



You can as little judge of the feelings and inspiration of the people of India from the plans and proposals of the congress party as you can judge of the physical configuration of a country which is wrapped in the mists of early morning, but a few of whose topmost peaks have been touched by the rising sun.

Sir Richard Temple, with a more intimate knowledge of individual members, gave a warning against entrusting more political powers to them until they showed "greater moderation, greater sobriety of thought, greater robustness of intelligence, greater self-control—all which qualities build up the national character...".

The bill having been passed without amendment (26 May, 1892), the Government of India were informed that parliament intended that:

where corporations have been established with definite powers, upon a recognised administrative basis, or where associations have been formed upon a substantial community of legitimate interests, professional, commercial or territorial, the governor-general and the local governors might find convenience and advantage in consulting from time to time such bodies, and in entertaining at their discretion an expression of their views and recommendations with regard to the selection of members in whose qualifications they might be disposed to confide.¹

The possible number of additional members was increased under the act from twelve to sixteen in the imperial council, was more than doubled in Bombay and Madras, and was raised by 70 per cent. in Bengal and the North-Western Provinces and Oudh. By the regulations it was provided that some of these should be nominated after recommendation by certain bodies.² Of the ten non-official members of the imperial council, four were to be chosen by the non-official additional members of the councils in Madras, Bombay, Bengal and the North-Western Provinces and Oudh, and one by the Calcutta Chamber of Commerce, the remaining seats being reserved for the appointment of experts on special subjects of legislation and the proper representation by nomination of different classes of the community. For the provincial councils the method of selection varied according to local conditions. Each of the three presidency cities (Madras, Bombay and Calcutta) nominated a member, and there were representatives of the trading associations and senates of universities. Representatives of the district boards and smaller municipal boards met in an electoral college to select other nominees. The scale of representatives of municipal boards was based on the income of the municipality in Bengal and on the population in Bombay, while in the North-Western Provinces and Oudh each municipal board sent only one representative to the electoral college. Thus in Bengal the influence of the towns outweighed that of the countryside. In Bombay the bigger land-owners also had a right of nomination.

¹ Montagu-Chelmsford Report, para. 69.

² Cd. 86 of 1894.



Although the act was criticised by the congress of 1892 for not containing an explicit recognition of the right to elect, the regulations made under it had the practical effect of instituting an elective system, and the other changes it made indicated that the councils were no longer to remain, as they had been under the act of 1861, bodies which met only when legislative business was on hand. In the thirty years which had elapsed since they were constituted it had been possible only on sixteen occasions to discuss financial matters, while now the budget was to be presented annually whether taxation was being altered or not. And the right to put questions was a definite enlargement of the powers of members. X



CHAPTER XXX

THE RISE OF AN EXTREMIST PARTY

ON 5 August, 1832, Mountstuart Elphinstone predicted to a select committee of the House of Commons that if the Indian press were free we should, as time went on, find ourselves in such a predicament as no state had ever yet experienced.

"In other countries", he said, "the use of the press has extended along with the improvement of the country and the intelligence of the people; but in India we shall have to contend at once with the more refined theories of Europe and with the prejudices and fanaticism of Asia, both rendered doubly formidable by the imperfect education of those to whom every appeal will be addressed."

Similar views had been expressed by Munro and Malcolm.¹ A free press, Munro thought, would inevitably generate "insurrection and anarchy". But such warnings were disregarded by Charles Metcalfe in 1835, when, as acting governor-general, he removed all press restrictions on the ground that whatever the consequences might be, this step was requisite for the spread in India of Western knowledge and civilisation. Twenty-one years later, after the licence enjoyed by indigenous newspapers had liberally contributed to the causes of the Mutiny,² Lord Canning imposed temporary restrictions, which remained in operation for a year. In 1878 Lord Lytton's government, holding that the seditious tone of the vernacular newspapers compelled some curtailment of the "exceptional tolerance" accorded to journalists, and that freedom of the press was rather a privilege to be worthily earned and rationally enjoyed than "a fetish to be worshipped", passed a Vernacular Press Act which was severely criticised in England and repealed by his successor in 1882. In 1883, when the Ilbert bill controversy was raging in Bengal, Sir Alfred Lyall, lieutenant-governor of the North-Western Provinces, observed that the tone of the native press in that province was daily growing more vicious and insulting and might end by "leavening the mass" to a greater degree than was fancied. He was constantly speculating as to how far it could possibly "be despised as impotent and absurd".³

It is clear that from early days the congress included two parties of Hindus. There were the Western-educated followers of Gladstonian liberalism,⁴ loyal to British rule but anxious to press on politically, who drew much inspiration from English literature and history and gathered strength from their power to appeal to English democratic sympathies. There were also reactionary and irreconcilable Hindus,

¹ Malcolm, *Political History of India*, II, App. vi.

² See Lord Canning's speech to his legislative council, 13 June, 1857, quoted *ap.* Donogh, *Law of Sedition*, pp. 182-3.

³ Durand, *Life of Lyall*, p. 283.

⁴ *Idem*, p. 305.



who regarded the memories of Muslim supremacy and the intrusions of British rule and Western culture with rooted aversion. Prudential considerations, the respect generally enjoyed by the government, its ability to guard the country from the obvious menace of Russian invasion and from the feuds of India's numerous factions¹ dictated caution; but the will to strike was there and found a vent in bitter and slanderous passages in congress publications.² To Hume these were justifiable weapons in a "war of propaganda".³ To the government they seemed unworthy of serious notice. But to the great Muslim leader, Sir Sayyid Ahmad, the congress publications represented a grave danger. He impressed on his co-religionists that the promoters of the movement desired that the government of India should be English in name but their own in fact, and that if the agitation spread from the unwarlike to the warlike classes, it would go beyond writing and talking and would lead to bloodshed. If the Muslims joined in "unreasonable schemes" which were disastrous for the country and themselves, the viceroy would realise that "a Mohammedan agitation was not the same as a Bengali agitation",⁴ and would be bound to take strong measures. He implored the Muslims to have nothing to do with the congress.

The congress, however, gathered a few Muslim adherents, as time went on; and gradually its extreme section discovered a leader. In the meantime the death of a Hindu child-wife in Calcutta led to the prosecution of her husband for culpable homicide and to the passing in 1891 of an Age of Consent Act which prohibited cohabitation before a wife reached the age of twelve. This legislation produced violent excitement among the Hindus of Calcutta, who complained that their religion was in danger; and articles in the *Bangabasi* newspaper published there led to the prosecution of the editor, manager and printer for sedition.⁵ But reactionary Hinduism found its chief exponent in Bombay.

The Konkanasth or Chitpavan Brahmins of Western India have always been remarkable for ability. It was under a Chitpavan dynasty that the Maratha empire had reached its highest point and afterwards declined to its fall. Chitpavans had adapted themselves to calmer times and were prominent at the bar, in education and in government service; but some there were who mourned the fallen glories of the Peshwas; and prominent among these was Bal Gangadhar Tilak, educationist and journalist. Elected to the subjects committee of the congress of 1889, he soon established a leading position. His determined character, his Sanskrit learning, his mastery

¹ Durand, *Life of Lyall*, p. 300.

² See, for instance, certain passages in the Report of the congress meetings in 1890.

³ Wedderburn, *A. O. Hume*, pp. 68, 76-7.

⁴ Sir Sayyid Ahmad, *On the present state of Indian Politics*, p. 18.

⁵ See Donogh, *op. cit.* chapter iv; also Mitra's article in the *Fortnightly*, xcv, 147; Farquhar, *Modern Religious Movements in India*, pp. 397-8.



of English and Marathi, his rough eloquence, attracted followers. He appealed to reactionaries by bitterly opposing the Age of Consent Bill, and in his vernacular journal the *Kesari* (Lion) bitterly denounced all Hindu supporters of that measure as traitors and renegades. He carried anti-foreign propaganda far and wide among Hindu school-boys and students, and started gymnastic societies. His object was to stimulate hostility to "mlencchas" (foreigners), Muhammadan and British. He took a leading part in directing a movement for repairing the tomb of Sivaji, who first united Marathas against Muslim rule, and for holding festivals in Sivaji's honour. A famine in 1896, and the subsequent arrival in Bombay of bubonic plague, afforded an opportunity for anti-government agitation. When calamities come, the masses incline to blame their rulers; and anxious to arrest the ravages of the plague, the provincial government prescribed methods of segregation which were repugnant to popular habits. House-to-house inspections were ordered; and British soldiers were employed in Poona as search-parties for infectious cases. Bitter diatribes appeared in the vernacular press; and on 4 May, 1897, in the columns of the *Kesari* Tilak charged the soldiers with various excesses and imputed deliberately oppressive intentions to the government and its officers. On 15 June he published two remarkable articles. The first represented Sivaji as awakened from his long sleep and horrified at the state of his realm. He had established "swaraj" (his own kingdom). But now foreigners were taking away the wealth of the country; plenty and health had fled; famine and epidemic disease stalked through the land. Brahmans were imprisoned; but white men escaped justice. Women were dragged out of railway carriages. He had protected the English when they were traders, and it was for them to show their gratitude by making his subjects happy. Another article gave an account of the killing by Sivaji of Afzal Khan, a Muslim general, and expressed the opinion that great men were above the common principles of morality. Sivaji had committed no sin in killing Afzal Khan.

for the good of others. If thieves enter our home and we have not sufficient strength to drive them out, we should, without hesitation, shut them up and burn them alive. God has not conferred on mlencchas the grant inscribed on copper plate of the kingdom of Hindostan. . . . Do not circumscribe your vision like a frog in a well. Get out of the Penal Code, enter into the extremely high atmosphere of the Bhagwat-Gita,¹ and then consider the actions of great men.

Shortly after the appearance of these effusions W. G. Rand of the Indian Civil Service, officer in charge of plague preventive operations, and Lieutenant Ayerst, on plague duty, were assassinated in Poona by two young Chitpavan Brahmans named Chapekar. The murderers were arrested, tried, convicted and executed. They had founded an association for physical and military training which they called the

¹ "The Lord's Song" in the sixth book of the Mahabharata.



Society for the removal of obstacles to the Hindu religion". Two others of the associates murdered two informers, but were themselves arrested, tried and executed. Tilak was prosecuted for exciting disaffection to the government by means of the *Kesari* articles of 15 June, and was convicted and sentenced to eighteen months' imprisonment, six months of which were subsequently remitted. The *Kesari*, however, continued to circulate. Its financial success attracted emulation, and its tone was caught by other journalists. At the congress of 1897 Surendranath Banerjee from Bengal expressed these sentiments: "For Mr Tilak my heart is full of sympathy. My feelings go forth to him in his prison-house. A nation is in tears". Nowhere did Tilak's methods and organisations attract more attention than in Bengal. His influence is plainly to be seen in the accompaniments of the subsequent revolutionary movement in that province. His example in brigading school-boys and students in gymnastic societies for purposes of political agitation was followed there. Endeavours were even made to introduce into Bengal, the very province which in pre-British days had been scourged by Maratha raids, the singularly inappropriate cult of Sivaji. On his return from incarceration Tilak found his position unimpaired, but for some years he remained quiet. The circulation of the *Kesari* increased. He was biding his time.

Lord Curzon's Partition of 1905, which split Bengal proper into two and gave the Muhammadans numerical preponderance in the eastern province, although expedient from an administrative point of view, was strongly opposed by Hindu politicians and lawyers and came at a peculiarly unfortunate time. In 1902-3 revolution had been preached secretly among the *bhadralok*¹ (respectable classes) by a small band of conspirators. But although religious revivalists had been at work among Hindus for some years, and Swami Vivekananda, a Bengali who had visited the Chicago conference of religions as a representative of Hinduism, had preached nationalism with religious tendencies, revolutionary doctrines intermingled with appeals to the Hindu religion at first made no progress. Their opportunity came later with the combined effects of the resounding victories of Japan over Russia, the belief of the political class that Lord Curzon's educational reforms were designed to cramp the expansion of their influence, and Hindu resentment of the partition of Bengal. The anti-partition agitation with its vehement invective, its appeals to Hindu sentiment, its cry that Bengal as motherland, once rich and famous, had been torn in two despite the protests of her children, its proposals for enforcing a punitive boycott of foreign goods and supplanting them entirely by "swadeshi" indigenous products, its enlistment of students and school-boys in picketing operations, gave ample cover for the sedulous preaching of revolutionary doctrines. In Eastern Bengal, the principal theatre of disturbances, the boycott with its accompani-

¹ See p. 251, *supra*.



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ments of intimidation and terrorism, was vigorously opposed by the Muhammadans and riots became more and more frequent. In both Bengals it was constantly proclaimed that the government was setting the Muhammadans against the Hindus. Hindu political sentiment reached an unprecedented height of bitterness, and found ample outlet in the press which it mainly controlled. Under cover of a storm of passion, the revolutionists organised secret societies, collected arms, and manufactured bombs. But their main objective was the "building up" of popular opinion, the creation of a general atmosphere favourable to their schemes. They published newspapers and leaflets which preached violence and omitted no calumny which could vilify the British race. To get rid of the European was a religious duty. India whose civilisation had been tarnished and corrupted first by Muslim and then by British cruelty and oppression, would then recover her ancient glory. Such exhortations were frequently supported by gross perversions of history. For their initiates the conspirators, borrowing ideas from Asia and Europe, prescribed a mixture of textbooks, the *Bhagavad Gita*, the lives of Mazzini and Garibaldi, Russian methods of revolutionary violence, military manuals and books on explosives. The achievements of Japan were reiterated; the importance of spreading propaganda among the Indian troops was emphasised; the necessary funds if not obtainable from voluntary subscription, must be extorted from "miserly or luxurious members of society". Such doctrines spread rapidly among the Hindu youths and the discontented teachers who thronged the far-flung, ill-managed, schools and colleges of Bengal, among the numerous lawyers who found themselves idle and unhappy, among many young men who were dissatisfied with the meagre fruits of years of laborious study. It was not long before they began to bear fruit in a network of underground conspiracies, in a long, intermittent series of calculated crimes, of bomb outrages, of "political dacoities", gang robberies practised on helpless people in remote villages for the purpose of augmenting revolutionary funds, of secret murders, of assassinations of Indian police officers; and gradually an atmosphere of terrorism began to spread over parts of Bengal. On 6 December, 1907, the train on which Sir Andrew Fraser, the lieutenant-governor, was travelling, was derailed by a bomb near Midnapur. On the 23rd of the same month, Mr Allen, formerly district magistrate at Dacca, was shot in the back, though not fatally, at a railway station. On 30 April, 1908, at Muzaffarpur in Bihar, a bomb was thrown into a carriage in which two ladies, Mrs and Miss Kennedy, were driving. Both were killed. The bomb was intended for Mr Kingsford, a judge who had incurred the displeasure of the revolutionaries. The murderers, two young Hindus, were arrested within two days of the commission of their crime. One, a student, confessed in court and was hanged. The other shot himself dead on arrest.



In the meantime revolutionary conspiracy had been active in other provinces.

