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**THE EVOLUTION OF REPRESENTATIVE
GOVERNMENT IN INDIA, 1884-1909**

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A B S T R A C T .

The Evolution of Representative Government in India
1884 - 1909, with reference to central and provincial
legislative councils.

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This thesis analyses the emergence of representative government in India both in the central and ⁱⁿ provincial governments between 1884 and 1909. The first chapter examines the non-official demand for representation, and the attitude of various sections of public opinion to it in India as also in England. The second chapter deals with the reaction to these demands of the various governmental authorities leading to the drafting of the first reforms bill which became law in 1892. The career of this bill in the British parliament forms the subject of the third chapter. The fourth chapter covers the rules and regulations giving effect to the 1892 Act and the non-official views on the measure. The fifth chapter concerns the two provinces --- the Punjab and the Central Provinces --- excluded in 1892 from the scope of the reforms. The sixth chapter tells of demands for fresh reforms, and their repercussions on Indian and British non-official opinion. The seventh chapter studies Government reaction and the formulation of the Morley-Minto reforms. The passage of the Indian Councils bill 1909 through Parliament is the subject of the eighth chapter. The

ninth chapter having considered the rules and regulations made under the 1909 Act analyses the state of feeling of different non-official schools of opinion on the new reforms: the conflicting view-points are summed up and commented upon at the end of the chapter.

The materials consulted include private papers, original government correspondence and records, parliamentary papers, parliamentary proceedings, annual reports, newspapers, periodicals, pamphlets and published books.

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FOOTNOTE ABBREVIATIONS

The following abbreviations have been employed in footnote references:

D.N.B.--Dictionary of National Biography.

I.N.C.--Indian National Congress.

I.P.P.--India Public Proceedings.

Parl. --Parliamentary.

C.P. --Central Provinces.

U.P.---United Provinces.

In Chapter VII/only :

C.-----Curzon.

H.-----Hamilton.

CHAPTER I.

THE NON-OFFICIAL DEMAND FOR REFORMS.

The British withdrawal from India and the experiments of democratic government in India and Pakistan ever since have evoked keen interest throughout the world. For here is a trial in these eastern lands of a system of administration which was by many deemed compatible with the societies of Western people alone. With the traditions of autocratic rule, social divisions and inequality, conflict of race and religion, India presented an altogether different picture.

In the light of the present interest in the working of parliamentary institutions in India and Pakistan - greatly stimulated by the first general elections held on an unprecedented scale in India - the story of the inception of representative government in India assumes new significance.

It is necessary, however, to say that the word "representative" is used in a very broad sense. As we shall see, different interpretations were put to the term during discussions of the developments in India. In Britain, where the system of representative government was evolved and perfected, it had different connotations in different ages. Its scope, originally narrow, was liberalised only by stages, the last of which found the government answerable to the representatives of the adult population. Early in the period which this work covers, the process of liberalisation in

Britain was almost in its last lap. This presented a standard, and an ideal to those who desired representative government for Indians. As with all ideals, it could not necessarily be the first step: it could only come after many more. The development of representative principles in India had, however, a distinctive feature. India being under foreign rule, transfer of authority from British hands to Indian was the main criterion of this development, relegating to comparative unimportance the issues linked with theories of representation. But all this forms part of our story which seeks to tell how India set out on a parliamentary career, and also to unravel the forces which influenced its course.

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The transfer of the government of India to the Crown in 1858 was only the most obvious and important of the changes to which the mutiny of 1857 led. The mutiny had other lessons and other consequences which were to influence the course of Indian history for years to come. It pointed the moral that education was the best antidote to ignorance and fanaticism. It also disturbed and embittered the relations between Europeans and Indians in India, and left the former, who had large stakes in the country, less willing to leave the administration of the country altogether in the hands of the bureaucracy. The increasing burden of taxation which the task of recovery entailed was equally irksome to Europeans and Indians. A feeling grew that the non-officials should have some improved scope of advising, if not influencing, the administration, and the idea of admitting them into the governor-general's

council for legislative purposes (called the governor-general's legislative council for the sake of convenience) was mooted. The same plea for Indians was contained in a pamphlet written immediately after the mutiny by Syed Ahmed Khan, a government official marked for his courage and devotion to duty during the mutiny, who was destined to become in after years the undisputed leader of the Moslem community. Privately circulated among the officials, the pamphlet asked for admission of Indians to the legislative council so that the authorities might know how the Indians felt on different issues.

✓ Sir Charles Wood, the secretary of state for India, was originally impervious to this idea, because the legislative council of the governor-general was in theory only the government of India, aided for purposes of legislation by a few additional members. He resented its somewhat parliamentary procedure which had been initiated by Dalhousie, and could not approve of it being turned into an independent legislative body. However, gradually by persuasion he reconciled himself to the idea of non-official participation in the legislative council. Canning, the governor-general and Sir Bartle Frere, a member of the government of India, helped to change the attitude of Sir Charles Wood. Frere not only advocated the development of representative character of the governor-general's legislative council, but also wanted the establishment of local legislative councils on the same lines. Need of knowing local wants and wishes was emphasized, as well as the utility of "some barometer and safety-valve combined in the shape of a deliberative council".^{I.}

I. Martineau, Life of Bartle Frere, vol.1. p.340.

He pointed out too the impossibility of admitting non-official Europeans while keeping out Indians "who in intelligence and education are their equals and who have a far greater stake in the country".¹ This Sir Charles Wood did not dispute because he knew that the worst form of popular government was "of one race over another".² None of them ever imagined self-government for India within the limits of possibility, and the Indian Councils Act, 1861, piloted by Wood through Parliament, while incorporating for the first time the non-officials in the legislative machinery of the country, only recognised the fact that legislation for such a vast country, with its numerous races and interests, could not be entrusted to the care of a handful of officials, however able.

The Act reinforced the Council of the governor-general by additional members, not less than six ~~years~~ nor more than twelve. They were all to be nominated by the governor-general, and not less than one-half of the number nominated were to be persons not holding any office under government. The Madras and Bombay councils also got additional members, and provision was made for other provinces to have similar councils. The theory of legislation by the executive remained unassailed; the additional members reinforced the council for purposes of legislation only.

1. Ibid, p.339.
2. Ibid, p.344.

While the Indian Councils Bill was passing through the House of Commons, A. H. Layard proposed that at least a certain number of the additional members of the Council, when sitting as a law-making body, should be natives of India. Wood considered it undesirable to make a statutory distinction between different classes of Her Majesty's subjects in India.¹ In forwarding the Indian Councils Act to the Governor-General-in-Council, Wood in his despatch dated 9th August, 1861 anticipated, however, the advantages of introducing "intelligent native gentlemen" into the legislative councils. They would bring to the deliberations "a knowledge of the wishes and feelings of the native population," and the laws passed by the council would thereby tend to be more in consonance with the wants of the "great mass of the population of India." He hoped that "influential native gentlemen" would be available for the purpose.² In his speech on the first reading of the Bill, he had favoured the inclusion of "native chiefs and noblemen" in the Governor-General's legislative council.³

Under this Act, the functions of the legislative council were strictly limited to the consideration and enactment of laws. It could transact no other business. It could entertain no motion except one for leave to introduce a bill or having reference to a bill actually introduced. Some matters could be discussed only with the prior sanction of the Governor-General.⁴ →

1. Cambridge History of India, vi. p.235.

2. Sir Courtenay Ilbert, The Government of India, p. 562.

3. Ibid, p. 555.

4. Cambridge History of India, vi. p. 235.

Wood, in the above mentioned despatch, made clear that it was his intention to "prevent the legislature from interfering with the functions of the executive government and occupying its time with matters which are not directly or immediately connected with" the making of laws.^{1.} Consequently, the annual financial statement of the government could come before the council only if the statement involved a legislative enactment.

Under the new Act the governor-general's legislative council and the legislative councils of Madras, Bombay and Bengal came into existence in January, 1862.⁺ These councils worked more like committees and commissions than like parliamentary bodies proper. Usually they worked hard as can be gathered from a study of their number of sittings and the acts passed. In 1863 the governor-general's council passed thirty-two acts in twelve sittings, and in 1864 twenty-eight in nineteen sittings. The rapidity of legislation continued to be the feature of the council even in much later years. In 1886, 1887 and 1888, when meeting in Calcutta, the council passed respectively thirteen acts in thirteen acts in seven sittings twelve sittings, and twelve acts in as many sittings.^{2.} It came to be felt that the scope of scrutiny and discussion of important public matters was inadequate in these councils, and distaste for the stringency of conditions of working was shared alike by European and Indian non-officials. Even the government of India sometimes felt the disadvantage

1. Ilbert, p. 565.

+ A council for North-West provinces and Oudh was created much later, on 5.1.1887.

2. Parl. Papers 1890. 42.

of this. On 31st March, 1870, the Governor-General, Mayo, in the course of a speech in the legislative council said, "The Government of this country is, in one respect, in an unfortunate position, for there is no assembly nor any means of discussion similar to that which exists in other countries, whereby members of the Government can give immediate replies to statements made, and administer on the spot the negative to extravagant and inaccurate assertions." We are often obliged to wait for weeks and months before an answer can be given to even the most absurd accusations". In 1887 when presenting the Indian budget in Governor-General's legislative council for the first time since 1872, Finance Member Sir John Strachey expressed government's pleasure in being able to return to this practice.^{1.}

In fact, the strictness of the provisions of the Indian Councils Act, 1861 permitted the government of India to present the Indian budget in the legislative council only on fourteen occasions between 1862 and 1887. After 1872 the budget was presented in council only in 1877, 1880 and 1882. On the remaining twelve occasions the budget was published by resolution in the gazette.^{2.}

In October, 1887 the Bengal Chamber of Commerce approached the government of India with proposals for liberalising and extending the scope of discussion of the budget. While expressing their belief "that the free and public discussion of the financial arrangements as a whole

1. I.P.P., April, 1888. No. 31. (Quoted in a letter dated October 20 , 1887 from Bengal Chamber of Commerce to the Government of India.)
2. Ibid.

would be of great value, not only as a means of eliciting information, but also as an accession of strength which no Government can afford to neglect", they urged upon the Government of India to suitably amend the Indian Councils Act of 1861 to enable annual discussion of the budget in legislative council irrespective of legislative requirements.^{1.}

Similar representations were made by the Bombay Chamber of Commerce in November, 1887, which drew the government's attention to "the rapid development of interest in the questions regulated by the Budget" during the last decade. They reminded the Government of India that "an enlightened body of public opinion has grown up which it must be in the best interests of the Government and the country at large to consult, and if possible, act in unison with."^{2.}

The Madras Chamber of Commerce followed suit in December 1887. They characterized the existing system as "out of accord with the spirit of the age,"³ which did not "encourage the public to take that intelligent interest in its own financial affairs which must be the basis of true economy."⁴

The European and Anglo-Indian Defence Association also pressed for annual discussion of the budget. They had no doubt "that the Government would gain instead of lose strength if its proposals and its policy were intelligently discussed, and made known to the general public by the medium of a debate, rather than if they were consigned to the practical oblivion of the Supplement of the Gazette."⁵

1. I.P.P. April, 1888. No.31.

2. Ibid, No.32.

3. Ibid, No.33.

4. Ibid, No.34.

5. Ibid, No.37.

While these bodies prayed for reforms regarding the annual presentation of the budget alone, the demand of Indians was for more extensive changes. In a meeting presided over by John Bright in London on 23rd July, 1879, Lalmohun Ghose said, "An idea has taken root amongst the educated classes in India that the time has fully come when some system of representative government ought to be conceded to us." ¹ In fact, to the politically advanced Indians - most of whom were educated in English and many of whom had the benefit of a liberal education in England - the English parliamentary form of government offered a ready-made model on which they set their mind.

In presenting an address of welcome to the Governor-general, Dufferin, on 24th December, 1884, the Indian Association of Calcutta advocated re-constitution of the provincial legislative councils. They asserted that these councils, as then constituted, "without the right of interpellation or any share in financial management, with their official majorities, for the most part, and the non-official members owing their appointment entirely to nomination, admit of little room for the successful expression of popular opinion..." ² At about the same time a conference of leading Indians throughout the Presidency was held at Madras which drew, under the auspices of the Mahajan Sabha, a scheme of reforms suggesting the introduction of a representative element in the government. ³ The formation of the Indian National Congress in 1885

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1. The Natives and the Government of India, p.16,
 2. Sivendranath Banerjea, A Nation in Making, p.89.
 3. Report of second I.N.C. p.104.

afforded a national platform for progressive political thinking throughout India, whence was voiced annually the hopes and prayers for reforms.

The question of representation loomed large in the mind of Indian politicians. The principal defect of existing councils was diagnosed to be the absence of any representative element in them. They spoke of nominated members with unconcealed lack of confidence. In his memorial to the Secretary of State for India in 1880, Dadabhai Naoroji spoke of "the present farce of the nomination system for the Legislative Council and of the dummies that are sometimes nominated."¹ It was also felt that the scope for useful work by non-official members was hopelessly inadequate. Speaking at the first Indian National Congress in 1885 S. Subramania Iyer, a member of the Madras legislative council, deplored the fact "that the functions of these councils are limited to registering the decrees of the executive Government and stamp them with legislative sanction".² At the second Congress in 1886, Dr. Rajendralal Mitra said that the non-official members "represented no one but their own good interests" and were "selected so as to produce more ornament than usefulness." He wanted to do away with "nomination by the authorities", and desired instead "election by those whom the elected are to represent".³

At the 1889 Congress, Pandit Madan Mohan Malaviya regretted that

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1. R.P. Masani, Dadabhai Naoroji, p.207.
 2. Report of the first I.N.C. p. 26.
 3. Report of the second I.N.C. p. 49.

the nomination of non-official members had not been made by the government with the best interests of the people in view. In the majority of cases, he complained, the power of selection "has been exercised in favour of persons who have proved to be the least qualified or willing to advocate the interests and plead fearlessly for the rights of the people." ¹ Such complaints received countenance from the way that nominations sometimes looked like official patronage. In Madras legislative council a Moslem member first nominated in November 1867 was regularly re-nominated afterwards, so that on 1st July, 1889, he could look back upon an uninterrupted tenure of 21 years, 3 months, 28 days. A Hindu member in the same council had sat for 15 years, 11 months, 17 days, and another for 11 years, 11 months, 18 days. ²

In a letter dated 25th January, 1888 to the Home Secretary, National Government of India, the Honorary Secretary of Bengal/Chamber of Commerce asserted that the nominated members "cannot be said, properly and adequately, to represent the varied interests of the country." It would be too much to expect these members to thoroughly lay before the councils "the views and wants of so many and at times conflicting interests in the country." The government were therefore urged upon to adopt the elective principle in the constitution of the legislative councils. ³

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1. Report of fifth I.N.C. p.18.
 2. Parl. Papers, 1890, 42.
 3. I.P.P. April, 1888. No.38.

These views were shared by some high Government officials who had sat on these councils, and had experience of their working. H. J. Cotton characterized these councils as "the merest farce. Not only do officials predominate to an extent which absolutely precludes the possibility of any independent action, but these officials consist almost entirely of individuals who, from the very position they hold, are unable to display any personal independence." ¹ Herbert J. Reynolds, C.S.I., read to the East Indian Association, London, a paper in which he recalled his "experience gained as a member of the Bengal Provincial Council and the legislative council of the Viceroy." The councils were "councils only in name: they neither represented the public nor possessed the public confidence". He enumerated among the defects of the councils the overwhelming preponderance of official members, "the absence of any system of representative election, and the narrow limits to which the functions of the councils were restricted." ²

In a pamphlet published from Madras in 1886, John Murdoch advocated reform of the councils of Bombay, Madras and Bengal: while proposing equal number of official and non-official members in a council of sixteen, he concluded that "it seems best to concede the right of election in India".³ As many as six non-official members might be elected by municipalities, district boards, chambers of commerce, university graduates and Moslem associations. Annual discussions of budget and right of interpellation were also recommended to be conceded.

1. H. J. S. Cotton, New India (1885) p. 83.
2. The Pioneer, 1st May, 1892.
3. John Murdoch, LL.D. India's Needs, p.73.

The first Congress adopted a resolution - proposed, seconded, and supported by three members of the legislative councils of Bombay and Madras - pleading for an enlargement of the legislative councils by admission of "a considerable proportion of elected members". The resolution held that "all Budgets should be referred to these councils for consideration, their members being moreover empowered to interpellate the Executive in regard to all branches of the administration". To guard against the reckless over-ruling of the majority decisions of the council by the executive, a right of protest to a Standing Committee of the House of Commons was provided for.¹ No definite proportion of elected members was laid down. It was argued that local conditions and necessities in different provinces would determine this. The mover of the resolution, K. T. Telang, however, expressed his personal view that at least half of each council should be elected. Coming to the mode of election, Telang suggested election by municipal corporations, chambers of commerce, universities, various rural and municipal boards and well-established political associations. Obviously, Indian conditions were not deemed suitable for territorial constituencies.²

The Congress resolutions of the next year propounded a more complex scheme of reforms. Having reaffirmed the necessity of reform and expansion of legislative councils, the Congress made tentative recommendations to the government. Reiterating that membership of

1. Resolution III.

2. Report of the first I. N.C., pp.23-24.

legislative councils should be materially increased, the resolution laid down that at least half of the members of the enlarged councils should be elected: "not more than one-fourth to be officials having seats ex-officio in such councils, and not more than one-fourth to be members, official or non-official, nominated by Government". The resolution took care to mention that the right of election to provincial councils should be conferred "only on those classes and members of the community, prima facie, capable of exercising it wisely and independently." In Bengal and Bombay the councillors might be elected by the members of the municipalities, district boards, chambers of commerce and the universities, "or an electorate may be constituted of all persons possessing such qualifications, educational or pecuniary, as may be deemed necessary." In Madras the election might be by the bodies mentioned in case of Bombay and Bengal, or "by electoral colleges composed by members partly elected by these bodies and partly nominated by Government." In the Punjab and North-West Provinces and Oudh, for both of which the Congress had demanded legislative councils, the election might be by electoral colleges "composed of members elected by municipal and district boards, and nominated to an extent not exceeding one-sixth of the total number by Government." In these two provinces the right of election was further sought to be bestowed on the cultivating classes through the district boards. Irrespective of the method adopted for any province, the resolution insisted upon the adequate representation of "all sections

of the community and all great interests".¹ Speaking on this clause, the mover of the resolution, Surendranath Banerjea, asserted, "Representation is our motto, our watch-word, our battle-cry, the gospel of our political redemption." He explained, besides, that whatever might be the scheme of representation ultimately adopted by the authorities, "the interests of all classes of the community, Hindus, Mahomedans, Parsees, Sikhs, Eurasians, of all races and of all creeds should be adequately cared for. We desire to exclude none."²

The resolution recommended the election by members of provincial councils of non-official members of the governor-general's legislative council. In the sphere of rights and powers of legislative councils, the Congress demanded that all legislative measures and financial questions, including all budgets whether these necessitated fresh measures of taxation or not, should be placed before the councils. The privilege of putting questions to government on matters relating to the administration was sought, and it was suggested that while replying government should also furnish "copies of any paper requisite for the thorough comprehension of the subject". The council should thereupon be free to discuss the subject matter of the question and adopt a resolution recording the majority view on it. The resolution also contained a provision allowing the executive to decline to answer certain questions and to over-ride the majority decision, in public interest. The right of appeal to a standing committee of the Commons by the over-ruled majority was also reiterated.³

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1. Resolution iv.
 2. Report of second I.N.C., p.99.
 3. Resolution iv. (1886)

These resolutions indicate in which light the question of reforms was viewed by Indian politicians. Every year these views were reaffirmed from the Congress platform, and in 1891 the Congress reasserted "the conclusion arrived at by all previous Congresses, viz, that India can never be well or justly governed, nor her people prosperous or contented, until they are allowed, through their elected representatives, a potential voice in the Legislatures of their own country," and urged the people of Great Britain and Ireland "to permit no further delay in the concession of this just and necessary reform."¹

The Congress cry for reforms was enthusiastically taken over by a considerable section of the people at that time. Memorials and resolutions, adopted at public meetings at various places, poured in the Home department of government of India. By a letter dated 19th February, 1889, the government of India forwarded to the Secretary of State one hundred and two such memorials, resolutions, proceedings of meetings, etc.² It appears that most of these meetings were held during the first half of 1887. By far the largest number of meetings were held in Bengal, though the North-West Provinces and Oudh, Madras and Bihar had also a good share. These meetings must have been organised by people who had imbibed Congress ideals. The demand for representative councils was the sheet-anchor of all the petitions. It is interesting to know that the Indian Association's memorial was

1. Resolution ii, (1891)

2. Public letters from India, 1889, vol.10, p.227.

signed by forty thousand persons; the first three signatories were Kali Sankar Sukul (Principal, Victoria College, Narail), Heramba Chandra Maitra, (Editor, Indian Messenger), and Surendranath Banerjea (Editor, The Bengalee). This memorial, while taking its stand on the Congress resolutions of 1885 and 1886, remarked that the reconstituted councils would continue to be consultative in their character, and reassured the government that "the power of the Executive Government would remain as before, and indeed it would become stronger by the intelligent discussion of its measures by a partially representative assembly".¹

Much the same line of approach was taken by the British Indian Association, the leading organisation of landed aristocrats in Bengal. In addressing a letter to the government of India on the question of reforms on 27th December, 1887, Raja Peary Mohun Mookerjee, the Association's Honorary Secretary, prayed for enlargement of legislative councils by inclusion of more non-official members, annual discussion of budget, and right of interpellation. While referring to a "wider representation of popular views in councils", the letter admitted, "there has been for several years no prayer from native public more eagerly or more widely and influentially submitted to Government than the one for a reform of the constitution and powers of the legislative councils."²

1. Ibid, 241, (The Indian Association's letter dated June 25, 1889.)
2. I.P.P. April, 1888, No.35.

In a letter about a month later, the same suggestions were placed before the government by the Bengal National Chamber of Commerce. Dealing with interpellation, they dwelt on the advantages that would follow from it both for the public and the government. "It will afford the public an opportunity to hear the official and therefore authoritative explanation in justification of a measure which, in the absence of such explanation, might seem to them improper or unjust, and save the Government the harsh and unworthy criticisms which are at times directed against it by the press from want of sufficient information on the subject".¹

Despite elaborate Congress resolutions on the structure of reforms, the purpose for which they were sought was interpreted with some difference in emphasis. One school of thought - and they formed the majority - looked upon the reforms as calculated to help the foreign rulers to better administer the country by placing them more intimately in contact with public opinion. Thus at the second Indian National Congress, Pandit Thakur Prasad, a delegate from Agra, said that if the country was to prosper, it was necessary to give its children, "who understand its ways and wants", a share in the management of public affairs.² At the same Congress, Dr. Rajendralal Mitra argued, "we live not under a National Government, we live under a foreign bureaucracy: our foreign rulers under the peculiar circumstances of the case are foreigners by birth, religion, language,

1. Ibid, No.38.

2. Report of second I.N.C., p.71.

habits - everything that divides humanity into different sections. They cannot possibly dive into our hearts: they cannot ascertain our wants and feelings and aspirations."¹ Therefore, they wanted a sufficient number of representative men, each bringing his quota of knowledge of the requirements of a particular section of the community. Later on, Dadabhai Naoroji expanded the same idea, and spoke of the inability of English officials, with all their superior knowledge, "to enter into the feelings of the people, and feel as they feel, and enter into their minds."²

Some others evidently had different ideas. Speaking at the first Congress, K. T. Telang, though recognising that the power of rejecting the budgets of the executive government should not immediately be sought, said that non-official views nevertheless should be permitted to be expressed in such a manner that the authorities must necessarily feel themselves called upon to answer such views.³ At the Congress of 1886 Surendranath Banerjea counted upon the power of interpellation "to bring many an erratic magistrate to book".⁴ A year later he explained that no "domestic grievance" would remain unremedied if the legislative councils were reconstituted according to the Congress demand. "Talk of the separation of judicial from executive functions: why, the reform would be effected at once if we had a potential voice in the making of our laws. Talk of the wider employment of our

1. Ibid, p.49.

2. Ibid, p.56.

3. Report of first I.N.C. p.24.

4. Report of second I.N.C. p.99.

countrymen in the public service: why, the Queen's Proclamation would be vindicated to the letter, if we had some control over the management of our domestic concerns. You fret and fume under the rigours of an income-tax which touches even the necessities of subsistence: why, the incidence of the tax would be altered, the minimum raised, if we had anything to do with the imposition of the tax...." In fact, the reform of the legislative councils was the "panacea" for grievances relating to the "internal administration" of the country.¹ Eardley Norton assured the same Congress that through the reformed legislative councils "the great question of taxation will be within your grasp", and that he "who has the dispensing of money is he who has the control of all ultimate authority".² In the Congress of 1889, Norton foresaw that even limited right of election would introduce "the thin end of the wedge" leading to the "political emancipation" of the Indians.³ Thus this section looked forward to self-government. But as Banerjea himself pointed out in his autobiography, this new departure was hardly noticed at the time.⁴ The dominant sentiment completely lacked any desire of bringing the executive under the thumb of the legislature.

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The ideals for which the Congress stood met staunch opposition from others. It would indeed have been unnatural if the agitation for

1. Report of third I.N.C. p.83.
2. Ibid, pp.90-91.
3. Report of fifth I.N.C. p.15.
4. A Nation in Making, p.67.

reforms had been altogether devoid of contention. The vastness of the country, the multiplicity of interests, and interplay of numerous cross-currents of faith, sentiment and tradition stood in the way of unanimity. The Moslems were the most powerful opponent of the Congress.⁺ Their initial antipathy to British rule, which had dislodged them from power, had disappeared. The Moslem nobility took the lead in popularising the new regime. One of the Moslem organisations was the Mahomedan Literary Society of Calcutta, which was founded in April, 1863, with the object of imparting "useful information to the higher and educated classes of the Mahomedan community". Its membership included Moslem gentlemen from all parts of India. This society took pains to dispel any antagonism to British rule. Thus on 23rd November, 1870, the society decided in a meeting, after discussions strongly flavoured with religion, that British India was Darul Islam, - country of Islam or safety. As such no Jihad (religious war) could be waged therein. Such a war would be pronounced as rebellion, which was forbidden by the Moslem law. It also declared that in case of such a war, the duty of ^a Moslem lay on the side of the government to fight such rebels.¹ In a pamphlet published in 1872, Sir Syed Ahmed, the father of the Moslem

+ Unless otherwise stated, references to the Moslem view in this work should be taken to mean the view that took Moslems first, looked after Moslem interest as distinct from the interest of the general body of the people, - a stand which the Moslem League later on embodied.

1. Duty of Mahomedans in British India towards the Ruling Powers, (published by Erasmus Jones, Calcutta-Cambrian Press, - 1871)

renaissance in modern India, upheld this view more forcefully, and quoted in his support decisions of Moslem divines from far and near.¹

The alignment of Moslems with British rule in India on religious considerations was more clearly brought out in a speech at Meerut on 15th March, 1888, by Sir Syed Ahmed. He quoted from the holy Koran and said that none could deny that the British were "people of the Book".² The Koran "has ordained them and us to be friends". He referred to the religious and social affinity between the Moslems and Christians. God had made the Englishmen "rulers over us ... The Prophet has said that if God place over you a black negro slave as ruler, you must obey him". Therefore he advised his community to cultivate friendship with the British. The Moslems "should adopt that method by which their rule may remain permanent and firm in India."³

The dislike for the reforms movement, which for Sir Syed Ahmed spelt Hindu domination, was no doubt a vital factor in determining his attitude towards the British connection. The Congress agitation for political reforms he considered harmful to the Moslems. Reforms would benefit the Hindus alone. He also thought that of all Hindus, the Bengali Hindus would reap the richest harvest from the reforms. In two speeches which can be considered his policy statements, Sir Syed Ahmed elaborately explained his stand. - at Lucknow on 28th December, 1887, and at Meerut on 15th March, 1888. He reminded

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1. Syed Ahmed, Review of Dr. Hunter's Indian Musalmans; Are they bound in conscience to rebel against the Queen?
 2. Idem, The Present State of Indian Politics, p.49.
 3. The Present State of Indian Politics, pp.50-51.

his fellow-Moslems that election could only be injurious to them. Under a system of universal suffrage, for each Moslem vote there would be as many as four Hindu votes. Under a scheme based on financial competence, the Moslems would fare no better. "Suppose, for example, that an income of Rs.5,000/- a year be fixed on, how many Mahomedans will there be? ... In the normal course, no single Mahomedan will secure a seat in the Viceroy's Council." ¹ If any allotment of seats on councils was to be by considerations of proportion to total population, "there will be one member for us to every four of the Hindus." Even if the government allotted seats equally to the two communities, there would be fewer Moslem members to "leave his business and undertake the expense of living in Calcutta and Simla, leaving alone the trouble of the journeys." ² Thus the Hindus would even then have their way. He feared that the Hindu allegiance to reforms was in certain cases actuated by a belief that increased powers would enable the Hindus "to suppress those Mahomedan religious rites which are opposed to their own, and by all uniting, annihilate them." ³

It is interesting to note that similar Moslem misgivings were expressed even in Congress sessions. In 1889 a Moslem delegate moved an amendment to the Congress resolution about the legislative councils to the effect that the number of Moslem members in the

1. Ibid, p.13.
2. Ibid, p.14.
3. Ibid, p.35.

Imperial and provincial councils should ~~also~~ ^{always} be equal to that of the Hindus. In fact one delegate, Syed Wahid Ali Rizwi, called upon the Congress to declare that in view of the past glories of the Moslems and of their superior ability there should ~~also~~ ^{always} be three times as many Moslem as Hindu members. "If India is to be represented let her be represented by her best and not by her inferior races."¹ The amendment was opposed by Hamid Ali Khan, a Barrister from Lucknow, and was lost in division by 23 votes to 16, only Moslem delegates voting, though a large number of them remained neutral.

Sir Syed Ahmed considered representative government incompatible with the maintenance of British authority in India. Representative government presupposed that the rulers and the ruled belonged to the same nation. This could not be achieved in a country where the native population had been conquered by foreign rulers. He, therefore, considered it against the "true principles of government" that Indians should ask to "be appointed by election to the legislative council". Because, "the meaning of it is this: 'Abandon the rule of the country, and put it into our hands!'" "Hence", he advised, "it is in no way expedient that our nation should join in and echo these monstrous proposals".²

He considered it impossible for the British government to pay heed to "these unrealisable and impossible proposals", because these collided against the primary duty of the authorities in India, that of

1. Report of fifth I.N.C. p.36.
2. The present state of Indian politics, p.40.

"preserving the Empire on a firm and secure basis." ¹

He saw no more relevance in the prayer for annual discussion of budget. The budget included provision of finances for the army. Devoid altogether of any idea of war, - its cost, arms and troops - how could the members make up their mind and judge the merits of a budget? "How ridiculous then for those who have never seen a battle-field, or even the mouth of a cannon, to want to prepare the Budget for the army?" ² Besides, why should the conqueror approach the expenses for conquered for/the governance of the country! It was not 'consonant with the principles of empire."³

Sir Syed Ahmed thus voiced the antagonism of a considerable section of the Indian population to the claims for representation. He always held that the Congress had not the authority, nor the mandate to speak for the Moslems. Mentioning the name 'Indian National Congress', he said, "We and our nation gave no thought to the matter".⁴ He regarded the Congress as a handiwork of the Bengalis; he believed that the Congress had been founded only to benefit the Bengalis, "and next to them the Mahrattas and Brahmans".⁵ Disputing the suggestion that representative Moslems had supported the Congress, he protested, "To say that the Mahomedans have joined it is quite wrong and is a false accusation against our nation".⁶

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1. Ibid, p.15.
 2. Ibid, pp.19-20.
 3. Ibid, p.41.
 4. Ibid, p.30.
 5. Ibid, p.27.
 6. Ibid, p.34.

So much was he inflamed that he did not hesitate to say that "the Congress is in reality a civil war without arms" to determine who should rule India. The Congress wanted that the government of India should be English in name only, and that the internal rule of the country should be entirely in their own hands. "They speak in the name of the whole people of India: but they very well know that the Mahomedans will be unable to do anything and so the rule of the country will be monopolised by them".¹

There can be no doubt that the Syed's views had considerable support among the politically minded Moslem intelligentsia. Even in Bengal where the Congress hold was indisputable, influential Moslems slammed their doors on Congress importunity by declining through the Central National Mahomedan Association of Bengal and the Mahomedan Literary Society of Calcutta, to participate in the Congress and assume "an attitude of uneasiness towards the Government".² Meetings of Moslems were held at Madras, Allahabad, Lucknow, Lahore, Ludhiana, Amritsar and other places expressing confidence in Sir Syed Ahmed and endorsing the stand taken by him in the Lucknow speech.³

Associations opposed to the Congress ideals emerged. Two such were the United Indian Patriotic Association, of which Sir Syed Ahmed was the secretary, and the British Indian Association of Oudh. Public

1. Ibid, p.27,
2. Ibid, appendix, p.v.
3. Ibid, appendix.

meetings and demonstrations were organised in many parts of the country to denounce the Congress and to challenge "its right to speak on behalf of the people of the country."¹ Anti-Congress literature was distributed both in India and in England, and special care was taken to send it to the members of parliament and the English Press. Representations were also made by Moslem leaders to the government of India complaining against the Congress.² The United Indian Patriotic Association, more active than the others, issued several pamphlets, one of which was entitled - 'Showing the seditious character of the Indian National Congress and the opinions held by eminent Natives of India who are opposed to the movement'. This Association, it may be said, was predominantly Moslem, and its membership was drawn overwhelmingly from the landed nobility. Its donors were nine in number, headed by the Nizam of Hyderabad. Of the remaining eight, four were Moslems and four Hindus. The Moslems all came from Hyderabad: of the Hindus three were landlords from the North-West Provinces, and the remaining one was the ruler of Chhatarpur bordering on that province. Early in December 1888, the Association had ninety-four members, seventy-nine of whom were Moslems, ten Hindus and five British. Most of the members came from the North-West Province. The five British members included Theodore Beck, the Principal of Sir Syed Ahmed's Mahomedan Anglo-Oriental College at Aligarh, and a Joseph Beck, who presumably was initiated by the former.

1. Dadabhai Naoroji, p.305.

2. Hansard, Indian Extracts, 1888, p.1145.

Another was a late officer of the Royal Engineers, then living at Hyderabad. The Association thus at best stood for narrow sectional interests, which being what these were could hardly be expected to have sympathy for the aims of the Congress.¹

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Equally strong in antagonism to the demand for representative institutions was a section of the Anglo-Indians, - the British population of India, mostly non-official, engaged in trade, industry, and commerce. The Pioneer, an influential organ of this community, voiced their dislike and apprehension. A redoubtable protagonist of this view-point was Theodore Beck. Beck wrote profusely, and with zeal, in an attempt to buttress the anti-reforms agitation. Writing in the Pioneer on the National Congress, he mentioned "four insurmountable obstacles to the success of representative institutions in India: to wit, the ignorance of the peasantry, the absence of a class from which to select capable statesmen and legislators, the inability of a Parliament to control the army, and the mixture of nationalities." He explained that the virtues of a popular government lay in its support by more than half of the people, and in the chance it offers to the poorer classes to exercise a check on the "natural tendency to selfish legislation in the governors".² Ignorant as were the peasants of

1. The Pioneer, 4th December, 1888.

2. Theodore Beck, Essays on Indian Topics, p.65.

India, who formed more than ninety per cent of the total population, how could they be entrusted with such political power? The introduction of true representative government in India must, therefore, wait.

Beck then examined the introduction of partially representative institutions, on the basis of limited suffrage or election through municipalities, district boards, etc. This was, no doubt, possible; but it would just be "pseudo-representative."¹ Representation could be ensured only to a small section of the people. Mainly, the English-educated classes would benefit under this scheme. This, he argued, would introduce a system lacking "the two great virtues of popular government, which are generally held to balance its defects - its stability and its impartiality."² It would lack stability because the English-educated class did not "hold in its hands the keys of the magazines of physical force" in India. How long would the people with war-like traditions consent to be kept out of the places of power and prestige! It would lack impartiality because each class must look to its own interest first, and even with a "representative oligarchy", "self-interest is the rule and self-sacrifice the exception."³

He also endorsed Syed Ahmed's opinion that representative government was unsuitable in a country with two or more nations. In India obviously the Hindus and the Moslems would come into conflict, and ultimately the issue must be left for decision to physical prowess.

1. Ibid, p.66.
2. Ibid, p.67.
3. Ibid, pp.70-71.

Incidentally, he had his own interpretation of the Moslem opposition to reforms. This was due to Moslem distrust of new-fangled ideas - ideas that fitted ill with their traditional notion of right to rule, namely, conquest. Besides, joining in the clamour for reforms would mean for Moslems "a rope round their own necks and place themselves at the mercy of those who have hold of the other end." ¹

In a further article in the Pioneer, Beck made a case against any concession to the agitation for reforms, even in part. This would be unfair to those who were left unrepresented. This would be unjust to the communities that remained calm and loyal, and refused to "hamper the hands of the Government": "to neglect them, but to listen to the noisy voices of the ungrateful, would be shameful: it would encourage ingratitude and discourage gratitude, create sedition and dispel loyalty." ² A further objection to such partial measure was that it would serve as a great stimulus to the whole movement, It would drive in the thin end of the wedge "for the agitators ever to hammer at".³ Besides, it would mislead people about the true nature of the British rule in India, which was, and Beck said must be, a despotism. To him "a cosmopolitan bureaucracy, with the ultimate authority in the hands of Englishmen" was "the only possible ambition for the Indian political idealist."⁴

This typical aversion for representative institutions often found expression in a section of the Anglo-Indian press in India.

1. Ibid, p.84.
2. Ibid, p.123.
3. Ibid, p.99.
4. Ibid, p.100.

Early in 1891 Sir William Hunter in an essay in the Contemporary Review, having described the advancement effected by British rule in India, reasoned in favour of "the noble gift of a true beginning of representative government". This was severely attacked by the Pioneer. Averring that India and the Indians had benefited immensely and progressed a good deal under the existing system of administration, how could that enlightenment be used as an argument for a change in the form of government of which it was the product? "If there was ever an inconsequential conclusion," Pioneer declared, "this is surely one. The goods we have are made an argument for flying to the ills, or at all events possible ills, we know not of." For, the introduction of an elective system "in the East" was "a leap in the dark, the dangers of which are numerous and exceedingly formidable." They were even doubtful of the efficacy and worth of representative form of government. This had never been proved, and in India this could not be proved "except by one of the most perilous and uncalled-for experiments ever ventured upon by infatuated politicians." ¹

The idea of representation was opposed also on the ground that the vast mass of the people, the numberless peasants, had never asked for it and had no aptitude for the ballot-box. They would much prefer to be left in peace so as to be able to pursue their avocations without interference by attacking marauders. The vast multitude of India's population had no political aspirations. ²

1. The Pioneer, 3rd March, 1891.

2. Ibid 24th May, 1891.

On the question of election, their stand was equally emphatic. Not only were they opposed to the extension of the elective principle to legislative councils, its adoption in the scheme of local self-government came in for harsh criticism. They described this as transplanting a full-grown tree from England and "planting it in sand." Lacking the Englishman's long experience and tradition of elective system, how could the Indian "understand, appreciate and use" it? Referring to the result of elections to local bodies, they pronounced judgment that the system had failed to fulfil its purpose. For, "a representative system that produces no representative men stands self-condemned". The cause of this finding lay in the return to different committees and boards of pleaders, doctors and teachers in large proportions, in exclusion of "the landed property, the large trade, or the shop-keeping interests", which could not secure their due representation. They, therefore, recommended the rescission of elective system, in the interest of better administration: "there are some cases in which a step back will quicken a man's progress to his journey's end", was the counsel to the authorities.¹

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The opposition to the Congress movement was not, however, confined to the Moslems and the Anglo-Indians. Hindu voices were also heard against the Congress. A pamphlet entitled 'Democracy not suited to India' was written by the Raja of Bhinga, controverting the Congress claim to speak for the people of India and also denying the suitability

1. Ibid, 16th June, 1891.

of representative institutions in Indian conditions.[†]

The Raja took the stand that for the vast majority of the people the Congress had no locus standi to speak. Ninety per cent of the Indians were the politically uneducated agricultural masses. They had no interest in theories of representation, and did not know what they meant. As Uma Shankar Misra pointed out, Indians had been used to "despotism in some form or other": prior to the British regime "people had no rights and privileges ..." The notion of political training was still more new, and the people neither understood the system of election nor were interested in it. ¹

If, however, any people had a right to represent the masses, they were the old aristocracy and the landed gentry of the country "whom the masses naturally and instinctively regard as leaders ..." But the landed nobility had no sympathy with the Congress and democratic methods. They and the Congress stood poles asunder. They were conservative and valued "the preservation of the social distinctions which have existed in India from time immemorial". The Congress agitators were innovators who sought "to give men of inferior origin and caste power over men immensely their superiors in birth and social position."² The Bangabasi, a Bengali weekly, held similar views and said that elective system was unsuited to India, and would

†. This pamphlet was reprinted in the Pioneer in three instalments in October, 1888 - on 10th, 13th and 18th.
1. Asiatic Quarterly Review, Vol.vi. 1888. p.401.
2. The Pioneer, 10th Oct: 1888.

only result in "social revolution and anarchy". The Hindus did not want it. Its advocate was the "English-educated Babu", to whom "the Babu class is his nation. ." Even the Babus did not cherish election of a low caste Hindu: they wanted only election of one of themselves.¹ It may be said here that the identification of political agitation with the English-educated people only was not fair. In the Congress itself there were delegates, who were ignorant of English, but actively participated in its proceedings. They mostly spoke in Urdu.²

The Raja of Bhinga questioned the merit of the system of representative government. It had succeeded only in Britain and America, but even in Britain he discerned its weaknesses. To him, weakness was indeed the principal feature of popular government: "irresolution, fear of public opinion, dishonest flattery of the public and its prejudices, excessive partisanship", need to give prominence to any issue which caught the public imagination and the difficulty of beneficial legislation except with the backing of popular agitation.³

Even if these general defects were ignored, how could they surmount the obstacles which were peculiar to Indian conditions? The vastness of the country, its numerous population divided into many a tribe and race, separated by profound social and religious divisions, rendered democratic government impossible to adopt in India.

1. Quoted in the Pioneer, 14th January, 1888.
2. Report of fourth I.N.C. pp.20,25, & of fifth I.N.C., pp.32-36.
3. The Pioneer, 13th October, 1888.

Such a form of government presupposed that the voice of the majority would prevail, but it never anticipated that particular sections of the population would be permanently in the minority. Due to the peculiar conditions of India, there would indeed be permanent minorities. Would not this lead to "endless discord and difficulty"? How could the warlike and vigorous races of India be controlled by a parliament composed mostly of the educated Bengalis and Madrasis?¹ He, as also Misra, referred to the Moslem opposition to representative system. "As the late rulers of the country they have a sense of their own dignity and importance". It would not do to ignore them. In view of all this, "political unity in a country like India seems to be an impossibility."²

Misra enumerated three essential requirements for a representative system: "An educated and enlightened class; a politically trained people; and a consequent touch between the two classes".³ Even if the first requirement was, for argument's sake, taken as existing in India, the ~~two other~~ were absent. The Raja of Bhinga would not accept that due to the backwardness of the people, "the educated residue form the Indian body politic and should be treated as such..."⁴ The ordinary people were "the backbone of the Indian Empire", and they must have votes in a democratic system; but their "constitutional duties would be most perplexing to them."⁵ He argued that more than positive opposition, the inability of the people to understand

1. Ibid.

2. The Asiatic Quarterly Review, vol.vi., 1888, p.404.

3. Ibid, p. 400.

4. The Pioneer, 10th October, 1888.

5. Ibid, 13th October, 1888.

representative government and their indifference to it formed the real obstacle to its establishment,

The Congress claim to debate the budget could lead to nothing but barren discussion, utilised for demonstrating to the people of India "how heavily they are taxed and otherwise oppressed by an unjust government..." Interpellation would mean wastage of time, and scope of doing mischief. All in all, the reforms advocated by the Congress sought to "introduce a tremendous revolution", whose effects were difficult to foresee.¹

Newul Kishore, a proprietor of an Urdu journal of Lucknow, thought likewise. He urged upon the authorities to promptly suppress "the seditious talk and writing of the old, disappointed place hunters, and the young hare-brained political adventures who form the backbone of the Congress agitation...." Unless this was done, the Congress propaganda would estrange the loyalty of the masses from the government and might ultimately lead to a convulsion, "compared to which the great Mutiny will have been child's play".²

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The question of reforms, which so exercised the public opinion in India, aroused keen interest in England. The agitation for reconstitution of the legislative councils, as it gained strength in India, received support in England. Long before the Indian National Congress was born, long before any organised move for reforms

1. Ibid, 16 October 1888.

2. Ibid, 21 November 1888. Letter to the Editor by Newul Kishore proprietor, Oudh. Ukbar.

originated in India, a change in the constitution of the legislative councils was advocated by James Caird, an agricultural expert who, as member of the Famine Commission, travelled in India in the cold season of 1878-1879, and submitted at the instance of Lord Salisbury a report on the condition of India to the secretary of State for India, Lord Cranbrook, on 31st October, 1879. In proposing a scheme of decentralization, Caird recommended a legislative council in each province in which native opinion should be fairly represented.¹

Interest in Indian questions in England was immensely stimulated by the birth of the Congress. Writing to a friend in Bombay from London on 30th January, 1887 Dadabhai Naoroji stated that "the Congress is exciting much interest here", and hoped that with care and perseverance the Congress would create "a permanent and effective interest in India" in England.²

Support for Indian reforms and sympathy with Indian aspirations were increasingly voiced by members of the House of Commons on the floor of the House. This backing of Indian demands was restricted to a limited, though vocal and sincerely earnest, circle of members, and was far from a general feature of the entire membership of the House. Even then they, more than anybody else, placed before the English public the issues concerning the various aspects of Indian administration. Many of these members had personal connection with India: some of them had served in that country. But

1. Parl. Papers, 1880, C.2732.
2. Dadabhai Naoroji, p.297.

some others, including a few Irish members, were moved only by their interest in the Indian question. On 9th September, 1887, Sir R. T. Reid emphasized the necessity of listening to the best advice and opinion that could be obtained from the Indians themselves. He considered many suggestions of the Congress as "most interesting and valuable", and as "worthy of adoption". He was averse to trust Anglo-Indians, because they were "pledged to the lips in favour of a bureaucratic and despotic system of Government which in India is a benevolent despotism, but still a despotic bureaucratic Government."¹ On 20th February, 1888 Samuel Smith in moving an amendment to the Queen's Address brought up the question of Indian reforms. He hoped that the government of India would concede the "most reasonable request" that native members "should be elected^{to} the Legislative Councils of India, in place of being nominated as at present". The plea for annual discussion of the budget also received equally sympathetic and full support. He sought to "impress on the House the urgent necessity" of a fundamental change giving the Indian people "a voice in the government of their own country". Past was the time when India could be governed as a nation of children. The British rule had given them education: Indians had been familiarised by the British with their own political maxims, and the British could not complain if Indians tried to act up to the lessons the former themselves had taught the latter.²

1. Hansard, Indian Extracts, 1887, pp.386-387.
2. Ibid, 1888, p.135.

Speaking in the House of Commons on 2nd August, 1889, J. G. Swift Macneill favoured a "complete, final and far-reaching" reform of Indian administration.¹ On the same day Sir W. Plowden, a retired Indian civilian who had risen to be a Commissioner/ in North-West Provinces, spoke much in the same vein. He would even have an Indian element on the India Council at Whitehall, and this he would secure by utilising as "a good starting point" the system of village administration in Northern India which rested upon the representative principle².

On the 27th of the same month, during the consideration of the Indian budget, Charles Bradlaugh, who was now widely reputed for his independence of character, expressed a hope that steps would be taken to implement the scheme of reforms advocated by Indians.³ Sir R. Temple, an eminent retired Indian official who rose to be the head of a province, - whose views usually were conservative - admitted: "I have long thought that elective members might be substituted for the appointed members on the various Legislative Councils".⁴

The efforts of these gallant few made the India Office sit up and stir. In one of his earliest letters to Lansdowne, the Governor-General, the newly appointed Under-secretary of state for India, Sir John Gorst referred (November, 1888) to the Congress "relations with several prominent members of Parliament." He considered it likely that the House of Commons would devote more attention than heretofore to Indian affairs. Government of India would be unable to retain the

1. Ibid, 1889, p.439.

2. Ibid, 1889, p.454.

3. Ibid, p.525.

4. Ibid, p.527.

confidence of the House "unless it keeps up its character as a progressive and reforming Government," and the governor-general was urged upon to "show a readiness to promote wise and gradual development". It was, however, farthest from the Under-secretary's mind to encourage "the crude application of British democratic maxims to India."¹

These members of parliament were ably seconded by the Agency of the Indian National Congress, which started its activity in London in 1887 on the initiative of Dadabhai Naoroji. Next year affairs of the Agency were entrusted to the able management of W. Digby⁺, who, by a clear-cut scheme of publicity and propaganda tried to supply the British public with information regarding India. The Agency's work was assumed by the British Committee of the Congress in July 1889.² Sir William Wedderburn, a retired civil servant and a staunch exponent of Congress aims, became the Chairman. The Congress of 1889 formally confirmed the appointment of the committee which initially consisted, besides the Chairman, of W. S. Caine, W. S. Bright Maclaren, J. E. Ellis, Dadabhai Naoroji and George Yule. Digby remained the secretary.³ This committee had a journal of its own, named India, which survived various financial vicissitudes through the large-hearted self denying acts of sacrifice of several of

1. Lord Newton, Lord Lansdowne - A biography, pp.60-61.

2. Dadabhai Naoroji, pp.306-307.

3. Resolution xiii (d)

+ William Digby (1849-1904) Journalist by profession, Digby was Editor of Madras Times, 1877-79. He became Secretary of National Liberal Club in 1887.

committee's members, but most ^{all} of/of the Chairman himself. The circulation of India was not large. Nevertheless it fulfilled the important purpose of focussing on the major problems of Indian administration the attention of that section of the British public which was interested in India. (India was discontinued only when the London organisation was shut down in 1921 for causes other than financial).

The endeavour of the few members of parliament took a different shape in order to hasten the much ~~sent~~ ^{sought} for reforms. The fifth session of the Congress at Bombay in December 1889 under the presidency of Sir William Wedderburn was attended by Bradlaugh. He had already conceived the idea of introducing in the House of Commons a Bill incorporating the reforms advocated yearly in India. He had prepared a draft Bill on the basis of the oft-repeated Congress views, and had circulated it throughout India. He wanted to ascertain on certain points the considered, mature opinion of Indians.¹ The Congress of 1889 adopted a resolution outlining the principles on which they would like the Bill to be drawn, and offered the same as a skeleton scheme to Bradlaugh.² The resolution required at least half the members of the legislative councils to be elected, one-fourth to be ex-officio official members, and the rest to be nominated by government. The real innovation in the scheme was to recommend election by electoral bodies, which in their turn were to be elected by "all male British subjects

1. Report of fifth I.N.C. p.13.

2. Resolution ii.

above 21 years of age possessing certain qualifications and not subject to certain disqualifications", both of which were to be settled later. Revenue districts were to constitute territorial units for electoral purposes. The strength of the electoral bodies was to be at the rate of twelve per million of the total population. The electoral bodies were to elect members to the governor-general's legislative council at the rate of one per every five millions of the total population, and to the provincial legislative councils at the rate of one per million. It was besides laid down that in electing members of provincial councils "whenever the Parsees, Christians, Mahomedans or Hindus are in a minority, the total number of Parsees, Christians, Mohomedans or Hindus as the case may be, elected to the Provincial Legislature, shall not, so far as may be possible, bear a less proportion to the total number of members elected thereto, than the total number of Parsees, Christians, Mahomedans or Hindus, as the case may be, in such electoral jurisdiction bears to its total population". All elections were to be by ballot. As Eardley Norton, mover of the resolution, said the scheme embodied two great principles: "First, the great principle that we are to introduce for the first time in Indian political history, the principle of election by the people, and secondly, that

we have taken into consideration and respected the question of the representation of the minorities of this country".¹ Another speaker, Pandit Bishen Narayan Dhar, enthusiastically supported the idea of election. "What we want", he said, "is not sham, but reality: not shadow, but substance: not nomination which is another name for deception, but representation which is the essence of political reform." ²

Bradlaugh introduced a Bill in the Commons in 1890. The Bill substantially followed the scheme laid down by the Congress. It maintained the same proportion of elected, ex-officio and nominated members. For the governor-general's legislative council it provided eighty members:³ the provincial councils varied, - 76 for Bengal, 46 for North-West Provinces and Oudh, 36 for Madras, 20 each for Bombay and the Punjab, and 12 for the Central Provinces⁴. The forty non-official elected members of the governor-general's council were distributed as follows:- Bengal 14, North-West Provinces and Oudh 9, Madras 6, Bombay 4, the Punjab 4, Central Provinces and British Burma 2, and 1 respectively.⁵

The councils were to enjoy all those powers of annual discussion of budget, interpellation, adoption of resolution etc. which had been the chief planks on the Congress platform. In case of the executive

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1. Report of fifth I.N.C. p.18.
 2. Ibid, p.19.
 3. Parl.Papers, 1890, (Bill 56) cl.9.
 4. Cl.28-33.
 5. Cl.9.

over-ruling the majority in legislative councils, the reasons thereof were to be explained within a month in the official gazette, and the matter reported to the secretary of state. The over-ruled majority retained the right of appeal to a committee of the House of Commons.¹

The votes for electing representatives to the electoral body were conferred on all male adults, with a residential eligibility of at least six months, who had not been in jail on conviction for a non-bailable offence during the last ten years, and who had certain financial qualifications or were members of local or municipal boards or were graduates. None was to have more than a single vote. The ~~financial~~ ~~final~~ qualification laid down was low, A member of the electoral body, an electoral representative, had stricter conditions to satisfy: ability to read and write English or some vernacular, income of not less than Rs.1200 annually; besides, he must not be insolvent or bankrupt, and must not have been in jail within the previous ten years for a non-bailable offence.² Except the financial requirement, the other conditions were required to be fulfilled by members of legislative councils.³ These higher qualifications were presumably intended to ensure the return of persons able to do their duties.

The interests of the minorities were safeguarded on the basis of the ratio which they bore to the total population, as recommended

1. Cl.18 (a) (b)
2. Ibid, cl.24.
3. Ibid, cl.25.

in the Congress resolution.¹ This Bill showed how far the advanced politicians at Westminster were prepared to go towards the Indian direction. Enlarged powers for the councils, and the electorate scheme for representation, no less than the device to ensure an adequate share for the minorities, manifested their confidence in the political ability of Indians. Despite this, it is significant that there was no suggestion to make the executive even slightly answerable to the legislature. The councils were to remain purely consultative, but for the proper discharge of their functions they were to be not only broad-based and well equipped, but must also have wider privileges.

Bradlaugh's Bill never proceeded beyond the stage of first reading. The Bill was received with hostility. Bradlaugh informed the British Committee of the Congress, "In England the Bill as read a first time has, with some exceptions, been disapproved by the Press of all shades of opinion, and has not been very warmly supported by any considerable number of members of the House."² The Bill had to be dropped, and was replaced by another Bill of Bradlaugh whose provisions were more moderate.

This new Bill³ left the membership of the governor-general's council between forty and sixty, and of provincial legislative councils

1. Ibid, cl. 27.

2. Report of sixth I.N.C. p.15.

3. Parl. Papers, 1890-91, Bill 67.

varying from thirty-six to forty-eight. Not less than one-third and not more than one-half of the members were to be elected. The Bill sought to recognise clearly the principle of election, and indicated that the franchise should be conferred on at least two per cent of the population of India. But it refrained from setting down the details. Instead, the mode of election was left to be determined by the government of India. They would frame rules concerning this, subject to the sanction of parliament. The parliament would possess the right to amend the rules. These must also provide for "reasonable representation of minorities",¹ and must authorise annual discussion of budget, interpellation, resolution and division on budget.

The Congress of 1890 approved the new Bill, having recognised, in the words of the President, P.M. Mehta, that the earlier Bill had "not proved congenial to the English political mind, averse to new departure, and looking askance at theoretical airs of perfection".² He hoped for the acceptance by parliament of the "principle for which we are fighting", namely, election. Once elective principle was conceded, in respect of other matters he prescribed the method of "moderate, gradual and substantial gain."³ Undoubtedly, the Congress could not take any other stand: it had to trim its sails to suit the wind.

This new Bill met no better fate, When Bradlaugh died on 30th January, 1891, the parliament had yet to grant an instalment of reforms

1. Ibid, cl. 1 (4)
2. Report of sixth I.N.C., pp.8-9.
3. Ibid, p.10.

to India. In him the cause of Indian reforms lost an ardent friend. In England, however, he was considered an impracticable champion, if not an imperfect student, of Indian ambitions. In an editorial on 31st January, 1891, the Times expressed this feeling and wrote of him: "In the name of free government he would have established institutions in India out of which an infinitesimal section of the population would have sucked no small advantage, and which would have deprived the inarticulate multitude of the benefits they now enjoy under an enlightened autocracy."

In February, 1892, yet another private Bill for the reform of Indian legislative councils was introduced in the Commons by Sir William Plowden and two other members, Beaufoy and Lawson.¹ It provided for equal number of nominated and elected members. The system of representation was based on elected village panchayets, whose members were to constitute the sub-divisional, tuhseel or thana councils. These councils would elect from their members the district councils, which were to be consultative bodies for the district officers. Each district council would elect its representatives to the provincial legislative council according to a scale resting on population. The provincial council similarly would elect from among its elected members its representatives on the Governor-General's legislative council. The number of the elected representatives of a province on this latter council was to be fixed on the basis of one

1. Parl. Papers, 1892, Bill 193.

for every ten millions of population, though a maximum for each province was also laid down: this varied from six for Bengal to one for the Central Provinces. As to the functions of the legislative councils, these were confined to annual discussion of budget and interpellation, and thus went less than Bradlaugh's Bill. The Bill is significant in that it sought to give practical shape to the oft-talked-of idea of evolving a representative system in India by utilising the village panchayets.⁺ This Bill too did not proceed beyond the first reading.

These abortive Bills, however, were not likely to be altogether without their use. It can well be imagined that apart from focussing the attention of the House on the Indian question, these were thorns at the side of the Government. It must be difficult for any government to allow others to steal a march on it in spheres which were ~~legimately~~ ^{legitimately} its own. If only to put a stop to what in the government's estimate were extravagant claims, the authorities could hardly avoid moving in the matter themselves.

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But all this enthusiasm for reform was not unchallenged. There were others who were opposed to the Indian agitation for representation and sought to belittle it by ascribing it to the self-interest of the educated, or of the Bengalis - for they were then undoubtedly more advanced than other races in India, an effect of their having imbibed

+ The fact that its principal author, Plowden, was a retired Indian official lends it additional significance.

earlier than others, Western ideas through English education. This point of view was characteristically put forward by Sir R. Temple in the House of Commons on 20th February, 1888. "Who were the educated natives?" he asked, and then proceeded, "They were men who only spoke for themselves, and not for their countrymen collectively, and who had but two objects in view, one of which was to obtain for themselves a larger share in the management of the country, through representative institutions: and, in the second place, to secure for themselves also some of the loaves and fishes distributed among Europeans".¹ Referring to the reforms in a speech during the debate on the Indian Budget in the House of Commons nearly a year and a half later, Sir John Gorst, the Under-Secretary of State for India, ridiculed the talk of "the people managing their own affairs." He declared that a closer examination would reveal that "the natives of Bengal are anxious to manage the affairs of the Punjab, where they are just as much foreigners as we are".²

The Times, opposed to the Congress aims from the first, reminded the Bengali that he owed his advantages entirely to British supremacy. If the British were to withdraw from India, "his intelligence would be powerless to cope with the more masterful qualities of other Indian races." The Bengali was therefore exhorted to be "a little more ~~more~~ grateful and a little less voluble about what he asserts to be

1. Hansard, Indian Extracts, 1888, p.146.
2. Ibid, 1889, p.571.

the denial of constitutional rights." The Times endorsed Sir Syed Ahmed's stand, and accepted his reading of the consequence of introducing representative institutions in India. The Moslems would find themselves "practically deprived of the share of Government to which their position and influence entitle them, and they would find their condition intolerable."¹.

These views were countered by the pro-reform members of the Commons. They acknowledged the bona fides of the educated Indians to speak for all their countrymen.² A well-reasoned reply to such line of thinking had come, however, from Sir Henry Harrison, who was a member of the Indian service. In a pamphlet written about 1885 he discussed the role of educated Indians; he called them "agents, guides, instructors and purveyors of information to the Indian nation." He deprecated the notion that the educated community was insignificant, for "the India of the future will infallibly think and act as that section of the communitymay instruct them.... It is clearly destined to be the voice of India, and the brain of India, the masses will be its hands and will reflect its teaching." He, therefore, warned that it would be "the greatest blunder" to suppose "that the effect of our dealing with the educated natives can be made to begin and end with that class."³

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1. The Times, 9th February, 1888.
 2. cf. Bradlaugh's speech, Hansard, Indian Extracts, 1889, p.525.
 3. Quoted in 'A Nation In Making', p.91.

Having delineated the genesis and growth of idea of representative government in India, - and the reaction thereto of different sections of the people, Indian and British - let us turn to the study of its reception by the government.

Chapter IITHE SHAPING OF THE REFORMS.

In the present chapter it is intended to consider the governmental attitude towards the introduction of representative institutions in India. We shall see how the authorities faced the issue, both in India and in England, and shall try to weigh separately the contribution of different agencies of the government.

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Towards the end of 1882 Ripon, the Viceroy, drew the Secretary of State's attention to the vastly changed conditions in India. He ascribed this to the spread of education, growing influence of a free press, better communications, easier and wider influx of European ideas and to an administration based on rule of law. In consequence, new ideas had sprung up and new aspirations had been called forth. Public opinion was growing in strength steadily. Ripon recognised the difficulty of a despotic administration in such changed circumstances. The problem, as he saw it, was how to deal effectively with "this new-born spirit of progress." He apprehended that to ignore this spirit or to repress it would be "a source of serious political danger." Instead he wanted to marshal this into channels, which would ultimately lead to the development and welfare of the country.

+ Lord Ripon (1827-1909) was noted for his staunch liberalism. Once he asserted, "I have always been in favour of the most advanced thing in the Liberal programmes." In fact, 'The Duty of the Age', written by him in 1852, containing a plea for democracy was suppressed by his confreres in the Christian Socialist Publication Committee for its extreme radical tendency. He held many posts in the various Liberal administrations. He was Under-Secretary of State for India for six months in 1861, and succeeded Sir Charles Wood as Secretary of State for India in 1866. His appointment as the governor-general of India in 1880 was his first important assignment after a period of comparative political inactivity since 1874 when he became a Roman Catholic. In India he repealed the Vernacular Press Act of Lord Lytton, introduced reforms in the local self-government, and sought to pass, without success, the ill-fated Ilbert Bill which caused much racial ill-feeling. (DNB)

I. Lucien Wolf, Life of Ripon, ii, pp.92-94.

In the same memorandum Ripon gave his own idea of meeting the problem; "it would always be an aim worthy of the English Government in India to train the people over whom it rules more and more as time goes on to take an intelligent share in the administration of their own affairs." To him this was the highest attainable object in India.^I

Ripon undertook a reform of local self-government -- of municipalities, and district and local boards -- in the light of his belief. He introduced elected members into these bodies, which were also granted wider powers. The provincial and central administrations were not reformed in his time. He had mooted, however, in December 1881, the proposal of adding some elected members to the legislative councils, central and local. These members were to be returned by municipal bodies of the larger towns and presidency corporations. Their presence and criticism of legislative measures would make the council proceedings "more efficient and useful".²

The Secretary of State, Hartington, privately consulted Sir Henry Maine, a member of the India Council, and two high officials of India then on leave in England, Sir Alfred Lyall and Sir Charles Aitchison. All of them considered the suggestion attended with considerable risk and of "doubtful advantage". Members chosen by the municipalities only could in no case be deemed true representatives of the vast multitude of Indians.

1. Ibid.

2. Ripon papers - British Museum, Addl. Mss. 43552, f156 (Hartington to Ripon, dated 26.12.1882)

+ Lord Hartington, afterwards Duke of Devonshire (1883-1908), began his political career as a Liberal, and soon rose to prominence. Returned to parliament first at the age of twenty-four, he was Under-Secretary for War under Palmerston when he was hardly thirty. Three years later he got his first Cabinet post under Lord John Russell. In Gladstone's first government he was Postmaster-General. When in 1875 it appeared for a time that Gladstone had really retired from the leadership of the Liberal party, Hartington was chosen to succeed him. But Gladstone re-emerged in active politics, and in his government of 1880 Hartington became the Secretary of State for India. Hartington later on broke with Gladstone and Liberal party on the question of Home Rule for Ireland. (DNB)

On his transfer to the War Office at the end of 1882, Hartington urged upon Ripon a policy of "wait and see". The experiment of extended local self-government was "quite the right end at which to begin." This should be tried cautiously and developed gradually. Perhaps, the principle of self-government inherent in many Indian village institutions would help this trial. But to give the people an effective voice in the legislative functions of the government by introducing "an independent native element" in the councils, "would be absolutely novel and alien" to their ideas. Besides, once such an innovation was made, it would not be easy to retrace steps if it did not work well. Hartington did not think that the time had yet arrived for such a venture to be undertaken with safety. He advised Ripon, however, that the practical advantages of elective principle might be secured "by a freer and more careful use of the power of nominating intelligent and representative Native members." ¹ Did not he thus indicate, perhaps rather vaguely, the desirability of some sort of representation, may be not in the popular sense?

The new secretary of state, Kimberley, ⁺ informed Ripon that he was "decidedly adverse to the proposed reform". ² So Ripon's ideas in this matter came to naught.

1. Ibid.

2. Ibid, - Addl. Mss. 43574, f8 (Kimberley to Ripon dated 14.2.1883)

* Lord Kimberley (1826-1902): Belonging to ^a Whig family, Kimberley entered active politics early in life. He served various Liberal governments, and was one of the party's leading men. Holding office first as Under-Secretary of Foreign Ministry under Aberdeen and Palmerston, he was raised to the Cabinet rank by Gladstone in his first government, when he became Lord Privy Seal. He was Colonial Secretary afterwards: during his tenure Cape Colony was granted full responsible government, and the Boers complete self-government on accepting British suzerainty. He was thrice secretary of state for India, - from December 1882 to June 1885, from February to August 1886, and again in the last Gladstone government from 1892 to 1894. (DNB)

His successor, Dufferin, in a letter dated 26th April, 1886, to Kimberley referred to the popular agitation which was assuming every day "more distinct and legitimate proportions". He did not consider it safe to allow the continuance of such agitation in India. He favoured a careful examination of the different demands and proposals, most of which were "neither very dangerous nor very extravagant", and counselled "to give quickly and with ^a good grace whatever it may be possible or desirable to accord; to announce that these concessions must be accepted as a final settlement of the Indian system for the next ten or fifteen years; and to forbid mass meetings and incendiary speechifying."

Dufferin acknowledged that the "most vital and important" of popular demands was the change in the legislative councils -- "a large admixture of elected natives". To this demand he was inclined to respond with sympathy. With more education, a desire for larger share in the management of domestic affairs was "a legitimate and reasonable aspiration" for the people. He felt that improvement was possible in this direction, and said that "personally I should feel it both a relief and an assistance if in the settlement of many Indian administrative questions....I could rely to a larger extent than at present upon the experience and counsels of Indian coadjutors." He explained that the loyal co-operation of many able and

I. Kimberley Papers

+ Lord Dufferin (1826-1902) was a Liberal in politics. Quite early in his twenties, he held under Lord John Russell and Lord Aberdeen posts in the Court. After a brief spell of successful diplomatic assignment, in 1864 he was appointed by Palmerston as the Under-Secretary of State for India. Gladstone made him Chancellor of the Duchy of Lancaster in 1868. In 1872 he went to Canada as governor-general: during his tenure there he introduced ballot system of elections to the Canadian House of Commons. On return from Canada he became British ambassador first in Russia and then in Turkey. After the unsuccessful rebellion of Arabi Bey against the Egyptian King in 1882, he was sent by Gladstone to Egypt for re-organising the Egyptian administration. His liberalism asserted itself in this task; he advocated a policy "of representative institutions, of municipal and communal self-government, of a political existence untrammelled by external importunity." Legislative councils and Assemblies were created. He succeeded Lord Ripon as Viceroy of India in 1884. (DNB)

sensible Indians could be counted upon. Such support from Indian members would assure the legislative enactments more popular reception, and would minimize in public eyes the despotic authority of the executive.¹

Dufferin was not, however, without doubts. He discerned in most demands for reforms a concealed desire for internal autonomy which would ultimately give the leaders, protected by the British army against external invasion and usurpation by native princes, "free scope to administer their domestic affairs untrammelled by the interference of white men." He feared that moderate Indian leaders might lose ground rapidly to more violent and extremist politicians. The latter, once invited to legislative councils, might prove more an impediment than an assistance. Dufferin feared that increased native membership might mean greater hindrance to the government: the new members might "instinctively" oppose the government on matters of imperial interests. The government would then, with larger native element in legislative councils, be obliged "to fight against a heavier dead weight of native opposition". Besides, the native members might be guided by class interests and would most likely be too timid to support any cause in open defiance of the native press.²

In spite of these doubts Dufferin did not advise against all change. On the contrary, he recommended an "experiment of liberalizing, if not the supreme, at least the subordinate legislative councils." He hoped that this might be done without unduly compromising the Imperial supremacy of the government.³

Both Ripon and Dufferin were thus aware of a change in the Indian situation; both of them were also in sympathy with the spirit, though not the letter, of the popular aspirations. Dufferin took the next step to formulate what seemed at that time a reasonable measure of reform. Under

his instructions a scheme was prepared by the Home Secretary to the
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 government of India, A.P.MacDonnell.

MacDonnell's proposals related to the provinces only. He suggested a chamber of two orders in which the non-officials would number two-fifths. They would be appointed by means of both nomination and election. He proposed to allow the Maharajas, Rajas and Nawabs, holding titles recognized by the government, to elect from their own rank the members of the first order. The proportion of Moslems to Hindus was to be determined by the relative strength of the population of these two classes, except in those provinces in which, owing to the great preponderance of Hindus (Madras and North-West provinces and Oudh), a subsidiary system of nomination would be required to ensure the proper representation of minorities. MacDonnell proposed to regulate the proportion of Hindu and Moslem members in the second order upon the same principle. Representation of minor communities was also provided for. The electoral body for the second order was to be a college or a committee of moderate size selected by the combined municipal and district boards of each constituency. He thought of forming ✓ the constituencies by dividing each province into ethnical areas; should this prove impossible, he would utilise the existing large administrative divisions. The municipal and district boards of each district were to select two or more electors, who would assemble at the headquarters of the constituency to elect either (a) members of the councils or (b) eligible candidates from among whom the government would select the members, the

I. Kimberley ^{Papers} (Lansdowne's Note dated 16.6.1892, attached to his letter dated 23.8.1892). MacDonnell was afterwards Lt.-governor of North-West Provinces. Subsequently, he was created a Baron.

proportion of Hindus and Moslems being regulated in each case according to the population of these two classes either in the province generally or in the particular constituency. MacDonnell's scheme further envisaged constituencies from large cities and the universities. He deprecated resort to self-constituted association not formed by law, for selection of members.¹

On 20th September 1888 Dufferin expressed to his executive council in considerable detail his views as to the "desirability of reconstructing the provincial councils upon a broader basis, and of enlarging their functions".² The council seemed to be unanimously with him in considering that the time had arrived for such a change. On the following day Dufferin directed three members of the executive council -- General Chesney, Sir Charles Aitchison and J. Westland -- to form themselves into a committee for the purpose of giving practical effect to a scheme of reform. The governor-general's legislative council was not within their terms of reference. Dufferin forwarded MacDonnell's scheme to this committee and recommended the committee to make use of his services. MacDonnell was appointed their secretary.

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The committee signed their report on 10th October 1888. They asserted incidentally that the proposals regarding the provincial councils did not involve in principle any suggestion regarding the governor-general's council. They would in any case prefer to await the result of the changes suggested for provincial councils before considering any alteration in the supreme council. As Sir Charles Aitchison pointed out elsewhere, the

1. Ibid.

2. Public Letters from India, 1888, vol.9, p189.

Imperial legislative council should be placed beyond the risks of these experiments, which might turn out to be undesirable. Once an innovation was made in the Imperial council, it would be irrevocable. Further, the question of reform of the provincial councils was closely linked with the issue of decentralization. If all the power was concentrated in the hands of the secretary of state and government of India, what purpose were the local councils to fulfil? Surely they must have a sphere of their own within which "their influence could be felt and their opinion will be potent in the settlement of affairs." He did not, however, foresee anything like parliamentary government. The councils were to be less parliamentary bodies than "consultative bodies to help government with advice and suggestion."^I

The committee did not think that the time had yet arrived for constituting a legislative council for the Punjab. As to the council of North-West provinces and Oudh, which had come into being very recently, they did not advocate any enlargement of its powers, and preferred to await the view of the provincial government. They recommended the reform of the legislative councils of Madras, Bombay and Bengal. In doing this, they eschewed untried changes and radical innovations. They made plain their desire to proceed by developing established methods, "to build higher on the old lines"².

They accepted in the main the structure suggested by MacDonnell

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1. Montagu-Chelmsford report, para 66
 2. Public Letters from India, 1888, vol.9. p 1175

for the constitution of the legislative councils. Thus they declared in favour of a council "which shall consist of two Divisions", organized with reference to the classes of their non-official members. But in doing so great emphasis was placed on the representation of different important interests. The committee enumerated four broad divisions of interests deserving representation:- "(a) the interests of the hereditary nobility and landed classes, who have a great permanent stake in the country; (b) the interests of the trading, professional and agricultural classes; (c) the interests of the planting and commercial European community, and (d) the interests of stable and effective administration"^I. This recommendation of representation of interests deserves more than a passing notice. This principle, as opposed to representation based on population, was destined to become the corner stone in the structure of representative institutions in the government of the country.

The hereditary nobility and the landed classes were regarded eligible for access to legislative councils independent of popular election. The committee considered it necessary especially because the interests of these classes were "not always coincident with those of other classes",² and as such should have means of independent expression. They would be represented in the First Division of the council. An indication of the committee's idea about the status of the landed proprietors can be had from their recommendation that in Bengal the right to vote should be given to those paying a minimum revenue of Rs. 50,000 to the government. They also suggested that the Chiefs of native states in political subordination to provincial governments should be afforded opportunity to sit in this Division.

