

# THE INDIAN REFORMS

CONTAINING

Full and complete particulars regarding the method of election, nomination, etc., of the Members of the Imperial and Provincial Legislative Councils together with the rules and regulations of the new India Councils Bill of 1909 and complete verbatim reports of brilliant and thrilling orations delivered by eminent English and Indian Statesmen on the Reform Scheme in India and England.

COMPILED BY V. R. MALDU

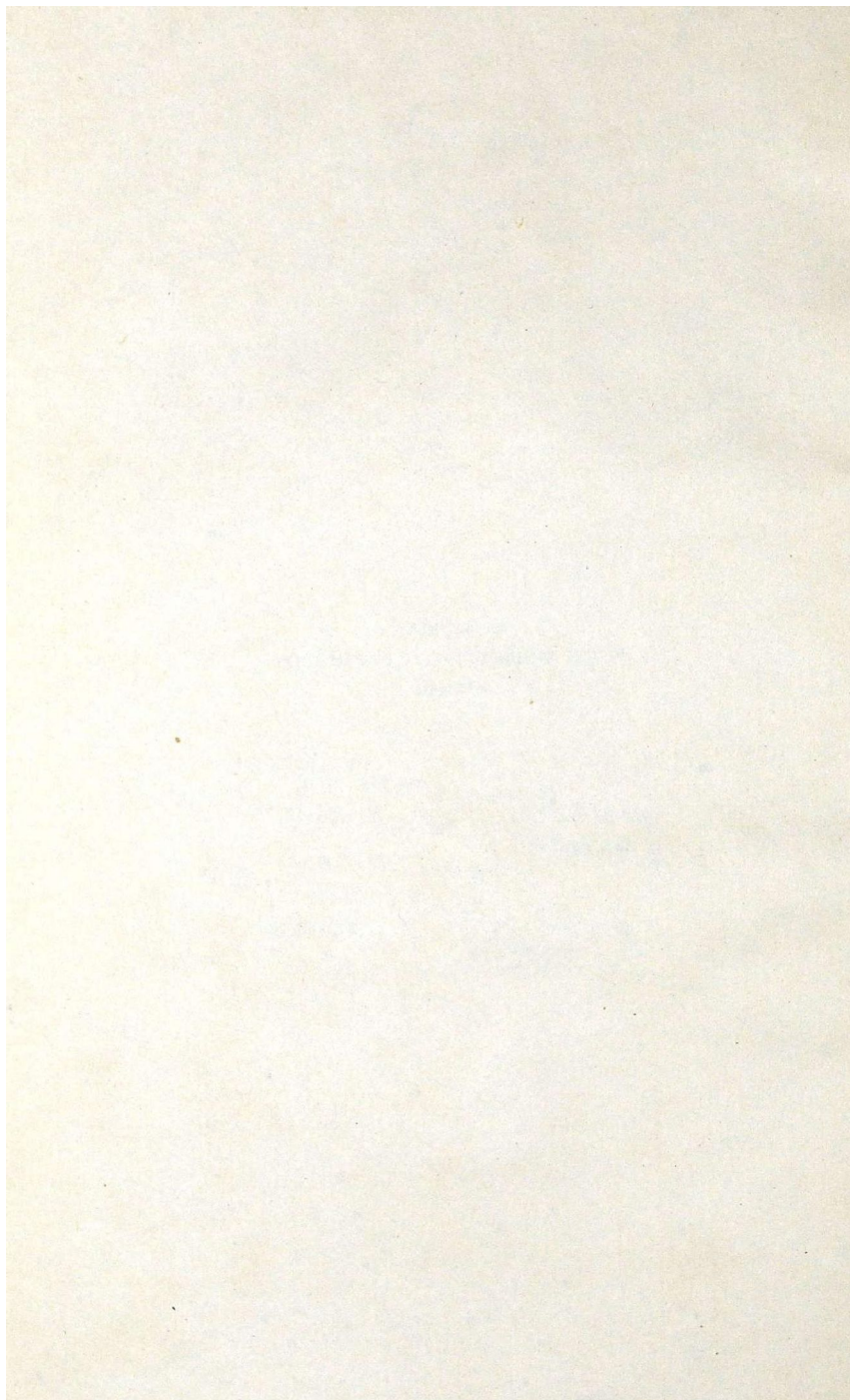
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MADRAS  
A. SAMINATHA MOODELIAR

1910

*Price One Rupee*





To

THE HON'BLE SARDAR

COOPOOSWAMY VIZIARANGAM MOODELIAR, K.I.H.,

MEMBER OF THE LEGISLATIVE COUNCIL, BOMBAY.

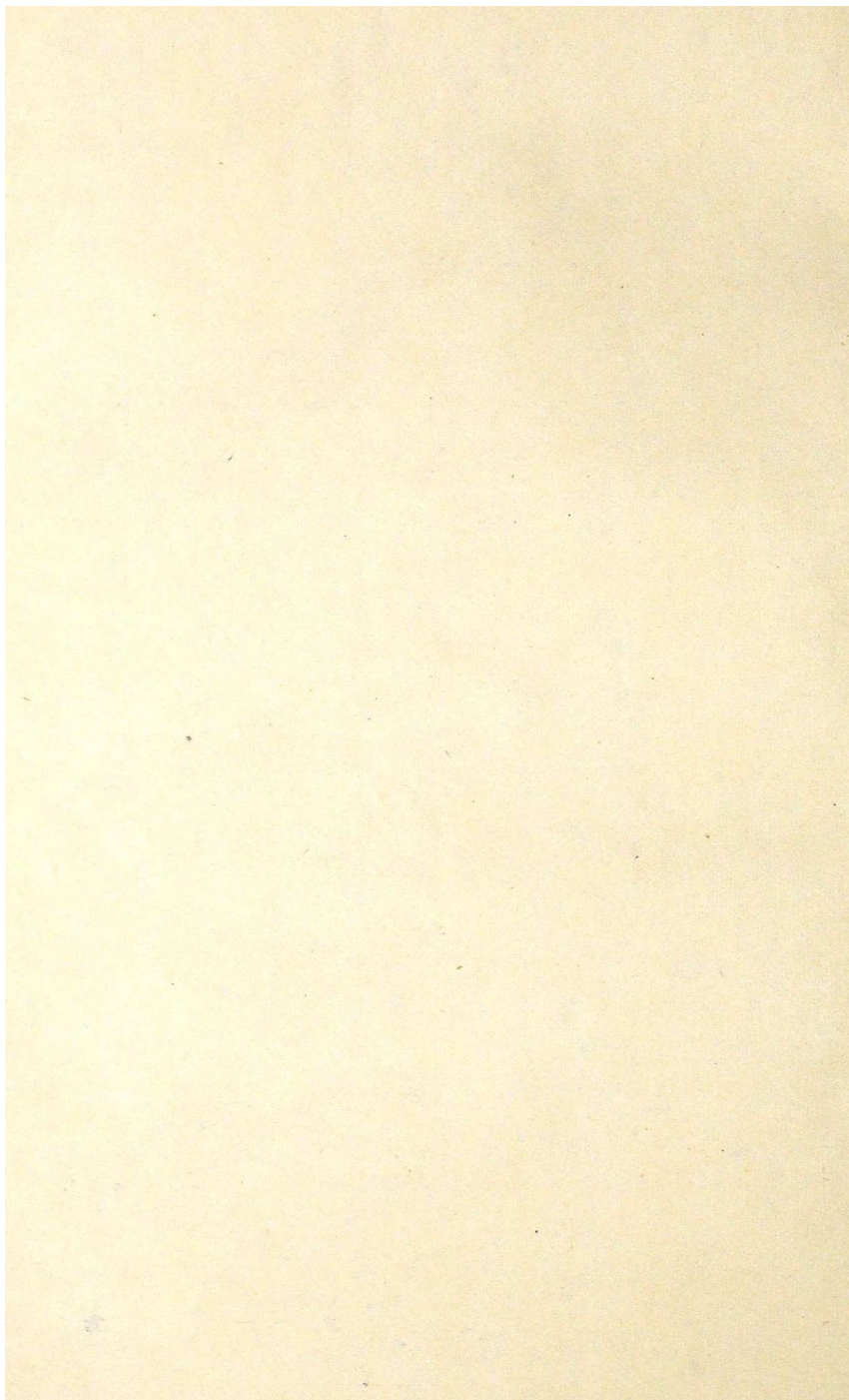
DEAR SIR,

Kindly permit me to inscribe this small publication to you as a token of the esteem and regard I entertain towards you and of the honour I feel in being associated with your illustrious name. Your ancestors belonged originally to the presidency of Madras, to which I lay claim, and the circumstance that they migrated to the premier presidency of Bombay and there won fame and distinction at the hands of the Government for their meritorious services, induced the Government to elect you to the Legislative Council of Bombay as being a worthy scion of an illustrious house. Not only is this an honour to the Sardars of Bombay, but redounds, in a greater degree, to the honour and credit of Madras, to which presidency you rightly belong, and it is to commemorate this glorious event that I have inscribed this humble work to you as my patron.

Your obedient servant,

THE COMPILER.





## PREFACE

This book is intended to meet a demand which has arisen with the widening of Indian political life by the inauguration of the Reforms. Complete and comprehensive information in regard to the details of the several provinces of India not being available in any one book at a less cost, I have compiled such information and brought them together in bookform. I have also given the original correspondence between the India Government and the Secretary of State on the Indian Reforms, together with a complete verbatim report of the discussion in the House of Lords where the reforms were first promulgated.



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# CONSTITUTION

## Of the Indian National Congress Organisation

*(Adopted at the Meeting of the Convention Committee held at Allahabad  
on the 18th and 19th of April, 1908)*

### OBJECTS

1. The Objects of the Indian National Congress are the attainment by the people of India 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. These Objects are to be achieved by constitutional means by bringing about a steady reform of the existing system of administration and by promoting national unity, fostering public spirit and developing and organising the intellectual, moral, economic, and industrial resources of the country.

2. Every Delegate to the Indian National Congress shall express in writing his acceptance of the Objects of the Congress as laid down in Article 1 of this Constitution and his willingness to abide by this Constitution and by the Rules of the Congress hereto appended.

### CONGRESS SESSIONS

3. (a) The Indian National Congress shall ordinarily meet once every year during Christmas holidays at such town as may have been decided upon at the previous session of the Congress.

(b) If no such decision has been arrived at, the All-India Congress Committee shall decide the matter.

(c) An Extraordinary session of the Congress may be summoned by the All-India Congress Committee, either of its own motion or on the requisition of a majority of the Provincial Congress Committees, whenever and whenever it may deem it advisable to hold such session.

(d) It shall be open to the All-India Congress Committee to change the venue of the Congress to some other town when such change is deemed by it to be necessary or desirable owing to serious or unforeseen difficulties or other contingencies of a like nature.

### COMPONENT PARTS OF THE ORGANISATION

4. The Indian National Congress Organisation will consist of:—

(a) The Indian National Congress;

(b) Provincial Congress Committees;



(c) District Congress Committees or Associations affiliated to the Provincial Congress Committees ;

(d) Sub-divisional or Taluka Congress Committees affiliated to the District Congress Committees or Associations ;

(e) Political Associations or Public Bodies recognised as Electorates in accordance with clause (3) of Article 20.

(f) The All-India Congress Committee ;

(g) The British Committee of the Congress ; and

(h) Bodies formed or organised periodically by a Provincial Congress Committee, such as the Provincial or District Conferences or the Reception Committee of the Congress or Conference for the year.

5. No person shall be eligible to be a member of any of the Provincial or District or other Congress Committees or Associations or Bodies mentioned in clauses (b), (c), (d) and (h) of Article 4 unless he has attained the age of 21 and expresses in writing his acceptance of the Objects of the Congress as laid down in Article 1 of this Constitution and his willingness to abide by this Constitution and by the Rules of the Congress hereto appended.

### PROVINCIAL CONGRESS COMMITTEES

6. (a) To act for the Province in Congress matters and for organising Provincial or District Conferences in such manner as it may deem proper, there shall be a Provincial Congress Committee with its headquarters at the chief town of the Province in each of the following nine Provinces :

I Madras ; II Bombay ; III United Bengal ; IV United Provinces ; V Punjab (including N.-W. Frontier Province) ; VI Central Provinces ; VII Behar ; VIII Berar, and IX Burma.

(b) The Provincial Sub-Committees of the Convention shall, in the first instance, form themselves into Provincial Congress Committees.

(c) The Secretaries of the Convention Committee shall take steps to form separate Provincial Congress Committees for Central Provinces, Behar, and Burma.

7. Every Provincial Congress so formed will add to its number :—

(a) Representatives elected in accordance with its terms of affiliation by every affiliated District Congress Committee or Association referred to in clause (c) of Article 4 ;

(b) As many representatives of recognised Political Associations or Public Bodies referred to in clause (e) of Article 4 as each Provincial Congress Committee may think fit to determine.



(c) Such other persons in the Province as may have attended as many sessions of the Congress as Delegates as may be determined by each Provincial Congress Committee for its own Province.

(d) All such ex-Presidents of the Congress or ex-Chairmen of Reception Committees of the Congress as ordinarily reside within the jurisdiction of the Provincial Congress Committee and may not have been enrolled as members of the said Committee in accordance with clause (b) of Article 3 or by virtue of the provisions contained in any of the foregoing clauses of this Article.

(e) The Joint Secretary or Secretaries of the Congress ordinarily residing within the jurisdiction of the Provincial Congress Committee, such Joint Secretary or Secretaries being added as *ex-officio* member or members of the said Committee.

8. Every member of the Provincial Congress Committee shall pay an annual subscription of not less than Rs. 5.

#### **DISTRICT OR OTHER CONGRESS COMMITTEES OR ASSOCIATIONS**

9. The Provincial Congress Committee shall have affiliated to itself a District Congress Committee or Association for each District, wherever possible, or for such other areas in the Province as it deems proper, subject to such conditions or terms of affiliation as it may deem expedient or necessary. It will be the duty of the District Congress Committee or Association to act for the District in Congress matters with the co-operation of any Sub-divisional or Taluka Congress Committees which may be organised and affiliated to it, subject in all cases to the general control and approval of the Provincial Congress Committee.

10. Every member of the District Congress Committee or Association shall either be a resident of the District or shall have a substantial interest in the District and shall pay an annual subscription of not less than one Rupee.

11. No District Congress Committee or Association or Public Body referred to in clauses (c) and (d) of Article 4 shall be entitled to return representatives to the Provincial Congress Committee of Delegates to the Congress or to the Provincial Conference unless it contributes to the Provincial Congress Committee such annual subscription as may be determined by the latter.

12. Each Provincial Congress Committee shall frame its own Rules not inconsistent with the Constitution and Rules of the Congress. No



District or other Congress Committee or Association mentioned in Article 9 shall frame any Rules inconsistent with those framed by the Provincial Congress Committee to which it is affiliated.

### THE ALL-INDIA CONGRESS COMMITTEE

13. The All-India Congress Committee shall, as far as possible, be constituted as herein-below laid down :—

15 representatives of Madras ;	7 representatives of Central Provinces ;
15 representatives of Bombay ;	5 representatives of Behar ;
20 representatives of United Bengal ;	5 representatives of Berar ;
15 representatives of United Provinces ;	2 representatives of Burma.
13 representatives of Punjab (inc. N.W. Frontier Province) ;	

Provided, as far as possible, that one-fifth of the total number of representatives shall be Mahomedans.

All ex-Presidents of the Congress, residing or present in India, and the General Secretaries of the Congress, who shall also be *ex-officio* General Secretaries of the All-India Congress Committee, shall be *ex-officio* members in addition.

14. The representatives of each Province shall be elected by its Provincial Congress Committee at a meeting held, as far as possible, before the 30th of November for each year. If any Provincial Congress Committee fail to elect its representatives, the said representatives, shall be elected by the Delegates for that Province present at the ensuing Congress. In either case, the representatives of each Province shall be elected from among the members of its Provincial Congress Committee, and the election shall be made, as far as possible, with due regard to the proviso in Article 13.

15. The names of the representatives so elected by the different Provinces shall be communicated to the General Secretaries. These together with the names of the *ex-officio* members shall be announced at the Congress.

16. The President of the Congress at which the All-India Congress Committee comes into existence shall, if he ordinarily resides in India, be *ex-officio* President of the All-India Congress Committee. In his absence the members of the All-India Congress Committee may elect their own President.

17. (a) The All-India Congress Committee so constituted shall hold office from the dissolution of the Congress at which it comes into existence till the dissolution of the following Congress.



(b) If any vacancy arises by death, resignation or otherwise, the remaining members of the Province in respect of which the vacancy has arisen shall be competent to fill it up for the remaining period.

18. (a) It will be the duty of the All-India Congress Committee to take such steps as it may deem expedient and practicable to carry on the work and propaganda of the Congress and it shall have the power to deal with all such matters of great importance or urgency as may require to be disposed of in the name of and for the purposes of the Congress, in addition to matters specified in this Constitution as falling within its powers or functions

(b) The decision of the All-India Congress Committee shall, in every case above referred to, be final and binding on the Congress and on the Reception Committee or the Provincial Congress Committee, as the case may be, that may be affected by it.

19. On the requisition in writing of not less than 20 of its members, the General Secretaries shall convene a meeting of the All-India Congress Committee at the earliest possible time.

#### **ELECTORATES AND DELEGATES**

20. The right of electing Delegates to the Indian National Congress shall vest exclusively in (1) the British Committee of the Congress ; (2) Provincial or District or other Congress Committees or Associations formed or affiliated as hereinabove laid down, and (3) such Political Associations or Public Bodies of more than three years' standing as may be recognised in that behalf by the Provincial Congress Committee of the Province to which the Political Association or Public Body belongs, provided that no such Political Association or Public Body shall be so recognised unless the said Political Association or Public Body, by a Resolution at a General Meeting of its members, expresses its acceptance of the principle embodied in Article 1 of this Constitution and makes the acceptance of the same a condition precedent to new membership.

21. All Delegates to the Indian National Congress shall pay a fee of Rs. 20 each and shall be not less than 21 years of age at the date of election.

#### **RECEPTION COMMITTEE OF THE CONGRESS**

22. (a) The Provincial Congress Committee of the Province in which the Congress is to be held shall take steps to form a Reception Committee for the Congress. Every one, who ordinarily resides in the Province, fulfils the conditions laid down in Article 5 of this Constitu-



tion and pays a minimum contribution of Rs. 25, shall be eligible as a member of the Reception Committee.

(b) No one who is only a member of the Reception Committee, but not a Delegate, shall be allowed to vote or take part in the debate at the Congress.

(c) The Reception Committee shall be bound to provide the necessary funds for meeting all the expenses of the Congress as also the cost of preparing, printing, publishing and distributing the Report of the Congress.

### **ELECTION OF THE PRESIDENT**

23. (a) In the month of June, the Reception Committee shall consult the several Provincial Congress Committees as to the selection of the President for the year's Congress. The Provincial Congress Committees shall make their recommendations by the end of July; and in the month of August the Reception Committee shall meet to consider the recommendations. If the person recommended by a majority of the Provincial Congress Committees is accepted by a majority of the members of the Reception Committee present at a special meeting called for the purpose, that person shall be the President of the next Congress. If, however, the Reception Committee is unable to elect the President in the manner mentioned above, the matter shall forthwith be referred by it to the All-India Congress Committee, whose decision shall be arrived at, as far as possible, before the end of September. In either case, the election shall be final.

Provided that in no case shall the person so elected President belong to the Province in which the Congress is to be held.

(b) There shall be no formal election of the President by or in the Congress, but merely the adoption (in accordance with the provisions in that behalf laid down in Rule 3, clause (b) of the "Rules" hereto appended) of a formal Resolution requesting the President, already elected in the manner hereinabove laid down, to take the chair.

### **SUBJECTS COMMITTEE**

24. The Subjects Committee to be appointed at each session of the Congress to settle its programme of business to be transacted shall, as far as possible, consist of:—

Not more than 15 representatives of Madras;	
„ 15 „ „	Bombay;
„ 20 „ „	United Bengal;
„ 15 „ „	United Provinces;



Not more than 13 representatives of Punjab (including N.W. F. Province);

"	7	"	"	Central Provinces;
"	5	"	"	Behar;
"	5	"	"	Berar;
"	2	"	"	Burma;
"	5	"	"	British Committee of the Congress;

and additional 10 representatives of the Province in which the Congress is held;

all the above mentioned representatives being elected, in accordance with Rule 9 of the "Rules" hereto appended, by the Delegates attending the Congress from the respective Provinces.

The President of the Congress for the year, the Chairman of the Reception Committee of the year, all ex-Presidents and ex-Chairmen of Reception Committees, the General Secretaries of the Congress, the local Secretaries of the Congress for the year, not exceeding six in number, and all the members of the All-India Congress Committee for the year, shall, in addition, be *ex-officio* members of the Subjects Committee.

25. The President of the Congress for the year shall be *ex-officio* Chairman of the Subjects Committee.

### CONTENTIOUS SUBJECTS AND INTEREST OF MINORITIES

26. (a) No subject shall be passed for discussion by the Subjects Committee or allowed to be discussed at any Congress by the President thereof, to the introduction of which the Hindu or Mahomedan Delegates, as a body, object by a majority of  $\frac{3}{4}$ ths of their number; and if, after the discussion of any subject, which has been admitted for discussion, it shall appear that the Hindu or Mahomedan Delegates, as a body, are, by a majority of  $\frac{3}{4}$ ths of their number, opposed to the Resolution which it is proposed to pass thereon such Resolution shall be dropped.

(b) The President of the Congress for the year may nominate five Delegates to the Subjects Committee to represent minorities or to make up such deficiencies as he may think necessary.

(c) In any representations which the Congress may make or in any demands which it may put forward for the larger association of the people of India with the administration of the country, the interests of minorities shall be duly safeguarded.



### **VOTING AT THE CONGRESS**

27. Ordinarily, all questions shall be decided by a majority of votes as laid down in Rule 21 of the "Rules" hereto appended, but in cases falling under Article 30 of this Constitution or whenever a division is duly asked for in accordance with Rule 22 of the "Rules" hereto appended, the voting at the Congress shall be by provinces only. In cases falling under clause (1) of Article 30, each Province shall have one vote, to be given as determined by a majority of its Delegates present at the Congress. In all other cases of Voting by Provinces, the vote of each Province, determined as aforesaid, shall be equivalent to the number of representatives assigned to the Provinces in constituting the All-India Congress Committee.

### **THE BRITISH COMMITTEE OF THE CONGRESS**

28. The Reception Committee of the Province in which the Congress is held shall remit to the British Committee of the Congress, through the General Secretaries of the Congress, half the amount of the fees received by it from Delegates.

### **GENERAL SECRETARIES**

29. (a) The Indian National Congress shall have two General Secretaries who shall be annually elected by the Congress. They shall be responsible for the preparation, publication and distribution of the Report of the Congress. They shall also be responsible for the preparation and circulation of Draft Resolutions of the Congress, which they must send to the Provincial Congress Committees at the latest in the first week of December.

(b) The All-India Congress Committee shall make adequate provision for the expenses of the work devolving on the General Secretaries, either out of the surplus at the disposal of the Reception Committee or by calling upon the Provincial Congress Committees to make such contributions as it may deem fit to apportion among them.

### **CHANGES IN THE CONSTITUTION OR RULES**

30. No addition, alteration or amendment shall be made (1) in Article I of this Constitution except by a unanimous vote of all the Provinces, and (2) in the rest of this Constitution or in the "Rules" hereto appended except by a majority of not less than two-thirds of the votes of the Provinces, provided, in either case, that no motion for any such addition, alteration or amendment shall be brought before the Congress unless it has been previously accepted by the Subjects Committee of the Congress for the year.

## TRANSITORY PROVISIONS

31. (a) The Committee appointed by the Convention at Surat on 28th December 1907 for drawing up a Constitution for the Congress shall exercise all the powers of the All-India Congress Committee till the formation of the latter at the next session of the Congress.

(b) The Secretaries of the said Convention Committee shall discharge the duties of the General Secretaries of the Congress till the dissolution of the next session of the Congress.

(c) The President and Secretaries of the Convention Committee should, in consultation with the Secretaries of the several Provincial Sub-Committees arrange for the holding of a meeting of the Congress during Christmas next in accordance with this Constitution.

(d) For the year 1908, the Reception Committee may, in electing the President, consult the Provincial Congress Committees in the beginning of October, before the end of which month, the Provincial Congress Committees, on being so consulted, shall make their recommendations, and the rest of the procedure prescribed in Article 23 should be followed and completed, as far as possible, before the end of November.

RASHBEHARY GHOSE,  
*President, Convention Committee.*

DINSHA EDULJI WACHA,  
DAJI ABADI KHARE,  
*Hony. Secretaries, Convention Committee.*



# RULES

## FOR THE CONDUCT AND REGULATION OF The Indian National Congress Meetings

*(Adopted at the Meeting of the Convention Committee held at Allahabad on the 18th and 19th of April, 1908)*

1. The Indian National Congress shall ordinarily hold an annual session at such place as may have been decided upon in accordance with Article 3 of the "Constitution" and on such days during Christmas week as may be fixed by the Reception Committee. An extraordinary session of the Congress shall be held at such town and on such days as the All-India Congress Committee may determine.

2. Each Congress session shall open with a meeting of the Delegates at such time and place as may be notified by the Reception Committee. The time and place of subsequent sittings of the session shall be fixed and announced by the President of the Congress.

3. The proceedings on the opening day and at the first sitting of each Congress session shall, as far as possible, consist of:—

(a) The Chairman of the Reception Committee's inaugural address of welcome to the Delegates.

(b) The adoption of a formal Resolution, to be moved, seconded and supported by such Delegates as the Chairman of the Reception Committee invites or permits, requesting the President elected by the Reception Committee or of the All-India Congress Committee, as the case may be, to take the chair, no opposition by way of a motion for amendment, adjournment or otherwise being allowed to postpone or prevent the carrying out of the said Resolution.

(c) The President's taking the chair and his inaugural address.

(d) Reading or distribution of the Report, if any, of the All-India Congress Committee and any statement that the General Secretaries may have to make.

(e) Any formal motions of thanks, congratulations, condolences, &c., as the President of the Congress may choose to move from the chair.

(f) The adjournment of the Congress for the appointment of the Subjects Committee and the announcement by the President of the time and place of the meetings of the Delegates of the different Pro-

vinces for the election of the members of the Subjects Committee and also of the first meeting of the Subjects Committee.

4. No other business or motions in any form shall be allowed at the opening sitting of the Congress session.

5. The Chairman of the Reception Committee shall preside over the assembly at the first sitting until the President takes the chair. The President of the Congress shall preside at all sittings of the Congress session as well as at all meetings of the Subjects Committee. In case of his absence and during such absence, any ex-President of the Congress present, who may be nominated by the President, and in case no ex-President is available, the Chairman of the Reception Committee shall preside at the Congress sitting; provided that the Subjects Committee may in such cases choose its own Chairman.

6. The President or the Chairman shall have, at all votings, one vote in his individual capacity and also a casting vote in case of equality of votes.

7. The President or Chairman shall decide all points of order and procedure summarily and his decision shall be final and binding.

8. The President or Chairman shall have the power, in cases of grave disorder or for any other legitimate reason, to adjourn the Congress either to a definite time or *sine die*.

9. The election of the members of the Subjects Committee shall take place at meetings of the Delegates of the different Provinces held at such place and time as may be announced by the President. Each such meeting, in case of contest, shall have a Chairman who will first receive nominations, each nomination being made by at least five Delegates, and then after announcing all the nominations he may ask each Delegate to give in a list of the members he votes for, or he may put the nominated names to the vote in such order as he pleases, or if there are only two rival lists, he shall take votes on these lists and announce the result of the election and forthwith communicate the same to the General Secretaries of the Congress.

10. The Subjects Committee shall deliberate upon and prepare the agenda paper for the business to be transacted at the next Congress sitting. The General Secretaries shall, as far as practicable, distribute among the Delegates a printed copy of the agenda paper for each sitting before the sitting commences.

11. At each sitting of the Congress, the order in which business shall be transacted shall be as follows:—



(a) The Resolutions recommended for adoption by the Subjects Committee.

(b) Any substantive motion not included in (a) but which does not fall under Article 30 of the "Constitution" and which 25 Delegates request the President in writing, before the commencement of the day's sitting, to be allowed to place before the Congress, provided, however, that no such motion shall be allowed unless it has been previously discussed at a meeting of the Subjects Committee and has received the support of at least a third of the members then present.

12. Nothing in the foregoing rule shall prevent the President from changing the order of the Resolutions mentioned in Rule 11 (a) or from himself moving from the chair formal motions of thanks, congratulations, condolences or the like.

13. The proposers, seconders and supporters of the Resolutions recommended for adoption by the Subjects Committee shall be Delegates and shall be selected by the said Committee. The President may allow other Delegates to speak to the Resolutions at his discretion and may allow any distinguished visitor to address the Congress. Nothing in the foregoing, however, shall prevent the President from moving from the chair such Resolutions as he may be authorised to do by the Subjects Committee.

14. An amendment may be moved to any motion provided that the same is relevant to the question at issue, that it does not raise a question already decided or anticipate any question embraced in a resolution on the agenda paper for the day and that it is couched in proper language and is not antagonistic to the fundamental principles of the Congress. Every amendment must be in the form of a proposition complete in itself.

15. When amendments are moved to a motion, they shall be put to the vote in the reverse order to that in which they have been moved.

16. A motion for an adjournment of the debate on a proposition may be made at any time and so also, with the consent of the President or Chairman, a motion for an adjournment of the House. The President or Chairman shall have the power to decline to put to vote any motion for adjournment if he considers it to be vexatious or obstructive or an abuse of the rules and regulations.

17. All motions, substantive or by way of amendment, adjournment, &c., shall have to be seconded, failing which they shall fail. No motions, whether those coming under Rule 11 (b) or for amendment, adjournment, closure, &c., shall be allowed to be moved unless timely intimation



thereof is sent to the President with the motion clearly stated in writing over the signatures of the proposer and seconder with name of the Province from which they have been elected as Delegates.

18. No one who has taken part in the debate in Congress on a Resolution, shall be allowed to move or second a motion for adjournment or amendment in the course of the debate on that Resolution. If a motion for adjournment of the debate on any proposition is carried, the debate on the said proposition shall then cease and may be resumed only after the business on the agenda paper for the day is finished. A motion for adjournment of the House shall state definitely the time when the House is to resume business.

19. A motion for a closure of the debate on a proposition may be moved at any time after the lapse of half-an-hour from the time the proposition was moved. And if such motion for closure is carried, all discussion upon the original proposition or amendments proposed to it shall at once stop and the President shall proceed to take votes.

20. No motion for a closure of the debate shall be moved whilst a speaker is duly in possession of the House.

21. All questions shall be decided by a majority of votes, subject, however, to the provisions of Articles 27 and 30 of the "Constitution." Votes shall ordinarily be taken by a show of hands or by the Delegates for or against standing up in their places in turn to have the numbers counted.

22. In cases not falling under Article 30 of the "Constitution," any twenty members of a Congress sitting, may demand a division within five minutes of the declaration of the result of the voting by the President and such division shall be granted. Thereupon the Delegates of each Province shall meet at such time and place as the President may direct and the Chairman of each such meeting shall notify to the President the vote of the Province within the time specified by the President.

23. Every member of a sitting of the Congress or of the Subjects Committee shall be bound (a) to occupy a seat in the block allotted to his province, save as provided for in Rule 30, (b) to maintain silence when the President rises to speak or when another member is in possession of the House, (c) to refrain from hisses or interruptions of any kind or indulgence in improper and un-Parliamentary language, (d) to obey the chair, (e) to withdraw when his own conduct is under debate after he has heard the charge and been heard thereon, and (f) generally to conduct himself with propriety and decorum.



24. No member shall have the right at a Congress sitting to speak more than once on any motion except for a personal explanation or for raising a point of order. But the mover of a substantive motion (not one for amendment or adjournment) shall have the right of reply. A person who has taken part in a debate may speak upon an amendment or motion for adjournment moved after he had spoken. The President or Chairman shall have the right to fix a time-limit upon all speakers, as also to call to order or stop any speaker from further continuing his speech even before the time-limit expires, if he is guilty of tedious repetitions, improper expressions, irrelevant remarks, &c., and persists in them in spite of the warning from the President.

25. If a person does not obey the President's or the Chairman's orders or if he is guilty of disorderly conduct, the President shall have the right, with a warning in the first instance, and without a warning in case of contumacious disregard of his authority, to ask such member to leave the precincts of the House and on such requisition the member so ordered shall be bound to withdraw and shall be suspended from his functions as a member during the day's sitting.

26. If the President considers that the punishment he can inflict according to the foregoing section is not sufficient, he may, in addition to it, ask the House to award such punishment as the House deems proper. The Congress shall have the power in such cases of expelling the member from the entire Congress session.

27. The Reception Committee shall organise a body of such persons as it may deem fit for the purpose of keeping order during the meeting of the Congress or of its Subjects Committee or at divisions. There shall be a Captain at the head of this body and he shall carry out the orders of the President or the Chairman.

28. Visitors may be allowed at the sitting of the Congress on such terms and conditions as the Reception Committee determines. They may, at any time, be asked to withdraw by the President. They shall be liable to be summarily ejected from the House if they enter the area marked out for the Delegates, or if they disobey the chair, or if they are guilty of disturbance, or obstruction, or if they are in anywise disorderly in their behaviour.

29. The meetings of the Subjects Committee shall be open only to the members of that Committee and the meeting of the Delegates of each Province at divisions shall be open to the Delegates of that Province only, subject in either case to the provisions of Rule 27.

30. The Chairman of the Reception Committee and the President as well as the Secretaries may, at their discretion, accommodate on the Presidential platform (1) Leading members of the Congress, (2) Distinguished visitors, (3) Members of the Reception Committee and (4) Ladies, whether Delegates or Visitors.

31. The foregoing Rules shall apply, *mutatis mutandis*, to the Provincial or District Conferences organised by the Provincial Congress Committees as provided for in Article 6 of the "Constitution."

RASHBEHARY GHOSE,

*President, Convention Committee.*

DINSHA EDULJI WACHA,

DAJI ABAJI KHARE,

*Hony. Secretaries, Convention Committee.*



# RULES

## Of the Madras Provincial Congress Committee

1. The objects of the Madras Provincial Congress Committee are :—
  - (a) to act for the Madras Province in Congress matters,
  - (b) to organise Provincial and District Conferences,
  - (c) to carry out the objects of the Indian National Congress Organisation as set forth in Article 1 of its Constitution.
2. No person shall be eligible for membership of the Madras Provincial Congress Committee under Article 7 (c) of the Constitution unless he has attended as Delegate at least one Session of the Indian National Congress.
3. The annual subscription payable by a member of the Madras Provincial Congress Committee shall be Rupees five.
4. Every application for membership shall be in the prescribed form and include a declaration by the applicant to the effect that he is willing to abide by the conditions of Article 5 of the Congress Constitution.
5. If a member resigns his membership, he shall not be re-admitted except on payment of the arrears due by him on the date of his resignation.
6. No person shall be admitted as a member except on payment of his subscription for the first year.
7. Subscriptions shall be paid on or before the tenth day of March every year.
8. In the second half of March each year or as soon thereafter as may be, a meeting of the Committee shall be held at which a report on the work and progress of the Committee during the previous year shall be presented by the Executive Committee together with a statement of accounts and the report of the auditor appointed by the Executive Committee, and the Office-bearers for the new year shall be elected.
9. Interim vacancies arising amongst Office-bearers shall be filled by the Executive Committee.
10. Subject to these rules and to the Resolutions that may be passed by the Committee from time to time, the general management of the affairs of the Committee and the control of its funds shall vest in the Executive Committee.

11. Ordinarily, notice shall be given by post to the registered addresses of members at least five days before the meetings of the Committee and two days before those of the Executive Committee.

12. Every notice of a meeting shall include an agenda of the subjects to be considered at the meeting; but it shall be open to the meeting to consider any other subjects that may be brought up by the Secretaries.

13. The quorum for meetings of the Committee shall be fifteen and for those of the Executive Committee seven; but if the quorum be not present at any meeting the business to be transacted at that meeting shall stand adjourned to the next meeting at which it may be disposed of whether there be a quorum or not.

14. Meetings of the Committee or of the Executive Committee shall be convened by the President or by the Secretaries whenever they are requested to do so in writing by not less than ten members in the case of the Committee and five in the case of the Executive Committee stating the subject or subjects that will be considered and the Resolution or Resolutions, if any, that will be moved at such meetings.

15. A District Congress Committee or Association for any District or for any such lesser area as may be determined from time to time by the Provincial Congress Committee may be affiliated to this Committee provided it agrees:—

(a) to pay the sum of Rupees twenty-five to the Madras Provincial Congress Committee before the first day of April each year,

(b) to communicate to the Secretaries of the Madras Provincial Congress Committee its important Resolutions and Proceedings and the annual lists of Office-bearers together with any changes that may occur in these from time to time, and

(c) to co-operate generally with the Madras Provincial Congress Committee.

16. Any District Congress Committee or Association may apply to the Executive Committee to be affiliated to the Provincial Congress Committee. Every such application shall be in the prescribed form and shall be accompanied by a remittance of a fee of not less than Rs. 25.

17. In cases the application be granted by the Executive Committee the fee shall be taken towards the payment of the sum payable for the first year of affiliation: otherwise the fee shall be returned.

18. The Certificate of Affiliation shall be signed by the President of the Provincial Congress Committee and shall bear the Seal of the Committee.



19. Every affiliated Committee or Association shall forward to the Secretaries of the Provincial Congress Committee annually not later than the 15th day of February a report of the work done and the Resolutions passed during the preceding calendar year.

20. Any Resolution of the Executive Committee granting affiliation shall be subject to the veto of the Provincial Congress Committee exercisable within two months from the date of such Resolution.

21. Any Resolution of the Executive Committee refusing affiliation shall be subject to confirmation by the Provincial Congress Committee.

22. The Provincial Congress Committee shall have power to cancel the affiliation of any Committee or Association on the recommendation of the Executive Committee at an extraordinary meeting convened for the purpose and attended by at least two-thirds of the members.

23. An affiliated District Congress Committee or Association may, under Article 7 (a) of the Constitution, send representatives to the Madras Provincial Congress Committee as under :—

One representative for the first twenty members on its rolls or fraction thereof, and one additional representative for every additional ten members or fraction thereof, subject to a maximum of five in any case.

24. A Political Association or Public Body of more than three years' standing may be recognised by the Madras Provincial Congress Committee as an Electorate in regard to the Indian National Congress or the Madras Provincial Conference under Article 20, clause (2) of the Constitution, provided :—

(a) it expresses its acceptance of the principles embodied in Article 1 of the Constitution by a Resolution at a General Meeting of its members and makes the acceptance of the same a condition precedent to new membership, and

(b) it agrees to pay the sum of Rupees fifty to the Madras Provincial Congress Committee before the first day of April each year.

25. A recognised Political Association or Public Body may, under Article 7 (b) of the Constitution, send representatives to the Madras Provincial Congress Committee as under :—

One representative for the first twenty members on its rolls or fraction thereof, and one additional representative for every additional ten members or fraction thereof, subject to a maximum of ten in any case.

26. The annual sum paid by an affiliated District Congress Committee or Association or by a recognised Political Association or Public Body shall be deemed to include the annual subscription payable by its

representatives to the Madras Provincial Congress Committee under Article 8 of the Constitution.

27. None of the foregoing Rules shall be annulled or modified except at a Meeting of the Provincial Congress Committee at which at least one-half of the members on the rolls are present.

## The Indian National Congress, 1908.

### OVATION AT MADRAS.

THE reception that was accorded to the Honourable Dr. Rash Behari Ghose, President of the Congress, at the Central Station platform on Sunday, the 27th December, 1908, was cordial and great enthusiasm prevailed among the assembled Indian gentlemen. Long before the arrival of the special train, the leading Congress men had arrived on the platform to receive the distinguished guest. Dr. Ghose travelled by the Calcutta mail train, as far as Korakupett, where his saloon was detached, and a special train was at once formed. The special reached the Madras Central Station platform punctually at 11-30 A.M. The platform was covered with red baize and an Indian Band also was in attendance. Dr. Ghose was, on alighting from the train, received by Dewan Bahadur K. Krishnasawmy Row, Chairman of the Reception Committee, the Hon'ble Mr. Krishnan Nair, Mr. K. Perraju Pantulu, Mr. N. Pattabhirama Row, Mr. P. R. Sundram Iyer, Mr. C. Karunakara Menon, Mr. Joggiah Pantulu and Mr. V. Kunjikrishna Nayar and several others.

The President was conducted to his seat which was arranged on the platform and after garlanded. After a brief conversation with those present, Dr. Ghose drove to Tawker's gardens, Royapettah, Madras.

### OTHER DELEGATES.

Mr. Surendranath Bannerje with a party of 70 delegates arrived from Bengal on Sunday by the same train.



Mr. Gokhale and the members of the Servants of India Society arrived on Sunday morning from Bombay. Messrs. Wiele and Klein took several instantaneous photographs of the party and of the several functions of the Congress during its three days' sittings.

## Indian National Congress

### First Day's Proceedings.

*Madras Session, 28th December 1908.*

#### OPENING OF THE CONGRESS SESSION

THIS Session of the Indian National Congress will long continue to be regarded as memorable in the history of political progress in India. Held in a year of disasters, disheartening and dispiriting amidst difficulties of the most extraordinary kind unprecedented in the annals of the Congress, against an opposition from some quarters, its success promised to be an achievement of which the advocates of political reform have every reason to be proud. The number of visitors too was large and this in spite of the fact that for the first time in the history of the Congress ordinary visitors were charged Rs. 10 each for admission instead of the usual fee of Rs. 5. The Congress pavilion is a large building capable of holding a very large number of persons, and it was full to overflowing.

Among the distinguished visitors seen on the platform were Sir Pherozesha Mehta, Lady Mehta, Dr. Clarke of the British Congress Committee, Mrs. Clark, Bai Bahadur R. N. Mudholkar, Sir Bakachandra Krishna, Mr. Sathyananda Bhose, the Hon'ble Pandit Madan Mohan Malaviya, Mr. D. E. Wacha, the Hon'ble Mr. Gokhale, the Hon'ble Mr. Dixit, Babu Surendranath Bannerje, Mr. Khare, Mr. Ghosal, Mr. A. S. Chowdry, the Hon. Mr. Justice Sankaran Nair, C.I.E., the Hon'ble the Rajah of Kollengode, Hon. Mr. Hari Krishan Lal, Rev. Mr. Skinner, Baboo Bhupendranath Bose, the Hon'ble Mr. Justice Chandavarker, Sir Vitaldoss Thackersey, the Hon'ble Nawab Syed Mahomed,

Dewan Bahadur, P. Rajarathna Mudaliar, the Hon'ble Mr. Parekh, Sir P. N. Krishnamoorthi, the Hon'ble Mr. K. R. Gurusawmy Iyer, the Hon'ble Mr. M. Krishnan Nair, the Hon'ble Mr. P. Kesava Pillai, Mr. P. N. Raman Pillai, Mr. T. Desikachary, Mr. H. V. A. Scholl, Dewan Bahadur Venkatramadoss Naidu, and several others.

### THE PRESIDENT'S ARRIVAL AT THE PAVILION

Dr. Rash Behari Ghose arrived at the Pavilion at 12 noon escorted by volunteers, by the Secretaries and by the Chairman of the Reception Committee preceded by a band. As he was being conducted to the *dais* round the Pavilion, the entire audience rose and greeted him with loud and prolonged cheering, and there were also shouts of *Bandé Matharam*. The proceedings began with the singing of the National Anthem. After the President and others had taken their seats, Dewan Bahadur K. Kristnasawmy Row, Chairman of the Reception Committee, delivered his address.

### WELCOME ADDRESS

BY

DEWAN BAHADUR, K. KRISHNASWAMI RAO, C.I.E.

*Chairman of the Reception Committee.*

Hon. Dr. Rash Behari Ghose, Brother Delegates, Ladies and Gentlemen :—

ON behalf of the Reception Committee, I most cordially welcome you to this session of the Indian National Congress. I cannot adequately express my thankfulness to the Committee for the honor they have done me in entrusting me with the pleasant duty of welcoming on this great occasion, a large number of educated, intelligent and public spirited gentlemen devoted to the cause of the peaceful regeneration of India. You have come from different and distant parts of India, in obedience to the call of your mother-country, to take part in the deliberations of this august assembly, at a great sacrifice and inconvenience to yourselves. Within the short time at their disposal, and amidst many difficulties, the



Reception Committee have spared no pains to make satisfactory arrangements for your stay among us. But they regret that they have not been able to accord you a more fitting reception. They however feel certain that you will kindly take their will for the deed and overlook any shortcomings in the arrangements made for your convenience and comfort.

We are meeting this year under peculiar circumstances. The ever-regrettable incidents that prevented the holding of the last session of the Congress are still fresh in our memory. Although twelve months have now elapsed, there has not been effected that complete union which results from calm and dispassionate deliberation that generally follows sudden outbursts of temper. To wait to summon this session of the Congress until all the differences are adjusted, would mean its long, if not, indefinite postponement. The differences that exist are not, after all, a great evil. They may be taken as a blessing in disguise, if they act as a stimulus for us to work in the cause of our country with zeal and earnestness.

#### *SOME REMARKABLE EVENTS*

During the last two years, many remarkable events have occurred and several important legislative and administrative measures have been introduced. On these measures, which relate to our vital interests, the deliberate and collective opinion of the leaders of Indian thought in different parts of this great Peninsula has to be pronounced. The Right Hon'ble the Secretary of State for India has proposed important reforms which call for our careful consideration and for the expression of our views. They are conceived in a liberal spirit and may be taken as a substantial instalment of reform. These proposals mark, as his Lordship himself has observed, "the opening of a very important chapter in the history of the relation between Great Britain and India." Even more than the actual proposals, the spirit that dominates them is welcome. We cannot be too grateful to his Lordship whose master-hand is visible in every important detail of the proposals, for the broad-minded sympathy with our aspirations and ambitions and for the assurance that an era of progressive administration is to be inaugurated wherein the people will have a real voice in the management of their own concerns. The doing away with the official majority in the Provincial Councils, is a distinct and liberal concession to responsible public opinion and has removed an incubus whose existence always gave an air of unreality and formality to the discussions in the Legislative Councils. Next comes the power intended to be conferred on the Councils to pass resolutions in the form of recommendations, on administrative matters



for the consideration of Government. The responsibility which a Government incurs by lightly disregarding the recommendations made by a regularly constituted body, is by no means, small. • The proposed admission of an Indian Member to the Executive Councils is a most important step, the results of which are bound to be abiding and far-reaching. There is much to be said in favour of the proposals regarding the discussion of the Budget in Councils, Electoral Colleges, improvement of Local Fund Boards and Municipalities. But I feel that I should not take up your time with a detailed consideration of them, as they will form the subject of your deliberations.

### *CHANGES IN INDIAN AFFAIRS*

Ever since he came to the India Office, Lord Morley has been trying his best to understand us and advance the cause of Indian progress. He has given signal proof of his sincere sympathy with our aspirations, by appointing two of our countrymen as his Councillors, and in this Presidency the Hon'ble Mr. Sivaswami Aiyar and the Hon'ble Mr. Abdur Rahim as Advocate-General and Second Indian Judge of the High Court of Madras respectively. While he found it necessary to sanction certain repressive measures in the paramount interests of peace and order, he has taken care to see that their operation was confined to the gravest of cases and to certain disturbed areas, and that new powers are exercised with moderation. It is the first duty of Government to preserve peace and order; and if in meeting such responsibility, they take strong measures, we are bound to give them such united and whole-hearted support as lies in our power. There may be differences of opinion as to what is the best method of dealing with the anarchical development in the country; but as to the necessity of putting it down by a strong hand, there can be none. The creation of a special bench of three Judges of the High Court to try certain classes of grave offences, and the limitation of the Seditious Meetings' Act to a period of three years, evidence the strong desire of the Government to respect the liberty of the subjects, as far as the circumstances within their knowledge permitted. • The proposed reforms bear testimony to their generosity in dealing with Indian problems. •

### *INDIA IN PARLIAMENT*

The philanthropic gentlemen who constitute the Indian Party in the House of Commons and who have magnanimously made out cause their own, will be very anxious to know what we collectively think of the proposed reforms. I seriously ask Indians of all shades of opinion whether



the formation and expression of collective and authoritative opinion, is possible without meeting in Congress. We have already lost the opportunity of giving early expression to our views on the events of 1907, by the lamentable disruption of the Surat Session of the Congress. "Better late than never" may be a good rule in the ordinary concerns of life. But in politics, "delay is dangerous". Belated expression of opinion is worse than silence. No Government whatever be its constitution, likes to recall the measures once sanctioned by it, lest its prestige for sound judgment and firmness may suffer. No opportunity should therefore be lost to organise and give an early expression to public opinion on the proposed measures. It is the duty of those who have faith in constitutional agitation, to see that the Sessions of Congress are regularly held and that the opinion of the whole country is recorded in good time.

### NO MENDICANT POLICY

A section of our countrymen taunt us as the followers of a mendicant policy, by which name they describe constitutional agitation. Constitutional agitation is nothing but the exercise of the subjects' right of petitioning the Sovereign, which the British Nation (the first among the free nations of the world) obtained after a long struggle, and values as one of its best privileges. Our highest ambition has been and is to be placed on a par with European British subjects in every respect. We need not therefore be ashamed of exercising the right of petitioning the Government for redress of our grievances and for the acquisition of fresh rights and privileges. No Government (Native or Foreign) has ever granted privileges or conceded rights, unasked. Even a mother, the dearest of relations, does not anticipate all the wants of her child. So long as we have our wants and so long as we have our aspirations, we must ask our rulers to help us. Is it possible under any Government to obtain redress without appealing to the governing body, by whatever name it may be called? We have no grounds to say that in the past, our representations received no consideration from Government. The increased employment of our countrymen in the higher ranks of public service, the reforms in the Legislative Councils, the experiment now being made in Bengal to separate the Judicial from the Executive Service, the reduction of the duty on salt and the raising of the minimum of taxable incomes may be mentioned among the measures introduced in response to Indian opinion. There is, no doubt, a very keen feeling that Government have not moved as fast as our intellectual and moral progress warrants; but we cannot say that they have stood still. The present attitude of the Indian and the Home Governments is



full of hope for us. We have also the most authoritative assurance in the Gracious Message of His Majesty the King-Emperor addressed to the Princes and Peoples of India on the 1st November last, that the progress henceforward will be steadfast and sure. This assurance has been followed by the important reform proposals which Lord Morley has placed before the Parliament and the country. With these facts before us, can anyone say that our demands have received no consideration from the Government?

Constitutional agitation being necessary in the best interests of India we invited this Congress to this city. In the ordinary course, it is our turn to hold this year's session. We have not taken the burden or responsibility of others in inviting you to this city. We are simply discharging our duty. May the Merciful Disposer of all events bless us with success!

### NEW FEATURES OF THE CONGRESS

A most gratifying feature of this session of the Congress is that it is held under a Constitution. Past sessions were often reproached by even friendly critics as unregulated gatherings, although they were conducted according to the well established usages governing the procedure of similar assemblies. That reproach has been happily removed. It must be said to the credit of the sad occurrences of Surat, that they opened our eyes to the necessity for a written constitution and rules of procedure. In this age of codification, we cannot afford to continue to be governed by unwritten usages. You are aware that a large number of delegates who had met at Surat appointed a Committee to frame the necessary regulations. The members of this Committee met at Allahabad in April last. Amongst those that met, were legislators of repute, and gentlemen of great intelligence, high culture, varied and long experience and, above all, distinguished for their valuable services to the Congress cause. After a deliberate consideration, the Committee framed the constitution and the rules of the procedure according to which this session of the Congress is to conduct its proceedings. The first article of the Constitution is nothing but the embodiment of the principles established with the consent of all parties at the Calcutta Congress of 1906 under the presidency of Dadabhai Naorojee—our Grand Old Man—who by his unparalleled devotion to the political regeneration of India and by his eminent services to our country in and out of Congress, has earned the esteem, affection and gratitude of all his fellow subjects in the British Empire. So far as I can see, there does not seem to be any difference



of opinion as to the propriety of the provisions of the first article in the constitution. Except the provisions relating to the powers of the President and to the manner of taking votes in certain cases, all the other regulations are what ordinary associations in all civilised countries observe in the conduct of their business. Considering the importance of the Congress which is the premier national assembly of the whole of India and the paramount necessity of preserving order during its deliberations, the powers conferred on the President cannot be said to be unreasonable or excessive. The fact that the Venerable Mr. Hume, Sir William Wedderburn and Dadabhai Naorojee have set the seal of their high authority on the constitution and the rules, ought to be a sufficient guarantee for their reasonableness and fairness and should commend themselves to all parties. I do not of course claim perfection for them. They may be found imperfect in some respects, as they are only human acts. We must remember what Alexander Pope said on Criticism :

“Whoever thinks a faultless piece to see;

“Thinks what never was, nor is, nor ever shall be”

It is of course open to the Congress to modify any rule found by actual experience to be inexpedient or unworkable, without affecting the principles embodied in the first article of the constitution.

### HARMONY AND JUDGMENT

However perfect laws may be, they will fail to secure the object in view unless they are implicitly obeyed. I entertain no doubt that those who take part in this Congress will loyally support the constitution. To so enlightened and wise an assembly as this, no words of exhortation from me are necessary to exercise the great virtues of patience and tolerance in the conduct of the very serious business we have before us. “Harmony” must be our motto. We must judge of measures irrespective of their authors and sink personal differences in the pursuit of great and good objects. Nothing will be more lamentable than that the differences on non-essential points should stand in the way of our harmonious action. The disgraceful scenes of Surat are enough for all time to come. I therefore most solemnly appeal to all my countrymen to act as one man to secure the continuity and stability of the Congress.

### SOME PHASES IN THOUGHTS POLITICAL

A great deal of discussion has been going on about the ideal to which political movements in India should tend. As you are aware,



absolute autonomy is the one proposed in certain quarters. No doubt, political thinkers of all shades of opinion are agreed that as a matter of abstract principle and as a philosophic doctrine, absolute freedom, ought to be the ideal to which nations should aspire. Our concern however is not with theoretical perfection but with practical politics. We have to enormously develop our industrial resources and considerably strengthen our capacity for corporate action. It will not do therefore that we should be carried away by the grandeur of the ideal of absolute autonomy without consideration of the long, weary and even useless steps that will have to be taken. As free and full a self-government as can be had within the British Empire, is, I hold, as noble and inspiring an ideal as can be thought of in the conditions of our country, to stimulate our political activity and weld us into a nation worthy of the traditions of the past and fitted to play its part in the economy of the world. I can conceive of nothing more certain to retard, nay to stay our progress altogether than what is being done by some who place absolute autonomy as the ideal to be striven for, before the young and undeveloped minds whose capacity for mature judgment is not so sound as their imagination is powerful, and work upon their sentiments and lead them to form habits of thought and action subversive of the best interests of the country.

### COUNSEL OF GREAT MEN

I beg to invite the attention of all Congressmen to the sage counsel given by our most sincere and staunch friends and well-wishers—Mr. Hume and Sir William Wedderburn in their letter addressed to me as the Chairman of the Reception Committee and published last month in all the leading papers of India. The only return we can make to them, for their long disinterested, never-ceasing and philanthropic service in the cause of Indian progress, is to respect their advice and act up to it.

I cannot resist the temptation of repeating here the following sound and practical advice of the great Indian statesman—the late Raja Sir T. Madava Rao—who was the Chairman of the Congress Reception Committee in the session held in this city in 1887:—

“Let us stand firm in our conviction that these gatherings are useful and desirable for a multitude of reasons. Let our single aim be to justify ourselves by invariable loyalty, good sense and moderation in our thoughts, words and deeds. Much irritation and retaliation will be avoided if the mutual dependence of the rulers and the ruled is

1. See appendix A. for the letter of Mr. Hume and Sir William Wedderburn.



steadily kept in view. With the ruled it must be a postulate that the rulers err from ignorance and in spite of their efforts to avoid mistakes. By the rulers, it must be taken for granted that when subjects petition and expostulate, it is not in a spirit of disputation or cavilling, much less of disaffection and disloyalty; but only to enlighten those holding sway over them and in a peaceful and constitutional manner to have their wishes understood and their grievances made known."

### UNREST, REAL AND UNREAL

I do not intend to anticipate the subjects which will be placed before you after they are duly considered by the Subjects Committee. I will however make a few general observations on the "unrest" in India. It cannot be denied that there is discontent throughout the country, in varying degrees. This is mainly due to the growing poverty of the masses, owing to various causes such as the increase of population, the decline of Indian arts and industries, the abnormal rise in the prices of all the necessities of life, and the heavy taxation. The attempts that are being made to increase the indigenous manufactures are not meeting with adequate success mostly for want of the requisite and up-to-date technical skill and training. The Government technical institutions, extremely few in number and very limited in their scope, have yet to show that they are effective agencies for the improvement of our industrial status. The avenues for emigration are being closed gradually. What should be done under these circumstances to solve the problem of ever-increasing poverty, is the question put by every thinking person without eliciting an answer. The Indian mind has been traditionally trained to look to the Sovereign for redress of all temporal ills. Our ancient literature contains instances of subjects holding their King responsible for natural but premature deaths and calling upon him to restore the dead to life. It is not strange that people brought up under such ideals should look to the Government for help when they are in want and without adequate means of meeting it, and feel discontented if the anticipated help does not come to them. The inadequate response hitherto made by Government, to our demands based upon legitimate aspirations and ambitions has also contributed its quota to the stock of prevailing discontent. A more liberal policy towards, and active sympathy with, our pressing wants and aspirations, which are happily now in evidence, will I feel sure, remove it.

### INTEMPERATE LANGUAGE UNWARRANTED

It is a matter for deep regret that the prevailing discontent has sometimes found expression in intemperate and unwarranted language giving



rise to prosecutions for sedition, and in a few cases, led to the commission of most outrageous crimes hitherto unknown in India and universally abhorred. There is a deplorable tendency in some Anglo-Indian and English papers and in not a few European circles to treat the wicked deeds of an insignificantly few persons as evidence of general disloyalty to the British Government. If "disloyalty" means the desire for the subversion of British Rule, I most *emphatically* deny the existence of any disloyalty except perhaps, in the minds of a few thoughtless, insane, mischievous, and anarchically inclined persons. The anarchists are causing immense injury to the cause of Indian progress by their abominable and sinful acts which necessarily induce the Government to adopt repressive measures. Such measures mean further increase in Military and Police charges and ultimately lead to additional taxation and curtailment of expenditure on schemes for the promotion of the material prosperity of India. The anarchists do not seem to realise that they are bringing the innocent portion of their countrymen who form fortunately by far the great majority of Indian population, into undeserved suspicion and even trouble, and that their mother country now requires most undisturbed peace for its advancement in commerce and industries. It is the sincere wish of every sane Indian that outrages on humanity and good Government so foreign to the spirit and traditions of the people should speedily disappear in the general interests of the country.

#### INDIAN DISCONTENT SAME AS SUFFRAGISTS

Turning from this sad picture, I am most happy to say that the general feeling of all classes of His Majesty's subjects throughout India towards the British Government is one of deep gratitude for the many blessings conferred on India, the most important of which are security of life and property, liberal education, medical and famine reliefs, sanitation and facilities of communication. The recent loyal celebration of the Royal Proclamation Day and the demonstration of loyalty to the British Raj which it evoked are strongest proofs of the existing feeling of devotion to the British Government. The Indian cry for reform is similar in character to the cry of the suffragists and of the unemployed in England. In countries which have the Parliamentary institutions, the Government shares with the people, the odium for the existence of grievances while in countries where people have no real voice in the administration of public affairs, the whole blame necessarily falls on the Government.



### OUR LOSSES

It is with the deepest regret that I refer here to the great loss the country has sustained in the deaths of Rai Bahadur P. Ananda Charlu, C.I.E., and Sir V. Bhashyam Aiyangar, Kt., C.I.E., Most of you had the privilege of personal acquaintance with Mr. Ananda Charlu, and knew him as a distinguished and zealous worker in the Congress cause. He regularly attended the sessions of the Congress, Provincial and District Conferences and almost all local public meetings; and took an active part in their deliberations. The fact that he was unanimously elected the President of the Congress held at Nagpur and that he conducted its proceedings with great success, bear the strongest testimony to the high estimation in which he was held by all parties. In the Supreme Legislative Council of India, he, as the Representative of this Presidency, fearlessly defended and judiciously promoted the popular cause. What was most remarkable in him was his ready wit and humour which removed the tinge of offensiveness, from even his most severe criticisms. Although Sir V. Bhashyam Aiyangar did not take part in any popular movement which had for its object, the redress of grievances or legislative or administrative reforms, he may be truly said to have indirectly supported the Congress cause. By his high intellectual powers, conspicuous forensic abilities, deep research in the domains of law and sturdy independence, he proved the justice of the demand made by the Congress, for increasing the share of qualified Indians in the higher grades of public service. It is a distinct concession to his extraordinary merit that the most responsible and trusted office of Advocate-General is now held by our countryman. As the Advocate-General, as a Member of the local Legislative Council, as a Judge of the High Court and, as a Senator and Member of the Syndicate of the Madras University, he rendered signal services to his country, and boldly stood for what he believed to be right and just. It will be long, before the great gaps caused by the removal of these two illustrious and worthy sons of India from the scenes of their earthly labours, are filled.

### THE CONCLUSION

Under the constitution, the power of electing the President of the Congress, is, you know, vested in the Provincial Congress Committees and the Reception Committee. These bodies have unanimously elected the Hon'ble Dr. Rash Behari Ghose, C.I.E., as the President of this Congress. His high literary and legal attainments, his eminence

at the bar, his signal services as a member of the Viceregal Legislative Council, his thorough grasp of Indian problems, his enlightened patriotism and independence, are well known to you all. The electors must be congratulated on the excellent selection they have made. As Dr. Rash Behari Ghose was the President of the Committee which framed the constitution and rules of procedure, he is eminently qualified to preside over the proceedings of this session of the Congress and guide us in the conduct of our business. I need hardly remind you that his efficiency as President depends more upon your unstinted and cordial support than upon his eminent attainments and virtues. I most earnestly entreat you to follow his guidance and respect his authority. I now call upon The Hon. Nawab Syed Mahomed Sahib Bahadur to move the formal resolution that the Hon'ble Dr. Rash Behari Ghose, C.I.E., be requested to take the chair. (Cheers)

The Hon'ble Nawab Syed Mahomed Sahib Bahadur in moving "that Dr. Rash Behari Ghose be requested to take the chair," said:—Mr. Chairman, brother delegates, ladies and gentlemen,—I consider it a great privilege to be associated to move the resolution which has been entrusted to me. Our esteemed countryman and my friend, Dr. Rash Behari Ghose, is so well known to you all that it is quite unnecessary for me to say anything by way of introduction (cheers). Gentlemen, you will, I have no doubt, be eager to hear his masterly address and without taking up your time any more I have much pleasure in proposing that Dr. Rash Behari Ghose be requested to preside over the deliberations of this Congress. (Cheers).

Mr. R. N. Mudholkar in seconding the resolution said:—

Brother delegates, ladies and gentlemen,—I have very great pleasure in associating myself with the proposal made by my friend the Hon. Nawab Syed Mahomed that Dr. Rash Behari Ghose be requested to take the chair. Gentlemen, as your worthy Chairman has pointed out, the Hon. Dr. Rash Behari Ghose possesses unique qualifications to entitle him to guide our deliberations and to direct the proceedings of our National Assembly. (Cheers.)

His erudition, both general and legal, his culture, his refinement, his high intellectual attainments, his great moral character, his sturdy independence his unswerving patriotism are known to all (cheers). And at the time of critical juncture, in National affairs, when most important questions, when most momentous questions, are awaiting the consideration of the Government and public, no better, no safer, no wiser President than Dr. Ghose, combining deep learning, thorough know-



ledge of practical affairs, thorough knowledge of men and things can be chosen. He is not a mere bookworm, who does not know the political condition of his country, who keeps aloof from the practical affairs of everyday life. He knows that while most people wished the utmost form of self-government under the present regime, that it is only under law, it is only by respect to law, by respect to constitutional methods, that our work can be carried on. We are proud that we are going to have him to guide our deliberations and to direct us in all the important considerations which come before us. I have, as I said, great pleasure in associating myself with this request made by my friend to ask Dr. Rash Behari Ghose to accept the chair.

Sir Balachandra Krishna in supporting the resolution said :—

Mr. Chairman, brother delegates, ladies and gentlemen :—

I have much pleasure to be called upon to support a proposition for the election of our President. We are passing through very troublous times and this is an eventful era, and a very important era in the annals of the Congress. At such a time we must have as our Chairman, a gentleman, in whom we have the highest and most implicit confidence and it is the Hon. Dr. Ghose who commands our respect and confidence. It is he, I think, who shall be called upon to preside over the deliberations of the Congress. Dr. Ghose is known throughout the length and breadth of India as a legal author, as a great jurist, and as a gentleman who has filled his place in the Legislative Council with independence, freedom and great capacity. Dr. Ghose is especially required on this occasion, because we have the precious measures from His Imperial Majesty and broad-minded and sympathetic reforms given to the whole of India by that most experienced and liberal statesman, Lord Morley. It is on such an occasion that we require a most statesmanlike pronouncement from the Congress and we expect such a pronouncement from our worthy President, the Hon. Dr. Ghose. I therefore have the greatest pleasure in supporting this proposal. (Cheers.)

