the legislatures under safeguards against unjust treatment of members already in the services. The

proposal to compel the Secretary of State in Council to create a Public Service Commission, and to assign to it such functions as he thinks fit regarding the public services in India, appears to me to be wholly incompatible with the fundamental principles of the reform scheme, and the proposal to provide by Imperial Act that no office may be added to, or may be withdrawn from the public service, and that the emoluments of any post may not be varied without the concurrence of a finance authority designated by rules made by the Secretary of State in Council is, I think, an injudicious attempt to establish by legislation which cannot be varied by local legislation a principle of undoubted value, but one which cannot properly be given a place in an Imperial Act. These views, of course, rest on the belief that all these matters should be regulated by local legislation, and not enacted as constitutional laws by Parliament.

29. I recommend.

(1) That, as a necessary measure of decentralisation, the conditions of service of officers of the public services should be regulated by legislation, passed, before the coming into operation of the reform scheme, by the Indian Legislative Council in the case of those services for which the Secretary of State recruits the whole or a considerable part of the members, and by the local legislatures in the case of other services.

(2) That such legislation may be repealed or varied from time to time by the Indian Legislature or by local legislatures, subject in the latter case to the previous sanction of the Governor-General if it is proposed to repeal or vary any legislation of the Indian Legislative Council or Legislature.

(3) That legislation as to the public services enacted by the Indian or local legislatures should be refused assent only when the Secretary of State is satisfied that the enactment is prejudicial to the peace, order, and good government of India or diminishes unduly the rights and privileges of existing members of the public services.

(4) That (save in the case of persons already in the public service who should be secured in any right of appeal to the Secretary of State which they now enjoy) provision should be made in the legislation to be passed that no appeal from a public servant in India shall lie to the Secretary of State except in the case of a proposal to remove from the service, or of an order affecting the emoluments, or pension of, an officer appointed, or selected for appointment, to the public service by the Secretary of State.

(5) That the Indian Legislature and local legislatures should be authorised, with the previous approval of the Secretary of State, to repeal or vary the provisions of section 19 and of parts VII and VIII of the Government of India Act.

Head II—(a)-(c) The Constitutional Powers, Composition and Working, in Relation to Office Procedure, of the Council of India.

30. As I am unable to concur with the recommendations of my colleagues on these questions also, I have to submit, as embodying my views, a series of proposals, which I laid before the Committee, for the total abolition of the Council of India and for changes in procedure consequential on this step. In the main these suggestions hardly require detailed exposition, but I deem it desirable to explain in some detail the grounds of my opposition to the continued existence of the Council of India or the substitution for it of

a statutory permanent Advisory Committee as recommended by the majority of my colleagues. The recommendations were -

(1) That, in the opinion of the Committee, in view of the decision of His Majesty's Government to take steps to secure the gradual realisation of responsible Government in British India, it is necessary 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.

(2) That, having regard to the great diminution in the detailed control over Indian Government which will result from the operation of the reform scheme, the Secretary of State should normally be able to rely on the permanent staff of his Department for the assistance necessary to him in the discharge of his responsibility to Parliament, and that in cases in which he feels the need of further advice he should have recourse to the aid of Committees appointed for specific purposes from time to time.

(3) That, in order to facilitate the working of the Committee system, the Secretary of State should form a panel of persons qualified to advise on matters affecting India, by reason of residence therein or knowledge of Indian affairs, who may be willing to undertake the duty of advising the Secretary of State when invited to do so, and that members of the Committee should be chosen from this body. The services of members of the panel should normally be given gratuitously, but travelling expenses and subsistence allowance at the usual Civil Service rate should be allowed to members summoned from a distance to London.

(4) That the proceedings of the Committee should, unless otherwise determined in any particular case by the Secretary of State, be confidential and that it should rest with the Secretary of State to decide whether or not the recommendations made should be published.

(5) That the existing members of the Council of India should receive equitable compensation for the curtailment of their term of office.

31. Owing to historical causes, its inheritance of the duties of the East India Company and of the Commissioners for the affairs of India, the Council of India performs functions far more extensive than duties of supreme control such as *prima facie* would be performed by the Secretary of State *vis-a-vis* so elaborately organised and strongly manned a body as the Government of India. The composition of the Council as representing Indian official experience at once qualifies and tempts it to improve in detail, and in a sense to do over again, work already done in India. That much useful service has thus been rendered in the past is obvious; no work is so perfect that it cannot be improved by expert revision, but it is open to doubt whether, taken on balance, the value of the process of revision in detail has been worth the losses entailed by it. In the first place the conservatism natural to retired officials has acted sometimes, it may be feared, as a barrier in the way of useful reform. In the second place, the natural tendency to delay in the action of the Government of India has been injuriously fostered by the delays of the India Office under the Council system of procedure. Rapidity in the performance of departmental work in the India Office itself inevitably suffers from the feeling that, as the matter must go before the Council, there is bound to be delay in any event. But, whatever the merits of the system in the past, I am unable to see any abiding place for it under the reform scheme when its proposals have come into operation. The Mon-

tagu-Chelmsford scheme imposes on the Secretary of State a process of progressive abnegation of his power of superintendence, direction, and control of the Government of India, and the abolition of the instrument by which in the past a close and detailed control and revision have been exercised in respect of Indian affairs, is in my opinion requisite as a necessary preliminary to, and a conclusive manifestation of the purpose of His Majesty's ministers to secure, the gradual realisation of responsible government in British India. The suggestion has, indeed, been made on high authority that the Council would serve directly the useful purpose of assisting the Secretary of State to relax his control of Indian affairs, but I am unable to accept so extremely paradoxical a view.

32. I cannot, however, see any advantage in the abolition of the Council only to revive it in the no more inviting form of a permanent Advisory Committee. I gather that in the view of my colleagues this body would in practice perform very much the same duties as the Council and clearly on any other hypothesis it would be impossible to justify a proposal to place on the British taxpayer the burden of an institution, of which the initial cost would be in salaries alone £16,800 a year. But the change in the statutory position of the members would lower greatly the prestige of the Committee and diminish its attraction for men of high ability in the Indian services. Moreover, it would be extremely difficult to secure for it the service of Indians of first-rate ability, who under the reform scheme will find in India the really appropriate sphere for their activities in promoting the political growth of their country.

33 Under the reform scheme, therefore, I have no hesitation in holding that in the performance of his diminishing duties the Secretary of State should be able to obtain all the aid he requires primarily from the permanent staff of his departments (who receive now at least as high salaries as officials in other departments with greater responsibilities), and from expert sources such as the brokers of the India Office and the Bank of England. In matters in which further advice was deemed necessary, *e.g.*, currency questions or other issues involving special knowledge, he would have recourse to Committees appointed *ad hoc*. To enable him to act thus no statutory provision would be either necessary or desirable, but it might in practice prove convenient to keep a panel of persons willing to advise on specified topics, if invited to do so. His procedure might result in more use being made than at present of the expert knowledge possessed by officers of the Indian services, whether retired or on leave of absence, without involving to the Exchequer any greater cost than that of the travelling expenses of officials not resident in the London area. It is, I think, undoubtedly a defect in the present system that, as the Council of India is supposed to provide the Secretary of State with expert information, there is too little encouragement to resort to the advice of those officials who are not in its number, although the limited character of the membership of the Council inevitably prevents its representing fully and adequately the needs of the less important provinces such as Burma.

34. The case for the retention of a permanent body to advise the Secretary of State is supported by the arguments that (1) the Secretary

of State cannot effectively perform his duties without the advice of experts with actual Indian experience, and that (2) if he were deprived of the support of such a body, he would feel himself unable to venture to override the views of so important a body as the Government of India. Neither argument appears to me capable of carrying conviction. The first contention rests on the erroneous assumption that it is the duty of the Secretary of State to do over again the work of the Government of India, whereas his real function is concerned merely with the supreme control over Government in India, and for that purpose all the detailed knowledge of Indian affairs which is necessary can easily be obtained—as in the Colonial Office—from the permanent staff (which, it may be added, will in the future as in the past doubtless include men who have actually served in India) and from Indian officials on leave or retired. The second argument can hardly be taken quite seriously. The spectacle of a Governor-General and his Council, the official subordinates of the Secretary of State, defying a member of His Majesty's Government would, indeed, be unedifying, but I entertain not the slightest doubt that the experiment once made would not be repeated. The only substance in the argument lies in the fact that the disappearance of the Council would put an end to one of the admitted defects of the present system, the tendency of the Council to move the Secretary of State to overrule the Government of India in minor matters, to which testimony was borne by Mr. A. Chamberlain. In the absence of a permanent body anxious naturally to prove its utility by suggesting improvements on the proposals of the Government of India, it would, I trust, become the rule for the Secretary of State to refrain from interference save when he was satisfied that some real principle was involved, in which event his intervention would carry all the more weight because his authority was not frittered away by interference on lesser matters.

35. As regards the precise moment for the disappearance of the Council I readily recognise that it would be unwise at present to seek to determine a date, and I would, therefore, leave it to be fixed in the light of experience by His Majesty in Council, my assumption being that the step would be taken when the reform scheme has been brought into full operation. The Secretary of State would thus be assured, during the critical period of the coming into force of the reforms, of the support of the councillors on whose advice he has been wont to rely, and, should events in India develop in directions which were unexpectedly full of anxiety, the abolition of the Council could for the time be held over. The position adopted in this regard by my colleagues appears to me to be an effective *reductio ad absurdum* of their scheme for an Advisory Committee. They contemplate in paragraph 20 of their report that, as soon as the Government of India Bill receives the royal assent an Order in Council will be issued transferring to the Secretary of State the powers and authority in regard to the Government of India hitherto vested in the Secretary of State in Council, and (paragraph 8) that the Bill will provide for the repeal of the present clauses affecting the Council and for the establishment of an Advisory Committee. It is, however, impossible that such a Committee as they contemplate should come into being for a considerable period; the Indian members selected on the panel system who are to form an essential part of the whole cannot be chosen until

the franchise for the Legislative Assembly has been decided upon and enacted by rules, and until the elections to the Assembly have been completed, and the members of that body have chosen the panel. The Secretary of State will thus immediately on the passing of the Bill be deprived of the services of his Council at the very moment when, if ever, it ought to be of special value to him, and will be unable for a considerable period to constitute an Advisory Committee, under terms of the statute. If, however, my colleagues really believed that in the critical moment of carrying into effect the reform scheme the Secretary of State ought to stand alone, I confess I find it incomprehensible that they should insist, that at a time when his burdens will be far less heavy, he must have recourse to the counsel of an Advisory Committee. I presume that the members of the Council of India who are thus summarily to be deprived of a statutory office of emolument are to receive compensation on an adequate basis, and that this compensation will be paid from Indian funds, but my colleagues in their report have not thought fit to deal with the matter. Nor on grounds of public finance can I see any justification for a scheme which necessitates the payment of compensation by India to those members of the Council who are not offered, or naturally enough do not care to accept, membership of the Committee, and calls upon the British taxpayer to pay for services of inferior character a sum in excess of that hitherto paid by India.