1. Ibid.

2. Ibid.

The trading, professional and agricultural interests which the committee considered to be the "popular element in the community", along with the interests of planting and commercial European community, and the minorities would be represented in the Second Division of the council. Officials would sit in both the Divisions.

The method of representation of the various interests differed widely. For the hereditary nobility and the landed classes was prescribed, in view of their community of interests and smallness of number, direct election from among their own class of their representatives.

The case was different with the Second Division. The members of the committee were "fully aware that in India at present there can be no such thing as popular representation as understood in Western countries", and yet thought it desirable, in certain cases at least, not to rely solely on nomination. So they advocated an approximation to the principle of popular election in selecting representatives of the trading, professional and agricultural classes. The other non-official interests including the minorities were adjudged capable of due representation only by means of nomination.

The officials would, of course, all be nominated.

It is worthwhile to examine the suggested 'approximation' to elective principles. Each province was to be divided into a convenient number of electoral circles, largely based on existing fiscal or administrative divisions, which might in their turn be grouped on ethnic or linguistic considerations. The metropolitan city and the university might each be treated as such a circle if thought expedient. The electors should be the members of the municipal committees, and local and district boards

1. Ibid, p1176

2. Ibid.

as by law established. In the universities, votes would be conferred on the Senate and the degree-holders. The committee attached special importance to their proposal of conferring voting rights only on members of bodies established by law. For, "no Associations, even though they be stable and permanent, can form a safe basis for the electoral system unless their constitution is prescribed, and their functions and responsibilities determined by law."^I They also attached some significance to the application, though inadequate, of elective principle in the constitution of these bodies. But imperfect though this application was, "in our opinion, it is only by making use of it in the way proposed that any approach to a practicable elective system can be made in this connection"².

A candidate for election to the Second Division was required to possess a clear annual income of not less than Rs. 5,000 and should reside or own immovable property of like annual value in the electoral circle from which he sought election. A lower financial eligibility was considered undesirable.³

Another important aspect stressed was the respective representation of Hindus and Moslems. Both these communities must have due representation in each Division. In both places the ratio of members belonging to the respective communities should be as advocated by MacDonnell.⁺ This was sought to be ensured by requiring the government, for the First Division, to prescribe, if necessary, the proportion of

1. Ibid, pp1177-1178

2. Ibid, p 1178

3. Ibid, p 1179; also see p 1187

+ see above, p 56

members to be elected from these two communities, and in the Second Division to resort to nomination to remedy any marked inequality in the results of election.

The size of the enlarged councils was left to be decided on the advice of local governments. Councils of moderate size would be preferred: one-third of members should belong to the First Division, and in each Division not less than two-fifths should be elected.

As to the official strength, in each Division as also in the council as a whole the officials should be in a majority. But the report admitted the desirability of working the councils ordinarily without the presence of all the official members. Some of the officers would attend only on occasions of more than ordinary importance. The government's supremacy must be put beyond doubt, if challenged. "It is of the essence of the case that the government should be able to command a majority, and we therefore consider that it should have the power of securing this, by calling to its aid a sufficient number of official members when the necessity arises." Not satisfied with this, the executive supremacy was guaranteed by arming the local government with powers "to overrule the council and to adopt, suspend or reject any executive measure notwithstanding the vote of a majority of council".^I This insistence on official majority was in accord with the nature of the legislative councils which were conceived as purely advisory and consultative bodies, without detracting in any way from the supreme authority of the executive.

I. Ibid, p1181

Coming to the functions of the reformed legislative councils, the committee classified them into legislative and consultative. No change was thought necessary for legislative functions and procedure. In regard to the consultative functions, the councils might be given the right of initiating advice and suggestion, and of asking questions, on any subject connected with the internal civil administration of the province, excepting those excluded from their cognizance by section 43 of the Indian Councils Act, 1861.⁺ They would also be entitled to call for and, unless prevented by reasons of state, be supplied with papers on subjects within their competence. Besides, the governor or the Lt.governor might in writing require their advice on any subject, even including those under section 43; in the latter case, however, the sanction of the governor-general in council must be obtained before the requirement is so made.^I

In the domain of financial powers, the financial statement of the local government was to be submitted annually to the council. The committee desired to give the local councils "a real control and a real responsibility" in certain matters relating to local finance. The local government "should endeavour to confine its control and direction of the council's proceedings to the broader questions of policy, and to the assurance of general financial stability".² To achieve this end, the

* These were: public debt; custom duties and taxes; coins and currency; posts and telegraphs; the Indian Penal Code; religion and religious rites and usages; patents and copyright; discipline and maintenance of army and navy; and relations with foreign princes or states.

I. Ibid. pII81

2. Ibid. pII82

committee recommended the division of the provincial budget into two categories. One would be concerned with needs of general administration, whereas the second would relate to schools, hospitals, sanitation, roads and communications etc. It is over this second category of subjects that the provincial councils would exercise a real control. The first would not be placed under them to the same extent, though the members would be free to discuss them and make suggestions.*

With regard to the council's procedure, the members' requests for asking questions, suggesting amendments to financial proposals, initiating debate and discussion on administrative or financial matters etc. should be first examined and reported on by standing committees, on whose advice the president was to ordinarily proceed. The final decisions of the council would be submitted in the form of memorandum or address to the governor or Lt-governor. It was contemplated that the governor or Lt-governor would not ordinarily be present, though possessing the right to be so, at the meetings of the council except when assembled for legislative purposes.^I

The report of the committee, despite its authors' protestations against any desire to try radical innovations, was nevertheless remarkable for certain significant concessions. It admitted that the legislative councils needed to be enlarged to ensure adequate representation of all important interests. It accepted that the constitution of the legislative councils should be liberalized and, within limits, be based on elective principles. Greater initiative was granted to the councils, which also gained two powerful parliamentary privileges -- rights of putting questions and examining financial proposals. In advocating some amount

I. Ibid, p1183

* cf. Sir Charles Aitchison's views. 158

of real control over a part of the local finances, the committee went far indeed. Not only was this more advanced, as we shall see, than any subsequent official proposal, but very few of the non-officials went as far.

But the report did not detract from the full executive control of the administration, nor from the official supremacy in legislative councils. Besides, the provision of separate representation for the nobility, and the emphasis on communities and interests introduced elements markedly consistent with the disavowal of 'popular representation as understood in western countries'.⁺ for India. Even then, taking the entire report, it must be admitted that it contained a substantial measure of reform.

Dufferin's views, as embodied in the MacDonnell scheme, evidently exercised a deciding influence over the committee's findings. In their report the committee thanked MacDonnell for "many valuable suggestions".^I It may not be rash to suppose that he as the secretary of the committee had an important hand in drawing up the actual recommendations.

It is interesting to note that the committee at the same time urged, in a separate report, the curbing of "libel and seditious propagandism." They expressed concern at the "growing license of the newspaper press", which might prove disastrous among an ignorant and credulous population.² The reform of the councils would afford an adequate scope for the expression of public opinion on government measures and policies. This provided additional justification for bringing the press under effective restraint. They thought that "the

+ see above p 60

1. Ibid, p 1183

2. Ibid, p 1215

liberalization of our institutions for Local Government would go hand in hand with the provision of safeguards against the propagandism of disorder." ^I The authorities should be enabled to suppress seditious propaganda and punish libel against the government and the officials. They thus foreshadowed, rather remarkably, the government policy in later years -- particularly at the time of Minto and Morley -- which, as we shall see afterwards, aimed simultaneously at concessions to public demands and suppression of disorder and seditious agitation.

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On completion of the labour of the committee of his executive council, the governor-general wrote a minute, in November 1888, explaining his stand upon reforms. In it he confined himself to the general considerations which, in his view, should guide the policy of the government in this respect.

Dufferin dealt with the difficulties in the situation. India, with its large area, had a numerous population as marked for diversity in race, religion and language as for widely fluctuating stages of civilization, and consequently varied political ideals and fitness. The government had to provide for the safety and welfare of all these people. The complexity of the task was not lessened by the necessity of looking after the European planting and manufacturing interests, scattered all over the country, and of watching over the enormous commercial interests of England, represented by an investment worth £220 million, in India. Besides, there were the problems of defence and external obligations, involving a land frontier of 6000 miles and seaboard of 9000 miles. From amidst

this Indian "cosmos" emerged the patent characteristic of the situation, -- co-existence of two mighty political communities, 190 million Hindus and 50 million Moslems, whom Dufferin considered "as distant from each other as are the poles asunder" in their religions, antecedents and natural aptitudes.¹ Hence was the need to proceed "warily and wisely".²

It was impossible to relax the hold of British authority over India. Any parliamentary government based on English constitutional system could not be thought of so long as India remained under the British Crown.

"India is an integral portion, and it may be said one of the most important portions, of the mighty British Empire."³ He therefore denied that by enlarging and liberalizing the provincial councils it was intended to depart from the real basis of administration in India. He maintained most emphatically that the recommendations of the committee of his executive council did not introduce any essential alteration in that which already existed; they were "not taking a new departure, or starting upon fresh lines, or revolutionizing the constitution,"⁴ of the councils. That was the justification and explanation of retaining official supremacy in the councils as also a veto for the executive to overrule the council. It was essential to leave with each provincial government "the ultimate decision upon all important questions, and the paramount control of its own policy."⁵

Why, then, did he advocate any change at all? Because he viewed with feelings of "approval and good will" "the natural ambition of some Indians "to be more extensively associated with their English rulers in

1. Public Letters from India, 1888. vol. IX. p 1190

2. Ibid, p 1192

3. Ibid, p 1193

4. Ibid, p 1202

5. Ibid, p 1194

the administration of their own domestic affairs."¹ Dufferin saw no reason why the government should not desire to "associate with themselves in council in very considerable numbers such of the natives of India as may be enabled by their acquirements, experience and ability to assist and enlighten" the government in the discharge of their difficult duties.² Representation was impossible to obtain in Indian conditions. The government only hoped to contact a larger surface of public opinion by associating with the administration "a considerable number of persons selected and elected from the educated classes."³

It would appear from this that Dufferin considered the personal ability and fitness of individuals to be the sole criterion of their incorporation in the legislative machinery. This, however, hardly fitted in with the detailed provisions for representation of different interests. Even in this minute, he spoke of the prospective members as "the legally constituted representatives of various interests and classes." He dilated upon their responsibility "to enlightened and increasing sections of their own countrymen".⁴ It is difficult, therefore, to avoid concluding that Dufferin was actuated by ideals other than of individual competence alone.

The reforms would enable the government to have "a far more distinct knowledge of the wishes and feelings of the communities." This would not fail to influence the executive immensely in formulating or modifying their course. As "acknowledged representatives of legally constituted bodies, or chosen from amongst influential classes", the Indian members would receive more careful and respectful hearing from the Indian press and their fellow countrymen.⁵ Their openly expressed views would wield a

1. Ibid, p.1189

2. Ibid, p.1194

3. Ibid, p.1202

4. Ibid, p.1194

5. Ibid.

more ready support. There was no doubt, he thought, that an adequate number of able Indians would be forthcoming to carry into effect the reform proposals. The spread of education during the last twenty years had equipped many a native for such task.

But Dufferin was not slow to warn everybody against excessive enthusiasm over the situation, which might consider the concessions less than warranted, and might press for more far-reaching changes. Though the limits of education had widened, it was yet too restricted. In a population of two hundred million, literates were hardly more than five or six per cent; less than one per cent had any knowledge of English. Since the inauguration of Indian universities in 1857, less than eight thousand persons graduated. The vast majority of the population was steeped in the grossest ignorance. There were consequently only a few thousand Indians capable by reason of training and education to intelligently appreciate the requirements of purely local public affairs, not to speak of larger problems that were presented day to day in the administration of the country. All schemes of reform would have to be worked with this relatively small class of people. But they did not stand for, or represent the interests of, the people of India. The people of India were the "voiceless millions" to guard whose interests was the foremost duty of the government. He, therefore, considered it impracticable, under the circumstances, to extend "to this infinitesimal and only partially qualified fraction of the people of India anything beyond the consultative, critical and suggestive powers" which were being recommended.^I

He was conscious that a section of the educated class had been crying themselves hoarse over demands for more extensive reforms. They included the followers of the National Congress. These persons did not stand for the people of India. They thought in terms of their own class interest -- the small educated class -- which was all important to them. They spoke only for themselves, -- neither for the aristocratic sections of the Indian society, nor for the great masses of the people with whom they had but little contact or sympathy. Nor were they fitted except very imperfectly "to grasp any of the larger questions which affect the stability or ~~the~~ safety of the Empire as a whole. To hand over, therefore, the government of India either partially or otherwise to such a body as this would simply be to place millions of men, dozens of nationalities, and hundreds of the most stupendous interests under the domination of a microscopic minority, possessing neither experience, administrative ability, nor any adequate conception of the nature of the tasks before them."

Such were the leading considerations which guided Dufferin. It may be noted that while emphasizing the division of Indians on basis of race, religion and language in this minute, -- simultaneously endorsing in the recommendations of the Chesney committee the division of the people on occupational and propertied interests -- he introduced yet another division, the educated and the illiterate. In his analysis no less significance ~~was~~ lent to this division. This only reveals how the authorities felt themselves overwhelmed by the cross-currents of the Indian population, and how, perhaps, on important occasions they held

themselves back in cautious estimation of rival interests among the population. This assists us again and again, as we shall see, in understanding why the reforms stopped where they did, and did not go farther.

In his minute, however, Dufferin took up two further points not related to provincial councils not dealt with by the Chesney committee. The first was the mode of handling the annual budget by the government of India. Though at one with the Chesney committee that the changes suggested for provincial councils should not extend to governor-general's legislative council, Dufferin desired an amendment of the existing procedure. He considered it "very useful and desirable" that there should be a yearly financial discussion in the governor-general's legislative council, irrespective of the requirements of fresh legislation. It was farthest from his intention to seek the council's approval of the financial proposals, or to submit for examination in detail the different heads of expenditure. What he wanted was that "an opportunity should be given for a full, free and thorough criticism and examination of financial policy of the government". This would benefit the Indian administration by enabling open and informed criticism of government policy, and doing away with the prevailing uninformed "misapprehension and misrepresentation" regarding financial estimates. The government would stand to gain in reputation: annual discussion would also be "conducive to the improvement" of their financial policy. Besides, this would meet the wishes of the European and Indian mercantile bodies. In recommending this change of procedure, he made known that the Finance Member of the government of India, Westland, fully shared his views.

The second change contemplated was the advisability of allowing questions in the supreme legislative council. He referred to the malicious misrepresentation of government's intentions indulged in by a section of the press "bent upon holding up English Rule to the hatred and contempt of the people." Sometimes wrong or exaggerated accounts of events were given to work up a state of excitement and alarm, which undermined the loyalty of the public and gave rise to a feeling of discontent. In the existing circumstances, the government had no means of controlling these mischievous practices. "It has no adequate medium through which it can explain its policy, correct a wrong impression, or controvert a false statement...." Dufferin, therefore, recommended that under certain restrictions, the members of the governor-general's legislative council should be permitted to ask questions on current matters of domestic, as distinguished from those of imperial, interests. It would afford the opportunity of communicating exact facts in regard to matters under question, to the great advantage of the government, and would also be a source of satisfaction to all the members of the council and the public at large.

In concluding Dufferin mentioned that the views of the provincial governments would have to be obtained on these important recommendations, and that their opinion would require to be most carefully weighed and considered.

Dufferin's minute and the Chesney committee's report were forwarded by the Government of India to the secretary of state on 6th November, 1888. In doing so, they expressed their general concurrence with the recommendations of the committee.

Soon after this Dufferin relinquished the reins of the government of India. The question of reform engaged the attention of his successor, Lansdowne⁺. He too was convinced that some change in procedure was necessary, and declared in his legislative council on 29th March, 1889, that "the opportunities accorded to the Legislative Council for passing under review the financial situation of the country should occur with regularity, and should not depend, as they depend at present, upon what is after all a mere accident, -- I mean the necessity of financial legislation in any particular year." He was also in favour of permitting, under proper safeguards, the members of council to address questions to the government. In this speech Lansdowne confined his remarks to the supreme council. He informed the council that the secretary of state, Cross,^{*} had given his "cordial adhesion" to these proposed changes. No mention was made of the recommendations concerning provincial councils.

I. Parl.Papers, 1890, c5950.

+ Lord Lansdowne (1845-1927) - Coming from a family of long-standing Whig traditions, Lansdowne had many friends in the inner councils of the Liberal party. He held under Gladstone several minor posts, and was appointed Under-Secretary of State for India in 1880. He broke with the Liberal party and resigned his office the same year on Irish questions. An Irish landlord, Lansdowne could not approve of Gladstone's Irish policy, which he opposed in the House of Lords. Gladstone offered him governor-generalship of Canada; he held that post from 1883 to 1888. He was offered governor-generalship of India by Lord Salisbury, whose earlier offer of a place in the Conservative ministry he had declined. (DNB)

* Lord Cross (1823-1914) - Richard Assheton Cross, afterwards first Viscount Cross, started his career at the Bar where he was soon a success. Later on, on the death of his father-in-law who was a Banker, he took to Banking, where too he rose high. A Conservative from early life, he did not take to active politics keenly till he was in his forties, though he had already sat in the Commons for a few years. Cross had sensational success in the elections of 1868 when he entered the House of Commons by defeating Gladstone. Disraeli made him secretary of state for Home in 1874, though he had not held any minor post previously. He had some social reforms at his credit while at Home Office. He was appointed secretary of state for India in 1886, when he was raised to the peerage. (DNB)

Shortly afterwards, the government of India furnished the secretary of state with their views as to the extent to which these privileges could be conceded. ^I At one with Dufferin's recommendations they held that the right of examining financial proposals should be confined to discussion and criticism only. They made it clear that it would be impossible to reconstruct or amend their budget in consequence of criticism, and as such were loath to encourage any division of the council in this connection. This would serve no useful purpose and would only emphasize the standing official majority. Nor would they allow any motion or resolution on any budget proposal. The only advantages anticipated from the discussion were the exposure of unpopular features in the budget, the opportunity afforded to the administration to offer explanation and the benefit of suggestions for future guidance.

As to questions, however, the government of India were now ready to go a stage farther than Dufferin. Whereas Dufferin had welcomed questions on current matters of domestic as distinguished from imperial interests, the government of India would now favour a larger measure of liberty. They thought that occasions might arise when it would be "extremely desirable" ² in the interests of the government that questions should be asked on subjects ordinarily enumerated as beyond the scope of domestic interests, and thereby afford the government an opportunity for public exposition of the matter.

They recommended that both these privileges should be extended to the provincial councils as well. They were further of opinion that these rights should be secured by legislation, and advised simultaneous legislation to confer them on the supreme and provincial legislative councils.

I. Parl. Papers, 1890, c5950 (The Govt. of India letter no. Public 35, dated 25.5.1889)

2. Ibid, para.8.

All these recommendations had a varied reception in the India Office. The secretary of state and his council did not favourably receive the elaborate proposals of Dufferin and his executive council. The Judicial and Public committee of India Council recorded their opinion that it would at present be "impossible to devise any practicable scheme of representation by an elective system."¹ They thought that the principle of representation could be given effect only through a system of nomination. The local bodies, in whose constitution election had been introduced only recently, were not as yet peculiarly fit for the proposed hazardous experiment. Such an experiment would only expose the municipal and local boards to the danger of political manoeuvres based on motives other than of efficient discharge of their proper functions. The committee, therefore, found themselves unable to recommend any method other than nomination by the head of the government.² The Judicial and Public committee's views were approved by India Council in a meeting on 30th July, 1889, without any dissent.

In his despatch to the government of India -- No.80 dated 1st August, 1889 -- the secretary of state reaffirmed the views of his Judicial and Public committee. The principle of election in local bodies had "not yet passed so far beyond the experimental stage as to justify at present any further advance in that direction."³ He further thought that the findings of the Chesney committee had been affected by the impending departure of Dufferin, and that this fact had influenced the executive council in

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1. Kimberley Report (Lansdowne's Note, attached to his letter dated 23.8.1892)
 2. India Council Minutes, vol.63.
 3. Public Despatches to India, 1889, vol.10, p.332.
- * The Judicial and Public committee then consisted of: Sir C.Turner, Sir John Strachey, Sir O.T.Burne, Sir J.Peile, and Sir A.C.Lyall.

endorsing the recommendations. This explained their inability to furnish "complete and matured conclusions upon the details contained in the report of the Committee"^I. Besides, the provincial governments had not been consulted, though fundamental changes had been proposed in their executive and legislative constitution. There was thus need for "further consultation and discussion in India." Having admitted this scope of further examination, the secretary of state took a sudden jump to an absolute and definite rejection of the elective system. He characterised the system as "unfamiliar to oriental ideas" and "foreign to their administrative institutions". He considered the introduction of such a fundamental change unwise. Consequently, he would not even undertake any detailed examination of the scheme.²

Other aspects of the reform had a more sympathetic reception at Whitehall. At a meeting on 1st August, 1889, presided over by Cross, the India Council approved by six to one -- four members including the secretary of state abstaining from voting -- the proposals for annual financial discussion and asking of questions.³ They also decided to increase the number of additional members in the several councils. A draft bill which had been drawn up covering these measures was directed to be sent for the consideration of the government of India. The secretary of state's despatch to India the same day conveyed this decision, and invited comments on the draft bill. It is worth noticing that in proposing to increase the number of additional members in several councils, the secretary of state included the supreme council as well, which had

1. Ibid, p.331

2. Ibid, p.332

3. India Council Minutes, vol.63 (The opposing member was Sir John Strachey)

hitherto been left alone. In affirming that the time had come for larger and more varied representation of public opinion he reiterated, however, that "a simple extension of the existing system" would enlarge the circle of selection by increasing the number of nominations to the councils.

2

The draft bill provided for the nomination of additional members for a term of two years in the various councils as below:-

Council	Not less than	Not more than
Governor-Generals	10	16
Madras	8	20
Bombay	8	20
Bengal	-	20
North-West provinces and Oudh	-	15

The bill authorized the governor-general in council, the governors in council and the Lt.-governors concerned to make rules permitting the discussions of annual financial statement in the respective councils, and the asking of questions, under such conditions and restrictions as to subject and otherwise, as might be laid down in the same rules. The rules framed by the local governments would have to be sanctioned by the governor-general in council, and those framed by the latter would require the sanction of secretary of state in council.

It also contained a clause, -- No.3 -- enabling a provincial legislature, with the previous sanction of the governor-general, to repeal or amend as to that province any law or regulation passed by any authority other than the local legislature concerned.

The bill defined 'local legislature' as "(i) the Governor in Council of the respective provinces of Fort St. George and Bombay; and (ii) the

I. Public Despatches to India, 1889, vol.10, p.336 (Despatch No.81, dated 1.8.1889)

2. I.P.P., September 1889, No.351

Lt.-Governor of any province to which the provision of the Indian Councils Act, 1861, touching the making of laws or regulations have been or are hereafter extended or made applicable," thus underlining the executive authority over legislation.^I

A saving clause declared that nothing in it would detract from or diminish the powers of the governor-general in council at meetings for the purpose of making laws and regulations.

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On receiving the draft bill, the government of India circulated it to the different provincial governments for their opinion. The government of Madras approved the draft bill without any comment.² The government of North-West province and Oudh likewise concurred in the provisions of the bill.³

The Bengal government's reply⁴ admitted that an increase in the number of members would lead to greater efficiency of the local council. The Lt.-governor -- Sir Steuart Bayley -- was, however, of opinion that the increase provided for his council was inadequate. He estimated that the number of official members of the council would have to be about fifteen to cope with the enhanced official duties in consequence of the new privileges adumbrated. The non-official interests deserving representation would require at least twelve members, if not more. Thus the total would exceed the maximum fixed by the bill for Bengal, which might therefore be raised to thirty.

Regarding questions, it was suggested that restrictions as to their

1. cl.6.

2. I.P.P., January 1890, No.41

3. Ibid, No.50

4. Ibid, No.47 (Bengal government letter no.112-J-D dated 16.10.1889)

subject or otherwise should not be left to be determined by the local governments. A large and influential section of the people would resent all restrictions, of whatever nature, utilising them for fault-finding with these governments. The governments would be accused of intentionally narrowing and reducing the privileges which parliament intended to bestow. It was therefore necessary that the nature of the restrictions contemplated should, if not mentioned in the bill, be explained while piloting the bill through parliament. This would save the local governments a lot of complication afterwards.

It was also urged that questioning on matters still, or until recently, under discussion between the local and central governments should be prohibited, except without the previous consent of the superior authority. It should not be left to the discretion of the president of the council to allow questions on such matters. The reason why this suggestion was made seems to be an anxiety on the part of the local government to prevent disclosure of the nature, extent and cause of any difference between the two governments.

The Lt.-governor of Bengal had still further recommendations to limit the right of questioning. He argued that though questions would be answered by officials in the council, the responsibility for governmental action lay with the head of the province. He would not allow answers to travel beyond the limits fixed by the head of the province, and as this would be difficult if answers were followed up by further questions, the right of asking questions was sought to be confined to a single question and answer.

Regarding the budget discussion, the Bengal government were no more

enthusiastic. Here doubts rested on the fact that the local government were not the master of their own budget. In reality, the government of India controlled provincial finance by quinquennial contracts. The local government's freedom regarding receipt and expenditure was, therefore, restricted to the limits fixed by Provincial Contracts. Such being the case, the discussion of the provincial budget was attended by two-fold risks. Under its cover attacks might be made on the government of India. Again, provincial governments might be criticised for decisions which were really ^{the} government of India's, perhaps forced upon a protesting local government. The government of Bengal, therefore, recommended that should the right of discussing the budget be conceded, the budget should be divided into two parts. Receipts and expenditure under the Provincial Contract should be excluded from the council's consideration. Only those items of revenue, which were within the final control of the local government, should be open for discussion by the council.

The Bengal government thus hardly welcomed the provisions of the bill. To the enlarged powers of the legislative council they had serious objections. They would be reconciled to them, if at all, only in a largely diluted form. Their objections to extended power perhaps originated in the situation in Bengal. Here, and in Bombay, criticism of the administration was most rife. A section of politicians and press -- alike in Bengal and Bombay -- would go further than elsewhere in India in denouncing the government and pressing for more radical changes. The new powers would enable more effective probing in government's affairs by means of questioning. The budget might be discussed in a fashion

detrimental to the prestige of the government and calculated to incite public indignation. This in the context of local politics could hardly be encouraged by an administration which was unused to open and popular controversy within the precincts of governmental institutions. It is noteworthy, however, that the Bengal government not only did demur over, but pressed for further, increase of additional members.

If the Bengal government's attitude was not cordial, that of the Bombay government was openly hostile. They were averse to increasing the number of members. This, they held, without altering the essential constitution of the council would only render the conduct of legislative business "more troublesome, tedious, costly and uncertain." ^I More additional members must be offset by a corresponding increase of official members. This would mean withdrawal of officials from their usual and more important duties. Besides, their presence in a more numerous council would seem anomalous, and would expose them to censure and ridicule by non-official members. The Bombay government thought that the natural bias of non-official members would be towards opposition, and that increasingly they would evince popular instincts and tendencies. Thus the proposal was unlikely to enhance efficiency, besides being fraught with undesirable possibilities. Hence they advocated that the minimum number of members should remain unaltered even if the maximum was raised. The maximum they would accept was fourteen. In making this recommendation the Bombay government's intention was to leave the number of additional members usually at the former level, but to add to it, as exigency of legislation demanded, a few additional members possessing

special knowledge of the subject of legislation. With this end in view they also sought express power to nominate Chiefs of states under the political control of the local government and also persons subject to the authority of such Chiefs.

The government were equally intransigent about the proposed enlargement of power. The councils were intended to be deliberative bodies for purposes of legislation alone. Why then equip them with powers which resembled those of more powerful and differently constituted assemblies? They apprehended, like the Bengal government, that in discussing the budget, one-sided criticism of central government might be indulged in and considerable embarrassment might be caused to the local government. It was even possible that such discussion would be utilized by the local government in their financial controversy with the central government. This would only accelerate irresponsible criticism by non-official members who, devoid of any chance of office, would speak increasingly for an outer audience.

Similarly, interpellation was a doubtful advantage. If too closely restricted, an occasion would be created for perpetual argument and complaints regarding the limitations imposed. If, on the other hand, allowed under only slight reservations, no endeavour would be spared to discredit the government and excite popular discontent. Besides, interpellation need not be resorted to for explaining and publicizing the government's views. This could be done by publishing resolutions and correspondence, "without any servile copying of a procedure adapted only to a true parliamentary system."^I

Even after all this consideration, if the extension of these privileges was persisted in, they would not leave the rules to be framed by the governor in council. There might be different interpretations of the term 'governor in council'! The enlarged legislative council might claim to frame the rules themselves! They demanded, therefore, that "the rules should be carefully considered and definitely prescribed in the Statute itself. They would thus be placed beyond the reach of encroachment, carelessness and craving for popularity."^I

The definition of 'local legislature'⁺ was criticized on the ground of possible confusion in interpreting the term 'governor in council', which had already acquired a definite and recognised meaning, and should not, therefore, be open to ambiguity. Neither did clause 3^{*} of the bill earn their approval. It might enable the governor-general, with the help of the provincial council, to defeat the legislation of his own council for all India.

The opinions of the Bombay government were not shared by the governor of the presidency, Reay. He had been overruled by his executive council, and did not concur with their opinions, except with one about the definition of 'local legislature'. Reay drew up a minute setting forth his own views on the draft bill.

Before we pass on to Reay's minute, it may be well to note that the Bombay government were entirely hostile to the reform. They did not approve of a single aspect of the reform, and their suggestions only

I. Ibid, para.II

* see above pp 77-78

* see above p. 77

tended to stiffen the not-too-liberal provisions of the draft bill. The necessity of fuller representation of the different interests and communities did not appeal to them. In their intense dislike for the move, they concluded that all non-official members would tend to oppose the government, -- a conclusion which would not bear examination. The only suggestion they made regarding representation of interests -- of native chiefs under political subordination and persons under their authority -- hardly allowed any possibility of detracting from official strength in the councils. Their dislike for the Indian politicians and their ways is evident. How far this was accentuated by the Congress agitation, which had a stronghold in Bombay under the guidance of able leaders, must remain, however, a matter for conjecture. Undoubtedly, they took only a one-sided view of the picture, which consequently lacked balance.

There can be little occasion for surprise that the Bombay governor submitted substantially different views in his minute. Reay was a Liberal, and could not be expected to fight shy of all proposals to liberalize the administration.

Reay confessed that in its present strength, the Bombay legislative

I. I.P.P., January 1890, No.49.

+ Lord Reay (1839-1921): Dutch by birth, Reay left Holland in 1875 and settled in England. He succeeded to the Scottish title of Reay in 1876 and became naturalised in 1877. He was created a peer of the United Kingdom in 1881. His leanings were with the Left: in Holland he had entered the Chamber of Representatives in 1871 as a member of the Left; in Britain he became an ardent supporter of the Liberal Party. Gladstone appointed him governor of Bombay in 1885. He was later an Under-Secretary of state for India in the Liberal government for fifteen months during 1894-95.

(He presided in 1908 over the departmental committee which led to the foundation of the School of Oriental Studies.) (DNB)

His interest in India was life-long.

council was not sufficiently representative of all interests concerned.

He enumerated some of these interests: they were the following:-

" (a) the trade of Bombay, Karachi, and Aden, (b) the manufacturing interest, (c) the banking interest, (d) the railway interest, (e) the managers of aided institutions, whether educational or medical, (f) the owners of lands, (g) the occupiers of land, (h) Native Chiefs and their subjects, (i) the owners of commodities which are taxed, such as salt-works and toddy trees, (j) the managers of endowments"¹. Besides these interests, he would include in the councils the representatives of Sind, Gujarat, Deccan and of the Kanarese districts, "as well as of the great towns and of the European, Hindu, Muhamedan and Parsi communities."²

Reay's manifold classification of interests reveals once again the official repudiation of popular representation, as commonly understood in the West, which the Congress sought to emulate. Though similar to divisions adumbrated by Dufferin and the Chesney committee, Reay's plan was more detailed and covered a wider field. He said that it was not at all likely that the representatives of all these various interests would combine into a regular and permanent opposition against the government: on the contrary, to the authorities would accrue the advantage of support to government policy by independent non-official members. He heartily supported the provision for larger membership of the legislative council, and declared that the suggested increase was "certainly not more than circumstances require."³

Similarly, he welcomed the proposed enlargement of powers. To facilitate discussion he even suggested that, as the council had not

1. Ibid, para.1
 2. Ibid, para.2
 3. Ibid, para.5

been given any right to move a resolution or submit a motion, it was desirable that following the answer to a question other members of the council might be allowed to join in a discussion on the subject. This would make available to the government all possible views on the matter. In his minute, Reay attempted to refute some of the arguments of his executive council. There were indeed different ways of making a government's voice heard, but none could be considered sufficiently far-reaching and impressive by itself. The most authoritative and efficient rebuttal of attack on the government could be made in the legislative councils alone. He answered the misapprehension regarding the scope and nature of interpellation by saying that in a provincial council this must naturally be confined to matters within the competence of the provincial government. Likewise, budget discussion in a local council could only be confined to the allotment of funds within the assignment made by the supreme government. The council would not discuss Imperial financial policy. No doubt, the right of interpellation and the discussion of budget were essential to a parliamentary government, "but the exercise of these rights does not necessarily transform the assembly in which they are exercised into a representative assembly. They may be exercised by the Council of State in a purely autocratic state without in any way substantially altering the form of government." He did not contemplate that any modification of financial proposals would follow from the criticism in the council. These remarks would only be of use in framing the budget for the next year. In welcoming the draft bill, Reay expected that its natural result would be an "increased sense of responsibility in the administration."

What stands out from all this is that none of the governments thought that the bill had erred on the side of caution. On the contrary, Bombay and Bengal governments thought that the bill was too liberal. No provincial government, not even Reay, made any mention of elective principle. Apart from Reay's recommendation that members should be allowed to join a discussion on subjects of interpellation, there was hardly any suggestion to widen the scope of privilege of members. Had the initiative for reforms been invited from the provinces, and not taken by the government of India, the results would thus be unlikely to be more in consonance with the hopes and ideals of the more advanced Indian politicians.

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The government of India, having considered the reaction of the different provinces, next apprised the secretary of state of their own views on the bill. ^I They would not consider reducing the minimum of additional members for any local council below eight. As to the maximum, some members of the government of India would have preferred even a higher ceiling than fixed in the draft bill, to be attained by degrees. They were unanimous, however, in accepting the limits, minimum and maximum, as detailed in the bill.

As to the increase in the membership of governor-general's legislative council, the majority of the government of India were opposed to it. They did not think that the proposed enlargement of the council would either enhance its efficiency or satisfy those who advocated reforms in this body. The proposal would only add to the expenses.

The government of India supported Bombay government's request for powers to nominate chiefs of native states and persons under their authority. They pointed out, however, that even under the 1861 Act, two Maharajas had been nominated to the supreme legislative council. In case these precedents were not valid enough, or if there was any doubt upon the point, they recommended specific provision for such nomination.

They were opposed to embody in the bill the rules. But they sought to prohibit clearly any resolution, or division of the councils, in respect of any matter arising out of financial discussion or answer to a question.

They next dealt with doubts expressed by various provinces and gave their own views. (a) A provincial council would be competent to discuss the budget of the local government alone. (b) The rules governing the new powers conferred on the councils would be framed by the respective governments in their executive capacity. None but the head of the province and his executive council, where there was one, could claim to do so. (c) Referring to a doubt expressed by Sir Auckland Colvin, Lt.-governor of North-West provinces and Oudh, they explained that the right of interpellation would not be limited to occasions of financial discussion alone.

Lastly, the government of India wanted the governor-general in council, and not governor-general alone, to have the power of sanction under clause 3.

The government of India's objection to change the constitution of the supreme legislative council is understandable. All along they had maintained that changes should be effected in the structure of provincial

legislature alone. Except on this point, the draft bill closely followed the intentions of the government of India. So there was scarcely any occasion for serious divergence of opinion.

Simultaneously, the government of India approached the secretary of state separately on an important matter. They expressed their regret at the outright rejection of elective system by the latter. They were inclined to a further careful re-examination of the question. No doubt, the bill about to be introduced in parliament did not warrant such far-reaching changes as had been recommended by the Chesney committee. But this should not preclude the government altogether "from resort to some form of election where the local conditions are such as to justify a belief that it might be safely and advantageously adopted." The secretary of state was, therefore, urged to reserve to the government of India authority to make rules from time to time for the appointment of additional members "by nomination or otherwise." It should be enough precaution to provide for previous sanction of such rules by the secretary of state in council. In recommending the acceptance of this proposal and its incorporation in the bill, the government of India believed that such an enactment would provide "for the gradual and tentative introduction of a carefully guarded mode of electing Additional Members without involving the creation of a franchise by Act of Parliament." If this was conceded in the draft bill, it would prevent "continued agitation for further legislation", which the passage of the bill in its present form was anticipated to entail. Did not this indicate that government's awareness

1. Public Letters from India, 1889, vol.II, p.3158 (Government of India's letter no. Public 76 dated 24.12.1889)

2. Ibid, p.3159

that the draft bill fell short of popular expectations?

Though this proposal lacked the detail of the earlier suggestions, it nevertheless bore out the government's preference for some form of election and unwillingness to rely solely on nomination. This continued inclination towards elective principles gains some significance from the fact that since the time of the Chesney committee's report, half of the governor-general's executive council had been replaced by new incumbents.

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The request of the government of India failed to move the secretary of state in council. In the bill that the secretary of state introduced in the House of Lords early in 1890 no device was left for resorting to any means of appointment other than nomination. In selecting the papers presented to parliament along with the bill, Cross omitted the Chesney committee's report and gave only extracts from Dufferin's minute. All references to elective principle and to papers not published were excluded from these extracts.²

The bill as introduced slightly varied from the earlier draft: the alterations were made mostly in the light of the views and recommendations of the governments in India. Thus "any person resident in India"³ was declared eligible for nomination as an additional member, obviously to secure wider choice including that of native chiefs.

The rules governing financial discussion and interpellation, it was clearly stated, would be framed by the executive, and would "not be subject to alteration or amendment" at the meetings of the legislative

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1. I.P.P., May 1890, No.151
 2. Ibid, No.149
 3. Ibid, No.151 (clause I(3))

council. Besides, no member would be free to propose a resolution or divide the council on matters arising from financial discussion or interpellation. It was made clear that the provincial councils would discuss the budget of "their respective local governments"^I. To avoid confusion, the definition of 'local legislature' was made explicit. It was "the Governor-in-Council for the purpose of making laws and regulations" in Madras and Bombay, and "the Council for the purpose of making laws and regulations"² elsewhere. No indication as to restrictions or limits of enlarged powers was given in the bill.⁺ The bill dropped clause 3 of the draft bill.^{*}

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On the official side thus the most favourable reception to the reforms came from Dufferin. Though Lansdowne did not express views equally liberal as his predecessor's, there cannot be any doubt that he too desired some liberalization of the method of constituting the legislative councils.

We have already indicated the reasons which might account for the hostile reception of the proposals by two of the local governments. It seems safe to conclude that the peculiar conditions of these two provinces, -- the atmosphere of criticism and opposition from an increasingly vocal press and a section of the public, -- made them averse to widening^{ing} the scope of such embarrassment. The fact of unquestioned approval of the proposals by the remaining two local governments precludes us from ascribing any

1. Ibid, clause 2.

2. Ibid, clause 5. (see above p. 83)

+ see above p. 79, p 83

* see above p. 83

common approach to all of them. These provinces were not free from the influence of the Congress, though they had comparative political quiet. The third and fourth sessions of the Congress were held at Madras and Allahabad respectively. The extent of their participation in the Congress can be gauged from the number of their delegates to the various sessions. This was as follows:-

	Total delegates	Delegates from Madras	Delegates from North-West provinces and Oudh.
1885	72	21	7
1886	434	47	74
1887	607	361	45
1888	1248	93	578
1889	1889	358	261
1890	677	60	148

The political situation of Madras and North-West provinces and Oudh could therefore hardly be expected to offer no cause for official umbrage. This perhaps justifies an assumption that factors of personal belief and ideal influenced officials in adopting such divergent views in different provinces.

The reception of the proposals in India Office could hardly be different. The contingent of old Indian officials on the India Council, having fixed ideas regarding the needs of India, were not likely to take kindly to departure from what they had known to be working well for so long. They would look with disbelief upon any innovation. They would not take seriously the views of the Congress. One of these distinguished persons considered England's duty in India to be "to govern...with unflinching determination on the principles which our superior knowledge tells us are right although they may be unpopular." ^I So the India Council, unless led

by a secretary of state confirmed in different beliefs, would naturally be cautious in such matters. As we shall see subsequently, there were reasons for Cross to take the stand he took.

Even then the provision to increase the membership of the supreme legislative council was an innovation of Whitehall. The India Council minutes give us no clue to this. Other papers of the Council, which might throw light on this development, are not available to us. The reason for such a departure may be that having refused to have anything to do with an elective system, the increase in membership was perhaps thought less risky and innocuous. It might have been deemed rather incongruous to exclude the supreme legislative council from the reforms which aimed at greater opportunities for the representation of admittedly diversified interests and communities. This would be more so, as the enlarged powers were to be conferred on governor-general's legislative council as well.

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Having traced the story of the bill's birth and the part played by different agencies in the process, we shall, in the next chapter, follow its career through the parliament to the Statute Book.

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CHAPTER III

The Indian Councils bill in Parliament, 1890-1892

The Indian Councils bill was introduced in the House of Lords on 21 February 1890. Earlier the same day, Herschell referring to it had moved for the communications "received from the present or late Viceroy." While speaking on the bill Ripon pressed for the full official correspondence between the government of India and the secretary of state for India on the subject.² Northbrook,⁺ the only other speaker, beside the secretary of state, on the bill that day likewise asked for the "full and complete views of the Government of India" and for "the opinions both of the Governor-General-in-Council and of my noble friend Lord Dufferin."³ More pointed reference to Dufferin's views was made in the debate on the second reading of the bill. Northbrook said that Dufferin was supposed to favour elective or selective choice: Ripon believed that Dufferin's minute "went beyond the extracts which have been given to us" and referred to the unauthorized publication of the minute by a newspaper.⁴ Kimberley also asked that the complete minute of Dufferin should be

1. Indian Parl. Debates, 1890, p.25 *vd?*

2. Ibid, p.30.

+ Lord Northbrook (1826-1904): A great-grandson of a chairman of the Court of Directors of the East India Company, Northbrook was nurtured in an atmosphere of Whig politics. A nephew of Sir George Grey, the Whig statesman, he began a political career quite early in life. From 1859 to 1864, except for a brief interlude in 1861, he was under-secretary of state for India. He was governor-general of India, 1872-1876. (DNB)

3. Ibid, p.31.

4. Ibid, pp.66-67. (Surendranath Banerjea claimed that his paper, the Bengalee, was the first to publish it in March, 1889. See, A Nation In Making, p.93)

presented to the House: because of the newspaper publication, it was already public property anyway. ^I Granville, the leader of the Opposition in the Lords, supported this stand.

The above fact is mentioned at the outset because the discussion of the bill throughout in both Houses was influenced by the disclosure of Dufferin's views. Attention was more closely drawn by the government endeavour to hold them back. The supporters of the elective system had thus gained an initial advantage at the expense of the government.

The bill came up for its second reading in the House of Lords on 6 March 1890. Speaking first, Northbrook gave the bill his cordial support. From his experience he bore testimony to the "ability", "firmness" and "perfect independence" of Indian members of legislative councils and welcomed the enlargement of the councils. ² The proposed increase in membership was adequate and the secretary of state had "provided fully for all present needs in respect of the increase of numbers." ³ He regretted, however, the absence of any elective system in respect of at least a part of the non-official members of local councils. The government were urged not to "shut the door, as it would be done by this bill, to the introduction of some system of selection or election, at any rate, into the subordinate legislative councils of India." ⁴ With safeguards an elective system could be introduced in some form or other. He would not, however, prescribe the method by statute, and would be satisfied with the insertion of a clause authorising the government of India to draw up a scheme

1. Ibid, p.80.
2. Ibid, p.51.
3. Ibid, p.55.
4. Ibid, p.60.

subject to the approval of secretary of state in council, of a part or whole of a local council. The working out of details would be left to the authorities in India because they possessed more knowledge of local needs and conditions which differed widely from province to province. Regarding the supreme legislative council, the farthest Northbrook could go was to allow each of the local Councils to elect a member to that body.

It is significant that Northbrook considered that the governor-general's legislative council needed to be treated on a different footing than the local councils. He approved of the proposed change in its constitution, but believed that "there would be great difficulty in making any much larger increase" in its membership. Nor would he countenance any suggestion of liberalising the constitution of this council. Referring to a scheme of the Bombay Congress to reconstitute the council on the basis of population through electoral colleges from different parts of the country, Northbrook said that such a system was "entirely unsuited to the present condition of the country", and that it would constitute "a serious political danger." Representation in proportion to population would give preponderance to Bengal and Madras, at the cost of "necessary political weight" to the rest of India which contained parts "of the greatest political importance." Therefore he advocated a measure of decentralization, giving more powers to the local councils which should be strengthened. But the Supreme council should remain "very much as it now stands until some wider experience than we have at present is possessed of the effect of the measure upon the local legislature."

1. Ibid, p.59.
2. Ibid, p.60.
3. Ibid, p.58.

As to interpellation, he was at one with the government in conceding restricted rights only. Any right to move a motion or divide the councils would be inconsistent with the nature of these bodies. These councils were not intended to be parliamentary bodies. These were "practical bodies" for "practical business" and not "debating societies". Motions and divisions could fit in the scheme of a responsible government alone, and could not be thought of in India.

Speaking next, Ripon wholeheartedly supported Northbrook's plea for inserting a clause enabling the government of India to have resort to an elective system. In this respect the bill should be "an empowering bill", laying down the principle of constitution of the councils, but leaving the details to the government of India. He was averse to increasing the number of nominated members and explained from his own experience some of the difficulties of ensuring representation of various classes and interests by nomination. It was difficult to determine who would represent a community or an interest in the best manner. Having decided upon a choice, it was not infrequent that the man nominated lost considerable influence among his fellow-countrymen by "the mere fact of having been selected by the Government". The system of nomination presented another difficulty at the time of re-appointment. For whatever valid reasons, at the lapse of a term of office, a particular member, who happened to oppose the government was not re-nominated, the fact would provide the occasion for the person concerned to pose as a "martyr" and for the people to think that he was

I. Ibid, p.50.

2. Ibid, p.62.

not re-nominated "because he had been a thorn in the side of the Government." Besides, it was usual for the nominated members to desist from open criticism of the government in the councils. They thus deprived the latter of any chance to reply on the spot, and defend their policy against "the misrepresentation^I and misunderstandings which spring up and which are propagated by the Press."

Ripon illustrated his contention in favour of election by mentioning his experiences in India. He had informally approached the British Indian Association and another association on two occasions to select suitable persons to represent landowners in the Imperial legislative council during the consideration of the Bengal Rent bill. He accepted the nominees of these associations and appointed them to the council on both occasions. This worked very well: the nominees concerned were considered to represent landowners and helped in passing the bill.

Ripon differed from Northbrook, however, in advocating election to the Supreme legislative council as well. He thought that the exclusion of this council from any change on these lines would not satisfy public opinion. This would not help to realise the object of the bill, which he took to be "such a change in the councils at the present time as will give fair and reasonable satisfaction to the public desire²."

As to the mode of election, Ripon did not explain his views in detail. But he was thinking in terms of indirect election, in which the municipalities and other public bodies would be utilised.

In his speech, the secretary of state reiterated the impossibility of parliamentary government in India, the unsuitability of parliamentary

1. Ibid, p.65.
2. Ibid, p.68.

constituencies in India, and the essential difference between the central and local councils. But this did not mean that the government were not prepared "to extend the representative elements as far as possible." What he meant by this was a preparedness "to throw the Government of India open to the natives themselves,"¹ and to use their services as far as could be safely done. He would not provide for election to achieve this, because "the state of India was not ripe at present for this principle of election."² He referred to the various suggestions of applying elective principle through the municipalities, universities, chambers of commerce etc. The municipalities were not constituted for "the purpose of interesting themselves in questions which deeply affect the millions of ryots throughout India." The universities could not "really represent the whole interests of India."³ The bodies like chambers of commerce were not known to the law and could hardly be given legal status for a particular purpose. It was very difficult to find a suitable constituency. Cross would, therefore, be content with the system of nomination.

But this need not preclude any resort to a device as adopted by Ripon in securing representation of landlords during the consideration of the Bengal Rent bill. The head of an administration might informally approach certain bodies of his choice for suitable candidates. If the candidates so recommended were acceptable to him, he might conveniently nominate them to the council. Thus while the members would for all practical purposes be selected by certain bodies and would represent them, the responsibility for nomination under the law would rest solely on the governor-general,

1. Ibid, p.72.

2. Ibid, p.73.

3. Ibid, p.74.

governor or Lt-governor. In view of the proposed enlarged powers of legislative councils, the increased number of Indian members must be carefully selected. They should assist, not thwart, the government "in carrying out the new plan."^I Cross, therefore, would rely upon nomination alone. He suggested, however, that a despatch might be addressed to the government of India, when forwarding the new Act, advising consultation with bodies in the manner indicated above for the purpose of selection of suitable nominees. Of course, the nomination would rest solely on the discretion of the head of the administration, and the responsibility would in no way be shared with the bodies consulted. Cross thus endeavoured to meet the opposition's point of view without yielding his position.

Commenting on the secretary of state's plan, Kimberley said, "you have in India as everywhere else to consider not merely the thing which is to be done itself, but the mode in which it is to be done." Men's minds needed to be satisfied. There was a great deal of difference between the selection of members upon the recommendation of certain bodies, and informal consultation with the same bodies. In the former case the members "would be respected as representatives"² of important public bodies, whereas in the latter they would be deemed as nothing more than nominees of the government. He therefore favoured an explicit recognition of the elective principle.

With reference to Cross's misgiving regarding suitable constituencies Kimberley thought that the bill should be an enabling measure, permitting

1. Ibid, p.76.
 2. Ibid, p.82.

the governor-general-in-council to determine the mode of giving effect to the elective principle. It would not do to try to lay down the details: these must be left to the men on the spot. Since the authorities in India considered election possible and desirable, as was known from the unauthorised version of Dufferin's minute, men with better competence to judge had evidently concluded in favour of establishing a system of election in India. So he urged the secretary^{of} state "to introduce some elective elements into the Legislative Councils."^I

Kimberley considered that once election had been conceded in the local councils, it would be impossible to refuse its extension to the supreme legislative council. It was better to include in this council as well "the representative element."²

He agreed generally with the rest of the bill.

The repeated plea in favour of election was countered by the prime minister, Salisbury[†]. He apprehended that the advocates of the elective system could not rightly estimate "the intense gravity of the question they have raised." The principle of election was unknown to Eastern ideas and did "not fit Eastern traditions or Eastern minds."³ The difficulty was accentuated beyond measure by the existence of two communities - Hindus and Moslems - "bitterly hostile" to each other, one ever ready to oppose the other "upon all occasions."⁴ Representative government could, on the

I. Ibid, p.79

2. & 3. Ibid, p.84.

4. Ibid, p.85

† Lord Salisbury was twice secretary of state for India: from July 1866 to March 1867, and from February 1874 to March 1878.

contrary, flourish only in communities with identity of interests. The innovation proposed was thus "one of the gravest parting of the ways which it is possible for any Government to have to face."¹

He argued that the difficulty of forming constituencies could not be ignored. They "must not drift into an elective Government of India."² They must make up their mind on suitable constituencies to represent the vast and varied interests. Representation by small doses would neither be enough nor satisfy the communities. He ridiculed the idea of entrusting to the local bodies "elected only for the purpose of making streets and taking care of drains,"³ the task of representing "those vast interests which we have undertaken to represent." He thus urged upon the House "not to make so great a change without the most careful and circumspect examination of all the difficulties and dangers which surround it, not to slip into this great innovation, as it were, accidentally."⁴

The prime minister's forebodings did not silence the exponents of election. Though the leader of the Liberals, Granville, did not press the question, Stanley of Alderley⁺ returned to it. He pointed out that elections would ensure the independence of members of the councils. He drew attention to the "great progress in India in regard to unity",⁵ and said that

1. Ibid, p.84.

2. Ibid, p.86.

3. Ibid, p.85.

4. Ibid, p.86.

5. Ibid, p.88.

+ Lord Stanley of Alderley (1827-1903): He was a warm supporter of the Indian National Congress. In the House of Lords "he sat on the cross benches, declining to identify himself with either political party." He became a convert to Islam. (DNB)

differences of religion, race, language etc. were not peculiar to India; these could be traced in many European countries, including the United Kingdom.

The bill was read a second time without any amendment. No other member of the House participated in the debates. The majority of the speakers in the Lords could thus be described as desiring a restricted application of the elective principle as an effective agent in the government of India.

When the bill came before the House of Lords in committee on 13 March 1890, Northbrook referred to the secretary of state's admission that it would be possible under the bill to obtain the views of certain bodies in selection of members of councils. But were the provisions of the bill adequate to achieve this end? He considered that an extension of words would be necessary to make the intention quite clear. So he proposed the following amendment:-

"Provided that the Governor-General-in-Council may from time to time with the approval of the Secretary of State in Council make regulations as to the conditions under which such nominations or any of them shall be made by the Governor-General, Governors and Lt-Governors respectively, and prescribe the manner in which such regulations should be carried into effect."^I

This would help to carry into effect some such system of selection as was resorted to by Ripon on two occasions, and which had been approved by Cross in his speech on the second reading of the bill.

The secretary of state accepted this amendment.⁺ He explained that he would not like to "leave a legal difficulty open for further dispute", which the amendment set at rest. Besides, the amendment would show that the elective system had been "thought of and considered"^I in forming the measure, and would thus satisfy its advocates in India.

Kimberley, speaking next, expressed his pleasure at the acceptance of the amendment. He hoped that this would "leave an open door" for the government "to practically leave the selection to bodies who will, in fact, elect the representatives."² It may be noted that no comment on this most liberal interpretation of the amendment was made by the secretary of state.

How far towards election were its protagonists prepared to travel? While moving his amendment Northbrook disavowed "the introduction of any general system of popular representation."³ He would not even have all the non-official members of the councils nominated in the spirit of his own amendment; he preferred only "a certain number of nominations,"⁴ to be made in this manner. Kimberley likewise did not consider it desirable "that this system....should be extended to the whole of the non-official members."⁵ He explained, however, the reason for leaving certain

1. & 2. Ibid, p.101.

3. Ibid, p.98.

4. Ibid, p.99.

5. Ibid, p.101.

+ cl.1(4) This clause has come to be known as 'Kimberley clause'. (Montagu-Chelmsford report, para.69.) Why this has been so is only open to conjecture. Was the guiding spirit behind the move Kimberley's?

nominations to the discretion of the head of the administration. It was necessary to secure the interests of minorities; they must have their representation. Kimberley made special mention of the Moslems and ryots. It appears, therefore, that both Northbrook and Kimberley, though ardent advocates of election, had misgivings about its universal application in India. The constituencies ~~in~~ which they themselves suggested they apparently considered inadequate to guarantee the representation of the varied interests.

Stanley of Alderley moved another amendment providing against prohibition of "questions being asked relating to complaints respecting alleged acts of maladministration within British territory." ^I The amendment was opposed on the ground that the head of the administration should have liberty to refuse to admit inadvisable questions.

The bill was reported in the House of Lords on 17 March 1890. The secretary of state informed the House then that the Viceroy had entirely approved of Northbrook's amendment. It could hardly be otherwise in view of the government of India's letter No.76 of ⁺ 24 Dec^r 1889. It is probable that the secretary of state's knowledge of that body's desire led him to accept the amendment. The amendment almost coincided with the modification recommended by the government of India.

The bill was read a third time on the following day, 18 March.

The bill came before the House of Commons on 21 March 1890, when it was given the first reading. It was fixed to be read a second time on 24 March. In fact, it did not come up on that day. Despite frequent requests by Bradlaugh subsequently for a fixed date for the second reading,

I. Ibid, p.103.

+ See Ch.II p.89

none was decided upon. In reply to Bradlaugh, the First Lord of the Treasury and the Leader of the House, W.H. Smith, stated on 5 August 1890 that "it will not be possible to afford an adequate opportunity for the discussion of the Bill this session."^I He said that the government would not proceed with the bill, and the bill was therefore withdrawn.

The bill was introduced in the House of Commons early in the next session, 26 January 1891. But this year too it had no better fate. After repeated delays, it was ultimately withdrawn without any progress, on 15 June 1891. The same day, Bryce, member for Aberdeen, said that a feeling of disappointment would greet this decision. He affirmed that there was a "general disposition" among the members of the opposition "to assist in passing this measure of reform."² The government were requested to re-introduce the bill at the beginning of the next session.

Though the bill was not considered in the Commons during the 1890 and 1891 sessions, certain indications of their attitude towards it can be had from the views of a few members. Bradlaugh, at the time of withdrawal of the 1890 bill, referred to the "number of amendments" and "the avowed intention of raising in committee the question of elective principle."³ On 5 August 1891 M'Laren hoped that in re-introducing the bill in 1892 the government would do it "in a somewhat wider form, and show a more favourable leaning to the adoption of the elective principle in the provincial councils." He referred to Dufferin's views in favour of election and said that many members would be greatly satisfied if the government "could promise that the bill will contain in some moderate

1. Ibid, p.503.

2. Indian Parl. Debates, 1891, p.305.

3. Indian Parl. Debates, 1890, p.504.

degree a recognition of the elective principle." M'Laren's plea was strongly supported by Morton, member for Peterborough. He advised the authorities further to consider during the recess "the wishes of the people of India in reference to the introduction of the elective principle into the Indian councils." He emphasized that acceptance of election was "the only proper way of governing the people of India." A day earlier, Sir R. Temple - the Conservative member, ex-governor of Bombay - had declared himself in favour of elected membership of the councils. Seymour Keay observed this was "one distinct advance" on the part of Sir R. Temple.

Why was the bill not proceeded with on both these occasions? The government said that it was due to the pressure of other business. In a letter dated 28 July 1891, the secretary of state informed Sir William Wedderburn that the withdrawal of the bill was due to circumstances beyond the control of the government. The impression that the bill would take long to pass through the Commons was challenged by M'Laren who said that two days would suffice for the purpose - one day each for the second reading and the committee. He blamed the government for intentionally neglecting the bill. Even the Times characterised the delay in passing the bill as "little short of a scandal", and expressed dissatisfaction with the plea of pressure of business.

Sir John Gorst, the under-secretary of state for India, spoke in some detail about this on 5 August 1891. He explained that time could be found

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1. Indian Parl. Debates, 1891. p.668 (Bradlaugh, M'Laren and Morton were Liberals)
 2. Ibid, p.653.
 3. Ibid, p.667.
 4. The Times, 16.2.1892.

to pass the bill as it stood, "a very small measure." But a section of members had always made plain their intention to use this simple measure for "a discussion of the whole constitution of India and a proposal to introduce into the constitution of India what they vaguely call 'representative institutions.'" This question was, however, of great import and greater consequence, and could not be agreed to "without ample and complete discussion."¹ The government could not make time for such discussion during the last two sessions, and, Gorst added, they could not promise "that the House of Commons in the coming session will have leisure to discuss and decide this great constitutional question."² He explained that the issue of election thus appended to the bill rendered the small reform formulated by it "perfectly impossible."³

It is clear that the government were lukewarm in regard to this measure. Whatever may have been the pressure of business, there is no doubt that they were not keen on seeing the bill through. Writing to Lansdowne on 27 June 1890 Salisbury described the bill as one "which has some enemies and no ardent supporters." Apart from the usual difficulties due to pressure of business and party conflict, Salisbury mentioned "a special cause" why the bill had "little chance of forcing its way through."⁴ This was the intention of the "votaries of popular government in India to have their say." He did not conceal his repugnance to the "inflammatory speeches" that were likely to be delivered in the House and of their influence on the Indian mind. Particularly he was afraid of Gladstone: "to speak plainly,.....it would be a capital danger to the Empire if the

1. Indian Parl. Debates, 1891, p.670.

2. Ibid, p.671

3. Ibid, p.672

4. Lord Lansdowne, a biography - p.73

language he is sure to use is taken as a watchword by the innovators in India." He would, therefore, prefer to hold back the reforms if only to "avoid a speech from Mr. Gladstone on the rights of the Indian people."^I

It would appear that the real motive of the government in not pressing the bill was their antagonism to any elective system for India and their desire to avoid political embarrassment if the Liberals championed one. This would of course divest the secretary of state of the sole responsibility for the course of events. Apparently the decision lay elsewhere than in the India Office. While speaking on Morley's Reform bill in 1909, Cross referred to the earlier bill and said that he had "the greatest difficulty" with his Cabinet colleagues to persuade them to agree to the introduction of the bill. "Many of them had great apprehensions", and Salisbury "had the greatest possible objection to many provisions in the Bill." He also explained that the surreptitious publication of Dufferin's minute "forced our hands at that time and made it necessary to do something."² In view of all this, the ultimate withdrawal of the bill both in 1890 and in 1891 can only be ascribed to the attitude of Cross's colleagues in the government.

The Queen's Speech on the opening day of the next session, 9 February 1892, contained the following sentence: "A measure will be introduced for the improvement of the legislative councils in India."³

In the debate on the Queen's Speech in the Lords, Lamington expressed his hope that the bill would be passed into law during the

1. Ibid, p.74

2. Indian Debates - House of Lords - 1909, p.127

3. Indian Parl. Debates, 1892, p.3.

session, "as it has been long and carefully considered by the Indian Government, who are most desirous that Her Majesty's Indian subjects should possess this gradual and judicious extension of responsibility." Kimberley also pressed for passing the bill without further delay and regretted that "It is really a misfortune that a measure of this kind should be hung up ^I Session after Session."

In the House of Commons on the same day Samuel Smith welcomed the reference to the Indian bill in the Queen's Speech. He laid stress on the introduction into the bill "in some substantial way" of the elective principle. Without this, the measure would neither satisfy the people nor fulfil the purpose of better government. He was of opinion that "the establishment in India of a measure of representative government" would stabilise the British regime in India and would "give solidarity to our ² Empire...."

The next speaker, Schwann, also hoped that the measure would "contain, in some decided shape, the elective principle." He reminded the government, "if the Bill is to be at all commensurate to the aspirations of the Indian people, it must contain the representative ³ principle."

The government's desire to get the bill through the House as early as possible was assured by the Under-secretary *of* state, George Nathaniel Curzon. He said that from their view-point the bill was a serious attempt to tackle Indian problems.

1. Ibid, p.5.
 2. Ibid, p.7.
 3. Ibid, p.10.

The bill was introduced in the House of Lords on 9 February 1892, and came up for second reading on 15 February 1892. The secretary of state explained that the measure was identical with the bill of 1890, including the amendment then accepted. He assured the House that the government would be glad to see the bill passed without delay.

Kimberley repeated his preference for more explicit recognition of the elective system: but he believed that under the provisions of the bill election would, to a certain extent, be resorted to. He asserted that the bill was "essentially a tentative measure", leaving to the discretion and initiative of the men on the spot the measure of application of the elective principle. Should the initially limited introduction of modified election succeed, he hoped that the governor-general, with the approval of secretary of state, would "give a further extension to the principle."¹

Northbrook~~ok~~ spoke cautiously as in 1890. He believed that under the enactment the government of India would "popularise in some way or other the selections for the different Legislative Councils in India." But he would not conceive for India "any system of popular election by the formation of popular constituencies and the election of members by large constituencies."² Representation could be obtained through the municipal and other public bodies. The elasticity of the bill - which prescribed no hard and fast rules and left the initiative to the authorities of India - was to him its great merit.

Salisbury was of opinion that representation could not be "confined

1. Ibid, p.30.
2. Ibid, p.31.
3. Ibid, . . .

or even specifically assigned to municipal bodies." He would not accept them as "the main representatives of Indian opinion." In popularising the councils, care must be taken against bringing "into power not the strong, natural, vigorous, effective elements of Indian society, but the more artificial and weakly elements which we ourselves have made and have brought into prominence." Evidently he meant that the English educated classes - and not the hereditary aristocracy and landed nobility - would profit most by elections. The application of "occidental machinery", he warned the House, should not deprive the really strong sections of Indian people of "that share in the government to which their natural position among their own people traditionally entitles them."²

The prime minister's distrust of an elective system for India thus found justification in anticipating the inadequacy of the system even before it had been given a trial. His misgivings did not take account of the fact that the number of seats to be filled by election, the mode of election, and the bodies to give effect to it were left at the discretion of the government of India. Not even the most ardent advocates of election, Northbrook and Kimberley for example, had asked for more than the election of some of the non-officials. It would thus be impossible for any section or sections of the people to monopolise representation at the cost of others.

The bill was read a second time the same day. Its subsequent career in the Lords was uneventful. It was introduced in the House of

1. Ibid, p.32.

2. Ibid, p.33.

Commons on 22 February 1892; it came up for second reading there on 28 March 1892.[†]

In moving for the second reading Curzon dwelt in a masterly speech on the advantages of the measure. Regular annual discussion of the budget would enable the members "to indulge in a full, free and fair criticism of the financial policy of the Government....." ^I Such discussion would benefit all parties concerned. The government would be able to explain their policy, to remove misapprehension, to answer unreasonable, hostile or mischievous criticism, and would "also profit by the criticism delivered in a public position, and with a due sense of responsibility, by the most competent representatives of non-official India." The native community would gain by the definite knowledge of financial policy and by the scope of open and responsible criticism of that policy. The "interests of finance themselves will gain by this increased publicity, and by the stimulus of a vigorous and instructive scrutiny." ² He dealt with the issue of interpellation much on the same line, with emphasis upon the government's opportunity to answer critics and the public's possession

† The speakers who participated in the discussion in the House of Commons, on second reading and in committee, were the following:-

Conservatives

1. G.N.Curzon.
 2. Maj.-General G.Goldsworthy.
 3. S.Hoare.
 4. J.Maclean.
 5. Sir R.Temple.
- (A.J.Balfour, First Lord of the Treasury, was pointedly asked questions concerning the bill; but he never participated in the debates and referred the questions to Curzon.)

Nationalists

1. J.G.Swift Macneil
2. Col.Nolan
3. Dr.Charles Tanner.

Liberals

1. James Bryce.
 2. Dr.G.V.Clark.
 3. C.A.V.Conybeare.
 4. John Ellis.
 5. W.E.Gladstone.
 6. J.Seymour Keay.
 7. O.V.Morgan.
 8. A.C.Morton.
 9. J.A.Picton.
 10. Sir W.Plowden
 11. Charles E.Schwann.
 12. Samuel Smith.
1. Ibid, p.125.
2. Ibid, p.126

of correct information. The bill would thus remove a defect which, earlier in this speech, he had described as lack of "an opportunity to the non-official element, to those who may legitimately call themselves the guardians of the public interest, of asking for information, stating their grievances and becoming acquainted with the policy of the Government."^I

Coming to the increased membership of the councils, he said that its object was "by extending the area of selection in each case, to add to the strength and representative character of the councils." The increase every year of Indians "qualified and willing to take part in the work of Government" led to a correspondingly greater advantage of their co-operation. Specially in the local councils, "it has been found that more effective means are needed of reinforcing native and non-official opinion."²

Curzon next touched the question of election, which had been raised in an amendment by Schwann. He explained that under clause 1(4) it would be open to the government of India to include "some such principle, be the method election, or selection, or delegation."³ The enactment would not rule out the "representative bodies" in India being approached "to elect or select or delegate representatives of themselves and of their opinions to be nominated" to the councils. Thus gradually the elective principle could be brought in. He indicated that the bodies thus approached would be of the nature of municipalities, universities, chambers of commerce, the "well-known Association of the Zemindars of Bengal", the British Indian Association; he made particular mention of "the various great

-
1. Ibid, p.121.
 2. Ibid, p.128.
 3. Ibid, p.129.

I

religious denominations" in the country. It is remarkable that Curzon
 ✓ by this enumeration made a departure from the insistence on bodies
 framed under law.⁺

But in conceding the possibility of election, Curzon made clear that
 representation in that manner could only be secured of "the most important
 sections of native society." The authorities would thereby have the
 advantage "of the opinions and the criticism of gentlemen representing
 the advanced phases of Indian society."² The people of India could in no
 case be represented by means of election. He pointed out that the people
 of India were the "voiceless millions" who could neither read nor write,
 nor had any political aspirations. Their life was one "of mute penury and
 toil."³ He declared that it would be extremely "unwise and premature"
 to devise any elaborate scheme of representation for these people. Any
 effort in this behalf "would be little better than a farce."⁴ Representative
 institutions, as understood in the West, could not be established in India.
 The idea was unknown to the Indian mind - a mind used to the division of
 the community into "irreconcilable camps by differences of caste, of
 religion, of custom, which hold men fast-bound during their life-time,
 and the rigour of which is not abated even beyond the grave."⁵

Curzon therefore commended the bill as it stood to the sympathetic
 attention of the House.

Curzon's eloquence did not deter Schwann from moving the following
 amendment: "That in the opinion of this House, no reform of the Indian
 Councils which does not embody the elective principle will prove

1. Ibid, p.130.

2. Ibid, p.133.

3. Ibid, p.131

4. Ibid, p.132.

+ See Ch.II, p.61

5. Ibid, pp.132-133.

satisfactory to the Indian people, or compatible with the good government of India.¹"

He thought that the bill as it stood contained "but a very slight trace of the elective principle" and would not satisfy "the expectations, the desires and the aspirations of the Indian people." He asked for a "more determined expression" in favour of the elective system.²

Challenging the general assumption against a common Indian nationality, he pointed out that there was hardly a nation "with absolute purity of race and of origin." He maintained that the Indian people "have to a very large extent now attained to a clear idea of nationality...."³

Similarly, Schwann would neither admit that elections were unknown to Indians, nor consider the level of education a great hindrance. He pointed out that not only in 755 municipal and 892 district boards, but also in the selection of delegates to the annual Congresses, "the elective principle has been already carried on in India to a very large extent...."⁴ As to education, the products of the five Indian Universities and the number of Indians who studied in the British Universities, along with those others who had already received higher education, did not warrant any misgivings concerning the lack of suitable attainments among Indians. On the contrary, increasing education and growing reliance on a common language - English - had fostered unity among them. Election, therefore, needed to be more clearly accepted, because the Indian demands were as "irresistible" as they were "just and reasonable."⁵ He would, however,

1. Ibid, p.134.

2. Ibid, p.135.

3. Ibid, p.136.

4. Ibid, p.138.

5. Ibid, p.143.

leave to the government of India the details of the method of representation.

The next speaker was Gladstone, whose advent in the Indian debates Salisbury so much disliked. He professed a desire to curb controversial debate on the bill, and would therefore see if there was any such difference of principle involved as to justify an open rift. Though the bill was ambiguous to some extent, the "authoritative commentary" of Curzon helped them to a clearer understanding of the government view-point. Curzon's assurances and Schwann's amendment taken together revealed a substantial measure of agreement. Curzon's speech appeared to him to "distinctly embody" the elective principle, though Curzon chose to leave the details to the discretion of the authorities in India. He took it that the government intended "that a serious effort shall be made to consider carefully these elements which India in its present condition may furnish for the introduction into the Councils of India of the elective principle." Gladstone agreed with the government that this effort must be made by the men on the spot - by the authorities in India. The House should not limit their discretion as to the "choice of means." They should be content with "a clear indication of the principles on which we desire them to proceed." It was not the business of the House to prescribe the machinery which the authorities in India should adopt: they should only give the government of India "ample information as to what we believe to be sound principles of Government." Incidentally, he made a mention of

1. Ibid, p.144.

2. Ibid, p.145.

3. Ibid, p.146.

4. Ibid, p.147.

5. Ibid, p.146.

the municipal and other local bodies in which election had already been introduced, and to which he would look "with the greatest amount of expectation and hope....."¹ He stressed the importance of introducing an elective element, - "a question of vital importance" which "overshadows and absorbs everything else."²

Of course, the government were not expected "at once to produce large and imposing results."³ Gladstone would be satisfied with a modest beginning, but expected that the first steps would constitute a genuine and a real approach to the elective principle. They should be more concerned with quality than with quantity. But, he warned the government, failure to ensure "the genuine even though limited application of the elective principle"⁴ would be "a most grave and serious disappointment to this House."⁵ What should be striven after was "to get at the real heart and mind - at the most upright sentiment and the most enlightened thought - of the people of India."⁶

He deprecated a division on the amendment, which he viewed as "amplification", and not contradiction, of Curzon's views. He therefore concluded: "There is no difference of principle disclosed, because the acceptance of the elective principle by the Under-Secretary, though guarded,.....was, on the whole, not otherwise than a frank acceptance."⁷

1. Ibid, p.148.

2.) Ibid, p.147.

3.)

4. Ibid, p.149.

5. Ibid, p.148.

6. Ibid, p.147.

7. Ibid, pp.149-150.

He advised Schwann to withdraw the amendment so that the House might give unanimous assent to the bill.

In the subsequent debate the same day nine more speakers took part. As many as seven members, including a Conservative member - Sir R. Temple -, spoke in favour of introducing some elected members. The remaining two - Maclean and Hoare - were averse to this suggestion. Maclean feared that election would place administrative powers into the hands of "men like the Bengalees, who have been slaves, nay, the bondsmen of slaves, for fifty generations." He protested against stealthy introduction of election in India and maintained that parliament must know what was really being done instead of throwing the burden on the government of India. Hoare did not dispute that a time might come when further powers might have to be given to the people of India, but regarded any resort to election at that time as premature.

There was a general agreement to leave the details to the government of India; but this agreement was not unanimous. Maclean considered it "extremely dangerous" to leave such powers to whoever might be secretary of state or governor-general for the time being. He said that supposing the two Liberal peers, Ripon and Reay, were secretary of state and governor-general respectively, "would not these two noblemen strain every clause of this Bill for the purpose of introducing an elective system which would suit the views of their friends the members of the National Congress?" He thought, therefore, that should election be persisted in,

+ Maclean, a journalist by profession, began his career as the editor of the Newcastle Chronicle, 1855-58: he was on the staff of the Manchester Guardian 1858-59. He then went out to India, where he was the editor and proprietor of the Bombay Gazette, 1859-79.

