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SELECT DOCUMENTS ON
THE HISTORY OF INDIA AND PAKISTAN
VOLUME IV

GENERAL EDITOR: C. H. PHILIPS

THE EVOLUTION OF INDIA AND PAKISTAN

1858 to 1947

SELECT DOCUMENTS

THE EVOLUTION OF INDIA AND PAKISTAN

1858 to 1947

SELECT DOCUMENTS

C. H. PHILIPS
with the co-operation of
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and
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GENERAL PREFACE

THE source materials are nowhere conveniently gathered together in print from which we can gain an objective, detailed, and balanced understanding of the main lines of development of the peoples of India and Pakistan. Universities throughout the world have therefore found it difficult to provide a disciplined study of the whole history of India and Pakistan, and men of affairs and the wider interested public have lacked a ready source of reference. Moreover, in the making of a nation, a knowledge of its history is an essential component, and without such knowledge the growth of nations and peoples will be intellectually stunted.

To meet these needs and to take advantage of the existence in India, Pakistan, and Britain of valuable, abundant, and as yet largely unused source materials, a group of Indian, Pakistani, Ceylon, and British historians under my general editorship have prepared a collection of documents which will be published in four volumes. From the earliest times down to 1947 the volumes cover chronologically the history of the Indian and Pakistani peoples, and seek to illustrate the political, administrative, military, economic, social, and constitutional aspects of their growth. All selected documents are translated into English.

In the period when the peoples of these countries are in the process of forming a new relationship and when their historians are seeking to reinterpret and re-write their histories, the publication of these documents should be timely. For the historian in particular these volumes, in conjunction with the recent publication of a comprehensive survey of the character of the work of historians of India and Pakistan, should provide the essential co-ordinates within which to attempt this reassessment.[1]

For help in the preparation of these volumes we are deeply indebted to The Rockefeller Foundation and to the School of Oriental and African Studies, London. The Rockefeller Foundation has given invaluable assistance in making it possible for the editors to meet and to work together for long periods in London, and the School has provided funds for the preparation of materials and for the publication of the series.

The series of four volumes will be divided in the following way:

1. *Early India*, edited by Professor A. L. Basham, Dr. J. G. de Casparis, Dr. A. K. Narain, and Dr. R. S. Sharma.
2. *The Era of Muslim Rule*, edited by Dr. P. Hardy, Mr. J. B. Harrison, Dr. K. W. Goonewardena, and Mr. K. Nizami.

[1] *Historians of India, Pakistan and Ceylon*. Edited with an introduction by C. H. Philips, Oxford, 1961.

3. *India under the East India Company*, edited by Dr. K. A. Ballhatchet and Professor A. R. Mallick.

4. *The Evolution of India and Pakistan 1858–1947*, edited by Professor C. H. Philips, with the co-operation of Professor H. L. Singh and Dr. B. N. Pandey.

School of Oriental and African Studies,
London

C. H. PHILIPS

FOREWORD

BRITAIN possesses a treasure house of materials both in print and in manuscript, relating to the history of India and Pakistan. In this volume we have made extensive use both of the remarkably voluminous state papers of the Governments of Britain and India and of the numerous collections of private papers of British families with Indian connexions. In making ample use of these, especially the private collections, we have borne in mind the likelihood that students in parts of the world other than Britain will rarely be able to make the journey to consult them. The private correspondence of the following Governors General and Secretaries of State has been used: Canning, Curzon, Dufferin, Elgin, Hamilton, Kimberley, Lawrence, Lytton, Minto, Morley, Northbrook, Stafford Northcote, Ripon, and Charles Wood.

Selecting a balanced collection of documents to illustrate the modern history of the governments and peoples of India and Pakistan is no easy task, particularly when the materials are so rich and copious. In taking care not to present an indiscriminate and undifferentiated mass of documents, we have chosen what we consider to be significant, nuclear themes through which the processes of history may best be illustrated and understood. In doing this we run the risk that the reader may assume that each theme or section is complete unto itself. In fact, each section of this volume is essential for an understanding of every other section. The chapters on economic and social policy, for example, have a direct bearing on the political and constitutional themes, the study of army organization and of the Indian States directly relates to the political transfer of power; the section on the rise of the middle class cannot be understood without reference to both political and economic policies, and so on. For a coherent understanding of the evolution of modern India and Pakistan, the documents throughout this volume must be read together.

This selection of documents is arranged in three parts. Part I traces down to 1917 the growth of the British political system of government, as it evolved in London, between London and India, in the Imperial headquarters in India, and in the provinces. It illustrates the political concepts and attitudes which determined the nature of British rule in India and explores the ways in which the British attempted to come to political terms with the new, constitutionally inclined Indian middle class. We pause at the year 1917, at the political zenith of the Indo-British empire, when the desirability and practicability of introducing representative and responsible government was seriously being considered both by the British and Indians.

In Part II the clash between the rising Indian political organizations and their British rulers is examined. This reveals, on the one hand, how delicate and difficult was the transition from foreign autocratic rule to Indian responsible government, and on the other hand, how disruptive a force in a plural society was

the concept of responsible government. The communal struggle for power, which despite British efforts led to partition, was precipitated by the declared British intention and decision to transfer power.

Whilst the fundamental questions whether and when to transfer political power naturally preoccupied the Imperial mind, there were, of course, other important related questions of policy to which the British administration persistently sought to give answers. This process formed the routine of the administration's work. In Part III these questions and answers are illustrated over the whole period from 1858 to 1947. What was the right constitutional system under which the Indian States could be preserved and at the same time enlivened? How far beyond India should the lines of defence be sited? What kind of an Indian army should be created to defend India and what were to be its functions both inside and outside India? How far and fast should the military and civil services be Indianized? What kind of taxes and tariffs should be imposed, and how was the money thus raised to be allocated? Most fundamental of all, how was Britain's civilizing mission to be accomplished, in what ways were Indians' minds to be opened to new ideas, and how were the poor, ignorant millions to be raised from the dust? And, lastly, what were the reactions and initiatives shown by Indian society itself?

The plan and contents of this volume indicate that we have attempted to illustrate not only the course and nature of policy-making at the centres of government but also what was stirring in Indian society; and to show the process of action and interaction between these forces. In most modern historical writing on India and Pakistan emphasis has usually been placed on British activities in India, often at the expense of the study of Indian development. Moreover, political, constitutional, and administrative problems have tended to be stressed, and economic and social problems and policies relatively neglected. We have sought to provide a more disciplined balance and to direct attention towards the economic and social no less than the political development of the Indian and Pakistani peoples.

Indian absorption in the nineteenth and first half of the twentieth centuries in their own nationalist movements encouraged Indians to discount the significance of army and defence policy. Recent frontier troubles have no doubt done something to draw attention to these aspects, and in our selection of documents we have sought to provide the materials on which a more balanced judgement may be made.

In planning and preparing this volume Professor H. L. Singh, Dr. B. N. Pandey, and I have fully discussed and agreed on our selection. Professor Singh has worked with me on the political, military, and constitutional aspects, and Dr. Pandey on the economic and social. Dr. Pandey has also prepared the index. I am deeply indebted to them not only for their labours and advice but also for the happy memories of a long and fruitful association. My friend and colleague, Dr. Kenneth Ballhatchet, has generously given me the benefit of his detailed knowledge of nineteenth-century Indian history, and both he and Dr. S. R. Mehrotra have nobly answered my many calls for help.

C. H. PHILIPS

CONTENTS

GENERAL PREFACE v

FOREWORD vii

DETAIL OF DOCUMENTS xi

I

THE GROWTH OF THE SYSTEM OF GOVERNMENT IN BRITISH INDIA AND THE RISE OF INDIAN POLITICS, 1858–1917

A. The London Government and its relations with Governments in British India, 1858–1917 3

B. The growth of representative government in British India, 1858–1917 27
(*a*) British policy in transition 30
(*b*) The rise of the middle class and the beginnings of political agitation 99
(*c*) The rise of the Indian National Congress 136
(*d*) The Muslim problem and the formation of the All-India Muslim League 173

II

THE EVOLUTION OF RESPONSIBLE GOVERNMENT, INDEPENDENCE AND PARTITION, 1917–47

A. The transition to responsible government, 1917–37 201
(*a*) The Indian National Congress and the Muslim League 202
(*b*) The Extreme Left and Right 253
(*c*) British Policy 264

B. Independence and partition, 1937–47 336
(*a*) The Indian National Congress 337
(*b*) The All-India Muslim League 347
(*c*) The Extreme Left and Right 361
(*d*) British Policy 370

III

PROBLEMS AND POLICIES OF THE INDO-BRITISH EMPIRE, 1858–1947

A. The Indian States, 1858–1947 415

B. Frontier problems and external policy, 1858–1947 440

C. Army policy and organization, 1858–1947 505

D. The Indianization of the Civil Service, 1858–1947 535

E. Economic and social policy, 1858–1947 567

(*a*) The financial system of Government 569

(*b*) Tariff policy 599

(*c*) Banking and Currency policies 609

(*d*) Land revenue and land policy 621

(*e*) Agricultural problems and policies 644

(*f*) Famine, population and irrigation problems and policies 668

(*g*) Industrial policy and growth 681

(i) The Indian National Congress and industry 681

(ii) Lines of policy 684

(iii) The Railways 701

(iv) The Managing Agency system 711

(*h*) Social problems and policies 726

Select Glossary 775

Index 781

DETAIL OF DOCUMENTS

I

THE GROWTH OF THE SYSTEM OF GOVERNMENT IN BRITISH INDIA AND THE RISE OF INDIAN POLITICS, 1858–1917

A. The London Government and its relations with Governments in British India, 1858–1917 3

Introductory Note 3

1. Lord Stanley on the powers of the India Council, 24 June 1858 4
2. The Government of India Act, 2 August 1858 5
3. Queen Victoria to Lord Derby, 15 August 1858 10
4. Queen Victoria's Proclamation, 1 November 1858 10
5. Sir Charles Wood to Lord Canning, 9 January 1861 11
6. The Duke of Argyll on the India Council, 29 April 1869 12
7. The Council of India Act, 11 August 1869 12
8. Secretary of State to the Government of India, 24 November 1870 13
9. Secretary of State to the Government of India, 31 March 1874 14
10. Secretary of State to the Government of India, 31 May 1876 15
11. Lord Lytton to Lord Cranbrook, 30 April 1878 16
12. Sir Stafford Northcote on the India Council, 28 February 1879 17
13. Lord Hamilton to Lord Curzon, 28 March 1901 18
14. Lord Curzon to Lord Hamilton, 28 May 1902 (with Enclosure) 19
15. Lord Hamilton to Lord Curzon, 25 June 1902 22
16. Lord Curzon to Lord Hamilton, 30 July 1902 23
17. Mesopotamia Commission Report on private correspondence, 1917 24