Early in 1907 it became evident that the ferment in Bengal was bearing fruit in the Panjab. The situation there at the end of April was described in a minute by the lieutenant-governor, Sir Denzil Ibbetson. Educated extremist agitators, he wrote, were openly and sedulously preaching an active anti-English propaganda in certain towns. In Lahore the propaganda was virulent and had resulted "in a more or less general state of serious unrest". On two occasions Europeans had been insulted as such. Endeavours were being made to inflame the passions of the Sikhs by exploiting unpopular agrarian legislation. The police were being pilloried as traitors to their fellow-countrymen and were advised to quit the service of the government. Similar invitations were being addressed to Indian soldiers. Some of the conspirators looked to driving the British out of the country, or at any rate from power, either by force or by the passive resistance of the people as a whole. The method for bringing the government to a standstill would be the working up of the bitterest racial hatred. The situation urgently required remedy.

Riots occurred at Lahore and Rawalpindi; and the principal agitators, Lajpat Rai and Ajit Singh, were arrested and deported under a regulation of 1818.¹ The unpopular agrarian legislation was vetoed by the central government and trouble subsided; but the suggestion that the root of the trouble was agrarian was negatived by the secretary of state, John Morley, who said on 6 June, 1907, in the House of Commons that of twenty-eight meetings convened by the Panjab agitators between 1 March and 1 May, twenty-three were "purely political". All was quiet for a time till in 1909 a stream of seditious literature issuing from Lahore necessitated further preventive measures. In November, 1907, Lord Minto informed his legislative council that not only had "disgraceful overtures" been made to the Indian troops, but that seeds of sedition had been scattered even among the "hills of the frontier tribes".²

In Madras disturbances followed after a series of public lectures delivered by an itinerant Bengal agitator, Mr Bipin Chandra Pal, who declared that the British administration was based on "maya" (illusion), and after many inflammatory harangues of a local politician Chidambaram Pillai. In the United and Central Provinces, which under the firm and experienced administration of Sir John Hewett and Sir Reginald Craddock presented an unpromising field for open disturbance, there were seditious newspapers and secret burrowing.

In London an "India House" had been opened by Shyamaji Krishnavarma, son of a Kathiawar merchant, who published a

¹ Defined by Lord Morley as "an emergency power which may be lawfully applied if an emergency presents itself". *Indian Speeches*, pp. 145-7.

² Lord Morley, *op. cit.* p. 57.

paper called *The Indian Sociologist*. This "India House" soon became notorious as a centre of a secret conspiracy; and its activities, tolerated for years,¹ culminated in the murders of Sir William Curzon Wyllie and Dr Lalkaka at the Imperial Institute on 1 July, 1909.

The congress of 1905 supported the boycott in Bengal. The president was Gopal Krishna Gokhale, a Chitpavan Brahman who had acquired considerable reputation as a politician, an educationist and a member of the imperial legislative council. He complained that Lord Curzon, like Aurangzib, had caused bitter exasperation by a policy of distrust and repression.² Lala Lajpat Rai, a Lahore lawyer who subsequently became prominent in the Panjab disturbances of 1907, congratulated Bengal on a splendid opportunity of heralding a new political future for India. At the congress of 1906 the president was Dadabhai Naoroji, a Parsi and a veteran politician who had sat in the British parliament. The boycott was justified and revocation of the partition was demanded. But in fact a split was only avoided by the adoption of "swaraj" as the goal of congress ambitions. To the soberer spirits, the Moderates, this meant the establishment of a full parliamentary system. To the irreconcilables, the Extremists, it signified absolute independence. It was Anglicised as the extension to India of the system of government which obtained in the self-governing British colonies. Appearances had been saved, but only just saved; and the Moderates were very uneasy, as some at least were aware that, behind all the whirlwind of passion in Bengal, revolutionists were busily organising. As yet the government had shown no sign of perception of this fundamental fact. The exercise of its ordinary statutory powers failed to check the unprecedented incendiarism which was going on; and it was not until the Indian Newspapers (Incitement to Offences) Act was passed in June, 1908, that the most inflammatory of all the Calcutta newspapers, the *Jugantar* (new era), was suppressed. The sanction of the secretary of state to a measure of this particular kind was long in coming. He justified it in these words:

An incendiary article is part and parcel of the murderous act. You may put picric acid in the ink and pen, just as much as in any steel bomb... To talk of public discussion in connection with mischief of that kind is really pushing matters too far.³

Why then, it will be asked, was the preventive action that was so urgently needed postponed until two innocent English ladies had paid the penalty for prolonged tolerance of all this "mischief"? The explanation is simple. The whole agitation was persistently minimised by its friends in England; and "freedom of the press" is an English maxim.

Throughout 1907 Moderate alarm increased. But some of the older

¹ Report of the Sedition Committee, paras. 5-7, 10-12.

² Cf. Ronaldshay, *Life of Curzon*, II, 192, 390.

³ Lord Morley, *op. cit.* p. 73. Cf. Chirol, *Indian Unrest*, p. 98.



men yielded to the growing frenzy for fear of being elbowed out by their juniors, others were genuinely impatient of the tardiness of constitutional reforms, and had not the tide been firmly stemmed by such men as Gokhale and Pherozeshah Mehta, also a Bombay congress man, who now refused emphatically to be dragged along at the heels of their intemperate colleagues, the Extremists would have captured the congress. As it was, when the time approached for holding the 1907 congress at Nagpur in the Central Provinces, the place of meeting was altered, as a preliminary gathering of the reception committee was broken up by a gang of Extremists. When the congress gathered at Surat, the Extremists tried to achieve domination by force but were stoutly resisted; and dissolving in riotous scenes, the congress severed itself from them. The Moderate leaders were Gokhale and Pherozeshah Mehta from Bombay and Surendranath Banerjee from Bengal. The last-named had long led the anti-partition agitation; he had exerted himself to "give a religious turn" to the boycott movement, and to enlist the participation of students and school-boys; but now, finding the pace too fast, he began to retrace his steps. The most prominent irreconcilables were Tilak from Bombay and Arabindo Ghose from Bengal. The Moderates remained in command of the congress executive until in 1916, after the death of Gokhale, when the shadow of the war was lengthening over India, they joined with the Extremists in the December meetings of that year.

Despite his exclusion from the congress, Tilak's prestige stood high in the Deccan in the early months of 1908. He commanded the allegiance of many barristers, pleaders, schoolmasters and others. His propaganda was filtering down to mill-hands in cities, who, gathered together in huge tenements, by their density as well as by their ignorance, provide a peculiarly accessible field to political agitators. It was also penetrating to the headmen of villages. A movement had been started for the creation of "national schools", independent of state support and supervision, where revolutionary ideas could be circulated without let or hindrance; and politics were intermingled with temperance movements outwardly unimpeachable but in this case subordinated to the promotion of racial hatred. On 11 May, 1908, the resultant situation was thus described by Sir George Clarke, governor of Bombay:¹ "A large number of half-educated Indians, who can read and write English and have the smattering of knowledge which is useless for any practical purpose, but is always apt to be dangerous, seem to have become permanently hostile. These people, inspired by a few men of much higher calibre, run the seditious section of the press and work in schools, as public speakers, as travelling missionaries, and as distributors of placards and pamphlets".² On 12 May and on 9 June, 1908, Tilak published articles in the *Kesari*

¹ Now Lord Sydenham, G.C.S.I.

² Lord Sydenham, *My Working Life*, p. 222.



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representing that the Muzaffarpur murders resulted from oppression and the refusal of swaraj. The bomb was the answer. "Bombs explode when the repressive action of government becomes unbearable." Tilak was prosecuted for attempting to bring the British government into hatred and contempt, and for endeavouring to provoke enmity and ill-will between different classes of His Majesty's subjects. He was tried by an Indian (Parsi) judge of the High Court and a jury which contained two Indians. He was convicted and sentenced to six years' transportation, afterwards commuted on account of his age and health to simple imprisonment at Mandalay. The character of his offence was thus described by the judge:

You are a man of undoubted talents and of great power and influence. Had those talents and that influence been used for the good of your country, you would have been instrumental in bringing about a great deal of happiness for those very people whose cause you espouse. Ten years ago you were convicted. The court dealt most leniently with you then and the crown dealt still more leniently. After you had undergone your imprisonment for a year, six months of it were remitted on conditions which you accepted. ... It seems to me that it must be a diseased mind, a most perverted mind, that can think that the articles that you have written are legitimate articles to write in political agitation. They are seething with sedition; they preach violence; they speak of murders with approval; and the cowardly and atrocious act of committing murders by bomb not only seems to meet your approval, but you hail the advent of the bomb in India as if something had come to India for its good. ... Your hatred of the ruling class has not disappeared during these ten years, and these articles deliberately and defiantly written week after week—not written as you say on the spur of the moment but a fortnight after the cruel and cowardly outrages committed on English women—persistently and defiantly refer to a bomb as if it was one of the instruments of political warfare. I say that such journalism is a curse to the country.

It is remarkable that in correspondence with Sir George Clarke, Lord Morley expressed decided disapproval of the prosecution of Tilak. Morally and legally justifiable, it was, he held, politically unprofitable. He was apparently inclined to accept the view of Gokhale, who was then in London, that it would "prove an ugly discouragement to the Moderates".¹ Looking back now over the intervening years, we can see clearly that prosecution was not only an absolute duty but an imperative necessity. Political Moderates will naturally shrink from advising drastic action against former associates. But it is not to them or to anyone else that a government should turn for counsel at moments when its clear duty is to take prompt action. But Morley was "born to be a thinker and a writer, rather than a practical statesman".²

Tilak's conviction caused riots in Bombay which bore the impress of careful organisation, but were speedily stopped. Its more lasting result was a definite set-back to extremism in Bombay and indeed everywhere. Meanwhile remarkable developments were taking place in Bengal.

On 2 May, 1908, two days after the Muzaffarpur murders, searches

¹ Lord Sydenham, *op. cit.* pp. 224-5.

² Kilbracken, *Reminiscences*, p. 184.



were made in a garden and elsewhere in Calcutta resulting in the seizure of bombs, dynamite, cartridges and incriminating correspondence. A number of young *bhadralok* were brought to trial on the information of an approver. Fifteen were ultimately found guilty of conspiracy to wage war against the king-emperor. The plans and doings of the conspirators were fully disclosed. For two years and more they had launched on the public a highly inflammatory propaganda; they had collected arms and ammunition; they had studied bombs. The words of the judge who passed sentence on those convicted shows the extent to which the unbridled licence accorded to the press had assisted their project:

There can be no doubt that the majority of the witnesses are in sympathy with the accused... I do not say with their motives, but with their objects; and it is only natural that they should be. Their natural desire for independence was not likely to be weakened by the constant vilification in season and out of season of government measures, not only by the yellow press, but by papers which claim to be respectable.

Outrages and murders were checked by but did not cease with these convictions; and other conspiracies came gradually to light. But the cruel and inhuman nature of subsequent murders and "political" dacoities (gang-robberies) did not deprive the perpetrators of the sympathy of many impressionable Hindus, whose views were in 1925 accurately diagnosed by one who now holds high office in India:

I have reason to believe that the opinion is prevalent with very many people that, although violence and terrorism will never bring a nation political freedom, they are not bad instruments with which to weaken a government; in the words of a leading article in an Indian paper recently, they are "the sappers and miners of constitutional advance"; and it is claimed that their use is always followed by advance.¹

On 7 November, 1908, an attempt was made to shoot Sir Andrew Fraser, lieutenant-governor of Bengal. Toward the end of the year nine prominent Bengalis were deported. On 17 December, Lord Morley announced his scheme of constitutional reforms.

The reforms were supported by the Moderates; and in a speech at Poona on 8 July, 1909, Gokhale urged loyal acquiescence in British rule, pointing out that self-government was an ideal for which Indians must qualify themselves. At Bombay on 9 October he strongly denounced the active participation of students in politics which often evoked in them a bitter partisan spirit injurious to their intellectual and moral growth. Extremist teaching rightly inculcated patriotism and self-reliance, but wrongly ignored all historical considerations in tracing India's political troubles to a foreign government.

"Our old public life", he said, "was based on frank and loyal acceptance of British rule, due to a recognition of the fact that it alone could secure to the

¹ Sir Hugh Stephenson in the Bengal Legislative Council, 7 January, 1925.

country the peace and order which were necessary for slowly evolving a nation out of the heterogeneous elements of which India was composed, and for ensuring to it a steady advance in different directions. The new system condemns all faith in the British government as childish and all hope of real progress under it as vain.... When one talks to young men of independence in a country like this, only two ideas are likely to present themselves clearly before their minds. One is how to get rid of the foreigner, and the other is how soon to get rid of him. All else must appear to them of minor importance.... We have to realise that British rule, in spite of its inevitable drawbacks as a foreign rule, has been on the whole a great instrument of progress for our people. Its continuance means the continuance of that peace and order which it alone can maintain in our country, and with which our best interests, among them those of our growing nationality, are bound up. Our rulers stand pledged to extend to us equality of treatment with themselves. This equality is to be sought in two fields: equality for individual Indians with individual Englishmen and equality in regard to the form of government which Englishmen enjoy in other parts of the empire.... It is on our average strength that the edifice of self-government must rest. The important work before us, therefore, is to endeavour to raise this average."

Gokhale's determined abandonment of a facing-both-ways policy was imitated by other Moderates, whose influence increased as their attitude grew firmer. Revolutionary conspiracy in Bombay had been purely Brahman and mostly Chitpavan. It ceased with the recognition that the British government was obviously still capable, calculable, and not in the least likely to abdicate. Chitpavans are practical men; and equalitarian ideals are obnoxious to all Brahmans. Later on, when toward the close of 1914, Tilak, who on release earlier in that year had declared himself loyal to the government, endeavoured to obtain readmission to the congress "in order to organise obstruction in every possible direction within the limits of the law", to bring the administration to a standstill, and "compel the authorities to capitulate" and grant self-government, but was unable to effect his purpose.¹ Nor did he return to the congress until Gokhale and Pherozeshah Mehta had passed away. But in Bengal conditions were different. There revolutionary conspiracy was not peculiarly Brahman. Subversive ideas had been widely and industriously diffused among a very imaginative and emotional class, the members of which were often sufferers from unemployment or economic adversity. For centuries no Hindu dynasty had governed the province; but Hindu sentiment, quick to resent the slightest legislative interference with any custom which could be represented as interwoven with religion, flowed deep and strong. The abolition of sati,² and the Age of Consent Act sixty years later, had provoked clamorous protests from conservative Bengali Hindus. Progressives too had their grievances, for Western learning, often acquired with long and painful effort, had often yielded unsatisfactory fruit.

Altogether there was a mass of discontent, social, political and economic, which gave ample opportunity for revolutionary teaching.

¹ See a letter of Gokhale's quoted *op. Life of Sir Pherozeshah Mehta*, II, 654-6.

² See p. 142, *supra*.



The conspirators had gained a long start and had spread their nets widely. Murders and boycotting of witnesses and informers had broken down some prosecutions and were building up terrorism. The great water-country of Eastern Bengal was scantily manned with British officers, and its administration generally was starved during those critical years 1906-9.¹ The views of numbers of imaginative young Hindus regarding the British were moulded, not by any personal contacts with individuals, but by scurrilous newspapers, distortions of history and the idea that while a millennium was struggling on the threshold, its entry was blocked by a foreign government. The Press Act of 1910 at last effectively checked the poisonous flow of printer's ink.² But by that time enormous mischief had been done, and outrages were being perpetrated which, in the words of the government mover of the bill in the imperial legislative council, were "the natural and ordinary consequence of the teaching of certain journals".