1. Ibid, p.153.

2. Ibid, p.157.

the relevant rules should be submitted for sanction to parliament so that any rash application of the principle might be prevented. From an altogether different point of view, Samuel Smith also hesitated to leave the details to the government of India. Anxious to introduce the elective principle, he feared that "the principle would be non-existent" in the regime of an "ordinary" governor-general. It could be expected to be put in practice under the enactment only by a governor-general with a strong predilection for the principle, by "another Lord Ripon"^I. Likewise, Dr. Tamer concluded that the bill would "not confer upon the Indian people any benefit....."²

Naturally there was some insistence upon a clearer declaration of government intentions. Whereas Maclean pressed for an unambiguous repudiation of the elective system, others pressed for an equally unequivocal acknowledgment of it. Thus Macneill wanted "to know whether the Government accepted the principle of representation or not?"³ He requested the First Lord of the Treasury⁺ to say whether the government's intentions had been truly interpreted by Gladstone. Samuel Smith complained of "ambiguous and unsatisfactory" language and confessed his inability^{to} clearly see the elective principle in the bill.^{4.} Picton also pressed for a more distinct acknowledgment of the principle.

Some reasons for the apprehension that the authorities would not, unless compelled, introduce elections in India were advanced during the

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1. Ibid, p.181.
 2. Ibid, p.195.
 3. Ibid, p.159.
 4. Ibid, p.181.

+ A. J. Balfour

debate. Thus Seymour Keay[†] mentioned two principal causes "why the alien bureaucracy which we call the Government of India are fairly frightened at the bare idea of the introduction of the elective principle." The first reason was the official knowledge that the Indian representatives, in so far as they could, were sure "to insist on a reduction of the vast salaries and appointments^{now} held by Europeans, whereby the natives are excluded from all good offices in the Public Service of their own country,^{"I} and whereby the revenues of their country are appropriated, and eaten away." The second reason was that the elected members would give the lie to the official story of peace and prosperity in India, while all the time the economic condition of the people was declining and "biting poverty"² was manifesting itself. How could the officials welcome the elected members, who would divulge the real miserable plight in India! Similar argument was advanced by Samuel Smith too. He thought that the "extreme poverty" and "accumulation of grievances" of the Indian people pointed to "the necessity of establishing in India some kind of local representative Government."³

It is evident that such arguments implied a lack of confidence in the nominated non-official members. This too found overt expression. Speaking on the necessity of having some elected members, Macneill dilated on the advantage of the government receiving "fair and independent expression of

1. Ibid, p.171

2. Ibid, p.172.

3. Ibid, pp.179-180.

+ Keay had lived in India for nearly thirty years. he was a banker and was for some time a noted figure at Hyderabad.

opinion.¹ Likewise Samuel Smith insisted on securing "independent criticism and judgment" which could be forthcoming only from "genuine representation." Indeed, he openly complained that the nominated members "will not do anything that might be inconvenient to the Government."²

None of the speakers pleaded for an unrestricted application of the elective principle. It was generally recognised that India was not as yet capable of a full-scale experiment of representative government as understood in the West. This hesitancy related as much to the mode of election as to the extent of authority of the members. Sir R. Temple thought that the election of members might be entrusted to certain important cities of the country, to be so selected "as to represent as nearly as possible the various sections of the population."³ Samuel Smith would not suggest "a complete system" of representation for India - a system analogous to that existing in England or America, or based on universal suffrage. Instead, India "must have an intermediate system resting on existing bodies and existing associations."⁴ O.V. Morgan, similarly welcomed representation "in a small way."⁵ Picton left to the future "the gradual development of the elective principle; we would be contented with the most modest introduction of it at the present time."⁶ He wanted "a tentative, gradual and very moderate introduction of the elective principle....."⁷

As to the extent of authority of the councils, Macneill saw them as "consultative" bodies whose advice would be sought by the government, who should, however, "act on their own responsibility."⁸ Sir R. Temple did

1. Ibid, p.161.

2. Ibid, p.181

3. Ibid, p.164.

4. Ibid, p.183.

5. Ibid, p.185

6. Ibid, p.194

7. Ibid, p.193.

8. Ibid, p.162.

not think of giving the elected members "anything like control of the legislation and finance." He would not give them a majority in the councils, which must be government's: he reminded the House somewhat obtrusively that this could not be otherwise because the "ultimate basis" of the British tenure in India was "upon the sword and on nothing else:"^I "therefore, we must have a majority on the legislative Council." Seymour Keay pleaded for cautious and careful development of representative government, though it was at the same time to be honest and real. Smith's ideas were much the same.

There was a general agreement on the question of interpellation and financial discussion. The advisability of introducing these reforms was on the whole accepted. In fact, very few speakers touched these issues at all and the debate in the Commons revolved on the elective principle.

Gladstone's speech gave a turn to the debate and subsequent speakers, who favoured election, though at times insisting on its clearer acceptance, expressed their readiness to be satisfied with the interpretation of government's intentions by Gladstone. A few of them invited the government to openly accept this interpretation. Thus Macneill referred to Cross's presence in the gallery when Gladstone spoke, and to the absence of "any expression of dissent or of disapproval,"² from the leader of the House to Gladstone's speech: he perceived in that the government's acquiescence in Gladstone's interpretation and asked for a declaration to that effect. Smith hoped that the "Government will give something like an assurance³ that they will take the generous view put upon the Bill" by Gladstone. The same expectation was also O.V.Morgan's.

1. Ibid, p.165
 2. Ibid, p.159
 3. Ibid, p.184

In replying to the debate, Curzon pointed out the practical unanimity of the House in welcoming the specific reforms contained in the bill. Referring to a criticism by Schwann of the inadequacy of the increase in the membership of the councils, Curzon said that the presence of Indians quite suitable for serving on the councils was not being questioned. The real difficulty lay in "obtaining men with both the qualifications of willingness and intelligence who will surrender that portion of their time that is required for the important business of these councils." ^I

Coming to Gladstone's "wise and weighty speech", Curzon acknowledged that it had the immediate effect of largely eliminating "the element of controversy" and of diffusing "a spirit of harmony over these proceedings." ² As regards Gladstone's interpretation of the government intentions, he said that clause 1(⁺4) had been incorporated in the bill with a clear realisation of its meaning. He admitted the competence of the governor-general under this clause to resort to "election, or selection, or delegation" or any other method for "the introduction of the principle of representation in India." ³ Though he reminded the House that the manner of such introduction was to be determined by the government of India, he concluded by entirely accepting Gladstone's statement as to the objects of the bill: "They are undoubtedly to enlist in the service of the Government of India what I think he described as the upright sentiment and the enlightened opinion of native society....." ⁴

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- I. Ibid, p.188
 2. Ibid, p.189.
 3. Ibid, p.190.
 4. Ibid, p.191.
 + i.e. Northbrook's amendment.

Curzon's reply failed to satisfy Pictou and Tanner both of whom asserted that elections would not be introduced under the clause. Schwann then appealed to Balfour to distinctly state if the clause was intended for initiating an electoral system. Balfour, declining to interfere, left the reply to Curzon, who pleaded inability to add anything further to what he had already said. He requested the House, instead of taking the initiative themselves, to leave it to the Viceroy. Thereupon Schwann withdrew his amendment though lamenting that he had not had "an altogether satisfactory pledge from the Government."^I

The bill was then read a second time.

It appears that the principle of election had nevertheless been approved, though the government did not accept Schwann's amendment, nor gave any explicit guarantee of elected elements in Indian councils. Curzon's reaction to Gladstone's speech admits of no other conclusion.

Gladstone's advocacy of election hardly calls for any comment. This was so consistent with his political principles and so harmonious with the Liberal tenets: Besides, clause 1(4) had found place in the bill on the initiative of Liberal members of the Lords. Long before, in 1890, he had assured a Congress deputation, - consisting of Hume, Mudholkar, Surendranath Banerjea and a few others, - that he would speak in support of the elective system in the Commons.² Yet, so far as his speech on the second reading of the bill on 28 March 1892 is concerned, it can be shown that his specific approach to the measure as also his attitude to Schwann's amendment had been largely influenced by Kimberley. In a letter dated

1. Ibid, p.197.

2. Report of seventh INC., p.14 (Banerjea's speech).

27 March 1892, - that is, a day before Gladstone was to speak on the bill in the Commons - Kimberley explained to Arnold Morley, Chief Whip of the Liberal party in the Commons, his stand on the bill.^I This letter, which is in the Gladstone papers, appears to be a reply to an earlier communication from Morley. Perhaps it would be safe to suppose that Morley had written to Kimberley at Gladstone's behest, and Kimberley's reply was really meant for Gladstone. Kimberley wrote that he would much prefer an explicit recognition of election, but he believed that under clause 1(4) "the Governor-General will have power to make regulations for electing a certain number of councillors." Though the form of 'nomination' would continue, under the system "the councillors would practically be elected." He referred to his speech in the committee of House of Lords in 1890, when he had expressed satisfaction with Northbrook's amendment "because I regarded it as to a certain extent admitting the elective principle." He then went on to say that this sentence exactly "defines the position we took; and as the Government made no comment on or objection to this view, we assumed that it was admitted." Kimberley explained that they could not insist on clearer acceptance of election, because "We had reason to think that Cross was not unfavourable to some elective element, but that Salisbury would not consent to any direct mention of it." It was, therefore, considered "politic to be content with getting in the thin end of the wedge." He was still of that opinion and advised Morley that the first introduction of an elective element must be effected with greatest caution, and that the manner of doing it should be

I. Gladstone Papers, British Museum, Add. MSS. 44229, ff 17-22.

left to the authorities in India. He discouraged any attempt "to frame regulations here by an act of Parliament." They had not the necessary knowledge to undertake this task.

To Schwann's amendment Kimberley had no objection, but he felt that "it would be injudicious that it should be pressed on the Government if they admit that the 'elective principle' may be introduced under the words of the bill to which I have referred above," i.e. clause 1(4). The defeat of Schwann's amendment would have the most undesirable, even dangerous, effect in India: whereas a "distinct" though "inadequate" admission of the elective system would "enable the Indian Government to meet the legitimate wishes of the Indian people so far as it will be safe as a beginning." He also added: "Experience will show how far it may be precedent to go hereafter."

The close resemblance of this letter to Gladstone's speech suggests that Gladstone chose to be guided by Kimberley in every important aspect of the question. Thus he was content with the compatibility of election with the provision of the bill; he would leave the details of working to the authorities in India; he would not encourage a division on Schwann's amendment, and would be satisfied with the assurance of genuine, though inadequate, application of elective system. Nor need Gladstone's reliance on Kimberley in this respect surprise us. Gladstone himself could not claim an expert knowledge of Indian affairs. Kimberley had, on the other hand, been secretary of state for India under him. Naturally Kimberley's views were regarded as emanating from an expert and were treated as such. Besides, insistence on a different approach and a trial of strength with the government would be futile.

The bill was considered in a committee of the whole House on 25 April 1892. Schwann moved the first of many amendments seeking to introduce "election as hereinafter provided for." He adopted Bradlaugh's second bill as the model of the structure of the councils. As on the second reading great pressure was brought upon the government for frank and explicit admission of election. The arguments in favour of election followed the pattern of speeches on 28 March. Schwann foreshadowed an improvement of the economic conditions of the Indian people flowing from the introduction of election, as he believed that the elected members would give that "serious attention" to financial matters which was really called for. Bryce desired "independent expression of opinion on the councils" in the interest of better administration, and thought that could "only be obtained by adopting the elective principle." He said that usually the nominated members "feel themselves bound to act in accordance with the wishes of those who appoint them."

Seymour Keay wanted elections on two grounds. Firstly, the absence of periodical examination of Indian affairs in the House which was previously undertaken before the Company's Charter was renewed, and the transformation of the Home government from the "Judge" to the "advocate" of the government of India had rendered it necessary that "the voice of the people of India should be heard in the Legislative Council of India." His second reason was based on the argument that a practice of concealing adverse facts reported by distinct officials from the superior authorities, particularly the governor-general and secretary of state, had grown up.

1. Indian Parl. Debates, 1892, p.218.

2. Ibid, p.212.

3. Ibid, p.225.

+ See Ch.I .

This was done by the "rank and file of the officials of the Government of India", and "in provincial centres such as Commissionerships....."¹

Hence "the necessity for hearing the views of the population by their own mouthpieces yearly increases."² Keay warned the government that the refusal of an outlet to the Indian people "for the expression of their views and wants" might lead to "a crisis - nay, even a catastrophe" due to increasing financial distress.³ Samuel Smith endorsed the views of Seymour Keay. He urged upon the House the absolute necessity of a definite directive for introducing elections. In view of "the unwillingness of the Indian Government to have its prerogatives interfered with", he doubted very much "whether there will be any practical result in the absence of definite instruction."⁴

Sir W. Plowden, the ex-Indian administrator, supported elections saying that for "an alien Government.....administering the affairs of a vast population" it was "absolutely essential to have a thorough expression of public opinion....."⁵ In advocating elections, MacNeill mentioned a fresh justification. He said that the initiation of an elective system could "alone bring about that political training which every stable Government, like that of the British Government in India, must desire to see fostered." He reminded the House that public spirit could never be generated without giving to the people "certain privileges and a certain amount of political power."⁶ He also harped upon the advantages to the administration of a knowledge of the popular "wishes, wants, feelings and prejudices."⁷

1. Ibid, p.227.
2. Ibid, p.228.
3. Ibid, p.229.
4. Ibid, p.230.

5. Ibid, p.234
6. Ibid, p.236
7. Ibid, p.237

Though many speakers asked for a clear assurance of some elective elements in the councils, none of them insisted on the details of Schwann's amendment. On the contrary, several of them thought that the details should be left to the government of India: what they desired was a clear directive. Thus Samuel Smith would be satisfied with "one single amendment asking the Government of India to add to the council a certain number of elected members"¹, without binding them as to the manner of election. Plowden's plea was for "words which would make it plain to the authorities in India that the electoral principle is accepted by this House."² Macneill too would not go further. Bryce advised Schwann not to divide the committee upon the terms of his amendment.

If the advocates of election showed such hesitation in laying down the details, government could hardly be expected to trouble themselves about the amendment. Curzon criticized the details of Schwann's scheme and complained that the amendment was altogether outside "the legitimate province of interference of this House with the Government of India, and as altogether outside the scope of this Bill."³ He quoted Gladstone in support of abstaining from setting forth the details, and warned the House that the acceptance of the amendment would be "absolutely fatal" to the bill.⁴ Referring to the plea of enfranchisement of two per cent of the population, Curzon repeated his objection to any comprehensive scheme of election and representative institutions in India. The idea of representation was not only "uncongenial" but "absolutely repugnant" to many classes of the Indian people; no scheme could be devised to represent the people

1. Ibid, p.229.

2. Ibid, p.235.

3. Ibid, p.219.

4. Ibid, p.220

of India. He also reiterated his doubt if one could speak of "the people of India", because of the absence of "any unity or homogeneousness" that is supposed to be implicit in the term.^I

Curzon's intransigence found strong support from Sir R. Temple. He thought that the government of India should have the option to initiate elections. The amendment would, further, commit that authority to "a large system of constituencies", even though "no human wit can devise a system of constituencies for such a country as India is at the present time."² He pointed out that two per cent meant "a great deal",³ - e.g. 620,000 electors in the North-West Provinces and Oudh, 1,100,000 in Bengal. They could not be found in the prevailing conditions. He also confirmed Curzon's objection to the phrase 'people of India': "You can no more speak of the people of India" he concluded, "than of the people of Europe or of Asia." Dilating upon the manifold differences that divided the people, he claimed that they were "united in nothing except the golden bond of British rule and of loyalty to the Queen Empress of India."⁴

Schwann ultimately withdrew his amendment.

The next amendment was also Schwann's. By it he sought to increase the membership of the councils to the minimum of forty in the Imperial legislative council and thirty in the local councils. He pointed out that the increase which might seem large was in fact less than what had been suggested by others. He mentioned the views of two persons in particular - of Coleman Macaulay who had been Chief Secretary to the Bengal government

1. Ibid, p.221.

2. Ibid, p.231.

3. Ibid, p.232.

4. Ibid, p.233.

For a long time, and of H.J.Reynolds, who had sat in the Imperial legislative council and in the Bengal legislative council for six and twelve years respectively. The former in proposing reconstruction of the different councils had provided seventy members for the Bengal council, whereas the latter would give 104¹ members to the Supreme Council. John Ellis and Macneill supported the spirit of the amendment. Sir R.Temple, however, urged caution as more non-official members would involve the nomination of more officials to the detriment of administrative efficiency and cost. The same plea was made by Curzon who asserted that official majority in the councils could not be dispensed with: these were not parliamentary bodies to control the executive. Referring to his speech on the second reading, he spoke of the difficulty "of finding good men who are unemployed and willing to devote that part of their time which is necessary to the purposes of these councils."² Besides, more members would mean more time spent on the debates and consequently more expense. But there would be no corresponding increase of efficiency. He also feared that a large membership would necessarily lead to the formation of two parties - for and against the government. The Opposition party, devoid of any chance to come to power, would be irresponsible critics and would introduce into the proceedings of the councils an element of hostility and bitterness which was hitherto unknown.³ Schwann pressed the amendment which was lost by 93 to 48 votes.

Curzon's arguments in this case warrant some comment. Not much time was required for the business of the councils in India. These councils were deliberative bodies and would remain basically so despite the new

1. Ibid, p.240-241.
 2. Ibid, p.245.
 3. Ibid, pp.245-246.

measure under consideration: the needs of legislation were not great. Hence the members were not likely to be subjected to any great call on their time and resources. It was, therefore, somewhat incongruous to argue that though suitable Indians were there, few of them would willingly spare time to serve on the councils. As the government thought in terms of representation of interest and classes, this plea became especially untenable because many of the classes enumerated would consist of persons not depending for a living upon personal effort. Unlike the more politically clamorous professional classes, they had more leisure at their disposal. In forecasting the emergence of an opposition party as the necessary consequence of larger membership, Curzon did not take into account the other side of the picture. The feeling of political disability, and consequent discontent, which lack of representation gave rise to, might no less surely drive some people against the government.

Sir W. Plowden then moved two amendments, one fixing the number of additional members of the Punjab council at twelve, and the other enabling the governor-general-in-council to establish a legislative council in any chief commissionership, fixing the total number at not more than one per million of population. Plowden explained that the latter amendment was intended to provide for legislative councils in Burma and the Central Provinces without any necessity for the expensive preliminary of converting them into Lt.-governorships. Curzon opposed both the amendments: the former on the ground that the hands of the government should not be tied in respect of a council which was not yet in existence and whose date of birth was not yet known; the latter amendment erred in laying down a rule to

determine the size of the councils which could only depend on the interests deemed fit for representation and the classes of the bulk of the inhabitants. The first amendment was withdrawn. The other received support from as many as seven speakers, - Bryce, Macneill, Samuel Smith, Morton, Ellis, Keay and Conybeare. Sir R. Temple, opposing the amendment, said that from his experience as the first chief commissioner of the Central Provinces, he felt sure that the area was not fit for a legislative council, which, if introduced, might lead to embarrassing results. Morton reminded him that several years had passed since he had been in the Central Provinces, which had greatly progressed of late. Conybeare introduced the question of Assam, and asserted that the great tea-growing industries there were a strong argument for establishing a legislative council in that territory. Despite some resentment and surprise at the government's attitude about what was considered a harmless provision, Curzon did not alter his stand. The amendment was put to the vote and lost.

The next amendment moved by Schwann imposed a time limit for the implementation of the measure - "within eighteen months of the passing of the Act." The intention was to avoid a risk of delay which, Seymour Keay apprehended, was likely because of the antagonism of European officials to representative principles. The amendment sought "to strengthen the hands of the Governor-General." Curzon assured the House that the government would take the earliest advantage of the provisions of the bill, but he would not consent to fetter their discretion in anyway. This amendment too was lost in a division.

1. Ibid, pp.247-254.

3. Ibid, p.256

2. Ibid, p.255.

Maclean, the Conservative member, who had opposed the bill on the second reading, then moved an amendment requiring the sanction of both Houses of parliament to the rules for the nomination of additional members. Any recognition of the elective principle in India would, in his view, "do away with the logical basis of our rule of that country." He feared that a weak or rash governor-general might, in framing the rules, "go far beyond the intentions of Parliament", to the greatest possible injury to the British rule in India. Annoyed with the Indian National Congress, which he thought was aiming at the overthrow of the British regime, he apprehended that a governor-general and a secretary of state might even recognise this body as a regular institution and might utilise it in constituting the legislative councils. In order to avoid these risky possibilities, Maclean wanted parliament not to part with the immediate control of the government of India, and protested against what he regarded as "this first, this irrevocable, and this fatal step towards the overthrow of English influence and authority in India." He was supported by Major-General Goldsworthy, who asserted that "India was won by the sword and must be kept by the sword."

The amendment was approved by two Irish Nationalist members - Dr. Tanner and Col. Nolan - on altogether different grounds. They thought that elections would never be brought in under the bill, and saw in the amendment a chance for the Commons to interfere and, if possible, force the hands of the government of India.

Curzon, in reply, assured his hearers that the bill would not be a "dead-letter", and he ^{denied that it} "conceals a revolution." Deprecating further

1. Ibid, p.258.

2. Ibid, p.264.

3. Ibid, p.271.

4. Ibid, p.269.

parliamentary interference into Indian administration, he said that in the diverse political allegiance of changing Viceroys and secretaries of state, in the great experience and knowledge of members of the India Council and of the governor-general's executive council lay enough safeguards. He sounded a note of warning: "if the Government of India is doomed at any time to end in failure or collapse, it will not be from the attack of foes from without, nor from internal disruption, but in consequence of the undue interference of Parliament." ^I The amendment was lost on a division.

Sir W. Plowden then moved an amendment for the addition to clause 1(4) of the following words: "In those provinces or territories where the ancient institutions of the country recognise the representative principle, such as the village panchayet, or the village council, regard shall be paid to such old custom in the nomination or appointment of the councillors to be created under these regulations." ² He quoted the views of many distinguished administrators admitting the utility of consulting these ancient institutions, and saw in them an easy method of "adopting to Eastern countries Western principles of government." ³

Supporting Plowden's amendment Dr. Clark and Morton, among others, welcomed the proposal because it would give the ordinary people, who paid the taxes and bore all the burdens, an interest and a share in choosing their representatives to the Councils.

Curzon could not see his way to accept the amendment. Not only were these village institutions not formed by a system of election, they were not even large enough to be utilised as electoral units; nor had they any legal status at all. They could not be fitted into the scheme of contemplated

1. Ibid, p.270.
 2. Ibid, pp.273-274.
 3. Ibid, p.274.

changes. Besides, the main objection would be a departure from the giving of freedom to the man on the spot and from refraining to limit his choice by any indication of method. If village councils could be mentioned, why not municipalities, district boards etc.?¹

This amendment, like its predecessors, was defeated.

Another amendment, moved by Schwann, concerned the rights of members of council. It would empower a member, during financial discussion, to move a resolution or divide the council on a matter arising out of such discussion: it also secured the right of protest in writing by a member, which was to be duly recorded in the proceedings. The amendment would further enable any member at any meeting of the council to move a resolution calling for papers relating to any question, to divide the council thereon, and to record a dissent from the majority decision to be duly incorporated in the proceedings.²

These proposals could hardly be welcomed by the government. Curzon pointed out that they would change the nature of these councils, which were, and must remain, deliberative bodies. If the government had conceded financial discussion and interpellation, this was in order to secure freer expression of representative opinion of the communities, and to facilitate useful criticism. Schwann's proposals would turn the councils into parliamentary bodies, and "would only generate friction between the official and non-official members of the council."³ Curzon vehemently protested against these extensive privileges, which would not only obliterate the benefits of the measure of reform but would lead to "perfectly disastrous" consequences.⁴

1. Ibid, pp.274-275.

2. Ibid, p.281.

3. Ibid, p.283.

4. Ibid, p.284.

Curzon's opposition was resented by supporters of the amendment. Macneill complained that Curzon had throughout "not shown the slightest conciliatory spirit or endeavour in this Bill to consult native public opinion." ^I Along with Morton he argued that the opinion of the members of the councils on various financial questions could be clearly ascertained only by means of division. Since divisions had been banned, as also resolutions, financial discussion and interpellation would be ineffectual and impracticable. Curzon, however, stood firm and the amendment was negatived.

The Committee was then adjourned and met again on 6 May 1892. Consideration of the bill was completed, but not before an abortive last minute effort by Sir W. Plowden "to obtain from the government an express recognition of the principle which they have admitted, of the desirability of representative natives being added to the Indian Councils." ²

The bill was read a third time on 26 May 1892, and received Royal assent on 20 June 1892. The Indian Councils Act 1892 thus came into being.

From the debates in the House of Commons the fact stands out that whereas there were a few ardent supporters of reform who considered the provisions of the bill inadequate, opposition to the bill on the ground that it went too far was practically confined to a single member, Maclean. Since the Conservatives, usually cautious about innovations, were in office and responsible for the bill, the lack of opposition to it is understandable. Only a few members, however, took an active interest in the bill. The discussion over it, on the second reading and in committee, was confined to

1. Ibid, p.285.

2. Ibid, p.308.

twenty speakers including the Under-secretary of state for India. The number of members taking part in the divisions was at the maximum 141. Considering that the bill concerned the welfare of millions of Indians, this figure reveals a great lack of interest in Indian affairs on the part of the House. This was in marked contrast to the keenness which members evinced in some other matters hardly of comparable importance. A glance at the following table which sets out the total of a few divisions during February and March 1892 on measures which are also named will make this clear.⁺

County Court Judges Bill	309
The Church in Wales	487
London County Council Tramways Bill	318
Southampton Dock Bill	367
Evicted Tenants (Ireland) Bill	403
The Mombasa Railway	332
Eastbourne Improvement Act (Amendment Bill)	391

Many of those who spoke on the bill had either served in India or were in sympathy with the activity of the Indian nationalists in England: to the former category belonged, for example, Temple, Flowden, Keay and Maclean, and to the latter Ellis, Schwann, Macneill and Smith. The latter were largely influenced by the ideals of the Indian National Congress. Thus during discussion of his amendment on 28 March 1892 Schwann praised the Congress and based his views on Congress ideals. He asserted that "India has a national voice" and identified it with

+ The figures are taken from the Times.

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 The Congress. Samuel Smith likewise extolled the Congress and felt proud of this organisation, which to him was the logical culmination of British influence in India. The Congress, he said, was "our own creation.....It is indeed an exact copy of ourselves in Indian form."²

The Liberals strongly supported the Indian reforms. We have already seen how in the House of Lords the Liberal peers pressed upon the government the elective principle and succeeded in persuading them to leave an open door for it by accepting Northbrook's amendment. In the House of Commons Gladstone's speech helped the cause. Of the speakers participating in the discussion in the Commons twelve were Liberals, three Irish Nationalists and five Conservatives. The Liberals and the Nationalists were equally enthusiastic for Indian reform. Of the amendments moved in the committee eight came from two Liberal members, Schwann and Plowden.⁺ These amendments, as we have seen, either sought to extend the scope of reform or originated in an anxiety to protect the reform from unsympathetic and hostile treatment. Some of the Liberal speakers wanted to bind their party to an advanced programme for India. Thus Schwann took Gladstone's speech as an assurance of introducing elections in India in case of the latter's return to power. Morton said: "The people of India may rest assured that when the Radicals of this country come into power....they will do what is just and right towards them, and enable them to assist in

1. Indian Parl. Debates, 1892, p.136.

2. Ibid, p.182.

+ One amendment, moved by Schwann, not dealt with above, related to the availability of proceedings of the Indian Councils to parliament.

governing their own country in a better manner than it is governed at the present^{line I}" He also claimed that his party had shown the people of India their anxiety "to do away with the necessity for holding that country by the sword," and repeated his promise of "some share in the government....."²

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How did public opinion in India and in England react to the Indian councils bill? As with the idea of representative government,⁺ the opinions of different sections of the people were diverse.

As early as 1 April 1890 the committee of the Muhammadan Literary Society submitted a memorial to the secretary of state expressing their satisfaction with the Indian Councils bill as passed by the Lords that year.³ At the same time they made plain their belief that owing to the "religious and social circumstances of India" election could not be the basis of the constitution of the legislative councils. They apprehended that any such acceptance of election would leave the fifty million strong Moslem community "at the mercy of a strong and compact Hindu majority whose notions of right and expediency are so different, in many vital points, from those entertained by the Mohammedans." Besides, owing to Moslem backwardness in English education and political organisation they would be incapable of profiting by an elective system to an extent adequate to guard their vital interests. Hence they

I. Ibid, p.224.
 2. Ibid, p.289.
 3. I.P.P., April 1890, No.152.
 + See Ch.I.

accepted the bill as it stood and prayed "that in dealing with the bill, Her Majesty's Government will be pleased not to allow any system of election to be introduced therein", and pleaded for leaving to the executive the selection of members of councils.

The attitude of a section of Anglo-Indians, as expressed by the Pioneer, was in spirit one of disapproval, though they would accept the bill in the most rigid interpretation of its provisions without conceding any necessity therefor. Thus the measure was not "in any tolerable sense of the term urgent", nor were the changes introduced by it "pressingly needed." They would not expect from it "great changes or great benefits", and would consider it as an experiment, "which, though it may have some bad results, may be for good....." They pointed out that such endeavours "to introduce the political methods of the West into the East" were "partly due to an incapacity to grasp the truth that the results of government are everything and the form of government nothing." Regarding election, their opposition was clear and forceful. If the authorities intended to utilise "some diluted electoral method of bringing popular agency in the government," they should not shrink from "saying so in explicit language." They protested against assigning to the government of India the task of introducing elections while the "statesmen at home" would not commit themselves to such a course. Therefore "the debate as well as the bill sin in this way by trying to get credit for an ultra-liberal intention, which it fails in defining with sufficient

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1. The Pioneer, 19.2.1892.
 2. Ibid, 9.3.1892.

exactitude to open the way for expert criticism." Besides, the bill raised "false hopes" regarding elections. They asserted that excepting a small community of political agitators, no considerable body of the Indian people pined for elections. Yet "in this strictly permissive shape" the bill would give an excuse to the agitators, should the government of India refuse to introduce elections, "for representing themselves as denied the full benefit" which the bill intended to confer on them. Acceding to the usefulness of "stronger native elements" on the councils for purposes of consultation, they would rely solely on nomination. They feared that the bill by exciting more glamorous expectations would endanger "its humbler usefulness." The opposition to elective principle found more pronounced expression in the denunciation of the bill as a "delusion, and therefore more or less a snare", and they doomed to disappointment everyone who foresaw in the bill "a new departure in Indian policy." In summing up, they said: "The addition of the new members will fail to satisfy radical demand, and there is no other demand to be considered." All other innovations and improvements of the bill could be brought about without "the elaborate pretence of a measure which has been put forward as if it were the beginning of a new regime of self-government in India, and as a sham on the whole, it is out of keeping with the generally straightforward and thoroughly honest character of Indian administration."

1. Ibid, 12.3.1892.

2. Ibid, 26.4.1892.

3. Ibid, 6.5.1892.

The gloomy forebodings of the Pioneer were not, however, universally endorsed by the Anglo-Indian press. The Statesman, expressed different views, very much in sympathy with those of advanced Indian politicians. They thought that the bill was not only no answer to the Indian prayer for representation; "it is not even intended as an answer to that prayer, but only as a sop to a half-informed public opinion at Home." They were not sure whether the bill could properly be called "an instrument of reform at all." Too much was left to the discretion of the government. The Statesman could not feel any enthusiasm over clause 1(4). How could one know that any progress towards representation would be its outcome? Referring to Salisbury's speech in the Lords in this connection, they felt inclined, on the whole, to be pessimistic, and thought that the "motive for adopting it (clause 1(4)) was to throw dust in the eyes of Parliament." The people of India were advised, therefore, to make clear to the British public and parliament that the bill was "not even an instalment of what they have asked for, and that they will rest satisfied with nothing short of this."

The Indian press was much discouraged by the absence of any explicit recognition of election. On the bill's introduction in the Commons in 1892 the Bengalee confessed, "the bill is as disappointing as it could possibly be. It makes no provision of any kind for the recognition of the elective element in the

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1. The Statesman & Friend of India, 5.3.1892
 2. Ibid, 19.3.1892.
 3. Ibid, 5.3.1892.

constitution of the legislative councils." They cautioned the authorities that the bill would satisfy none "until our educated countrymen are represented in the legislative councils through their chosen representatives." ^I Later on, after the second reading, they recognised that the bill had been made sufficiently elastic to admit of the elective principle, and credited its framers with the object of not relying solely on nominations, but to "admit of the play of local opinion in the selection of members." ² Inasmuch as the enactment was only permissive in character and the real introduction of elective principle would depend upon the rules under clause 1(4), they demanded that the views of "recognised public bodies" ³ should be ascertained in framing them.

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How was the bill received in Britain? The Times said that it would generally be approved, "except by the extreme partisans of the 'National Congress' programme." ⁴ They never supposed that government approval of a scheme of elected bodies for India was in evidence, but acknowledged the desirability of additional members on the councils and enhancement of their powers. Referring to financial discussion and interpellation they claimed, "so far as anything like public opinion can be said to exist in India it will have the means of making itself heard....." They would not, however, welcome the elective system. Speaking of Gladstone's

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1. The Bengalee, 27.2.1892.
 2. Ibid, 9.4.1892.
 3. Ibid, 3.9.1892.
 4. The Times, 16.2.1892.

interpretation of the measure, they confessed that if the adoption of an elective system meant merely discretionary acceptance of recommendations of certain associations or bodies by the head of the government when making nominations to the councils, there could not be much room for dispute. But, on the contrary, if it meant dependance "on a system of popular election", the proposal stuck "at the very root of the Indian Empire and the peace and prosperity bound up with it." It was impossible to introduce elections "in any real sense" in India because of the ignorance of the masses, because of the differences of race, creed, climate, habit and language of the people, and because of the repugnance of certain classes towards the idea of election. They would not hear of election through local bodies, associations etc.; the position of these bodies must not be exaggerated and it must be remembered that they could by no means represent the people of India. They could speak at the maximum for a "microscopic fraction" of the whole population, - the fraction who chose representatives to local bodies etc. But the vast majority had no role to play in the limited sphere of local affairs, and their interests could only be in the keeping of the government which must, therefore, "remain an enlightened despotism, subject to the influence of opinion in England, and eager to gain any new light from opinion in India, but independent in its acts and resolves."

When the Times thus assailed the elective system uncompromisingly, the Daily News saw in the bill "a considerable advance in

the direction of popular representation on the Indian councils." Likewise, the Pall Mall Gazette thought that Curzon's acceptance of Gladstone's interpretation would "more or less bind the Secretary of State" and that it would be possible under the measure to initiate - let alone the rudiments of election - "the most elaborate electoral system that constitution-mongers could wish for." Thus the difference on the bill between the parties within the parliament was faithfully reflected in the press outside.

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The reaction of the Indian National Congress - manifested in its annual session at the end of the year at Alahabad - was far from enthusiastic. By that time the Indian Councils Act was an accomplished fact. While regretting that the Act did not "in terms, concede to the people the right of electing their own representatives," they pinned their hope on Gladstone's interpretation of the Act and expected the rules to conform with it. They were undoubtedly uneasy about the outcome of the measure. Pointing to the absence of a specific elective clause, Ananda Charlu said that its presence "would put it out of the power of narrow-minded men to deny the right as years elapse" . Another speaker, M.B.Namjoshi, regretted the dependance "on the good will of the executive," and feared that nothing might come out of all this at all. A Moslem delegate, Hafez Muhammad Abdul Raheem, had similar forebodings and lamented, "We have no guarantee that the discretion so vested in the government would be wisely and liberally

1. Quoted in the Bengalee, 23.4.1892. 3. Ibid, p.26.

2. Report of eighth I.N.C. p.1. (Resolution I) 4. Ibid, p.32.

exercised, none even that it will not be abused." A refreshing
 contrast to the general atmosphere of despondency and doubts was
 provided by another Moslem delegate, Mvi. Wahabuddeen. He based
 his hope on the government protestation of being open to conviction,
 of readiness to modify their opinions and to adopt a course
 "acceptable to the nation at large." He was, therefore,
 optimistic and foresaw better results.

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The hopes, or fears as the case might be, about the real
 outcome of the Indian Councils Act 1892 thus rested on the rules
 to be framed under it. The composition of these important rules
 will be the subject of the next chapter.

1. Ibid, p 34
2. Ibid, p 35

Chapter IVThe Indian Councils Act 1892 in India.

Four days before the Indian Councils Act 1892 received the Royal Assent, Lansdowne, the governor-general, wrote a note on 16 June 1892 outlining the principles which should guide the authorities in framing rules under the new Act. He briefly described the sequence of events culminating in the passage of the Act. In doing so, he referred to the parliamentary debates which revealed, in his opinion, that "the general feeling of Parliament was in favour of the **recognition** of that (elective) principle." He regarded Gladstone's speech as "the most important", and did not think that the subsequent debates materially affected Gladstone's case. In the context of these parliamentary debates as well as of the views of the government of India in the recent years, the conclusion was inescapable, Lansdowne wrote, that the government should "take, within a reasonable time, steps which will satisfy the public that the discretion which had been conferred upon us, and which is precisely the discretion for which, in 1889, we ourselves asked, will be turned to good account." Holding this opinion he summarised the mandate under which the government should act as follows:-

"(1) It is not expected of us that we shall attempt to create a complete or symmetrical system of representation. (2) It is

I. Kimberley Papers: The note was enclosed with Lansdowne's letter to Kimberley, dated 23.8.1892.

+ See Ch.II, p. 89

expected of us that we shall make a bona fide endeavour to render the Legislative Councils more representative of the different sections of the Indian community than they are at present.

(3) For this purpose we are at liberty to make use of the machinery of election whenever there is a fair prospect that it will produce satisfactory results. (4) Although we may to this extent apply the elective principle, it is to be clearly understood that the ultimate selection of all additional members rests with the Government, and not with the electors." The function of the latter will be that of recommendation only.^I

Lansdowne thought that the elective system should first be introduced in the local councils only. Though he knew that once the local councils had been reformed, the Viceroy's council could not be left untouched for long, he preferred an interval of time before the latter council was taken in hand. But he admitted at the same time that the reformed local councils would perhaps be "the most convenient electoral bodies" for the election of some additional members of the supreme legislative council.²

Besides, he assumed that the councils would at the first instance consist of the maximum number of members envisaged by the Act, that only a bare majority of official members in each council would suffice, and that the adequate representation of minorities could be secured "by resort to nomination pure and simple." The last assumption involved excluding a number of non-official seats from the electoral process.³

I. Ibid.
2. Ibid.
3. Ibid.

Lansdowne's views were thus flexible. His private correspondence with the provincial governors on the scope and nature of the rules disclosed to him "an extraordinary variety of opinion" among them. While Harris, the governor of Bombay, took unkindly to the whole scheme and would be content to "do as little as possible", the Lt.-governors of Bengal and North-West Provinces and Oudh recommended a "very elaborate scheme of territorial representation." Lansdowne was therefore convinced of the necessity of giving the local governments "a pretty strong lead in order to prevent them from adopting widely divergent lines of action." ^I And this the government of India indeed did. In letters to the four provinces on 15 August 1892 they not only indicated the principles on which the rules should be based, but forwarded three sets of draft rules regarding the constitution of the respective local council, financial discussion and interpellation. They enumerated the classes to be represented in each province, and laid down the mode of securing such representation. They took for granted that the maximum number of additional members allowed under the Act would be nominated. The initiative in framing the rules therefore came from the government of India.

As to the constitution of the councils, the government of India laid down the following leading features of the proposed arrangement:

(1) The officials would constitute "only a bare majority" in the councils. (2) The non-official members were to be

1. Kimberley Papers - Lansdowne to Kimberley, 23.8.1892.

2. I.P.P., August 1892, Nos.241 (Madras), 242 (Bombay), 243 (Bengal) and 247 (North-West Provinces and Oudh).

nominated partly on the recommendation of certain bodies and partly at the discretion of the head of the province. (3) The recommending bodies were to be so chosen as to "afford a fair representation of all important classes in the community."

(4) The non-official seats to be filled at the governor's or Lt.-governor's discretion were to be utilized to redress "Any ^I inequality to which the system of recommendation may lead."

The government of India emphasized representation of races and classes; localities and numbers were not much in view and they disavowed any intention of treating these as factors in representation except in the case of the Presidency towns. They claimed that this was in conformity with the views of the secretary of state as expressed in his despatch of 30 June 1892 forwarding the new Act. In this despatch Cross, the secretary of state, had spoken of the representation "of the views of different races, classes and localities."² The government of India argued that by mentioning 'localities' in the last place, the importance of, and preference for, 'races and classes' in the scheme of representation had been made clear. They desired that "all ³ important classes shall be represented on the council" and proceeded to enumerate for each province the classes which were considered deserving of representation. These were the following:-

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1. I.P.P., August, 1892, No.241 (Para.4.)
 2. Ibid, No.239 (Para.6.)
 3. Ibid, No.243 (Para.4.)

Madras	Bombay	Bengal	North-West Province and Oudh
(1) Hindus	1 to 8 of	1 to 8 of	1 to 7 of
(2) Moslems	the Madras list and	the Madras list and	the Madras list.
(3) Non-official Europeans and Eurasians	(9) Parsis	(9) the planting community	
(4) Merchants, traders and manufacturers			
(5) The Urban classes			
(6) The rural classes			
(7) The professional and literary classes			
(8) The population of the Presidency town			
(9) The planting community or Nairs of the Western Coast.			

The government of India pointed out that the above was
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 "a cross-division" and more than one class or interest could be represented by one person. But the councils were expected to include representatives of all these classes. If any class was not so represented through recommendation, recourse must be had to nomination. If, however, all the classes received representation through recommendation, nomination at the discretion of the governor or Lt.-governor might not be necessary and certain seats might be held in reserve for future necessity, either to nominate an expert or to redress any disturbance in the balance of representation "by a change due to the selection, on a vacancy

occurring, of a candidate belonging to a class different from that of the person to whom he succeeds." ^I

The government of India's decision regarding the number of official additional members, and of seats thrown open to recommendation and held in reserve for nomination in the different councils was as follows:-

	Officials	Non-officials through recommendation	Non-officials by nomination
Madras	9	8	3
Bombay	9	8	3
Bengal	10	8	2
North-West Provinces and Oudh	7	6	2

They also specified the bodies to which the seats for recommendation were to be allotted. They entrusted the task mainly to the municipalities, district boards, Chambers of Commerce, Universities, the Corporations in the three Presidencies and Zemindars. The importance of municipalities, district boards and Corporations in the government of India scheme can be gauged from the fact that seats allotted to these bodies for recommendation totalled five each in Madras and Bombay, and four each in Bengal and North-West Provinces. While the number remain^{ed} unchanged in Madras and North-West Provinces, in the final regulations, these bodies got five members in Bengal and only three in Bombay. In each province one member was to be recommended by the University.

On the suggestion of the Madras and Bengal governments, the representation of Zemindars was left to nomination, rather than to recommendation. The reason why this was advocated in Madras was the absence of cohesion in the only association of landholders in the Presidency, which had merely a nominal existence: in Bengal there were several rival associations of landholders and the Lt.-governor considered that representation of Zemindars' interests could better be secured if he retained "in his own hands the responsibility of nominating a suitable representative." This reduced the number of seats to be filled by recommendation to seven in Madras and Bengal.

These suggestions were accepted with minor changes by most of the provinces. It was only in the case of Bombay that a different approach was mooted though with much the same result. The details of the case deserve, however, some notice. The government of India suggested that the eight seats for recommendation in Bombay should be allotted to:-

Bombay Corporation	-	1 seat
Mufassal Municipalities	-	2 seats
District Boards or Associations of Landholders	-	2 seats
Large Landholders	-	1 seat
Bombay Chamber of Commerce	-	1 seat
Bombay University	-	1 seat

In their reply, the Bombay government, while expressing their general concurrence with the classification of races and interests deemed fit for representation, said that the allotment

1. I.P.P., Oct. 1892, No. 157 (Madras government letter dated 3.9.1892)
2. Ibid, No. 161 (Bengal government letter dated 12.9.1892)
3. Ibid, No. 162 (Bombay government letter dated 29.9.1892)

of seats might follow a different pattern. The Presidency was divided into four divisions - Sindhi, Gujarati, Marathi and Canarese - marked by racial, geographical and linguistic distinctions. Each division might be considered as a distinct unit. Without deviating from the form of the rules proposed by the government of India, the Bombay government wanted to adapt them to these territorial divisions so as to secure their representation. Allotting one seat to each of these divisions / they wanted the recommendation to be made by the most prominent interests of the area. Thus in Sind recommendation might be invited from an electoral body consisting of the "Zemindars the first class Jaghirdars and the Talpur Jaghirdari". In the Northern Division of the Presidency, Gujarat, lay important municipalities including Surat and Ahmedabad. Hence the municipalities of this Division would be asked to recommend a nominee. In the Central Division, "the home of the Marathas" was marked by the residence of the Sardars of the Deccan, "The aristocracy of Maharashtra." ^I The Bombay government wanted to allot one seat to the Sardars. In the Southern Division municipalities did not count for much: here the district boards would recommend a nominee. They wanted one seat to be given to each of the Chambers of Commerce at Bombay and Karachi, and would leave undisturbed the seats for the corporation and the university. Thus generally adhering to the government of India scheme, they reduced the representation of the local bodies to three in place of five, and increased that of landlords and commerce. Each of

these two interests got two seats. The government of India accepted this change. Though the new scheme of Bombay was based on the representation of locality, it would be unwise to over-emphasize its significance. In fact it conformed quite closely to the approved pattern of representation of interests. Besides, territorial consideration guided the allotment of half of the seats, and the net result was to weaken the hold of local bodies in the Bombay legislative council. Since the local bodies were, among all the electoral units, the most popular, the consequence of this departure, which had the appearance of territorial representation, was anomalous inasmuch as unlike the usual consequence of territorial representation smaller and closed bodies stood to gain from it.

The final allotment in the various local councils is shown below with the number of seats in parenthesis:-

Madras	Bombay	Bengal	North-West Provinces and Oudh
Corporation (1)	Corporation(1)	Corporation(1)	Municipalities(2)
Municipalities(2)	Municipalities(1)	Municipalities(2)	District Boards (2)
District Boards(2)	District Local Boards (1)	District Boards (2)	Chamber of Commerce(1)
Chamber of Commerce (1)	Sardars of Deccan (1)	Chamber of Commerce(1)	Senate of University(1)
Senate of University(1)	Landlords of Sind (1)	Senate of University(1)	
	Bombay Chamber of Commerce(1)		
	Karachi Chamber of Commerce(1)		
	Senate of University(1)		

I. Ibid, No.167.

+ One seat was taken away from Commerce (Karachi Chamber of Commerce) and given to District Local Board, in the Central Division, some years later. See Indian Parl. Debates 1897, pp.287-288.

The government of India made clear that though the distribution of seats was made according to the rules, the method and the details of election were left at the discretion of the local governments. For example, while the rules would allot a seat to the municipalities, the selection of the municipality or a group of municipalities and the adoption of one of several methods of representation would be left to the provincial governments. They would have this freedom of adapting the rules to the circumstances of a particular case. With the purpose of securing, for instance, an urban or a rural member, several different methods of representation might be adopted. The government of India in their letters to Bengal and North-West Provinces and Oudh disclosed a willingness to allow the widest possible variation in method to satisfy the requirements of genuine representation of urban and rural interests through the local bodies. They admitted the possibility of election by delegates of several bodies, whether "by voting in some central place or by sending in voting papers." to the returning officer. They recognised that the privilege might have to be limited to those satisfying certain conditions and that the number of delegates of each constituent body might vary with its importance. Later on, they included associations, other than local bodies, in this plan, and the relevant rule laid down that the recommendation should be made "in the case of a group of Municipal Corporations, District Boards or Associations by the majority of votes of representatives to be appointed

according to such scale as the Governor in Council may from time to time prescribe, by the Corporations, Boards or Associations.^I"
 The government of India informed the secretary of state that this was done to ensure "a satisfactory advance in the representation of the people" in the councils and "to give effect to the principle of selection as far as possible" upon the advice of such sections of the people as were capable of assisting the authorities in this respect.²

In the regulations made by the different local governments this liberty was fully utilized. In Madras the municipalities were divided in Southern and Northern groups to each of which a seat was given. Each municipality was entitled to nominate a candidate for recommendation and to elect a delegate to vote on its behalf. All the delegates of a group would gather together and elect a person from among those nominated. The same procedure was prescribed for the district boards.³ In Madras all the municipalities and district boards were treated alike.

Not so in Bombay. Here participation in elections was limited in the Northern Division to municipalities with populations of 5,000 and above. No such limit was prescribed for the district local boards in the Southern Division. But the number of delegates to be selected by an eligible municipality or a district local board varied according to population. Every municipality with a population between 5,000 and 10,000 would appoint a delegate, but

+ or the Lt.-governor.

1. I.P.P., March 1893, No.150 (Government of India notification No.359 dated 17.3.1893 - Rule V(c))
2. I.P.P., October 1892, No.167 (Government of India's letter dated 26.10.1892)
3. Parl.Papers 1894, 86 (Regulations & Orders of Madras Government dated 12.4.1893)

municipalities with a population of 10,000 and above would appoint an additional delegate for every additional 10,000 or fraction thereof of the population. In the case of district local boards population up to 100,000 was entitled to a single delegate, and an additional delegate was given for each further 100,000 or fraction thereof of the population. The Bombay regulations prescribed postal voting for the delegates of the district local boards. The delegates of the municipalities would, however, assemble for the purpose^I.

In Bengal the allotment of seats to the municipalities and district boards was made to groups of these bodies. This went according to the administrative divisions of the Presidency. Thus while the municipalities of the Presidency and the Rajshahi divisions shared between them the two seats allotted to municipalities, the two seats for district boards went to these bodies in the Chittagong and the Patna divisions. Besides, a system of rotation was laid down alternately giving the municipalities and the district boards in each division an opportunity respectively to elect a nominee; the entire cycle would be completed with the fourth turn of elections. While in Bombay the eligibility of municipalities taking part in recommendation depended on population, in Bengal it rested on municipal income, the minimum being Rs. 5,000, so that as compared with Bombay, in Bengal the higher income would give a municipality more votes. Again, while in Bombay more delegates were elected, in Bengal one delegate was elected to cast all the votes to which the body he represented was entitled. The voting power of the municipal

representatives in Bengal was calculated according to the following scale:-

	<i>votes</i>
Municipalities with income of Rs.5,000 but less than Rs.10,000	1
Rs.10,000	2
Rs.20,000	3
Rs.50,000	4
Rs.1,00,000	5
Rs.1,50,000	6
Rs.2,00,000	7
Municipalities with income of Rs.2,50,000 and above	8

Though such detailed arrangements were made for the municipalities, all district boards in Bengal were considered "of approximately equal importance", and each district board was to appoint one representative having one vote.

In North-West Provinces and Oudh the municipalities were divided into two groups, each to recommend a nominee; each municipality within the group was given one delegate with one vote. The same applied to the district boards. No difference was made on the basis of population or income.

Before we leave the consideration of the procedure of recommendation, it would be well to note that the rules required that a person recommended for nomination by municipalities or district boards was to be "ordinarily resident" within the area

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1. Ibid (Notification of Bengal government: Resolution No.1553 dated 25.3.1893)
 2. Ibid (Notification of Lt.-governor)
 3. I.P.P. March 1893 No.150 (Rule VI)

of the municipalities or the district boards which elected him. By this requirement and by judicious selection of municipalities and district boards it was intended to secure through these bodies the representation of various interests. Perhaps an illustration will better explain the method. As we have already noted, the regulations for the Bengal council allotted in the first turn one seat each to the municipalities of Presidency and Rajshahi divisions, and one seat each to the district boards of Patna and Chittagong divisions. The result was to balance the representation of the various classes. The district board of Chittagong division, a predominantly Moslem area, recommended a Moslem: Patna division in Behar ensured the representation of the Beharis, and the member recommended was the biggest landlord of the province, the Maharaja of Darbhanga. The two members returned by the municipalities were a barrister of Calcutta High Court and a Zemindar of Rajshahi division. Thus the four seats secured the representation of Bengalis and Beharis, Hindus and Moslems, landlords and professional classes.

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The draft rules circulated by the government of India declared that "no person actually in the service of Government shall be eligible for recommendation as a representative of any of the bodies or associations." The Bombay government in their letter of 29 September 1892 questioned the desirability of any

such prohibition. They doubted whether this was consistent with the Act which declared "any person resident in India" eligible for nomination to the Councils. Even if correct legally, they did not consider such exclusion necessary, if the person concerned was otherwise eligible. They asserted that "one such person would be an excellent representative of the Sind Zemindars."^I

The government of India argued in a letter to the secretary of state that such exclusion was legal inasmuch as they were not precluded by the Act from laying down the qualifications that appeared to them desirable in a nominee. Further, the recommendation of an official was deemed "inconsistent with that representative character which we desire to give to the non-official element."²

The clause was received with hostility at Whitehall. The legal adviser of the India Office thought that the rule was illegal and the matter was referred to the Law Officers of the Crown. The latter concurred with the government of India, and declared the provision legal. The India Council, however, took the strongest objection to the rule, which they considered was offensive to the official class and involved an invidious discrimination against them. Besides, the rule restricted the scope of choice. The Council declared unanimously against the rule. The secretary of state informed the governor-general of

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1. I.P.P. Oct. 1892. No. 162 (Para. 6)
 2. I.P.P. Oct. 1892, No. 167 (Para. 4)

the situation and wanted to know if the exclusion was particularly desired. Lansdowne replied that his council was not unanimous in recommending the exclusion and it would not be insisted on. This enabled Kimberley to acquiesce to the view of his council and to drop the rule.

Though agreeing to omit the rule, the government of India did not alter their views. Their attitude towards the recommendation of officials remained one of dislike. In their letters to the provinces on 13 March 1893² conveying the secretary of state's sanction to the rules, the governors and the Lt.-governors were advised that they would be competent to refuse any recommendation of an official on grounds of difficulty to release him from his duties or any other reason, if they considered his nomination undesirable. The body recommending the official would then be requested to recommend some one else. They made it clear that the official quota in the councils should in no case be increased at the cost of non-officials as the consequence of any such recommendation. If the official quota was full, the recommendation was to be rejected unless a vacancy was created by the resignation of another official additional member. Thus within the limit of representation that they conceded, the government of India were unwilling to detract from its scope.

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Another question raised by the Bombay government was

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1. Kimberley Papers (Kimberley to Lansdowne Letters dtd. 3 and 17 Feb. 1893 and telegram dtd. 7.2.1893. Lansdowne to Kimberley telegram dtd. 9.2.1893.
 2. I.P.P. March 1893, Nos. 140 (Madras), 142 (Bombay), 144 (Bengal), and 146 (North-West Provinces)

"whether the Council can be summoned for the mere purpose of a discussion of the financial statement or of giving replies to questions, at a time when there is no legislative business before it." ^I They argued that since the councils were described in the Act as councils for the purpose of making laws and regulations, they were really established for the purpose of making laws, and could not meet for financial discussion or interpellation when no legislative business was before them. The government of the North West Provinces and Oudh expressed similar misgivings.

In bringing the question to the notice of the secretary of state, the government of India said that they did not consider it of much practical importance. If the council could not meet except for legislative business, it would always be easy to "arrange for some formal legislative business to be taken in order to admit of the financial statement being discussed or questions asked." ² They were, however, of opinion that the council could meet for financial discussion or interpellation even when no legislation was necessary.

The secretary of state came to a different decision. He was advised that a meeting of the council could be only for legislative purposes, and therefore it could not legally be summoned, in the absence of legislative work, "for the purpose of merely discussing the financial statement or of giving replies to questions." ³ The government of India's desire to exclude

1. I.P.P. Oct. 1892 No. 162 (Para. 7)

2. Ibid, No. 167 (Para. 7)

3. I.P.P. March 1893 No. 139 (Secy. of state's Despatch of 16.2.1893)

officials from the quota of recommended members, as also their readiness to convene the councils even when no legislative business was pending, show their willingness to give the fullest scope to the reforms.

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The government of India in the draft rules provided that the governor/Lt.-governor might reject any recommendation made under these rules by a body or association. In such cases of rejection the body or association concerned would be requested to make a fresh recommendation. The Lt.-governor of the North-West Provinces and Oudh was opposed to such wide power being left to the head of the administration. He pointed out that the unlimited discretion would be capable of most invidious exercise and could amount to arbitrary treatment of the recommendations. He did not desire that the rules should arm the executive with "an unconditional right of veto" and suggested that "some indication should be given of the limits within which recommendations may be rejected." Otherwise the rule would, with some semblance of reason, be pointed out by hostile critics as setting at naught the intended changes in the constitution of the councils.

The government of India defended this power of rejection on the ground that whatever might be the procedure adopted, the

I. I.P.P., October 1892, No.166 (North-West Provinces and Oudh government letter dated 3.10.1892, Para.8)

responsibility for nomination rested with the head of the
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 administration. They invoked Cross's letter of 30 June 1892
 for their justification. Cross had emphasized that "the ultimate
 nominating authority" still rested with the Heads of the govern-
 ments and that "the responsibility attaching to the careful
 exercise of this authority by no means diminishes...." ² Kimberley,
 the secretary of state, did not run counter to the government of
 India in this decision.

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We have already seen that in his note of 16 June 1892
 Lansdowne drew a line of distinction between the local councils
 and the governor-general's legislative council. ⁺ Though he would
 not reconstitute the latter council on the pattern of the local
 councils, he conceived the idea of appointing to his council
 persons recommended by the members of the provincial councils.
 In letters dated 15 August 1892 to the provinces, the government
 of India expressed their belief that these reconstituted councils
 would "afford the best agency by which recommendations for seats
 in the enlarged council of the Governor-General for making laws
 and regulations can be furnished." ³

This was reiterated by Lansdowne in a private letter to
 Kimberley. Professing that "there is no intention of postponing
 the introduction of the elective element into the Viceroy's
 Council for an indefinite time," Lansdowne said that he would

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1. Ibid, No.167.
 2. I.P.P., August 1892, No.239 (Para.6)
 - + See p.150 above.
 3. Ibid, No.241 (Para.7)

deal with the supreme council after the constitution of the local councils had been decided upon. He indicated, however, the shape of things to come: "We shall probably rely mainly on the local legislative councils as 'constituencies' for the purpose of 'electing' representative members for the Viceroy's Council." ^I

The same views were officially communicated by the government of India to the secretary of state in their letter of 26 October 1892. But they refrained from drawing up the draft proposals for the supreme council before the constitution of the local councils had been finalised. They wanted to proceed only after the secretary of state's views on the local councils had been ascertained, because, as they explained in a later communication, they contemplated that the reform of the governor-general's council would be "based upon the general principles" ² followed in regard to the local councils.

The government of India did not think of confining the association of representative elements in the supreme council only to the provinces with legislative councils. ^v They were willing as far as possible to admit of an element of representation while appointing members from elsewhere. In this they took their cue from Cross's despatch of 30 June 1892. Cross had acknowledged the possibility of consulting corporations "establish-
^v ed with definite powers, upon a recognized administrative basis" or

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- I. Kimberley Papers (Lansdowne's letter dated 19.10.1892)
 2. I.P.P. Oct.1892 No.167 (Para.1)

associations, where these were "formed upon a substantial community of legitimate interests, professional, commercial or territorial." In letters dated 22 August 1892 to the government of the Punjab and the Chief Commissioners of Assam and the Central Provinces, the government of India enquired whether within their respective territories there were "any such classes or bodies, representing 'a substantial community of legitimate interests, professional, commercial or territorial'," who were important enough to be consulted, through the respective governments, in making nomination to the supreme council. The government of India did not envisage any detailed rules for submitting recommendations in the case of these provinces for they could not commit themselves always to nominate a member from each of these territories to the supreme council. The exigencies of class representation, the needs of expert advice and better balancing of interests precluded them from doing so. What they were really driving at was in case of the allotment of a member to any of these provinces to clothe him with "a somewhat more representative character than would attach to him if he were arbitrarily selected by the Head of the Administration."

The reactions of these provinces varied. The Lt.-governor of the Punjab replied in the negative, for "the materials for such an arrangement as the Government of India contemplate are in this province still non-existent." The chief commissioner of the

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1. I.P.P. Aug.1892 No.239 (Para.6)
 2. Ibid, No.249 (Para.4)
 3. I.P.P., February 1893, No.84 (The Punjab government letter dtd. 31.10.1892)

Central Provinces proposed an elaborate scheme of recommendation based on municipalities and district councils. In Assam only the tea-planting community was deemed to satisfy the requirements of the government of India; in case the representation of this interest was needed on the supreme council, the Assam government stated that this could be secured through the local branches of the India Tea Association.

The rules governing the constitution of the local legislative councils, were approved by the secretary of state in February 1893. On 22 March 1893 the government of India submitted to the secretary of state their formal proposals regarding the supreme legislative council. Out of the maximum strength of additional members, sixteen, not more than ten could be non-officials consistently with the maintenance of the official majority. Of these ten seats, they proposed that four should be filled upon the recommendation of the non-official members of the local legislative councils. It was further required that the person so recommended by the non-official members of a local legislative council "shall be a person ordinarily resident within the province for which such Council is appointed." One seat was allotted to the Calcutta Chamber of Commerce. A representative of this body had always sat on the supreme legislative council

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1. Ibid, No.82 (The C.P.government letter dt. 20.9.1892) - The replies of the Punjab and Central Provinces government, will be considered in the next chapter.
 2. Ibid, No.81 (Assam government letter dt. 14.10.1892)
 3. I.P.P., March 1893 - No.139 (Secretary of state's despatch dtd. 16.2.1893)
 4. Ibid, No.151.
 5. Ibid, No.152 (Draft Regulations - No.VI)

and the government of India saw "no reason why this arrangement should not continue." The balance of the non-official quota, numbering five, was wholly inadequate to secure the representation of the remaining "multifarious interests and numerous local divisions" of the country. No practical purpose would in the circumstances be served by adopting any "quasi-elective machinery." Nor was this practicable. The allotment of these seats would depend on various considerations, and would be largely influenced by the character of business before the council. This would determine whether the seats should be used for hearing the views of certain interests, or of territorial divisions, or of experts^I "upon large measures affecting British India as a whole." Besides, it was also intended to retain the liberty of inviting representatives of the native states from time to time. In view of all these considerations, these five seats were to be filled by nomination at the discretion of the governor-general. The government of India did not think that the circumstances allowed of any other solution.

In nominating a representative of a province without a legislative council, the advantage of the Head of the province seeking advice of the persons "best qualified to assist"² him was recognised. The relevant draft rule concerning these five non-official seats provided for nomination "in such manner as shall appear to him⁺ most suitable with reference to the legislative

I. Ibid, No.151 (Para.4)

2. Ibid.

+ i.e. the governor-general.

business to be brought before the council and the due representation of the different classes of the community". In all other respects the rules of the local councils were followed. The government of India commended the rules to the secretary of state "as an adequate attempt to carry out the intention of Parliament that the principle of election should, as far as possible, be given effect to in choosing representatives of the different classes and local divisions of the Empire to assist in legislative business."

The rules were approved by the secretary of state in his despatch of 11 May 1893 with slight verbal modifications.

Though the elective principle was engrafted into the supreme legislative council by these rules, the representative element was much less important than in the local councils. While only half of the non-official members of the supreme council were to be recommended, the proportion was much higher in the local councils. Besides, the recommending bodies in the case of the local councils were more broad-based. Except for the Calcutta Chamber of Commerce, a recommending body for the supreme council would not consist of more than eleven members: in Bengal and North-West Provinces and Oudh it would consist of even less. But it is wrong perhaps to assess the significance of the change by a reference to the quantity: it lay much more in the break in principle at least from the hitherto sacrosanct tradition of the inevitability and infallibility of executive selection.

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1. Ibid, No.152 (Draft Rule III)
 2. Ibid, No.151 (Para.6)

In regard to the rules concerning the constitution of the legislative councils the model for the supreme legislative council was set by the local councils: the position was reversed, however, in the formulation of the rules governing financial discussion and interpellation. The government of India drafted the rules on these subjects for the supreme legislative council first, and the provincial governments concerned were then asked how far they desired to adopt these for their respective legislative councils. In a letter dated 23 August 1892 the government of India informed the secretary of state that these draft rules for the governor-general's legislative council would "form the basis upon which the rules on the same subjects for local councils will be formulated." ^I For sake of convenience, we shall deal with these two sets of rules separately, and shall take up the financial discussions first.

The draft rules were based on the practice actually prevalent in the Imperial legislative council on those occasions when financial arrangements were discussed at its meetings. The government of India denied any necessity for alteration. The draft rules for the Imperial council were:-

" (1) The Financial Statement shall be explained in Council every year and a printed copy given to each Member.

" (2) After the explanation has been made, each Member shall be at liberty to offer any observations he may wish to make on the Statement.

"(3) The Financial Member shall have the right of reply, and the discussion shall be closed by the President making such observations, if any, as he may consider necessary." ^I

For the local councils the same rules were recommended with slight verbal changes to make clear that the discussion was to be of the financial statement of a particular provincial government only. The government of India said that these discussions in the local councils would be "limited to those branches of revenue and expenditure which are under the control" of the respective local governments. In no case would criticism of Imperial finance be permitted in the local councils. It was pointed out that the object of financial discussions in the local councils was to acquaint the government with "the most enlightened opinion" in the province, thus making available the means of "meeting objections and removing defects" in the financial ² arrangements of the succeeding year.

An addition to the rules was proposed by the Bombay government. They wanted to include a further rule:- " (4) The discussion will be limited to those branches of revenue and expenditure which are under the control of the Government of Bombay; and it will not be permissible to enter upon a criticism of Imperial Finance." ³ This rule followed closely the instructions of the government of India, who accepted it. Madras, Bengal and North-West Provinces too approved of this addition, which was included in the set of rules for the local councils, with the words 'Local Governments' replacing 'Government of Bombay'.

1. Ibid, No. 251.
2. Ibid, No. 241
(Para. 9)

3. Ibid, No. 165 (Draft rules with Bombay government letter dt. 29.9.1892)

The Madras government in their reply sought to indicate the time of presenting the "Provincial budget" in the council; they would have it "in the last week of January." This did not find favour with the government of India. They explained to the government of Madras the desirability of the rules for all the councils following the same pattern. They would prefer 'Financial statement' to 'Provincial budget', and discouraged any mention of date. Though the local budget was submitted to the government of India in January, its arrangements could not be final prior to approval by the latter authority, which took some time. Further, the discussion in the council was "not intended to influence the arrangements for the year." So, for the sake of convenience, the sanction of the government of India should precede the discussion in the council.

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In a note dated 25 April 1889 Lansdowne discussed the possible forms of restricting the scope of interpellation in the councils. Three alternatives suggested themselves:

" (1) Questions relating to certain classes of subjects, e.g. the military or foreign policy of the Government of India, might be excluded en bloc;

" (2) While no attempt was made to exclude questions of a particular class, the President or a Committee of Council might be empowered to object to any question as one which could not be answered consistently with public interests;

I. I.P.P., October 1892, No.159 (Draft rules with Madras letter dt. 3.9.1892)
 2. Ibid, No.173, (India government letter dt. 27.10.1892)

" (3) Both these methods might be resorted to simultaneously, certain subjects being excluded, the ^I President retaining his veto in regard to the rest."

Lansdowne expressed himself in favour of the second course above. He was content to leave the discretion to the President, and thought that in certain circumstances questions on foreign policy, far from being resented, might be welcomed by the government. He concluded that such a procedure was not liable to great abuse so long as the councils remained what they were.

Lansdowne's views were not shared by the governors of Madras and Bombay, and Lt.-governors of Bengal and North-West Provinces and Oudh. In their private correspondence, they unanimously desired to forbid questions on certain subjects by rules. But in his note of 16 June 1892 Lansdowne persisted in his views: he wanted, at any rate at the outset, to preclude any such exclusion being laid down in the rules. He thought that it might be desirable on occasions to have an opportunity of answering questions on all branches of administration, whether in the local councils or in ² the Imperial council.

Kimberley admitted the force of Lansdowne's "arguments ³ against absolute exclusion of any subject," but he was not free from misgivings about the possible mischievous outcome of questions on the Native States. Lansdowne replied that in his council he would ordinarily admit such questions "when there was no special ⁴ reason for objecting." Of course, in the local councils questions

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1. Kimberley Papers (Quoted in Lansdowne's note of 16.6.1892)
 2. Ibid.
 3. Ibid (Kimberley to Lansdowne, 22.9.1892)
 4. Ibid (Lansdowne to Kimberley, 19.10.1892)

only on states under the political subordination of the local government concerned would be admissible. The governor-general evinced no intention of burdening the right of interpellation with pre-conceived limitations. This was another example of the desire to give the reforms their full scope.

The official correspondence on this subject, as in the case of financial discussion, began with giving the provinces draft rules. These were based on the draft rules for the governor-general's council; their main features were the following:-

(a) The President could disallow any question "without giving any reason therefor other than that in his opinion it cannot be answered consistently with the public interests." (b) No discussion would be permitted on any answer to a question. (c) The period of notice for questions was three days, though it might be shortened or extended in respect of a particular question by the President. (d) "Questions must be so framed as to be merely requests for information, and must not be in an argumentative form or defamatory of any person or section of the community."

The draft rules for the provincial councils, however, had an additional provision. This originated in the necessity of restricting interpellation in local councils to matters under the control of respective local governments and to maintain some reserve in regard to matters which had been subjects of controversy. These were the only restrictions which the government of India

included in the rules. The relevant rule read: "No question shall be asked or answered in the council of the Lt.-Governor⁺, at a meeting of the Council for the purpose of making laws and regulations, as to any matters or branches of the administration other than those under the control of the Lt.-Governor: and except as to matters of fact, no question shall be asked or answered relating to matters which are or have been the subject of controversy between the Governor-General in Council and the Local Government.^I"

The government of Madras acknowledged the necessity of confining questions to matters under the control of the local government, but considered the second restriction superfluous. They argued that the President had authority to forbid any undesirable question, and this should be enough safeguard. No other province took exception to this restriction: on the contrary, the Bombay government suggested changes for the sake of verbal precision and for including differences with the secretary of state within its scope.³ Though the Bombay draft was not accepted by the government of India, the language respecting this restriction was revised as follows:-"²...and, in matters which are or have been the subject of controversy between the Governor-General^G in Council or the Secretary of State, and the Local Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts."⁴

1. Ibid, No.246.

2. I.P.P. Oct.1892, No.157.

3. Ibid, No.162.

4. Ibid, No.175 (Revised rules for asking questions)

+ in case of Bengal.

The Bombay government suggested several changes in the draft rules. They would prefer much more detailed rules, and drafted a set "chiefly derived from the rules and orders in regard to questions of the House of Commons." Their comprehensive draft contained further restrictions and some procedural directions. Some of the changes suggested were accepted by the government of India. On the side of procedure, the 'Notice Paper' on which the questions admitted by the President would be entered were provided for, with some particulars of its contents. The Notice period was increased to six days. A new rule was included authorising the President to rule at his discretion that a question on the Notice Paper, though not put by the member concerned, would be answered "on the ground of public interest." Thus was obtained the means of communicating to the public any information that the government wanted them to know. As to the form of question, it was to relate to facts and was forbidden to be "hypothetical". All these alterations applied alike to the supreme legislative council and the local councils.

These rules, along with those on financial discussion, were sanctioned in January 1893 by the secretary of state, with the addition of definition of the terms 'council', 'President' and 'Member'. In the final stage these rules were arranged together in three sections, - the first devoted to the definition, the second to financial discussion and the last to interpellation.

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1. Ibid, No.176 (Government of India to Bombay government, 27.10. 1891)
 2. Ibid, No.181 (Revised rules for asking questions)

The only interesting point about the definition was that it arranged for chairmanship of the councils in the absence of the head of the administration. The senior ordinary member of the council present would then act as President, unless in the supreme legislative council an acting President had already been nominated by the governor-general.

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The foregoing reveals beyond doubt where lay the main guiding influence in the formulation of all these three sets of rules. The decisive role was indubitably Lansdowne's. The mode of admitting the elective principle was laid down by him, as was the broad policy in regard to interpellation. He entered the domain of particulars too and left his imprint there also. For example, the extent to which elections should be introduced, the electoral body for the supreme legislative council, the appointment of maximum additional members - in all these important matters he determined the policy of the government of India.

While Lansdowne led the government of India, the latter showed the way to the provincial governments. Except in matters of detail, the provincial governments accepted the scheme drawn for them by the government of India. Deviation on details too was far from extensive. This agreement between the government of India and the provincial governments is all the more significant in view of the known divergence of views. Thus the provincial

heads held widely varied opinions about the constitution of the councils; they differed from ⁺ Lansdowne on the nature of restrictions on interpellation. ^{*} Perhaps this underlines still further the influence of Lansdowne. In private correspondence with the provincial heads, he may well have paved the way for a smooth reception of the government of India drafts.

The attitude of Lansdowne evokes special interest. A Conservative in politics and sent to India by a Conservative government, Lansdowne had indicated his views on the major issues of policy when the Conservative government and Cross were still in office. This is seen from his notes of 25 April 1889 and 16 June 1892 as discussed above. Had Lansdowne enunciated these principles after the advent of Kimberley, a Liberal, to the India Office, it might be said that he had adjusted his views to suit the Liberal administration. As it happened, Kimberley did practically nothing but approve the line Lansdowne had taken. In one of his early letters, referring to these rules, Kimberley said that he was "very glad" to find that Lansdowne took "what I may term a liberal view" regarding the introduction of election. Kimberley himself was aware "of the necessity of proceeding cautiously" and to this might be traced his unwillingness to press against his council the prohibition of official ^I ~~additional~~ ^{Recommended} members. But this fact also serves to emphasise Lansdowne's share in this matter.

+ See p. 151 above.

* See pp. 176 above.

I. Kimberley Papers (Kimberley to Lansdowne 22.9.1892)

Perhaps in this can be discerned the influence of his earlier political career as a Liberal.

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Soon after the enactment of the Indian Councils Act 1892, the government were requested to publish the draft rules. The same request was repeated often enough. In a resolution adopted at its eighth session, the Indian National Congress prayed "that these rules may be published in the official gazettes, like other proposed legislative measures, before being finally adopted." In an editorial on 5 November 1892, the Bengalee wrote on the desirability of the local governments seeking "to be enlightened" on the proposed rules "by at least those organizations which have taken a prominent part in bringing about this reform." A later editorial dilated on the importance of these rules which would determine "the machinery for the making of laws" in India. It called for the support of public opinion in order to ensure a fair trial to the "novel experiment" which the rules were intended to launch.