B. The growth of representative government in British India, 1858–1917 27

Introductory Note 27

(a) British policy in transition, 1858–1917 30

1. Syed Ahmed Khan on the non-admission of Indians to the Legislative Council, 1858 30
2. Sir Charles Wood to Lord Canning, 7 November 1859 31
3. Government of India to the Secretary of State, 9 December 1859 31
4. Government of India to the Secretary of State, 15 January 1861 33
5. The Indian Councils Act, 1861, 1 August 1861 35
6. Secretary of State on the Indian Councils Act, 9 August 1861 38
7. Sir Charles Wood to Sir Bartle Frere, 18 August 1861 40
8. Sir Charles Wood to Lord Elgin, 19 May 1862 41
9. Sir Charles Wood to Lord Elgin, 18 April 1863 42
10. The Government of India's resolution of 31 August 1864 on the municipalities 43
11. E. C. Bayley's note on relations between the Government of India and Provincial Governments, 8 December 1867 44
12. Government of India to the Secretary of State, 7 September 1871 47
13. Secretary of State to the Government of India, 29 February 1872 48

14. Lord Lytton to Lord Cranbrook, 28 January 1880 49
15. The Government of India's resolution of 18 May 1882 on the constitution of local boards 50
16. Sir James Fitzjames Stephen on the principles of British Government in India, 1883 56
17. Report of Lord Dufferin's Committee on Provincial Councils, October 1888 60
18. Lord Dufferin's minute on enlarging the functions of the Central Legislature, November 1888 64
19. The Indian Councils Act, 20 June 1892 66
20. Lord Lansdowne on the Constitution of Legislative Councils, 16 March 1893 67
21. Sir Henry Fowler to Lord Elgin, 30 November 1894 69
22. Lord Curzon to Lord Hamilton, 7 June 1899 70
23. Lord Curzon to Lord Hamilton, 17 September 1902 71
24. Lord Curzon to Lord Hamilton, 4 June 1903 73
25. John Morley to Lord Minto, 15 June 1906 74
26. Lord Minto to John Morley, 5 July 1906 75
27. Lord Minto to John Morley, 11 July 1906 76
28. Lord Minto to John Morley on the Congress and Muslims, 4 November 1906 77
29. The Press Act Question, 27 June 1907 79
30. Lord Minto's speech in the first meeting of the Reformed Imperial Legislative Council, 25 January 1910 80
31. The reorganization of Imperial and Provincial Councils, 24 August 1907 80
32. Government of India to the Secretary of State, 1 October 1908 82
33. Secretary of State to the Government of India, 27 November 1908 83
34. Lord Morley on the Reform Proposals of 1908, 17 December 1908 85
35. Lord Morley on the Indian Councils Bill, 23 February 1909 86
36. The Indian Councils Act, 25 May 1909 88
37. Government of India to the Secretary of State, 25 August 1911 90
38. Lord Curzon's questions in the House of Lords, 21 February, 24 June 1912 and Lord Crewe's replies, 22 February, 24 June 1912 91
39. The Government of India's Resolution on local self-government policy, 28 April 1915 95

(b) The rise of the middle class and the beginnings of political agitation, 1858–1917 99

1. Petition of the British Indian Association to the House of Commons, 1859 99
2. Occupations in 1871 and 1881 in the Madras Presidency 102
3. Relations of Sowkar and Ryot in the Deccan, 1875 103
4. Robert Knight to Major Owen Burne on the Indian Press, 31 July 1876 105
5. Land values in the Madras Presidency, 1877–78 109
6. Lord Lytton to Lord Northbrook on the Vernacular Press Act of 1878 110
7. The indebtedness of the landed classes, 1880 113
8. Secretary of State to the Governor-General on the repealing of the Vernacular Press Act, 28 January 1881 116
9. Bande Mataram, 1882 117
10. Bankim Chandra Chatterji and Hindu nationalism, 1882 118
11. Swami Dayanand on religion, 1882 120
12. C. P. Ilbert on the principles and purposes of the Ilbert Bill of 1883 121
13. Opposition to the Ilbert Bill, 26 February 1883 122
14. Memorial of the Eurasian and Anglo-Indian Association to the Governor-General in Council, 8 March 1883 123
15. J. Gibbs to Lord Ripon, 17 April 1883 124

16. The Bombay Press and the Ilbert Bill, 1883 125
17. The incidence of income tax in Bengal, 1891–92 125
18. Class progress in the Madras Presidency, 1892 126
19. Swami Vivekananda on the origin of the Vedas, 1893 128
20. Education and political agitation, 16 December 1897 129
21. Representation of classes in the Legislative Councils, November 1898 130
22. The demand for graduates, 1902–7 133
23. The increase in incomes, 1914 135

(c) The rise of the Indian National Congress, 1858–1917 136
1. The Indian National Conference, 1883 136
2. W. C. Bonnerjee on the establishment of the National Congress 138
3. Dadabhai Naoroji's presidential speech, 27 December 1886 139
4. A. O. Hume on the aims and objects of Congress, 30 April 1888 141
5. Lord Dufferin's minute on the Congress, November 1888 143
6. Sir William Wedderburn on an Indian party in Parliament, 1894 145
7. B. G. Tilak on the importance of festivals, 1896 146
8. Lord Hamilton to Lord Curzon, 18 May 1899 147
9. C. S. Bayley's note on Congress support, 18 June 1899 147
10. C. W. Bolton's letter on Congress support, 18 July 1899 149
11. Lord Curzon to Lord Hamilton, 18 November 1900 150
12. Resolutions of the Indian National Congress, 1885–1905 151
13. G. K. Gokhale's presidential speech, 27 December 1905 156
14. Resolutions of the Congress of 1906 159
15. B. G. Tilak on the Swadeshi Movement resolution, 1906 161
16. B. G. Tilak on the Tenets of the New Party, 2 January 1907 161
17. G. K. Gokhale on India and the British Empire, 4 February 1907 163
18. G. K. Gokhale on the Swadeshi Movement, 9 February 1907 164
19. John Morley to Lord Minto on the split in Congress, 21 October 1907 164
20. The Surat Split in 1907 165
21. Wilfrid Blunt's estimate of Gokhale and Lajpat Rai, 1908 167
22. Lord Morley to Lord Minto on the deportation of Congressmen, 14 October 1909 168
23. Sir Herbert Risley's speech on the Indian Press Act, 4 February 1910 169
24. The Congress–League Scheme of Reform, 1916 171

(d) The Muslim problem and the formation of All-India Muslim League, 1858–1917 173
1. Syed Ahmed Khan on the Muslims and the Mutiny, 1860 173
2. Sir William Hunter on the causes of Muslim discontent, 1871 175
3. Syed Ahmed Khan on Muslim education, 1872 178
4. Resolution of the Government of India on Muslim education, 13 June 1873 180
5. Muslim address to Lord Lytton, 8 January 1877 183
6. Syed Ahmed Khan on a Local Self-Government Bill, 12 January 1883 185
7. The Government of India's resolution of 15 July 1885 185
8. Syed Ahmed Khan and the National Congress, 1887–8 187
9. Muslim address to Lord Minto, 1 October 1906 190
10. John Morley to Lord Minto on the Muslims, 11 October 1906 193
11. Lord Minto to Sir Arthur Godley on the value of recent Mohammedan demonstrations, 17 October 1906 194
12. Muslim resolutions at Dacca, 30 December 1906 194
13. The Muslim League's memorandum on Reform Proposals, 24 March 1908 194
14. The Bengal Government's Resolution on Muslim education, 3 August 1916 196

II
THE EVOLUTION OF RESPONSIBLE GOVERNMENT, INDEPENDENCE AND PARTITION, 1917–47

A. The transition to responsible government, 1917–37 201

Introductory Note 201

(a) The Indian National Congress and the Muslim League, 1917–37 202

1. Annie Besant on the new spirit in India, 26 December 1917 202
2. The Revolutionary Movement in Bengal, 1918 206
3. The Montagu–Chelmsford Report on communal electorates, 1918 208
4. The Congress and mob excesses, 1919 210
5. The Jallianwala Bagh firing, 13 April 1919 210
6. Mahatma Gandhi's statement on Satyagraha, 1 November 1919 215
7. The Swaraj resolution, 1920 216
8. The Government of India's resolution on the non-co-operation movement, 1920 218
9. The Indian Khilafat delegation to the Prime Minister, Lloyd George, 19 March 1920 219
10. Causes of the Moplah outbreak of 1921 221
11. Mahatma Gandhi's statement and Broomfield's Judgement, March 1922 222
12. Lord Olivier and the Swarajist Party's distrust of British intentions, 26 February 1924 224
13. Mahatma Gandhi and the Swarajist leaders, 22 May 1924 225
14. Mahatma Gandhi on India's place in the Empire, 26 December, 1924 228
15. The Motilal Nehru Committee recommendations, 1928 228
16. Resolution of the All-India Muslim Conference, Delhi, 1 January 1929 234
17. M. A. Jinnah's draft resolution of March 1929 235
18. The Independence resolution of 31 December 1929 237
19. Pledge taken on Independence Day, 26 January 1930 238
20. Muhammad Iqbal's presidential address at the Allahabad Session of the All-India Muslim League, 29 December 1930 239
21. The Gandhi–Irwin agreement, 5 March 1931 241
22. Mahatma Gandhi on India's place in the Empire, 15 September 1931 242
23. Mahatma Gandhi's speech at the Second Round Table Conference, 30 November 1931 243
24. Mahatma Gandhi's statement of 17 September 1934 244
25. Jawaharlal Nehru's presidential address at the Lucknow Session of the National Congress, 12 April 1936 246
26. Jawaharlal Nehru and the British Empire, 1936 251
27. Resolution on Congress policy in the Legislatures, 18 March 1937 252

(b) The Extreme Left and Right. The Indian Communist Party and the Hindu Mahasabha, 1917–37 253

1. The Russian attempt to Communize India, May 1925 253
2. Lord Irwin on Communism, 28 January 1929 255
3. Public Safety Ordinance, 13 April 1929 256
4. Meerut Communist Conspiracy Case, 1929: the Charges 258
5. Cablegram from Jawaharlal Nehru, President of the All-India Trade Union Congress, to Walter Citrine, Secretary of the British Trade Union Congress General Council, 22 June 1929 259
6. Letter of Jawaharlal Nehru to Walter Citrine, 22 June 1929 260
7. Meerut Communist Conspiracy Case: the Judgement 260
8. The Hindu Mahasabha's Economic Plan, 1931 263