Time has gone on. India's experience of extremism has widened. The consequences of the events and movements described in this chapter have become merged in the consequences of other events and of movements which followed on the war. Through the first years of that tremendous struggle extremism skulked in holes and corners. Revolutionary conspiracies were met, baffled and suppressed by the resolute action of the government. With subsequent events this chapter is not concerned. In our own day by spreading abroad a spirit of lawlessness and by sharpening animosities between various sections of an immense society, extremism has gone far to make the successful working of any parliamentary system in India for ever impossible. But perhaps this is the object of some of its leaders for, from the first, the movement has been chiefly Hindu. No orthodox high-caste Hindu can really desire to see democracy established in India.

¹ See p. 252, *supra*.

² Chitrol, *Indian Unrest*, p. 99.



CHAPTER XXXI

THE REFORMS OF 1909

LORD CURZON'S departure from India towards the end of 1905 marked the close of a period of great administrative activity and reform. But although so many functions of government came under examination and were improved, organic change was not undertaken. Some Indian politicians indeed were inclined to suspect that more complete efficiency would crush their hopes of a larger share in both the legislative and executive direction of the country.¹ In selecting Lord Minto as a successor to Lord Curzon, the conservative government in England no doubt expected that his term of office would be marked by a restoration of good relations with the educated Indians, while it would be sufficient to watch the effects of the recent alterations and unnecessary to make others of much importance. Everything in Lord Minto's previous career supported these hopes. His chief administrative experience was as governor-general of Canada, a self-governing dominion, where he had shown great tact and power of conciliation, but no desire to exceed his constitutional functions by pressing his views about administrative details. Shortly before leaving England he spoke of his future task and, borrowing a simile from the turf, said that the best way to win a race was often to give a horse a rest between his gallops. And yet it was by his initiative that fundamental changes were carried through in the next few years.

In January, 1906, a liberal government with a large majority came into power in England and Lord (then Mr) Morley became secretary of state for India. Currents of political thought often begin as vaguely as natural floods, and require careful direction if they are not to develop into the devastating torrents of revolution. The aspirations which had become more insistently expressed in the twenty-first meeting of the Indian National Congress at Benares in 1905 were to be guided by a viceroy in India with a wide and varied experience of many classes of men, and by a secretary of state of great historical knowledge, but of a dictatorial habit tempered by a full realisation of the difficulty of getting his views accepted by the House of Lords.

When Lord Minto arrived in India, his legislative council and the councils in the provinces consisted (*vide* chapter XXIX) of a small number of members chiefly official or nominated, while only a few had been recommended by election. Their votes shaped legislation, but the budget had been passed before they discussed it, and, though questions could be asked, no supplementary questions were permissible. By the congress these arrangements had been criticised at their first

¹ Sir W. R. Lawrence, *The India we served*, p. 233.



roduction, but other matters had attracted greater attention until 1904 when three specific claims were made to secure to Indians a large share in the control of administration. One of these, borrowed from the French colonial system, was directed to securing the representation in the House of Commons of each province of India, and it was subsequently dropped. A second demand was for larger representation in the legislative councils, with the right to divide these bodies on all financial matters coming before them, while the third was for the appointment of Indian representatives (to be nominated by elected members of the legislative councils) as members of the council of the secretary of state for India, and of the executive councils of the governments of India and the governments of Bombay and Madras. These claims were repeated and developed in the following year. As early as March, 1906, Lord Minto began to discuss privately the third suggestion with the members of his own executive council, believing that an executive partnership would be easier to establish than a joint electoral body in the legislature.¹ So much opposition was made to his proposal that he did not even put it forward in his early correspondence with the secretary of state. On the wider question of admitting more Indians to the legislative councils, his first impression made him deprecate the importation of British institutions, a feeling with which Lord Morley agreed, though at the same time he argued that it was impossible in any advance to escape from their spirit.² In June, 1906, Lord Morley made detailed suggestions clearly based on the congress demands. Lord Minto's Canadian experience had shown him how easily suspicions of dictation from England are aroused, and he pressed that the public and official initiative should come from India. He therefore addressed a minute to a small committee of his executive council desiring it to examine certain questions. Impressed as Lord Dufferin had been by the danger apparent in Indian conditions that any system of ordinary election might exclude representatives of important communities, he named (in almost the exact language used by Lord Dufferin's committee) as interests which must be protected to secure a stable and effective administration: the hereditary nobility and landed classes, the trading, professional and agricultural communities, and the European planters and commercial classes. The specific topics for discussion were the constitution of a council of princes or their representation on the viceroy's legislative council, the appointment of Indian members on his executive council, increased representation on the imperial and local legislative councils, and the prolongation of the budget debate, with power to move amendments.

While in Europe and America organic changes such as these are freely discussed in the press, in periodicals and books, and on plat-

¹ Buchan, *Life of Lord Minto*, p. 231.

² Lord Morley, *Recollections*, II, 173.



forms, the backwardness of education in India makes it impossible to obtain the keen and constructive criticism available in Western countries. Few Indians even of the educated classes can read or converse fluently in a vernacular different from their own. As English is the ordinary means of communication between literate residents in different language areas, details of important discussions often escape the notice of men, well fitted to consider them, who do not know that language.¹ The burden thrown on the permanent official of examining such schemes is thus heavy and frequently causes delay. While this preliminary examination was being made, the congress held its annual session at Calcutta and for the first time passed a resolution asking that the system of government obtaining in the self-governing British colonies should be extended to India. The first steps to be taken were those already described, but the proposal that Indian provinces should be directly represented in parliament was dropped. While the more intelligent Indian politicians were endeavouring to persuade or convince the responsible officials and through them the British parliament that Indians were fit to exercise substantially more authority than had hitherto been conceded to them, a small but active section noisily demanded complete freedom at once, and in the background was a growing number of individuals, feeding their ill-taught minds with tales of oppression, and perverting the minds of youths with distorted history and scraps of religion and social service, in the hope of coercing the government. Advice on revolutionary methods was supplied by Indians in London, and later in Paris. In Bengal, where dissatisfaction had been caused by the partition of the province, dangerous conspiracies were being hatched. The public announcement by Lord Minto in the legislative council in March, 1907, that he had addressed the secretary of state regarding a liberal measure of reforms, was followed very soon by open displays of violence in the Panjab.² The position became so serious that later in the year an ordinance was made to regulate the holdings of meetings, which were prohibited, if of a seditious nature, in the Panjab and in Eastern Bengal. The trouble in the Panjab then subsided, while in Bengal it grew secretly, and attempts were made to spread the propaganda in Madras. Evidence of the harm done by violent speeches at public meetings was so strong that in November the ordinance was replaced by an act to enable seditious meetings to be stopped. In the Bombay Presidency riots took place and Mr B. G. Tilak was prosecuted and sentenced to a long term of imprisonment for sedition. It was clear that the criminal law was not sufficient and in June acts were passed giving power to forfeit presses which had been used for incitement to commit certain violent offences, and another to control the use of explosives on the lines of English law.

¹ Speeches made in vernacular at meetings of the congress are or were till recently not reported.

² For details of these see chapter xxx.



In December a summary procedure for trial of seditious conspiracies (which were liable to be unduly prolonged under the ordinary law) was enacted, and power was taken to suppress associations formed for unlawful acts. A number of Bengalis were also deported under the emergency regulation of 1818. While these measures were accepted by Lord Morley as necessary, in his private correspondence with the viceroy he showed his dislike for them and expressed his distrust of the bureaucrat whom he believed to be always contemptuous of law and clamorous for the violent hand.¹ With too little regard for the inflammable character of an Indian mob he criticised the sentences passed on rioters in Bombay.²

Since August, 1907, when the Government of India had consulted local governments, and through them the public generally, examination of the scheme for reform had continued. Lord Minto's policy as announced in the legislative council when the press and explosive acts were being considered was to remain undeterred by outrages while taking steps to prevent their continuance. His aim had always been to deal, not with ambitions he considered impossible, but to give to the loyal and moderate educated classes a greater share in the government of India. Lord Minto, at this stage, suggested the formation of advisory councils in addition to the legislative councils. To some extent these resembled the first division in the enlarged councils proposed by Lord Dufferin. They were to receive no legislative recognition and no formal powers but would meet when summoned to consider important matters, or the members might be consulted individually. The imperial advisory council was designed to include a number of chiefs, as questions were already arising which affected their subjects and British Indians alike. Other members were to be substantial land-holders, and these with representatives of the smaller land-holders, of industry, commerce, capital and the professional classes were to compose the provincial councils. The scheme was described as in accordance with the best traditions of oriental polity which recognised that "the sovereign, however absolute, should make it his business to consult competent advisers and should exercise his rule in accordance with what, after such consultation, he deems to be the best mind of the people".³ This part of the scheme was not favourably received. Most of the chiefs declined to sit on a mixed council, and when the Government of India sent its definite proposals to England, it advocated an imperial council of chiefs only. To the scheme for the provinces opinion was more favourable, but was marked by diversity in the matter of detail. It was natural that the professional middle classes, supported also by many land-holders, pressed for a large statutory council, wholly or partly elected so as to represent various

¹ Lord Morley, *op. cit.* II, 257.

² Buchan, *op. cit.* p. 276.

³ Dispatch of 24 August, 1907, para. 4.



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interests, and with wide powers of control over the government. Such a project was entirely different from that conceived by the Government of India which, as will be seen, was proposing to extend the powers and constitution of the existing legislative bodies. The final decision was that the head of a province who so desired should form a small council of persons of some distinction and obtain its advice when he wished to consult it.¹

In arranging for membership of the legislative councils, the necessity of ensuring adequate representation of important interests was borne in mind. Failure of the system of 1892 in this respect was marked. Of the persons recommended by electors for membership of the imperial council 45 per cent. came from the professional middle classes, only 27 per cent. were land-holders and not a single Indian business man had been chosen. It was now proposed to admit twenty-eight members by election, of whom twelve would be chosen by members of the provincial legislative councils, seven by land-holders in the principal provinces,² five by Muhammadans, two by the chambers of commerce of Calcutta and Bombay (whose membership is chiefly European) and two by representatives of Indian commerce. A reserve of three seats was kept for nominations of experts or of non-official gentlemen to represent minorities, or special interests.

For provincial councils the scheme was similar. In provinces where education was more advanced, election was to be made by members of the municipal boards in the larger cities, by members of the boards in smaller cities along with members of district boards, by land-holders, by chambers of commerce, by the Indian commercial community, by universities, by Muhammadans, and by representatives of special interests where these existed, such as tea, jute and planting. In both the imperial and provincial legislatures it was proposed to balance almost exactly the number of officials and non-officials, leaving the viceroy in the former, and the head of the province in the latter, to exercise a casting vote. Burma was considered still unsuitable for a system of election, and only one of the non-official members was to be elected (by the chamber of commerce). In most provinces, as Lord Dufferin had suggested twenty years earlier, elected members were to be about 40 per cent. of the total council but in the Panjab the proportion fell to twenty.

Legislative councils as constituted in 1861 were empowered to discuss only bills actually before them. The act of 1892 had merely extended the powers of the members to criticise the budget and in that connection to express their views on any matter without being able to move amendments or to vote. The Government of India now suggested the grant of the right to move resolutions on subjects of public interest, and the right to divide the council on the budget.

¹ Dispatch of 1 October, 1908, para. 75.

² For a time one of these was to be nominated and not elected.



Lord Morley declined¹ to sanction any advisory councils, on the ground that the enlargements of the powers and size of the provincial councils would give sufficient scope for the expression of views while heads of provinces would always be able to consult persons whose opinions and advice were valuable. He thought the scheme for a chamber of princes was open to difficulties but promised to consider any further proposals on this matter.

He accepted generally the proposals for numbers and constitution of the provincial councils, with two reservations. While the Government of India wished to allow each interest to elect its own representatives, he suggested an electoral college the members of which, chosen by the various interests, would be of such numbers that a minority if unanimous could be certain of electing its own representatives. He held further, in view of the restrictions on the powers of provincial legislative councils under the act of 1861, that an official majority should be dispensed with in their case, while it should be substantial in the imperial council. Lord Morley accepted generally the proposals for granting more freedom of discussion, and extended these by allowing supplementary questions in addition to the right of formal interpellation granted by the act of 1892. While in its dispatch the Government of India had noted that the effect of its scheme would be to throw greater burdens on the heads of local governments, it refrained from proposing additions to the executive councils already existing until experience had been gained of the working of the new measure, and from recommending new executive councils without the fullest consideration and consultation with the heads of provinces to be affected. The secretary of state, who had already appointed two Indians as members of his own council, and agreed to the appointment of an Indian on the viceroy's council, brushed aside these notes of caution and decided to increase the possible number of three members in Madras and Bombay to four, one of whom should in practice, though not by statute, always be an Indian. And he proposed to take power to form such councils in provinces where none existed. Lord Dufferin's committee had suggested the constitution of an executive council because they anticipated that enlarging the functions of the legislative council would materially alter the character of the administration, while Lord Morley appears to have been more impressed by the desirability of introducing Indian members than by administrative needs.

On 1 November, 1908, the fiftieth anniversary of the queen's proclamation after the Indian Mutiny, a message to the Indian people was published in the name of the king-emperor announcing the extension of representative institutions, and the details were issued publicly shortly after. They were well received in India where the congress welcomed them as a large and liberal instalment of reform,

¹ Dispatch of 27 November, 1908.



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and Mr Gokhale in the following budget debate described the authors as having saved India from drifting into chaos. An increase in the numbers of elected members and greater facilities for debate had been so confidently expected that the appointment of Indians to executive councils appeared the greatest novelty. But there was keen debate as to the class of person who would be selected. Active politicians hoped that the choice might fall on them, but feared that men whom they stigmatised as nonentities would be chosen.

The Muslim section of the community was, however, greatly dissatisfied with the suggestion that its representation should be secured by the device of electoral colleges. Muslim and Hindu are divided by differences of religious belief incomparably greater than the sectarian variations of Christianity. Sacrifice of cows and bullocks and the consumption of beef are intensely repugnant to the Hindu. These practices and the clash of processions celebrating religious rites lead to disturbances often accompanied by loss of life. For more than half of the nineteenth century the Muslims had held back from the study of English and thus had not fitted themselves for public life and office. In Northern India especially, where they were numerous and till the break-up of the Moghul Empire had been politically supreme, they clung to their old traditions. A few years before the project for reforms had been launched, their minds had been agitated by a demand of the Hindus in one province that the Arabic character should no longer be used in the courts, and even that the language should be altered. As soon as it was known that organic changes were being discussed (October, 1906), a Muslim deputation approached Lord Minto to press for adequate representation both on local bodies and on the council. They asked that Muslim representatives should be elected by Muslim voters, and that the proportion of Muslim members should not be fixed merely on the basis of the numerical strength of the community. In replying Lord Minto went further than Lord Dufferin had done. He agreed that their position should be estimated, not merely on their numerical strength, but in respect to the political importance of the community and the service it had rendered to the empire. He thought that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities comprising the people of that continent. Previous experience had justified the Muslim apprehension. While they formed 23 per cent. of the total population of British India, only 12 per cent. of the members recommended by election for the imperial council had belonged to this community. In the United Provinces, with 14 per cent. of the population, the Muslims had never succeeded in obtaining a single nominee by election. Some objections were raised by Hindus to the initial proposals of the Government of India for securing Muslim representation on the baseless ground that they



an attempt to set one religion against another and thus to create a counterpoise to the influence of the educated middle classes. But the final proposals of the Government of India insisted on the importance of adequate and separate representation for this community, part of it to be secured by a separate electorate.