The committee of the Indian Association in a memorial to the government of India in January 1893 similarly asked for "the publication, for purposes of discussion, of the rules" before their final adoption. They submitted that these rules

1. Report of eighth I.N.C. Resolution I.
2. The Bengalee, 21.1.1893.

were "quite as important, if indeed they are not even more important than any legislative proposals could be", in view of their momentous role in the far-reaching experiments under way. They deprecated the official silence over these important regulations, while "the pettiest bye-laws affecting the obscurest municipality in the province has to be published before it is finally sanctioned, so as to allow the people concerned the opportunity of discussion." No heed was paid by the government to all these prayers. In a letter dated 6 February 1893 to the government of Bengal, the government of India replying to the memorial of the Indian Association said that the rules were still under discussion, thus indirectly denying the public a glimpse of the draft rules. On 9 February 1893 in the House of Commons, Dadabhai Naoroji asked whether the government of India had been, or would now be instructed to publish the proposed rules prior to their adoption "so as to enable the public to express their views in regard to them." George Russell, the Under-secretary of state, disowned any intention of issuing such instructions.

Though the government were intransigent about the publication of the draft rules, the secretary of state was not opposed to some discussion with non-official Indians. On 22 September 1892, Kimberley wrote to Lansdowne, "You have, I doubt not, discussed

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- I. I.P.P. February 1893, No.107 (The memorial was forwarded to the government of India by the Bengal government.)
 2. Ibid, No.108.
 3. Indian Parl.Debates, 1893, p.21.

your proposals with some leading Native gentlemen. I should be curious to know their views." Replying on 19 October 1892 Lansdowne said, "I gather from the private letters which I have received from the heads of the local governments that there has been a good deal of informal discussion of this sort. I cannot say that I have had the advantage of conferring with any Native gentleman since our proposals have taken a definite shape." We can only conjecture as to the nature and extent of such discussion, and as to the standing of persons considered deserving of confidence in this matter by the provincial heads. It is significant that Lansdowne's reply did not mention the views of these persons which the secretary of state asked for. Further, Lansdowne's failure to consult 'any Native gentleman' can only be ascribed to a conspicuous lack of enthusiasm in that behalf. It would thus be wise perhaps to take this assertion of informal discussion warily, especially because none of these consultations was reported officially - a fact which in the circumstances was rather surprising.

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The publication of the rules did not lead to any immediate general uproar. Criticisms were made no doubt, but these were by those isolated interests which considered that the rules were unfair to them and discriminated against them. Otherwise, the rules did not evoke a general hostility.

Why was this so? None, not even the most ardent seekers of reform and innovation, expected the Act to introduce revolutionary changes. So, within the framework of the Act, with its

I. Kimberley Papers.

well-defined and limited purposes, there was no scope for wide variation. An illustration will help us to gauge how far the rules accorded with the nationalist wishes.

A resolution adopted by the Bengal Provincial Conference I prescribed the composition of the Bengal legislative council. This gave five seats to nominated officials and four to nominated non-officials, the latter to secure the representation of secondary interest (1 seat), Moslems (1 seat), and Minorities (2 seats). The balance of eleven seats were to be filled by election: one member each was given to the University, Chamber of Commerce, Trades Association and Indian mercantile interests represented by the National Chamber of Commerce; four members were distributed equally between the Calcutta Corporation and the district boards; the ~~mu~~assal municipalities got the remaining three seats. But for the official minority, this scheme followed in the main the government proposals. Excepting the Indian mercantile interests, the resolution mentioned no interest which was not recognised by the government and which did not receive representation, whether by recommendation or by nomination, in the Bengal legislative council under the new dispensation.

The resolution further mentioned the mode of securing the representation of the district boards and the municipalities. They proposed delegates to represent these bodies in electing

nominees, grouping of these bodies, and a system of rotation - all these, again, conforming broadly to the arrangements of the government regulations.

Even though the resolution provided for a non-official majority, the emergence of a well-organised opposition to the government was not envisaged. Surendranath Banerjea, in a letter dated 14 February 1893 to the secretary of state, referring to this proposal pointed out that "the elements that will compose the council will be so widely divergent that a combination for the purpose of rendering an effectual opposition to official measures will be practically impossible....."^I

The substantial similarity of approach between the government and others in rule making accounts for the absence of any immediate vehement criticism. On the contrary, some appreciation of the government's work was forthcoming from what may be termed as the opposite camp. Thus in the House of Commons on 21 September 1893 Schwann expressed gratefulness "to the Indian Government for the advantage which at present existed in having in the legislative councils Indian gentlemen who were able to express exactly² the wishes and aspirations of their own people. Similarly, the Indian National Congress in its first resolution of 1893 session tendered "its most sincere thanks to His Excellency the Viceroy for the liberal spirit in which he has endeavoured³ to give effect to the Indian Councils Act of 1892."

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1. I.P.P., March 1893, No.104.
 2. Indian Parl. Debates, 1893, p.708.
 3. I.P.P. Feb.1894 No.205.

But as already mentioned, criticism of the rules on the ground of unfairness to isolated interests was not absent. The strongest protests came from Bombay. Memorials were addressed and resolutions forwarded to the government by many municipalities and public bodies, like the Bombay Presidency Association, criticising the allocation of seats for recommendation in the Bombay legislative council. On 17 May 1893 a deputation waited upon Harris, the governor of Bombay. The deputation consisted of delegates of Sarvajanik Sabha, Poona, of the Poona municipality and of the district local boards and municipalities of the Mufassal. One of its prominent members was Gopal Krishna Gokhale. Harris pleaded inability to reconsider the allotment of seats. Thereupon Gokhale and Sathe, the secretaries of the Poona Sarvajanik Sabha, submitted a representation to the government of India on 3 June 1893. Four of the eight seats to be filled by recommendation had been allotted to the Sardars of Deccan, the Sind Zemindars, the Bombay Chamber of Commerce and the Karachi Chamber of Commerce. They pointed out that the Deccan Sardars were a body of 190 men, that the Sind Zemindars numbered 300, and that the membership of the two Chambers of Commerce stood at 75 in Bombay and 31 in Karachi. Thus the rules gave "small minorities" a much larger share in representation than was their due. Protesting against this, they demanded representation of the central division of the Presidency through local bodies, and of the native mercantile community. To the Bombay government plea that the council was to secure the representation of races, classes and

interests, they objected on the ground that over-emphasis on this would fail to attain the object of the Act "that those who are subject to the laws.....should have some sort of voice, direct or remote, in the making of the laws.." They pleaded, therefore, for a re-allocation of seats:- one seat to the local bodies of each of the four administrative divisions of the Presidency, and one each to the University, Bombay Chamber of Commerce, the Corporation and the Deccan Sardars. The three seats at the governor's disposal would go to the Karachi Chamber of Commerce, ~~the~~ zamindars of Sind and Gujarat, and to the Moslems of Bombay. All this fell flat on the government of India. The Bombay government were asked to inform the Sarvajanic Sabha that the rules could not be changed, and that the "Governor-General in Council prefers to await experience of their working for some time before considering whether any change in them is necessary or expedient."

In May 1893 the managing committee of the British Indian Association submitted a memorial to the governor-general praying for the amendment of the rules for the Bengal council, to admit of nomination of a member on the recommendation of the Association. This was rejected because the Association was not considered adequately representative of the zamindari interest of the Bengal Presidency.

On 13 February 1894 the Madras Landholders' Association

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1. I.P.P., July 1893, No.137.
 2. I.P.P. July 1893, No.140 (Government of India letter dt.18.7.1893)
 3. I.P.P. June 1893, No.314.

addressed a memorial to the Madras government praying for the allotment of two seats to the zemindars of the Presidency, and demanding that both the representatives should be nominated on the recommendation of the Association or of the general body of landholders. The Madras government did not favour any such change. Their stand was supported by the government of India who would not alter the rules "before a longer experience has been gained of their working." An appeal to the secretary of state also failed and the Madras landholders had to be content with one nominated member.

The case for the representation of the Indian mercantile community in the Bengal legislative council was raised in the House of Commons on 2 August 1894 by Sir William Wedderburn. He also spoke of "apparent favour shown to the European public bodies in Calcutta" under the rules. H.H.Fowler, the secretary of state, denied any such discrimination and said that eight of the ten non-official members of the Bengal council were Indians. He declined to intervene, and would trust ~~that~~ the Lt.-governor to consult various interests in filling the seats at his disposal.

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1. Public letters from India 1895, Vol.I, pp.73-75.
 2. Ibid, p.61 (Madras government letter dated 14.3.1894)
 3. Ibid, p.62 (India government letter dated 16.4.1894)
 4. Indian Parl.Debates, 1894, p.185.
- + Sir Henry Hartley Fowler, afterwards first Viscount of Wolverhampton (1830-1911). Son of a Wesleyan minister, Fowler began his career as a solicitor. His capacity for public affairs showed itself early in municipal affairs. He entered House of Commons in 1880 as a Liberal. He was cautious and moderate in his views. Gladstone appointed him Under-secretary for Home Ministry in 1884, Financial Secretary to the Treasury in 1886 and President of the Local government Board in 1892. On Gladstone's retirement in 1894, he became secretary of state for India. During his tenure in the India Office he said in the

Such criticisms sprung from grievances of interests and classes and found a united and country-wide platform in the Indian National Congress. The Congress of 1894 in marked contrast of the Viceroy's 'liberal spirit' denounced the to the previous year's appreciation^I rules as "materially defective" and asked for "fresh rules framed in a liberal spirit, with a view to a better working of the Act, and suited to the conditions and requirements of each province." The previous year's sense of relief at the authorities not having stifled the elective principle had evidently given way to particular grievances which came to loom large in the Congress firmament. The plea for a change of the Bombay rules was included in a resolution of 1893.² In the same session Pandit Bishen Narayan Dhar, a delegate from the North-West Provinces and Oudh, was highly critical of the grouping of the municipalities for the purpose of recommendation in his province. He also resented the officials retaining their seats on local bodies for electing members. Baikunthanath Sen, a delegate from Bengal, lamented the non-recognition of the zemindari^I interest as a recommending authority in that province. Tahilram Khemchand from Sind would not consider representation through the zemindars of Sind as genuine. The Congress of 1895 adopted a resolution protesting against the "retrograde policy" of nominating a member from the Central Provinces to the supreme legislative council "without asking local bodies to make recommendation for such nomination."³

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- I. Resolution IX (b)
 2. Resolution I.
 3. Resolution XV.

Though the bulk of the criticism related to the allotment of seats for recommendation, other aspects of the rules were not altogether neglected. R.N.Mudholkar, speaking from the Congress platform in 1893, regretted that there was to be no voting on the budget. Without a division, he contended, neither the government nor the public would be aware of "the views of the country with regard to these financial proposals." He did not consider more discussion of much value. The same view was expressed by Surendranath Banerjea in the Congress of 1895. He wanted the members to have the power to move resolutions or to divide the council on budget proposals. In view of the government's standing majority in the councils he could not see any reason why such a course should be opposed; for "if the non-official members were united to a man they could not carry any resolution if the government was firmly resolved to oppose it."

Such criticism was in striking contrast to what Sir A.Scoble, an ex-member of the governor-general's executive council, said in the House of Commons on 15 August 1894. He asserted that the legislative councils though having nothing much to do with the collection of revenues, "certainly had a voice in the disposition of the revenue." He assured the House that these councils "had a voice, and a patent voice, which if they chose to exercise wisely and reasonably was sure to be listened to."

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1. Report of ninth I.N.C., p.46.
 2. Report of eleventh I.N.C. p.23.
 3. Indian Parl. Debates 1894, pp.229-230.

No such conviction can be traced in the plaintive utterances of Gangadhar Rao Madhav Chitnavis in the supreme legislative council on 28 March 1895. He went out of his way to assure the government that the remarks made on the financial arrangements were made "in no carping spirit", and lamented that "a non-official member thus performs a somewhat thankless task. His views are resented by the government as inopportune, and he is unable to secure any benefit for the people he represents."^I

On the subject of interpellation, before the rules were published, the Bengal Provincial Conference urged in a resolution that the relevant rules should be "so framed as to embrace all questions except such as refer to the maintenance or discipline of any part of Her Majesty's Military or Naval forces, or such as concern the relations of the Government with Foreign Princes or Powers."² Mudholkar, in ^{the} speech mentioned above, argued that since in the councils no motion could be brought forward, or division taken, he did not think that "any proper ventilation of a grievance" had been allowed. Under the circumstances, questions should be followed by discussion. As it was, he asserted, "it is useless to have any interpellation."³ Interpellation became the subject of a Congress resolution in 1895. It said that the Congress "being of opinion that the practical utility of interpellations would be greatly enhanced if the members putting them were allowed to preface their

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1. Parl. Papers, 1895, 283, p.125.
 2. I.P.P., March 1893, No.103.
 3. Report of ninth I.N.C. p.46.

questions by a short explanation of the reasons for them, urges that the right to make such explanations ought to be granted." The purpose of the resolution, its mover V.R.Natu explained, was to furnish short notes on the questions so that the government might "understand the object of the questions" and might "give proper replies..." From this speech as well as from the subsequent speeches of Gokhale and Sivaswamy Aiyar it would appear that there was some dissatisfaction at what was considered government's refusal to answer at all, or their answering imperfectly without divulging the information the questions were after. The president of that year's Congress, Surendranath Banerjea, made a different case for changing the rules of interpellation. He referred to the opinions expressed by different high officials and newspapers that the right of interpellation had been usefully and reasonably exercised. He quoted the views of the writer on Indian affairs in the Times that "with scarcely an exception" the questions "have tended to a better understanding between the rulers and the ruled and in important instances they have furnished a valuable opportunity of placing the actual facts before the public." Having regard to all this appreciation, Surendranath Banerjea urged the removal of restrictions on interpellation which seemed to him "to defeat the purpose of a beneficent legislation." In fact he asked for supplementary questions to be allowed.

I. Resolution XI.

2. Report of eleventh I.N.C. p.115.

3. Ibid, p.22.

4. Ibid, p.23.

Congress criticism also strayed beyond the scope of rules, particularly on one important aspect, i.e. the official members. It was argued that inasmuch as the official members were compelled to toe the line of government policy, their presence was anomalous in the councils. Madan Mohan Malaviya speaking in the Congress of 1894 referred to the debates in the governor-general's legislative council on the imposition of cotton duties and said that the official members had made it abundantly clear that under the official mandate they had no choice but to side with the government. So he pressed for "a larger number of non-official members" elected on a wider franchise.^I This he considered necessary for the protection of the interests of India, because the officials were not free to differ from the policy dictated from above. Surendranath Banerjea demanded in the 1895 Congress an amendment of the rules so that the number of elected members might be increased. Referring to the position of officials bound by a mandate, he pointed out that as against their unanimous voting "the amendments of non-official members have absolutely no chance." A measure was bound to be decided as willed by the government of India or the secretary of state. "Legislation under these circumstances" he said, "becomes a foregone conclusion - the debate a mere formal ceremony - some people will call it a farce."²

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1. Report of tenth I.N.C. p.110.
 2. Report of eleventh I.N.C. p.24.

Such criticism was on the point of fact accurate. Writing to Fowler, the secretary of state, on 7 March 1894, Elgin⁺, the governor-general, said "As it stands the Import Duty Bill, if every one were free, would not, I suppose, secure a single vote."^I And it is known that for some of the recalcitrant executive councillors the secretary of state was obliged to threaten dismissal from service as the price of their independence.² And where the executive councillors were treated with such scanty consideration, how could the other officials be inclined to court troubles by openly defying the government! In reply to a question of Henniker Heaton in the House of Commons on 19 February 1895, the secretary of state justified the requirement of absolute support from official members as "in strict accordance both with the Acts of Parliament regulating the Government of India and with the constitutional and uniform practice under these Acts."³ Not only this. The members were sought to be influenced to side with the government and in this task of canvassing sometimes even the high prestige and authority of the governor-general appear to have been brought into play. In a

I. Edith Henrietta Fowler (Mrs. Robert Hamilton) - The Life of H.H. Fowler - p.293.

2. Ibid, p.317.

3. Indian Parl. Debates, 1895, pp.27-28.

+ Lord Elgin (1849-1917): Son of a former Viceroy of India, Elgin was a Liberal in politics. Though chairman of the Scottish Liberal Association, he was far from an active politician, and was of retiring disposition. He held minor posts under Gladstone, with whom his ties were strengthened by his loyalty to Gladstone at the time of Home Rule split. After Sir Henry Norman had declined an offer of the governor-generalship, Elgin accepted the post, but not without persuasion. He assumed charge of the office on 27 January 1894. (DNB)

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private letter to Hamilton, the secretary of state, on 10 February 1898, Elgin referred to the possibility of opposition ~~in~~ the legislation regarding sedition, and emphasized the desirability of preventing, "if possible, a combination or even apparent combination, between the Europeans and the Natives." So at the request of his colleagues, he had "been doing a little 'lobbying' work" The letter relates how Arthur, the President of the Chamber of Commerce, himself a member of the supreme legislative council, as the result of an interview with Elgin made up his mind to support the government. "In the end Mr. Arthur promised to recommend to his Committee" that "they would not oppose what the Government thought more desirable and to speak himself in that sense in Council." The criticism of official preponderance in the legislative councils may not seem exceptionable in this context.

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Thus the bulk of the criticism directed against the government originated in the supposed inadequacy of the rules, - particularly in respect of the elective principle. But an altogether different view was also expressed - complaining that the reforms

I. Hamilton Papers, Part I, vol. IX (Elgin to Hamilton, 10.2.1898)
 + Lord George Francis Hamilton (1845-1927) Belonging to a family of long-standing Tory traditions, Lord George Hamilton entered House of Commons as a Conservative in 1868; he was to sit there without any break up to 1906. In 1874 he was appointed Under-secretary for India: Lord Salisbury was the secretary of state for India. From 1885 to 1892 he was First Lord of the Admiralty and was responsible for extensive naval reforms. With the return of the Conservatives to power in 1895, Hamilton became the secretary of state for India. He remained in India Office till 1903, when he resigned his office due to difference of opinion with Cabinet colleagues on tariff and fiscal questions. (DNB)

went too far and that the elective principle was unsuited for India. In a letter addressed to the ^I Times H.M. Ismail Khan of Datauli, writing from Aliganh, asserted that India was "on the verge of serious danger" on account of the recent constitutional developments. He referred to the Congress and other English-educated Indians, who pleaded for reforms and who had 'deceived' the parliament in making the latter believe "their cry to be the voice of all India and their wishes to be the wishes of the whole country." He rebutted these claims and said that the National Congress "is in reality a Bengalee-Hindoo Congress", and that they "in no way can represent the nations who are not Hindoo or the classes who do not know English". The people who asked for reform were "merely a microscopic minority." He particularly referred to the increasing differences between the Moslems and the "modern Hindoo" as a result of which "national hatred and strong enmity is growing apace between Hindoos and Mahomedans." "A great blunder" had therefore been committed by conceding the right of election on the insistence of a comparatively small class of people. Elections, he said, were all right in a country inhabited by people of one race. "But to a country like India, inhabited by two different nationalities, at mutual enmity, and of unequal numbers, and in which the persons educated in the new ideas and those following the old ideas form two distinct classes, and where those holding the new ideas have no influence in the

country - to such a country this right of election cannot be a boon." In the circumstances the recently enacted laws "have disheartened the Mahomedans." They apprehended some assault on their "national honour" because the Moslems could hardly be expected to fare well under the new system. The numerical majority of the Hindus would tell against them, and without the favour of the Hindus a Moslem would not be elected to the Council. This was a position which the Moslems could not accept: they must be "able to send sufficient representatives of their choice to the Legislative Councils." Denied this right, they were liable to be treated "unfairly and unjustly", and, therefore, "so long as they do not have equal rights with the Hindoos they will never rest at peace." Eventual resort to arms, if needs be, against the Hindus, to obtain their political rights, was not ruled out. In view of all these difficulties and risky possibilities, the letter ended with an appeal to the "enlightened English nation" not to "thrust the constitution of England upon India," thereby enabling the Hindus to trample upon the political rights of the Moslems. He said that the Moslems liked the British government, for there was "not much religious difference" between the Moslems and the Christians. But "to bow our head" before the Hindus, the slaves of another day, was unthinkable.

The striking similarity of this letter with Sir Syed Ahmed Khan's views, as discussed in Chapter I⁺, point to the latter's influence upon politically minded Moslems. The arguments of

+ See Ch.I, pp. 21-25

H.M. Ismail Khan echo the views of Sir Syed Ahmed Khan. His letter further emphasizes the community consciousness that had come to dominate Moslem thinking, and manifested itself in a deep-seated distrust of the Hindus.

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The Times in an editorial on this letter referred to the "condition of unusual tension" between the two great religious communities of India. They saw "substantial truth" in many of the arguments of H.M. Ismail Khan, and considered that this must be admitted by all who were free from "a superstitious and bigoted reverence for the latest form of modern democracy." There was, no doubt, "a large measure of truth" in the charge that "a handful of Bengalee Hindus" had misled the people in believing that the very small English-educated class "represents the silent millions who are the real people of India." They saw much significance in the "feeling of repulsion" exhibited by the "loyal and cultivated Mahomedans" against the "Europeanized Bengalees." The Times did not find it possible, however, to go the whole way with their correspondent. They conceded that something was owed to the people whom the latter had denounced. They had been taught by the British "to aspire to place, and we are bound to gratify the cravings which we have implanted in their breasts, as far as we can do so without danger to the internal tranquillity of India."

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The working of the rules for the constitution of the councils was reviewed in 1898-99 on the initiative of the secretary of state. In a despatch dated 15 September 1898 Hamilton invited the government of India and the local governments to say whether the working of the rules framed five years earlier "has been satisfactory, or whether it is considered that they call for any amendment in order to carry out fully the intentions of the legislation of 1892." ^I

Prior to this, on 30 April 1898, the secretary to the British Indian Association had addressed a representation to the Bengal government. The Association prayed that the landlords' representative on the Bengal legislative council should be nominated on their recommendation and of other duly constituted associations of landlords. They lamented that during the last five years they had not been consulted by the Lt.-governor in nominating a Zemindar on the legislative council. This they considered prejudicial to the interests of the landlords and inconsistent with their status and stake in the country. They pointed out that the hope that some local bodies would recommend landlords had not been realized, that they usually elected lawyers and persons 'strongly' imbued with Western radical ideas, "who had no sympathy with the landlords and tenants alike, and were "out of touch with the bulk of what is after all a purely agricultural community." They showed that no landlord had been recommended to the Bengal legislative council in the last two terms (1895 and 1897). They, therefore, pleaded

for an amendment of the rules to secure a better balance of representation in the Bengal legislative council by giving the landlords the right to recommend, and thus to recognise the claims of representation of "wealth, property and social position."^I

The Bengal government in their letter of 8 October 1898 to the government of India endorsed the arguments of the British Indian Association and admitted that the "great landed interest of the province has not been sufficiently represented in the council since its enlargement on the present basis."² They favoured, therefore, the allotment of a seat to associations of landlords, and proposed to take away one of the two seats allotted to the Mufassal municipalities for the purpose. One member, to be recommended by the groups of municipalities in rotation, was considered adequate for the urban classes, especially in view of the presence in the council of a nominee of Calcutta Corporation. The Lt.-governor did not think of surrendering a seat from those at his disposal. As a result, the Lt.-governor was no longer to be specifically required to nominate a landlord.

When the government of India, acting on the secretary of state's directive, invited opinions from the local governments, the Bengal government were content to reiterate the above stand.³

The Lt.-governor of North-West Provinces and Oudh found the rules adequate for the representation of the important classes and did not consider any modification necessary.⁴

1. Ibid, No.114.

2. Ibid, No.113.

3. I.P.P. July 1899, No.19
(Bengal government letter dt. 11.3.1899)

4. Ibid, No.16 (N.W.Provinces government letter dt.7.1.1899)

The Madras government gave the same opinion and thought that the rules "have worked well." Their letter discussed the interesting question of an undue preponderance of the lawyers and professional classes. They contended that the landed interest and the rural classes whether holding land in tenure from the government or the **Zemindars**, were intimately connected, in sympathy and in interest, with the lawyers. The lawyers generally sprung from these classes and their earning was often invested in land. The landed interest did not suffer therefore from their predominance in the council.

The ^hBombay government too had no suggestions for alteration. They admitted that the district local boards and municipalities, with one exception of a journalist, ⁺ had invariably recommended High Court pleaders. This they did not think "a matter for surprise." The pleaders had more wide-spread influence, extending over various districts through the hold of professional colleagues, and they had a better knowledge of "the art of canvassing." On the other hand, the local merchants or bankers or landholders had "as a rule, only a purely local influence." That the members of legal profession should fare better in the elections was thus not unusual.

The government of India, in their letter of 6 July 1899, advised the secretary of state that, except for the modifications suggested by the Bengal government, "the existing system need not be modified at present." As regards the Imperial legislative

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1. Ibid, No.17 (Madras government letter dt.31.1.1899)
 2. Ibid, No.20 (Bombay government letter dt. 12.4.1899)
- + B.G.Tilak.

council, they found that all important classes were "duly represent-
ed" and they did not consider any change necessary.

The secretary of state accepted this advice, and the Bengal
rule was amended accordingly.

This decision on the rules was not perhaps surprising. The secretary of state had professed examination of the rules only; it was not open to any government to offer suggestions materially affecting the structure of the councils. And within the strait-jacket of the Indian Councils Act 1892, the rules strove for the representation of the different interests and classes. No doubt, there were complaints and grievances over the allotment of seats; but with the few seats available for recommendation no re-adjustment would easily be possible without upsetting what appeared to the authorities a fair balance. Besides, the practical difficulty of encouraging different interests to expect any alteration in their favour must have weighed heavily with the authorities. This would lead to a crop of proposals, perhaps running counter to one another. All these considerations might have decided the attitude of the local governments. So far as the supreme council was concerned, the presence of Curzon at the head of the government of India was unlikely to stimulate any propensity to enlarge the narrow elective element in that body.

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1. Ibid, No.21
 2. I.P.P., November 1899 No.203 (Despatch dated 7.9.1899)
 - + Lord Curzon assumed the office on 6 January 1899.

The Indian Councils Act 1892 and the rules made under it constitute a decided step in the development of representative institutions in India. Alike in the resort to the elective system and the inauguration of interpellation and the examination of the government's financial arrangements, a departure from the hitherto autocratic government of India was made. Whatever might be its extent, the actual significance lay in the association of representative Indians with the legislative machinery of the country with a right to express their views on the government's activity and policy. And by implication the authorities admitted the obligation of listening to such views as far as the interest of good government permitted. Despite the safeguards surrounding the concession of election, the right of different bodies to elect their own representatives was real. They were free to make their own choice, which was accepted by the government. An interesting sidelight on the government's policy of non-interference was seen in the House of Commons on 12 July 1897. Questions were asked about the nomination of B.G.Tilak to the Bombay legislative council on recommendation. Tilak, a journalist marked for his vehemance against the government, had already suffered imprisonment for a political offence. It was insinuated that this nomination should be interfered with, a feeling which received no countenance from the secretary of state. The confirmation of Tilak's

I. Indian Parl. Debates, 1897, pp.278-279.

recommendation by the governor of Bombay, and the secretary of state's refusal to intervene were an index to the genuineness of the right of election. Irrespective of the interpretation of their detractors, the reforms conceded rights which were not compatible with any refusal to see in them the beginnings of representative government in India. In fact, as Surendranath Bherjea admitted, "the foundations of representative government" were "well and truly laid" by the Indian Councils Act, 1892.

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The reforms did not extend to all the provinces in 1893. Among the territories excluded were the Punjab and the Central Provinces. This exclusion did not gain approval in these two provinces and became a subject of controversy, with what results we will study in the next Chapter.

I. A Nation in Making - p.114.

CHAPTER VThe 1892 Act and the Central Provinces and the Punjab.

We saw in the last chapter that the government of India enquired whether in the provinces which had no legislative councils there were classes or bodies representing 'a substantial community of legitimate interests, professional, commercial or territorial.' The government wanted to ascertain the possibility of utilising them in the nomination of a member to the supreme legislative council.⁺ The Central Provinces government replied that no such classes "accustomed to collective action in promotion of their common interests" existed. Neither was there any "widely representative body", nor any "association of sufficient respect-^Iability and importance" to consult in selecting a member.

Despite this, the chief commissioner, A.P. MacDonnell, was reluctant to rely solely on mere nomination, and recognised "the great desirability of adopting some system of recommendation....." This he would achieve through the local self-government agencies, - the district councils and the municipal committees, - so as to give the member sitting on the council "a more representative character than would attach to him if selected by the Head of the Administration."² A scheme was propounded to this effect.

The province was to be divided into two zones - Northern and Southern - each consisting of two administrative divisions, on the

I. I.P.P., February 1893, No.82 (The C.P. government letter dt. 20.9.1892)

2. Ibid, (Para.3)

+ See Ch.IV, p.169

basis of well-marked differences of interests, history, race and association of the population. Among all the local bodies, the district councils fairly represented the territorial, commercial and professional interests of a division. Municipalities, as a rule, were much less representative, except in the case of the five bigger municipal committees of Nagpur, Jubbulpore, Saugor, Hoshangabad and Raipur; these five would be classed with the district councils. These bodies would be required in each zone to select for nomination two persons. They must be domiciled in, and belong to an important race or interest of, the zone selecting them. One of these four persons would be recommended by the chief commissioner for nomination by the governor-general. The chief commissioner, of course, would be free to turn down all these four persons and make an independent choice, if necessary. Thus without binding his discretion, the scheme would ordinarily ensure some representation of interests and classes of the Central Provinces population.

The government of India did not favour this scheme, and writing to the secretary of state they called it unsatisfactory. They doubted whether the best available persons would compete under such a system of election, or "whether, except possibly at the outset, sufficient interest in the proceedings would be aroused to guarantee a proper discrimination between the persons offering themselves for recommendation." They preferred simple nomination, which, as we saw in the last chapter, was approved.

1. Ibid, paras. 3-7.

2. I.P.P., March 1893, No.151 (Government of India letter dt. 22.3.1893)

The government of India's decision created disappointment. Public meetings, held at various places in the Central Provinces, voiced the demand for the privilege of recommending a representative of the province on the Imperial legislative council. Some memorials were addressed to the secretary of state to this effect, in identical terms, having, no doubt, drawn inspiration from a common source. These memorials pointed out that the absence of a representative of the people on the governor-general's legislative council deprived them of the chance of introducing any legislation in their own interest. They had perforce to depend on the initiative of the government. Also there was no possibility of removing any misunderstanding arising out of the government's activity or policy by means of interpellation. So the purpose of interpellation would not be served so far as these territories were concerned. They sought to impress upon the secretary of state the justness of their prayer by a reference to the considerable success of local self-government in the province. They particularly pointed out that elections largely formed the basis of the constitution of these bodies. In the fifty-six municipal committees elected members were seventy-eight per cent, compared with seventy-four per cent in the seventeen district councils and eighty per cent in the forty-eight local boards. All the district councils and local boards and all but one municipal committee elected their own presidents and vice-presidents. This considerable reliance on, and utilisation of, elections bore ^{testimony} ~~territory~~, they claimed, to the capacity and competence of the

people, and entitled them to recommend a person to represent them on the supreme legislative council. They further emphasized that in other spheres of activity, - for example, in education and commerce, - rapid progress was being made in the province which in no sense could be treated as backward. The memorials concluded with a request for the amendment of the rules for the constitution of the governor-general's legislative council, so as to enable the province to recommend at least one representative for that council.

In the House of Commons on 16 May 1893 in reply to a question about these memorials by Sir William Wedderburn, the Under-secretary of state, George Russell, expressed satisfaction with the plan of nomination. In his reply to the memorialists the secretary of state declined to accede to their request.

Nevertheless, it would appear that in selecting the first nominee from the Central Provinces to the enlarged supreme legislative council the local bodies were consulted. This was due to a misunderstanding, and the provincial government's ignorance of the rejection of their plan by the government of India.

The question was revived two years later on the initiative of the government of India. The provincial government stuck to their former opinion and vouched for the grievous disappointment that would overtake "a good deal of political feeling" if the local bodies were not consulted in the nomination of a representative

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1. Public letters from India 1893, Vol.I, pp.493-845. (The memorials were forwarded by the government of India to the secretary of state, under their letter dated 18.7.1893, Ibid, p.487)
 2. Indian Parl. Debates, ¹⁸⁹³ p.329.
 3. Public Despatches to India 1893, p.170 (Despatch dated 31.8.1893)

of the province. They further pointed out that the recommendation in 1893 revealed that the best available men, "whom the chief commissioner would himself have named for appointment, were nominated by the local bodies." So the new chief commissioner, J. Woodburn, was in entire agreement with his predecessor, though he preferred to simplify the process of recommendation. Since the Southern zone had been represented by the nomination of 1893, it was proposed that on the next occasion only the local bodies of the Northern zone should be consulted. From their suggestions, "the Chief Commissioner has no doubt a suitable nominee will be found." He therefore asked to be authorized to adopt this procedure at the next nomination.

The government of India did not yield. Though the chief commissioner was free to "act with or without the advice of local bodies,.....nothing like a system of election by such bodies should be introduced." In view of such intransigence, the scheme of consultation was jettisoned, and pure nomination resorted to.

This was no doubt an unpalatable development. The Indian National Congress in 1895 adopted a resolution recording an "emphatic protest against the retrograde policy" of the government of India in nominating "a gentleman for the C. P. to the supreme legislative council without asking local bodies to make recommendations....." The government were urged "to take early steps to

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1. I.P.P., October 1895, No.315 (The C.P. government letter dt. 4.10.1895)
 2. Ibid, No.316 (The government of India letter dt. 26.10.1895)

give to the C.P. the same kind of representation that it has already granted to Bengal, Madras, Bombay and the North-West Provinces.^I This demand was echoed in many a public meeting, and was regularly renewed in Congress resolutions in the following + years.

It is surprising that the Central Provinces government's plea for utilising the local bodies in nominating a member was repeatedly rejected by the government of India. The advocacy of two successive chief commissioners lent special weight to the proposal. No doubt, they were in a better position to judge how the representation of the province on the council which legislated for it could best be secured. Further, the central government's attitude was hardly in conformity with their avowed preference for clothing, if possible, the members from the provinces without legislative councils with some representative character. Though no single association or body was considered worthy of consultation in this matter, the persistence of the chief commissioners in utilising the local bodies should in all fairness have been treated with more consideration. The government of India's stand in this matter is hard to explain.

It is also significant that despite all the popular insistence on recommendation and the principle of representation, no demand was made for a separate legislative council for the Central Provinces. This province was smaller in area, in population and in income than the provinces with legislative councils. In literacy too, though rapid progress was being made, it was lagging behind those provinces.

I. I.P.P., March 1896, No.106 (Resolution XV: the resolutions were forwarded to the secretary of state by the government of India under their letter dt. 11.3.1896. Ibid No.108)
+ For example, Congress resolutions of 1896, 1898, 1899, 1900 and so on

With 59 male literates, and 2 female, out of every thousand, the province was clearly at a disadvantage. Apart from mere literacy, in other spheres of educational activity the province was far behind. Thus in 1890-91, while books published in Bengal, Madras and North-West Provinces and Oudh exceeded a thousand in each province, and in Bombay was more than two thousand, in the Central Provinces the number was a miserable thirteen. Perhaps an awareness of this weakness restrained any demand for a separate local council being pressed. It may be noted that even the Indian National Congress did not go so far as to propose a legislative council for the province. This bears out the assertion of Sir R. Temple in the House of Commons during the debate on the Indian Councils Bill on 25 April 1892 that the Central Provinces did not want a legislative council.

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The Indian National Congress adopted a resolution in 1892 declaring that "the creation of a legislative council for the province of the Punjab is an absolute necessity for the good government of that province....." In this, they voiced afresh an old demand. The first Congress in 1885 had advocated a legislative council for the Punjab, a stand supported in later sessions. This old prayer, renewed in 1892, found mention in two resolutions of the next year's Congress. In one, the Congress regretted that

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1. General Report on The Census of India, 1891 (C.7181, 1893)
 2. Indian Parl. Debates, 1892, p.248.
 - + The first chief commissioner of the C.P.
 3. Resolution XII

"the Punjab, one of the most important provinces in the Empire is still denied the right to be represented, either in the Viceroy's or in any local council.^I" In the other, the Congress mentioned again the "absolute necessity"² of a legislative council for the province. This demand was reiterated from the Congress platform in subsequent years.

During these long years the Congress speakers seemed to have assumed that the idea of a legislative council for the Punjab had all along been ignored by the official world. In fact, however, early in 1891 the Lt.-governor of the Punjab, J.B.Lyall, conceded in a note the desirability³ of having a legislative council for the province. He held that the Punjab had its own peculiar problems: these required separate legislation, which could properly be undertaken by a local council only. In this view, he claimed, he had the support of his predecessor in office, Sir Charles Aitchison. The Lt.-governor also "noticed a general feeling among the educated classes in the province." in favour of a legislative council for the Punjab. He then referred to the proposed legislation for the reform of the legislative councils in India,⁺ and said that the privileges which were sought to be conferred on the reformed legislative councils would enhance their value in the public eye and would add to the insistence of the "feeling which prevails that the people of the country should have more voice in its government." He was "confident that there will be plenty of work" for a local

I. Resolution I.

2. Resolution II.

3. Public letters from India, 1896, Vol.I, p.523.

+ Lord Cross's Bill to amend Indian Council, Act, 1861.

council, for which he had no doubt to be "able to find sufficient non-official members willing to accept office and qualified to really assist." He mentioned, in this connection, Indian members of the Bar and retired government officials. Besides, English education had rapidly spread in the recent years among the upper classes. He directed, in view of all this, that "the Government of India should now be addressed on the subject" and advised that all arrangements for the establishment of a council should be made in anticipation of the necessary legislative sanction.

The Lt.-governor's note was forwarded by the Punjab government to the government of India in August 1891, with an unabated keenness for a legislative council. In their reply the government of India referred to the impending retirement of Lyall, during whose term of office a legislative council could in no case be brought into existence in the province. They decided, therefore, that "the question should be reserved in its integrity for the consideration of His Honour's successor." Lyall's successor, Sir Dennis Fitzpatrick, vehemently opposed the idea and wrote to the governor-general, Lansdowne, deprecating the move. The matter did not proceed further then.

The intensity of Fitzpatrick's dislike of a legislative council for the Punjab can be realised from his reaction to a much more modest proposal. We saw in the last chapter the government of India's intention to nominate, if possible, to the supreme legislative

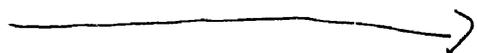
I. Ibid.

2. Ibid, p.521 (The Punjab government letter, dated 1.8.1891)

3. Ibid, p.525 (The government of India letter dated 30.9.1891)

4. Hamilton Papers, Part I, Vol.II (Elgin to Hamilton 16.6.1896)

council such persons from the provinces without legislative councils as were at least in some degree representative of some important interests. The Punjab government's reply to this stated that "Sir Dennis Fitzpatrick.....regrets to find that he is compelled to reply in the negative." His main objection to any such consultation was the antagonism between the different races and sects of the population. Any formal consultation would give rise to exaggerated hopes, doomed to disappointment, and would only stimulate "the bitterness and spirit of faction" which prevailed among them.

No wonder therefore that when in 1896 the idea of a separate legislative council for the Punjab was revived, the Lt.-governor reacted very strongly. In a note dated 10 April 1896 Fitzpatrick argued in detail against the establishment of a legislative council in his province. He said that the legislation needed for the province was "very limited" in quantity and could easily be undertaken by the supreme legislative council when meeting at Simla, for its work was then "slackest." 

I. I.P.P., February 1893, No.84 (The Punjab government letter No. 3-C, dt.31.10.1892)

+ The move was initiated by the secretary of state in his despatch to the government of India, No. Public 1 of 9.1.1896. It dealt with raising the status of Burma from a chief commissioner's province to a Lt.-governorship, with a legislative council. In the last sentence of the despatch, the secretary of state observed that "in the event of such a concession being made to Burma it cannot be withheld any longer from the Punjab." (I.P.P. August 1896 No.170). The government of India thereupon wrote to the Punjab government asking for the Lt.-governor's opinion, vide letter No.670 dt. 28.3.1896. (I.P.P. August 1896, No.171.)

The supreme council, for the purpose of legislation for the Punjab, not only received the co-operation of the Lt.-governor and other Punjab officials who sat on the council, but also had the benefit of "constant personal communication" between the Punjab officials on the one hand and the members of the supreme council and the secretaries to the government of India on the other.¹ The drafting of legislative measures received the expert attention of the government of India's Law Member and high officials of the legislative department, and altogether a "wider experience" was brought to bear on the task by the council comprising "able men from other provinces." Therefore, the Lt.-governor was "quite satisfied" with the existing arrangements: indeed, he would go further and say that he "would prefer to have it so done."²

He then examined the proposal from the point of view of "bringing Punjab opinion, official and non-official, to bear on the work of legislation."³ So far as the official opinion was concerned he would prefer to obtain it in writing. This enabled the government to consult a large number of officials, and gave the latter an opportunity to put forward their views and offer criticism with greater freedom and frankness. The rigours of official discipline put a great restraint on the official members of legislative councils, and speaking for himself, Fitzpatrick would not "allow any of my subordinates to speak in council on any important question without giving me beforehand a note of what

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1. I.P.P., August 1896, No.174 (Para.3)
 2. Ibid (Para.4)
 3. Ibid (Para.7)

they were going to say." This no doubt would reduce the council
 "very much to a sham."^I

Non-official opinion, because of the absence of any considerable non-official European community in the Punjab, meant Indian opinion. Any representation of this could only be through Indians ¹ who can be regarded as really representing important classes of the population and who are at the same time sufficiently ² educated to take an efficient part" in the work of the council. Such a combination of qualifications was considered impossible to secure in the province then. There were enough representative men, but they did not know English, and were not intellectually capable of discharging their duties through the medium of Urdu. The capable and the educated persons - for example, those whom Lyall mentioned in his note, the members of the Bar and retired officials - on the other hand, did not usually enjoy sufficient ³ social standing even for a Lt.-governor's council. For these reasons, he did not believe that a legislative council would in any way admit of a freer scope for "real Punjab opinion."

On political considerations too he found no grounds to commend the establishment of a legislative council. Lyall had spoken about the general feeling in favour of a council among the educated classes. Admitting that such a feeling existed "among a certain portion" of the educated class, he pointed out that they were "an infinitesimal fraction of the whole population", that they represented "no one but themselves", and that lacking in social

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1. Ibid (Para.8)
 2. Ibid (Para.9)
 3. Ibid (Para.10)

standing they "had little or no influence" upon their countrymen. It was asserted with "the most complete confidence" that the "mass of the people" did not bother themselves with the idea of a council. There was "no real demand" for it.^I

Further, would the people agitating for a legislative council be satisfied with its establishment? They would not receive "an effective voice in the council", a majority of whose members must be officials and "representatives of the dominant classes in the province", whom Fitzpatrick called "ciphers". The people who asked for the council would be far from happy with such conditions and would "denounce the whole thing as a palpable sham." Instead of being conciliated, they would be more dissatisfied and disgruntled.²

Finally, he opposed the proposal because a council would detract from the prestige of the Lt.-governor, which was all-important in the Punjab with many a turbulent element among its population of various religions and sects. They needed a strong hand and understood a strong hand. The open scenes of wordy warfare between the Lt.-governor and the none-too-influential Indians and subordinate officials in the council would be a puzzle to them and would undermine in their eyes the position of the executive government and the authority of the Lt.-governor.³

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The Lt.-governor's views did not find favour with the Liberal governor-general, Elgin. Referring to Fitzpatrick in a

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1. Ibid (Para.11)
 2. Ibid (Para.13)
 3. Ibid (Para.14)

private letter to Hamilton, the secretary of state, on 16 June 1896 Elgin said, "He uses arguments which, so far as they are general, would apply to all the councils in India, and as far as they have special reference to the Punjab, are met by the earlier opinions of Sir J. Lyall and Sir C. Aitchison." He confessed however that it would be impossible to launch a council in the Punjab during Fitzpatrick's tenure of office, but argued that an immediate decision might be taken to establish a council in the Punjab the next year, when Fitzpatrick would cease to be in office. The incoming Lt.-governor, faced with an accomplished fact, would not be under the obligation of differing from his predecessor.

The governor-general's conviction was not shared by his colleagues in the government of India. Writing on 21 July 1896 he informed the secretary of state of "rather a hot debate last week" which revealed as many as five members of the government differing from the governor-general and his sole supporting colleague, J. Woodburn. Replying on 14 August 1896, Hamilton wrote, "I cannot understand the objection....." "It is, however, a point upon which I am not disposed to yield", he assured Elgin, "and some means must be found" of creating the council.

In their letter dated 25 August 1896, to the secretary of state, the government of India said that they concurred with

I. Hamilton Papers, Part I, Vol. II.

+ Curiously enough, the proposal of a legislative council for Burma was approved by 5 to 2.

2. Ibid.

3. Hamilton Papers, Part I, Vol. I.

Fitzpatrick, and were "of opinion that it would be impolitic at present to establish a legislative council in the Punjab." They forwarded with it two minutes of dissent - one dated 15 August 1896 by J. Woodburn, and the other dated 24 August 1896 by Elgin.

In his minute, Woodburn contested Fitzpatrick's assertion that a legislative council would adversely affect the Lt.-governor's prestige and authority. On the contrary, he thought that the conduct of "local affairs in a manner consonant with local opinion" would strengthen the authority of the government. As to those who strove for political reform, the establishment of a council would offer them an opportunity of expressing their views in a responsible and patient way. No doubt, some "weary debates" and "foolish interpellations" would take place: these would, however, lessen with lapse of time and will all the time help to "clear the air." He asserted that "dangers in India are more in silence than in talk", because denial of a forum would drive the political discontent underground, with more injurious consequences. Woodburn also refused to agree that the step was premature: "To those who are opposed on principle to legislative councils, introduction will be at any time premature." He had no doubt that a legislative council in the Punjab would be to the local authorities an assistance of "steadily growing value", yielding "strong political advantages."

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Elgin, in his minute, spoke of Fitzpatrick as a well-known

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1. I.P.P. Aug 1896, No.177.
 2. I.P.P., August 1896, No.180.
 3. Ibid, No.182. (Elgin sent a copy of his minute to Hamilton with his letter dated 25 August 1896. Hamilton Papers Part I vol. II)

opponent of legislative councils, - a stand at variance with the government policy embodied in the Indian Councils Act, 1892. He was at one with Woodburn as to the effect on the prestige of the Lt.-governor, and expressed surprise at the use of the term "cipher" to describe representative men. He spoke highly of the then non-official additional member from the Punjab on his council,⁺ who, though ignorant of English, was doing useful work. The presence of members of his type on the Lt.-governor's council^I "would add to, rather than detract from, his authority."^I

The amount of legislation was of little account. The main object of establishing a local council was "to be assured ourselves, and to make the people feel, that those matters which enter into their daily life have been decided with due regard to their interests." And this could not be done, in the case of the Punjab, by inviting one or two members to the supreme legislative council. "Decentralisation is the only remedy,"² Elgin averred.

Dealing with the discontented section of the people, Elgin pointed out the advantage of meeting their accusation face to face in a council. No amount of open discussion would imperil the authority of the government, hence to oppose a legislative council for fear of stimulating disaffection "is to misunderstand the whole situation."⁵ Elgin, at the same time, bore testimony

+ Khem Singh Bedi.

I Elgin's Minute.

2. *Ibid.*

5 He did not deny that some hidden dangers might exist or "that the smouldering embers may some day be fanned into a flame". But this risk would be overcome not by "stifling criticism", but rather by encouraging frank discussion and by a readiness to justify "every act" of the government.

to the able and assiduous work on the legislative councils by most of "the representatives of the advanced section of Native opinion....." He concluded that a legislative council "can be safely introduced" in the Punjab.

Elgin followed up his minute in a private letter to the secretary of state on 25 August 1896. He confessed his failure to see any new argument adduced against a legislative council for the Punjab which had not already been refuted and overruled in other cases. Referring to Fitzpatrick's mention of the turbulent nature of the population, he complained that no attempt to prove this had been made. On his part, he did not believe that this could be proved at all. He thought that a real stumbling-block was the inability of "men who have grown old in the tradition of the Civil Service" to put up with the representatives of the advanced section of Indian opinion who found their way into the councils. He, however, had different views: "for my part, if these men did not find their way in by election, I should like to nominate them." On the council they were forced to behave in an orderly way and to use moderate language when complaining. Farther than this: "they are compelled in order to justify themselves with their supporters, to speak out and to show their hand." This was "exactly the sort of information that otherwise in India it is so difficult to get at." So he would not bar them from the open rostrum of a legislative council, and drive them

I. Elgin's Minute.

into "secret intrigues." Affirming that this advanced school of political agitators was not disloyal but discontented, perhaps verging on disloyalty, Elgin concluded, "it is not the talk that is really dangerous, it is the silent movement where we cannot discover ~~either~~ the motive from which it originates, or the means by which it works."

Replying on 17 September 1896 Hamilton expressed his full agreement with Elgin. He dilated on the reasons for his preference for a legislative council. Without it, the risk of "hasty or ignorant legislation" on the initiative of a benevolent, but misguided, executive was immensely larger. The establishment of a council would reduce the pliability of the legislative machinery, and to that extent would avert the possibility of unpopular legislation leading to "wide antipathy and discontent." He also referred to "the modern Civilian," who enjoying the protection of an omnipresent authority and army, was "a little too apt to try and rule regardless of native views and opinions." He regretted that an essential administrative quality, "the management of men", seemed generally speaking, "on the wane in India." No governor, with some effort, could fail to make his council agree with him. He also agreed with the Viceroy on the advantage of allowing the public expression of antagonistic views, for "to put an agitator in a responsible position, where he has to weigh his words, and can be answered" was "the best method ^{of} drawing poison from his fangs."

I. Hamilton Papers, Part I, Vol. II.

2. Hamilton Papers, Part I, Vol. I.

The Public Committee of the India Council approved by a majority of three to one the establishment of a council in the Punjab. Informing Elgin of this, Hamilton added, "The powers of the Council in the Punjab will be limited in the first instance..."^I This was probably the Public Committee's decision.

The India Council in a meeting on 1 December 1896 approved the Public Committee's draft despatch authorising the creation of a legislative council in the Punjab "in the initial form which the Statutes allow."²

The secretary of state explained in a despatch that the legislative councils were created on an experimental basis by the Indian Councils Act, 1861. When the working of the legislative councils then established were found satisfactory, the Act of 1892 "authorized a cautious extension of that experiment in the direction of greater liberty". Therefore, any new legislative council must start from the position of the earlier statute, and having travelled "over a similar course" could only be entitled to the wider basis of the 1892 Act. Hence, the members of the Punjab council "should in the beginning be simply nominated as provided in the Act of 1861, and none of the enlarged privileges, which, under the Act of 1892, may be conferred by regulation or rule, should be extended to the Council on its first constitution."³ +

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1. Ibid, (Hamilton to Elgin 30.10.1896)
 2. India Council Minutes, Vol.77.
 3. I.P.P., February 1897, No.35 (Para.3)
- + Burma also received a legislative council under similar terms.

The secretary of state also dealt with the views of Sir Dennis Fitzpatrick. He could not trace in the latter's stand any "conclusive evidence that a Province, which has not been slow in other respects in accommodating itself to the principles of our Government, will prove less capable of benefiting by a legislative council than the older provinces were in 1861." Further, the Lt.-governor had not adequately appreciated "the educational value of local legislatures." It had been the government's "consistent policy" to initiate and develop legislative councils "as an important agency in drawing out the latent capabilities of our Indian subjects, and leading them from indifference, perhaps from estrangement, into active cooperation with the Government."

The legislative council of the Punjab accordingly came into existence with nine nominated members. In the first council, four of the members were non-official Indians, one a non-official European, and the remaining four European officials. With the Lt.-governor, the officials and the non-officials were equal in strength.

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The decision to establish a legislative council in the Punjab, but on a restricted basis, met with a chorus of disapproval. It was demanded that the council should enjoy all the benefits conferred by the Act of 1892. A memorial was addressed to the

I. Ibid (Para.4)

2. I.P.P., October 1897, No.415 (Government of India to the Punjab government, 1.10.1897)

+ The Burma legislative council consisted of nine nominated members - five officials and four non-officials - and the Lt.-governor.

secretary of state to this effect by the Indian Association of Lahore. The Indian Councils Act, 1892 bore testimony to the government's belief that the elective principle was beneficent. Having thus acknowledged the utility of election, it was unjust to ignore it in the constitution of the Punjab legislative council. The memorialists strongly repudiated any suggestion that their province was backward and otherwise unfit for the wider privileges of the subsequent legislation. They pressed for the Punjab legislative council on equal status with other councils, and maintained that without the latter's enlarged powers, the former's "sphere of usefulness would be very much restricted, if not rendered altogether problematical."^I

The Punjab government in forwarding the memorial to the government of India admitted that it came from "an important body" whose "views may be held to be those of the enlightened section of the community."² They could not see their way, however, to agree with the memorialists. The government of India made no observation in sending the memorial to the secretary of state, who declined to "entertain any discussion" regarding the decision arrived at.³

This did not set at rest the demand for placing the Punjab legislative council on a wider basis. It was embodied in a resolution of the Indian National Congress in its session of 1898.

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- I. I.P.P., June 1897, No.14.
 2. Ibid, No.13 (The Punjab government letter dt. 20.4.1897)
 3. I.P.P. August 1897, No.142 (Despatch to the government of India, dt. 15.7.1897)

The Congress, while thanking the government for giving a council to the Punjab, recorded "its regret that they have not extended to the councillors the right of interpellation, and to the people the right of recommending councillors for nomination such as were enjoyed by the councillors and people in the other provinces." ^I

This was repeated in an identical resolution in the next year's Congress, and came to be frequently reiterated in the subsequent ² sessions of the body.

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It is difficult to understand the decision not to found the Punjab council under the provisions of the 1892 Act. Neither Elgin nor Hamilton foreshadowed, much less advocated, in their correspondence any such limitation. Perhaps the Public Committee of the India Council made the decision. The objection of the majority of the governor-general's executive council to a legislative council for the Punjab, coupled with the vehemence of the Lt.-governor's antagonism, might have encouraged a dilution of the concession about to be granted. But for the secretary of state's full accord with the governor-general's views and his unequivocal preference for a legislative council, the proposal might well have been doomed to nullity.

It is no less clear, however, that Hamilton, though wishing to give a council to the Punjab, was not insistent on equipping it with the fullest possible privileges. This may perhaps be explained

I. Resolution XXI

2. For example, Congress resolutions of 1899, 1900 and 1905.

in the light of Hamilton's conception of the issue. He was not imbued with any zeal for reform, and viewed the question from the angle of possible administrative and political advantages. He often expressed to the Viceroy his concern at the widening "gulf between governed and governing,"^I and acknowledged that he could not see "how under the conditions of education and press license prevailing in India it can be otherwise."² The establishment of a legislative council would be advantageous under the circumstances in several ways. As already noted, he saw in it a lessening of the chances of unpopular legislation which would unleash widespread discontent and antagonism.⁺ Further the discontented elements would be better tackled through such a council: "If they are in earnest, contact with administrative difficulties and realities is certain to sober their previous speculations, and, on the other hand, if they be dishonest and unreal, they are more likely to be detected and exposed."³ It might also have appealed to him, in face of the increasing Indian estrangement as, what he described in another connection, a move "to conciliate or win over to our side any section of influential or well-to-do native society."⁴ He was thus primarily concerned with the advantages that would come the government's way. Popular prayers for representative institutions were hardly a factor in influencing his decision.

I. Hamilton Papers, Part I, Vol.II (Hamilton to Elgin, 7.1.1897)

2. Ibid, Part I, Vol.III (Hamilton to Elgin, 21.1.1898)

+ See above p. 223

3. Ibid, Part I. Vol.II (Hamilton to Elgin, 14.5.1897). He meant the Congress, several of whose prime-movers he considered "seditious" and "double-sided" in character. (Hamilton to Elgin 24.6.1897). This was in sharp contrast to Elgin's views. Elgin considered the Congress not only essentially loyal, but seemed to accept largely the rep-
(P.T.O.)

-representative character of the Congress. (Elgin to Hamilton
31.3.1896)

4. Ibid, Part I, Vol.III (Hamilton to Elgin, 10.12.1897)

Though this might be an explanation of what happened, the decision was not taken on very strong grounds. The plea that a council should gather experience, and justify its existence, by working under the Act of 1861 before the provisions of the 1892 Act were extended to it, was hardly convincing. The persons sitting on the council would change and the new members could benefit only to a very limited extent by the experience of other persons. This was particularly so because of the too restricted scope of the 1861 Act. The members had so little to do, and enjoyed such minimal privileges that any plea of building up traditions of legislative activity would sound extremely pedantic and unreal. Again, the political ideals and loyalties of the members would usually govern their attitude. Besides, the restricted rights burdened the members of the council with a feeling of disability in comparison with their confreres in other councils. The half-hearted concession also whetted the energy of political aspirants and renewed their feeling of grievance at the discrimination between the Punjab and other provinces. This impaired too, what the secretary of state called "the educational value of local legislatures."⁺ This would be greatest if the favour granted left behind it no trail of disappointment, and the widest possible experiment was tried to bring out the latent capacity of the people of the Punjab. Surely a larger scope for this was offered by the Act of 1892.

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+ See above p.225

We have finished the first half of our analysis. Studying the inception of the idea of representative government in India, we have traced the inauguration of representative institutions in the central and provincial administration.

We shall now commence in the next chapter the second part of our study, and follow these institutions in their development up to 1909.

CHAPTER VITHE NON-OFFICIAL DEMAND FOR FURTHER REFORMS.

We saw in the preceding chapters that the Indian National Congress reflected the hopes and aspirations of the politically advanced section of Indian population. Thus the Indian Councils Act, 1892 had been preceded by certain proposals formulating Congress demands for various reforms.⁺ The Act was followed by Congress criticism of the inadequacy of its provisions.[†] Gradually this criticism yielded place to fresh proposals, beyond the scope of the Indian Councils Act, 1892. New demands were enumerated tending to widen and strengthen the scope of representative government in India.

One aspect of these new demands was the increasing insistence that the Indians must have a share in the highest executive councils. In 1898 the Congress adopted a resolution for increasing the number of executive councillors of Bombay and Madras from two to three, one of whom should be an Indian.¹ This resolution was repeated the next year.² The reason why such demands were made was explained in the Congress sessions of both these years. Moving the resolution of 1898, V. Krishnaswamy Iyer harped on the necessity of associating with the executive some person who was acquainted with the needs and wants of Indians. This would enable the governor and other members of the executive council to turn to him for advice about the state of Indian feelings and requirements, and would obviate the risk of wrong

+ See Ch. I.

† See Ch. IV.

1. Resolution XIV.

2. Resolution XII.

decisions, based on imperfect knowledge and mistaken ideas.¹ The same reason was given by the President of that year's Congress - Ananda Mohan Bose - who said that the executive councils formulated and guided the whole administrative policy and took decisions intimately connected with the well-being of the people. In the interest of correct information and efficient administration, it was necessary that an Indian should be placed on the body.² The President of the next year's Congress - Romesh Chandra Dutt⁺ - pointed out that "large and important measures of administration" did not come before the legislative councils which contained Indian representatives. He lamented that "the weakness of the present system of government is that in the decision on these administrative measures the people have no voice and are not heard at all"³ He, therefore, urged the removal of this defect by including in the executive councils Indian members representing the views of their countrymen. It may be noted that while the resolution of 1899 prayed for the inclusion of an Indian in each of the executive councils of Bombay and Madras, in his presidential address Romesh Chandra Dutt suggested throwing open the governor-general's executive council as well by appointing three Indians to that body. He also suggested the constitution of executive councils in North-West Provinces and Oudh, Bengal, the Punjab, and the Central

1. Report of 14th I.N.C. pp. 110-111.

2. Ibid, p.33.

3. Report of 15th I.N.C. p. 21.

+ Dutt was a retired member of the Indian Civil Service.

Provinces with one Indian member in each.

The Indians to be appointed thus were expected to be officials. While V. Krishnaswamy Iyer pressed the case of "a native gentleman who has risen in the service,"¹ Romesh Chandra Dutt spoke of "an Indian gentleman with experience in administrative work."²

The Congress resolutions of the subsequent years, on this subject, were not, however, confined within these limits. The basis of such demand was much enlarged in 1904. In that year a Congress resolution urged for appointment of Indians to the governor-general's executive council, and the executive councils of Bombay and Madras. The same was proposed, further, for the secretary of state's council, the India Council in London. Whereas the previous resolutions were content with placing the demand for the appointment of Indians to executive council, the resolution of 1904 prescribed also how these persons were to be selected. These "Indian representatives"³ should be nominated by the elected members of the legislative councils. This resolution dropped the suggestion of enlarging the executive councils of the two Presidencies. A resolution of the Congress of 1905 elaborated the previous year's proposal by asking for "not less than three Indian gentlemen of proved ability and experience as members of the secretary of state's council,"⁴ and prayed for the appointment of two Indians on the governor-general's executive council, and one each on the other two executive councils. Nothing was said, however,

1. Report of 14th I.N.C. p.111.
2. Report of 15th I.N.C. p.21.
3. Resolution IX.
4. Resolution IV.

about the mode of their selection. The next year's resolution reiterated these demands but refrained from indicating any number. Instead it asked for "adequate representation of Indians" ¹ on the India. Council and the executive councils.

Though the resolutions of 1905 and 1906 did not mention how the Indian members were to be selected for these councils, they were more explicit in the implication of the proposals. They claimed these concessions because "the time has arrived when the people of India should be allowed a larger voice in the administration and control of the affairs of their country." ² As such, the omission of the earlier proposal for nomination by the elected members of the legislative councils was not very significant. Instead what stands out is the demand for an Indian share in the executive control and formulation of administrative policy of the country. The earlier justification of such demands on the ground of placing the Indian view-point and correct information before the executive council was not invoked. Stress was really on the right of the Indians to be represented on the higher executive agencies of the country.

With regard to the legislative councils as well demands for far-reaching changes were made in the Congress. Romesh Chandra Dutt in his Presidential Address of 1899 said that it was high time for the expression of Indian views and representation of Indian opinions to

1. Resolution IX.

2. Resolution IV. 1905.

have a fuller scope. He proposed enlargement of the legislative councils, and hoped that "in the not remote future"¹ every district would send a member to the legislative council. He was careful to arm the head of the administration with power to veto, if necessary, the majority decision of such enlarged legislative councils. These proposals, along with pleas for wider financial powers for the councils, were embodied in a resolution of the Congress of 1904. The resolution asked for "an enlargement of both the supreme and ^{provincial} legislative councils - increasing the number of non-official members therein, and giving them the right to divide the council in all financial matters coming before them, - the Head of the Government concerned possessing the power of veto."² The mover of the resolution spoke of the small size of the legislative councils which did not afford scope for due representation of the various interests, Many territorial divisions, "with their own peculiar wants, and manners and customs", remained without representation in these councils. It was high time for taking decisive steps to secure "a more adequate representation of the classes of people that hitherto remained unrepresented".³ Regarding Budget discussion, he said that so far this privilege had proved to be "a fiction and a farce". No attention was paid to non-officials' arguments in the legislative councils, and their speeches,

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1. Report of 15th I.N.C. p.21.
 2. Resolution IX.
 3. Report of 20th I.N.C. p.182.

howsoever able, "produced no effect upon the policy and the administration" of the government.¹ He claimed that the reforms of 1892 had fulfilled their limited purpose, and it was now urgently necessary to take further steps "in the direction of popularising" these institutions.²

The President of that year's Congress, Sir Henry Cotton - the former Chief Commissioner of Assam - too spoke of the necessity of enlarging the councils. He advocated the increased association in the councils of "those noblemen whose position and status in the country entitle them to be recognised as legislators". Cotton was outspoken: he pointed out that India was "an aristocratic and conservative country", and "any attempt to democratise Indian institutions is calculated to result in failure".³ He advocated, therefore, a move to accord in the legislative councils a greater recognition to the nobility, and to "ensure for them a share in the responsibilities of administration commensurate to their rank".⁴ Cotton was, however, isolated in this stand: there was little support for him from other speakers at the Congress.

In 1905 a resolution was passed proposing enlargement of legislative councils, which the Congress recommended to achieve by increasing the number of the non-official and elected members so that

1. Ibid p. 181.
2. Ibid, p.182.
3. Ibid p. 43.
4. Ibid p.44.

the councils could be "more truly representative of the people, and the non-official members thereof may have a real voice in the government of the country." ¹ The resolution also restated the case for dividing the councils on financial matters, and repeated the safeguard of arming the head of the government with a power of veto. The President of the Congress of 1905, Gopal Krishna Gokhale, claimed that in the supreme legislative council of twenty-five, the elected members - Indians and Europeans - should number twelve; in the provincial councils, each district should send a member. He also made a plea for the budgets to be formally passed by the legislative councils, and would empower the members to move amendment. ² The mover of the resolution, J. Chowdhury, referring to Gokhale's speech made manifest his distrust of non-official Europeans. He regretted that they had no real sympathy with Indians. The non-official half of the supreme council should not, therefore, include them. ³ Surendranath Banerjea, speaking from several years' experience as a member of legislative council, supported the resolution because the permanent official majority in the existing councils rendered it impossible for the non-official members to make their influence felt. ⁴ Attention may be drawn to the fact that neither the Congress resolutions nor the speakers at the Congress indicated how the larger number of members was to be elected. This differed from their practice before the 1892

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1. Resolution II.
 2. Report of 21st I.N.C. p.16.
 3. Ibid, p.24.
 4. Ibid, p.29.

Act, when the details of the electorate were mentioned.⁺ The Congress silence on this issue now could not but be calculated: it was perhaps deemed a tactical advantage to adopt a policy of 'wait and see', thrusting the responsibility on the authorities.

The Congress of 1906 called for the immediate "expansion of the Supreme and provincial legislative councils, allowing a larger and truly effective representation of the people, and a larger control over the financial and executive administration of the country."¹ For the first time, a Congress resolution specifically claimed for the legislative council a control over the executive. This only reflected the change that had come over the ideal of the organisation. In 1899 R. C. Dutt could discern in the increasing association of the people of India with the government of the country "not only the wisest but the only possible path" available.² But he was at pains to explain, "We do not wish for the absolute control of the administration of the country"³ A few years later, another retired civilian - Sir Henry Cotton - from the same pulpit, the Congress Presidential chair, expressed a different conception of India's future. He saw autonomy as "the keystone (also) of India's destiny," and envisaged its emergence by a gradual development. He foreshadowed "the establishment of a federation of free and separate states, the United States of India, placed on a fraternal

+ See Ch. I, pp. 13-15, + p. 40 ff

1 Resolution IX.

2. Report of 15th I.N.C. p.23.

3. Ibid, p.21.

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footing with the self-governing colonies, each with its own local autonomy, cemented together under the aegis of Great Britain." ¹
 This reflected a change in the goal of the followers of the Congress. In the same year, 1904, a delegate - Jehangir B. Petit - spoke of self-government as a "birth-right" of all human beings, and considered it "long over-due" for Indians. ²

The next year, Gokhale, in his presidential address declared the goal of the Congress - to attain a form of government "similar to what exists in the self-governing colonies of the British Empire." ³
 In a message Dadabhai Naoroji advised the Congress "never to rest but to persevere with every sacrifice till the victory of self-government is won." ⁴ Though the ideal was self-government, Gokhale admitted that it could only be attained by gradual advances, by passing through "a brief course of apprenticeship" at each stage. ⁵ It was necessary for Indians to acquire "through political training and experiment" the responsibility requisite for the proper exercise of the political institutions of the West. ⁶

At the Congress of 1906 Dadabhai Naoroji presided. He dealt with the ideal of the organisation. His approach to the issue rested on the claim that Indians were British citizens, and were entitled to all the rights of British citizenship. What were these? He answered,

1. Report of 20th I.N.C. p.37.
 cf. Sir H. J. S. Cotton, New India, p.12.
 2. Ibid, p.197.
 3. Report of the 21st I.N.C. p.13.
 4. Ibid, Appendix I.
 5. Ibid, p.13.
 6. Ibid, p.14.

"Self-government or Swaraj, like that of the United Kingdom or the Colonies",¹ and affirmed "In self-government lies our hope, strength and greatness".² He did not, however, seek any immediate grant of self-government. What he advocated was "a loyal, honest, honourable and conscientious adoption of the policy for self-government for India - and a beginning made at once towards that end."³ Thus he endorsed Gokhale's ideal of self-government by instalments.

Dadabhai Naoroji also answered the objection to parliamentary institutions for India on the ground that the vast majority of the Indian people were not ready for such far-reaching reforms. Even in Britain parliamentary government was introduced before all the people were fit to participate in it. "We can never be fit till we actually undertake the work and the responsibility,"⁴ he said, and pressed for "a good beginning" in the reform of legislative councils - "such a systematic beginning as that it may naturally in no long time develop itself into full legislatures of self-government like those of the self-governing Colonies."⁵

In enunciating this ideal of autonomy, both Gokhale and Dadabhai Naoroji evinced no desire to sever the British connections. India was to remain in the Empire, but as a self-governing unit. Gokhale assured his hearers, "the Congress freely recognises that whatever advance we seek must be within the Empire itself".⁶ Naoroji was even more

1. Report of 22nd I.N.C. p.21.

2. Ibid, p.33.

3. Ibid, p.28.

4. Ibid, p.24.

5. Ibid, p.23.

6. Report of 21st I.N.C.p.13.

emphatic on this point. As already noted the whole structure of his aspirations stood on the belief that Indians were British citizens. In this context can properly be understood an item of demand in the Congress resolutions of 1904 and 1905, claiming for each Indian province the right to return two members to the House of Commons at Westminster.

The declaration of self-government as the Congress goal did not satisfy a wing of extremist politicians. The political temperature of India had been on the rise for several years. Curzon's + regime in India intensified the hostility to the authorities among a section of the population, and also precipitated the demand for self-government. His unimaginative handling of the nationalist sentiments and far too obvious contempt for the Congress raised doubt as to the utility of constitutional agitation of the Congress pattern. The partition of Bengal in 1905* added immeasurably to the unpopularity of the government.

+ Lord Curzon. (1859-1925): A Conservative in politics, Curzon, while still a student at Oxford, evinced his keen conviction of the Imperial destiny of England. From 1883 to 1894 he undertook on seven separate occasions travels which helped him to acquire "an unequalled personal knowledge of the countries bordering upon British India." Years strengthened his faith in Imperialism and to some extent imparted rigidity to his mental outlook regarding Britain's dependancies. He was appointed Under-secretary of State for India in November, 1891, in which capacity he piloted the Indian Councils Bill of 1892 through the Commons. In June 1895 he was appointed Under-secretary for Foreign Affairs under the Prime Minister, Lord Salisbury. Member of the Privy Council at the early age of thirty-six, Curzon was appointed governor-general of India when he was hardly forty. (D.N.B.)

* Eastern Bengal and Assam was constituted a separate Lt.governor's province with a legislative council of fifteen members: nominated 9 not exceeding seven officials; elected 6 (Municipal and district boards 3, Association of Landholders, 1, Association of Merchants 1, and Chittagong Port Trust 1.)

among the most politically conscious section of the people. Unrest developed and outburst of violence manifested the depth of antagonism of a section of people. By 1907, Bombay, Bengal, the Punjab and Madras had been the scenes of such violence. The Japanese victory over the Russians appeared to many as symbol of victorious Asiatic resurgence, and fired their imagination. The popular movements in Turkey, Iran and Egypt had their impact on Indian nationalism. Within the Congress, a radical wing gained strength which put all its strength in the Swadeshi movement, launched at the time for encouragement of indigenous industry and manufacture. While the moderates adopted the Swadeshi programme for the sake of Swadeshi, the extremists valued it no less as an effective and powerful weapon to injure the British commercial interests in India. Their tone towards the British was bellicose and bitter: in this they were distinct from the moderates. From the latter they gradually drifted and ultimately wrecked the Congress session of 1907, at Surat, amidst rowdyism and disorder. They then left the Congress fold, and disseminated their particular political philosophy from a separate platform. Among the intractable leaders of this school were B. G. Tilak and B. C. Pal, - the former a Maharashtrian, the latter a Bengali, and both of them journalists.

The principal characteristic of the new thinking was the belief that the British Government would not willingly yield any real power to Indians. Tilak said that history had no record of an empire being ever lost "by a free grant of concessions by the rulers to the ruled." No theoretical realisation of right or wrong would sway the

authorities; only what was absolutely necessary in the light of prevailing circumstances would be conceded to the Indians. Hence the Secretary of State, be he Conservative or Liberal, would always be guided by consideration of practical politics in dealing with Indian demands. The only real pressure on the government at Westminster could be exercised by the British electorate. But why should they bother about India? It was also impossible to convert them to the Indian view-point. So Tilak considered any appeal to the government, to the bureaucracy, and even to the British public - the last, an important plank on the Congress platform - futile. He would therefore abjure the Congress policy and adopt a new method. What was it? "It is the hope of achieving the goal by our own efforts,"¹ said Tilak. The British authority in India was maintained by a handful of white men, whose mainstay was the assistance and co-operation of innumerable Indians in the day to day work of the government. He advocated a policy of "self-denial and self-abstinence in such a way as not to assist this foreign government to rule"² over Indians. He recommended the political weapon of boycott: "the remedy is not petitioning, but boycott."³ He had in his mind not only non-co-operation with the government in performing administrative duties, but also envisaged refusal to use British goods, refusal to pay taxes,

1. B. G. Tilak, Two Remarkable Speeches, p.6.

2. Ibid, p.9.

3. Ibid, p.7.

avoidance of the government's courts of justice, and setting up of parallel popular courts for deciding issues between Indians.⁺

The goal of the new party was self-government; "We want a control over our administrative machinery."¹ So the difference with the Congress was really on the method of achieving this goal. Tilak had little respect for the Congress plea for increased representation; "More representation would do no earthly good."² He said that this would only lead to the publication of a few more speeches. But though he would not bargain for half-way houses, he would not reject them. He wanted self-government immediately, no doubt, but "if I cannot get the whole, don't think that I have no patience. I will take the half they give me and then try for remainder."³

Bipin Chandra Pal was no less a powerful votary of the new faith. He too spoke of the loss of the old belief that "England was conscientiously and deliberately working for the political emancipation of India."⁴ The government would not listen to the prayer of the Indians, and "the loss of faith in the foreign nation, in the foreign Government, and in the foreign people,"⁵ had led to a feeling of despair. They had realised that "England will not think of granting us any measure of real self-government until she is compelled to do so."⁶

+ Remarkable indeed is the similarity with Mahatma Gandhi's method. It may be noted here that the Congress approved of boycott movement in 1906 as a protest against the partition of Bengal. But the Congress adopted boycott as an emergency measure, following the failure of all constitutional and peaceful opposition to partition. (See resolution VII of 1906 Congress).

¹. Ibid, p. 8. ². Ibid, p.13. ³. Ibid, p.9.