The resolution was carried with acclamation.

Dr. Ghose was then installed in the Presidential Chair amidst enthusiastic cheering.

At this stage Mr. D. E. Wacha of Bombay read telegrams from several Congress leaders in different parts of the country. Mr. Dadhabhai Naoroji in his telegram says :—" I give general approval to the reform proposal and I wish Congress every success."

Mr. Lal Mohan Ghose, Calcutta, says in his telegram:—"Regret unable to attend Congress, wish every success."

Telegrams sympathising with the Congress from Mr. Chatterjee, Mr. Motilal, Mr. Mudelal of Benares, and Sir Gurudoss Banerjee were also read.

### PRESIDENTIAL ADDRESS.

Dr. Rash Behari Ghose then rose amidst deafening cheers and spoke as follows in a telling and eloquent speech amidst frequent cheering:—  
Brother Delegates, Ladies and Gentlemen, —

The fears which for months haunted the minds of some of us have proved groundless. The genial predictions of our enemies so confidently made have also been falsified. For the Indian National Congress is not dead nor has Surat been its grave. It has been more than once doomed to death but, rely upon it, it bears a charmed life and is fated not to die. It is true a few men have left us, but the Congress is as vigorous as ever. We have now closed up our ranks and though some of us clung convulsively to the hope that those who have now deliberately committed political suicide would still continue to fight the good fight and keep the faith they soon found out their mistake. There can be no reconciliation with the irreconcilable.

### ALWAYS CONSTITUTIONAL

The first ominous sign of a movement which has since unmasked itself showed itself in the Benares Congress in December 1905, after the re-actionary policy of Lord Curzon had culminated in the partition of Bengal. It was at Benares that the boycott of English goods which had been started in Bengal by way of protest against the partition of the province was declared to be legitimate, not however without some opposition from those who thought that such a step might ultimately end in hostility to the Government. The new movement started in 1905 reached its second stage in Calcutta, where there was a stormy session, and an open rupture was averted only by the tact and authority of Mr. Dadabhai Naoroji. By that time the new party, who made no secret of their contempt for the moderates, had sketched out a comprehensive policy of passive resistance modelled on the Irish Sinn Fein. They insisted on a boycott not only of English goods but of the English Government itself, though their policy was veiled under the name of self-help and self-reliance. The relations between the two parties thus became strained almost to the breaking point in 1906, and the struggle had reached a still more menacing



stage before we met at Surat last year, when the session had to be suspended amid tumultuous and unedifying scenes. And why?—simply because the Congress refused to be dragged from its old moorings by the new currents which had been set in motion. Our National Congress has, I need hardly remind you, from the very beginning strictly adhered to constitutional methods of agitation and has never encouraged disloyalty of any sort or kind. It is true like all other institutions, it has passed through the inevitable process of evolution, but it has never faltered in its loyal devotion to the Empire. And at Surat it remained firm to its creed and refused to purchase unity at the price of principle and of loyalty.

### *MISGUIDED PATRIOTS*

Now, I will not wander into the boundless realm of the might have been but will only say this: Those who have gone out of us, were never of us, for if they had been of us they would no doubt have continued with us. Our paths now lie wide apart, and a yawning gulf separates us. It is however permissible to us to hope that these wayward wanderers, if I may say so without offence, will come back to us and be ours again joining hands and hearts with us and fighting under the old banner—that banner to which we have always been true,—and by which we have again solemnly pledged ourselves to stand, never again to part. But we will not, we cannot, we dare not extend the hand of fellowship to them so long as they persist in their present insensate policy.

### *COUNSEL USELESS TO THOSE WHO BELITTLE OTHERS*

Brother Delegates, we have been charged with having imposed a new constitution without a mandate from the Congress, but I can hardly believe that our accusers are serious. In the first place there is no question whatever of compulsion or of a brand-new constitution. The constitution is not brand-new and nobody is compelled to accept it. In the second place, is it not the idlest pedantry to say that the convention which we were driven to summon at Surat when the regular machinery broke down—a convention at which over eight hundred delegates were present,—had no authority at all to act in the unforeseen emergency which had arisen? If we were always obliged to move only in the beaten path, we could not move at all. "In a wilderness," said Maynard on a historical occasion, "a man should take the track which will carry him home and should not stand crying 'Where is the King's highway?' I walk nowhere but on the King's

highway'." There are also other precedents familiar to every student of history. But what is the use of speaking of precedents or of history or of the counsels of common sense, to those who for their own purposes, are determined to belittle the Indian National Congress?

### AN ENTIRE CHANGE

Brother Delegates, I must confess it was not without considerable misgiving that I accepted the invitation of the Reception Committee to preside at the present session as I was then inclined in common with most of my countrymen to take a very gloomy view of our position and prospects. For if the situation last year was full of grave anxiety, the year which is just closing was marked by still more sinister omens. I am not, I trust, a pessimist; but a succession of repressive laws and deportations under a lawless Law will sap even the most robust optimism. In the course of the last few days, however, the condition of things has entirely changed, and the clouds which darkened the political sky and which we watched so long with fear and trembling are now dissolving in rain. The words of the poet have come true:—

“The clouds you so much dread  
Are big with mercy and shall break  
In blessings on your head.”

They are now breaking in blessings over your heads, slaking the parched and thirsty earth. The time of the singing of birds is come, and the voice of the turtle is heard in our land. English statesmanship which, as Lord Morley justly boasted has never yet failed in any part of the world, has risen to its fullest height at this critical time, and has seized the golden moment, for it knows the season when to take occasion by the hand, not to suppress but to guide the new spirit which England has created in India. To have dropped the policy of conciliation at the present moment would have been a sign not of strength but of weakness. In justice alone lies the strength of rulers—justice which owes no account to the little prudences of the hour. And English statesmanship has dared to be just because England has a national conscience. It has dared to be just because it knows no fear. It has dared to be just because it has no real faith in the cult of canteen ballads,—the tinsel imperialism, which tells us that the white man was created only to bear the burden of the brown.

### A MESSAGE OF PEACE AND GOODWILL

The reforms which have now been announced were foreshadowed in the King Emperor's message which came to cheer us in our hour of



deepest gloom and dejection, of affliction and of shame. It was truly a message of peace and good-will, full of the most kindly, most sympathetic, most friendly feelings towards his Indian subjects breathing the same noble sentiments which inspired the Proclamation of Queen Victoria. It has been said that the manifesto is spiritless and rather superfluous. It was not, I make bold to assert, spiritless nor superfluous. It was not spiritless, because it solemnly re-affirmed the great Charter of 1858. It was not superfluous because it distinctly announced a policy of progressive development in the direction of self-government.

### THE CURZON REQIME

The language of the Queen's Proclamation, the keynote of which was the equality of races, was perhaps equally plain on one point. But can any one truthfully assert that it received a generous interpretation in practice? Did not a brilliant Viceroy attempt to explain it away in a famous speech and deliberately lay down the policy of excluding Indians from the higher branches of the service? The National Congress protested against this policy, but Lord Curzon would not pay the slightest attention to our protest. He would not be Lord Curzon if he did. We have a right to bring against Lord Curzon the same charge that Shylock brought against Antonio 'He hath scorned my nation'—a nation justly proud of their literature, justly proud of their philosophy and justly proud of their ancient civilisation.

### A NEW ERA

We are now on the threshold of a new era. An important chapter has been opened in the history of the relations between Great Britain and India—a chapter of constitutional reform which promises to unite the two countries together in closer bonds than ever. A fair share in the government of our own country has now been given to us. The problem of reconciling order with progress, efficient administration with the satisfaction of aspirations encouraged by our rulers themselves, which timid people thought was insoluble, has at last been solved. The people of India will now be associated with the Government in the daily and hourly administration of their affairs. A great step forward has thus been taken in the grant of representative government for which the Congress had been crying for years.

### SELF-GOVERNMENT

One of the leading features of the proposed reforms which are all based upon a progressive policy, is the extension of local self-govern-



ment, perhaps the most potent instrument of political education. This is not entirely a new departure, but the policy with which the honoured name of Lord Ripon will always be associated, never had a fair trial. A single-minded English nobleman of the best type, Lord Ripon believed that righteousness exalteth a nation. He believed that a nation, like an individual, has a conscience, and that England's duty to India would be discharged only by making the people gradually fit for self-government. The development of local self-government was, therefore, one of the objects nearest to his heart. But who does not know the fate of the measures introduced by him? Who does not remember the angry controversy which surged round Lord Ripon's administration? Who does not remember the threats of a white mutiny? Who does not remember the open insults to the Queen's representative? It was not the Ilbert Bill which convulsed the Anglo-Indian world but Lord Ripon's attempt to give the local representative councils some actual share in the government of their district. And it was certainly not his lordship's fault if the reforms proposed by him proved an illusion, a mere Barmecide feast.

### NO MORE ILLUSIONS

But we are no longer going to be fed on illusions. Henceforth we shall have an effective voice in directing the policy of the Government in the administration of the country. Henceforth we shall be able to initiate discussion on all questions of public importance, and to pass resolutions which, though they may not be binding upon the Government, are sure to receive attention. Indian members will also be admitted to the Executive Councils. The debate on the Budget again will be a real debate and not a mere academic discussion, while the right of interpellation will be considerably widened. Henceforth the executive will not be able to control all provincial legislation. In a word we shall now have something like a constitutional government in the place of an autocratic and irresponsible administration. Lord Morley has also promised, not obscurely, that the Bombay and Madras system will be introduced into the larger sister provinces. And if the principle of dispensing with an official majority has not been for the present extended to the Imperial Council, we have no doubt its application will not long be withheld if the result of the experiment in the Provincial Councils proves satisfactory.

### GUARANTEE BY STATUTE

The reform scheme has no doubt been very carefully thought out, but it is impossible to say that it is not susceptible of improvement.



And it is quite open to you to suggest such alterations as would facilitate its practical working, and I am sure any reasonable representations made by you will receive every attention from the authorities. I would therefore invite your attention to the best method of securing the proper representation of the people in the Legislative Councils, and in this connection, I would ask you to consider the question of the constitution of the electoral colleges. It would also be for you to consider whether the appointment of an Indian member to the Executive Councils should not be guaranteed by Statute, instead of being left to the pleasure of the Secretary of State for India for the time being. We cannot always have a Morley at the helm in England, nor a Minto at the head of the administration in India.

### **SINCERE CO-OPERATION NECESSARY**

We do not know what the future destiny of India may be. We can see only as through a glass darkly. But of this I am assured, that on our genuine co-operation with the British Government depend our future progress and the development of a fuller social and political life.

Of this also I am assured that the future of the country is now in a large measure in our own hands. And we owe it to ourselves, we owe it to the Government which has generously recognised the justice of many of our claims, to show that we are deserving of the confidence of our rulers. And, above all, we owe it to our countrymen to give that generous support to the Government which can alone promote their happiness and lead to further reforms. If we are apathetic or do not wisely exercise the privileges now given to us, we shall show to the world that we are unfit for the duties and responsibilities of citizenship. The fault will be ours, the humiliation and the disgrace. Remember that our enemies will always be on the watch and if we fail to discharge our duties properly the fate of the country will be sealed. Speaking for myself, I have no such craven fears. I am confident that we shall all loyally co-operate with the Government in promoting the welfare of the country. And I am equally confident that such co-operation will strengthen existing authority and impart to the administration an efficiency which a foreign bureaucracy with the best intentions can never hope to attain.

To the impatient reformer who thinks that the proposed measures are in some respects inadequate my answer is, as we all know, that to disdain anything short of an organic change in institutions is nothing short of political madness. Reckless change is dangerous, and the



most ardent patriot must see the wisdom of accepting reforms, which, if they give satisfactory results, are sure to lead up to larger reforms. Remember there is no finality in politics. Of one thing I am certain. One thing I know. The nation as a whole will accept these reforms, not in a spirit of carping criticism, but with the deepest gratitude.

And this reminds me that if ever there was a time when we ought to rally to the support of Government, of law and of order, if ever there was a time in which all loyal subjects ought to co-operate with the Government, that time is this. And here I must say that we cannot be too grateful to Lord Minto, who has displayed a rare courage and firmness in trying times and has steadily refused, though determined to put down lawlessness to follow the unwise policy of his predecessor, which has given rise to all those troubles he is meeting so manfully.

### THE PARTITION BLUNDER

Lord Curzon seems to think that he has seized the full meaning of the new movement. In his lordship's opinion, and we know that what Lord Curzon asserts even once must be true, the whole of the unrest is due to the study of Mill on *Liberty* and Burke on the *French Revolution*. He forgot, I may note in passing, to refer to his own Indian speeches, which we can assure him were very widely read by the people of this country. Lord Curzon also speaks of the victory of Japan over Russia and the whispering galleries of the East,<sup>3</sup> and protests against the notion that the re-adjustment of the boundaries of Bengal—his euphemism for the partition of the province—has in any way contributed to the ferment. Now I confess, I cannot speak with the authority of his lordship; for I know of no calculus which can integrate the minute but powerful forces which are stirring in the hearts of New India.

The history of the unrest was sketched by a master hand only the other day in England and I am not presumptuous enough to think that I can improve on the picture drawn by Mr. Gokhale.<sup>4</sup> I may however venture to add that acquittals or very light sentences in some criminal cases in which the accused belonged to the governing race have contributed not a little to the general discontent. Another potent cause which many thoughtful Englishmen have noticed with deep regret is the insolence and the overbearing language of some members of the ruling class. Of course, we do not, for obvious reasons, expect

<sup>3</sup> See appendix C. Lord Curzon's Debate in the House of Lords.

<sup>4</sup> Mr. Gokhale's Speech in London on India.



to find in the manners of every Englishman in this country the repose which stamps the caste of Vere de Vere, but aggressive rudeness in language and behaviour might easily be avoided.

### **LORD CURZON'S LEGACY**

By one of those strange ironies of fate, so common in political history, Lord Minto was called upon to face the unhappy consequences of Lord Curzon's policy. He felt himself compelled owing to the growing discontent to enact repressive laws to restrain freedom of speech and of public meetings, but as all experience tells us, secret crime invariably dogs the footsteps of correction. That which has happened in every other country happened in India,—discontent was driven beneath the surface. The effect on those who are too young to be wise, too impulsive to be rational, was simply disastrous. Some of them who at first refused to meddle with Cæsar or with the things that belonged to Cæsar and said they would obey him in his place, began to dally with treason; for the first false step in all such cases generally leads by a tragic necessity to that easy descent with which we are all familiar. But the number of such persons was very small, infinitesimally small. And Mr. Tilak, for many years the central figure in the new movement in which he played a notable part, shall be my witness. That gentleman very candidly told an Englishman who was travelling in this country last year, "Certainly, there is a very small party which talks about abolishing British rule at once and completely, that does not concern us; it is much too far in the future. Unorganised, disarmed, and still disunited we should not have a chance of shaking the British Suzerainty."

### **LOYALTY NOT TO BE TAUNTED**

And this reminds me that we have been charged with having maintained an ignoble silence in this time of crisis. Our first answer to this indictment is that we have not been silent. Our second answer is, that we have no faith in mere protestations of loyalty which must be superfluous. When certain British subjects in the Cape told Lord Milner that they were loyal to the Crown, his lordship replied, "Loyal, of course you are loyal, it would be monstrous if you were not." Let us free our minds of cant, of "nonsense talk" to use the language of the Maharaja of Benares, a phrase which, I believe is destined to be historical. What, I ask, would an Englishman say if he was asked to join in a loyal demonstration, what would be his feeling, would he not treat the invitation as an insult? As I said only the other day from my place



in the Viceregal Council, we must be mad if we were really disloyal. But we disdain all spurious loyalty. We are not Pharisees. We do not wear our loyalty on our sleeves, for it must be above all suspicion. To doubt our loyalty is to doubt our sanity. We condemn from the bottom of our hearts all seditious movements and we condemn anarchism most, because it is opposed to the laws of God as well as of man. But with the reforms in the administration, we are confident that sedition will wear itself out. Anarchism sometimes may die hard. But it will die, it is bound to die, because it is in opposition to the best traditions of our race. Anarchism, I repeat, is bound to die, because it is in opposition to all those precepts of pity and of compassion for the lowest of God's creatures, which are our great, our priceless heritage, and which have raised man from a brute, to a height a little lower than the angels.

A season of universal rejoicing is not the time to make unfriendly criticisms on the action of the Government in enacting repressive laws, and I hope and trust that the memory of these drastic measures will now be buried in oblivion in the same grave with the misdeeds of a few misguided political fanatics. We must also remember that though the Government have been armed with some new weapons they have been rarely used. Thus the Public Meetings Act was put into force only in one district and that only for one year. The Press Act again has been called in aid only in three cases. Speaking for myself, I am not enamoured of a measure which is a serious menace to the freedom of the Press. But in fairness to Government, we should remember that in the present state of the country a temporary measure of the kind was perhaps necessary. The distinction between the approval of a recent crime and the discussion of an abstract proposition, like the morality of the action of Harmodius and Aristogiton, is always very fine; and those who engage in such discussions in times of public excitement should know that they can only do so at their peril. But though incitement to violence must be punished and organised lawlessness must be put down with the strong hand, the expediency of prosecuting people for seditious writings or speeches is open to grave question. A sustained campaign of repression may be necessary in case of grave peril to law and order, but you cannot prevent the spread of opinions, however mischievous, by sending the speaker or writer to gaol. You cannot imprison the mind. It is always its own place. Outrages and direct incitements to outrages must, I repeat, be punished and punish-



ed severely. But argument can only be met by argument. Coercion and even the appearance of coercion tend to create only distrust and suspicion. We all know the story of Jupiter and the rustic who listened with attention as long as the god tried to convince him by argument, but when, on his happening to hint a doubt, Jupiter threatened him with his thunder, said, "Now I know that you are wrong, Jupiter, for you never appeal to your thunder when you are right."

### GOVERNMENT MAKE PEOPLE MODERATE

And this brings me to the numerous prosecutions for sedition during the course of the year. There have been altogether, I believe, about twenty prosecutions and as many convictions. In moments of political passion when feeling runs high, an editor or speaker who is convicted of sedition, however rightly, is sure to be regarded by a section of the people as a martyr. But we do not want any fresh additions to the new Indian hagiology. The roll is already long enough. "He has set his heart upon being a martyr," said William the Third of an acrimonious Jacobite, "and I have set mine on disappointing him." Lord Macaulay contrasts the policy of William the Third with that of his father-in-law, who refused to remit a cruel sentence of flogging passed upon a clergyman, saying, "Mr. Johnson has the spirit of a martyr, and it is fit that he should be one." "These two speeches," observes the historian, "would alone suffice to explain the widely different fates of the two princes." I am, I know, stating a mere commonplace fit to adorn copybooks, when I say, that criticism however trenchant or drastic, cannot do much harm, so long as the administration is in a sound condition. It is sure to come to nought for it must always be powerless against the innate conservatism of a settled and civilized society. The true secret of the power of agitators is, as Macaulay pointed out long ago, the obstinacy of the rulers. A liberal government always makes a moderate people and this is as true of the East as of the West.

It has been said by a well known writer on constitutional law that the legal definition of a seditious libel might if rigidly interpreted put down all prevailing forms of political agitation. But a Jury are not bound by a too strict interpretation of law, and a man, therefore, may publish anything in England, which twelve of his countrymen think is not blameable. In India, where in trials for sedition, the safeguard of a Jury composed of the countrymen of the accused is wanting, a prosecution can only be justified when the public peace is imperilled by wild writings or speeches. As the Court of Directors said, not only

should justice be done, but people should be made to see that justice is being done. Where, however, an Indian is convicted of a political offence I do not know of any glasses which will make his friends see that justice has been done.

### *BETTER TREATMENT OF POLITICAL OFFENDERS*

However this may be, the severity of the sentences in many cases has undoubtedly called forth very strong comments even from those who have no sympathy whatever with seditious utterances. Braxfield was not a model judge. But no candid man can deny that the convention which sat in Edinburgh aimed at revolution. It was only the harsh sentences that sank deep into the minds of the Scottish people, whose feelings found expression half a century afterwards in the Martyrs' Memorial on Cotton Hill. Now the East may be the East, and the West may be the West, as the uncrowned Poet Laureate of the new imperialism assures us. But the propriety of a sentence is not a question of latitude and longitude. It is also permissible to doubt whether a system which places political offenders on a level with ordinary criminals is absolutely perfect. They should at least be spared the humiliation of herding with felons.

### *AMNESTY TO POLITICAL OFFENDERS*

Would it be too presumptuous to hope that if everything goes on well and the country settles down, as it must in a short time, a general amnesty will be granted to all political offenders and that those who have been deported will be restored to their homes? Would it again be too presumptuous to hope that the partition of Bengal will be modified? A more unpopular measure was never passed by the Government. Our grievance may be a mere sentimental grievance, but a sentimental grievance means a grievance that is felt. The wound which was inflicted in 1905 will never heal, and it would be lamentable if the success of Lord Morley's liberal policy was jeopardised in the slightest degree by his failure to undo a grave administrative error,—the greatest blunder, according to Lord McDonnell, ever made in India. I have pleaded more than once for the modification of the partition, and have no desire on the present occasion to repeat myself. But this I am bound to say, even the liberal concessions now made may, in some measure, lose their savour, if this great administrative blunder is long allowed to remain unredressed. The partition may be a settled fact, but it is still an unsettled question.



I find I must stop. I should have liked to say a few words on the rapid and appalling growth of military expenditure and the recent addition of an annual burden of Rupees 45,000,000, against which Lord Minto and his Council, always watchful of the interests of the Indian taxpayer, have entered a strong protest. I should have also liked to say something on the delay in carrying out the solemn promise made nearly two years ago, that primary education shall be free and judicial functions separated from the executive. I should have also liked to make a few remarks on the high mortality from plague and malaria, on the University Act and Regulations which many people fear are likely to hinder the growth of higher education in this country. But I feel I cannot detain you much longer.

### *THE LATE Mr. P. ANANDA CHARLU*

I cannot, however, conclude without referring to the very severe loss which the Indian National Congress has sustained in the death of Mr. Ananda Charlu. India was still mourning the loss of her foremost lawyer when our friend followed Sir Bhashyam Ayyangar to the grave. A distinguished scholar and a great lawyer, Mr. Charlu will perhaps be best remembered as one of the pioneers of the Congress movement. Behind a playful humour there was in him a singleness of purpose, a devotion to duty and an independence of character, which made him a most prominent figure in the public life not only of Madras but of the whole country. He has been taken away from us at a most critical moment when more than ever his wisdom and experience would have helped us in our deliberations. But as I have said more than once men like Mr. Ananda Charlu do not really die, but join the

“ Their invisible  
Of those immortal dead, who live again,  
In minds made better by their presence.”

### *INDIAN COMMONWEALTH PROBABLE*

It remains for me now only to thank you for the honour which you have conferred upon me. Believe me, I am not using merely an idle phrase when I say that I am proud of the distinction. I am proud also of my good fortune in being privileged to preside at this meeting, as the present year will be a memorable year in the history of the country. But those who succeed me will, I will make bold to say, be still more fortunate. For they will, I hope, at no distant date be able to congratulate the country on a substantial reduction in the military expenditure and a more equitable division of the burden. They will



also, I hope, be able to point to the steady substitution of Indian for European agency in the public service, to the wider and wider diffusion of primary education, to more and more improved sanitation, to a larger and larger reduction of the land revenue and the ultimate repeal of the tax on salt which is still a heavy load on the poor. They will also, I hope, be able to tell the assembled delegates how the success of the experiment which is now going to be made has encouraged the Government to give the people a larger and larger control over the financial and executive administration of the country. They will also I hope, be able to tell their audience how the Indian is no longer treated as an undesirable alien in any part of the Empire, and how the bar-sinister has been completely wiped out. They will also be able to congratulate the country of the repeal of Regulation III of 1818, a barbarous relic from the past,—an unweeded remnant which ought to have been extirpated long ago. They will also, I hope, be able to point with pride to social and material progress, to the growth of indigenous industries, to the investment of Indian capital in the development of the resources of the country, of improvements in agriculture and to the growing prosperity of the masses now plunged in hopeless poverty. They will also, I hope, be able to tell their audience that the establishment of technical colleges and the promotion of works of irrigation have for ever driven away the gaunt spectre of famine from the land. And when in the fulness of time the people have outgrown the present system of administration and have proved themselves fit for self-government, an exultant President of the Indian National Congress will be able to announce to a united people amid universal rejoicing, the extension to India of the colonial type of Government.

#### ROME WAS NOT MADE IN ONE DAY

Pray do not misunderstand me; and to guard myself against any possible misconception, I am bound to tell you that this ideal can only be realised in the distant future. But to those who say that it is absolutely impossible of attainment and mock at our hopes, our answer is plain. We may assure them that we are not the slaves of mere phrases. We are not impatient Utopians filled with ecstatic visions; for we know of no talisman which can make a nation in an hour. We know that our hopes are not likely to be realised in a day. We know that for years we may not have even a Pisgah sight of the promised land. But to blot out the ideal is, according to the Greek saying, to take the spring from out of the year. It is at once our solace and our



inspiration, our polestar to guide us and our comfort. We know that in the struggle we shall suffer many defeats. But there are defeats which do not involve any disgrace. There are repulses which carry no humiliation. And if ever we are seized with despondency we shall not forget that in a national movement, endurance itself is a victory and the keeping alive of the national spirit is itself an end. Our triumph may be very remote but, depend upon it, we can never suffer permanent defeat. And we are determined to fight the good fight with unextinguishable faith, with unwavering hope and strenuous patience, nerved and sustained by the conviction that a just cause can never fail with the people of England. (Hear, hear). In quietness and in confidence shall be our strength, and persuasion and discussion be our only weapons.

### CONCLUSION

The wisdom of confining ourselves only to aims which are immediately capable of being realised is not true wisdom, for I believe with Lord Acton, most philosophic of historians, that the pursuit of a remote and ideal object arrests the imagination by its splendour and captivates the reason by its simplicity, and thus calls forth energy which would not be inspired by a rational, possible end, confined to what is reasonable, practicable, and just. But we are not impracticable reformers, for we know that there is a time and season for everything and that all questions are not for all times. I repeat we cherish no illusions. We know that the way is long and hard, we know the danger of taking even a single unwary step, but we are determined to make the road easier for those who will follow us in ever-increasing numbers. Man goes forth unto his work and to his labour until the evening. But the evening comes before his work or task is done, but others will take up the work which is left unfinished.

Yes. A younger generation will take up the work, who will, I trust, have some kindly thoughts for those who, too, in their day strove to do their duty, however imperfectly, through good report and through evil report, with, it may be, somewhat chastened fervour, but, I may say without boasting, with a fervour as genuine as that which stirs and inspires younger hearts. (Cheers.)

"Dr. Rash Behari Ghose, when concluding his presidential address was visibly moved and he was choked with emotion, tears freely flowing from his eyes."

On the conclusion of the President's address the Hon. Mr. D. A. Khare, Joint General Secretary rose and said :—

The Delegates from the various provinces are requested to send lists of members whom they wish to be nominated to serve on the Subjects Committee. The Subjects Committee will meet at 4-30 p.m. to-day at the Gopal Baugh and the Congress at 12 noon to-morrow.

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**Indian National Congress**  
**Second Day's Proceedings.**  
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*Madras Session, 29th December 1908.*

The Congress re-assembled to-day at 12 noon, Dr. Rash Behari Ghose presiding. There was again a full attendance of delegates and visitors. Among those on the platform were the Hon'ble Mr. Justice Chanda-varkar, the Hon'ble Mr. Justice Sankaran Nair, the Hon'ble Mr. P. S. Sivasawmy Iyer, Mr. K. Narayana Rao, and Mr. A. Scholl.

The President, in opening the second day's proceedings, said:— I have great pleasure in communicating to you the message from Mr. Keir Hardie (cheers). The message is addressed to Dr. Clark who is, I am glad to say, taking part in our deliberations. The message communicated to Dr. Clark is in these words:

"My dear Clarke,—I understand you are going as a delegate to the Indian National Congress. Would you be good enough to convey to the assembled gathering my most cordial good wishes. The moment is a critical one in the history of India, and if only all the forces can be got into line much good may be accomplished. I am waiting anxiously for the proposals of the Government *re* Indian affairs and if Lord Morley and his advisers will take a bold and generous stand on behalf of reform of a drastic kind in Indian affairs, the present unrest would soon disappear. Again wishing the gathering success."

The first resolution was put from the Chair. The President said,— Brother Delegates,—

By virtue of the authority vested in me by the Subjects Committee under Rule 15 I beg to move the First Resolution. That resolution is in these words:



## 1. THE ROYAL MESSAGE

The Indian National Congress tenders its loyal homage to His Gracious Majesty the King-Emperor and respectfully welcomes the message sent by His Majesty to the Princes and people of India on the Fiftieth Anniversary of the memorable Proclamation issued in 1858 by his illustrious mother, Victoria the Good.

This Congress begs to record its satisfaction that the interpretation placed by it upon the pledges contained in that "Great Charter of 1858" has been upheld by His Majesty.

This Congress gratefully welcomes the pronouncement made by His Majesty that the time has come when the principle of representative institutions, which, from the first, began to be gradually introduced in India, may be prudently extended and that the political satisfaction of the claim to equality of citizenship and greater share in legislation and government made by important classes in India, representing ideas that have been fostered and encouraged by British Rule, will strengthen, not impair, existing authority and power.

The Congress looks forward with confidence to a steady fulfilment, by those in authority under the Crown, in letter and in spirit, of the pledges and assurances contained in the Great Charter of 1858 and in His Majesty's Message of 1908.

The reading of the resolution was punctuated with loud applause and was carried unanimously.

Mr. Surendranath Bannerjee, who received a tremendous ovation on rising to speak, moved the second resolution :

## II. THE REFORM PROPOSALS

"This Congress desires to give expression to the deep and general satisfaction with which the Reform proposals formulated in Lord Morley's despatch have been received throughout the country ; it places on record its sense of the high statesmanship which has dictated the action of the Government in the matter and it tenders to Lord Morley and Lord Minto its most sincere and grateful thanks for their wise and generous proposals.

"This Congress is of opinion that in the proposed expansion of the Legislative Councils and the enlargement of their powers and functions, in the appointment of Indian members to the Executive Councils with the creation of such councils where they do not exist, and in the further development of Local Self-Government, measures have been devised calculated to give the people of this country a substantial voice in the management of their affairs and to bring the administration into closer touch with their wants and feelings.

This Congress expresses its confident hope that the details of the proposed scheme will be worked out in the same liberal spirit in which its main provisions as outlined in the Secretary of State's despatch have been conceived.

**MR. SURENDRANATH BANNERJEE'S SPEECH.**

In moving the first resolution, Mr. Surendranath Bannerjee said :—

Sir,—I fear there will be a note of disappointment with regard to the terms and the substance of the resolution which I have just read out. It will be said, it was said, and it has been said—that the resolution does not enter into details, that it does not suggest any modification, any amendment, any explanation of the reform proposals. Sir, to this objection we, on behalf of the Congress, have very satisfactorily replied very often. It cannot be expected that in a three days' sitting, this Congress can formulate an authoritative and a responsible pronouncement upon a grave question of this magnitude within the limitation of time prescribed. Therefore, we have thought it wise, and I am sure you will agree that we should content ourselves by voicing the general public sentiment.

**THE NATION'S SUPPORT.**

And what is that sentiment? It is one of high appreciation, of deep admiration for the statesmanship which prompted a scheme of reform so comprehensive in its character, so far-reaching in its consequences, which, I hope and trust, will mark, as we anticipate, a memorable epoch in the annals of British India. (Cheers.) Gentlemen, it will not do for you merely to cheer. The clouds are gathering in the Western horizon. I hold in my hand a paper which has been given to me by my friends on this side of the table (pointing to the President and those on either side) and this paper refers to an organized effort, will you believe it, by some members of the India Council, and, I am ashamed to say, by one who has eaten the salt of India, an old Lieutenant-Governor of Bengal, to frustrate the Government of India and Lord Morley in this beneficent scheme of constitutional reform. (Cries of shame, shame.) Sir, we need the moral support of all India irrespective of the vast sections or communities. We need the moral support of Hindus and Mahomedans, of Jains, Buddhists and of Christians. We must all coalesce, we must all forget all our differences, our sectional grievances, in order to extend to Lord Morley and the Government of India the united support of a great nation. (Cheers.) Sir, there may be differences of opinion as regards the scheme. Suggestions may be made, modifications may be recommended, but so far as the people of India are concerned, and I may add the sentiments of my countrymen all over, of Moderates and Extremists, of Nationalists and those who are not



Nationalists, I say, we are all united in the firm determination to support Lord Morley and the Government of India. (Cheers.)

WEARY WAITING, NO DISAPPOINTMENT.

Sir, in moving this resolution my mind voluntarily reverts back to the early days of the Congress, when, amid ill-conceived misgivings of our candid friends and the open derision of our critics in the Anglo-Indian Press, we used to give, in a somewhat hesitating fashion, our very modest resolution with regard to the expansion of the Legislative Councils. The goal seemed to be distant, the journey long and wearisome, but we did not despair. We were confident in the hope of an assured victory and we were not disappointed. We did not indeed get what we wanted. We obtained a small measure of reform, the first instalment, but we resolved to make the most of it. We sent our best men to ensure the successful working of the new experiment. We were tried and were not found wanting. Encouraged by success we renewed the demand. We pressed for further recognition of the principle of self-government in the administration of this country. In the meanwhile, great events were transpiring in Asia. Japan had begun to rise in power. China was in the throes of a new birth. Persia was struggling for representative institutions, and Mongolia was vibrating with the pulsation of a new life. Let it be said to the credit of Lord Minto's statesmanship, he, from the outset, recognised the forces in operation as well as our national ideals and aspirations. Speaking from his place in the Legislative Council in April, 1907, he said: "A mighty wave is surging in Asia bearing in its crest new ideals." India felt the impact of that wave. Her golden records and past achievements stimulated national hope and national enthusiasm, and Lord Curzon's reactionary policy with regard to self-government has evoked criticism in all quarters. I have no right to anticipate the judgment of the historian. But this I will say, that he will go down to posterity as the conscript father of the Indian Nationality as the one man, more than any other who, by his labours, contributed to the up-building of Indian National life. Lord Minto has told us that a new era is about to dawn in the history of this country; and Sir, I take it that the Reform Scheme is the first official recognition of the new epoch and the embodiment of the earnest labours of the Government of India to place itself in touch with the new affairs and to guide them and lead them on so that they may divert themselves into usefulness and fructifying channels.



## RESPECTFUL FUNCTION.

I cannot say that we have got all that we wanted—who ever in life gets all he wants? I cannot say that we are even within measurable distance of the goal of our aspirations; but we wanted definite and effective control over the finances and the executive administration. We have got neither, but we believe that these proposals, in their normal development, in their ultimate evolution, will give us both. Therefore, brother delegates, I ask you all to rise up in your place and express your deep hearty gratitude and devotion to the Government of India for what it proposes to do.

[Here the audience rose to their feet.]

On the audience resuming their seats, Mr. Bannerjee went on :—

## CONSTITUTIONAL AGITATION.

We are grateful for what we have got. We accept what we have got in a spirit of gratitude. Gratitude, somebody has told me—an English author has emphasised that lesson—gratitude involves a lively sense of favours to come. Sir, we have heard a great deal about the formation of a constitutional agitation. Coming from Bengal, it will be useless for me to disguise the fact that in my own Province there is a feeling as to the inutility of constitutional methods of agitation. The reason for this is not far to seek. The sequel of the anti-partition agitation is responsible for it. We prayed, we begged, we entreated. We exhausted the arts of petitioning and begging—and we Brahmins are past masters in the art—but our Government in its supreme wisdom refused to listen to the prayer of a people. Moved by disbelief, the deepest that ever stirred their hearts, no wonder the people lost all faith in constitutional agitation. No wonder that men like myself, and my friend Dr. Ghose (pointing to the chair), all stood in the public estimation as being defenders of an obsolete and useless system. As far as I am concerned, I have always been wedded to constitutional methods of agitation. I have said times without number that my faith in constitutional agitation has always remained the same—firm and unwavering. I am old enough to remember the events of the last forty years. I am old enough to remember the triumphs of constitutional agitation extending over the life-time of a generation, and therefore it is not necessary for me to refer to those triumphs, but to-day we have the crowning triumph of constitutional agitation, which, coupled with the modification of the partition will, I hope, rehabilitate the public faith in our lost cause. Sir, we have been described, I will not include you (pointing to Sir



P. M. Mehta) in that description, as old fossils. I will not name the paper which has so described us. My friend, Sir P. M. Mehta, approvingly nods. We have been described as old fossils impervious to modern ideas, unable to move on with the exigencies of modern requirements, and let me ask my friends, who are the people who first started the question of self-government in India and included it in the programme of public affairs, who were the people to begin the agitation, who kept it alive and sent deputations to England. Mr. G. K. Gokhale, myself and others went. Who are the people who like the vestal virgins of old kept alive the sacrificial fire, which to-day illumines the continent filling it with warmth, radiance and lustre? Who are echoing the sentiments of my friend in the chair uttered yesterday with so much eloquence and emphasis? I desire to say this, that in respect of moral fervour, patriotic enthusiasm, self-denying devotion to service of the motherland, we do not yield to any, nay, not even the greatest amongst those who in the coming generation will take our mantles and occupy our place (Cheers). Well, Sir, this scheme of constitutional reform is an object lesson, the significance of which is not to be overlooked. I take it as the banner of peace and conciliation. I ask all young and old, Moderates and Extremists, all sections and all advocates of different religions, I ask them all to gather round this banner to uplift and to fight under it for law and order, for the attainment of constitutional rights by constitutional methods. Loyal manifesto will not do. Conciliation is the sovereign remedy for the cure of the present state. Government has held out the right hand of conciliation. Let us grasp it with gratitude and enthusiasm.

#### AN AGREEABLE SURVEY.

I have said already that we have not got all that we wanted, but, by and by, if you are patient, if you are loyal, if you are law-abiding, if you are constitutional, we shall get all that we want and we shall be admitted into the great federation of free States acknowledging England as the august mother. I said we are likely to get what we want. A little illustration will prove that fact. The present constitutional scheme is a distinct improvement upon the proposals. The Council of Notables has disappeared very properly I think, shall I say, amidst the derisive laughter of the Congress. That fifth wheel to the administrative machinery has also been abandoned. The cumbrous machinery of election has been dropped. But the scheme is much more important, much more welcome for what it concedes than what is given up.



The Provincial Council will have a non-official majority. Gentlemen, let me say this: I do not think in the Congress we have asked for it. Never mind, we have actually got in the proposals of Lord Morley, a concession which in its wisest terms we have not anticipated. I think this was struggling in our minds for utterances in our bosom. We have the right of asking supplementary questions. One of the greatest safeguards of popular remedy, the right of moving resolutions, calling attention to public grievances has been conceded. The resolutions will be in the nature of recommendations, but still they will place the Government in possession of the popular view of the case. The Budget will be discussed in Committee, members will have the right of moving amendments in connection with the Budget. The Government may or may not accept them; but if the Government does not accept it has got to record its reasons therefor. These are most valued concessions.

#### A BRAHMIN'S PROPHECY.

Lord Morley once said that he could not think of a time when India can have Parliamentary institutions. I venture to say this, that if Lord Morley's concessions are carried out in the generous spirit in which they have been made, he will go down to history, and here I am a Brahmin full of the prophetic inspiration of my race, he will go down to future generations as Simon de Montfort. Lord Morley said he could not anticipate the time when India will have a Parliament of its own. Even the greatest of us have our limitations and Lord Morley cannot state when it would come; the slow, the steady, the majestic, but the irresistible march of these forces which will gather round the scheme with the growth of time and which under the dispensation of Providence will confer upon us, making inviolate our connection with England, the great gift of self-government. We are grateful to Lord Morley for all that he has done. Our position will be that of advisers in local self-government; we shall have ample powers. I desire to illustrate what I mean by taking a concrete case.

#### THE DEPORTATIONS.

Take the case of the deportations of the nine men. This matter is exciting the deepest interest and has created the profoundest sensation in our province. To arrest nine Bengali gentlemen, snatch them away from their homes and detain them in prison without a charge or a complaint, without even giving them an opportunity of explanation, is a proceeding which is abhorrent to the minds of all devoted to constitutional methods of procedure and to the canons of law and justice.



## POWER TO MOVE RESOLUTIONS.

Now, it is clear that, under the reformed constitution, we have the power of moving resolutions. This matter would be inviolably brought to the notice of the Government and the Government will be put on its defence. It will have an opportunity of explaining its case, taking the people into its confidence. Redress is no doubt impossible, because the official majority is maintained in the Supreme Council, but in any case there will be a discussion, there will be an explanation, and the discussion and the explanation would exercise a salutary influence on their executive administration and of modifying the effect on the public opinion by providing an outlet for ventilating a grievance. The Government will not be bound by that, but the moral obligation to accept the recommendations of the committees will be great and as all history proclaims the truth it brings them from moral to legal obligation. Gentlemen, I attach the greatest possible importance to the rules. In Bengal the partial failure of local self-government is due to these laws, which invest the executive Government with vast authority and powers of interference over the details of local administration. I hope this will be avoided according to the reform proposals. Sir Herbert Risley is now formulating a scheme for the working of those proposals. I think no man is more qualified for this task than he. This will be his last service to India. I hope and trust it will be a service worthy in every way to his great intellectual gifts and will constitute an abiding memorial.

PARTITION OF BENGAL.<sup>1</sup>

Sir, it is impossible for me to take leave of this subject without diverting for a moment to the feeling in Bengal in connection with the Reform

1. This lamentable blunder of Lord Curzon is now and then engaging the attention of Parliament. To rectify this error, to create harmony by removing this sorest grievance, the chief ailment of the Bengalees, Lord Morley is hesitating. The following in connection with American statesmanship may serve a striking contrast :—

The United States blundered over the affair of the Sandwich Islands and annexed *Hawaii*. This was during the *regime* of one President. When another President took over the reins of administration, in response to grievances he deputed a special officer to examine the whole question on the spot and then when he found out the real position, the new President promptly hauled down the American flag and repudiated the policy of annexation. President Cleveland in his message of December 4th, 1893, said :—

“After a thorough and exhaustive examination, Mr. Blount has submitted to me his report, showing beyond all question that the constitutional government of *Hawaii* has been subverted, with the active aid of our representative to that Government and through intimidation caused by the presence of an armed naval force of the



Scheme as affected by the Partition of Bengal. You all know that the partition is our sorest grievance, our chief ailment, the root-cause of our discontent. It colours all our political vision, and we cannot look at anything except from the standpoint of the partition. We have enthusiastically accepted the Reform Scheme. But let me tell you with absolute frankness that there is an underlying hope that the partition will be modified sooner or later. If any one were to tell me that it is hopeless, that it is absurd to hope for a modification of the partition, I would say that it is futile to Bengal and the securing of Bengal public opinion in support of the Reform Scheme. Sir, we know perfectly well the difficulties. We appreciate those difficulties. A statesman is often called upon to do things which he may not like. These are the high privileges and the penalties of a statesman. I venture respectfully to submit that a statesman of intellectual eminence and wide political vision as Lord Morley ought to realise the fact that the attitude of the Bengal public opinion will be determined by the manner in which the partition is dealt with, after the first outburst of enthusiasm has subsided and not until the partition is modified in its naked deformity, which would remind every one of this national grievance from day to day. This great national humiliation will chill the ardour and enthusiasm in the Bengalees. Therefore, most earnestly I implore Lord Morley and Lord Minto to reconsider this question, conciliate Bengal and secure our co-operation in the great task which would make their names imperishable. I will not take more of your time.

#### ANARCHISM CONDEMNED.

As you said, Sir, yesterday, the recent events in Northern India are the saddest events which we all deplore and condemn, and the measures of Government are unparalleled in their severity. The darkest midnight sometimes conceals in its bosom some light. Clouds are passing away. The dawn is about to burst. Great are our responsibilities, and Lord

United States, which was landed for that purpose at the instance of our Minister. Upon the facts developed, it seemed to me that the only honourable course for our Government to pursue was to undo the wrong which had been done by those representing us, and to restore, as far as practicable, the *status* existing at the time of our forcible intervention.

*Fiercely assailed by some of his countrymen for thus hauling down the flag, Mr. Cleveland replied in his message of December 18th, 1893:—*

I mistake the American people, if they favour the odious doctrine that there is no such thing as international morality, that there is one law for a strong nation, and another for a weak one, and that even by indirection a strong power may, with impunity, despoil a weak one of its territory.



Minto never uttered a greater truth when he said that the fate of India rests with the people and their leaders.

#### APPEAL TO THE RISING GENERATION.

Nations by themselves are made, but among the leaders of India I reckon the youthful generation of my country. I ask them, in view of the great things appearing in their vision, to rise to the highest of the occasion. We are all going down. Our mantles will soon fall on your shoulders. It will be for you to work for the future. Let them qualify themselves for the great trust which will be theirs by discipline, by right doing, by self-consecration, by the cultivation of the virtue of self-sacrifice. We too have our duties. Union in our ranks, dominated by an overwhelming love of our country inspiring us with a sentiment of service to the motherland must be your principle. These are the qualities which the situation demands from you.

#### CONCLUSION.

God grant that we possess these qualities. God grant that we forget all personal feelings, that we sink all differences for the service of the motherland. God grant that we avoid all extravagance of thought, that self-sacrifice may be our watchword, self-consecration, the dominating influence of our public activities. Possessing these qualities, realising the responsibilities, seeking to walk in the illumination of the holy spirit, let us show that each one of us could secure the approbation of his conscience, the applause of his countrymen, the sympathies of civilised mankind, above all, the blessing of that Great Being whose finger is visible in every incident of human life, in every phase of history and in a mysterious way beyond comprehension guides the footsteps of fallen nations and leads them on to prestige and greatness.—*Bande Mataram.*

#### Mr. M. M. MALAVYA'S SPEECH.

The Hon. Pundit Madan Mohan Malavya in seconding said :—  
Mr. President, Ladies and Gentlemen,

I have much pleasure in seconding the resolution just proposed by Babu Surendranath Bannerjee. Although I do not possess the eloquence of the previous speaker, I realise that duty has to be done and I shall therefore seek your indulgence for a few minutes. I am sure we are all of one mind in expressing our sincere appreciation of the liberal and praiseworthy spirit which actuated the Government and inspired the reform proposal. You all feel that the Congress did a real service in formulating these proposals and I am glad to see that there is unanimity

among us Congressmen in expressing our gratitude to Lord Morley and Lord Minto for the services they have done and for their statesmanlike wisdom, coolness and courage which they have shewn in formulating these proposals.

#### ENGLAND'S MISSION IN INDIA.

This is a day, Gentlemen, when not only have we to congratulate ourselves, but this is also a day on which the great English nation has to be congratulated. Twenty-three years ago when the Congress met for the first time in this great city, Sir T. Madhava Rao, speaking as Chairman of the Reception Committee, said that the Congress was the sound triumph of British education, British administration and a crown of glory to the British nation.

#### ENGLAND'S PROMISE

Indeed, if the Congress had been such a triumph of British administration and crowning glory to the British nation, we would also remember that 50 years ago when Her late Majesty Queen Victoria assumed direct control of India, there was a good deal of discussion in Parliament as to the system of government in India. During that discussion member after member expressed the hope that India would be ruled on the most liberal principles. Mr. Kay said that the admission of Indians to high offices of state was only a question of time and Mr. Gladstone said that it would be impossible that the House of Commons could perpetually go on legislating for India. The proclamation that was subsequently issued by Her Majesty promised definitely in her proclamation that all privileges, which her English subjects enjoyed, would be extended to us her Indian subjects as we received education, gained more experience and qualified ourselves for the discharge of duties which we would be called upon to discharge. It took many years to put these excellent ideas into action. A beginning was made very shortly after the proclamation in the India Councils Act passed in 1861 which provided that Indian members should be appointed to the Viceroy's Council. Under that provision Indian members were appointed.

And when the Congress met for the first time in 1885, it formulated a definite scheme of representation of the people of India in the Council of His Excellency the Viceroy and in local Councils. The Congress expressed its earnest belief that the representation of India in the Council was essential for the good administration of the country. At that time the Congress laid down a scheme, and that scheme was one



which we have yet to realise in its fullest measure. In 1886 the Congress expressed the opinion that half the members of the Legislative Council should be elected, only one-fourth should be official and one-fourth nominated. It expressed the same opinion with regard to the Provincial Council. It also asked for powers of interpellation, for discussing the Budget and for moving resolutions. In fact, a complete scheme was formulated in 1886. That scheme was repeated with greater fulness in 1889, when Mr. Charles Bradlaugh presided at the Congress held in Bombay. In those early years, the gentlemen who moved these resolutions were men who occupied the most eminent positions in the country—the late Mr. Telang, Mr. Dadabhai Naoroji, Sir Subrahmanya Iyer, Mr. Jardine, and men like these had most earnestly supported the proposals which the Congress put forward. This is the view which the Congress puts forward again and again and that was the view which a vast majority of our educated countrymen hold to this moment to be the sound view. The time has come when not only in the Provincial Councils but also in the Supreme Legislative Council at least half of the members should be elected representatives of the people. This being our view, we come forward to offer our unstinted and grateful support to the proposals which have been put forward. We ought to continue in the wise and sober spirit which the Congress had from the first displayed in receiving the proposals of the Government. It was asked that half the members of the Legislative Council should be elected. That was in 1885-6, and yet when the time came for the introduction we were content to receive a very much smaller instalment of reform. We felt that day, as we did in 1889, that there ought to be half the members of the Viceregal Council at least elected by the people and we are prepared to receive the instalment of reform which the Government are pleased to put forward for their acceptance. I only wish to point that out, because there is an idea in some circles not only in England, but even here, that we have received more than we had asked for. There was an idea at one time that Lord Morley and Lord Minto have given more than we had asked for or was needed in the interest of the country. It is nothing of the kind.

#### OUR SUPPORT.

I would now proceed to refer to the value of the support of the Congress to the Government of India by our accepting the reforms. The reforms would be beneficial not only to the people but alike to Government. All Governments in carrying out their several measures require the goodwill and moral support of the people of the country.

That goodwill is a more valuable asset than all the armies, and English statesmen always recognised that it is so.

Mr. Gladstone and Lord Morley said so, and every liberal and far-sighted statesman advocated that to be the true version in the case of India. In order to retain the goodwill of the people, nothing is more important than that the Government of India should be able to conduct the administration of the country with the sole eye to the good of the people. In 1858 they said that they wanted to govern India for India and not to please a party there and adopt principles which would be thoroughly acceptable and intelligible to the people of India.

#### CONDITION OF THE GOVERNMENT.

The Government of India is under the thumb of the British State Secretary and of the War Office, and even if we had a good Secretary of State, even he could not always protect our interests. I would refer to the military burdens that had been imposed upon India. The Government of India fought against the unjust imposition upon the revenues of India. We owe them our deepest thanks for the attitude the India Government had throughout adopted in this connection. If the Government of India could not, by reason of the position they occupy in the economy of the British Empire, always exercise that independence which go to protect the interest of India, what could be more reasonable in the interests of Government themselves than that they should have the largest measure of support from the representatives of the people? If there were half the body of the Council composed of the selected representatives of the people and if they recorded their opinion in clear and certain tones, the Government of England would probably have not hesitated a great deal more before they imposed either those military burdens or excise duties upon the people of India. And yet what is the result? There is any amount of ill-feeling caused in the country by the imposition of such burdens. Therefore, in the interests of sound administration itself, it would be an advantage to have half the Council to be elected representatives of the people. There is the question of Irrigation vs. Railways. The Government of India are devoting money to build up railways than to promoting irrigation. So also in the case of primary education. If we had elected representatives, their support would enable the Government to carry on the administration better and to the greater satisfaction of the people and to the strongest security of the British rule. The need for the reform of the Supreme Council



is very pressing. We are prepared to receive the instalment of reform which the Government has put forward in a highly grateful spirit. There is not time enough to discuss all the proposals.

We are thankful to the Government of India and to Lord Morley for having decided to appoint Indians in the Executive Council. That has been a prayer which the Congress is repeating year after year for a long time, and it is a matter of great satisfaction to all Congressmen that so many of our recommendations have been accepted by Government. I would suggest that the appointment of an Indian member in the Executive Council of the Viceroy and to the Provincial Council should be provided for in the Statute. There is any amount of reason in support of this suggestion and I would refer to only two instances to show that the need for it is urgent. It is our experience when such matters are not provided for in the Statute, we are left to the will and pleasure of His Majesty's representative who has the control of the destinies of India. In 1892 in answer to a question put to the then Secretary of State, he said that a member of the Council would be able to propose a resolution on any question as precisely as they could in the House of Commons, and yet not once has this privilege been exercised. It had not been put in the Statute and therefore not recognized as a thing which ought to be brought to practice. In the matter of the appointment of Indian members to Councils no man could have used better argument than Sir Charles White when he was pressing that measure. Suggestions have been made by several members that they should provide that a certain proportion of the members of the Council should be Indians.

#### PRINCIPLES AND PRACTICE.

That suggestion received the support of a good number of the members, but I would like to point out that while I agree that it should be so, I think it is not necessary to make a provision to that effect in the Statute. I hold the perfect equality of His Majesty's subjects without distinction of race, birth or religion, and I would do nothing which would lead to the supposition that I doubted for a moment the existence of that principle. That is the spirit of the Proclamation of Her Majesty on the occasion of her assuming the Government of India and that is the principle which should continue in all administrative measures. We are now at the close of 1908 and not a single member has been appointed to the Executive Council of the Viceroy or of the local Governments. It might be that in 1861

Sir Charles White was prompted by the same generous instinct which prompted Lord Morley in 1908. I hope provision would be made for at least two members to be appointed for every province.

There is still the question of class representation. The vast majority of educated Indians agree that there are no conflicts of interest amongst Indians as Indians. We are governed by the same laws, we are subject to the same taxation. Whatever misfortunes might befall the country we have to share them together and there is therefore no need for class representation to be given such a prominent place.

A desire exists in some quarters that provision should be made for separate communities to vote apart from other members and to fix the number of members for each community in the Councils. This would work injuriously. I am therefore of opinion that we should leave Lord Morley's proposals to remain as they are and to render the Government our fullest support. We should hope for more.

Not enjoyment and not sorrow  
Is our destined end or way,  
But to act that each to-morrow  
Find us farther than to-day.

We should with the help of the Government which Providence has placed over us achieve that measure of self-government for which the best of Indians have been expressing their wishes for the past 35 years (Cheers).

#### MR. R. N. MUDHOLKAR'S SPEECH.

Mr. R. N. Mudholkar in supporting the resolution said :

Ladies and Gentlemen,—

It is not necessary for me to say much, as this proposition has already been put in a very clear manner by the previous speaker. The reform question is the most important one which has engaged the attention of the Congress this year. It is necessary that all of us who honestly believe that these reforms are generous, are wise, and are statesmanlike proposals, should all unite together in giving expression to our views. As Mr. Bannerjee has pointed out, there are clouds in the west and it is necessary that, though we have far advanced views in theory, we should gracefully accept the generous, the very substantial proposals which have been put forward by the Government of India and by Lord Morley. We are not living in the Republic of Plato. We must act like



practical statesmen. We must try to achieve what is possible and what is in our power to carry them through successfully. We should take this scheme as a whole and see whether it is not that generous instalment that it claims to be. We would be given a far greater voice in framing the Budget of the country. That is the most important feature of the proposal. The next question is the appointment of Indians to Executive Councils. It is so far as 1833 that Parliamentary Statute laid down the equality of Indians and Englishmen. As a matter of fact, an Indian was appointed. The time has now come for a potent voice in the executive of the Governments of Madras and Bombay and Viceregal Councils. There is a further step to be taken and that is the creation of Executive Councils for the four larger provinces. That is a step in advance. When we receive that thing which will really go to the root of all—that is the creation of self-government in our villages, in our towns, in our districts and in our division. Not merely in regard to sanitation would such powers be given, but to other matters of public weal and to judicial administration. We are at the beginning of a new era. That is what His Excellency the Viceroy said. We have to remember that what the Government are doing is not on account of any pressure but on account of the conviction that the time has come when there should be a greater association between the people of India and the Government of the country. We find in India important representatives of the Anglo-Indian community hailing these reforms as the legitimate outcome of British policy and British institution. (I hope that all would join in expressing our gratitude and fervent thankfulness to Lord Morley and Lord Minto.

Dewan Bahadur L. A. Govindaragava Iyer in further supporting the resolution said :—

Gentlemen,—

I am asked to support this resolution which has already been very eloquently and ably proposed, seconded and supported. The reason for my appearing before you is perhaps on account of the discussion we had in the Subjects Committee as to the principles which should guide the selection of speakers on this resolution. There are two views to be put forward—one is that Congress veterans should address you on these proposals and the other that humble workers in the same cause should also be given an opportunity of having their say on these proposals. I would say that Lord Morley's proposals require and deserve our whole-hearted support. When these reforms were first promulgated there was



some opposition in England and this opposition is still sticking and therefore it is most essential that Lord Morley should be informed in no uncertain voice that the confidence placed in the people has not been misplaced and that we would prove by our work that we deserve more substantial support. We, the people in India who would be affected by these proposals, have every confidence that the proposals would work out our peace. The lines on which these proposals have been formulated are those which meet the acceptance of every one of us and we are confident that these would be properly worked out. We desire a larger and more substantial instalment of the good that England is working out for India. Lord Morley's proposals would do us good in more than one way. We were told of the inestimable boon calculated to be given to us. One principle enunciated by Lord Morley and which the previous speakers have not mentioned, is that an elected member to the Council will take his seat in it as a matter of right. To me it is an acknowledgment of sound and important principle that power and responsibility should go together. It adds to the dignity of the position that any member might hold in the Council and to the sense of his responsibility. It has been found to work well in other countries and there is no reason why we, under the influence of English civilisation, English traditions and education, should not profit by such a principle. The principle of official majority not being maintained in provincial Councils is I think, the most noteworthy feature of Lord Morley's proposals. We should not quarrel over the principle of not extending the non-official majority in the Supreme Council. In these reforms we see the master hand of Lord Morley and no system of self-government could be considered to be on the way to success without these reforms. Lord Morley is perfectly right when he thought that by this system of local government people might be allowed to take part in the everyday administration of their affairs and would have opportunities of having their wants and grievances laid before those who were in a position to understand them and to give effect to them. In some quarters it is also expressed that these reforms should be embodied in a Statute. I would say that Lord Morley would do the best for us. We have confidence in Lord Morley. We are aware of the limitations and restrictions placed upon him. He has various adverse influences to overcome. Here in India there are apprehensions in various quarters that we are not fit for self-government, but I hope we will show to the contrary and prove that the apprehensions are unfounded when the reforms are given practical effect. I therefore think the



proposals are entitled to our united and enthusiastic support. I am anxious that we should show by the way in which we work out these proposals that we really deserve them. I have no doubt this resolution will receive your approval.

Mr. Jehangir B. D. Petit of Bombay supported the resolution and said,—

Mr. President, Ladies and Gentlemen,—

I have very great pleasure in supporting this resolution and I hope the resolution has the entire approval of all assembled. No doubt the scheme requires careful and detailed examination. But I have no doubt that the scheme is conceived in a very liberal and statesman-like spirit. In the reforms we have the evidence of an honest attempt on the part of Government to fulfil the promises and pledges made at the time of the Proclamation. It is refreshing to realise and gratifying to feel that England has realised the need for the reforms which the whole of India now welcomes. Gentlemen, when the government of this country was transferred to the Crown from the East India Company, two seats were promised for Indians on the Council; but this was subsequently cancelled as it was thought that Indians were not fit to take part in the deliberations of the Council. Now, after the lapse of half a century, this promise has been transformed into action. I have no doubt these reforms are big, bold and forward and will have the effect of making the administration of the country more real. The language in which the reform scheme has been framed is the language of statesmanship and wisdom; but India will not be satisfied with anything less than self-government on Colonial lines. We should, however, for the present, rest contented and try to do our best to deserve more. I may state that these reforms would not have taken shape but for the indefatigable exertions of my friend, the Hon. Mr. Gokhale (Cheers).

Mr. M. A. Jinnah of Bombay also supported the proposition and said :—

Ladies and Gentlemen,—

I have great pleasure in associating myself by supporting this resolution. I am of opinion that the reforms have come to India not one day too early,—because we have been expecting them for a long time. Considering our capacities and attainments there might be some difference of opinion as to the nature of the reforms given to us. Considering the spirit in which these reforms are given, we should

express our gratitude. I would like to point out that responsibility always brings with it solidity and unless a certain amount of responsibility is thrown on a nation, that nation is bound to creep down. Now that this responsibility has been thrown on us, we should prove to the authorities concerned that we are capable of accepting that responsibility. Gentlemen, from a Mahomedan point of view, I join with my Hindu brethren to express our gratitude.

Rev. Dr. R. A. HUME, of Ahmednagar, in supporting the resolution, said :—

Mr. President, Ladies and Gentlemen,—Thomas Arnold, of Rugby, who was the most successful educator of Britain, once said that the highest secular desire of a trained mind is the desire to take a part in the conduct of the affairs of his country. He knew what was the necessary, the invincible, the worthy result of a liberal education, with a growing knowledge of English history, and acquaintance with political life. He did not limit that true and profound remark to the Englishman. He knew that—

There is neither East nor West,  
Nor border, nor breed, nor birth,  
When two strong men meet face to face,  
Though they come from the ends of the earth.

To the Indian, as to the Briton and the American, the highest secular aspiration of a trained mind, acquainted with the course of progress and freedom, is an invincible desire for a worthy part in the administration of the affairs of his native land. This is the open secret of the ever-increasing desire of Indians for a larger and larger share in the management of their country's affairs. And it is simply the natural, the creditable result of Britain's training of India. And now the auspicious hour has come when our far-sighted, sympathetic, and brave Viceroy and Secretary of State and his advisers, including some of our own countrymen, have honoured us and themselves by indicating their determination to place greatly increased responsibilities upon us, both for legislation and for administration, from the lowest to the highest grades, from local to imperial spheres.

Our first duty is to express grateful appreciation of this confidence. Incidentally we may also express satisfaction at the part which our Indian National Congress has had in bringing about, or rather in hastening, this happy consummation. It must be a gratification to Lord Minto and to Lord Morley that the sense of appreciation and of gratitude has been so widespread and so hearty. But while in one breath we thankfully appreciate this great achievement, with our next breath our



second duty seems to me to be a clear-sighted recognition of the seriousness and the weight of the responsibility which has been placed upon India's thinking, active men, and the humble, yet joyful, determination both to seek and take God's guidance and help, and by conformity to His eternal laws, through which alone men and nations can prosper, so to meet the new era that our country shall make a really noble advance. To thinking, and, above all, to experienced men who know the perplexities and the extreme difficulties of directing even municipal, and still more national, affairs, it would be no indication of our fitness to assume the responsibilities which now are being placed on India's millions, if with lightness of heart we proclaim our entire ability to do things just as they should be done, and then, before proving our capacity wisely to use the enlarged functions which now are given, to criticise and call for more. I differ radically from those who think this a fitting time to utter one single word of criticism of the open-handed, though prudent, bestowal of political opportunity more than any one seems to have expected at this juncture. Was there ever a wise young man who had longed to be put in charge of a ship, or of a regiment, or any great concern, who, on the moment of being entrusted with that grave responsibility, did not refrain from proclaiming his fitness, but rather felt like first dropping on his knees before Almighty God and humbly asking for wisdom and strength to meet his still unknown duty? Once there was a young army commander, just about to enter a serious engagement, whose face blanched, and he was taunted with being afraid. To which unworthy word he replied:—"The brave man is not the one who ignores danger, but he who realises its seriousness, yet, knowing that danger, warily presses on to meet it."

Could we, starting on an untried voyage, with larger powers of control over our ship of state, freighted with opportunities and responsibilities affecting the welfare of millions of our countrymen, sure to meet difficulties from the ignorance and poverty of the masses, from racial and religious prejudices which must be allayed, but which might easily prove serious, and from the comparative inexperience of most in both local and imperial affairs—could we do other at this solemn, yet auspicious, juncture, than modifying the last verse of the American national hymn, devoutly say,

Our country's God to Thee,  
 Author of Liberty,  
 To Thee we pray,  
 Long may our land be bright,  
 With freedom's holy light,  
 Protect us by Thy might,  
 Great God Our King,

PANDIT GOKARUANATH MISRA (Lucknow) further supporting said,—  
Mr. President and Gentlemen,—

I have much pleasure in supporting the resolution so eloquently moved by our esteemed friend Babu Surendranath Banerjea and so ably seconded by the Hon'ble Pandit Madan Mohan Malaviya. After what has been said by the previous speakers there remains very little for me to say. But it appears to me, gentlemen, that this is an occasion, the importance of which demands that everybody in this vast assemblage should give his hearty welcome to the reform proposals promulgated by Lord Morley—and this for two reasons: First, that they constitute a liberal and a substantial instalment towards the acceptance and satisfaction of our legitimate demands; secondly, that now the people of the country have been brought into closer touch with the administration of their affairs, much of our future progress and political development will depend on our own co-operation with the Government. Gentlemen, it has been often remarked by men of opposite views that our Congress has not justified its existence for so many years and that this vast expenditure of money, labour and energy has gone in vain. That it is not so you can see for yourself. These proposals will ever stand as a great monument of the success that has attended our efforts. Verily it is said that the enunciation of these reforms opens a new chapter in India's political history.