There was little disposition in England to criticise the intended enlargement of legislative councils and of their functions. Speaking on Indian affairs in the House of Lords (30 June, 1908), Lord Curzon described such measures as only carrying out the traditional policy of the British in India, which no one would wish to retard. To broaden the basis of government was the act of a wise statesman. But, referring to the disquieting reports of outrages in India, he pressed that changes should not have the appearance of having been extorted by force, that they should not tend to weaken British rule, and that they should be preceded by a resolute vindication of the authority of government.

Introducing the bill in the House of Lords in December, 1908, however, Lord Morley foresaw that there would be grave discontent with some of his proposals, and sought to avoid it. Every politician or administrator of importance who has had to deal with the method of government in India has deprecated the importation of British institutions without discretion. Lord Dufferin, after setting out his plan, had said:

From this it might be concluded that we were contemplating an approach, at all events so far as the provinces are concerned, to English parliamentary government and an English constitutional system. Such a conclusion would be very wide of the mark, and it would be wrong to leave either the India Office or the Indian public under so erroneous an impression.

Faced with the unmistakable nature of his own bill Lord Morley assumed the necessity of defending his retention of an official majority in the imperial council, a measure which beyond all others was outside controversy, and he repudiated "almost passionately", as Lord Curzon subsequently said, the intention of mingling East and West.

If I were attempting to set up a parliamentary system in India, or if it could be said that this chapter of reforms led directly or necessarily up to the establishment of a parliamentary system in India, I, for one, would have nothing to do with it.

On the second reading, however, his deep political convictions prevailed, and he explained more clearly his reasons for suggesting an advance which led obviously in the direction he professed to avoid. Lord Curzon, dealing with his own term as viceroy, described his aim as being directed towards the progress of the people by the removal of abuses, by adopting a just and sympathetic attitude towards them, and by carrying out social reforms.¹ Political concessions were not then in the field. While he was viceroy, he had been pressed at the

¹ Hansard, 23 February, 1909.



instance of an Indian journalist to say that perhaps in fifty years India might be self-governing. After long thought he had declined on the ground that it might embarrass his successor if he raised any hopes or expressed any opinion as to when self-government would come.¹ He criticised those provisions in the bill which went beyond the proposals of the Government of India by giving up official majorities, by enlarging and increasing executive councils, and by appointing Indians to them. Lord Morley defended his scheme with the ardour of a student of political history. Professing as much zeal for efficiency as Lord Curzon he could not believe that any proposals could be true, solid or enduring without concessions. He then quoted Lord Salisbury's warning against the introduction of occidental machinery into India, to brush it aside with the remark that "we ought to have thought of that before we tried occidental education; we applied that and occidental machinery must follow". The elective principle had been introduced (though tentatively) by the act of 1892, and was demanded to bring proposals into harmony with the dominant sentiment of the people in India. It is to be noted that, both at this time and in all subsequent political movements, the Indian politician has shown himself possessed of imitative rather than of critical or constructive faculties, and has never wavered in his demand for a system of government like that enjoyed by the self-governing dominions.

In the House of Lords the clause of the bill giving the government power to create new executive councils was deleted at the instance of Lord MacDonnell, who had himself held charge of three provinces. Arguments against this power, which had not been immediately recommended by the Government of India, and was known to be opposed by most existing heads of provinces, were stigmatised by Lord Morley as "good sound bureaucratic arguments but it was the bureaucratic system they were going to make a breach in".

An overwhelming majority in the House of Commons replaced the clause, but it was again modified in the House of Lords to create a council only in Bengal, where the late Sir Edward Baker, the lieutenant-governor, had asked for it, and in other provinces only after a draft proclamation had lain on the table of both houses of parliament for six weeks and no hostile address to the crown had been carried.

In the House of Commons Earl Percy, who had been under-secretary of state for India, questioned Lord Morley's hope that this measure would induce the more moderate Indian politicians to abandon their dream of colonial self-government. He did not object to enlarging the councils and giving greater power of discussion, which would make them more useful for advisory and consultative purposes. But he opposed the power of initiating legislation, moving resolutions (even though like resolutions in the House of Commons, they were not to bind government) and the creation of non-official

¹ Sir W. R. Lawrence, *The India we served*, p. 233.



majorities in the provincial councils. Mr A. J. Balfour was impressed by the religious dissensions, and though accepting the view that representative institutions were the highest development as yet discovered by the human race in dealing with its own affairs, held that they were suitable only where the population was in the main homogeneous, where a minority was prepared to accept the decision of the majority, and where there was unity of tradition, general outlook, and a broad view of national aspiration. He could not conceive how India would ever be fit for representative government until the whole structure of Indian society underwent radical and fundamental modifications. A few days later his remarks were echoed by an Indian politician.¹ Discussing the ambition to build a united Indian nation, he said:

Can we expect to achieve that ambition by obtaining political concessions alone? Suppose all the seats in the executive council of the viceroy and those of the governors and lieutenant-governors, when they come into existence, as we hope and trust they soon will, were occupied by Indians—suppose all the members of the supreme and provincial legislative councils were the elected representatives of the people—let us go even further ahead and suppose that we attained the goal of our aspirations, the colonial form of self-government; would all, without purging the many social diseases that your body politic suffers from, convert you into a united Indian nation?

Referring to the millions of ignorant and superstitious masses he said that a handful of great men would never make a nation of them, and “there is no process of legislation or diplomacy by which these millions with all their diversities of caste and creed, could be fused into a harmonious whole...”

The prime minister's defence of the bill followed the lines of Lord Morley's. Adopting almost the exact words of Lord Dufferin's minute, he described it as not revolutionary, but merely an extension and development of institutions which had been many years in operation and the extension of which had always been contemplated. Education and the spread of ideas must more and more associate the people of the country with government. There was a movement in Asia for greater association of the natives of various countries in passing laws and also in holding high executive positions. In England also democratic feeling was strong and could not be resisted.

One topic which, though not affected by the bill, was much discussed during the debates, was the intention to appoint an Indian member of the viceroy's executive council. Lord Morley, when introducing the bill, had announced that if, during his tenure of office, there should be a vacancy, he would feel it his duty to tender to the king his advice that an Indian should be appointed. He supported his opinion by his experience of having had two Indian members on his own council, and thus being in a position to get the Indian point

¹ Pt. Moti Lal Nehru, Presidential address, United Provinces Social Congress at Agra on 11 April, 1909.



of view direct from them. Lord MacDonnell's objection was based on the existence of strong religious dissension. A Muslim could not be appointed unless a Hindu was also added, and a Hindu, unless he belonged to the class against which recent protective legislation had been passed, would command no influence at all among his co-religionists. At a later stage he agreed to the appointment of Indians on the executive councils of the governors of Madras and Bombay which had been in existence for a long period, though he objected to the provisions of the bill which allowed such appointments to be made without requiring the qualification of long service which applied in the case of European members. On the other hand Lord Cromer, arguing from his experience in Egypt, supported the appointment. He described India as in the almost unique position of being the only important country in the world where education was considerably advanced, but which was governed in all essential particulars by non-resident foreigners, and he thought it most desirable to associate Indians with the administration. Earl Percy, having no doubt knowledge of the excellent qualifications of Mr (afterwards Sir S. P. and later Lord) Sinha, went no farther than to press that the appointment should not be taken as implying that an Indian must always be appointed, a suggestion which was obviously futile. Outside parliament there were louder protests, and Lord Minto, whose first desire had been to obtain an Indian colleague, wrote to King Edward at this time urging that Indians, if fitted for high office, should not be debarred by race.¹ Mr Sinha was appointed towards the end of March, 1909.

The statute fixed the maximum number of nominated and elected members at sixty for the legislative council of the governor-general, at fifty in the larger provinces, and at thirty in the case of the Panjab and Burma. The total membership of existing councils thus rose from 124 to 331 and the number of elected members from thirty-nine to 135, with majorities of non-official members (including those who were nominated) in all councils except that of the governor-general. Detailed regulations and rules for elections, and the conduct of business in the legislative councils were to be framed in India, subject to the sanction of the secretary of state, and the provision that they should be laid before both houses of parliament. Some of the principles to be followed in these had already come under discussion, especially the question of Muhammadan representation. Lord Morley's scheme of electoral colleges was strongly opposed by Muhammadans who found it complicated and thought it likely to produce members who would not really be representative. Religious intolerance was greatly increased by misunderstanding and misinterpretation of the proposals. The scheme finally passed gave Muslims a specified number of members in a province based on their numerical proportion, varied in

¹ Buchan, *op. cit.* p. 286, and Lord Morley, *op. cit.* II, 299, 301.



accordance with their political importance, and provided that these members should be elected by Muslim voters only, who had certain qualifications. In other electorates no distinction was made, and it was hoped (though the hope was not in fact realised) that the electors in these would exercise their vote with no religious prejudice.

Great elasticity of detail was observed in arranging elections to represent the other interests. The member for a division was chosen by a system of secondary election. In the first place the members of a municipal or district board met and selected a number of delegates fixed according to the population of the town or district, and all the delegates thus chosen in a division elected the member. Land-holders' representatives were elected in some provinces by land-holders paying a minimum land-revenue, and in others by recognised associations. Where it was not possible to form an electorate, e.g. in the case of Indian commerce in some provinces, the interest was represented by a nominated member. Voting was by secret ballot, and votes were attested in most cases before the district officer, who also prepared lists of voters, subject to claims and objections in constituencies where electoral rolls existed. University members were elected by registered graduates who could vote personally or by sending votes by post.

There was some difference of opinion as regards the qualifications of candidates, and especially in connection with the eligibility of men who had been deported under the regulation of 1818. Lord Morley wished to give power to the Government of India to declare candidates disqualified only after they had been elected, but Lord Minto pointed out that the principles which the political training of years had rendered dear to the people of England were totally unadapted to the conditions of India.¹ A political prisoner who becomes a member of parliament in England after his release in no way threatens the safety of the constitution, while such a person in India might start a blaze. This opinion prevailed and the regulations gave power to the governor-general in council to declare that in his opinion a person was of such reputation and antecedents that his election would be contrary to the public interest. This disqualification and others due to dismissal from the public service, certain orders by criminal courts, and disbarring, could be removed by a similar declaration. In most constituencies a substantial property qualification and the possession of a residence or place of business within the constituency were required. The age-limit was twenty-five years, and women were specifically excluded.

Fears had been expressed that officials who had not been accustomed to public speaking might be embarrassed in the crisp informal debates which were expected to arise out of the permission to put supplementary questions, as happens in the House of Commons. These were, therefore, limited by allowing only the member who had

¹ Buchan, *op. cit.* p. 290.



asked a question to follow it up. Existing limitations on the powers of councils to deal with measures affecting the public debt and revenues, religion or religious rites and usages, military and naval affairs, and relations with foreign or native states were also imposed on the discussion of matters of public interest by way of resolution, and a similar bar was laid on resolutions affecting the internal affairs of native states, matters still being discussed between the Government of India and local governments, and matters which were *sub judice*. There was also a general power of disallowance on the ground that a resolution could not be moved consistently with the public interests or that it should be moved in another place.

An important difference between the budget procedure of England and India existed at this period. While in England the government decided on the measures it proposed to undertake in the budget year and then varied rates of taxation in order to meet the cost of these, in India taxation was not altered for considerable periods, and the annual problem was to make the best use of existing sources of income. Before 1909 estimates prepared for the provinces were submitted to the Government of India, minutely checked and often altered, by the finance department, and incorporated in the budget for the whole country. This was discussed in the imperial council, and extracts relating to provinces in the provincial councils, but no resolutions could be moved and no votes taken. The division of revenues and control over various classes of expenditure between imperial and provincial, which had been subject to periodical changes since the first devolution in 1870, had now become quasi-permanent, and in accordance with the recommendations of the Decentralisation Commission meticulous alterations of the provincial estimates were reduced. In the provinces a draft budget, after examination by the Government of India, which fixed the limit of expenditure on new projects costing more than Rs. 5000 (£350), was discussed by a small committee of the council, at least half the members of which were elected, and their views were considered. The draft for the whole of India was then placed before the imperial council, members of which could move resolutions affecting proposals for new taxation for grants to the provinces, or items of imperial (but not provincial) expenditure. Any changes made were communicated to and a similar procedure was followed in the provincial councils. While in parliament a proposal to increase expenditure is moved by a fictitious reduction, it was provided in India, in order to avoid conventional discussions, that any such proposal must be accompanied by a motion to reduce an equal amount of expenditure in some other part of the budget. This device failed in its object, and was sometimes embarrassing, as the government was not informed beforehand whether the increase or the reduction was the main object of the mover, and it sometimes involved a double debate.



No scheme of reform could stop or appreciably slacken the course of sedition, and a series of outrages occurred throughout 1909. Lord Morley's instincts were in favour of pacification, and as soon as his bill was safely through the House of Commons, he warned Lord Minto that no more suspects could be deported,¹ and later in the year telegraphed to say that the cabinet was unanimous in wishing for the release of men already detained. The viceroy, with a keener appreciation of the movement, resisted, as he pointed out the real effect of the reforms was that they had prevented moderate politicians from joining the minority of extremists whose activities could be repressed only by other methods.

While the general scheme of the reforms as set out in the bill had been highly praised by the moderate politicians in India in 1908, the detailed regulations were the subject of attack a year later in the congress at Lahore. The separate representation of Muslims and the scheme of direct voting aroused jealous comments in a body which chiefly comprised Hindus. In particular, the few cases (not as a rule repeated in later elections) where Muslims were successful candidates in constituencies open to all classes were particularly resented, and, apart from the religious contest, members of the congress were disappointed in not capturing all the seats allotted to representatives of the district and municipal boards. Complaints were also made that the non-official majority was nullified by the fact that it included nominated members. Some of these criticisms were really directed against the objects of the authors of the scheme, which had been to secure a more effective representation of important interests than the act of 1892 had done. Success in this aim was marked, and certainly quickened the political sense of communities to whom public life had been an opportunity for personal glorification rather than for civic responsibility.

¹ Lord Morley, *op. cit.* II, 308-9.



POLITICAL MOVEMENTS, 1909-1917

ATENDANCE at the congress of 1909 in Lahore was much smaller than usual, for a variety of reasons. The effects of the split in the movement after the break-up of the meeting at Surat had not subsided, and the more advanced section of the movement held aloof. In the minds of the moderate leaders there was disgust at the crimes which had been perpetrated during the year and some anxiety as to their effect on future constitutional development. One of the first measures to be placed before the new legislative council of the Government of India was an act to control the press. It had been recommended in a remarkable series of letters written by the rulers of the Indian states in reply to Lord Minto, and the insufficiency of the Newspapers Act of 1908 to control the poisonous flood of seditious publication was abundantly clear from the evidence which had been accumulated about conspiracies to commit murder and armed robberies. Even in 1908, in a debate on that measure in the House of Lords, Lord Cromer had admitted that, though he supported in India the repeal of Lord Lytton's press act of 1878, the experience of twenty-five years had convinced him that a policy of complete freedom had not proved successful in either India or Egypt. A newspaper founded at Allahabad in 1907 had had nine irresponsible editors, four of whom had been convicted under the ordinary law and sentenced to long terms for objectionable publications.¹ The main principle of the new act was supported by Mr Gokhale, who had recently warned students against the attempts made to corrupt their minds. It was challenged by only two non-official members, and passed on 9 February without a division. It provided that the keepers of new presses must deposit security before they opened them, and that this was liable to forfeiture if the press was used to produce seditious matter. Forfeiture entailed cancellation of registration, and, if it were proposed to reopen the press, the security could be doubled. A second offence might involve confiscation of the whole press. Similar powers extended over the publishers of newspapers. Any person against whom an order of forfeiture was passed might appeal to the High Court to set aside the order, and the case was to be tried by a special bench of three judges. This measure checked, though it was too late to stop entirely, the progress of revolutionary activity, which continued to show itself by murders and dacoities in Bengal especially. With the passing of the act the Bengalis who had been interned were released, though one of

¹ Rowlatt Report, para. 120.