36. There remains, however, one argument which has been adduced in favour of the retention of the Council and the preservation of the right of its members by a majority to control expenditure which the Secretary of State desires to authorise. Difficult questions have arisen in the past, and may—indeed must—arise in the future, regarding the proportion of the cost which India should bear in respect of matters in which the United Kingdom and India have a common interest, obvious examples are presented by army charges and expenses connected with Persia, Mesopotamia, Tibet and China, and other heads can easily be suggested, such as a contribution to the naval expenditure of the Empire. It is admitted that the evidence shows that, in matters decided by the British Cabinet, the Council of India in the past has felt bound to defer to the superior moral authority of that body, and has *pro tanto* abnegated the unfettered use of the powers conferred by the Government of India Act (section-21); minor instances such as the charging to India of the cost of a ball in honour of the Sultan of Turkey suggest that, even in matters not of Cabinet importance, the scrutiny of the Council has fallen short of any high standard of care for Indian interests. It has been argued, however, that this state of things may not continue, and in special that, if the composition of the Council were revised so that half the members were Indian, the Council might serve as a most useful means of checking the imposition by the United Kingdom of unfair burdens on India, pending such time as the full control of Indian expenditure is handed over to the Legislative Assembly.

37. I have the fullest sympathy with the desire to ensure a just apportionment between India and the United Kingdom of charges arising out of matters in which they have common interests. But I cannot agree that the device proposed for this end could possibly be regarded as satisfactory. The idea that the Council, if composed as at present,

predominantly of retired members of the Indian services, should assume the duty of setting itself up in opposition to the Cabinet of the United Kingdom is not without an aspect of absurdity; nor would the position be substantially different if the majority which overruled the Secretary of State were predominantly Indian in composition. The duty of safeguarding Indian interests in these matters rests with the Government of India and the Legislative Assembly. It is for the latter body in public session, and not for nominees of the Secretary of State sitting in London and debating in strict secrecy, to determine the attitude to be taken by India towards such issues, as a contribution for naval defence, and the constitutional weight which would attach to a declaration of opinion by the representatives of the voters of India would be incomparably higher than the value which could be accorded to any decision of the Council of India.

38. But, while I cannot accept the control of the Council as an appropriate method of dealing with difficulties of this kind, I do not suggest that it is desirable that it should rest with the Secretary of State to determine, at the pleasure of His Majesty's Government for the United Kingdom, the measure of the burden to be borne by India. Doubtless any such question would be a proper matter for discussion between the members of the Imperial Cabinet, in whatever form that body survives the exigencies of the war to which it owed its creation. I can foresee, however, that even after such a discussion there may be incompatibility of view, and I can only repeat a suggestion which I have elsewhere made in connection with the treatment of disputes between the Government of the United Kingdom and Dominion Governments, namely, that recourse should be had to the arbitration of a Committee of the Privy Council, so constituted as to represent justly the disputants involved.

39. On the details of the proposed composition of the Advisory Committee, I do not desire to comment at length, having regard to the fact that I consider the whole project radically unsound and earnestly trust that it may not commend itself to Parliament. I would observe, however, that it would seem necessary to make provision so as to secure that, if this body were to be abolished at any time, not more than a small sum should be payable as compensation to the members for the termination of an employment admittedly of a precarious character. I must also record my conviction that there is a radical error in the attempt at the present state of the development of Indian political life to introduce or perpetuate, the idea that the presence of Indians on a Council or Committee sitting in London is the proper means of securing due attention to Indian aspirations. The position of an Indian in such a case is anomalous and extremely difficult, and I do not think that it is really possible for an Indian politician in such circumstances to render services in a manner either satisfactory to himself or profitable to his country. The grant of representative institutions and of a limited measure of responsible Government to India has opened up a new and more honourable and effective method in which Indian politicians can serve the best interests of their native land and of the Empire, of which India forms a most important part. In expressing this view I do not desire to ignore in any way the useful work performed by Indian members of the Council

of India, but to emphasise the unreality and ineffectiveness of the position to which they were condemned by circumstances. I do not share the view of the majority of the Committee that the Advisory Committee, if formed, should, apart from Indian politicians, consist mainly of members possessing recent administrative experience in India. On the contrary, I would suggest that the Committee should be constituted differently from the existing Council, for the simple reason that it will have different functions to perform, and it does appear to me desirable that a body should be constituted with some reference to its duties.

If, therefore, there were a committee, I should prefer to see on it financial experts with Indian and British experience, since the Secretary of State will retain a good deal of financial agency work. Nor *a priori* does the presence of a single military expert on the Committee appear to be sufficient to enable it to deal with defence questions, though this aspect does not fall within the purview of this report.

(d) *The General Department Procedure of the India Office*

40. On this head I have to recommend

(1) That, on the transfer of the authority and power of the Secretary of State in council to the Sec of State the provisions of sections 5, 13 and 14 of the Government of India Act regarding correspondence should be repealed, and the Secretary of State should regulate by executive orders the mode of conduct of correspondence between the India Office and the Government of India and local Governments.

(2) That in framing such orders the Secretary of State should consider the desirability of adopting the classification of despatches followed in the Colonial Office, and that it should be an instruction to the Governor-General and Governors that all matters necessary for a due understanding of questions of Government in India must be reported in despatches for permanent record and not merely in private letters to the Secretary of State, a similar rule being adopted as regards communications from the Secretary of State to Governments in India.

(3) That, in order to secure the effective training of members of the staff of the India Office to assume the greater responsibilities involved through the disappearance of the Council of India, the practice by which only the minutes of superior officials are submitted to the Secretary of State should be abandoned in favour of the practice followed in the Colonial and other Offices under which minutes by junior officers are included in the papers placed before the Secretary of State for his decision.

41. It is hardly necessary to defend these recommendations in detail; and, painful and recent experience has, I think fully justified the demand that the Secretary of State and the Governor-General alike should be under an obligation not to entrust to the machinery of private letters or telegrams communications which have any official character, however legitimate and desirable may be the practice of keeping in close personal touch by means of informal exchange of views. It cannot too clearly be realised that there should be in each Department of State a true and full record of public business available to the Secretary of State for the time being.

42. I desire, however, to lay great stress on my suggestion that the India Office should depart from the practice by which only minutes of senior officials are presented for the guidance of the Secretary of State. The true,

origin of this usage is to be found in the days when recruitment for Government Offices was conducted on principles which secured junior officials without the capacity or intellectual training necessary for the purpose of minuting papers. Under present conditions of entry the maintenance of the rule—however it may shorten the labours of the Secretary of State—is indefensible, it hampers the intellectual development and diminishes the capacity for responsibility of the men affected by it, and it deprives the Secretary of State of the advantage to be derived from contrasted views on topics which *ex hypothesi* are of real interest and importance, since they are submitted for his decision. The continuance of the present practice must, in my opinion, prove detrimental to the attraction of the India Office for men of high attainments, who will prefer to enter other Departments in which seniority is not permitted to suppress ability, if it so desires.

It should be added that I lay the greatest possible stress on this recommendation from the point of view of accelerating the rate of work in the India Office. There is no more effective means of checking the natural tendency of an official to procrastinate (a defect often compatible with real merit) than the knowledge that each paper with which he deals contains a record, which is patent to all into whose hands it passes, of the time which he has kept it in his hands. Any other system, by obscuring the responsibility for delay, acts as a direct encouragement to a defect which a public opinion, I think rightly, attributes in a high degree to the proceedings 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 (1) the interchange of appointments with the Indian Services, and (2) the throwing open of a proportion of appointments to Indians.*

43 It was generally felt by the Committee to be impracticable—and there is no ground to suppose that it was desirable—to investigate these questions in any but the most general manner. As the result of this survey, I desire to submit the following recommendations.

(1) That the progressive extension of responsible government to India will render necessary the restriction of the functions of the India Office to the conduct of political relations with India, and the transfer of all agency work to a High Commissioner for India or other Indian governmental representative; that in the first instance, communication should be entered into with the Government of India with a view to the transfer to the immediate control of that Government of the Stores Department, the Indian Students' Department, and (subject to any necessary reservation) of the Accountant-General's Department, and that the Government of India should be invited to make suggestions for the transfer to their control of any other agency business of the India Office.

(2) That, as in view of the relaxation of the control of the Secretary of State over the Governments in India, there may reasonably be anticipated a considerable decrease in the number of the India Office staff, and as the necessity of local knowledge on the part of members of that staff will diminish in proportion as the purpose of the reforms is attained, it is not desirable or possible to arrange any formal system of interchange between the

India Office and the Indian Services. But that it is desirable, during the period of transition, that the Secretary of State should promote close co-operation between the India Office staff and the Indian Services by appointing, temporarily or permanently, officers of the Indian Services to higher posts in the India Office and by deputing members of the India Office staff on special duty in India, whenever convenient opportunities present themselves.

(3) That it is impracticable to reserve any definite number of posts at the India Office for Indians, but that it is desirable that in selecting officers of the Indian Services for appointment to the staff of the India Office, preference should be given to duly qualified Indian officials; and that it would be advantageous if one of the Under-Secretaryships or Assistant Under-Secretaryships were filled by an Indian from time to time.

41. On these recommendations, I need only offer a few comments. I trust that the work of separation between agency and administrative and political functions will be undertaken forthwith, and not permitted to languish indefinitely during an exchange of correspondence conducted with the extraordinary deliberation characteristic of official communications with India. I hope also that the transfer of the work of the Accountant-General's Department will be as complete as possible, though some business may have for the time being to be reserved.

45. As regards the appointment of officers of the Indian Services to the India Office, I consider that temporary appointments should normally suffice, but I desire to express the distinct opinion that the Secretary of State should not feel fettered in any way as to making the permanent appointment to one of the high offices in his Department of a distinguished officer from India; from such appointments notoriously great profit has been derived in the past, and I cannot imagine that any Secretary of State will so exercise his power as to depress unduly the position of the members of his office recruited in the usual manner by the Civil Service Commissioners.

46. As regards the presence of Indians in the India office, it must be remembered that an Indian may compete in the usual examination for entrance to the Civil Service and, if placed sufficiently high in the competition, might be able to enter the India Office if a vacancy chanced to have been announced at the time. Obviously such an event would be extremely rare and there is in my opinion no reason to suppose that any Indian would be very anxious to enter upon a career in this country which would mean practically permanent exile from his native land. In any case, the policy of reserving a vacancy from time to time for Indians would be wholly impracticable even if it were desirable. I think, however, that it would be well, during the transition period, if Indian officials were from time to time employed in the India Office. I regret, however, that I cannot agree with the suggestion, which is favoured by some of my colleagues, that a special post should be created for this purpose. It seems to me wholly unjustifiable to impose upon the British taxpayer a charge of this kind, nor do I think that the Indian for whom the needless appointment was created would find much profit or satisfaction in the performance of his unwonted work.

Head III.—Charges on Account of the India Office.

47. I recommend that in addition to the salary of the Secretary of State, there should be placed on the British estimates (a) the salaries and expen-

ees (and ultimately pensions) of all officials engaged in the political and administrative work of the Office as distinct from agency work ; (b) the expenses of any committees summoned to advise the Secretary of State ; (c) a proportionate share of the cost of the maintenance of the India Office, the exact sums payable under heads (a) and (c) to be determined by agreement between the Secretary of State and the Lords Commissioners of the Treasury from time to time.