Now, gentlemen, there are one or two matters in the Reform Scheme to which I should like especially to invite your attention. The first matter is the appointment of an Indian member to the Supreme Council and the Councils of Madras and Bombay. Lord Morley suggests that this should not be made a provision of the statute but ought to be left to practice and usage growing into confirmed rule. Gentlemen, you all know and are aware that the most liberal measures lose their beneficial effect with a reactionary Viceroy and a reactionary Secretary of State. The President told us yesterday in his remarkable speech that "we cannot always have a Morley at the helm in England, nor a Minto at the head of the administration in India." We should, therefore, insist that this matter should not be left merely to executive orders, but should be assured by statute.

The second matter is the question of there being a permanent official majority in the Imperial Council. You are aware, gentlemen, that according to Lord Morley's scheme there will not now be a standing official majority in the Provincial Councils. The two chief safeguards, in the opinion of Lord Morley, against the disadvantage or



inconvenience accruing from such a scheme, are the withholding of the assent to any legislative measure by the head of the Government and the concurrent power of legislation by the Imperial Government. Lord Morley also says that if there were to happen to be a combination of all the non-official members against the Government, that might be a very good reason for thinking that the proposed measure was really open to objection and should not be proceeded with. Now, gentlemen, I cannot understand why these remarks should not equally apply to the case of the Supreme Councils. As regards the power of veto possessed by the Governor-General, Lord Morley remarks in his despatch that "it is desirable that the Governor-General should be removed from the conflict of the division list, and that the fate of any measure or resolution should not rest on his vote alone." Gentlemen, this could equally apply to the case of the heads of Provincial Governments. If the fate of any measure in the Provincial Councils is to depend on the vote of the head of the Government, I cannot see why it should not be similar in the case of the Governor-General. Would it not be equally true of this Supreme Council, to say that in cases where all the non-official members of that Council were arrayed against the Government regarding any particular measure or resolution, it should be considered as a very good reason for thinking that the proposed measure was really open to objection and should not be proceeded with?

The last matter to which I will refer is the question of electoral colleges. The despatch provides that each member of the college would have only one vote and could vote for only one candidate. Gentlemen, there are grave objections to this scheme. This would be forcing practically the hands of the members belonging to a particular community to vote for a candidate belonging to that community and that community alone. For if the votes are given to the candidate of the other community, the members of that community would always be running the risk of not returning a man of their own community at all. This would necessarily result in the permanent estrangement of feelings between two particular communities. I would therefore suggest that each member of the electoral college should be allowed to vote for as many candidates of each of the communities as may be deemed necessary to be returned. This may require the fixation of the members with respect to each of the communities, but there could be no difficulty in that.

Gentlemen, these are mere matters of detail and so far as the requirements of each of the particular provinces are concerned, we shall

have to formulate detailed schemes and submit them to Government. One thing, however, I should like to remind you of, gentlemen, at the present juncture. We should all remember the pregnant words which fell from our President yesterday that there is no finality in politics. Things which at one stage are considered quite impracticable, become quite easy of solution at another. We should only be firm and determined, patient and persevering—keeping always before our eyes the motto of that grand old man, our venerable Dadabhai Naoroji, "*Agitate, Agitate and Agitate*," and as past experience has shown us, success, remember, will be our own. With these few words I hope, gentlemen, you will carry this resolution with acclamation.

Dr. C. B. CLARK, M. P., who rose amidst vociferous cheering, said: Mr. Chairman, Ladies and Gentlemen,—I am very glad to be privileged to be here to-day and to have heard the very able and eloquent speeches of the eminent gentlemen who have preceded me. I quite endorse all that they have said in reference to the action of the Viceroy, the Secretary of State and the Liberal Cabinet in London who have formulated these proposals. I congratulate you, sir, and the other men who have been fighting so long and so earnestly to bring about these reforms, upon the fact that the ideas and aspirations which you have had are now about to be realised. You have heard the proposals made by the Government. Next year at your Congress I hope you will be as well pleased with the Bill, with the Act, constituting your charter which we shall then be able to consider. These proposals are general. You have been discussing them to-night in the committee stage. You must remember that whatever proposal is made, as a Bill will come before the House of Commons and will come before the House of Lords, I hope that when you have the finished article, you will be as well satisfied with it as you are with the draft scheme. Is it likely that it will be the case? Again, I have to congratulate you upon the conditions under which this Bill will be discussed. As far as the House of Commons is concerned, the Anglo-Indian element, the official men who have lived their life in India, have, as a rule, been Conservatives. For the first time there are no Anglo-Indian Conservatives in the Parliament (*laughter*), (*voices: Mr. Rees*). Sir, I am wrong in saying that—there is one; but he is posing as a Liberal (*laughter*). There are four or five official men who have had great experience in various departments in India; they are on the Liberal side. I will say that they will make every effort to broaden and widen the basis of the Bill and not to restrict it—men like Sir Henry Cotton (*loud cheers*).



Sir John Jardine, (*cheers*) Mr. O'Donnell—men with great experience of India. Then they are drafting their amendments, as they will draft them in the committee stage; all these amendments will be to extend and not to limit the powers of the Bill. So I think that that is something which I can congratulate you upon. When the Bill comes before another body, a non-representative body, yet there, I think, will be very little of the reactionary spirit shown regarding India. Because the bulk of the men who have had experience in India, the leader of the Conservative party, Lord Lansdowne, is not a Tory, is not a reactionary, but in many ways a decent Liberal. My noble friend Lord Ripon (*cheers*), I am glad you are cheering because he is the nestor of our statesmen, he is the grand old man of British politics (*cheers*). When the Bill comes before that more difficult body I do not think that there will be the reactionary spirit by that House towards India, that it has shown towards other things that came before it. I do not think that it will touch their pockets and privileges. I do not think it will. I think it will go through that body, through the straight gate; indeed, that is your charter; when you have it, it will be a valuable one. I hope when it is carried out, no matter how carried out, the result will be very beneficial. We cannot discuss India in Parliament. I have taken part year after year; I have heard Secretaries of State and Under-Secretaries of State make their statements; I have seen 20 people present sometimes when these statements were made of which perhaps not one person understood a part (*laughter*). I do not know whether you have heard a joke of Sir William Hamilton. He was appointed to the chair of metaphysics in Edinburgh University. When he went home, an old farmer, an old school-fellow, said to him: "Sir, I hear you are professor of metaphysics. I do not know what sort of thing metaphysics is. Will you tell me?" Sir William looked round and said: "I will put it in English, you are not likely to understand Scotch." "O yes" he said. "Metaphysics is one man trying to explain to another something which he has not understood himself." That is very much the position of gentlemen who have been appointed to the positions of Secretaries and Under-Secretaries of State (*laughter*).

I have heard good news since I have been here. I have seen a paragraph that it is very likely that the reactionary Anglo-Indian is going to begin a campaign in England against this policy. That is the best news I have heard for a long time, because the evil in our country has been the ignorance and apathy of the people. They do not know anything about India. They have many things political t

interest them regarding themselves. I remember five and twenty years ago when Lord Ripon was here he brought forward those great reforms some of which he was able to carry. One of them touched very much the Anglo-Indian community—the Ilbert Bill. A lot of Anglo-Indians came over to Great Britain; they spent money very liberally; they held meetings all over large towns where they maligned the Indian people; and what was the result? The result was, an old Madras man, Mr. William Digby, late editor of a paper here, got together a number of British and Indian men in London and a committee was formed. My old friend Mr. Dadabhai Naoroji was a member. Raja Rampal Singh and Lal Mohan Ghose—these gentlemen honored me by asking me to be chairman. We had meetings all over the country; we developed an amount of interest in India and Indian matters which otherwise could never have been created. All that I want you to do is, to do it again, so as to give publicity, diffuse knowledge and dispel ignorance and let people know what you want. If you do that work, I for one will be very well pleased indeed. Some of the members in that committee did it because they were party men, others because they were interested in Indian questions. To those who have been interested in Indian questions it was an education. You had sent Mr. Gokhale to England. He had been educating the British public. You have to send a great many more Gokhales to the British democracy who determine your conditions. If you can dispel ignorance in England about all-India matters you will get what you want. I am not at all doubtful about this measure passing even in a more radical form than it may be introduced. I will tell you why. You not only have the most radical Parliament that you ever had in Great Britain. You have not only legal men, intellectual men, men of experience and experts, but men who have been educated in this question. The other day three or four hundred of them, including Mr. Balfour, the leader of the Conservative party, sent a message to the Turkish Parliament. We have had it before in the case of the Duma of Russia. They will tell you that the Indian question is a difficult one. Well, every question is a difficult one. The Indian question is the easiest possible question, if you test it by the serious questions which you have in Europe, if you test it by the Russian question, if you test it by the Turkish question. There you have difficult questions indeed. In Russia you have got the Finns, the Poles, the Circassians, the Armenians, the Georgians, Athenians, Tartars and Turkomans. I might go on pointing out races and the religions of these people. You have there a



very difficult problem indeed. You have got the Russian peasant mochee. This year I was in Russia and Turkey. I know something of the Indian ryot because I have gone all round the districts of the Bombay Presidency. I have spent six years. If you are in favour of having a Russian Parliament and the Russian peasant having a vote, then any man should be more in favour of an Indian Parliament and the Indian ryot having a vote. The Indian ryot is a more moral man than the Russian mochee. He is sober, he is never a drunken beast. He is a much more intelligent and reasonable being. If it goes upon giving a vote on his worth, then the Indian ryot should have it before the Russian mochee. In Turkey you have various slave races; you have the Antonines, you have got the Mussulmans there. You have now a Parliament started there. Those hundreds of men who have been sending a message to the Turkish Parliament must have a message to send to India when you have a Parliament. Now I take a rosy-coloured view of the condition of affairs in India. I do it because I have watched the conditions for 30 years. For 20 years I have watched it in the House of Commons as closely as a man could watch. Ever since your Congress I was keeping in touch with it and I have watched India as a member of the British Congress Committee for the last 12 years. I am very hopeful, therefore, that when you have got before you your constitution, you will be able to sing praises of thanksgiving as strongly as you do to-day to the men who have brought about what will be the greatest charter that India has ever had. I hope so. I am so optimistic, because I have seen not only here in the East, you old Conservative people of the East, being penetrated by western ideas and claiming those privileges taught by British education as good for you as for them. I do so because the bureaucracy has served its time. It is done. The Russian bureaucrat had got to go; the Turkish bureaucrat has got to go. He has got to go because powerful forces, which determine the destinies of a nation, are working there. We have given up the old idea of divine right. Democracy is becoming triumphant, because it is the only logical and rational basis of Government and it will be so here in India as well as in Europe. If the bureaucrat is bad in Europe he is bad here also. But if he is controlled under the influence of a Government representing the people, then only will his evil qualities be prevented and hindered. But otherwise they cannot be. I am so glad that these things are going on because I am an old democrat. I welcome its coming because I believe that the many things

which you have suffered will pass away under its benignant influence. Like our poet, I may say—

“ ’Tis coming up the steep of time,  
And this old world is growing brighter,  
We may not see its dawn sublime,  
But high hopes make our hearts grow lighter.  
• We may be sleeping in the ground,  
Ere it awakes the world in wonder,  
• But we can see it gathering round,  
And hear its voice of living thunder,  
• ’Tis coming, yes ’tis coming.”

The resolution was then put to the Congress and carried amidst enthusiastic cheers.

### REGULATIONS FOR ELECTION OF MEMBERS FOR THE IMPERIAL LEGISLATIVE COUNCIL.

#### THE CONSTITUTION OF THE INDIAN LEGISLATURES.

##### *The Regulations.*

In exercise of the powers conferred by section 6 of the Indian Councils Act, 1909 (9th Edw. VII. ch. 4.), the Governor-General in Council has, with the approval of the Secretary of State in Council, made regulations for the nomination and election of Additional Members of the Legislative Council of the Governor-General of India and of the Provincial Legislative Councils.

The following are the regulations relating to the Imperial Legislative Council:—

I. The Additional Members of the Legislative Council of the Governor-General shall ordinarily be 60 in number and shall consist of—

A.—Members elected by the classes specified in Regulation II, who shall not be less than 25 in number; and

B.—Members nominated by the Governor-General, who shall not exceed 25 in number, and of whom—

(a) not more than 28 may be officials, and

(b) three shall be non-official persons to be selected—

(i) one from the Indian commercial community; ;

(ii) one from the Muhammadan community in the Punjab; and

(iii) one from the landholders in the Punjab ;



*Provided that it shall not be lawful for the Governor-General to nominate so many non-official persons under these regulations that the majority of all the members of the Council shall be non-officials.*

II. The 25 elected members specified in Regulation I shall be elected as follows, namely :—

(i) By the non-official Additional Members of the Council of Fort St. George ..	2	(xi) By Landholders in Bengal ..	1
(ii) By the non-official Additional Members of the Council of Bombay ..	2	(xii) By Landholders in the United Provinces of Agra and Oudh ..	1
(iii) By the non-official Members of the Council of Bengal ..	2	(xiii) By Landholders in Eastern Bengal and Assam ..	1
(iv) By the non-official Members of the Council of the United Provinces of Agra and Oudh ..	2	(xiv) By Landholders in the Central Provinces ..	1
(v) By the non-official Members of the Council of the Punjab ..	1	(xv) By the Muhammadan community in Madras ..	1
(vi) By the non-official Members of the Council of Eastern Bengal and Assam ..	1	(xvi) By the Muhammadan community in Bombay ..	1
(vii) By the non-official Members of the Council of Burma ..	1	(xvii) By the Muhammadan community in Bengal ..	1
(viii) By the District Councils and Municipal Committees in the Central Provinces ..	1	(xviii) By the Muhammadan community in the United Provinces of Agra and Oudh ..	1
(ix) By Landholders in Madras ..	1	(xix) By the Muhammadan community in Eastern Bengal and Assam ..	1
(x) By Landholders in Bombay ..	1	(xx) By the Bengal Chamber of Commerce ..	1
		(xxi) By the Bombay Chamber of Commerce ..	1

*Provided that in the case of the second, fourth and succeeding alternate elections by the classes specified in sub-heads (xii) and (xiii), a second member shall be elected by the Muhammadan members of each of the said classes.*

*Explanation.*—The expression “alternate elections” shall not be deemed to include elections to fill casual vacancies.

III. The election of the members specified in Regulation II shall be effected by the electorates and in accordance with the procedures respectively prescribed in the schedules to these regulations.

IV. No person shall be eligible for election as a member of the Council if such person—

- (a) is not a British subject, or
- (b) is a female, or
- (c) has been adjudged by a competent civil court to be of unsound mind, or

- (d) is under 25 years of age, or
- (e) is an uncertificated bankrupt or an undischarged insolvent, or
- (f) has been dismissed from the Government service, or
- (g) has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, such sentence or order not having subsequently been reversed or remitted, or the offender pardoned, or
- (h) has been debarred from practising as a legal practitioner by order of any competent authority, or
- (i) has been declared by the Governor-General in Council to be of such reputation and antecedents that his election would, in the opinion of the Governor-General in Council, be contrary to the public interest:

*Provided that in cases (f), (g), (h) and (i) the disqualification may be removed by an order of the Governor-General in Council in this behalf.*

V. No person shall be eligible for election under any sub-head or Regulation II unless he possesses the qualifications prescribed for candidates in the schedule regulating elections under that sub-head.

VI. No person shall be qualified to vote at any election held under these regulations if such person—

- (a) is a female, or
- (b) is a minor, or
- (c) has been adjudged by a competent civil court to be of unsound mind.

VII. Every person, who is elected or nominated under these regulations to be a Member of Council, shall, before taking his seat, make, at a meeting of the Council, an oath in the following form, namely:—

*I, A. B., having been <sup>elected</sup>/<sub>nominated</sub> an Additional Member of the Legislative Council of the Governor-General do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, his heirs and successors, and that I will faithfully discharge the duty of the office upon which I am about to enter.*

VIII. (1) If any person,—

- (a) not being eligible for election, is elected under these regulations, or,



(b) having been elected or nominated, subsequently becomes subject to any of the disabilities stated in clause (c), (e), (f), (g) or (h) of Regulation IV, or fails to make the oath or affirmation prescribed by Regulation VII within such time as the Governor-General in Council considers reasonable, the Governor-General shall, by notification in the *Gazette of India*, declare his election or nomination to be void or his seat to be vacant.

(2) When any such declaration is made, the Governor-General shall, by notification as aforesaid, call upon the electorate concerned to elect another person within such time as may be prescribed by such notification, or shall nominate another person, as the case may be.

(3) If any person elected at such fresh election is not eligible for election, the Governor-General may nominate any person who is eligible for election by the electorate concerned.

IX. (1) If any person is elected by more than one electorate, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department, within seven days from the date of the publication of the result of such elections in the *Gazette of India*, choose, or in his default the Governor-General shall declare for which of these electorates he shall serve, and the choice or declaration shall be conclusive.

(2) When any such choice or declaration has been made, the votes recorded for such person in any electorate for which he is not to serve shall be deemed not to have been given, and the candidate, if any, who, except for the said votes, would have been declared elected for such electorate, shall be deemed to have been duly elected for the same.

X. (1) Save as provided in clause (2) and subject to the provisions of Regulation XVIII, the term of an Additional Member shall be three years from the date of his election or nomination, as the case may be:

*Provided that official members and members nominated as being persons who have expert knowledge of subjects connected with proposed or pending legislation shall hold office for three years or such shorter period as the Governor-General may at the time of nomination determine.*

(3) A member elected or nominated to fill a casual vacancy occurring by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, or otherwise, or a member nominated on failure of an electorate to elect an eligible

person, shall hold office so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

XI. (1) When a vacancy occurs in the case of a member who represents any interest specified in Regulation II, or at any time within three months of the date when such a vacancy will occur in the ordinary course of events, the Governor-General shall, by notification as aforesaid, call upon the electorate concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) When a vacancy occurs in the case of a nominated member, the Governor-General may nominate any person to the vacancy:

Provided that when a casual vacancy occurs—

- (a) in the case of an elected member, the election shall always be made by the same electorate as that which elected the member whose place is to be filled and shall be subject to the same conditions in respect of eligibility of candidates for nomination as those which governed the election of such member, and
- (b) in the case of a member nominated as representing any class specified in Regulation I, sub-head B, clause (b), the person nominated shall be selected from the same class.

XII. If within the time prescribed by a notification issued under Regulation VIII, clause (2), or Regulation XI, clause (1), the electorate concerned fails to elect, the Governor-General may nominate at his discretion any person who is eligible for election by such electorate.

XIII. The power of making laws and regulations or of transacting other business vested in the Legislative Council of the Governor-General shall be exercised only at meetings at which—

- (a) the Governor-General, or
- (b) the President nominated by the Governor-General in Council under section 6 of the Indian Councils Act, 1861, or
- (c) the Vice-President appointed by the Governor-General under section 4 of the Indian Councils Act, 1909, or
- (d) in the case of the discussions referred to in section 5 of the Indian Councils Act, 1909, a rule made under that section, and 15 or more members of the Council, of whom 8 at least shall be Additional Members, are present.

XIV. (1) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.



(2) A person shall be deemed to commit a corrupt practice within the meaning of these regulations—

(i) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to be committed by a candidate, if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

*Explanation.*—A “promise of individual profit” includes a promise for the benefit of the person himself, or of any one in whom he is interested.

XV. No election shall be invalid by reason of a non-compliance with the rules contained in the schedules to these regulations or any mistake in the use of forms annexed thereto, if it appears that the election was conducted in accordance with the principles laid down in such rules and that such non-compliance or mistake did not affect the result of the election.

XVI. (1) If the validity of any election is brought in question by any person qualified either to be elected or to vote at such election on the ground of the improper rejection or reception of a nomination or of a vote or of any corrupt practice in connection with such election, or for any other cause, such person may, at any time within 15 days from the date of the publication of the result of such election in the *Gazette of India*, apply to the Governor-General in Council to set aside such election.

(2) The Governor-General in Council shall, after such inquiry (if any) as he may consider necessary, declare, by notification as aforesaid, whether the candidate whose election is questioned or any or what other person was duly elected, or whether the election was void.

(3) If the election is declared void, the Governor-General shall, by notification as aforesaid, call upon the electorate concerned to elect another person within such time as may be prescribed by such notification.

(4) If within the time so prescribed the electorate fails to elect, the Governor-General may nominate any person who is eligible for election by such electorate.

XVII. The decision of the Governor-General in Council on any question that may arise as to the intention, construction or application of these regulations shall be final.

XVIII. (1) As soon as conveniently as may be after these regulations come into force, a Council shall be constituted in accordance with these provisions.

(2) For this purpose the Governor-General shall, by notification as aforesaid, call upon the electorates referred to in Regulation III to proceed to elect members in accordance with these regulations within such time as may be prescribed by such notification.

(3) If within the time so prescribed any such class fails to elect, the Governor-General may nominate at his discretion for a period not exceeding six months any person who is eligible for election by such class.

#### THE PROVINCIAL COUNCILS.

The regulations framed by the Governor-General in Council for nomination and election of Additional Members for the Provincial Legislatures are similar. Regulations I and II prescribe the strength of the Councils and the proportion of elected to nominated members. The proviso to Regulation I does provide for a non-official majority in the Councils in the following terms: "Provided that it shall not be lawful for the Governor or Lieutenant-Governor, as the case may be, to nominate so many officials under these regulations that the majority of all the members of the Council shall be officials."

As in the case of the Imperial Legislative Council, it is provided by Regulations II and III in each of the Provincial Regulations that the elected members specified in Regulation I shall be elected by the electorates specified in accordance with the procedures respectively prescribed in the schedules to the regulations. The schedules and the electorate for the election of members to all the Councils, Imperial and Provincial, are summarised in full in the next section. The rest of the Regulations IV—XII, XIV—XVIII, are identical in terms with those made for the Imperial Legislature, reproduced above, with the substitution of the words, 'Governor' or 'Lieut.-Governor' for the words 'Governor-General' and of 'Governor in Council' for 'Governor-General in Council' as the case may be.

In the case of nominations to the Provincial Legislatures, it is provided in the regulations that members to the Provincial Legislative Councils of Bengal, the United Provinces of Agra and Oudh, Eastern



Bengal and Assam and Burma should be nominated by the respective Lieutenant-Governors with the sanction of the Governor-General. No sanction is required in the case of nominations made to their Legislative Councils by the Governors of Madras and Bombay.

In the regulation corresponding to Regulation XIII of those relating to the Imperial Council fixing the quorum for legislative meetings, in the regulations of each province, the quorum has been fixed as follows :—

Excluding the President, 10 or more members in the Legislative Councils of Madras, Bombay, Bengal, United Provinces of Agra and Oudh and Eastern Bengal and Assam, and 8 or more members in that of the Punjab and 6 in that of Burma.

(ii) *The Imperial Legislative Council.*

The following is the constitution of the Imperial Legislative Council as approved by the Secretary of State for India in Council :—

A.—Ex-officio members	...	...	...	7
B.—Officials representing provinces	...	...	...	8
C.—Nominated members not more than 20 to be officials, while 3 must represent respectively the landholders of the Punjab, the Muhammadans of the Punjab and Indian Commerce	...	...	...	27
D.—Elected members (25) :—				
(1) by the Provincial Legislative Councils and the Central Provinces	...	...	...	12
(2) by the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces and the Central Provinces	...	...	...	6
(3) by the Muhammadans of Madras, Bombay, Bengal, Eastern Bengal and Assam and the United Provinces	...	...	...	5
(4) by the Chambers of Commerce, Calcutta and Bombay	...	...	...	2
or, including His Excellency the Viceroy	...	...	...	68

The 25 elected members of the Imperial Legislative Council are elected as follows :—

1. *Territorial Electorates (12) :*

i. In Madras, Bombay, Bengal and the United Provinces of Agra and Oudh the non-official members of the Provincial Legislative Councils elect two members each for the Viceroy's Council and have

cumulative vote, so as to afford an opportunity to a strong minority to secure one of the seats.

ii. In the Punjab, Eastern Bengal and Assam and Burma, the non-official members of the Provincial Legislative Councils elect one member each to the Viceroy's Council.

[Any person not ineligible for election under the regulations and having a place of residence within the province concerned and such practical connection with that province as qualifies him to represent may be nominated for election in the above two cases.]

iii. In the Central Provinces the votes of 22 delegates from the District Councils and 28 delegates from Municipal Committees elect one member.

[Any person not ineligible for election under the regulations who has a place of residence in the Central Provinces and either is a Member or has served at least three years as a Member of any such District Council or Municipal Committee may be nominated as a candidate for election.]

## II. Landholders (6):

(i) The landholders who elect an Additional Member in Madras must

(a) possess an annual income, calculated according to certain rules, of not less than fifteen thousand rupees from land situated within the Presidency; or

(b) receive from Government a *malikhana* allowance the annual amount of which is not less than fifteen thousand rupees.

(ii) The landholders who elect a Member in Bombay must be

(a) Jagirdhars and Zemindars of Sind,

(b) Sardars of Gujerat and

(c) Sardars of the Deccan.

The Jagirdhars and Zemindars of Sind elect one Member in the first year, the third year, and so on.

(iii) The landholders who vote in Bengal must be those who

(a) pay land revenue or road and public works cesses as follows:—

(1) In the case of the Presidency, Burdwan and Orissa Divisions, forming one group, land revenue amounting to not less than twenty-five thousand rupees, or road and public works cesses amounting to not less than five thousand rupees per annum, and

(2) In the case of the Patna, Tirhut, Bhagalpore and Chota Nagpur Divisions forming another group, land revenue amounting to



not less than fifteen thousand rupees, or road and public works cesses amounting to not less than three thousand seven hundred and fifty rupees per annum, or

(b) hold titles conferred or recognised by the Government not lower in rank than that of a Raja or Nawab.

(iv) In the United Provinces for the election of a Member by the landholders of Agra and Oudh, the election is made by the British Indian Association of Oudh at an extraordinary general meeting and Members qualified to vote in the Agra Province must

(a) own in that province land in respect of which land revenue amounting to not less than ten thousand rupees per annum is payable; or

(b) own in that province land free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either taken by itself or in addition to land revenue payable in respect of other land by such owners amounts to not less than ten thousand rupees per annum; or

(c) hold the title of Maharaja, Raja or Nawab conferred or recognised by the Government;

(d) hold the title of Rajwar, Rai Bahadur, Rao Bahadur, Rai, Mirza, Khan Bahadur, Chaudhri or Diwan, if hereditary and recognised by the Government.

(v) In Eastern Bengal and Assam landholders who vote must

(a) hold in their own right as proprietors within the province one or more estates or shares of estates in respect of which land revenue amounting to not less than five thousand rupees or cess amounting to not less than twelve hundred and fifty rupees is payable per annum; or

(b) hold titles conferred or recognised by the Government not lower in rank than that of Raja or Nawab.

(vi) The landholders in the Central Provinces who vote for the election of an Additional Member shall be those

(a) whose land is assessed to land revenue at not less than five thousand rupees per annum; or

(b) whose names are entered in the Durbar list prepared under the authority of the Local Government; or

(c) who hold the office of Honorary Magistrate.

III. *The Muhammadan Community* (5):

(i) The Muhammadans in Madras who vote for an Additional Member must be those who

- (a) are landholders possessing an annual income from land situated within the Presidency of Fort St. George of not less than three thousand rupees; or
- (b) pay on their own account income-tax on an income of not less than six thousand rupees; or
- (c) are Members of the Legislative Council of the Governor of Fort St. George; or
- (d) are Ordinary or Honorary Fellows of the University of Madras; or
- (e) are holders of any title conferred or recognised by the Government, or are Members of the Order of the Star of India or the Indian Empire or holders of the Kaisar-i-Hind Medal; or
- (f) are in receipt of pensions for service as Gazetted or Commissioned Officers of Government.

(ii) The Member to be elected in Bombay for the Muhammadan community is elected by the Muhammadan non-officials on the Provincial Council.

(iii) The Muhammadans who vote for a Member in Bengal must be those who

- (a) are Members of the Legislative Council of the Lieutenant-Governor of Bengal; or
- (b) holders of any title conferred or recognised by the Government, or are Members of the Order of the Star of India or of the Order of the Indian Empire or holders of the Kaisar-i-Hind Medal; or
- (c) are Ordinary or Honorary Fellows of the University of Calcutta; or
- (d) own land in respect of which land revenue amounting to not less than seven hundred and fifty rupees is payable per annum; or
- (e) own land in respect of which road and public works cesses amounting to not less than one hundred and eighty-seven rupees, eight annas, are payable per annum to Government either directly or through a superior landlord; or
- (f) pay on their own account income-tax on an income of not less than six thousand rupees per annum; or



(g) are in receipt of pensions for service as Gazetted or Commissioned Officers of the Government.

(iv) The Muhammadans who vote in the United Provinces for an Additional Member must

(a) own land in respect of which land revenue amounting to not less than ten thousand rupees is payable per annum, or

(b) own land free of land revenue, if the land revenue nominally assessed on such land, in order to determine the amount of rates payable in respect of the same either taken by itself or in addition to land revenue payable in respect of other land by such owners, amounts to not less than ten thousand rupees per annum, or

(c) pay on their own account income-tax on an income of not less than ten thousand rupees per annum, or

(d) are Members of the Legislative Council of the United Provinces of Agra and Oudh, or

(e) are Ordinary or Honorary Fellows of the University of Allahabad; or

(f) are Trustees of the Muhammadan Anglo-Oriental College, Aligarh; or

(g) are holders of any title conferred or recognised by the Government or are Members of the Order of the Star of India or the Order of the Indian Empire, or holders of the Kaisar-i-Hind Medal; or

(h) are in receipt of pensions for service as Gazetted or Commissioned Officers of the Government; or

(i) are Assistant Collectors, Honorary Magistrates or Honorary Munsiffs.

(v) The Muhammadans who vote for a Member in Eastern Bengal and Assam must be those who

(a) hold a title recognised or conferred by the Government of India or are Members of the Order of the Star of India, or of the Order of the Indian Empire, or are holders of the Kaisar-i-Hind Medal; or

(b) are Ordinary Honorary Fellows of the University of Calcutta; or

(c) hold in their own right as proprietors or permanent tenure-holders, one or more estates or shares of estates or one or more tenures held direct from the zemindars or shares of such

tenures in respect of which land revenue amounting to not less than seven hundred and fifty rupees or cess amounting to not less than one hundred and eighty-seven rupees and eight annas is payable annually ; or

(d) have during the financial year immediately preceding the commencement of the election individually paid income-tax in respect of an annual income of not less than six thousand rupees ; or

(e) are in receipt of pensions for service as Gazetted or Commissioned Officers of Government.

[It is provided that no elector shall have more than one vote though he may possess more than one of the qualifications described above.]

#### IV. *The Chambers of Commerce* (2) :

One Member is elected by the Members of each of the Chambers of Commerce of Bengal and Bombay in such manner as a Commissioner for the Port of Calcutta or Trustee for the Port of Bombay is for the time being elected by the Members of the respective Chambers.

[Any person not ineligible for election under the regulations and whose name is on the electoral roll or who is a Member of the Chamber as the case may be, is eligible for nomination or election as the case may be in the cases of II, III and IV.]

### (iii) **The Provincial Legislative Councils**

#### *THE MADRAS LEGISLATIVE COUNCIL*

The following is the constitution of the Legislative Council of the Governor of Fort St. George as approved by the Secretary of State for India :—

Ex-officio Members of the Executive Council	...	...	3
Advocate-General	...	...	1
A.—Nominated Members, not more than 15 to be officials and one to be a representative of Indian Commerce	...	...	22
B.—Nominated experts who may be either officials or non-officials	...	...	2
C.—Elected Members (19) :			
(i) By the Corporation of Madras	...	...	1
(ii) „ Municipalities and District and Taluk Boards	...	...	8
(iii) „ the University of Madras	...	...	1



Chamber and the Bombay Native Piecegoods Merchants' Association. Each of the above bodies elects ten delegates who are to send their votes to the Returning Officer.

[Any person not ineligible for election under the regulations, who is or has been a Member of one of the above bodies for at least one year at the date of the meeting at which delegates are elected by that body, may be nominated as a candidate for election.]

### THE BENGAL LEGISLATIVE COUNCIL.

The following is the constitution of the Legislative Council of the Lieutenant-Governor of Bengal:—

A.—Nominated Members, not more than 17 to be officials and one to be representative of the Planting community and one of the Indian Commerce ... .. 22

B.—Nominated experts, who may be either officials or non-officials ... .. 2

C.—Elected Members (26):

(i) By the Corporation of Calcutta ... .. 1

(ii) „ the University of Calcutta ... .. 1

(iii) „ the Municipal Commissioners ... .. 6

(iv) „ District Boards ... .. 6

(v) „ Landholders ... .. 5

(vi) „ the Muhammadan community ... .. 4

(vii) „ the Bengal Chamber of Commerce ... .. 2

(viii) „ the Calcutta Trades Association ... .. 1

or, including the Lieutenant-Governor ... 51

I. Of the six Members to be elected by the Municipal Commissioners, it is provided that

(a) one shall be elected by the Municipal Commissioners of each of the following five divisions, namely, the Presidency, Burdwan, Patna, Tirhut and Bhagalpur; and

(b) one shall be elected alternately by the Municipal Commissioners of the Chota Nagpur and Orissa Divisions, the former Commissioners having the first right of election.

The Municipal Commissioners who take part in elections, should represent the Municipalities notified by the Local Government in the local Gazette as having a local income amounting to not less than Rs. 5,000 per annum, the words 'local income' being defined as the total income of a Municipality excluding the opening balance of the Municipal Fund, grants and contributions, and receipts under the Account Heads, "Extraordinary" and "Debt."

II. Of the six Members to be elected by the District Boards, it is provided that the District Boards of each of the Presidency, Burdwan, Patna, Tirhut and Bhagalpur Divisions shall elect one Member; the District Boards of the Chota Nagpur and Orissa Divisions electing each one Member alternately, the latter Boards having the first right of election.

III. Of the five Members to be elected by the landholders, it is provided that two Members shall be elected by the landholders of the Presidency and Burdwan Divisions forming one group, two by the landholders of the Patna, Tirhut and Bhagalpur Divisions forming one group, and one by the landholders of the Orissa and Chota Nagpur Divisions forming one group.

IV. Of the four Members to be elected by the Muhammadan community, two Members shall be elected for each of the following electoral areas:—

- (1) The Presidency, Burdwan and Orissa Divisions.
- (2) The Patna, Tirhut, Bhagalpur and Chota Nagpur Divisions.

### THE UNITED PROVINCES LEGISLATIVE COUNCIL

The constitution of the Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh is as follows:—

A.—Nominated Members, not more than 20 to be officials, and one to be a representative of the Indian Commerce ...				26
B.—Nominated experts, who may be either officials or non-officials ...				2
C.—Elected Members (20):				
(i)	By the Allahabad University ...	...	...	1
(ii)	„ the large Municipalities in rotation ...	...	...	4
(iii)	„ the District Boards and smaller Municipalities ...	...	...	8
(iv)	„ the Landholders ...	...	...	2
(v)	„ the Muhammadan community ...	...	...	4
(vi)	„ the Upper India Chamber of Commerce... ..	...	...	1
	or, including the Lieutenant-Governor ...	...	...	49

I. The four Members to be elected by the large Municipalities are to be elected alternately by the four Municipal Boards forming each of the following groups:—

*Group* (1).—The Municipal Boards of Meerut, Agra, Allahabad and Lucknow.

*Group* (2).—The Municipal Boards of Bareilly, Cawnpore, Benares and Fyzabad.

II. Of the eight Members to be elected by the District Boards and smaller Municipalities, it is provided that one Member shall be elected for each of the Meerut, Agra, Rohilkhand, Allahabad, Benares, Gorakhpur, Lucknow and Fyzabad Divisions.

III. The Members to be elected by the landholders are to be elected, one by the landholders of the Province of Agra and the other by the landholders of the Province of Oudh.

IV. The four Members to be elected for the Muhammadan community are to be elected for each of the following four groups:—

- (1) the Meerut and Agra Divisions;
- (2) the Rohilkhand and Kumaun Divisions;
- (3) the Lucknow and Fyzabad Divisions; and
- (4) the Allahabad, Benares and Gorakhpur Divisions.



**EASTERN BENGAL AND ASSAM COUNCIL**

The following is the constitution of the Legislative Council of the Lieutenant-Governor of Eastern Bengal and Assam:—

A.—Nominated Members, not more than 17 to be officials, and one to be a representative of the Indian Commerce	...	22
B.—Nominated experts, either officials or non-officials	...	2
C.—Elected Members (18):		
(i) By the Municipal Commissioners	...	3
(ii) „ the District and Local Boards	...	5
(iii) „ the Landholders	...	2
(iv) „ the Muhammadan community	...	4
(v) „ the Tea Interest	...	2
(vi) „ the Jute Interest	...	1
(vii) „ the Commissioners of the Port of Chittagong	...	1
or, including the Lieutenant-Governor	...	43

I. It is provided that, for the purpose of electing three Members by the Municipal Commissioners, the Municipalities possessing an annual income of not less than Rs. 5,000 shall be formed in the following four groups:—

*Group (1).*—The Municipalities in the Dacca Division.

*Group (2).*—The Municipalities in the Rajshahi Division.

*Group (3).*—The Municipalities in the Chittagong and Surma Valley Divisions

*Group (4).*—The Municipalities in the Assam Valley Division.

The Commissioners in groups (1) and (2) are to elect each one Member. The Commissioners in groups (3) and (4) are to elect the third Member alternately.

II. The five Members to be elected by the District and Local Boards, are to be elected one each by the District Boards of each division of the Province. [The term 'District Board' includes a Local Board in the district of the Surma Valley and Assam Valley Divisions.]

III. The two Members to be elected by the landholders are to be elected, one by the landholders of the Dacca and the Rajshahi Divisions alternately, and the other by the landholders of the Chittagong and the Surma Valley and Hill Districts (excluding the Hill Districts) Divisions alternately.

But the landholders of the Dacca and Chittagong Divisions, respectively, are to have the first right of election. The district of Goalpara is deemed to be included in the Surma Valley and Hill Districts Division.

IV. Of the four Members to be elected for the Muhammadan community, it is provided that one Member shall be elected for each of the following divisions:—

(1) the Dacca Division;

(2) the Chittagong Division (excluding the Chittagong Hill Tracts); and

(3) the Rajshahi Division;

and one Member shall be alternately elected for

(4) the Surma Valley and Hill Districts Divisions (excluding the Hill Tracts);

(5) the Assam Valley Division (excluding the Garo Hill Districts).

It is also provided that the Surma Valley and Hill Districts Divisions shall have the first right of election.

V. The two Members of the Tea Interest are to be elected by the Assam Branch of the Indian Tea Association, the Surma Valley Branch of the Indian Tea Association and the Duars Planters' Association.

The first branch has four votes, the second four and the Duars Planters' Association two, and no Association can give to one candidate more than half the number of votes allotted to it.

Any person not ineligible for election under the regulations may be nominated as a candidate.

Each Association nominates one Member.

Nominations are made and votes given by each Association in the manner laid down in the rules of the Association.

If there is an equality in the number of votes, it is provided that votes shall be taken again under the same procedure to determine which of the candidates shall be declared to be elected.

VI. The Member for the Jute Interest is to be elected by the Members of the Naraingunj Chamber of Commerce.

### LEGISLATIVE COUNCIL OF THE PUNJAB

The following is the constitution of the Legislative Council of the Lieutenant-Governor of the Punjab :—

A.—Nominated Members, not more than 10 to be officials ...	9
B.—Nominated experts, who may be either officials or non-officials ...	2
C.—Elected Members (5) :	
(i) By the Punjab University ...	1
(ii) „ the Municipal and Cantonment Committees ...	3
(iii) „ the Punjab Chamber of Commerce... ..	1
or, including the Lieutenant-Governor ...	27

The three Members for the Municipal and Cantonment Committees are to be elected by the following groups of Municipal and Cantonment Committees :—

(1) The Cis-Sutlej group consisting of the Municipal Committees of Delhi, Simla, Ambala, Ludhiana and Ferozepore, and the Cantonment Committees of Ambala and Ferozepore.

(2) The Central group consisting of the Municipal Committees of Lahore, Amritsar and Jullundur, and the Cantonment Committees of Lahore and Jullundur.

(3) The Western group consisting of the Municipal Committees of Multan, Rawalpindi and Sialkot and the Cantonment Committees of Multan, Rawalpindi and Sialkot.



### THE LEGISLATIVE COUNCIL OF BURMA

The following is the constitution of the Legislative Council of the Lieutenant-Governor of Burma :—

(A).—Nominated officials	...	...	...	...	6
(B).—Nominated non-officials (8) :					
(i) to represent the Burmese population	...	...	...	...	4
(ii) to represent the Indian community	...	...	...	...	1
(iii) to represent the Chinese community	...	...	...	...	1
(iv) to represent other interests	...	...	...	...	2
(C).—Nominated experts, who may be either officials or non-officials	...	...	...	...	2
(D).—Elected by the Burma Chamber of Commerce	...	...	...	...	1
or, including the Lieutenant-Governor	...	...	...	...	18

[There is no schedule to the regulations for the nomination and election of Members of the Legislative Council of the Lieutenant-Governor of Burma. There is only one elected Member and he is sent by the Burma Chamber of Commerce. It is provided in the regulations that the candidate to be eligible for election must be a Member of the Chamber at the date of election. The election is made in the same manner as a Commissioner for the Port of Rangoon is for the time being elected by the Chamber.]

#### (iv) *Electoral Groups and Electoral Qualifications*

[It is provided in the case of all electoral groups that a candidate for election by each group should, in addition to the qualifications referred to below, not be ineligible for election under the regulations.]

#### *I.—The Municipal Corporations*

*Electoral groups.*—The Corporations of Madras, Bombay and Calcutta elect one Member each to the Provincial Legislative Councils of Madras, Bombay and Bengal, respectively.

*Qualifications of electors.*—The electors should be Members of the respective Corporations.

*Qualifications of candidates.*—In the case of Madras and Calcutta, any person who is qualified to vote as a Commissioner of the Corporation is eligible to be elected. In the case of Bombay, any person who (a) is, at the date of the election, a Member of the Municipal Corporation of the City of Bombay, or (b) has served at least for three years as a Member of that Corporation, is eligible for election.

#### *II.—The Universities*

The Universities of Madras, Bombay, Calcutta, Allahabad and the Punjab elect one Member each to the respective Provincial Legislative Councils.

The electors as well as persons eligible to be elected should be Members of the respective Senates or Honorary Fellows of the respective Universities, having a place of residence in India.



III.—*The Local and Municipal Bodies*

## MADRAS

*Electoral groups.*—Eight Members are to be elected, one for each of the following eight groups:—(1) Ganjam and Vizagapatam; (2) Godavari, Kistna and Guntur; (3) Nellore, Chingleput and North Arcot; (4) Cuddapah, Kurnool, Bellary and Anantapur; (5) Salem, Coimbatore and the Nilgiris; (6) South Canara and Malabar (including Anjengo and Tangasseri); (7) Tanjore, South Arcot and Trichinopoly; and (8) Madura and Tinnevely.

*Qualifications of electors.*—The election is made by the non-official Members of the Municipal Councils and Taluq Boards within the electoral area concerned whose appointments as such members have been notified in the Local Official Gazette prior to the date on which they record their votes.

*Qualifications of candidates.*—Candidates to be eligible for election must be qualified to vote.

## BOMBAY

*Electoral groups.*—Eight Members are elected, one for each of the following:—Municipalities of the Southern, Northern, Central and Sind Divisions (4 Members); and District Local Boards of the Southern, Northern, Central and Sind Divisions (4 Members).

*Electoral qualifications.*—(1) The Member to be elected by each of the groups of Municipalities or District Local Boards is elected by the votes of delegates to be selected from among themselves in the manner described below by the non-official Members of all the Municipalities or District Local Boards of the group.

(2) The number of delegates which Municipalities or District Local Boards are entitled to select is in accordance with the following scale, namely:—

*Municipalities.*

Number of delegates.

Where the population of the Municipality exceeds 5,000 but does not exceed 10,000 ...	2
Do. 10,000 do. 20,000 ...	1
and for every 10,000 or part thereof in excess of 20,000 ...	1

*District Local Boards.*

Number of delegates.

Where the population of the district does not exceed 100,000	1
Where it exceeds 100,000 but does not exceed 200,000 ...	2
And for every 100,000 or part thereof in excess of 200,000	1

(3) The population of each Municipality or district is deemed to be that stated in the returns of the most recent official census.

*Qualifications of candidates.*—Candidates to be eligible for election must have a place of residence in the group for which they seek election and either are non-official members or have served at least three



years as such members of any Municipality or District Local Board in those groups.

### BENGAL

#### (i) *Municipalities.*

*Electoral groups.*—The six Members are to be elected :—

(a) one each by the Municipal Commissioners of the following five divisions, namely, the Presidency, Burdwan, Patna, Tirhut and Bhagalpur Divisions ; and

(b) one alternately by the Municipal Commissioners of the Chota Nagpur and Orissa Divisions, the former Commissioners having the first right of election :

Provided that the right of election conferred on Municipal Commissioners is exercised only by those Commissioners who represent Municipalities which are notified from time to time by the Local Government in the local official Gazette as having a local income amounting to not less than five thousand rupees per annum.

*Qualifications of voters.*—(1) The election is made by the votes of delegates to be selected in the manner described below by the Commissioners of the Municipalities in the said division other than (a) the Chairman, if an official, and (b) the Commissioners appointed ex-officio.

(2) Each delegate has the number of votes assigned to the Municipality by the Commissioners of which he is selected in accordance with the following scale, namely :—

Municipalities with a local income of	Rs.	Rs.	Number of votes for each delegate.
.. 5,000 and less than	10,000	..	1
Do. .. 10,000 do.	20,000	..	2
Do. .. 20,000 do.	50,000	..	3
Do. .. 50,000 do.	1,00,000	..	4
and for every additional Rs. 50,000 or part thereof in excess of 1,00,000		..	1

(3) The number of votes to which each delegate is entitled on the said scale will be notified from time to time by the Local Government in the local official Gazette.

*Qualifications of candidates.*—Candidates to be eligible for election must have a place of residence in the division for the representation of the Municipalities of which they are candidates, if they are Commissioners of any one of such Municipalities, other than (a) the Chairman, if an official, or (b) a Commissioner appointed ex-officio, or have for any period aggregating three years been Commissioners.

#### (ii) *District Boards.*

*Electoral groups.*—The six Members are to be elected :—

(a) one each by the District Boards of each of the following five divisions, namely, the Presidency, Burdwan, Patna, Tirhut and Bhagalpur Divisions, and

(c) one alternately by the District Boards of the Chota Nagpur and Orissa Divisions, the latter Boards having the first right of election.

*Qualifications of electors.*—(1) The election is made by the votes of delegates to be selected in the manner described below by the Members of the District Boards of the said divisions other than (a) the Chairman, if an official, and (b) the members appointed ex-officio.

(2) Each delegate has the number of votes assigned to the District Board by which he is selected in accordance with the following scale :—

District Boards with an annual income (exclusive of opening balan- ces and receipts from loans)			Rs.		Rs.	Number of votes for each delegate.
Do.	..	exceed- ing 75,000	..	of less than 75,000	..	1
and for every additional Rs.	50,000 or part thereof in excess of 1,25,000			but less than 1,25,000	..	2
					..	1

(3) The number of votes to which each delegate is entitled on the said scale will be notified from time to time by the Local Government in the local official Gazette.

*Qualifications of candidates.*—Candidates to be eligible for election must have a place of residence in the division for the representation of the District Boards of which they are candidates, if they are Members of any one of such District Boards, other than (a) the Chairman, if an official, or (b) a member appointed ex-officio or have for any period aggregating three years been members.

#### THE UNITED PROVINCES

##### (i) *The Large Municipalities*

###### *Electoral groups and qualifications for electors.*

For the purpose of the election of the four Members, two groups of Municipal Boards have been formed, namely :—

*Group (1)*—consisting of the Municipal Boards of Meerut, Agra, Allahabad and Lucknow ; and

*Group (2)*—consisting of the Municipal Boards of Bareilly, Cawnpore, Benares and Fyzabad.

The four Members above referred to are elected alternately by the four Municipal Boards forming each of the said groups, the Municipal Boards in group (1) having the first right of election.

The members, other than (a) the Chairman, if an official, and (b) the members appointed ex-officio, of each of the four Municipal Boards forming a group, elect one member.



*Qualifications of candidates.*—Any person having a place of residence in the Municipality for the representation of which he is a candidate is eligible for election if he—

- (a) is qualified as an elector in such Municipality ; or
- (b) has served as a member of the Municipal Board of such Municipality for a period of not less than three years.

(ii) *The Smaller Municipalities and Boards.*

*Electoral groups.*—The eight Members are elected, one for each of the Meerut, Agra, Rohilkhand, Allahabad, Benares, Gorakhpur, Lucknow and Fyzabad Divisions.

*Qualifications of electors.*—The Members are elected by the votes of delegates, to be selected by the Members other than (a) the Chairman, if an official, and (b) the Members appointed ex-officio, of all District Boards and such Municipal Boards within the said divisions as are established for towns forming district head-quarters or containing more than twenty thousand inhabitants according to the returns of the most recent official census, or are named in the notification of the Lieutenant-Governor of the United Provinces of Agra and Oudh, No. 44-C/III-807-A, dated the 19th day of July 1899.

Provided that nothing in this rule is deemed to apply to any Municipal Board which,—

- (a) at the time of holding an election under this schedule to fill a casual vacancy, is already represented by a Member elected for the larger Municipalities, or
- (b) at the time of holding an election to fill a vacancy other than casual, is entitled to elect a Member for the larger Municipalities.

The number of delegates which such District and Municipal Boards are entitled, respectively, to select is in accordance with the following scale :—

For districts with a population		Delegates.
of under	.. 500,000 ..	2
Do.	from 500,000 to 750,000	3
Do.	.. 750,000 to 1,000,000 ..	4
Do.	.. 1,000,000 to 1,250,000 ..	5
Do.	.. 1,250,000 to 1,500,000 ..	6
Do.	over 1,500,000 ..	6
For towns containing		Delegates.
not more than 20,000 inhabitants	..	1
Do. between 20,000 and 50,000 inhabitants	..	2
Do. 50,000 and 100,000 do.	..	3
Do. over 100,000 do.	..	4

*Qualifications of candidates.*—Any person having a place of residence in the division for the representation of which he is a candidate is eligible for election if he—

- (a) is a member of any District or Municipal Board in that division ; or

- (b) owns land in respect of which land revenue amounting to not less than three thousand rupees per annum is payable; or
- (c) owns land free of revenue if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together with land revenue payable in respect of other land by such owner, amounts to not less than three thousand rupees per annum; or
- (d) pays on his own account income-tax on an income of not less than three thousand rupees; or
- (e) owns land and pays income-tax, when the sum of land revenue payable annually by him together with the land revenue nominally assessed on land owned by him, and the income on which he pays income-tax, is not less than three thousand rupees.

### THE PUNJAB

*Electoral groups.*—The three Members are elected, one for each of the three following groups :—

(1) The Cis-Sutlej group; (2) the Central group; and (3) the Western group of Municipal and Cantonment Committees.

*Qualifications of electors.*—Members of these Committees, other than those appointed ex-officio, are entitled to vote for the elections.

*Qualifications of candidates.*—Any person having a place of residence in the group for which he seeks election is entitled to be a candidate for election if he is, or has served for at least three years as a member of a Municipal or Cantonment Committee belonging to that group.

### EASTERN BENGAL AND ASSAM

#### (i) Municipal Commissioners

*Electoral groups and qualifications of electors.*—For the purpose of the election of the three Members, the Municipalities possessing an annual local income of not less than five thousand rupees are formed in the following four groups :—

*Group (1).*—The Municipalities in the Dacca Division.

*Group (2).*—The Municipalities in the Rajshahi Division.

*Group (3).*—The Municipalities in the Chittagong and Surma Valley Divisions.

*Group (4).*—The Municipalities in the Assam Valley Division.

The Commissioners, other than the Chairman, if an official, and the members appointed ex-officio, of the Municipalities in groups (1) and (2) elect each one Member.

The Commissioners, other than the Chairman, if an official, and the Members appointed ex-officio, of the Municipalities in groups (3)



and (4) elect the third member alternately, the Commissioners of the Municipalities in group (4) having the first right of election.

The number of votes which the Commissioners of each Municipality are entitled to give is regulated by the local income possessed by it according to the following scale :—

Municipalities	Votes.
with an annual local income of Rs. 5,000 and less than Rs. 10,000	.. 1
Do Rs. 10,000 and less than Rs. 20,000	.. 2
Do Rs. 20,000 and less than Rs. 50,000	.. 3
Do Rs. 50,000 and less than Rs. 80,000	.. 4
and for every additional Rs. 30,000 or part thereof	
in excess of Rs. 80,000	.. .. 1

### (ii) District and Local Boards.

*Electoral groups.*—The five Members are elected, one each by the District Boards of each division of the province.

*Qualifications of electors.*—The election is made by the votes of the Members of the District Boards in the division other than (a) the Chairman, if an official, and (b) the Members appointed ex-officio.

The number of votes which the Members of each District Board are entitled to give is regulated by the ordinary (which is taken to be the total income of the Board, excluding the opening balance, and entries under the account head, "Debt") possessed by it as follows :—

One vote, if the ordinary income of the Board does not exceed Rs. 1,00,000 and one additional vote for every additional Rs. 1,00,000 or portion thereof.

*Qualifications of candidates.*—Any person who has a place of residence within the division and such practical connection with it as qualifies him to represent it, may be nominated as a candidate for election, if he—

- (a) is a member of any District Board in that division; or
- (b) has served as a member of a District Board within that division for a period of not less than three years; or
- (c) is entered in the electoral roll of landholders entitled to elect a Member or Members for the Legislative Council of the Lieutenant-Governor of Eastern Bengal and Assam.

## IV.—THE ELECTORATES OF THE LANDED CLASSES MADRAS.

### i. Zemindars :—

*Electoral groups.*—Two Members are elected to the Provincial Legislative Council, one each by two groups of districts.

*Qualifications of electors.*—The election is made by all Zemindars qualified to vote and having a place of residence within the electoral area concerned, who—

- (a) possess an annual income, calculated according to prescribed rules, of not less than three thousand rupees derived from



an estate situated within the Presidency of Fort St. George,  
or

(b) receive from Government a *malikhana* allowance, the annual amount of which is not less than three thousand rupees.

*Qualifications of candidates.*—Any person whose name appears on the electoral roll is eligible for election.

ii. *Landholders other than Zemindars*.—

*Electoral groups.*—Two Members are elected, one each by two groups of districts.

*Qualifications of electors.*—The election is made by all landholders other than Zemindars qualified to vote and having a place of residence within the electoral area concerned who possess an annual income (calculated according to prescribed rules) of not less than three thousand rupees derived from land within the Presidency of Fort St. George, and not forming a permanently settled estate.

*Qualifications of candidates.*—Any person whose name is on the electoral roll is eligible for election.

### BOMBAY.

i. *One Member by the Sardars of the Deccan.*—The election of one Member by this body is made by all persons who are qualified to vote and whose names appear in the list for the time being in force under the Resolution of the Government of Bombay in the Political Department, No. 2363, dated 23rd July 1867. Candidates to be eligible for election must be electors themselves.

ii. *One Member by the Sardars of Gujarat.*—The election by this body is made by all persons who are qualified to vote and whose names appear in the list for the time being in force under the Resolution of the Government of Bombay in the Political Department, No. 6265, dated the 21st September 1909. Candidates to be eligible for election must be electors themselves.

iii. *One Member by the Jagirdhars and Zemindars of Sind.*

*Qualifications of electors.*—The election of the Member is made by all persons qualified to vote who are—

(a) Jagirdhars of the first or second class, or

(b) Zemindars who for the three years preceding the preparation of the electoral roll have paid not less than one thousand rupees per annum as ordinary land revenue:

Provided that no elector is to have more than one vote though he may possess more than one of the qualifications above described.

*Qualifications of candidates.*—Candidates to be eligible for election must be electors themselves.

### BENGAL.

*Electoral groups.*—Five Members are to be elected by three electoral groups of landholders.



*Qualifications of electors.*—The election is made by landholders qualified to vote and having a place of residence within the electoral group concerned who—

(a) pay either land revenue or road and public works cesses as follows, namely :—

i. In the case of Group A (the Presidency and Burdwan Divisions, 2 Members) pay land revenue amounting to not less than seven thousand five hundred rupees or road and public works cesses amounting to not less than one thousand eight hundred and seventy-five rupees per annum.

ii. In the case of Group B (the Patna, Tirhut and Bhagalpur Divisions, 2 Members), pay land revenue amounting to not less than one thousand rupees or road and public works cesses amounting to not less than one thousand rupees per annum.

iii. In the case of Group C (the Orissa and Chota Nagpur Divisions, 1 Member) pay land revenue amounting to not less than six thousand rupees or road and public works cesses amounting to not less than five hundred rupees per annum ; or

(b) hold titles conferred or recognised by the Government not lower in rank than that of Raja or Nawab :

Provided that no elector is to have more than one vote though he may possess more than one of the qualifications above described.

*Qualifications of candidates.*—Candidates to be eligible for election must be electors themselves in the electoral groups in which they are qualified.

#### UNITED PROVINCES OF AGRA AND OUDH.

*Electoral groups.*—Two Members are elected, one each by the landholders of the province of Agra and the landholders of the province of Oudh.

*Qualifications of electors.*—The election is made in the province of Agra by all persons qualified to vote and having a place of residence in the province who—

(a) in that province own land in respect of which land revenue amounting to not less than five thousand rupees per annum is payable, or

(b) in that province own land free of land revenue if the land revenue nominally assessed on such land, in order to determine the amount of rates payable in respect of the same, either alone or together with any land revenue payable in respect of other land by such owners, amount to not less than five thousand rupees per annum, or

(c) hold the title of Maharaja, Raja or Nawab, if conferred or recognised by the Government, or

(d) hold the title of Rajwar, Rao Bahadur, Rai Bahadur, Mirza, Khan Bahadur, Chaudhri or Dewan, if hereditary and recognised by the Government :

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications described above.

*Qualifications of candidates.*—Candidates to be eligible for election must be electors themselves.

In the province of Oudh, the election of a member, who should have a place of residence in the province of Oudh, and must be a Member of the British Indian Association of Oudh, is made by the British Indian Association of Oudh at an extraordinary general meeting, in the manner laid down for the time being in the bye-laws of the said Association for carrying resolutions or recording decisions upon questions of business brought before that body.

### **EASTERN BENGAL AND ASSAM**

*Electoral groups.*—Two Members are elected, one by the landholders of the Dacca and the Rajshahi Divisions alternately, and the other by the landholders of the Chittagong and Surma Valley and Hill Districts (excluding the Hill Districts) Divisions alternately, the first divisions of the two groups having the first right of election.

*Qualifications of electors.*—The election is made by landholders qualified to vote and having a place of residence within the division concerned, who—

(a) hold in their own right as proprietors or as permanent tenure-holders within the division one or more estates or shares of estates, or one or more tenures held direct from the Zamindar or shares of such tenures, and pay in respect thereof land revenue or cess as follows, namely:—

i. in the case of the Surma Valley and the Hill Districts Divisions, land revenue amounting to not less than five hundred rupees or cess amounting to not less than one hundred and twenty-five rupees per annum; and

ii. in the case of the other divisions, land revenue amounting to not less than three thousand rupees or cess amounting to not less than seven hundred and fifty rupees per annum; or

(b) hold titles conferred or recognised by the Government not lower in rank than that of Raja or Nawab:

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

### **V.—THE MUHAMMADAN ELECTORATES**

#### **MADRAS**

*Electoral groups.*—Two Members are elected, one by each group of districts referred to already.

*Qualifications of electors.*—The election is made by all Muhammadans qualified to vote and having a place of residence within the electoral area concerned, who—

(1) are landholders possessing an annual income from land situated within the presidency of Fort St. George of not less than five hundred rupees; or



(2) pay on their own account income-tax on an income of not less than two thousand rupees; or

(3) are Ordinary or Honorary Fellows or registered Graduates of the University of Madras; or

(4) are holders of any title conferred or recognized by the Government or are Members of the Order of the Star of India or the Order of the Indian Empire or holders of the Kaisar-i-Hind Medal; or

(5) are in receipt of pensions for service as Gazetted or Commissioned Officers of Government.

*Qualifications of candidates.*—Any person whose name is on the electoral roll may be eligible for election.

### BOMBAY

*Electoral groups.*—The four Members are elected, one for each of the Southern, Northern and Central Divisions and the City of Bombay.

*Qualifications of electors.*—The election is made by all Muhammadans qualified to vote and having a place of residence in the division for which the election is being held who—

(a) hold alienated or unalienated land assessed at or of the assessable value of not less than one hundred, or in the city of Bombay of not less than two hundred rupees; or

(b) pay on their own account income-tax on an income of not less than one thousand rupees per annum, or in the city of Bombay, two thousand rupees per annum; or

(c) are practising Advocates or Attorneys; or

(d) are holders of any title conferred or recognised by the Government, or are members of the Order of the Star of India or of the Order of the Indian Empire or holders of the Kaisar-i-Hind Medal; or

(e) hold diplomas in medicine or engineering granted at least five years previously by any institution in the British Empire recognised by the Local Government for this purpose; or

(f) are conciliators under the Deccan Agriculturists' Relief Act, 1879; or

(g) are Justices of the Peace or Honorary Magistrates; or

(h) are Graduates of five years' standing of any University in the British Empire:

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

*Qualifications of candidates.*—Any person whose name is on the electoral roll may be nominated as a candidate for election by the electors of the division in which he resides.

### BENGAL

*Electoral groups.*—The four Members are elected, two for each of the following groups:—

Group (1).—The Presidency, Burdwan and Orissa Divisions.

*Group (2).*—The Patna, Tirhut, Bhagalpur and Chota Nagpur Divisions.

*Qualifications of electors.*—The Members are elected by the votes of delegates to be selected from among themselves by all Muham-madans qualified to vote and having a place of residence in the electoral area concerned, who—

- (a) hold a title recognised or conferred by the Government, or are Members of the Order of the Star of India or the Order of the Indian Empire or hold a Kaisar-i-Hind Medal, or
- (b) are Ordinary or Honorary Fellows of the University of Calcutta, or
- (c) are Honorary Magistrates, or
- (d) are Graduates of ten years' standing of any University in the United Kingdom or British India, or
- (e) are teachers in any institution maintained or aided by the Government or affiliated to or recognised by the University of Calcutta or recognised by the Director of Public Instruction :

Provided that such teachers are not less than thirty years of age and receive a monthly salary of fifty rupees in Calcutta, or twenty-five rupees in any place other than Calcutta, or

- (f) are Registrars authorized to act under the Bengal Muham-madan Marriages and Divorces Registration Act, 1876, or
- (g) own land in respect of which land revenue amounting to not less than one hundred and twenty-five rupees in the Presidency, Burdwan, Orissa and Chota Nagpur Divisions and two hundred and fifty rupees in the Patna, Tirhut and Bhagalpur Divisions, is payable per annum, or
- (h) own land in respect of which road and public works cesses amounting to not less than thirty-one rupees and four annas in the Presidency, Burdwan, Orissa and Chota Nagpur Divisions and sixty-two rupees and eight annas in the Patna, Tirhut and Bhagalpur Divisions are payable per annum to Government, either directly or through a superior landlord, or
- (i) pay on their own account income-tax on an income of not less than two thousand rupees in the Presidency, Burdwan, Orissa and Chota Nagpur Divisions, three thousand rupees in Calcutta, as defined by or under the Calcutta Municipal Act, 1899, and four thousand rupees in the Patna, Tirhut and Bhagalpur Divisions, or
- (j) are in receipt of pensions from the Government of not less than fifty rupees per mensem :

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

These electors of each of the districts or groups of districts select one delegate who is entitled to give the number of votes assigned below :—



*Group (1).*—Calcutta—4; 24 Parganas—5; Nadia—1; Murshidabad—4; Jessore—2; Khulna—3; Burdwan—2; Birbhum—1; Midnapur and Bankura—1; Hooghly and Howrah—1; Cuttack, Puri, Balasore and Sambalpur—2; Total—26.

*Group (2).*—Patna—5; Gaya—3; Shahabad—2; Saran and Champaran—2; Muzaffarpur—2; Darbhanga—1; Monghyr—1; Bhaghalpur and Santhal Parganas—1; Purnea and Darjeeling—3; Ranchi and Palaman—1; Hazaribagh, Manbhum and Singbhum—1; Total—22.