He was arrested six months later and convicted with a number of other men of conspiracy, at Dacca and elsewhere, to wage war against the king.

Between Lord Minto and Lord Morley there was now a divergence regarding the method of dealing with the situation. In replying to a suggestion for a general amnesty Lord Minto distinguished such a measure from the clemency of former oriental rulers who were autocrats and summary in their measures. He pointed out that the influence of sentiment and imagination "may bring grateful tears to the eyes of the effeminate Bengali, or it may shock the spirited traditions and warlike imagination of more manly races".¹ It was significant that shortly afterwards Mr Montagu in his Indian budget speech laid stress on the powers of control over the viceroy vested in the secretary of state, and claimed all the credit of the recent reforms for Lord Morley and his council.² So deeply had seditious teaching penetrated that the prosecution of the Dacca conspiracy case did not stop the increase in violent crime. Half a dozen cases occurred round Dacca in the second half of 1910, and sixteen more during the next year. In one of the latter the teachers and students of a national school were implicated, and the school library was found to contain books dealing with the lives of Tilak and Sivaji, and a garbled history of the Indian Mutiny.

The list of crimes includes the murders of a witness in the Dacca case and of several police officers. Bengali influence can also be traced in Madras,³ where a revolutionary movement gathered strength after lectures by a Bengali in 1907, and seditious publications and conspiracies increased. When a newspaper closed at Madras, owing to the conviction of the printer and publisher, it was again issued from Pondichery in French India. The district magistrate of Tinnevely was shot dead in June, 1911, by a man who had been in touch at Pondichery with Indians trained abroad.

The accession of King George V was marked in India by a durbar at Delhi held by Their Majesties in person in December, 1911. Loyalty to the throne had not yet been questioned by any section in India, and the visit confirmed and illustrated its strength. In a gracious message His Majesty announced that the event of the coronation would be commemorated by certain marks of especial favour and consideration, which were later announced by the governor-general. They were designed to impress the memory of the occasion on the widest possible circles of the Indian public, from the rulers of states, who were excused the payment of succession duties, to the military and civil (subordinate) servants of the government who

¹ Buchan, *Life of Lord Minto*, p. 305.

² Mr Montagu quoted from the Statute of 1833 the powers of the Board of Control, which were transferred to the secretary of state by the act of 1858. Mill, however, had described the Board of Control as a deliberative rather than an executive body. Cf. Buchan, p. 309.

³ Rowlatt Report, para. 153.



received bonuses of pay, and to the masses by special grants for the spread of popular education. Officers, men and reservists of the Indian Army were made eligible for the receipt of the Victoria Cross, which had hitherto never been granted to them.

A further act of great administrative importance, announced in the name of the king-emperor, was the transfer of the seat of government from Calcutta to Delhi, a former capital, whose history stretches back to legendary times. At the same time the presidency of Bengal was to become a governorship, and the territories of the existing provinces of Bengal and Eastern Bengal and Assam were to be redistributed, Assam being restored as a chief commissionership, and a new province being formed under a lieutenant-governor with charge of Bihar, Orissa and Chota Nagpur. As part of this new province had been under council government, an executive council was also appointed.

In the minds of Indian politicians this cancelment of the partition of 1905 counted for more than all the other concessions. Lord Morley, though pressed on several occasions, had declined to reopen it, and agitation had almost died down. It had indeed been regarded more as a local matter than as one affecting the whole of India, and when in the congress of 1906 the delegates from Bengal attempted to extend the boycott of British goods and even association in government work, such as holding the post of honorary magistrate, to other parts of India, protests had been made.¹ Success was, however, treated as a concession to clamour, rather than to reasoned argument, and the Muslim politicians resented the change. For in Eastern Bengal and Assam their co-religionists numbered nearly 60 per cent. of the population, and they had looked forward to holding a more important share in the control of affairs than they were able to secure in other parts of India where they were in a minority. They had also held aloof from seditious activities and had supported the government, and an impression was made that the change was partly due to violence.²

The congress of 1910 had elected as president the late Sir W. Wedderburn, whose message had been one of conciliation between officials and non-officials, between Hindus and Muslims, and between moderate reformers and extremists. Though no formal resolution was passed, a Hindu-Muslim conference met, and it was decided to continue attempts to reduce ill-feeling. All hopes of success were, however, extinguished by the action of a Hindu member who, though opposed by his leader, moved a resolution on 24 January, 1911, in the imperial legislative council, asking the government to abolish separate representation, whether in the councils, or in local bodies. This attempt to reduce the security of their political influence embittered the Muslims so much that even their disappointment at the reversal

¹ *Indian National Congress Report*, Calcutta, 1907, pp. 87-9.

² "A bitter jest 'No bombs no boons' was passed round among Mahomedans at Delhi." Sir R. Craddock, *The Dilemma in India*, p. 147.



the partition was not immediately sufficient to make them combine with the Hindus. A marked change was, however, noticeable in their attitude towards the government, and especially in their public utterances and in their newspapers. No Muslim had taken the place of Sir Sayyid Ahmad who had died in 1898, and the younger men educated at his college were beginning to chafe at the restraints imposed by those who remembered his teachings of moderation and sobriety. Their influence in the college was disruptive, and made it impossible for the Government of India to accept the proposals framed to raise its status to that of a university. Affairs in Europe and in Persia had also excited them. The war between Italy and Turkey, the agreement between Russia and England regarding Persia, and still more the Balkan War, had combined to arouse fears that independent Islamic powers were in danger. Muslim opinion varies as to the right to recognition as khalifa, or representative of Muhammad, since the Mongols overthrew the Abbasid line of Baghdad in 1258, and when Selim I of Turkey assumed the title in 1517 Indian Muslims hardly recognised it. When the Moghul Empire of India had been extinguished, however, the fact that a khalifa must enjoy temporal as well as spiritual power led some sections of the Indian Muslims to accept the khilafat of the sultan, and this increased their natural sympathy with co-religionists during the Crimean War, though even devout Sunnis, like Sir Sayyid Ahmad held that the institution had lapsed in 1258.¹ Twenty years later, Lord Lytton wrote to warn Lord Salisbury, after the conference at Constantinople which took place shortly before war broke out between Turkey and Russia, that Indian Muslims were by no means indifferent to the fate of Turkey.² In October, 1912, war broke out between Turkey and the Balkan states, and a medical mission composed of Indians was organised at Delhi and dispatched to help the Turks, while the Red Crescent (corresponding to the Red Cross) movement also received support. A society was formed called the *Khuddam-i-Kaaba*, or servants of the Kaaba, which aimed at arousing interest in maintaining the integrity of the Turkish kingdom as responsible for the safety of the sacred places of Islam. Drawing inspiration perhaps from the success of the Salvation Army, it addressed its efforts to the humbler classes of the community, who were invited to become members on payment of a very small subscription, and were excited by inflammatory addresses on the dangers besetting their co-religionists abroad.

An opportunity of testing the powers of agitation soon occurred. Some street improvements at Cawnpore involved the removal of buildings. It was found possible to avoid the demolition of a Hindu temple standing in the middle of a new road which was being opened. Close to it stood a small mosque, and it was proposed to remove an

¹ Sir Verney Lovett, *History of the Nationalist Movement in India*, pp. 282-4.

² Lady Betty Balfour, *Letters of the Earl of Lytton*, II, 64.



addition to the original building containing a room and a platform on which ceremonial ablutions were performed. Religious jealousy led to a demand that this should also be spared. Similar constructions, and even whole mosques, had been demolished in the past without complaint, but an agitation was fostered from outside and rapidly grew. Stories of tortures inflicted on Muslims by the Balkan powers were published, and the reoccupation of Adrianople by the Turks in July, after Serbia, Greece and Bulgaria had begun to fight among themselves, encouraged boldness in India. More than a month after the room had been pulled down, a violent mob, after listening to a sermon, rushed to the spot and began to pile up bricks. They attacked the police, who were compelled to fire, causing some loss of life. Agitation in the press was redoubled, especially in Calcutta and Lahore and false rumours were circulated about the facts. Though local feeling had calmed down, these narratives, as is not uncommon, continued to excite people in distant parts of India. Lord Hardinge, the governor-general, was so impressed by reports he received that he decided to visit Cawnpore. There he announced a settlement of the affair, which was in fact in accordance with the original plans for improvement, viz. that the room should be rebuilt over an arcade which extended along the street.

While the rearrangement of Bengal had contributed to the new political activities of the Muslims, its effect on Hindus had not been as sedative as had been hoped. Bengali politicians were gratified, while the lawyers and traders of Calcutta, who had anticipated material loss from the constitution of a new capital at Dacca, felt relief. But to the virus of sedition, spread by the press, and by revolutionaries in some of the private educational institutions with ill-paid staffs, no antidote was afforded by a measure which did not affect the persons engaged in spreading the poison. In December, 1912, a bomb was thrown in Delhi at Lord Hardinge who narrowly escaped with his life, and throughout the next year revolutionary crime in Eastern Bengal was marked by murderous brutality in dacoities committed in order to obtain funds for revolutionary purposes. It has been observed¹ that between 1906 and 1910 prices rose to an extent which had not been known since the Mutiny, and that the literate classes who furnished revolutionary recruits were hit harder than the agriculturists.

In other parts of India the influence of the Bengali revolutionaries showed itself, partly by imitation, and partly by direct incitement. A club modelled on the *Anusilan Samiti* (society for the promotion of culture and training) at Dacca was started at Benares in the United Provinces in 1908 by young Bengali students who are numerous in that city. Its founder aimed at making it a school of sedition, and was instigated by members of the revolutionary party in Bengal. The

¹ Sir Bampfylde Fuller in *United Empire*, 1910, p. 559.



methods followed, however, alienated a number of members who did not approve its political activities and hostility to the government. Subsequently the more active members seceded and formed a fresh association, which throughout 1913 was in close touch with Bengal. In the Panjab the deportations of 1907 had been followed by calm for some time, but the bomb manual prepared in Bengal was received there, and a Panjabi student, who had been in England and had come under the influence of Krishnavarma, started propaganda and then left for America, whence he subsequently attempted to organise *ghadr* (mutiny) in India. Some of his pupils got into touch with a Bengali employed in the United Provinces and organised the spread of seditious literature extolling the attempt on Lord Hardinge's life. A bomb placed by this association near the European Club at Lahore caused the death of an Indian in May, 1913. In Bihar a particularly revolting murder was committed to obtain funds for revolutionary purposes by two youths from Bombay, who had been excited by the inflammatory journals of the Bombay Brahman clique, and by lectures on the Bengal "martyrs".

Har Dayal

The working of the new legislative councils was examined in chapter IV of the Montagu-Chelmsford report.¹ One unforeseen result of the enlargement of the non-official element was that it was found necessary to curb the criticism of government measures by officials within the councils, and to prevent provincial governors from using their councils to question orders passed by the secretary of state. Non-official members were able to influence legislation, not so much by debate when bills were actually before the councils, as in the previous discussions, or in select committees. In India it had been customary to publish proposals for legislation as widely as possible and obtain criticisms of these before bills were introduced,² and in one province special provision was made to employ members of the council in this manner. The right to move resolutions was freely used and its effect on government action may be estimated by the fact that out of 168 resolutions moved in the imperial council to the end of 1917 about seventy-three were fructuous. Questions were also freely put, though many of these were to elicit information already easily available or statistical information of no real public value.

During this period an attempt was made to constitute an executive council in the United Provinces.³ Sir John Hewett, the lieutenant-governor, had reported in 1909 that the work coming before him in the United Provinces was not sufficiently heavy to justify the constitution of such a body, and that it would be difficult to obtain suitable Indian nominees, as non-official Indians had little experience of administrative business, though capable men were available. He

¹ Cd. 9109 of 1918.

² Lord Curzon (Ronaldshay, *Life of Lord Curzon*, II, 104) disliked this system, as different from what he was accustomed to.

³ *Parl. Papers* (House of Lords), 1914-16, sessional no. 49 (VIII, 5 sqq.).

did not agree with the considerations pressed upon him by the Government of India, which regarded the secretary of state's views as final. The new councils would increase work in some directions, but should relieve it in others, and it was premature to anticipate future needs. After a long experience in the Government of India he could not say that public business was discussed with more discrimination by a governor in council than by a lieutenant-governor without one.

Executive councils were desired by Indian politicians for several reasons. They wished the heads of provinces to be selected from men in public life in England rather than from the Indian Civil Service, and the Decentralisation Commission had pointed out that councils would be necessary if this change was made.¹ Government by council was considered a superior form, and in any case the constitution of a council would admit one or two Indians to new high offices. In reply to a resolution moved in the imperial legislative council, 24 January, 1911, the Home Member said that the practical test was whether the head of the province could cope with the work and the Government of India would not move in the matter while Sir John Hewett was lieutenant-governor.

Two years later a similar resolution was moved in the local council and Sir James (now Lord) Meston, who had followed Sir John Hewett, declined to accept it on the formal ground that his views could not be published until the Government of India and secretary of state had considered the question. In forwarding a report of the debate he took the same view of the state of work as Sir John Hewett. But he thought it advisable to meet the demand on the ground that it would steadily grow and was bound to be conceded in time. Opinion in the Government of India was divided. Three of the civilian members, and (at the time the decision was taken) the commander-in-chief were opposed. One of them pointed out

that Sir Edward Baker, who was the only lieutenant-governor [in 1909] in favour of having a council, sent up proposals for the distribution of work, which reduced his council to a position subordinate to himself and struggled to retain in his hands powers which the Government of India considered incompatible with council government.²

The dissentients were all impressed by the bitterness of feeling between Hindu and Muslim in northern India and by the lack of experience of council government in provinces under lieutenant-governors. The majority considered that council government was a natural consequence of the increase in work and greater complication in administration, and, impressed by Sir James Meston's advice, supported the proposal. This was accepted by Lord Crewe, the secretary of state, and a draft proclamation was laid before both houses of parliament. An address to the crown was, however, carried against it in the House of Lords on 16 March, 1915.

¹ Report, pp. 154-5.

² Minute of Dissent by Sir Harcourt Butler.