⁴. B.C.Pal, Speeches at Madras, p.8. ⁵. Ibid, p.17. ⁶. Ibid, p.38.

Irresistible pressure of public feeling could only make the authorities relent. But how could that be brought about? This could not be by the timorous agitation of the Congress. They had therefore to look elsewhere. This had made them "to look nearer home" and had revealed possibilities and potentialities in "the starving, the naked, the patient and long-suffering three hundred millions of Indian people." ¹ "The corner stone" of the new movement, he declared, was "faith in the people, faith in the genius of the people." ²

Declaring that "Freedom is man's birth-right", ³ Pal approached the task ahead from two different angles. One was the way of boycott. They would not only draw away from the administrative machinery, but would offer increasing resistance to the government. This resistance was to be "passive", but he explained that "passive resistance is not antonym of active resistance..... It means not resistance that is not active resistance, but resistance that is not aggressive resistance." ⁴ And he proposed organisation of parallel national institutions, to set up "a scheme of practical self-government," to replace the "officialised institutions of self-government" in the country. ⁵

His second approach was to treat the attainment of self-government as a psychological problem. India was under the influence of "hypnotism," and invoking the Hindu scriptures, he called the maintenance of British authority in India maya⁺ /- "to dispel this

+ Illusion.

1. Ibid, p. 17.
2. Ibid, p. 18.
3. Ibid, p. 25.
4. Ibid, p. 79.
5. Ibid, p. 80.

illusion" that Indians were weak and unfit.¹ There was neither weakness nor any disorganisation in the national life; this was all illusory. The new movement was essentially "a spritual movement",² aimed at infusing in Indians the right knowledge about their strength and making them see that the British sovereignty in India was mayaic in character.

Referring to the Congress ideal of self-government without severing the British connections, he ridiculed this as impossible. Either there would be no real British paramountcy or there would be no real autonomy. He saw a perpetual conflict between Indian and British interests, in every phase of national existence. Hence any real advancement was impossible under the British aegis: "this ideal of self-government within the Empire, this policy of association with, and opposition to, the Government, this policy of helping to smooth down the rough places of the administration will not do."³ Swaraj could never be a gift. It must be the outcome of a process of evolution, and brooked no conception of petitioning a superior power dispensing with this boon.

Bipin Chandra Pal was opposed to any instalments of concessions to the people by the government. These helped to palliate the wrongs of the administration and to induce in the people a feeling of

1. Ibid, p. 21.

2. Ibid, p. 24.

3. Ibid, p. 48.

"generous acquiescence" to this authority. The government must not be allowed to "capture the mind of the masses", for howsoever benevolent may be the administration, "good government is not only no substitute for self-government, it is an exceedingly evil thing when the authority of the state rests in the hands of an irresponsible power."¹ On this ground he had no sympathy with the demand for enlargement of legislative councils. He declared that the new movement "refuses to continue, if it can help it, for one single day, in the present state of helpless dependency to which the benevolent despotism of England has reduced the people of this country. It accepts no other teacher in the art of self-government, except self-government itself. It values freedom for its own sake, and desires autonomy, immediate and unconditional, regardless of any considerations of fitness or unfitness of the people for it; because it does not believe serfdom, in any shape or form, to be a school for real freedom in any country and under any conditions whatever."²

The study of the extremist views will remain incomplete, however, without a mention of Aurobindo Ghose, whose influence extended throughout India.⁺ Holding that their ideal was "Swaraj or absolute autonomy free from foreign control,"³ he explained that this did not necessarily mean any hatred for the rulers or the ruling race. On the contrary, true patriotism "proceeds on the basis of love and

1. Ibid, p.58.

2. B. C. Pal, The New Spirit, p.236.

3. Aurobindo Ghose, An Open Letter to his Countrymen, p.2.

+ In after life, he became famous as the Sage of Pondicherry for his spiritual leadership.

brotherhood, and it looks beyond the unity of the nation and envisages the ultimate unity of mankind." ¹ They sought unity of equals and freemen, not that of master and serf.

Violence and hatred were not the means to achieve this end. Law would be respected, but within its limits no pains were to be spared to further their cause. They relied on self-help and passive resistance. 'Boycott', which had raised so much controversy, did indeed partake of the nature of both. In its aspect of passive resistance, boycott meant a refusal of co-operation so long as the Indians were not admitted "to a substantial share and an effective control in legislation, finance and administration." "No control, no co-operation" was their watch-word: they refused to be a party to foreign exploitation of the country's resources, nor to the foreign control of national existence. In its other aspect, boycott intended "to help our own nascent energies in the field of self-help." ² Indian industries could flourish only if the people stopped purchasing foreign goods: other national enterprises could survive only if support was withdrawn from their government sponsored counterparts.

Ghose too believed in the latent ability of the people to achieve Swaraj. Asserting that "moral strength" of Swaraj was invincible, he urged his countrymen to accept nationalism as a faith.

1. Ibid, p.3.

2. Ibid, p.4.

"Nationalism is not a mere political programme; Nationalism is a religion that has come from God; Nationalism is a creed into which you shall have to live." ¹ It was not political self-interest which moved them. They were trying to realise God in the three hundred million of Indian people. "It is a religion which we are trying to live." ²

As to reforms, if these really made for popular government, he welcomed them as an instalment towards complete self-government. But he would not reconcile himself to "any petty or illusory concession which will draw away our aspirations from their unalterable ideal, or delude the people into thinking they have secured real rights": on this issue he was not ready to compromise with the Congress. ³

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While the extremists thundered against the Congress because its programme did not go far enough, there were other sections of the population who blamed the Congress for rash advocacy of occidental machinery in an oriental setting.

The strongest opposition to the Congress came from the Moslems. We traced in the preceding chapters the growth of Moslem antagonism to the Congress, which had resulted in a deep-seated disbelief of Congress motives. The Moslems thought of the Congress mainly as a Hindu organisation, whose objects were opposed to the interests of the

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1. Aurobindo Ghose, On the Present Situation, p.2.
 2. Ibid, p.17.
 3. An Open Letter to his Countrymen, p.7.

Moslems. Their antagonism to the Hindu was intensified by a series of riots throughout the country in the nineties of the nineteenth century originating in a movement under the auspices of the Gaurakshini Sabhas, for the protection of cows from slaughter, In December 1899 the Anti-Congress Committee submitted a memorial,¹ forwarding a series of resolutions adopted at a meeting at Lucknow under the organisation's auspices. The report of the meeting reveals no trace of Hindu participation in the proceedings. The organisation^{was} for all purposes purely Moslem.

They claimed that the Congress stood for a handful of radical men, as against the vast majority who were conservative by instinct, and for whom the memorialists spoke. They averred that the Congress agitation was resulting in "discontent and unrest", and was "subversive of the best interests of British rule in India."² Further, it had created "a daily widening gulf between the rulers and the ruled, as well as between different sections of the people." In view of these considerations, they proposed that, in the interest of more equitable representation, the seats on the legislative councils as also the local bodies should be allotted separately to the radical and conservative sections of the public, according to their numerical strength. This would avoid a disproportionately large representation of the radical elements. The Congress was blamed for "adumbrating political changes

1. Public Letters from India, 1900, vol.27, pp. 149-152.

2. Ibid, p.153.

for which the country is not prepared,"¹ because "democratic theories are wholly unsuited to the country."² The Congress policy was injurious to the interests "of the Natives in general and specially of those who are in numerical minority, foremost among whom are the Mahommedans ..."³ They feared that the introduction of democratic institutions in India would lead to the minority communities being "carefully excluded from all the 'sweets of office'."⁴

This distrust of the overwhelming Hindu majority had come to be the decisive factor in the Moslem politics. The departure of Curzon and the assumption of Viceroyalty by Minto⁺ along with the advent of the Liberals at Westminster with John Morley at the India Office brought in their train favourable signs for political changes in India. It got about that the Viceroy had set up a Committee of his Executive Council to examine the possibility of further reforms.

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1. Ibid (Resolution III)
 2. Ibid (Resolution II)
 3. Ibid (Resolution I)
 4. Ibid, (Resolution II)

+ Lord Minto (1845-1914): Lord Minto had ancestral connection with India, his great-grandfather was governor-general of India, and his mother's father was commander-in-chief of the Madras army. Minto joined the army, and saw active service in many parts of the world including Afghanistan. He was not politically inclined. The only endeavour he made to enter the House of Commons as a Liberal-Unionist in 1886 did not succeed. He was governor-general of Canada from 1898 to 1904. He was marked for his moderation and tact. In fact, these traits of his character were considered likely to be of much use when he was selected to succeed Curzon, whose tenure of office in India had given rise to a host of controversies. (D.N.B.)

Apprehending that the Moslem claims might not be fully appreciated, a powerful deputation, led by the Aga Khan, waited upon Minto at Simla on 1 October 1906. In their address, the Deputation made an emphatic assertion that "we Mohamedans are a distinct community, with additional interests of our own which are not shared by other communities," and regretted that hitherto they had not received a fair share of representation. They claimed that their position under any future scheme should be "commensurate not merely with their numerical strength, but also with their political importance and the value of the contribution which they make to the defence of the Empire," their traditions and status in the country before the British regime must be taken into consideration. They demanded that the government should declare the proportion of seats which the Moslems were entitled to in the different legislative councils. Further, the Moslem members should be elected by electoral colleges consisting only of Moslem voters. In determining the proportion of Moslem members in a provincial council, the authorities were urged to weigh their "numerical strength, social status, local influence and special requirements." As regards the supreme legislative council, they submitted that a due representation of Moslem interests demanded that the proportion of Moslem representation must not be fixed solely on the basis of numerical strength; "in any case the Mohamedan representative should never be an ineffective minority." As far as possible, Moslem members of the supreme council were to be selected by

I. The address was printed in the Pioneer, 3 Oct, 1906.
 + They claimed the same rights on district boards and municipalities.

election, as against nomination. They also indicated how the electorates for Moslem representation could be formed. For the provincial council it might consist of "the important Mahomedan landowners, lawyers, merchants and representatives of other important interests, the Mahomedan members of District Boards, Municipalities, and the Mahomedan graduates of Universities of a certain standing....." For returning members to the supreme council, a similar electoral college was recommended, including Moslem members of provincial councils and Moslem Fellows of Universities, but excluding members of district boards and municipalities, and graduates. The Moslem Deputation thus went a step further than the Congress in prescribing the franchise for election to the legislative councils.⁺

At the same time, the Deputation pressed for the appointment of a Moslem in the governor-general's executive council, in case admission of Indians into it was under contemplation. The address concluded with an assurance that these concessions would, apart from strengthening Moslem loyalty, lay "the foundation of their political advancement and national prosperity."

Two very important innovations in the sphere of political discussions in India were thus introduced. One was the idea of separate representation, through electoral colleges consisting of members of a particular religious faith only; the other was apportionment of seats on the legislative councils on grounds other than the numerical proportion of a community. Though

+ See above p. 237

dissatisfaction with the prevailing state of representation in the councils had been, all these years, expressed by different classes and interests, the idea of separate representation had not been put forward for very long. It sprang from a desire to deny the Hindus any say in the election of Moslem representatives. This would also make it unnecessary for the latter to court Hindu support, and consequently to fear an alienation of Hindu sentiments. By pressing for increased representation on considerations of other than numerical strength, the Deputation in reality asked for a favoured treatment for the Moslems, necessarily at the cost of some other community or interest. It may be noted that this authoritative Moslem statement omitted any protestation of unsuitability of democratic institutions in India, - an argument which had so long been the sheet-anchor of Moslem opposition to the Congress ideals. This was, no doubt, due to the indication that, if anything, the authorities would, far from retracing their steps, go further in the direction of representative government in India.

The significance of these demands was greatly heightened by the reply which the governor-general gave to the Deputation. He sympathized with "the just aims of the followers of Islam" and conceded, "You justly claim that your position should be estimated not merely on your numerical strength but in respect to the political importance of your community, and the service it has rendered to the Empire." Any personal enfranchisement regardless

I. Lord Minto's reply was published in the Pioneer, 3 Oct. 1906.

of the beliefs and traditions of the different classes of the people was bound to fail in India. He was, therefore, "entirely in accord" with the Deputation and assured the Moslems that their political rights and interests "as a community" would be safeguarded in any future reforms.

This was a momentous declaration, naturally much relied on by the Moslems ever since. Fortified and encouraged by such a recognition of their stand, the Moslems sought for them a country-wide political platform. In December 1906, the All-India Muslim League came into being, with the object of protecting and furthering the political rights and interests of Moslems, besides promoting among them "feelings of loyalty to the British Government." The President in his address identified the Moslem cause with that of the British. The safety of Moslems lay in loyalty to the government, he declared, and deprecated the Congress practice of "rabid opposition to all Government measures." The Nawab of Dacca, a prominent architect of the new organisation, affirmed that the new body had been forced upon them by the Congress extremism. They wanted "to save themselves from being submerged by an enormous and noisy majority of the other race".

Henceforward the Moslem view-point was placed with increasing vigour. In March 1907, in the presence of Gokhale, a prominent Moslem politician spoke of the increasing estrangement between the Hindus and the Moslems and charged the Congress with wilfully belittling many of the benefits of the British rule. In the

I. The Times. 2 January 1907.

+ Nawab Mohsin-Ul-Mulk. He spoke at Lucknow at a breakfast in honour of Gokhale.

governor-general's legislative council, on 27 March 1907, the Nawab of Dacca spoke of the Moslem consternation at the possibility of being "completely swamped" by "more educationally advanced communities...."¹ For the better prospect of "the peace and prosperity of the country", he appealed that not "the microscopic minority of English-speaking natives alone", but the Princes, Chiefs and the landed gentry should be invited to guide and advise the government.² The latter had a larger stake in the country, and would, therefore, be more mindful of the well-being of the people.

At the second annual session of the League in January, 1908 great stress was laid on the Moslem loyalty to the government. In April, 1908 a special general conference of the League pressed for adequate separate Moslem representation on the legislative councils, local bodies, Senates etc., and decided to open a branch in London under the chairmanship of Ameer Ali, an ex-Judge of the Calcutta High Court. On 6 May 1908 the inaugural meeting of the London branch of the League was held. Thus the League, in consolidating the Moslem organisation, provided itself with means to controvert the Congress stand and assert its own at every stage.

It may be noticed that the Moslem politicians were concerned primarily with the immediate ends in view. Not that the future did not unfurl itself to their eyes. They never questioned the continuation of British supremacy in India. On the contrary, they considered it necessary and wholesome. Thus the Aga Khan, the

1. Parl.Papers 1907, 140. (p.190)
2. Ibid, (p.191)

first elected President of the League, deprecated "the setting up of false and impracticable ideals." Swaraj could only follow achievement of homogeneity, and unity of ideal. For that India had still to travel a long way, and must, during this probation - this phase of preparation - be under a strong and stable government. Obviously, the British government had to stay, and Swaraj was not possible of attainment in the visible future. He exhorted his followers: "British rule - not only a titular supremacy, but a vigorous force, permeating every branch of the administration - is an absolute necessity. Therefore, I put it to you that it is the duty of all true Indian patriots to make that rule strong." ^I

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What was the attitude of the Anglo-Indians towards all this? Theirs was a powerful voice in the Indian affairs, and their viewpoint the only important body of public opinion in India which remains to be studied. For apart from the Congress, the Extremists, the Moslems and the Anglo-Indians, there was no other body of opinion which assumed sizable proportions in India at the time. No doubt, sporadic letters were published in newspapers on the subject of representative government. But they scarcely possessed the qualities of popular backing, novelty of approach, or even of eminence of their authors to deserve any consideration. Interested public opinion in India at the time, - as distinct from the vast masses beyond whose intelligent perception and participation the issues were, - may be fitted into the pattern of one of the four schools of thought mentioned above.

The exponent of the most vigorous non-official Anglo-Indian opinion in India was, of course, the Pioneer. With an inherent dislike of reforms in India and antipathy to the Congress, they challenged the authority of the Congress to speak for the Indian people. The masses whom the Congress feigned to represent knew little of it, and the Pioneer saw in the Congress movement the outcome of the ambitions and aspirations of a small class of educated men. The clamour for reforms came from "the very few....^I who would benefit by the changes that are demanded." But even the Pioneer's persistent hostility to the Congress sometimes seemed to flag, as when they admitted that the Congress "does represent a great and important volume of native thought and merits careful study and attention."² They would not, however, be a party to any change which would confer on the educated an effective control of the Indian affairs. On what did the educated classes base the claim to be put over the millions of their countrymen? They had neither the right of conquest nor of hereditary claim, nor any advantage of natural leadership, not even a reputation for impartiality and ability to promote harmony between the rival divisions of the Indian population.

In fact, to the Pioneer the lack of homogeneity was the **greatest** bar to the introduction of representative government in India. It constituted also the soundest logic for the continuance of the British authority, because under its strong and firm influence, "which treats all with equality and refuses to look

I. 28 December 1906.
2. 20 January 1907.

I

with more favour upon one than upon others," the old differences and antagonism had almost disappeared. The first duty of the British rule was to protect the rights of every race, "to act as a guardian to a minor,"² and to gradually fit the masses, by spread of education, to work their own destiny. Till then the British could not divest themselves "of the sacred obligation to maintain for the minorities that perfect equality of justice"³ which the British alone were capable for the present to guarantee to all. They had no doubt whatsoever that a rash application of Western methods would "almost inevitably result in the creation of a Hindu domination." This would upset the good relations which had been brought about between the different classes, and would particularly be a source of danger to the Moslems. The old enmities would raise their heads again, and endanger the peace of the country. The government must prevent any race domination, and hence "the crude principle that 'the majority must rule' cannot be applied to India."⁴ Because of all these risky possibilities and dangers, they concluded, "It is only within the limits of British supremacy that means can be found for satisfying all the reasonable aspirations of India for many years to come...."⁵

Coming to the specific demands of the various political schools, they concurred with the Moslems that the latter represented a much greater force in the life of the country than ~~the~~ number seemed to indicate. They accepted the special position of the

I. 3 October 1906.

2. 9 February 1907.

3. 24 February 1907.

4. 20 January 1907.

5. 24 February 1907.

Moslem community, in view of their tradition, share in the defence of the Empire, strength and intelligence. And because they apprehended that the grant of "purely Western methods of election and representation" would revive racial jealousy and antagonism, they endorsed the Moslem demand for representation commensurate with their importance so that their interests might not be at the mercy of a ruthless majority.⁺ Two essential principles must be embodied in any change for placing the government upon a more representative basis. The first was the "recognition of the great racial and religious distinctions which make it impossible to reduce the whole population to a common classification" and the second was that any elective system must rest on a narrow franchise, on educational, social and property basis. While commending these to the government, the Moslems were assured that their rulers were "wise enough to see the prudence and also the justice of reciprocating" the sentiments of the Moslems, "whose loyalty is one of the greatest bulwarks of the Indian Empire."^I

The declared Congress goal - self-government on Colonial lines - was denounced as impracticable. The Colonies were the children of the empire, jealously guarded by the parent country "until they shall be great enough not only to protect themselves but to help also in the protection of the motherland."² India was not a child of the empire in that sense. Besides, the Colonial

+ They did not seem to have any qualms of conscience in accepting the right of the Moslem Deputation to speak for the Moslem masses.

1. 3 October 1906.
2. 28 December 1906.

type of democratic self-government presupposed "a fair degree of homogeneity, some common aspirations, and above all, a common national spirit." ^I How did Indian conditions parallel this unity? They were even more explicit on what was considered an invidious comparison between India and the Colonies. Echoing the views of Sir Alfred Lyall, ⁺ an eminent Indian civilian who upon retirement found a place on the India Council, it was pointed out that the Colonists were transplanted Britons, and their political institutions were necessarily imported from the mother country. There was no question of experimenting with untried tools. Reproduction in a colony of British institutions was a natural, "instinctive and habitual" process. But without a radical change in the social and moral circumstances of the country, the inauguration of such machinery in India would be a senseless imitation, "a mere mockery, a mere burlesque of democratic institutions." This did not mean that no form of popular association was possible in India. There was useful scope for "consultative bodies." ² They, therefore, advised the agitators to drop the impossible ideal of Colonial self-government, and instead harness their energy and will to the promotion of indigenous industries, and removal of social and moral evils.

Such advice did not, however, manifest the feelings of another section of the Anglo-Indian community, which had different ideas.

I. 9 February 1907.

2. 29 March 1907.

+ As expressed in a speech in Caxton Hall, London, in 1907.

They did not discern any difficulty in the simultaneous promotion of political and industrial aims in India. There was no incompatibility between politics and industry. On the contrary, "the two generally march hand in hand." There was every reason why "the industrial progress of the people ^I of India and political reform should go hand in hand." They went so far as to say that much of the Anglo-Indian antagonism to the nationalist aspirations sprang from a clash of interests, - industrial, economic and political.

Again, they did not castigate the Congress claim to "represent all parts of the country and all classes, races and creeds." They accepted it as "substantially true." Even though undeniably the Congress was composed of the educated, and specially the English educated, classes of the population, there was not the slightest indication that "it is devoted to the advocacy of measures conceived in the interests of a class and not in the general interest....." There was no reform, advocated by the Congress, which "would not be affirmed by a large majority of the people of India if the opportunity of passing judgment on it were afforded them." ² It was indisputable too that India had gained, and was showing every day, a definite consciousness of her national destiny.

How had it come about? This awakening was the outcome of the British policy of education in India. The very aim and justification of education was to instil in human hearts a feeling of discontent

1. The Friend of India & Statesman, 5 January 1905.

2. Ibid.

with the existing order, a restlessness for wider scope for the developing individuality. The Indian aspirations for larger participation in their own administration had sprouted from what the British themselves had taught the Indians. Now "to look with alarm on the success of our policy is to condemn the collective wisdom of the statesmen who have in our name governed India for the past century." The only remedy open was to bestow on the educated classes concessions of a degree of political liberty in proportion to their education.

But the nature and extent of this concession must depend upon the political capacity, the sense of public responsibility and the degree of judgment displayed under trying conditions in the school of practical experience. The higher the order of these accomplishments, the more speedy would be the process of emancipation. This delineation of the political remedy naturally led them to conclude that the Congress ideal of Colonial self-government "for many years to come must of necessity partake of the character of 'pious opinions.'"²

Nor was this in conflict with the proclaimed Congress readiness to attain their goal gradually, by instalments. The opinions of this school of the Anglo-Indians was thus as conspicuous for a wide measure of sympathy with the Congress, as for abstaining from any reference to the various difficulties propped up to oppose further reforms. This perhaps shows the growing appeal of the Congress. Nor was this extraordinary.

1. Ibid, 23 May 1907.

2. Ibid, 3 January 1907.

The Congress ideals were rooted in Western origins; their method of constitutional agitation was a product of the British political practice: the Congress leaders - for example, Naoroji, Banerjea, Gokhale - swore by eminent British political philosophers. All this must have struck the constitutional instincts of the Anglo-Saxon. How could these but make some impression? There was too close an affinity between the Congress and the British traditions, to warrant a perpetual refusal to relent.

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While such excited debates centred round the issue of reform in India, in England too there was some enthusiastic public discussion. The keenest supporters of the reform were the British Committee of the Congress, and the Indian Parliamentary Committee.⁺ These two organisations worked in very close collaboration, and derived sustenance from practically the same source. Apart from some work of publicity through press, the British Committee gradually receded more and more in the background, leaving the Indian Parliamentary Committee to wage the main battle for Indian reform. Naturally it was in Parliament that the support for Indian reforms was mostly voiced. But before we proceed to consider that it may briefly be noted that the Minority Report of the Royal Commission on Indian Expenditure - appointed in May 1895 - made the following

+ Indian Parliamentary Committee was founded in 1893 with Sir William Wedderburn as Chairman and Herbert Roberts, later on Lord Clwyd, as Secretary, for the purpose of promoting combined and well-directed action among those interested in the Indian affairs, in Parliament. It was not committed to any definite programme, but enlisted the support of as many members as possible under a general promise of attention and sympathy. The Committee was reconstituted after the Liberal triumph in 1906 under the Chairmanship of Sir Henry Cotton. (Ratcliffe, Wedderburn)

among other recommendations:- (1) Non-official members of the Viceroy's legislative council to be made more directly responsible to the Indian people; to have the right to move amendments to the budget and to divide the council. (2) Indians to be nominated to the secretary of state's council, and at least one Indian to the governor-general's executive council. The Minority Report was signed by Sir William Wedderburn, Dadabhai Naoroji and W.S.Caine.

The Congress demand for opening the India Council and the executive councils to Indians found ready backing. In the House of Commons on 4 March 1897 Sir William Wedderburn broached the subject of including in the India council "an experienced and representative Indian." ^I Three years later, Samuel Smith repeated the plea "so that the Secretary for India may have the power of consulting a native of India on points which natives alone can perfectly understand." ² On another occasion, he suggested the appointment of "three or four eminent natives of India" on the India Council. ³ Herbert Roberts, requesting "the appointment of one representative Indian on the council of the Secretary of State," ⁴ pointed out that such a step while giving to the Indian no decisive voice in the council would be a much-appreciated concession to the Indian opinion. These views were more fully pressed during the discussion of the Council of India bill in 1907. Of the various amendments moved in the House

1. India Parl. Debates, 1897, p.113.

2. Indian Debates, 1900, p.76.

3. Ibid, 1905, p.329.

4. Ibid, 1904, p.358.

of Commons, one urged that there must be at least two Indian members on the secretary of state's council, whereas another sought to ensure that any Indian so appointed must be an elected member of a legislative council in India. The latter amendment, its mover explained, was intended to exclude unquestioning upholders of authority.⁺

Similar pleas were made for including Indians in the executive councils. On 20 June 1904 Schwann requested that "at least one representative and experienced Indian member"^I should be appointed to the Viceroy's executive council. Herbert Roberts too sought an undertaking from the secretary of state that "he would at all events consider the desirability of appointing at least one Indian representative on the Viceroy's Council."² Samuel Smith during the discussion of the Indian budget in the House of Commons in June 1905 called the government of India "as purely bureaucratic as that of Russia," and said that the "time had come when the ablest and best of the Indian people should be associated with ourselves in the government of the country."³ He wanted that the governor-general should have at least one Indian member on his executive council.

While the inclusion of Indians in the highest administrative councils constituted an important item among the reforms demanded, the real emphasis was on broadening the basis of the administration

+ It must be remembered that at this time the secretary of state made no secret of his intention of placing Indians on his council.
 1. Ibid, p.256.
 2. Ibid, p.357.
 3. Ibid, 1905, p.328.

of the country. In 1899 a suggestion was made to make all the legislative councils of India elective, and to extend "a franchise for that purpose, to all British subjects, native or foreign born, who are taxed for the necessities of Indian Government."^I In 1903 Osmond Williams regretted that India was in the grip of "unsympathetic Imperialism." Pointing to the "cast-iron exclusion of the natives from all participation in the government of their own affairs" he thought it "a poor policy"², and wondered: "Was there no statesman to remove this devastating and blighting Imperialism from India and give the people of India some voice in the management of their own affairs!"³ Two years later Cathcart Wason referred to the spread of education and Western ideas in India, along with the demolition of the barriers of language and distance. Was it not anomalous that in face of such changes, the Indians should be denied any say in the administration of their own country?⁴ The argument was pursued the same day with much more vigour by Samuel Smith. He emphasised that the reactionary administration which India had witnessed during the last few years, if not given up, would alienate the sympathy and sentiments of the people and create great difficulties in future. What they needed was really an overhaul of the machinery of government. The Indian people had been trained to some extent in self-government in the existing legislative councils, and the time had arrived "to give India some

I. Ibid, 1899, p.329.

2. Ibid, 1903, p.359.

3. Ibid, p.360.

4. Ibid, 1905, p.324.

I

moderate form of representative government."

In 1906 Herbert Roberts moved an amendment to the motion for an address in reply to the King's Speech. Referring to the unrest in India "due to the recent policy of the Government" it represented among other things "that the reasonable demands of the Indian people for a larger share in the administration of their affairs should receive the consideration of the Government."² These demands as outlined in the address of the President of the Indian National Congress of 1905, were:- (a) Raising the number of elected members in the supreme legislative council to twelve out of twenty-five; (b) Increasing the number of elected members in provincial legislative councils; and (c) Appointment of three Indians on the India Council. These proposals were not considered excessive. He explained that the amendment sought to secure "an extension of the principle laid down and conceded by the Indian Councils Act, 1892."³ No majority of elected members in the councils was asked for; but there must be adequate arrangements for the Indian point of view to be put forward on matters of local administration.

Supporting Robert's amendment, Sir Henry Cotton said, "We had given education to the people of India, and it was impossible now to go on indefinitely refusing the concessions they demanded."⁴ The education that the British had devised for Indians had planted in

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1. Ibid, p.328.
 2. Ibid, 1906, p.31.
 3. Ibid, p.18.
 4. Ibid, p.21.

their minds Western habits of thought and kindled in their hearts many aspirations. The reactionary regime of Curzon, culminating in the partition of Bengal, "had galvanised the people into a condition of dissatisfaction and unrest."^I All these influences had transformed the Indian scene, and "it was necessary not only to appreciate the changes that had taken place but to prepare for further changes!"² For no system of administration could be beneficial to the people and conduce to their contentment if it did not "foster the self-reliance of the people and encourage their aspirations to realise their destiny through their own ^{exertions.} ³ actions."

Much the same line was taken by T.Hart-Davies.⁺ "A new spirit,⁴ a new feeling" had engulfed India, which now boasted a considerable population trained in Western ideas by Western education. He assured the House that it was now "absolutely impossible for us to go on refusing to give them an adequate share of the government of their own country."⁵ In the House of Lords, Ampthill, an ex-governor of Madras, gave his "firm opinion" in favour of some decided step "to meet the hopes and aspirations which we ourselves have encouraged among the educated classes of India."⁶

Amidst this chorus of support for Indian reforms, a new note was struck with the growing hold of the extremists in India and the increasing unrest. The necessity of buttressing the position

1. Ibid, p.23.
2. Ibid, p.21.
3. Ibid, p.22.
4. Ibid, p.38.
5. Ibid, p.39.
6. Ibid, p.305.

+ Hart-Davies was an ex-member of the Indian Civil Service: he retired as Judicial Commissioner of Sind in 1897.

of the moderate politicians in India, as against their extremist critics, was urged. In the House of Commons the secretary of state was reminded of "the danger lest the party of constitutional agitation in India, by too long delay on the part of His Majesty's Government in moving forward in the desired direction, should be discredited, and that forces should be let loose in India which might in the future create a situation of political danger."^I

The same consideration was urged on Morley by Sir William Wedderburn in a letter in March 1907. The position of the Moderates - the followers of the Congress - was weakening, because they had nothing to point out in support of their assurances that by constitutional agitation the government would be persuaded to listen to them. "The popular feeling was that of hope deferred; the heart of the people was getting sick." The extremists were gaining. Time was passing. Some steps must be taken immediately; "unless some overt move were made, the best opportunity for action would be lost."²

We may briefly notice here another proposal of reform that was put forward. W.S.Caine on 20 October 1902 brought to the secretary of state's notice the advantage of reviving the Imperial council - consisting of certain leading Indian Princes which had been established by Lytton in 1877, to secure their views and advice on general matters of state. On 21 June 1905 Sir Mancherji Bhownagree, an Indian member of the House of Commons,

1. Ibid, p.249.

2. S.K.Ratcliffe, Wedderburn, p.143.

renewed this suggestion. Such a body would enable the government of India to consult on important public questions those who by virtue of their large stake in the country and their responsible position were ^{entitled} ~~certified~~ to be taken into confidence and consultation by the paramount power.^I"

Before we leave the consideration of the public support accorded to the Indian reforms in Britain, we may also notice another school of opinion - much weaker than the above - which lent its full support to the cause. It came from the extreme left and brought to bear upon the issue the vigour and force which characterized its approach to all issues, domestic and foreign. In a meeting in 1907, H.M.Hyndman, the socialist leader, made a scathing criticism of the British regime in India. A resolution which he piloted expressed full sympathy with, and sent greetings to "the agitators all over India, who are doing their utmost to awaken their countrymen of every race and creed to the ruinous effect" of the British rule. It recorded the "fervent hope that this infamous British system which crushes all economic, social and political life out of 230 millions of people will, ere long, be peacefully or forcibly swept away for ever."² He complained that under the British, India had gone poorer and an all-sided declension had set in. It was time for vigorously protesting "against this shameful system of despotism,"³ and to do our best to help the people of India if they try to remove our misgovernment."⁴

I. Indian Debates, 1905, p.352.

2. H.M.Hyndman, The Unrest in India.¹

3. Ibid, p.15.

4. Ibid, p.16.

The sixteenth annual conference of the Independent Labour Party, under the chairmanship of Ramsay Macdonald, also adopted a resolution which, after a mention of the dire poverty of the Indian people and the "reactionary nature" of the administration, declared "sympathy with the aim of the Indian Congress", and favoured entrusting the people of India with "more effective control over their own affairs."^I

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While within the House of Commons was heard the most ardent support for Indian reforms, there was also some opposition to them there. Major Evans Gordon, with twenty years' experience of service in India, assured the House on 21 June 1905 that "in ninety-nine cases out of a hundred the dumb multitudes of India,"² would prefer an Englishman to an Indian in a high position. He made an appeal on a later occasion that the House must not be swayed by the Indian National Congress which did not represent the people. Concession to the Congress demands would not lead to a betterment of the people's conditions, but would only benefit the persons who cried for the reforms.⁺ Another member, Rees, exhorted the House to realise that "representative institutions had never been desired by the inhabitants of India."³ There was no evidence of a popular demand for the same, and introduction of a representative system would be regarded by the masses as putting them "under the heel"⁴ of the educated classes.

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1. The Times, 22 April 1908.
 2. Indian Debates, 1905, p.335.
 3. Ibid, 1906, p.253.
 4. Ibid, p.254.

⁺ J.D.Rees - formerly of the Indian Civil Service: retired in 1900 as Resident, Travancore and Cochin.

The ablest exponent of this point of view was Percy, the Conservative ex-parliamentary secretary to the India Office. He considered that "it would be rash to take the experience of the last fourteen years " of the working of the 1892 Act "as affording adequate justification" for further reforms.¹ He was convinced that any endeavour to "govern by majorities"² in India was doomed to failure. This was not due to the backwardness of education and political training of Indians. He discerned that the impossibility lay "in the two facts which are at the root of the Indian problem, and which differentiate it from any other." The first was the lack of a homogeneous Indian nationality. India was really "a *Congeries* of races animated to a large extent by different and even antagonistic ideals," only deterred by the strong British rule from a resort to force and violence to settle the conflict. The second overriding difficulty was that among these races, "nature has chosen to assign the qualities that make for physical predominance to the races which are neither intellectually the most versatile nor the largest in point of numbers." So the introduction of majority rule in India, under the circumstances, must mean "the government of the strong by the weak, a government which could not exist for a day except by the support of the British bayonets."³ Hence so far as India was concerned, they must have in view good government, and not self-government. He could not welcome any reforms which would give the Indians a share in the

1. Ibid, p.51.

2. Ibid, 1907, p.190.

3. Ibid, p.191.

control of policy. The Indians, of course, could be useful in the councils, but these must remain advisory bodies and should guarantee adequate representation of the minorities. Such representation "must be based to some extent on racial and religious qualifications,"^I for which purpose he suggested creation of special constituencies.

While the opposition of a section of the British opinion was thus voiced in the House of Commons, it was focussed with much more vigour in the columns of the Times. Resenting "the folly of pouring new wine into old bottles," a tendency among democratic thinkers to consider "the fundamental doctrines of their political creed as immutable and universal truths" was regretted. These principles were not applicable in all places and in all societies. "To the great bulk of the population of Asia, they are simply unintelligible."² Their traditions and the conception of authority ingrained in them made them believe only in a system of rule from above. They had no faith at all in imposing constitutional restrictions on their rulers. In view of this, despite the clamour of agitators, British rule in India "is a good and just rule as it stands." Any rash application of the democratic tenets "would infallibly plunge India into a chaos more hopeless and more destructive than the Mutiny itself."³

They pointed out that agitation for reforms was limited to "the merest fraction of the population". This was sustained by a

I. Ibid, p.195.
 2. The Times, 5 September, 1907.
 3. Ibid 24 December, 1907.

very small part of the Hindus of the town. The Moslems held themselves aloof from this movement, which they viewed "with mixed feelings of suspicion, apprehension and disgust." The Rajputs, a large proportion of the Sikhs, the bulk of the population in the native states, had no truck with the propagators of reform. The Congress, no doubt, "expressed the aspirations of a considerable number of able Indians," but could never claim to speak for India. They, therefore, advised the organisation to "abate its arrogant pretensions" and to reduce its programme to limits that are possible. For India was not yet fitted for any general form of elective self-government, and "the period when her peoples will be so fitted is not even in sight." A long way had to be traversed, and many obstacles surmounted, before self-government could be achieved. Prior to the various communities being left free to mould their own destiny must be demolished the barriers that kept them apart. Racial and religious jealousies must be curbed and the social system rid of many evils. To these tasks of preparation for self-government, "thoughtful and prescient Indians" were advised to devote themselves.

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We have noticed above how the lack of homogeneity of Indian population loomed very large on the discussion of Indian affairs. It is interesting to note that eminent persons closely concerned with India held divergent views on this issue.

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1. 5 September, 1907.
 2. 30 December, 1907.

Sir Henry Fowler, the ex-secretary of state, said in the House of Commons on 8 August 1899 that there was no such thing as an Indian nation. "India consists of a large number of separate nations, of people of different creeds and races, residing in different climates, and exposed to opposing influences, and it would be impossible to weld them together as one nation." There had never been and there would never be a common Indian nationality. This view was strongly supported by Sir John Strachey, the eminent Indian official. On the opening page of his book India he asked, "What is India?" The reply he gave was, "There is no such country, and this is the first and most essential fact about India that can be learned." He considered it impossible that the feeling of a single Indian nationality would ever grow.

Yet, Sir Henry Cotton, also an eminent Indian Civilian, in the revised edition of his book New India, published in 1904, said, "the political problem in India is the growth of an Indian Nation." And how did it grow? "It is education, and education according to English methods and on the lines of Western Civilization, that has served to unite the varying forces among the Indian populations. No other bond of unity was possible...."

D.Smeaton, an ex-Indian Civilian, said in the House of Commons in 1906 that it was "a grave misapprehension" to say that there was no "Indian people" or "Indian public opinion." "The people of India

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1. Indian Debates, 1899, p.410.
 2. Sir John Strachey, India, p.2.
 3. Sir H.J.S.Cotton, New India, p.2.

were very easily moved in the mass when aroused by any sentiment, anger or affection....." ^I The Indian people had collective views, he asserted.

This conflict of views, as we saw in the preceding chapters, permeated every stage of discussion of Indian reforms. The approach to the problem of representative government in India was largely correlated with the way the co-existence of the different races, religions and ideologies was interpreted. While some saw in them an insurmountable barrier for Indian people to coalesce, others perceived an underlying common sentiment - 'unity in diversity' in Vincent Smith's famous phrase.

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We have studied in this chapter the attitude of important sections of public opinion in India towards the issue of further reforms. We have also considered the reaction of various sections of non-official opinion in England. In the next chapter, we shall see how the problem was faced by the government.

I. Indian Debates, 1906, p.41.

Chapter VII.

The shaping of the Morley - Minto reforms.

Curzon was an extraordinary man who brought to bear upon his work in India an indomitable zeal for reform, combined with uncommon capacity for work. Unfortunately, much of his merit was eclipsed by intolerance of criticism and tactlessness - a defect which, bad enough in all, is dangerous in a statesman and administrator. This was particularly injurious in India where the rulers and the ruled were separated by every conceivable barrier, and where an influential section of the enlightened population evinced every day keener political aspirations. To Curzon the role of the British in India was one of benevolent guardianship, and allowed of little partnership between the rulers and the ruled in the administration. Political concessions, he held, "could only hinder Great Britain in the discharge of the task committed to her hands."¹ He did not think that "the salvation of India is to be sought on the field of politics" without further intellectual and moral advancement. The "perpetual clamour for constitutional change" only imperilled such progress.² The "true salvation" would not be won "by political controversy" or "by rhetoric"; it "must be created within."³

I. E.L.Turnbull and H.G.D.Turnbull, Gopal Krishna Gokhale, p. 70.

2. Lord Curzon in India, p. 143.

3. Ibid, p. 498.

Quite early in his tenure of office Curzon writing privately to Hamilton, the secretary of state, drew up a formidable list of reforms which he was bent on carrying out.¹ It was characteristic of him that he set forth only schemes of administrative reform, and never broached any subject even remotely resembling a political reform. To him "efficiency of administration is a synonym for the contentment of the governed."² He ignored popular sentiments and aspirations with unflinching indiscretion. He publicly declared, "A benevolent despotism that yielded to agitation would find that, in sacrificing its despotism, it had also lost its benevolence."³ He was, therefore, "very careful to do nothing that may give colour to the idea of concession to clamour or of a native victory."⁴

Naturally, he was hostile to the Indian National Congress. The compliments the organisation paid him left him cold, and the hopes the Congress built upon him, he was "afraid that it will be my duty to shatter."⁵ He would not concede to the Congress "any right to pose as the representative of more than a small section of the community,"⁶ and he saw it "rapidly sinking into insignificance."⁷ In this view he was fully supported by Hamilton, who thought that "the

1. Hamilton Papers, Part II. vol. XIII (C to H. 23-3-1899)

2. Lord Curzon in India, p. 142.

3. Ibid, p. 30.

4. Hamilton Papers, Part II vol. XIII (C to H, 2-3-1899)

5. Ibid, Part II Vol. XIX (C to H. 3-1-1901)

6. Ibid, Part II Vol. XVIII (C to H, 18-11-1900)

7. Ibid, Part II Vol. XIX (C to H, 21-2-1901)

influence of the National Congress is waning fast", and ascribed this largely to Curzon's hold upon and "sympathy" with the Indian people.¹ It was not surprising then that Curzon affirmed that "the Congress is tottering to its fall, and one of my greatest ambitions while in India is to assist it to a peaceful demise."²

Such being his attitude to the Congress how could Curzon be expected to take kindly to any of the main Congress demands! When on 10 January 1900 R.C. Dutt met him and submitted "in apparent seriousness" a proposal to appoint Indians to the executive councils, only the "political absurdity" of the claim struck him; he told R.C. Dutt "frankly that the idea was, in my opinion, quite out of the question."³ That the Viceroy saw nothing but absurdity in this claim was in keeping with his antipathy to opening the higher services to Indians. In a letter to the secretary of state, he spoke of the "extreme danger" of the system of competitive examination, under which an increasing share in the posts "that were meant and ought to have been exclusively and specifically reserved for Europeans, are being filched away by the superior wit of the native in the English examinations." In this he saw "the greatest peril" confronting the British administration in India.⁴

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1. Ibid, Part II Vol. V (H to C, 13-12-1900)
 2. Ibid, Part II Vol. XVIII (C to H, 18-11-1900)
 3. Ibid, Part II Vol. XVI (C to H, 11-1-1900)
 4. Ibid, Part II Vol. XVII (C to H. 23-4-1900)

As for the secretary of state, while he admired the Queen's Proclamation of 1858 as a fine piece of English, he also wrote of "the extreme difficulty of giving effect to the academic utterances as to equality of races,"¹ which it contained.*

The only move concerning the structure of representative government that Curzon made during his term in India was consequently not one calculated to foster popular hopes. In September 1902 he initiated a proposal for appointing to the Imperial legislative council a small number of ruling chiefs. They were to be a class apart from the other non-official additional members and known as "extraordinary members of the legislative council."² The nominations, for one-year term, were intended "as a compliment" to the chiefs, and also calculated to help them by participating in the proceedings of the government. Curzon thought, however, that any amendment of the Indian Councils Act of 1892 would offer the House of Commons an opportunity "to move amendments, advocating all sorts of extensions of an impossible character."³ He was eager to bar any proposal "for an extension of the class of ordinary members with whom the legislative council is now filled."⁴

1. Ibid, Part I Vol. II (H to Elgin, 7-5-1897).

2. Ibid, Part II Vol. XXIV (C to H, 22-10-1902)

3. Ibid, Part II Vol. XXIII (C to H, 10-9-1902)

* The Proclamation of 1 November 1858: "And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to office in our service, the duties of which they may be qualified by their education, ability and integrity duly to discharge." (A.B.Keith- Speeches and Documents on Indian Policy- 1750-1921- vol. I p.384.)

Even this modest proposal was not carried out. Apart from the pressure of business in the House of Commons, the secretary of state was averse to increasing the number of Indians in the council. On certain issues they might combine and defeat the government. It was essential that there must be "a majority of white men upon your Council." He was also apprehensive of the Congress accusation of "trying to pack the Council," and was not sure that the native princes "would dare to vote on the side of the government" on controversial issues at the risk of vehement public criticism and abuse.^I So Curzon's proposal came to nothing.

It can well be imagined that there was no love lost between Curzon and politically ambitious Indians. In fact, his regime witnessed the strengthening of extremist feelings in the country.* His withdrawal from the Indian scene was welcomed by the nationalists.

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The new Viceroy, Minto, was not inhibited by any preconceived ideas about Indian affairs. He came with a more or less open mind. Within a few months he was aware of the forces at play in the country. Unlike his predecessor, he recognised the utility of cordial relations between the authorities and the moderate elements within the Congress.

I. Ibid, Part II Vol. VII (H to C, 8-10-1902)

* See ch. VI. p. 241

But he did not approve of the entire organisation and saw "much that is absolutely disloyal" in the Congress movement.¹ He was searching for "a possible counterpoise to Congress aims."² With the lapse of time he found that his "doubts as to the genuineness of Congress aims are growing."³

The new Liberal secretary of state, John Morley*, pointed out that "most great popular movements" like the Congress harboured many questionable people. He reminded the Viceroy that "it will mainly depend ^{upon} ourselves whether the Congress is a power for good or for evil."⁴ "The only chance" was to do their best "to make English rulers friends with Indian leaders," and at the same time to try their

1. Countess of Minto, - India, Minto and Morley, p.28.
2. Ibid, p. 29.
3. Ibid, p. 99.
4. Viscount Morley, Recollections ii, p. 171.

* John Morley, afterwards Viscount Morley of Blackburn (1838 - 1923): Son of a surgeon, Morley was destined for holy orders; but life at Oxford disinclined him for a clerical career. After a few years' free-lance journalism in London, he became editor of Fortnightly Review in 1867. Under him the paper was soon to be an influential liberal organ, marked alike for its boldness and originality of views. Morley indeed came to be known for his pronounced radicalism. 1880 saw him as the editor of the Pall Mall Gazette. Entering the House of Commons in 1883, Morley was appointed Chief Secretary for Ireland in Gladstone's ministry in 1886. He favoured a policy of conciliation and advocated Home Rule. From 1892 to 1895 - again as Chief Secretary for Ireland - he helped the Liberal government to pass the Home Rule bill. His tenure at the Irish Office earned him reputation for his sympathetic and generous handling of the Irish nationalists. He was appointed Secretary of state for India when the Liberals returned to power in 1905: he assumed office on 12 December 1905. He was raised to the peerage in 1908- (D.N.B.)

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utmost "to train them in habits of political responsibility."
 "Cast-iron bureaucracy won't go on for ever," and it was up to
 them to ensure that whatever change was necessary in the circum-
 stances should come "slow and steady"². At the same time Morby
 explained that he did not think it either possible or desirable
 to "transplant British institutions wholesale into India." That
 was "a fantastic and ludicrous dream."³ Universal suffrage could
 not be introduced in India, nor could she be placed on the same
 footing as the self-governing colonies. "But the spirit of English
 institutions is a different thing."⁴ It was possible to transplant
 into India "the spirit, the temper, the principles and the maxims
 of British institutions!"⁵ There was no escape from it, for the
 British constituencies would insist "on the spirit of their own
 political system being applied to India."⁶ Even though in no
 foreseeable future the government in India could detract from
 "the personal and almost absolute element," there was no reason
 why the great experiment of combining a strong and effective admin-
 istration with "free speech and free institutions" should not be
 tried.⁷

Minto too recognised the need of a change. He could not
 reconcile himself to the "impossible Congress ambitions," but he
 perceived in the growing strength of the educated classes "the most

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1. John Buchan, - Lord Minto, A Memoir, p.289
 2. Recollections ii, ~~p.173~~ 173
 3. Indian Debates, 1906, p.236
 4. Recollections ii, ~~p.173~~ 173
 5. Indian Debates, 1906, p.236
 6. Recollections, ii ~~p.173~~ 173
 7. Indian Debates, 1908, p.238

important factor" to deal with. These people, "perfectly loyal and moderate" in their views, were justly desirous of a greater share in the administration of the country. The authorities could expect "much assistance" by recognising them. Ignoring them would only be driving them "into the arms of Congress leaders."^I

Both the governor-general and the secretary of state being thus in a mood to welcome change, the process of reforms only waited to be set in motion. On 15 June 1906 Morley, writing to Minto, wondered "whether we could not now make a good start in the way of reform in the popular direction." The reforms he suggested to the Viceroy were "the extension of the Native element in your legislative council; ditto in local councils; full time for discussing Budget in your L.C. instead of four or five skimpy hours; right of moving amendments."² Officials were of course to remain in a majority in the councils. He also hinted at the possibility of appointing an Indian to the governor-general's executive council. Morley's next letter to Minto was pervaded by a sense of urgency in initiating the reforms, and he desired the move "to be directly and closely associated" with the Viceroy.³

The governor-general set up a committee of his executive council by 15 August 1906, to consider the question. In a note to the executive council he described the political atmosphere as "full of change"; the government were faced with questions which they must attempt to answer. He further pointed out that "to me it would

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1. India, Minto and Morley, p.104.
 2. Recollections, ii p.174
 3. Ibid, p.175.

appear all-important that the initiative should emanate from us; that Government of India should not be put in the position of appearing to have its hands forced by agitation in this country, or by pressure from home.^I The committee had four members, - Sir Arundel Arundel (Chairman), Sir Denzil Ibbetson, E.M.Baker, and H.E.Richards.

Minto enumerated in a minute the subjects for the committee's consideration; "(a) A Council of Princes, and, if this is not possible, might they be represented on the Viceroy's Legislative Council? (b) an Indian Member of the Viceroy's Council; (c) Increased representation on the Legislative Council of the Viceroy and of Local Governments: and (d) Prolongation of the Budget Debate. Procedure as to presentation of the Budget and powers of moving amendments."²

Minto wrote to the heads of the provinces informing them of this committee and inviting their views and suggestions regarding the legislative councils. He laid emphasis on the representation of different communities and interests, and asked if they had "secured full and efficient representation "in the legislative councils under the prevailing system. Asking for "suggestions for the extension and improvement of the present system," he wanted to ascertain specially "whether it is desirable to provide further for the representation and association in the government of the country -- (a) of the great landowners and hereditary aristocracy,

I. Lord Minto, A Memoir, p.240.

2. P. Mukherji, Indian Constitutional Documents, i, pp.252-253

and (b) of the Mohammedan Community, and if so, in what manner?"^I
 Further, was it advisable to increase the number of members on the provincial legislative councils? He did not raise in this letter the issue of opening the executive councils⁺ to Indians.

It is known that the Arundel Committee's report was placed before the governor-general's executive council, and certain proposals for reform were embodied in a communication to the secretary of state, dated 21 March 1907. Unfortunately, this letter is not available to us. There is no doubt that it dealt, apart from the enlargement of legislative councils, with the question of appointing Indians to the executive council. Minto drew up a minute covering this letter. In it he explained his stand on the shape the British authority should take in India. The welfare of India depended upon the permanence of British rule, and he was no advocate of representative government "in the Western sense of the term" for India. "The Government of India must remain autocratic." But they were also, he asserted echoing Morley, "trustees of British principles and traditions," and as such were "bound to consult the wishes of the people and to provide machinery by which their views may be expressed as far as they are articulate." How could these two apparently conflicting principles of administration be reconciled? The answer lay in fusing the principle of "autocracy", derived from the Hindu and Moslem rulers of the country, and the principle of "constitutionalism", derived from the British, into a "definite system of government into what may be called a 'constitutional

I. Burn's collection, i.p.1 - Minto to Sir James LaTouche, Lt.-governor of U.P., 27.8.1906. (The North-West Provinces and Oudh was given the new name of United Provinces in 1902.)

+ For sake of convenience, we shall consider this separately later in this chapter.

autocracy...." Different from the despotism of the Asiatic rulers, it would bind itself "to govern by rule, which admits and invites to its councils representatives of all the interests which are capable of being represented, and which merely reserves to itself, in the form of a narrow majority, the predominant and absolute power which it can only abdicate at the risk of bringing back the chaos to which our rule put an end." In trying to model a constitution"based on the traditions and practice of both English and Indian rulers," they must endeavour to "satisfy the legitimate aspirations of the most advanced Indians." At the same time, they must enlist "the support of the conservative element of Native society." To the problem of fashioning a governmental machinery conforming to this principle the only answer was to "call to our counsels the people over whom we rule."^I

This letter of the government of India was considered by the secretary of state in council. Morley also placed it before the Cabinet on 3 May 1907. The cabinet approved most of the proposals regarding the legislative councils. The secretary of state replied to the government of India in a despatch dated 2 August 1907. Unfortunately again, the text of this despatch is not available to us. On its receipt the government of India formulated with Morley's approval the reform proposals in a letter dated 24 August 1907 addressed to the provinces.² It may be reasonably said that this letter contained those proposals of the government of India's letter of 21 March 1907 which were approved at Westminster.*

I. Ibid, pp.110-111.

2. Parl.Papers, 1907, cd.3710.

+ Cd. 3710 (1907) Telegram from secretary of state to Viceroy 23 August, 1907.

* This letter, as also the government of India's letter dated 1.10.1908, and the secretary of state's despatch dated 27.11.1909 - to (P70)

which references are made later on - have been reproduced in full in P.Mukherji's Indian Constitutional Documents, vol.I, pp.254-326.

The government of India based their case for further reforms on the spread of English education and the intellectual fitness which this education had imparted to a growing number of Indians. During the last twenty years education had spread widely, and had "penetrated to circles which a generation ago had hardly been affected by its influence." The ruling chiefs, the landholders and the commercial classes had profited by education, and were now anxious for "an opportunity of expressing their views on matters of practical administration." Hence any scheme of constitutional reform, in order to meet the requirements of the time, must provide for the representation of the landed aristocracy, the mercantile and industrial classes and "the great body of moderate men, who, under existing conditions, have no sufficient inducement to enter political life and find but little scope for the exercise of their legitimate influence." The masses could not yet be represented except through those, officials and non-officials, who knew their needs and sentiments, and were qualified to speak for them. It was hoped that the proposals would bring "all classes of the people" into closer relations with the government. At the same time, it was made clear that the scheme did not "contemplate any surrender or weakening of paramount British power in India"; the executive authority of the government must be maintained "in undiminished strength."^I

The proposals were expected to increase the opportunity for the people to acquaint the authorities with their feelings and wishes, as also to afford the government adequate facilities to explain their measures and policies to the people. The infrequent
I. Ibid, para.2.

sessions of the legislative councils were deemed insufficient, particularly for the latter purpose; to remedy this, Advisory Councils were to be set up, both at the centre and in the provinces.

The idea of Advisory Councils seems to have been Minto's. In May 1906, while the thought of a counterpoise to the Congress was hovering in his mind, Minto had already conceived the idea of a body composed of native chiefs and other big men.

The Imperial Advisory Council: The great ruling chiefs and the territorial magnates of British India would be appointed to this council to "represent the views of the hereditary leaders of the people." ^I The council was to consist of about sixty members, all appointed by the Viceroy - twenty ruling chiefs, and territorial magnates from every province. With no legislative or legal recognition, the council, a purely advisory body, was to possess no right of initiative and no "formal powers of any sort." It was only to discuss matters specifically referred to it by the governor-general, who might decide to consult some or all members individually without assembling the council. Proceedings of the council were to be "private, informal and confidential," though the government would be "at liberty to make any use of them that it thought proper." ²

Provincial Advisory Councils: Similarly, where local conditions permitted the provincial governments were free to have advisory councils, with consultative functions. The provincial members of the Imperial Advisory Council, coming from the great land-holding class, would form the nucleus of the council. Smaller in number,

1. Ibid, para.4

2. Ibid, para.5

it should be chosen upon a wider basis. Besides great landholders, it should include representatives of the smaller landholders, industry, commerce, capital, professional classes, non-official Europeans and "natural leaders of Indian society." The members of legislative councils might also be appointed. The head of the local government would nominate the members with the governor-general's approval.

In other respects - status, rights and functions etc. - the provincial advisory council was very similar to the Imperial Advisory Council.

Enlargement of the legislative councils: The government of India regretted that under the Indian Councils Act, 1892, all classes and interests had not received due representation on the legislative councils. The legal profession had got the lion's share of the seats at the cost of other interests. This shortcoming, too palpable in the provincial councils, was reflected also in the supreme legislative council. This preponderance of the professional classes needed to be remedied. It was proposed to supply "the requisite counterpoise....by creating an additional electorate, recruited from the landed and monied classes." The councils must be so constituted "in respect of non-official members as to give due and ample representation to the different classes and interests of the community."

But the essential condition of official majority must be observed. This consideration was a limiting factor to the number

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1. Ibid, Para.6.
 2. Ibid, Para.9.
 3. Ibid, Para.10.

of non-official members. The problem was "how to provide for the due representation, within the limits thus imposed, of the vast diversity of classes, races and interests in the Indian Empire." I

Imperial Legislative Council: The government of India were "impressed with the necessity for giving substantial representation to the great landholders." ² One seat was allotted to this class in each of the seven Indian provinces. The representative, himself belonging to this class, should be elected direct by an electorate composed of the members of the class. Should the formation of an electorate be difficult, the representative might be elected by the landholding members of the provincial legislative council, or might even be nominated.

The next interest to receive attention was the Moslem community. The government of India concurred with the grievance of the Moslem Deputation of 1 October 1906 about their inadequate representation in legislative councils, and endorsed the governor-general's stand on that occasion. ⁺ They suggested, therefore, that over and above the Moslem members elected in the ordinary manner, it was desirable "in each of the councils to assign a certain number of seats to be filled exclusively by Mahomedans." ³ Not all these seats were to be thrown open to election. A few of them would be filled by nomination. The rest of the Moslem members were to be elected by a special Moslem electorate, constituted on a property,

I. Ibid, Para.10.

2. Ibid, Para.14.

+ See Ch.VI pp. 254-255

3. Ibid, para 17

income or educational basis. Failing this, the non-official Moslem members of the provincial legislative council might constitute an electorate.

They proposed an Imperial legislative council of fifty-four members including the Viceroy. The elected members were to be one-third of the Council, and the officials, at the maximum, a majority of four. Four seats were reserved for Moslems, two of which were to be filled by nomination.⁺

Provincial Legislative Councils: Owing to the varied conditions prevailing, it was not possible to lay down a uniform pattern for the provincial legislative councils. The provincial governments were exhorted, however, to bear in mind the general principle that "the widest representation should be given to classes, races and interests, subject to the condition, that an official majority must be maintained."¹

Referring to the fact that the largest contingent of non-official members was elected by the local bodies, the government of India remarked that these bodies were elected on a low franchise devised primarily for the management of local affairs. To ensure higher ability in the members of legislative councils, special qualifications for them might be prescribed "while leaving the electoral franchise in other respects unchanged."²

To evade the possibility of electoral predominance by any one class, the local government should determine the number of seats to be filled by the "elected representatives of the most important classes into which the

+ The details of the composition of this council, as also of the various legislative councils, as suggested from time to time and as finally decided upon, have been shown in Appendix I.

1. Ibid, Para.20.
2. Ibid, Para.21.

population of the province is divided", and should "allot these seats to the several classes." For the election of representative of each class the provincial government should publish "a list of voters consisting of members of that class who have held or are holding office in the Municipal or Local Boards," supplemented by others whom the local government may decide to add in consultation with associations or ¹ bodies recognised to speak for the class.

They recommended the same principle of class representation and separate electorates for the constitution of municipal ~~and~~ local boards.

Budget: Coming to the budget, its discussion by separate heads or groups of heads was proposed. The provisions under each head would be explained by the member in charge, to be followed by a general debate "in which members would enjoy the same freedom as at present of criticising the administration." Though this procedure required more time, it offered "a better opportunity for systematic criticism," as ² compared with the prevailing arrangements.

These were the proposals of the government of India. The provinces were directed to consult important bodies and individuals representing various classes - a step which the public appreciated.

The replies of the provincial governments showed marked differences of opinion. ⁺ Their reactions to the various proposals will be considered

1. Ibid, Para.22.

2. Ibid, Para.23.

+ Their views were conveyed to the government of India in the following letters:-

1. Madras - (a) Letter No.222 Public Dt. 13.3.1908.

(b) Letter No.357 Public Dt. 28.4.1908.

(c) Letter No.681 Dt. 22.8.1908.

2. Bombay - Letter No.1768 Dt.26.3.1908.

3. Bengal - Letter No.1746A Dt.29.2.1908.

4. U.P. - Letter No.447 Dt.16.3.1908.

5. Punjab - Letter No.40 (Home: Legislative) Dt.6.7.1908.

6. Eastern Bengal and Assam - Letter No.943C Dt.14.3.1908.

7. C.P. - Letter No. 1285/1 - 15-2 Dt. 18.6.1908. (Forwarding a note by the Chief Commissioner, R.H. Craddock) Letters from Madras, Bombay, Bengal and U.P. are in Cd. 4435 of 1908, the other letters in Cd. 4436 of 1908.

class the provincial government should maintain a list of voters containing of members of this class who have held or are holding office in the municipal or local bodies, supplemented by others whom the local government may desire to add in consultation with associations or bodies recognised to speak for the class. They recommended the same principle of class representation and separate electorates for the constitution of municipal and local bodies. Subject: Owing to the budget, the discussion by members heads or groups of heads was proposed. The provisions under each head would be explained by the member in charge, to be followed by a general debate in which members would enjoy the same freedom as at present in discussing the constitution. Though this procedure required some time, it offered a better opportunity for systematic criticism, as compared with the prevailing arrangements. These were the proposals of the government of India. The provisions were directed to some important bodies and individuals representing various classes - a step which the public appreciated.

The replies of the provincial governments showed marked differences of opinion. Their reactions to the various proposals will be considered

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- Their views were conveyed to the government of India in the following manner:-
1. Madras - (a) Letter No. 222 dated 18.7.1908.
(b) Letter No. 227 dated 18.7.1908.
(c) Letter No. 221 dated 22.8.1908.
 2. Bombay - Letter No. 1700 dated 18.7.1908.
 3. Bengal - Letter No. 1714 dated 22.8.1908.
 4. U.P. - Letter No. 477 dated 18.7.1908.
 5. Punjab - Letter No. 20 (Hans: Lakhnaw) dated 18.7.1908.
 6. Eastern Bengal and Assam - Letter No. 2053 dated 18.7.1908.

under separate headings.

Imperial Advisory Council: The government of Madras were struck by the indefiniteness of many aspects of the proposal. No doubt, important matters would be referred to it. "But without some definite functions and without regular periods of meeting, it seems doubtful whether it would be able to take any real responsibility." ¹ Again, would the ruling chiefs like to sit together with the territorial magnates? Even if they did, was it proper to refer to them subjects connected with British India only?

This misgiving was given more forceful expression by the Bombay government. They had "grave objections" to the combination of these two classes in the same body, and their "greatest objection" was to "the incompatibility of functions of the two classes." ² While the ruling chiefs had no claim to advise in matters affecting the British India, the territorial magnates must on no account interfere in the affairs of native states. They opposed the proposal, but recommended an advisory council of ruling chiefs only to consider subjects of imperial importance.

The Punjab government repeated these arguments. The ruling chiefs might view this proposal "with considerable distrust" as "an attempt to level them down to the magnates." It was also undesirable that they should have "too direct a voice in affairs concerning British India only." Like the government of Bombay, they too put forward the idea of "a smaller council of Princes to discuss matters of imperial and general importance." It might be of advantage to add to this council "a few men of wide reputation throughout India as statesmen," to whom the chiefs would perhaps raise no objection. ³

1. Madras (a) Para.5
 2. Bombay, Para.8.
 3. Punjab, Para.20.

The chief commissioner of the Central Provinces followed the same line. He was opposed to the idea, but would welcome "a council of chiefs and confined to chiefs."¹ For British India, what purpose was an advisory council likely to serve that "could not equally be served by a legislative council, enlarged and remodelled?"² The type of persons whose advice the government intended to seek must be an essential component of the enlarged legislative councils. Moreover, the object of acquainting the people with the true intentions of executive measures was not to be served by "Imperial conclaves." This required "humbler" agencies, free to challenge and refute erroneous impressions "at street corners and market places, the very same places where lies and calumnies are now disseminated by ignorant fanatics or by evil mischief-mongers."³

The contrary view was taken by the government of Bengal. The idea was hailed as "an excellent one."⁴ But some change was necessary. Instead of confining the membership to the ruling chiefs and territorial magnates, certain other classes "ought clearly to be represented."⁵ These were the educated class, commerce and industry.[†] They approved the method of consultation as "perfectly sound",⁶ but would concede to the members, when

1. Chief Commissioner's note. Para.12.

2. Ibid, Para.13.

3. Ibid, Para.14.

4. Bengal, Para.4.

5. Ibid, Para.6.

6. Ibid, Para.9.

† They wanted the membership to be equally distributed between great landholders on the one hand, and the ruling chiefs and the representatives of these three interests on the other.

assembled at Viceroy's order for collective consultation, the right¹ "to make any suggestions which they may see fit to make." The Viceroy would, however, have the power to veto. Any member's desire for secrecy of his views must be respected.

The proposal was also welcomed by the government of the United Provinces. To make the superiority of the chiefs, the Lt.-governor recommended that while the chiefs might be appointed for life, others should sit for five years. But the council should be broad-based: it might include "fifteen persons to be selected on account of their public services, their character or their pre-eminence in other directions."² The members should have initiative for discussion and right of asking for information, subject to the government's right to refuse information on any particular subject. Ordinarily this would make for diffusion of correct information on which the government of India had laid so much stress. The council should meet at least once a year, and on requisition by one-third of its members. Its proceedings need not ordinarily be confidential. Thus the government of the United Provinces broadened the scope of the Imperial Advisory Council almost beyond recognition, and much in deviation from the original intentions of the central government.

The proposal was also approved by the government of Eastern Bengal and Assam.

Provincial Advisory Councils: The government of Madras were not sure that a provincial advisory council, consisting of members less than sixty in number, could be representative of all classes of the people. Again, the representatives of the interests named by the government of India could hardly be "trusted to be indifferent to press

1. Ibid, Para.11.
+ See above p. 291

2. U.P., Para.6.

and platform criticism." Fear of subsequent publication was a powerful restraint in confidential consultation: in case of public conferences they would "generally produce opinions designed mainly to secure the approval of the Press." The council might even "adopt an attitude of habitual opposition and give only unacceptable advice," - thus forcing the authorities into the undesirable position of persistently rejecting non-official advice. Further, where was the guarantee that this council would counteract the consequences of unflagging misinterpretation by the press and constant campaigning by the agitator? They could not, therefore, welcome the proposal.¹

The government of the Punjab did not want an advisory council: an enlarged legislative council should discharge all the functions that were expected of the advisory council.

The chief commissioner of the Central Provinces opposed the advisory council in provinces which had their own legislative councils. The best course was to utilise the legislative councils after so enlarging them as to make them representative of all the interests in the provinces. The case was different for provinces without legislative councils, - for example, his own province. He felt that the chief commissioner needed the assistance and support of public expression of views on important matters. As a stepping-stone to a legislative council, for which he did not consider the province yet ripe, he proposed an advisory council of twenty-five members, of whom officials would number eleven. A distinctive

1. Madras (a) Para.6 (Instead they recommended two General Assemblies for the Presidency, consisting of two elected members from each Taluk and of representatives of associations and local bodies. Later on they dropped this proposal, and suggested revision of the franchise for election of local bodies, giving them more voice in public affairs. Then these bodies could be also treated as advisory councils in their respective areas. For the province, the non-official members of the enlarged legislative council might discharge the advisory functions.)

feature of his scheme was to give double value to each official vote, thus ensuring an official majority in the council.⁺ This body should possess, in addition to advisory functions, the right to consider the budget and to ask questions, and a restricted right to move resolutions of a recommendatory nature. Projected legislation for the province would also come before it for advice and suggestions. The non-official members of this council were to elect a member for the Imperial legislative council.

While these three provincial governments did not approve of the idea of provincial advisory councils, it was favoured by the other provincial governments. The government of Bombay envisaged a council of not exceeding twenty members for Bombay, and a separate council of not exceeding five members for Sind.

The Bengal government enthusiastically supported the idea. So also did the government of the United Provinces, who however proposed for the council the right of initiating discussion and of asking for information on administrative affairs. The council should also be free to conduct its deliberations in the absence of any official.

In Eastern Bengal and Assam the Lt.-governor was doubtful "whether such a council could be very easily got together."¹ Expenses and trouble of travelling great distances were forbidding circumstances. In spite of evident difficulties of assembling a council in the province, not a word was used repudiating the scheme.

⁺ Of the fourteen non-official members eight would be elected - six by district councils and boards, and two by two towns with population exceeding 50,000. The rest would be nominated.

1. Eastern Bengal and Assam. Para.12.

Enlargement of Legislative Councils: We shall examine the reaction of the provincial governments to some of the general principles enunciated by the government of India.

With reference to the excessive representation of the professional classes, the government of Bengal pointed out that it was wrong to think that the lawyers did not at all represent the landed interests. On the contrary, many of them were themselves fairly large landowners. Some had intimate connection with the landed class and owed their election largely to the support of that class. The government of the United Provinces said that their experience had been altogether different. Far from the local bodies being dominated by the lawyers, the representatives elected by the district boards "in the course of the last fourteen years have invariably been landholders."¹ Similarly half of those elected by the municipalities had substantial stake in the land.

As to the proportion of officials and non-officials, the Bengal government suggested that both in the Imperial and the provincial legislative councils these two contingents might be equal in number, excluding the head of the administration. The official hold was not likely to be in danger, because it was "inconceivable that all the non-official members, coming as they will from so many different classes, and representing so many different interests, will ever combine against the Government."² Even if they did, the vote of the governor-general (or governor or Lt.-governor) would ensure the official victory. The government of the United Provinces proposed a similar ratio of officials and non-officials.

1. U.P. - Para. 12.
2. Bengal - Para. 17.

A vehement assertion of the need for an official majority came from Eastern Bengal and Assam. The Lt.-governor considered it "absolutely necessary for the Government to retain a majority in its Legislative Councils." The government must be able to govern and must not be content with the power of veto. They must be able to pass such legislative measures as are required in the face of any opposition. It was "wholly untenable" to equip the non-officials with the power "to enforce their advice." If such a condition was deemed necessary for fruitful non-official co-operation, "then such councils must be abandoned." The chief commissioner of the Central Provinces also wanted an official majority. "As long as the British Government undertakes to rule the Indian continent it cannot risk being in a permanent minority on its own councils." This was specially urgent in the light of the recent indication of "the likelihood of the formation of a non-official opposition." To secure the official majority, without taking away a large number of officials from their usual duties at the risk of administrative weakness, he would confer on each official vote a double value. He did not consider this unjust. Was there "anything grotesque in assigning a greater value to the opinion of tried administrators of long service and proved ability, trained in the principles and practice of government?" If the Indian representatives were as a body equally competent, experienced and resourceful, "then the case for the continuance of the British Government disappears."

In striking contrast was the Bombay government's proposal to give the non-officials a substantial majority in the provincial legislative council.

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1. Eastern Bengal and Assam, Para. 1.
 2. Chief Commissioner's Note, Para. 24.

They did not apprehend any difficulty, for in the council, enlarged on the principle of representation of classes and interests, "there would be greater discrepancies of views than at present...." So the possibility of a solid opposition was not disturbing. No doubt, the experience of working the Bombay legislative council for some time past with non-official majority had emboldened the Bombay government to make this proposal. The authorities were none the worse for the departure. It will be perceived, however, that underlying all these proposals of Bombay, Bengal and the United Provinces, there was no advocacy of an effective non-official dominance. On the contrary, they relied on the official superiority being guarded by the safety-valve of dissension and conflict among the non-officials.

To the proposals of separate representation and class electorate, the government of Madras were unable to agree. No aspect of the reforms had caused "more general and decided disapprobation"; it had been "almost universally condemned as likely to perpetuate differences and to strengthen barriers" which were gradually disappearing. Anyway, "the fatal defect" of the scheme was the practical difficulty of arranging a class vote throughout the province, and of canvassing over such extensive areas. "The candidates would be mere names to most of the voters," and the latter would possess but slight interest in the election.

The government of Eastern Bengal and Assam criticised the scheme. It was no doubt wise to enlarge the council by including "representatives of additional and hitherto unrepresented interests." But such representation must follow the expressed desire for it by the interests themselves. The government must not anticipate such desire and "move in advance of such

1. Bombay, Para.20.

2. Madras, (a) Para.9.

expressed wish." Further, the interests admitted to representation should, as far as possible, be left free to elect their representatives, following their own method of election. The government should interfere in such elections only to "assure fairness or to meet the case of a dead block."¹

The chief commissioner of the Central Provinces also differed from the government of India. The establishment of British power had stayed evolution on indigenous lines in India and had imposed upon the country a civilisation drawing inspiration from the West. Under its influence education had supplanted birth as the basis of authority. By ~~sizing~~² upon education, the middle classes "have jumped a whole grade in the process of evolution over the heads of the upper classes," who neglected it. Now the problem was "how to reconcile the growing claims of the educated majority with the backward condition of the upper classes in any scheme of enlarged consultation with the people,"³ that the government wanted to introduce. If the answer was to give more power to the classes which had not asked for it, how could the government escape the criticism of setting up the aristocracy to check the educated classes? So the proper solution lay in more education and increased participation, by dint of greater competence, in the local bodies or other associations which served as constituencies for legislative councils. Then they must look after themselves. It would not do "to force into the councils men who are not fit simply in order to secure class representation."⁴ The chief commissioner wanted the constituencies to be formed by local bodies and

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1. Eastern Bengal and Assam, Para.5.
 2. Chief Commissioner's Note, Para.4.
 3. Ibid, Para.5.
 4. Ibid, Para.6.

non-political associations. He did not think it desirable "to create constituencies made of artificial electorates with no common tie but that of creed or occupation, corresponding to no local area and belonging to no organised associations already in existence." The communities or interests not represented as a result of such elections were then to be nominated. The chief commissioner also said that the reforms were an answer to the claims of the educated classes, and could not be expected to increase the government's contact with the uneducated masses, whose interests must rest in the hands of their educated countrymen and the officials. He was convinced that any further advance must be on Western lines and discerned in education the source and justification of further representation. He hoped that increased responsibility would lead to moderation and give valuable training to the educated classes. He wanted for the members of the legislative councils the power to move resolutions on matters of importance. The government of India must take "a bold step forward," for the risks attaching to that were "much less than those entailed by an advance too small."²

Though the scheme of class electorates was criticised specifically by only three provinces, the others, excepting the United Provinces, were not enthusiastic about it. The constitution of the provincial councils was largely modelled on the system established under the Act of 1892. The local bodies, universities, chambers of commerce, recognised associations etc. were chiefly relied on for the return of a larger number of non-official members. The government of the Punjab, not ready to go as far as that, remained content with nomination, and considered the apportionment of seats in that province possible only on the basis of religion.