*Qualifications of candidates.*—Any Muhammadan may be nominated as a candidate for election if he has a place of residence in the electoral area for which he is a candidate and possesses one of the following qualifications, namely :—

- (a) is a Member of the Legislative Council of the Lieutenant-Governor of Bengal; or
- (b) is the holder of any title conferred or recognised by the Government, or is a Member of the Order of the Star of India or of the Order of the Indian Empire or the holder of a Kaisar-i-Hind Medal; or
- (c) is an Ordinary or Honorary Fellow of the University of Calcutta; or
- (d) owns land in respect of which land revenue amounting to not less than seven hundred and fifty rupees is payable per annum; or
- (e) owns land in respect of which road and public works cesses amounting to not less than one hundred and eighty-seven rupees and eight annas are payable per annum to Government either directly or through a superior landlord; or
- (f) pays on his own account income-tax on an income of not less than six thousand rupees per annum; or
- (g) is in receipt of a pension for service as a Gazetted or Commissioned Officer of the Government.

#### THE UNITED PROVINCES OF AGRA AND OUDH

*Electoral groups.*—The four Members are elected, one by the qualified electors in each of the following groups :—

- (1) The Meerut and Agra Divisions.
- (2) The Rohilkhand and Kumaun Divisions.
- (3) The Lucknow and Fyzabad Divisions.
- (4) The Allahabad, Benares and Gorakhpur Divisions.

*Qualifications of electors.*—The election is made by all Muhammadans qualified to vote and having a place of residence in the United Provinces of Agra and Oudh, who—

- (a) own land in respect of which land revenue amounting to not less than three thousand rupees per annum is payable; or
- (b) own land free of land revenue if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together

- with any land revenue payable in respect of other land by such owners, amounts to not less than three thousand rupees per annum ; or
- (c) pay on their own account income-tax on an income of not less than three thousand rupees per annum ; or
  - (d) are Members of the Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh ; or
  - (e) are Ordinary or Honorary Fellows of the University of Allahabad ; or
  - (f) are Trustees of the Muhammadan Anglo-Oriental College, Aligarh ; or
  - (g) are holders of any title conferred or recognised by the Government, or are Members of the Order of the Star of India or of the Order of the Indian Empire or holders of the Kaisar-i-Hind Medal ; or
  - (h) are in receipt of pensions for service as Gazetted or Commissioned Officers of the Government ; or
  - (i) are Honorary Assistant Collectors, Honorary Magistrates or Honorary Munsifs ; or
  - (j) are Graduates of five years' standing of any University in the British Empire :

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

*Qualifications of electors.*—Any person whose name is on the electoral roll may be nominated as a candidate for election by the electors of the group in which he resides.

### EASTERN BENGAL AND ASSAM

*Electoral groups.*—The four Members are elected, one by the qualified electors in each of the (1) Dacca, (2) Chittagong (excluding the Chittagong Hill Tracts) and (3) Rajshahi Divisions and one alternately by the qualified electors in (4) the Surma Valley and Hill Districts Division (excluding the Hill Districts) and (5) the Assam Valley Division (excluding the Garo Hill Districts), the electors of the Surma Valley and Hill Districts Division having the first right of election.

*Qualifications of electors.*—The election is made by the votes of delegates to be selected by Muhammadans qualified to vote and having a place of residence in the electoral area concerned, who

- (a) hold titles conferred or recognised by the Government ; or
- (b) hold the Kaisar-i-Hind Medal ; or
- (c) are Members of the Order of the Star of India or of the Order of the Indian Empire ; or
- (d) are Ordinary or Honorary Fellows of the University of Calcutta ; or
- (e) are Graduates of any University in the United Kingdom or British India ; or
- (f) are Honorary Magistrates ; or.



- (g) being holders of certificates of having passed the final examination of a recognised Madrasa, are teachers in any High School recognised by the Calcutta University, or any College affiliated thereto, or any Madrasa recognised by the Government, or are Registrars authorized to act under the Bengal Muhammadan Marriages and Divorces Registration Act, 1876 ; or
- (h) are holders in their own right as proprietors or permanent tenure-holders within the division of one or more estates or shares of estates, or of one or more permanent tenures held direct from Zemindars, or shares of such tenures, and pay in respect thereof land revenue or cess as follows, namely :—
- (i) in the case of the Assam Valley Division, land revenue amounting to not less than fifty rupees per annum ; and
- (ii) in the other divisions, land revenue amounting to not less than one hundred rupees, cess amounting to not less than fifty rupees per annum ; or
- (i) are *jotedars* in the district of Goalpara paying rent amounting to not less than two hundred and fifty rupees per annum ; or
- (j) pay income-tax on their own account on an income of not less than one thousand rupees per annum ; or
- (k) are in receipt of pensions from the Government of not less than fifty rupees per mensem :

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

The electors of the districts or sub-divisions are to elect the following number of delegates :—

Dacca Division.—Dacca—7 ; Mymensingh—12 ; Faridpore—5 ; Bakarganj—7 ; Total—31.

Chittagong Division.—Chittagong—4 ; Tipperah—6 ; Noakhali—4 ; Total—14.

Rajshahi Division.—Rajshahi—5 ; Dinajpur—4 ; Jalpaiguri—1 ; Rangpur—6 ; Bogra—3 ; Pabna—5 ; Malda—2 ; Total—26.

Surma Valley and Hill Districts Division.—Cachar—1 ; Sylhet—5 ; Total—6.

Assam Valley Division.—Goalpara—1 ; Kamrup—1 ; Darrang—1 ; Nowgong—1 ; Sibsagar—1 ; Lakhimpur—1 ; Total—6.

*Qualifications of candidates.*—Any person whose name is on the electoral roll of the division concerned may be nominated as a candidate for election.

## VI—THE PLANTING INTEREST MADRAS

One Member is elected by the United Planters' Association of Southern India, as already described.

**EASTERN BENGAL AND ASSAM**

Two Members are elected by the Assam Branch of the Indian Tea Association, the Surma Valley Branch of the Indian Tea Association, and the Duars Planters' Association, as described already.

One Member is elected by the Members of the Naraingunj Chamber of Commerce and any person not ineligible under the Regulations, may be elected.

**VII—COMMERCE—EUROPEAN AND INDIAN**

The Chambers of Commerce of Madras, Bombay, Karachi, Bengal, Upper India, elect one Member each for the Madras, Bombay, Bengal, and the United Provinces Legislative Councils, respectively.

The Commissioners of the Port of Chittagong elect one Member to the Legislative Council of Eastern Bengal and Assam.

The Trades' Associations of Madras and Calcutta elect one Member each to the Madras and Bengal Legislative Councils.

The Millowners' Association of Bombay and the Millowners' Association of Ahmedabad elect one Member alternately to the Bombay Legislative Council.

The Indian Merchants' Chamber and the Bombay Native Piece-goods Merchants' Association elect together one Member to the Bombay Legislative Council by means of delegates in a manner which has already been referred to.

**RULES OF ELECTION**

The rules for the nomination and election of Members to the new Councils, set out in detail in the schedules to the regulations, generally deal with (1) definitions of such terms as 'Attesting officers,' 'Returning officers,' 'electoral area,' 'Zemindar,' etc., (2) qualifications of electors, (3) preparation of electoral rolls, (4) revision of electoral rolls, (5) qualification and nomination of candidates, (6) scrutiny of nomination papers, (7) voting, (8) counting of votes and declaration of result, (9) publication of result and (10) appointment of dates, times and places.

**THE ATTESTING OFFICER**

The duties of the Attesting Officer are generally the attesting of the nomination papers subscribed by electors, the despatch of these papers to the Returning Officer, the delivery to each elector of a voting paper, together with an envelope, at the place and time prescribed for voting for being filled in wherever voting is not done before the Returning Officer, the despatch of these envelopes containing voting papers to the Returning Officer in a sealed packet, at the close of the days appointed for the attestation of voting papers and the despatch to the same officer by registered post of a list, in a prescribed form, of the electors whose voting papers he has attested.

The Attesting Officer has also, in the following cases, where voting by delegation is prescribed, to explain to the members of the body or bodies who have met in a meeting for the purpose of electing delegates, the rules that govern the election and then withdraw, namely:—



(i) Election of a Member to the Imperial Legislative Council by the District Councils and Municipal Committees in the Central Provinces, which is done by 50 delegates.

(ii) Election of six Members to the Bengal Legislative Council by Municipal Commissioners.

(iii) Election of six Members to the Bengal Legislative Council by District Boards.

(iv) Election of eight Members to the United Provinces Legislative Council by the District Boards and smaller Municipalities.

[The other occasions where the system of voting by delegation is prescribed are—

(v) Election of eight Members to the Bombay Legislative Council by Municipalities and District Local Boards.

(vi) Election of four Members to the Bengal Legislative Council by the Muhammadan community.

(vii) Election of four Members to the Eastern Bengal and Assam Legislative Council by the Muhammadan community.]

### **THE RETURNING OFFICER**

The duties of the Returning Officer comprise all other details connected with the elections, including the despatch of nomination papers, scrutiny of nomination papers, rejection of nomination papers whenever they are not in conformity with the prescribed rules, publication of the names and addresses of candidates duly nominated, the rejection and counting of votes, and the declaration and publication of the results. He has also, in certain cases, to publish electoral rolls.

### **ELECTORAL ROLLS**

In all cases where electoral rolls have to be published, they have to be published in the Local Government Gazette by the Returning Officer in a prescribed form.

Extracts from this roll have to be published in the Local District Gazettes and have to be posted in a conspicuous place in the office of the Collector or the District Magistrate, or the Deputy Commissioner as the case may be.

The electoral roll is conclusive evidence for the purpose of determining whether any person is an elector or not under the rules.

Elaborate rules are also made to determine questions as to who shall represent a joint family, joint holders of land, firms, etc. In these cases, power is given to the members to nominate one of themselves as voter and if such nomination is not made, no entry will be made in the roll in respect of the particular family, land or firm.

### **REVISION OF ELECTORAL ROLLS**

The electoral rolls published are subject to revision from time to time as the Local Governments may direct. The Collectors of Districts, Returning Officers, Deputy Commissioners or District Magistrates, as the case may be, may, of their own motion, and also should, on the application of any person whose name appears on the rolls, or who



claims to have his name inserted therein, revise the rolls so far as they relate to their particular districts.

In the Presidency of Madras, the decisions of Collectors in respect of electoral rolls, so far as they pertain to their respective districts, is final, whether the rolls relate to the election of Members by the landholders or the Muhammadan community to the Imperial Legislative Council, or by the Zemindars, or landholders other than Zemindars or the Muhammadan community to the Provincial Legislative Council.

In the Presidency of Bombay, in the case of election to the Local Legislative Council, an appeal lies from the Returning Officer to the Local Government regarding the electoral roll of Jagirdhars and Zemindars of Sind; but the decision of the Returning Officer is final in respect of the electoral roll of the Muhammadan community.

In the Presidency of Bengal, in the case of election to the Imperial and the Local Legislative Councils, the decisions of the Returning Officer and the Commissioners of Divisions, respectively, regarding the electoral rolls of landholders and the Muhammadan community are final.

In the Provinces of Eastern Bengal and Assam and the United Provinces of Agra and Oudh, an appeal lies, in the matter of the electoral rolls for returning members both to the Imperial and Local Legislative Councils, in the case of landholders and the Muhammadan community, from the decision of the District Magistrates to the Commissioners of Divisions.

### NOMINATION PAPERS

Generally speaking no person can be elected unless he has been duly nominated in the prescribed form, subscribed by two electors as proposer and seconder, the nomination paper being duly attested by the Attesting Officer generally, and the Returning Officer in a few cases. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers will be rejected.

On the date and at the time appointed by the Local Governments for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer, it is provided, should allow them to examine the nomination papers of all candidates which have been received by him.

The Returning Officer is empowered to examine the nomination papers and, either of his own motion or on objection made, to reject any nomination paper on the ground that it does not comply with the provisions of the schedule, and his decision, which should be endorsed upon such paper, is final, subject to reversal by the Governor-General in Council in the case of elections to the Imperial Legislative Council, and the Provincial Governments, in the case of elections to the Provincial Legislative Councils.

### VOTING

If, in an electoral area, the number of candidates duly nominated is the same as the number of members to be elected, the Returning



Officer should forthwith declare such candidate or candidates to be elected.

If, however, more candidates than the number of members required to be elected are nominated, the Returning Officer should publish their names in the manner prescribed by the Local Governments.

As a general rule, the electors desirous of voting should attend for the purpose at such place in the district in which their names appear in the electoral roll, and on such date and at such time as may be appointed by Local Governments for this purpose. In these cases, the Attesting Officer should deliver to each elector a voting paper in the prescribed form in which the names of the candidates will be entered, and also an envelope for enclosing the same. The elector should then, before the presence of the Attesting Officer, or, in a few cases, before the Returning Officer, sign the declaration regarding his identity, which the Attesting Officer should attest. The elector then should proceed to a place screened from observation, which should be provided by the Attesting Officer, and there mark his vote on the voting paper according to the instructions. The elector should then place the voting paper in the envelope and after closing it, deliver it to the Attesting Officer. It is provided that neglect on the part of the elector to comply with any of these instructions will render the vote invalid.

The Attesting Officer should, at the close of the day appointed for the attestation of voting papers, or at the close of the day appointed as the latest date for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post in a packet securely sealed with his official seal. He should also send to the Returning Officer, on the following day, by registered post, a list of the electors whose voting papers he has attested.

#### **COUNTING OF VOTES AND DECLARATION OF RESULT**

The following are the general rules which govern the counting of votes and declaration of result :—

On receiving the voting papers, the Returning Officer shall examine them to see whether they have been correctly filled up.

The Returning Officer shall endorse "rejected" on any voting paper which he may reject and mark "discarded" against any vote which he may discard on the ground that it does not comply with the instructions on the voting paper.

The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the delegate and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

Every candidate may be present in person, or send a representative, duly authorized by him in writing, to watch the process of counting.



The Returning Officer shall show the voting papers sealed to the candidates or their representatives.

If an objection is made to any voting paper or vote on the ground that it does not comply with the instructions on the voting paper or the rejection by the Returning Officer of a voting paper or the discarding by him of any vote, it shall be decided at once by the Returning Officer whose decision shall be final, subject to reversal by the Local Government in the event of the election being questioned under Regulation XVI.

In such cases, the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of votes have been given to be elected.

When an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed; unless otherwise directed by an order of competent authority.

#### **PUBLICATION OF RESULT**

The Returning Officer should, without delay, report the result of the election to the Local Government, or the Secretary, in the Legislative Department, of the Government of India, as the case may be, and the name of the candidate or candidates elected should be published in the Provincial Official Gazette or the *Gazette of India*, as the case may be.

#### **APPOINTMENT OF DATES, TIMES AND PLACES**

The Local Government should appoint, and notify, in such manner as it thinks fit, such date and, if necessary, such time and place as it may think suitable, for each of the following proceedings, namely:—

- (a) the publication of the electoral rolls;
- (b) the attestation of nomination papers;
- (c) reception by District Magistrates of nominations;
- (d) the examination and counting of votes;
- (e) the scrutiny of nomination papers;
- (f) the attestation of voting papers; and
- (g) the counting of votes.

In the case of elections by the Universities of Madras, Bombay, Calcutta, Allahabad and the Punjab, and the Corporation of Madras,



the electors may either attend the prescribed place at the appointed time, to record their votes, or they may fill in the voting papers themselves in the prescribed manner and send them by registered post to the Returning Officer.

In the case of election by the Corporation of Calcutta, the Commissioners have to meet (the nomination papers having been received seven clear days before the date of meeting for election), for the purpose of election, when the names of candidates will be read out to them by the Chairman. The voting will be by ballot.

In the case of the Corporation of Bombay, it is provided that the election shall be made by the Corporation in the same manner as though such election was an item of municipal business and the Corporation had met for the despatch of municipal business at a special meeting called by the President under section 36, clause (d) of the City of Bombay Municipal Act, 1888, and the election shall be decided in accordance with section 86, clause (g) of the said Act.

Elections to the Imperial Legislative Council by the Bengal and Bombay Chambers of Commerce, and by non-official members of Provincial Legislative Councils, and elections to the Provincial Legislative Councils by the Madras, Bombay, Karachi, Bengal, Upper India and Punjab Chambers of Commerce, by the Millowners' Association of Ahmedabad, by the Trades' Associations of Madras and Calcutta, by the Commissioners of the Port of Chittagong and by the Naraingunj Chamber of Commerce, have to be made at meetings of the respective bodies.

The election of members to the Provincial Legislative Councils by the Planting interests of Madras and Eastern Bengal and Assam have been referred to already.

For most elections in Madras, Bombay and the United Provinces, electors have to meet at a specified time and place in the district under which their names appear in the electoral rolls. In Bengal, Eastern Bengal and Assam it is provided that electors may present themselves before the Attesting Officer on or before the latest date prescribed for the attesting of voting papers.

Where provision has been made for election by delegates, the delegates have to meet at a prescribed place for the purpose, except in the case of election of members to the Bombay Legislative Council by Municipalities and District Local Boards, where the delegates have to fill up voting papers to be attested by the President of the Municipality or District Local Board by which they were elected, and deliver them to the President to be forwarded by him to the Returning Officer, except in the case of election of a member to the Bombay Legislative Council by the Indian Commercial Community, wherein the delegates of the Indian Merchants' Chamber and the Bombay Native Piece-goods Merchants' Association have to fill up voting papers to be attested by the Chairman of the body by which they were elected and send them themselves to the Returning Officer by registered post.

# Indian Government's Despatch.

## PROPOSED REFORMS.

*The following is the Text of the Despatch of the Governor-General of India in Council, dated 1st October, 1908, to the Secretary of State for India on the Reform Proposals.*

We have the honour to address you on the subject of the constitutional reforms which were initiated more than two years ago by H. E. the Viceroy in a minute reviewing the political situation in India. Lord Minto then pointed out how the growth of education, encouraged by British rule, had led to the rise of important classes claiming equality of citizenship, and aspiring to take a larger part in shaping the policy of the Government, and he appointed a Committee of his Council to consider the group of questions arising out of these novel conditions. From the discussions thus commenced there was developed, by stages which we need not detail, the tentative project of reform outlined in the Home Department letter to local Governments, No. 2310—17, dated the 24th August, 1907. After receiving your approval in Council, that letter was laid before Parliament and was published in England and India. The local Governments to whom it was addressed were instructed to consult important bodies and individuals representative of various classes of the community before submitting their own conclusions to the Government of India. These instructions have been carried out with great care and thoroughness.

### RECEPTION OF THE SCHEME.

The provisional scheme thus submitted to the judgment of the Indian public comprised the creation of Imperial and Provincial Advisory Councils, the enlargement of the Legislative Councils, and more ample facilities for discussing the Imperial and Provincial Budgets. Every feature of our proposals has aroused keen interest, and has met with ample and outspoken criticisms from the most intelligent members of Indian society, and the voluminous correspondence which we now enclose may be regarded as an adequate and exhaustive expression of



the views of those who are qualified to pronounce an independent opinion on the weighty and intricate matters now under consideration. In a country where the separation of classes, castes, races and communities, is so marked as in India, and little common national sentiment has as yet been evolved, the natural tendency is, as the Bombay Government have pointed out, for the advocates of each particular class or interest to consider how their own advantage can best be furthered, and to overlook the wider aspects of the subject. This tendency comes out strongly in the non-official opinions forwarded by the local Governments. From the landholders, whether Hindu or Mahomedan, the scheme has met with a generally favourable reception. With very few exceptions, they either approve of the proposals regarding Advisory Councils or make suggestions which leave their principle untouched. They welcome the separate representation of the landowning interest on the Legislative Council, and many of them lay stress on the condition that the member elected to represent their class must himself belong to it. The Mahomedans point out that the reforms of 1892 paid no regard to the diversity of the interests involved, and that territorial representation, in so far as it was then introduced, has placed a monopoly of voting power in the hands of the professional class. Most of them express their satisfaction with the scheme of Advisory Councils, and they are unanimous in their commendation of the proposal to assign special seats to Mahomedans on the Legislative Councils, though some of them urge that the measure of representation offered to them falls short of that which their numbers and influence entitle them to demand. On the other hand the leaders of the professional class regard the Advisory Councils as superfluous and illusory; they protest against class electorates for the Legislative Councils; and they demand the formation of territorial constituencies on a scale which would render their own influence predominant. Comparatively few opinions have been received from the commercial and industrial classes. But all of them, whether European or Indian, agree in complaining that their interests have received insufficient consideration and that they ought to have more members on the Imperial Legislative Council.

DESPATCH OF THE 26TH OCTOBER, 1892.

The divergent opinions briefly summarised here bear striking testimony to the wisdom of Lord Lansdowne's Government in describing Indian society as "essentially a congeries of widely separated classes, races and communities, with divergences of interests and hereditary

sentiment which for ages have precluded common action or local unanimity," and in insisting that the representation of such a community could only be secured by assigning to each important class a member specially acquainted with its views. The conditions which existed then are shown by the present correspondence to continue still. Indeed, the advance in general education that has taken place since 1892, has added to the complexity of the problem by bringing to the front classes which were then backward, and by making them more keenly conscious of their individual interests and more disposed to claim separate representation by means of special electorates. In framing the greatly enlarged scheme of reform, which is explained below, we have given careful consideration to the views of all classes, and we desire to acknowledge the value of the opinions which have been submitted by the educated members of all communities who, though their number is relatively small, deservedly occupy a special position by reason of their intellectual attainments and the attention they have given to public questions. With these preliminary observations we pass to the consideration, in fuller detail, of the actual proposals upon which we now submit our final recommendations to His Majesty's Government.

### *AN IMPERIAL ADVISORY COUNCIL.*

#### OPINIONS ON ITS COMPOSITION.

The considerations by which we were influenced in proposing the creation of an Imperial Advisory Council are fully stated in paragraph 4 of our letter of the 24th August, 1907. The Council then suggested was to consist of about sixty members, of whom twenty were to be Ruling Chiefs and the rest territorial magnates. The opinions of local Governments on the advantages of the scheme are divided. The views of the Madras Government are wholly adverse; the Government of Bombay cordially agree with the principle involved, but demur to the combination of Chiefs and territorial magnates, and suggest an Advisory Council of Ruling Chiefs for consultation on questions affecting them alone; the Lieutenant-Governors of Bengal and the United Provinces approve. The Lieutenant-Governor of the Punjab is opposed, to a mixed Council, but thinks that a smaller Council of Princes to discuss matters of imperial and general importance might be of advantage, and suggests that to this Council there might be admitted a few men of wide reputation throughout India. The Chief Commissioner of the Central Provinces takes substantially the same view. The Lieutenant-Governors of Burma and of Eastern Bengal



and Assam approve generally of the scheme. Most of the non-officials receive with enthusiasm the general principle of associating the people more directly with the Government, but there is no unanimity in regard to the means by which this end may be attained, and the leading features of the Government proposal are generally condemned on various grounds. The main objections are that Ruling Chiefs will not sit with subjects of the British Government, who are necessarily of inferior status; that they have no knowledge of the conditions of British India, and that they would for that reason be useless either for the purpose of advising the Government, or of diffusing information to the people. As regards territorial magnates, it is alleged that they are out of touch with the people, and that their interests are necessarily adverse to those of the great body of agriculturists.

#### CRITICISMS ON THE COUNCIL'S FUNCTIONS.

Apart from the qualifications of its *personnel* the proposed Council is criticised on the grounds that it would have no legal recognition and no formal powers; that the Government would be under no obligation to consult it or to be guided by its advice; that its proceedings would be secret, and that Government would have discretion to publish or not to publish them as it thought fit; and that the views of a nominated Council would command no respect if they were in conflict with those of the elected members of the Legislative Council, while if the two bodies concurred in opposing the Government the difficulties of the situation would be increased. The views of a number of Ruling Chiefs have been ascertained by letter and by personal consultation, and several political officers have also been consulted. The majority of Ruling Chiefs are opposed to the formation of a Council on which Ruling Chiefs and territorial magnates would sit together. Nearly all the political officers are of the same opinion.

#### RECOMMENDATIONS OF THE GOVERNMENT OF INDIA.

We have carefully considered and discussed these criticisms. In view of the opposition of the Chiefs to a Council of mixed composition, and of the unfavourable reception which our proposal has met with in British India, we consider that the published scheme should not be proceeded with at present. It is possible that in course of time the relations of Native States to British India may become more intimate, and that common interests may arise which might with advantage be referred for discussion to a mixed Council, or to a Council consisting of two Chambers, one of Chiefs and the other of Notables. But in present



conditions we are of opinion that an attempt to create a mixed Council in any form would result in failure. We think, however, that there should be an Imperial Council composed only of Ruling Chiefs. The scope of such a Council would necessarily be narrower than that of a mixed Council, but there are many questions of an imperial character on which the advice of Ruling Chiefs would be of great value, and we are of opinion that the time has come when they should be invited to assist the Governor-General in the guardianship of common and imperial interests.

#### COUNCIL OF BRITISH INDIAN NOTABLES.

The question then arises whether, in addition to a Council of Chiefs, there should be an Advisory Council composed exclusively of Notables of British India. As to this, our view is that if an experiment is to be made in the direction of Advisory Councils, it should be made, in the first instance, by the institution of Provincial Advisory Councils on the lines indicated below, and that the question of an Imperial Council of Notables for British India only should not be entertained until the success of that experiment has been vindicated. It will always be open to the Viceroy to ask for the advice of members of Provincial Councils if he so desires.

#### COUNCIL OF CHIEFS.

Concerning the manner in which a Council of Chiefs should be called into existence, we observe that legislation is not necessary and would not be appropriate; we consider that the Council should be created in the exercise of the right of the Viceroy to choose his own advisers in respect of matters which are under his control as the head of the Government. This disposes of the various suggestions put forward in the papers, as to local recognition, statutory powers, election of the whole or part of the Council, periodical meetings, right of initiative, power to block Government measures by the vote of a majority of a certain strength, public discussion, and so forth. It puts the scheme on its proper footing and leaves it to develop by the natural process of growth to which all successful political institutions are due.

#### NUMBER AND TERM OF OFFICE.

Passing now to the questions of the number of the Council, the mode of appointment and the term of office, we recommend that it should be limited to such a number as is appropriate in view of the claims and traditions which have to be considered. We observe that the Imperial Privy Council proposed by Lord Lytton included only 12 Chiefs, and that His Lordship said that he could not recommend



a larger number "without extending the honour to minors, or Chiefs of a rank too low for so high and honourable an office or to Chiefs not wholly fitted for the dignity of Councillors." Eventually only 8 Chiefs were given the title of Councillor of the Empress. As the Council should, in our opinion, be appointed by the Viceroy, it follows that neither hereditary tenure nor election would be admissible. The members would hold office during the Viceroy's pleasure, and it would be at his discretion to consult any of them, individually or collectively, as he might think fit from time to time.

#### SUBJECTS FOR DISCUSSION.

There is abundant evidence in the opinions that have come before us of the existence of a strong feeling that the Council ought to be given some power of initiative, and that their discussions should not be strictly limited to matters formally referred to them. This view appears to us natural and reasonable, and we recommend that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the Viceroy to grant such a request. We do not, however, think it desirable in announcing the certain of the Council to enumerate by way of catalogue the subjects to be referred to it. Such an enumeration would, on the one hand, tend to limit consultation, while on the other it might lead to the Council being overburdened at starting with a list of subjects, some of which did not call for immediate consideration. We have little doubt that questions will arise from time to time the disposal of which will be materially facilitated by the deliberations of such a Council as we contemplate. We do not think it advisable to define the scope of consultation more precisely, and for the present, at any rate, we would leave the whole matter to the unfettered discretion of the Viceroy.

#### MEETINGS AND PROCEDURE.

For much the same reasons it does not appear to be necessary, until further experience has been gained of the actual working of the Council, to determine whether it should meet periodically, and, if so, at what intervals. That will obviously depend partly upon the amount of business to be brought before the Council and partly on the question whether the nature of the business is such as to call for personal and collective discussion, or whether it can more conveniently be dealt with by means of correspondence. It is true that the opinions on the subject, both those of the Chiefs and those sent up by local Governments, are in general agreement that the Council should meet once a

year at least. It has, however, been pointed out by several critics that the expense of assembling the Council would be considerable, and could not fairly be charged either on the taxpayers of British India or on those of the Native States. We observe, moreover, that some of the more important Chiefs dislike the idea of collective consultation, that they hint at difficulties of precedence among themselves, and that they evidently consider free discussion to be only possible among equals. These Chiefs express a preference for consultation by letter, or for the appointment of certain Chiefs to offer advice when they think it necessary. They do not wish to be invited to attend meetings, both for the personal reasons already suggested, and because of the expense and inconvenience and the interruption of their regular administrative work. It appears to us that there is much force in these objections. We believe, however, that they might be got over by holding a meeting in the first instance for the purpose of inaugurating the Council, and of giving opportunity for an informal interchange of views, and then conducting the business of the Council by means of correspondence, unless some occasion should render it desirable to call together the entire body. In our opinion the proceedings of Council when invited to assemble for collective consultation should ordinarily be confidential; but it would rest with the Viceroy after consultation with the Council to cause a statement of the subjects discussed and the decisions arrived at to be published.

### PROVINCIAL ADVISORY COUNCILS.

#### THE GOVERNMENT OF INDIA'S ORIGINAL PROPOSALS.

In our letter of 24th August, 1907, we suggested that the various Provincial Governments, should, when the local conditions admit, be furnished with a selected body of advisers, whom they would consult upon all measures of importance affecting the populations committed to their charge. These Provincial Councils were to be of smaller size than the Imperial Council then contemplated, but their membership was to be large enough to embrace all interests of sufficient importance to claim representation on such a body. The greater and smaller landholders, industry, commerce, capital, and the professional classes were to be included in the Council; and it was observed that the association of non-official Europeans, standing for these important interests, with the natural leaders of Indian society in common consultation on matters of public importance would tend to promote a better understanding and to clear away on both sides injurious prejudices and miscon-



ceptions. Each local Government was to be at liberty to consult its Advisory Council, either individually or collectively, in regard to any provincial question.

• VIEWS OF LOCAL GOVERNMENTS.

The replies of local Governments are not unanimous, but on the whole they are in favour of the proposal. The Bombay Government approve of the general idea, but consider that the practical success of the Council must depend on the personal weight and influence of its members, each of whom should, as far as possible, represent some important class or interest. Their number should not exceed twenty; all should be nominated for three years; and the Council should elect its own President in the absence of the Governor. A separate Council of not more than five members should be appointed for Sind. The Lieutenant-Governor of Bengal proposes a Council of about thirty members representing large and small Landholders, Feudatory Chiefs, European and Indian Commerce, tea and indigo, the professions, the University, the District Boards and the Municipalities. The Lieutenant-Governor of the United Provinces suggests that the Council should consist of thirty-five nominated members, including representatives of the Province on the Imperial Council, and four elected members of the Provincial Legislative Council, the balance being made up by representatives of land, industry, commerce, the planting community, the professional classes, and educational and religious interests. The Council should be free to choose its own President and Secretary, and should conduct its deliberations in the absence of any Government official. The Lieutenant-Governor of Burma approves of the scheme as a general measure of policy, but considers that the Province is not yet ripe for such a measure. The Lieutenant-Governor of Eastern Bengal and Assam thinks it doubtful whether a Provincial Advisory Council could be easily got together owing to the expense and labour of attending meetings. He suggests a Council composed of the members of the Legislative Council and representatives of other interests including members elected by the District Advisory Council which he thinks should be formed. The Lieutenant-Governor of the Punjab dwells on the difficulty of finding suitable men for an Advisory Council and a Legislative Council and observes that if, for the sake of uniformity, it is necessary to have an Advisory Council in the Punjab, its number should be the smallest compatible with adequate representation of the main creeds, classes and interests. He considers



that five or at the most seven Councillors would be sufficient. The Chief Commissioner of the Central Provinces proposes a Council of twenty-five comprising eight members elected by District Boards and large Municipalities, six members nominated to represent the commercial classes and minorities and eleven official members. The Madras Government criticise the published scheme on the grounds stated at length in their letter of the 13th March, and instead of creating a Provincial Advisory Council, propose to consult the non-official members of their Legislative Council informally when they require advice. In regard to the question whether the proceedings of the Council should be strictly private and confidential, or whether some provision should be made for public Conferences, we find few definite expressions of the opinion of local Governments. The Governments of Eastern Bengal and the United Provinces appear to contemplate giving a certain amount of publicity to the proceedings of the comparatively large Councils which they propose, and the Government of Bombay, though they propose a relatively small Council, do not suggest that its proceedings should necessarily be confidential. On the other hand, the Lieutenant-Governor of Bengal advises that the proceedings should be "informal, private and confidential," while for the Punjab a small confidential Council is proposed.

#### VIEWS OF OTHER PERSONS.

The opinions before us from other persons are beyond doubt in favour of the creation of some form of Provincial Advisory Council, in order to bring the people more closely into touch with local Governments. There is, however, considerable diversity of opinion as to the size and constitution of the proposed Council. Suggestions vary from a small Council of not less than ten representing land, commerce, the professions and retired officials, to larger bodies of fifty, sixty or eighty members partly elected and partly nominated. Generally speaking, the tendency of the professional middle class is to propose a rather large statutory Council, wholly or partly elected so as to represent a variety of interests, holding public sittings at regular intervals, and exercising extensive legal powers which would include an unlimited initiative, power to ask questions and to call for information and papers, and an absolute or suspensory vote on Government proposals. The landholders are mainly concerned with securing adequate or preponderant representation for themselves, but many of them make much the same



proposals as the professional class. The Maharajah of Benares puts forward the suggestion, which has been adopted by the United Provinces Government, that the Council should have its own President and Secretary; Sir Faiyaz Ali Khan proposes an elected Council; the Rajah of Malabar pleads for legal recognition, periodical meetings, public discussion, and election of members. The British Indian Association advocates district representation, power of initiating questions, and publication of opinions. The Mahomedan opinions are almost unanimous in desiring a council but differ as to its composition. Some ask for large Councils on which each district would have a representative; others propose smaller bodies with twenty-five or thirty members. Several writers suggest that religious interests should be specially represented. Among the Mahomedans of the Punjab the best opinion accepts a small Council of six or seven members as appropriate.

#### GOVERNMENT OF INDIA'S FINAL RECOMMENDATIONS.

The demand for Advisory Councils of large size, and for opportunities of public debate, appears to us to have its origin mainly in the feeling, which has been generally expressed, that there ought to be greater facilities for the discussion of public measures than now exist. We recognise the force of this claim, but we think that it should be met rather by extending the powers of the existing Legislative Councils than by setting up large rival Councils which must to some extent conflict with them. In the recommendations which we shall presently submit to Your Lordship in regard to the Legislative Councils we have suggested the removal of the restrictions which now prevent debate on matters which are not before the Council in the form of the legislation, and we believe that this change should satisfy those who ask for large Advisory Councils for the reason given above. But the question remains whether it would not be of advantage for the Head of a local Government to have a small body of Councillors to whom he could turn for advice before his policy was definitely shaped, or whom he could use as a channel of communication with the public in matters which could not conveniently be brought before the Legislative Council. Beyond doubt the bulk of opinion is in favour of the formation of some consultative body, and we recommend that Advisory Councils of the character indicated above should be constituted in those Provinces in which the Head of the Government is of opinion that they would be of service. Conditions vary, and we would not compel any local Government to

make what, after all, can only be an experiment, unless local conditions were held to warrant it. But we believe that such Councils, if wisely directed, might become of marked value in some Provinces. They would provide a means of obtaining advice both on proposals for legislation and on administrative questions, and of conveying information as to the intentions and motives of Government, and further they would be a visible sign of the desire of the Government to take the best minds in the Province into their confidence. It is, however, in our opinion, essential that such Councils should be limited in size and that the decision as to their numbers should rest with the Government of India. The reason for this is plain; the effect of any departure from the standard model would not be confined to a single Province, but would inevitably affect the administration of other Provinces and of India as a whole. The appointment of members would naturally rest with the local Government, and in our judgment the criterion of membership should be distinction of some kind, whether arising from intellectual capacity, personal influence, or representative position. It follows from the fact that the Councils are to be advisory bodies only, that no legislation is required for their creation. We do not propose to attempt any formal enumeration of the subjects with which such Councils should deal. We think it sufficient to say that the Council should consider matters referred to it by the head of the Government, but that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the head of the Government to decline to refer a particular question to the Council. We are of opinion that a record should in all cases be kept of the subject discussed and of the conclusions arrived at, and that it should rest with the head of the Government to determine in consultation with the Council whether and in what form a statement of the views of the Council should be published.

#### IMPERIAL LEGISLATIVE COUNCIL.

The history of the various stages by which the Imperial Legislative Council has developed into its present form is given in Sir Courtenay Ilbert's "*Government of India*" and need not be repeated here. Under the law and rules at present in force the Council stands thus:—

##### EX-OFFICIO.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council



## ADDITIONAL.

A.—Nominated members; not more than six to be officials; the non-officials to be nominated with reference to legislative business or to represent interests				11
B.—Elected members—				
(a) by the Legislative Councils of Madras, Bombay, Bengal and the United Provinces	...	...	...	4
(b) by the Calcutta Chamber of Commerce	...	...	...	1
		Total	...	24
or, including H. E. the Viceroy	...	...	...	25

In our letter of the 24th August, 1907, we suggested that effect might be given to the principle of the representation of classes and interests by means of a Council constituted in the following manner:—

## EX-OFFICIO.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the members of the Executive Council	...	...	...	8
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## ADDITIONAL.

A.—Nominated members; not more than twenty to be officials; of the non-officials, one to be a Ruling Chief; four to represent minorities or special interests, not less than two being Mahomedans; and two, when necessary, to be experts nominated for special purposes				27
B.—Elected members				
(a) by the Chambers of Commerce of Calcutta and Bombay	...	...	...	2
(b) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma	...	...	...	7
(c) by the nobles and the great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces	...	...	...	7
(d) by Mahomedans	...	...	...	2
		Total	...	53
or, including H. E. the Viceroy			...	54

## PRINCIPLE OF REPRESENTATION.

We have carefully considered the proposals of local Governments on the subject and the large body of non-official opinions submitted. In

our judgement these papers bear out to the fullest extent the conclusion that representation by classes and interests is the only practicable method of embodying the elective principle in the constitution of the Indian Legislative Councils. A great array of authorities may be cited in support of this opinion. Twenty years ago in the course of the discussions leading up to the Report of Sir George Chesney's Committee, Mr. (now Lord) Macdonnell, then Home Secretary to Lord Dufferin's Government, said in a note which was forwarded to the India Office: "The process of modifying the existing constitution of the Councils should proceed on a clear recognition and firm grasp of the fact that India is a congeries of races, nationalities, and creeds, widely differing *inter se* in a variety of ways." On the same occasion Sir George Chesney expressed similar views, and Sir Charles Aitchison observed that "the division of the people into creeds, castes and sects with varying and conflicting interests" rendered representation in the European sense an obvious impossibility. A passage in Lord Dufferin's Minute annexed to the Government of India's Despatch of the 6th November, 1888, describes the population of India as "composed of a large number of distinct nationalities, professing various religions, practising diverse rites, speaking different languages, while many of them are still further separated from one another by discordant prejudices, by conflicting social usages, and even antagonistic material interests." This opinion is not confined to Englishmen, but is shared by competent Indian observers at the present day. In a recent address to a modern political association on the duty of patriotic Indians, H. H. the Aga Khan has given emphatic expression to similar sentiments. "In India," he says, "no such union as is essential to the creation of a strong, independent, homogeneous state is possible without centuries of consolidation. Even if we assume that the forces tending to unification are quickened by the machinery of modern civilisation, generations must pass before India is a nation. In very truth we can detect signs of the advent of that unity which is the first essential to the creation of a modern State."

These views receive striking independent confirmation from the debates in Parliament on the Indian Councils Bill which became law, in 1892. In the Upper House Lord Ripon referred to the extreme difficulty of "selecting men who represented the various classes of the community, and the various sections of opinion, as well as the various localities of India." Lord Kimberley said:—"The notion of a Parliamentary representation of so vast a country—almost as large as



Europe—containing so large a number of different races is one of the wildest imaginations that ever entered the minds of men." He went on to emphasise the necessity of ascertaining the feelings of "a most important body. . . the Mahomedans of India. If you were to be guided entirely by the Hindu popular opinion you would find yourself in great difficulty." Lord Northbrook considered that provision should be made "for the representation of different classes of people—people of different races and different religions." In a later stage of the discussion Lord Kimberley agreed with Lord Northbrook, and observed—"It has been found in this country not very easy to protect the interests of minorities by any contrivance that can be devised; but there must be found some mode in India of seeing that minorities such as the important body of Mahomedans, who are frequently in a minority in parts of that country, are fully represented." In the House of Commons the weightiest utterance was that of Mr. Gladstone, who referred to the difficulty of introducing the elective principle "in an Asiatic country like India with its ancient civilisation, with institutions so peculiar, with such diversities of races, religions and pursuits." He also drew attention to "the danger of having persons who represent particular cliques or classes or interests, and who may claim the honour of representing the people of India," thus anticipating the observation, now made by the Bombay Government, that "the educated classes, although a very small minority, appear to claim to represent the interests of all sections of the people, and are inclined to oppose any measures which appear likely to lessen their influence." Mr. Samuel Smith spoke of "the endless shades of caste, race, and religion in India"; Sir William Plowden and Sir Richard Temple followed in the same strain; and the latter observed that "in fixing the ratio of members, the interests to be represented, and the classes which constitute the bulk of the people, ought to be the determining factors rather than the population."

To the principle thus affirmed by both Houses of Parliament Lord Landsdowne's Government endeavoured to give as wide a scope as was then possible, in the regulations framed by them for the constitution of the Provincial Legislative Councils. In the letters addressed by them to local Governments on the 15th August, 1892, they enumerated the interests which seemed to be of sufficient importance to require representation, and indicated the manner in which the seats to be filled by recommendation should be allotted so as to secure the object in view. The question of direct representation of those interests on the Imperial Legislative Council did not at that time arise, as it was believ-

ed that the non-official members of the Provincial Legislative Councils, as reconstituted under the regulations then about to be made would form a sufficiently wide electorate for the Supreme Council. This electorate, however, while it has worked advantageously in the case of one class, can hardly be said to have afforded proportionate representation to the other interests concerned. Of the non-official members elected to the Imperial Council since 1893, 45 per cent have belonged to the professional middle class; the landholders have obtained 27 per cent. Of the seats, and the Mahomedans only 12 per cent.; while the Indian mercantile community, a large and increasingly important body, have had no representative at all. The advance of English education, and the demand of influential classes and interests for representation on a more ample scale, now render it necessary to examine the whole subject in the light of the experience of the last fifteen years, and to treat it on more liberal and comprehensive lines than we have hitherto been able to follow. With the enlargement of the Imperial Council it ceases to be possible to rely exclusively upon a single source of recruitment. New constituencies must be formed, and in framing them we have to consider what sections of the population can properly claim representation for British India as a whole. With due regard for the limitations of a purely numerical test, we would refer to the following statistics of communities, interests and adult male persons who can read and write, as indicating in a general way the main factors which enter into the problem. The figures are taken from the Census of 1901 and relate to British India only:—

## COMMUNITIES.

				Number	p.c.
Hindus...	...	...	...	158,601,000	68
Mahomedans	...	...	...	53,804,000	23
Buddhists	...	...	...	9,411,000	4
Christians	...	...	...	1,904,000	·81
Sikhs	...	...	...	1,574,000	·67
Jains	...	...	...	479,000	·20

## INTERESTS.

Agriculture	...	...	...	155,678,000	67·1
Commerce and Industry	...	...	...	38,302,000	16·5
Professions	...	...	...	3,871,000	1·6

## ADULT MALES.

Literate in English	...	...	...	652,000	1
Literate in Vernacular	...	...	...	8,616,000	14



Starting from these data, and bearing in mind the principles laid down by Parliament in 1892 for the guidance of Lord Lansdowne's Government, we propose that the Imperial Legislative Council should be constituted as follows :—

A.— <i>Ex-Officio</i> members	...	...	...	...	8
B.—Officials representing Provinces	...	...	...	...	8
C.—Nominated members; not more than fifteen to be officials; the non-officials to be representatives of minorities or special interests, or experts	...	...	...	...	18
*D.—Elected members					
†(a) by the Provincial Legislative Councils and by the Advisory Council of the Central Provinces	...	...	...	...	12
(b) by the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces	...	...	...	...	7
(c) by Mahomedans of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and (alternately) Madras and Bombay	...	...	...	...	5
(d) by Chambers of Commerce of Calcutta and Bombay	...	...	...	...	2
‡(e) by representatives of Indian commerce	...	...	...	...	2
				Total	62
or, including H. E. the Viceroy	...	...	...	...	63

The Council, when assembled in full strength, would be composed (excluding the Viceroy) of thirty-one officials and the same number of non-officials so that His Excellency would only be called upon to vote in the event of the Council being equally divided. Our reasons for the constitution which we purpose are stated in detail in the following paragraphs.

#### ENLARGEMENT OF THE COUNCIL.

In our letter of the 24th August, 1907, we suggested that the size of the Council should be more than doubled. Among local Governments,

\* Some of these may at first have to be nominated, pending the formation of suitable electorates, but the intention is that all should eventually be elected, so far as may be practicable.

† Legislative Councils of Madras 2, Bombay 2, Bengal 2, United Provinces 2, Punjab 1, Burma 1, Eastern Bengal and Assam 1, and Provincial Advisory Council of Central Provinces 1.

‡ To be nominated by the Governor-General in consultation with local Governments, until a method of election can be devised.

Bengal, the United Provinces and Burma approve of the proposal and make suggestions tending to raise the number still further. The Chief Commissioner of the Central Provinces is alarmed at the demand for additional official members, and throws out the suggestion that their number might be reduced by giving each official vote a double value. Most of the opinions forwarded favour enlargement, and a number of persons either propose a number in excess of 54, or make suggestions for the representation of particular interests which necessarily involve an expansion of the Council beyond that limit. We are impressed with the unanimity of the feeling in favour of a large Council, and we consider that the rise in the standard of general intelligence, and the universal desire for a greater share in the management of public business, render an increase inevitable and desirable. In view of the various classes and interests which claim representation, we find it impossible to propose a smaller number than sixty-two, or, including H. E. the Viceroy, sixty-three.

## POWER TO CREATE AN OFFICIAL MAJORITY.

The principle of an official majority was accepted by His Majesty's Government in the correspondence which took place last year, and was embodied, with their authority, in our letter of the 24th August, 1907. We can discover nothing in the present correspondence that would justify us in proposing its surrender. It is obvious that under existing constitutional conditions the Government cannot resign, it must be able to settle the budget and procure supplies for the service of the country: and it cannot divest itself of the power to give effect by legislation to the decisions of His Majesty's Government. Those non-officials who approach the subject from its practical side clearly realise the anomaly of the Executive Government being placed in a permanent minority. In the scheme submitted to us by the Hon'ble Mr. Gokhale<sup>1</sup>, who may be taken to represent the better informed section of Indian publicists, he carefully guards himself against any such idea. On the Councils outlined by him the Government is "assured of a standing majority behind it" and the head of the Government is further vested with a general veto. He asks only for "a minority—but a respectable minority"—of non-official members. In all provinces the opinions which carry most weight, owing to the position of the writers of their experience as members of a Legislative Council, proceed on similar

1. See Appendix E, Mr. G. K. Gokhale's opinion on the Reform Proposals.



lines; though the strength of the official majorities proposed by them differs slightly, and some suggest that official votes should have a double value, or that the official proposals should prevail and that no cognisance should be taken of the votes. We gladly recognise the moderation and good sense by which these views are inspired. At the same time, in order to avoid inconvenience and waste of power involved in taking a number of officers away from their ordinary work merely for the purpose of voting on the Government side, we would reduce the official majority to the narrowest limits. Our scheme provides (excluding H. E. the Viceroy) for thirty-one official members,—eight ex-officio, eight representing provinces, and fifteen appointed from among those officials at the head-quarters of Government whose services can be made available without undue interruption of their ordinary duties. In the event of the Council being equally divided so that thirty-one officials were on one side and thirty-one non-officials on the other, the Viceroy's vote would turn the scale.

#### ORDINARY CONSTITUTION OF THE COUNCIL.

We have stated in the last paragraph our reasons for deeming it essential to retain the power of procuring, in the last resort, the support of a majority of officials in our Legislative Councils. Subject to this essential condition, we are prepared, in the Councils as constituted for ordinary purposes, to make a far larger concession than has as yet been suggested and to dispense with an official majority. We have every hope that the confidence we are willing to place in the intelligence and public spirit of the non-official members will be justified, and that increased responsibility will bring with it the requisite forbearance. We believe that on all ordinary occasions the Government may reckon with practical certainty upon securing sufficient non-official support to enable them to carry on the work of legislation with a Council containing less than the full quota of official members, and we are willing to give this system a fair trial. Our specification of the Council has been framed accordingly. The provision that of the nominated members not more than fifteen shall be officials will enable us to dispense with an official majority for ordinary purposes, and we anticipate that it will hardly ever be necessary to appoint so large a number of officials as would secure an absolute official majority. In short, we propose to work normally with a minority but to reserve power in the last resort to transform it into a majority.

In framing these proposals we have not lost sight of the fact that the interests of landlords and tenants are by no means identical; that our



electorates will consist mainly, if not exclusively, of the former class, and that no means can at present be devised of giving the great body of tenants direct representation on the Legislative Councils. Their interests, however, are in no danger of being overlooked. In the debate in the House of Lords on the 6th March, 1890, Lord Ripon and Lord Kimberley pointed out that when the Bengal Tenancy Act was under discussion in Lord Dufferin's Council, "the only representative of the ryots was the Government." Among the official members of the Legislative Council there will always be some experts in Indian land questions, who will be qualified to represent the views of the cultivators.

#### REPRESENTATION OF MAHOMEDANS.

All local Governments approve of the proposals for the special representation of Mahomedans which were made in our letter of the 24th August, 1907. These proposals are, as a rule, adversely criticised by the Hindus, who regard them as an attempt to set one religion against the other, and thus to create a counterpoise to the influence of the educated middle class. Some Hindus, however, recognise the expediency of giving special representation to the Mahomedan community, and the Bombay Presidency Association, while they object strongly to the creation of the special Mahomedan electorate, make provision in their scheme of a Council for election of two members by the Mahomedan community. Notwithstanding their formal protest against the principle of religious representation, the Association doubtless realise that the Indian Mahomedans are much more than a religious body. They form, in fact, an absolutely separate community, distinct by marriage, food, and custom, and claiming, in many cases, to belong to a different race from the Hindus.

The first question is, how many seats should be allotted to the Mahomedan community. After carefully considering the demands of the Mahomedans themselves and the views expressed by the Hindus, we think the claims of the former will be adequately met if four elective seats are assigned to them, and provision is made for the fifth seat being filled by nomination until suitable machinery for election can be devised. The four elective seats should be permanently assigned to the four provinces which have the largest Mahomedan population, namely, Bengal, Eastern Bengal and Assam, the Punjab and the United Provinces. The fifth seat should be given alternately to Bombay and Madras, where the Mahomedan population is smaller, and for this it will be necessary to have recourse to nomination until satisfactory electorates can be formed.



The question of a Mahomedan electorate presents much the same difficulties as the formation of a landholding electorate. In most provinces the Mahomedans are in favour of election and regard nomination as an inferior method of obtaining admission to the Legislative Council. The Governments of Madras and the United Provinces propose electorates, based partly upon property and partly upon literary qualification, which appear to us to be well devised, but the former Government have since expressed a preference for nomination. The Mahomedans of Bombay are said to be widely scattered over the presidency, and at present unorganised for common purposes, so that a special electorate cannot be created. In course of time it may be possible to arrange for election by a central association, but for the present their proportionate representation can be secured only by careful nomination. The Government of Bengal proposes a scheme of a similar character which includes graduates of five years' standing and holders of recognised titles; both of these are doubtful features. The Government of Eastern Bengal and Assam suggests that the Mahomedan representative should be elected by the Provincial Mahomedan Association. The Lieutenant-Governor of the Punjab considers it impossible to form a Mahomedan electorate, and proposes that the Mahomedan representative should be nominated by the Lieutenant-Governor. We would deal with the question in the same way as we have proposed to deal with the representation of landholders. Our view is that in provinces where election by a regular Mahomedan electorate is feasible, that method should be adopted; that a Mahomedan Association should be made use of where electorates cannot be formed; and that nomination by Government should be resorted to where neither of the first two methods is practicable. It will be for the local Government to determine, in consultation with the leaders of the Mahomedan community, which plan should be adopted.

#### REPRESENTATION OF COMMERCE.

In the scheme put forward by us in August, 1907, two seats on the Council were assigned to the Chambers of Commerce of Calcutta and Bombay. No provision was made for the representation of Indian commerce otherwise than by nomination. The opinions show that there is a general feeling in favour of increasing the number of commercial representatives. It is difficult, however, to find room for more than four such members, and it is doubtful whether merchants not residing in Calcutta will be willing to leave their own business to attend



meetings of the Legislative Council. Taking four seats as the maximum that can be permanently allotted, we propose—

(1) that two seats should be given to the Chambers of Commerce of Calcutta and Bombay as representing, in the largest sense, European commerce throughout the whole of India ;

(2) that two seats should be reserved for Indian commerce, the members to be nominated by the Governor-General, in consultation with local Governments, until a method of election by Commercial Associations is developed.

It may be said that the first proposal excludes from representation the European commercial interests of Burma, Madras, Upper India, Sind and the Punjab. On the other hand, the figures quoted\* show how enormously the commercial interests of Bengal and Bombay preponderate over those of the other provinces. It may be added that the Chambers of Commerce of Calcutta and Bombay will naturally receive references from the other Chambers on subjects affecting European commercial interests, and will arrange to have them brought to the notice of the Council by their own members ; that representatives of the other Chambers can be brought in by nomination as experts or in the place of officials ; and that all of these bodies will recommend members for the Provincial Councils who will bring forward their views in the debates on the budget. None of the local Governments suggest any practicable arrangement for the representation of Indian commerce by means of election, but we are disposed to think that if two permanent seats are assigned to that interest, Associations will in course of time be formed which will be sufficiently stable and representative to admit of their being utilised as electoral agencies.

#### SEATS RESERVED FOR NOMINATION.

We have explained above our reasons for recommending that the full Council should comprise not more than fifteen nominated officials, exclusive of the additional officials required for the purpose of representing the provinces. We find it impossible, without increasing the size

* VALUE OF SEA-BORNE TRADE IN 1907-08.						Rs.
Bengal	..	..	..	..	..	1,64,84,29,000
Bombay	..	..	..	..	..	1,67,53,10,000
Sind	..	..	..	..	..	42,65,26,000
Madras	..	..	..	..	..	43,70,37,000
Burma	..	..	..	..	..	63,55,69,000
Eastern Bengal and Assam	..	..	..	..	..	7,22,49,000



of the Council, to assign more than three seats to nominated non-officials. This number, however, appears to us sufficient to enable the Governor-General to give occasional representation to the interests of minorities such as the Sikhs, the Parsis, the Indian Christians, the Buddhists, and the domiciled community, and sometimes to appoint one or two experts in connection with legislation pending before the Council. It may reasonably be expected that some, at least, of these minorities will obtain seats by the ordinary process of election, while the others need only be represented at intervals. It must also be remembered that although fifteen nominated officials are provided for under head C, so as to guarantee in the last resort an absolute official majority, it will scarcely ever be necessary to appoint more than about six, and it may sometimes be possible to nominate non-officials to some of the seats reserved for officials. When we give power we create responsibility, and a solid opposition of all non-official members will not be so lightly undertaken in the larger Council of the future as in the smaller Council of the past, where such opposition made no possible difference to the result.

#### PROVINCIAL LEGISLATIVE COUNCILS.

In our letter of the 24th August, 1907, no specific scheme of a Provincial Council was put forward, but the general principle was laid down that the widest representation should be given to classes, races, and interests, subject to the condition that an official majority must be maintained. These principles have been borne in mind by local Governments in the proposals which they have made, except that the Bombay Government desire to have no majority even in a Council of the maximum strength.

#### GENERAL REMARKS.

In framing proposals for the constitution of the Provincial Legislative Councils we have proceeded on the lines followed in the case of the Imperial Legislative Council. We have endeavoured to reduce the official majority to the narrowest limits by making the number of officials and non-officials (excluding the head of the Government) equal, so that, in the event of the full Council being equally divided, the vote of the Governor or Lieutenant-Governor would turn the scale. We have also laid down that of the nominated members not more than a certain number shall be officials; the non-officials being representatives of minorities or special interests, or experts. This will enable the head of the Government to dispense with an official majority in the Council

as ordinarily constituted, while at the same time retaining in his hands the power to appoint the entire number of officials requisite to secure a majority of one in the full Council. We trust, however, that the closer association of officials with non-officials in public business, which will result from our proposals, will render it unnecessary to have recourse to this expedient. It may reasonably be anticipated that in the newly constituted Councils only as many officials need be appointed as will be sufficient, in conjunction with three or four non-officials, to enable the Government to carry their legislative measures. We have made no attempt to frame regular constituencies for the election of landholders, Mahomedans, and representatives of Indian commerce. The materials before us are insufficient for the purpose, and the conditions in different provinces vary too much for any uniform plan to be feasible. Some Governments may be able to form electorates based upon payment of land revenue or income-tax or upon the income derived from land; others may permit Associations to recommend members; and others again may have recourse to nomination. It must be understood, therefore, that in describing certain classes of members as "elected" we use that term subject to the reservation that in some cases election in the ordinary sense may be found impossible or inexpedient. In any case the question to what extent election proper can be introduced will have to be considered further when the regulations are being drawn up, after the Act of 1892 has been amended. With these general observations, which apply to all of the Provincial Legislative Councils proposed by us except the Council for Burma, we proceeded to state our proposals for Councils of the maximum strength for each province.

## MADRAS.

Under the rules at present in force the Madras Legislative Council stands thus:—

## EX-OFFICIO.

Members of the Executive Council	...	...	...	2
Advocate-General	...	...	...	1

## ADDITIONAL.

A.—Nominated members, not more than nine to be officials; the non-officials to represent different classes, one ordinarily to be Zemindar paying not less than Rs. 20,000 *peskash* annually ... 13



## B.—Elected members—

(a) by Corporation of Madras	...	...	...	1
(b) by Municipalities and District Boards	...	...	...	4
(c) by the University	...	...	...	1
(d) by the Chamber of Commerce, or other commercial bodies	...	...	...	1
Total				23
or, including the Governor				24

The statistics from 1893 to 1906 show the professional middle class holding 66·6 of the selected seats; the landholders 5·5; European commercial members 24·1; and the representatives of Indian commerce 1·9. No Mahomedan has succeeded in obtaining a seat by election and throughout the period the members elected by the District Boards and Municipalities have belonged, with one exception, to the professional middle class. The communities and interests for which provision ought to be made in any comprehensive scheme of representation are the following:—

## COMMUNITIES.

	Number.	Per cent.
Hindus	34,048,000	89
Mahomedans	2,457,000	6
Christians	1,024,000	2·7

## INTERESTS.

Agriculture	26,356,000	69
Commerce and Industry	6,998,000	18
Professions	620,000	1·6

## ADULT MALES.

Literate in English	117,000	1·2
Literate in Vernacular	1,587,000	16·5

In their letter of the 13th March, 1908, after discussing certain alternative schemes, the Madras Government proposed a Council of only thirty-three members, which was too small for the needs of the province, and was open to the further objections that it gave insufficient representation to the professional middle class; that it assigned no separate seats to the landholders, and only one seat to the Mahomedans; that it made no provision for Indian commerce; and that it reserved two seats for election by two general assemblies similar to the representative assemblies of Mysore and Travancore, on a plan

which the local Government have since abandoned. In their letter of the 22nd August the Government of Madras have now put forward the following plan of a Council :—

## EX-OFFICIO.

Members of the Executive Council	...	2
Advocate-General	...	1

## ADDITIONAL.

A.—Nominated members, not more than eighteen to be officials: the non-officials to be representatives of special interests or minorities or experts ... 21

B.—Elected members—

(a) by Corporation of Madras	...	...	...	1
(b) by Municipalities and District Boards	...	...	...	8
(c) by the University	...	...	...	1
(d) by Landholders	...	...	...	4
(e) by Mahomedans	...	...	...	2
(f) by the Chamber of Commerce	...	...	...	1

Total ... 41

or, including the Governor ... 42

We recognise that this Council is framed on more liberal lines than that originally contemplated, but it is still defective, in that it makes no provision for the representation of Indian commerce and the planting community by election. It also provides for a somewhat larger official majority than is really necessary. The Madras Government explain that they find it difficult to procure an official vote of more than nineteen members including the Advocate-General. They have, however, not realised that the full official majority will only be required on rare occasions, so that the inconvenience and dislocation of public business which they anticipate will not be experienced in practice. We are decidedly of opinion that the Councils of the four larger provinces should be formed on uniform lines, and after careful consideration of the local requirements we think that the total should be fixed at 46. We therefore recommend that the Madras Government should be required to enlarge their Council to a total of 46, excluding the Governor, as shown below :—

## EX-OFFICIO.

Members of the Executive Councils	...	2
Advocate-General	...	1



## ADDITIONAL.

A.—Nominated members; not more than twenty to be officials : the non-officials to be representatives of special interests or minorities or experts					24
B.—Elected members—					
(a) by Corporation of Madras	...	...	...	...	1
(b) by Municipalities and District Boards	...	...	...	...	8
(c) by the University	...	...	...	...	1
(d) by Landholders	...	...	...	...	4
(e) by the Planting community	...	...	...	...	1
(f) by Mahomedans	...	...	...	...	2
(g) by the Chamber of Commerce	...	...	...	...	1
(h) by the Indian commercial community	...	...	...	...	1
Total					46
or, including the Governor					47

This scheme gives twice as many elected members as were originally proposed by the Madras Government; it raises the representation of the professional middle class from six to ten; it gives five elective seats to the landholders and planters and two to the Mahomedans; and it provides a separate member for the Indian commercial community.

## BOMBAY.

Ex-officio:—Members of Executive Council 2; Advocate-General 1.  
Additional:—Nominated members 23, not more than 20 to be officials, the non-officials to be representatives of special interests of minorities or experts: (a) elected members, 20; (b) by Corporation of Bombay, 1; (c) Municipalities, 4; (d) District Boards, 4; (e) by the University, 1; (f) by Landholders, 3; (g) by Mahomedans, 3; (h) by Bombay Chamber of Commerce, 1; (i) by Karachi Chamber of Commerce, 1; (j) by Mill-Owners' Associations of Bombay and Ahmedabad alternately, 1; (k) by Indian commercial community, 1. Total 46, or including the Governor, 47.

## BENGAL.

A.—Nominated members 26, not more than 23 to be officials, the non-officials to be representatives of special interests or minorities or experts 26. (B.) Elected members 20; (a) by the Corporation of Calcutta, 1; (b) by Municipalities, 4; (c) by District Boards, 4; (d) by the University, 1; (e) by Landholders, 4; (f) by the Planting community, 1; (g) by Mahomedans, 2; (h) by the Calcutta Trades Association, 1; (i) by

the Indian commercial community, 1. Total 46, or including the Lieutenant-Governor, 47.

## UNITED PROVINCES.

A.—Nominated members not more than 28 to be officials, the non-officials to be representatives of special interests or minorities or experts 27. (B.) Elected members 19; (a) by large Municipalities, 2; (b) by District Boards and smaller Municipalities, 8; (c) by Allahabad University, 1; (d) by Landlords, 2; (e) by Mahomedans, 4; (f) by the Upper India Chamber of Commerce, 1; (g) by the Indian commercial community, 1. Total 46, or including the Lieutenant-Governor, 47.

## EASTERN BENGAL AND ASSAM.

Nominated members 21, not more than 18 to be officials, the non-officials to be representatives of special interests or minorities or experts to be selected members, 15; (a) by Municipalities and District and Local Boards, 8; voting together by divisions, viz., Dacca, 2; Chittagong, 2; Rajshahi, 2; Brahmaputra Valley, 1; Surma Valley, 1; (b) by Landholders, 2; (c) by Mahomedans, 2; (d) by the Tea interest, 1; (e) by the Jute interest, 1; (f) by the Commissioners of the Port of Chittagong, 1. Total 36, or including the Lieutenant-Governor, 37.

## PUNJAB.

A.—Nominated members, 19; not more than 12 to be officials, the non-officials to represent Mahomedans, Hindus, Sikhs and other interests. (B) Elected members, 5; (a) by the Commercial community, 1; (b) by the larger cities, 3. Total 21, or including the Lieutenant-Governor, 25.

## BURMA.

A.—Nominated officials, 8; (B) nominated non-officials, 7; (a) to represent the Burmese population, 4; (b) to represent the Indian and Chinese commercial communities, 2; (c) to represent other interests, 1; (d) elected by the Burma Chamber of Commerce, 1. Total 16, or including the Lieutenant-Governor, 17.