Another matter which engaged public attention was the treatment of Indians in the dominions and crown colonies, which had long been a source of grievance, and the position in South Africa was particularly complained of.¹ Before the Boer War it had been the cause of remonstrance with the Boer government. In 1900 and again in 1901 the congress passed resolutions calling attention to the matter, but even after the war crown colony administrations did nothing to remedy the disabilities, which were indeed increased. Restrictions were most severe in the Free State which had completely excluded Indians, and in the Transvaal where they were not permitted to own land and had to live in special localities. In Natal, where the largest population of Indians was found, a licence fee had been imposed on Indians who had entered the colony as indentured labourers, if they remained at the end of their term of service, and on their children as they became adolescent. Political franchise was taken away in 1896 on the ground that it was not enjoyed in India, and there were proposals to abolish the municipal franchise, and to stop licences in order to get rid of all Indians. Cape Colony was more reasonable, and Indians there had fewer grievances though these were still appreciable. In 1907 the new responsible government in the Transvaal passed acts to prevent the ingress of Indians not already domiciled there and to compel registration of all Indian residents.

Mr M. K. Gandhi, an Indian barrister, who had visited South Africa on legal business in 1893 and had remained there to assist his fellow-countrymen in resisting oppressive measures, organised a movement of passive resistance, which he was later to repeat in India.² Sympathetic agitation began in India where the discussion of administrative reforms was already exciting men's minds, and the Indian government supported the claims for more liberal treatment. The home government found it difficult to reconcile the undoubted rights of Indians as British subjects, and those of South Africans to whom the Union Act of 1909 gave full powers of self-government. Colonies like Natal had found Indian labour useful in agriculture and unskilled occupations. But the Indian labourer at the end of his term of service was engaging in trade (usually as a small shopkeeper) and in market-gardening where he came into competition with the lower classes of European origin. There was some apprehension of large numbers of competitors arriving, if all restrictions were removed. Most important of all, it was feared that if Indians were admitted freely and obtained the franchise, it could not in time be refused to the indigenous races who would then swamp the predominating influence of the white population.

In 1910 the Government of India decided to stop the recruitment of indentured labour for Natal from the following year. The British

¹ See Keith, *Imperial Unity and the Dominions*, 1916, pp. 202 *seq.*, where full references are given.

² Doke, *M. K. Gandhi*, 1909.



government then pressed the Union to repeal the Transvaal Act of 1907 and to consider milder legislation, which was introduced and passive resistance ceased in 1911. There was, however, long delay and in 1913 Lord Hardinge, the governor-general, spoke publicly on the undoubted grievances of Indians in a manner which was resented, though unreasonably, in South Africa. The same year an act was passed which made admission subject to the ability to read and write in a European language, though it was still possible to declare any person or class of persons unsuitable on economic grounds or on account of the standard or habits of life. There were also limits on the admission of wives or offspring of persons not following a rule of monogamy. Some discussions in 1912 had been attended by Mr G. K. Gokhale,¹ a prominent Indian politician, and the Indians believed that the repeal of the licence tax in Natal had been promised, but this was not in the act. A fresh resort to passive resistance led to serious riots and many prosecutions, followed by a commission of enquiry, which led to some remedial measures.

At the outbreak of the war in 1914 revolutionary activity was still continuing in Bengal, though slightly checked by the active police measures taken against it. Muslims, especially in northern India, had been worked up to oppose the government, and their younger politicians showed a disposition to identify their aims with those of the congress. In March, 1913, indeed, the All-India Muslim League had adopted as its ideal the attainment of self-government of a kind suitable to India, and had been pressed by some members, though without success, to adopt the congress formula of a "system of government similar to that enjoyed by the self-governing members of the British Empire and a participation by them in the rights and responsibilities of the empire on equal terms with those members".² The first important event, however, was connected with an agitation differing from these. The *ghadr* movement in America³ had been widely advertised among Indians in that country by a newspaper bearing the same title as the movement. From the United States it spread among the Sikhs and other Indians in British Columbia, who had a grievance arising from the local immigration rules. Some of them visited the Panjab and at public meetings obtained the passing of resolutions of protest against the rules. Early in 1914 a Sikh who had been in business in Singapore and the Malay states chartered a ship and conveyed 373 Indians to Vancouver. As most of them had not complied with the rules, the authorities forbade their landing. Revolutionary literature which had been conveyed on board added to the resentment caused by the failure of the plan, and the passengers were landed near Calcutta, in September, 1914, in an angry and rebellious spirit. The government had

¹ Mr Gokhale's speech, *Bankipur Congress Report*, 1912, p. 53, gives an excellent account of the Indian side of the controversy.

² Appendix B, *Congress Report of 1908*, Madras, 1909.

³ Cf. p. 579, *supra*.



acted an ordinance to regulate the ingress into India of emigrants of this description, and provided a train to take the passengers to the Panjab. They refused to enter it, and a riot with loss of life occurred, as many of the rioters were armed with revolvers. Some of those who had escaped, joining emigrants who returned later, then committed a series of violent offences, mainly designed to obtain funds for revolutionary purposes. A Bombay Brahman reached the Panjab in December with offers of Bengali co-operation (including a bomb expert), and a general rising was planned to take place in February, 1915. This was frustrated. By this time forty-five serious crimes had been committed in five months. There was evidence that most of the conspirators were ignorant peasants, who had been corrupted by the movement in America. The Defence of India Act was passed and rules made under it for the summary trial of revolutionary offences by a strong bench of judges, with no preliminary commitment and no appeal, and for the internment of suspects. Though a few offences were committed later, firm action soon had its due effect, and the leading Sikhs, proud of the achievements of their caste fellows at the front, co-operated with the government to restore confidence. Connected with the main conspiracy in the Panjab was a similar movement at Benares, which grew out of the revolutionary club described above,¹ and aimed at co-operation in the general rising planned in the Panjab. It was detected and some of the chief conspirators were convicted.

Just as the political movements in Bengal and Bombay had produced undercurrents of violent crime and sedition owing to the manner in which they had been pushed, so did the ill-balanced khilafat agitation. War against the allies had been declared by Turkey, but even this had no sobering effect on the wilder spirits in India. Their devotion to the khilafat of the sultan was strengthened by the revolt of the Sharif of Mecca, which became known in June, 1915, and they were not moved by his explanation that he had been impelled to it by the action of the young Turks. The allies had guaranteed the sanctity of the sacred places of Islam, but a section of Indian Muslims professed to believe that these were in danger, and the government found it necessary to warn their leaders.

A number of young students left their colleges at Lahore in February, 1915, and crossed the border to join a small body of fanatics in tribal territory who had for nearly a century maintained a spirit of opposition to the British. Some months later a Sikh convert to Islam, who had been attempting to promote sedition in a Muslim religious school in the United Provinces, also visited the fanatics and then proceeded to Kabul. With the help of a Turco-German mission he hatched an absurd plot for overthrowing the British government in India and setting up an alternative government, in which some of the students were to hold high rank. More serious than this was a conspiracy set

¹ Cf. p. 578, *supra*.



on foot by the *ghadr* party in America, who sent emissaries through Bangkok into Burma. There they communicated with two Muslims who had been members of the Red Crescent Society and had been helping in medical aid in Turkey during the Balkan War. An Indian regiment was then corrupted and ready to mutiny, attempts were made to seduce the large force of military police in Burma, and other outrages were planned.

German influence had been at work even before war was declared. As far back as 1911 or earlier, the Indian revolutionaries in America had been in touch with German agents and had been propagating the doctrine that Germany would attack England. After war broke out Indians were employed in propaganda, in attempting to seduce from their allegiance Indian prisoners of war, and in plotting an attack on Burma from Siam. They soon made contact with the Bengali revolutionaries, and schemes were formed to land arms in the Bay of Bengal, or to smuggle arms from the far East.

The rebellion in Ireland at Easter, 1916, once more directed the attention of Indian politicians to that country and an agitation for Home Rule was vigorously pushed by Mrs Besant, the president of the Theosophical Society, and by Mr Tilak. Her publications caused the government of Madras to require security under the Press Act for her press, and later this was forfeited. In September she formally launched a Home Rule League, and the excitement which was caused by her agitation led to the issue of orders under the Defence of India Act, forbidding her to enter Bombay and the Central Provinces. Her movements in Madras and political activities were further restricted in June of the following year.

While the judicious use of the Press Act was effective in stopping the wide circulation of pernicious literature, and the powers given by the Defence of India Act enabled the government to check revolutionary crime, its action was subjected to criticism. A press association for India, which had been constituted in 1915, approached Lord Chelmsford, the governor-general, in March, 1917, asking for the repeal of the Press Act. The arguments were that the law had been enacted as a temporary measure, the necessity for which had passed away, that the safeguards provided were illusory, and that it was oppressive and hindered genuine literary enterprise as well as the proper rights of the press to criticise the acts of the government.¹ Lord Chelmsford had little difficulty in showing how baseless these claims were.² When the act was introduced, the hope was expressed that the need for it would not be permanent, but none could predict how long an interval would elapse before public opinion ceased to tolerate an intemperate press. A chief justice, who had called attention to the latitude of discretion allowed to the executive authorities, had also

¹ *Speeches by Lord Chelmsford*, Simla, 1919, I, 248.

² *Idem*, p. 266.



said that "a jurisdiction to pronounce on the wisdom or unwisdom of executive action has been withheld and rightly withheld", and though he had been of opinion that any appeal against forfeiture must be illusory, another High Court had held that it was qualified to question the verdict of the local government. The statistics showed how moderate and efficacious action had been. While 143 newspapers had been formally warned once, subsequent warnings were needed less frequently and the security of only three had been forfeited. Of fifty-five presses warned thirteen had had their first security forfeited and only one its second. Not a single order of forfeiture had been set aside by a High Court, though the view taken by the local government of specific articles had not always been upheld. During six years after the act was passed there had been a marked increase in the number of newspapers, periodicals and presses. Lord Chelmsford quoted many examples to show that the baser elements were still extolling political crime in terms which must, in the view of a High Court judge, encourage excitable young men to commit similar offences.

At the Lucknow Congress in 1916 a resolution was moved¹ protesting against the extensive use of the Defence of India Act and the Regulation of 1818, and asking for further precaution against misuse. A year later a committee was appointed by the Government of India to report on the revolutionary movement and to advise legislation to enable the government to deal effectively with it. The committee, which was presided over by Mr Justice Rowlatt, an English judge, and included two judges of Indian High Courts, an Indian lawyer, and a senior executive official, traced the course of criminal conspiracies in a report² which for the first time brought before the public the extent to which sedition had been spread. It showed how in Bombay the movement had been largely confined to a single caste, while in Bengal the chief actors had been educated young men of the middle classes. In most parts of India their efforts to gain recruits had soon failed, though for a time they had caused death, injury or loss of property to many Indians, and, if not checked, would have been dangerous to the state. The committee suggested that the ordinary law should be strengthened in a few details, and that wider provisions should be enacted which would cover emergencies, but would not take effect unless the governor-general in council declared the existence of a state of affairs justifying such action. Reluctance in the past to ask the legislative council for unusual powers had allowed sedition to spread till it became a menace, and it was judged wiser to prepare for the future. A committee of two High Court judges who examined in 1918 the records of more than 800 persons detained at that time without trial under various provisions, found that detention

¹ Congress Report, Allahabad, 1917, p. 109.

² Sedition Committee Report, Calcutta, 1918.

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was still justified and were able to recommend the release of only six persons. A proposal to shelve the report, moved in the imperial legislative council in September by a non-official member, was supported by only two members.

In January, 1919, two bills were introduced to carry out the proposals of the Rowlatt committee. These suggestions had been condemned by the congress of 1918 at Delhi.¹ The legislation was strongly opposed by non-official members of the council who pressed that it should be postponed for consideration by the councils to be elected under the reforms which are described in the next chapter. A virulent campaign of misrepresentation was set on foot, and the wildest rumours were circulated as to the effects of the new laws. The acts were passed, but release from the strain of war and the excitement of a new constitution had an unbalancing effect which led to lamentable riots in Delhi, Ahmadabad, Lahore and Amritsar. Indian politicians were beginning to forget the history of their own country, a long tale of autocracy, interrupted only by periods of anarchy, and in their eagerness to grasp at the share in administration offered under a milder personal rule, they failed to show the restraints that characterise successful democracy.

¹ *Congress Report*, Delhi, 1919, p. 100.



THE REFORMS OF 1919

IN his presidential address to the congress at Bombay in 1915, Sir S. P. (afterwards Lord) Sinha brought to a focus the vague aspirations of Indian politicians which had been quickened by the disturbances of a year's warfare. Few of the members of the congress belonged to the castes which supplied recruits or officers to the army, but all of them admired the deeds of Indian soldiers and pressed for wider opportunities of enlisting and training. A few years earlier, a French writer¹ had noted that the attitude of the British government towards nationalist desires in India was not clearly defined. Sir S. P. Sinha urged with eloquence, and at the same time with moderation, that the goal should be stated, and a reasoned ideal of the future of India set before its youth who had been educated or, as Lord Morley put it, "intoxicated with ideas of freedom, nationality and self-government". Like Lord Morley he believed that a national and inspiring ideal would arrest corrupting influences. At the same time he warned his hearers that the advance towards complete self-government must be along a path which was long and devious. This need for caution and patience was repeated by the president of the All-India Muslim League which in 1915 for the first time met in the same town as the congress, and exchanged visits. Lord Hardinge, who had gained the respect of Indian politicians by his bold advocacy of the claims of Indians to better treatment in the dominions and colonies, had also advised them to study patience in their aspirations towards self-government.² To some of the congress speakers who had not yet lost the intoxicating effects of their education these warnings appeared chilling and unnecessary.

Lord Chelmsford succeeded Lord Hardinge as viceroy a few months later and appears to have been impressed, as Lord Minto had been, by reasonable demands made temperately. At the first executive council he held he propounded two questions: "what is the goal of British rule in India?" and "what are the steps on the road to that goal?"³ Sir S. P. Sinha, quoting well-known aphorisms of American and British statesmen, had asked that Indians might look forward to self-government, and Lord Chelmsford and his advisers speedily came to the conclusion "that the endowment of British India as an integral part of the British Empire with self-government was the goal of British rule". The second question was more difficult of solution.

¹ Chailley, *Administrative Problems of British India*, p. 165.

² Sir Verney Lovett, *The Indian Nationalist Movement*, p. 103.

³ *Speeches by Lord Chelmsford*, Simla, 1919, I, 389.



Foremost among the radical changes suggested by the congress was the grant of provincial autonomy. On the recommendations of the Decentralisation Commission there had been some relaxation of control by the secretary of state and by the Government of India. In their dispatch of 25 August, 1911, recommending the repartition of Bengal, the Government of India had referred to the first demand of Indians for a larger share in government and suggested that the solution would appear to be

gradually to give the provinces a larger measure of self-government, until at last India would consist of a number of administrations, autonomous in all provincial affairs, with the Government of India above them all, and possessing power to interfere in cases of misgovernment, but ordinarily restricting their functions to matters of Imperial concern.