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1. Ibid, Para.7.
 2. Ibid, Para.38.

Again most of the provinces did not see eye to eye with the government of India regarding the necessity of altering the franchise and constitution of the local bodies. The government of Bengal stood alone in substantial agreement with the central government. Local self-government was the field for "sound political training."¹ And yet the scope of this training was denied to many important sections of the population, because they could not do well in elections. To remedy this without any change of franchise, the Lt.-governor struck upon the device of dividing the existing voters according to classes and interests. Each section of voters must elect a member belonging to it. As against this stand, the government of Bombay thought that "the status quo should be maintained."² If anything, the franchise for the local bodies might be lowered. A similar view was taken by the government of the United Provinces, who preferred to impose special qualifications on candidates seeking election to the legislative council. The government of Eastern Bengal and Assam opposed any change in this respect, and did not think it necessary to constitute the local bodies on the basis of race, occupation etc. Neither Madras, nor the Punjab, nor the Central Provinces approved the idea.

The only remaining issue of general importance was that of Moslem representation. No government disputed the principle, and in all but one scheme of provincial legislative councils, elective seats for Moslems were included. In Bengal, separate representation was foreshadowed for 'special classes', and there was no doubt that Moslems would have a permanent share of it. But there was some difference of opinion regarding the method of selecting the Moslem representatives. This difference arose out of local conditions. While some of the provinces wanted to form

1. Bengal, Para. 22.

2. Bombay, Para. 22.

Moslem electoral colleges others preferred to use the recognised Moslem associations. Madras and Bombay preferred simple nomination. Again, in the provinces favouring separate electoral colleges, the qualifications deemed suitable as their basis were not uniform. This was only natural because the conditions of the Moslem population in respect of education, wealth, political progress etc. - as also numerical strength - varied in the different provinces.

As to the Imperial legislative council, most of the provinces had little or no criticism to offer. The Punjab government considered any elective scheme impossible to adopt, and would therefore nominate all their members. The chief commissioner of the Central Provinces, under his scheme of double value to the official votes, proposed a council of sixteen officials, two experts and twenty-seven non-officials.

Each provincial government put forward in detail the composition of the local legislative council, which can be seen in Appendix I. The proportion of official members including the head of the government, and the non-officials, both elected and nominated, was as follows:-

Province	Total strength of the council	Officials	Non-officials	
			Elected	Nominated
Madras	42	22	17	3
Bombay	45	13	17	15
Bengal	37	19	18	-
United Provinces	45	23	16	6
Punjab	22	11	4	7
Eastern Bengal and Assam	26	13	10	3

Thus Bombay proposed a substantial non-official majority, the Punjab and Eastern Bengal and Assam suggested equality of officials and non-officials, and the remaining provinces were content with slight official superiority.

In all the councils, except in the Punjab, special seats were earmarked for the landholders. Various proposals for constituting electorates for the purpose were made, based on income. In Eastern Bengal and Assam, and for one of the seats in the United Provinces, the association of landholders was to return the member.

Budget: The government of Madras suggested a more detailed discussion of the budget both in the Imperial and provincial councils. They referred to the practice, initiated in Bengal, of discussing the draft budget proposals informally with the non-official members of the legislative council. They would also follow it and thus secure "intelligent and valuable criticisms"¹ of their first draft of the budget.

The government of Bombay considered that "the only method of obtaining a useful discussion of the budget is to allow the members of the legislative council some part in the settlement of it." They proposed to place the first draft of the budget before one or more committees of the legislative council, including non-official and official members. Their suggestions would be considered, and if possible acted up to, by the government in preparing the second draft. The final edition of the budget was to be accompanied by a statement explaining the settlements arrived at in committees, the discussion in meetings of the council being "confined² to points of difference only." They were not opposed, however, to the method of conducting the debate as adumbrated by the government of India.

1. Madras (a), Para.13.
2. Bombay, Para.24.

The government of Bengal advocated informal discussion of draft proposals in committees, consisting of officials and half of the non-official members.

In the United Provinces those financial proposals "in respect of which the Government is prepared to consider criticism" should be considered by an informal committee of the legislative council. No right to move amendments to the budget at a meeting of the council was to be conceded.

The Punjab government favoured a committee of the legislative council consisting of three officials and two non-officials, to examine the first draft. Their suggestions, as far as possible, would be incorporated in the second draft.

The government of Eastern Bengal and Assam accepted the proposals of the government of India.

Almost all the governments pointed out that even if they wanted, they were unable to recommend further liberalisation of budget discussions, because it was the government of India, and not the local government, who had the final say in regard to the provincial budget. It is clear from the foregoing, however, that a preference for some liberalisation of the budget proceedings was universal.

1. U.P., Para.1.

+ The Punjab government also recommended that the right of interpellation should be granted to the Punjab legislative council.

* The provincial governments favoured some amount of financial decentralisation in India which would allow greater freedom to them. The Royal Commission on Decentralisation in India, appointed in September 1907, then at work in India, was considering this question.

How did the non-official opinion in India react to the proposals? This may conveniently be studied separately for the different sections of the people.

The nationalist opinion viewed them with evident disappointment. The proposals "retrograde in many respects" betrayed "a prejudice against the professional classes." They had too clear a tendency of publicly disparaging the educated classes and afforded an open display of "official animosity" to the latter. The underlying policy - one of 'counterpoise' against their influence - was deplored. These people, "the proud product of British rule," had a keener appreciation of that rule, to which they were undoubtedly loyal. The educated "must mould the mind of the rising and future generations"; only the detractors of British rule could encourage a policy of alienating them by distrust. Instead of seeking to curb their influence, the reforms should aim at "the readjustment and expansion of the proportionate representation of the different communities so as on the one hand to enable government to secure the benefit of the knowledge, experience, advice and co-operation of the most capable and the best trusted representatives of all classes and interests: and on the other to stimulate and encourage the latter to strive and work for the common good by promoting the advancement and welfare of all, irrespective of class and race and creed.²"

Imperial Advisory Council: Coming to the specific proposals,

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1. India Office Collection No.345 - Enclo.XXVIII (Resolutions passed at the second United Provinces Conference.)
 2. Ibid, Enclo.XVII - 32 (Bombay Presidency Association.)

the Imperial Advisory Council was greeted with misgivings. A common criticism was that ruling chiefs had no knowledge of British India and no contact with the people of India. How then could their association be beneficial to the public and useful to the authorities? The case of the landed aristocracy was not very different. Generations of British rule had tended to "obliterate their social influence and individual usefulness"; any attempt now¹ at "artificial resurrection" would only retard the social evolution." While some wanted the inclusion of "persons of culture and experience² and of well balanced political opinion", others plainly suggested that without the educated men of the middle class, who had "the confidence of the general public," the utility of the council would be meagre³. Besides, nomination as the sole mode of recruitment was unlikely to secure the selection of persons marked for their independence and integrity. Elective method should be brought into play: one influential organisation demanded that at least half of the members should be elected.

Lack of initiative of members, as also the extremely flexible procedure, met no approval. The members should possess "the privilege of bringing to the notice of government such matters as they consider of importance."⁴ The proceedings should ordinarily be "formal and public."⁵ The council's decisions must not be altogether ineffective: where a substantial majority opposed a measure, it should not be proceeded with, or should be delayed for some time for reconsideration.

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1. Ibid.
 2. Ibid - Enclo. XVIII - 16 (British Indian Association.)
 3. Ibid, - Enclo. XVII - 32. See also Enclo. XXVIII.
 4. Ibid - Enclo. XVIII - 16.
 5. Ibid - Enclo. XXVIII

Moslem opinion was no more enthusiastic. The Muslim League welcomed the council as "a step in advance in the political development of the country", but then proceeded to suggest far-reaching modifications of its composition and functions. Industry, commerce and learned professions should find place on the council. It should be "an epitome of all the interests represented on the provincial advisory councils...."¹ The Central National Muhammadan Association wanted the ruling chiefs to be nominated in rotation according to a plan "so that they themselves may not feel that their appointment is due to chance or caprice."² The Moslem opinion was unanimous in underlining the urgency of adequate Moslem representation commensurate with their political importance and other circumstances.

The League advocated initiative for the members not only of "laying their views" but also "of eliciting information on any particular subject."³ These views were endorsed by others. Preference for collective proceedings was unmistakable.

A different approach was the Aga Khan's. It was "a great mistake" to mix ruling chiefs with others in the same council. They were neither well informed about the changing conditions of British India nor knew anything of "the new desires and new spirit" of its people. As to the territorial magnates, "India does not contain forty non-ruling educated and enlightened men worthy of sitting with the Ruling Chiefs."⁺ He proposed establishment of two

1. Ibid - Enclo. XXVI (All-India Muslim League)

2. Ibid - En. XVIII - 9.

3. Ibid - En. XXVI.

+ Here the Aga Khan was overstating his case. Surely there was no less education and enlightenment among the territorial magnates than among the chiefs. If anything the balance was in favour of the former.

Imperial Advisory Councils - one consisting solely of ruling chiefs to consider matters which concerned them alone, and the other of sixty notables of British India.¹

Much the same was suggested by the Maharaja of Coochbehar. He wanted the council to consist of two sections, one entirely of chiefs, and the other of territorial magnates and representatives of "commerce, industry, capital and the professions."² It is striking how the members of the nobility themselves considered the composition of the council unsatisfactory. The Maharaja of Benares favoured the inclusion of public men and "some of the merchant princes and the pioneers of commerce and industry."³ The Raja of Venkatagiri advised the addition of "men of proved and conspicuous merit and established character and experience",⁴ and the Maharaja of Burdwan of "specially qualified persons of education and culture."⁵ The Nawab of Murshidabad wanted that at least one-sixth of the members "should be representatives of the educated classes."⁶ Maharaja Jotindra Mohun Tagore thought it "necessary...to introduce new and more vigorous elements into the organisation to ensure its success"; he had in mind educated and cultured men "of moderate political views."⁷ The Raja of Pithapuram feared that the purpose of the council would be defeated by the defects of its character and organisation. Ruling chiefs and territorial magnates

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1. Ibid - En. XVII - 29.
 2. Ibid - En. XVIII - 4.
 3. Ibid - En. XX - 8.
 4. Ibid - En. X - 9.
 5. Ibid - En. XVIII - 1.
 6. Ibid - En. XVIII - 2.
 7. Ibid - En. XVIII - 3.

were "too far removed to feel the pulse of the nation down below;"¹ the few who felt it saw wisdom in "the Golden Rule of Silence."¹ He prescribed election for the territorial magnates to ensure fair representation of the landholding interests.

The Chief of Chamba stood very lonely indeed in welcoming the council as proposed "as a most important and benign measure", and in his distrust of educated men with "their new ideas and thoughts."²

Needless to say that the procedure and functions of the council were also subjected to vigorous criticism. The Raja of Pithapuram urged statutory composition: Maharaja Jotindra Mohun Tagore deplored the indefiniteness of the council's duties and rights. Nearly all pressed for initiative for discussion and the right of asking questions. Collective meetings were, of course, very much in demand, the Maharaja of Cochin³ suggesting at least once a year. It is surprising, in view of the foregoing, that the government of India should claim that from the landholders the scheme of advisory councils had "met with a generally favourable reception", and that most of the Moslems "express their satisfaction" with it.³ It would require a good deal of imagination to call the reception anything but hostile.

As to the non-official Europeans, the organised opinion was concerned only with the furtherance of the community's interest. The chambers of commerce made it abundantly clear that besides

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1. Ibid - En. X - 37(1)
 2. Ibid - En. XXI - p.140.
 3. Cd. 4426 (1908); Govt. of India letter dtd. 1.10.1908 para.2.

representing the commercial interests, they spoke also for the non-official Europeans as a community. The Bengal Chamber could not help feeling that in the scheme of reforms "the interests for which the non-official Europeans stand have been, to a large extent, overlooked." On the Imperial Advisory Council this class had no representation at all, although "agricultural, commercial and industrial questions can hardly be excluded from its discussions."¹ Therefore, at least two seats should be allotted to the Europeans, one to represent their industrial and commercial interests and the other the planting and the zemindary. Similar pleas were made by other bodies, - for example, the Calcutta Trades Association and the Madras Chamber of Commerce. Strangely enough none of these bodies went into any other aspect of this important proposal. This was done, however, by individual non-official Europeans whose views were also invited by the authorities.

R.H.Henderson, a tea planter and member of the legislative council of Eastern Bengal and Assam, pronounced against advisory councils. The enlarged legislative councils with their increased rights and privileges "will dispense to some extent with the necessity for such institutions."² The procedure was very defective. Even when the members were not consulted, it might be supposed that they had given a particular advice. E.W.Parker, an advocate, did not favour the sitting together of ruling princes and others. Let there be a separate council for the princes only. The Imperial

1. India Office Collection, No.345 En. XVIII - 18.
2. Ibid - En. XXIII - 58.

Advisory Council for British India might be constituted "by selections from the provincial advisory councils", whose members were to be all nominated. ¹ W.H.Campbell, of the London Mission, did not expect from the advisory councils as foreshadowed in the government letter, "any real help in dealing with questions affecting the welfare of the masses...." The chiefs and territorial magnates had little sympathy with the common people. "Any measure that would tend to add to the power of the landed aristocracy would in my opinion be inimical to the interests of the people as a whole."²

It would thus be fair to say that the non-official opinion did not take kindly to the Imperial Advisory Council.

Provincial Advisory Councils: The provincial advisory council evoked less hostility, mainly due to its somewhat wider composition. The British Indian Association did not want the council to be too small, and proposed the representation of each district upon it. The association of non-official Europeans was welcomed, but it was pointed out by the Bombay Presidency Association that the full benefit of such association would accrue only in case of collective deliberation. Objections to the too narrow functions and too unstable proceedings were as strong as in the case of Imperial Advisory Council, and radical modifications were urged.

The Muslim League approved of the provincial councils. The trustees of the Aligarh College recommended initiative for

1. Ibid - En. XXI - 82.
2. Ibid - En. XIII - 13 (3)

discussion and interpellation as also collective meetings. But the Aga Khan was again dubious. In view of the enlarged provincial legislative councils, what kind of work could be referred to the provincial advisory councils! He advised postponement of these councils for some years pending experience of the working of the Imperial Advisory Council.

Most of the criticisms levelled against the functions and procedure of the Imperial Council by the nobility were repeated in case of the provincial councils.

The non-official Europeans did not take much notice of these councils, except for certain grievances about their own representation. Henderson and Campbell were no more enthusiastic about the provincial advisory council than they had been about the Imperial one.

Elections: The All-India Muslim League expressed "great gratification" at the acceptance of the principle of class representation. This was "entirely in accord with the sentiments of the Musalman community," and would "conduce to the best interests alike of the Government and of the people." The Central National Muhammadan Association was persuaded that if anything "were wanting to attacking our community in its devotion and loyalty to the British Raj," that deficiency had been now filled. Similar feelings of gratefulness and satisfaction were common to other Moslem bodies.

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1. Ibid - En. XXVI
 2. Ibid - En. XVIII - 9

At the same time great stress was laid on the election of the Moslem members. Nomination was not favoured, and the government were requested to concede to the Moslems "the right of returning by election¹ their representatives. This demand, put forward by many, received its strongest support from the Aga Khan. A nominated member "can never carry that weight and importance which an elected and popular representative does carry." Nomination must needs be on the recommendation of government officials. But many really capable men, trusted and liked by the community, might not come into contact with the officials. They would consequently be passed over, the choice falling on persons far less interested in public affairs but enjoying the "advantages of birth or fortune or other adventitious circumstances." He complained that the nomination of Moslem members in the past had not been satisfactory, and entered an emphatic plea for the election of the Moslem members.²

What the Moslems received with glee was an anathema to many. No doubt, Gokhale was amenable to separate Moslem representation, but in this his was a very isolated stand. Separate representation and special electorates, considered (were) "mischievous"; they tended to "break the growing solidarity of the various races in India."³ Indian conditions were suitable for territorial representation. To base political institutions on racial, religious or class interests was "entirely dangerous." The Muslim League stand on

1. Ibid - En. XXVI.

2. Ibid - En. XVII - 29.

3. Ibid - En. XVIII - 16 (British Indian Association)

this matter was questioned and it was claimed that "with the exception of those Mohamedans who strive naturally enough to get a larger share of public employment and honours", the wants and needs of the Moslem masses were identical with "those of the population of which they form part"¹. To ensure proper representation of the Moslems, the Bombay Presidency Association suggested laying down the proportion of Moslem and Hindu members in each electorate according to local circumstances. But the members would be elected by the general body of voters. The procedure should, however, be uniform in regard to all minorities, and no arrangement should be "devised specially in the interests of one community."² The United Provinces Conference, repeating the plea for territorial representation, proposed "fixing the number of members of each class which the general electorate must return to the Council."³

An able case against separate representation was presented by R.C.Dutt, The British rule had taught Indians, while remaining apart socially, to "ignore caste and creed distinctions in civic and political work." Why should the government undo its past work, and accentuate and embitter social differences "by making them the basis of political distinctions"? Separate representation would create "jealousies, hatreds and evil passions" in everyday life, and would encourage the people to nurse religious differences. The plan was impolitic and unwise, and would "assuredly lead to an ^{increase} of religious riots and disturbances in the future, and would thus

1. Ibid - En.XVII - 32 (Bombay Presidency Association)

2. Ibid.

3. Ibid - En.XXVIII

weaken, and not strengthen, British administration." If elections failed to give any community its due, he would rely on nomination¹ in accordance with its desire.

The Maharaja of Benares recognized the need of adequate Moslem representation and supported^a separate Moslem electorate, but strictly on^a provincial basis. An all-India electorate would be unworkable. The Raja of Pithapuram was opposed to special representation. He refused to accept that the minorities had any special interests requiring separate legislation. Besides, once such a course was adopted in regard to a particular community, "consistency requires that the same should be done in the course of every other." The process was "pernicious" because it would set up "one class against another." If, however, the government "be particular about showing a concession" to the Moslems, the latter might elect separately one member to each provincial council and two to the Imperial legislative council.² The Raja of Venkatagiri opposed separate representation which ran "counter to the unifying influences"³ at work in the country. The Chief of Nabha did not relish the distinctions implied in separate electorates, and thought that nomination or election should "depend upon personal worth⁴ alone irrespective of caste or creed." The Raja of Jind took a similar stand: if the government persisted in separate representation of the Moslems, the same privilege should also be extended to the Sikhs. All in all, the nobility was antagonistic to communal electorates.

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1. Ibid - En.XXIX
 2. Ibid - En.X - 37(1)
 3. Ibid - En.X - 9.
 4. Ibid - En.XXI - p.144.

The European opinion found in the separate electorates an avenue to promote its own claim. As the reforms aimed at "the representation of special interests and minorities, the representation of non-official Europeans has.....a very strong claim." This must be different from the seats allotted to Chambers of Commerce, because those members will have the charge of special interests.¹ Constitutional safeguards conceded to the Moslems were "still more urgently required in the case of the small European community."² It is not surprising that the Anglo-Indian Association took a similar stand. The Anglo-Indians,⁺ "an important link between Great Britain and India", had a special status, and as such deemed themselves unsafe without independent representation.³

Opposition to class representation was not, however, lacking among the Europeans. Campbell and Monahan ~~f~~^{*} feared that it would perpetuate division and encourage feuds. Monahan counselled the government to abstain from introducing a "hitherto untried method of giving representation - untried, I mean, in any civilized country."⁴ He would prefer nomination to supplement the election. Campbell advocated territorial representation, the electorates being chiefly constituted on educational tests. Of course, lack of education would render necessary for some time some property

1. Ibid - En.XVII - 8 (Bombay Chamber of Commerce)

2. Ibid - En.XXIII - 58 (R.H.Henderson)

3. Ibid - En.X - 7.

+ Meaning Eurasians here.

* Of Wesleyan Mission.

4. Ibid - En.XIII - 17 (8)

qualifications too. But he was careful to point out that the wealthy were not "best fitted to choose men to represent the interests of the people." The government must not fetter the choice of the electorate which should be free to select the person most competent to speak for the people, "whatever be his religion or class or social position."¹

as to the wisdom of introducing elections
At the same time some doubts² were expressed by a few - by Parker, the Anglo-Indian Association and the Maharaja of Benares for example. The Maharaja was suspicious of election, which made for the dominance of persons with no attainments other than "fluency of the tongue". Consequently, "both the head and the hand had to give way to the lungs."²

Referring to the public reaction to Moslem representation, the government of India said that the proposal was criticized by the Hindus, who regarded it "as an attempt to set one religion against the other, and thus to create a counterpoise to the influence of the educated middle class."³ This was hardly the whole story. For all purposes, the landholders had been treated as a separate class: the government of India should have added that this class, whom they were taking particular pains to rehabilitate in public life, was generally opposed to the move, whose reception by the Europeans was also by no means universally cordial. As to the theory of 'counterpoise', had not the government of India broadcast throughout the country the idea of a counterpoise to the

1. Ibid - En.XIII - 13 (3)

2. Ibid - En.XX - 8.

3. Cd. 4426(1908) - Government of India letter dt. 1.10.1908, Para.30.

professional classes by creating additional landholding electorates?⁺

✓ It would be naive to suppose that the same motive might not be read by some in the special Moslem electorates.

Imperial Legislative Council: The composition of the Imperial legislative council was variously viewed. The standing official majority was bound "to affect injuriously the power and usefulness" of the council.¹ The character of the council, despite enlargement, would remain unaltered and the non-official members would "be left exactly where they were."² The councils must not be "reduced to a position of constant impotence..."³ It was now necessary for the government to evince greater confidence in the people's representatives. Besides, the need of official majority automatically restricted the number of non-official members, thus narrowing the scope of popular representation.

Moslem opinion was amenable to official majority. The League agreed that "the Government should always have in the council a standing official majority, independent of the minor fluctuations that may be caused by the occasional absence of an official member."⁴ This view was accepted by others.

The Moslems were also almost unanimous in demanding that each of the eight provinces should return an elected Moslem member,^{*} whereas a ninth member should be elected by the Trustees of the Mahomedan Anglo-Oriental College of Aligarh. The Trustees made

+ See p.291 above.

1. India Office Collection, No.345, En.XXVIII (United Provinces Conference)

2. Ibid, En.XVIII - 16 (British Indian Association)

3. Ibid, En.XVII - 32 (Bombay Presidency Association)

4. Ibid, En.XXVI * including Burma.

clear that they sought representation "in their capacity of directors and organisers of the Aligarh Movement", which, they claimed, reflected the Moslem sentiments, aspirations and ideals. They availed of the occasion to remind the authorities of the chief work of the Movement. This was two-fold: (a) to make the Indian Moslems realise that "the permanence of British rule, in full vigour and strength, in India is the first condition of their own safety and continual advance"; and (b) to convince the government that the Moslems were loyal in self-interest, and that "their progress and advance would mean so much strength to the Government." Evidently, any move to make a breach in the official stronghold was unlikely to receive countenance from this school.

Among the landed nobility, official dominance did not evoke much controversy. But there were quite a few who did not view this provision with enthusiasm. The Raja of Pithapuram preferred equality of officials and non-officials: "There is absolutely no reason why the Government should be particular about having a numerical majority so long as the power of veto vests in the head of the Government."

The European opinion was almost unanimous in seeking "more extensive representation of the non-official European community."

1. Ibid - En.XX - 5

2. Ibid - En.X - 37(1)

+ An ingenious scheme was propounded by the Maharaja of Benares. He proposed a council of fifteen officials and twenty-five non-officials. All matters except a few reserved subjects were to be decided by a majority of votes, though the Viceroy would have the right to veto any majority decision. In divisions on the reserved subjects, each official vote would count as two, thereby ensuring official majority. As the members "will prove themselves worthy of the confidence reposed in them" the reserved list would be shortened. Thus the Indians would have some "real education" in the art of administration.

3. Ibid - En.X - 4 (Madras Chamber of Commerce)

Provincial Legislative Council: The reaction to the provincial legislative council followed the pattern of the attitude towards the Imperial legislative council. The Moslems wanted more seats and advocated return of an elected Moslem member from each Division. Europeans too were concerned with their own representation: the Bengal Chamber of Commerce wanted as many as five non-official European members in the Bengal legislative council.

According to a scheme of R.C.Dutt, each district was to elect a member, the electoral constituency being composed of the elected members of the district boards and municipalities within the district. If these elections failed to secure the adequate representation of any community, the deficiency was to be made good by nomination. The nominated and the official members were to form a clear majority in the council.

It would perhaps be fair to conclude that there was a general feeling in favour of larger provincial councils.

Discussion and Interpellation: The advanced opinion considered an extension of the functions and rights of the councils necessary. R.C.Dutt would give to the provincial legislative council "the power to discuss and settle the annual Provincial Budget", as also "the right of demanding a division" in case of difference of opinion. The members should be able to initiate debates on important administrative matters. The president would, however, possess the right to disallow a debate attended with "grave political or administrative inconvenience." The United Provinces Conference wanted for the non-official members of both the Imperial

and the provincial councils the power to "move amendments to and divide the councils on" financial proposals. This, the Bombay Presidency Association contended, "will help to concentrate public attention and will enable Government to gauge the public feeling and opinion." On the whole the feeling was that "the representatives of the people should have a powerful voice" in matters concerning national income and expenditure. Informal conferences between officials and non-officials before finalising the financial arrangements were recommended. This would facilitate free and frank interchange of views.

At the same time, right to put supplementary questions was sought; to obviate any misunderstanding about the object of a question and to help its proper reply, one suggestion was that an explanatory memorandum should accompany it.

The Moslem opinion was practically silent. Among the important Moslem bodies, only the Central National Muhammadan Association referred to this issue, and considered informal preliminary discussions "a most desirable improvement to the present discussion of the Budget." This lack of Moslem interest in the functions of the councils stands in bold relief against their keenness about the share in representation.

The nobility was on the whole content with the proposals. These were welcome and, under the prevailing conditions, adequate. But voices were heard demanding for "the people of the country" a say in financial matters. At present the budget day was "but a speech-making occasion": the first step towards improvement might

1. Ibid - En. XXVIII.

2. Ibid - En. XVIII - 32.

3. Ibid - En. XVIII - 16 (British Indian Assoc.)

4. Ibid - En. XVIII - 9

be the power to move amendments.

The European opinion was divided. Some considered the government proposals adequate, and hoped that the council proceedings would be now more real. But others thought that these did not go "quite far enough." Such of the budget provisions in regard to which the government was prepared to welcome criticism should come before the council as financial proposals. Then the government should act upon "such of the suggestions as might meet with their approval;" this would make the proceedings "more real and practical."²

What stands out from the above is the agreement that further reforms were called for. The general recognition of the advisability of constitutional advances was striking in view of the widely varying complexion of the different interests. If anything, mostly inadequacies of the proposals and need of further liberalisation were pointed out: any complaint that the proposals were not called for was undoubtedly rare. Considering that the agitation for further advances towards representative government had been confined to a small section of public opinion, this revealed a tacit endorsement of its stand by a circle much wider than it could ever presume to speak for. This was a testimony to its political acumen and proper appraisal of the mood of the country.

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The government of India conveyed their final proposals to the secretary of state in a letter dated 1 October 1908³. Prior to

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1. Ibid - En.X - 37(1) (Raja of Pithapuram)
 2. Ibid - En.XVIII - 18 (Bengal Chamber of Commerce)
 3. Parl.Papers 1908. Cd.4426

this, in a private letter dated 12 August 1908, Minto had informed Morley of his inclination to "cancel the suggestion for Advisory Councils altogether." He was perhaps impressed by the generally cold reception of the proposal in the country. He, however, adopted the modification suggested by many, and wanted "a council of chiefs, small in number to begin with, to deal with questions affecting Native States and their relations with British India, for the express purpose of recognizing the loyalty of Ruling Chiefs and enlisting their interest in Imperial affairs." Public criticism of other aspects of the proposals seems also to have influenced him. He would enlarge the legislative councils "on a more representative basis" and offer "greater opportunities for debate in those councils." These ideas of the governor-general, as we shall presently see, were largely accepted by the government of India.

Imperial Advisory Council: The government of India decided to drop the scheme of an Imperial Advisory Council. Instead they proposed a council composed of ruling chiefs for "questions of an Imperial character." This council "would not be formed by legislation", and the chiefs, appointed by the Viceroy, would hold office during the latter's pleasure. "Some power of initiative" was conceded to the members of the council, leaving to the Viceroy the right to veto any discussion. The scope of consultation in the council too was left "to the unfettered discretion of the Viceroy"

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1. India, Minto & Morley - p.214
 2. Govt. of India letter dt. 1.10.1908, Para.6.
 3. Ibid, Para.8.
 4. Ibid, Para.10.

No advisory council for British India was suggested. In case an experiment of advisory councils was to be made^{at} all, it should be first made on provincial basis only. If the provincial advisory councils succeeded then only should a Council of Notables for India be considered.

Provincial Advisory Councils: Despite the enlarged legislative councils, the government of India thought that provincial advisory councils were likely to be very useful. The head of a province might turn to his advisory council "for advice before his policy was definitely shaped," and might use it "as a channel of communication with the public in matters which could not conveniently be brought before the legislative council." The government of India therefore recommended the establishment of advisory councils in those provinces where the heads of the administration wanted them. Like the council of chiefs, the provincial advisory council too was to receive a limited right of initiative, subject to the power of veto by the provincial head.

It appears that these proposals regarding the advisory councils were not liked by Minto. He wanted to cancel these councils altogether.⁺ But, as he informed Morley, he "swallowed" them "for the sake of showing a united front here...." Exactly what he meant is difficult to say. Perhaps he found the pull of his executive council in favour of the experiment, for without some such pressure why should he tolerate a scheme which he disliked!

1. Ibid, Para.15.

2. India, Minto & Morley, p.222.

+ See p. 327

Imperial Legislative Council: The Imperial legislative council was to consist of sixty-~~three~~ members, as many as twenty-eight of whom were to be elected. Maintaining that official majority in the council was essential, the government of India reduced it to the narrowest limit. Without the governor-general, officials and non-officials were equal in number. Moreover, they were prepared "to dispense with an official majority." ¹ on ordinary occasions, relying on the non-official support to carry on the work of legislation. It was hoped that with increased responsibility in the enlarged council, the non-officials would not lightly undertake a solid opposition.

Regarding the election of the representatives of the landholders and the Moslems, they preferred special electorates, constituted in consultation with the leaders of the respective classes. Should formation of regular electorates be found difficult, the most convenient method would be to "recognise election by associations." Failing this, nominations must be resorted to pending better arrangements. But the two latter courses were only provisional devices, to be dropped as soon as formulation of a regular electorate was possible. The principle to be borne in mind was 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." ² The number of reserved Moslem seats

1. Government of India letter dt. 1.10.1908, Para.24.
2. Ibid, Para.29.

was raised from four to five, and in deference to the unanimous Moslem demand all these seats were declared open to election. One of the seats, for difficulties of forming a suitable constituency, was however to be filled by nomination temporarily. The same temporary device was to apply to the selection of two members to represent Indian commerce, which for the first time was allotted seats. The minorities like the Sikhs, Parsis, Indian Christians and Buddhists were to be represented by nomination.

Provincial Legislative Councils: In the constitution of the provincial legislative councils as well, the government of India provided for equality among officials and non-officials with the exclusion of the governor or the Lt.-governor. They hoped too that it would not ordinarily be necessary to have the full official contingent. The preference for election whenever constituencies could be worked out was repeated. But no uniform policy for all the provinces was worked out; the matter was left to the decision of the provincial authorities.

The number of members of each council was raised, substantially in Bengal and Eastern Bengal and Assam, and slightly in other
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provinces.

Resolutions and Questions: In this letter the government of India made a new recommendation of much import. The existing facilities for debate on general matters of administration, confined to the occasion of the budget discussion, were unsatisfactory

+ See Appendix . . .

The members had no previous knowledge of the subjects likely to be raised; the absence of notice prevented the officials from being equipped with full information. Consequently, the debates were more or less desultory. The need of improvement was felt: the time for "further facilities for debates" had come. They proposed, therefore, that "power should be given by statute for members to move resolutions on matters of general public importance.¹ Any such resolution was to be subject to certain restrictions. It would not also have "by itself any force or effect."² If the authorities were unable to accept the resolution, "an opportunity would be taken of explaining their reasons."³

Though the opportunity for discussion was thus much widened, the scope of interpellation remained unaltered. It was decided, however, to extend this right to the legislative council of the Punjab.⁺

Budget: The government of India referred to the public demand for the right of the legislative council to "record its opinion by vote" on the budget. They were now "anxious to meet" this desire, and considered it advisable that opportunities for expressing their views on the budget should be afforded to the legislative councils "at a sufficiently early stage to enable the Government to take advantage" of the suggestions tendered. Without divesting the government of the ultimate control of the

1. Ibid, Para.57.

2. Ibid, Para.59.

3. Ibid, Para.57.

+ And also to the Burma legislative council.

budget, it was sought to enable the councils to make "recommend-¹ations to the Government in respect of particular items."

Different procedures were recommended for the Imperial and provincial budgets.

This was inevitable because the final say about the provincial budgets then rested with the government of India. On estimates supplied by the provincial government, the latter would lay down the limits of the expenditure for the provincial budget. As the provincial government could not exceed these limits, certain indispensable items of expenditure were to be set apart and the rest referred to a Standing Finance Committee of the provincial council, consisting equally of officials and non-officials, so to adjust the expenditure as to make the total estimates conform to the limits fixed by the government of India.

Apart from this, the procedure for both the Imperial and the provincial legislative councils was similar. Its chief feature was that the financial statement would come before the committee of the whole council. While discussing it, resolutions proposing amendments could be moved and divisions taken. The executive would then consider the budget in the light of the views expressed and resolutions passed. Afterwards, the budget in its final form was to come before the legislative council, when the government would take the opportunity to explain their inability to accept any resolution which the committee might have passed. At this stage neither resolutions nor divisions would be permitted, though a general discussion was to take place.

1. Ibid, Para.62.

The government of India excluded at the same time, on grounds of public policy, certain heads of revenue and expenditure from debate in the Imperial and provincial legislative councils.

These proposals were distinctly a step in advance. They sought to associate the non-officials with the financial control of the government as much as was thought harmonious with the prevailing conceptions about the administration in India. The rights to move resolutions on matters of general public importance and to propose amendments to financial provisions would be a valuable addition to the powers of the legislative councils. The position of the non-officials was strengthened; they would now have an opportunity to indicate their views much ~~more~~ more effectively. Coupled with other aspects of the reforms, particularly the frank recognition of election, these tended to impart to the legislative councils a real parliamentary bias, and raised their status. These acknowledged the desirability of obtaining non-official support for executive measures, and conceded in principle the advantage of co-ordinating government's policy with the wishes of the governed.

The government of India also acknowledged that the new proposals were likely to increase the burden of the heads of the local governments. It might be necessary, in order to help them, to enlarge the executive councils where these existed, and to constitute executive councils ~~where these existed~~ in the larger provinces where there was none. But they refrained from offering a definite view pending the experience of the actual working of the reforms.

Not all the government of India's proposals were accepted by the secretary of state. His views were approved by his council with two dissents on 26 November 1908. The cabinet "took the thing on trust, having rather urgent business of much domestic moment on their hands."¹

Council of Chiefs: The idea of the council of chiefs did not appeal to the secretary of state. He was apprehensive that the rulers, on whose enthusiasm and co-operation the success of the scheme depended, would not take kindly to it. But in deference to the Viceroy's prestige and out of respect for the rulers' sentiments, the scheme was not rejected outright. Instead, it was left to Minto to devise in consultation with the chiefs. "a scheme that is at once acceptable to them and workable in practice."² The Viceroy was not without his doubts, and "whilst not absolutely dismissing the idea" would "let it stand over for the present."³

Provincial Advisory Councils: The creation of provincial advisory councils was not "likely to prove an experiment of any marked actual value." A rivalry might spring up between these councils and the legislative councils; in that case, the new species of councils were sure to be "suspected as designed to be a check upon the old."⁴ The reformed legislative councils with greater facilities for discussion and debate rendered the advisory

1. Recollections II, p.284.

2. Secretary of State's Despatch dt. 27.11.1908, Para.3. (cd.4426-1908)

3. India, Minto & Morley - p.255.

4. Secretary of State's Despatch dt. 27.11.1908 - Para.4.

councils redundant. Morley decided against provincial advisory councils. Even the Central Provinces were not given an advisory council.

Principle of Representation: About the manner of election and principle of representation, the secretary of state took a completely different line. He was surprised at the extent of the government of India's reliance on nomination "to supply the deficiencies of election." ¹ Wherever class electorates were difficult to form, nomination was to be resorted to. To obviate this he suggested "a modification of the system of a popular electorate, founded upon the principle of electoral colleges." He recommended joint electoral colleges in which the number of electors representing each interest would bear to the total number "the same proportion as the members of council representing that interest to be elected bear to the total number to be elected." Each interest should be allotted a fixed number of seats on the legislative councils. The electoral college as a whole was to elect the members, each elector having one vote. Thus each section of the population would ^{be} enabled "to return a member in the proportion ² corresponding to its own proportion to the total population." The electoral college, to consist of a fixed number of members, was to be elected by landholders with a minimum property qualification, members of rural and sub-divisional boards, and members of district boards and municipalities, a definite number being allotted to each of these interests. If any interest did not receive its

1. Ibid, Para.9.

2. Ibid, Para.12.

due share, its deficiency would be made good by nomination. Again, if any interest was over-represented, only the required number of seats should be retained, leaving out the surplus. This system might secure representation not only of the Moslems and the landowners, but also of other interests. The only condition necessary for such representation was to allot adequate seats on the electoral college to the interest concerned.

Explaining the advantages of this scheme, Morley said that by bringing all the classes and interests within the popular electorate it met the criticism of encouraging separation¹. It did alike "establish a principle that would be an answer to further claims for representation by special classes or associations". Again, by linking up the local bodies with the legislative councils, it tended to stimulate interest in local self-government. Morley even suggested that a candidate for election to the provincial legislative council might be required to have taken part in the local administration.

Regarding the special representation of the Moslems, he pointed out that giving them a definite proportion of seats on the provincial councils "might involve the refusal to them in that province of a right to vote in the territorial electorates"; else they received "a double vote", probably causing resentment to others.²

Imperial Legislative Council: The secretary of state was not satisfied with the lean official majority in the Imperial

1. Ibid, Para.14.
2. Ibid, Para.11.

council, secure only with the assistance of the governor-general. He did not like any compromise. Official majority was essential. He could not "regard with favour the power of calling into play an official majority, while seeming to dispense with it." Nor did he like the governor-general to be involved in "the conflict of the division list." The official majority need not be overwhelming, "but it must be substantial." The government of India were, therefore, asked to increase the number of nominated officials.¹

Provincial Legislative Council: As to the official element in the provincial councils, however, Morley had different views. He decided that there was no need of an official majority on those bodies. They had a very narrow scope of legislation. It was difficult to imagine that delay in provincial legislation, due to non-official opposition, might cause much administrative mischief. It was^{also} unlikely that cutting across their divergent interests, the non-officials would combine against the government. If they did so in favour of an unwanted measure, the head of the province had his power to withhold assent. But in the concurrent powers of the governor-general in council to legislate for any province Morley saw the best safeguard. His decision, of course, made it necessary to modify the constitution of the provincial legislative councils. This afforded a chance "to secure a wider representation."²

An important reason for doing away with the official majority

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1. Ibid, Para.22.
 2. Ibid, Para.21.

was, as Morley explained in the House of Lords, that it "tends to weaken, and I think I may say even to deaden, the sense both of trust and responsibility in the non-official members of these councils."¹ Helpless before an omnipotent official majority, the non-officials were driven to "an attitude of peevish, sulky, permanent opposition."²

One may naturally wonder why was then the official majority retained in the Imperial legislative council? Was not its effect equally harmful to the non-official members of that body? Morley explained this inconsistency by making clear his conception of government in India. Any weakening of the ultimate executive control was far from his intentions. He was not initiating a parliamentary system of government in India. He denied that the reforms "led directly or necessarily up to the establishment"³ of such a system in India. Therefore, at the last stage the government must have the means of carrying through the legislation they considered necessary. He emphatically declared, "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 at all the goal to which I would for one moment aspire."⁴

Morley's verdict against an official majority in the provincial councils met with vehement opposition from two of his colleagues in the India Council, Sir William Lee-Warner and Sir James Thomson.⁺

1. Morley, Indian Speeches, p.89.

2. Ibid - p.90.

3. Ibid - p.91.

4. Ibid, - p.92.

+ Both of them were retired members of the Indian Civil Service.

Sir William Lee-Warner feared that "the legislative arm of the provincial government will be paralysed, and public confidence will be shaken by the constant defeat of these governments in their legislative councils." The government should have power not only to prevent bad laws, but also "to pass good laws" and "to stop at their inception dangerous and disturbing bills." He did not agree that the scope of provincial legislation was confined to unimportant matters, and was averse from leaving the responsibility of rejecting bad laws solely with the head of the province. The intervention of the supreme council to pass a necessary measure was "a retrograde step towards centralisation and an intolerable buttress on the Imperial Council which would have neither the time nor the local knowledge needed for such additional legislative work." The withdrawal of the official majority would encourage non-officials to bring forward "hasty projects of legislation." He was dubious as to the outcome of the new scheme of election sketched by the secretary of state: it appeared imperfect, "at any rate it is an experiment". Before an experience of its working had been gained, it was premature to surrender the official preponderance.

Sir James Thomson regarded the step as "subversive of British rule in India," so far as the provincial councils were concerned. The increased powers of the councils, their right to call the executive to account, rendered the step very dangerous. From his personal experience of the working of the Indian councils, he was convinced that "the animus of the non-official towards the official

is the animus of ~~an~~ opposition to Government." Under the proposed set-up, the legislative councils would only intensify the alienation of rulers and ruled. Again, the defeat of the government in the council must reduce the status of the administration in the eyes of the public. This was harmful: "Prestige as a term for government in India is a word of grave import." He did not appreciate the difference between the Imperial council and the provincial councils in this respect. Surely the latter, no less than the former, needed the right to legislate! The dependence on the central government's concurrent legislative powers would detract from the authority of the provincial government.¹

Resolutions and Questions: Generally speaking, Morley approved of the government of India's proposals regarding resolutions.

He sought, however, to extend the scope of questions, and would allow, subject to restrictions, the asking of supplementary questions. In its absence interpellation tended to become "unreal and ineffective."²

This was another remarkable accession to the power of the non-officials. Together with the right to initiate discussion on important public matters, the right of "cross-examining the Government on its replies to questions" served "the purpose of an inquest into the doings of Government."³

Budget: The proposals for the discussion of the budget

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1. Ibid, pp.98-104.
 2. Secretary of state's Despatch dt. 27.11.1908 - Para.3.0.
 3. Montagu - Chelmsford Report. Para.79.

were approved. Morley underlined the necessity of leaving no one in doubt that the ultimate control of executive action resided exclusively in the government.

The need of "an effectual advance"¹ in the sphere of local self-government was urged by Morley. He also touched the question of executive councils in the provinces. In view of the increased burden that the reforms would lay on the provincial heads, he favoured adding one member each to the executive councils of Bombay and Madras, and to create executive councils in larger provinces. Hence, he planned to seek powers "to create Executive Councils from time to time as may be found expedient."²

This despatch is an outstanding evidence of Morley's contribution to the reforms. In many important respects, he took significant decisions. He rejected the Council of Chiefs, vetoed the provincial advisory councils, dispensed with the official majority in the provincial councils, granted wider powers of interpellation, and sought to devise an electoral scheme which assured to each interest its due share of representation while uniting them in one electoral college.

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The government of India were not favourably disposed towards Morley's electoral scheme. It was unlikely to give to a minority a representative of its own choice. The voting strength of the Hindus in the electoral college could be so manipulated that with

1. Secretary of state's Despatch 27.11.1908 - Para.33.
2. Ibid, Para.41.

the support of a few Moslem members, a Moslem might be elected to the legislative council, who did not possess the confidence of the majority of the Moslem members of the electoral college. The Moslems were at a disadvantage in the formation of the electoral college too. On the local bodies, - the principal constituent of the proposed electoral college, - they were not sufficiently represented. It was possible for the majority to select not only their own representatives but the Moslem representatives as well. Thus the Moslems were "liable to be deprived of the privilege of choosing their own representatives on the electoral college, and might have to accept such candidates as commend themselves to the Hindu majority." Further, at a bye-election the minority had not the least chance of having its own way. The scheme was "extremely complicated," and was unsuitable for the common run of intelligence and public spirit of the primary voters who elected the local bodies. The government of India "doubted whether the result anticipated can be obtained for many years to come": at any rate, "the immediate consequence will be that for a considerable time the electoral system will be in the hands of the professional wire-puller, the only person who will be able to manipulate the voting power effectively."

The same difficulties vitiated the representation of landholders under the new scheme. It was impossible to include the Indian commercial interests in it.

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1. Burn's Collections II, p.161 (Govt. of India to Govt. of U.P. - Letter No.127 dt. 9.1.1909.)
 2. Ibid, p.162.

Reference was also made, without any note of disapproval, to the Moslem complaint that the scheme was in direct conflict with the assurances given by Minto on 1 October 1906, which the government of India subsequently endorsed. It had been contended that "these public declarations amount to a pledge on the part of the Government" to give separate representation to the Moslems.

The government of India concluded that for the present the new scheme was impossible to adopt, and the principle of separate communal electorate must be acted upon.

Nor did they share Morley's misgivings about giving a double vote to the Moslems. His argument hardly gave weight to the consideration that the Hindu influence was sure to dominate the presidency corporations, the Universities, the landholding and the Indian commercial electorates. In view of this, no objection to the double representation of the Moslems seemed fair. It might at least be regarded "as satisfying their indefinite claim to be allotted a number of seats corresponding, not merely to their numerical strength, but also to their political and historical importance."

The decision to do away with the official majority in the provincial councils was accepted. The provincial governments were advised to determine the strength of the non-official majority in the respective legislative councils, and to distribute the

+ See above p.292

* Morley's scheme of a joint electorate had excited indignant and vehement protests from the All India Muslim League. In January 1909 a League Deputation waited upon Morley, and, among other things, reiterated their preference for separate electorates.

± See above p.336

1. Ibid, p.163.

additional non-official seats among the various interests selected for representation in the government of India's letter of 1 October 1908.

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The Morley-Minto reforms were not confined to the legislative councils. No less important were the steps they took for admitting Indians into executive partnership. We saw in the previous Chapter that the claims for appointing Indians to the executive councils and the India Council were more and more put forward. In March 1906 Minto privately discussed with some of his colleagues the possibility of appointing an Indian to his executive council. The majority opposed the idea and the Viceroy¹ did not pursue it. Instead he then preferred the idea of giving² more power to Indians in district councils and municipalities.

The idea of appointing an Indian to the Viceroy's executive council was revived by Morley in his letter of 15 June 1906, and was received with sympathy by Minto. The governor-general thought that the risks of committing state secrets to an Indian colleague might be exaggerated, perhaps because of "our own inherent prejudice against another race." Had not the time come "to offer³ to recognized ability a more direct share in the government of India" The more he thought of it, the more he was inclined for an Indian on his executive council: "It would be an immense move forward." Morley thought it "the cheapest concession we could make." It would

1. Lord Minto, A Memoir - p.231.

2. India, Minto & Morley - p.98

3. Ibid.

leave the executive power "as strong and as absolute as it now is", - a condition which was "the cardinal requirement" of any proposed ¹ reform.

The matter was considered by the Arundel Committee. Two of its four members were amenable to the proposal. ² But it was stoutly resisted by the members of Minto's council. The opposition was based "almost entirely on the assumption that it is impossible to trust a Native in a position of great responsibility, and that the appointment of a Native member is simply a concession to agitation." This view the Viceroy failed to accept. By this time, he had come to regard such an appointment as "infinitely the most important" of all proposals. When the matter came formally before the governor-general-in-council, Minto and Baker were its only supporters. Kitchener, the commander-in-chief, was "my strongest opponent.....he looks upon the appointment as an entire subversal of the old order of things." ³

Nor were things smooth for the secretary of state. The India Council was opposed to the idea. Morley spoke of "intractable ⁴ forces" against the move, and on 26 April 1907 had already mooted the idea of appointing one or two Indians on the India Council, evidently as compensation for the Indian disappointment. When the matter was raised in the Cabinet on 3 May 1907, the decision was averse. The Cabinet felt the weight of the adverse decisions of the governor-general's executive council and the India Council, and

1. Ibid, p.101.

2. Recollections, ii, p.192.

3. India, Minto & Morley, pp.103-104.

4. Ibid, p.114.

was apprehensive of bitter opposition from the Anglo-Indian community. Two ex-Viceroy members of the cabinet - Ripon and Elgin - were against the proposal "mainly on the secrecy argument - that the Member would have to know military and foreign secrets etc. etc." Fowler, the ex-secretary of state, also opposed the idea. But it was striking that Morley himself did not press for the appointment. He was held back by the prospect of the inevitable Anglo-Indian resentment, and concluded that the advantage of such an appointment "was not decisive enough to justify the risk of provoking European clamour." It would appear, however, that what really decided the matter for Morley was the opposition he encountered in the cabinet. The argument about Anglo-Indian resentment was perhaps just a device for graceful retreat. But he was far from happy in this decision.

Morley, however, received the cabinet's sanction to appoint "one or possibly two" Indians on his council. Minto was previously not enthusiastic about this suggestion, but now hoped that the step might "to a certain extent counter-balance disappointment" at the denial of Indian membership of the executive council.

The appointment of Indians to the India Council was strongly objected to by one of its members, Sir William Lee-Warner, who had also opposed the abandonment of the official majority in the provincial legislative councils. In a minute of dissent he said that the appointment "would impair and dilute the efficiency of the

1. Recollections, ii, p.211.

2. India, Minto & Morley, p.156.

+ In the light of his telegram to Minto on the Cabinet Proceedings - India, Minto & Morley, p.156.

Council." They must wait till Indians had acquired the requisite training and insight in Civil administration. Appointment of Indians "at the present moment would exclude from our discussions the ripe experience needed for the work before us." Further, the time was inopportune. The secretary of state had "too small a field for selection, and he will satisfy no one." There were different interests whose susceptibilities had to be respected. Any hasty appointment "would be invidious as well as difficult and would not pour oil on the troubled water."¹

On 6 June 1907 Morley informed the House of Commons of his decision to appoint Indians to his council for the purpose of "hearing the voice of Indians".² But it was not before 26 August 1907 that he made the formal submission to the King for the appointment of Krishna Gobinda Gupta and Saiyid Husain Bilgrami. The King approved the appointment, thereby admitting the Indians for the first time into the executive Holy of Holies.⁺

Morley asserted later on that the purpose of this appointment was to assuage the grievance of racial domination which the Indians nursed, and which lay at the root of the Indian problem. He wanted the English rulers in India to realise that "in the eyes of the ruling Government at home, the Indian is perfectly worthy of a place, be it small or great, in the counsels of those who make and carry on the laws and the administration."

1. Dissents by Members of India Council, vol.3, pp.94-95.

2. Indian Debates, 1907, p.185.

+ K.G.Gupta was a retired I.C.S. official, who had been a member of the Bengal Board of Revenue - the highest post to which an Indian had yet been appointed.

S.H.Bilgrami was a minister to H.E.H. the Nizam of Hyderabad, and was for sometime a member of Imperial legislative council.

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of the community to which he belongs."

While writing to Minto about these appointments on 23 August 1907, Morley described "the present move as the sure precursor of a move in the very near future as far as you would like to go."² He meant the appointment of Indians to the executive council. The Viceroy felt that without this the reforms would sound rather hollow. He wrote to Morley on 1 July 1908 that "nothing would *of our attempts at reform than the appointment* ~~and~~ more to prove the genuineness³ of a Native member to the Viceroy's Council...." In its absence "there must be a want of reality in respect to the ³greater popular powers" now being conferred on the legislative councils. An Indian might be placed in charge of the legislative department. In his letter of 21 July 1908 Minto was more insistent, and remarked that there was no legal bar against appointing straightaway an Indian as member of his council. He had already S.P. Sinha, of the Calcutta Bar, in his mind for this unique honour. It is worth noticing that Minto slightly shifted his ground and remarked that ~~Sinha's~~ appointment would only admit the great principle that an Indian would "not be excluded from a share in the Supreme Government if his qualifications meet the requirements of the Appointment."⁴ Henceforward, this argument was more and more relied on, though undoubtedly the move had been conceived as a political concession. In a letter on 12 August 1908 the governor-general reiterated his intention of appointing an Indian to his executive council. He went further,

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1. Indian Speeches, p.44.
 2. India, Minto & Morley, p.158
 3. Ibid, p.212.
 4. Ibid, p.214.

and expressed his desire for enlarging the executive councils of Bombay and Madras and of establishing such councils in the United Provinces and Bengal. Each of these councils would include an Indian. This, he said, in his letter of 14 October, 1908, went "much nearer to the heart of things."¹

The India Council remained adamant. By five votes to three, the council again threw out the proposal.² But now Morley was determined to meet Minto's wishes, much to the latter's pleasure who was sure that "the appointment would be right."³ On 17 December 1908 Morley expressed his decision in the House of Lords. It must be "common sense" for the governor-general and his European colleagues "to have at their side a man who knows the country well, who belongs to the country and who can give him the point of view of an Indian. Surely.....that cannot but prove an enormous advantage."⁴

At this time, Morley faced a problem in the Muslim League demand for equal share in the Indian quota of probable appointment to the executive council. A deputation of the London branch of the League waited upon him in January 1909 and put forward the demand for parity. Morley rejected the plea as "dubious tactics" on part of the deputation and said that reference to any community in regard to the appointment was "entirely wide of the mark...." What he and Minto had in view was the desirability of demonstrating

1. Ibid, p.222.

2. Recollections, ii, p.278.

3. India, Minto & Morley, p.255.

4. Indian Speeches, p.94 (At one stage during their correspondence Minto put forward very similar arguments in favour of the Council of Notables. He spoke of the disadvantages which the government sometimes had to face "for its want of contact with the Native world!" (India, Minto & Morley, p.157)

that they held to the famous Proclamation of Queen Victoria in 1858 promising that "if a man is fully qualified in proved ability and character to fill a certain post he shall not be shut out by race or religious faith." He refused to acknowledge any other principle in regard to this matter.¹

Another hurdle presented itself in the shape of the King's misgivings. He felt strongly on the subject, and in a talk with Morley expressed himself in a tone of "earnest, but extremely kind remonstrance."² Minto wrote to the King assuring him that the appointment would really mean the removal of racial disability in case of an Indian possessing the necessary qualifications. This was not a move to satisfy a claim for racial representation. For "a seat held on racial qualifications would.....indicate a disregard for the special qualities which would entitle an individual to hold such a seat."³

In March 1909, Morley presented the case of Sinha's appointment before the Cabinet. He opened the matter by saying, "No more important topic has ever been brought before a Cabinet."⁴ The Cabinet this time gave unanimous approval to the proposal. The King accepted the recommendation of a unanimous Cabinet. Soon after S.P.Sinha was appointed as the first Indian member of the governor-general's executive council as the Law Member.⁺

What were the factors which influenced the allocation of

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1. Ibid, pp.109-111
 2. Recollections, ii, p.299.
 3. Lord Minto, A Memoir, p.286.
 4. Recollections, ii. p.302.

+ One of the reasons why Morley did not make this appointment earlier was the possibility of antagonising the Conservative opposition and the consequent risk of losing his Reforms bill in the House of Lords.

legislative department to the first Indian member of the government of India.¹ In July 1908 Minto, first mooted the idea of appointing an Indian in charge of the legislative department, referred to the Indians' "peculiar aptitude for the profession of Law."¹ Many Indians had high reputation at the Bar. He also seemed to favour the idea because such an appointment would not necessitate any fresh legislation. Morley, writing in September 1908, conceded that one advantage of the proposal "would plainly be that such an appointment would not be taking the bread out of the mouths of the Civil Service."² Apparently, this might make the step less distasteful to that powerful body. Later in the month Minto, elucidating his stand, pointed out that the charge of legal department would not impose great administrative duties upon the Indian member, who was consequently less likely to be faced with difficulties which the lack of administrative experience might entail.³ It may be said here that Morley could not conceal from himself the fact that the Indians were unlikely to be satisfied with being perpetually confined to the department of Law.

This appointment was an important landmark. Gokhale hailed it as "in some respects.....the most notable part of the Reforms..."⁴ An Indian was for the first time given a share in formulating the administrative policy of the country. As such something more than the purely advisory role, to which the Indians had so long

1. India, Minto & Morley, p.213.

2. Ibid, p.216.

3. Ibid, p.219.

4. Ibid, p.289.

been used, was granted. The persistence which marked the demand for executive partnership by Indian politicians was only a measure of the value they attached to such an appointment. It heralded racial equality between the rulers and the ruled, and was an eloquent gesture of confidence in the ability and trustworthiness of the latter. Perhaps it also served to assure the Indians that their wishes and wants would not go by default in the highest administrative counsels of the country.

The *adm*ission of Indians to the provincial executive council was now only a **q**uestion of time.

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We have considered in this Chapter how the reforms were shaped by the authorities in India and in London. We shall now, in the next Chapter, study their progress through parliament.

Chapter VIIIThe Indian Councils Bill, 1909, In Parliament.

The Indian Councils Bill was presented to the House of Lords by Morley on 17 February 1909. Read a second time a week later, the bill, passing through further stages of consideration, was passed by the Lords on 11 March, 1909.⁺

Moving for the second reading of the bill, Morley spoke of two rival schools of opinion regarding the government in India. One school believed that better government depended on efficiency of administration. The other, with which Morley associated himself, while not ignoring the cause of efficiency, "looks also to what is called political concessions." Without political concessions, "true, solid, endurable efficiency" could not be ensured. He was aware that the risks attendant on a policy of political concessions had been pointed out. Referring to Salisbury's misgivings about applying 'occidental machinery' in India, he said, "Well we ought to have thought of that before we applied occidental education; we applied that and occidental machinery must follow." He claimed, however, that the bill did not make any violent departure. The Indian Councils Act of 1892 had admitted the elective principle in the legislative councils; "now this bill extends that principle."²

+ The peers whose speeches in the Lords have been considered in the following pages are:- Ampthill(Conservative), Courtney(Liberal), Crewe(Liberal), Cromer (He had no pronounced party leanings), Cross (Conservative), Curzon(Conservative), Lansdowne(Conservative), MacDonnell(Liberal), Middleton(Conservative), Morley(Liberal), Northcote(Conservative), Reay(Liberal), Wenlock(Conservative), and Wolverhampton(Liberal).

1. Indian Debates, House of Lords, 1909, p.14.

2. Ibid, p.15.

Morley's view of the result of Western education in India found some enthusiastic support. MacDonnell considered the bill as "the latest product of that system of education which the wisdom of our predecessors introduced into India." ^I Ampthill reminded the House that the Indian political aspirations "we ourselves have taught and fostered." ² ⁺ Middleton, the ex-secretary of state, remarked that the education introduced by the British in India had enabled a considerable section of the people to take an interest in political affairs. By their own example, the British had "inspired them with the idea of political activity." ³ Reay saw in all this "the natural result", ⁴ and Cromer "the natural and inevitable result", ⁵ of the educational reforms which the British initiated.

But Morley's claim that the bill was merely an extension of the Act of 1892 found no such hearty endorsement. Ampthill no doubt saw it as "a moderate and just expansion of the present system", ⁶ but Lansdowne thought that the Act of 1892 was "child's play" ⁷ compared to the bill. He protested that the bill went "very far indeed beyond anything you can find in the Bill of 1892", and

1. Ibid, p.41.

2. Ibid, p.50.

3. Ibid, p.60.

4. Ibid, p.69.

5. Ibid, p.75.

6. Ibid, p.52.

7. Ibid, p.183.

+ St. John Brodrick, Lord Middleton (1856-1942): Conservative in politics Middleton entered House of Commons in 1878 and sat there until shortly before his accession to the peerage in 1907. He was secretary of state for War during the South African war (1900-1903), when he was responsible for many reforms in the War Office. He was secretary of state for India from October 1903 to December 1905.

was "not merely a step forward, it is a plunge forward, and a plunge which will lead us we cannot yet tell where." The bill tended to make the legislative councils "in effect, little Parliaments with a great many of the attributes of a Parliament." Middleton regretted that the bill introduced "some of the very worst features of our own Parliamentary practice," even though the secretary of state had denied any intention of introducing parliamentary government in India. He thought that the new legislative councils were "semi-Parliamentary institutions." Curzon noted "a great difference" between the Act of 1892 and the bill, which created "almost representative government." The bill introduced some of "the features inseparably attached to a Parliamentary system" which system would "inevitably be the consequence" of the new measure.

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Coming to the particular provisions of the bill, the enlargement of the legislative councils was vehemently attacked by Curzon. This was "a most immense and in its consequences revolutionary change." It was sure to cause administrative difficulties as more and more officials would be taken away from their routine duties to attend the session of the legislative councils, thus inflicting a "very serious blow on the continuity of work." in government departments. A chain of temporary appointments would be necessary, and this raised the question of

1. Ibid, p.216.

2. Ibid, p.138.

3. Ibid, p.66.

4. Ibid, p.68.

5. Ibid, p.177.

6. Ibid, p.131.

7. Ibid, p.28.

8. Ibid, p.30.

+ See Ch.VII, p.338

expense. Besides, suitable men were not always available. All in all, he could not "conceive anything more dangerous to the morale and efficiency of the service."¹ Midleton raised a similar objection: he regretted that senior officials were to remain in enforced idleness, away from their proper duties: he did not believe that there would be enough work in the councils to keep them fully employed. He had no doubt that "you will have a very costly system set up by these proposals!"² Lansdowne entirely agreed with these views. The work on the legislative council was sure to distract the officials and divert their attention from their "real official business."³ Had some of his hearers never felt when they had office work to do and when they were to make a speech the next day, that the "office work rather suffered in consequence?"⁴ He said that the evil effect would be to disorganise the departments to which the officials belonged.

To all this criticism Courtney replied that it was "no use to grumble about the consequences"⁵ once it had been decided to make the council representative. (He was speaking about the supreme legislative council in particular.)

As a way out of the practical difficulties, he suggested that the officials should be allowed to vote by proxy, without leaving their stations, their proxies being in the custody of a member of the government. Referring to the question

1. Ibid, p.131.

2. Ibid, p.66.

3. Ibid, p. 93.

4. Ibid, p. 94.

5. Ibid, p. 84.

of expense Reay said, "I do not think that in India this expenditure will be grudged."¹

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When enlargement of the legislative councils had come in for so much criticism, it was to be expected that the frank recognition of election, which the bill included, should excite controversy. Though the details of the procedure of election were to be settled under the regulations later on, it had been decided, as Morley said, "that there is to be election in the proper and natural sense." In view of this decision, any ratification of election by executive authorities would "look farcical."²

Curzon thought differently. Election was "profoundly unsuited to the Indian system and the Indian character."³ He feared that the Hindus, by their greater capacity of organisation, would so manipulate the electoral colleges that before long they were sure to capture the representative system of the country. Amptill also stressed the unsuitability of elective system in India. "To most Eastern gentlemen," he asserted, "there is something positively degrading in the mere idea of popular election."⁴ They were proud to serve on the legislative councils, but they hated to attain that honour by courting the favour of the ordinary people. This they considered "humiliating and even disgraceful."

1. Ibid, p. 271.

2. Ibid, p. 111.

3. Ibid, p. 33.

4. Ibid, p. 51.

He was opposed to elections also because elections meant representative institutions, and "representative institutions mean self-government and self-government means the surrender of British rule in India."¹ Hence the continuation of the existing system was much to be preferred. In this he was supported by Lansdowne, who wanted the head of the government to have the authority to keep out of the legislative council "an unsuitable and undesirable member." Without this power, how were they to stop the election of a person whose presence "would fatally impair the efficiency or good order of the council.....?" He too asserted that election was "foreign to the ideas of the people of India."²

Curzon also feared that under the new arrangements the great mass of the people would suffer. The silent millions did not care for political reforms: "What they want is not representative government, but good government," and to them good government was a synonym for government by the British. The classes which would most benefit by the reforms were those who flourished at the cost of the people. So Curzon felt sure that as "government in India becomes more and more Parliamentary - as will be the inevitable result - so it will become less paternal and less beneficent to the poorer classes of the population."³ Reay emphasized the need of securing proper representation of tenants and ryots

1. Ibid, p. 52.

2. Ibid, p. 92.

3. Ibid, p. 24.

4. Ibid, p. 5.

"for agriculture is in India the great industry of the country."¹ But he pointed out, in answer to Curzon's misgivings, that the vast mass of the people would receive in the future, as in the past, the protection of the administration. It is remarkable that none of them, though they belonged to opposite political camps, could rely on the Indian members of the councils for a fair deal to their countrymen.

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Regarding the election of the Moslem representatives, Morley said that to the best of his belief the scheme of joint electorates⁺ which he had proposed would enable the community to return "their own representatives in their due proportion"². But the Moslems were opposed to the scheme as they feared that under it only pro-Hindu Moslems had any chance of election. The government of India were not satisfied with the scheme, which would not be pressed. Morley regretted this decision of forming religious electorates and wished "that it were otherwise." He hoped that "time, with careful and impartial statesmanship will make things otherwise." The government not only intended to fully meet the Moslem demand of electing "their own representatives to these councils in all the stages, " but also their claim for a number of seats exceeding their numerical proportion. Morley justified this departure from democratic precepts by reminding

1. Ibid, p. 71.

2. Ibid, p. 16.

+ See Ch. VII, pp. 335-336

the House that the difference between Islam and Hinduism was not merely religious. "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."¹

This decision met with a chorus of welcome. Curzon hailed it as "a wise and statesmanlike decision."² Amptill, a protagonist of proportional representation, enthusiastically approved separate Moslem electorates. Proportional representation might work in a homogeneous community, but it did not "blend antagonistic elements." The difference between the Hindus and the Moslems was permanent: these two elements "do not mix and interchange." This was the justification of Morley's decision to grant the Moslem demand. The government had long held the scale even between the two: with the reforms this would be over. The Moslems must now fend for themselves. Any decision which left them discontented was "a distinct weakening, not only of the power, but of the prestige and the influence of British Government in India."³

Reay pointed out that the Moslems had not asked for any special privilege, "but they wish to be represented as a distinct community forming a nationality by tradition of race and religion." Referring to the fervour of the Pan-Islamic movement, he stressed the need to remove the Moslem

1. Ibid, p. 18.

2. Ibid, p. 33.

3. Ibid, p. 54.

grievance of inadequate representation. Separate representation would also ensure the smooth working of the legislative councils, and thus "avoid accentuating the divergences" which existed between the Hindus and the Moslems.¹ Courtney accepted Morley's decision, but with regret. He wished, as Morley did, that the Hindus and the Moslems could be brought together in the same electorate, "in order, if possible, to break down these antipathies which exist in so much force."²

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In the light of the frank acceptance of election, the issue of qualifications of members of the legislative councils assumed importance. Some categories of persons were of course to be declared disqualified for membership. This question had attained more than ordinary importance at the time because of the problem of persons deported in India under Regulation III of 1818.⁺ Amptill said that the head of the administration could of course be given the right to veto the election of a member; but he preferred to depend on the regulations to "safeguard the purity of the councils..." Among the categories he suggested for disqualification was, "any man who has incurred a penalty, under the criminal law of India; under

1. Ibid, p. 74.

2. Ibid, p. 85.

+ Under the regulation, the government could keep a person in indefinite detention without any trial. Morley had at the time sanctioned the detention and deportation of several persons under this regulation. The deportees included well-known political figures of India. Morley had come in for severe criticism especially by the Radical members of the House of Commons, for sanctioning these deportations, which had been proposed by the Indian authorities to cope with the Indian unrest.

the law of sedition."¹ Midleton wanted the deportees to be excluded: he seemed to apprehend that the election would tend to return a solid team of obstructionists to the councils.² Lansdowne likewise thought that under the system "men will be elected who can be familiarly described as very dangerous firebrands, and who will take advantage of their presence on the Council in order to make good government extremely difficult, if not impossible." To prevent this a list of disqualifications was not enough. He would arm the head of the government with the right "to object to the appointment of an unsuitable and undesirable member."³

This suggestion was not received sympathetically by the government. The Lord Privy Seal, Crewe, said that this demand for veto was "going very far." What was the value of conceding the right of election, if the elected person could be "declared incapable of sitting not on any specific ground, but simply because the Lt.-Governor or Governor General does not desire to see him on the council?"⁴

Morley said that the cessation of ratification of election by executive authorities led to the necessity of going into the question of qualification. The regulations to be made under the Act would lay down the categories of persons

1. Ibid, p. 55.

2. Ibid, p. 65.

3. Ibid, p. 92.

4. Ibid, p. 101.

disqualified to be members of the legislative councils. Though no final decision had been made, he indicated the rough outlines of disqualifications. Making a specific mention of the deportees, he refused to give any assurance that they would be disqualified. For the success of the reforms it was essential to leave "as little ragged edge as possible..."¹ He therefore discouraged the idea of making the list of disqualifications too long. Needless to say, the idea of veto was not accepted even though Minto, exercised over the question of disqualification by regulations, "much preferred that the ultimate power to nominate should rest with the Viceroy and the heads of Local Governments."²

Morley's reply failed to satisfy Amptill. In the committee he moved an amendment authorising the government of India to frame rules laying down conditions under which persons otherwise eligible for membership would be disqualified. He noted that Morley "hesitated and refused to commit himself to a definite conclusion" for the disqualification of seditionists and votaries of anarchism in India; he asserted that the inclusion of these persons in the councils would introduce an element of trouble "preventing the smooth perfection of the whole scheme."³ No loophole must be left for the election of these persons, and steps must be taken to demolish the idea that the surest way of finding a place on the councils was political notoriety.

1. Ibid, p. 112.

2. *India, Minto and Morley*, p 283

3. Indian Debate, House of Lords (1909) p. 168.

Morley said that the question of deportees was still under discussion with the government of India. He refused, however, to accept the position that the fact of participation in a mischievous political agitation should bar any one permanently from the councils. Besides, he did not anticipate that the elections would return many "extreme and obnoxious"^I characters. In fact, his bill rested on the belief that the reforms would reduce the hold of extremists. It is interesting to note that Morley also envisaged the possibility of the legislative councils excluding by by-laws or other means a really undesirable person. Ampthill's amendment was withdrawn.

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Another aspect of the bill with which the elections were closely linked was the proportion of officials and non-officials in the legislative councils. Morley said that the supreme legislative council formed a class by itself. It would be wrong to place the provincial legislative councils on the same footing with it. As to the former, he reiterated the basic approach of the bill which rested on the need of political concessions and extension of the elective principle. What was the value of adopting elections, he asked, "if the councils had at the same time retained the old method of an official majority which would reduce the power of elected members to a mere farce?"² The retention

I. Ibid, p. 171.

2. Ibid, p. 134.

of official majority in any form militated against the principle of the bill. It was "a complete mockery" to invite the people to a greater share in the affairs of the country while retaining the official majority thus rendering the resolutions and votes of the councils "mere ^{pious} private opinions."^I Answering the criticisms of administrative dangers of withdrawing a large number of officials from their routine duties, he said, on the authority of a private telegram from the governor general, that many of the officials nominated to the legislative councils would be those posted at the different headquarters. Thus they would be able to carry on their normal duties.

While Morley conceived the non-official majority as the logical consequence of elections, Curzon thought that the secretary of state was "breeding great mischief" in this matter. The non-officials would be able, if they chose, "to bring the government to a stand-still." The secretary of state had in his despatch relied on the government of India's ^{any} current power of legislation and the withdrawal of consent by the head of the province⁺. Curzon argued that the former course was incompatible with the urge for decentralization which Morley had evinced. Again, if the secretary of state required an effective official majority in the supreme legislative council to save the Viceroy from the conflict of the division list, why should not he save the provincial

I. Ibid, p. 135.

+ See Ch. VII, p. 337

heads also " from the invidious task of exercising the veto?"¹ The decision was particularly risky as the new councils would differ from the existing ones inasmuch as these would be mainly elected. "We have to see what the character of these bodies will be as time develops."² Another reason for Curzon's disapproval was that without the official majority the government would not be able to pass a law for the benefit of the masses.⁺ He entered emphatic protests against this decision, and pointed out that the government did not really carry their trust in the people "to its logical conclusion." While seemingly making liberal concessions, they relied on the powers of the government of India or the head of the province to "set matters right" if the councils proved wayward. He deprecated bringing in these high dignitaries "to extricate the provincial councils from the mistakes which they may possibly make."³

Lansdowne thought it was "dangerous" to expose the provincial governments to "the risk of being out-voted in council." This would be "a shock to their authority."⁴ Northcote⁼, in the same vein, argued that the bill contained proposals for a large increase of power for Indians. Even if the non-official majority in the legislative councils was withdrawn, they "would reap very distinct advantages under

1. Ibid, p. 32.

+ Was not he anticipating the character of the new councils?

2. Ibid, p. 132.

= Ex-governor of Bombay.

3. Ibid, p. 134.

4. Ibid, p. 93.

the Bill." He could not see "why what is sauce for the goose should not be sauce for the gander," and why it was essential to retain official dominance in the central council while dispensing with it in the local councils. He submitted that the bill was "more in the nature of a disfranchising than an enfranchising measure," because it took away power from the "British representatives who alone represent the hundreds of millions of agriculturists," and gave the control of the councils to the spokesmen of "an insignificant minority of the people."¹

MacDonnell had no objection "so long as the nominated members and the official members are a majority in the Council." Ordinarily, it should be possible to carry any bill by the combined forces of these two ranks. Among the elected members there would be Europeans representing the chambers of commerce, and a strong Moslem contingent; "you will also have men of standing and sense nominated by Government on whom they can generally rely."² He made it plain, however, that he rejected the idea of an elective majority.³

Amphill thought there was "needless apprehension" regarding this matter. It was hard to imagine circumstances in which all the non-official members, elected and nominated, would combine together against the government. Besides, the officials would be supported by the representatives of the planters, landholders and commerce. Thus, "the non-official

I. Ibid, p. 120.

3. Ibid, p. 137.

2. Ibid, p. 48.

majority is not an actual one: it is only a seeming one."¹

Reay, of the same opinion, accepted the government's proposal: "It is very unlikely that the non-official members of the legislative council will form a bloc."² Crewe held the same views: he also thought that it should be possible for the governor to "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."³ To this Curzon rejoined that one must not feel sure that majority of the members would be amenable to these influences. He foresaw that the elections would return in future "a strong body of extremists who will constitute what in this country we should call a permanent Parliamentary opposition." It would be well nigh impossible for any governor to "exercise successfully these powers of persuasion" to which Crewe had referred.⁴

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With his wonted forcefulness Curzon attacked the concession of supplementary questions. Regarding this as a great drawback, he wondered whether Morley "realised the enormous difference between the Indian system and our system....." The Indian lawyers, who would be the principal components of the new councils, were certain to attain a skill in this matter before which "the utmost achievements of the experts in the House of Commons will pale." But on the official side, no such felicity could be expected.