**RESOLUTIONS, QUESTIONS, AND DISCUSSION OF THE BUDGET.**

## POWER TO MOVE RESOLUTIONS.

By the Act of 1861, under which the present legislative bodies were constituted, discussion was confined to legislative proposals actually before the Councils in the form of Bills. In 1892 this limitation was relaxed to the extent of allowing debate on the annual financial statement although no legislation was involved, and in this debate it is permissible



for members to draw attention to any matter they please, whether it arises directly out of the budget proposals or not. But a general debate of this character can never be satisfactory. Members do not know beforehand the subjects which are to be brought forward by their colleagues; the discussion is necessarily of a desultory character; and the absence of notice not uncommonly prevents the official members from giving full information in answer to questions that are raised. We are of opinion that the time has come when there should be further facilities for debate. We think that members should have opportunities for placing their views on public questions before the Government, and we are impressed with the benefits which both the Government and the educated public would derive from the well-ordered discussion of administrative subjects in the Legislative Councils, either on a reference from the head of the Government, or at the instance of a private member. Such discussions would give the Government an opportunity of making their views of a question known, and of explaining the reasons which had led them to adopt a particular line of action. We therefore propose that power should be given by statute for members to move Resolutions on matters of general public importance subject to the checks to which we shall presently refer. So far as the educated public are concerned, there can be little doubt that the right to move Resolutions on such questions, and to argue these in a regular debate will be welcomed as a very great concession; that it will be resorted to freely; and that it will tend to bring about more intimate relations between the official and non-official members. We think that the Resolutions should be in the form of recommendations to the Government, because this form expresses the constitutional position more precisely, and emphasises the fact that the decision must in any case rest with the Government and not with the Council. In the event of a Resolution not being accepted by the Government, an opportunity would be taken of explaining their reasons.

This subject was not included among those which Your Lordship authorised us to put before local Governments, and our letter of the 24th August, 1907, contained no reference to it. But it is a reform to which we attach great importance. In support of it we would point out that a similar proposal was put forward in 1888 by Sir George Chesney's Committee in reference to Provincial Councils. They recommended that, in addition to legislation, it should be one of the functions of the local Councils to originate advice and suggestions on any subject connected with internal administration, and that their views

should be embodied in the form of a memorandum addressed to the head of the Government. They advised, however, that it should not be permissible to propose Resolutions relating to subjects removed from the cognisance of the Provincial Legislative Councils by Section 43 of the Councils Act of 1861, which forbids them, except with the previous sanction of the Governor-General, "to make regulations or to take into consideration any law or regulation" relating to the public debt, customs, and imperial taxes; coin, bills, and notes; post office and telegraph; altering the Penal Code; religion; army and navy; patents or copyright; foreign relations. That proposal was not adopted at the time, and it may have been premature in the conditions which then existed, but at least it had the high authority of the members of that Committee.

The discussion of administrative questions can, however, only be permitted subject to certain rules and restrictions which must be clearly laid down. We do not feel ourselves in a position at the present stage to make an exhaustive enumeration of these, and we anticipate that, as has been the case in the House of Commons, actual experience will lead to the framing of standing orders designed to meet the exigencies of debate. It seems to us, however, that the following conditions must be imposed from the first:—

(1) Resolutions must relate to matters of public and general importance, and not to isolated incidents of administration or personal questions.

(2) No Resolution should have by itself any force or effect. It must rest with the Government to take action as it thinks fit. This is the English principle, and it is obvious that the Council cannot claim for its Resolutions a higher degree of authority than attaches to a Resolution of the House of Commons.

(3) The order of business must be absolutely under the control of the President, and no discussion of his orders can be permitted.

(4) The President must have power to disallow any Resolution without giving any other reason than that, in his opinion, it cannot be discussed consistently with the public interests. This will enable him to reject Resolutions which are contrary to public policy, or which relate to matters which could not be discussed without anticipating, or seeming to anticipate, the decision of the Secretary of State.

(5) In order to avoid the too frequent exercise of this general power of disallowing Resolutions, certain classes of subjects ought to be expressly excluded. In the case of the Provincial Councils the proposals of Sir George Chesney's Committee referred to above seem to be suitable.



In the Imperial Council the admissible range of discussion is necessarily larger, and it is less easy to define its limits precisely. For the present, we think it sufficient to say that some subjects must be specially excluded, and that the question which those should be can be best settled later on when rules of business are drawn up.

(6) It will also be necessary to place some limitation upon the time allotted to the discussion of Resolutions.

#### POWER TO ASK QUESTIONS.

The right of asking questions in the Legislative Councils, subject to certain conditions and restrictions, was conceded by the India Councils Act of 1892. We recommend that it should be extended to the enlarged Councils which we propose for the Punjab and Burma. We do not suggest any alteration in the rules governing the subject.

#### THE DISCUSSION OF THE BUDGET.

Under this head it was proposed in our published letter of the 24th August, 1907, that the budget should be explained by heads or groups of heads by the members in charge of departments, and should be discussed in the same way by the other members, and that this discussion should be followed by a general debate conducted on the same lines as at present. No method was suggested of enabling non-official members to exercise any influence on the actual settlement of the items. The opinions received do not throw much light on the question, how the Government can give the Councils an effective share in the financial administration of India, without surrendering any essential principle, or parting with the right of original initiative and ultimate control. The Governments of Madras, Bombay, Bengal, the United Provinces, and the Punjab put forward, in more or less detail, proposals for holding informal conferences with the non-official members of the Legislative Council, when the first edition of the provincial budget has been prepared, and thus eliciting criticisms and suggestions which might be considered when the second edition comes to be settled. The Bombay Government claim a greater degree of financial independence, and they and other Governments argue that, so long as the provincial budget requires the previous sanction of the Government of India, the discussions in the full Council can deal only with settled facts, since no alteration can be introduced by the local Government in consequence of anything that may be said in the public debate. All Governments approve of discussion by heads as proposed in the published letter. No Government suggests any plan for enabling the full Council

to debate and vote upon specific assignments of funds. The non-official critics either demand the power of moving amendments to any items of the budget, or express general approval of the Government of India's proposals.

We are clearly of opinion that it is advisable that the Councils should be afforded increased facilities for expressing their views upon the budget, and that these facilities should be given at a sufficiently early stage to enable the Government to take advantage of any advice that may be tendered and to adopt and give effect to such suggestions as may be found practicable. The ultimate control must, however, rest with the Government, and no useful purpose would be served by affecting to ignore this essential fact. It is the Government, and not the Council, that decides any question arising on the budget, and the utmost concession that can be made is to give the Council ample opportunities of making recommendations to the Government in respect of particular items. But, without departing from this principle, we think that the Council may properly be empowered to record its opinion by vote on the greater part of the budget proposals. The Indian public have long desired an opportunity of this kind, and we think that the time has come when it may properly be given, in the manner and to the extent which we shall presently explain. In our letter to local Governments we did not put forward any plan by which members of Legislative Councils could vote on the budget, but we are anxious to meet the public demand, and we trust that our proposals in the matter, both in regard to the Imperial and to the Provincial Councils, may obtain Your Lordship's approval.

#### THE IMPERIAL BUDGET.

These being the general objects which we have in view, we believe that they may be attained in the case of the Imperial budget by laying down that the financial statement shall be presented during the last five days in February; and that the final discussion of the budget shall take place not more than four weeks later. There are very strong reasons for being particular about dates; and we need not enter here into the arrangements which will be necessary in order to admit of the budget being opened three weeks in advance of the usual time. The figures will be less accurate than they are now, and a considerable part of the detailed explanations which are now appended to the financial statement will have to be dropped. The Finance Member's speech will necessarily be more general in its tone, and will not describe the figures of expenditure with the same precision. This advantage will,



in our opinion, be amply counterbalanced by the fact that the earlier presentation of the budget will enable the Government to obtain the views of the Council on their financial proposals at a stage when it will still be possible to act upon their advice. On the presentation of the financial statement, it will be convenient for the Council to resolve itself into Committee for the discussion of the budget by blocks. It should be a Committee of the whole Council, with a member of the Government in the chair; and the first meeting should take place not later than one week after the day on which the budget is presented. The Committee should sit from day to day until its work is completed; and there should be a rule requiring it to finish its business on or before the 10th of March; since it is essential that the final corrections should all be known in good time to get the budget, with its supplementary tables and notes, into the shape in which it is to be finally presented.

For the purpose of discussion in Committee the major heads or groups of heads would be taken up in order, the discussion being opened with an explanatory speech by the member of the Executive Council who controls the departments concerned, or, if so arranged, by another member on his behalf. Each member would then be at liberty to move a Resolution, in the form of a recommendation to the Government, relating to the figures in any head or group, two days' notice being given in each case. The Council would divide upon any Resolutions which were pressed; and the result would be duly recorded. But the Government would not be bound to take action upon any Resolution, either in whole or in part. Power should be vested in the Chairman to close the discussion upon any head or group, when he thinks that it cannot be continued with advantage, and there should be a time-limit for individual speeches. Here, as in paragraph 62 above, we desire to lay stress on the condition that the Resolutions should be in the form of recommendations to the Government, as indicating that the power of passing the budget is vested, not in the Council, but in the Executive Government. This is not a mere verbal refinement; it denotes a constitutional fact; and it has the further advantage of avoiding any objection that may be taken to the scheme on the basis of the English rule that all proposals for the increase of expenditure must be initiated by the Crown. If it is necessary for us to support our proposals by a reference to Parliamentary practice, the requisite analogy is to be found in the right of the House of Commons to submit an address to the Crown recommending certain expenditure.



When the Council sitting in Committee has completed its labours, it will be for Government to decide what alterations, if any, should be made in the budget as a result of the discussion. These would be carried out in the estimates at once. At the adjourned meeting of the Council, the Finance Member would submit the budget in its final form, along with a formal report of the proceedings in Committee. This opportunity would be taken to explain briefly why Government had been unable to accept any Resolutions that were carried in Committee. After the Finance Member's speech, a general discussion would follow; but at this stage no further Resolutions would be admissible. The Finance Member would make a general reply and the Viceroy would sum up the debate, whereupon the budget would come into effect.

#### OMISSION OF THE RULING CHIEF.

The inclusion of a Ruling Chief in the Imperial Legislative Council proposed last year is objected to by a large number of persons on the ground that it is anomalous that an outsider should take part in making laws by which neither he nor his subjects will be affected, and that in most cases a Chief can know very little about the subjects with which British Indian legislation is concerned. We have considered these arguments, and we recommend that a Ruling Chief should not form an obligatory element of the Council. When there happen to be special reasons for appointing one, it will always be open to His Excellency to appoint him to one of the seats reserved for nomination, where he might at the same time serve the purpose of representing a minority such as the Mahomedan or the Sikh community.

#### PROFESSIONAL MIDDLE CLASS REPRESENTATION.

Our proposal to assign seven seats to the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and Burma is accepted by all local Governments except the Punjab, which observes that as the number of non-official members on its Provincial Council will probably remain small, "it would be difficult, though not of course impossible, to concede to them the right of electing a member for the Imperial Council." This portion of the published scheme has, however, been attacked on the ground that it gives to the professional middle class only three more seats (corresponding to the three additional Provinces to be represented) than they now possess. Several suggestions are made for increasing the number by assigning two or



more members to each of the Provincial Councils. We have considered these proposals, but we find it impossible to give each of the seven Provincial Councils as many as two members without raising the total strength of the Imperial Council to an extent that would be inconvenient. We recommend, therefore, that the four Provinces which will have comparatively large Provincial Councils, namely, Madras, Bombay, Bengal and the United Provinces, should be allowed to elect two members, the three Provinces with smaller Councils, namely, the Punjab, Eastern Bengal and Assam, and Burma getting only one member each. This would raise the number of members elected by Provincial Legislative Councils from seven to eleven, which seems a fair allotment so far as the Provinces with Councils are concerned. The case of the Central Provinces has also to be considered. There is at present no Legislative Council in those Provinces, and there are difficulties in forming any kind of suitable electorate. For the present, therefore, we think that some use may legitimately be made of the Advisory Council, and we consider that the representative might be nominated by the Chief Commissioner in consultation with that Council. This is perhaps not a very great advance, but it represents a somewhat nearer approach to election than nomination pure and simple, which appears to be the only practicable alternative.

#### LANDHOLDERS' REPRESENTATION.

The proposal made in our letter of the 24th August, 1907, that the nobles and great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces should be represented by seven members, is generally approved by the local Governments, and has been well received by the landholders themselves, and we consider that it gives sufficient representation to the landed interest. The question, however, of the manner in which the members are to be selected is a difficult one, and there is little uniformity in the answers. The Governments of Madras and Bengal propose to form electorates based upon income from land. The United Provinces has a scheme for election proper in Agra, and another for election by association in Oudh. The Government of Bombay make no suggestion as to the manner in which the representative of the Bombay landowners on the Imperial Council should be selected. The Chief Commissioner of the Central Provinces thinks that the formation of an electorate is impossible, and puts forward a scheme for election by Durbaris combined with nomination. The



Lieutenant-Governor of Eastern Bengal and Assam proposes election by an association, and the Lieutenant-Governor of the Punjab is in favour of nomination. Among these conflicting opinions it is impossible for us, with the materials available, to make any definite proposal which would admit of general application, nor is it probable that any uniform system would be feasible throughout India.

We may, however, discuss, as briefly as possible, the various suggestions that have been made. Of the proposals put forward in our published letter election by the landholding members of the Provincial Councils is rightly objected to on the ground that the electors, numbering from two to four only, would be likely to differ over the selection of the candidates. Election by a constituency comprising all landholders who pay a certain amount of land revenue, or derive a certain income from land, is approved in principle by most people, though there is some difference of opinion as to the exact sums which should confer the franchise. But doubts are expressed by some Governments and several landholders as to the possibility of working such an electorate over an area so large as an entire Province, and the question is one that can only be settled by actual experiment. If the landholders themselves take a real interest in the matter, and are anxious to demonstrate their fitness to exercise the privilege of voting, Provinces will compete with each other in devising methods of election and the best system will in the long run prevail. Meanwhile, we may point out that the success of the Calcutta University in organising the election of Fellows by a large number of graduates scattered all over India furnishes some ground for believing that the difficulties anticipated will not be found insuperable.

When regular electorates cannot be formed, the simplest and most convenient method of selecting members would be to recognise election by Associations. This practice has precedent in its favour. It was mentioned with approval in the Parliamentary debates on the Act of 1892, and in one form or another it appears in all of the existing regulations. There are, however, certain possibilities connected with it which may become more serious if the expansion of the Councils and the enlargement of their powers should stimulate the electioneering spirit in India. If election by Associations is admitted as the standard means of giving representation to classes, it seems probable that rival Associations may claim recognition, and that it may be difficult to decide between them. There is also the danger that an Association may be captured by a small ring of politicians; that its original charac-



ter may be transformed by changing the conditions of membership or by manipulating admissions; or again, that the whole organisation may exist, as the Hon. Mr. Malik Umar Haiyat Khan has suggested, "more on paper than in practice. Lastly, where parties are formed within an Association, with the result that the validity of an election is disputed and each party charges the other with fraud, it is obvious that the Government would find some difficulty in determining which of two rival candidates should be held to have been elected. For these reasons we consider that the recognition of Associations as electoral agencies should be regarded as a provisional arrangement to be maintained only until the interests which they purport to represent demand the formation of a regular electorate, and succeed in satisfying the Government that this step in advance is practicable. Where there are no representative Associations, and electorates cannot be formed, the only possible alternative is to have recourse to nomination until the community have developed sufficiently to be fit for a more independent system. In applying each of these methods regard would be had to local conditions. For instance, in the United Provinces the claim of the British Indian Association, which represents the Oudh Taluqdars, to elect a member deserves special consideration; but the principle to be borne in mind is that election by the wishes of the people is the ultimate object to be secured, whatever may be the actual machinery adopted for giving effect to it. We are in agreement with most of the landholders who have discussed the subject in considering it essential that in all cases the candidates for election should themselves be members of the electorate.

#### THE PROVINCIAL BUDGET.

In preparing its provincial budget, a local Government has no anxieties about ways and means in the wider sense of those terms. Its surplus or deficit is absorbed in the general balances of India. It is not affected by remissions of taxation, for the effects of which the Imperial exchequer provides full compensation. Its sole concern is to keep the demands of its departments within its estimated revenue without drawing unduly upon the provincial balance. In our opinion it is in this task that the Provincial Council may suitably assist the local Government. Nor ought such assistance to be unwelcome. For a local Government at budget time is flooded with proposals for new expenditure; and purely departmental efficiency may sometimes push aside more genuine needs. It is not, of course, suggested that the intervention of the Provincial Council will ensure an infallible judg-



ment between conflicting claims. But it will put the proposals on their defence; it will enlist some outside knowledge of local interests; and it will give the non-official members a substantial share in the preparation of the budget.

What we propose for adoption is a procedure in four stages. The first stage is the rough draft of the Provincial estimates. In this the local Government would include all projects for new expenditure in excess of Rs. 5,000 which are put forward by the different departments, provided that they are covered by administrative sanction, and that there is no *prima facie* objection to them. All such projects would be listed in a schedule, which would consist of two parts. In part I the local Government would place those items for which it considers that provision must be made in order to carry on a scheme already in hand, or in pursuance of orders from the Government of India or the Secretary of State, or to meet an urgent administrative need. All other items, not earmarked as above, would be put in part II of the schedule. The draft Budget, with this schedule of new expenditure, would then be submitted to the Government of India. Now it is manifest that an estimate of expenditure prepared on these lines is certain to exceed what the Province can afford. It would rest, therefore, with the Government of India, after correcting the estimate of revenue and the opening balance (which it always has to do at present), to determine, in consultation with the local Government, the aggregate expenditure for which the Provincial Budget should provide; but the detailed correction of the expenditure estimates which is now undertaken in the Finance Department would be dispensed with. The alteration is in the revenue figures, and the figure of total expenditure, as fixed by the Government of India, would then be communicated to the local Government. The Government of India would also reserve the power—we consider this essential—to alter or add to part I of the schedule.

The second stage would bring the Provincial Council upon the scene. We are inclined to think that the work would be better done by a Select Committee than by the more unwieldy body of the whole Council. We accordingly recommend the appointment of a standing Finance Committee of the Council, numbering not more than 12: in the smaller Councils 8, or even 6, might suffice. There would be an equal number of officials and non-officials. The latter might be elected by the non-official members of the Council, once a year, by ballot or as directed by rules. The officials would be nominated by the local Government, and would be selected mainly for their capacity to



represent the bigger spending departments. The Financial Secretary (or, in Madras and Bombay the Member of Council who has charge of the Financial Department) would be Chairman, with a casting vote. Most local Governments have proposed a procedure substantially on these lines; and the recent action of the Governments of Madras and Bengal in appointing Committees of their Councils to consider the Budget informally has been received with general approval.

On receipt of the Government of India's orders on its draft Budget, the local Government would at once convene this Committee, place all the papers before it, and instruct it to revise part II of the schedule in such a manner as to bring the total estimates of expenditure down to the figure sanctioned by the Government of India. The proceedings of the Committee would be private and informal. Discussion would be free, and the decisions would go by the vote of the majority. Where items were disputed, the officer representing the department concerned would be heard in their support, their urgency would be compared with that of items supported by other departments, and the Committee would then vote upon them on their merits. On occasion, the Committee might decide to insert in the Budget a project which had not appeared in the original estimate; and to this there appears to be no objection if the scheme were one for which administrative sanction existed, or which the local Government were prepared to support. On the conclusion of its work, the Committee would report the corrections in part II which it considered necessary, in order to bring the total Budget expenditure within the figure sanctioned by the Government of India. After considering the Committee's proposals the local Government would revise its expenditure estimates, make any alteration in the revenue estimates, which the progress of actuals might suggest, and report the figures which it decided to accept under both heads to the Government of India for incorporation in the Imperial Budget.

The third stage would begin with the presentation of the estimates as a whole to the Provincial Council. On receiving the second edition of the estimates, as explained in the last paragraph, the Government of India would make no further changes on the expenditure side, unless, in the exercise of a power which they must always reserve, they found it necessary to direct a general reduction of expenditure in consequence of any exceptional strain on either the Imperial or the Provincial resources. But they would bring the revenue figures up to date, give effect to any taxation proposals effecting the Budget, and insert any special grants for the Province which the Secretary of State might



have sanctioned out of the Imperial surplus. They would then, in accordance with the present practice, compile the figures and incorporate them in the Imperial financial statement. An abstract of the figures, as thus settled, would be communicated to the local Government on the day when the Imperial Budget is opened. The local Government would at once print up its Budget, and call a meeting of its Provincial Council, when the Budget would be formally presented by the official in charge, with a speech describing its general purport.

The best method of conducting the consideration of the Budget would be for the Council to sit as a Committee. This would allow of greater freedom of debate, and it would permit the head of the Province to leave the chair and to put one of the official members in charge. In Committee, each head or group of heads would be taken up separately. The figures would be explained by the official member who represents the Administrative Department concerned. Any member would then be at liberty to move a Resolution, in the form of a recommendation to the local Government, regarding any entry in the head or group under discussion, and the Resolution would be debated and put to the vote. The opportunity would be taken by the official members to move any addition to the estimate of expenditure in consequence of an Imperial grant, or any reduction in consequence of a specific direction from the Government of India to curtail expenditure. All Resolutions carried by a majority of votes would be reported to the local Government; but it would be entirely at their discretion to accept any such Resolution in whole or in part, or to reject it. In order to allow sufficient time to have the provincial figures incorporated in the Imperial Budget before the latter is prepared in its final form, it would be necessary to close the discussion in Council by a certain date. Rules would have to be framed for this purpose.

The fourth stage would commence as soon as the Council sitting in Committee had finished with the Budget. The local Government would then consider what alterations, if any, were to be made as the result of the discussion. Without the Government of India's sanction, it would not be competent to change the revenue figures or to increase the total figure of expenditure as formerly settled by that Government. But it might, if it so desired with reference to the Committee's recommendations, vary the distribution of the expenditure in detail. The figures as finally altered would be telegraphed to the Government of India, and the final edition of the Provincial Budget would then be compiled and printed. This would be presented by the member in charge at an adjourned



meeting of the Council along with a report of the Committee's proceedings. He would describe any changes that had been made in the figures, and explain why any Resolutions of the Committee had not been accepted by the local Government. A debate would follow; but no Resolution or voting would be permitted.

#### SUBJECTS FOR DISCUSSION.

In regulating the new system of discussion whether in the Imperial or Provincial Councils, one of the first points for consideration is the range of subjects on which Resolutions and voting will be permitted. Since we propose taking our stand on the practice of the House of Commons, to lay down that no recommendation will be binding upon the Government, the limits within which Resolutions may be proposed can be very materially enlarged without running any risk of causing embarrassment or misunderstanding. It is clearly imperative, however, on grounds of public policy, that certain items both of revenue and of expenditure should be excluded from debate; and we annex to this despatch a schedule showing what heads of the Imperial and Provincial Budgets we consider should be thus reserved. We desire to draw attention to the large number of items which we have left open to discussion, and the comparatively small number which we propose to exclude. The grounds for exclusion are various. Some items both of revenue and expenditure are fixed by law, and the proper method of proposing any alteration of them is the introduction of a Bill. Most of the political heads are governed by treaties or engagements with which the Councils have no concern; the debt heads depend upon contracts which cannot be altered; and military and ecclesiastical charges raise far-reaching questions of policy which it would be inexpedient to discuss, and impossible to put to the vote. Finally, it is obvious that the Imperial Council can only discuss with advantage the revenue and expenditure which is under the administration of the Government of India, while a Provincial Council must equally be restricted to items subject to the control of the local Government. In addition to these specific reservations, which we have endeavoured to make as few as possible, it will be necessary to impose some further restrictions upon Resolutions with the object of preserving the business character of the debate and of restricting it, as far as possible, to the financial aspects of the Budget. The discussion of the Budget by heads is intended to deal with the settlement of the figures, and generalities having no direct bearing on this point should be ruled out as irrelevant at that stage, and relegated to the general debate. We apprehend that there

will be no difficulty in framing a rule which will give to the Chairman of the Council when sitting as a Committee a general power to enforce this necessary distinction.

#### EFFECT OF THE BUDGET PROPOSALS.

Our proposals under this head indicate a treatment of the Budgets which will maintain full power for the Government over ways and means, while giving the Councils a reasonable share in the settlement of expenditure. They will have a marked tendency to promote decentralisation, but they will in no way relax the control which is exercised by the Secretary of State in Council over the expenditure of the revenue of India. They will confer on local Governments a large measure of financial independence and will enable them in the exercise of these increased powers to avail themselves of the assistance of the Legislative Council to an extent which has hitherto been impossible. And both in the Imperial and the Provincial Councils they will place the representatives of all classes of the population in a position to take a more effective part in shaping the policy of the Government, and to exert a real influence upon the actual work of administration.

#### GENERAL CONCLUSIONS.

In framing the proposals, which we now submit to your decision, we have given ample consideration to the great variety of opinions elicited by our letter of the 24th August, 1907. We readily acknowledge the value of many of the criticisms that have reached us and we believe that no material point has escaped our observation. We have accepted in substance several important suggestions, and we have introduced into our scheme measures of a far more advanced character than have hitherto been proposed. We will now sum up the results of our deliberations. In accordance with the most authoritative opinion we have abandoned the idea of an Imperial Advisory Council as originally planned, and have substituted for it a Council of Chiefs to be appointed by the Viceroy, and utilised by him in the guardianship of common and Imperial interests as the demands of the time may require. We have planned Provincial Advisory Councils on lines which will enable local Governments to avail themselves of the advice and co-operation of the leading representatives of the best non-official opinion, and we trust that the proposal will commend itself to popular feeling, and will satisfy the demand for extended opportunities of consultation on matters of local interest. The enlargement of the Legislative Councils,



and the extension of their functions to the discussion of administrative questions, are the widest, most deep-reaching and most substantial features of the scheme which we now put forward. Taking first the Imperial Legislative Council, we propose to raise the total strength of the Council, excluding H. E. the Viceroy, from twenty-four to sixty-two, and to increase the number of non-official members from ten to thirty-one, and of elected members from five to twenty-eight. On all ordinary occasions we are ready to dispense with an official majority, and to rely upon the public spirit of the non-official members to enable us to carry on the necessary work of legislation. We have dealt with the Provincial Legislative Councils in an equally liberal manner. The total strength of the Council, and the numbers of non-official and elected members have in every instance, except that of Burma, been more than doubled. In all these cases, while giving fuller play to the elective principle, we have also greatly enlarged its range and have endeavoured to afford proportionate representation to all classes that have reached a sufficiently high level of education, the landholders, the Mahomedans, the professional middle class, and the commercial community, both Indian and European. To all of them, again, we propose to concede the novel right of moving Resolutions, and dividing the Council on administrative questions of public and general interest, and of taking part in settling the actual figures of the Budget, both by informal discussion and by bringing forward specific recommendations which will be put to the vote. Regarding the scheme as a whole, we consider ourselves justified in claiming for it that it will really and effectively associate the people of India with the Government in the work not only of occasional legislation but of actual everyday administration. It is an attempt to give India a constitution framed on sufficiently liberal lines to satisfy the legitimate aspirations of the most advanced Indians, whilst at the same time enlisting the support of the more conservative elements of Indian society. We are not without hope that it will be accepted by all classes in the spirit in which it has been planned, and that it will unite in the common service of India all those, whether officials or private individuals, who have her highest interests at heart.

In conclusion, we have one more observation to make. We recognise that the effect of our proposals will be to throw a greater burden on the heads of local Governments not only by reason of the actual increase of work caused by the longer sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the

recommendations of those Councils. It may be that experience will show the desirability of strengthening the hands of Lieutenant-Governors in the larger Provinces by the creation of Executive Councils, as Sir Charles Aitchison suggested in connection with the proposals of 1888, and assisting the Governors of Madras and Bombay by enlarging the Councils which now exist in those Presidencies. But it would be premature to discuss those contingencies until experience has been gained of the working of the new legislative bodies. The creation of Councils with executive functions in Provinces in which they do not exist would be a large departure from the present system of administration, and is a change that could only be recommended after the fullest consideration, and after consultation with the heads of the Provinces concerned.

## Indian Reforms

### LORD MORLEY'S DESPATCH.

*The following is the Text of Lord Morley's Despatch :—*

India Office, London, 27th November, 1908.

TO HIS EXCELLENCY THE RIGHT HON. THE GOVERNOR-GENERAL OF  
INDIA IN COUNCIL.

My Lord,—I have to acknowledge the important despatch of the 1st October, 1908, in which I had submitted for approval and decision a group of constitutional reforms framed by Your Excellency in Council in pursuance of a policy initiated more than two years ago. Your proposals in their present shape are the outcome of a tentative project placed in August, last year, in the hands of local Governments in India, with instructions to consult important bodies and individuals, representative of various classes of the community before putting their own conclusions before the Government of India. Those instructions, as you are very evidently justified in assuring me, were carried out with great care and thoroughness. After examining, moreover, the enormous mass of material gathered together in a prolonged operation, I gladly recognise the admirable industry, patience, thought, and candour with which that material has been sifted by your Government and worked out into



practical proposals, liberal in their spirit and comprehensive in their scope. I have taken all the pains demanded by their importance to secure special consideration of them in Council. It is a sincere satisfaction to me to find myself able to accept the substantial part of Your Excellency's scheme, with such modifications as would naturally occur to different minds in handling problems of remarkable difficulty in themselves, and reasonably open to wide variety of solution.

### **GUARDING COMMON INTERESTS.**

The original proposal of an Imperial Advisory Council was based on the interesting and attractive idea of associating Ruling Chiefs and territorial magnates of British India in the guardianship of common and Imperial interests and as a means of promoting more intimate relations among the component parts of the Indian Empire. The general opinion of those whose assent and co-operation would be indispensable has proved adverse and Your Excellency in Council now considers that the project should for the present not be proceeded with.

You still favour an Imperial Council composed only of Ruling Chiefs. Lord Lytton made an experiment in this direction, but it remained without any successful result. Lord Curzon afterwards proposed to create a Council composed exclusively of princes contributing Imperial Service Troops, and after deliberating on that subject exclusively, opinion pronounced this also as likely to be unfruitful and ineffectual in practice. Your Excellency's project is narrower than the first of these two expedients and wider than the second. I confess that, while entirely appreciating and sympathising with your object, I judge the practical difficulties in the way of such a Council assembling under satisfactory conditions to be considerable. It would obviously be a mistake to push the project unless it commands the clear assent and approval of those whose presence in the Council would be essential to its success, and the opinions expressed in the replies with which you have furnished me lead me to doubt whether that condition can be secured, but in case Your Excellency still favours the proposal, which is in itself attractive, I do not wish to express dissent at this stage and if, after consultation with the leading Chiefs, you are able to devise a scheme that is at once acceptable to them and workable in practice, I am not inclined to place any obstacle in the way of a full and fair trial, and in any event the doubt I have expressed must not be taken as discouraging consultation with individual Chiefs, according to the existing practice, for nobody with any part to play in Indian

Government can doubt the manifold advantages of still further developing, not only amicable but confidential relations of this kind with the loyal Rulers in Indian States, possessed as they are of such peculiar authority and experience.

Next I agree with Your Excellency in the judgment that the question of a Council of Notables for British India only should not be entertained.

I am inclined furthermore for my own part to doubt whether the creation of Provincial Advisory Councils is likely to prove an experiment of any marked actual value. The origin of the demand for bodies of that character, whatever the strength of such a demand amounts to, is undoubtedly the desire for greater facilities in discussion of public measures. Your Excellency indicates what strikes me as pointing in a more hopeful direction in the proposition that this claim for increased facilities of discussion should be met, "rather by extending the powers of the existing Legislative Councils than by setting up large rival Councils which must to some extent conflict with them." Large or small, such rivalry would be almost certain to spring up and from the first the new species of Council would be suspected as being designed to be a check upon the old. As in the case of Ruling Chiefs or of notables in British India, so here, too, informal consultation with the leading men of a locality would have most, or all, of the advantage of an Advisory Council without any obvious disadvantages of duplicating the political machinery. From these proposals I pass to what is, and what you declare to be, the pith and substance of the despatch under reply.

#### FEATURES OF THE SCHEME.

The enlargement of the Legislative Councils you say—and the extension of their functions to the discussion of administrative questions—are the widest, most deep-reaching and most substantial features of the scheme which we now put forward. This perfectly correct description evokes and justifies the close scrutiny to which these features have been subjected in my Council, and I am glad to believe that the result reveals few elements of material difference.

Your Government have now felt bound to deal first with the Imperial Legislative Council and from that to work downwards to the Councils in Provinces. I gather, however, from your despatch of the 21st March, 1907, that you would at that time have preferred, as Lord Lansdowne had done in 1892, to build up the higher fabric on the foundation of the Provincial Councils. In your circular letter of the 24th August, 1907, you observed that the most logical and convenient



mode of dealing with the question would have been first to discuss and settle the composition, the electorates and the powers of the Provincial Legislative Councils and then to build up on the basis of these materials a revised constitution for the Imperial Council. In the absence of proposals from local Governments and administrations, you were precluded from adopting this course and therefore you tentatively before them the line on which first the Legislative Council of the Governor-General and thereafter those of Governors and Lieutenant Governors might be constituted.

In your present letter you have followed the same order, but with the full materials before me, such as are now supplied by local opinions, it appears to be both more convenient, and, as you said, more logical to begin with the Provincial Councils, and afterwards to consider the constitution of the Legislative Council of the Governor-General.

The first question that arises touches the principle of representation. This is fully discussed in paragraphs 18 to 20, 25 to 31, and 34 of your letter, citing previous discussions of the subjects and referring to the precedent of the measures taken to give effect to the Statute of 1892. You adhere to the opinion that in the circumstances of India, representation by classes and interests is the only practicable method of embodying the elective principles in the constitution of the Indian Legislative Councils (paragraph 18). You justly observe that the principle to be borne in mind is that election by the wishes of the people in aid is the ultimate object to be secured whatever may be the actual machinery adopted for giving effect to it (paragraph 29). You consider that for certain limited interests the Corporations of Presidency towns, Universities, Chambers of Commerce, Planting Communities and the like limited electorates must exist as at present, and you foresee no serious obstacle in carrying out arrangements for that purpose. The difficulties come into view when you go beyond these limited electorates and have to deal with large and widespread interests or communities, such as the landholding and professional classes, or with important minorities, such as Mahomedans, in most provinces in India, and Sikhs in the Punjab. You dwell upon the great variety of conditions in the various Provinces of the Indian Empire, and the impossibility of applying any uniform system throughout, and your conclusion generally appears to be that class electorates should be framed where this is practicable and likely to lead to good results and in their failure or defect it will be necessary to have recourse to nomination.

## SYSTEM OF REPRESENTATION.

With the general principles advanced by Your Excellency in this chapter of our discussion, I am in entire accord. I agree that to some extent, class representation must be maintained in the limited electorates to which you refer, and here as you point out, no serious obstacle is anticipated. I agree also that the Legislative Council should

I am the leading elements of the population at large, and that no system of representation would be satisfactory if it did not provide for the presence in the Councils of sufficient representatives of communities so important as are the Mahomedans, and the landed classes. But in examining your plans for obtaining their representation, I am struck with the difficulty of securing satisfactory electoral bodies under them, and with the extent to which, as you expect, nomination will be demanded to supply the deficiencies of election. The same awkwardness and perplexity appear in obtaining satisfactory representation of the Indian commercial classes, where, as is found generally throughout India with very few exceptions, they have not established association chambers to represent their interests.

The case of landholders is discussed in paragraphs 27 to 29 of your letter with immediate reference to the Imperial Legislative Council and the situation is just the same if separate representation is to be secured for local Councils, I find it impossible to make any definite proposal which would admit of general application. You see difficulties in devising a constituency that should consist only of landholders deriving a certain income from land. And you point out with much force the objections to elections by voluntary associations. In these observations I agree, and especially in your remark that the recognition of Associations as electoral agencies should be regarded as a provisional arrangement to be maintained only until some regular electorate can be formed.

The same difficulties, you observe, encounter the scheme to have a special electorate for Mahomedans in some provinces, as in Bombay, where the Mahomedans are so scattered that common organisation for electoral purposes is thought impracticable. In other provinces it is proposed to found a scheme partly on a property qualification and partly on literary attainments. In others, again, it is suggested that recourse might be had to voluntary association. One difficulty in regard to Mahomedans is not mentioned in your letter for the provision in any Province of a special electorate giving them a definite number of the seats on the Council which might involve the refusal to them in that Province of a right to



vote in the territorial electorates, of which Rural and Municipal Boards will afford the basis. If that were not done they would evidently have a double vote, and this would probably be resented by other classes of the population.

### **ELECTORAL COLLEGE PRINCIPLE. . .**

Without rejecting the various expedients suggested by Your Excellency for adoption in order to secure the adequate representation of these important classes on the Councils, I suggest for your consideration that the object in view might be better secured, at any rate in the more advanced provinces in India, by a modification of the system of a popular electorate founded upon the principle of Electoral Colleges. The use of this method is not in itself novel. It already exists in the groups of District Boards and of Municipalities which, in several Provinces, return members to the Provincial Councils. The election is not committed to the boards or municipalities directly. These bodies choose electors who then proceed to elect the representative of the group. I will briefly describe the scheme that at present commends itself to me and in order to make the method of working clear, I will assume hypothetical figures for a given province. Let it be supposed that the total population of the province is 20 millions, of whom 15 millions are Hindus, and 5 millions Mahomedans and the number of members to be elected 12; then, since the Hindus are to Mahomedans as three to one, nine Hindus should be elected to three Mahomedans, and in order to obtain these members divide the province into three electoral areas in each of which three Hindus and one Mahomedan are to be returned. Then each of these areas constitute an electoral college consisting of, let us say, a hundred members. In order to preserve the proportion between the two religions, 75 of these should be Hindus, and 25 Mahomedans. This electoral college should be obtained by calling upon the various electorates which might be (a) substantial landowners, paying not less than a fixed amount of land revenue; (b) the members of rural or sub-divisional boards; (c) the members of district boards and (d) the members of municipal corporations, to return to it such candidates as they desired, a definite number being allotted to each electorate. Out of those offering themselves and obtaining votes, the 75 Hindus who obtained the majority of votes should be declared members of the college and the 25 Mussalmans who obtained the majority should similarly be declared elected. If the Mussalmans returned did not provide 25 members for the electoral college, the

deficiency would be made good by nomination. Having thus obtained an electoral college containing 75 Hindus and 25 Mussalmans, that body would be called upon to elect three representatives for the Hindus and one for the Mahomedans. Each member of the college would have only one vote and could vote for only one candidate. In this way it is evident that it would be in the power of each section of the population to return a member in the proportion corresponding to its own proportion to the total population. In the same way the desired proportion could be obtained of any representatives of any particular interest, as, for instance, of landowners. All that is necessary would be to constitute the electoral college in such a way that the number of electors representing the landowning interest should bear to the total number the same proportion as the Members of Council representing that interest to be elected.

In this manner, minorities would be protected against exclusion by majorities and all large and important sections of the population would have the opportunity of returning members in proportion to their ratio to the total population. Their choice could in that event be exercised in the best possible way, viz., that of popular election, instead of requiring Government to supply deficiencies by the dubious method of nomination.

#### THE VARIOUS COMMUNITIES.

I do not wish definitely to prescribe such a scheme for adoption whether locally or universally, but I commend it to your consideration. It appears to offer an expedient by which the objections against a system of nomination may be avoided and it would work through a choice freely exercised by the electorate at large, instead of by artificial electorates specially constituted for the purpose. No doubt it removes the primary voter by more than one stage from the ultimate choice and it does not profess to be simple. I can only say that it is quite as simple as any scheme for representation of minorities can ever be. The system of a single vote which is an essential part of it is said to work satisfactorily in places where it is already in existence and it is easy of apprehension by the electors. It would have several great advantages. Firstly, it would bring the classes specially concerned within the popular electorate and so meet the criticisms of the Hindus to which you refer in this Despatch; secondly, it establishes a principle that would be an answer to further claims for representation by special classes or



associations; thirdly, it would ensure the persons chosen being actually drawn from the locality that the electoral college represents; fourthly, it would provide a healthy stimulus to interest in local self-government by linking up local bodies (rural and municipal boards) more closely with the Provincial Legislative Councils. To this end it might be provided that the candidate for election to the Provincial Council must himself have taken part in local administration.

The due representation of the Indian mercantile community, on which you touch in paragraph 31 of your letter, might be included in the scheme if the commercial classes fail to organise themselves, as you suggest that they may arrange to do, in associations similar to the European Chambers of Commerce.

To meet possible objections founded on the difficulty of bringing together electoral colleges to vote in one place, I may add that this is not contemplated. In the scheme you refer to at the close of paragraph 28 to the success of the Calcutta University in organising the election of Fellows by a large number of graduates scattered all over India, the votes of the electors in each college could, I imagine, be collected in the same manner, without requiring them to assemble at a common centre.

From the electoral structure I now turn to the official element in the constitution of Provincial Legislative Councils dealt with in paragraphs 33 to 56 of your letter. I first observe that in all of them you provide for a bare official majority, but you contemplate that in ordinary circumstances only the number of official members necessary for the transaction of business shall be submitted to attend. The first question, therefore, is the necessity of maintaining in these Councils the majority of officials.

#### THE LEADING FACT.

We have before us to begin with, the leading fact that in the important Province of Bombay there is in the Council as at present composed no official majority and that the Bombay Government, even in the smaller of its alternative schemes presented to Your Excellency in Council is willing to dispense with such a majority. Considering the character of the legislation ordinarily coming before a Provincial Council, is it not possible with due representation given to the various classes and interests in the community to do without a majority of officials? After careful consideration, I have come to the conclusion that in Provincial Councils such a majority may be dispensed with, provided that a substantial

official majority is permanently maintained in the Imperial Legislative Councils.

I do not conceal from myself the risks in such an arrangement. The non-official majority may press legislation of a character disapproved by the Executive Government. This should be met by the exercise of the power to withhold assent possessed by the head of the Government. Then, although the local Legislature is vested with power to make laws for the peace and good government of territories constituting the province, still the range of subjects is considerably narrowed by the statutory exclusions now in force. Thus, for example, the local Legislature may not without the previous sanction of the Governor-General make or take into consideration any law affecting the public debt of India, or the customs duties or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the Government of India, on regulating currency or postal or telegraph business, or altering in any way the Indian Penal Code, or affecting religion or religious rites or usages, or affecting the discipline or maintenance of naval or military forces, or dealing with patents or copyrights or the relations of the Government with foreign princes or states. It is difficult to see how any measure of such urgency that delay might work serious mischief can come before a Provincial Council, for mere opposition to a useful and beneficial project would not come within this description. On the other hand, and perhaps more often, there might be opposition on the part of the non-official members to legislation that the Government desires. With a Council, however, representing divergent interests, and realising, together with its increased powers, its greater responsibility, a combination of all the non-official members to resist a measure proposed by the Government would be unlikely, and some non-officials at least would probably cast their votes on the side of the Government. If, however, a combination of all the non-official members against the Government did occur, that might be a very good reason for thinking that the proposed measure was really open to objection and should not be proceeded with.

Your Excellency will recall since you came into the authority of Governor-General an Act proposed by a local Government, which a representative Council would almost have certainly rejected. Your Excellency's action in withholding assent from the Act shows that, in your judgment, it would have been an advantage if the local Government had been induced by a hostile vote to reconsider their Bill. If in spite



of such hostile vote the comparatively rare case should arise where immediate legislation were still thought absolutely necessary, then the constitution, as it at present stands, provides an adequate remedy. The Governor-General in Council, to-day, possesses a concurrent power to legislate for any Province, and though I strongly favour a policy that would leave to each local Legislature the duty of providing for its own requirements, still I recognise in this power an ample safeguard should, under exceptional circumstances, a real demand for its exercise arise.

This decision will make it necessary to modify to some extent the constitution of the several Councils proposed by you and will enable you to secure a wider representation. Subject to consideration of these details (which will not involve the postponement of the proposed Parliamentary legislation for the amendment of the Indian Councils Act XIX, 1892, and for other purposes), I am ready to accept generally the proposals for the number and the constitution of the Councils set forth in your letter.

#### AN ESSENTIAL CONDITION.

Your proposals in relation to the Imperial Legislative Council are necessarily entitled to the greatest weight. I am glad to find myself able to accept them practically in their entirety, while I desire to liberalize as far as possible the Provincial Councils. I recognise that it is an essential condition of this policy that Imperial supremacy shall be in no degree compromised. I must therefore regard it as essential that Your Excellency's Council, in its legislative as well as its executive character, should continue to be so constituted as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes and must always owe to His Majesty's Government and to the Imperial Parliament. I see formidable drawbacks that have certainly not escaped Your Excellency to the expedient which you propose and I cannot regard with favour the power of calling into play an official majority while seeming to dispense with it. I am unable to persuade myself that to import a number of gentlemen to vote down something upon which they may, or may not, have heard the arguments will prove satisfactory. To secure the required relations I am convinced that a permanent official majority in the Imperial Legislative Councils is absolutely necessary, and this must outweigh the grave disadvantages that induce us to dispense with it in the Provincial Legislatures. It need not be in any sense an overwhelming majority, and this Your Excellency does not seek, but it must be substantial as it is certainly



desirable that the Governor-General should be removed from the conflict of the division list and that the fate of any measure or resolution should not rest on his vote alone.

I have already dealt in the earlier paragraphs of this despatch with the elective principle and it will be for Your Excellency to consider how far the popular electorate can be utilized for the return to your Legislative Council of landholders and Mahomedans. Some modification of the scheme suggested for the Provinces will no doubt be necessary, and the electoral colleges would probably have to be on the basis of Province and not of division, and the case of the Central Provinces would probably (in view of the disappearance of Advisory Councils) have to be met by nomination until a local legislature is provided. I accept your proposals for securing the representation of commerce of both European and Indian.

I also agree to your proposals as to nomination, but it will be a matter for your consideration, whether to meet the requirements of a substantial official majority the number of nominated officials should not be raised.

Your plan for securing occasional representation for the interest of minorities, such as the Sikhs, the Parsis, the Indian Christians, the Buddhists and the domiciled community, meets with my entire approval and I am in complete sympathy with your intention sometimes to appoint one or two experts in connection with legislation pending before the Council.

#### *FACILITIES FOR DEBATE.*

I turn to the proposals contained in paragraphs 57—59 of your despatch affording further facilities for debate. This subject, as Your Excellency remarks, was not dealt with in the earlier correspondence out of which your present proposals arise, but I am entirely in accord with Your Excellency's Government in regarding it as of cardinal importance.

The existing law which confines discussion except on the occasion of the annual financial statement to legislative proposals actually before the Councils, imposes a restriction that I am convinced is no longer either desirable or necessary. The plan of Your Excellency's Government contemplates a wide relaxation of this restriction and in sanctioning, generally, I am confident that these increased facilities judiciously used will be pronounced of the greatest advantage, not only by Councils and those whom they represent, but also by Government who will gain



additional opportunities both of becoming acquainted with the drift of public opinion and of explaining their own actions.

Taking the proposals in detail, I agree that the resolutions should take the form of recommendations to Government having only such force and effect as Government, after consideration, shall deem due to them. The introduction and discussion of resolutions should not extend to subjects removed from the cognisance of the Legislative Councils by statute, and must obviously be subject to rules and restrictions. These, as Your Excellency observes, may best be laid down in the first place when the rules of business are drawn up, and developed thereafter as experience may show to be desirable. Meanwhile, I agree generally with the conditions suggested in paragraph 59 of your despatch. I must, however, remark upon the first of the suggested conditions that isolated incidents of administration of personal questions may be, and often are, at the same time matters of public and general importance. It would, in my opinion, be sufficient to lay down that resolutions must relate to matters of public and general importance, inasmuch as the President of the Council will have the power of deciding finally whether any proposed resolution does or does not satisfy this condition.

In respect of rules on the asking of questions, I have come to the conclusion that, subject to such restrictions as may be found requisite in practice, and to the existing general powers of the President, the asking of supplementary questions should be allowed. Without these a system of formal question, met by formal replies, must inevitably tend to become unreal and ineffective, and in an assembly in which, under proper safeguards, free discussion and debate is permitted and encouraged, there can be no sufficient reason for prohibiting that method of eliciting information and expressing indirectly the opinions and wishes of the questioners.

#### *A NOTABLE STEP.*

Special importance attaches to rules as to the discussion of the Imperial Budget, and I recognise with much satisfaction the liberality of the proposals that you have placed before me. The changes under this head constitute a notable step in the direction of giving to the representatives of Indian opinion a part in the most important administrative operation of the political year. I approve the dates suggested for the promulgation of the Financial Statement, and for the beginning and ending of its discussion in the Committee, and I anticipate valuable results from the knowledge which your Governments will acquire in



these debates of the views of those whom the proposed measures will chiefly and directly affect and which it will be able to utilise in shaping its financial proposals for the year. Generally, also, I approve the rules sketched in paragraph 64 for the regulation of discussions in Committee, and of the moving of resolutions, and I concur in your opinion that the form of procedure should be such as to show clearly that the power of executive action resides exclusively in Government, who, while inviting the free expression of opinion in the form of resolutions, do not thereby forego any part of the power and responsibility which has been and must continue to be in their hands.

Your proposals for the discussion of the Provincial Budgets seem entirely sound. As in the case of the Imperial Budget, so with respect to the Provincial finances. I observe with satisfaction, that provision is made for full and free discussion and for the consideration by Government of the results of such discussion before the final proposals for the year are framed, and I believe that under the system suggested by you, the local Governments will retain that ultimate control over the financial policy of their Provinces, without which not only the authority of the Government of India, but also that of the Secretary of State in Council, and of Parliament would inevitably disappear.

Your Excellency claims for your scheme as a whole "that it will really and effectively associate the people of India in the work not only of occasional legislation but of actual everyday administration." The claim is abundantly justified, yet the scheme is not, and hardly pretends to be, a complete representation of the entire body of changes and improvements in the existing system that are evidently present to the minds of some of those whom your Government has consulted and that, to the best of my judgment, are now demanded by the situation described in the opening words of the despatch. It is evidently desirable, Your Excellency will agree, to present our reformed constitutional system as a whole. From this point of view it seems necessary to attempt without delay an executive advance in the direction of local self-government. The principles that should inspire and regulate measures with this aim can hardly be laid down in sound or clearer terms than in the resolution published by the Government of India on the 18th May 1882. I do not know where to look for a better expression of the views that should govern policy under this important head, and I will venture to quote some passages in the memorable deliverance explaining the proposal for local self-government of that date.



*INSTRUMENT OF EDUCATION.*

The Government of India place themselves on ground which may well be our ground also. "It is not primarily," they say, "with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education." And again: "There appears to be great force in the argument that so long as the chief executive officers are as a matter of course chairmen of the Municipal and District Committees, there is little chance of these Committees affording any effective training to their members in the management of local affairs or of the non-official members taking any real interest in local business. The non-official members must be led to feel that real power is placed in their hands and that they have real responsibilities to discharge. This anticipation has been to some extent warranted by experience. Funds have not existed for an efficient executive staff. The official element within the local bodies has been in many places predominant. Non-official members have not been induced to such an extent as was hoped to take a real interest in local business, because their powers and their responsibilities were not real. Local self-government has so far been no marked success as a training ground. It is mainly for the reason that the constitution of the local bodies departed from what was affirmed in the resolution to be 'the true principle,' that the control should be exercised from without rather than from within, and that Government should revise and check the acts of local bodies, but not dictate them." I make no doubt that the Government of India, to-day, will affirm and actively shape their policy upon the principle authoritatively set forth by their predecessors in 1882. It would be hopeless to expect any real development of self-government if the local bodies were subject to checks and interference in matters of detail, and the respective power of Government of the various local bodies should be clearly and distinctly defined by statute, so that there may be as little risk of friction and misunderstanding as possible. Within the limits to be laid down in each case, however, the Governor-General in Council is anxious that the fullest possible liberty of action should be given to local bodies. Your Excellency will recall that the resolution from which I have quoted treats the sub-division, taluqa or the tahsil as the smallest administrative unit. It is a question whether it would not be a wise policy to go further. The village in India (generally) has been the fundamental and indestructible unit of the social system surviving the downfall of dynasty after dynasty. I



desire Your Excellency in Council to consider the best way of carrying out a policy that would make the village a starting point of public life.

The encouragement of local self-government being an object of this high importance in the better organisation of our Indian system, it remains to be considered how far in each Province it would be desirable to create a department for dealing exclusively with these local bodies, guiding and instructing them, correcting abuses in a form analogous to the operations of the local Government Board in this country. That, however, is a detail, though a weighty one, in a question on which as a whole I confidently expect that Your Excellency will find much light in the forthcoming Report of the royal Commission on Decentralisation.

#### AN IMPORTANT POINT.

In the closing page of your letter your Excellency raises a question of a high order of importance. You recognise as you inform me that the effect of our proposals will be to throw a greater burden on the heads of local Governments, not only by reason of the actual increase of work caused by the long sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the recommendations of those Councils. You then suggest the possibility that experience may show it to be desirable to strengthen the hands of the Lieutenant-Governor in the large Provinces by the creation of Executive Councils and of assisting the Governors of Madras and Bombay by enlarging the Executive Councils that now exist in these Presidencies.

I have to observe with respect to Bombay and Madras, that the original scheme under the Act of 1833, provided for the appointment of three members. It seems conformable to the policy of this despatch to take power to raise to four the number of members of each of these Executive Councils, of whom one at least should be an Indian. I would not, however, propose to make this a provision of a statute, but would leave it to practice and usage growing into confirmed rule.

As to the creation of Executive Councils in the larger Provinces, I am much impressed by both of the considerations that weigh with Your Excellency in throwing out the suggestion and more especially by the second of them. All will depend for the wise and efficient despatch of public business upon right relations between the supreme head of



executive power in the Province and the Legislative Council. The question is whether these relations will be the more likely to adjust themselves effectively if the judgment of the Lieutenant-Governor is fortified and enlarged by two or more competent advisers with an official and responsible share in his deliberations.

Your Excellency anticipates longer sittings of the Legislative Council with increased activity of discussion and the effectual representation of provincial opinion and feeling, as a guide to executive authority, is the central object of the policy of Your Excellency's despatch. The aim of that policy is two-fold : at once to enable the Government the better to realise the wants, interests and sentiments of the governed and on the other hand to give the governed a better chance of understanding, as occasion arises, the case for the Government against the misrepresentations of ignorance and malice. That double object, as Your Excellency fully appreciates, is the foundation of the whole system in India and all over the world of administration and legislation either through or subject to criticism of deliberative bodies whether great or small.

The suggestion for the establishment of executive councils for Lieutenant-Governors, as Your Excellency is aware, is not new. A really new problem or new solution is in truth surprisingly uncommon in the history of British rule in aid of the political or administrative controversies connected with it. Indeed, without further undervaluing the supreme necessity for caution and circumspection at every step and motion in India Government, it may be open to some question whether in some of these controversies before now even an erroneous conclusion would not have been better than conclusion at all. The issue we are now considering was much discussed in obedience to the Secretary of State in 1868 by men of the highest authority on Indian questions, and I do not conceive that after all the consideration given to the subject then and since that further consultations could be expected to bring any new arguments of weight and substance into view.

#### NEED OF CAUTION.

It has sometimes been argued that the creation of Executive Councils in the major Provinces would necessarily carry with it as in Bombay and Madras the appointment in each case of a Governor from home. This would indeed be a "large departure from the present system of administration," almost amounting to the confusion and overthrow of that system reposing as it does upon the presence at the head of the highest administrative post officers trained and experienced in



the complex requirements and diversified duties of Indian Government. I take for granted, therefore, that the head of the Province will be as now a Member of the Indian Civil Service appointed in such mode as the law prescribes.

I propose, therefore, to ask for power to create executive councils from time to time as may be found expedient. In this connection we cannot ignore the necessity of securing that a constitutional change, designed both to strengthen the authority and to lighten the labours of the head of the Province shall not impair the prompt exercise of executive power. It will, therefore, be necessary to consider most carefully what degree of authority over the members of his Council in case of dissent should be vested in the head of a province in which an executive council may be called into being. It was recognised by Parliament more than a century ago that the Governors of Madras and Bombay should be vested with a discretionary power of overruling these Councils "in cases of high importance, essentially affecting the public interest and welfare." A power no less than this will obviously be required in the Provinces in which a Council may come to be associated with the head of the Executive and I shall be glad if you will favour me with your views upon its definition. Your excellency will readily understand that the use of such a power, while not to be evaded in the special case for which it is designed, is not intended for part of the ordinary mechanism of Government. Rather, in the language of the historical despatch of 1834, it is my belief that "in a punctual, constant and even fastidious adherence to your ordinary rules of practice you will find the best security, not only for the efficiency, but also for the despatch of your legislative proceedings."

#### LORD MORLEY'S HISTORIC SPEECH.

The entrance to the House of Lords on the afternoon of the 17th December, 1908 was more like the entrance to a theatre on the occasion of a popular *matinee* than anything else, the number of ladies being very considerable—and there was a continuous stream of vehicles of sorts, carriages, motors and cabs depositing their occupants at the Lords' portal long before Lord Morley rose to deliver that speech which has become historical. The Legislative Councils are not only to be remodelled and enlarged, but will possess power in dealing with financial subjects very similar to those which Lord Mayo, Lord Napier of Ettrick and Sir Alexander Arbuthnot advocated so strongly forty years ago. It was the India Office that then rejected Lord Mayo's scheme, on



the ground that it would have involved an alteration of the Indian Council Acts of 1861-62. But those Acts, and the modified Councils Act of 1892, will now, if not repealed, be transformed beyond recognition. "The Indian Councils Act of 1892," said Lord Morley *"forbids—and this is no doubt a very important prohibition—either resolution or divisions of the Council in financial discussions. We shall ask Parliament to repeal this prohibition."* The power of discussing Provincial Budgets and keeping a check on Provincial expenditure was the main feature in Lord Mayo's scheme. "We shall propose," continued Lord Morley, "to invest Legislative Councils with power to discuss matters of public and general importance, and to pass recommendations or resolutions to the Government." The Government would or would not consider such resolutions, being safe-guarded with an ample power of veto.

Lord Morley makes no secret of the fact that he has had his eyes opened a good deal to the requirements of modern India, by the two Indian gentlemen whom he appointed to his own Council in Whitehall. The success of this experiment has strengthened him in the conviction, in which Lord Minto shares, that the Executive Councils in India may be made more popular, as well as more efficient, with the aid of a few Indian members of distinguished character and ability. The misgivings expressed in some quarters that great State secrets in the keeping of the Executive Councils might not always be safely trusted to Indian Members now seem rather far-fetched. Even under existing conditions State secrets get known, in time, not only in India but in England also. If that is the only objection to Lord Morley's proposed reform of the Executive Councils, it should be dismissed as not of much account.

In concluding Lord Minto says in the Government of India's Despatch of the 1st October 1908:—

The enlargement of the Legislative Councils, and the extension of their functions to the discussion of administrative questions, are the widest, most deep-reaching and most substantial features of the scheme which we now put forward.

It is fitting that this proposed reform should have come from the Government of India. It has Lord Morley's warm approval, and there can be little doubt that it will, in its most essential features, receive the sanction of Parliament.

#### LORD MORLEY'S STATEMENT.

The following is a verbatim report of the statement made by Lord Morley in announcing the proposals for the reform of Indian administration in the House of Lords on the 17th December, 1908:—

My Lords,—I feel that I owe a very sincere apology to the House for the disturbance in the business arrangements of the House of which I have been the cause, though the innocent cause. It has been said that by the delays in bringing forward this subject I have been anxious to Burke discussion. That is not in the least true. (Cheers.) The reasons which made it seem to me desirable that the discussion on this most important and far-reaching range of topics should be postponed were—I believe the House will agree with me—reasons of common-sense. In the first place, discussion without anybody having seen the papers to be discussed would evidently have been ineffective. In the second place, it would have been impossible to discuss those papers with good effect—the papers which I am going this afternoon to present to Parliament—until we know, at all events in some degree, what their reception has been in the country most immediately concerned. And then, thirdly, my Lords, I cannot but apprehend the discussion here—I mean in Parliament—would be calculated to prejudice the reception in India of the proposals which the Government of India and His Majesty's Government agree to make. My Lords, I submit those are three very sensible reasons why discussion in my view, and I hope in the view of this House, was to be deprecated. (Hear, hear.) This afternoon Your Lordships will be presented with a very modest Blue-book, but I should like to promise noble Lords that to-morrow morning there will be ready for them a series of papers on the same subject of a size so enormous that the most voracious or even carnivorous appetite for Blue-books will have ample food for augmenting the joys of the Christmas holidays. (Laughter.)

#### A ROYAL COMMISSION.

The observations which I shall ask Your Lordships to allow me to make are the opening of a very important chapter in the history of the relations of Great Britain and India: and I shall ask the indulgence of the House if I take a little time not so much in dissecting the contents of the papers, which the House will be able to do for itself by and by, as in indicating the general spirit that animates my noble friend the Viceroy of India on His Majesty's Government here in making the proposals which I shall in a moment describe. I suppose, like other Secretaries of State for India, I found my first idea was to have what they used to have in the old days—a Parliamentary Committee to inquire into Indian Government. I see that a predecessor of mine in the India Office, Lord Randolph Churchill—he was there for too short a time in 1885—had very strongly conceived that idea. On the whole, I



think there is a great deal, at the present day, to be said against that idea, and therefore what I have done was at the instigation of and in concert with the Government of India, first to open the chapter of constitutional reforms, of which I will speak in a moment, and next to appoint a Royal Commission to inquire into the internal relations between Government of India and all its subordinate and co-ordinate parts. The Commission will report, I believe, in February or March next, February, I hope, and that, again, will involve the Government of India and the India Office in Whitehall in pretty laborious and careful inquiries. It will not be expected—it ought not to be expected—that an Act passed, as the Great Act 1858 was passed, amidst great excitement and very disturbing circumstances, that that Act should have been in existence for half a century—and that as operations would not be the better for supervision. Now, I spoke of delay in these observations, and unfortunately delay has not made the skies any brighter.

#### THE PRESENT SITUATION.

But, my Lords, do not let us make the Indian sky cloudier than it really is. Do not let us consider the clouds to be darker than they really are. Let me invite Your Lordships to look at the difficulties—the considerable difficulties, even the formidable difficulties—that now encumber us in India, with a due sense of proportion—I can give a ~~few~~ example which I would wish members of this House, or of any other House, to imitate than what I may be perhaps allowed to call the intrepid coolness of Lord Minto. (Cheers.) What is the state of things as it appears to persons of authority and of ample knowledge in India? One very important and well-known friend of mine in India says thus:—

The anarchists are few, but, on the other hand, they are apparently prepared to go any length and to run any risk. It must also be borne in mind that the ordinary man or lad in India has not too much courage, and that the loyal are terrorised by the ruthless extremists.

It is a curious incident that on the very day before the attempt to assassinate Sir Andrew Fraser was made he made, an inspection of the college where the would-be assassin was educated, and his reception was of the most enthusiastic and spontaneous kind. I only mention that to show the curiously unsettled atmosphere in which things now are in Calcutta. I will not dwell on that, because although I have a mass of material, this is not the occasion for developing it. I will only add this from a correspondent of great authority:—

There is no fear of anything in the nature of a rising, but if murders continue a general panic may arise and greatly increase the danger of the situation. We cannot hope that any machinery will completely stop outrages at once. We must be prepared to meet them. There are growing indications that the native population itself is alarmed and that we shall have the strong support of native public opinion.

The view of an important person in the Government of India is that in substance the position of our Government in India is as sound and as well founded as it has ever been. (Hear, hear.)

### *THE SUMMARY JURISDICTION ACT.*

But I shall be asked, has not the Government of India been obliged to pass a measure introducing pretty drastic machinery? Well, that is quite true, and I, for one, have no fault whatever to find with them for introducing this machinery and for taking that step. (Cheers.) On the contrary, my Lords, I wholly approve and I share, of course to the full, the responsibility for it. I understand that I am exposed to some obloquy on this account—I am charged with inconsistency. Well, that is a matter on which I am very well able to take care of myself, and I should be ashamed to detain Your Lordships for one single moment in arguing that. Quite early after my coming to the India Office an attempt was made—pressure was put on me to repeal the Regulations of 1818 under which men are now being summarily deported without trial, and without charge, and without intention to try or to charge. Well that, of course, is a tremendous power to place in the hands of an Executive Government. But I said to myself then and I say now that I decline to take out of the hands of the Government of India any weapon that they have got in circumstances so uncommon, so obscure, and so impenetrable, as are the circumstances that surround the British Government in India.