(c) British policy, 1917–37 264

1. The Secretary of State's announcement, 20 August 1917 264
2. Edwin Montagu on the Government of India's attitude to reforms, 24 January 1918 265
3. Principles of the Montagu–Chelmsford Report 266
4. The Montagu–Chelmsford Report on the nature of Parliamentary control, 1918 268
5. Local self-government policy, 1918 269
6. Joint Select Committee on the Government of India Bill, 1919 270
7. The Government of India Act, 23 December 1919 273
8. The working of Dyarchy, 1924 282
9. Minority Report on the working of Dyarchy, 1924 285
10. Lord Irwin's statement on Dominion Status, 31 October 1929 286
11. The Simon Commission on the defects of local government, 1930 287
12. The Simon Commission's recommendations, 1930 290
13. The powers of the Secretary of State in Council, 1930 292
14. B. R. Ambedkar on the Depressed Classes, 1 January 1931 294
15. Minorities' proposals to settle the communal problem, November 1931 298
16. Sir Samuel Hoare on the Indian Round Table Conferences, 24 December 1932 301
17. The Muslim position at the Centre, 27 December 1932 306
18. Principles of a constitutional settlement, 1934 308
19. Sir Samuel Hoare's broadcast on Indian Constitutional Reform, 1 January 1935 313
20. Winston Churchill's speech on the Second Reading of the Government of India Bill, 11 February 1935 315
21. C. R. Attlee's speech on the Government of India Bill, 4 June 1935 318
22. The Government of India Act, 2 August 1935 320
23. Lord Linlithgow's statement on the Governors' position, 22 June 1937 334

. Independence and Partition, 1937–47 336

Introductory Note 336

(a) The Indian National Congress, 1937–47 337

1. The Wardha Educational Conference, 1937 337
2. Resolution of the Indian National Congress at Ramgarh, 20 March 1940 338
3. Mahatma Gandhi and British withdrawal from India, 26 April 1942 339
4. Congress demands for British withdrawal, 1942 340
5. Jawaharlal Nehru and the Objectives Resolution, 13 December 1946 343
6. Jawaharlal Nehru and the first Asian Relations Conference, March—April 1947 345

(b) The All-India Muslim League, 1937–47 347

1. M. A. Jinnah on the alienation of Muslims from the Congress, October 1937 347
2. Nehru–Jinnah correspondence, April 1938 348
3. M. A. Jinnah on the nature of Congress, December 1938 350
4. M. A. Jinnah's appeal for the observance of Deliverance Day, 2 December 1939 352
5. M. A. Jinnah's presidential address at the Lahore Session of the All-India Muslim League, March 1940 353
6. Resolution of the Muslim League at Lahore, 24 March 1940 354
7. C. Rajagopalachari to M. A. Jinnah, 8 April 1944 355
8. Gandhi–Jinnah correspondence, September 1944 356
9. M. A. Jinnah on the Bihar riots, 11 November 1946 360

(c) The Extreme Left and Right The Indian Communist Party and the Hindu Mahasabha, 1937–47 361
1. Boycott of the Congress by the Hindu Mahasabha, 1938 361
2. Manifesto of the Communist Party of India, 16 March 1940 364
3. The People's War policy of the Communist Party of India, 1942 366
4. Jawaharlal Nehru on the anti-national policy of the C.P.I., 1945 367
5. The Communists quit the Congress, 5 October 1945 368
6. Mahasabha policy towards the Congress, January 1945 369

(d) British policy, 1937–47 370
1. Governor General's statement on India and the War, 8 August 1940 370
2. The Cripps Mission, 30 March 1942 371
3. Resolution of the Congress Working Committee on the British War Cabinet's proposals, 11 April 1942 373
4. Resolution of the All-India Muslim League Working Committee on the British War Cabinet's proposals, 11 April 1942 375
5. Lord Wavell's statement of H.M.G. policy, 14 June 1945 376
6. The Cabinet Mission, 16 May 1946 378
7. Resolution of the Congress Working Committee, 24 May 1946 382
8. Resolution of the All-India Muslim League Council, 6 June 1946 384
9. Formation of an interim government, 16 June 1946 385
10. Resolution of the Congress Working Committee, 25 June 1946 386
11. Jawaharlal Nehru on the communal riots, 14 November 1946 387
12. Downing Street statement, 6 December 1946 389
13. C. R. Attlee's statement on the transfer of power, 20 February 1947 391
14. Sir Stafford Cripps' reasons for the transfer of power, 5 March 1947 393
15. Proposal for the immediate transfer of power, 3 June 1947 397
16. C. R. Attlee's speech on the Indian Independence Bill, 10 July 1947 403
17. Lord Listowel's speech on the Indian Independence Bill, 16 July 1947 406
18. The Indian Independence Act, 18 July 1947 407

III

PROBLEMS AND POLICIES OF THE INDO-BRITISH EMPIRE 1858–1947

A. The Indian States, 1858–1947 415
Introductory Note 415
1. Adoption sanad granted to His Highness the Maharajah Gaikwar of Baroda, 1862 416
2. Sir Stafford Northcote to Lord Lawrence, 1 November 1867 416
3. Lord Lawrence to Sir Stafford Northcote, 3 December 1867 417
4. Lord Lytton and the Indian States, 25 July 1877 417
5. Instrument of Transfer, 1881 418
6. Adoption sanad granted to His Highness the Nizam of Hyderabad, 1882 421
7. Principles affecting adoptions or selections in Indian States, 1886 421
8. The Government of India's resolution on Manipur, 21 August 1891 423
9. Lord Curzon's speech at the state banquet at Gwalior, 29 November 1899 423
10. Circular letter from W. J. Cuningham to Local Governments, 24 August 1900 424
11. Lord Curzon to Lord Hamilton, 29 August 1900 425
12. Lord Minto's speech at Udaipur, 3 November 1909 426

13. The Montagu–Chelmsford Report on the future of the States, 1918 428
14. The Nizam of Hyderabad to Lord Reading, 20 September 1925 428
15. Lord Reading to the Nizam, 27 March 1926 429
16. Princes' Counsel on the relationship between the Crown and the States, 24 July 1928 431
17. The nature of Paramountcy, 1928–9 432
18. The Maharaja of Bikanir on the attitude of Indian Princes to Federation, 17 November 1930 433
19. Resolution of the Chamber of Princes, 12 March 1940 434
20. Memorandum on States' Treaties and Paramountcy, 12 May 1946 434
21. Resolution of the Princes, 29 January 1947 435
22. Vallabhbhai Patel's statement on the Indian States, 5 July 1947 436
23. Lord Mountbatten's address to the Rulers and Representatives of Indian States, 25 July 1947 437

Frontier problems and external policy, 1858–1947 440

Introductory Note 440

1. Lord Lawrence to Sir Stafford Northcote, 9 March 1867 441
2. H. C. Rawlinson's memorandum on Central Asia, 20 July 1868 442
3. The Government of India to the Secretary of State, 4 January 1869 444
4. The Government of India to the Secretary of State, 23 May 1871 445
5. Secretary of State to the Government of India, 28 February 1876 446
6. Lord Lytton to C. Girdlestone, 27 August 1876 449
7. Interviews of the Turkish Mission with the Amir of Kabul, September and October 1877 451
8. Lord Lytton's minute on frontier policy, 4 September 1878 452
9. Lepel Griffin to Abdur Rahman Khan, 14 June 1880 455
10. The Government of India to the Secretary of State on the despatch of troops to upper Burma, 1 December 1885 456
11. Convention between Great Britain and China relating to Sikkim and Tibet, 17 March 1890 460
12. Lord Lansdowne to Lord Kimberley, 23 August 1892 461
13. Lord Kimberley to Campbell-Bannerman, 7 October 1892 462
14. Agreement between the Governments of India and Afghanistan, 12 November 1893 463
15. Lord Elgin to Lord Rosebery on Frontier Policy, 7 July 1895 464
16. Lord Hamilton to Lord Elgin, 23 September 1897 466
17. The Government of India to the Secretary of State on the Relations of Britain with Persia, 21 September 1899 467
18. The Government of India to the Secretary of State, 13 February 1902 476
19. Lord Hamilton to Lord Curzon, 11 September 1902 477
20. Lord Hamilton to Lord Curzon, 27 November 1902 478
21. Lord Hamilton to Lord Curzon, 19 December 1902 479
22. Secretary of State to the Government of India, 5 August 1904 480
23. Convention between Great Britain and Tibet, 7 September 1904 481
24. The Anglo-Russian Convention, 31 August 1907 483
25. The Simla Convention and the McMahon Line, 3 July 1914 487
26. Hostilities with Afghanistan, 1919 491
27. Hostilities with Afghanistan, 1919 491
28. Treaty between the British and Afghan Governments, 22 November 1921 492
29. Denys Bray on British policy towards the Frontier Tribes, 5 March 1923 495

30. Treaty between the United Kingdom and Nepal, 21 December 1923 496
31. The Government of India's note on the status and the position of India in the British Empire, 1929 499
32. The Government of India's memorandum on the international status of India, 1929 500
33. General Wavell on the difficulty of defending Burma and India, 14 July 1942 503

C. Army policy and organization, 1858–1947 505

Introductory Note 505

1. Recommendations of the Indian Army Organization Commission, 1859 506
2. Sir Charles Wood to Lord Elgin, 19 May 1862 507
3. Lord Lawrence to Lord Cranborne, 4 January 1867 509
4. Report of the Army Organization Commission, 1879 512
5. Minute by General Roberts on the need for European troops, 8 February 1890 516
6. The Madras and Bombay Armies Act, 5 December 1893 517
7. Lord Curzon's memorandum on Commissions for Indians, 4 June 1900 518
8. The Mesopotamia Commission on Indian Military Administration, 1917 522
9. The Montagu–Chelmsford Report on British Commissions for Indians, 1918 525
10. The Esher Committee on a Territorial or Second line force in India, 1920 526
11. Indian Legislative Assembly resolutions of 28 March 1921 on Indianization 528
12. General Rawlinson's statement, 17 February 1923 529
13. General Rawlinson's views on Indianization, April 1924 529
14. The Indian Sandhurst Committee's report, November 1926 531
15. The Simon Commission on Army Recruitment, 1930 532
16. Government of India statement on Indianization, 22 October 1945 534

D. The Indianization of the Civil Service, 1858–1947 535

Introductory Note 535

1. The Government of India's resolution, 19 August 1867 535
2. Secretary of State to the Government of India, 8 February 1868 537
3. The Government of India's resolution creating scholarships, 30 June 1868 537
4. Secretary of State to the Government of India, 8 April 1869 539
5. Appointment of Indians, 25 March 1870 541
6. Secretary of State to the Government of India, 22 October 1872 542
7. Secretary of State to the Government of India, 24 February 1876 543
8. Lord Lytton to Lord Salisbury, 10 May 1877 545
9. Lord Lytton's minute on the admission of Indians to the covenanted service, 30 May 1877 546
10. The Government of India to the Secretary of State, 2 May 1878 548
11. Secretary of State to the Government of India, 7 November 1878 549
12. The Government of India's circular to the Bengal Government, 18 April 1879 550
13. Statutory Rules, 2 August 1879 551
14. Lord Ripon's minute of 10 September 1884 552
15. The Government of India to the Secretary of State, 12 September 1884 555
16. Personnel of the Executive and Judicial Services, 1886–87 557
17. Secretary of State to the Governor General in Council, 22 June 1893 563
18. The Government of India to the Secretary of State, 1 November 1893 563
19. Lord Curzon to Lord Hamilton, 23 April 1900 564
20. The Montagu–Chelmsford Report on the Indianization of Public Services, 1918 565