1. Ibid, p. 53.

3. Ibid, p. 102.

2. Ibid, p. 70.

4. Ibid, p. 133.

The Indian officials were first administrators and then writers. They were not speakers. Nor had they any training in parliamentary evasion or repartee. They also lacked the protection of any tradition. Thus the government proposed to put " a burden on our administrators in India which will bear hardly on them and will react unfavourably on the administration itself."¹

Midleton, supporting Curzon, thought that supplementary questions would be a source of annoyance and distress to "an official who is suddenly asked after twenty years' service to place himself in the position of a cocksby for every missile in the shape of questions that may be hurled at him."² It was a source of unnecessary waste of time, and was more likely to be abused in India for the purpose of discrediting the authorities. Cromer expressed his "very cordial concurrence" with Curzon and Midleton. Whatever was done, many of the elected members were certain to be "professional agitators or astute lawyers, who will be able to take full advantage of any opportunity of that kind."³

Amphill stoutly refuted the idea that the official would be no match for "a Hindu lawyer." It was also "ungenerous" to the majority of the members who would be elected to suppose that "the privilege of asking supplementary questions will be systematically and constantly abused."⁴ He did not believe

1. Ibid, p. 29.

2. Ibid, p. 67.

3. Ibid, p. 82.

4. Ibid, p. 56.

this and welcomed Morley's decision. Courtney pointed out that the rules and regulations governing supplementary questions would be drawn up by the governor general in council, who would be free "to make rules which shall deal with any appearance of abuse of privileges."¹ But it was essential that the privilege should be granted. Without it, the officials might reply without divulging the information that the questioners sought. Crewe supported the concession as in its absence much of the reality of the legislative councils vanished. It was, besides, "a very useful safety-valve."² People liked to talk about their grievances. As to the prophesied discomfiture of the officials, those who knew their subject and were in possession of the full facts were sure to make good speeches. No serious difficulty needed to be anticipated.

Morley said that the rules about the supplementary questions would be made by the government of India, who had not yet made up their mind. He however gave a brief outline of the rules which were provisionally proposed. There were enough safeguards against reckless abuse of the privilege, including one which authorised the president of the council to disallow any supplementary question without giving any reason for it.

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There was universal support for reforms like the giving of wider scope for discussion of the budget, and the

I. Ibid, p. 83.

2. Ibid, p. 103.

right to move resolutions and amendements. Curzon said that "the lack of the opportunity of explaining our policy to the people" was commonly felt. Government measures and motives were subjected to grievous misrepresentation and mischievous abuse. Official communiques and other methods had not succeeded. He hoped that under the provisions of the bill the government would receive "the much desired opportunity of explaining its policy and stating its cause."¹ Reay too emphasized the need of counteracting ignorant and mischievous criticism of the government policy. The wider facilities for the consideration of the financial proposals were "political". The government should know "the views of the non-official members with regard to the distribution of expenditure and the ways and means of meeting it."²

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As has been mentioned many important matters were left to the regulations and rules to be made under the Act. The details of election, interpellation, resolution, amendements etc., were to be so decided. Morley admitted that the bill might be called "a mere skeleton of a Bill if you like,"³ but he justified it recalling that the Indian Councils Act of 1892 had also left many important matters to the regulations. Gladstone had on that occasion stated that

1. Ibid, p. 31.

2. Ibid, p. 70.

3. Ibid, p. 15.

the details of the work must be left to the men on the spot, the government of India. He was therefore taking no unusual course.

Amphill agreed that rules must be framed in India; but important as they were these should not be given effect to without the knowledge of parliament. They ought to lie on the Table of both Houses for forty days, and "should take effect only if no objection has been made during that period."¹ Midleton said that by passing the bill they were giving "a blank cheque" to Morley - "a blank cheque on the filling up of which depends practically the whole future of our government and perhaps our rule in India."² Of course, they could not frame the rules themselves, but should they place the rules beyond their effective control and guidance? It is clear that Midleton's mind was full of misgivings arising from the changes which the secretary of state had made in many vital points of the government of India proposals, making them more far-reaching and radical. What if the regulations "are permeated by the more adventurous spirit" of Morley? This distrust of Morley must largely account for his suggestion that the regulations "should be laid before Parliament for forty days and should not take effect if either House of Parliament presented an address to the Crown to nullify or alter them."³ Cromer thought it very

1. Ibid, p. 53.

2. Ibid, p. 61.

3. Ibid, p. 62.

desirable for the parliament to have the opportunity of seeing these regulations. Lansdowne wanted the entire body of rules and regulations to be placed before the parliament, and even foresaw the possibility of any member moving a resolution regarding them. It was, however, farthest from his intentions to suggest that these rules should be debated clause by clause.

Not that there was no opposition to these suggestions. Courtney did not favour the idea of placing the regulations before Parliament. "I think the regulations must be made in Calcutta, and must come into force there."¹ Crewe thought that by claiming to exercise an effective control over the rules etc., they were asking for "control over purely administrative matters..."² He also appealed to Gladstone's dictum, and rejected the plea of changing the rules as a result of parliamentary interference. Cross, the former secretary of state, objected to the proposal. No doubt the House would expect a statement from the secretary of state on the broad principles of the regulations. But they must leave "matters of detail to be settled entirely by the Government of India."³

But all this did not deter Ampthill from moving an amendment in the committee requiring that "before any Proclamation, rule or regulation under this Act is made,"

1. Ibid, p. 84.

2. Ibid, p. 104.

3. Ibid, p. 129.

the draft of it should lie on the table of both the Houses for at least sixty-five days. If during this period any Address was presented by either House against the draft, or any of its part, it was not to be brought into force. The object of the amendment, he explained, was "to reserve to Parliament the right of considering constitutional changes in the Government of India before they were actually carried out."¹ Curzon supported the spirit of Ampthill's amendment, not its details. He would be content to have an opportunity of discussing the rules etc., before they came into effect, and if necessary of making representation to the secretary of state. Morley did not agree that the rules should not be given effect pending parliament's consideration. His view was that they "should come into force as soon as they have gone through the framing by the Government of India and received the approval of the Secretary of State....." Though he would not suspend their operation "for one minute", he was quite willing to insert a clause requiring these to be laid before both Houses "as soon as may be after they are made."²

Amphill withdrew his amendment and Morley moved the insertion of a new clause: "All regulations and rules made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made." His object was to bring these within the cognisance of parliament and offer the parliament the the opportunity, should it be deemed fit, "to pass censure upon

1. Ibid, p.172.

2. Ibid, p.179.

the Government in respect to any of the rules." ^I Midleton drew a line between ordinary and important rules, and proposed an amendment requiring the latter, before being brought into force, to lie on the Table of both Houses for forty days. Ampthill supported this proposal on the plea that the changes which the regulations and rules would inaugurate were "more than administrative and executive acts; they are acts of constitutional change."² Lansdowne supported Midleton in desiring that "before new measures of really cardinal importance, measures such as those dealing with the introduction of popular election and things of that sort, are finally dealt with, there should be an opportunity, before it is too late, for Parliament to express its opinion upon what is proposed."³ Curzon gave his support to this view; but Morley remained adamant. Ultimately his proposal was accepted.

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Throughout the debates in the House of Lords there was a distinct tone of distrust of the Liberal secretary of state by the Conservative peers in particular. The innovations which Morely had introduced on his own initiative in important respects, without the support of the government of India, had no doubt deepened the feeling of uneasiness. Curzon thought that Morley "is disposed to go a little too fast", and advised him to "moderate his pace" and "adjust his measure to the slower gait of the 'men on the spot'...."⁴ Lansdowne pointed out that Morley's

1. Ibid, p.196.
 2. Ibid, p.202.
 3. Ibid, p.203.
 4. Ibid, p.40.

scheme went "very considerably beyond what was suggested to him by the Government of India." The net result had been that Morley "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." As he saw it, the government of India's scheme had two limbs: one mildly democratic dealing with legislative councils; the other "distinctly conservative" concerning the advisory councils. Morley had not only "lopped off altogether" the conservative limb, but had also made the mildly democratic limb much stronger by additions which the government of India never proposed. These views had more champions.

Yet despite the evident dislike for the bill they did not move for its rejection. Why? The basic principles of the bill had the approval of the governor general, who, one must remember, was a Conservative. Not only that. The men on the spot - the government of India and the local governments - had all acknowledged the need for reform. And, as Lansdowne said, the question "whether the time has not come to go a step further" had "by common consent been answered in the affirmative." It was therefore unlikely that anyone should be willing to court the responsibility of throwing out the bill, which might intensify greatly the political unrest in India. Besides, even if the Lords rejected the bill there was the Commons. Relations between

1. Ibid, p.91.

2. Ibid, p.217.

3. Ibid, p.89.

the two Houses were already strained and one could hardly welcome with equanimity the prospect of any added bitterness.

But members of the Opposition were restive, and their determination to curb the pioneering spirit of Morley found expression when they came to consider the clauses regarding the provincial executive councils. On this they were on stronger ground. In their despatch of 1 October 1908 the government of India had distinctly stated that they would not make any definite recommendation about provincial executive councils until they had gained some experience of the working of the new reforms and had consultation with the heads of the provincial governments.⁺ Yet the bill contained two clauses dealing with provincial executive councils.

Clause 2 provided for raising the number of members of the executive councils of Bombay and Madras to four^x of which only two must have served under the Crown in India for at least twelve years. That meant that two members did not have to be recruited from the services. This possibility assumed new significance in the light of Morley's pronounced decision to appoint Indians to the executive councils. MacDonnell moved an amendment in the committee requiring all the four members to have served in India or in native states for at least twelve years. The executive council of a presidency was its "supreme administrative agency", and there was great risk in making the appointments

+ Para.76

x from two.

to it "the spoil of politics." It was essential that persons appointed must have long administrative experience, so that they might bring to bear upon their work "that knowledge which could only be acquired by experience." ^I Lansdowne pointed out that the governor might find himself in an awkward situation¹ "with two members with official training on one side of him, and two members without any official training, and possibly both of them natives, on the other."² Morley replied that the amendment put a limitation upon the choice of a member. Why should not they appoint an eminent judge, who had served less than twelve years? He said, however, that he intended to appoint only three members when the bill was passed. Morley was shifting his ground under the pressure of the Opposition. He made this declaration apparently to show that there was no question of appointing more than one India¹. Yet a little earlier he had expressed a desire to have a non-official Anglo-Indian on the executive council. If only three members were contemplated, there could not be place for both an Indian and a non-official Anglo-Indian assuming that the two officials were to be Englishmen. MacDonnell withdrew his amendment.

But another amendment to drop the clause altogether was moved by Wenlock, the ex-governor of Madras. His object was to await further consideration of the matter in India, and he hoped that the government "would consent to postpone the passing of the

1. Ibid, p.140.

2. Ibid, p.141.

clause." I Lansdowne suggested that the provisions regarding executive councils might be dealt with in a separate bill, after having ascertained the views of the provincial authorities. Morley and Wolverhampton,⁺ the Lord President of the Council, pointed out that the clause was purely permissive. If the government of India and the secretary of state did not want to enlarge an executive council, there was nothing to compel them to do it under the clause. Lansdowne nevertheless wanted an assurance that no immediate action would be taken pending further consultation in India. Morley disavowed any intention of taking any action "without full consultation with the Government of India....."² He had absolutely "no desire to act precipitately."³ Thereupon Wenlock's amendment was withdrawn and the clause passed. It may be noted, however, that one consideration which might have weighed with the Opposition was Morley's assertion that the Law officers of the Crown had advised him that without any further legislation it was within his power to add a third member to each of these executive councils, and that this third member need not possess the usual service qualifications.

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The Opposition was to prove less amenable regarding the next clause. Clause 3 empowered the governor-general in council, with the sanction of the secretary of state, to create by proclamation an executive council of not more than four members

1. Ibid, p.142.

2. Ibid, p.145.

3. Ibid, p.146.

+ the ex-secretary of state, H.H.Fowler.

for a Lt.-governor. The same authority was to decide the exact number, qualifications, powers and duties of these executive councillors. MacDonnell moved an amendment in the committee to omit this clause. He was not impressed with the argument that the clause was only permissive. If it was allowed to stand, public agitation and political pressure would "force the hands of the government" and compel them to create executive councils. I If the Indians were to be given a share in the executive government, the experiment would be made at Bombay and Madras. But with regard to the Lt.-governors' provinces they had to go by different considerations. They had to decide which was better - the "corporate government, whereby the executive government was weakened, or personal government, whereby the executive government was strengthened." 2 He felt that personal government made for better administration, whereas executive councils would divest the Lt.-governors of their personal rule. If the dilatory practice of consulting a council was initiated, it would disable them from offering speedy remedy while on tour. The Lt.-governors' efficiency would be reduced. The change was not in the interest of the people, and had been "demanded by a very small and microscopic part of our Indian fellow-subjects." He felt that in this matter, Morley was "going a little too far." 3

Curzon pointed out that the main objection of the Opposition

I. Ibid, p146. (This was the view of Lansdowne and Curzon as well.

2. Ibid, pp.190 and 194)

2. Ibid, p.147.

3. Ibid, p.148.

rested on the ground that the proposal had been put forward without any consultation with the heads of the provinces concerned: besides, "this change had never been asked for."^I

Lansdowne thought this "a very serious innovation", and repeated that the point of the Opposition was that "we have not been supplied with any sufficient information as to the reasons for which this change is desired."² On the contrary, most of the speakers who had Indian experience did not like the change. He made it clear that they did not want "to wreck the clause."³ What they wanted was to hold it back for sometime and enable the secretary of state to "collect a great mass of that information which he has not yet been able to produce....." They might then consider the proposal afresh. It is interesting to know that one of Lansdowne's objections was that it would deprive the Indian service "of some of the few great prizes open to it."⁴ One cannot help noticing that the clause created prizes which did not exist at the moment. Even if non-official Indians were appointed, they could not fill all the posts! So the clause only opened up new scope for the services - far from robbing them of some prize posts.

Morley replied that the situation in India did not permit piece-meal treatment. The conditions in India were acknowledged to be serious and they had to face them "seriously, firmly and

1. Ibid, p.154.
 2. Ibid, p.162.
 3. Ibid, p.163.
 4. Ibid, p.164.

completely....." ^I Referring to the demand for the views of Lt.-governors, he pointed out that the House had to make up its own mind. The government of India supported the clause: the Lt.-governor of Bengal wanted an executive council. No doubt, there were doubts among the Lt.-governors about the availability of suitable men. But he did not think it advisable to put on record the views of any particular Lt.-governor against the executive council, because that would tend to weaken his hold on the public. Morley called the arguments against the clause "bureaucratic" and then proceeded to say, "but it is the bureaucratic system that we are going to make a breach in, and this is one portion of the operation."²

Wolverhampton said that the bill rested on the theory of "association of the elective principle with the Government of India."³ They wanted a greater popular force behind the government than was existing at the time. So they were unable to foster the principle of personal government. Besides, if the executive councils functioned efficiently in Madras and Bombay, "why should they not work well in other Provinces?"⁴ Lansdowne replied that the real popular contact was secured by the enlarged legislative councils. Executive councils were a different matter and "only a small fraction of the proposal."⁵

Amphill stoutly rebutted MacDonnell's suggestion that

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1. Ibid, p.159.
 2. Ibid, p.160.
 3. Ibid, p.153.
 4. Ibid, p.154.
 5. Ibid, p.164.

personal government was stronger than corporate government and that executive councils undermined the personal character of governors' rule. "The government of a Governor-in-Council was every bit as personal as that of a Lt.-Governor." ^I Crewe pointed out that agitation would not be stopped by dropping the clause: in fact, that would intensify agitation.

But all this argument did not avail. The amendment for the omission of the clause was carried by 59 to 18 votes. This was on 4 March 1909. On the next day of the bill's consideration - 9 March 1909 - Morley took the somewhat unusual course of proposing the full restitution of the clause. He quoted a telegram which he had received meanwhile from the government of India in support of the clause. They spoke of the changing conditions, and anticipated that "a large increase in the work of Lt.-Governors" ² would make necessary further assistance to them, both in the work of administration and the work of the legislative councils. They considered that the executive councils would perhaps be the best means of further assistance, and were "in favour of having the power proposed by clause 3....." They had, however, no desire to create executive councils for all the Lt.-governors forthwith. There was "no present necessity for a general change of this character," ³ the new executive councils would be created only gradually and cautiously in the light of the experience and condition of each province.

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- I. Ibid, p.156.
 2. Ibid, p.185.
 3. Ibid, p.186.

But the Opposition did not give way. Lansdowne claimed that the government of India only substantiated the Opposition stand. It had been admitted that the need of the executive council was still only a matter of conjecture, resting on the experience to be gained after the reforms came into operation. The government of India had not yet been able to ascertain the position in each province. Only in one province - Bengal - the executive council was known to be wanted. After further debates, Morley was obliged to surrender, and the clause was not restored.

Thus the bill was passed by the House of Lords, where the Opposition did its best to water down what they conceived to be the dangerous innovations of a Liberal secretary of state.

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The Indian Councils Bill was read a second time by the House of Commons on 1 April, 1909. It went to the committee on 19 April and was read a third time and passed a week later. The bill was piloted in the Commons on the first day by Buchanan, the under-secretary for India. But he fell ill soon after, and the bill, was, throughout the rest of its career in the Commons, in charge of C.E.Hobhouse, a former under-secretary for India, then
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Financial Secretary to the Treasury.

Buchanan claimed that the proposals regarding the legislative councils were an extension of the Act of 1892. Some cities had denied this and pointed out that the scheme of reforms went "so far and so fast that the analogy fails." They forgot, Buchanan

+ Those who took prominent part in the debates on the bill in the Commons were:-

Conservatives

A.J. Balfour
Sir F. Banbury
Carlisle
Sir Henry Craik
Joynson-Hicks
W.J. MacCaw
Meysey-Thompson
Earl Percy
Earl of Ronaldshay

Labour

Keir-Hardie

Liberals

Asquith
Buchanan
Sir Henry Cotton
Sir Charles Dilke
John Ellis
George Gooch
Hart-Davies
Hobhouse
Sir J. Jardine
A. Lupton
MacKarness
C.J. O'Donnell
Rees
Dr. Rutherford
D.M. Smeaton

Nationalists

John Dillon.

regretted, that the government was not going fast, "but India which is going fast", specially in the last few years.

They were merely trying "to satisfy the political aspirations of the loyal people of India at the present moment." In doing this they were pursuing the only right course. They were retaining British rule "strong and stable beyond all dispute", but in order to maintain strength and stability, it must also be progressive. And "it can only be progressive by giving to the Indians something to live for; by associating them freely and generously" in the administration of the country.

The Prime Minister, Asquith, asserted that the bill was merely a further step in the development which had been taking place for many years past. It was not a revolutionary measure: in it there was no "sudden or violent break at all." The advances which the bill made were inevitable due to the changing conditions in India, where education had spread, great inter-communion between the East and ^{the} West had taken place and ideals had developed among the educated classes "which 50 or 60 years ago were perfectly alien to them and which nobody ever imagined would exist." This made it impossible to "rest where you are..." The bill was really a moderate measure, "consistent in every respect with the maintenance of our Imperial Supremacy."

1. Indian Debates (House of Commons) 1909, p.108.

2. Ibid, p.118.
3. Ibid, p.139.
4. Ibid, p.140.
5. Ibid, p.147.

Cotton took the same line. The bill only carried further the "germ of representation"¹ introduced by the *Act of 1861 and extended by the Act of 1892.*

But Percy, the Conservative ex-under secretary for India, thought it was "perfectly idle" to make any such claim. The bill was "in fact transforming and revolutionizing the whole character" of the legislative councils.² Even then the bill was unlikely to satisfy the Indian political aspirations. On the contrary, the reforms would only afford the Indians "a vantage ground for claiming further constitutional changes,"³ and thus lead to further clamour.

The same stand was taken by Ronaldshay. The scheme was "a capitulation to the agitators among the professional classes."⁴ It filled him with "grave apprehension and very serious misgivings as to the future of the British government in India."⁵

Meysey-Thompson thought that the reforms went too far. Referring to Buchanan's plea that India was going fast, he replied that it was hardly a justification for "letting them go at a high rate of speed to the bottom of the hill."⁶ On the contrary, it was their duty first to put the brake on so that the Indian coach might not overturn. Joynson-Hicks found it impossible to accept the principle of the bill. It was "a serious danger to the continuance

1. Ibid, p. 169.

4. Ibid, p. 155.

2. Ibid, p. 123.

5. Ibid, p. 156.

3. Ibid, p. 122.

6. Ibid, p. 179.

of British rule in India, and a serious detriment to the well-being of that country."¹

In contrast to these views - holding the bill either a moderate expansion of existing trends or a dangerous break from the present- stood Rutherford. To him the bill was "a very tiny and a very modest step."² The prevailing form of government in India was the "lowest type in the civilised world,"³ and he had expected from Morley a larger and a handsomer measure.

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Buchanan denied that it was the government's intention to reproduce in India popular representative government of the British type. Their object was "much more modest and more practical." While they desired to bring the Indians in contact with the administration, they wanted to make sure the representation of "the varied opinions of large and important classes in India..." This might sound anomalous to the democratic theories of representative government, but they had to deal with a practical problem and, ^{had} therefore to choose a practical solution. No doubt the professional classes constituted "a highly intelligent body of men," but after all they stood for "only one set of ideas and interests."⁴

The under-secretary's contention about the professional classes was heartily supported by the Opposition, though with a different purpose. While the former utilised it for

1. Ibid, p. 196.

3. Ibid, p. 210.

2. Ibid, p. 209.

4. Ibid, p. 109.

justifying representation of classes and interests, others argued that the reforms benefited only the educated classes - an insignificant minority - and were therefore not in the interest of the people. Ronaldshay said that the bill had been designed to satisfy the aspirations of a small section of the Indian people - the educated classes. To the latter the bill might be very welcome, but "upon the great silent masses of India" its effect might be an evil one.¹ The vast majority of the people "would probably not be benefited, probably very much the reverse, by any wide scheme of popularisation of the government unless careful safeguards were introduced into the scheme"² Balfour expressed the same view. It was "quite certain" that they were not going to get "better consideration" for the ordinary people.³

Joyson-Hicks said that the section of the population who would be affected by the bill, and would understand any of its implications, "will be something like 1 per cent of the entire population of India."⁴ These people had no touch with the great mass of their countrymen: the latter had no trust in them, nor any liking for them. The common people had much more faith in the British officials who lived among the people and were the only persons "who can effectively represent the great mass of the Indian community."

1. Ibid, p. 148.

2. Ibid, p.149.

3. Ibid, p.166.

4. Ibid, p. 190.

In view of all this he warned the government that they had "no right to establish representative government" and thus lift the one per-cent above the rest and give it a higher position. The vast majority would be no better for all the changes.¹

Keir-Hardie ridiculed this idea that the educated could not be relied on to do justice to the ordinary people, and offered "one plain remedy, namely to enfranchise the men in the field."² This might be done by creating village councils to look after the well-being of the village people. He also asked if the middle class in India could not be trusted to speak for the ordinary people, "what right have we to assume that the educated middle classes in England are to be trusted to do justice to the working classes in this country?"³

Buchanan's disavowal of representative government in the western sense ~~for~~ India did not protect the government from attacks on the means adopted to secure representation of interests in India. Ronaldshay accused the government of "trying to plant on Eastern soil a plant which comes from the West", and warned the House that the elective principle was "wholly alien to Indian thought and to Indian traditions."⁴ It was discordant with India's social conditions: it was unpopular in the country. Judging from the experience of the working of the Act of 1892, far from securing representation for the different classes, it would make for predominance of

1. Ibid, p. 191.

4. Ibid, p. 153.

2. Ibid, p. 205.

3. Ibid, p. 204.

a single class.

Balfour re-stated the argument that representative government was suitable only in a homogeneous community, where the minority willingly accepted the decision of the majority. This was not going to happen in India; nor was it pretended by anybody that the bill was a step in the direction of representative government in India. Yet they had introduced certain features which only went with representative government. They had none of the advantages of representative government, but "are you quite sure that you will not have some of its disadvantages?"¹ In many ways, the legislative councils would be "mimics of all the worst and most laborious parts of our procedure", though they were not intended to be representative assemblies. The whole thing was an enigma to him.²

But to Cotton it was crystal clear. It was "a complete misconception of the facts"³ to suppose that the bill did nothing towards introducing representation into the government. No practical man could deny that the "effect of this bill is to extend the principle of representation in the legislative councils."⁴ Smeaton held that the bill "is intended to be a step towards representative government - I do not say entire representative government, but at any rate quasi-representative government." Its tendency was to place the administration in India "on something approaching a democratic basis."⁵ Studied

1. Ibid, p. 164.

2. Ibid, p. 167.

3. Ibid, p. 170.

4. Ibid, p. 169.

5. Ibid, p. 184.

in the light of the despatches which passed between the India Office and Calcutta it was clear that the measure granted "something very little short of Parliamentary government."¹ Rutherford saw in the bill "an instalment, though a modest one, of self-government," and hoped that it would be worked with sympathy in India.²

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Speaking of Moslem representation Buchanan acknowledged that the community had "a special and overwhelming claim upon us", a claim which "solemn promises" made by persons entitled to speak for the government had recognised.

Minto, Morley and the government of India had all assured the Moslems of "adequate representation to the amount and of a kind they want."³ That promise they meant to keep. He then informed the House that Morley's scheme of ^a joint electorate had been dropped.

The debate that followed Buchanan's statement was not strictly on party lines. Whereas opposition to separate representation was confined to a number of liberal members, it was given support by both Conservatives and Liberals.

The support for separate Moslem representation was based on the belief, as expressed by Percy, that it was "absurd not to recognise the fact that the Mohomedans are not only a separate religion but also a separate race."⁴

1. Ibid, p.185.

2. Ibid, p. 109.

3. Ibid, p. 110.

4. Ibid, p. 129.

Balfour thought that the religious differences in India were the "mark and symbol of other differences, not strictly or technically religious," and divided the population into segregated and separate sections.¹ Rees considered *the* Moslem stand valid for "historical, racial, political, physical, every conceivable reason..."² Smeaton and Joynson-Hicks were of same opinion: the former thought that Morley had decided upon the "only solution" possible under the circumstances;³ the latter felt sure that Moslems preferred English rule ~~to~~ Hindu domination. The latter possibility would only turn the Moslems "devoted to English rule" against the British.⁴

The Moslem demand for extra seats and separate representation on local bodies was also supported. The local bodies were a useful training ground for administrative experience; the Moslems should obtain representation on them "as a stepping stone to the legislative councils".⁵ Percy and Rees stressed the importance of giving the Moslems a number of seats in excess of their numerical proportion. To refuse this, Rees thought, would be "a grave political error".⁶ Percy wanted to know how this was going to be done. To this Asquith replied that in addition to the seats earmarked for them, Moslems might be included in

1. Ibid, p. 161.

5. Ibid, p. 162.

2. Ibid, p. 199.

6. Ibid, p. 198.

3. Ibid, p. 181.

4. Ibid, p. 193.

the official quota. There was no reason why the chambers of commerce and other bodies should not return a few Moslems. But this did not satisfy the Opposition.

Those who opposed separate representation would not admit that the differences between Hindus and Moslems were anything but religious. C.J.O'Donnell¹ denied that there was a separate Moslem nationality. He blamed the government for adopting a policy of "religious discrimination"¹, which militated against the "old policy of this great Empire," that "we should treat all religions with equality."² Introducing religion into politics was dangerous: it would only add to bitterness. The government were blamed for discouraging the "idea of promoting harmony."³ O'Donnell himself thought, "That there is unwise favouritism going on seems certain."⁴ Cotton said that the interests of the Moslems were "identically the same" as those of the Hindus: "to attempt by legislation or by administrative acts to place the religious communities apart from one another, or in antagonism to one another, is to lead to the greatest trouble in administration which is possible to imagine."⁵

Keir-Hardie questioned the extra Moslem seats. What justified this? Superiority in intelligence, wealth and education? "If not, why is this minority of people to receive specially favoured treatment at the hands of the

1. Ibid, p. 156.

2. Ibid, p. 161.

3. Ibid, p. 158.

4. Ibid, p. 160.

5. Ibid, p. 172.

+ O'Donnell was an ex-I.C.S. man. He retired in 1900 as a Divisional Commissioner.

Government."¹ Subsequently he expressed his preference for mixed electorates: it would train all, Hindus and Moslems, "to vote, not because of religious differences, but to vote as citizens having a common interest in the good government and well-being of the nation."²

On the *O*pposition insistence in ^{the} committee on some satisfactory assurance of government determination to meet the Moslem demands, Hobhouse, replying for the government, read from a telegram received from the Viceroy on 12 April 1909 and explained that in general electorates for provincial councils and local bodies Moslems, Hindus and others would vote together. In addition to the seats gained by Moslems from these elections, certain number of seats would be reserved for them, to be filled by exclusively Moslem electorates. In case of difficulty to form electorates, nomination would be relied on. About numbers, the government adhered to Morley's "pledge" as to "the sufficient, and indeed, over-sufficient representation from the numerical standpoint of the Mohomedans."³

Hobhouse's reply added fuel to the fire. Apparently, the government stuck to joint electorates so far as the main stream of elections went. Neither in provincial councils nor in local bodies would the Moslem representation be mainly secured through separate registers. This, Ronaldshay pointed out, did not meet the Moslem demand nor carry out the government's pledges. "Everybody knows that where a system of mixed

I. Ibid, p. 207.

3. Ibid, p. 259.

2. Ibid, p. 336. (He advocated nomination to supplement the Moslem quota)

electorate is in force the Mohomedans have not got and undoubtedly will not get their fair share of representation."¹ And did not everyone know that they had been promised not only a fair share, but an "additional share"?² He put in a strong plea for separate Moslem electorates in all the stages. Needless to say, the Moslem opinion, voiced by the All-India Muslim league, raised vehement protest against what was considered as violation of solemn promises.

Ronaldshay's concern for the Moslem interest impelled him to move an amendment, during the ^{third} reading of the bill, "that the ratio of Mussulman and Hindu representation on all representative bodies, from the rural boards upwards to the Viceregal council, be fixed by executive authority, and that in every case in which any seat on a representative body thus assigned to the Mohomedan community is to be filled by election, the necessary electorate be composed exclusively of Mahomedans."³ He referred to the consternation among the Moslems after Hobhouses's statement and to their indignant protests against joint electorates. A Moslem member, not elected exclusively by Moslems, "will not be in the least the sort of man to represent real Mahomedan interests."⁴ It was necessary for the authorities to honour "a promise which was given to the Mahomedan community"⁵, and to maintain "the inviolability of their pledged word."⁶ In pressing the

1. Ibid, p. 260.

2. Ibid, p. 261.

3. Ibid, p.321.

4. Ibid, p. 325.

5. Ibid, p. 321.

6. Ibid, p. 327.

demand for extra

Moslem seats, Ronaldshay-and after him Percy- assured the government that in that case the Moslems would not vote in joint electorates.

Hobhouse put in the plea that owing to the differing local conditions it was "perfectly impossible to apply a uniform system"¹ under which the elections would take place. The government of India had to consult the local governments. Further discussion to surmount the difficulties would take place, and every effort would be made "to remove any sort or kind of obstacle which may be found to lie within our power to the carrying out of the pledges which have been given...." Meanwhile, "Wherever elections are found possible they shall be conducted on the basis of separate representation of the Mahomedan community."²

Balfour welcomed Hobhouse's statement which gave him satisfaction. He heartily supported separate electorates for the Moslems. To him the problem appeared in a different light. It had not been claimed that the bill extended representative institutions of the western model to India. It was necessary to impress upon the authorities in India that they were not intended to "assimilate the system in India to the system here", but to ensure that full representation, not necessarily based on numerical proportion,

1. Ibid, p. 338.

2. Ibid, p. 339.

should be given to every section of opinion.¹ O'Donnell repeated his vehement protests against the first statutory discrimination between different religious communities in India. If the Moslems required separate representation, why not other minorities? What about the Sikhs? He complained that conscious endeavour was under way "to set the two religious sects one against the other", and protested against "the introduction into India of a system hostile to all civilisation, and, I believe, hostile to religious peace in India."²

Ronaldshay withdrew his amendment in view of Hobhouse's assurances.

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As to the non-official majority in the provincial legislative councils, Buchanan pointed out that official dominance was not harmonious with the increased rights and privileges of these bodies. That would render the concessions somewhat unreal. Reminding the House that the Bombay legislative council was functioning without any official majority for some years past, he considered it "a most unlikely thing" that all the non-official members, representing such a variety of interests, would combine in opposition to the government. Even if they did, they would not have their way. The restrictions on their power were effective. All in all, it was unlikely that "anything but good can result from this proposal."³

1. Ibid, p. 343.

3. Ibid, p. 113.

2. Ibid, p. 348.

Percy thought otherwise. Did not the considerations which justified a non-official majority in the provincial councils apply equally to the supreme legislative council? If a veto by the Viceroy was undesirable in the case of his own legislative council, how could it be more desirable "in order to over_ride the opinion of a refractory provincial council?"¹ By hurriedly dropping the official majority, the government were depriving the vast majority of the people, who could not be participants in any scheme of representation, of that protection and security which only the bureaucracy could offer. Along with other rights, the power of passing resolutions, which though technically recommendations of advice to the authorities "would in fact be regarded as tantamount to a vote of censure on the Administration,"² lent special significance to the matter. Besides, the non-officials would be encouraged to adopt a perpetual stand of opposition. Relying on the ultimate use of executive authority for preventing mischief, they were likely to "always vote for a measure which they know to be popular, although they know it to be unsound..."³ Unlimited right of criticism without prospect of responsibility was sure to help mischievous agitation in the councils, much to the detriment of government's prestige in the public eye. Percy also said that this concession was contrary to the prevailing principles: hitherto

1. Ibid, pp. 125-126.

2. Ibid, p. 123.

3. Ibid, p. 127.

non-official majority had been granted only where, if necessary, the non-officials might undertake the responsibility of forming an administration. In India this concession was nothing but "a dangerous sham", as it tended to back the erroneous belief that "you are making a first step by this Bill towards setting up a Parliamentary Institution in India."¹

Balfour regretted that this decision would only add to the burden of the officials by subjecting them to the embarrassments of a parliamentary system, without its corresponding benefits. The great mass of the people were not going to benefit from this innovation. The government which looked after their interest were being subjected to control which stood in the way of the impartial discharge of their duties. Again, what was the good of giving the non-officials the chance of perfecting parliamentary skill, when they were barred from putting it into practice when in office the theories which they championed when in opposition? The frustration of perpetual opposition would only make the educated classes "more aggrieved and embittered than at present."²

Ronaldshay deplored this "very serious step"³ which Morley had taken flouting the most decided opinion of the government of India. It was surely going to react unfavourably on the interests of the common people, cultivators and villagers. For their sake the official majority in the councils must

1. Ibid, p. 381.

2. Ibid, p. 168.

3. Ibid, p. 152.

be retained. According to Joynson-Hicks the non-official majority "must cause the most intense friction."¹ It was futile to expect the non-officials to take the veto lying down.

Asquith pointed out that a non-official majority was "not at all the same thing" as an elective majority.² The non-official element would contain many nominated members. This was quite different from "giving the elective representatives of particular classes or communities a voting majority on the council to which they belong". The safeguards were adequate. So the risks were minimal. On the other hand, it was desirable to make the Indians feel that the councils were "not mere automatons" the wires of which were manipulated by the officials. This introduced an element of reality, and far from stimulating reckless trends, with proper safeguards, was likely to obtain a truer reflection of the opinion of the community.³

Smeaton welcomed Morley's decision, which would enable the authorities to have "representative public opinion on every public question in a living and corporate form." It was bound to be of great assistance to the government, which need no longer grope in the dark. This gave the secretary of state and the Viceroy for the first time "a great working plan."⁴ They would gain knowledge more useful than any so long available. Rees looked upon this concession as the least costly device to satisfy

1. Ibid, p. 193.

3. Ibid, p. 142.

2. Ibid, p. 141.

4. Ibid, p. 183.

Indian aspirations. From his personal experience he assured the House that in India "administration is everything, legislation matters very little."¹ Hence the concession looked much larger than it actually was.⁺

It is interesting to note that only one member raised his voice against the official majority in the governor-general's legislative council. All others accepted it without demur. Rutherford felt it was "a great misfortune that the non-official majority is not extended to the Viceroy's Council."² In the committee he moved an amendment requiring that in all the legislative councils "the number of official and nominated members shall in no case exceed that of the elected members."³ Thus what he wanted was not only that non-officials should not be in the minority, but that the elected members should not be in the minority. Without this condition, the supreme legislative council would be no better than "a ventilating chamber", lacking the power to achieve really good ends.⁴ The bill was a step towards representative government: his amendment only sought "to make it a still more important step towards representative government - a surer, a safer and a more substantial step..."⁵

1. Ibid, p. 201.

2. Ibid, p. 209.

3. Ibid, p. 244.

4. Ibid, p. 245.

5. Ibid, p. 247.

+ Rees was opposed to reform of local self-government as that would stimulate political education and intensify keenness for representative government in India. (p. 202)

Hobhouse, opposing the amendment, reiterated the essential difference between the supreme legislative council and other councils. The scope and rights of the former were much larger. The effect of giving the elected members a determining voice in the supreme council would be "to hand over the destinies" of the council to a small section of Anglicized Indians. That the government could not allow. Further, the amendment breathed a deep distrust of the nominated members. This seemed unfair to Hobhouse, for the nominated members were, and considered themselves to be, "entirely independent", and could often be found in opposition to the government.^I

In claiming this Hobhouse indeed went rather far, and only drew upon himself an immediate refutation by Smeaton. From personal experience he said that the nominated members "are not likely to ventilate independent opinions if they think these opinions are adverse to the opinions of the Government of India."² The amendment was withdrawn.

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The question of disqualification was naturally connected with the issue of elections. We have seen that the Viceroy was so concerned that he preferred the idea of retaining the 1892 system of nomination which amounted to ratification of elections.⁺ In this matter Morley was destined to brave a determined assault on his Liberal conscience. For Minto did not rest there. Soon he made clear that he favoured the

I. Ibid, p. 252.

+ See above p 363

2. Ibid, p. 253.

disqualification of deportees whose election soon after release "would be a serious blow to the position of the Government and the Council." To this view Morley could not bear to bring himself and argued that to add disqualification for election would indeed widen the scope of regulation III of 1818, by authorising the executive government to exclude "at its own discretion, from effective public life, without limit of time, any person who has been so detained."^I As the debates in the House of Commons drew near, Morley's anxiety grew and he refused to accept Minto's plea for disqualification of deportees with a right of waiver to be exercised by the Viceroy and provincial heads in their discretion. That would tend to make deportation seem a normal process, instead of an emergency measure. Besides, they could not justify in the Commons a policy which Morley's own reasoning refused to defend. On 19 April 1909 - the day for the committee stage of the bill in the Commons - he informed Minto that with the Prime Minister's knowledge he had decided that deportation of itself was not to be a ground of disqualification.

As he expected, the issue was pointedly raised by an amendment in committee. Moved by Mackarness it declared that none was to be disqualified from membership of any legislative council "by reason of his having been *deported and imprisoned without having been* charged with and convicted of any offence."² Mackarness emphasized that these persons had not been convicted, nor any charge made

I. India, Minto and Morley, p. 301.

2. Indian Debates, House of Commons, (1909), p. 215.

against them, nor even had they been told of what crime they were suspected. They had no opportunity of proving their innocence as the law which kept them confined deprived them as well of the right to habeas corpus proceedings. He thought that to disqualify them would be a gross injustice, and "would be adding a fresh indignity to the indignities that have already been imposed upon them." Pointing out that persons convicted under martial law - for example, in South Africa - suffered under no such disqualification, he called any effort to disqualify the deportees by regulations as "perfectly novel and unprecedented."¹

Hobhouse underlined the need for disqualifications and also the right for the head of the government to waive disqualification in favour of an individual. As regards the deportees, he made it "quite clear" that the government did not intend "that the fact of a man having been deported shall, after his release, of itself be a ground of disqualifying him for election to a legislative council."²

Percy said that Hobhouse's declaration might be interpreted in India to mean that "this House does not take a serious view of the kind of offences" of which the deportees were guilty. He suggested that disqualification should attach to deportation, with a right for the government of India to waive it in particular cases.³

1. Ibid, p. 218.

2. Ibid, p. 222.

3. Ibid, p. 224 (Smeaton was very much of the same opinion.

Carlile complained that the government had "climbed down under the pressure of clamour," and opposed the amendment.¹ Sir Henry Craik pointed out that the amendment was contrary to the basic principle of the bill, which left the details to the men on the spot. What did this amendment amount to? It restricted the discretion of the government of India, and hence was open to grave objections.

John Ellis⁺ accepted the spirit of the amendment. There was no reason to suppose that a person once dealt with under the regulation of 1813 should be "necessarily, for all time or for the remainder of his life, incapable of doing good service to the country in which he lives."² But he also agreed that the discretion of the authorities in India must remain largely unimpaired, and was unable to support the amendment.

Sir Charles Dilke reminded the House that exclusions all over the world "almost always tended in the opposite direction from what was desired by the government." Besides, in India it had the risk of spoiling the whole graciousness of these reforms" by exciting doubts that the authorities would keep out all these persons "to whom, as it were, they have taken a governmental dislike."³ Gooch stressed the point that if the bill was to succeed, "it must be a measure free from anything suggestive of petty tyranny."⁴ He pointed out, however, that though the government had refused to

1. Ibid, p. 234. 4. Ibid, p. 226.

2. Ibid, p. 229. + A former Under-secretary for India.

3. Ibid, p. 225.

accept the amendment, they had accepted its spirit.

The amendment was negatived. Subsequently, Balfour expressed substantial agreement with the government policy. He accepted the material objection to the universal exclusion of deportees, because a deportee might with lapse of time change his policy and views and "become an excellent and useful citizen."¹

Underlying all this was the acceptance of the position that the Government of India might exclude a person, including a deportee, if sufficient reason existed to make his election undesirable. But in case of a deportee those reasons would cover new grounds and were not to be any lingering after-effect of his past deportation.

This decision was again an additional evidence of Morley's imprint upon the reforms. As already noted Minto favoured disqualification of deportees. His view was endorsed by the government of India. The local governments were "practically unanimous in holding that deportees should be disqualified."²

But as Minto pointed out, Morley's liberalism was satisfied only by conceding to the government of India a much wider power than had ever been asked for. Though deportation was not included in the list of disqualifications, the government of India had now the power to exclude any one whose character was deemed "to be likely to injuriously affect the reputation of the Council." In Minto's words:

1. Ibid, p. 387.

2. India, Minto and Morley - p. 303.

"it offers a law of political restraint exactly parallel to the law of personal restraint contained in the Regulations of 1818..."^I

Morley acknowledged that this was a wider power, but hoped that judicious use would make it effective. No doubt, Minto thought that participation in elections by deportees would cause extreme political excitement during the elections, and violent disturbances afterwards if their elections were set aside. Also, specific cases of disqualification would provoke keener resentment than a general disqualification. But this argument ignored Morley's desire that deportation by itself was not to entail disqualification. Fresh detractory evidence must be adduced to declare a deportee's candidature void. The new circumstance, and not the fact of earlier deportation, would justify the penalty. Of this the public opinion must take note. Morley's decision was wise in the interest of the smooth operation of reforms in India. There deportation was very much in the forefront on the political field, and disqualification of deportees would disturb the unstable political feelings out of all proportions. The reforms were then likely to be subjected to great handicaps even before any start was made.

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Supplementary questions which led to much difference

I. Ibid, p. 304.

of opinion in the Lords, hardly received any attention in the Commons. The other aspects of the enlarged scope of discussion also excited no serious controversy. If anything, there was an anxiety that under the rules and regulations these rights should not be diluted. The relevant clause authorised the rules to be drawn up by the executive government. These rules were not liable to alteration by the legislative councils. Smeaton felt that this placed the councils "in a false position."¹ Surely the councils should have some voice in determining the scope of their own debates and discussions! His experience in legislative councils had given him a feeling that the government desired "curtailment of free speech,"² and wanted to restrain debates. To guard against any such misgiving it was desirable that the legislative councils should be able to discuss the rules and regulations before they came into force, and to indicate their view, if needs be, by division. This was particularly necessary because these rules were not to be subject to the parliament's approval. Smeaton made it clear, however, that the councils were not to possess any right to alter the rules. He only wanted them to have an effective scope of examining them. He moved an amendment in the committee to this effect.

Rutherford supported Smeaton's amendment, and said that "representation without freedom of discussion and debate would be absolutely ridiculous."³

I. Indian Debate (House of Commons) ¹⁹⁰⁹ 1769, p. 277.

2. Ibid, p. 278.

3. Ibid, p. 283.

The government could not see their way to accept the amendment. Hobhouse said that the bill "enormously increased" the councils' power of discussion.¹ But even then there must be a limit to this right if the councils were to be under any check at all. It was quite impossible "to pass at once from restricted to entirely unrestricted debate."²

Smeaton's amendment was negatived, but the concern which it manifested revealed itself again towards the very end of the bill's career in the Commons. Sir Charles Dilke drew the prime minister's attention to the existence of a fear "that a possible limitation of the powers of debate in the councils might be brought about by rules under this Bill." He wanted an assurance that the existing opportunities of debate were not to be reduced, and that the "new facilities" would not be utilised "to limit the old ones." This assurance Asquith gave readily, when he said, "There is no intention in any way to limit existing facilities."³

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The misgivings of Smeaton and Dilke were confined to the field of debates and discussions, but Cotton was troubled by doubts spreading over the entire scope of the rules and regulations, including electoral procedure. The bill was "a mere skeleton", the rules and regulations were its "heartblood and life", the task of drawing which, he hoped, the government of India would approach in a liberal spirit. But there was

1. Ibid, p. 281.

2. Ibid, p. 282.

3. Ibid, p. 395.

"no guarantee to that effect," and the recent repressive measures of the Indian authorities only filled him with despondency.^I He did not accept the plea that these rules were only matters of detail: to him these were matters of principle. The parliament must have an opportunity of discharging its responsibility as to the nature of these important rules. Fearing that the rules might not be liberal enough, Cotton moved an amendment almost identical with the one which the opposition had moved in the Lords,⁺ out of the contrary fear that the rules might go too far. The rules which required the approval of the secretary of state in council were to lie on the Table of both the Houses for at least forty days before they received such approval.

Hobhouse argued that the proper way of challenging the rules and regulations was to attack the policy of the secretary of state for India. The amendment, if accepted, might cause dangerous delays in important matters of Indian administration. Cotton withdrew his amendment.

No better result was yielded by Cotton's efforts to elicit by another amendment a definite statement from the government about the procedure and basis of elections in India. His plea was that after the representation of minorities and special interests, the rest of the seats should be filled "by means of territorial electorates based on the village

I. Ibid, p. 173. Evidently, he was referring to the Newspaper (Incitement to offence) Act and the Indian Criminal Law Amendment Act of 1908.

+ See above pp. 373-374

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 communities system." Hobhouse forcefully affirmed that the
 village system was dead, and they could not discuss any proposal
 which was² "based upon a factor which no longer exists."

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The government never made secret of their desire to restore
 in the Commons the clause providing for executive councils in the
 Lt.-governors' provinces. During the second reading, Percy
 opposed the move. As in the Lords, much was made of the change
 in the views of the government of India. "What new circumstances³
 have arisen to change their views?" Referring to the recommend-
 ations of the Decentralization Commission which proposed, in the
 recently published report, executive councils for all the provinces,
 it was pointed out by the Opposition speakers that the Commission
 had not advocated executive councils for Lt.-governors. They
 wanted the provinces to have governors recruited from Britain.
 That certainly was different from the proposals of the government!
 Again none but the Lt.-governor of Bengal wanted an executive
 council. Percy thought that it was all the more a reason for
 not taking the proposed course. Together with the provision
 regarding executive councils of Bombay and Madras, and non-
 official majority in the provincial legislative councils, this⁴
 constituted "a great leap in the dark."

Keir-Hardie thought differently. The executive councils⁵
 would ensure "continuity of policy" in Lt.-governors' provinces -

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1. Ibid, p.285.
 2. Ibid, p.286.
 3. Ibid, p.137.
 4. Ibid, p.139.
 5. Ibid, p.205.

an argument also put forward later on by Hobhouse. To Rutherford the restoration of the clause was essential. It would be a "considerable concession" to Indian public opinion.

Moving for the reinsertion of the clause in the committee, Hobhouse made an urgent plea for believing in the discretion of the government of India. The provinces got legislative councils as they became fit for them, though the power for creating the councils was always there. That did not hurry the government of India into creating legislative councils! Why should they not trust that authority with regard to the executive councils as well? He quoted the views of Minto, Baker, and Adamson, as also of non-official Anglo-Indian organs in support of the clause. These arguments he reinforced by his own observations. As Chairman of the Decentralization Commission he had an opportunity to see the working of the administrative machinery in India. There was no doubt that the Lt.-governors were overworked, and over-burdened with responsibility.

Percy of course opposed the move. He feared popular agitation in India which looked upon the executive councils as "fresh avenues for the appointment of Indians;" he said that the Opposition was afraid of pressure from another quarter as well. "We are almost as much afraid of the pressure which may be exerted by the Secretary of State at home." They believed that the change which the opinion of the government of India had undergone

1. Ibid, p.209.

2. Ibid, p.303.

+ Lt.-governor of Bengal, Sir E.N.Baker.

x Home Member, government of India, Sir Harvey Adamson.

on this matter was due to pressure from Britain. If an executive council was now wanted in Bengal, they had not been told what special circumstances had come into light to warrant this change, or "what may be the special circumstances under which alone a similar system will be set up in any of the others."¹

To MacCaw the probable appointment of Indians to the new executive councils was the most obnoxious element: "That, I think,² is really at the bottom of the opposition to this clause." The appointment of Indians was sure to gradually weaken the British power. Due to the background of social and religious differences, it was impossible to find a single Indian who would be looked upon by all his fellow-countrymen as purely impartial and neutral. The appointment of an Indian therefore could only mean a corresponding loss of faith in the impartiality of the administration.

Rees feared that Indian members of executive council would unduly influence a governor, lacking the experience of Indian service.

⁺
Sir J. Jardine, with nearly thirty years' experience in the Civil Service in India behind him, welcomed the clause exactly on the grounds which repelled Rees, MacCaw and others. He favoured the clause because it afforded "the opportunity of giving to the natives of India a larger share in the general executive government"³ of the various provinces.

Hobhouse's motion for reinsertion was carried by 118 votes to 22. But the matter was not to rest there. During the third

1. Ibid, p.304.

2. Ibid, p.308.

3. Ibid, p.304. + He retired as Judge of Bombay High Court in 1897.

reading Percy moved an amendment to restrict the application of the clause to Bengal alone. On this occasion, Percy too openly confessed: "It is the prospect that natives will be appointed to this council which has really altered the clause." There was also danger in modifying the qualifications of members by relaxing the requirement of service experience, which increased the potential evil. The agitators would be free to claim that the councils were meant for giving appointment to Indians. He made it clear, however, that he did not advocate detailed legislation every time a Lt.-governor was sought to be given an executive council. But some means must be found to give the parliament a chance to exercise effective control, and the power of challenging the secretary of state. He thought that a compromise on this line was desirable.

Smeaton said that an Indian, however eminent, could not be expected to overcome the evil influence of an usually illiterate wife and family. This influence often led him "into devious and tortuous ways", and therefore in the discharge of public duties an Indian could not be trusted to be absolutely straightforward. Apart from this rash and unseemly assault on the Indian character, Smeaton thought that the appointment of Indians was undesirable in the interest of the British in India. The British civilians would increasingly be reluctant to serve under Indian members of council, and their number in the country was likely to dwindle. "Should that catastrophe occur", a crisis must develop

I. Ibid, p.351.

2. Ibid, p.356.

imperilling the government. Another probable result was that British capital in India might get scared, and disappear. "Capital", he told the House, "of all things in the world, is peculiarly sensitive to anything in the shape of revolutionary change."^I

This concern for British interests in India was voiced by Joynson-Hicks as well, who lamented, "We are making no provision in this Bill for the British in India."²

Hobhouse did not accept Percy's amendment, but he evinced a desire for compromise by which "this delicate and difficult point might be withdrawn from continued and protracted debate...."³ He was not certain, however, as to the nature of the compromise, and left it to be decided afterwards.

Balfour welcomed the offer of compromise and stressed the need of devising a method, short of passing a bill, which would ensure full parliamentary control. Percy's amendment was withdrawn.

This offer of compromise was no doubt forced upon the government by the Opposition's insistence, and by the realisation that the government's intransigence might lose the bill in the House of Lords.⁺ This was recognised in the Commons. On 19 May 1909, Dillon and Ellis made pointed reference to this risk. The latter said, "We must not blink the fact that if compromise is agreed to by the government under force majeure it is in order to get a great Bill of which we all approve through the Houses of Parliament."⁴

As to the executive councils of Bombay and Madras, Joynson-Hicks

I. Ibid, p.357.

2. Ibid, p.364.

3. Ibid, p.371.

4. Ibid, p.440.

+ In the Lords, the Opposition had an overwhelming majority.

moved an amendment seeking to limit the membership of each council to three. His main objection was to the appointment of Indians who were bound to lack administrative experience and ability.

It was essential that "the administrative element should not be swamped by the non-administrative because the Governors of those two provinces are not men of experience." ^I If the councils were *The amendment, opposed by Hobhouse, was lost in division* to consist of four members each, this would be the consequence. ¹

It may be permissible here to briefly refer to Morley's fear of appearing as "a horrible double-faced Janus" in dealing with the bill in the parliament: to satisfy the Lords the government must look moderate in reforms; to satisfy the Commons they ² "must pose as the most ultra-reformers that ever were known."

In reality, however, the government had to plead moderation not only in the Lords, but also in the Commons. As already noted, to dispel the doubts of the Opposition the government spokesmen took pains to explain that the bill was not revolutionary: it was an extension of the existing set-up and did not undermine the Imperial ⁺ supremacy. Buchanan assured the House that the non-official majority in the provincial councils ⁺ did not really deprive the executive of final say in matters of legislation. Asquith comforted the Opposition by reminding them that non-official majority was not ⁺⁺ the same as elective majority. In many other aspects the government reply to Opposition criticism followed the same pattern. Thus far from the flourish of 'ultra-reformers', there was almost a

I. Ibid, p.268.

2. India, Minto & Morley - p.284.

+ See above, p.385

*+ See above, p.397

* See above p. 400

strain of plaintive protestations of moderation, which the Radicals deprecated. The arguments put forward by the government in reply to the latter, as we have seen, never boasted of ushering in a new era in India.

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In the House of Lords on 4 May 1909 Morley offered the compromise regarding the clause restored in the Commons. The executive council was to be created in Bengal only; in any other case, the Proclamation creating the council would lie before both Houses of Parliament for sixty days. If within this period an Address was moved against the Proclamation by either House, the matter would not be proceeded with. The Proclamation was to be operative after the period of sixty days if no Address was moved. It was pointed out that any single House would be able to stop the executive councils.

Curzon did not relax his bitter attack even after Lansdowne accepted the compromise. Roberts complained that the native chiefs would not like the change, - an opinion which had earlier found some exponents in the Commons. MacDonnell, full of dark forebodings, made a last-minute attempt to provide a safeguard against the 'undesirable' experiment. He moved an amendment authorising the governor general in council to temporarily suspend, or reduce the strength of, executive councils in Lt.-governors' provinces. Morley saw it as a sheer innuendo, expecting the executive councils to fail. MacDonnell withdrew his amendment.

** See above pp. 402, 404, 409

In the House of Commons, the government motion for accepting the compromise was passed on 19 May 1909, but not before a bitter attack against it by some members. Rutherford moved for the rejection of the compromise. The issue gained fresh significance as some members took it as the humiliation of the Commons by the Lords. Hart-Davies urged that as it stood the compromise was full of risks of conflict between the two Houses. What was to happen if the Lords rejected the Proclamation and the Commons approved it? He therefore wanted the Address to be moved by 'both' Houses instead of 'either'. The arguments against reforms based on heterogeneity of the Indian population were discounted by Lupton, who pointed out that despite these differences the various races and interests might be drawn together by a common hatred for foreign rule. Percy had asserted that the Opposition saw the question of executive councils "from the point of view of administrative efficiency, and that alone." Lupton regretted this, for there was a different view, which held it "better to govern ourselves badly than to be well governed by foreigners." The opponents of the compromise forced a division which found 245 in favour of the government, and 104 against it. Needless to say, the division was not on strictly party lines: Conservatives were allies of the government.

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Though many of the speakers, as we have seen, pointed out that in several important respects the provisions of the bill

1. Ibid, p.437.

2. Ibid, p.441.

reproduced features of parliamentary government, very few of them indeed looked forward to self-government as India's destiny. In the House of Lords only Courtney saw "no reason whatever for laying down the maxim that colonial self-government can never under any circumstances, come to pass in India." He foresaw, on the contrary, that, "By and by you will come more and more to government by the people."¹

In the Commons, Cotton was not satisfied merely with the assertion that the bill introduced representation in the government, but also hoped that it would be succeeded in future "by a further development in the same direction....."² Such caution was not, however, observed by Rutherford, who declared that "India can never be truly contented until she is in a position in which she governs herself."³ He hoped that they would not make the bill "the finale of our efforts but shall try to extend these institutions and freedom in India on a very much larger scale in the early future."⁴ The national movement was "irresistible". This must be recognised. It was "our duty as a nation and a country to foster this spirit of nationalism....."⁵ Any effort to stop it would lead to anarchy and destruction.

Endorsement of this view came from a different quarter too. The same future was foreshadowed by Sir F. Banbury, who opposed the measure, because "when you once begin to give way, it is very difficult to stop." He was sure that any belief that the bill

1. Indian Debates, House of Lords(1909) p.87. 4. Ibid, p.211.
 2. Indian Debates, House of Commons(1909)p.170. 5. Ibid, p.424.
 3. Ibid, p.210.

was "a final measure" would be "doomed to disappointment...."^I

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Another thing that stood out from the proceedings of both Houses was the Conservative antagonism to the Indian reforms. In the House of Lords as also in the House of Commons, the Conservatives made the bitterest attack on the bill short of moving for its rejection. As already noted they had valid reasons⁺ for avoiding such an extreme course. But in according a grudging welcome, they tried their best to whittle down the measure. The Liberals, on the other hand, enthusiastically welcomed the bill. If anything, some of them considered that it fell short of the actual needs of the moment and would welcome more extensive changes. Thus all the amendments moved in the Commons by the Liberal members wanted to further the concessions. Of the ^{three} amendments moved by the Conservatives - Ronaldshay, Percy and Joynson-Hicks - two distinctly sought to restrict the scope of reforms. The third - Ronaldshay's amendment - had also no liberal sentiments about it.

No doubt some Liberal members - for example, Smeaton and Rees - expressed themselves strongly against certain aspects of the bill. But they accepted the measure as on the whole desirable and never questioned its basis. The number of such doubters was very small, and they were evidently influenced largely by their intimate knowledge of India. Their difference with other Liberals

I. Ibid, p.393.

+ See above, pp. 376

lay in the fact that they found it difficult to see the wood for the trees. The same may be said of some members of the House of Lords, notably MacDonnell who proved such a formidable obstacle. He was not a Conservative, yet out of his long-standing experience of India had been born certain impressions and ideas whose tyranny he found it impossible to cast aside.

At Curzon's intransigence none need be surprised. The bill stood on the principle which he hated most - the need of political concession. It was not unnatural, therefore, that this votary of efficiency should have proved such a vigorous opponent to it.

The attitude of the parties is strikingly illustrated by an analysis of the voting in the House of Commons on 19 May 1909 about the acceptance of the compromise on the executive councils for Lt.-governors. Thirty Liberals voted against this compromise, which had been accepted by their government. Seventy-two Conservatives voted for the compromise, but none against. That Conservatives should vote for the compromise was natural, for after all it was their creation. But what is significant is that there was no Conservative who considered the compromise undesirable for any of its many controversial aspects.

It may be mentioned that in this division, the Nationalist and the Labour members arrayed themselves with the radical elements of the Liberal party. But except Keir Hardie no Labour member took a prominent part in the debates. Nationalist participation too was unimportant. So it would be unsafe to take this voting solely as a valid indication of their attitude towards

Indian reforms, though, generally speaking, they undoubtedly welcomed the measure.

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Immediately after the consideration of the Indian Councils Bill was concluded in the House of Lords on 4 May 1909, Curzon raised the question of Moslem electorates. Asking for further information on this matter, Curzon stated that his object was to draw a fresh declaration from the secretary of state that "whatever be the actual method or variety of method, adopted in the last resort, the Mahomedans will still retain their separate register, and will not be required to go through the double process of taking part first in a general election, and then in a special election." I

This desire for clarity was also shared by the Moslems themselves, who had been somewhat puzzled by Hobhouses' statements in the House of Commons. Many a meeting was held in India and many a memorial submitted to the governor general. Minto realised that Hobhouse's statements were liable to different interpretations. In a private telegram to Morley on 2 May 1909 he restated his government's stand. For election of the Moslem representatives to "a number of seats closely approaching that to which their numerical proportion in the population would entitle them," they would rely on separate electorates. In addition to this, they would obtain some seats from mixed electorates. Minto pointed out that Hobhouse's statement seemed to suggest that the major

portion of the Moslem representation was to be given through joint electorates and that communal electorates would only "supplement general election and will carry only a small number of seats." This was "not at all what we contemplated", Minto said, for in the opinion of the government of India the main channel of Moslem representation was to be separate electorates. It was also clear that under the scheme of the government of India Moslems were sure to receive seats in excess of their numerical strength. Hobhouse's statement that wherever elections were possible they should be conducted on the basis of separate Moslem representation was capable of being interpreted literally to mean that communal electorates were to be introduced in the local bodies, universities etc. "This is manifestly impracticable and has never been suggested", protested the Viceroy.

Morley, in reply to Curzon, quoted extensively from the Viceroy's telegram, and assured the House that "We can have no part in any scheme which is not felt to be a loyal adherence to the pledges which both the Viceroy and I have more than once given to the ² ~~Moh~~ Mohamedans...." Lansdowne was grateful to Morley for these assurances, for "We must all feel that it would be a public disaster if anything were to happen which would make it open to the Indian ~~Moh~~ Mohamedans to contend that these pledges had not been fulfilled to the utmost extent."³

I. cd. 4652 (1909)

The Government of India also issued a press communique on 4.5.1909 assuring the Moslems against the "erroneous" impressions created in course of discussion in the House of Commons. vide The Pioneer 6 May 1909.

2. Indian Debates (House of Lords) 1909, p.281.

3. Ibid, p.282.

Though the word 'pledge' was so emphatically used by the secretary of state, he was soon to resent the use of the term in this particular context. The assurances they had given the Moslems were "not in return for any "consideration"" from the latter "as the price of our intentions." "This is assuredly not a 'pledge' in the ordinary sense," Morley remonstrated. ^I As time elapsed he got tired of Moslem importunity, and exclaimed: "Whatever happens, I am quite sure that it was high time to put our foot definitely down, and to let them (the Moslems) know that the process of haggling has gone on long enough, come what come may. I am only sorry that we could not do it earlier." ² Why? Because "if we had not satisfied the Mahometans we should have had opinion here - which is now with us - dead against us." ³ Exactly whom Morley meant can now be only a matter of surmise. It is fair to remember that with few exceptions, speakers from all the parties, in the Lords and in the Commons, welcomed separate Moslem representation.

All the government's anxiety to respect the pledge did not, however, satisfy the Moslems. The All India Muslim League meeting at Lucknow on 23 May 1909 recorded an "emphatic protest" against the limitation of separate electorates only to a number of seats justified by population. This was "a distinct departure from the pledge given by the government," and the League re-affirmed that "a full adequate and effective representation of the Indian Musalmans cannot be secured without providing for them, by special

I. Recollections II. p.314. (Letter of 6.8.1909)

2. Ibid, p.317 (Letter of 26.8.1909)

3. Ibid, p.323. (Letter of 18.11.1909)

and separate electorates composed entirely of Muhammadan electors, a number of seats fixed not only on the basis of numerical proportion, but also in accordance with their political importance." Not only this. The League also pressed that separate representation in excess of numerical strength should be given to the Moslems in the municipal and district boards.^I

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The principle underlying the provisions for Moslem representation has ever been a question mark. What was the government's motive? Was it one of 'divide and rule'? Were the Moslems specially favoured to curb the influence of the Hindu-dominated nationalist movement?

We saw in the last Chapter that Minto was suspicious of the Congress and was thinking of 'a possible counterpoise to Congress aims.'⁺ He was then - 28 May 1906 - thinking of a council consisting of native rulers and "a few other big men" whose stake in the country ought to make them interested in good government.² Does it necessarily follow that it was impossible for him to turn to any other interest for the counterpoise? If the Moslems served his purpose, might not he as well have utilized them! This possibility is suggested by the fact, as stated by Lady Minto, that the Moslem Deputation of October, 1906 arose from a feeling of frustration that the Hindus were receiving preference from the government and that the Moslems, though

I. Burn's Collections Vol.II, pp.288-289.

2. India Minto & Morley, p.29.

+ See Ch.VII p. 283

"intensely loyal" were "slighted in many ways."¹ The younger Moslems were inclined to throw in their lot with the Congress: but before the final plunge was taken it was decided to approach the Viceroy. Lady Minto seemed to endorse the significance of the event as expressed by an official that it was "nothing less than the pulling back of sixty-two millions of people⁺ from joining the ranks of the seditious Opposition."² It may be remembered that the risk of the Moslems joining the Congress was all the time discussed. In June 1906 Morley had written to Minto that he had been warned by influential persons of Indian knowledge that "before long the Mahomedans will throw in their lot with the Congressmen against you....."³

A.H.Albiruni has contended that the idea of the Moslem Deputation was initiated in mid-August 1906 by the Moslem leader, Mohsin-ul-Mulk, who succeeded Sir Syed Ahmed as the Secretary of the Mahomedan Anglo-Oriental College, Aligarh. He has concluded from this that the Deputation was therefore not a "Command Perform⁴ - ance." A supporting argument he puts forward is that the Deputation insisted on election, ignoring the advice given by persons in close touch with Minto to be content with nomination.

But he admits that the good offices of Archbold - the Principal of the Aligarh College - were utilised by Mohsin-ul-Mulk in this matter. Archbold assured the Viceroy's private secretary

1. Ibid, p.45.

2. Ibid, p.48.

3. Ibid, p.30.

4. A.H.Albiruni - Makers of Pakistan - p.92.

+ Meaning the Moslems.

that the Address of the Moslem Deputation "would contain nothing that was in any way disloyal and that I was also certain that the Mahomedans had no wish whatever to do anything that would cause difficulty to Government." Thereupon the Viceroy consented to receive the Deputation, if offered. Even before any formal application was sent to the Viceroy with the request for receiving a Moslem Deputation, an entente had thus been achieved. Can anyone deny the possibility that these preliminary exchanges might have covered wider grounds?

It is not intended to assert here that there was a pre-arranged agreement between Minto and the Moslem leaders. But it is difficult not to question any belief that there was no such understanding, or that even without any understanding Minto did not utilise the opportunity primarily to balance one community against the other, utilising Islam as a buffer against nationalism. The question must remain an open one, and can only be answered as further light is thrown on this subject.

But whatever may be the motive, there is no doubt that the policy was Minto's. There is nothing to show that Morley had any prior knowledge of Minto's intention to promise to the Moslem Deputation separate electorate and extra seats. Long afterwards, Morley was to remind Minto, in a rather petulant tone, "it was your early speech about their extra claims that first started the

I. Ibid, p.93.

+ The voluminous correspondence between Morley and Minto, as printed in Morley's Recollections and Lady Minto's book, does not give any clue as to how the government stand about Moslem representation came to be taken. This is surprising because their letters covered matters of much less import.

M⁺ here.^I But Morley's immediate reaction was one of enthusiastic approval. "The whole thing has been as good as it could be.....," he wrote to Minto.² The secretary of state was perhaps lured by the prospect of some vocal popular support for the government in India. He was soon to feel unhappy about it, and the plan of joint-electorate which he fathered was born out of this conflict in his mind. In fact, he would much prefer it, and gave it up only in face of uncompromising opposition. In this Chapter as also in the last one, we have had recurrent evidence of Minto's single-minded loyalty to the policy he declared on 1 October 1906. Perhaps it is no exaggeration to say that in this affair, "Minto's was the propelling force, and Morley was gradually dragged into an untenable position."³ It is not astonishing that the Moslems should look to Minto "as a champion of their rights."⁴

It is intriguing, however, that knowing Morley as he did, Minto promised extra seats to the Moslems without Morley's consent. This was an innovation which had many undesirable features about it. If the Viceroy has to be criticised for his stand, it can only be in respect of this issue. For separate electorate was the logical consequence of the representation of classes and interests, which was the government's accepted policy. Throughout this work, we have noticed how the Moslems, practically at each stage, were opposed to the Hindus. Was it unnatural, therefore,

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1. Recollections II, p.325(Letter of 6.12.09)
 2. India Minto & Morley - p.48.
 3. The Calcutta Review, December 1939 - p.328.
 4. India, Minto & Morley - p.73.
- + Moslem.

that the Moslems should endeavour to secure that the selection of their representative should not in any way be influenced by non-Moslem votes? Knowing the nature of the representation conceded to the people of India, it is impossible to say that the separate electorate, however undesirable, was unjustified.

But not so the additional seats. This was definitely favouritism of one section of the people. The move was impolitic as other communities could not but resent this. If it was the desire of the authorities that the different sections of the Indian population should live in mutual amity, this step was a serious blunder, as it was bound to accentuate the already strained feelings between the two major communities of the country. This was bound to raise in the majority community doubts as to the government's fairness, thus weakening their confidence in the latter. Besides, what was the justification for such special treatment?

The grounds mentioned were political importance of the community, its contribution to the defence of the empire, and past traditions. We have seen in the earlier Chapters that the Moslems themselves declared, time and again, their political backwardness. In its light was sought to be justified the fear of Hindu domination and dislike of representative institutions. In the country as a whole the community did not carry more weight

+ See Montagu-Chelmsford Report, paras.227-231.

* See Ch.VI p. 252

than others. In most of the important spheres of national progress - social, educational and political - there was nothing to sustain any idea of Moslem advancement in strides longer than others. As to the part played in the defence of the empire, the Indian soldiers - Hindu or Moslem - always looked upon an army career from a mercenary view-point. There was certainly not that intelligent perception of duty which might ascribe to the Indian forces anything in the nature of higher principles, which called for special recognition and reward. The past tradition by itself, without the support of present achievements, can hardly be accepted as a valid ground for a rather exceptional departure such as the communal preference in representative set-up was. It should also be remembered that on this analogy special claims on special grounds might be made by other sections of the population, - for example, on grounds of educational advancement, larger experience of local self-government, wealth, or industrial and commercial progress. Surely, these would be no less valid grounds!

It is unfortunate that ignoring all these flaws and risks, Minto, out of his anxiety to meet the Moslem view-point, should have made concessions which even to a well-informed British mind appeared as "the encouragement of Mahomedan loyalty as a counterpoise to the Hindu movement for self-government."

+ The geographical distribution of population and their traits - physical and mental - were favourable to the Moslems of Northern India for an army career.

1. W.S.Blunt - India under Ripon - p.298.

CHAPTER IXThe Indian Councils Act 1909 in India.

The Indian Councils bill received the Royal assent on 25 May 1909. Long before this, and even before the bill was introduced in the House of Lords, Morley had been pressing the government of India for draft rules and regulations to be made under it. The latter was "anxious to meet his wishes without delay." ^I Draft regulations were therefore sent by the government of India to the government of the United Provinces on 9 January 1909. ² Similar drafts were presumably sent to other provinces as well. Thus, as in the case of the 1892 Act, the initiative in this matter was taken by the government of India. This initiative was maintained throughout. In July 1909 the government of India were advising the United Provinces government about the formation of constituencies, particularly those of landholders and Moslems. They emphasized the need for proper consultation with the interests concerned as also the necessity of forming "constituencies" with sufficient cohesion to be able to work together in practice and to return persons who may be trusted genuinely to represent the interests concerned. ³

In a despatch dated 22 July 1909 the government of India submitted to the secretary of state their recommendations about the composition of the different legislative councils, along with draft notifications. ⁺ The matter was considered by a committee of

I. Burn's Collections II. p.75.

2. Ibid, p.159.

3. Ibid, p.120.

+ Sir Guy Fleetwood Wilson, member of governor-general's executive council, wrote a minute of dissent: unfortunately, its content is not known.

the India Council, and was discussed in the Council on 25 August 1909. The members of the Council divided equally on the issue, and Morley cast his vote in favour of the regulations. The secretary of state's decisions were communicated in a telegram to the Viceroy on 1 September 1909. The regulations were published on 15 November 1909. On the same day a government of India resolution was also published explaining the prominent features of the regulations.

The government of India fixed the normal official majority in the supreme legislative council at three, and "the minimum strength of the non-official majority" in the provincial councils at ten each in Bengal and Bombay, six each in Madras, United Provinces, and Eastern Bengal and Assam, and four in the Punjab. These figures left out of account the two experts who were proposed for each council: they might be either officials or non-officials. In the latter event, the supreme legislative council would be left with the majority of one official only. The head of administration was not included in this calculation. But ultimately, the non-official majority in each of the three Presidency councils was increased, to seven in Madras, eleven in Bombay, and fourteen in Bengal. To what influence this was due is now open only to conjecture.

The term of office for members of council was raised from two to three years.

1. Recollections II, p.317.

2. Burn's Collections II, p.154.

3. Ibid, p.302 (Government of India to secretary of state, 22.7.1909)

4. cd.4987(1910) Encl.XI. para.4.