### *TWO PATHS OF FOLLY.*

There are two paths of folly in these matters. One is to regard all Indian matters—Indian procedure and Indian polity—as if it were Great Britain or Ireland, and to insist that all the robes and apparel that suit Great Britain or Ireland must necessarily suit India. The other is to think that all you have got to do is, what I see suggested to my amazement, in print—to blow a certain number of men from guns and then your business will be done. Either of these paths of folly leads to as great disaster as the other. I would like to say this about the Summary Jurisdiction Bill—I have no illusions whatever. I do not ignore, and I do not believe, that the noble Marquis opposite



or any one else can ignore, the frightful risk involved in transferring in any form or degree what should be the ordinary power under the law to arbitrary personal discretion. I am alive, too, to the temptations under summary procedure of various kinds, to the danger of mistaking headstrong excess of force for energy. Again I do not for an instant forget, and I hope those who so loudly applaud legislation of this kind do not forget, the tremendous price that you pay for all operations of this sort in the reaction and the excitement that they provoke. If there is a man who knows all these drawbacks I think I am he. But there are situations in which a responsible Government is compelled to run these risks and to pay this possible price, however high it may appear to be.

### A COMPARISON WITH WAR

It is like war, a hateful thing, from which, however, some of the most ardent lovers of peace, and some of those rulers of the world whose names the most ardent lovers of peace most honour and revere—it is one of the things from which these men have not shrunk. The only question for us is whether there is such a situation in India to-day as to justify the passing of the Act the other day and to justify resort to the Regulation of 1818.

I cannot imagine anybody reading the unexaggerated speeches and the list of crimes perpetrated and attempted to be perpetrated that were read out last Friday in Calcutta—I cannot imagine that anybody reading that list, and thinking what they stand for, would doubt for a single moment that summary procedure of some kind or another was justified and called for. I see abroad a tendency to criticise this legislation on grounds that strike me as extraordinary. After all, it is not our fault that we have had to bring in this measure. You must protect the lives of your officers. (Cheers.) You must protect peaceful and harmless people, both Indian and European, from the blood-stained havoc of anarchic conspiracy. (Cheers.) I deplore this necessity, but we are bound to face the facts. I myself recognise this necessity with infinite regret, and with something, perhaps, rather deeper than regret; but it is not the Government, either here or in India, who are the authors of this necessity, and I should not at all mind if it is not impertinent and unbecoming in me to say so, standing up in another place and saying exactly what I have said here, that I approve of these proceedings and will do my best to support the Government of India. (Cheers.)

*THE POLICY OF REFORM.*

Now a very important question arises, for which I would for a moment ask the close attention of your lordships because I am sure that both here and elsewhere it will be argued that the necessity and the facts that caused the necessity of bringing forward strong repressive machinery, should arrest our policy of reforms. That has been stated and I daresay many people will agree with it. Well, the Government of India and myself have from the very first beginning of this unsettled state of things never varied in our determination to persevere in the policy of reform. I put two plain questions to your lordships. I am sick of all the retrograde common places about the weakness of concession to violence and so on. Persevering in our plan of reform is not a concession to violence. Reforms that we have publicly announced, adopted and worked out for more than two years—it is no concession to violence to persist in these reforms. It is simply standing to your guns. (Cheers.) A number of gentlemen of whom I wish to speak with all respect addressed a very courteous letter to me the other day that appeared in the papers, exhorting me to remember that Oriental countries inevitably and invariably interpret kindness as fear. I do not believe it. The founder of Christianity arose in an Oriental country, and when I am told that Orientals do not appreciate kindness and are only influenced by fear I will say that I do not believe that any more than I believe the stranger saying of Carlyle that after all, the ultimate question between any two human beings is—Can I kill thee or canst thou kill me? I do not agree that any organised society has ever subsisted upon either of those principles, or that brutality is always present in the relations between human beings.

*ALTERNATIVE COURSES.*

My first question is this: There are alternative courses open to us. We can either withdraw our reforms or we can persevere with them. Which would be the more flagrant sign of weakness—to go steadily on with your policy of reform in spite of bombs or to let yourself openly be forced by bombs and murder clubs to drop your policy? My second question is—Who would be best pleased if I were to announce to your lordships that the Government would drop the reforms? It is notorious that those who would be best pleased would be the extremists and irreconcilables, because they know very well that for us to do anything to soften estrangement and appease alienation between the European



and native populations would be the very best way that could be adopted to deprive them of fuel for their sinister and dishonest designs. I hope your lordships will agree in that, and I should like to add one reason which I am sure will weigh very much with you.

I do not know whether your lordships have read the speech made some time ago by Sir Norman Baker in the Council at Calcutta dealing with the point which I am endeavouring to present. In a speech of great power and force he said that these repressive measures did not represent even the major part of the policy dealing with the situation. The greater task was to adjust the machinery of government so that their Indian fellow-subjects might be allotted parts which a self-respecting people could fill, and that when the constitutional reforms were announced as they would be shortly, he believed that the task of restoring order would be on the road to accomplishment. For a man holding such a position to make such a statement at that moment is all the corroboration that Lord Minto and I and His Majesty's Government need for persisting in our policy of reform. I have talked with experts of all kinds concerning reforms. I admit that some have shaken their heads, they did not like reforms very much; but when I have asked "Shall we stand still, then?" there is not one of those experienced men who has not said, "That is quite impossible. Whatever else we do, we cannot stand still."

### *FREEDOM OF THE PRESS.*

I should not be surprised if there are here some who say—You ought to have some very strong machinery for putting down a free press. A long time ago a great Indian authority, Sir Thomas Munro, used this language which I will venture to quote not merely for the purpose of this afternoon's exposition, but in order that everybody who listens and reads may feel the tremendous difficulties which we and our predecessors have overcome. Sir Thomas Munro said:—

"We are trying an experiment never yet tried in the world—maintaining a foreign dominion by means of a native army; and teaching that army, through a free press, that they ought to expel us, and deliver their country."

He went on to say

"A tremendous revolution will overtake us, originating in a free press."

I do not deny that for a moment. On the contrary, I recognize to the full the enormous force of a declaration of that kind. But let us look at it as practical men who have got to deal with the government of the country. Supposing you abolish freedom of the Press or suspend



it, that will not end the business. You will have to shut up schools and colleges, for what would be the use of suppressing newspapers if you do not shut the schools and colleges? Nor will that be all. You will have to stop the printing of unlicensed books. The possession of a copy of Milton or Burke or Macaulay or of Bright's speeches, and all that flashing array of writers and orators who are the glory of our grand, our noble English tongue—the possession of one of these books will, on this peculiar and unfair notion of government, be like the possession of a bomb, and we shall have to direct the passing of an Explosives Books Act. All this and its various sequels and complements make a policy if you please; but after such a policy had produced a mute, sullen, muzzled, lifeless India, we could hardly call it, as we do now the brightest jewel that ever sparkled in an Imperial Crown. No English Parliament would permit such a thing, and the last man to acquiesce in such a policy is the Governor-General of India.

#### THE GOVERNMENT'S STANDPOINT.

I do not think I need go through all the contents of the despatch of the Governor-General and my reply, containing the plan of His Majesty's Government, which will be in your lordships' hands very shortly. I think your lordships will find in them a well-guarded expansion of principles which were recognised in 1861, and are still more directly and closely connected with us now by the noble Marquis opposite in 1892. I have his words, and they are really as much a key to the paper in our hands as they were to the policy of the noble Marquis at that date. The Marquis of Lansdowne said:—

"We hope however that we have succeeded in giving to our proposals a form sufficiently definite to secure a satisfactory advance in the representation of the people in our legislative councils and to give effect to the principle of selection as far as possible on the advice of such sections of the community as are likely to be capable of assisting us in that manner."

Then you will find that another Governor-General in Council in India, whom I greatly rejoice to see still among us, my noble friend the Marquis of Ripon, said in 1882:—

"It is not primarily with a view to the improvement of administration that this measure is put forward: it is chiefly desirable as an instrument of political and popular education."

The doctrines announced by the noble Marquis and by my noble friend are the standpoint from which we approached the situation and framed our proposals. I will not trouble the House by going through



the history of the course of the proceedings—that will be found in the papers. I believe the House will be satisfied, just as I am satisfied, with the candour and patience that has been bestowed on the preparation of the scheme in India, and I hope I may add it has been completed with equal patience and candour here; and the end of it is that though some points of difference arose, the Government of India agreed to drop certain points of their scheme—the Advisory Councils, for example—on the whole there was complete agreement, even remarkable agreement, between the Government of India and myself as to the best way of dealing with these proceedings in Legislative Councils. I enumerate the points very shortly and, though I am afraid it will be tedious, I hope your lordships will not find the tedium unbearable, because, after all what you are considering to-day, what you are beginning to consider to-day is the opening of a great chapter in the history of British responsibility to India, and therefore, I hope you will pardon the tedium of these rather technical details. There are only a handful of distinguished gentlemen in this House who understand the details of Indian administration, but I shall be very pleased to explain them as shortly as I can.

#### *THE PROPOSED REFORMS.*

This is a list of the powers which we shall have to acquire from Parliament when we bring in a Bill.' I may say that we do not propose to bring in the Bill this Session. It would be idle. I propose to bring in a Bill next year. This is the first power we shall come to Parliament for. At present the maximum and minimum number of Legislative Councils are fixed by statute. We shall come to Parliament to authorise an increase in the numbers of those Councils, both the Viceroy's Council and the Provincial Councils. Second. The members are now nominated by the head of the Government, either the Viceroy or the Lieutenant-Governor. No election takes place in the strict sense of the term. The nearest approach to it is the nomination by the Viceroy upon the recommendation of a majority of voters of certain public bodies. We do not propose to ask Parliament to abolish nomination. We do propose to ask Parliament, in a very definite way, to introduce election working alongside nomination with a view to the aim admitted in all previous schemes, including that of the noble Marquis opposite—the due representation of the different classes of the community. (Hear, hear.) Third. The Indian Councils Act of 1892 forbids—and this is no doubt a very important prohibition—either resolutions or

divisions of the Council in financial discussions. We shall ask Parliament to repeal this prohibition. Fourth. We shall propose to invest Legislative Councils with power to discuss matters of public and general importance, and to pass recommendations or resolutions to the Government. The Government will deal with them as carefully, or as carelessly, as they think fit—just as the Government do here. (Laughter.) Fifth. To extend the power that at present exists to appoint a member of the Council to preside. Sixth. Bombay and Madras have now Executive Councils, numbering two. I propose to ask Parliament to double this number. Seventh. The Lieutenant-Governors have no Executive Councils. We shall ask Parliament to sanction the creation of such Councils, consisting of not more than two members, and to define the power of the Lieutenant-Governor to overrule his council. I am perfectly sure there will be differences of opinion as to these proposals. I only want your lordships to believe that they have been well thought out and that they are accepted by the Governor-General.

#### MAJORITY BY OFFICIALS.

There is one point of extreme importance which no doubt, though it may not be quite diplomatic for me to say so at this stage, will create some controversy. I mean the matter of the official majority. The House knows what an official majority is. It is a device by which the Governor-General or the Governor of Bombay or Madras may secure a majority in his Legislative Councils, by means of officials. And the officials, of course for very good reasons, just like a Cabinet Minister or an Under-Secretary, whatever the man's private opinion may be, would still vote for the best of reasons, and I have no doubt with perfect wisdom with the Government. But anybody can see how directly, how palpably, how injuriously an arrangement of this kind tends to weaken, and I think I may say, even to deaden, the sense of trust and responsibility in the non-official members of these councils. Anybody can see how the system tends to throw the non-official member into an attitude of peevish, sulk, permanent opposition, and, therefore, has an injurious effect on the minds and characters of members of these Legislative Councils. I know it will be said—I will not weary the House by arguing it, but I only desire to meet at once the objection that will be taken—that these Councils will, if you take away the safeguard of the official majority, pass any number of wild-cat Bills. The answer to that is that the



head of the Government can veto the wild-cat Bills. The Governor-General can withhold his assent; and the withholding of the assent of the Governor-General is not a defunct power, only the other day since I have been at the India Office, the Governor-General disallowed a Bill passed by a Local Government, which I need not name, with the most advantageous effect. I am quite convinced that if that Local Government had had an unofficial majority that Bill would not have been passed, and the Governor-General would not have had to refuse his assent. But so he did, and so he would if these gentlemen, whose members we propose to increase and whose powers we propose to widen, chose to pass wild-cat Bills. And it must be remembered that the range of subjects within the sphere of Provincial Legislative Councils is rigorously limited by statutory exclusions. I will not labour this just now. Anybody who cares, in a short compass, to grasp the argument of which we shall hear a great deal, will find it in paragraphs 17 to 20 of my reply\* to the Government of India in the papers which will soon be in your lordships' hands.

#### *OPPOSITION TO A PARLIAMENTARY SYSTEM.*

There is one proviso in this matter of the official majority in which your lordships may, perhaps, find a surprise. We are not prepared to divest the Governor-General in his Council of an official majority. (Hear, hear.) In the Provincial Councils we propose to dispense with it but in the Viceroy's Legislative Council we propose to adhere to it, though let me say that here we may seem to lag a stage behind the Government of India themselves—so little violent are we—because the Government says, in their despatch, "On all ordinary occasions we are ready to dispense with an official majority in the Imperial Legislative Council and to rely on the public spirit of non-official members to enable us to carry on the ordinary work of legislation." My Lords, that is what we propose to do in the Provincial Council. But in the Imperial Council we consider an official majority essential. It may be said that this is a most tremendous logical inconsistency. So it would be on one condition. 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 at all to do with it. I do not believe—it is not of very great consequence what I believe because the fulfilment of my vaticinations will not come off very soon—in spite of the attempts in Oriental countries at this moment, interesting attempts to which we all

\* See pages 162, 163 and 164. The Leading Fact, etc.



wish well, to set up some sort of Parliament in a Parliamentary system for India. It is no ambition of mine, at all events, to have any share in beginning that operation. (Cheers.) If my existence, either officially or corporally, were prolonged twenty times longer than either of them is likely to be, a Parliamentary system in India is not the goal to which I for one moment would aspire. (Cheers.)

### VICEROY'S EXECUTIVE COUNCILS.

One point more. It is the question of an Indian member from the Viceroy's Executive Council. The absence of an Indian member from the Viceroy's Executive Council can no longer, I think, be defended.

There is no legal obstacle or statutory exclusion. The Secretary of State can, to-morrow if he likes, if there be a vacancy on the Viceroy's Council, recommend His Majesty to appoint an Indian member.\* All I want to say is that if during my tenure of office there should be a vacancy on the Viceroy's Executive Council, I should feel it my duty to tender to the King my advice that an Indian member should be appointed. If it were on my own authority only I might hesitate to take that step because I am not very fond of innovation in dark and obscure ground, but here I have the absolute and the zealous approval and concurrence of Lord Minto himself. It was at Lord Minto's special instigation that I began to think seriously of this step. I quite admit it is a very important step, but I think this concurrence points in this right direction. Anyhow this is how it stands, that you have at this moment a Viceroy and a Secretary of State who both concur in a recommendation of this kind. I suppose—if I may be allowed to give a personal turn to these matters—that Lord Minto and I have had a very different experience of life in the world we belong and I dare say to different schools of national politics, because Lord Minto was appointed by the party opposite. It is a rather remarkable thing that two men differing in this way in antecedents and so on should agree in this proposal—Lord Minto zealously concurring in it, even instigating it. We need not discuss what particular portfolio should be assigned. That will be settled by the Viceroy on the merits of the individual. The great object, the main object, is that the merits of individuals are to be considered to be decisive, irrespective and independent of race and colour, (Hear, hear.) But I am not altogether without experience, because a year ago or somewhat more, it was my good fortune to be able to appoint two Indian gentlemen to the Council of India that sits at the India

\* The Hon Mr. S. P. Sinha, Advocate-General, Calcutta has since been appointed Legal Member.



Office. Many apprehensions reached me as to what might happen. So far at all events those apprehensions have all been dissipated. (Cheers.) The concord between the two Indian members of the Council and their colleagues has been unbroken, their work has been excellent, and you will readily believe me when I say that the advantage to me of being able to ask one of these two gentlemen to come and tell me something about an Indian question from an Indian point of view is enormous. (Cheers.) I find in it a chance of an Indian angel of vision and I feel sometimes as if I were actually in the streets of Calcutta. I do not say there are not some arguments on the other side, but this at all events surely is common sense—to have in the Government of the country, for the Governor-General to have a man who knows the country well, who belongs to the country and can give him the point of view of an Indian, surely that is likely to prove an enormous advantage. I can say further in the Judicial Bench in India everybody recognises the enormous service that it is to have Indian members of abundant learning and who add to that abundant learning a complete knowledge of the conditions and life of the country. I propose at once if Parliament agrees to acquire powers to double the Executive Council in Bombay and Madras and to appoint at least one Indian member in each of those two cases as well as in the Governor-General's Council. Nor as the papers will show shall I be backward in advancing towards a similar step as occasion may require in respect of at least four of the major provinces.

#### THE OUTLOOK.

I wish it had fallen that this chapter had been opened at a more fortunate moment; but, as I said when I rose, I repeat when I sit down—do not let us for a moment take too gloomy a view. There is not the slightest occasion. None of those who are responsible takes a gloomy view. They know the difficulties they are prepared to grapple with them and to keep down mutinous opposition, and they hope, and we hope to attract the good will which must, after all, be the real foundation of our prosperity and strength in India. We believe that is so far unsapped, and we believe that this admission, desired by the Governor-General and desired by us, of the Indians to a larger and more direct share in the Government of their country and in all the affairs of their country, without for a moment taking from the central power its authority, will strengthen the foundations of our position. We require great steadiness, constant pursuit of the same objects, and the maintenance of our authority, which will be all the more effective if

we have along with our authority the aid and assistance, in responsible circumstances, of the Indians themselves.

### NEED OF ORAL STRENGTH.

Military strength; material strength, we have in abundance. What we still want to re-acquire is moral strength—moral strength in guiding and controlling the people of India in the course on which time is launching us. I should like to read a few lines from a great orator about India. It was a speech delivered by Mr. Bright in 1858, when the great Government of India Bill was in another place, I would like to read his language, and I hope your lordships will like it. Mr. Bright said:—

"We do not know how to leave it, and therefore let us see if we know how to govern it. Let us abandon all that system of calumny against natives of India which has lately prevailed. Had that people not been docile, the most governable race in the world, how could you have maintained your power for 100 years? Are they not industrious, are they not intelligent, are they not, upon the evidence of the most distinguished men the Indian service ever produced, endowed with many qualities which make them respected by all Englishmen who mix with them? . . . I would not permit any man in my presence without rebuke to indulge in the calumnies and expression of contempt which I have recently heard poured forth without measure upon the whole population of India. . . . The people of India do not like us, but they scarcely know where to turn if we left them. They are sheep literally without a shepherd."\*

\* Half a century ago, the late John Bright made a remarkable speech on India, from which Lord Morley read out certain passages to the House of Lords, regarding the character of the people of this country. That speech was made when a measure was under consideration in Parliament for the better Government of India, and its concluding passages are well worth citation at the present moment. Mr. John Bright said;—

"I have sketched the form of Government which I would establish in India and at home with the view of securing perfect responsibility and an enlightened administration. I admit that these things can only be obtained in degree, but I am convinced that a Government such as that I have sketched would be free from most of the errors and the vice that have marked and marred your past career in India. . . . You have had enough of military reputation on Eastern fields; you have gathered large harvests of that commodity, be it valuable or be it worthless. I invite you to something better, and higher, and holier than that: I invite you to a glory not "fanned by conquest's crimson wing", but based upon the solid and lasting benefits which I believe the Parliament of England can, if it will, confer upon the countless millions of India."



However that may be, we at least at Westminster here have no choice and no option. As an illustrious member of this House wrote—

“We found a society in a state of decomposition and we have undertaken the serious and stupendous process of reconstructing it.”

Macaulay, for it was he, said :—

“India now is like Europe in the fifth century.”

Yes, a stupendous process indeed. The process has gone on with marvellous success, and if we all, according to our various lights, are true to our colours, that process will go on. Whatever is said, I for one—though I am not what is commonly called an Imperialist—so far from denying, I must emphatically affirm that for us to preside over this transition from the 5th European century in some parts, in slow, uneven stages, up to the 20th—so that you have before you all the centuries at once as it were—for us to preside over that and to be the guide of people in that condition, is, if conducted with humanity and sympathy, with wisdom and political courage, not only a human duty and a great national honour, but what was called the other day one of the most glorious tasks ever confided to any country. (General cheers.)

#### *LORD LANSDOWNE'S SPEECH.*

The Marquis of Lansdowne said :—

It is a long time, I venture to say, since this House has listened to a statement of such absorbing interest as that just made by the noble Viscount (cheers), and I hope I may be permitted, in the name of those who sit by me, to congratulate him, not only upon the great eloquence which characterized his observations, but upon the directness and sincerity with which he approached the many difficult and, I may say, embarrassing questions with which he had to deal. (Cheers.) I hope I may also congratulate him upon the fact that he was able, in spite of indisposition that we all regretted, to perform his somewhat laborious task with conspicuous success. (Cheers.) The noble Viscount told us that voluminous papers would shortly be laid before us, and I think he suggested that in these circumstances it would be better if we did not attempt to discuss the details of proposals which are yet hardly before us. I make no complaint of that suggestion. I think it is a suggestion which I should have ventured to make if it had not been made to us, because the noble Viscount told the House that the policy he was unfolding marked the opening of a new chapter in the history of our

relations with India; and when that chapter comes to us with the high authority not only of the noble Viscount and of the expert advisers who surround him at the India Office, but with the authority of the Viceroy and his Council, I feel that it would indeed be rash on the part of any member of your lordship's House, upon the spur of the moment, to offer any criticisms which might occur to him at the time, but which he might afterwards desire to modify. (Cheers.) Let me say in passing with what pleasure I heard that part of the noble Viscount's statement in which he was able to tell us that in regard to the whole of this policy he and the Viceroy of India and his Council were at one. Any one who has had to do with Indian affairs knows what an encouragement it is to the person who represents this country at the head of the affairs of India to know that he is not only in close touch with, but loyally supported by, the Cabinet Minister who has charge of the Indian business of the Government; and that solidarity, if I may use the word, is to my mind a particularly happy omen at the present moment. I shall, therefore, in these circumstances, in the few words which I am about to address to the House avoid any attempt to touch upon details and I shall merely make one or two observations of quite a general character which have occurred to me.

#### A TWO-FOLD POLICY.

The policy which is indicated to us is a two-fold policy. There are proposals framed with the object of repressing disorder and of suppressing crime and sedition, and there are other proposals for making and facilitating alterations in the machinery of the Government of India. I may be permitted to say that in my view each of these two sets of proposals should be considered strictly upon its own merits. It is our duty to restore a sense of security to the people of India; it is also our duty to re-adjust the machinery of the Government of India from time to time should we be clearly of opinion that the country is ripe for a change and that a change would add to the efficiency of our administration. But I believe that it would be a mistake either on the one hand to be deterred from the introduction of reforms of this kind by the fact that in certain parts of India a dangerous agitation is in progress, and I think on the other hand it would be a great mistake, a mischievous mistake, to represent these great modifications of our present system of government as a counterpoise to the present unrest, as the result of a kind of transaction in which one set of proposals was, as it were, to be set against the other. I do not think that the treatment of the subject



by the noble Viscount was open in any way to the imputation that he dealt with these two proposals otherwise than I have suggested.

#### THE CONDITION OF INDIA.

The noble Viscount gave to your lordships some description of the present condition of India. His account of the situation was, it seems to me, eminently judicial and temperate. It was not without its solemn touches, and we cannot shut our eyes to the fact that there are dark shadows in the picture. But on the other hand he told us with confidence that the general condition of the country was sound; and I hope that we may take it from him that in his opinion these disorders, however dangerous, are of a local character, and we need not assume that the whole country is honey-combed by the kind of organizations and conspiracies which are unfortunately prevalent in some parts of India. (Cheers.) There is another consideration which seems to me to be satisfactory. As far as I am aware, it is not alleged that these disorders are in any way due to a general dissatisfaction with British rule or with the feeling that those who represent us in that country are harsh, oppressive, and unjust in their treatment of the natives of India. I believe myself that these Indians who think at all about these things are perfectly aware that our treatment of them has been not only just, but generous, and that the withdrawal or disappearance of our rule would bring about chaos and calamity from which all races and all parts of the country would suffer. (Hear, hear.) There is yet another consideration to be noticed at the present time. These disorders seem to be the result of some unhappy operation of Western ideas of the most mischievous and dangerous type operating on the minds of an ignorant and impulsive population. It is like the case of some of those diseases which assume a peculiarly virulent type when introduced into new countries. In the same manner these Western ideas of the worst description have acquired in certain parts of India a virulence which they do not possess in any other part of the world. It seems to me that the noble Viscount established clearly that there was a case for special legislation designed to strengthen the hands of the Government in India against those who are responsible for these proceedings.

#### THE SEDITIOUS INDIAN PRESS.

We have seen in the Press this morning an account of the new repressive measure introduced in the Viceroy's Council. I did not catch quite clearly from the noble Viscount whether that measure

is specially directed against abuses on the part of the Indian Press ; but I take it that offences committed by the Press, if they come within the general scope and purview of all the Bill will be dealt with as in the case of other offences committed against order. I feel very strongly that it is necessary to strengthen the hands of the Government of India against the seditious Press of the country. (Hear, hear.) To my mind, although the person who wreaks his own petty vengeance or spite by blowing up a number of his fellow-citizens with dynamite is a great criminal, I am not sure that the man is not a greater criminal still who by the distribution of seditious literature excites people to crime which he, perhaps, himself has not the courage to commit. (Cheers.) I hope that I shall not be supposed to favour anything which can be described as interference with the liberty of the Press. The Indian press enjoys a full measure of liberty already and no one has ever desired to deprive it of that full measure of liberty. I mean by this that the Indian newspaper is perfectly free, and should in my opinion remain perfectly free to criticize if it likes the abuses of the Government of the country, but it should not be left free to incite to sedition and to recommend the perpetration of crimes. (Cheers.) There is no analogy between the Press in this country and the Indian Press. In this country the best antidote to the errors of the Press is to be found in the Press itself. A gross misstatement or a criminal libel is detected in this country by the Press. It is exposed ; but only those who know India are able to say how utterly unscrupulous are the writers of these miserable publications and how absurdly credulous are those who read them. (Hear, hear.) I will not attempt this evening, therefore, to discuss the details of the present measures proposed by the Government of India. I will say that it seems to me that they ought to make these features ; first a strong Court, commanding general public respect ; and, in the next place, so contrived as to avoid dilatory proceedings, while the penalties to be imposed should be of a sufficiently deterrent character. Measures of this kind seem to me to be taken not a moment too soon, and they are not a bit too strong. We owe these precautionary measures to those able and devoted men who are carrying on the administration of the Indian Empire for us. We owe them not less to the devoted women who share their risks and anxieties, and we owe them not less and not least to those—if I may use the language of the noble Viscount—"dim masses of the people of India" whom we endeavour to protect against famine and against pestilence and whom it is our duty to protect also against the still more dangerous contingency to which they are now



exposed. (Cheers.) I pass for a moment to the proposals which have reference to the machinery of the Government of India. The noble Viscount was perfectly correct when he pointed out that this policy was not a new policy, but the extension of an old policy—a policy which, far from being forced on the Government of India has been adopted by them readily, willingly, and of their own accord, in the hope of educating the people of the country to a better sense of their responsibility, and also in the hope, if possible of lightening the heavy burden which falls on the shoulders of a necessarily very much centralized Government. The last step was taken, the noble lord told the House, when I had some connection with the affairs of India; and I say unhesitatingly that those with whom I was associated at that time, if they had been asked whether what we then recommended was to be regarded as a final arrangement never to be hereafter modified, would have answered the question in the negative. The change made in 1892, I believe, have worked on the whole well; and I do not think that any dissentient voice was raised when, in the Imperial Address to the Princes and people of India, published not long ago in the name of his Majesty, it was announced that the time had come when, in the judgment of the Viceroy, and his councillors, the principle of representative institutions might be prudently extended. Therefore I approach that part of the scheme not only with an open mind but with a mind predisposed in its favour. I will, however, venture to enter two reservations.

#### THE PRINCIPLE OF REPRESENTATION.

In the first place, although I am sure that in dealing with these bodies it is desirable to introduce so far as circumstances permit the principle of representation, I am not by any means convinced that it is wise to rely too much upon the principle of election as we understand it here and unless I misunderstood what fell from the noble Viscount, I gathered that in this case he did not intend to proceed upon popular election pure and simple, but upon something more in the nature of an extension of the present law under which Members of Councils are recommended by constituencies of different kinds, nominated but not absolutely elected in the sense that a member of the House of Commons is elected in this country by his constituents.

Lord Morley of Blackburn.—We do propose—not over the whole field—but we do propose the substitution of election in a large degree for the old process of recommendation.



The Marquis of Lansdowne.—I promised I would endeavour not to discuss details, and I ought not to follow that further, but I am glad to have elicited the noble Viscount's explanation. I will only say this, that in my belief popular election in India is really an exotic idea. It is an idea which we ourselves introduced into the country. We did it cautiously and tentatively. I do not think those who know the country best will tell you that it has been an unqualified success, or that it is greatly appreciated where it has been introduced. The other reservation which I should like to make is this. As to the functions of these legislative councils, I am inclined to say by all means let us give them the fullest possible measure of opportunity for criticism, consultation, deliberation, interpellation, and so forth, but I think we must be extremely careful how we do anything which might have the result of paralysing the Executive Government. The noble Viscount himself pointed out how widely different were the circumstances of the Opposition in this country and the Opposition so-called in India. The Opposition in this country criticise the Government with the feeling at the back of its mind that a time may come when it changes place with the Government and when it will have to incur the responsibility which rests for the moment with the Government. But you can never allow the Indian Opposition to turn the Government out and therefore the two cases really are fundamentally different.

#### INDIAN REPRESENTATION IN THE VICEROY'S COUNCIL.

I heard with some satisfaction the announcement that although there was to be an unofficial majority in the Provincial Councils, the noble Viscount intended at present that the official majority should remain in the Viceroy's Council. That seems to me to be a wise proposal, the more so because it accords with what seems to me the sound principle in all these cases—namely, that you should work upwards from the bottom and make your reforms in the municipal assemblies and in the provincial bodies rather than in the body which is entrusted with the high political affairs of the Indian Empire. Only one word more. The noble Viscount announced that it was intended to Executive Councils to other provinces, that it was intended to add Indian members to them, and that it was in contemplation to take the first opportunity of adding a Indian member to the Council of the Viceroy. I will reserve what I have to say upon these questions until some other occasion. I will only venture to say that the proposal is—and the noble Viscount evidently feels it is—a tremendous innovation, and I confess I should



have thought it was an innovation which, whatever the technical legal rights of the case may be, ought not to be introduced until Parliament had had full opportunity of discussing the Government scheme in all its completeness. (Cheers.) The noble Viscount admitted frankly that there were arguments on the other side, and I should have hoped that he would have listened to these arguments before anything was proposed. The noble Viscount dwelt on the advantage of having on the Viceroy's Council a member who knows the country. I should like to ask what country? There are a great many countries in India. If the noble Viscount has discovered a gentleman who can speak authoritatively on behalf of all the different races and creeds concerned I should say by all means give him a place on the Viceroy's Council. The subject is one of such interest that I have slightly transgressed the limits I had proposed for my own guidance. I will add nothing more except to say—and I am sure the noble Viscount will believe I say it with my whole heart—that it is my desire to support him so far as I can in a judicious extension of the reform of our Indian institutions, and that it is no less my desire to do—what I am sure it is the desire of those who sit behind me to do—what we can so support and encourage the Government of India, who have, I venture to think, met a very critical situation with a courage and self-restraint for which they deserve infinite credit. (Cheers.)

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# Indian Reform Bill.

## THE FULL TEXT.

The following is the text of the draft of the Indian Reform Bill\*—

An Act to amend the Indian Councils Acts 1861 and 1892 and the Government of India Act 1833.

Be it enacted by the King's Most Excellent Majesty by and with advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Additional Members of the Councils for the purpose of making laws and regulations (hereinafter referred to as Legislative Councils) of the Governor-General and of the Governors of Fort Saint George and Bombay, of the Members of the Legislative Councils already constituted or which may hereafter be constituted of the several Lieutenant-Governors of Provinces, instead of being all nominated by the Governor-General, Governor or Lieutenant-Governor in manner provided by the Indian Councils Acts 1861 and 1892, shall include members so nominated and also members elected in accordance with regulations made under this Act, and references in those Acts to the members so nominated and their nomination shall be construed as including references to the members so elected and their election.

2. The number of Additional Members or Members so nominated and elected, the number of such Members required to constitute a quorum, the term of office of such members, and the manner of filling up casual vacancies occurring by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted or otherwise, shall in the case of each such Council be such as may be prescribed by regulations made under this Act. Provided that the aggregate number of members so nominated and elected shall not in the case of any Legislative Council mentioned in the first column of the first schedule to this Act exceed the number specified in the second column of that schedule.

\* In the House of Commons, the Royal assent was given to this Bill on 25th May, 1909.



## SCHEDULE I.

I. The number of Ordinary Members of the Councils of the Governors of Fort Saint George and Bombay shall be such number, not exceeding four, as the Secretary of State in Council may from time to time direct, of whom two at least shall be persons who at the time of their appointment have been in the service of the Crown in India for at least twelve years.

II. If at any meeting of either such Council there is an equality of votes on any question, the Governor or other person presiding shall have two votes or the casting vote.

III. [1] It shall be lawful for the Governor-General in Council with the approval of the Secretary of State in Council by proclamation to create a Council in any Province under a Lieutenant-Governor for the purpose of assisting the Lieutenant-Governor in the executive Government of the Province and by such proclamation

*The original clause.*

[a] to determine what powers and duties of the Lieutenant-Governor shall be exercised and performed by the Lieutenant-Governor in Council and what shall be the number (not exceeding four,) qualifications, powers, and duties of the Members of any such councils and

[b] to make provision for the appointment of temporary or acting members of the Council during the absence of any member from illness or otherwise and for the procedure to be adopted in case of a difference of opinion between a Lieutenant-Governor and his Council and in case of equality of votes, and in the case of a Lieutenant-Governor being obliged to absent himself from his Council from indisposition or any other cause.

[2] Every member of any Council shall be appointed by the Governor-General with the approval of His Majesty and shall as such be a member of the Legislative Council of the Lieutenant-Governor in addition to the members nominated by the Lieutenant-Governor and elected under the provisions of this Act.

*The amended clause.*

Power to constitute provincial executive Councils—(1) It shall be lawful for the Governor-General in Council, with the approval of the Secretary of State in Council, by proclamation, to create Council in any province under a Lieutenant-Governor for the purpose of assisting the Lieutenant-Governor in the Executive government of the province, and by such proclamation—(a) to make provision for determining what shall be the number (not exceeding four) and qualifications of the members of any such Council; and (b) to make provision for the appointment of temporary or acting members of the Council during the absence of any member from illness or otherwise, and for the procedure to be adopted in case of a difference of opinion between a Lieutenant-Governor and his Council and in the case of equality of votes and in the case of a Lieutenant-Governor being obliged to absent himself from his Council from indisposition or any other cause. (2) Where any such proclamation has been made with respect to any province the Lieutenant-Governor may with the consent of the Governor-General

*The amended clause.—(contd.)*

in Council from time to time make rules and orders for the more convenient transaction of business in his Council and any order made or act done in accordance with the rules and orders so made shall be deemed to be an act or order of the Lieutenant-Governor in Council. (3) Every member of any such Council shall be appointed by the Governor-General, with the approval of his Majesty and shall as such, be a member of the Legislative Council of the Lieutenant-Governor in addition to the members nominated by the Lieutenant-Governor and elected under the provisions of this Act.

Provided that except in regard to Bengal, no proclamation shall be valid until it has been laid for (60) days on the table of both Houses of Parliament and an adverse address by either House shall render the proclamation void.

IV. The Governor-General, the Governors of Fort St. George and Bombay, respectively, and the Lieutenant-Governor of every Province shall appoint a member of their respective Councils to be Vice-President thereof; and for the purpose of temporarily holding and executing the office of Governor-General or of Governors of Fort St. George or Bombay and of presiding at meetings of Council in the absence of the Governor-General, Governor or Lieutenant-Governor, the Vice-President so appointed shall be deemed to be the Senior Member of Council and the Member highest in rank, and the Indian Councils Act, 1861, and sections 62 and 63 of the Government of India Act 1833 shall have effect accordingly.

V. (1) Notwithstanding anything in the Indian Councils Act 1861 the Governor-General in Council, the Governors in Council of Fort Saint George and Bombay, respectively, and the Lieutenant-Governor or Lieutenant-Governor in Council of every Province shall make rules, authorising at any meeting of their respective Legislative Councils the discussion of the annual Financial Statement of the Governor-General in Council or of their respective Local Governments as the case may be, and of any matter of general public interest, and the asking of questions under such conditions and restrictions as may be prescribed in the Rules applicable to the several Councils. (2) Such rules as



aforesaid may provide for the appointment of a Member of any such Council to preside at any such discussion in the place of the Governor-General, Governor or Lieutenant-Governors as the case may be. (3) Rules under this section where made by a Governor in Council or by a Lieutenant-Governor or a Lieutenant-Governor in Council shall be subject to the sanction of the Governor-General in Council, and where made by the Governor-General in Council shall be subject to the sanction of the Secretary of State in Council and shall not be subject to alteration or amendment by the Legislative Councils of the Governor-General, Governors or Lieutenant-Governors.

VI. The Governor-General in Council shall, subject to the approval of the Secretary of State in Council, make regulations as to the conditions under which and manner in which persons resident in India may be nominated or selected as member of the Legislative Councils of the Governor-General, Governors and Lieutenant-Governors and as to their qualifications for being nominated or elected a Member of any such Council and as to any other matter for which regulations are authorised to be made under this Act and also to the matter in which those regulations shall be carried into effect.

VII. (1) This Act may be cited as the Indian Councils Act 1909 and shall be construed with the Indian Councils Acts 1861 and 1892, and those Acts, the Indian Councils Act 1869, the Indian Councils Act 1871, the Indian Councils Act 1874, the Indian Councils Act 1904, and this Act may be cited as the Indian Councils Act 1861-1906. (2) This Act shall come into operation on such date or dates as the Governor-General in Council, with the approval of the Secretary of State in Council, may appoint, and different dates may be appointed for the different purposes and provisions of this Act and for the different Councils.

The First Schedule gives the following as the maximum number of nominated and elected Members of the Legislative Councils :—

Legislative Council of the Governor-General	...	...	60
Legislative Council of the Governor of Fort St. George	...	...	50
Legislative Council of the Governor of Bombay	...	...	50
Legislative Council of the Lieutenant-Governor of the Bengal Division of the Presidency of Fort William	...	...	50
Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh	...	...	50
Legislative Council of the Lieutenant-Governor of the Province of Eastern Bengal and Assam	...	...	50

Legislative Council of the Lieutenant-Governor of the Province of the Punjab	...	...	...	...	30
Legislative Council of the Lieutenant-Governor of the Province of Burma	...	...	...	...	30
Legislative Council of the Lieutenant-Governor of a Province which may hereafter be constituted	...	...	...	...	30



## • The Indian Reforms.

### —•••— DEBATE IN THE HOUSE OF LORDS.

Viscount Morley of Blackburn rose. to move the second reading of this Bill on Tuesday, February 23, 1909.

I invite the House to take to-day the first definite and operative step in carrying out the policy which I had the honour of stating to your Lordships just before Christmas, and which has occupied the active consideration both of the Home Government and of the Government of India for very nearly, if not even more than three years. The statement was awaited in India with an expectancy that with time became almost impatience, and it was received in India—and that, after all, is the point to which I looked with the most anxiety—with intense interest and attention and various degrees of approval, from warm enthusiasm to cool assent and acquiescence. A deputation waited upon the Viceroy\* a few days after the arrival of my despatch, unique in its comprehensive character; both the Hindus and Mahomedans were represented; it was a remarkable deputation, and they waited upon the Viceroy to offer their expression of gratitude for the scheme which was unfolded before them. Then a few days later at Madras the Congress met, and they too expressed their thanks to the Home Government and to the Government of India. Almost at the same time the Moslem League met at Amritsar, and they were warm in their approval of the policy which they took to be foreshadowed in the despatch, though they found fault with the defects they thought they had discovered in the scheme, and implored the Government, both in India and here, to remedy those defects. So far as I know—and I do beg your Lordships to note these details of the reception of our policy in India—there has been no sign in any quarter, save possibly in the irreconcilable camp, of organized hostile opinion among either Indians or Anglo-Indians. The Indian Civil Service I will speak of very shortly. I will pass them by for the moment. The noble Marquis (Lord Lansdowne) said truly the other night that when I spoke at the end of December I used the words “formidable and obscure” as describing

\* See Appendix F. A deputation to the Viceroy.

the situation, and he desired to know whether I thought the situation was still formidable and obscure. I will not drop the words, but I think the situation is less formidable and less obscure. Neither repression on the one hand nor reform on the other could possibly be expected to cut at the roots of anarchical crime in a few weeks, but with unfaltering repression on the one hand and vigour and good faith in reform on the other we all see good reason to hope that we shall weaken, if not destroy, the forces of anarchy.

### THREE CLASSES OF INDIAN REFORMERS.

There are, I take it, three classes of people that we have to consider in dealing with a scheme of this kind. There are the extremists, who nurse fantastic dreams that some day they will drive us out of India. In this group there are academic extremists and physical force extremists, and I have seen it stated on a certain authority—it cannot be more than guessed—that they do not number, whether academic or physical force extremists, more than one-tenth, I think, or even 3 per cent. of what are called the educated class in India. The second group nourish no hopes of this sort, but hope for autonomy or self-government of the colonial species and pattern. And then the third section of this classification ask for no more than to be admitted to co-operation in our administration, and to find a free and effective voice in expressing the interests and needs of their land. I believe the effect of the reforms has been, is being and will be to draw the second class, who hope for colonial autonomy, into the third class, who will be content with being admitted to a fair and full co-operation. A correspondent wrote to me the other day and said, “We seem to have caught many discontented people on the rebound and to have given them an excuse for a loyalty which they have badly wanted.” In spite of all this it is a difficult and critical situation, but by almost universal admission it has lost that tension which strained India two or three months ago, and public feeling is tranquillized, certainly beyond any expectation which either the Viceroy or myself ventured to entertain. The situation has become, at all events, more hopeful, and I am confident that the atmosphere has changed from being dark and sullen to, being hopeful, and I am sure your Lordships will allow me to be confident that nothing will be done at Westminster to cloud that hopeful sky. The noble Marquis the other day said—and I was delighted to hear it—that he, at all events, would give us, with all the reservations that examination of the scheme might demand from him whole-hearted support here and his best encouragement to the men in India. I accept



that, and I rely upon it and lean upon it because if anything was done at Westminster, either by delay or otherwise, to show a breach in what ought to be the substantial unity of Parliamentary opinion in face of the Indian situation, it would be a very great disaster. I would venture on the point of delay to say this. Your Lordships will not suspect me of having any desire to hurry the Bill, but I remember that when Lord Cross brought on the Bill of 1892, Lord Kimberley, who was so well-known and so popular in the House, used this language which I venture to borrow from him to press upon your Lordships to-day:—"I think it almost dangerous," said Lord Kimberley in February, 1892, "to leave a subject of this kind hung up to be perpetually discussed by all manner of persons, and having once allowed that at all events, some amendment is necessary in regard to the mode of constituting the Legislative Councils, it is incumbent upon the Government and Parliament to pass the Bill which they may think expedient as speedily as possible into law." I think the consideration of social order and social urgency in India make that just as meet to be remembered to-day as it was then.

### THE MAN ON THE SPOT.

The noble Marquis the other day in a very courteous manner, administered to me an exhortation and an admonition and homily—I had almost said a lecture—as to the propriety of deferring to the man on the spot, and the danger of quarrelling with the man on the spot. I listened with becoming meekness and humility, but then it occurred to me that the language of the noble Marquis was not original. Those noble Lords who share the bench with him listened with deep murmurs of approval to this homily which was administered to me. They had forgotten that they once had a man on the spot the man there being that eminent and distinguished man whom I may perhaps be allowed to congratulate upon his restoration to health and to his place in this Assembly. (Cheers.) He said this, which the noble Marquis will see his fair original for his own little discourse; it was said after the noble Lord had thrown up the reins:—"What I wish to say to high officers of State and members of Government is this, as far as you can, trust the man on the spot. Do not worry or fret or nag him with your superior wisdom. They claim no immunity from errors of opinion or judgment, but their errors are nothing compared with yours." (Laughter) The remonstrance, therefore, of the noble Lord (Lord Curzon) to the noble Lord sitting near him is identical with that which I have laid to heart from the noble Marquis.



*SUPPORT TO THE INDIAN GOVERNMENT.*

The House will pardon me if I for a moment dwell upon what by implication is an inuendo conveyed in the admonition of the noble Marquis. I have a suspicion that he considered his advice was needed; he expressed the hope that all who were responsible for administration in India would have all the power for which they had a right to ask. Upon that I think I can completely clear my character, for in December last shortly before I addressed your Lordships, Lord Minto having observed there was some talk of my proposal, telegraphed these words and desired that I should make use of them whenever I thought fit, having in view my addressing the House:—"I hope you will say from me, in as strong language as you may choose to use, that in all our dealings with sedition I could not be more strongly supported than I have been by you. The question of the control of Indian administration by the Secretary of State, mixed up as it is with the old difficulties of centralization, we may very possibly look at from different points of view, but that has nothing to do with the support the Secretary of State gives to the Viceroy, and which you have given to me in a time of great difficulty and for which I shall always be warmly grateful." (Cheers.)

The Marquis of Lansdowne—I think the noble Viscount will see from the report of my speech that the part he has quoted had reference to measures of repression, and that what I said was that justice should be prompt, that it was undesirable that there should be appeals from one Court to another, or from Provincial Government to the Government in Calcutta, or from the Government to the Secretary of State for India. I did not mean to imply merely the Viceroy, but the men responsible for local government.

Viscount Morley.—I do not think that when the noble Marquis refers to the report of his speech he will find I have misrepresented him. At all events I have on the whole given all the support the Government of India or anybody else concerned had a right to ask for. (Hear, hear.)

*THE INDIAN CIVIL SERVICE.*

Three years ago when we began operations I felt that there was abundant evidence that a vital element for success was that we should carry the Indian Civil Service with us, and that if we did not do this we should fail. But human nature being what it is, and temperaments varying as they do, it is natural to expect a certain amount of criticism, minute criticism, and observation, and I have had proofs of



that, but will content myself with one quotation from a very distinguished member, the Lieutenant Governor of Bengal well known to the noble Lord opposite. What did he say, addressing the Legislative Council a few weeks ago?

I hold that a solemn duty rests upon the officers of Government in all branches, and more particularly upon the officers of the Civil Service, so to comport themselves in the inception and working of the new measures as to make the task of the people and their leaders easy. It is incumbent upon them loyally to accept the principle that these measures involve the surrender of some portion of the authority and control which they now exercise, and some modifications of the methods of administration. If that task is approached in a grudging or reluctant spirit we shall be sowing the seeds of failure and shall forfeit our claims to receive the friendly co-operation of the representatives of the people. We must be prepared to support, defend, and carry through the administrative policy and in a certain degree even the executive acts of the Government in the Council, in much the same way as is now prescribed in regard to measures of legislation; and we must further be prepared to discharge this task without the aid of a standing majority. We will have to resort to the more difficult arts of persuasion and conciliation in place of the reforms of a service whose training and traditions have hitherto led its members rather to work for the people than through the people or their representatives. But I am nevertheless confident that the demand will not be made in vain. For more than a hundred years, in the time of the Company and under the rule of the Crown, the Indian Civil Service has never failed to respond to whatever call has been made upon it or to adapt itself to the changing environment of the time. I feel no doubt that officers will be found who possess the natural gifts, the loyalty, the imagination, and the force of character which will be requisite for the conduct of the administration under the more advanced form of government to which we are about to proceed.”\*

These words I commend to your Lordships. They breathe a noble spirit, they admirably express the feeling of a sincere man. (Hear, hear.)

#### *LORD CURZON'S ADMINISTRATION.*

The Bill is a short one, and will speak for itself; I shall be brief in referring to it, for I have already made what was practically a second-reading speech. I may point out that there are two rival schools, and that the noble Lord opposite (Lord Curzon) may be said to represent one of them. There are two rival schools, one of which believes that better government of India depends on efficiency, and that efficiency is in fact the need of our government in India. The other school, while not neglecting efficiency, looks also to what is called political concessions. I think I am doing the noble Lord no injustice in saying that during his eminent Viceroyalty he did not accept the necessity for political concessions, but trusted to efficiency. I hope it will not be

\* See Appendix G. Sir E. Baker on “an Executive Council for Bengal.”

bad taste to say in the noble Lord's presence that you will never send to India, and you have never sent to India a Viceroy his superior, if, indeed, his equal, in force of mind, in unsparing remorseless industry, in passionate and devoted interest in all that concerns the well-being of India. With an imagination fired by the grandeur of the political problem India presents, you never sent a man more eminently successful than when you sent Lord Curzon. (Cheers). But splendidly successful as his work was from the point of view of efficiency, he still did leave in India a state of things when we look back not in consequence of his policy—not completely satisfactory such as would have been the crowning of a brilliant career.

### POLITICAL CONCESSIONS.

I am as much for efficiency as the noble Lord, but I do not believe—and this is the difference between him and myself—that you can have true, solid, enduring efficiency without what are called political concessions. I know risks are pointed out. The late Lord Salisbury, speaking on the last Indian Councils Bill spoke of the risk of trying occidental machinery in India. Well, we ought to have thought of that before we tried occidental education; we applied that, and occidental machinery must follow. It was inevitable that you must bring your proposals into harmony with the dominant sentiments of the people in India. The Bill of 1892 admittedly contained the elective principle, and now this Bill extends that principle. The noble Lord will remember the Bill of 1892 of which he had charge in the House of Commons. I want the House to be good enough to follow the line taken by Mr. Gladstone, because I base myself on that. There was an amendment moved and there was going to be a division, and Mr. Gladstone begged his friends not to divide, because he said it was very important that we should present a substantial unity to India. This is upon the question of either House considering a Bill that is now on the table—a mere skeleton of a Bill, if you like. I see it has been called vague and sketchy. It cannot be anything else on the principle explained by Mr. Gladstone: "It is the intention of the Government [that is the Conservative Government] that a serious effort shall be made to consider carefully those elements which India in its present condition may furnish for the introduction into the Councils of India of the elective principle. If that effort is seriously to be made by whom is it to be made? I do not think it can be made by this House, except through the medium of empowering provisions. The best course we could



take would be to commend to the authorities of India what is a clear indication of the principles on which we desire them to proceed. It is not our business to devise machinery for the purpose of Indian government. It is our business to give to those who represent Her Majesty in India ample information as to what we believe to be sound principles of Government; and it is, of course, the function of this House to comment upon any case in which we may think they have failed to give due effect to those principles." I only allude to Mr. Gladstone's words in order to let the House know that I am taking no unusual course in leaving the bulk of the work, the details of the work, to the Government of India, and discussion, therefore, in this House and in Parliament will necessarily be not upon details. But no doubt it is desirable that some of the heads of the regulations, rules, and proclamations to be made by the Government of India under sanction of the India Office should be more or less placed within the reach and knowledge of the House, so far as they are complete. The principles of the Bill are the Bill and will be affirmed, if your Lordships are pleased to read it a second time, and the committee point, important as they are, can well be dealt with in Committee. The view of Mr. Gladstone was cheerfully accepted by the House then, and I hope it will be accepted by your Lordships to-day.

#### *THE POSITION OF THE MAHOMEDANS.*

There is one very important chapter in these regulations which I think now on the second reading of the Bill, without waiting for Committee, I ought to say a few words to your Lordships about—I mean the Mahomedans.\* That is a part of the Bill and scheme which has no doubt attracted a great deal of criticism and excited a great deal of feeling in that very important community. We suggested to the Government of India a certain plan. We did not prescribe it, we did

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\* One of the signs of the time is the coming to light of a greater desire of unity between the Hindus and Mahomedans. The former have always been eager for and making substantial advances to achieve that end. But till now except in Bombay and Madras the feeling was hardly reciprocated by the Mahomedans. In Upper India, in fact, a contrary policy ruled supreme for sometime and gave birth to a policy of retaliation on the part of the Hindus. Of late, however, evidences have not been wanting of a better spirit having taken hold of our Mahomedan brethren. Both Hindus and Mahomedans in Upper India seem to be realising, slowly though, that while each of them can honestly try his best for the good of his own co-religionists, both of them can join hands while common interests are in danger, or where they can join hands without the chances of inflicting any loss on their respective communities.



not order it, but we suggested and recommended this plan for their consideration—no, more than that. It was the plan of a mixed or composite electoral college, in which Mahomedans and Hindus should pool their votes, so to say. The wording of the recommendation in my despatch was as I soon discovered, ambiguous—a grievous defect, of which I make bold to hope I am not very often in public business guilty. But to the best of my belief, under any construction the plan of Hindu and Mahomedans voting together in a mixed and composite electorate would have secured to the Mahomedan electors, wherever they were so minded, the chance of returning their own representative in their due proportion. (Cheers.) The political idea at the bottom of that recommendation which has found so little favour was that such composite action would bring the two great communities more closely together, and this idea of promoting harmony was held by men of very high Indian authority and experience who were among my advisers at the India Office. But the Mahomedans protested that the Hindus would elect a pro-Hindu upon it. Just as I suppose in a mixed college of say 75 Catholics and 25 Protestants voting together the Protestants might suspect that the Catholics voting for the Protestant would choose what is called a Romanizing Protestant and as little of a Protestant as possible. Suppose the other way, in Ireland there is an expression, a “shoneen” Catholic—that is to say a Catholic who though a Catholic, is too friendly with English Conservatism and other influences which the Nationalists dislike. And it might be said if there were 75 Protestants against 25 Catholics; that the Protestants when giving a vote in the way of Catholic representation would return “shoneens”. I am not going to take your Lordships’ time up by arguing this to-day. With regard to schemes of proportional representations as Calvin said of another study, “excessive study either finds a man mad or makes him so.” (Laughter.) At any rate, the Government of India doubted whether our plan would work and we have abandoned it. I do not think it was a bad plan but it is no use, if you are making an earnest attempt in good faith at a general pacification, out of parental fondness for a clause interrupting that good process by sitting too tight.

#### THE MAHOMEDAN DEMANDS.

The Mahomedans\* demand three things. I had the pleasure of receiving a deputation from them and I know very well what is in

\* “We could wish that men of undoubted intelligence like Mr. Anjeer Ali and Mr. Ali Imam had political foresight enough to see that they were paying too high a



their minds. They demand the election of their own representatives to these councils in all the stages just as in Cyprus, where, I think, the Mahomedans vote by themselves. They have nine votes and the non-Mahomedans have three, or the other way about. So in Bohemia, where the Germans vote alone and have their own register. Therefore we are not without a precedent and a parallel for the idea of a separate register. Secondly, they want a number of seats in excess of their numerical strength. These two demands we are quite ready and intend to meet in full. (Cheers.) There is a third demand that, if there is a Hindu on the Viceroy's Executive Council—a subject on which I will venture to say a little to your Lordships before I sit down—there should be two Indian members on the Viceroy's Council and that one should be a Mahomedan. Well, as I told them and as I now tell your Lordships, I see no chance whatever of meeting their views in that way to any extent at all. To go back to the point of the registers, some may be shocked at the idea of a religious register at all, of a register framed on the principle of religious belief. We may wish, we do wish—certainly I do—that it were otherwise. We hope that time, with careful and impartial statesmanship, will make things otherwise. Only let us not forget that the difference between Mahomedanism and Hinduism is not a mere difference of articles of religious faith. It is a difference in life, in tradition, in history, in all the social things as well as articles of belief that constitute a community. Do not let us forget what makes it interesting and even exciting. Do not let us forget that, in talking of Hindus and Mahomedans, we are dealing with and brought face to face with vast historic issues, dealing with some of the very mightiest forces that through all the centuries and ages have moulded the fortunes of great States and the destinies of countless millions of mankind. Thoughts of that kind are what give to Indian politics and to Indian work extraordinary fascination, and at the same time impose the weight of no ordinary burden.

#### THE VICEROY'S EXECUTIVE COUNCIL.

Now I will come to the question which, I think has excited, certainly in this country, more interest than anything else in the scheme before you—I mean the question of an Indian member of the Viceroy's

price for the temporary support of Anglo-Indian reactionaries and monopolists, who are in reality not less opposed to Mahomedan advancement than to progress generally. For the time being they pose as friends of one section that they may effectually thwart all reform, and after their object has been accomplished they will throw off their mask and appear in their true colour of enemies of progress." *H. R.*

Executive Council. The noble Marquis said here the other day that he hoped an opportunity would be given for discussing it. Whether it is in order or not—I am too little versed in your Lordships' procedure to be quite sure—but I am told that the rules of order in this House are of an elastic description and that I shall not be trespassing on what is right, if I introduce the point to-night. (Hear. hear.) I thoroughly understand the noble Marquis's anxiety for a chance of discussion. It is quite true, and the House should not forget that it is quite true that this question is in no way whatever touched by the Bill. If this Bill were rejected by Parliament it would be a great and grievous disaster to peace and contentment in India, but it would not prevent the Secretary of State the next morning from advising his Majesty to appoint an Indian member. The members of the Viceroy's Executive Council are appointed by the Crown.

#### *FITNESS THE ONLY CRITERION.*

Perhaps I might be allowed to remind your Lordships of the Act of 1833—certainly the most extensive measure of India Government betwixt Mr. Pitt's famous Act of 1784 and Queen Victoria's assumption of the Government of India. There is nothing so important as that Act. It lays down in the broadest way possible the desire of Parliament of that day that there was to be no difference in appointing to offices in India between one race and another, and the covering depatch wound up by saying that "for the future, fitness was to be the criterion of eligibility," I need not quote the famous paragraph in the Queen's Proclamation\* of 1858, for every member of the House who takes an interest in India knows that by heart. Now, the noble Marquis says that his anxiety is that nothing should be done to impair the efficiency of the Viceroy's Council. I share that anxiety with all my heart. I hope the noble Marquis will do me the justice to remember that in these plans I have gone beyond the government of India in resolving that a

\* See Appendix B. for the full text of the famous Proclamation of 1858. The late Queen, in the proclamation, and upon her assumption of the Imperial title, said the Government would be administered for the benefit of all subjects resident therein. "In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward." Those duties and promises had not been fulfilled, and Lord Lytton, in 1878, said that no sooner was the Act of 1833, passed than the Government began to devise means for practically evading the fulfilment of it. He (Lord Lytton) did not hesitate to say that both the Governments of England and of India appeared to him to be unable to answer the charges of having taken every means in their power of breaking to the heart the words of promise they have uttered to the ear.



permanent official majority shall remain in the Viceroy's Council Lord MacDonnell said the other day :—I believe you cannot find any individual native gentleman who has enjoyed the general confidence who would be able to give advice and assistance to the Governor-General in Council". It has been my lot to be twice Chief Secretary for Ireland, and I do not believe I can truly say I ever met in Ireland a single individual native gentleman who "enjoyed general confidence." (Laughter and hear, hear.) And yet I received at Dublin Castle most excellent and competent advice. (Hear, hear.) Therefore, I will accept that statement from the noble Lord. The question is whether there is no one of the 300 millions of the population of India who is competent to be the officially-constituted adviser of the Governor-General in Council in the administration of Indian affairs. You make an Indian a Judge of the High Court, and Indians have even been acting Chief Justices. As to capacity, who can deny that they have distinguished themselves as administrators of native States, where far more demand is made on their resources, intellectual and moral? It is said that the presence of an Indian member would cause restraint in the language of discussion. For a year and a half I have had two Indians at the Council of India, and I never found the slightest restraint whatever. Then there is the question, what are you going to do about the Hindu and the Mahomedan? When Indians were first admitted to the High Courts, for a long time the Hindus were more fit and competent than the Mahomedans; but now I am told the Mahomedans have their full share. The same sort of operation would go on again between Hindus and Mahomedans (hear, hear.) Opinion amongst the great Anglo-Indian officers now at home is divided, but I know at least one, not, I think, behind even Lord MacDonnell in experience, who is strongly in favour of this proposal. One circumstance which cannot but strike your Lordships as remarkable is the comparative absence of hostile criticism of this idea by the Anglo-Indian Press. I should like to give a concrete illustration. The noble Marquis opposite said the other day that there was going to be a vacancy in one of the posts on the Viceroy's Executive Council. Now, suppose there was in Calcutta an Indian lawyer of large practice and great experience in his profession—a man of unstained professional and personal repute, in close touch with European society and much respected, and the actual holder of important legal offices. Am I to say to that man :—"In spite of all these excellent circumstances to your credit, in spite of your undisputed fitness, in spite of the emphatic declaration of 1833 that fitness is to be the criterion of eligibility, in

spite of that noble promise in Queen Victoria's Proclamation of 1858—a promise of which every Englishman ought to be for ever proud if he tries to adhere to it, and rather ashamed if he tries to betray or mock it—in spite of all this, usage and prejudice are so strong that I dare not appoint you, but must appoint instead some stranger to India from Lincoln's inn or the Temple"? Is there one of your Lordships who would envy the Secretary of State who had to hold language of that kind to a meritorious candidate, one of the King's equal subjects? These abstract general arguments are slippery. I do not say there is no force in them, but there are deeper questions at issue to which Lord Minto and myself attach the greatest importance. My Lords, I thank you for listening to me, and I beg to move the second reading. (Cheers.)

Lord Curzon, who was received with cheers said,—I must begin with an apology to the House. It was only on Saturday, when I landed in England, that I heard of the intention to take the second reading of this Bill to-day, that I saw the Bill for the first time, and that I also saw for the first time the prodigious pile of literature on the question to which the noble Viscount has referred. I have utilized the interval in endeavouring to make myself acquainted with this portentous mass of printed matter, but I am afraid it has not been a satisfactory task. Then, since the publication of the Blue-book, many things have occurred. There have been valuable and authoritative letters in the Press, and papers, and communications have come to hand from India. There has been the Mahomedan deputation to the Secretary of State and the reply of the noble Viscount, and finally there has been his speech this afternoon. If, therefore, I have not been able thoroughly to digest all this material I must ask for the generous forbearance of your Lordships. We have just listened to a speech from the Secretary of State which, if he will allow me to say so, has been characterized by his felicity of diction and elevation of thought. Indeed, the whole of the speeches which the noble Viscount has made on India and Indian reforms since his accession to office appear to me to constitute a noble contribution both to the political thought and the literature of our time. The noble Viscount began this afternoon by congratulating himself upon the reception which these reform proposals have met in India. He said, they had not only been met with approval but they had excited no organized hostile opinion. I think the Secretary of State is quite entitled to congratulate himself upon the general reception of his scheme, and I further agree with him that it has brought about a notable and welcome relaxation in the tension which existed a few months ago in India.



But I think it would be unfair to draw from that admission the conclusion that many aspects of his proposals have not excited and do not deserve the most minute and searching criticism. On the contrary, it would appear to me that the more they have been examined in India the greater has been the apprehension—I do not mean to use a stronger word than apprehension—which they have aroused and speaking for myself, the more I have looked into them the more does it seem to me desirable that in some particulars, at any rate, they should be recast.

### *IMPRESSIONS PRODUCED BY THE REFORMS.*

The Secretary for India, rightly, I think, attempted to estimate the impressions produced by his scheme upon the different classes of the population in India. I agree with him that as regards the extremists—whether they belong to the more advanced or the less advanced section—reforms of this sort have nothing whatever to say or do. That class of person is impregnable and irreconcilable. There is no passage in the utterance of the Secretary of State with which I am in more hearty agreement than that in which he said that unfaltering repression must be dealt out to persons of that class, and that neither himself nor the Viceroy would shrink from employing any measures, whether open to them under the existing law or called for by the circumstances of the case, to cope with this detestable and insidious conspiracy not merely against our rule but against civilization itself. (Hear, hear.) The noble Viscount then went on to speak of the impression produced by his proposals upon the body of moderate reformers. Here, again, I think he was entitled to congratulate himself. The only qualification I would make is that the satisfaction to which he referred with legitimate pride is, in the main, Hindu rather than Mahomedan satisfaction, as, indeed, he himself admitted, and that already in some of the speeches delivered by Hindu leaders I observe indications of an intention to make that which they have secured—which, in many respects, was beyond their wildest expectations—the ground for demanding something more.

### *THE INDIAN CIVIL SERVICE.*

I follow the noble Viscount also in his remarks with regard to the Indian Civil Service. But that is a subject which I should like to amplify. I have wondered during the last few weeks what is the attitude of the Civil Servants towards the proposed reforms. I have wondered more particularly what their feelings must be in regard to the proposals to introduce a native into the Executive Council of the

Viceroy, and to do away with the majority rule in the Legislative Councils. The few letters which I have received from India since the scheme was published do not fully bear out the sanguine expectations of the Secretary of State. But when he appeals to the loyalty of the Civil Service he may confidently count on their loyalty, chivalry, and devotion to return him an adequate and a more than adequate response. (Hear, hear.) But there is a corresponding obligation towards the Civil Service on the part of the Secretary of State, an obligation which I am sure no one will be more ready to fulfil than the noble Viscount himself. If there is one thing more certain than any other as to the sequel of these changes, it is that they will add enormously to the labours, the anxieties, and the pre-occupations of Civil Servants from one end of India to the other. Exposed as they are now to constant and very often venomous attack from the native Press, there is scarcely one of their administrative or official acts that will not be brought under scrutiny in these enlarged Councils. They will have to spend a large portion of their time in obtaining information for these bodies, and they will have to spend a large portion of their time, as I think unnecessarily, sitting upon these Councils also. In these circumstances, I am sure the Secretary of State will extend to this class of loyal and faithful Civil Servants the fullest measure of encouragement and support which it is in his power to give them. After all it is the duty of the rulers of India; most particularly those in this country, to remember that they rule Englishmen in India as well as natives of India, that Englishmen in India have, on the whole, the more difficult part to play, and that they stand peculiarly in need of the consideration and support of the Secretary of State. (Hear, hear.)