This momentous suggestion, put forward as an argument to justify the removal of the Government of India from Calcutta where it was closely associated with the government of Bengal, was completely ignored in the reply of the secretary of state. The omission, due no doubt to the urgency and secrecy with which it was necessary to dispose of the other large issues, was unfortunate and had to be remedied later, when Lord Crewe in the House of Lords pointed out that no decision had been arrived at.¹

Apart from a wish for the abolition or reform of the secretary of state's council, and reconstruction of relations between the secretary of state and the Government of India, the other desires expressed by the congress followed on the lines laid down ten years earlier—expansion, reform, and reconstruction of legislative and executive councils, and a liberal measure of local self-government. Lord Ronaldshay (now Marquis of Zetland) in his *Life of Lord Curzon* has described the proposals of the Government of India (which have never been published in full) as follows:²

In their representations to the secretary of state the Government of India had been careful not to commit themselves to any specific form of self-government. The special circumstances of India, they pointed out, differed so widely from those of any other part of the empire that they could scarcely expect an Indian constitution to model itself on those of the British dominions. All that they contemplated was a larger measure of control by her own people which would ultimately result in a form of self-government and differing possibly in many ways from that enjoyed by other parts of the empire, but evolved on lines which had taken into account India's past history and the special circumstances and traditions of her component peoples. Their proposals for assisting her towards this goal were, briefly, to confer greater powers and a more representative character upon existing local self-governing units such as district (rural) boards and municipal councils; to increase the proportion of Indians in the higher administrative posts, and to pave the way for an enlargement of the constitutional powers of the provincial legislatures by broadening the electorate and increasing the number of elected members.³

¹ Hansard, 24 and 29 June, 1912.

² Vol. III, p. 165.

³ This summary agrees closely with a formula drawn up by Sir Reginald Craddock, then Home Member of the Government of India, in 1916, printed at p. 262, Cd. 123 of 1919.



Austen Chamberlain, who was then secretary of state, was sceptical of the value of these proposals. He was not prepared to be more precise in the matter of a formula "than to avow an intention to foster the gradual development of free institutions with a view to self-government". In regard to details he criticised the increase in the number of elected members of a legislative council without giving them any real control. While discussion of the method of advance was remitted to committees in India and in England for examination, the question of a formula was pursued. Mr E. S. Montagu, who had succeeded Sir Austen Chamberlain, produced a draft resembling his predecessor's views,¹ and this was redrafted by Lord Curzon in its final form as follows:

The policy of His Majesty's government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in India as an integral part of the British Empire.

The formula continues with a statement that progress can be achieved only by successive stages, controlled by the British government and the Government of India, which must be guided by the co-operation received, and the extent to which it is found that confidence can be reposed. Immediately after the announcement of this policy in parliament, a controversy arose as to the interpretation of the phrase "responsible government". Lord Curzon and other statesmen had always accepted Lord Morley's assertion that the scheme of 1909 was not intended to lead to a parliamentary form of government in India, though they feared it would have that effect. A year later, when it was pointed out to Lord Curzon that his formula led in that direction he was shocked, but the conclusion was irresistible. Lord Morley himself, at a later stage, when the new proposals had been developed, saw no objection to them on this account, and admitted that his disclaimer had been due to the difficulty of obtaining the consent of the House of Lords to his own scheme.²

While these discussions took place privately at Simla and in Whitehall, Indian politicians were drafting their own proposals. A society known as the Madras parliament³ drafted a "Commonwealth of India" act which suggested the constitution in provinces of legislative assemblies. Three members were to be elected in each district by persons qualified to vote in elections for local bodies; each chamber of commerce and trades association was to elect two members, and landed proprietors paying land-revenue not less than

¹ Ronaldshay, *Life of Lord Curzon*, iii, 167.

² See letters to *The Times*, 3 November, 1928 (Sir R. Burn), 9 November (Sir Theodore Morison) and 17 November (Sir R. Burn).

³ This was connected with Mrs Besant's Home Rule League (chap. xxxii, p. 584), which subsequently split into three, *vide* questions 1439, 1692 and 2142, evidence before Joint Select Committee.



Rs. 250 were to send six members. Considerable minorities were to be represented in proportion to their number. The parliament of India was to consist of 200 members elected half by members of the provincial assemblies, and half to represent the landed, trading, commercial, financial and industrial associations, with a member from each university. Separate representation was to be provided for important minorities. After a period of ten years a more democratic system was to be devised. A cabinet of ten members was to include five appointed by the viceroy and five elected by parliament. Nineteen of the elected members of the Indian legislative council made similar suggestions in October, 1916.¹ In November representatives of the Muslim League and the congress came to an agreement at Calcutta, which was confirmed by meetings of both bodies at Lucknow a month later. This scheme provided a legislative council of 125 in a major province, or fifty to seventy-five in a minor province, four-fifths of the members to be elected directly by voters on a wide franchise. The imperial council was to include 150 members with the same proportion elected, partly by the elected members of the provincial councils and partly direct. Except in regard to certain specified heads of income and expenditure which were reserved as imperial, the provincial councils were to have full control, though the imperial council could deal with matters in regard to which uniform legislation for the whole of India was desirable, and a vague general power of supervision and superintendence was reserved for the Government of India. At the head of each province there was to be appointed a governor who should not ordinarily be a member of a permanent service. Half of his executive council were to be Indians elected by the elected members of the provincial council. All legislative councils were to elect their own president. There was to be more freedom in the putting of supplementary questions, and motions for adjournment were to be permitted. Resolutions passed were to bind the government unless vetoed by the governor in council, and if passed again after an interval of not less than a year were to be absolutely binding. The most striking feature of the scheme was, however, an agreement that Muslims should be represented through special electorates in certain specified proportions, which substantially exceeded their share of the population in provinces where they were in a minority. This was subject to a proviso that they should not, as they did in the Morley-Minto scheme, also have an opportunity of obtaining seats in electorates other than their own. Another qualification was that opposition by three-quarters of the members of either community (Muslim or non-Muslim) to a bill, a clause of a bill, or a resolution affecting that community would block it completely.

A further contribution to the attempts to solve the problem was due

¹ *Speeches and documents on Indian Policy*, II, 116.



to the "Round Table" group of students of politics, some of whom had previously played a part in bringing about the union of South Africa in 1909. When war broke out in 1914 they had been examining the question "how a British citizen in the dominions can acquire the same control of foreign policy as one domiciled in the British Isles". In 1915 they began to examine the case of India, and felt that Indians could not be invested with responsibility for imperial policy until they had some responsible share in their own government; and early in 1916 the late Sir William Duke, who had been a member of council in Bengal, and was then on the Council of India, drew up a note as a basis of discussion. In that he suggested that certain departments and functions might be administered by some form of responsible as distinct from merely administrative government. Mr L. Curtis, a member of the group, arrived in India in the autumn of 1916, and for a year was engaged actively by correspondence and conference in examining and testing this suggestion. Though his intention of forming groups representing all shades of opinion to study the problem was frustrated by the malicious distortion of a phrase in a private letter which had been abstracted and published, his studies attracted much notice. A recent writer¹ has criticised the use of the term "responsible" in the declaration of August, 1917, as vague and capable of various interpretations. Mr Curtis pointed out that an alternative expression "self-government" was used in India in at least four senses, and early in 1917 in a published letter to the people of India he expressed his belief in a policy of the gradual conferment of responsible government, which he defined as meaning that the final authority in Indian affairs will have been transferred to an Indian parliament. His proposal for the immediate future was to begin by constituting elective assemblies with an executive consisting of members able to command a majority in the assembly. As existing provinces had taken shape merely through administrative convenience and contained very large populations often speaking different languages, and even subject to different laws, he suggested that smaller, more homogeneous areas should be carved out, in each of which a responsible government would be formed. Only certain functions of government, for example, public works, primary education, local self-government, etc., would be entrusted to these bodies, and the rest would remain under the control of the old provincial governments, to be transferred gradually and not necessarily at the same rate in all areas. The general outlines of this scheme were commended in an address from a number of influential Europeans and Indians to the viceroy and secretary of state, towards the close of 1917. It was, however, not approved by the congress, which then met at Calcutta and reaffirmed its desire for the plan it had passed a year before, with complete provincial autonomy and half the executive councillors of the viceroy elected.

¹ Sir R. Craddock, *The Dilemma in India*, p. 169.



The resolution urged strongly that while this first instalment should be granted at once, the statute to be passed should also lay down an early time-limit within which full responsible government should be granted, without even the slender precautions included in the congress plan.

Instead of appointing a royal commission to take evidence and draft proposals for carrying out the reform briefly announced in August, 1917, the government deputed Mr E. S. Montagu, secretary of state, with a small committee (the Earl of Donoughmore, Sir William Duke, Mr Bhupendranath Basu and Mr Charles Roberts, M.P.), to consult the Indian Government and politicians. Such a method has the obvious defect that it prevents the public discussion of matters which are complicated and benefit by ventilation, and criticism, among men of widely different temperaments. On the other hand it produces a scheme more quickly, and, the ground having been prepared, a report was signed by Lord Chelmsford and Mr Montagu within six months from the date on which the latter arrived in India. It contains an admirable account of political conditions in India, coloured in parts by optimistic hopes of the effects of democratic experiments on a collection of people divided by race, sect and religion, who from time immemorial had known no method of rule but autocracy before the cautious association of Indian with British legislators which has been described. The report analysed the meaning of responsible institutions as Mr Curtis had done, and suggested that the first step to be taken was to introduce partial responsibility in the provincial governments. The Government of India was to remain, as it had been hitherto, responsible through the secretary of state to the British parliament, though measures were suggested to give greater opportunities for independent criticism of its actions and projects. In many respects the congress scheme was held to be unsuitable. Full provincial autonomy was premature. Election of members of the executive council by the legislative council was without any reputable precedent, and their responsibility to the electors in constituencies could be secured in other ways. The proposal to give to the councils complete control over provincial finance and legislation was impossible until the executive was entirely responsible to them. To make a government amenable to resolutions amounted to controlling the executive by direct orders on points of detail, and would lead to confusion.

If responsibility in provincial governments were to be clear from the beginning, two methods were possible, excluding the congress scheme, which demanded a complete grant. Mr Curtis's scheme set up legislatures with executives responsible to them which were to deal with specified functions in the areas under their control, other functions being performed by the old provincial governments. The report objected to this as likely to lead to excessive friction and to prejudice.



It is therefore suggested that the head of each province, who was to be a governor in all cases, should have an executive council consisting of two members, one of whom should invariably be an Indian. The governor in council would deal with certain reserved functions of the government. Other subjects would be transferred to the governor acting with one or more ministers chosen from the elected members of the legislative council. It was not intended that in relation to his ministers the governor should at once occupy the position of a purely constitutional governor, bound to accept their decision, but he was expected to refuse assent to their proposals only when the consequences of acquiescence would be serious. A hope was expressed that the executive would cultivate the habit of associated deliberation, and would present a united front. Such discussion might in fact be compulsory as a decision on either a reserved or a transferred subject could affect the part of the government which was not concerned with the decision. A list attached to the report suggested subjects which might be transferred, the most important being taxation for provincial purposes, local self-government, education (except university), medical and sanitary, agriculture, public works (except major irrigation works), and excise.

In addition to this vital change in executive government, the report suggested large increases in the non-official membership of the legislative councils, with direct elections wherever possible. Separate (communal) representation was condemned as inconsistent with democratic government, though it was to be tolerated in the special case of Muslims. Lord Morley's disclaimer of an intention to pave the way for a parliamentary system in India was haltingly explained as due to his insistence on the sovereignty of the British parliament and his acceptance of Lord Minto's advice that only limited constituencies and indirect franchises were possible, and it was admitted that the reforms of 1909 moved towards the stage at which a question of responsible government was bound to present itself. More freedom to local bodies was recommended, and parliament was warned that the grant of greater freedom to governments in India would involve a relaxation of its own control.

Published in England and India in July, 1918, this report drew much criticism. The moderate politicians and the big land-holders were the only sections to approve of the dual principle in provincial governments. The former also asked that the same system should be introduced in the Government of India, and the latter claimed special representation for themselves, and that further progress should be directed to changing the status of leading land-holders to that of ruling chiefs. Extreme politicians held by the congress scheme, and desired full responsibility in the provinces, with the governor a purely constitutional official in relation to his ministers. Official opinion which was strongly opposed to the system of dyarchy (a term revived to

apply to the dual form of provincial government) has often been misrepresented as a reluctance to give up place and power. It was due to the natural pride of a body of men in charge of a complicated machine of government to the perfecting of which they had devoted the best part of their lives, and which they honestly believed to be endangered if its working were abruptly transferred to inexperienced hands. Even in the transition stage they believed that the proposals would establish an oligarchy which would not in the most favourable conditions work smoothly with the official side. The heads of provinces, some of whom had severely criticised dyarchy, were summoned to Delhi to formulate an alternative scheme, and five of them in January, 1919, signed a minute formulating it. On the vital question of dyarchy the opinion was expressed that the report had improperly emphasised the doctrine of responsibility, and that it was more correct to put an increased association of Indians in the foreground, as could be inferred from the wording of the announcement of August, 1917. The alternative suggested was an executive council with an equal number of officials and non-officials, the latter to be selected from elected (in the Panjab also from nominated) members. There was to be no division of functions, and government would thus be unitary, it being left to the governor to distribute portfolios among the members of his executive council. Such a scheme, as was admitted in the minute, fixed no responsibility on individual members. It provided for later expansion only by increasing the number of functions entrusted to non-official members, by increasing the number of the latter class, and by gradual disuse of the arbitrary powers of overruling his council entrusted to the governor in both schemes during a transition period. The crux of the problem was thus the meaning of the announcement. Two heads of provinces (Lord Ronaldshay and Sir E. A. Gait) felt that to reject the wider interpretation in the report would be treated as a breach of faith and therefore accepted it as the most reasonable scheme which had been suggested. Both the Government of India¹ and the home government, which had issued the declaration, held strongly that it was essential to begin the fixing of responsibility, and preferred the dual scheme of the report to the alternatives suggested.

Vague statements in ancient texts have sometimes been relied on to show that Indians were not unused to personal representation by election. Among the lower castes of Hindus social and religious questions affecting a particular caste, or more often a section of it, are frequently decided by a small popular assembly of the caste or section. Headmen of villages, or parts of villages, who in North India collected the land-revenue and arranged for the necessary expenses, were also chosen by the people themselves. But the matters thus arranged were circumscribed and of a personal rather than a civic

¹ Cd. 203 of 1919, p. 1.



nature. The caste council is judicial, and the headman the managing director of a company. In the various systems of government which the British found working in the eighteenth century, there was no element of popular government in the occidental sense. Local self-government had since made a beginning, and the direct election in a few constituencies under the Morley-Minto scheme, especially those of Muslims, had given a little experience. In accordance with a suggestion in the report a special committee, presided over by Lord Southborough, toured in India to enquire into the framing of constituencies and the settlement of franchises. Proposals were placed before this committee by the local governments, based on the material conditions of the population and on the facilities for polling which varied widely. In rural tracts the object was to get the substantial well-to-do peasant as a voter, and the franchise varied from province to province or even within a province. For certain classes, and in particular the lowest castes, it was found impossible to arrange by election, and one limitation on the franchise was the need for framing it so that votes could be polled by the staff available.