* The committee of India Council considered "by a large majority" that this was "unsubstantial and inadequate." Dissent of Lee-Warner dt. 25.8.1909. Para.3 (Dissent of Members, vol.III)

+ Because official correspondence after 1902 is not open to the public.

The following categories of disqualification, besides the usual ones like females, insane, bankrupts etc., were proposed by the government of India:- (i) persons dismissed from government service, (ii) lawyers debarred from practising by order of competent authority, (iii) persons convicted of certain criminal offences and sentenced to imprisonment or whipping, and (iv) "persons whose candidature has been disallowed by the government on the ground that their character and antecedents are such that their election would be contrary to the public interests." The government of India did not intend these disqualifications to be permanent in all cases, and proposed "to guard against possible hardship by vesting in the Government power to remove the disqualification." But the power for removal of disqualification was sought for the first three categories mentioned above; the last was not included. They recommended that this power of removing disqualifications should be vested in the provincial governments as well in regard to election to provincial councils. If the power was vested only in the governor-general in council, prompt decisions would be difficult about provincial candidates due to needs of correspondence between the central and provincial authorities. "If the decision were delayed until canvassing had made some progress, the rejection of a popular candidate, might give rise to undesirable agitation." Making a pointed reference to the deportees and Morley's decision imposed upon them on the issue, the government of India remarked, "We cannot be regret that a highly critical issue, arising on the regulations to be

framed by us under the Act, should have been decided without hearing our mature conclusions on the subject.^I"

Morley directed the omission of the word 'whipping' from the regulations, and recast the last category mentioned above as follows:- a person "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 public interests."² He directed that this clause should also be included in the proviso enabling removal of disqualifications. He assented to this power being vested in the local governments as well.

In the course of his correspondence with Minto about disqualifications, Morley had put forward the idea of an oath of allegiance. This the government of India accepted, and their draft regulations prescribed an oath of allegiance for non-official members, elected or nominated. Morley did not like this distinction between official and non-official members, and directed that all the members should take the oath.

Another provision, not mentioned in the draft regulations but included in the regulations, was about corrupt practices in elections. No election was to be valid if the candidate, or with his knowledge his agent, was found guilty of corrupt practices. The validity or otherwise of any election would be decided, on application, by the governor-general in council, governor in council, or Lt.-governor, as the case might be. It was explained that "the great extent of the principle of election and the probability

1. Ibid, p.304.

2. Ibid, p.154 (Secretary of state to Viceroy. Telegram dt.1.9.1909)

of keen contests render it desirable to provide safeguards against the employment of improper practices.^I False personation, threat of injury and purchase of votes were barred under this rule.

The government of India did not favour the Moslem demand for separate representation at every stage: "We cannot from a broad political point of view think it advisable in the interests of Mohammedans themselves."² Under exclusive representation the Moslems "will be to a great extent cut off from the stimulating influences of political life." The government of India plan, on the other hand, while assuring the Moslems by separate electorates a fair measure of representation, afforded them the opportunity of "extending their influence by competing for seats allotted to general electorates."³ In view of further increase in the non-official *quota due to the decision to have a non-official* majority, the Moslem strength in local councils was raised.

The final composition of the supreme legislative council provided for twenty-five elected members - eleven by non-official members of provincial legislative councils, six by landholders,⁺ five by the Moslems, two by Chambers of Commerce and one by the local bodies of the Central Provinces. Besides in the second, fourth and succeeding alternate elections, Moslem landholders of Eastern Bengal and Assm, and the United Provinces were to elect one member each.

Because of the widely varying conditions of the provinces, it was impossible to lay down any uniform franchise for the landholder:

1. cd. 4987 (1910) Encls.XI, Para.12.

2. Burn's Collections, II, P.305 (Government of India letter dt.22.7.1909)

3. Ibid, p.306.

+ The C.P. landholders were to elect a member. It is interesting to know that Morley had meanwhile agreed to sanction an advisory

council for C.P., but the government of India did not pursue it because the demand in C.P. was really for a legislative council and not an advisory council. See Burn's Collections Vol.II, p.309. (Government of India letter dt. 22.7.1909)

and Moslem electorates. The qualifications were, however, "in accordance for the most part with the specific recommendations of the local governments"; the governor-general in council would, however, "have preferred some nearer approach to uniformity." In Bombay the Moslem electorate consisted of the Moslem non-official members of the provincial legislative council. Elsewhere, the Moslem electorate was mostly based on property qualifications, titles, Fellowship of universities, and pension for gazetted or commissioned service. Except in Eastern Bengal and Assam, Moslem members of provincial councils were also included. The property qualification varied from land revenue of Rs.750 in the two Bengals and income of Rs.3,000 from land in Madras to land revenue of Rs.10,000 in the United Provinces. The vote was also given to those who paid income tax of Rs.6,000 in Bengal, Madras and Eastern Bengal and Assam, and Rs.10,000 in the United Provinces. These qualifications were high and did not admit many votes. They rendered the electorate for all practical purposes a close preserve of monied people. In the United Provinces the property qualifications for the Moslem and the landholding electorates were identical. Anyway, the Moslem electorates were unlikely to be favourable to the Moslems section of the much criticised professional classes. This was regrettable, inasmuch as the most politically conscious and educated elements of the Moslem community were thus disabled, and an additional premium was attached to material well-being.

In the provincial councils, the qualifications for Moslem electorates, following the same pattern, were more flexible because

the requirements regarding Imperial legislative council were naturally stricter and higher. In Madras, registered graduates were voters. In the United Provinces and Bombay graduates of five years' standing, and in Bengal those of ten years', got votes. In Eastern Bengal and Assam graduates, without any restrictions, were included in the electorate. In the two Bengals, some teachers satisfying certain easy conditions, and in Bombay practising attorneys and advocates, were given votes. Thus the rigidity marked in the Moslem electorates for the central council was largely absent in the provincial arena.

The landholding electorate in Bombay was to be composed in alternate elections by the jagirdars and zemindars of Sind and the Sardars of the Deccan and Gujarat. Elsewhere, the property qualifications varied, not only from province to province, but in Bengal also from division to division, from the minimum of Rs.5,000 to the maximum of Rs.20,000 of land revenue. Titles were taken into account, except in Madras.

The election of a member by the district councils and the municipal committees of the Central Provinces was to be by an electorate consisting of twenty-two delegates chosen by seventeen district councils and twenty-eight delegates chosen by twenty municipalities. The delegates were themselves to be members of these bodies. The member chosen must have served at least for three years as a member of a district council or municipal committee.

The members chosen by these electorates, as also by the non-official members of local legislative councils, were to satisfy residential qualifications. A member must have residence within

the territorial jurisdiction of the electorate concerned. For the Moslems and the landholders the members must themselves be on the respective electoral rolls; the members elected by local councils must have "such practical connection with that province as qualifies him to represent it....." Thus it was sought to minimise extraneous influences and to ensure that each interest should return a bona fide representative. This underlined once again the government repudiation of representation as understood in the West, and stress on representation of interests and classes. Each of the Chambers of Commerce of Bengal and Bombay was to elect one of its own members.

The provincial electorates largely resembled the central ones. Naturally, the qualifications and conditions for provincial elections were lower. The residential requirement was everywhere insisted upon.

The most important of the provincial electorates were the local bodies - the municipalities, district and local boards - who were to return a very substantial portion of the elected members. In Bengal and United Provinces, these were to return twelve members each, in Madras, Bombay and Eastern Bengal and Assam eight members each, and in the Punjab three members. Except in Madras - where the candidate was to be on the electoral roll for these local bodies - in all other provinces the candidates were themselves to be members, present or past, of these bodies. If

I. cd.4987^(9/0) - Encls.II, Sch.I, Rule 5(i)

+ This does not include the members allotted to corporations.

not a member at the time of election, the candidate must have^{*} at his credit at least three years' service in such a capacity. For members to be returned by district boards these conditions were relaxed in the United Provinces and Eastern Bengal and Assam. A candidate would be eligible if instead he satisfied certain proprietary standards. This is understandable, because the members to be returned by district and local boards were expected to represent the rural classes, and more particularly the landed interests among them.

Only the non-official members of the local bodies had the right to participate in these elections, either as candidates or delegates or mere voters. This denied the official members of the local bodies any say in the matter. It may be noted here that the voting strength of these bodies varied, either on the basis of population or of income: to the former category belonged Bombay and the United Provinces, to the latter the two Bengals. In Madras and the Punjab no such difference existed: all the bodies carried equal weight. Again, in Bombay and the United Provinces the higher population gave more delegates to the local body. But in the two Bengals higher income gave more votes to the body, to be cast by its sole delegate.⁺ All these manipulations showed the desire to make these indirect elections as much broad-based as possible. Apart from other considerations, the educative value of these elaborate arrangements was likely to be great. Besides

* This condition was originally absent in Bengal, but introduced on 24.11.1909. At first in Bengal only sitting members were declared eligible. (See The Pioneer, 26.11.1909)

+ cf. Rules under the 1892 Act. Ch.IV pp. 159-161

organisational and electoral lessons, by linking the local bodies, however tenuously, with the larger issues of a provincial election they would catch in the stagnant pools of local politics the shadows of a larger horizon.

Sir William Lee-Warner recorded a minute of dissent on 25 August 1909. He thought that "these regulations will not only clog, but.....will stop^I the legislative machinery of the British Government....." His principal objection was on the issue of majorities, - official in the supreme legislative council, non-official in others. The official majority in the supreme council was too small. This was unsafe. He wanted to increase it by taking away one member from the quota of two allotted to the non-official members of the legislative councils of each of the four major provinces. In this view he was supported by the majority of the committee which the secretary of state had set up to examine the regulations. They thought that "as a quasi-state or territorial unit each province....should send one member elected by its own legislative council."² Lee-Warner considered a higher margin of official majority essential, particularly because of the non-official majority in local councils, into which, he complained, the government of India had been "coerced"³ by Morley. It was now "inevitable that a large stream of provincial legislation will be blocked under the new scheme and find an outlet into the Imperial council." To meet this strain of additional legislation, it was essential to leave no chance of deadlock in the supreme legislative

I. Dissents of Members, Vol.III (p.112 & ff.) Para.1.

2. Para.3.

3. Para.2.

council. With a meagre official majority, no one could guarantee that the sickness or pressure of business of high official members might not lead to such difficulties. He considered these provisions as "more than rash risks....."^I

Another ground of his objection was the lack of clarity about the government's pledge to the Moslems. It was high time for an unambiguous declaration of what the 'pledge' meant, so that uncertainty and doubt might cease. Further, if the Moslems were ready to forego the right of voting in mixed electorates it was "expedient"² to meet their desire of electing all their members by separate electorates. He was also in full sympathy with the Moslem demand for election as opposed to nomination. Lastly, the government of India should permit the provincial governments the widest discretion in framing the rules which must remain "tentative and must hereafter be altered as experience may require."³ Elections were going to be tried for the first time in India, and in order to guard against future impatience and grievances, the public should receive assurances of the possibility of alterations to meet genuine difficulties.

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The rules for financial discussion in the governor-general's legislative council drew a line between financial statement and budget: the former was "the preliminary financial estimates" and the latter "the financial statement as finally settled."⁴ Resolutions

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1. Para.4.
 2. Para.6.
 3. Para.7.
 4. cd.4987, Encl.X, Notfn.23 - ch.I(5)(6)

were allowed at two stages on the financial statement - immediately on presentation or afterwards during the discussion of the statement by heads or groups of heads. The resolution was to be "in the form of specific recommendation" addressed to the government, and was to raise "a definite issue"^I. It was not to contain arguments, inferences, defamatory statements or reference to the private conduct and character of officials, nor was it to challenge the accuracy of any figure in the financial statement. The President was authorised to disallow any resolution "without giving any reason therefor other than that in his opinion it cannot be moved consistently with the public interest or that it should be moved in the Legislative Council of a Local Government."² Any discussion of the President's order was banned. These effective checks, clearly meant to counteract possible misuse of resolutions, were reinforced by a time-limit on the speeches of members on any resolution and by the President's right to close discussion at his discretion. Votes were to be taken by voices or by division as the President decided.

In presenting the budget, the government would explain "why any resolution³ passed in the Council have not been accepted" No resolutions and no divisions were to be allowed on the budget. But there was to be a general discussion, in course of which too a time-limit for speeches was contemplated. The President had very wide powers: he could even suspend any of the rules.

On many important matters the council was given no voice.

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1. Ibid, cl.6
 2. Ibid, cl.8
 3. Ibid, cl.21 (1)

These included foreign relations and relations with native states, customs, army, military works, state railways, marine, interest and debt, political, and territorial and political pensions.

The same features of check and restriction were present in the rules about the discussion of matters of general public interest. These rules permitted resolutions and amendments to resolutions: but no amendment was allowed "which has merely the effect of a negative vote." Resolutions, when passed, were to possess the force of recommendation.

The rules governing interpellation had few new features: they followed the rules made under the 1892 Act. The only important departure was the provision for supplementary question. This was confined to the member who put the original question. Again, not more than one supplementary to any particular question was allowed, and the government spokesman was free to decline to answer a supplementary without notice. In this set of rules too restraints were ample, including the President's right to disallow a question "on the ground of inconsistency with public interest or that it should be put in the legislative council of a local government."²

The rules for the provincial councils differed but little from those of the supreme council. One distinguishing feature was that the provincial financial statement was to be first examined by a committee of the provincial council. This committee would consist of twelve members, - six to be elected by the elected members of the council, and another six to be nominated by the head of the province.

I. Ibid, Notfn.24, cl.6.

2. Ibid, Notfn.25, cl.8.

The dominant tone in these rules was one of caution. The authorities seemed to have been influenced by the dark forebodings of the detractors of reform, and therefore hemmed in the concessions they made with rigid safeguards. Some wariness was, however, understandable. The councils, with all their new privileges, were to remain advisory bodies, except for legislation. Their voting, no more than their resolutions, would be mere expression of opinion, without any binding force. It was too much in the circumstances to expect for them the full rights and unhampered powers which went with assemblies exercising a much more real and effective control on the administration. In India where the authority of the executive remained as paramount as ever, its ultimate dominance over the legislature was thought essential. Whether this needed to be made as prominent as in the rules, particularly in view of the new spirit the reforms betokened, must remain a matter of opinion.

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The first reaction of the Indian National Congress to the reforms was one of enthusiasm. A resolution adopted by the Congress in 1908 expressed "deep and general satisfaction" and offered "sincere and grateful thanks" to Morley and Minto. The scheme was accepted as "a large and liberal instalment of the reforms needed to give the people of this country a substantial share in the management of their affairs." The Congress hoped that the details of the scheme would be as liberal in spirit.

Rash Behari Ghose, the president that year, claimed that they were "on the threshold of a new era." The reforms had given

them "a fair share in the government of our own country." But he made it clear that these were only "a great step forward" in the direction of their ideal - self-government on the colonial lines. Worked satisfactorily these reforms were sure to lead to further reforms. "Remember" he said, "there is no finality in politics."

At the same time, obviously having in mind the extremists who wrecked the previous year's Congress and had since found new moorings, he counselled against "reckless change", and warned his audience that the ideal of self-government could "only be realised in the distant future." Another speaker, Krishnaswami Rao, said that absolute autonomy was no doubt ideal "as a matter of abstract principle and as a philosophic doctrine." But they were concerned with practical politics, and could not ignore their difficulties and their dangers. The industrial resources of the country had to be developed as also their "capacity for corporate action." In view of all this, as full a self-government as could be had within the British empire was a "noble and inspiring" ideal. To him the reforms were "conceived in a liberal spirit", and the tone pervading them "welcome."

Contentment was also the key-stone of other speeches.

Surendranath Banerjea expressed a feeling of "high appreciation and of deep admiration" for the statesmanship which prompted the proposals. Another speaker, L.A.Govindaraghava Aiyar, pointed out how in one respect - the non-official majority in the provincial councils - the proposals went beyond their expectations and were a pleasant surprise.

1. Report of 23rd I.N.C. - p.35.

2. Ibid, p.37.

3. Ibid.

4. Ibid, p.41.

5. Ibid, p.29.

6. Ibid, p.26.

7. Ibid, p.46.

+ He was chairman of the Reception Committee.

All the time it was made perfectly clear, however, that the reforms were another step towards the goal. Kirshnaswami Rao spoke of them as "a substantial instalment",¹ and Surendranath Banerjea confessed that they were not "even with a measurable distance of the goal of our aspirations." They had received effective control neither over the finances nor over the executive which they sought. But in their development the reforms, "in their ultimate evolution, will give us both."² Growth was the universal law and they must pin their faith to the development, which the reforms were undoubtedly capable of.

The same view was heard outside the Congress pandal as well. On 24 December 1908 a representative deputation of Bengalis waited upon the Viceroy to thank him for the reforms. The deputation felt that "it is the first instalment of the reforms which are yet in store for us or which will be introduced with the growing capacity and fitness of our people, and will give them a definite and effective voice in the government of their country."³

It may briefly be noted here that this hopeful optimism of the Congress was not shared by the extremists. They had no faith in the Congress way of constitutional agitation.⁺ They condemned the reforms as "conceived on wrong lines", calculated to "accentuate differences and encourage self-seeking..."⁴ B.C.Pal called the proposals "political lollipops"; he advised the authorities to openly acknowledge "the legitimacy of the desire of India to be a free nation", and to adopt a policy of laissez faire leaving the people free, so long as they respected the laws of the land, to work out their own destiny.⁵

1. Ibid p.26.

2. Ibid, p.48.

3. The Times, 25.12.1908.

4. The Times, 21.12.1908 (Report of a meeting at Caxton Hall, London.)

5. The Times, 15.2.1909.

+ See Ch.VI, p.241 ff

The Congress attitude underwent, however, a change with the publication of the rules and regulations. The Congress of 1909 regretted that the regulations had "not been framed in the same liberal spirit" which pervaded Morley's despatch. The regulations had caused "widespread dissatisfaction", the specific grounds of which were separate electorates, varying qualifications for voters belonging to different religions, The disqualifications, and "ineffective and unreal" non-official majorities in local councils. The regulations, it was complained, showed "general distrust of the educated classes." The next year too the Congress repeated these criticisms. Both these years, modification of the regulations was urged upon the authorities.

In his presidential address at the Congress of 1909, Madan Mohan Malaviya pointed out that only in Bengal had the non-official majority been effectively preserved. At other places distribution of seats, particularly nominated seats, rendered this majority meaningless. Surendranath Banerjea complained that, as conditions were, the nominated members would not oppose the government to whom they owed their position in the councils. Without an elective majority, the official views would always prevail. Writing in his paper, the Bengalee, Surendranath Banerjea called the non-official majority as it stood, "a meaningless sham." There was no denying the fact that the official interests and the popular interests often collided. In India, the standard of public conduct was lower than in England or America: it was futile to expect of Indian public men the same level of independence. In

I. Resolution IV. + Bengal council had an elective
 2. The Bengalee, 16.11.1909. majority.

the prevailing circumstances, regrettable as they were, it was essential that the legislative council must be "so representative in character that it may have the courage as well as the inclination" ^I to record a hostile vote against the government if needs be. Unless regulations were modified, "the official view of things is bound to prevail...." ²

The Congress also bitterly attacked the provisions regarding Moslem representation. Not only was their separate electorate on a religious basis resented, but also the extra seats and the necessarily easier Moslem franchise. Malaviya regretted that "a wall of separation" ³ had been set up between the Moslems and others. Harnam Das complained that the regulations meant "a permanent cleavage between Hindus and Musalmans", and that they would "accentuate, nay perpetuate" the differences between these communities. Not only had, for the first time, the principle of equality of all religions in India been violated, but "the Hindus, the Sikhs, the Parsees and the Christians are being relegated to a position of unmerited inferiority." He protested against the provision ⁴ "because it means the partition of the whole of living India....." Tej Bahadur Sapru demanded that in political representation "there should be absolutely perfect equality between the various sections of the community." ⁵

Surendranath Banerjea said that this would result in the Moslems "gradually isolating themselves from the general community",

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1. Ibid 17.11.1909.
 2. The Statesman, 25.11.1909.
 3. Report of 24th I.N.C. p.32.
 4. Ibid, p.68.
 5. Report of 25th I.N.C., p.87.

and identifying themselves with the bureaucracy. The interests of real Indian unity - "not mechanical but organic unity" - demanded that the extravagant claims of the Moslems must not be timidly accepted. They must not sacrifice the future by submitting to these separatist manoeuvres encouraging the Moslems to believe that there was "an eternal conflict" between themselves and the
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 Hindus.

On the Congress platform and elsewhere Moslem voices were also raised in protest against separate representation. Mushir Husain Kidwai pointed out that separate representation would "retard the progress of nationalism and unification of India." National interests would be subjected to communal interests, and thus the general interests of the country would suffer. Again, the officials would be in an embarrassing position: their "agreement with any community will always be misunderstood." In the country as a whole, the Moslems would be sufferers. The non-Moslem majority would tend to hostility against the Moslem minority "bent on revenging the policy of separatism² introduced by certain Muslims." Sayed Hasan, in the Congress of 1909, regretted that opportunities for united action had been missed. In next year's Congress, Nawab Sadiq Ali Khan protested against this 'undoubted' departure from "the traditional policy of just and equal treatment" of all classes of the subject. For the first time religious

I. The Bengalee, 4.7.1909. Similar protests were made by other influential public bodies - e.g. Bombay Presidency Association, Hindu Sabha Lahore etc. See the Bengalee of 4 and 10 July 1909.
 2. The Pioneer, 24.3.1909.

distinctions were set up "as important elements in the extension of political privileges to the people...." He warned his fellow-Moslems that ultimately these separatist trends would do them no good, "for they are sure to alienate the Hindu sympathies...."^I

Much was made of the varying basis of franchise. Malaviya thought it "deplorable" that the "direct representation and a fairly liberal franchise" given to the Moslems had been denied to others.² He resented this "invidious and irritating distinction" between Moslems and others.³ The Bengalee, citing the regulations of Eastern Bengal and Assam where a Moslem graduate had the vote but not his Hindu counterpart, argued that the Hindus were being discriminated against.⁴ Besides, why were Moslems given special representation in provinces where they formed the majority? All this was sure to alienate Hindu sympathies. "For, does not this rule practically tell the Hindu that he is a member of the politically inferior community, and that the Mahomedan is his superior?"⁵ The differential treatment must create "a most baneful impression" on the Hindu mind.⁶

It is difficult to justify this criticism of the franchise. Granted a separate electorate for a community, its franchise must be settled by the needs and conditions of the community itself; those of other communities had no relevance. It may be mentioned here that Gokhale, one of the most respected Congress leaders of

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1. Report of 25th I.N.C.p.90.
 2. Report of 24th I.N.C.p.28.
 3. Ibid, p.32.
 4. The Bengalee, 20 & 21 November 1909.
 5. The Bengalee, 16.11.1909.
 6. The Statesman, 25.11.1909. (Surendranath Banerjee)

the time, was amenable to separate representation for Moslems. In his opinion, however, separate electorates were to "redress the deficiencies and inequalities of general elections." But he was opposed to the claim for extra seats. Its "undoubted and irresistible implication" was that the other communities were comparatively inferior and should receive less than their share. "That was a position to which naturally the other communities could not assent."

Separate representation of the Moslems gave rise to similar demands in other quarters. Kane, an Indian Christian delegate to the Congress, advocated the same for his community. E.H. Thomas regretted that the community "has been left altogether in the dark", and spoke of "a keen disappointment" among the Indian Christians for this omission.

Another complaint was that the rules were unfair to the educated classes. Malaviya pointed out "the small room for representation" left for the educated classes. Harnam Das affirmed that the underlying motive of the regulations was to "dish" the educated classes.

Surendranath Banerjea discerned a "sedulous attempt" to exclude "the educated middle class of the Hindu community...." Had not this class been the "perennial recruiting ground for 'agitators'"? Had not it built up the Congress and public opinion in the country? The boycott of British goods had been launched by the same class. Surely, "such a class would hardly be calculated

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| 1. The Times, 15.7.1909. | 4. The Pioneer, 4.12.1909. |
| 2. The Bengalee, 16.7.1909. | 5. Report of 24th I.N.C. p.32. |
| 3. Report of 24th I.N.C.p.63. | 6. Report of 24th I.N.C. p.69. |

to make the life of the bureaucracy exactly happy in the Parliaments of their own making.¹ He had no hesitation to say that the regulations would "alienate the sympathy of the educated community" from the experiment about to be made.²

Once again the Congress criticism cannot stand scrutiny. It is difficult to justify such bleak forecasts for the educated community, because of the share it was sure to receive in the representation of the local bodies, Presidency Corporations, Universities and of part of landholding interests.

But the Congress^{men} were on surer ground when they criticised the requirement that the candidates for election by local bodies were themselves to be members of such bodies. The result, as Malaviya said, was to "exclude a number of men of light and leading."³ Surendranath Banerjea pointed out that many of the ablest leaders of Bengal were ineligible under this condition, whereas many an unknown person, who had served on the local bodies, would be qualified. This, he said, "is in itself quite sufficient to condemn the Regulations, so far as they concern the members to be returned by the local bodies."⁴ Though the government's motive was perhaps to improve the working of the local bodies by making really capable persons interested in it, the practical difficulties involved should have been foreseen, and suitable remedies prescribed so that able men might not be disqualified at least for the first few years.

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1. The Bengalee, 20.11.1909.
 2. The Statesman, 25.11.1909.
 3. Report of 24th I.N.C. p.28.
 4. The Statesman, 25.11.1909.

Coming to disqualifications, the provision was considered "unnecessarily stringent and exclusive." Particular exception was taken to the government's power to declare a person disqualified because of his past antecedents and character. Was not this provision "comprehensive enough to include, at least potentially, all capable and patriotic Indians?" It might mean the exclusion of persons who did not see eye to eye with the authorities. Anticipating difficulties for a person convicted of sedition, it was argued that if he was afterwards willing to take the oath of allegiance, "there is no reason why such a person should not be admitted into the council."

The President's control over the deliberations of the council "can have the only effect of gagging the mouths of the public" about the matters on which they possibly felt most keenly.

Much of this criticism took only the blackest view of things. It is refreshing to find that Surendranath Banerjea, himself a rather staunch critic, recognised that the spirit in which the reforms were worked was no less important. It was possible to work them in a manner that would make the non-official members "popular representatives in the proper sense of the term." If persons at the helm of affairs had "sympathy with popular aspirations" the new councils might then bring the goal of their ambition "perceptibly nearer." He also acknowledged that the reforms offered valuable scope of training.

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1. Report of 24th I.N.C. p.29 (Malaviya)
 2. The Bengalee, 16.11.1909.
 3. The Statesman, 25.11.1909 (Surendranath Banerjea)
 4. The Bengalee 16.11.1909.
 5. Ibid, 17.11.1909.

Despite all this criticism, it proved difficult to resist the temptation of asserting the Congress influence on the evolution of reforms. Surendranath Banerjea claimed that the Congress, "the platform of constitutional agitation", had never taken up any issue altogether in vain. In many cases their efforts had been crowned with success; in others they brought the questions "within the range of practical politics." The reforms were "the crowning triumph" of their endeavours in one sphere. In his presidential address at the Congress of 1910, Sir William Wedderburn said that "Lord Morley's beneficent measures have followed Congress lines." Ever since the first session of the organisation, the reform and expansion of legislative councils had been "the leading Congress proposal....."

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Turning to provincial matters, the Congress advocated in 1908 a legislative council for the Central Provinces and Berar. This prayer was repeated in 1909 and 1910. We have seen that at one time Morley was willing to grant an advisory council for the province. The government of India's refusal to have an advisory council while they would not recommend a legislative council is hard to understand. If the advisory council was to possess the functions proposed for it by the chief commissioner of the Central Provinces, it would indeed be a better representation of the people of the province than two members on the supreme legislative council.

I. Report of 23rd I.N.C. p.48.

2. Report of 25th I.N.C. p.29.

+ See p.435 footnote.

* See Ch.VII, p.299

The Congress also criticised in two resolutions in 1909 and 1910 the composition of the Punjab legislative council. The grounds of criticism were smallness of size, inadequacy of elected element, and improbability of a non-Moslem being ever returned to the supreme legislative council. In 1909 an additional grievance was lack of protection for non-Moslem minorities, which made way in the following year for a fresh grievance as to unproportionately large nominated element.

Both in 1909 and 1910 resolutions were adopted by the Congress pressing for establishment of provincial executive councils. But whereas in the former year the demand was for executive councils in the United Provinces, the Punjab, Eastern Bengal and Assam, and Burma, in the latter year the claim was confined to the first two provinces only. Perhaps it was realised that the smaller provinces had no chance at all.

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The Muslim League was not satisfied with the arrangements for Moslem representation, as explained by Morley in the House of Lords on 4 May 1909. ⁺ Ameer Ali made a strong plea for increasing the number of seats thrown open to separate electorates. That was "the wisest and most equitable course" for redeeming the government's pledge to the Moslems. If, on the contrary, the government stuck to their declared intentions, the community must recognise that the minimum representation secured through separate electorates "is sure to become the maximum." In the mixed electorates, the Moslems would have to depend on the good will of the majority community. The Moslem members returned would be pledged to the

+ See Ch.VIII, p. 423

political programme of their supporters: "they would be constantly at variance with their ^Mahmedan colleagues. The ^Mohamedan party will thus be split up into two factions." The Moslem influence would consequently be weakened.^I

In a speech at Caxton Hall, London, the Aga Khan repeated these demands. If these were not conceded, the Moslems would be "disappointed and left without representation." In that event the "reforms were doomed to failure."²

The executive council of the United Provinces Muslim League declared, in a resolution on 15 August 1909, that participation in the mixed elections was injurious to the Moslem interests, and therefore the community would boycott them. In an explanatory letter addressed to the Chief Secretary of the United Provinces, it was pointed out that mixed electorates, far from securing real representation of the community, would increase the friction between the two major communities.³

With the publication of rules and regulations, however, all such remonstrance ceased. The Aga Khan telegraphed to the Times: "I consider new regulations respecting council constitute fulfilment (of) pledges made to Moslems, and far in advance of earlier proposals."⁴ He strongly urged the Moslems to loyally accept them. The rules safeguarded the Moslem interests "as a most important element of Indian life."⁵ Ameer Ali acknowledged that the rules "represent a considerable advance on the original proposals of the Government of India", and hoped that the Moslems would give them a fair trial.⁶

1. The Times, 20.5.1909 (letter dated 14.5.1909 from Ameer Ali)
 2. Ibid, 25.6.1909. 5. Times of India Illustrated Weekly, 24.11.1909.
 3. Burn's Collections, II, pp.138-139. 6. The Times, 16.11.1909.
 4. The Times, 16.11.1909.

The lead given by these two leaders was faithfully taken up by the League. The Punjab Muslim League "gratefully" recognised that the regulations "constitute a distinct improvement" on the original scheme, and fulfilled "to a material extent" the pledges given to the community.^I Similar sentiments were expressed by other provincial branches. The Central committee of the League, meeting on 28 November 1909, adopted resolutions recording ^{the} "sincere gratitude" of the community for the regulations which "to a great extent" redeemed the government pledges. These had been "a distinct advance" on the original proposals. At the same time the League requested for the Punjab the right of electing representatives to the supreme legislative council. Besides, "in the interests of ^{the} Mahomedan community" relaxation of residential qualification in favour of Moslem candidates was urged. A Moslem should be free to seek election also in constituencies other than where he was an elector, for there was "no conflict of interests" between Moslems in different areas.²

The extent of Moslem approval of the rules was more obvious in an article by Ameer Ali. He expressed full satisfaction with the rules and explained that the disappointment in some other than Moslem quarters was "merely a revulsion from the immoderate anticipations of the last few years based on erroneous calculations!"³ The regulations might have few flaws, but "taken broadly they

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1. The Pioneer, 29.11.1909.
 2. The Pioneer, 1.12.1909.
 3. The Nineteenth Century, March 1910, p.396.

represent a distinct and remarkable development in the administration of the country.^I The honest views of the representatives of the people would now be available to the authorities; the rules guaranteed "a genuine participation of the representatives of the people in the work of administration."² With the provisions for disqualifications he had no quarrel: they were³ "very wise." Scope of discussion was large; restrictions such as there were would only prevent "interminable discussions", which might otherwise destroy the "usefulness of the councils."⁴ All in all, "ample facilities"⁵ had been given to the representatives of the people for helping the administration. The reforms were "certain⁶ to become the means of incalculable benefit to the country."

Omission of any reference to the Moslem representation in this long article was perhaps due to the absence of even a feeble sense of dissatisfaction with the state of Moslem representation in the Councils. Why this was so can perhaps be realised from the following table which shows the state of Moslem representation in the first legislative councils constituted under the new Act.

Territory	Percentage of Moslem population to total population.	Percentage of Moslem members in the legislative council to the elected and nominated non-officials.
British India	23.2	33.3
Madras	6.4	11.5
Bombay	20.2	28.5
Bengal ⁺	17.7	19.3
United Provinces	14.1	34.6
Punjab	53.2	50.0
Eastern Bengal and Assam	57.7	34.7.

1. Ibid, p.398.

2. Ibid, p.401.

3. Ibid, p.402.

+ In Bengal there were besides two Moslems among the officials.

4. Ibid, p.403.

5. Ibid, p.405.

6. Ibid, p.398.

The percentage would be higher if only elected members were taken. In every council Moslems had captured seats besides those allotted to the exclusively Moslem electorates. In Eastern Bengal and Assam they fared comparatively worse due to lack of organisation and weaker hold on the local bodies.

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In the Anglo-Indian press in India the rules and regulations evoked little controversy. In considering these reforms the Pioneer's attitude was throughout cautious. Only on certain specific issues were their views expressed with their usual vehemence. That Morley was unlikely to be swayed from a course which he and Minto took every opportunity to reiterate, was perhaps a largely influential factor. The Pioneer supported the Moslem League stand heartily, though they rebuked the League for claiming parity in the appointments to the governor-general's executive council. That involved "a misconception and degradation of the character of the Council." They thought, however, that Morley himself was responsible for such feelings, as he had created an impression that appointment to executive councils was to be a political concession.

Morley's attitude regarding executive councils for Lt.-governors was also harshly criticised. Why should his opinion, and Minto's personal views override the widely-believed nearly unanimous opposition of other competent authorities? Why was not the latter's opinion made public? They reproved Morley's silence in this respect:

"The business man who is applying for a big loan must not conceal
^I
 his circumstances."

When the Act was passed, they saw it as "peculiarly the work of the Secretary of State." The government of India had "moved from one position to another" to meet the wishes of Morley. Never before had an important measure "so little real support from the men with practical experience of Indian administration." The whole episode showed how a "doctrinaire Radical" might exercise practically
²
 unbridled powers.

The rules and regulations were accepted as devoid of any particular surprises. But representation was considered to have been conceded in a larger dose than anticipated. The reforms had "grown in liberality under the finishing process." But the Pioneer had no quarrel on that account; controversy as to the policy of the measure "now disappears in the hope that its results may prove
³
 equal to the most sanguine anticipations."

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The Statesman supported the Moslem view-point. There was no universal mode of representation: to achieve the end of representation^{means} might vary. And in deciding upon the method, in the light of the great divisions of the population, the minorities must have their say. The Hindu-Moslem differences were regrettable, "but they
⁴
 cannot be disposed of by denying that they exist." The government
⁵
 decision in this respect "seemed to be the only solution."

1. Ibid, 15.3.1909.

2. Ibid, 3.6.1909.

3. Ibid, 17.11.1909.

4. The Friend of India and Statesman 28.1.1909.

5. Ibid, 4.2.1909.

As¹ the rules and regulations, the Moslems had reason to be "extremely pleased" with them. "Their wishes have been complied with.....No other community has received such favourable treatment.."^I Referring to the criticism of differing franchise for Moslems and others, the Hindu leaders were reproached, "Jealousy of this description will not hasten the day when the special Mahomedan electorate can safely be abolished."² After all, in a separate electorate, it was the business of the Moslems to decide how their representatives were to be chosen. The Moslems, in their turn, were advised to abstain from insisting on "a Mahomedan counter³part to every Hindu appointment"; this would imperil the success of the experiment about to be launched.

The proposal for establishing executive councils in the provinces was welcomed. Under the prevailing circumstances, "the Lt.-Governor is scarcely ever seen by the vast bulk of the population under his charge."⁴ This was undesirable. An executive council, by reducing his burden, would enable the Lt.-governor to go about more frequently among the people. The complaint that the executive council would detract from the personal character of a Lt.-governor's rule was challenged. Were not the educated classes already aware that many decisions were reached at the lower level and were only endorsed by the Lt.-governor? As for the masses, they would hardly realise the difference with the creation of executive councils! The executive council was specially desirable because "to entrust the final authority in dealing with the complicated affairs of a vast Province to one man, however great his ability, is an

I. The Statesman, 18.11.1909. 3. The Friend of India & Statesman, 4.2.1909.
 2. Ibid, 25.11.1909. 4. Ibid, 4.3.1909.

anachronism.^I" The council would stimulate a weak Lt.-governor and restrain an impetuous one.

The rules and regulations were considered satisfactory. They were conceived in a liberal spirit, put the "broadest construction" possible on the provisions, and infused reality into them. They were sure to increase the popularity of the reforms, as they "surpass the hopes of the most sanguine friends of reforms."² The members of the new councils had been enabled "to exert an influence which cannot at present be safely estimated upon both administration and legislation."³

Referring to the non-official majorities, they pointed out the risk of government defeat, even though ordinarily the Moslems and the landlords would identify themselves with the government and minimise such a possibility. But this caused them no uneasiness, for they confidently hoped that the increased power would bring in a sense of responsibility among the non-officials. More scope for discussion would lead to respect for arguments, and beneficial legislation was not likely to be hindered.⁴

They were less happy with the condition that candidates for election by local bodies were themselves to be members of those bodies. The representatives thus elected "will be indirectly representatives of ordinary tax-payers and rate-payers." It was unfortunate that their selection should be under such restraint. Whatever might be the arguments in favour of the requirement, -

1. Ibid, 18.3.1909.

2. The Statesman, 18.11.1909.

3. Ibid, 25.11.1909.

4. Ibid, 18.11.1909.

and undoubtedly there was many a valid one, - it must be acknowledged "also that hitherto the local self-governing bodies have not possessed the degree of independence or the amount of means which would render them attractive to men of ability." Further, the working of the new councils would be keyed to a lower note if persons of best competence and highest ability were thus shut out of them. It was unfair to the people as well. Members whom they elected to the local bodies for one purpose, should not be rendered "the only eligible candidates for other and more important duties." In view of all these reasons, and also because no previous notice of the government's intentions had been given, they proposed that at least in the first election the local bodies should have an unfettered choice.

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The reactions of a few other Anglo-Indian papers may also be briefly noted. The Empire recognised the "substantial merit" of the scheme, and specially "the enlightened and progressive spirit which it displays." It was very unlikely that, despite the restrictions, any resolution of importance would be disallowed. They could not but regret, however, the time-limit on speeches. After all the council was more than a debating society! The more freedom there was the better.

The Indian Daily News was "firmly persuaded" that the reforms would prove "entirely beneficial". They had introduced "the most decisive change" in the system of government in India.

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1. Ibid, 18.11.1909.
 2. Quoted in the Pioneer, 19.11.1909.
 3. Ibid.

The Times of India was on the whole happy with the rules and regulations. A genuine concern to secure as fully as possible the real representation of the different interests was writ large upon them. Their "guiding principle" was "election by the wishes of the people." They were *critical*, however, of the method of representation of the Punjab and Bombay Moslems on the Imperial legislative council.

A discordant note was struck however in the Englishman. "The enlarged councils would have been wrong at any time." They were doubly so now because a section of agitators would construe them as concessions "wrung by threats." Besides, could "any sane man believe" that larger legislative councils made for efficiency? On the contrary, they would make the task of administration "more complex and more difficult."

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In the British press, the Times was the most influential national paper which followed Indian affairs with consistent interest. It is desirable, therefore, to follow the Times throughout the course of reforms for a proper understanding of an important section of opinion interested in India. It may be said here that following the publication of the rules and regulations, many an important paper wrote benedictory articles on them.

In August 1907, referring to the chasm which separated the government and the people in India, the Times hailed the reforms proposals as "another generous, yet prudent, attempt to bridge that chasm by bringing the people of India into closer contact with the work of administration."

The idea of advisory councils was warmly welcomed, as it would harness to the services of the community the great conservative forces which the ruling chiefs and the landed magnates stood for. These councils by stimulating in them "a sense of civic duty and an independence of judgment" would gradually restore them to their rightful position in the Indian polity. So long they always avoided the heat of public controversy and thus left public opinion to be organized by "a small but active minority."^I

Referring to the proposed extension of legislative councils, they approved the "increased opportunities of consultation with the responsible public opinion in India." The British authority in India had nothing to lose and much to gain by this. It was high time, however, that the expression of popular views should cease to be the monopoly of the professional classes, who wielded an influence "entirely out of proportion to their real stake in the country." Hence the proposal to secure representation of the various classes was welcome. The utility of the enlarged powers of the councils would, of course, depend upon the success of the scheme of representation.²

This initial approval was maintained all through, though the ardour of appreciation was somewhat damped by subsequent developments. It was impossible "to stand still." One must go forward, But with all their sympathy, they were unable to be enthusiastic over the proposal to include Indians in the executive councils. It

1. Ibid.

2. Ibid.

was impossible to choose any individual who would be acceptable to more than "one of the great divisions of his province." There were other considerations too. The Indian member, however able, was bound to be influenced by his environments. This atmosphere, different from that of his European colleagues, was bound to exercise constant pressure upon him. Further, he would have access to all the secrets of the administration. The proposal was indeed "full of peril for the security of the State."^I Administrative ability and local knowledge had been mentioned in some quarters as the requirements for the past, But these were not the real test of fitness. The members were more than advisers; they had intimate knowledge of the affairs of the government in formulating whose decisions they had an effective voice. Their primary qualification must always remain "fitness to take their share in the gravest duties"² of the government. What qualities this meant was not explained. Anyhow, the Times had "the gravest doubts"³ of the wisdom of such a step which was deemed neither in the interest of the efficiency of Indian administration nor of the wider imperial responsibilities. They, therefore, urged upon Morley to avoid "the fatal dangers" that might follow a "mistake" of the most momentous consequences.⁴

Subsequently, they complained that "the cautious and conservative" proposals of the government of India had been made much less

1. Ibid, 18.12.1908.

2. Ibid, 9.2.1909.

3. Ibid, 29.12.1908.

4. Ibid, 9.2.1909.

so by "great innovations." The alterations made were sure to be "used as instruments for the attainment of further concessions." Unhappy with the provision which left the details of electorates to the government of India, they pointed out that this would leave "any future Indian government" free to do whatever they wanted in this respect.^I

The Muslim League view point received full support. If joint electorates were insisted on, the Moslem community would not possess any guarantee that the Moslem members elected would be "really representative of the Mahomedan point of view." The Moslem representation in that event would be "illusory."² The authorities were warned that no reforms which left the Moslems with "a just sense of grievance" could be expected to work for the good of India as a whole.³ The rules and regulations were, however, accepted as "a reasonable attempt to fulfil the pledges" given to the Moslems.⁴

To the Hindus, nevertheless, "must inevitably fall the lion's share" of the political powers given to Indians. It was up to them to show by their behaviour whether they were ready to pursue "in a spirit of statesmanlike moderation" the course of constitutional progress, or whether, having displaced the British, they aimed at subjecting their fellow-countrymen to their "intolerant" rule.⁵

The rules and regulations were approved. It was very wise to refrain from enforcing uniformity upon all the legislative councils in respect of their composition and the mode of the election of their members. This variety refuted the theory held by many a Radical

I. Ibid, 27.4.1909.
 2. Ibid, 29.12.1908.
 3. Ibid, 9.2.1909.
 4. } Ibid, 16.11.1909.
 5. }

enthusiast "that such a congeries of people as India really is can be regarded as a nation ripe for democratic institutions." This was all the more clear in other provisions.

The Times was not very happy with the enlarged scope of interpellation. Who knew that this would not be a source of annoyance and spiteful criticism? Disqualifications were considered adequate.

To the British public it was pointed out that the checks provided, which might seem to many of them inharmonious with the democratic spirit, were necessary. Even then much power would pass into the hands "not of the people of India, but of those who resent the checks which the British raj has placed upon the oppression of the people of India, or, at any rate, of professional politicians who are far less for, and are much more ignorant of, the real needs of the people of India than the British officials whom they make it their business to traduce." This in their last words on the subject the Times could not help making once more patent their dislike for a class of people whom they unfailingly distrusted and opposed.

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The Quarterly Review discussing the reforms confessed that alienation between the government and the people in India was taking place. That confidence "in the beneficent intentions of government has been impaired" was impossible to deny. To argue that dissatisfaction was confined to the educated community - just an insignificant minority - was "true, but it is not the whole truth..." There was no other influential opinion in India to be

set against that of the educated class. The people might not be much interested in political ideas yet, but the absence of any rival school left the path of the educated class free. Their thought reigned supreme. Since "ideas can only be combated by ideas", it was necessary to take steps to remove the gradually expanding discontent. The central problem was "how to recapture the confidence of the sober-minded majority of the educated classes." The need of reforms was unquestioned, particularly because it had never been contended that India would be held indefinitely by the sword in defiance of popular feelings.

Coming to the definite proposals, it was pointed out that there was "a serious misapprehension" on the relative importance of the two major branches of the changes, - those regarding legislative councils, and executive councils. The public had been worried less about the former than about the latter. Appointment of Indians to the executive councils would leave the authority of the executive unimpaired. But the reform of legislative councils was a much more dubious experiment: "it is the first step down that slippery slope at the bottom of which lies a parliamentary government for India." Despite Morley's protestations, he had definitely started the Indian administration on a career "which it will be hard to arrest until the parliamentary bottom is reached."

They were not happy with the non-official majority. It was difficult to look forward with confidence to its outcome. The

I. Ibid, p.694.
 2. Ibid, p.695.
 3. Ibid, p.696.

non-official majority was unlikely to acquire any sudden "solicitude for the dumb peasantry": the increased representation of landlords probably pointed to a contrary direction. Wider powers were not certain to be followed by greater responsibility. Nor was it improbable that the rival non-officials might "have a disagreeable way of coalescing to out-vote" the government.¹ But all these risks must be taken, as also it must be recognised that in the devolution of power from the bureaucracy, it could be "transferred only to the classes which are capable of exercising it."²

Straightforward acceptance of election was not approved. It would greatly augment the extremist elements in the councils. But there was no way back. "If the new situation is not free from hazard, the old one was well-nigh intolerable."³

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The British public enjoyed through this period the benefit of 'expert' advice from retired high officials from India.

Sir Charles Elliott, a former Lt.-governor of Bengal, feared that the danger involved in non-official majorities had not been fully grasped. This would increase the difficulties of legislation "for the protection of the rights of the tenants",⁴ and would consequently shake their faith in the government's power to save them from "oppression and exaction." In spite of this risk, however, he supported the non-official majority for "enhancing

1. Ibid, p.703.

2. Ibid, p.702.

3. Ibid, p.705.

4. The Nineteenth Century - February 1909 - p.183.

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the self-respect and dignity of the councils."

Interpellation, division and resolution were powerful instruments replete with serious possibilities. They conceded to the non-officials the right of censuring the government which might lead to "disastrous results."² Hostile votes would enfeeble the authority of the government; rules and regulations must, therefore, be so framed as to minimise these risks.

Sir Charles Elliott could not persuade himself to support the creation of new executive councils, nor the appointment of an Indian to the Viceroy's executive council. Apart from the difficulties based on the racial and communal distrust among Indians, which rendered it impossible to appoint an Indian held in universal respect and confidence, there were considerations of fitness for the post. The incumbent would be more than a mere adviser; he would be head of a great department. To fulfil his tasks he should "have passed through an elaborate training and to have risen to a high position in the Administration." There was scarcely any Indian of such attainments. Even the Legislative department must not be cut off from "the influence which the best thought of England can bring to bear on the improvement of the Indian codes"³, and should not, therefore, be the permanent charge of an Indian member.

Sir Andrew Fraser, also a former Lt.-governor of Bengal, called attention to the necessity of a proper appreciation of the

I. Ibid, p.184.

2. Ibid, . . .

3. Ibid, pp.187-188.

educated classes. Their importance should neither be exaggerated nor unduly minimised. It was a misconception to think that the educated were wholly confined to the professional classes. Among the landed and the commercial classes there were now many educated persons, whose voices were submerged by the clamour of the professional classes. In any case, it would not do to ignore and treat lightly the educated classes. They had been nourished on Western education: "by many indications and positive declarations of our policy we have given them their hopes and ambitions."^I Their reasonable claims must have considerate hearing.

Sir Andrew Fraser favoured all the important provisions of the reforms. A separate Moslem electorate was desirable. Special electorates for the landlords and other interests were necessary, so that while getting rid of the system of nomination the services of "the natural leaders of special sections of the community" might be secured.² To those who favoured nominations to supplement elections, he said that nomination would fit ill with the more important roles that the new councils were intended to fill. He supported non-official majorities, considering the safeguards of veto and the right of concurrent legislation vested in the government of India sufficient. The appointment of Indians to the executive council was welcomed. For one thing, the educated Indians attached "the utmost importance"³ to the appointment of Indians in high places. Perhaps none other of Morley's proposals gave them greater satisfaction. And such appointment was in one

1. The Empire Review - March 1909 - p.102.
 2. Ibid, p.106.
 3. Ibid, p.104.

sense only "one step further in the policy of employing Indians in the public service, laid down in Queen Victoria's proclamation and steadily pursued by the Government ever since." He, however, thought it preferable that the Indian member should possess the same qualifications and the same training as the British members.

Sir Bamfylde Fuller, a former Lt.-governor of Eastern Bengal and Assam, thought that the reforms modified "very profoundly" the ideals of British administration in India. They marked "the abandonment of our philanthropic interference on behalf of the poor", which was so long "the leading feature" of British rule. In the provincial councils the government could hardly be expected to persist in a measure which was unpopular with the non-official members. Apart from the risk of an adverse division, the combined voices of the non-officials against any measure would render its passage exceedingly difficult. In the supreme legislative council, the official majority was too lean to encourage the government to excite heat and clamour by forcing their way against the non-officials. Thus the government's power of remedial legislation in the interest of the ryots had for all practical purposes been surrendered. He feared that the peasant proprietors of India might, without the government's protection, be reduced gradually into "field or casual labourers."

He was sure that the reforms had been carried too far. The extremists in India might construe them as concessions, and render

1. Ibid, p.108.

2. United Empire - January 1910 - p.43.

3. Ibid, p.44.

+ He resigned due to difference of opinion with the government of India over certain measures he proposed to take regarding a school, whose students had taken part in political agitation.

the measures, desirable in themselves, "exceedingly dangerous; they may act as a stimulant to violence."^I Otherwise, the measures "represent an honest and courageous attempt to raise the status and increase the influence and self-respect of the Indian educated classes."² On the whole, he was non-committal as to the possible outcome, and derived re-assurance from the thought that the mercantile classes and the Moslems were "our active supporters."³

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When the rules and regulations were published the House of Lords was not in session. The House of Commons was, but only for a short while afterwards. Sir Henry Cotton's efforts to raise certain points failed, because the under-secretary for India would not welcome sporadic discussions without the entire body of rules in hand, which had not yet arrived from India.

A member of parliament, Ramsay Macdonald, who was then travelling in India, criticised the rules and regulations sharply. It was a "mistake" to provide for only indirect election by the delegates of local bodies. The distrust of Hindus, in comparison to the favourable treatment of the Moslems, was particularly a great blunder. This would "widen, instead of lessening, the gulf between the two communities." He was convinced as to "the entirely mistaken policy"⁴ of the reforms. The regulations were "unjust, contradictory and insulting to the educated community."⁵

When parliament re-assembled in 1910 no mention was made

1. The Nineteenth Century - January 1910 - p.8.

2. Ibid, p.7.

3. Ibid, p.8.

4. The Bengalee, 21.11.1909.

5. Ibid, 25.11.1909.

of the rules and regulations, which had by then taken effect.

Speaking on the Indian budget in 1910, the under-secretary for India, E.S.Montagu, declared that the reforms had been "a great success." The results "actually surpass our expectations." The debates in the councils were remarkable for moderation and reason: "the old idea that non-officials must necessarily be in opposition seems to have disappeared." The non-official members had displayed "admirable dignity and sense of responsibility"; the officials had discharged their duties with "conspicuous and gratifying success."

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It is clear that the Indian Councils Act, 1909, made important changes. The immense increase in the non-official representation, the introduction of proper elections, the greater authority for the members to assert their views, and the obligation the officials were necessarily put under to try to approximate their views to the non-officials - all these made for closer association of Indians with the administration. Though the authorities did not think that parliamentary government - the accepted ideal of politically active Indians - was feasible, some of the institutions given to India were distinctly parliamentarian in character. This was no doubt a source of considerable comfort and satisfaction to educated Indians. The appointment of Indians to executive councils might, if narrowly viewed, be less significant. But in the eyes of Indians it was no less desirable, as it was the practical recognition of the Indian's fitness to govern. It was no less

1. Indian Debates - House of Commons (1910) p.186.

2. Ibid, p.187.

3. Ibid, p.189.

4. Ibid, p.187.

+ See Appendix.

gratifying because it removed the stigma of racial inferiority.

It is significant that although bringing about these changes, Morley and Minto never tired of declaring that parliamentary government was not India's destiny. Soon after the Act was passed, Minto wrote to Morley, "We are ready to accept Indian assistance, to share our administration with Indians, to recognise their natural ambitions, but, for their own sakes, the supreme guidance must be British....."^I How Indian ambitions could be met, while giving them a share in the government of the country, without introducing parliamentary government he never explained.

Thinking of the transient nature of the British population in India, Morley confessed his realisation "how intensely artificial and unnatural is our mighty Raj;"² and was convinced that it could not last. While the bill was still being debated in the House of Commons, he wrote that he dared "not suppose that we have finally settled this business."³ Again, in another context, after the reforms had been brought into force, he expressed the same belief about the future of British rule in India. He was "not certain that it will last for ever, or even for many years to come."⁴ Yet he never hazarded a solution of the problem which sprang from his reading of the future of Indian administration. Even otherwise, if parliamentary government would not do for India, what was to be the next step? Surely, Indian political aspirations would not stop

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1. India, Minto & Morley - p.308 (Letter dt. 17.6.1909)
 2. Ibid, p.153 (Letter dt. 15.8.1907)
 3. Recollections, II - p.305 (Letter dt. 2.4.1909)
 4. India, Minto & Morley - p.418 (Letter dt. 19.10.1910)

a continuous process. Any division into other than broad phases must be more or less incongruous. Thus regarded, no single step in the progress is isolated, and no single contribution insignificant.

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It is appropriate to say something of the respective roles of Morley and Minto. It cannot be disputed that the principal ideas of reform were first mentioned in the correspondence between Minto and Morley by the latter. ⁺ We have also seen from time to time that many important decisions were Morley's. Particularly his decisions regarding non-official majority, executive councils for Lt.-governors, supplementary questions and disqualifications were calculated to increase the popularity of the measure with Indians. In reaching these decisions Morley looked far ahead of others, and left on the reforms an impress of his convictions.

But it would be unjust to conclude from this that the part played by Minto was unimportant. Far from it. It must not be forgotten that the main structure of the reforms, in its multiple ramifications, was erected in India. There is no doubt also that Minto's was the initiative in India. The central and the provincial governments were always under the pressure of his persistence. Besides, without Minto's wholehearted cooperation, many a time given despite his colleagues' opposition, the course of events would have taken a very different turn. Even when Minto differed from Morley, he placed the interests of reforms first, and did nothing to increase Morley's embarrassments. To take this as evidence of Minto's weakness is to debase the sincere cooperation which existed between Minto and Morley. But Minto's greatest

+ Letter dt. 15.6.1906. See Ch.VII p. 285

contribution was to remain steadfast to the reforms in the face of a violent outburst of extremist nationalism, along with the clamour this raised both in India and in Britain. He was greatly perturbed and was unable to take them as coolly as Morley. He could have suggested waiting until the political sky cleared to some extent. That Minto stood firm was because the reforms were as much his child as Morley's, and because he was convinced that they would help, not hinder, the administration of the country.

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Throughout this work it has been noted that the educated classes were often represented by officials as incapable of looking after the interests of the vast mass of their countrymen. The suggestion had been made that being a small body themselves, their concern was too personal. It was said that the interests of the ordinary people would be much safer in the hands of the British officials. This view overlooked the fact that elsewhere, even in England, the interests of the ordinary people had been in the keeping of persons other than their own representatives for centuries. What proof is there that the Indian educated classes were unequal to, and unwilling to fulfil, the duties which their compatriots in other lands discharged?

The educated classes might mean many things. To some they meant the professional classes, though all the educated persons were not in the professions. To examine how far the educated classes thought of the country and its people, going beyond their own interests, we may perhaps take the Indian National Congress as the

typical organ of the educated classes.

The Congress proceedings do not sustain any change of narrow self-interest of the educated community. Though more attention was paid to political programmes, - the Congress being a political organisation this was not surprising, - there was repeated reference to other issues with which the welfare of the masses were closely linked. There were demands for the revival of indigenous arts and manufacture, the introduction of new industries and of technical education. A knowledge of improved methods of production and distribution was sought, and the need for organisation of capital and credit pressed. Resolutions were adopted seeking increases of wages for tea estate labourers, and a decrease of the salt-tax "which produces great hardship to the poorest classes." In the field of education, they requested "a much larger allotment than at present out of public funds for educational expenditure, so as (a) to spread primary education more widely among the mass of the people, and to make a beginning in the direction of free and compulsory education....." ² Manual training, scientific agriculture, and technical institutes were among other proposals. The improvement of agriculture was yet another frequent appeal, and experimental farms were asked for. The indebtedness of the peasantry gave rise to concern as did some times the high prices of food-stuffs. Land revenue was a perennial source of controversy. The Congress disliked the periodical increase in revenue and called for "a reasonable and definite limitation of the State-demand." ³ Conceding

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1. Resolution XIX(ii)(b) of 1901.
 2. Resolution II of 1904.
 3. Resolution XV of 1905.

for the sake of argument that this last demand was more in the interest of the landlords than of the ryots, we cannot dismiss most of the other proposals in the same way.

It may be said that adopting resolutions was an easy affair, and cost the educated classes nothing. But in spheres where they could take action, they were not idle. For example, in the field of education, the contribution of the educated people was far from insignificant. Compared to 28,944 public educational institutions in India in 1907, there were 75,624 private aided and 58,189 private unaided institutions. The keenness with which the educated classes sought a wider scope of education for their countrymen soon found strong expression in Gokhale's "heroic efforts to make Government accept the principle of compulsory education." In this Gokhale was probably encouraged by the example of the Gaekwar of Baroda, who had introduced compulsory education throughout his state in 1906. In March 1910 Gokhale moved a resolution in the Imperial legislative council recommending that "a beginning should be made in the direction of making elementary education free and compulsory throughout the country." His subsequent efforts, which included a bill in the following year, did not succeed.

Even the Swadeshi movement, shorn of its political outgrowth, was basically well-intentioned and far from sinister. But its constructive aspect was lost to view in the turmoil of factious frenzy and the boycott of foreign goods. Had this move been kept

1. J.D.Rees - Modern India - p.154

2. Syed Nurulla & J.P.Naik - A history of education in India - p.534

+ See Land Revenue Policy of the Indian Government (Calcutta 1902) - Published by order of the governor-general in council.

on a primarily economic and industrial level, the story of Swadeshi might have been very different.

But many a nascent good is lost in the wake of blind fury. Thus indeed it was in India, especially at the turn of the century. The distrust between the officials and the educated classes had become so deep that the cool stream of reason often lost its way amidst the dreary desert of excited antagonism. Neither was able to properly evaluate the actions and motives of the other. The educated classes also failed to appreciate the beneficent legislation which the government passed for the welfare of the tenants. Much had been done to protect the ryots against exorbitant demands of unscrupulous landlords, just as much had been done to give them fixity of tenure at fair rent. Similarly the controversy over the Age of Consent Bill and the plague-prevention measures now seem unnecessary. Even some of Curzon's educational reforms, which enraged the educated people then almost to fever heat, are now acknowledged to have contained germs of good. In educational circles the sentiment for him today "is one of appreciation and understanding. Curzon, it is now admitted, did yeoman service to the cause of education. He was the author of the great movement for educational reconstruction which started in the beginning of the century." But in those days of controversy the benevolent intentions of either party did not catch the eyes of the other. The effect of this psychological maladjustment in their mutual relations was harmful. More than anything else, it put at a discount the idea of peaceful and planned

I. Ibid p.497

* Feeling rose so high against the preventive measures, that Rand the Plague Commissioner of Poona, and his assistant, Lt. Ayerst, lost their lives at the hands of assassins.

+ The Age of Consent Act raised the age of consent from 10 to 12 years. The measure originated in a move by a noted Indian journalist, Malabari, but was vigorously attacked by Tilak.

development, and gradually made for circumstances in which building barriers and creating deadlock were to be more usual in Indian politics than compromise, constancy and collaboration.

The rivalry between the officials and the educated classes was perhaps to some extent inevitable. The latter, by their western education, deemed themselves on a level with the officials in the intellectual sphere. They were not ready to accept willingly any claim of the officials, including the latter's much vaunted concern for the downtrodden masses, which tended to weaken their case for a share in the administration of the country. In their eyes, the officials were the powerful links which held together the barrier to Indian self-government. The officials, on the other hand, perceived in the educated community the only real challenge not only to their position, but also to what they symbolised, - British supremacy in India. The demand for self-government, which the educated classes made, put them apart from other Indians, and revealed them as potentially the greatest peril to the continuance of British authority in India. The officials generally could not take kindly to them and saw them as an upstart class, "which has no affinity with the landed aristocracy or the natural rulers of India or the mercantile, or the agricultural communities; which has never before occupied a position of any importance....." They were "simply the artificial creation of British rule", and would be "the first to disappear" if that rule ceased: their demands were "crude and foolish utterances." That the educated classes

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1. Sir George Chesney - Indian Polity - p.380
 2. Ibid, p.399.
 3. Ibid, p.387

justified their stand by resort to Western thinking and that they swore by Western Masters did not mollify the officials. In their eyes the educated classes were mere imitators of Western ways without any real capacity for governing. In their perplexity some of them sought comfort in the thought that the "assumption that all the races of the earth possess the same natural power, and that the backward ones may by training and propinquity be readily brought up to the level of a higher civilisation, has yet to be established." It does credit to neither party that this somewhat natural clash of interests deteriorated into an attitude of set conflict, conspicuous more for passion than for reason.

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Out of these differences grew divergent notions about representative government in India. The votaries of Indian self-government took for granted their title to represent their countrymen. That the vast masses of people were mostly incapable of signifying their political convictions, if any, did not assail them with doubts. To themselves their bona fides in this matter were beyond question. Evidently, they deemed themselves more entitled to speak for their countrymen than a body of foreign bureaucrats, who had nothing in common with the indigenous population and who were there avowedly to sustain a foreign régime. On the other hand, the officials, many of whom had an intimate knowledge of, and insight into, the cross currents of the Indian population and of their widely varying, - and sometimes rival, -

I. Ibid, p.398

interests, beliefs and ideals could not accept that being an Indian, by itself, was adequate credential to stand forth as a popular representative, without the addition of any compelling tie to bind the people and their representative. Their theories of representation did not support such a tenuous link between the people and their spokesman. They, therefore, felt themselves justified in defying the claim of the small class of politically advanced Indians to shape the destiny of millions of their voiceless countrymen. *These* conflicting interpretations of representation were responsible for much of the complexity and bitterness which vitiated the political development in India.

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These approaches to the political issue were closely linked with the purpose which the two opposing schools intended representation to fulfil. The Congress case was initially based on the need for offering the people an opportunity to make known their desires and wants. But this argument soon receded into the background, and instead the right of the people to participate in their country's administration was stressed. Representation came more and more to be regarded as the preliminary for Indian self-government. The officials never accepted this stand. From time to time they spoke of the need to meet the just hopes and aspirations of the educated community. This might sometimes sound like an advocacy of political concessions; but to them representation was principally the means of ascertaining the wishes and aspirations of the people, and of explaining the policy of the government to them. Since the Indian

population with its multiple divisions and rivalries did not appear to them to be a homogeneous body, they expected through representation to find out how the different interests reacted to government's policies and measures. Hence their insistence on representation of classes and interests. They considered popular representation in the accepted sense of the West as risky, because they did not believe that the representative of a particular section was aware of, or willing to further, the interests of others. The interminable divisions of the population and the impossibility of universal suffrage in India were the insurmountable barriers.

This view of representation explains why it was thought that the interests of the landed classes could be represented by a landlord only, or that only a Moslem could be the proper spokesman of Moslem opinion. Separatism was thus the basis and the outcome of the official interpretation. But this faith in separate representation and the difficulty of any interest being represented except by its own members, did not prevent the government from asserting time and again that the interests of the masses were safe only in the hands of the officials. If the latter were capable of representing interests outside themselves, why should not the same be expected of others? By claiming the monopoly of this arduous and responsible task of representing the masses, however, the authorities not only betrayed a lack of faith in the non-officials as a class, but also deviated from the *raison d'être* of their approach to representation.

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This set attitude of the officials perhaps explains why on the side of the government, the initiative for reforms tended to come from persons who were not usually immured in the traditions and beliefs of the Civil Service in India. Ripon, Dufferin, Morley and Minto - to whom the case for reforms was obvious and therefore fit to be taken up - were free from the handicaps ensuing from a too thorough knowledge of the details of a political problem. This left their vision comparatively unclouded by the difficulties and doubts which bristled through official thinking, and enabled them to bring to bear on the issue the fresh outlook of a wider knowledge of human affairs. It was left to them to begin and to carry the official world, often unenthusiastic and dubious, with them.

On the whole, one cannot but be struck by the government's disavowal of representative government for India and their simultaneous political concessions to Indians which clearly headed that way. This contradiction between ideas and actions - symptomatic of a confusion about the aim of the British rule in the country - robbed the government of the lead which they might otherwise have given. As it was, the Congress was left to take charge, and the government - no less than other bodies of non-official opinion - presented the appearance of being unwillingly caught in the Congress tide. Lacking convincing evidence of drive and purpose, the reforms looked pale in the context of the nationalist ardour, and were liable to be taken as halting and half-hearted measures granted under the force of circumstances.

Imperial Legislative Council

As proposed in the government of India letter of 24 August 1907.

As proposed in the government of India letter of 1 October 1908.

As sanctioned by the secretary of state.

A. Ex-officio: The Lt.-governor of Bengal (or of the Punjab) the Commander-in-Chief, and the members of the Executive Council.	8	A. Ex-officio	8	7
B. Additional officials to be nominated not exceeding	20	B. Officials representing Provinces	8	8
C. A Ruling Chief to be nominated	1	C. Nominated, not more than fifteen to be officials	18	
D. Elected Members:-		D. Elected members:-		27
(a) By the Chambers of Commerce, Calcutta and Bombay	2	+ (a) Provincial legislative councils and advisory council of C.P.	12	
(b) By the non-official members of the provincial legislative councils of Madras, ^{Bengal,} Bombay ^{Eastern Bengal, Assam, U.P., Punjab and Burma}	7	(b) Landowners of Provinces	7	
(c) By the nobles and great landowners of Bengal, Madras, Bombay, Eastern Bengal and Assam, U.P., Punjab and C.P.	7	(c) Moslems of Bengal, Eastern Bengal and Assam, U.P., the Punjab, and (alternately) Madras and Bombay	5	
(d) By Moslems	2	(d) Chambers of Commerce, Calcutta and Bombay	2	
E. Non-officials nominated to represent minorities and special interests, not less than two to be Moslems	4	* (e) Representatives of Indian commerce	2	
F. Experts, to be nominated when necessary	2	or including the governor-general	62	
or including the governor-general	54	+ Legislative councils of Madras, Bombay, Bengal, U.P. - two each; others, one each.	63	
		* To be nominated in consultation with local governments pending the creation of suitable electorates.	67	
		or including the governor-general	68	

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The total strength of the council under the 1892 Act was 24.

Bombay Legislative Council

As proposed by the Bombay government As proposed in the government of India letter of October 1908. As sanctioned by the secretary of state.

A. Ex-officio: two members of the executive council and Advocate-General	3	A. Ex-officio	3	A. Ex-officio	3
B. Nominated officials	9	B. Nominated, not more than twenty to be officials	23	B. Nominated, not more than fourteen to be officials	21
C. Nominated non-officials	15	C. Elected members:-		C. Nominated experts, either official or non-official	2
D. Elected members:-		(a) Bombay corporation	1	D. Elected members:-	
(a) Bombay Corporation	1	(b) Municipalities	4	As in column 2 plus an additional Moslem member	21
(b) Chambers of Commerce, Karachi and Bombay	2	(c) District local boards	4		47
(c) Millowners' Association of Bombay and Ahmedabad, alternately	1	(d) University	1		
(d) University	1	(e) Landholders	3		
(e) Sardars of Gujamat, Sardars of Deccan and Zemindars of Sind	3	(f) Moslems	3		
(f) Native merchants' association	1	(g) Chambers of Commerce, Karachi and Bombay	2		
(g) Municipalities (of three divisions and Sind)	4	(h) Millowners' association, Bombay and Ahmedabad alternately	1		
(h) District local boards (of three divisions and Sind)	4	(i) Indian commercial community	1		
	<u>44</u>	or including the governor	47		
or including the governor	45			or including the governor	48

The total strength under the 1892 Act was 24.

Bengal Legislative Council

As proposed by the Bengal government.

As proposed in the government of India letter of 1 October 1908.

As sanctioned by the secretary of state.

A. Officials	18	A. Nominated, not more than 23 to be officials	26	A. Nominated, not more than seventeen to be officials.	22
B. Elected members:-		B. Elected members:-		B. Nominated experts either officials or non-officials.	2
(a) Local bodies of seven divisions	7	(a) Calcutta corporation	1	(a) Calcutta corporation	1
(b) Calcutta corporation	1	(b) Municipalities	4	(b) Municipalities	6
(c) University	1	(c) District boards	4	(c) District boards	6
(d) Chamber of Commerce	1	(d) University	1	(d) University	1
(e) Trades Association	1	(e) Landholders	4	(e) Landholders	5
+(f) Indian commerce	1	(f) Planting community	1	(f) Moslems	4
(g) Landholders	2	(g) Moslems	2	(g) Chamber of Commerce	2
*(h) Special classes	4	(h) Chamber of Commerce	1	(h) Trades Association	1
or including the governor		(i) Trades Association	1		
		(j) Indian commercial community	1		
			<u>1</u>		<u>50</u>
			16	or including the Lt.-governor	51
			47		

+ Might come alternately from the Marwari and the National Chamber of Commerce.

* The special classes would be selected as occasion required by the Lt.-governor; suitable electorates would be worked out.

The total strength under the 1892 Act was 21.

Eastern Bengal and Assam Legislative Council

As proposed by the Eastern Bengal and Assam government.

As proposed in the government of India letter of 1 October 1908.

As sanctioned by the secretary of state.

A. Officials	12	A. Nominated, not more than eighteen to be officials	21	A. Nominated, not more than seventeen to be officials	22
B. Nominated non-officials	3	B. Elected members:-		B. Nominated experts, either officials or non-officials	2
C. Elected members:-		+ (a) Municipalities and district and local boards	8		
(a) Municipalities	2	(b) Landholders	2		
(b) District and local boards	3	(c) Moslems	2	C. Elected members:-	3
(c) Landholders	1	(d) Tea interests	1	(a) Municipalities	5
(d) Moslems	1	(e) Jute interests	1	(b) District and local boards	2
(e) Tea interests	1	(f) Commissioners of Chittagong Port	1	(c) Landholders	4
(f) Jute interests	1		<u>36</u>	(d) Moslems	2
(g) Commissioners of Chittagong Port	1			(e) Tea interests	1
		or including the Lt.-governor	37	(f) Jute interests	1
or including the Lt.-governor	26			(g) Commissioners of Chittagong port	1
		+ Voting together by divisions, viz., Dacca 2, Chittagong 2, Rajshahi 2, Brahmaputra Valley 1, and Surma Valley 1.			<u>42</u>
				or including the Lt. governor	43

The total strength under the 1892 Act was 16.

The Punjab Legislative Council

As proposed by the Punjab government.

As proposed in the government of India letter of 1 October 1908

As sanctioned by the secretary of state.

<p>A. Officials</p>	10	<p>A. Nominated, not more than twelve to be officials</p>	19	<p>A. Nominated, not more than ten to be officials</p>	19
<p>B. Nominated non-officials:-</p>		<p>B. Elected members:-</p>		<p>B. Nominated experts, either officials or non-officials</p>	<p>2</p>
<p>(a) Ruling chief</p>	1	<p>(a) larger cities</p>	3	<p>C. Elected members:-</p>	
<p>(b) Moslems</p>	3	<p>(b) University</p>	1	<p>(a) Municipal and corporation committees</p>	3
<p>(c) Hindus</p>	2	<p>(c) Commercial communists</p>	1	<p>(b) Punjab Chamber of Commerce</p>	1
<p>(d) Sikhs</p>	1		<p style="border-top: 1px solid black;">24</p>	<p>(c) University</p>	<p style="border-top: 1px solid black;">26</p>
<p>C. Elected members:-</p>		<p>or including the Lt.-governor</p>	25	<p>or including the Lt.-governor</p>	27
<p>(a) Large cities</p>	2				
<p>(b) University</p>	1				
<p>(c) Commercial community</p>	1		<p style="border-top: 1px solid black;">21</p>		
<p>or including the Lt.governor</p>	22				

The total strength under the 1892 Act was 10.

Burma Legislative Council

As proposed by the Burma government

As proposed in the government of India letter of 1 October 1908.

As sanctioned by the secretary of state.

	8	8	6
	A. Officials	A. Officials	A. Officials
B. Nominated non-officials:-		B. Nominated non-officials:-	B. Nominated non-officials:-
(a) Appointed after consultation with the Rangoon Trade Association, Rangoon Port Commissioners, and Municipalities of Rangoon, Mandalay, Moulmein Bassein and Akya B	1	(a) To represent the Burmese population	(a) To represent the Burmese population 4
(b) To represent Indian and Chinese Trading and mercantile interests	1	(b) To represent Indian and Chinese commercial communities	(b) To represent the Indian and Chinese communities 2
(c) To represent the Burmese population	4	(c) To represent other interests	(c) To represent other interests 1
Elected by the Burma Chamber of Commerce	1	C. Elected by the Burma Chamber of Commerce	D. Nominated experts, either officials or non-officials 2
	<u>15</u>		
or including the Lt.-Governor 16		or including the Lt.-governor	D. Elected by the Burma Chamber of Commerce 1
			<u>17</u>

The total strength under the 1892 Act was 10.

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