#### NATIVES AND THE REFORMS.

But among the classes to be affected by this Bill there is another and a larger class to whom the noble Viscount made no allusion. I wonder how these changes will, in the last resort, affect the great mass of the people of India—the people who have no vote and who scarcely have a voice? Remember that to these people, who form the bulk of the population of India, representative government and electoral colleges are nothing whatever. What they want is not representative government, but good government; and if you could get to the bottom of their hearts you would find they identify good government with government by Englishmen. The good government that appeals to them is the government which protects them from the rapacious money



lender and landlord, from the local vakil, and all the other sharks in human disguise which prey upon these unhappy people.\* (Hear, hear.) I have a notion that this class will not fare much better under these changes than they do now. At any rate I see no place for them in these enlarged councils which are to be created, and I am under the strong opinion that as government in India becomes more and more Parliamentary—as well may be the result—so it will become less paternal and less beneficent to the poorer classes of the population. (Hear, hear.) I ought, perhaps, at this stage to say a word of thanks to the noble Viscount for the too generous and magnanimous terms in which he sketched what he believed to be his conception of the objects which I, when I was in India, had in view. I shall feel disposed to take a copy of his language and keep it in my pocket, and when on the platform, or over the way at no great distance, I read of remarks having been made of a very different character, emanating from those who claim to be followers of the noble Viscount, I shall in those moments of discouragement and despair take out that passage from his speech this evening and console myself by reading it. It is true that different ideas actuate those who have to do with the government of India at different times. I accept the statement of the noble Viscount that in the days when I had something to do with the government of India what we set before us was rather 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. Political concessions were not then in the field. If I had proposed the scheme which the noble Viscount has laid before us I wonder what reception it would have met; I will not say at the hands of my own party, but at the hands of the party of the noble Viscount himself. We must not forget that the first scheme of the noble Viscount was widely different from the scheme which we are discussing now. It was of a much more moderate description. If he were to twit me I should be at liberty, I will not say to twit him but to point out to him that his point of view has also changed considerably in the last two years. However that may be, let us all admit that the situation has changed, and, so far as possible, look at it through the noble Viscount's spectacles.

\* Lord Curzon's view is rather peculiar. During his Lordship's tenure as Viceroy his Lordship in Council vetoed the reforms in one of his dispatches. He declaimed against the character of the whole people and against the sacred books and traditions on which it is founded. This philosophical declamation was only a peg on which his Lordship wanted to hang what was nearest to his heart; namely, the



## THE MEN ON THE SPOT.

There is one point to which I attach great importance. The noble Viscount spoke to us at some length about the advantage not merely of consulting, but of considering, the man on the spot, and he had an agreeable little gibe at the expense of the noble marquis who sits next me and myself. But is it so certain that in these reforms he has himself listened to the views—not of the man on the spot, but of the men on the spot? In all his speeches, and indeed to-night, he has spoken as if there were only one man on the spot, the Viceroy. Of course the Viceroy is by far the most important of all the men on the spot, but what we have to consider is, not whether the Secretary of State is in agreement solely with the Viceroy but with the Government of India as a whole. If you take the despatch of the Government of India and the reply of the Secretary of State and put them side by side and analyse them very carefully, you will find possibly as much to your surprise as I experienced, that whereas the Secretary of State is constantly calling our attention to the accord that exists between himself and the Government of India, there were, on the contrary, the widest difference between them. The proposals we are now considering are not the proposals of the Government of India, but the gloss and alteration on those proposals which commended themselves to the judgment of the Secretary of State. In the first place, the Government of India proposed to retain the official majority in all the legislative councils, and the Secretary of State, it is true, has insisted on it and has even strengthened the proposals of the Government of India with regard to the Viceroy's Legislative Council, but has dispensed with them altogether in the case of provincial councils. Secondly, the Government of India elaborated a scheme for the representation of classes and minorities in India of these councils, and even sought recourse to nomination where representation could not be secured. The Secretary of State swept that aside altogether and proposed for their consideration a scheme of electoral colleges of his own. Again, the Government of India said that it would be premature to discuss the enlargement of the executive councils in Madras or Bombay or the creation of new executive councils in the other provinces, and even said that the creation of councils with executive functions in which they did not exist would be a large departure from the present system of administration and is a change that can only be

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story of what Lord Curzon regarded as the wicked behaviour of the Indian public men in not accepting the work of his administration at such value as he himself chose to put upon it.



recommended after the fullest consideration and consultation with the heads of the provinces concerned. The Secretary of State, in reply to that question, at once doubles the councils in Madras and Bombay and announces the creation of new executive councils elsewhere. The Government of India said nothing about placing natives on any of the executive councils, but the Secretary of State proposes to place them on all. Whereas the Government of India said nothing about any development of local self-government on a large scale, because they considered it irrelevant, the Secretary of State, in two paragraphs of his dispatch, proposed a great scheme for the introduction of something corresponding to the Local Government Board here. If we collate and compare these despatches we find that, so the Secretary of State having consulted the views of the the spot he has, in reality, overruled and altered them every critical and vital stage and has substituted for the independent proposals of his own. Do let it be borne that what we are discussing are not proposals that have come themselves to this great consensus of authority to which the Viscount appeals, but proposals, which have commended themselves to him, no doubt with much expert assistance and with application to the wide historical and philosophical knowledge and the acute insight for which the noble Viscount is conspicuous. When the Secretary of State tossed that ball over the net I was rather pleased, because I felt that within half an hour it would be possible to return it with even greater vigour.

### PROPOSALS IN THE BILL.

May I take briefly in succession the proposals that this House is to be asked to consider and pass into law. I must apologize if I appear to depart from principle into the minute details, but these details are only thoroughly familiar to those who have been concerned with the administration of India on the spot. In the first place, the Secretary of State proposes a large increase in the numbers on the Legislative Council. The present strength in the Imperial Council and large provincial Councils is from 21 to 25, and in the case of the smaller provincial councils from 10 to 16. The Government of India and the Secretary of State propose to raise the first figure to 16. The Government of India and the Secretary of State propose to raise the first figure to 63, the large provincial council to 47 and the smaller provincial councils to the total respectively of 37, 25, and 17. I observe in the papers no discussion about the question of

numbers, but I remember that in 1892 there was no point upon which all the authorities both in India and in England were more agreed than that it was desirable to keep down the numbers on the Councils so far as was possible, partly because of the difficulty of getting the men, partly because of the expense, and also because we feared the introduction of the Parliamentary system in these bodies. There may be good reasons for this enlargement with a view to rendering the councils more representative of the different classes and interests than they are now, but you must realize that this is a most immense and in its consequences revolutionary change.

### THE NEW COUNCILS.

Hitherto the Councils of the Viceroy and the Governors have been small and compact bodies of men conducting their legislative proceedings in halls or apartments of no great size, under circumstances of great quietude and decorum, with their proceedings resembling those of a Select Committee of this House. But all that is to be changed. With your large councils you must have large halls, and you will probably be obliged to build them for the purpose. You are going to have no official majority and you even withdraw from the chair of the council the Viceroy or the Governor as the case may be, and you are going to concede to these bodies, within certain limits very wide powers of amendment, resolution, voting and so on. In one of his speeches the noble Viscount assured us that he had no ambition to set up any sort of Parliamentary system in India, or "even to share in the beginning of that operation." I do not doubt that in uttering those words the noble Viscount was entirely sincere, but believe me that, though it may not be his ambition it will inevitably be the consequence of his act. These enlarged councils will be increasingly Parliamentary bodies in miniature; attended, no doubt by many advantages, but also followed by many of the drawbacks with which we in this country are familiar in that system.

### THE DRAWBACK OF SUPPLEMENTARY QUESTIONS.

He has in one case literally gone out of his way to introduce what, from the Indian point of view, I regard as one of the greatest of these drawbacks. He has actually encouraged and permitted the asking of supplementary questions in the Legislative Councils. We all know that the asking of supplementary questions has developed into a fine art in a Chamber not far removed from this, and some of us in this House endeavoured to the best of our humble ability in our day to perfect the art of rejoinder also. But such is the confidence that I have



in the ingenuity and ability of those Indian lawyers who will constitute the main portion of these new councils when they come into existence, that I believe that the utmost achievements of the experts in the House of Commons will place before what they will accomplish in India, and remember that on the other side there will be no corresponding advantage. The Indian official is primarily an administrator and secondly a legislator. He is not a speaker at all. He has no training whatever, either in the arts of Parliamentary evasion or in the still more difficult science of Parliamentary repartee. There will be no speaker in the chair to protect him, as in the House of Commons, and no body of tradition already existing in the House to which he can turn for protection. I very much doubt whether, in making this concession, the noble Viscount has realized the enormous difference between the Indian system and our system, and whether, in return for the small almost microscopical advantages that would result from the change, he is not putting a burden on our administrators in India which will bear hardly on them and will react unfavourably on the administration itself.

#### THE OFFICIAL MAJORITY.

I next turn to the question of the official majority on the Legislative Councils. Here, as the noble Viscount justly pointed out, he has taken, at any rate with regard to the Supreme Legislative Council, a stronger position than the Government of India.

It is, if I may say so, the only respect in which he has bettered the position of the Government of India. In everything else, in my judgment, he has made the position a good deal worse. The Government of India were content with a majority in the Supreme Legislative Council, which should be dependent on the single vote, in the last resort, of the Viceroy and they were willing to dispense, on ordinary occasions, with the official majority so long as it was so to speak in reserve, ready to be mobilized whenever required. The noble Viscount has rightly, I think, objected to that. He points out that it would place the Viceroy in an invidious position that there would be disadvantages in the bringing up of these forces, and that although the majority need not be large it ought to be assured and constant. If I may offer an opinion I entirely agree with that line of reasoning. But I ask the noble viscount to observe what will be the results. There will be upon the Councils of 63 which he is proposing—I am now speaking of the official members of the body—firstly, the Executive Council, the Cabinet, and the Viceroy and the Lieutenant-Governor, 9; second, the official members from the other provinces, 8; and, thirdly, the nominated



officials, 18. In other words, its officers are to be taken from their work to sit upon these unnecessarily swollen bodies. (Hear, hear) I venture to ask the noble Viscount seriously to consider this question—where are these men to come from, and who are they to be? Under the existing system there are in the Viceroy's Legislative Council, in addition to the Executive Council itself six officials from other provinces Bombay, Madras, and soon. This distinction was usually conferred on those officers as a compliment to an eminent man at the end of his career or else as a sort of vacation to an officer who had been through a spell of hard work. But it is notorious that, when they come to Calcutta, in ordinary Session they have nothing whatever to do except on the rare occasions when the Legislative Council was sitting. And not merely were they themselves idle, but drawn as they were from their provinces, they created the first of a chain of vacancies which had to be filled up all the way down the scale, with the result that there was an interruption to the continuity and vigour of administration of the most unfortunate description. And now, under this scheme, there are to be, not only six officials in this position, but 26—that is to say, 35 minus the nine members of the Executive Council of the Lieutenant-Governor. Nothing could be more clear than this, that where these men are brought from Calcutta or from outside provinces, they will in either case be taken from their work, and more particularly will this be the case in the month of March, when, under the new regulations for discussing the Budget, they will be required from day to day. I hope the noble Viscount will favour us with an opinion on this question, because I think he will find some reason for doubting whether, in order to maintain the majority in these councils of 63, it is desirable to inflict the very serious blow on the continuity of work in Calcutta and elsewhere which must almost inevitably be the consequence.

#### THE GOVERNMENT AND THE PEOPLE.

Perhaps, as I have ventured to criticize on that point, the Secretary of State will allow me to say of the proposals for allowing wider discussion, whether of the Budget or general administrative issues, either by amendments or voting, or even by proposing Bills, that I have nothing whatever but approval. Every one of us, whether we have been at Calcutta or in the other provinces has felt the lack of the opportunity of explaining our policy to the people. At every stake we found ourselves overwhelmed with mis-representation, ignorance, calumny, and abuse. We have all of us, tried in our way to meet that



difficulty. Sometimes we sent official *communiqués* to the papers, but official *communiqués* seem everywhere in the world, to carry with them a certain amount of suspicion. Then one Viceroy tried the system of a Government paper in Calcutta, but that was not altogether successful. In my day we had a Press room, in which we used to give out to members of the Press, English or native, whatever Government information it was possible to hand to them. But none of these measures has covered the field, and I earnestly hope that with these enlarged opportunities of discussion which the noble Viscount is creating there may arise for the Government of India its much desired opportunity of explaining its policy and stating its case.

### PROVINCIAL LEGISLATIVE COUNCILS.

I turn to the question of the provincial legislative councils. Here the noble Viscount has dispensed altogether with an official majority, and he uses two arguments for taking that very decisive and important step. The first is that the experiment has been tried in Bombay with success. I will leave those noble Lords behind me who are familiar with Bombay to answer that point. I will merely observe that Bombay is in a wholly exceptional position from any other capital or province in India. It is a city of a peculiarly cosmopolitan character; it has a very high standard of public spirit; there is a native community there of Parsis, the leading members of which are strong supporters of the Government; and an analogy drawn from Bombay as to what is likely to happen elsewhere is, I think, likely to be unfair. The second argument is that, as long as the non-officials are in a minority, it is likely to breed in them an attitude of peevish and sulky and permanent opposition which has an injurious effect on their mind and character. I do not think that being in a permanent minority has had that effect on the non-official members of the Legislative Councils in India any more than it has had that effect on those who are in a permanent minority in this House. (Laughter.) I have always found in India a very high standard of good temper as well as ability, and I never remember, even when we voted down our opponents, any symptoms of the character to which the noble Viscount alludes. But whether that be so or not what is the alternative to which the Secretary of State now invites us? The non-official majority of these councils is to have the power of moving and carrying resolution, of introducing and even carrying Bills against the wish of the Government and the utmost the Secretary of State offers us is this—that if they carry anything that is disagreeable to the local Government, it may be vetoed by the Governor.



and that if they reject anything which the local Government desires should pass, the Government of India is to be brought in as a *Deus in machina* and pass it over their heads. There is none of us who has had experience of administration in India who will not view that position with some dismay. Just as the noble Viscount himself was seeking, in his provisions with regard to the Supreme Legislative Council, to save the Viceroy from the invidious position of having a casting vote, so ought he to wish to save the Governor of the provincial councils from the invidious task of exercising the veto. And it is indeed a curious commentary on the well-known and admitted desire of the noble Viscount to free the local Government of India from the trammels of interference from the Supreme Government that, almost within a few weeks of the time when, as we understand, large measures of decentralization were to be proposed, he distinctly contemplates the issue in which the Supreme Government will be brought in to rectify mistakes that have been made in the legislative councils. I hope—I have no right to express more than I hope—that this is a question which the noble Viscount will be kind enough to consider. I really fear he is breeding great mischief in connexion with this non-official majority on the provincial councils. It will be in the power of these persons almost to bring Government to a standstill if they choose. In the present *air enicon* which we hope now prevails in India there is, perhaps, not much danger, but I can well conceive a time when passions will be aroused in the future and when the powers now being lightly given may be used with very serious and detrimental effect.

#### THE METHOD OF ELECTION.

I will only make a passing observation about the method of election to the council, and in that I follow the lines suggested by the noble Viscount himself. The situation, as I understand, is this. The Government of India, feeling that great caution ought to be observed in the matter, and conscious of the immense difference that prevails between the conditions of the different provinces, said they could not prescribe any one scheme for returning members to these councils, but that in some cases they hoped that regular electorates might be constituted, that in others associations might be utilized for the purpose, and that in many cases where no machinery either existed or could be created nomination might have to be resorted to. But then the noble Viscount appears on the scene and sweeps all this away, and, though he does not prescribe—he was careful not to do that in very strong language, he commended the scheme of electoral colleges to the Government of India.



That scheme, in the case of the Mahomedans, has, as he admitted to-night, broken down irremediably. I need not pursue the argument, because the noble Viscount stated, and I think we all agree with his decision, that, in consequence of the representations made to him, he had decided to abandon that scheme in its application to the Mahomedans, and that he was willing to consider an exclusively Mahomedan electorate returning representatives to an exclusively Mahomedan electoral college. I think, if I may say so, that is a wise and statesmanlike decision. But I would like the noble Viscount to go rather further. We have not yet heard, and I do not know what the noble Viscount has received, the opinion of the Government of India about electoral colleges in general, but I venture to say, so far as I have a right to speak, that electoral colleges are profoundly objectionable to the Indian system and the Indian character, and that you will find almost everywhere that the result of founding these colleges is that they will be manipulated by the Hindus, who have a great aptitude for organization of that description, and that in a few years' time you will find that the Hindus have got the whole of the representative system of India into their hands. That, I think, would be an undesirable and serious result, and I hope this is a question which the noble Viscount will be willing to consider before the later stages of the Bill.

#### NEW EXECUTIVE COUNCILS.

I approach the last two questions with which I am called upon to deal. One is a smaller one, and the other is a larger one. The smaller one, and yet one of great importance in its possible effect, is the enlargement of the existing provincial councils in Madras and Bombay and the creation of new executive councils in the other provinces. I have already quoted the remarks of the Government of India, in which they think the discussion of this question was, entirely premature at the present time. But the noble Viscount has rushed in where they feared to tread, and in his despatch has practically ordered this great change to take place. Are we not entitled to ask for this information—do the Governors of Madras and Bombay want their executive councils increased from two to four, or are they to be increased simply in order to provide the noble Viscount with an opportunity of appointing to them one, or possibly more than one, native member? Do the Lieutenant-Governors in the other provinces—the United Provinces, Bengal, and so on—do they want executive councils created in their provinces for the first time? There would in my judgment, be no greater mistake than to suppose that an executive council is necessarily a



synonym for administrative efficiency. In Madras and Bombay, where these councils have long existed and done excellent work, it is well known that the main reason for their constitution is that the Governor, as a rule, is an English statesman or politician brought from England, ignorant of the country. But often as I heard this question discussed in India I never heard but one reply, and it was this, that in the less highly organized and more backward areas the best method of government was that which brought the personality of Governor into closest contact with the people; in other words, a Chief Commissioner. A Chief Commissioner has no council; he has no secretariat; he has a smaller province and is able to go about himself. He does everything himself and is in direct contact with the population. Then in the more organized areas where there is a much more complex administrative staff, there is required a Lieutenant Governor. But I never met a Lieut. Governor who wanted an executive council.\* I never met one who would not, I think, have shuddered at the prospect. And yet here is the noble Viscount who wants not merely to increase the executive councils of Madras or Bombay, but to supply these councils to all, or at any rate, to many, of these Lieutenant-Governors. I think we are entitled to ask for some information as to their views upon this matter. Here, again, may I make an appeal to the noble Viscount? I have alluded to his well-known desire to decentralize in India. Now, if you have executive councils in these provinces, where they do not now exist, what does it mean? It is one of the most centralising measures that you could have. Executive councils mean officers—men of ability and capacity at the top, omnivorous for work, searching for information, sending for reports from their district officers from all parts of the country. A district officer is a man who wants to release, to extricate from the trammels of bureaucracy and officialism, and if you start these legislative councils you will be doing precisely the opposite thing, and you will be adding to these centralizing features in the government which nobody desires more than the noble Viscount to destroy. Then again, what is to become of the Board of Revenue? Are the Boards of Revenue in the United Provinces and in Bengal to be dispensed with? And what are we to say of the question of expense? I observe in reading the despatches no mention of the cost of any stage of these proceedings. But look at what it must all amount to. The Secretary of State proposes to appoint the new executive councillors in Madras and Bombay and elsewhere. I gather that the total number of them must be 12 to 15. These gentlemen will receive from

\* See Appendix G. Sir E. Baker on an Executive Council for Bengal.



£3,000 to £4,000 a year a-piece. Then there are the new legislative councils, or, rather, the enlarged legislative councils, with numbers varying from 20 and 25 to 47 and 63. Every one of the members of these councils has travelling expenses and residential allowance, and really, when the items are reckoned, the bill becomes a very considerable one. I think the noble viscount will agree that before we enter Committee this information should, if possible, be given to this House.

#### *NATIVES ON THE EXECUTIVE COUNCILS.*

And now I turn, in conclusion, to the last question, which I said was one of great importance, and which the noble Viscount himself was far from minimizing, I mean the question of the admission of natives to the Executive Council of the Viceroy or the executive council of the other governments. I hope I shall be saying nothing in this that will in the smallest degree imply disagreement from that generous conception of the capacities of educated Indian gentlemen which appeared in the speech of the noble Viscount and which, from my own experience, I desire to endorse myself. But it is not a question of the capacity of the individuals, this is a question of a great principle, raising the whole issues of our government in India and the foundation upon which it rests. Yes, that is strong language, but I propose to justify it. Here is this great and, as the noble Marquis called it, tremendous innovation. Not a word about it is to be found in the despatch of the Government of India. Over and over again the Secretary of State has informed us, with pardonable pride, that he is in absolute accord with the Governor-General in Council? Then what about the Council at home? I think I have a recollection of hearing not very long ago that a committee sat upon this question—I think in the India Office here—who were reported to be unanimously opposed to the scheme. Then the noble Viscount assured us that he had the support of one conspicuous officer. That may well be, but I do think we ought to know what is the opinion of the Government of India at the present time, and that this House should not be invited to discuss this matter without more information than it at present possesses. More than once in his speech the Secretary of State made use of an analogy against which I hope he will allow me respectfully to protest, and that was the analogy between the Viceroy's Council in India and his own Council in Charles street. There is not even the remotest resemblance and analogy between the two bodies. The Council of the Secretary of State is a purely consultative body of gentlemen, who are engaged in various activities, who see papers which are laid upon the table, but who can,



if necessary, be kept unacquainted with all secret work of government or at any rate with all that part of the secret work of government which does not involve the expenditure of money. The noble Viscount can with great advantage invite not one but two or three native gentlemen to sit upon his Council, and their advice in this country may be very valuable, but the situation is entirely different in India. The Council of the Viceroy there is not a consultative body; it is the great executive body of the country, it is the Cabinet of India. All the functions of government are concentrated in that body at Calcutta or Simla, and further they are all divided up between the different members of the body, each member assuming charge of this department or that or of a group of departments. And further, the main feature of the system in India is that of the common responsibility that prevails. There is no inner or outer Cabinet such as we sometimes hear of in this country; there is only one Cabinet, and because it is small its members know everything. The Commander-in-chief in India has a voice and a vote upon the question of education just as the legal member of the council may give a vote and have an opinion upon the frontier. What then ensues? That in order to fill this council adequately you want men with a double range of capacities. First you want a man who has an expert knowledge of the department over which he is going to be called upon to preside, and secondly you want him to possess that wide knowledge of men and affairs which we sum up in the word "statesmanship," which enables a man to give a vote and to exercise an opinion upon large issues, as to the details of which he may not be acquainted, but come before him in his capacity as a public man.

#### THE RACIAL QUALIFICATION.

It is, of course, conceivable that a native gentleman may possess both these things; he may be an expert and a statesman, but there is no room for him as a native. As a qualified person, possibly, Yes; as a native, No. The noble Viscount to-night asked us whether it would not be a great shame to exclude a native gentleman of the character that he spoke of, so highly qualified and able as he was. But the other night, when laying stress upon that same point, he went on to say that it would be a great advantage to the Governor-General to have the advice of a man who belongs to the country, and who can give him the Indian point of view. But that is the racial qualification—he is going away from the administrative qualification and introducing the racial qualification. The Secretary of State seemed to think that because he derives great advantage from native councillors in London the Viceroy



would derive equal advantage from the assistance of the native member on his Executive Council in India. But he is not denied the advantage of that assistance whenever he desires it. Every day, every week, that passes he is in consultation and correspondence with native gentlemen. It is not necessary to get native advice in India, to put a man into the Cabinet in order to obtain it. May I ask the noble Viscount to consider these questions? If he recommends his Majesty to appoint, as apparently he intends to do, a native gentleman on the Council, he may appoint him because he is the best man and the most competent, but the natives of India will regard him as having been appointed because he is an Indian, and for no other reason. If he is a Hindu, will he have the confidence of Mahomedans; if he is a Mahomedan, will he have the confidence of Hindus? No, in either case he will not. If he is a Hindu, will he have the confidence of Hindus? Strange and paradoxical as it may seem to say so, there is no one Hindu capable of carrying the confidence of Hindus generally. Whether he be Hindu or Mahomedan, will there not at once be raised an agitation for the appointment of a corresponding member to represent other sections of the community, Parsees and others? Further, for this matter must be pursued, if he be a Hindu, to what class is he to belong? Is he to be a blameless and possibly a distinguished official? If it is that sort of man appointed, I say unhesitatingly he will not carry throughout the country that respect that ought to attach to a member of the Council. Not only so, his appointment will be received with considerable ill-feeling and agitation among the parties pressing for a change and who think that, having secured the change, they are entitled to put their own representative in the place. This is a matter of importance. Is the man to be appointed to be a blameless official, or is he to be the successful political agitator? I am sure the noble Viscount, if he does not repudiate will deprecate the latter suggestion, but it is certain that the agitating classes in India will claim that the member, if not now, will in the future be selected from the ranks of their best men. They have borne the burden and heat of the day, they have been conspicuously successful, and are they to be denied access to the seats of the mighty? It will be a serious matter to consider what class the member shall be taken from. The noble Lord has said that natives of India excel in capacity for acquiring legal knowledge and the administration of the law, and I agree with him. But is the native member to be appointed to be always a law member? It may be difficult to find a member who is qualified if he is not a political agitator and not a legal member, and the position may be that



in the future you will have to keep to the appointment of a law member. Is that to be desired? Looking back over the long history of Indian administration, we find distinguished men, such as Lord Macaulay, Sir J. Fitzstephen, Sir H. Maine, taking their legal training and forensic ability to India and applying to Indian problems the resources of their great statesmanlike minds. If it should come about that in the future the Council must be reserved for a native, if that path is closed and the intellectual flow from England to India is stopped, I venture to say that both England and India will suffer from the change. (Hear, hear.) The noble Marquis can of course, as he reminds us, take what steps he pleases and make any recommendation to the Sovereign he desires, but I do, without giving utterance to the slightest feeling of hostility to natives or making invidious comparisons between native and British intellects, invite his serious consideration to this point. If the appointment is made he will for the first time detract in the public estimation from the sense of the absolute impartiality and neutrality that the Council of the Viceroy has always held among all classes in India from the highest chief to the lowest peasant. The native of India will not believe that any member of his race, or even of his own creed is capable of that detachment, that absolute sense of justice, and that impartiality he has always recognized in the Council. In the second place, I doubt very much if you could take a plebiscite throughout all India, you will get a vote for the proposal. I believe it would be rejected by a large majority.

#### A MOMENTOUS STEP.

In the third place, although this is a consideration to which I do not know that I am entitled to attach great weight, the noble Viscount with his sense of continuity must be aware that this step once taken cannot be recalled. Succeeding Governments will have to do the same thing, the step taken cannot be retraced, and it is certain that an agitation not for one member but for two members will continue and will increase, and it may be that in the future we shall look back with regret to the day when the noble Viscount set rolling this ball, the ultimate destination of which cannot be foreseen. Lastly, although I do not want to lay too much stress upon it, a breach will be made by such an appointment in the crown and core of British sovereignty and rule in India. You are now not only extending the range of the power Indians may exercise over Indians, you are putting them on the council to rule not only Indian but British subjects. It is a momentous



proposal. The issue seems small, but it is a very considerable one indeed, and I hope your Lordships will in the next few weeks regard it as one of the most important matters you are allowed—not to decide—but to discuss. I am grateful to your Lordships for giving attention to what I am afraid have been tedious remarks, and I hope though they have been critical you will believe they are not inspired in a sense hostile to the general scheme of the noble Viscount. To sum up my impression in a few words I would say that I think he is disposed to go a little too fast. If he would moderate his pace, if he would adjust his measure a little more closely to the suggestions of the “man on the spot,” to whom reference has so often been made, the better it would be for his scheme and for India. I am sure the noble Viscount can have no higher desire than to carry with him the approval of those best qualified to form a judgment in this country and in India. For my own part and for those who sit near me, I can say we shall be sincerely delighted if we can join hands with him in laying afresh and sinking deeper and firmer the foundations of our rule in India. (Cheers.)

Lord Macdonnell said:—

I regard this Bill as the latest product of a policy that has for its object the opening to the East of the resources of Western knowledge. Although I have no doubt as to the wisdom of the policy of education pursued, I have serious doubts as to the measures by which effect has been given to that policy. The system in India had developed in students who attend the colleges and schools special aptitude and tendency towards politics. For my part I am disposed to think that, as government by councils existed so long in the Presidencies of Madras and Bombay, it is a wise and a prudent thing to take a step in advance and to admit native members to those Executive Councils. It is clear that the time has come when some progress in a liberal direction must be made in India, and when important and trustworthy native gentlemen are found, that they should be utilized and associated with the Government more in the direction of affairs than they were at the present time. I quite agree with Lord Curzon when he said that these appointments on Executive Councils ought not to be made the spoil of politicians. The same rules should apply to Indians admitted to the Executive Councils of Madras and Bombay as applied at the present time to European members of these Councils. At the present time no European could be a member of the Council of the Governor of Madras or Bombay unless he had been 12 years in the service of the Crown. Having regard to the fact that these Executive Councils are



not mere debating clubs, but that the members hold administrative posts, it is only proper and right in the interests of the vast majority of the people that no person should be appointed who is not fit for the task. It might be taken as certain that no politician who only acquires his prominence by platform work is competent to administer the work of an India Department unless he has large experience and special training. If these members were appointed to these Councils, I think they should be taken from the public service, and the same qualification of 12 years service should be applied as to the European. As regards Executive Councils of Provincial Governments I am most strongly opposed to the proposal. There might be a great deal to be said for the appointment of a Council in Bengal because, until a few years ago, it was by far the most docile and most easily governed part of India. But in provinces where questions of great urgency and great difficulty might arise at any time and very suddenly, it is not advisable to hamper the Lieutenant-Governor by a Council with whom he would have to discuss everything to be done in an emergency. Even in the extreme demands of the National Congress I do not think there is any mention of a Lieutenant-Governor's Council. It is put forward for the first time by the Secretary of State. If there is anything which calls for the most careful consideration for reference to the local Governments of India, for consultation with important native gentlemen and the large landowners who have a stake in the country it is this question and above all others it ought not to be decided or carried out in the manner now proposed. (Opposition cheers.) I object to the Bill for three reasons. I object to the creation of Executive Councils for Lieutenant-Governors, and to the admission of natives to the Councils of Madras and Bombay without the qualifications that applied to Europeans; and I object to the provisions in the Bill which makes the powers of Lieutenant-Governors no longer depend upon positive law, but upon proclamations and orders of a variable character which could be varied from time to time according to the idiosyncrasies of any Secretary of State of the day or Viceroy in Council. I am highly pleased by the way Lord Curzon dealt with the objections to the appointment of natives to the Viceroy's Council. To my mind that would be one of the most fatal steps which at the present time could possibly be taken by this country. (Opposition cheers.) Lord Lansdowne said the other day that it was practically imposing "a qualification against Englishmen." I would take higher ground, and say that in the best interests of the native races and of India, nothing should be done which would in the slightest degree



impair the efficiency of the English Government in India or its respect amongst the natives of India, and especially the native princes. I could not conceive any measure more likely to prejudice the native princes than the appointment of natives on the Viceroy's Council, because the Viceroy's Council had always been regarded by them as the *corps elite* of the service—composed of men of the highest honour, and in whose absolute impartiality every native of India had complete confidence. (Hear, hear.) Such a body would be weakened by the introduction of a foreign element; and no matter how competent the native gentleman might be, he would be regarded as foreign by the native princes and the people of India. The step would be accepted by nobody except the Hindus who support these proposals, and would be opposed by the Mahomedans. While I am in general sympathy with the liberal policy of the noble Viscount, I only object to it on these points where it touches the safety of the British power in India and weakened the initiative and responsibility of the officer on the spot, who in the last resort was the foundation of our Empire. (Cheers.)

Lord Amthill: I give general approval to the scheme of the Bill. My views on Indian reform have not been recently formed. I have not been carried away by the current of public opinion which has set in on the subject. I formed my opinions before I left India three years ago, but I did not express them publicly because I considered it would be wrong to prejudice affairs from which I was just then about to quit responsibility. The schemes of reform which the Secretary of State has put forward are based upon three propositions which seem to me to be absolutely incontrovertible. These are, first, that something must be done to satisfy what is known as the legitimate aspirations of the people of India, that what has to be done must be done at once, and thirdly that what is done must be a substantial concession. In my opinion the only alternative to going forward is to go backward. If we could do nothing to meet these aspirations of the Indian people which, it must be remembered, we ourselves taught and fostered, we must smother and suppress them. If we did not go forward we would be placed in the position of violating pledges which had been given not only by the authorities in India, but by the late Queen and His Majesty the King. Moreover delay would seem to be like fear. It would also imply that disloyalty in India is widespread and that we distrusted the people. No one who had been responsible for the administration of India would commit himself to the opinion that the people of India on the whole are not to be



trusted. On the other hand the people of India must be inspired with the belief that the great British Government could not be deterred by bombs or by any fears from steadily pursuing its noble mission in that country. It is also self-evident that any concession that is made must be a substantial concession. Even were it possible to delude the people of India by sham concessions, it is impossible that we should adopt so unworthy a course. The only question is whether the proposed reforms threatened to weaken the power, the influence, or the prestige of the British Government in India. We must either govern India or clear out. The sooner that was made clear to our own democracy, as well as to the people of India, the better. Self-government on Colonial lines was inconceivable in India. There was no notion more ridiculous than that which prevails to some extent in this country that the people of India were craving for Western institutions. To be invited by the Government to take part in their deliberations was regarded by Eastern peoples as an honour; but to obtain that distinction by popular election was to them degrading. The extension of the existing system seemed to be obvious course and the only course, and it is because the scheme of reform before the House is a moderate and just expansion of the present system that it has my sincere support.

I approve of the enlargement of the councils, but their success would depend on the true representation of classes and interests and on the mode of election. It is essential that there should be elasticity. Rules that would do for Madras would not do for the Punjab; and those suitable to Bengal would not be appropriate in Bombay. It is only the man on the spot who could possibly frame such rules, and it is not within the competence of Parliament, without local knowledge and experience effectively to criticize such regulations when they are made. But the rules should not be finally approved and given the force of law without the knowledge of Parliament, and I suggest that they should be laid on the table of both Houses for the usual period and that they should take effect only if no objection is made. While I am an advocate of proportional representation, I am clear that it is not applicable to the particular circumstances of India because we wanted a fixed and permanent proportion between two elements which did not mix or interchange—the Hindu would always be a Hindu, and the Mahomedan a Mahomedan. But it not infrequently happens in this country that a Liberal became a Unionist and I have known cases of Unionist becoming Liberal. ("Hear, hear," and laughter.) In India



it is a question of races which never changed. If the Mahomedans had been dissatisfied in this matter there would have been a distinct weakening of British power, but that possible objection has been removed by the announcement of the noble Viscount that he had abandoned his suggestion that proportional representation should be adopted. There must be some means of preventing the election of undesirable men, for nothing would be more disastrous to the success of the experiment or to the credit and reputation of the enlarged councils than if certain men were elected to them by the machinations in which the Hindu politician was an exponent. I would suggest that men who had served a penal sentence or had been dismissed from the public service should be excluded; or, as an alternative, that there should be a veto. I see no danger in the reforms themselves, but I am not quite sure that the manner in which they had been brought forward had been altogether judicious. The reforms were universally known as Lord Morley's reforms. I know the noble Viscount was not responsible for that, but there must have been something in the manner in which the reforms were promulgated, were discussed, and finally decided on which induced the men on the spot to call them Lord Morley's reforms. It is a matter, not so much of what was actually done as the mode in which it is done, and I hope that, when the regulations come to be finally approved, there would be no possible ground for suspicion that they had been framed at the India Office in Whitehall and not in the Secretariats of Simla and the different provinces of India. While I thus criticise I yield to none in admiration of the wonderful grasp of Indian affairs which the noble Viscount has displayed and of the generous courage and energy with which he has exercised the powers of his high office. I wish him God-speed and a safe passage in the still waters of peace and contentment in India. (Hear, hear.)

On the motion of Viscount Middleton, the debate was adjourned.

The debate on the second reading of this Bill was resumed on Wednesday, the 24th February, 1909, in the House of Lords:—

Viscount Middleton: The Secretary for India on Tuesday asked us to give a whole-hearted support to the Bill. I concurred in the desire expressed by the noble Viscount, and it may be remembered that, so far as the maintenance of order and the instructions which he himself had to give were concerned, he had had the unqualified support and approval of members on this side of the House. But on the question of reform it would be absurd to conceal from ourselves that the speech which followed that of the noble Viscount did show considerable diver-



gence of opinion from my views. In view of that divergence I recall the words of the Secretary of State last December when he said there was a tendency to fall into a groove in Indian affairs, and that it was better to make some start rather than no start at all. The noble Lord felt that we must face the facts. We have raised up by education a very considerable population in India who are capable of taking an interest in political affairs. We have, by our example, inspired them with the idea of political activity. Although most of us would feel that there was great force in the observation addressed to the Secretary of State that what the great mass of Indians desire is not Indian government but good government, still we had an instance in Egypt of what British government could do in a country which had known nothing but bad government and chaos. One of the main principles of Lord Cromer's action in Egypt always was to associate with him in the Government men differing from him in habits, creeds, and traditions who were none the less the natives of the country. When we consider the admirable result which accrued to that country from that policy I think we ought to take courage in both hands and go forward as far as possible in the direction of the noble Lord who had brought forward this Bill. If we passed this Bill in its present form, nevertheless, we are practically giving to the Secretary of State a blank cheque on the filling up of which depended practically the whole future of our government and perhaps of our rule in India. This Bill is largely based on regulations. I do not complain of that, for when we look at the vast mass of questions that would arise under those regulations we must acquiesce in the opinion of the Secretary of State that we should not attempt to affirm them all by statute, but must leave the varying power in his hands. On the other hand, we must realize that these questions are thus taken out of the purview of Parliament. Lord Curzon said yesterday :

"The Secretary of State has in reality overruled and altered the views of the man on the spot at almost every critical and vital stage, and has substituted for them entirely, independent proposals of his own."

That being so, and bearing in mind the difference of opinion already expressed, I urge the Secretary of State to follow the example of many measures of far less magnitude, and provide that the regulation to be made under the Bill should be laid before Parliament for 40 days and should not take effect if in either House of Parliament an address to the Crown were moved which would nullify those regulations.

Sir William Hunter, a distinguished Indian official, said : "Forty years hereafter we should have had an Indian Ireland, multiplied fifty-fold, on our hands."



*THE VICEROY'S COUNCIL.*

With regard to the promotion to the Viceroy's Council, I realize that that is the centre of the struggle and that this House could only touch it by influencing the mind of the Secretary of State. I would say, however, that it would be a misfortune when we are hoping to placate public opinion in India and to strengthen the supreme Executive if we were to do anything which would have the effect of alienating the sympathy of considerable classes in India and of weakening the central authority. I would go one step further than my noble friend, who said that, once the appointment having been made to the Viceroy's Council, the step could not be retraced, and would say that, once the statement having been made of the intention to make the appointment, the proceeding must be carried through upon the lines of the Bill. In India natives have risen to higher positions in the legal than in other professions and though my noble friend said a new phase was being entered upon in giving Indians authority over Europeans in India, it should be recollected that in the Courts of law Indian Judges for many years had had jurisdiction over Europeans, and were quite competent to deal with matters in which Europeans were concerned. Therefore a selection from the legal class would be taking the Indian at his highest point of qualification. On the other hand, when my noble friend referred to the great services rendered to India by eminent lawyers in the past, it should be remembered that times and conditions were much altered since Lord Macaulay's days.\* An eminent lawyer going to India for five years had to consider if he could afford to give up his practice, and with a modest competence return to find many avenues no longer open to him. Therefore, as time goes on I apprehend it would be difficult to find first class lawyers willing to serve on the Council in India.

*PROVINCIAL COUNCILS.*

What would be the position of a provincial Governor under the cumulative effects of the Bill? Instead of autocratic government he would have to share the government with a council not always, perhaps,

\* Lord Cromer said: "It is only what ought to be expected by every thoughtful man that after fifty years of a free Press and thirty years of expanding education, with European ideas flowing into the country on every side, and old, indigenous customs, habits and prejudices breaking down, changes should be taking place in the thoughts, the desires, and the aims of intelligent and educated men of the country which, no wise and cautious Government can afford to disregard, and to which they must gradually adopt their system of administration if they do not wish to see it shattered by forces which they have themselves called into being, but which they have failed to guide and control."

in accord with himself. He would have no voice in the nomination of his councils, and might have a permanent majority against him with enlarged powers, with certainly much more time taken up in discussions in council having, perhaps, some dangerous elements\* in its composition. In these legislative proposals I could not but think the Secretary of State has been carried away by his own Parliamentary experience. The proposals seem foreign to the spirit of administration in India. I observe there is nothing in the Bill or in the regulations foreshadowed which would prevent the presence on a council of a man who had been the subject of a criminal prosecution or had been deported.

Viscount Morley.—Undoubtedly the regulations will determine the class of prohibitions and exclusions. We have not yet a full list of disqualifications, but such as the noble Viscount mentions will find a place in the exclusions.

Viscount Middleton.—I am relieved to hear this. I hope that later on the Secretary of State would say if the prohibitions would be made by statute or by regulation against particular classes, or if a veto would be given to the Lieutenant-Governor.

Viscount Morley.—It would be by general regulation, with an excluding category.

Viscount Middleton.—That is an interesting addition to our information. It is necessary to prevent possible grave scandals. I know that there are in many minds apprehensions that a Lieutenant-Governor might find himself in a very awkward situation. The mass of the people of India would have very little voice in the appointments. They might have the right and the opportunity, but neither the initiative nor the organization. On the other hand, the agitators had organization, and might cause every considerable embarrassment in these small

\* Bright said : " There are thousands of persons in India who are competent to take any position to which the Government may choose to advance them. You would have begun to unite the government with the governed ; and unless you do that no government will be safe, and any hurricane may overturn or throw it into confusion."

Again, Mr. Bright said : " They are a people whom you have subdued, and who have the highest and strongest claims upon you—claims which you cannot forget : claims which, if you do not act upon, you may rely upon it that if there be a judgment of nations—as I believe there is—as for individuals, our children in no distant generation must pay the penalty which we have purchased by neglecting our duty to the populations of India.....I say a Government like that has some fatal defect which at some distant time must bring disaster and humiliation to the Government and to the people on whose behalf it rules."



Parliaments. I fear the Secretary of State is inclined to introduce some of the worst features of Parliamentary practice, and I submit to the noble Viscount the difficulties that would be imposed upon officials by enforced absence from official duties to attend meetings of the council and by the time that would be required to prepare answers to questions and supplementary questions, of which Ministers in the House of Commons had experience.

I ask the noble Lord to give attention to the points which I have raised in no hostility to the Bill. If he was to carry with him anything like the consensus that he desired in this country, it would be very necessary for him to modify in some respects the proposed regulations and to give us assurances on others. In the first place, I hope that he would alter the regulations in some degree to meet the speeches which have been made, and that he would undertake that they would be laid before Parliament for the usual period. Then I would ask him, if he took power in the Bill to constitute Executive Councils for the various provinces and to increase the Executive Councils for Madras and Bombay not to put the power into effect before we had the opinions of the provincial Governors in India before us. Thirdly, I would ask him, with regard to the Executive Councils to consider a modification of the numbers, without which the undue pressure on the official could not possibly be avoided. I further trust he would remove an unfortunate imitation of one of the worst forms of our own Parliamentary abuses—the allowing of supplementary questions. These might not seem very important modifications; they certainly are not intended in any way whatever to interfere with the general reforms of the Secretary of State, who is making a great step forward. I urge the noble Lord, in setting up those semi-Parliamentary institutions, not to mistake the shadow for the substance, not to do something which would give opportunities to a few individuals for self-advertisement and might end in alienating the sympathies of the great mass of the governed classes in India.

Lord Reay said.—No measure of any importance was ever produced in India without consulting the members of the native community. When I was Governor of Bombay—in those days there were no elected members—I took care to appoint in the Legislative Council the leaders of the native community—those who, if there had been an election, would have been elected—because I know that it was only by their aid that we could establish in their legislation that association with the natives which is necessary. The way in which the Indians stated their



view in the Legislative Council and the way in which they were always ready to meet us on the points on which we differed from them leaves me with nothing but the most pleasant recollections of those debates. I certainly would have been quite willing—and it is now 20 years since I left—to have a Legislative Council with no official majority. I am convinced that such a Legislative Council would pass the same measures as we passed with an official majority. I believe that if we had a non-official majority there is less risk than that majority would constitute a block. Lord Curzon objected to the enlargement of the councils but that step was the result of proposals which had come from the Government of India and from the local governments. I would point out, with regard to the difficulty which was anticipated in the increase of the number of official members, that the area of selection was not being limited to the Civil Service, but could be taken from the ranks of other branches of the service, such as Public Works and the educational branch. I consider it would be of the greatest advantage to have upon the enlarged councils a wider expression of the opinion of the various parts of India. The various interests—agricultural, commercial, and industrial—would now be placed on a better footing. Lord Curzon had said that one result of these reforms would be to increase expenditure. That might be, but could it be said that any unpopularity would accrue to the Government on that account? The tendency of expenditure in India, as elsewhere, has been to increase. The causes of that increase should be explained to the Legislative Councils, and the taxpayer of India should have a guarantee that his interests were being well considered by the Councils. As to the appointment of natives on the Councils of Madras and Bombay, I do not see any objection to them, but, on the contrary, I see very great advantage. If I was out there I would have been quite prepared to accept a native as a member of the Council, and if I had been asked to submit names I should have had no difficulty in submitting the names of either a Hindu, Mahomedan, or Parsee. The proposed increase in the Executive Councils would enable the work to be better distributed, and it would give that time which, through congestion of work and correspondence, the administrators had not had. We must give time to our administrators, our governors, and collectors for constant intercourse with natives. If our rule was to be strong and popular, it is important that the natives should have easy access to our representatives. (Hear, hear.) I do not think there should be any difficulty in naming a suitable native gentleman as the native member of the Viceroy's Council.



Lord Curzon had put the question—Why have a native on the Viceroy's Council, as natives could always be consulted? Certainly natives were often consulted privately and confidentially, but if their advice were worth having why should it not be got in public and under a sense of personal responsibility? I am glad the Secretary of State has yielded to the claims of the Mahomedans for separate representation. It is of the utmost importance that the Mahomedan community should be represented by those in whom they had confidence and any one who had followed their great world movement—and it must be remembered they numbered\* 245,000,000—are aware of their determination to defend with intensity their own faith. There is one important aspect of the question to which no allusion had been made in the debate. That is the case of the native States. The Government of India proposed to establish a council of native rulers, and though the Secretary of State at first thought there were great difficulties in the way, he ultimately left the matter in the hands of the Government of India. The rulers of native States governed one-third of the population of India: and the remarkable hold they have on their subjects and their loyalty to this country makes it impossible for us to ignore their opinions on general Indian policy. Therefore, if they were not invited to form a council, I hope they would not see in it any desire on our part not to strengthen the friendly relations that had always existed between us and them. I believe the people of India would appreciate the trust in them that is displayed in the proposed reforms, and that they would be ready to strengthen our Government in the endeavours to benefit all classes in India. (Hear, hear.)

The Earl of Cromer:—It was with some hesitation that I intervene in the debate. Although the present condition of affairs in India has been foreseen for many years, and has, indeed, been the natural and almost inevitable result of the educational reforms inaugurated by Lord Macaulay, I recognize that my Indian experience gained 25 years ago is not of very great value under existing circumstances.

#### NATIVES AND GOVERNMENT.

Still, I should like to make a few observations on the question of the appointment of a native to the Viceroy's Executive Council. It is not a matter of surprise that there should be considerable difference of

\* Perhaps it is on this account that the Mahomedans claim separate representation. If all Buddhists who are also Hindus are taken into account the number would dwindle down



opinion on this subject. Even those who, like myself, agree with the reform proposals must admit that it is to a certain extent a leap in the dark. I regret it had not been found possible to give to the House in an official form the views of the Council of the Viceroy with regard to this scheme. I am aware that the Secretary of State is under no statutory obligation to consult the Government of India on this question officially. However, the House has been informed that the Viceroy himself is in favour of the proposal, and as Lord Minto would certainly not express an opinion on the subject without having consulted his confidential advisers, we might assume that some at least of those advisers are in favour of the project. The Secretary of State drew a very striking contrast between the two different schools of thought on the subject—namely, those who attached special importance to efficiency of government and those who were more in favour of the extension of the principle of self-government, though, perhaps, the latter definition was not very correct in connexion with a country like India. But there is a third school to which, possibly, the Secretary of State belonged, and of which certainly he himself is an adherent. That school consists of those who were in favour of endeavouring to effect a working compromise between the two extremes. The same difficulty frequently confronted me in Egypt. When some important appointment had to be filled up, the question arose whether it should be given to a European or to a native. In other words, the political argument and the efficiency argument came into conflict. The difficulty of finding an efficient native was greater in Egypt than in India, considering that the education of the Egyptians had been neglected for years. However, I had always borne in mind the great importance of the political argument, and when the opportunity was favourable I put it into effect. In like manner the test by which the proposals of the Secretary of State are to be judged is this: Is the political argument or the efficiency argument to be allowed to predominate? My own view, after giving the matter very great consideration, and also, I must frankly admit, after a good deal of hesitation, is, that in this case, the political argument ought to be allowed to predominate over the efficiency argument. If I should think for one moment that the appoint-

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Macaulay said: "We shall not secure or prolong our dominion in India by attempting to exclude the natives of that country from a share in its government."

Sir Thomas Munro gave the other aspect of the question, and said: "it would be more desirable that we should be expelled from the country altogether than that the result of our system of government should be such an abasement of a whole people."



ment of a native of India to the Viceroy's Council would in any way shake the supremacy of British rule in India—and there have been some faint allusions to that in the course of the debate—I would be the first to object to the proposal, and in all probability I think the noble Viscount opposite would object too. But my hope certainly is that, so far from being at all weakened, the supremacy of the British Government would rather be strengthened by the proposal. I am perfectly well aware that there are many formidable objections to the proposal in detail, but we appear to deal with matters which are of secondary importance. I do not think it is possible to bind ourselves to the fact that there is throughout Asia now a movement going on having for its object the association to a greater degree than formerly of the natives of those countries, not merely in the framing of their laws, but also in the direction of the appointment of natives of considerable capacity to high political positions. I do not think it would be politic to oppose an absolute *non possumus* to this movement in respect of the largest and most important of these Asiatic countries. (Hear, hear.) Not only that. If we were to consider our own democratic institutions, the sympathy which was felt with native aspirations by very large and influential bodies in this country, and also the effects of the educational system which, whether wisely or unwisely, we had adopted for the last 50 years in India, I do not think it would be possible to resist this movement for any very considerable length of time.

#### THE LEGISLATIVE EXPERIMENT.

It should be remembered that the position of India at the present time is almost unique. It has been, so far as I know, the only important country in the world where education has considerably advanced and which was governed in all essential particulars by non-resident foreigners. It is also the only country where the Civil Service, in all its higher administrative branches, is in the hands of aliens appointed by a foreign country under stringent educational tests. That the system has yielded very good results up to the present every one, I think will admit; but, on the other hand, I could not help thinking that the time has now arrived when it required not radical alterations, but reasonable modifications. If we were to modify it—and I think everybody agrees that it must be modified—it must be in the direction of allowing the natives of India greater scope either in Legislative or in Executive Councils. The opinion appears to be held amongst many that there is less objection to granting to natives of India increased legislative functions than to granting them increased



executive functions. I would rather challenge that position. The East is full of surprises, and with the example of Japan, and more recently of Turkey, before us I think he would be a very rash man who would prophesy what would be the result of introducing anything like Parliamentary institutions into India. I know that the legislative experiment had to be tried, but I must confess that I have no very great confidence in the result of the experiment. If we considered the immense diversity of race, religion, and language in India, and also the fact that we would be endeavouring to transplant to India a plant entirely of exotic growth and placing it in a very uncongenial soil, I must confess for my own part that I should be very much surprised if the legislative experiment did succeed.

#### *NATIVES AND EXECUTIVE FUNCTIONS.*

What the natives of India really required, and what I think should in reason be bestowed upon them, is to take some minor, but effective share in the real government of their country, and that they could only do if they were given some administrative functions. These considerations are to my mind, of such importance that they outweigh the very considerable objection in detail which had been urged against the project and about which I would like to say a few words. I do not attach any very great importance to the objection that it is impossible to find any native of India who would generally represent native opinion and who, in fact, has sufficient capacity to be appointed to the Viceroy's Council. I do not know what the facts might be at present, but I could say that when I was in India 25 years ago, there were men who were not only very capable administrators, but who were, also, statesmen in the fullest acceptation of that term. I quite admit that there is something in the objection that the appointment of natives would hamper discussion in the Council and render it impossible for that free and intimate communication which is certainly very desirable between members of the Cabinet. The caste system did, most unfortunately, place a very considerable barrier to social intercourse between the natives of India; but I would not see why, in spite of this social barrier, as regarded all political and business relations there should not be free and intimate discussion between the native and European members. Another objection which had been urged, and which I quite admit is a very formidable objection, is the question whether a Hindu or Mahomedan is to be chosen. That is the point which causes me most to hesitate. Various proposals have been put forward to meet this difficulty. There is no



reason whatever, because a Hindu is first appointed, that another Hindu should be appointed when the place falls vacant. Indeed, whoever is Secretary of State I hope he would consider as favourably as he could the desirability of allowing a Mahomedan to have his turn after the Hindu. Natives would also have to be appointed to the Executive Councils of Bombay and Madras--there would be an opportunity of doing something for the Mahomedans. These arguments are not entirely satisfactory because the difficulty still remained, but the objection, great as it is, does not, in my mind, weigh against the general advantages of adopting the scheme of the noble Viscount.

### THE EXTREMISTS.

Turning to more general issues, the noble Viscount must be gratified at the way in which his proposals were received. Nothing, of course, would satisfy the extremists. They have been disappointed because the reforms did not go far enough. I could not help thinking that one of the causes of their disappointment was that they went so far that, to a certain extent at all events, they had cut the agitation from under their feet. The noble Viscount said the only way to deal with extremists was stern repression. I entirely agree, but I do hope that some effort would be made to deal with the extremists who dwell in this country. I do not know whether your Lordships' attention had been drawn to a letter\* which appeared in the *Times* the other day. (Hear, hear.) The writer of that letter defended the murder not only of Englishmen but of defenceless Englishwoman on the somewhat irrelevant and unconvincing ground that Milton and Cromwell were regicides and that the French erected a statue to Joan of Arc. He also warned us solemnly that we are not to send our kith and kin to India because they would run a very great risk of being murdered, and as far as he could gather he seemed to think it was a very right and proper thing that they should be murdered. I am well aware that the place for a man of that sort is a lunatic asylum, but I am very glad to hear that the matter is receiving the consideration of the noble Viscount. For the rest, the policy of the noble Viscount had been to rally the moderates, and I think it might be said that the moderates have been rallied. The whole of the Mahomedan population might be counted as moderates, and I therefore heard with pleasure the noble Viscount's declaration that he is going to make some concessions that would conciliate the Mahomedans. As to the regulations, I am very glad to hear the noble Viscount say that he is disposed to consider some proposal which

\* Refers to the Letter of Pundit Shyamaji Krishnavarma of Oxford.



would enable Parliament to give its approval to those regulations when they are framed.

Viscount Morley.—I gave no assurance of that kind.

I have been under the idea the noble Viscount rather hinted that something of that sort would be done. However, it certainly would be very desirable that Parliament should have the opportunity of seeing these regulations, and I consider it not improbable that some amendment in that sense would be moved from these benches. On the matter of supplementary questions I wish to express my very cordial concurrence with Lord Curzon and Lord Middleton. I am afraid that, whatever they did a large number of the men elected would be professional agitators or astute lawyers, who would be able to take full advantage of any opportunity of that kind. I hope that on that point the matter would be reconsidered when the regulations are framed. I entirely sympathize with the generous scheme of the noble Viscount, and I hope he would not think that such criticisms as I have made derogated from that sympathy. I attach very great importance to what the noble Viscount said in regard to unanimity. I hope that when this reform scheme goes to India it would not be with the grudging consent of Parliament or as the view of one party in the State, but with the unanimous consent of Parliament and, as far as possible, of the British nation, and I trust that when we go into Committee we would be able to come to some conclusion that would be generally acceptable.

Lord Courtney of Penwith: I note the general consensus of opinion that something must be done, and that that must be a development of the powers and functions of the Legislative Councils. That being so, I think that those who consented to the end had better not begrudge the inevitable machinery which must be employed to bring about those changes. With regard to supplementary questions, it seemed to have been forgotten that the regulation of the procedure of the Legislative Council was not vested in the Legislative Council but in the Governor-General, and it was entirely within the power of the Governor-General in Council to make rules which should deal with any appearance of abuse of the privileges of debate. If in a legislative assembly the right to ask questions of Ministers existed, supplementary questions were inevitable. I have had some experience as a Minister, and more in watching the practice of questioning, and could say that, in the absence of the right to put supplementary questions, a Minister would be able to



put off the querist altogether with information he professed to give. Another point of objection is the waste of time and ability, and the increase of burden on the taxpayers, by requiring the presence of many official members to establish a Government majority. The noble Lord on the previous evening dwelt on the inconvenience and expense of appointing deputy officials, and the dislocation that might be caused throughout the whole hierarchy of officials in consequence. But if the representative character of the Viceroy's Council is to be conceded, and if it was necessary to have a number of officials for a Government majority, it is of no use to grumble about the consequences. It is urged by some that the Government majority is not a necessity and that the use of votes by members who merely expressed the will of the Viceroy differed little from the use of the veto. As a compromise I suggest that the gentlemen who formed the Government majority should not be required to leave their functions in various parts of India, but should be allowed to vote by proxy, their proxies being in the pocket of a member of the Government. Upon the question of manner of election, I accept the conclusion of the Secretary of State in giving way to the representations made to him on behalf of the Mahomedan population, though I do so with regret. I share the desire that Hindu and Mahomedan should be brought into one electoral college in order if possible to break down those antipathies which existed in so much force. I deprecate entirely pronouncements as to what might or might not be the outcome of all those changes in the distant future. It had taken a long time to come about but my noble friend said last night truly that what he was proposing to-day was the development of what Mr. James Mill wrote in 1833, and of what the Queen said in her Proclamation to the people of India in 1858. It may probably be true that Mr. Mill\* did not conceive then what is proposed now, nor could we now say what would be the development 50 years hence of the beginnings we are making to-day. I see no reason whatever for laying down the maxim that Colonial

\* In Mill's "History of India," "It is," he says, "an exhausting drain upon the resources of the country, the issue of which is replaced by no reflex; it is an extraction of the life-blood from the veins of national industry which no subsequent introduction of nourishment is furnished to restore."

Lord Mayo said: "I believe we have not done our duty. Millions have been spent on the conqueror's race which might have been spent in enriching the children of the soil."

Lord Salisbury said that "the injury was exaggerated in the case of India, when so much of the revenue was exported without a direct equivalent—that as India must be bled."



self-government could never under any circumstances come to pass in British India. When we consider what had been done in the last 30 years in Japan and the movement in China, is it not rash to declare what might be the ultimate form of government 50 years hence in India? There must be great changes, there should be great changes, and the mass of the people of India should be associated with every branch of the administration of the Government of India from the highest to the lowest. (Hear, hear.)

The Marquis of Lansdowne, who was cheered on rising, said: The Bill has been so fully discussed that I shall compress as closely as I can the few observations I desire to offer; and I shall endeavour to be doubly careful in what I say, because the noble Viscount opposite administered to me last night a very gentle rebuke to the effect that when I referred to this subject in the debate on the Address I read him a lecture or homily. I can assure the noble Viscount that nothing was further from my mind than to lecture him and having referred to the passage in question, I remain of opinion that there was nothing in it which could be so described. I was referring to the measures taken by the Government of India, with the concurrence of the noble Viscount, for dealing with sedition, and I ventured to offer the opinion that for those measures to be successful, they must be prompt, and that you must trust the man on the spot. If the noble Viscount really wishes to know what was in my mind when I referred to the necessity of providing the Governor-General in Council with any weapon which seemed to be necessary, I was thinking of those deportations under the regulation of 1818 to which the Government of India has had resort, and which the noble Viscount, reluctantly, I have no doubt, but in a manner which greatly rebounds to his credit and courage, has from time to time authorized. I intended to indicate my approval of what had been done, and my hope that a similar policy would be followed in the future. In the course of this debate, the noble Viscount has referred to the fact that this Bill is in a sense the outcome of another Bill, in which I had a considerable share of responsibility in 1892.

#### THE ACT OF 1892,

May I say, if any credit was due for the initiation of the measure of 1892, it was due rather to my distinguished predecessor and old friend, Lord Dufferin, from whom when I arrived in India I had the outline of the scheme. In those days, as now, there were differences of opinion as to the pace at which, it was safe to proceed and I am inclined to think that in those days, the Government at home was more inclined to



put on the brake than His Majesty's present Government. (Hear, hear.) At any rate, we produced amongst us a measure which certainly was a very cautious measure. It was our earnest desire to infuse new life into the Legislative Councils, and we were fully prepared to resort to election whenever it seemed to us that election could safely be resorted to. It seemed to us best to work so far as possible from the bottom upwards, and to take as the basis of our scheme the existing municipal boards and corporations. Having those principles and views constantly present to our minds, we did not feel ourselves able to recommend anything approaching a complete or symmetrical measure of reform. We thought it desirable to confer upon those newly-created constituencies only the right of recommending certain persons for appointment to the councils, subject to the approval of the head of the Government, and we took the utmost pains to protect the Government and to safeguard its authority by leaving it in possession of an official majority, and by very carefully restricting the right of free debate and the right of addressing questions to the Government. Our Bill was a considerable step in advance, and I think it was favourably regarded in India as such.

#### *A STEP FURTHER.*

But the question now arises whether the time has not come to go a step further. I think that question has by common consent been answered in the affirmative. I am inclined to think the feeling present to most of our minds is that, in cases of this kind, you cannot stand still. (Hear, hear.) You cannot go back, you cannot stand still; therefore you must go more or less forward. At certain points I believe the Act of 1892 has not operated exactly as might have been wished, and there are defects in it which are not beyond our power to remove. That later consideration is evidently very much in the mind of the Government of India. The noble Viscount will recollect that in the forefront of the despatch of 1907—the despatch on which this scheme is founded—Lord Minto's Government stated that the Act of 1892 was unsatisfactory in that it did not give a sufficiently large share of representation to the most powerful and stable elements of Indian society. By that, I think, was intended the ruling chiefs of India, the great landowners and the representatives of commercial interests in India. The Government proposed in the first place to supplement the Legislative Councils by the appointment of advisory councils and councils of chiefs upon which the class to which I have just referred were to be largely represented. In the next place, the Government proposed to institute certain changes in the Legislative Councils themselves, and,

more particularly, I find they proposed there should be an additional electorate, recruited from the landed and monied classes. They desired there should be more representation given to the classes who are now liable to be crowded out. That was, it seemed to me, the dominant note in the original project put forward by Lord Minto's Government. Lord Minto's Government desired that to the Legislative Council should be given larger power, the power of asking questions and the power of discussing budgets. I think Lord Minto's scheme may be not inaptly described as having been conceived in a very generous and sympathetic spirit to the people of India, but was a very carefully guarded scheme. It was pointed out in the despatch that the Government of India desired to avoid any surrender or weakening of the supremacy of the British power in India. It was urged that the executive authority of the Government of India should be maintained in undiminished strength. In a very remarkable passage which follows, they declare that if that undiminished authority is to be secured to the Government of India it should always have a numerical majority on the councils. Then came the consultation with the local Governors which went on for a very considerable time, and upon that consultation, the details of which are recorded in two copious Blue-books, was founded the revised scheme of Lord Minto's Government. Now, the original scheme came out of this ordeal very little altered. The Secretary of State appears to question that. But as I read the despatch addressed to the noble Viscount by Lord Minto's Government, after the consultation, it stops short of contemplating anything like popular election, it desires to secure representation for the land-owning and the monied classes, and that there should be a council of chiefs. In fact, the idea seems to have been to rally the conservative classes in India to the support of the Government. It preserves the official majorities. It secures adequate representation for the Mahomedan community. It contains no proposals for altering the regulations in regard to questions. It proposes that there should be a right of discussing the Budget but on the clear understanding that any opinion formed by the council on the Budget should take the shape of a recommendation which of itself would have no operative effect.