48. I desire to emphasise the fact that in my opinion the apportionment of cost should rest on a careful discrimination between political and administrative and agency work, a task not altogether easy, but one in which the parallel case of the division of functions and cost between the Colonial Office and the Crown Agents for the Colonies will afford guidance. Secondly I regard it as of the highest importance that the Treasury should not adopt, at least in the case of salaries and expenses, the plan of granting a lump sum as a grant-in-aid of the expenses of the India Office, but should assert the same control over India Office salaries and expenses that it used to exercise over the salaries and expenses of other Government Offices. I may add that the question of the repayment to India of the whole or part of the very large sum expended in the construction of the India Office was brought to our notice, but that in my opinion the matter is not ripe for any decision at present. I would, however, offer a tentative suggestion that it might be possible in the future to effect a satisfactory settlement by a grant from the British Exchequer towards the cost, providing a fitting domicile in London for the High Commissioner for India.

Head IV.—The Mode of carrying out the Committee's Recommendations.

49. At an early stage in our investigations, I—and I believe the majority of my colleagues—formed the clear opinion that it was desirable that the gradual relaxation of the powers of superintendence, direction, and control of Indian Government vested in the Secretary of State by section 2 of the Government of India Act, should be carried out by constitutional conventions rather than by formal legislation, such alterations in the law alone being desirable which were intended to remove provisions which would prevent the growth of such constitutional conventions. This, of course, was the mode in which responsible government was secured by the Dominions, and after the most careful consideration of the matter I remain convinced that the only prudent course to adopt is to retain the supreme authority of the Secretary of State and to allow its exercise to be modified by constitutional practice.

50. In view, however, of the fact that the Bill to amend the Government of India Act as introduced into the House of Commons contains in clause 23 a general power enabling the Secretary of State in Council to regulate and restrict by rule the powers of superintendence, direction and control vested in the Secretary of State, the Secretary of State in Council, or the Governor-General-in-Council, in such manner as may appear necessary or expedient in order to give effect to the purposes of the Act, such rules to be subject to annulment on an address from either House of Parliament, I deem it desirable to explain briefly the objections which appear to me to render such a form of procedure undesirable.

51. The framing of any such rules will present grave difficulties ; a prudent Secretary of State will hesitate to part definitely with any power,

knowing that to regain it in case of necessity he must enact another rule, which might be refused sanction by one or both Houses of Parliament. Moreover, disputes would always be possible as to whether a power of control had or had not been abandoned, and, if the Secretary of State were given by the rules the sole power to determine the interpretation of the rules, the value of the rules might easily be called in question. Again, to take back a concession once made by rule would cause deep resentment in India, and would be a far more grave step than variation from time to time in the interpretation of a constitutional practice the essence of which permits a certain elasticity, admirably suited to the growth of so elaborate and artificial a creation as the Montagu-Chelmsford scheme for the government of India. Nor can I understand the precise relation of the clause, if it became law, to section 131 of the Government of India Act, which provides that "nothing in this Act shall derogate from any rights vested in His Majesty or any powers of the Secretary of State in Council, in relation to the Government of India," and that "nothing in this Act shall affect the power of Parliament to control the proceedings of the Governor-General-in-Council".

52 The difficulty, indeed, of dealing with these matters of high control by means of statutory rules seems to be excellently illustrated by the provisions in clause I (3) of the Bill, which adopts the use of rules for regulating the mode in which the Government of India is to exercise its supreme control over local governments in regard to transferred subjects. The purposes for which the powers of the Governor-General-in-Council are to be exercised are to be defined by rules, but it has been found necessary to add "but the Governor-in-Council shall be the sole judge as to whether the purpose of the exercise of such powers in any particular case comes within the purposes so specified". Of the propriety and wisdom of this addition I have no doubt, but I suggest that its necessity casts grave doubt on the wisdom of the attempt to deal with this matter by statutory rules. I have no hesitation at all in suggesting for adoption as conventional rules of constitutional practice the recommendations made in this Report. If, however, they were to be enacted as statutory rules they would have to be hedged round with various restrictions which would render their enactment of no real value. Moreover, I am unable to see any answer to the argument which would become normal that, unless there were statutory relaxation of authority, the old practice ought as a matter of right to be continued.

53. My own recommendations involving legislation are

(1) The suggestion regarding the mode of assent to reserved Bills and disallowance of Acts of the Indian and local legislatures and the disallowance of regulations and ordinances by His Majesty in Council (para. 13).

(2) The suggestion for subjecting to His Majesty's instructions the action of the Governor-General in his assent to, refusal of assent to, and reservation of Bills of the Indian and local legislatures (paras 12, 26.)

(3) The suggestion that the Indian Legislature should be allowed to vary or repeal with the previous sanction of the Secretary of State the provisions of section 19 and parts VII and VIII of the Government of India Act (para. 26.)

(4) The suggestion for the abolition of the Council, all the powers of

the Secretary of State in Council being transferred to the Secretary of State This will involve the disappearance of sections 3-13 of the Government of India Act, and consequential amendments throughout (para. 30.)

(5) The suggestion as to giving freedom to the Secretary of State to regulate by executive order questions of correspondence by the repeal of the present statutory provisions (para. 40.)

(6) The suggestion regarding the charges in connection with the India Office to be borne by the funds of the United Kingdom (par. 47.)

Head V—Matters cognate or relevant to the above

54. After most careful consideration of the proposed appointment of a Select Committee of the House of Commons on Indian Affairs, I am satisfied that the creation of such a body is not in effect consistent with the conceptions of the functions of the Government of India and the Secretary of State explained in the preceding portion of this Report. A Committee which was accorded such powers, including that of expressing views on current questions of policy after an examination of the Secretary of State, as would result in membership of it becoming an object of ambition, would develop such a taste for interference in Indian affairs that whatever its immediate value, it would menace the progress of self-government in India, which can only, it must be remembered, be accomplished through the deliberate abstention from criticism or interference of both the Government of the United Kingdom and of Parliament. There are other objections to according such powers to a Committee, but they belong to a different sphere and need not here be dealt with. On the other hand, if less power than this is accorded to the Committee, it requires very little knowledge of the exacting duties connected with internal questions imposed on members of Parliament by the political life of the day, to realise that the Committee would fail totally to fulfil the purpose for which it is destined—the creation of a better informed and more sustained interest in India.

55. Unfortunately, however, my opinion on this topic must be qualified by the knowledge that the majority of my colleagues desire that the Secretary of State should still be guided in large measure in the performance of his functions by the advice of a permanent Advisory Committee. If Parliament, acting on this advice, should see fit to impose on the Secretary of State the moral obligation of constant reference to a body mainly representative of the opinion of official circles in India, I cannot deny that the creation of a Parliamentary Committee with extended powers of intervention and criticism might serve as a useful corrective of the autocratic tendency which reliance on official opinion might tend to generate. I am convinced, however, that the realisation of responsible Government in India will be secured most rapidly and with least strain to the good relations between the peoples of the United Kingdom and India, if Parliament entrusts this grave question to the unfettered judgment of the Secretary of State for India, confiding to him the decision of the detailed manner in which he will secure the end which it has approved in principle.

56. Our attention has also been directed to the terms of clause 30 of the Bill to amend the Government of India Act, which regulates the mode of making the extremely important rules to carry out the many matters of the first magnitude which the new proposals leave to be enacted in this shape. The clause entrusts this high function to the Governor-

General in Council with the sanction of the Secretary of State in Council, and provides for the annulment of the rules so made, or part thereof, on an address from either House of Parliament. I cannot consider that this procedure is constitutionally justifiable. I am clearly of opinion that the responsibility for making the rules must rest directly on His Majesty's Government, and that the rules should therefore be made by His Majesty in Council, acting of course on the recommendation of the Secretary of State who would, when necessary, obtain the approval of the Cabinet for his proposal. I am also clearly of opinion that the provision for the annulment of rules so made on an address from either House of Parliament is contrary to principle and open to serious practical disadvantage. The making of the rules should be one of the important duties of the Secretary of State, who should follow a deliberate and consistent policy in regard to it, and it should not be possible for either House of Parliament unexpectedly from time to time to intervene.

57. I must also invite attention to two provisions in the Bill which appear to me, if passed as they stand, to affect the validity of the presupposition on which this Report is based, that in regard to transferred matters there will be a form of ministerial responsibility in the provinces. The result of clause 13 (3) of the Bill is to permit the Governor-in-Council or the Governor acting with a minister to invade spheres, from which they are intended to be excluded, with legal impunity, while a "consequential amendment" in Part II of Schedule III to section 110 of the Government of India Act confers upon a minister an immunity from the jurisdiction of any High Court in respect of his official actions, and of offences not being treason or felony, which is entirely subversive of the rule of law, itself the essential concomitant of responsible government. The explanation of the latter enactment is, of course, simple, as it is merely an extension to ministers of the immunity accorded to executive councillors under conditions now obsolescent, and the abolition of the exemption in the case of executive councillors would seem to be the step desirable, not the unparalleled step of exempting ministers from legal control. In the case of the head of the Executive Government of India, in the provinces, there are adequate reasons for an exemption which is enjoyed by the Lord Lieutenant of Ireland, though not by the Governors-General and Governors of the Dominions, but these considerations do not apply to officers of less importance. I regret also the insertion in clause 10 (1) of the Bill of the provision that certain Bills shall be reserved, without any statement as to the effect of this requirement, though presumably it means that the validity of a measure, open in substance to no objection, can be questioned because it should under this provision have been reserved and was not reserved. Nor is it obvious why by clause 8 (4) it should be proposed to perpetuate section 79 (4) of the Government of India Act when a much more satisfactory statement of the law is contained in the last paragraph of Section 54 of that Act, which was added in 1916.

58. There is one further topic of great interest which I consider should not be overlooked in a complete survey of the field of our enquiry the position of the Secretary of State, not as superintending, directing and controlling the process of Indian Government, but as representing *vis-à-vis* the Government of the United Kingdom and, in international matters, the people of India. His position in this aspect receives no recognition in the Government of India Act, and is necessarily a temporary arrangement. In due course India will be represented in London by a High Commissioner with wide authority, or a Minister Resident under the scheme devised for the Dominions by Mr. Asquith's Government in 1912, and communicated to the

Dominion Governments in Mr Harcourt's despatch of December 10, 1912. In the meantime, however, the duties which a minister in London would perform under a responsible Government of India devolve rightly on the Secretary of State for India.