E. Economic and social policy, 1858–1947 567
Introductory Note 567
(a) The financial system of Government, 1858–1947 569
1. James Wilson's statement on the need for direct taxes, 18 February 1860 569
2. C. E. Trevelyan's minute on direct taxation, 20 March 1860 572
3. The Government of India to the Secretary of State, 17 April 1860 577
4. Sir Charles Wood to Lord Lawrence, 31 December 1864 579
5. Sir Charles Wood to Lord Lawrence, 16 May 1865 580
6. The Government of India's resolution on provincial assignments, 14 December 1870 580
7. Lord Mayo on the Income Tax Bill, 31 March 1871 583
8. Lord Napier's minute on the scheme of provincial assignments, 3 May 1872 584
9. Lord Lytton to Lord Hamilton, 22 January 1877 585
10. The Government of India's financial resolution, 30 September 1881 586
11. Quasi-Permanent settlement of provincial finance, 30 October 1902 589
12. The Government of India on provincial settlements, March 1904 592
13. Provincial finance, 1909 594
14. Financial devolution 1918 595
15. London negotiations relating to sterling balances, 15 July 1948 598
(b) Tariff policy, 1858–1947 599
1. Secretary of State to the Governor General in Council, 11 November 1875 599
2. The resolution of the House of Commons on cotton duties, 10 July 1877 600
3. Financial statement of the Government of India, 1882 601
4. Secretary of State to the Governor General in Council, 31 May 1894 602
5. J. Westland's minute on excise duties, 14 July 1894 603
6. Secretary of State to the Governor General in Council, 13 December 1894 605
7. Telegram from the Governor General to the Secretary of State, 6 February 1896 605
8. Lord Hamilton to Lord Curzon, 9 July 1903 606
9. Lord Hamilton to Lord Curzon, 16 July 1903 606
10. Fiscal Autonomy, 1919 607
11. The Report of the Indian Fiscal Commission, 1921–22 607
(c) Banking and currency policies, 1858–1947 609
1. Sir William Muir on the Presidency Banks Bill, 14 December 1875 609
2. The Silver Standard, 1893 611
3. Adoption of a Gold Standard, 1893 612
4. Proposals for the establishment of an Imperial Bank in India, 1914 613
5. Proposal for a Reserve Bank of India, 1926 619
6. A Gold Standard for India, 1926 621
(d) Land revenue and land policy, 1858–1947 621
1. European colonization and settlement in India, 1858 621
2. Bengal Tenancy Act of 29 April 1859 624
3. The permanent settlement policy, 9 July 1862 627
4. The cultivators' rights, 1880 630
5. Secretary of State to the Government of India, 17 August 1882 631
6. The Bengal Rent Bill, 14 February 1885 633
7. Land revenue policy, 18 January 1902 636
8. Defects of the Bengal land revenue system, 21 March 1940 638
9. Bengal land revenue policy, 21 March 1940 642

(e) Agricultural problems and policies, 1858–1947 644
1. Indebtedness of the landowners, the Jhansi Case, 1881 644
2. Small holdings and small capital, 1893 645
3. Principles underlying the Alienation of Land Act, 19 October 1900 646
4. Lord Curzon on land policy, 19 October 1900 647
5. The Punjab Alienation of Land Act, 19 October 1900 649
6. Agricultural policy, 1901 652
7. Agricultural banks, 1901 653
8. Establishment of the Pusa Institute, 4 June 1903 656
9. Co-operative Credit Societies Act, 25 March 1904 658
10. Lord Curzon on the Indian peasant, 16 November 1905 659
11. M. L. Darling's evidence on agricultural indebtedness, 1928 660
12. F. L. Brayne's evidence on village uplift, 1928 662
13. Report on Indian cattle, 1928 664
14. Report on village uplift, 1928 665
15. Rural development policy, 1935 665
16. Report on Indian cattle, 1941 666
17. Report on sanitation and the milk supply, 1941 667

(f) Famine, population, and irrigation problems and policies, 1858–1947 668
1. Resolution of the Government of India on famine policy, 22 September 1868 668
2. Lord Lytton's minute on famine policy, 12 August 1877 669
3. Synoptical view of famine chronology, 1880 671
4. Famine policy, 1880 672
5. Irrigation policy, 1901–3 672
6. Secretary of State to the Government of India, 19 November 1905 673
7. Objects and principles of colonization, 1915 673
8. Nature of the population problem, 1931 675
9. Indian population in 1941 677
10. The Bengal famine, 1945 679
11. Partition of the North-West canal system, 1947 680

(g) Industrial policy and growth, 1858–1947 681
(i) The Indian National Congress and industry 681
1. The Indian National Congress and industry, 1900 681
2. The Indian National Congress's Industrial Exhibition, 1901 681
3. The protection of Indian industries, 1902 682
4. The National Planning Committee of the Congress, 1940 683
(ii) Lines of policy 684
5. Want of diversity of occupations in India, 1880 684
6. The Governor General to the Secretary of State, 1 October 1903 685
7. Industrial development of India, 1902–3 686
8. The Tata Iron and Steel Works, 1911 687
9. The ownership and management of the more important industrial concerns, 1911 688
10. Distribution of industries and persons employed, 1921 690
11. Industry in wartime, 1919 692
12. Working conditions in factories, 1931 692
13. The villages and the factories, 1931 694
14. A plan of economic development for India, 1944 697
15. Planning of industrial development, 1945 698

(iii) The Railways 701
16. Railways and famine policy, 1880 701
17. Railway policy, 1884 702
18. State or company management, 1903 703
19. Lord Curzon's minute on the railways, 1 October 1903 707
20. Secretary of State to the Government of India, 19 August 1904 707
21. Proposals for the future management of the railways, 1921 708

(iv) The Managing agency system 711
22. The large agency firms, 1918 711
23. The hereditary principle, 30 September 1926 712
24. The agency system and cotton, 1927 713
25. The agency system and textiles, 19 August 1927 717
26. Managing agents in Bombay, 1927 718
27. Drawbacks of the agency system, 1931 719
28. Agency and the coal industry, 1937 720
29. Agency and the coal industry, 1946 721

(h) Social problems and policies, 1858–1947 726
1. The grants-in-aid system and religious neutrality, 7 August 1859 726
2. The suppression of polygamy in Bengal, 8 August 1866 729
3. Elementary education for the masses, 1870 731
4. The place of private enterprise in education, 3 February 1882 732
5. Withdrawal of Government in favour of private management of secondary schools, 1887/8–1891/2 734
6. The Congress and the Age of Consent Bill, 25 January 1891 735
7. Lord Lansdowne's speech on the Age of Consent Bill, 19 March 1891 736
8. The Age of Consent Act, 19 March 1891 740
9. Lord Curzon's views on educational policy, 2 September 1901 741
10. The Simla conference on technical education, 1901 745
11 Report of the Indian Universities Commission, 1902 749
12. Resolution of the Government of India on educational policy, 11 March 1904 752
13. The Sadler Commission on unitary universities, 1917–18 757
14. Child Marriage Restraint Act, 1 October 1928 759
15. Objections to the Law of Consent and to a Law of Marriage, 1928–29 760
16. The new outlook of Indian women, 1928–29 762
17. The Government of India's policy towards social legislation, 4 September 1929 763
18. Report on vocational education in India, 1937 764
19. Report on basic national education, 1937 766
20. Report on the Wardha Education Scheme, 1939 770
21. National educational policy, January 1944 771

I

THE GROWTH OF THE SYSTEM OF GOVERNMENT IN BRITISH INDIA AND THE RISE OF INDIAN POLITICS 1858–1917

A. THE LONDON GOVERNMENT AND ITS RELATIONS WITH GOVERNMENTS IN BRITISH INDIA, 1858–1917

INTRODUCTORY NOTE

THE disappearance of the East India Company in 1858 marked a change rather in the form of government than in the substance of policy. Queen Victoria's proclamation to the 'Princes, Chiefs and Peoples of India' ostentatiously picked up the threads of the Company's policy, promising religious toleration and the maintenance of the 'ancient rights, usages and customs of India' and in the Act of 1858 the Acts and provisions in force were expressly confirmed. The main change was the creation of a Secretary of State for India and, lest he should become independent of effective parliamentary control, the simultaneous establishment of a Council of India to act as a watchdog. The history of the Council indicates that Parliament's fear was misplaced. The Council acted as an ultra-conservative influence, slowing down an already ponderous administrative machine, on occasion providing a convenient screen behind which the Secretary of State could take shelter both from Parliament and the Governments in India. In matters of importance the Secretaries of State and Viceroys frequently by-passed it, and the condemnation of the system by the Mesopotamia Commission in 1917 was fair and timely. Once responsible government in India was introduced, the Council lost any point that it may have had.

About 1870 the conjunction of a number of factors—quicker communications, the connexion by overland cable in 1868, the opening of the Suez Canal in 1869, the completion of a British submarine cable in 1870—brought India into closer dependence on Britain. The influence and control of the Secretary of State over the Governments in India, already great by virtue of his Cabinet and parliamentary position, grew steadily greater. From Argyll, through Salisbury to Morley the preeminence of the Secretary of State was insisted on, and the already onerous task of the Governor General became almost insupportable. This pressure on the central government in India was transmitted throughout the hierarchy of officialdom. Preoccupied with routine, little British opportunity for forward or long-term political planning was offered. Parliament omitted to institute regular reviews and therefore did not think out and work out a policy of continuous political advance. From 1918 the initiatives and centres of political activity were mainly to be found in India, varied only occasionally by the transfer of discussion to London for the purpose of legislation.

1

LORD STANLEY ON THE POWERS OF THE INDIA COUNCIL,[1] 24 JUNE 1858

. . . . . .

THE question has been put, how far and in what sense is it intended that this Council shall act as a check on the Minister? I think that on that point the debates which have taken place in this House sufficiently show the intention and desire of the Government. The object is, that the Council should have a moral influence and control; that the Minister's decision should be, as it is practically now, final on all matters, but that all the Members of Council should be empowered to publicly and formally protest, and if they disapprove of the course taken by the Minister they may compel him to record his reasons in writing. But I am convinced that there is much more danger of a Minister leaning too much on his Council than of his neglecting their advice. All the habits, tendencies, and ideas of English public life are such as utterly to restrain public men from desiring to assume to themselves authority and responsibility beyond that which is imposed on them by the law. A far more probable danger is that of their desiring to shift responsibility and to throw it on others. And this is the more likely to happen, where by the nature of the case, the advisers of the Minister are possessed of departmental knowledge, in which he will almost certainly be deficient. I do not therefore admit the necessity of providing machinery by which he shall be compelled to consult his council on all occasions. I believe that he will in general be willing to do; and if willing, that no administrative arrangements can compel him to do so, without destroying his responsibility.