A bill embodying the scheme of the report was introduced and examined by a joint select committee of both houses of parliament from July to October, 1919, presided over by Lord Selborne. It examined¹ about seventy witnesses representing various shades of opinion and thus to some extent remedied the previous defect in publicity.² In a report of great value the committee pressed strongly the argument that a generous opportunity must be given to the people of India of learning the actual business of government and of showing, by their conduct of it, to some future parliament, that the time had come for further extension of power. The act was quickly passed and became law on 23 December, 1919.³ It changed the status of the heads of the United Provinces, the Panjab, Bihar and Orissa, the Central Provinces and Assam from that of lieutenant-governor to governor, and provided an executive council for each. Though no change was made in the maximum number of members admissible (four) it was understood that ordinarily there would be only two, and it was provided that only one instead of two must have been for at least twelve years in the service of the crown in India, so that the other could be an Indian. Responsibility was partially introduced in the provinces, as suggested in the report, by giving the governor power to appoint from among the elected members of his legislative council one or more ministers, to hold office during his pleasure. Rules could be made dividing the functions of government for two purposes. One was the distinction of subjects into "central", which were controlled

¹ Cd. 97 (1919) and Cd. 203 (1919).

² Lord Sydenham, a member of the committee, has pointed out (*My Working Life*, p. 370) that no Indian who could not speak English was called, so that the rural and working classes, the land-holders and fighting races were not heard.

³ 9 and 10 Geo. V, c. 101.



by the Government of India, and "provincial", while the other divided provincial subjects into "transferred", which were placed in the control of the governor acting with his ministers, and "reserved", which were to be disposed of by the governor in council. In the reports both of Mr Montagu and Lord Chelmsford (para. 221) and of the joint select committee (clause 6) the greatest possible stress was laid on the necessity for joint deliberation by the two parts of a provincial government. However careful the separation of transferred and reserved subjects may be, some overlapping is inevitable. Thus a restrictive policy of excise (transferred) may raise serious questions of law and order (reserved). Even where there is no such intimate contact, free discussion between experienced officials and ministers in close relation with the elected members of the legislative council was likely to lead to accommodation. Where it was doubtful into which category a topic fell the decision was to be made in accordance with rules. After discussion, however, the order issued was to bear on its face a clear indication showing that it was the decision of the governor in council or of the governor acting with his ministers. So far as public action in the debates of the legislative council was concerned, the select committee advised that members of the executive council should act together, and similarly ministers should act together. Where both sections of the government were in agreement members and ministers should be free to speak and vote for each other's proposals. There should, however, be no compulsion on a member or minister to support by speech or vote a proposal made by the section to which he did not belong, if he disagreed with it.

Important changes were made in the matter of supply and legislation. As explained elsewhere,¹ an Indian budget at this period did not require an annual finance bill as in England, because rates of taxation were altered, especially so far as they affected provincial revenues, only at comparatively long intervals. Discussion in the legislative council was thus chiefly concerned with a proper allocation of existing revenues. From the enlargement of the popular element in these provincial bodies, larger demands for expenditure, especially on the transferred subjects, were inevitable, and two problems arose for decision. The first was the question whether provincial revenues should be definitely allocated between the reserved and transferred sides, forming what was called in the later discussions "the separate purse", or whether the purse should remain joint, and the needs of each side of the government decided annually. Mr Montagu and Lord Chelmsford favoured the latter method (para. 256) while the Government of India were strongly in favour of a separate purse,² such as had been familiar in India as between the central and provincial governments. Indian non-official witnesses, before the joint select

¹ P. 572, *supra*.

Cd. 123, p. 28.



committee, preferred the joint purse and it was suggested¹ that this was because they hoped that through it the ministers could exercise more influence over the reserved subjects. Briefly the question was whether greater acerbity would be caused by a public division of funds for a term of years, or by an annual discussion within the government. Faced by this difficulty the committee recommended a joint purse, holding that ordinarily common sense and reasonableness would bring about agreement.² If the governor at any time found serious disagreement between his executive council and the ministers, he was to have power to make an allocation. This, however, was to be made, not by a division of sources of revenue, but by apportioning definite fractions of the total receipts and the balance. The committee emphasised a warning that the budget should not be capable of being used by ministers or a majority in the legislative council to direct the policy on reserved subjects. The decision in favour of a joint purse was unfortunate. Indian popular opinion has always regarded the treasury as containing unlimited funds, which would be made available if the jealousy of its guardians permitted, and the sense of responsibility would have been quickened by a definite provision of sources of income, with the knowledge that, if they did not suffice, fresh taxation would be necessary.

The second problem was that of the responsibility for new taxation. In the report (para. 257) it was suggested that after any contribution payable to the Government of India had been set aside, and full provision made for the reserved subjects, the balance should be at the disposal of the ministers. If it were not sufficient, the onus would lie on ministers to suggest new taxation. The Government of India showed that this might bring about the impossible situation that ministers would have to propose taxation which was really required for expenditure on reserved subjects although they did not approve of it, the alternative being that the transferred subjects in which they were deeply interested would not receive the funds they needed. This was, in fact, one of the chief arguments in favour of the separate purse. The matter was not discussed by the select committee which appears to have covered it by expressing general confidence in good will, and the recommendation that power should be taken to make a division of funds in case of need.

There remains the question, how the executive government of a province was to secure the passing of legislation or the voting of supplies which it considered necessary for the reserved services. Various alternatives are discussed in the joint report (paras. 247-53), such as the passing by the Indian legislature of bills rejected by a provincial legislature, or the making of ordinances by the governor-general, alone or in council, or by the provincial governor. All these were rejected as savouring too much of the autocratic methods which

¹ Question 7002.

² Clause 1.



were being superseded. Where a governor had doubts of his ability to get through the council a bill dealing with a reserved subject which was of importance, he was to certify that it was a measure "essential to the discharge of his responsibility for the peace or tranquillity of the province or any part thereof, or for the discharge of his responsibility for the reserved subjects". Such a bill after introduction and discussion would be automatically referred to a grand committee numbering 40 to 50 per cent. of the council and partly elected by the elected members of the council. The governor would have power to nominate a bare majority, exclusive of himself, but not more than two-thirds of the nominated members could be officials. Although most of the governments in India approved of this scheme, it was strongly opposed by the government of Madras which pointed out that the non-official nominees of the governor would be subject to strong pressure by opponents of a measure and would be in a most difficult and invidious position.¹ It suggested that where a bill of vital importance was rejected or modified, the government should have power to return it to the legislative council for reconsideration, and subsequently the governor might set aside amendments which were not acceptable to him and declare the bill to have passed. The late Lord Carmichael, who had been governor of Victoria, and of two presidencies in India, strongly supported this method² of fixing responsibility on the governor personally, instead of using the obnoxious official *bloc* with additional nominees of uncertain stability, and the joint committee accepted the change (clause 13). Similarly it suggested that the governor should have power to restore a provision for a reserved subject in the budget which the council had reduced and which the governor considered essential for proper administration (clause 11). And it recommended that the governor, if so advised by his ministers, would be justified in asking the council to review an alteration in the provision for a transferred subject.

In the Government of India no measure of responsibility was introduced. The executive council consisted of six ordinary members and the commander-in-chief. Of the ordinary members three must have had ten years' service under the crown in India and one must be a barrister of five years' standing. The joint report suggested the abolition of these statutory limitations, to secure elasticity, and also the early appointment of a second Indian as member, which was possible without legislation. The joint committee removed the limit on the total numbers, retained the official qualifications for at least three members, and widened the legal qualification by making it include lawyers who were pleaders of a High Court in India. It also thought that not less than three members of council should be Indians.

In addition to their proposals for admitting Indians more freely to

¹ Cd. 123, p. 163.

² Questions 5689-95.



The executive government, the authors of the joint report desired to provide greater opportunities for discussion in a popular assembly. They attached considerable importance to this as paving the way for social legislation which might impinge on religious matters, and in the past had always been undertaken with reluctance by the alien government. With this object they suggested an enlargement of the legislative council (now called the legislative assembly) and the addition of a new chamber called the Council of State. As two-thirds of the former body was to be elected, it was necessary in the Government of India also to provide for the case where vital government measures or supply had been denied. It was proposed to do this through the council of state, which was to include only twenty-one elected members out of fifty, with officials up to twenty-five and four non-official nominated members. Government bills were ordinarily to be introduced and passed in the assembly and then go to the council of state. Amendments made by the latter which were not accepted by the assembly were to be discussed by a joint session of both houses. If the assembly refused leave to the introduction of a bill, or rejected one, the governor-general in council might certify that the bill was essential to the interests of peace, order or good government. It would then be introduced in the council of state, and, when passed there, become law without further reference to the assembly. Lastly to save time in an emergency a certified bill might be passed into law in the council of state alone, and merely reported to the assembly.

While provincial councils were to pass budgets, subject to the power of the governor to restore grants for reserved subjects, the imperial legislature was to be empowered only to pass resolutions which were not binding, though they would have enhanced significance from the wider representation in the assembly compared with the former legislative council.

These devices appeared to the joint committee as objectionable as the similar methods proposed in the provinces. It increased popular representation in the council of state and proposed that it should be a real second chamber (clause 18), while reserving powers of certification, for both finance and legislation, to the governor-general in council where necessary for the discharge of his responsibility (clauses 25 and 26).

The legislative councils as framed by the act contained more than twice as many members as those of the old councils, the number ranging from 111 to 125 in the four larger provinces and from fifty-three to ninety-eight in four others. These numbers might be enlarged by rules, subject to the provision that not more than 20 per cent. should be official members and at least 70 per cent. should be elected. The council of state contained sixty members of whom not more than a third might be officials, while the legislative assembly had 140, of whom 100 were elected and twenty-six officials, and, if the number



was increased, the same proportions should be maintained. With these increases in numbers and responsibilities, it was decided that the governor-general or head of a province should no longer preside over his legislature. The governor-general appointed a president of the council of state from among its members. Presidents of the legislative assembly and the provincial councils were first appointed by the governor-general or governor for a term of four years, but were afterwards to be elected by the members. The recommendation of the joint committee that the first president of the legislative assembly should be a person "qualified by experience of the House of Commons and a knowledge of parliamentary procedure, precedents and conventions" (clause 20) was accepted, and a similar appointment was made in the legislative council of Bengal.

Most of the proposals of the franchise committee were accepted by the joint committee. It demurred, however, to the suggestion that non-official members of both the council of state and legislative assembly should be elected by the same group of persons and it preferred direct election to the latter instead of indirect (clauses 18 and 19). Separate (communal) representation was condemned in the joint report as contrary to the principles of responsible government, without precedent except in a few minor states, and bad because it encouraged members of a state to think of themselves primarily as citizens of any smaller unit than itself, and tended to stereotype existing relations (paras. 227-9). Reluctantly the authors acquiesced in the principle so far as Muslims were concerned, because of the arrangements made in 1909 (which they regretted), the agreement between political leaders in the Lucknow Congress of 1916, and because they knew that Muslims were anxious about their position under a system of popular government (para. 231). Though history affords few precedents for such a system, it has many to show that minorities not so protected have remained for long periods with no representation. Besides the Muslims other communities urged their claims. In Madras it was shown that Brahmans, who numbered only 3 per cent. of the population, had almost monopolised representation and occupied three times as many of the higher posts in the services as other Hindus and more than all other communities together. The select committee recommended that seats should be reserved for the non-Brahman Hindus in Madras and for the Marathas in the Bombay Presidency who had also failed to secure representation.¹ They also suggested that rural areas and the depressed classes should receive a larger share than was allotted by Lord Southborough's committee. Female suffrage, which they rightly pointed out went deep into the social system and susceptibilities of India, was left to be decided by the legislative councils when they were constituted.² Disqualifications

¹ The rules drawn up in the Panjab also reserved seats for Sikhs in that province.

² Female suffrage was gradually voted by the councils.



has been shown in chapter xxxi) had been a source of much discussion, and their application to individuals had caused much soreness, while exemption had been an invidious task. It was now proposed that dismissal from government service should no longer be a bar, but that a criminal conviction entailing a sentence of more than six months' imprisonment should disqualify for five years from the date of the expiration of the sentence. As suggested by the franchise committee, a residential qualification for a candidate in his constituency was imposed only in the provinces of Bombay, the Panjab and the Central Provinces.

These organic changes in the governments in India involved altering their relations with the secretary of state in council. It was pointed out in the joint report (para. 291) that delegation to responsible ministers implied that parliament must set certain bounds to its own responsibility for the internal administration of the country, so far as transferred subjects were concerned, and might reasonably sanction delegation in regard to reserved subjects. A committee, presided over by Lord Crewe, examined these questions. Indian politicians had often criticised the secretary of state's council on the ground that the retired officials were usually opposed to reforms. Lord Crewe's committee suggested that this body should become purely advisory, and that one-third of its members should be chosen by the secretary of state from persons domiciled in India, whose names had been placed on a panel by the votes of non-official members of the Indian legislative council. The secretary of state, no longer bound as in the past by the votes of the council in questions of finance, would refer to it what matters he pleased. While hitherto his previous sanction had been required in all important new departures and in certain specified cases, a principle of previous consultation should be substituted. Joint approval by the Government of India and a majority of the non-official members of the legislative assembly should ordinarily carry with it, in either legislative or administrative action, the assent of the secretary of state unless he felt that

his responsibility to parliament for the peace, good order and good government of India, or paramount considerations of imperial policy, required him to secure reconsideration of the matter at issue by the legislative Assembly.

The select committee (clause 31) held that no statutory change should be made so long as the governor-general remained responsible to parliament, but it was in favour of a growing convention that the secretary of state might "reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the government and the legislature of India are in agreement". Protective tariffs had long been asked for in India, and, in the dislocation of finance caused by the late war, changes of a protective character had been made in the



customs-duties. The committee recommended this case specially as one for relaxation of control, to remove the suspicion, sometimes justified in the past, that India's fiscal policy was subjected to the interests of British trade. The only remedy was to grant liberty to devise tariff arrangements which seemed best fitted to the needs of the inhabitants of India, both consumers and manufacturers, as an integral part of the British Empire. Control over transferred subjects was to be restricted to the narrowest possible limits, and the convention of deference to combined agreement between the government and legislature was ordinarily to be extended to reserved matters in the provinces.

So far as the Council of India was concerned the committee did not favour abolition (clause 3). Advice would still be needed, and a formal council was preferable to an informal one. It was, however, suggested that the Indian element should be increased and the term of office shortened to ensure a constant flow of fresh experience from India and to relieve Indian members from long exile. In accordance with these recommendations the number of members now varies between eight and twelve, half of whom must have served or resided in India for at least ten years, and have not left India more than five years before the date of their appointment. Their tenure of office is five years, though reappointment for a similar term is possible, the special reasons of public advantage which justify this being recorded and laid before parliament. A member who at the time of his appointment is domiciled in India receives a special allowance of £600 a year in addition to the ordinary salary of £1200. Slight changes were made in the powers of the secretary of state to arrange the conduct of business in his council, but the drastic alterations proposed in 1914 (see chapter xi) to enable the secretary of state to withdraw many classes of questions from his council were not pursued.

Lord Crewe's committee had, however, recommended that those functions performed by the secretary of state in council which were akin to the duties of high commissioners of the self-governing dominions, should be arranged for separately, and a high commissioner was appointed for India in October, 1920. The debit to India of the salary of the secretary of state had long been a grievance, and the act laid down that it should now be paid out of moneys provided by parliament, while the salaries of his under-secretaries and any other expenses of his department might also be met in the same way.

It was clearly impossible for parliament to legislate in full detail for all the numerous matters which required legislation. The act therefore provided that many of these should be governed by rules. Although these were to be made by the secretary of state, or by the governor-general in council with the former's sanction, they were to be brought to the formal notice of parliament. The most important class of rules, by which the powers of superintendence, direction and control over the Government of India, vested in the secretary of state