59. The recognition, however, of the international position of India which British diplomacy, resting on the efforts made by India during the war of liberation, has secured during the deliberations of the Peace Conference, is based in ultimate analysis not merely on the personality of British India but also on the fact that it possesses a national will, which in due course will be expressed by the political organisation of the territory as a self-governing unit of the Empire. While, therefore, I entirely concur with the opinion that the views expressed in international matters by India must be determined by the Government of India, on which will devolve the necessity of securing the carrying out of the international obligations of India, I am of opinion that efforts should be made to bring the representatives of the people into as close touch with the Government as possible on this topic. Various methods of securing this result are conceivable, and I shall content myself with two suggestions, which are based on the assumption that under the League of Nations' covenant, as finally accepted, India will be entitled to be represented at meetings of the League by three delegates. In that case I suggest that the representation of India should normally consist of the Secretary of State (or some other British minister if the Secretary of State cannot be spared for the duty) and of two members appointed by the Secretary of State on the recommendation of the Council of State and of the Legislative Assembly (the official members of that body abstaining from voting), the view of the British minister prevailing in case of disagreement among the delegates as to the method in which the vote was to be cast. Secondly, I suggest that any proposals which the Government of India desired to submit for consideration at a meeting of the League should, if found practicable, be submitted for discussion by the Indian Legislative Assembly and the Council of State presumably at, or about, the time when delegates were nominated. It would, of course, always be open for resolutions on the matter to be proposed independently by members in the Assembly or Council, subject to the usual rules affecting the bringing forward of resolutions.

60. A suggestion worthy of serious consideration as a means of securing the greatest possible measure of harmony and co-operation between the Government of India and the Secretary of State was made to us by our colleague, Mr. B. N. Basu, who indicated the desirability of taking advantage of the elasticity in the composition of the Executive Council of the Governor-General, contemplated in clause 21 of the Bill, to secure the inclusion in its number of men appointed directly from the United Kingdom. There are obvious possibilities in the way of making such appointments from among men with experience, official or unofficial, in law, finance, or commerce in the United Kingdom in such manner as to secure closer touch between the policy of the Government of India and of the Government of the United Kingdom. But the matter has only indirect relevance to the questions referred to us, and I content myself, therefore, with an expression of sympathy for the suggestion of my colleague, whose position as a member of the Council of India and a

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representative of Indian political views renders his opinion on this topic of special value.

61. I should make it clear that the recommendations in this Report are based entirely on the foundation of the Montagu-Chelmsford Report, by which the Committee was to be guided, and from the principles of which I have not felt at liberty to depart, and that they ought to be judged solely as efforts to fill up in detail the outlines drawn in that document. I may add that military questions were not taken into consideration by us, and my recommendations therefore ignore entirely that aspect of Indian relations with the United Kingdom, fundamental as the importance of this question is in its own way.

62 In one respect I am glad to be in full agreement with my colleagues in appreciation of the admirable manner in which the Secretary and the Assistant Secretary performed the important duties imposed upon them by the Committee.

Government of India Bill

2nd Reading.

House of Commons—5 June 1919

The Secretary of State for India (Mr. Montagu)—I beg to move “that the bill be now read a second time.”

The House having now somewhat approximated but by no means reached its ordinary aspect on Indian Debates, I rise to discharge the highly important task, a task of which I fully realise the responsibility, of asking this House, on behalf of His Majesty's Government, to read a second time the bill which has been printed and circulated. I desire to avoid going into details upon this necessarily complicated and technical measure. I have flooded the House, in response to requests, and in order to give information to it as far as I possibly could, with a series of elaborate documents and these will obviate, because I will assume that the House has mastered these documents, a large amount of technical disquisitions. But in view of certain criticisms I want once again to repeat the origin of this Bill. When I took office two years ago much work leading up to the preparation of a bill of this kind had already been done. Despatches containing schemes for reform had passed between the Government of India and my predecessor, and out of their proposals and criticisms of them had emerged this principle, that to my predecessor no reform of the Government of India would be acceptable which did not involve the transfer of responsibility from these Houses to the people of India. I took up the work where the Chancellor of the Exchequer left it, and the pronouncement of the 20th August followed, a part of which was that my acceptance of the Viceroy's invitation to proceed to India had been authorised by His Majesty's Government. No sooner was that pronouncement made than I appointed a very important India Office Committee, presided over by Sir William Duke, an Ex Lieut-Governor of Bengal, a Member of my Council and an Indian Civil Servant—I repeat all these qualifications because it is suggested in some quarters that this bill arose spontaneously in the minds of the Viceroy and myself without previous inquiry or consideration, under the influence of Mr. Lionel

Curtis. I have never yet been able to understand that you approach the merits of discussion by vain efforts to approximate to its authorship. I do not even now understand that India or the Empire owes anything more or anything less than a great debt of gratitude to the patriotic and devoted services Mr Curtis has given to the consideration of this problem. But this Committee presided over by Sir William Duke sat at the India Office from the 20th August until I left for India, accompanied by Sir William Duke, Lord Donoughmore and Mr. Charles Roberts on the 20th of October. We held repeated conferences in the enforced leisure of a long sea voyage and discussed the problem almost daily on boardship up to the time when we reached India, where we were joined by Mr. Bhupendia Nath Basu and Sir W. Vincent, a Member of the Viceroy's Executive Council. Spontaneously as a necessary consequence of all these deliberations, as a necessary consequence of the terms of the pronouncement of the 20th Aug, as a necessary and inevitable consequence of an unprejudiced study of the question, we reached the conclusion upon which the bill is based, a conclusion reached after listening to innumerable deputations, after six months conference with non-officials, after continuous discussion with the Government in the provinces and at Delhi, with the heads of all the Local Governments. From the time I returned to London, a new India Office Committee presided over by Mr Charles Roberts and containing a large number of Civil servants who have taken part in this discussion, and whose services I have had the privilege to command, have sat upon and discussed all the criticisms that have reached us on the Bill. Sir Wm. Duke, Sir James Brunyate and Sir Thomas Holderness were members. Sir James Meston, the present Finance Member of the Government of India, was home last year and helped in the deliberations of this Committee. In recent months it has been assisted by Sir Frank Sly, Mr. Feetham, Mr. Stephenson and Mr Muddiman.

This committee has been concerned in drafting the Bill and in considering all despatches and telegrams and criticisms upon the scheme originally proposed. After this prolonged discussion and deliberation of almost exactly two years in extent, I now ask with some confidence for the Second Reading of the Bill, which I do not hesitate to say has been as carefully prepared and considered in all its aspects as it is possible to consider a measure of this kind.

I ask for the Second Reading of the Bill to-day for two reasons. First of all, there is so much general agreement on all sides in India and here as to its provisions, so much general agreement and such important points of difference on methods side by side,

that I do not believe there is any way of getting on until we examine the details of the measure in a Committee representing Parliament. Second Reading points, I think I shall show, are points on which there is general agreement both in India and here. There are very important differences—which I do not wish to minimise—as to methods and you will never get to a discussion of those methods infinitely technical, until you have a small body constituted which will take evidence and consider the alternative merits and demerits of the different plans. It is our intention if the House gives a Second Reading to this measure to-day, to ask that it should be referred to a joint-committee of both Houses and that that joint-Committee should consider all the questions that are involved. I cannot emphasise too strongly that it is the Government's wish that that Committee should discuss the matter not only from the point of view of detailed examination, but from the point of view of the examination of alternative methods.

Let it have free scope. Let the House appoint a committee to go into the whole question, and, as I have said before, so recently as a fortnight ago, although I believe from the bottom of my heart that you dare not and ought not to do less than we propose in this Bill, I shall be glad to take the advice of the committee on any alternative method which really and actually promises at least as much.

I would say only one thing. We have so many responsibilities in this House, so many important questions needing consideration, that perhaps India looms quite small to many Members, but this problem to 315,000,000 of people eagerly awaiting, so far as they are politically educated, the decision of this House—to India this subject is all important. Let no man join in this Debate, let no man accept the incalculably responsible task of helping—and we want help, it is a difficult enough problem to require help—of helping on the committee unless he is prepared to go there constructively and not destructively, to help on as perfect a plan as can be devised, and not with the intention to delay or thwart legislation, which in my mind, and in the minds of the House I hope, it is absolutely essential to carry out.

The second reason why I would urge the assistance of the House in the passage of the Second Reading to-day is the impatience—I think the legitimate impatience—with which India is waiting a start upon the policy enunciated now two years ago. That policy was announced and this Bill was drawn up with a view to meeting existing conditions in India, my experience of the Government of India now extending over something like six years of office make me confident that there is no more fallacious platitude, no more obvious fallacy than that which is on the lips of so many critics of

Indian affairs—that it is a country which never changes, a country which undergoes none of the emotions which other countries experience. One old Indian friend of mine, who has been engaged upon public affairs in this country, who has been absent from his own country fourteen months only, and who returned to it the other day, told me when last I saw him that he thought politically it was a different place fourteen months ago. The war, the causes of the war, the objects of the war, the speeches of those who conducted the political aspects of the war, have had their effect from one end of India to the other, and have been preached everywhere, as the documents which I published themselves show.

The pronouncement of the 20th August promised that substantial steps in the direction of responsible Government should be taken as soon as possible. There is no use for pronouncements that are not fulfilled, there is no use for pronouncements which take geological epochs to fulfill. Doubts are already beginning to appear. It is suggested already—unworthily suggested, wickedly suggested—but still suggested—that we made the announcement and declared the intention of His Majesty's Government in order to secure loyalty from the Indian peoples during the war and that now that we have achieved victory we are not going on with our purpose. I say this to show that, in my opinion, as in the opinion of the Governor of Bombay, delay, inexcusable delay, unnecessary delay, would be fatal to our purpose. For that reason, after two years' consideration of this problem, I venture to suggest to the House that I have shown no undue haste in bringing this Bill before the House of Commons. First it used to be said "oh! you must not introduce the Bill until the opinions of the local Governments have been published and we have had an opportunity of reading them." I promised the opinions of the local Governments and the opinions of the local Governments have been published in accordance with that promise. To a very large extent they are irrelevant, because, despite the letters which have been published and the arguments they have used in them, they have produced, at a subsequent date, an alternative plan, about which I shall have something to say later on. But they are published. Now when they are published comes the new argument "you are hurrying on the Second Reading of the Bill when we have not had time to read the papers." So first you say "Do not take the Bill because you want the papers." Then when the papers do appear you say "Give us time to read the papers." In other words for the man who does not want to do something, the day on which you ask him to do something is always the wrong day.