I have referred to a single exception, which, after much doubt and hesitation, we thought it necessary to make, and it consists in that which relates to the business now nominally transacted by the Secret Committee . . . The plan we propose is to vest the right in the Minister, in case of necessity, to deal with a certain class of business on his own authority. This is really a continuance, with little modification, of that which has for two generations past been the state of things. It seems to be an anomaly and something worse, if you greatly increase the responsibility of the Minister, at the same time greatly to diminish his power. Though the Bill does not make it compulsory on the Minister to create a Secret Committee, it is optional for him to do so; the Bill leaves him the power to trust those in whom he has confidence, though it does not compel him to trust any one against his will; and surely any man, however reckless and rash, would shrink from that vast increase of responsibility which would necessarily devolve upon him, if, knowing that he is

[1] Stanley served as Colonial Secretary, President of the Board of Trade and as first Secretary of State for India, 2 September 1858 to 18 June 1859.

Speech in the House of Commons on the second reading of the Government of India Bill. *Parl. Debates*, 3rd Series, vol. 151 (1858), cols. 324–6.

provided with councillors in whom he might confide, he in any great emergency acted without reference to them. In one word, though we think there may be occasions when it may be necessary for a Minister to act on his own authority, and though, therefore, we have thought it right to provide for such occasions, yet, in my judgment, they ought to be rare and exceptional. Undoubtedly if a Minister were habitually, and in cases not urgently requiring secrecy, to act upon his own authority, and without consulting his Council—that is to say, if he were to extend his authority beyond what it is at present, as exercised through the Secret Committee —that would be not only a gross abuse of his power, but a violation of the spirit and meaning of the Act.

. . . . . .

2

THE GOVERNMENT OF INDIA ACT,[1] 2 AUGUST 1858

II. India shall be governed by and in the name of Her Majesty, and all rights in relation to any territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised by and in the name of Her Majesty as rights incidental to the Government of India; . . .

III. Save as herein otherwise provided, one of Her Majesty's Principal Secretaries of State shall have and perform all such or the like powers and duties in anywise relating to the government or revenues of India, and all such or the like powers over all officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the direction or with the sanction or approbation of the Commissioners for the affairs of India in relation to such government or revenues, and the officers and servants of the said Company respectively, and also all such powers as might have been exercised by the said Commissioners alone; . . .

VI. In case Her Majesty be pleased to appoint a fifth Principal Secretary of State, there shall be paid out of the revenues of India to such Principal Secretary of State and to his Under Secretaries respectively the like yearly salaries as may for the time being be paid to any other of such Secretaries of State and his Under Secretaries respectively.

VII. For the purposes of this Act a council shall be established, to consist of fifteen members, and to be styled the Council of India; and henceforth the Council in India now bearing that name shall be styled the Council of the Governor General of India.

VIII. Within fourteen days after the passing of this Act the Court of Directors of the East India Company shall, from among the Persons then being Directors of the said Company or having been theretofore such Directors, elect Seven Persons to be with the Persons to be appointed by Her Majesty as hereinafter mentioned

[1] 21 and 22 Vict., c. 106.

the First Members of the Council under this Act, and the names of the Persons so elected by the Court of Directors shall be forthwith, after such election, certified to the Board of Commissioners for the Affairs of *India*, under the Seal of the Said Company, and it shall be lawful for Her Majesty, by warrant under Her Royal Sign Manual, within thirty days after the passing of this Act, to appoint to be members of such Council Eight Persons: Provided always, that if the Court of Directors of the *East India* Company shall refuse or shall for such fourteen days neglect to make such Election of such Seven Persons, and to certify the names of such Persons as aforesaid, it shall be lawful for Her Majesty, by warrant under Her Royal Sign Manual, within thirty days after the expiration of such fourteen days, to appoint from among the said Directors Seven Persons to make up the full Number of the said Council: Provided also, that if any Person being or having been such Director, and elected or appointed as aforesaid, shall refuse to accept the office, it shall be lawful for Her Majesty, by warrant under Her Royal Sign Manual, to appoint in the Place of every Person so refusing some other Person to be a Member of the Council, but so that Nine Members of the Council at the least shall be Persons qualified as herein-after mentioned.

IX. Every vacancy happening from time to time among the members of the Council appointed by Her Majesty, not being members so appointed by reason of the refusal or neglect of the Court of Directors or the refusal to accept office hereinbefore mentioned, shall be filled up by Her Majesty, by warrant under Her Royal Sign Manual, and every other vacancy shall be filled up by the Council by election made at a meeting to be held for that purpose.

X. The major part of the persons to be elected by the Court of Directors, and the major part of the persons to be first appointed by Her Majesty after the passing of this Act, to be members of the Council, shall be persons who have served or resided in India for ten years at the least, and (excepting in the case of late and present Directors and officers on the Home establishment of the East India Company who shall have so served or resided) shall not have last left India more than ten years next preceding the date of their appointment; and no person other than a person so qualified shall be appointed or elected to fill any vacancy in the Council unless at the time of the appointment or election nine at the least of the continuing members of the Council be persons qualified as aforesaid.

XI. Every member of the Council appointed or elected under this Act shall hold his office during good behaviour; provided that it shall be lawful for Her Majesty to remove any such member from his office upon an address of both Houses of Parliament.

XII. No member of the Council appointed or elected under this Act shall be capable of sitting or voting in Parliament.

XIX. The Council shall, under the direction of the Secretary of State, and subject to the provisions of this Act, conduct the business transacted in the United Kingdom in relation to the Government of India and the correspondence with India, but every order or communication sent to India shall be signed by one of

the Principal Secretaries of State: and, save as expressly provided by this Act, every order in the United Kingdom in relation to the Government of India under this Act shall be signed by such Secretary of State: and all despatches from Governments and Presidencies in India, and other despatches from India, which if this Act had not been passed should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

XX. It shall be lawful for the Secretary of State to divide the Council into committees for the more convenient transaction of business, and from time to time to re-arrange such committees, and to direct what departments of the business in relation to the Government of India under this Act shall be under such committees respectively, and generally to direct the manner in which all such business shall be transacted.

XXIII. At any meeting of the Council at which the Secretary of State is present, if there be a difference of opinion on any question other than the question of the election of a member of Council, or other than any question with regard to which a majority of the votes at a meeting is hereinafter declared to be necessary, the determination of the Secretary of State shall be final; . . .

XXVI. Provided, that where it appears to the Secretary of State that the despatch of any communication, or the making of any order, not being an order for which a majority of the votes at a meeting is hereby made necessary, is urgently required, the communication may be sent or order given notwithstanding the same may not have been submitted to a meeting of the Council or deposited for seven days as aforesaid, the urgent reasons for sending or making the same being recorded by the Secretary of State, and notice thereof being given to every member of the Council, except in the cases hereinafter mentioned.

XXVII. Provided also, that any order, not being an order for which a majority of votes at a meeting is hereby made necessary, which might, if this Act had not been passed, have been sent by the Commissioners for the affairs of India through the Secret Committee of the Court of Directors to Governments or Presidencies in India, or to the officers or servants of the said Company, may, after the commencement of this Act, be sent to such Governments or Presidencies, or to any officer or servant in India, by the Secretary of State without having been submitted to a meeting, or deposited for the perusal of the members of the Council, and without the reasons being recorded or notice thereof given as aforesaid.

XXVIII. Any despatches to Great Britain which might if this Act had not been passed have been addressed to the Secret Committee of the Court of Directors, may be marked 'secret' by the authorities sending the same, and such despatches shall not be communicated to the members of the Council, unless the Secretary of State shall so think fit and direct.

XXIX. The appointments of Governor-General of India, fourth ordinary member of the Council of the Governor-General of India, and Governors of Presidencies in India, now made by the Court of Directors with the approbation of Her Majesty, and the appointments of Advocate-General for the several Presidencies

now made with the approbation of the Commissioners for the affairs of India, shall be made by Her Majesty by warrant under Her Royal Sign Manual; the appointments of the ordinary members of the Council of the Governor-General of India, except the fourth ordinary member, and the appointments of the Members of Council of the several Presidencies, shall be made by the Secretary of State in Council, with the concurrence of a majority of members present at a meeting; the appointments of the Lieutenant-Governors of provinces or territories shall be made by the Governor-General of India, subject to the approbation of Her Majesty; and all such appointments shall be subject to the qualifications now by law affecting such offices respectively.

XXX. All appointments to offices, commands, and employments in India, and all promotions, which by law or under any regulations, usage, or custom, are now made by any authority in India, shall continue to be made in India by the like authority, and subject to the qualifications, conditions, and restrictions now affecting such appointments respectively; but the Secretary of State in Council, with the concurrence of a majority of members present at a meeting, shall have the like power to make regulations for the division and distribution of patronage and power of nomination among the several authorities in India, and the like power of restoring to their stations, offices, or employments, officers and servants suspended or removed by any authority in India as might have been exercised by the said Court of Directors, with the approbation of the Commissioners for the affairs of India, if this Act had not been passed.

XXXII. With all convenient speed after the passing of this Act, Regulations shall be made by the Secretary of State in Council, with the Advice and Assistance of the Commissioner for the time being acting in execution of Her Majesty's Order in Council of Twenty-first May one thousand eight hundred and fifty-five, 'for regulating the Admission of Persons to the Civil Service of the Crown', for admitting all Persons being natural-born subjects of Her Majesty (and of such age and qualification as may be prescribed in their behalf) who may be desirous of becoming candidates for Appointment to the Civil Service of India to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations under the superintendence of the said last-mentioned Commissioners, or of the Persons for the time being entrusted with the carrying out of such Regulations as may be from time to time established by Her Majesty for Examination, certificate or other test of fitness in relation to appointments to junior situations in the Civil Service of the Crown, and the candidates who may be certified by the said Commissioners or other Persons as aforesaid to be enlisted under such Regulations shall be recommended for appointments according to the order of their proficiency as shown by such examinations, and such Persons only as shall have been so certified as aforesaid shall be appointed or admitted to the Civil Service of India by the Secretary of State in Council: Provided always, that all Regulations to be made by the said Secretary of State in Council under this

Act shall be laid before Parliament within fourteen days after the making thereof, if Parliament be sitting, and, if Parliament be not sitting, then within fourteen days of the next meeting thereof.

XXXIII. All appointments to cadetships, naval and military, and all admissions to service not herein otherwise provided for, shall be vested in Her Majesty; and the names of persons to be from time to time recommended for such cadetships and service shall be submitted to Her Majesty by the Secretary of State.

XLI. The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in Council, and no grant or appropriation of any part of such revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council.