#### LORD MORLEY'S SCHEME.

I am very anxious to do the noble Viscount no injustice, but I think I am within the mark when I say that his scheme, the details of which are to be found in the Bill on the table, in the noble Viscount's despatch to the Government of India, and in his speeches in Parliament, goes



very considerably beyond what was suggested to him by the Government of India. I hope he will not think me irreverent if I use an expression derived from the game of cards which is very popular on the other side of the Atlantic, and say that the noble Viscount saw Lord Minto's hand and went one better. (Laughter, and "Hear, hear.") I say that because the scheme of noble Viscount is certainly based on popular election. It certainly gets rid of the official majority. It certainly extends the power of dealing with the Budget, and, as we understand, the right of interpellation is put beyond what was proposed by the Government of India. But it does more. The noble Viscount's scheme breaks entirely fresh ground in this, that it deals with the question of Executive Councils—both the Viceroy's and Provincial—which, as he knows, were only dealt with in the minutes and despatches in a very tentative fashion. Of course, he may say, with great fairness, that many of these things are left to be dealt with by regulations under the Bill. That, no doubt, is the case. But the general result, so far as I can see, of his action has been that he has converted an extremely cautious proposal made to him by the Government of India into a scheme which, in my judgment, is very much less cautious and reaches very much further. And this is done at a moment when the greatest possible caution is necessary in dealing with Indian affairs. It was truly said by my noble friend Lord Middleton that the effect of these proposals on the Legislative Councils cannot be really understood unless you consider, not the effect of each single separate proposal, but their cumulative effect taken altogether. Taken by themselves these things are serious enough. You have a large increase in the number of the councils. You have a system of election which I shall always maintain as foreign to the ideas of the people of India. It is a European system which they do not understand, and which I do not believe they greatly care about.

#### *FIREBRANDS IN COUNCILS.*

Then there is the question of the right of the head of the Government to object to the appointment of an unsuitable and undesirable member. The noble Viscount made this evening an announcement which interested us extremely, and which I am bound to say goes far towards disarming any misgivings which I have on this particular point. We understand that the rules which are to be promulgated there are to be certain categories of exclusions, and I have no doubt that in that net the noble Viscount will catch some of the personages whose presence on the councils would be most objectionable. But so long as the head of the

Government has no right of objecting to a particular member on the ground that his presence would fatally impair the efficiency or good order of the council, so long will there be a risk, and a very considerable risk, that men will be elected—I am not speaking now of men who have actually undergone imprisonment or anything of that kind—that men will be elected who can be familiarly described as dangerous firebrands, and who will take advantage of their presence on the council in order to make good Government extremely difficult, if not impossible. I am afraid one must admit that in the eyes of the people of India themselves it will seem most strange and unaccountable that the Government should tolerate upon these bodies the presence of men who are known to be flagrantly disloyal and promoters of sedition. They will ask themselves why these things happened. A friend of mine showed me not very long ago a very interesting passage in an article published in a magazine in this country by a rather well known Indian gentleman, Ooday Pertab Singh, Rajah of Bhinga in Oude. It runs:—

“A man desirous of entering the council has now but to make a few speeches before a debating club of schoolboys denouncing the foreign rule as a curse, painting every official European as a scoundrel and every supporter of the British rule as a vagabond. Thus he paves his way to election to a municipal or local board, as a member of which he decries every measure originating with the Government as inhuman and unjust. He is honoured with the appellation of the champion of liberty, and has not to wait long for a seat in the Legislative Councils, local or supreme. When he reaches his goal he has only to ask a few impertinent questions to remain in touch with his comrades.”

That is how Indian natives look at the admission of gentlemen of this undesirable class to seats on the Legislative Council! I trust, therefore, that the noble Viscount, when he comes, to deal with the question of regulations, will consider very carefully whether it is not necessary to strengthen the hands of the heads of the local Governments on this particular point. I pass from that to the question of the official majorities. I confess that I am sorry that the official majorities are to exist no longer. I think it is a dangerous thing to expose these local Governments to the risk of being out-voted in council. I think it would be a shock to their authority, a shock which, if possible, we should avoid.

#### POSITION OF OFFICIALS.

A good deal has been said as to the effect of these changes upon the position of the officials who will take part in the proceedings of the Legislative Councils. I am bound to say that I entirely agree with what my noble friend, Lord Curzon, said as to the very deplorable effect which it may have upon their position in their future. In



the first place, this work cannot help distracting them and luring their attention away from what is their real official business. They have plenty to do, and you take them away from their proper work, disorganize the department to which they belong, and give them work for which a great many of them are by no means admirably fitted. Lord Ampthill thought that it was a rather unkind cut to the administrators of the Indian Civil Service. I do not think so. The Indian Civil servant has his particular *metier*, and performs it extremely well, and I desire to associate myself with all those who have spoken with respect of this most distinguished body of public servants. But they have not been brought up to take part in the hurly burly of public discussion. When I heard this point discussed this evening, my memory recurred to some words which were spoken at this table by Lord Rosebery on the occasion when we were all of us lamenting the death of the Duke of Devonshire.\* Lord Rosebery said that none of us, probably, knew now much anguish the Duke of Devonshire used to feel when he was called upon to make an important speech. Those words, I think, must have come home to many of us. I expect most of us have at different times shared that feeling of anguish, but, if we have that feeling, what will be the feeling of a wretched assistant secretary who has got to go down to the council and stand an hour or two hours' heckling at the hands of men who could hold their own at that amusement with any Scottish heckler or with any Irish member of Parliament? (Laughter.) Have none of us ever felt when we had office work to do, and when we have had a speech to make the next day, that our office work rather suffered in consequence? And do you not suppose that these poor gentlemen will, occasionally, spend many hours of misery and trepidation with a debate of this kind hanging over them, and that their thoughts will be turned away from their proper work to the task of preparation?

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\* Lord Hartington, when Secretary for India in 1883 said: "It is not wise to educate the people of India, to introduce among them your civilisation, your progress, and your literature, and at the same time to tell them they shall never have any chance of taking any part or share in the administration of the affairs of their country except by their getting rid in the first instance of their European rulers."

Lord Randolph Churchill, also Secretary for India, said: "The character of the government, which is in the hands of foreigners, who hold all the principal administrative offices, and form so large a part of the army would constitute a political danger, the magnitude of which, it is to be feared, is not at all appreciated by persons who have no knowledge of or concern in the Government of India, but which those responsible for that Government have long regarded as of the most of serious order."



### PARLIAMENT AND THE RULES.

As I said a moment ago, a great deal of this depends on the rules which are to be made. As my noble friend truly said, this Bill is really a kind of blank cheque, and until the rules are made, we do not know how the cheque is going to be filled up. We are very anxious to elicit from the noble Viscount a little more information as to the extent to which he proposes to take Parliament into his confidence with regard to these rules. I certainly gathered from him last night, and I gathered it with the very greatest pleasure, that in some shape or form Parliament was to have an opportunity of becoming aware, and therefore, the opportunity of discussing these new rules. May I read the words which the noble Viscount is reported in the newspapers this morning to have used :—

“No doubt it is desirable that some of the heads of the regulations, rules, and proclamations to be made by the Government of India, under the sanction of the India Office should be, more or less, placed within the reach and knowledge of the House so far as they are complete.

Viscount Morley.—May I explain to the noble Marquis exactly what I meant and what I mean? As he will remember, I first of all read out the language used by Mr. Gladstone in 1892, and accepted at that moment by Lord Curzon, to the effect that the regulations, rules, and proclamations formed under the Act must be made in India by the Government of India. That was my general view. Then I went on to say that I thought it was right that the heads of these regulations, so far as we had then arrived at them, should be stated to Parliament, and my intention is, when we go into Committee, when I believe, I shall have the opportunity of making some general observations on the Bill of a very short kind, to explain to the House what the general heads of the regulations are at the stage at which we have now arrived—I am in telegraphic communication with the Government of India—what their effect is and what they come to.

The Marquis of Lansdowne.—I am very much obliged to the noble Viscount for his explanation. I do not think we all understood what he said quite in that sense, and, until we have had an opportunity of listening to the promised statement on the rules, I would prefer to withhold further observations, except this general observations, that the circumstances do not seem to me to be in any way the same as the circumstances of 1896, and that, on the face of it, I should think that there would be a good deal to be said for the view that Parliament should be given an opportunity of seeing whole of the rules in their



complete form, and then, if necessary, it would be open to call attention to them or even to move a resolution with regard to them. (Hear hear). Of course, the noble Viscount will not imagine for a moment that I want to suggest that the rules and regulations should be brought in as a Bill and debated clause by clause. That is not my intention at all.

### PROPOSED EXECUTIVE COUNCILS.

May I pass for one moment to the question of Executive Councils? We are to have enlarged Executive Councils in Madras and Bombay, and we are to have or we may have new Executive Councils in other provinces. Comment I venture to make upon that is that this part of the scheme has apparently been out through with very great haste and with not nearly the same amount of discussion and consideration which has been given to the part of the scheme which deals with Legislative Councils. The noble Viscount thought last night that I had lost my way in that part of the Bill: I do not think I have. I told the noble Viscount that I had strong views with regard to the appointment of an Indian member on the Viceroy's Council, and then I went on to say that until the despatch of October, 1903, we had never heard any thing, and the Government of India had never said anything about reforms in the Executive Councils, and that is the case. The first reference to the question is to be found in paragraph 76 of the October despatch, and what is said in that paragraph? Lord Minto's Government postulates, in the first place, that we are to have experience of the working of the new Legislative Councils before the question of Executive Councils is taken up. It postulates that there is to be a consultation with those who are best qualified to advise before the matter is disposed of, and finally, there is no reference of any kind in that paragraph to the Viceroy's Council. What does the noble Viscount do? He does not wait for the experience of the new Legislative Councils. He does not wait for the consultation. There is a rumour that some kind of consultation is in progress at this moment. I do not know whether I am right or wrong, but what I want to ask is are we going to be told why this long and laborious consultation with experts of all kinds was necessary in the case of the Legislative Councils, why we are given all these copious material, for forming judgment on that point, and why there was apparently no consultation, and why we are given no materials for forming a judgment in the case of the Executive Councils? I am afraid His Majesty's Government have rather got into a habit of legislating first and consulting afterwards. (Laughter, and "Hear, hear.") We had a leading case in the Old Age Pensions Act of last year and I think

there is to be another leading case in the Bill for the disestablishment of the Welsh Church. There is on record a considerable amount of expert opinion unfavourable to that part of the proposal which give Executive Councils to the Provincial Governments. The noble Viscount, I am sure, remembers that in 1905 the matter was mooted in Bengal, and I have seen it stated in the press, and it was never been contradicted, that the proposal was unanimously rejected, at that time by the Government of India. If I am wrong, the noble Viscount will have an opportunity of contradicting me.

### CONSTITUTION OF THE COUNCILS.

There does not seem to me to be any point in the scheme where consultation was more called for than this particular point. Is it really quite fair to impose upon a Lieutenant-Governor of a province an Executive Council which, perhaps, he does not want, to convert his subordinates into colleagues, and to associate with him, whether he likes it or not one or two Indian\* colleagues. Is it fair to do all that without, at least, giving him an opportunity of urging anything that he can urge in opposition to the proposal? (Hear, hear.) There is a very remarkable feature in the scheme—and here we are dealing with a clause in the Bill and not with regulations which may be hereafter made. Under a clause in the Bill, as I understand it, the Bombay and Madras Councils are to consist of four members.

Viscount Morley.—Of a number not exceeding four.

Lord Lansdowne.—Of whom two are to be qualified by official experience?

Viscount Morley.—Yes.

Lord Lansdowne.—And the other one or two are not to have official experience?

Viscount Morley.—It does not say that. All it says is that one shall have qualification, and the other may have, or may not.

The Marquis of Lansdowne.—My point is this: Will it, under this clause, be open to the Secretary of State to put into the Council of a Governor two Indian gentlemen neither of whom has had any official training or experience—a street celebrity, a political celebrity, but one

\* The first clear conception of foreign rule was put forward by Sir John Shore, who afterwards became Governor-General of India. He wrote a long minute in 1787, and he put the whole matter in a nutshell. He wrote:

"There is reason to conclude that the benefits are more than counterbalanced by evils inseparable from the system of a remote foreign dominion."



who has never been successful in acquiring a reputation as a trained and efficient administrator?

### CONSIDERATIONS OF SENTIMENT.

With regard to the appointment of an Indian Member on the Viceroy's Council, may I be allowed to say that, although I do not see eye to eye with the noble Viscount upon this point, I do most entirely appreciate the feelings which induced him to make the proposal? I think, if I may say so, that the passage in his speech which dealt with that question was the one which, perhaps more than any other, appealed to the sympathies of the House.

If I may use the expression used by my noble friend Lord Cromer, I understand that this is a case in which the Secretary of State thinks that political—or perhaps I should say sentimental—considerations be allowed to outweigh considerations based on efficiency pure and simple. I am the last person in the world to desire that in a case of this kind no weight should be given to sentimental considerations. I think it would be a bad day when in our public life we ceased to have regard to considerations which may fairly be described as sentimental considerations. But I would ask this question: What sentiments are we thinking and talking about? Is it Indian sentiment, or are we quite sure that it is not European sentiment which we are taking into account? If it were possible to ascertain what Indian sentiment is upon this subject, I believe there would be a preponderance of Indian sentiment against putting an Indian upon the Viceroy's Council. I do not know to what quarters the noble Viscount would look for an opinion of that kind. The inarticulate masses for whose benefit we govern India know nothing about the Viceroy's Council, and would be profoundly indifferent. The 53 millions of Mahomedans are up in arms against it unless the noble Viscount gives him what he has peremptorily refused to give them—a second Mahomedan member to serve alongside of a Hindu member. Then what about the sentiment of the chiefs and rulers of India? What is the advice which the noble Viscount has received upon that point? I am under the impression that it will be eminently distasteful to the chiefs and rulers of India that they should be governed—that orders should be issued in the name of the Government of India—by a gentleman who, if the indication given to us by the noble Viscount is correct, would probably be an extremely able Calcutta lawyer. Therefore I

\* The Maharajah of Kashmir in a speech on 28-6-09 said: "The generous spirit which has dictated the grant of a reform scheme bases the administration on popular will."

really believe that if one could conceive of an Indian *referendum* upon this point you would be answered by a great preponderance of opinion against the elevation of a native member to the Viceroy's Council. But let me put sentimental or political considerations to one side. What about the practical effect of the proposals? The result which the noble Viscount expects to obtain is that the Viceroy will be given a responsible adviser with a knowledge of the country who will act as a kind of counterpoise to the exclusively British element. All I can say is that the Viceroy's Council never was recruited upon principles of that kind, and I am forced to believe that if you are going to appoint an Indian gentleman to the Viceroy's Council and prefer him to other competitors because he is an Indian, you are in fact introducing a test of a wholly novel description. But the noble Viscount explained matters a little more fully yesterday. We understood from him that these appointments are to be filled with reference to the merit of the particular candidate, and if that is really so—if we could be told that the Secretary of State will look round and will not give the appointment to an Indian gentleman unless he is convinced that that Indian gentleman is really a stronger candidate from an official point of view than any other candidate in the field—than my objection is to some extent, but not entirely, mitigated. But what really has rather shaken my confidence in the judgment of the noble Viscount on this point is the appeal which he made in this House to analogies—the analogy of his own Council in Whitehall, and the analogy of Indian Judges. Surely it is notorious that the whole position and functions of the Secretary of State's Council are wholly dissimilar from the position and functions of the Viceroy's Council in India. The Secretary of the State's Council has no initiative; it is purely consultative; it has no executive functions; and, last but not least, the two Indian members of the Secretary of State's Council are wholly removed from the private influences to which an Indian in Calcutta will certainly be exposed. The analogy of the Judges seems to be equally wide of the mark. The Judge has to administer a code of law from which he cannot depart. The functions of the Viceroy's Council are executive in the strictest sense of the word.

#### THE EFFECT UPON EFFICIENCY.

I regret the effect of this new departure upon the efficiency of the Viceroy's Council. I confess I think that in this case efficiency ought to come first, and I think we are justified in claiming that the institution known as the Governor-General in Council has been one of the most



efficient instruments of Government in the world. The noble Viscount referred very appropriately the other day to the admiration expressed by President Roosevelt for our system of Indian government. What has been the secret of the success of that Government? It is that it has been so constituted that it has been able to observe the strictest possible neutrality so far as the people of India are concerned, and that is why the people of India trust it. I say it with no disrespect to Indian gentlemen. I do not deliver that you can find such a thing as an absolutely neutral Indian, and if he is neutral nobody would believe that he is. But I know that the noble Viscount has burnt his boats so far as that part of his scheme is concerned. I can only hope that he may prove to be right, and that I may prove to be wrong. But with regard to the Provincial Councils a good deal yet remains open, and I earnestly hope that the noble Viscount will take to heart and will consider attentively the suggestions that have been made to him with regard to one or two points in his scheme that deal with these councils.

I make one suggestion. I am afraid the noble Viscount will reject it summarily. But I do wish that he could find it consistent with his duty to postpone for the present, and entirely without prejudice, the two clauses dealing with the Executive Councils. If he would do that, if he would allow those clauses to come up in a separate Bill after he had elicited opinions from all those whom he would naturally consult, I feel quite sure the House would consider them with an open mind and with no desire to impair the usefulness of the scheme as a whole. I apologise to the House and to the noble Viscount for having dealt some what critically with his proposals. But we who have had some experience of Indian affairs are bound to tell him what we think about these proposals, we are bound to warn him if we think any of them are of a dangerous character, and, after all, we are playing for tremendous stakes. The Bill may prove—or rather, I would say it will prove—to be a turning point in the history of our position in India. (Hear, hear.)

Sir John Malcolm, a Governor of Bombay, said that if the plans of spreading instruction "are not associated with the creation of duties that will employ the minds which we enlighten, we shall only prepare elements that will hasten the destruction of our Empire. The moral evil to us does not thus stand alone. It carries with it its Nemesis the seeds of *'The Destruction of the Empire itself'*"

Mr. Elphinstone, who was also a Governor of Bombay, said in 1859: "But we are now doing our best to raise them in all mental qualities to a level with ourselves and to instil into them the liberal opinions in government and policy which have long prevailed in this country—and it is vain to endeavour to rule them on principles only suited to a slavish and ignorant population."

We should, I venture to think, be untrue to ourselves if, while there is still time, we did not urge him to consider well whether at some points you are not going to travel rather too fast over ground which we all of us know is honeycombed with pitfalls and dangers. (Cheers.)

The Earl of Crewe.—I want to make one or two observations on the question of the Legislative Councils, their constitution and their proposed procedure. I confess that the demand made for a veto by the principal authority on the appointment or election of any particular member does seem to me that the introduction of the electoral system can be of very little value if the man elected can be declared incapable of sitting not on any specific ground, but because the Lieutenant-Governor or Governor-General does not desire to see him on the Council. A power of that nature given to an individual it is unlikely my noble friend could agree to.

#### OFFICIAL MAJORITIES.

A word or two seem necessary on the question of official majorities. What seems to me the case is this. A Council composed of an official majority and an unofficial minority works very well in ordinary times, but if it comes to a state of things when the official majority is always drawn on one side and the non-official minority on the other, then we may be quite sure that there is something altogether wrong with the condition of the Government of the country or province. You may get your way but in a manner that is by no means satisfactory, a manner that makes it scarcely worth getting. So far as the Colonial Office is concerned, if such a state of things were to become habitual, we should regard it as a very strong case for some form of outside inquiry. The blame would not necessarily be upon the Governor or the Government, but there would be indication that in some way the machinery of Government had broken down. If you have an unofficial majority in this case I understand the carrying through of what are known as "wild cat Bills" is in the last resort prevented by the use of the veto. Further than that—and this, of course, is a safeguard which does not exist in the case of an unofficial majority when it is thought necessary to pass a particular measure in the teeth of an unofficial majority—a power is given to do so. That seems to me to safeguard your position, but it is really safeguarded, as pointed out by Lord Ampthill, in an entirely different way by the fact that these unofficial majorities are not, or certainly ought not to be solid bodies.

I should not think very much of a Governor who did not somehow find means of detaching some of the non-official members from their



colleagues and transferring them to the supporters of his own point of view. I do not say that if he failed to do so on a particular occasion he would show himself inefficient, but if it came to be an invariable fact that the non-official members were drawn up in a line opposed to the official members, in such a case I should be disposed to think that the executive officer though he might be a good Governor in other ways, was not a very efficient politician or had the qualities of a skilful diplomatist. The noble Lord said last night that after all there was no great hardship in being in a minority, and he pointed to these benches as illustrating the possibility of being in that position and yet surviving. Well my lords, appearances are sometimes deceptive. We may maintain a calm demeanour and even attain at times to the appearance of a spurious joviality, but the noble Lord will guess, if he does not know the effect on our general character, our tempers, and our minds of living in state of being perpetually outvoted.

I am speaking quite seriously when I say that if the noble Lord opposite had shared our fate during the ten years before we came into office, he would know the truth of what I am saying. Most of us towards the end of those ten years were beginning to lose interest in public life, and began to think it might be well if we began to turn attention to the cultivation of our gardens, and but for the emergence of the fiscal question, which gave new life to proceedings in your Lordship's House, I am not sure but some of us would have done so.

#### QUESTIONS IN COUNCIL.

I pass to points upon which it is supposed some danger might arise, and the use of supplementary questions has been mentioned. Well, I should have thought that this power would prove a very useful safety-valve, I assume under proper restrictions. The noble Lord seems to forget that many more men like to talk about their grievances than expect redress. I think the noble lords underrate the value of this safety valve of talk, and I cannot help thinking that if supplementary questions were forbidden, the value of questions would in a great measure pass away. It is said it would be hard upon officials, would take up too much of their time, and that they would be engaged in oratory against skilled speakers who merely wished to cause annoyance. Now I have always found that the man who knows his subject, orator or not, makes a good speech upon it. Speeches that are ineffective are those made by men who really do not know what they are talking about. I cannot in my own mind doubt that experienced administrators will find no difficulty, in nine cases out of ten, in dealing with

popular glib; but infinitely less informed speakers whom they may have to encounter.

### THE REGULATIONS

I pass to a different point—the regulations which are to fill in the framework of the Bill. One noble Lord said we were asked to give a blank cheque, and in one sense it is a blank cheque; but it is a cheque that is to be signed by a body of trustees who have to affix their signatures by the side of that of my noble friend. (Hear, hear) Something has been said about these regulations being laid on the table of the House, with a view, I suppose, of their being altered upon the presentation of an address from either House. That is a demand to which we could not assent. In the first place, it would be entirely foreign to practice in these matters, and to the principle laid down by Mr. Gladstone quoted by my noble friend and agreed to by the noble Lord opposite. The noble Marquis said this did not mean that the regulations would be debated clause by clause in Parliament; but it was a large demand to make by members of this House, who have a strong position and control of our legislative proposals here—complete control except in regard to details in the region of finance. If you are going to ask also for control over purely administrative matters, you are making a demand never made before, and one to which I do not think my noble friend could possibly agree. It would simply mean that the ultimate form of the regulations would be settled by the noble Lords opposite.

### THE EXECUTIVE COUNCIL

Then I turn to the question of the Indian member of the Executive Council, and here I think some confusion seems to have arisen by the use of the word “representative.” It is sometimes said that if an Indian member is placed on the Viceroy’s Executive Council he is to be the representative of India. It is undoubtedly true, as has been already pointed out, that no one man can be the representative of India, because there are so many Indians. But I do not understand that, if and when this gentleman is put on, he is to be put on as the representative of India. My noble friend’s proposition is not to create a representation, but to remove a disability, and that is surely a very different thing indeed. A closer analogy than those which have been made seems to me the removal of Catholic Disabilities in 1829. If you were to take the specific instance of the disability which still exists in appointing a Roman Catholic to the office held by my noble friend on the woolsack or the Lord Lieutenantcy of Ireland, the removal of that disability does not necessarily mean that a Roman Catholic will always be appointed



to that particular office. It would mean, just as my noble friend's proposition means, that, other things being equal, the person who holds that creed is as fit as any other person to hold that particular office. That is all that can be actually said to be meant by my noble friend's proposition. Of course the ultimate method of working out the proposition is, I admit, a different matter. It may so happen that the appointment of Indian member will tend towards the filling of one particular office by a native rather than by another. Obviously there are some posts on the Viceroy's Council which could never be held by an Indian but we ought, I think, to get rid of this notion of representation, which has been rather unfortunately imported into the question—unfortunately because it gives wrong idea both to people in this country and in India as to what is really meant by the proposal. I very heartily re-echo one remark that fell from the noble Earl on the cross-benches, and that is the extreme importance of this proposition being a unanimous one, when it reaches India, so far as possible. The value of anything proposed by my noble friend, I quite admit, must be diminished, if it becomes the subject of acute controversy here with men, like the noble Lord opposite, who are well-known and thoroughly respected in India.

### THE FUTURE OF INDIA

This debate has undoubtedly been maintained on the high level which distinguishes your Lordship's House. Here and there has been an observation which we on this side of the House have heard with regret, I think, if I may say so, that the whole tone of the remarks of the noble Lord opposite, (Lord Curzon,)\* is somewhat unduly pessimistic about the entire scheme. He seemed to speak with lights turned half down and to the sound of rather melancholy music. I do not also, I admit, entirely appreciate the observations of the noble Lord behind me with regard to the future destinies of India. I do not know that the prophecies to which he objected were exactly necessary prophecies, but I am quite sure that the noble Lord's prophecies in turn are not

\* Lord Curzon's policy has only laid bare the fact which can be abundantly proved by quotations from the history of British rule in India, if any proof is needed, that the British rule in India exists primarily for the British and only secondarily for some of the soil, and that with exception of a few high-minded and noble-souled Englishmen, the ordinary Briton is as selfish and self-centred as the ordinary run of humanity. From the necessities of the situation and from the ready proneness of the Indian people to believe in the benevolent intentions of others often taking them at their words, it is necessary that something should occasionally happen to open their eyes to the true nature of things and to enable them to see things in their real colour.—D. N.

needed either. What will be the future of India 50, 60, or 100 years hence need not, I think, trouble us. It is on the knees of the gods, and all we have got to do is to provide as best as we can for the conditions of the moment, having, of course, an eye to the future but not troubling ourselves about what may happen in days when, to use Sheridan's words, "All of us are dead and most of us are forgotten."

I think that my noble friend behind me has good reason to be satisfied with the reception of his Bill. He has been himself the recipient of many tributes which, I can assure the House, give even more pleasure to his colleagues than they do to himself. I trust that the future course of the Bill in its later stages will be easy and prosperous. (Cheers.)

The Bill was then read a second time.

### *THE COMMONS' AMENDMENTS IN THE LORDS*

On the order for the consideration of the Commons' amendments to the Indian Reforms Bill,

Viscount Morley rose and said: I beg to move that the House agree with the amendments made by the Commons, subject to the insertion of certain amendments in the new clause inserted by the Commons. The circumstances under which what was then Clause III has been struck out when the Bill left your Lordships' House. The noble Lords opposite were emphatic in saying that their objections to the clause were not permanent and final. I then welcomed that language as showing a conciliatory spirit, and I resolved in my own mind that I would do the best I could in the circumstances of the case to meet in that spirit. But, of course, my view of the importance of the old Clause III remained very much what it was. I do not believe that the noble Marquis opposite would contend that what I had indicated as the principle of that clause was an erroneous principle—that it would be a great error and inconvenience both to the Government of India and Parliament if whenever a proposal was made to attach an Executive Council to a Lieutenant-Governor, there should arise in Parliament here a full dress debate in each House, on second reading in Committee on report and on third reading. I feel very strongly that, that would be a great error. I have been addressed more than once by noble Lords opposite and exhorted to pay respect to the Government of India. The Government of India, as a matter of fact, are strongly in favour of the old Clause III, and Lord Minto, in his speech the other day, under the formal and almost solemn circumstances of an address to his own Legislative Council, said he was in perfect accord with the Secretary of



State in this proposal. A very important member of the Executive Council used the same language.

### PARLIAMENTARY INDISCRETIONS

It is a remarkable fact, of which the full significance is beginning to be understood, that the Government of India are very sensitive to the intervention of Parliament wherever that could be properly, constitutionally, and conveniently avoided, because language is apt to be used both in another place and in this House which in this country, of course, is appraised at its proper value; but what is a mere indiscretion here in either House becomes a danger in India. I am bound to say—and I have had the singular advantage of feeling the brunt of the indiscretions in both Houses. I think the palm of indiscretion must be given to the language of Lord MacDonnell, because his language, more than once repeated and put down in the shape of a motion in regard to the Partition of Bengal, has been felt by the Government of India and by myself as having been a most injurious indiscretion, perhaps the most injurious I have had experience of during my three and a half years of responsibility for the affairs of India. (Cheers.)

### A REASONABLE COMPROMISE

Now turning to the amendment, my object from the first, especially since the weighty speeches of Lord Percy and Mr. Balfour, has been to secure that an understanding should be arrived at. My very strong desire that there should not be exhibited to India the spectacle of any avoidable friction or contention between the two Houses of Parliament, and that the Bill and the regulations dependent upon it should go before the people of India as having been granted by the Parliament of Great Britain freely and practically unanimously. (Hear, hear.)

No doubt India has great difficulty in understanding our Parliamentary system of government, which might be defined as “contention *plus* compromise.” My principle, therefore, in reference to India would be to have as little Parliamentary contention as possible, and every reasonable compromise that is possible. (Cheers.)

I hope that the noble Marquis opposite and noble Lords generally would feel that the amendment to the old clause III which I am now asking the House to agree with, is a reasonable compromise. The point of it is that Bengal is to have an Executive Council, and it is earnestly desired by the new Lieutenant-Governor of Bengal. When the Government of India suggested the setting up of an Executive Council in a province beyond Bengal, I propose that the Governor-

General should draft a proclamation to be laid by the Government on the table of both Houses for 60 days. If an address is moved by either House against the proclamation it is thereby estopped; if no address is moved it would become operative at the end of 60 days. At first I thought that it ought to be an address of both Houses but it has been represented to me that this would be to strip one House of its *veto*, and being sincerely anxious to meet the fair claim of every one concerned, I agree that the proposal should take the form of an address from either House, this being sufficient to stay the proclamation.

Referring to the amendments on the paper, I desire to draw attention to the amendment standing in the name of Lord MacDonnel, relating to the powers of revoking and making changes in the constitution of the councils as now exist under the Statute of 1833. The noble Lord pointed out, however, that the Act of 1833 had been a dead letter, and in reference to the councils of Bombay and Madras it had never once been acted upon. The suggestion conveyed a kind of innuendo that these councils when brought into existence would very likely work so ill that it would be necessary to alter their conditions of existence, of function, and of authority. The Government could not accept the amendment, and I object to inserting in the Bill, which is an enlarging measure, language which in reality might end either in moonshine or in mischief. Besides it is against all tradition of Indian government and administration to keep back powers once conferred and to annul bodies once created. I move that the Commons' amendments should be agreed with.

The Earl of Cromer said: As my amendment covers the same ground as that of the noble Viscount, I intervene at this stage of the discussion. I do not challenge the accuracy of the noble Viscount's history of the past in connection with clause III but as I think that the history could be related in two different ways, I proceed to give my own version of the story: While I am now quite prepared to withdraw my own amendment and to accept the amendment of the noble Viscount, I would like to add that I could not have withdrawn my own if the noble Viscount had not by his amendment provided that either House should have control over this matter; because it appears to be a subject about which the House of Lords has eminently a right to exercise some direct control, for a large number of your lordships have had Indian experience. (Hear, hear.)

The Marquis of Lansdowne said: It has been our desire from the first that these Government proposals should be dealt with in a con-



ciliatory spirit. I and my noble friends have done all that lay in our power to prevent the discussion following upon party lines. We felt this Clause 3 dealt with matters of such immense Imperial importance that your Lordships' House ought not to part with that full and effective control which at this moment it possesses. To say to these great Indian provinces, "You shall be governed, not by a Lieutenant-Governor, but by a Lieutenant-Governor with a Council, which is to include Indian members, and perhaps Indian members with no official experience," is to announce to these important parts of the King's dominions that the constitution and principles upon which their affairs are administered might undergo a fundamental change at the bidding of a Parliament in this country. Upon a question of this kind the House of Lords has the right to have an opinion and to act upon that opinion. (Hear, hear.) I am not much moved by the argument the noble Viscount opposite founded upon opinion in India and particularly upon the opinions of the Anglo-Indian Press. Your Lordships are far better judges of what is constitutionally due to your Lordships' House even than the Government of India or the Anglo-Indian Press. (Cheers.)

We understood that the noble Viscount desired that should an occasion arise hereafter of creating these councils in other parts of India, His Majesty's Government and the Government of India should be relieved of the trouble and anxiety by which Parliamentary legislation is always attended. Therefore, many of your Lordships from the first have been favourably disposed to an arrangement which while it avoided those inconveniences, at the same time preserved to your Lordships' House our absolute and unqualified right of having an effective voice with regard to any proclamation that might be issued under the clause.

It must not be forgotten that at a not very remote date the Indian Government\* itself regarded this proposal very unfavourably. (Hear, hear.) Another consideration which weighs with my noble friends and myself is the failure to consult the Provincial Governments. I notice with alarm and regret a tendency to treat the opinion of the Provincial Governments as if they were of very little importance. Nothing could be more unfortunate than to create the opinion in India that change of this kind could be carried out over the heads of Provincial Governments. (Hear, hear.) While I would gladly support the amendment of Lord Cromer, yet, in deference to the very strong representations made to us, and in order that there should be no difference of opinion between the two sides of the

\* Lord Curzon's Despatch of 1905.



House, I think the arrangement of the noble Viscount is one which we could reasonably accept.

Earl Roberts : I am entirely in accord with the opinions expressed by Lord Lansdowne, Lord Curzon and other noble Lords who voted against Clause III. I regard the formation of Executive Councils as contemplated by the clause as not being likely to help Lieutenant-Governors in carrying out their duties. But the change has been made by the Secretary for India, and I would not offer any objection to the Council being introduced in Bengal. The important question of the appointment of an Indian member has also been settled. I regret that the noble Viscount has not delayed for further consideration the carrying out of a measure which is likely to have momentous consequences. It would not satisfy the demagogues, and it is not desired by the people. The Indian people believe in their English rulers, but we had not the same feeling of trust in native officials, because of the prejudices of caste and religion.

Lord MacDonnell : This is the second occasion during the course of these debates in which the Secretary of State has thought fit to make depreciatory remarks regarding me. I therefore think it due to myself and to the House that I should explain, with an absence of acrimony, so far as I could control it, my position in the matter. I was invited by the noble Viscount to assist him in the discussing and framing of the scheme of reform now before the House. The letter of invitation was entirely at variance with the present spirit and the language of the noble Viscount. I most willingly gave my assistance to the noble Viscount, and subsequently received from him an expression of his thanks and satisfaction. Afterwards we differed. I had always thought that matters connected with India were outside the sphere of party politics ; but even if they were not, I do not think any bonds of party would lie upon me so heavily that in a matter of the first Imperial importance I should not express my honest conviction. (Opposition cheers.) Only on two great subjects did I differ from the noble Viscount—the appointment of an Indian member to the Executive Council and the creation of the Lieutenant-Governor's Council ; and I found sufficient approval for his action in the fact that my views were in harmony with those of Lord Lansdowne, Lord Curzon, and Lord Roberts, all of whom had been so highly and closely associated with the Government of India.

Lord Morley of Blackburn.—What about the partition of Bengal ?

Lord MacDonnell : It is quite true that in regard to the partition of Bengal I hold opinions at variance with those of Lord Curzon. On a



former occasion I was charged by the Secretary for India with being autocratic, and now the noble Viscount accuses me of a want of consideration for his subordinates. During a service of 25 years in India, I had been brought into personal connexion with the great men who had built up and maintained the British Empire in India and one of the lessons I learned at their feet was, that a chief must carry his officers with him. I administered four of the great provinces of India, one after the other, in times of unrest and war, in times of famine and plague, and in each province it was necessary for me to carry my officers with me for without them I could have done nothing. I ask, would I have been placed as Governor over those provinces, if it were true that I was discourteous or unfair to my subordinates? (Opposition cheers.) The great men with whom I have been associated in India were able to play on that stormy harp whose strings were the hearts of men. They did not learn by sitting in offices or by writing books how men should be managed.

Lord Curzon of Kedleston: I should not interpose in a personal matter between the Secretary for India and Lord MacDonnell beyond saying that the passage from the *Times of India* read by the Secretary of State in reference to Lord MacDonnell is singularly ungenerous in tone and I thought your Lordships might have been spared its quotation. (Hear, hear.) As I listened to the speech of the Secretary of State I ask myself whether he has supplied us with the information that we sought as to the views of responsible persons in India on this subject which would justify the House in receding from its opinion. I do not think that any substantial addition has been made to our information. We have merely been told, what we knew before, that the Government of India were in favour of the proposal. Their conversion, although convenient, has been extremely rapid, and only six months ago they were saying something entirely opposite. Nobody contended that any Lieutenant-Governor is in favour of it with the important exception of the Lieutenant-Governor of Bengal, whose authority I do not desire to depreciate, but who at present stood alone. The noble Viscount said the Press of India is in favour of it when he quoted his passage from the *Times of India*. I only regret that he had not brought down a passage from the same paper a week or two earlier, which expressed very unfavourable opinion of the manner in which the noble Viscount had conducted this clause. More germane to the discussion than what an isolated Anglo-Indian paper says for or against the proposal would

have been anything that the noble Viscount could have shown the House by way of any substantial demonstration of opinion in India in its favour; in the interval to some extent there had been such a demonstration, but it has in the main animated from those who thought that if these councils were introduced into the Bill, opportunities would be created for themselves. Failing additional information, is there anything in the state of affairs that justifies us in according the present proposals in a spirit of compromise? I think that there is. The provisions in the amendment are points to the good and justifies us in departing from our previous attitude. In accepting the compromise, we ought to have a clear idea as to the future. Bengal would have its Executive Council straightaway. I have very little doubt that before many years have passed, when the present Lieutenant-Governors are changed and others take their places they might not hold similar views; and when constant agitation has prevailed it is quite likely that we would have Executive Councils extended to province after province. In the next 20 years there might scarcely be a single province, with the possible exception of those on the extreme frontier, that would not have an Executive Council. If that is a correct forecast, it is a state of affairs that I at any rate could not regard without a little apprehension but at the same time our guiding consideration ought to be that the responsibility in this matter rests with the Government alone. (Hear, hear) In the last resort we must leave that responsibility where it should rest, and with that expression of opinion I think that we might in the present occasion, with justice to ourselves, accept the compromise,

Viscount Morley of Blackburn: I would ask the indulgence of the House to say one sentence in regard to what has fallen from Lord MacDonnell. I do not suppose that there is anybody in that House more averse than myself from introducing the personal element into a great Imperial discussion. My feeling, which might have appeared needlessly pointed towards the noble Lord, has remained with me since last December when I first had the honour of explaining to your Lordships the policy of the Government in all these matters. At that very moment the noble Lord launched views about the partition of Bengal which he had repeated since, which were not merely pious opinions. A view against the partition of Bengal, launched by a noble Lord of his great Indian authority, inflicted a very serious blow on Lord Minto and myself and the Government of India who for two years had been upholding the partition of Bengal against great difficulties. The agitation for it began more or less to cool down, but when a noble Lord



of his authority said that it was the greatest blunder ever committed by the Government of India, it kindled the ashes of what was an expiring flame.

Lord MacDonnell.—I do not think it is an expiring flame.

Viscount Morley of Blackburn: In that case, it is still worse. Lord Minto and myself at all events, are bound to treat it as an expiring flame. We would not be parties to a reversal of that partition. I said that before and venture to say it now. The noble Lord is entitled to his own opinion; but at a time when the Government of India are doing their best against many enormous difficulties, I should have thought the noble Lord, who had been so eminent in the service of the Indian Government for so long a time, would not have added to those difficulties by following the course he did.

Lord MacDonnell: My object is to obtain a reconsideration of the question in connection with what was, and is, a consideration of the entire Indian political system.

The amendment was then agreed to.

# The All-India Muslim League

PRESIDENTIAL ADDRESS  
AMRITSAR SESSIONS, 1908

GENTLEMEN, I thank you heartily for the great honour you have conferred upon me by asking me to preside at your deliberations on the occasion of this, the first Annual Sessions of the All-India Muslim League held after its constitution was passed last March. To occupy the position with which you have favoured me to-day is, to my mind, a proud privilege and, however unworthily I may possess it, I wish to assure you that the present moment is the proudest in my life. The political conditions that affect the Musalmans of India bristle with problems of much gravity; it is, therefore, greatly to be regretted that unforeseen circumstances have deprived this gathering of the presence amongst us of a leader of such exceptional ability as Mr. Syed Amir Ali, C.I.E. His vast learning, mature views and ardent love of Islam and Muslims entitle him to rank as one of the foremost Indian Musalmans of the day, eminently fitted to give the right direction to the political energy of our community. You will miss in your deliberations on the present occasion, the masterly guidance of the savant, an erudite scholar and a profound thinker. Under the circumstances, I keenly feel the weight of the responsibility placed on my shoulders for having been called upon to preside in this assembly. Political deliberations require much clearness of vision, foresight, temperate and dispassionate language, exactness of expression, sagacity, judgment, a genuine regard for the view of the opponent and no less an appreciation of the points of his case. Overwhelmed with the conviction of my own shortcomings, I am buoyed up with the confidence that the assembly in which I have the honour to preside to-day represents the intense earnestness, the high aspirations, and the elevating ideals of a community that, for all its numerical inferiority, is rich in quality of race and traditions of political perception and administrative ability. I feel assured that on the task that you have set yourselves, the political development of your community, you will bring to bear in our proceedings the sobriety, the patience and the wisdom which are the forerunners of the success of an undertaking. Politically speaking the Mahomedans of India occupy a unique position, I believe it is without a parallel in the history of the

Mr. Syed Ali Imam, Bar-at-Law; now Standing Counsel, Calcutta.



world. Close upon a thousand years ago the Arab Mussalman scented the desert air of Sindh and found its sand-mounds and date-groves remind him of Hejaz, of Arabia Felix. Since then wave upon wave of Moslem conquest has rolled over the entire length and breadth of India. In serried ranks Mussalman Royal Houses rose and fell, but Moslem domination of the country remained more or less an unbroken chain, till in comparatively more recent times supremacy hung in the balance between the Mahratta spear and the British bayonet. Islam, in its world-wide career of conquest and conversion, met on Indian soil with a resistance which had little in it of the admirable military prowess of the Hindu. What Hindu chivalry was powerless to protect, Hindu ethics, Hindu philosophy and the Hindu social system had made impregnable. Centuries rolled by; but the conqueror and the conquered in point of nationality, character and creed suffered not from their political association. Characteristics of race and religion and political and social ideals of the two presented irreconcilabilities. Quoranic teaching throws open wide the door of conversion with equal right and liberty, social and political, to the new-comer. His entrance into the brotherhood of Islam is a passport to all that is the highest and the best in that community. Islam is expansive, has the capacity to hold all nations in its embrace. Hinduism inculcates a tenacious adherence to a faith that is not proselytizing, that has encased itself within the rigidity of caste-system and that has no catholicity. To be a Hindu one has to be born one.

#### DIFFERING THEOLOGY

Birth imposes no limitations on Islamism. The methods of theological thought of the two communities are totally different. The severely puritanical unitarian idea of Godhead of the Muslim stands in violent contrast with the beautiful but crowded mythology of the Hindu. In the East religion enters into the very life of the people. It permeates the fabric of society, supplies the spring of individual action in every-day life and dominates habits of thought in a measure unknown to the West. The social relations of the Indian Muslim and the Hindu have not yet received the geniality of a common dinner-table nor the sacrament or legal sanction of matrimony. The two communities, from the truly social point of view, are as far apart to-day as they were a thousand years ago. Time has not worn out any of the angularities that characterized their social systems when they first came face to face. Similarly some of their political methods have been distinct. The two communities have different notions of sovereignty. The Mussalman

Sovereign presides in the Council Chamber, leads at prayer and commands in the battlefield. He is at once the head of the State and the Church. The Hindu Monarch considered it a privilege, under religious obligation, to kiss the Brahmin's toe. The Hindu Rajah has an overlord in the authority of the Hierarchy. Papal Bulls had not the terror or the crowned head of Christian Europe as the frown of the Brahmin for a Hindu Chief. It is clear, therefore, that, apart from ethnic diversity of character, the two communities have nothing in common in their traditional, religious, social and political conceptions. There must be something imperishable in the cherished beliefs of both.

### WRONG IDEAS INCULCATED

It is idle to deny that, however fortuitously, one immediate manifestation of British rule in India was, the complete immunity the Indian Mussalman received from the not unnatural but fierce resentment of the Hindu. A new era dawned the destinies of the vast continent of India, a morning full of promise and hope, of intellectual advancement and material prosperity. The impact of the Western methods of administration, the characteristically generous desire to govern in deference to popular views and the inauguration of a high-souled policy of public instruction have created in the last 50 years aspirations and political perceptions which the peoples of India had never felt before. A free press and till very recently an irresponsible press, public speaking and similarly till very recently an unrestrained public speaking have engendered indefinite and vague ideas of Home Rule, self-government, autonomy and Swaraj among many other political conundrums that have brought about an unrest which has in the present day occupied the anxious thoughts of many friends of India both among the rulers and the ruled. It is impossible for thoughtful men to approach the subject without regard to the pathetic side of the present situation. It is the liberalism of the great British nation that has taught Indians, through the medium of English education, to admire democratic institutions, to hold the rights of the people sacred above all rights and to claim for their voice first place in the government of the country. The mind of close upon three generations of the educated classes in the land has been fed on the ideas of John Stuart Mill, Milton, Burke, Sheridan and Shelley, has been filled with the great lessons obtainable from chapters of the Constitutional History of England, and has been influenced by inexpressible considerations arising out of the American War of Independence, the relation of Great Britain with her Colonies, and last though not least, the grant of Autonomy to the Boers after their subjugation



at an enormous sacrifice of men and money. The bitterest critic of the educated Indian will not hold him to blame for his present state of mind. It is the English who have carefully prepared the ground and sown the seed that has germinated into what some of them are now disposed to consider to be noxious weed. It will be a dwarfed imagination however that will condemn the educational policy of the large-hearted and liberal-minded Englishmen who laid its foundation in this country. Those who inaugurated it aimed at raising the people to the level where co-operation and good understanding between the rulers and the ruled is possible. Under the circumstances, the desire of the educated Indian to take a prominent part in the administration of his country is neither unnatural nor unexpected.

### *A COMMON LANGUAGE*

It is clear therefore that, while developing the material resources of the country, the Government has not been regardless of its duty to invite and to admit the people of the country to share the responsibilities of administration. The grant of local Self-Government, the concession of the right of interpellation, the recognition of popular associations and corporations to send their representatives to the Legislative Chambers of the country, the tendency to encourage useful discussion in budget speeches, and the keen desire to take the natural leaders of the people into the confidence of Government before a measure is passed into law are but the emphatic expressions of appreciation of the popular element in the transaction of the affairs of State. With fostering care for years the Government has from time to time introduced institutions and encouraged methods that have abundantly furnished opportunity for political training. Above all, one not the least remarkable development of the results of British occupation of the country is that India has come to acquire a common language. English is now a common medium of exchange of ideas from one end of the country to the other. It has drawn the myriad races and communities of India closer together than ever before. Material, intellectual and political activities have brought about conditions of which the educated Indian is the embodiment. Hindu or Mahomedan, Parsee or Christian, intellectually the educated Indians have drawn nourishment from the one and the same feeding bottle—the great liberalising influence of the great British race. With all the theological, social and ethnic differences between communities in India, it is futile to question the fact that the educated Indians, of whatever race they may be, have acquired a common attitude of thought relating to the land of their birth. There seems to be unanimity in sentiment

of love for the mother country. The passion to serve her, to advance her material and moral prosperity and to ameliorate her general condition has taken firm root in the breast of the educated Indians. We, the educated Musalmans of India, have no less love for the land of our birth than the members of the other communities inhabiting the country. India is not only the land of our birth, we are tied to her by the sacred association of ages. We yield to none in veneration and affection for our motherland. All our hopes and all our aspirations are wrapped up in the general advancement of our country, an advancement all along the line, giving protection and preferment to all her children alike without any invidious distinction.

### A HINDU COMPLIMENT

Our Hindu countrymen have paid us the just compliment, time after time, to say that their great organization, the Indian National Congress, remains incomplete as a political agency without the Musalmans freely participating in its activities. In the last 23 years leaders of that assembly have been at great pains to draw the Musalmans of India to their annual deliberations. Indeed from about September to December when the sittings of the Congress are about to be held the political importance of Musalman co-operation is openly preached. Exhortations from the platform rend the air and publications from the press carry far and wide to Musalmans the invitation to join. The reasons why the Musalmans of India have not responded to the appeal of the Congress leaders, I will dwell upon later. I am at this stage of my discourse concerned with impressing upon you the consideration that you are a great community, that in the political affairs of the country you hold a place of unique importance, and it is your duty to realize fully the responsibility attaching to the position you occupy. Indifference to the political developments of the country and disregard of the phases through which these developments are passing are not possible any more. Side by side with the political activities of the Indian National Congress the educational activity of the Musalmans has proceeded at no ordinary pace. The presence of representative Musalmans from all the different parts of India in this gathering is an assurance that the community has realized its political responsibility and that it is answerable for stewardship to the younger generation both within itself and without. We identify ourselves with all that aims at the general advancement of the true interests of the country. We have a rooted conviction that the true interests of the country lie in the maintenance of cordial relations among the Indian communities,



and that the true political ideal is the one that aims at peaceful progress of such a national character as subserves the protection and advancement of the interests of all denominations. Gentlemen, I claim for the League responsibility for working out political amelioration not only for the Musalmans but for all races that inhabit our beloved country, India. I assert that ours is not a mission narrowed down to self-seeking and sectarian aggression. I repudiate the suggestion that the League is in opposition to other political organizations of the country and that it has given a blank cheque to Government. We reserve the right of frankly, fearlessly and boldly criticising the measures of Government; we reserve the right to protest, however respectfully, against the continuance of certain of its methods; we reserve the right to refuse to believe in the soundness of a particular policy of it; and we also reserve the right of standing shoulder to shoulder with our brethren of other denominations when we find our country suffering under a real grievance. But at the same time we declare that in our relations with Government we will not permit malice to cross our path, warp our judgment and create disaffection.

#### NEED FOR THE BRITISH

Gentlemen, in these days of political tribulation and unrest professions of loyalty stand on slippery ground. But this I will say that apart from ethical aspects of loyalty to the British Crown, the best sense of the country recognizes the fact that the progress of India rests on the maintenance of order and internal peace, and that order and internal peace in view of the conditions obtaining in our country at present and for a very long time to come, and immeasurably long time to come, spell British occupation. British occupation not in the thin and diluted form in which Canada, Australia and South Africa stand in relation to England, but British occupation in the sense in which our country has enjoyed internal peace during the last 50 years. Believe me that as long as we have not learnt to overcome sectarian aggressiveness to rise above prejudices based on diversity of races, religions and languages, and to alter the alarming conditions of violent intellectual disparity among the peoples of India, so long British occupation is the principal element in the progress of the country. The need of India is to recognize that true patriotism lies in taking measure of the conditions existing in fact, and devoting oneself to amelioration. Idealism may be enchanting but has little place in practical politics.

I cannot say what you think, but when I find the most advanced province of India put forward the sectarian cry of "Bande Mataram"

as the national cry, the sectarian worship of Sivaji as the national hero-worship, and the sectarian Rakhibandhan as a national observance, my heart is filled with despair and disappointment and the suspicion that under the cloak of Nationalism Hindu nationalism is preached in India becomes a conviction. Has the experiment tried by Akbar and Aurangzeb failed again? Has 50 years of peaceful spread of English education given the country only a revival of denominationalism?

The idealistic Swaraj, as understood in the light of a Calcutta High Court ruling, is a fascinating picture, but their Lordships who delivered that judgment were not concerned with the political inadaptability of the moral it teaches; they were concerned only with the question whether it teaches anything unlawful.

What disastrous consequences may not flow by the lay public acquiring notions of Swaraj without the capacity to understand the technicalities on which their Lordships' decision is based. Swaraj or self-government, autonomy or a self-governing member of the Empire, in other words, home rule under the ægis of the British Crown in India is possible only when racial, religious, social and intellectual disparities are removed, and a fusion has levelled down characteristics of separate denominations to a plane where the pulsations of a common national life are the most prominent features.

Regard for the feelings and sentiments, needs and requirements of all is the key-note to true Indian nationalization. It is far more imperative where the susceptibilities of the two great communities, Hindus and Musalmans, are involved. Unreconciled, one will be as great a drag on the wheel of national progress as the other.

#### WHAT DOES SWARAJ MEAN?

I ask the architects of Indian nationalism both in Calcutta and Poona, do they expect the Musalmans of India to accept Bande Mataram and Sivaji Celebration? The Mahomedans may be weak in anything you please, but they are not weak in cherishing the traditions of their glorious past. I pray the Congress leaders to put before the country such a programme of political advancement as does not demand sacrifice of the feelings of the Hindu or the Mahomedan, the Parsee or the Christian. The preparation for self-government does not consist in merely insisting on it year after year in language that fires the imagination of the educated classes of the country into uncontrollable and fatal excesses, as is too painfully manifested in what is happening in Bengal. It does not consist in launching forth on the troubled waters of Indian politics the frail bark "Swaraj" without care of its sea-worthiness. Does Swaraj



mean transfer of control, from the British to the peoples of India, of all internal affairs of the country—legislation, finance, administration of civil and criminal justice, police, State education, military service? I suppose this is what is contemplated by article i of the Allahabad Convention Committee. That article sums up the object of the Indian National Congress to be “the attainment by the people of India of a system of government similar to that enjoyed by the self-governing members of the British Empire.” As a mere ideal without any reference to the conditions prevailing in India it is unexceptionable. Utopia is not unimaginable. But that it should furnish a basis in practical politics to divide off into Moderates and Extremists is incomprehensible. Have politicians of these two cults considered the futility of a schism that is engaged in laying down irreconcilable lines of policy for conditions that are not likely to be possible even in any measurably remote future? Is it wise to weaken the solidarity of political unity? Have we Indians put our own houses in order? Have the Hindus and Mahomedans sunk their many differences?

#### MUSLIMS AND THE CONGRESS

What has kept the Mahomedans, as a people, away from the Indian National Congress? It was, I say, this very demand for the transfer of legislative and administrative control from the rulers to the ruled; in other words, that the ruling authority should vest in the party that commands a majority of votes in the Council Chambers the Indian Autonomy. It did not require much imagination to see that such a majority could be the Hindu majority.

What did the suggested change of masters signify? Twenty-one years ago Sir Syed answered the question in his memorable Lucknow speech, and that answer has been for over two decades the rule of conduct of the Mahomedans of India in relation to the Congress. The All-India Muslim League has to answer that very question again. Should the Mahomedans of India accept the views of what was the Indian National Congress before the fateful and abortive Surat sitting?

#### IDENTICAL INTERESTS

It seems to me that there are many questions of practical politics where the interests of the two communities are identical, and that in so far as these questions go, there is no earthly reason why the League should not hold out its hand in loving and patriotic grasp to the Congress. The separation of the judicial from the executive, the repeal of degrading Colonial Ordinances, the extension of primary



education; the adoption of measures of sanitation, the admission of Indians of all races in larger numbers into the higher branches of the public service, discontinuance of official interference in matters of local self-government, reasonable reduction of military expenditure without endangering efficiency, recognition of the legitimate and patriotic desire of the warlike races of India to render military service as Volunteers, the grant of commissions in the army to Indians, an equitable adjustment of Home charges, limitation of revenue on land belonging to the State, establishment and development of village unions for the disposal of petty civil and criminal cases, encouragement and protection of indigenous arts and industries, the eradication of insolvency on the one hand and feeling of inferiority and mortification on the other between the rulers and the ruled, are some of the many grave questions in practical politics in India that equally affect all classes of our countrymen. I deny the accusation that the Mahomedans of India have not either the capacity to understand the value of co-operation for the accomplishment of reforms or the courage to face official disapprobation. Gentlemen, Mahomedan political foresight and Mahomedan courage do not require any advocacy. The world has seen enough of both to judge that they are wanting in neither. Why is it then that we have held aloof from the Indian National Congress? Not because we do not want co-operation, not because we do not feel the urgency and wisdom of the reforms mentioned above and of their kind, and not because we suffer from any nervous or morbid fear of the Rulers, but because the Indian National Congress does not only seek reforms such as are described above, but that it wants far more.

To ask our rulers for specific measures of reform is to admit and recognise the necessity of their control, but to ask them to hand over that control is to ask them, however politely, to take to their ships and retire from India. To ask for the latter is to ask for a change of Government, and to press for the former would be, as put in article I of the Allahabad Convention, "a steady reform of the existing system of administration." It is obvious that the existing system of administration is not "a system of government similar to that enjoyed by the self-governing members of the British Empire." That article puts the latter as the object of the Congress and the reform of the former as the method of attainment. It seems to me, therefore, that to attain the object the method suggested would not be "reform," however steady, of the "existing system" but its extinction. The article does not seem to seek reform but revolution, though bloodless. Surely the Indian public has a right to have more light thrown on the meaning of that article.



*THE CONGRESS IDEAL*

The Moderate wants autonomy or representative government under the ægis of the British Crown, and the Extremist wants the same but without the fiction of the ægis. They both desire the extinction and not the reform of the present system of administration. Canada and Australia are tied to England by sentiments of race, character and creed, and their continuance as such under the ægis of the British Crown as long as they are not treated with impolitic interference, has an intelligent basis. The grant of autonomy to the Boers is of too recent a date to prognosticate that the ægis will be respected. In the case of America the ægis proved too brittle to survive the effects of the Boston Port Bill. In the light of the differences of social, moral and religious standards of England and India, and the diversity of race, character and creed between the ruler and the ruled, one may be pardoned for thinking that of the two ideals, however impracticable both, the one of the Extremists, though steeped in treason, is not disingenuous. It definitely sets before the country the honest version that if self-government is attained by India the British may not flatter themselves with the belief that they will have even the slender thread of the ægis to connect them with this country. The Moderate hopes to hasten self-government by giving assurances of profound loyalty to the ægis and with such assurances asks for autonomy. But, gentlemen, is this all that is needed for India? The ideal of the one or of the other? Is the present need of India contemplation of ideals? Has the good sense of the country run away with the notion that self-government is to be built in the land from the apex and not the base. I crave your indulgence to quote from a speech that I delivered when I had the honour to preside at the first Sessions of the Behar Provincial Conference. "To my mind the greater problem is how to equip ourselves for receiving and assimilating the amenities and advantages of self-government, than an insistence on the right to enjoy a privilege which, once we have reached the requisite efficiency, can no more be denied than the truth that water finds its own level. I consider that in the development of national life in India there is far less danger from without than from within."

*IMPOSSIBILITY OF INDIAN AUTONOMY*

Have the apostles of Indian autonomy given us up to this time any indication how their great ideal will maintain internal peace, what will be its relation to the ruling chiefs, what will be the features of its military administration, how will it adjust the difference of standards of morality,

in its scheme of national education, how will it conduct itself in the devious and difficult paths of foreign policy, what guarantee will it give to capitalists of other countries who have their millions vested in India, what protection will it accord to the domiciled European, how will it get over the dangers of intellectual disparity between races and sexes in India, and how will it reconcile religious, social and racial antipathies? Are religion, society and politics watertight compartments? Can you separate politics from the other two? If a religious procession, the slaughter of a particular animal, the moral of Bunkim's plot in *Anand Muth*, the preachings of fanatics in East Bengal or any other part of India and numerous other subjects connected with religion inflame the mind, it is insanity to dissociate Indian politics from them. Surely, gentlemen, the mere elevation of an ideal is no title to its serious acceptance.

### FRUIT OF CONGRESS WORK

True statesmanship is to work for the highest possible good realizable. Before self-government, our ideal should be United India—united in a patriotism that leaves distant and visionary ideals to moulder in the vagueness and impracticability of their conceptions, and that addresses itself to working on non-controversial lines. How true are the words of the President of the unfortunate Surat sitting of the Congress in his undelivered speech. He said: "Hasty maxims drawn from the history of other nations and other times are extremely dangerous, as the conditions are never the same and action which produces certain results in one country at one time may lead to a directly opposite result in another country and at another time." Has not this ideal of self-government, however elevated, caused impatience on account of its impracticability, and has not the impatience carried the idealist off his feet, and has not this loss of equipoise created extremism, and has not extremism given birth to anarchism, bombs, secret societies and assassination, and is not all this the greatest menace to the peaceful progress of the country? Gentlemen, does the contemplation of an almost impossible ideal compensate for all the repressive measures that have been passed in the last two years? The resurrection of Regulation III of 1818, the Ordinance of May 1907, the Seditious Meetings Act, the Newspaper (Incitement to Offences) Act, and the Indian Criminal Law Amendment Act are the bitter fruits of the misspent labour of the idealist in the last two decades. These Acts may be a reproach to the Statute Book, but who is responsible for the reproach? The responsibility lies with those who, infatuated with the seductions of an idealistic but impracticable autonomy, have caused widespread



intellectual distemper among the educated Indians—a distemper utterly regardless of surroundings, of expediency and of the best interests of the country. The gospel of representative government in India has been preached with reckless carelessness, and the energy of the educated intellect of the country has been employed for the creation of longings the fulfilment of which within any measurable distance of time is impossible. The result is a sullen, disappointed, demoralized and morbid disposition in the best portion of the national asset of the country—the educated Indian. Is this not sufficiently deplorable a state of affairs to serve as a warning to us—Musalmans? Has not the League a right to beseech the Congress leaders not to prolong the agony any more, imperil the safety of the country any further and jeopardize peaceful progress by a profitless devotion to a chimera? Let the Indian National Congress shake itself free from the baneful blandishments of “self-governing member of the British Empire,” and let it announce that in our practical politics, loyalty to the British administration of the country is loyalty to India, and that the reform of the “existing system” is possible only with the maintenance of British control.

#### POSITION OF THE LEAGUE

Gentlemen, I am not putting this supplication forward in any spirit of cavil, but solely with a view to bring about an *entente cordiale* between the Indian National Congress and the great community that you represent, and also with a view that, in the great work of the regeneration of India, the firm but guiding hand of our rulers may be in comradeship with our own. As long as the leaders of the Indian National Congress will not give us a workable policy like the one indicated above, so long the All-India Muslim League has a sacred duty to perform. That duty is to save the community it represents, and specially the youth of that community, from the political error of joining an organization that in the main, as put by Lord Morley, cries for the moon.

It seems to me, therefore, gentlemen, that should the Indian National Congress, in the two particulars mentioned above, the one of the policy underlying the abandonment of an unrealisable ideal and the other of the procedure affecting the protection of minorities, be pleased to reconsider its position, there is every hope that the aspirations of the All-India Muslim League—United India—may be realised in the near future. It is then alone that Mahomedans can work with Hindus on non-controversial lines. I may take the liberty of mentioning that

we have made a beginning in this direction in Behar, and that the Behar Provincial Conference held last April at Patna brought Hindus and Mahomedans together because it resolved to work on a non-controversial and practical basis. Gentlemen, should my feeble voice ever reach the ears of such stalwart leaders of the Indian National Congress as Sir Pherozeshah Mehta, Mr. Gokhale and Dr. Rash Behari Ghose, I pray them to believe in the earnestness of my appeal. The creed of the All-India Muslim League is co-operation with the rulers, co-operation with our non-Muslim countrymen and solidarity amongst ourselves. This is our idea of United India.

### NEED OF MUSLIM UNITY

Gentlemen, I fear I have already trespassed too long on your patience, but I cannot close my address without an appeal to all my Musalman brethren of India, of whatever persuasion they may be, that the one paramount duty they owe to their King, country and themselves, is the maintenance of a strong and powerful solidarity within their own community. We must not forget that division amongst ourselves means sacrifice and surrender of our political position. Gentlemen, if you desire your voice to be heard in the land you must strive for and maintain unity amongst yourselves. The Government and your non-Muslim countrymen have equal need of your services. Gentlemen, the last Despatch of Lord Morley to His Excellency the Viceroy on the scheme of the Reform of Councils seems to overlook the principle that representation of minorities must have its origin in denominational basis from the very start to the finish, from the first voting unit to the elected representative. Without this the Musalmans cannot hope to secure the true protection which their interests demand. Hasty expression to my views on this Despatch received last week I hesitate to give, but the principle involved is of vital consequences to our community and a united expression of our views alone can save us from the perils of imperfection contained in the Despatch. Gentlemen, I again call upon you to unite. It is a solemn and sacred duty you owe to yourself and to your posterity.

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