I have published also, in order to avoid discussion to-day, two White Papers. One White Paper explains, as clearly and as

concisely as I could do it, the actual effect of the clauses of the Bill. The other White Paper shows what the existing Government of India Act passed in 1915 will look like if these Amendments are made in it, for this Bill has been drafted with a view to automatic consolidation with the Government of India Act 1915, which embraces a very large number of statutes. It is suggested that when this Bill has been passed by Houses of Parliaments it shall be automatically included in the existing Act and will itself disappear as a separate Act. In order to see the effect of that process—the best form of legislation, I venture to think, when you have a previous statute—I have published and circulated a copy, that I hope, will avoid the necessity at this stage of going into details. A few more words I must say as to the form of the Bill. In the first place it may be said—it has been said—that we propose to rely so much on rules and regulations under the Bill that the Bill itself is only a skeleton. I need not remind the House that there are many precedents for that procedure, in fact, in almost every statute referring to the Government I think that procedure has been adopted. But I would also remind the House that deliberately of intention, in accordance with the terms of the pronouncement of the 20th August this Bill does not pretend to give to India a constitution that will endure. It is transitional, it is a bridge between governments by the agents of Parliament, and by the representatives of India. It must be in such a form that it shall be not static but fluid, that alterations can be made in it from time to time, and that you should not form a rigid constitution by statute which could not be altered except by trespassing at intervals upon the over-burdened and over-mortgaged time of this House. Therefore we have resorted to the plan of precedent, of asking that details shall be accomplished by rules. Let me hasten to add that this is one of the points upon which I approach this problem with an open mind. If there is anything in which the House would prefer to be done by statute, let us by all means, in the committee stage, incorporate it in the statute, although let us try at the sametime to avoid rigidity, which, I believe would be fatal to our purpose. I would add also that it is not our intention to prevent the control by Parliament of these rules and regulations. The Bill provides that they shall be submitted to both Houses. The principle which it is intended to embody in these rules it is intended should be submitted to the joint-committee which it is proposed to set up, and the policy of the rules, if not the actual wording of the rules will therefore be carefully considered at the sametime as the Bill itself. I regard that as essential. It has always been said that the Morley-Minto reforms were largely spoiled by the rules made under it. I am not at the moment prepared to argue whether or not that is so, but I want on this occasion to avoid any possibility of that charge being levelled. Therefore I

hope that Parliament will not lose control of this Bill until the policy which is to be embodied in the rules has been laid down by Parliament. I come now to the Bill itself. What I would like to do, if I may, is to start afresh and try to take the House with me, if I can and if it is not too ambitious a project—in realising that if you start from the place where the authors of the Bill start, the form of the Bill and the recommendations of the Bill are inevitable. Where did we start? We started with the pronouncement of the 20th August 1917. I propose to ask—Is there anybody who questions to-day the policy of that pronouncement. It is no use accepting it unless you mean it, it is no use meaning it unless you act upon it, and it is no use acting upon it unless your actions are in conformity with it. Therefore I take it that Parliament or at any rate this House will agree that the policy of the pronouncement of the 20th August must be the basis of our discussion—the progressive realisation of responsible government, progressive realisation, realisation by degrees, by stages, by steps—and those steps must at the outset be substantial. That pronouncement was made in order to achieve what I believe is the only logical, the only possible, the only acceptable meaning of the Empire and Democracy, namely, an opportunity to all nations flying the Imperial flag to control their own destinies.

[An Hon Member “Nations”]

I will come to nations in a moment. I will beg no question. The Hon Member raises the question of nations. Whether it be a nation or not, we have promised to India the progressive realisation of responsible government. We have promised to India and given to India a representation like that of the Dominions on our Imperial Conference. India is to be an original member of the League of Nations. Therefore I say, whatever difficulties there may be in your path, your Imperial task is to overcome those difficulties and help India on the path of nationality, however much you may recognise—and I propose to ask the House to consider them—the difficulties which lie in the path.

Supposing for a moment there are those who consider that the Empire has justified itself when you give to a country satisfactory law and order, adequate peace, decent institutions, and a certain measure of prosperity under the defence that you have provided; supposing, in other words, there are people who believe that you have fulfilled your mission when you have run the country as an estate, not as a country at all, even then, approaching it from the other point, there are large proposals in this Bill which command assent from them. There are the proposals for devolution, the proposals for decentralisation. I have heard no critic in these two years who has not told me that it is

absolutely essential for the local Governments to get more freedom from the Government of India. I do not think that any body questions that, from the point of view of administrative convenience, if on no higher grounds, government by despatch, with all its cumbrous machinery, all its necessarily delaying methods, all the difficulties attending upon considering and reconsidering plans and projects over thousands of miles of land and thousands of miles of sea, all that ought to be got rid of. I ask Parliament to assent to this proposition, that you cannot get rid of it unless you substitute something else for it. Now and to-day you cannot have a Government more bureaucratic and less dependent upon Parliament without being dependent upon anything else, than you have at present. The only possible substitute for government by despatch, is government by vote. The only possible way of really achieving devolution and making the unit, when you have chosen the unit, responsible for the management of its own affairs, is to make the Government of that unit responsible to the representatives of the people. If you simply say "Let us have an irresponsible Government in a province and let the Government of India not interfere and the Secretary of State not interfere and Parliament not interfere," you have a policy which is merely the enthronement of bureaucracy and the very negation of the progressive realisation of responsible government.

Therefore I go a step further. In order to realise responsible government and in order to get devolution, upon which there is general agreement, you must gradually get rid of a government by the agents of Parliament and replace it by government by the representatives of the peoples of India. In other words you have to choose your unit of government, and you have got in that unit to create an electorate which will control the government. What is the unit that you are choosing to be? Some people would say "Let us be content with the unit of the local government area—the parish council (I am not using terms of art but terms which have significance for this country), the county council, the rural district council, the municipalities—in other words that you should give responsible self-government in the area of local government. That is already being done under the terms of the joint-Report, but that is not enough, for two reasons

The first is this; the policy of complete local self-government was adopted by Lord Ripon in 1883, and we are now proceeding to carry it out, after a delay of something like thirty-five years. It is not enough to answer the new conditions arising out of the world war by fulfilling a promise made thirty-five years ago and therefore that is one reason why you must give something more than local self-government. But there

Not a Clean Slate.

is another reason. You are not writing on a clear, clean slate. You are writing, and rightly in continuation of chapters which have been written before. You are building on foundations that already exist. It is in the province that you must look for your unit because it is in the provinces that the great educational results of Lord Morley's Reform Bill have been achieved. He made the Legislative Councils representative to some extent of the people, with a very small electorate and practically no powers beyond powers of criticism. But it is the existence of those Councils which has awakened the appetite for self-government and have added to the appreciation of self-government in India and it is therefore, to my mind, absolutely inevitable that we should proceed to devote ourselves to taking the Morley-Minto councils a stage further in their development. Therefore it is to the provinces that we go and the provinces are beginning to be the units of local patriotism in India. I do not say that as time goes on you will not substantially modify the size and boundaries of your provinces. Some of them are very artificial. But when you do, it should be in conformity with the wishes of the inhabitants of the provinces and not by executive action.

If I have carried the House with me in the suggestion that the province is the unit in which we shall start a progressive realisation of responsible government, what are the difficulties that we have to face? They were suggested in the joint-Report. I will emphasise them again. It does India no good purpose to attempt to avoid them but they are not arguments against our purpose. They are arguments which we must overcome.

The difficulties are these .

Under the system of education which has been given to India by British rulers, education has not been spread wide. You have a very small fraction of the population highly educated and a very large proportion of the population not educated at all. You have secondly great differences of race and religion and great difficulties arising out of the harsh customs and precepts of caste. I cannot help believing that there is no better way of getting over these difficulties than by representative institutions. There is no greater stimulus to education, there is no better way of promoting community of action or of overcoming the acerbities of caste than by setting to the population a task to do together, to work the prosperity of their country. Many of those who write on India assure us of the insuperable obstacles presented by caste. It can only be a gradual process to get over these harshnesses and acerbities to which I refer. But every step you take in this direction brings you nearer

to the day when the population will not suffer as a consequence of differences of caste. It has begun. It is idle to say there is no difference of recent years in the conditions. When you realise the fact that men of all castes find themselves in the same third-class railway carriage the way in which soldiers write to me that men of all castes mess together, the work which is being done by the members together of the higher castes in helping the conditions and devoting themselves to the social problems afforded by the lower castes—you will realise that those problems are on the way to being solved. The other day I came across a case of a co-operative society run by a Committee consisting of Brahmans, non-Brahmans, Caste Hindus and Panchamas. They met to discuss this movement of co-operation which has grown enormously in India under a tree of three leaves—the Brahmans on one terrace, the non-Brahmans a little lower down, the Panchamas a little lower still. They discussed the business of the Co-operative Society in that way. Do you imagine that, that is going to endure? Some one will have a difference with some one else in discussing the management of affairs and will talk to him. There is no better way of promoting democratic customs than by working them through democratic institutions. Despite all these difficulties, I therefore say, the essence of the problem is to train the electors.

I desire to express, on behalf of the Government of India and the India office and, I hope, of this House, our appreciation of the excellent work done by Lord Southborough's Committee. An electorate has been formed, that is to say, proposals have been made to put 5000,000 voters on the register. But you do not form an electorate by that mere process. You have to get them to vote and you have to get them to understand what a vote means. You have to get them to appreciate the results of a vote. There is only one way of doing that, and that is to make a vote of some value. If a man is asked to vote and then nothing happens as a result of it, nothing that he can see, nothing that he can appreciate, nothing that either he can reward or punish by the transference or maintenance of his vote, and you will never train an electorate. Therefore it is a necessary step for the training of an electorate that you must give it power through its representative. If the result of a vote is that a certain person is elected, if he cannot only criticise but get things done, if he can do things, if he can be held responsible for the things he does, then the man who wants to turn him out will soon undertake the task of training the electorate to a realisation of the importance of a vote. And therefore in order to train your electorate which is the only way in which you can transfer the power from this House and its agents to the people of India, you have to give the electorate which you create men responsible to it to carry out its demands.

If I have carried the House thus far, the next step must be that you have to choose a part of the provincial functions which at the outset will be entrusted to the representatives of the people. Any one who has followed me in what I have said about education, about caste and about religious differences, will realise that it is not right to entrust them with every thing at the same moment. There are some things such as the maintenance of peace and order—I will take the definition which Lord Chelmsford and I suggested in the Report—things in which mistakes are irretrievable, things in which the electorate at the outset should not be able to enforce its demands, things like Land Revenue—which you should keep from the control of the Representatives of the people. Immediately you say that, if there is anyone in the House who has gone so far with me, I do not know whether they realise it, but they have swallowed the awful, terrible, much criticised principle of dyarchy.

An Hon. Member.—Say duality.

Mr. Montagu Duality I have endeavoured to lead them as I was led myself to realise that the only way to achieve our purpose was to reserve for the present, and for the present only, certain functions of government under the control of the agents of this House and to transfer other functions to the representatives of the people. That is what Mr. Feetham's Committee proposes to do. That is what the India office Committee, and that is what the Government of India and ourselves in discussion in India, came to the conclusion was inevitable—to separate the functions of government, to transfer some, to reserve others and to proceed by gradually taking the functions that are at present reserved and transferring them. Having decided that certain functions are to be transferred and that other functions are to be reserved, the question next to be decided is, what is the form of Ministry that you will set up to conduct them? Is it to be one or is it to be two? I submit with great confidence to the House that immediately you try and preserve one Ministry, always acting together and sharing responsibility for all acts, you obscure the lesson of responsibility. Let us take a particular reserved function—say police—and a particular transferred function—say education. You say "It is our intention that the people shall have their way at once in education. It is our intention that as far as police is concerned, for the moment those who administer it shall carry out the wishes of the Houses of Parliament as the trustees of the Indian people." If the men in charge of education and in charge of Police are both equally members of the same government, each sharing responsibility for the acts of the other, both are equally responsible for police and education. The one or the other may at any moment have to carry out a policy of which he does not approve. The man responsible to

this House may have to carry out an education policy of which he does not approve. The man responsible to the Indian Electorate may have to carry out a police policy of which he does not approve. If you separate the two functions, if you separate the Government into two parts, when a man who is responsible for education goes to his constituency, he says, "It is quite true that I have carried out a certain education policy, that is quite right. I am answerable for that, and I am prepared to defend it. With regard to police policy, I am not responsible. I am there only in a consultative capacity, with no direct responsibility at all. Your only way of modifying the police policy is so to show the House of commons the excellence of the way in which you have used your educational policy so that in ten years' time they will transfer to you the police policy too, but at present my responsibility ceases with the transferred subject." By that means, it seems to me, you can make clear, both to the electorate and to the individual who exercises power on behalf of the electorate, the extent of his responsibility, and in no other way. The logical sequence to that form of argument would be that you would have two Governments completely separate in the same area, with separate funds, separate finances, separate Legislatures and separate Executive staffs. I would suggest most respectfully to the House that that is impossible and for this reason. I cannot reiterate too often that the basis of this whole policy is its transitional nature. You want to lead on to something else at the earliest possible moment. If you have two Houses, with two staffs, two purses, the net result would be that the people concerning themselves with transferred subjects would never have anything to say on reserved subjects. But if reserved subjects are to become transferred subjects one day, it is absolutely essential that during the transitional period, although there is no direct responsibility for them, there should be opportunities of influence and consultation. Therefore it seems necessary to separate the responsibility, there ought to be every room that you can possibly have for consultation and joint deliberations on the same policy and for acting together for the purposes of consultation and deliberation, as the Bill provides, in one Government.