LIII. The Secretary of State in Council shall, within the first fourteen days during which Parliament may be sitting next after the first day of May in every year, lay before both Houses of Parliament an account for the financial year preceding that last completed of the annual produce of the revenues of India, distinguishing the same under the respective heads thereof, at each of the several Presidencies or Governments, and of all the annual receipts and disbursements at home and abroad on account of the Government of India, distinguishing the same under the respective heads thereof, together with the latest estimate of the same for the last financial year, and also the amount of the debts chargeable on the revenues of India, with the rates of interest they respectively carry, and the annual amount of such interest, the state of the effects and credits at each Presidency or Government, and in England or elsewhere, applicable to the purposes of the Government of India, according to the latest advices which have been received thereof, and also a list of the establishment of the Secretary of State in Council, and the salaries and allowances payable in respect thereof; and if any new or increased salaries or pensions of fifty pounds a year or upwards have been granted or created within any year, the particulars thereof shall be specially stated and explained at the foot of the account of such year; and such account shall be accompanied by a statement prepared from detailed reports from each Presidency and district in India in such form as shall best exhibit the moral and material progress and condition of India in each such Presidency.

LV. Except for preventing or repelling actual invasion of Her Majesty's Indian possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both Houses of Parliament, be applicable to defray the expenses of any military operation carried on beyond the external frontiers of such possessions by Her Majesty's forces charged upon such revenues.

. . . . .

3

QUEEN VICTORIA TO LORD DERBY,[1] 15 AUGUST 1858

THE Queen has asked Lord Malmesbury to explain in detail to Lord Derby her objections to the draft of Proclamation for India. The Queen would be glad if Lord Derby would write it himself in his excellent language, bearing in mind that it is a female Sovereign who speaks to more than 100,000,000 of Eastern people on assuming the direct Government over them after a bloody civil war, giving them pledges which her future reign is to redeem, and explaining the principles of her Government. Such a document should breathe feelings of generosity, benevolence, and religious feeling, pointing out the privileges which the Indians will receive in being placed on an equality with the subjects of the British Crown, and the prosperity following in the train of civilisation.

4

QUEEN VICTORIA'S PROCLAMATION,[2] 1 NOVEMBER 1858

. . . . . .

And we, reposing especial trust and confidence in the loyalty, ability, and judgment of our right trusty and well-beloved cousin and councillor, Charles John Viscount Canning, do hereby constitute and appoint him, the said Viscount Canning, to be our first Viceroy and Governor-General in and over our said territories, and to administer the government thereof in our name, and generally to act in our name and on our behalf, subject to such orders and regulations as he shall, from time to time, receive from us through one of our Principal Secretaries of State.

And we do hereby confirm in their several offices, civil and military, all persons now employed in the service of the Honourable East India Company, subject to our future pleasure, and to such laws and regulations as may hereafter be enacted.

We hereby announce to the native Princes of India that all treaties and engagements made with them by or under the authority of the Honourable East India Company are by us accepted, and will be scrupulously maintained, and we look for the like observance on their part.

We desire no extension of our present territorial possessions; and, while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others. We shall respect the rights, dignity and honour of native Princes as our own; and we desire that they, as well as our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government.

[1] Secretary of State for India, 2 September 1858 to 18 June 1859.

[2] *Letters of Queen Victoria*, 1st Series, vol. 3, p. 379.

[3] *Royal and other Proclamations . . . to the Princes and Peoples of India*, 1858–1919, No. 1.

We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil.

Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our royal will and pleasure that none be in anywise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure.

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 offices in our service, the duties of which they may be qualified, by their education, ability, and integrity, duly to discharge.

We know, and respect, the feelings of attachment with which the natives of India regard the lands inherited by them from their ancestors, and we desire to protect them in all rights connected therewith, subject to the equitable demands of the State; and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

. . . . .

Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard to such the demands of justice forbid the exercise of mercy.

. . . . .

When, by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer its government for the benefit of all our subjects resident therein. In their prosperity will be our strength; in their contentment our security, and in their gratitude our best reward. And may the God of all power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people.

5

SIR CHARLES WOOD TO LORD CANNING,[1] 9 JANUARY 1861

You will not expect me to defend the constitution of the Council of India. I think it the most cumbrous machine for the government of a country that ever was

[1] Sir Charles Wood, 1st Viscount Halifax, was Secretary of State for India, 18 June 1859 to 16 February 1866. Wood Papers, India Office Library, vol. 6, pp. 14–16. Private letter.
Earl Canning, Governor General and first Viceroy, 1 November 1858 to 12 March 1862.

invented, and it is open to all the objections which you mention. The wording of the despatches generally does arise from a compromise of opinions. Take your great measures. The majority of the Council (3/4ths) were against the Income Tax. The Political Committee (i.e. the best members for such matters) did not like the treatment of the Talookdars in Oude, that of the Sirdars in the Punjab, or the universality of the Adoption plan, or the new scheme of Police. The Political Committee consists of Sir J. Lawrence, Sir F. Currie, Mr. Willoughby, Mr. Prinsep, Capt. Eastwick. Can I, or any Secretary of State who has not been in India, pretend to set his opinion in detail against such men? Would it conduce to the transaction of business, if I was overruling them on expressions of opinion on details? I have insisted on the practical result being an approval of the course taken in the main, and that you have had officially in every case. It may not have been as full,—it may have been qualified by doubts and suggestions. I grant that it has, and such, I am afraid, always will be the case, as long as the present constitution of the Council exists. They aim at a sort of independence, which is a great mistake. They ought never to have been placed in a position to claim it. They have it not in reality, and therefore make greater pretensions to it. But it leads to interminable waste of time, in the first place, and to the kind of despatch which you very justly complain of.

6

THE DUKE OF ARGYLL ON THE INDIA COUNCIL,[1] 29 APRIL 1869

. . . During the ten years the existing law had been in operation the largest and most important questions connected with expenditure in India had been brought under the consideration of the Secretary of State and his Council; there had been expensive wars, and the construction of great public works, involving a great outlay of money, and charges of every sort and kind, and yet during those ten years, no hitch or difficulty had been felt by the Secretary of State or the Council with regard to their respective powers. . . . Now, first and foremost, came the question of peace and war—war having been the greatest cause of expenditure in India; and he did not believe that any member of the Council had ever dreamed of the power of the Council to veto any measure of the Secretary of State upon questions of that kind by the votes of a majority; . . .

7

THE COUNCIL OF INDIA ACT,[2] 11 AUGUST 1869

Whereas it is expedient that the Act of the twenty-first and twenty-second years of Victoria, chapter one hundred and six, intituled 'An Act for the better govern-

[1] *Parl. Debates*, 3rd Series, vol. 195 (1869), col. 1835. Argyll was Secretary of State for India 1868–74.

[2] 32 and 33 Vict., c. 97.

ment of India', should be amended as regards the duration of service and the remuneration of members of the Council of India, and in certain other respects:

And whereas it is provided by the said recited Act that every member of the said Council elected or appointed under that Act shall hold his office during good behaviour:—

Be it therefore enacted . . ., as follows:

I. After the passing of this Act all vacancies that shall take place in the said Council shall be filled up by appointment by the Secretary of State.

II. Every member of the said Council who shall, after the passing of this Act, be so appointed, shall be appointed for a term of ten years, and, except as hereinafter provided, shall not be re-eligible.

III. It shall be lawful for the Secretary of State to re-appoint for a farther period of five years any person whose term of office as member of Council under this Act shall have expired, provided such re-appointment be made for special reasons of public advantage, which reasons shall be set forth in a minute signed by the said Secretary of State, and laid before both Houses of Parliament.

VIII. The appointments of the ordinary members of the Governor General's Council, and of the members of Council of the several presidencies, which, by section twenty-nine of the said recited Act, are to be made by the Secretary of State in Council, with the concurrence of a majority of members present at a meeting, shall, after the passing of this Act, be made by Her Majesty by warrant under Her Royal Sign Manual.

8

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 24 NOVEMBER 1870

9. . . . the risk of serious embarrassment would become much greater than hitherto it has been found to be, if a clear understanding were not maintained as to one great principle which from the beginning has underlaid the whole system. That principle is, that the final control and direction of the affairs of India rest with the Home Government, and not with the authorities appointed and established by the Crown, under Parliamentary enactment, in India itself.

10. The Government established in India is (from the nature of the case) subordinate to the Imperial Government at home. And no Government can be subordinate unless it is within the power of the Superior Government to order what is to be done or left undone, and to enforce on its officers, through the ordinary and constitutional means, obedience to its directions as to the use which they are to make of official position and power in furtherance of the policy which has been finally decided upon by the advisers of the Crown.

11. Neither can I admit that it makes any real difference in the case, if the directions issued by the Imperial Government related to what may be termed legislative as distinguished from executive affairs. It may be quite as essential, in order to

[1] *Parl. Papers*, vol. 56, No. 102, col. 1515. India Office Library Official despatch.

carry into effect the views of the Imperial Government as to the well-being of Her Majesty's Indian dominions, that a certain measure should be passed into a law, as that a certain act described in common language as executive should be performed. But if it were indeed the case, as your argument would represent it to be, that the power of the Imperial Government were limited to the mere interposition of a veto on Acts passed in India, then the Government of the Queen, although it could resist the passing of an injurious law, would be helpless to secure legislative sanction for any measures, however essential it might deem them to be for the welfare or safety of Her Indian Empire. I think that on reconsideration you will see how inadequate such a power would be to regulate and control the affairs of that Empire, and how small a part it would represent of that supreme and final authority which has always been held and exercised by the Government of the Crown.

12. The Imperial Government cannot indeed insist on all the members of the Governor General's Council, when assembled for legislative purposes, voting for any measure which may be proposed, because on such occasions some members are present who are not members of the Government, and are not official servants of the Crown. But the Act which added these members to the Council for a particular purpose made no change in the relations which subsist between the Imperial Government and its own executive officers. That Government must hold in its hands the ultimate power of requiring the Governor General to introduce a measure, and of requiring also all the members of his Government to vote for it.

. . . . . .

9

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 31 MARCH 1874

3. Whenever the Governor General in (Executive) Council has affirmed the policy and expediency of a particular measure, and has decided on submitting it to the Council for making Laws and Regulations, I desire that a Despatch may be addressed to me stating, at length, the reasons which are thought to justify the step intended to be taken, and the mode in which the intention is to be carried out. This Despatch should be accompanied by a copy of the Bill drafted in your Legislative Department, or should be followed by such copy with as brief delay as possible. I do not propose to reply at once in all cases to this communication, but I request that your Excellency will mention in it the date at which it is intended that the Bill referred to shall be submitted to the Legislative Council, and that this date may be so fixed as to afford me sufficient time to address to you on the contemplated measure such observations as I may deem proper, if I should desire to observe upon it.