Colonel Wedgwood : and criticism.

Mr. Montagu . And criticism—This procedure would be absolutely indefensible if it were not for the fact that it is transitional and if it were not for the fact that at stated periods it is proposed to hold a Parliamentary inquiry into its working, with a view to further stages. By that means there is a certain method of progress. By that means everything that happens will come under review, and the attitude adopted by each part of the government to

the affairs of the other part will be one of the prime factors in the decision of the commission that reviews

I have dealt now with the local governments and the way in which the scheme is evolved. I know it is a very hard thing, I know that it is more than difficult to explain so complicated a procedure, particularly for one who has been saturated for two years past with this sort of argument and discussion. But I have endeavoured as shortly as I possibly could to portray the arguments once again. They are portrayed in the memorandum which I have issued, and the Government of India's despatch, which have led up to this Bill.

I do not think the time has yet come for a similar movement in the government of India. I think that there we must take the step of one stage only, namely to make the Legislative Assembly more representative, to give it greater power of influencing and criticising, but not at this moment of responsibility, and we must make the Government of India itself more elastic in its composition, less stereotyped, by altering certain of the Statutory provisions which govern its executive formation. We must also add to its power of dealing with its own work, because we relieve it of the necessity of controlling a large number of provincial functions. In so far as the provincial Government has got to defer to its Legislature by statute, that is to say in transferred subjects, you have a Government which is responsible to the electorate. Therefore there is no necessity to control it by the Govt. of India and you get the devolution which the men who want to perfect administration desire.

Therefore the Government of India will not be concerned, generally speaking, with transferred subjects, and the Secretary of state will not be concerned with transferred subjects. Therefore this House will not be concerned with transferred subjects. Therefore so far as transferred subjects are concerned, we shall have parted with our trusteeship and surrendered it to the representatives of the people of India. There is much more to be done with the Government of India. We have to release it from necessary administrative control by the India office, and for that purpose, incidentally to this Bill, I am awaiting the details of Lord Crew's Committee's Report, but so far as that is concerned, most of its recommendations, except as regards the composition of the council, will be administrative and not statutory. At the same time, as was mentioned in the Joint Report there is very much reason to believe that the secretariat system wants reconsideration and over-hauling. I think it is understaffed and I do not think it is modelled for the transaction of the complicated business which falls to the office at the present moment. The House will be glad to learn that Sir

Hubert Llewellyn Smith, one of the most experienced British Civil Servants, has been good enough to accept my invitation, given to him on behalf of the Government of India, and Sir George Lloyd also invited him to consider those of Bombay.

Colonel Wedgwood. Does that include the staffs of ministers who deal with transferred subjects, or will they arrange their own affairs.

Mr Montagu. Ultimately, of course, the ministers will arrange their own staffs, but I want them at the moment to take over their Departments as going concerns. This question of the Secretariat, however, is for the Government of India primarily and nothing else.

Before I sit down, there are some very important matters with which I must deal. The first is that of the alternative schemes which have been presented and which have been rejected in this Bill. There is the Congress and Moslem League scheme. I will not detain the House with the details of that. It was prepared before the pronouncement of the 20th August 1917. It does not attempt to realise responsible government but it leaves an irremovable executive at the mercy of a legislature which can paralyse it but not direct it. I do not believe that this House will ever agree to set up a constitution in India which will leave an executive that is not removable at the mercy of a legislature which cannot control it.

Much more formidable is another proposal which comes from the heads of the majority of the local governments. Although I cordially agree with the Government of India in rejecting this proposal, I hope the House will believe that I do not underestimate its importance. It is the work of no arm-chair critics. It is the work of the most experienced administrators of India. It is the work of men who are entitled above all others to have their opinions carefully weighed, and although I believe them to be wrong and desire to show why I believe them to be wrong, and that we shall have to argue this in Committee, yet it is with no sense of disrespect to them that I challenge their conclusions. It is a powerful array. The Government of Madras had no part or share in the elaboration of this alternative proposal, nor had the Government of Bombay, but the heads of five local Governments approved the alternative proposal. Yet the Government of Bengal, Lord Ronaldshay and the Lieutenant Governor of Bihar and Orissa, Sir Edward Gait, preferred the Scheme of the Bill and the joint Reports. That is the position. But although I do not want to discredit them, I want to suggest that really their view is accidental in this sense that it must not be assumed, whatever the composition of those Governments, and whoever had been their heads, the same result would have ensued. For instance, the Chief Commissioner of Assam prefers the Scheme of

the majority of local Governments. But the late Chief Commissioner of Assam who left only a few months previously—he came about a year ago—would have preferred, I know, the Scheme of the joint Report and this Bill. The present Lieutenant Governor of the United Provinces prefers the alternative scheme of the local governments, but his predecessor would have preferred the scheme of the joint Report. A great deal depends upon personality.

I. C. S. Governors—their attitude

But although these gentlemen are entitled to give a very weighty opinion they are not unprejudiced. Where men have grown up under a system they do not like to see it altered. Their proposal is the existing system with another man added to the Executive Council. Nothing much worse than the Morley Minto Scheme—an alleged unity of government, but no real unity of government, because one half of the Government is in their own words “necessarily influenced by the opinions of the Legislative Council”, and the other half not. And there is no certainty of control by the legislature because on all subjects, if the Government certifies it is in the interests of his province, he can over-ride it. It is the same system with just another Indian Member added to the Executive Council. Let me put it to this House. After all, the Civil Servant in India is not very different from the civil servant in this country. Whoever heard of a political reform in any office in this country coming out of the civil service? This House is the place for political reform. You will never get it carried out by the civil service. As time goes on that service must carry out the wishes of those who dictate the policy. It must be first in this House and ultimately in India, that that policy which the civil service is to carry out must be dictated.....

Colonel Yate. why did you send Sir Llewellyn Smith to make reforms in India. Is he not a civil servant?

Mr. Montagu.—I am very much obliged to my hon. and gallant Friend. His intervention in Debate is always valuable. He has given me opportunity of pointing out my arguments. I am using a civil servant to advise me on administrative changes as to how the secretariat can carry out most efficiently the orders and wishes of its political superiors. That is exactly the function of a civil servant. And this is what ultimately, when India is a self governing country, I hope to see the position of the civil service. It is quite true that in what I have said about the local government's alternative plan I have included Lord Willingdon, because, although he is not a civil servant, and *although* he has plan of his own, he would, I am certain, have preferred the plan of the majority of Local governments to the plan of the Bill. But then Lord

Willington prefers to rely upon those qualities which he possesses, which made him an astonishing success in the Government of Bombay. He brings all the qualities that ensure for him great popularity and all the qualities which made him in this House a successful whip. He says, in effect, under a Governor such as Lord Willington, a more elastic arrangement would be far preferable to the arrangement of dyarchy of the Bill.

Under the scheme as we propose it to the House, if in any province a governor can so influence his advisers—and there are governors and governors, and Lieutenant governors and Lieutenant governors—if the circumstances of a particular province make it possible, there is nothing in the Bill which would prevent a governor trying to discharge all the reserved functions as if they were transferred. He can call his Government together and say “I do not believe much in this dual form of government. Let us see if we cannot get on together. Unless I am driven to it I will use none of the powers given to me under this Bill. We will always consult together. I will do my best to work the scheme in deference to the wishes of the Legislature on all subjects and I will only use my exceptional powers on reserved subjects if I am compelled to.” Perhaps if he is lucky he will get through his term of office without being called upon to use them. Therefore under my scheme Lord Willington would get all he proposes in his letter. But suppose there is another Governor who says “I am not going to consult you. I like the good old way. I believe that good government, or what I think is good government, is far better than self-government, than the scheme under the Bill. I know what is good for you better than you know yourselves.” Under the scheme of the Bill, whatever the personality of the Governor, the transferred subjects are guaranteed to be under the representatives of the people. Under the alternative scheme, under the wide use of certification and of the local government majority, nothing is guaranteed to them at all. The time, I submit, is not in which you can be content that certain members of your alleged united government should be “necessarily influenced by the opinions of the Legislative Council.” What you want, if you are to lead India upon this road, is that the Government on certain subjects must respond to the wishes of the people. In other words, unless you have that and more than the local governments suggest, then there is no progressive realisation of responsible government.

The Indo-British Association.

Lastly I come to the scheme of the Indo-British Association. This is a body which gets very angry when I suggest that it does not intend to carry out the pronouncement of the 20th August in any adequate way, and it has done great harm to India by leading

people to suppose that it has more influence on the decisions of Parliament than I hope it is ever likely to have. What are its proposals? "Financial delegation as between the Secretary of state and the Government of India." As a matter of administration, they are in agreement with the Bill and with the joint Report. But that does not lead to any progressive realisation of responsible government. "The reorganisation of the India office intended not only to remedy obsolete procedure but to obtain more recent knowledge of India" They are in agreement with the joint Report on matters of administration. They are suggesting the work on which Lord Crew's committee is now engaged. But that does not lead to the really progressive realisation in India as between the Government of India and the provinces in domestic matters and the transformation into a federal system." Once again they are in agreement with the Bill and with the joint Report. But that in itself does not lead them nearer to the progressive realisation of responsible government. Then there are two points about municipal and local government and elementary education. These are not constitutional and constructive programme; "in every province place one or two districts in charge of a wholly Indian official staff and extend that, if it proves satisfactory, into a division and finally into a whole province." The scheme is a scheme of bureaucrats for the consumption of bureaucrats, intended for the enthronement of bureaucracy. "Let me, if I am in charge of a province, be not controlled in any measure by my legislative council." I got some where—I will refer to it if I am challenged—the qualifying statements "That the powers of the provincial Government are to remain unimpaired." They are not to be interfered with by the legislative council or by the Government of India or by the India office. In other words the Lord Sydenhams of the future can remain upon their throne, untrammelled by control from above and undismayed by criticism from below. How is that to lead to the progressive realisation of responsible government...

Brigadier-General-Croft · Was he a successful Governor

Mr. Montagu—I do not want to express an opinion on that. His record is available. I am not concerned with the authorship. It does not matter who is the author. I am only concerned to test the programme and see whether it fulfils the policy of the progressive realisation of responsible government. And when I find that the Association puts forward a policy which pretends to carry out the pronouncement but which more or less involves bureaucracy, I am entitled to criticise with all the strength in my power. What is the use of ousting a British Civil servant and replacing him by an Indian Civil servant? The district officer is the very backbone of

the administrative machine. I venture to predict that the Indians themselves would be the last to wish to see the complete disappearance of the district officer, but we do no good by establishing Indian bureaucrat instead of an English bureaucrat. Of the two bureaucrats, having regard to his training, I infinitely prefer at the present moment the English bureaucrat. If that is the best alternative scheme addressed to this House and if we really desire to carry the pledges made to India, then it is far better to carry out the Bill as it stands than to pay any attention to this scheme. We shall never get on with all the work that we have to do in India unless we have settled, as this Bill will settle, the constitutional question and its interminable discussion. I say it "will settle." What I mean is that I hope we shall receive from the joint Committee an agreed Bill, that all these alternative schemes will be considered in far more detail than is possible this afternoon, and that somehow or other a statute will pass as a consequence of the Second Reading this afternoon, which will launch India on the road to complete self-government. There is so much other work to do in India that if we can once get a growing constitution for it to win for itself that goal which we have pronounced, we can turn our attention to the spread of education—to the perfection or at least to the improvement of education—we can turn our attention to the development of her great resources and her great industries, we can consider the reorganisation of her defences. But before we can do anything and in order to make these things possible it seems to me to be essential to start her on the road of self-government.

I implore this House to show to India to-day that Parliament is receptive of the case for self-government and only seeks an opportunity of completing it by the demonstrable realisation of the success of its stages. There is too much race prejudice in India at the present time. It is beyond this House to correct it. It does not exist only in India; it exists in South Africa too. But Parliament can help to correct it in the Constitution. If we hold on to power in India and stand fast to the policy of subordination, race friction will continue and ought to continue. If we surrender our trusteeship to the great Provinces of India as speedily as they are ready to take it over, then Indians will have something better and more worth doing than fiercely and impotently to criticise those who are at present the agents of Parliament.

Perorations on Indian affairs have a tendency to great similarity, at least the perorations of my speeches on Indian affairs always seem so. I cannot however—and I say once again—believe that Parliament is going to afford any obstacle to the partnership of India in the British Empire.

We have recently been sympathetic to the national aspirations of

Arabs, of Czeko slavs of Serbia. Here is a country desirous of achieving nationality, once again I repeat, an original member of the League of Nations, developed under our protecting care, imbued to a greater and greater degree with our political thought. Let us pass this Bill and start it, under the aegis of the British flag on the road which we ourselves have travelled, despite all the acknowledged difficulties of the case, of caste, of race, of religion and of education. If you do that, if you pass this Bill and modify it until it becomes a great statute, I can say—we can say, as I should like to say with the authority of the House to the peoples of India “The future and the date upon which you realise the future goal of self-government are with you. You are being given great responsibility today and opportunity of consultation and influence in other matters in which for the present we keep responsibility. You will find in Parliament every desire to help and to complete the task which this Bill attempts, if you devote yourselves with wisdom, with self-restraint, with respect for minorities.” That is the message which it seems to me—I say with all deference—this House should send to the Indians to-day when you are starting to fulfil the pronouncement of the 20th August. That message cannot be sent unless the House is determined to pass without delay and with every desire that it should be improved before it is passed, a statute which means the beginning of self-government, responsible government in the Indian Empire.

HOUSE OF COMMONS

Government of India Bill

Debate on 2nd Reading

5 June 1919.

House of Commons—5 June '19

Debate on the Govt. of India Bill—2nd Reading.

Sir Donald Maclean. The Debate to-day is an eloquent comment on the Debate which occupied the House for a day and a half of its time. Tired and weary Members have listened to a speech which is worthy of the theme, and delivered by a Minister who has not only competent knowledge, but has brought to a very heavy task a zeal and an industry which fully fit him for the work which he has so well discharged to-day. But what about us? What a range of subjects we have tried to grapple with this week, and here what a speech this afternoon! It is not only the question of the British Empire and of India which is at stake, but the whole question of the East and its relation to the West, because on the decision which this House will ultimately give with regard to this great measure—and that of another place—will turn the fate of Europe in its relations to those vast nations which populate the East. Railways, electricity and the swiftly developing means of transport and communication have largely abolished those physical difficulties which made it so easy and apparently true to say that

“East is East, and West is West
And never the twain shall meet”

That is gone. The world, if it is going to be a world worth living in, must be a world in which all developed communities can join in a common League of Nations. Lest anybody here should think for one moment that this measure is a reckless leap into the political dark, may I just remind them and myself of what our relations have been stated by authority to be to India, certainly ever since 1858. Many Members of this House, and undoubtedly a very large number of people in this country, are alarmed at the prospect of the development of even the very limited scheme which has been adumbrated here to-day, but the whole test of British government, of Dominions far beyond these Islands, has been this: In times of difficulty and of stress are you going to adopt coercion or attempt conciliation? No one doubts for a moment that the conditions in India are difficult to-day. There is the great Magna Charta, as the Indians regard it, in the statement issued in the name of Queen Victoria in 1858, when it was said that, “Neither race nor religion shall be a bar to the holding of any office under the Crown.” When was that issued? Within a few months of the close

of the Indian Mutiny. What was the state of India then? There are piping days of peace in India to-day compared with what followed for a long time the close of that terrible chapter in the history of India known as the Indian Mutiny. And yet that was the policy laid down by our rulers then as to our future relations to India. Sixty years have gone by and to what extent have we fulfilled the promise the undertaking which lay beneath those noble words? Something has been done certainly. In 1861 certain steps were taken. In 1883 there was a further march towards the fulfilment of some part of our promise, and in 1892, and in 1907 there came the Morley Minto reforms, wherein at last the elective principle was accepted definitely and power to discuss the Budget and to interpolate and also to pass Resolutions, was given. That is little more than ten years ago. Here once more we find a perfectly regular and far too long delayed additional step in bringing to the people of India the year-long promises given by this country to that Dominion.

The point I want to make and urge again is this: It is no new thing that we are attempting to-day—nothing of the kind. It is a step, and a very safe step as I believe, safeguarded in all sorts of directions, which I think this country may take with confidence, notwithstanding the disturbed state of portions of India. We shall hear a great deal, no doubt, about the Rowlatt Act, and the condition of things which it was proposed to remedy. The Southborough Commission went out a few months after the Rowlatt Committee finished its investigations. They heard evidence and came unanimously to their respective conclusions. I have very much faith in the conviction that if the state of India was such as to entirely unfit it to be granted this moderate step forward, Lord Southborough and his colleagues would never have felt justified in submitting as they did the two Reports which are now on the Table of this House. If anything is to be done, and something must be done, time is of the essence of the usefulness of the step. My right hon. Friend referred to a remark of Sir George Lloyd on that point and I would rather like to elaborate that, and to inform the House a little more fully of exactly what he did say. Sir George Lloyd was one of us here for a number of years. He sat on a different side of the House from that on which I sat, and held different opinions. After stating some facts he remarked in the communication to which I refer:—

“Under those circumstances I am only concerned to express my profound conviction held before I arrived in India and deepened still further in the few months I have been in India that time is a factor of vital importance in the whole question of reform. I am convinced that delay is a greater danger even than an imperfect

scheme and those of us on whom must fall the heavy responsibility of putting a reform scheme into actual operation would be better able to work an imperfect scheme with the good will and confidence of all concerned than to operate a more perfect scheme, if one could be devised, if confidence and good will have been broken and alienated by disappointments and by delays."

If there was one other argument needed as to the impossibility of leaving these reforms where they are I would emphasise what the right hon. Gentleman has said by the one word "Paris." How few of us realise, and certainly it has taken me some little time to do so, what that means. India has been represented in the great council of nations in Paris, shaping not only the future of the belligerents but unquestionably of the world. Is it to be suggested, when these things have happened, and when India has borne a noble and worthy share in the great world-conflict, that we are to approach this question in a niggardly, distrustful, alienating spirit? Such an attitude as that would be frankly contrary to the whole tradition of the rule of the British race, and I am certain the majority of both Houses of Parliament will, after careful consideration—which, of course, ought to be given—come to the conclusion that some such measure as this is necessary. I hope with the right hon. Gentleman, after such study as I have been able to give the proposals, that such alterations as will be made in the limiting sense, but rather on the lines of indicating trust rather than distrust of our fellow-citizens under the Imperial Crown. My right hon. Friend has used the word "diarchy." If for every new project we are to have a Greek term, then, while there is a movement for the abolition of compulsory Greek in the universities, possibly we may have to introduce compulsory Greek for Members of Parliament. I do not know why they do not use a good Saxon word, or a word with a good old fashioned Latin root. Why call it "diarchy," which almost seems to suggest something connected with dacoity! The question is whether you are going to set up a dual system, and instead of a Governor and Executive Council, not elected but selected, you are going to have reserved services and other services transferred to an elective Chamber under this system of dual working. We know the difficulty of attempting anything new. I am quite certain hon. Members who wish to do so should get up here and theoretically demonstrate the complete impossibility of working the scheme. That is not the way the British Government have carried on. The British people have never, thank Heaven, been debarred from attempting to do justice by theoretical difficulty and that is why we have had such success. We have made legislative attempts when specialists and experts have demonstrated to the full satisfaction of themselves that nothing could be done.

The measures which are suggested in the Bill are, I think we will all agree, more fit subjects for careful consideration by a Joint Committee than for the very slightly informed criticism of the majority of Members of this House, amongst whom I certainly include myself. What we have to do here in the course of debate, so far as we can grasp the facts which are cognate, is to show our agreement with the fundamentals of this measure so that the Committee when it gets to work will have behind it the authority at any rate of this House in the arduous task on which it sets out. As far as I can gather the proposals in general terms may be described thus. We here in the House of Commons representing the supreme power are going to have a good deal less to do through our representatives than we had before. The Secretary of State hopes to have less to do with the Indian Government and the Indian Government hopes to have less to do with the provinces and the Governor of the province hopes to have less to do with the domestic problems of his immediate area. I see that an hon. Member opposite disagrees with that, but that is how it strikes me. I think that is a thoroughly sensible idea. What are the safeguards? As far as I understand the subject, you are not really going to touch the central Government. The only thing you are going to do in that respect is to add one more Indian member. All the great controlling power will be left alone. All the questions of law and order are to be under the complete control of the central Government in India. Furthermore, as far as I can see, the Civil Service is going to be left alone and is going to remain entirely under the control of the Government of India. I am sure we will all join, and certainly so far as any tribute from me is worth anything, I desire to pay a heartfelt tribute to the splendid services which the Indian Civil Service during all these generations has rendered to India. They have performed marvellous work. I do not think the world as a whole has ever seen anything like it. For the present, at any rate, that is going to remain untouched. The real change comes in the provinces, and on all questions which are not transferred such as law and order, and I suppose education—[An Hon. Member: "No, no!"]—the Governor maintains almost despotic power, I hope I am not going too far in saying so, or at all events a very powerful position over his Ministers under the new elective system. He has the power of veto, and what that power is we will see when the rules appear. My right hon. Friend when he referred to the question of legislation by rule, did not know how sore a subject he was touching so far as we were concerned.