4. I have excepted from the above directions measures of slight importance (of

[1] *Parl. Papers*, vol. 56, No. 102, col. 1515. India Office Library. Lord Salisbury was Secretary of State for India from 6 July 1866 to 8 March 1867 and from 21 February 1874 to 2 April 1878. Official despatch.

which I am aware that a considerable number pass the Legislative Council annually), and measures urgently requiring speedy enactment. I leave your Excellency to judge of the degree of importance which will bring a given case within the rule I have laid down, and of the degree of urgency which will withdraw another case from it. In the event, however, of your omitting to give me previous information of an intended enactment on the ground that it is urgently required, I request you to communicate to me subsequently the grounds of the opinion on which you have acted.

5. It is, of course, conceivable that a Bill of which I have approved, or which has been modified in conformity with my desire, may be materially changed during its passage through the Legislative Council. It appears to me that, as a fact. that body rarely alters Government measures on points of principle; but if the case to which I am referring should happen, I do not apprehend that your Excellency would have any practical difficulty in delaying the progress of the Bill until I have a fresh opportunity of expressing my opinion.

. . . . . .

10

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 31 MAY 1876

15. It is not open to question that Her Majesty's Government are as much responsible to Parliament for the Government of India as they are for any of the Crown Colonies of the empire. It may even be said that the responsibility is more definite, in that the powers conferred are, in the case of India, armed with a more emphatic sanction. Disobedience to superior orders, on the part of the authorities of a Crown Colony, would entail no consequences except administrative censure: but the Statute 3 & 4 Wm. 4, c. 85, s. 80, guards the power of the Crown in respect to India by the sanction of a formal enactment. Nor has any exception been made, either legally or in constitutional practice, in favour of questions of finance, which your predecessor proposes specially to withdraw from the action of the Home Government. On the contrary, the vigilance of Parliament is more active, and the weight of Parliamentary responsibility more strongly felt in respect to finance than in respect to any other department of Indian Government. On all other questions Parliament is satisfied to interpose only on occasion, whenever any matter which seems to require its attention may arise. But, in respect to finance,—besides frequent motions on particular points, and lengthened inquiries before committees, —the House of Commons requires that an elaborate statement of the policy of the Government shall be annually made to it, with a full explanation of the reasons by which that policy has been guided. The financial statement so made is always scrutinized and discussed with care. Occasionally the action of the Government

[1] *Parl. Papers*, vol. 56, No. 102, col. 1515. In reply to the Government of India's Public Letter of 17 March 1876, in which the passing of the Tariff Act of August 1875 was defended on the grounds of urgency. Official despatch.

upon the most vital questions of Indian finance is challenged, motions of censure are made, the policy pursued has to be defended in detail by the representatives of the Government in debate, and the motions of censure are submitted by a division to the judgment of the House. In respect, therefore, to Indian finance, the constitutional responsibility of Her Majesty's Government is effective and constant.

16. It necessarily follows that the control exercised by Her Majesty's Government over financial policy must be effective also. They cannot, of course, defend in debate measures of which they do not approve; nor can they disavow all concern in them, and throw the responsibility of them upon the distant Government of India. If some measure of financial policy were challenged in Parliament, the House of Commons would not be satisfied to be told that Her Majesty's Government wholly disapproved of it, but that it had been left to the responsibility of the Government of India. Full legal powers having been entrusted to Her Majesty's Government, Parliament would expect that care should be taken that no policy should be pursued which Her Majesty's Government were unable to defend. If the control they possess were to be in any respect less than complete, the power of Parliament over Indian questions would be necessarily annulled. If the Government were at liberty to assume the attitude of bystanders, and to refer the House of Commons for explanations to the Governor General in Council upon any policy that was assailed, there would practically be no one whom the House could call to account, or through whom effect could be given to its decisions. In scrutinizing the control exercised over the Government of India by Her Majesty's Government, and the grounds for maintaining that control, it must be borne in mind that the superintending authority of Parliament is the reason and the measure of the authority exercised by the responsible Ministers of the Crown; and that, if the one power is limited, the other must be limited at the same time.

17. It is impossible, therefore, that 'measures affecting customs and finance can be dealt with on the responsibility of the Government of India', as your predecessor in Council has suggested. So far as Parliament is concerned, no such responsibility exists. The only responsibility known to Parliament is that of the Ministers of the Crown.

11

LORD LYTTON TO LORD CRANBROOK,[1] 30 APRIL 1878

. . . .But, whilst writing thus confidentially on the important subject of efficient co-operation between the Home and Indian Governments, I must confess to you, my dear Lord, that the recent attitude and conduct of the India Office Council causes me some anxiety. The disposition of that Council is to reject summarily every proposal, however important, or however trivial, which emanates from the Government of India, and, of late, it has been indulging that disposition, appar-

[1] Lytton was Viceroy from 12 April 1876 to 8 June 1880. Cranbrook was Secretary of State for India from 30 March 1878 to 28 April 1880.

Lytton Papers. British Museum. Letters Despatched, vol. 3, pp. 279–82. Private letter.

ently without any control. Now, upon questions involving important principles of policy,—such, for instance, as our fiscal measures for the abolition of the salt cordon or the cotton duties, our taxation measures, our financial decentralisation measures, our measures for the administrative re-organisation of the frontier, or our proposals on the subject of native employment,—I cannot, of course, and do not, expect unanimity of opinion, or support, from fifteen gentlemen, whose chief function is negative criticism. But I do feel very strongly that, in the ordinary current details of its administration, a great Government, such as the Government of India, ought not to be, and cannot safely, be, subjected to the uncontrolled interference, and invariable veto, of a distant, and practically irresponsible, body sitting in England. . . .

. . . . . .

. . . The fact is that the Home Council has of late entirely lost sight of the true position of the Government of India, whose dignity and reasonable freedom of action I hold in trust only for my successors. I should not dream of exercising in the affairs of the smallest local Government of India, the same amount of detailed interference, which has lately been exercised by the India Office in the affairs of the Supreme Government. In both cases the technical relations are similar. Every administrative question, however trivial, has a financial side to it, and must therefore be submitted, as a matter of course, by the local, to the central, authorities in whom the financial control is vested. But were I to stretch the technical right of using financial supervision for the purpose of administrative interference, in my relations with the local Governments, as far as it has lately been stretched by the India Office in its relations with the Government of India, the whole machinery of Indian administration would soon break down. I am, I assure you, painfully anxious to prevent friction, but I have little hope of being able to do this if there be a determination at the India Office to force it on. Owing, doubtless, to Lord Salisbury's preoccupation about foreign affairs, and the subsequent interregnum, the India Office has, in all secondary matters, been leaving its own siding. In the enjoyment of this it has irritated every member of my Government: and if the blister be much longer continued, I shall be unable to control the patient, or prevent retaliation, in a form which will bring everything to a dead lock. It is difficult for me to know whether, unconsciously, I am, myself, in anywise to blame for this state of things. . . .

12

SIR STAFFORD NORTHCOTE ON THE INDIA COUNCIL,[1] 28 FEBRUARY 1879

. . . It is a mistake to think that the Council is always guided and overruled by the Secretary of State in matters of expenditure; or that, because so large a number

[1] Speaking as Chancellor of the Exchequer. He had been Secretary of State for India from 8 March 1867 to 9 December 1868.

Parl. Debates, 3rd Series, vol. 243 (1878), cols. 2026–7.

of cases are passed through, there was no freedom of action on the part of the Council. I know a great number of cases which occurred when I was Secretary of State in which the Council prevailed over me in matters of expenditure properly belonging to them, and as to which the responsibility properly rested upon them; and I know, too, that it is continually the case that the Secretary of State takes the opinion of the majority of the Council, and that that opinion is freely acted upon. But, on the other hand, I think the view of those who framed the Act of 1858, with regard to the responsibility of the Government of the day in great questions of policy, has been properly acted upon, and is now being properly acted upon. No man can serve two masters, and there cannot be two authorities responsible for the conduct of a policy affecting the interests of the Empire. It may be quite right that the Government here should decline responsibility for irrigation works, or other local matters in India; but in questions of war or peace, great turning questions in politics, responsibility must not be thrown upon the members of the Indian Council. If the views of this country, as expressed by the Government, were to be thwarted by a body like the Indian Council, however admirable or excellent its members might be in their own line, it would be a state of things which could not last. I say it is entirely consistent with the Act of 1858, that responsibility for the Imperial policy should rest with the Government of the day, and not upon the Council of India. . . .

13

LORD HAMILTON TO LORD CURZON,[1] 28 MARCH 1901

In your comments upon the attitude of the India Council towards yourself, do not think that the Council are more hostile to you personally than to your predecessors. They have always adopted the same attitude towards the Viceroy; and in my younger days, when Salisbury was Secretary of State, they were constantly interfering with him, and trying to overrule him. But, after all, you are very much better situated than anyone else who has to incur large expenditure. No Treasury performs the functions of check more sensibly, and checks the expending departments with a lighter rein, than the Council of India. They are the Treasury, and, as such, must be expected to perform its functions. My policy in dealing with them, as with everybody else that I have official relations with, is to concede the shadow, but to maintain the substance. No large scheme of any kind that you have put forward has been checked by the Council. It is only in these small financial proposals for an increase here and an increase there which they criticise, and are disposed to reject. On these matters it is of no use being, as you suggest, firm with the Council, for they have the power in their hands, and they will not hesitate to use it on a small matter. . . .

[1] Hamilton Papers, India Office Library, vol. 3, No. 12. Private letter. Hamilton was Secretary of State for India from 4 July 1894 to 9 October 1903. Curzon was Governor General from 6 January 1899 to 18 November 1905.

14

LORD CURZON TO LORD HAMILTON,[1] 28 MAY 1902

. . . I have been thinking over the experience of the last $3\frac{1}{2}$ years. Indeed I have summed it up from memory and placed it upon the paper which I send to you as an enclosure with this letter. It seems to me to establish conclusively a desire upon the part of your advisers in the India Office to thwart and hamper me in the work which I am endeavouring to undertake here. . . .