The new elected chambers are to be on a limited franchise of 5,000,000 voter out of 300,000,000 [An Hon. Member: "Two hundred millions!"] It does not make any difference really to the argument. Even there very great safeguards are being introduced,

and if you go through the scheme you will find it safeguarded at every step. The only point is whether you have not got too many of them. In rough outlines there is the scheme which is put before the House of Commons to-day. Is it supposed that we shall give any grudging assent to the request which my right hon. Friend makes, on behalf of His Majesty's Government—and that is the point—a Government which represents parties in the State who have been hitherto associated with strong opposition, as far as I can see, to any development upon what I would consider sound democratic progress in regard to India and our Crown Dominions beyond the seas? They joined in that historic declaration of 10th August, 1917. It comes to us with that tremendous force, and I do say this in conclusion, that we seek to maintain India as an integral part of the British Empire. There may be in India, as there are in this country and in every country, bodies of men who seek something far other than that, but as far as I have been able to judge the responsible men of India, their ambition is to be a self-governing dominion within the ambit of the British Empire. That is an ambition which we can to some extent facilitate by the generous passage of such a measure as this, and the success of Acts of Parliament of this kind does not depend so much upon the mere words that constitute the Bills as on the spirit in which they are not only put upon the Statute Book, but are administered. If that spirit is a broad-minded and generous spirit, even an imperfect measure like this can go a long way to reach the goal which I am sure we all wish to attain.

Sir H. Craik I hope my right hon. Friend the Secretary of State will not think it is merely conventional, and on the other hand, that it is not presumptuous on my part if I offer to him my most sincere congratulations on the statement of the Bill which he has presented to us this afternoon. These may perhaps be more acceptable to him, because they come from one who has generally differed from him, and who is perhaps disposed to look with greater caution and with somewhat more of fear on the somewhat more advanced steps which he may be disposed to take in this Bill. I cordially echo the words which were said by my right hon. Friend the Member for Peebles (Sir D. Maclean) in regard to the acceptance that we should give to this Bill. Of the general spirit which animates it I have not the least doubt, and I hope we may be able perhaps to come to some common understanding about it, but I think my right hon. Friend has perhaps not devoted himself so closely as he might have done to the very abundant documents which have been thrown at us by the Secretary of State. I do not think he would have said, had he read them, that the question was altogether about how far you might extend. He would have seen that a great part of the discussions about this Bill must be methods

of adjustment and of balance of discussions between experts equally anxious to attain the end which he generally desires, but who will not by mere vague aspirations as to extension come to any practical settlement. He quoted a letter from Sir George Lloyd, but in the first two paragraphs of that letter he says :

"Owing to industrial disturbances I was unable state my view with regard to the scheme of constitutional reforms under discussion. I have arrived in India too recently, and since my arrival have been too preoccupied with the local condition of affairs in Bombay, to form any mature judgment upon the rival merits of the scheme put forward by my predecessor's Government and that proposed by the Secretary of State and the Viceroy."

It leaves the main question unjudged, although we would all agree that time is the essence of this matter and that it brooks of no considerable delay. I am a fairly old Member of the House, but I never rose to address the House with a greater sense of responsibility than on this occasion. I know the difficulties of this matter. It is not because I attach any importance to views of mine, which must be largely second hand, but because I feel that any words used here may carry far beyond what their real worth may be, and may, by some want of tact, or misplaced emphasis, cause ill-feeling between ourselves and our fellow-subjects in India. I am sure everyone of us will desire to speak with the greatest caution in this matter. My right hon. Friend need not fear that I shall plead for delay. I am only anxious that you should get on as fast as possible. I am not, of course, going to make the absurd and wicked suggestion that you made your declaration on the 20th August, 1917, with any idea of capturing loyalty—loyalty that could not have been captured except by the affection of our fellow citizens, and I am afraid that for once in regard to the form of this Bill, although I cordially agree with the right hon. Gentleman the Member for Peebles in objecting to legislation by Regulation in ordinary matters, I think if he will study the whole circumstances he will agree with me that the right hon. Gentleman the Secretary of State has no other alternative but to carry these measures into effect very largely by Regulations to be issued hereafter.

My right to speak on this is because for a quarter of a century I have been in weekly correspondence with Civil servants in India over very various district scattered all over. I have visited India, but I do not attach, and I hope no sensible man will attach, very much weight to these cold-weather visits to India. But they do have a certain value to all of us if we take them in the proper way if we take them, not as a means of forming judgments for ourselves, but only as a key to understand what we read, and as

giving that tincture of reality which is necessary wholly to perceive the force of what we are told. I do not think any man can move through India without finding that whatever he has read or heard or known about India is strengthened by such a visit. One mixes, perhaps, first of all with the wealthy Parsee merchants of Bombay. One may come next to the smoother elements of Bengali society, where dangers at least do not appear so much on the surface. You pass, perhaps, into the more sentimental atmosphere, still guided by those wise guides who know its movements down to the very bottom, of the sacred City of Benares. Afterwards, perhaps, you can compare the more fighting element of Sikh society in Amritsar. Nothing teaches us more the work that has been done by our brothers in India than to go up to the frontier provinces. I remember passing the Peshawar, being received by the Governor there, the late Sir Harold Dean. Naturally, these Governors are rather afraid of the type of Paget, M. P., and he perhaps doubted that I was not coming to teach him instead of trying to learn from him. That doubt was soon broken down, and we became the closest and most confidential of friends. I rode with him into the market every morning, where he well knew that he was an easy object of murderous attack. I was sent by him up the Khyber Pass, that strangest of all scenes, where you pass through mountains occupied by the British pickets on certain days of the week, in order to assure the passage of the great caravans from Central Asia. I drove up in the sole company of two files of Khyber Rifles, and I passed through the middle of a caravan stretching for a mile and a half on the road, and at last reached Lundi Kotal, and found three of my fellow Englishmen holding that fort within sight of Jellalabad, where they were surrounded by hostile tribes, and where their life was passed in solitary wardenship. I understood then something of the responsibility and something of the hardship, and something of the strain and stress of Anglo-Indian life. I apologise to the House for occupying so much time with these perhaps senile recollections.

What is the situation in which we stand in passing judgment upon the Bill which my right hon. Friend has brought forward? Let me say at once that I accept without grudging and without reserve the declaration of the 20th of August, 1917. I think it carried out what was the spirit of previous declarations. It might be objected, of course, that that was no Resolution of Parliament. It was made on the eve of an Adjournment, and was merely a declaration of a Minister confirmed by no Resolution of the House. But we need not argue about that. I do not think anyone will object to acquiesce in the spirit—if you do not like the words—of the declaration of 20th August. We must, by assenting to that, carry forward the political education of our fellow-citizens of

India. That will be our duty. It becomes our duty because we believe profoundly in the advantage of a constitutional Government. Our faith in Constitutional Government in spite of all our doubts, difficulties, and hesitations, makes it our duty to do all we can to develop that education. But is it unduly cautious, if, perhaps from the habit of a life-time, I say we would have been on stronger grounds if we had been able to find that the mass of the population, and not merely a small handful, were pressing us on to this movement? I do not say that because merely a handful are doing it we must hold back, but we must remember that the educated and literary part of India forms a very small part of the population compared with the whole people. I am sorely tempted to quote a sentence from Burke who says,

"Half a dozen grass-hoppers under a fern make the field ring with their cries, while large cattle lie under the shelter of the British oak chewing the cud in silence. Do not suppose that the noise comes from the large creature of the field."

I would rather some of those silent masses had really been educated up to the stage of making this demand, and making it with greater force than can be made by what is after all, a very, very small minority of the nation. We must remember, also, that we have in India what the right hon. Gentleman has referred to as vast differences of nationality, of language, of religion, of caste. It is no use saying that we must treat India as a nation. India with her fifty or more languages, with her differences of caste, her varieties of religion—these things cannot be got over lightly by saying that we must treat India as a nation and grant her independence. I remember during my visit to India discussing at a station with a commander of one of the Imperial forces of one of the native States, the probable future of the Government of India. One of us said to a native officer "In the days of our grandchildren, will we still be here, or will you do without us?" The native officer, pointing to the inscription which is at every station in India—"Water for the Hindu gentlemen" "Water for the Mahomedan gentlemen"—said, "So long as that remains necessary, we must keep you here." We have to settle secular differences deep-rooted differences that divide the great masses of Indians, and we cannot lightly throw over our trusteeship, wipe out the whole matter and leave the struggle to be fought out by those for whom we have made ourselves responsible.

We have also this to consider. We have to look to the fact that there have been recent experiments, and I am certain that my right hon. Friend would agree with me that those recent experiments have not always been completely successful. We had the experiments of Lord Ripon in 1883. They never led to any great

results, and even now, as the right hon. Gentleman says, after thirty-four years, they are only beginning to take some sort of shape. We have the Morley-Minto reforms. I have looked through these various reports. All the different authorities on every side pronounce the Morley-Minto reforms an almost absolute failure. They have established a system of constant criticism without power and without responsibility, and, besides that, they have established a system of representation which is really a shame. Critic is never so likely to foster discontent or to be so captious as when it is entirely devoid of responsibility. Those experiments, at all events have not proved great successes. Further than this, we have to remember that we have to look back upon three years of very great and serious disturbance in India. The Secretary of State did not in his speech to-night refer to all those disturbances that occurred in the year 1916, nor to the results of the Rowlatt Commission and the consequent Acts restraining disturbances, but there is no doubt we have the right—and it is not any grudging spirit which makes us assume that right—of looking carefully at your proposals, when those proposals are made after three years of very dangerous disturbances in India, and while those responsible for the government of India fear at any moment the outbreak of disturbances. These are not things that can be lightly passed over. I do not say that these dangers either justify us in refusing reforms, or justify us even in delaying reforms, but they do justify us—nay, they make it our duty—to look with caution, and with critical eye, on the reforms that are proposed.

We start all these experiments with the consciousness that with all the successes that have been achieved, in one sphere of Indian administration we have nothing but failure, and that is in our Indian education. We have built from the top instead of building from the foundation. We have attempted to found universities of the very worst possible type, by competitive examination and by curricula and degrees, and all the paraphernalia of universities, instead of the living spirit, which would have brought them closer, made an alliance with the Indian spirit, and developed the real genius of the Indian nation through the university. No one who goes through the village schools or the little technical schools can say we have done anything but achieve failure. The village schools are really beneath contempt. They touch merely a handful. They are imperfect in their methods. I am not talking of reading and writing—that is only a small part of the curriculum. What I regard as the main part of the education is getting hold of the younger generation, forming and shaping their character and making them useful citizens, teaching them to be clean and fully developed, physically and intellectually, and, above all things long ago we ought to have made education far more technical. Unfortunately, the system was established just at our worst