. . . I am far from saying that in every case recorded in the paper I have been entirely right and your Council entirely wrong; but I do say in the majority of cases there can be no question on which side the balance of right inclines, and no dispute as to the nature of the opposition which I have encountered. Or perhaps you may say,—Considering that you have so often defeated your enemies, why should you be so annoyed? My answer is that the degree of my ultimate triumph is also the measure of their previous unreasonableness. If a thing is right, why should I waste valuable time, in the few years that are open to me here, in overcoming preliminary hostility, or getting a spiteful refusal revoked? To you and Godley, quite as much as to the strength of my cases, I have no doubt that I owe the fact that the hostile combination has been so often defeated; but its objects are not therefore palliated, nor its attitude condoned. . . . I will ask you to try and put yourself in my position. Here I am working away the whole day long and a considerable part of the night, in the discharge of what I believe to be a serious and solemn duty. I am conducting the task in exile, in complete isolation from all friends or advisers, surrounded by forces and combinations against which it often requires great courage to struggle, habitually harassed, constantly weary, and often in physical distress and pain. If, in addition to all these anxieties, against which I am capable of holding up my head, I am also to be perpetually nagged and impeded and misunderstood by the India Council at home, I say plainly that I would sooner give up the task. I will not continue any work in the world without the confidence of those whom I am serving, and unless I receive not merely your support—for that I know has never wavered—but also the backing of your Council, I would prefer to resign my office. I leave you to decide what would be the verdict of public opinion about a controversy in which I was the plaintiff and your Council the defendants, and in which the case was of the character that I have sketched on the accompanying sheet. Probably these retired civilians take a pleasure in thinking that they are exerting their own authority and thwarting a Viceroy, whose whole administration is a tacit reproach to their own Indian careers. They plume themselves upon having gagged him here or held him up in a corner there; they do not think of what he is thinking at the other end of the wire; his sense of duty is nothing to them; and they will go on worrying him with their inuendoes and suspicions, while his heart is being eaten out with honest mortification. I have spoken out

[1] Hamilton Papers, India Office Library, vol. 23, No. 24. Private letter.

perfectly plainly to you on this matter. What I have described I feel, and it is for you to take such action upon it as you think fit.

Enclosure

(Private & Confidential)

Subject	Attitude of India Council
(1) Police Commission	Hung up because Council affect to believe that Local Governments have been ignored—the fact being that the heads of majority of Local Administrations had been consulted in advance.
(2) Educational Action of Government of India	Suspicions expressed that Government of India had been acting without sanction or reference. In neither case any foundation.
(3) Obligatory Garrisons	Suspicions expressed that Local Governments had not been consulted. Enquiry showed that they had all been consulted and had agreed in advance.
(4) Recognition of Maharaja of Idar	Demand made that Council should be consulted in advance. No precedent for this. Fear expressed that Bombay had not been consulted; whereas action was really taken upon urgent representation of Bombay.
(5) Settlement of Berar Question	Attempt of Council to tie hands of Viceroy and prevent solution. Result—complete failure.
(6) Deposition of Maharaja of Panna	Claim made that Council should be consulted. This was not done in case of deposition of Rana of Jhallawar by Lord Elgin.
(7) Kunlong Railway	Viceroy told that he ought to have reported in advance, in accordance with instructions received by him. No such instructions ever given. On the contrary, previous action of Government of India approved.
(8) Loan of Money by Government of India to Persia	Stoutly resisted by Council, who eventually had to give way and sanction that which they had condemned.
(9) Compensation to Cooper's Hill Engineers	Government of India publicly censured by Council for having made the very representations to India Office which they had been instructed to submit. Upon protest from Government of India, censure withdrawn.

Subject	Attitude of India Council
(10) Despatch of Mahomedan Fatiha Deputation to Kabul	Suspicions of Council aroused as to inferences that might be drawn. These suspicions were quite groundless.
(11) Extension of Captain Daly's service	Pleaded for in interests of Foreign Department and of Viceroy, but steadily refused by Council. A short extension only secured by influence of Secretary of State.
(12) Famine Insurance Fund	Proposals of Government of India hung up by Council. The matter is about to be reopened.
(13) Compassionate Allowances for public servants	Refused by Council on flimsy and untenable grounds. Matter brought up again. Council had to yield.
(14) Proposal to make a Non-Civilian head of the Public Works Department	Opposed by Council. Matter will be brought up again, and they will ultimately give way.
(15) Formation of North-West Frontier Province	Grudging and ungracious assent of Council, accompanied by disagreeable Minute from Sir D. Fitzpatrick.
(16) Selection of Colonel Deane as first Chief Commissioner	Agitation of Council at mistaken idea that he had been appointed without their sanction.
(17) Institution of Imperial Cadet Corps	Proposal for long resisted by Council.
(18) Librarian for Imperial Library at Calcutta	Viceroy applied for an expert Librarian from England; was offered a Babu on inadequate salary; declined to accept; Council had to yield.
(19) Clerk of Works for Vice-regal Estate at Simla	In spite of urgent request from Viceroy and demonstration of necessity of case, matter hung up by Council for over a year. Ultimately they had to yield.
(20) Erection of Black Hole Monument at Calcutta	Council affected indignation at removal of Sir A. Eden's Statue. Consent of his family had already been obtained.
(21) Dr. Stein's Expedition to Central Asia	Council complained that Government of India ought to pay out of Imperial Funds —ignorant of the fact that no imperial funds were available for the purpose.
(22) Refusal of Personal Assistant to Military Member	For this refusal no reasonable grounds have been alleged or can be conceived.

15

LORD HAMILTON TO LORD CURZON,[1] 25 JUNE 1902

. . . The very magnitude of the work which the Viceroy can do makes control of any kind the more obnoxious to him, when he believes that it diverts him from fresh subjects, and forces him to go back to matters which he had hoped he had disposed of. But, after all, is the Viceroy's position in this respect more trying than that of the other public servants and Ministers of the British Empire? Look at the Prime Minister in this country, or the head of any one of the great Departments of State who has to represent that Department in the House of Commons. Take the position either of Salisbury, Balfour, Beach, or Chamberlain: they are subjected to a different form of check and interference far more annoying, and far more effective, than any to which a Viceroy can be subject. Take the great men who have preceded you in your office: Warren Hastings, Cornwallis, Wellesley, Hardinge, and Dalhousie—they all had to carry on their work under the same conditions which you find irritating and dilatory, and I think I may fairly say that not one of those distinguished predecessors had as easy a colleague to deal with in this country as myself. Looking back at the past, for I have spent a great part of my life at the India Office, I can recollect no time at which there has been so little difference of opinion between the Secretary of State and the Viceroy as, I am glad to say, has happily existed during your tenure of office. Salisbury and Northbrook, Fowler and Elgin, Cross and Lansdowne, were constantly at loggerheads, and, although you have taken up far more subjects than any one of your predecessors, there is hardly a single case of importance, other than finance, in which you have not received in the main the support and the approval of Council. You speak of the old men of the Council, but it is the younger, and not the older men, on the Council who are the most disposed to assert themselves, and I must honestly say that, with my long experience of the Council, I have deliberately come to the conclusion that it is not as a whole a pugnacious, fussy, or aggressive body. The two Members of the Council who are about to retire this year are Lyall and Peile; MacDonnell will be one of their successors. I shall feel the difference, and I am not at all sure that you will not, of bringing in a younger man fresh from India; but please dismiss the idea from your mind that there is any personal antagonism to you on the part of the Council, either collectively or individually. The statement I made, that my influence with Members of Council diminished in proportion as they knew I had a brief from you, or was making use of information supplied by you, did not in the least mean that there was any personal antipathy to you. What I desired to convey was that the Council expect me to hold the balance between the Government of India and themselves; and, if they think that I have been specially supplied by private letters with information which they have not seen, they think that I am somewhat departing from the attitude of impartiality and even-mindedness which

[1] Hamilton Papers, India Office Library, vol. 4, No. 26. Private letter.

they expect me to assume in any difference that may occur between the two Governments. The feeling towards you, I say with absolute sincerity, is one of growing admiration and increasing approval of your acts and your policy; and more than one Member of Council has expressed to me great regret when I have told them that you were chafing at what seemed to you to be unnecessary delay, or were suffering in any way from indisposition or the effects of overwork. Your isolation prevents you from having any confidant or friend to whom you can communicate your grievances and your complaints against those who, you think, are impeding and thwarting you in your great work. This is one of the penalties of your unique position, but it must at times intensify and aggravate the feelings of annoyance and of irritation to which all of us are subject, when we believe that we have been misunderstood, or where there is a feeling that those who have the final decision are not making a considerate exercise of that authority. . . .

16

LORD CURZON TO LORD HAMILTON,[1] 30 JULY 1902

. . . . . .

Next I pass to the question of the entertainment at the India Office. Here I must say that I do not at all understand your plea that the expenditure on the Delhi Durbar, and the cost of the India Office ceremony, stand or fall together. I do not see that they have any connection except that both are associated with the same event, namely the Coronation of the King, and that you propose to make India pay for both. When you remind us in the telegram that the Secretary of State in Council has by law exclusive control of Indian revenues, you tell us what we know perfectly well, but I do not think that, by this statement of a constitutional fact, you disable the Government of India from expressing any opinion, or offering any protest, when the Secretary of State in Council makes a disposition of Indian funds without reference to them, with which they entirely disagree. I have several times noted an inclination on your part to use this argument, namely that because you are supreme in respect of finance, it is for us humbly to accept what your Council may please to decide. I venture, with the utmost respect, but with extreme firmness, to take the opposite view. I hold, on the contrary, that in proportion as you are supreme, and have the ultimate disposition of this money, so are we, as the guardians of the Indian tax-payers' interests, bound on all occasions to safeguard them and to state our view of the case. I do not contend that your ceremony at the India Office stands on exactly the same footing as the entertainment of the guests. As it took place at the India Office, and as the India Office is paid for by India, an argument—though not I think a good one—can be made out for making India pay. But when you ask us to omit any reference to this function altogether, I doubt very much whether my Colleagues will agree: and the reason will be this. The

[1] Hamilton Papers, India Office Library, vol. 23, No. 33. Private letter.

question of principle again comes in. If we do not enter a protest in this case—and I can assure you that my Colleagues feel even more strongly than I do about the India Office party, and I doubt whether any of them would endorse the plea that I just now employed—then we lose our power of protest altogether, and every great party at the India Office in the future, on similar occasions to the present, will be saddled upon the Indian revenues. . . .You will one day be called upon to publish the papers, and the damage that you will do to British credit and to the British name in this country, will immeasurably exceed any satisfaction that may be derived from snubbing the Government of India or sustaining the authority of the Secretary of State in Council. Do, please, let me urge you before it is too late, as I pleaded to Balfour in a letter to him a fortnight ago, to realize that a mistake has been made from which it is not too late to recede. . . .

17

MESOPOTAMIA COMMISSION REPORT ON PRIVATE CORRESPONDENCE,[1] 1917

19. The Government and Administration of India are vested in the Secretary of State for India in Council and in the Governor-General of India in Council, and the former body dominates the latter. The powers of the Secretary of State for India in Council are immense, greatly exceeding those exercised by an ordinary Secretary of State. So far as finance and expenditure are concerned, the Council stands to the Secretary of State for India much in the same relation as that in which Parliament stands to the other Secretaries of State. It may reasonably be assumed that Parliament would not have given these immense powers to any individual official if, in the exercise of such powers, he was dissociated from his Council.

20. The Governor-General in Council is subordinate to the Secretary of State for India in Council and rules are laid down in the Act of Parliament as to the procedure through which the Secretary of State's orders and communications to the Governor-General should be made. Those means of communication, according to the Statue, come under three heads:—

(a) 'Public', or, as we prefer to designate them, official communications which pass through the Council.

(b) 'Urgent' communications, which need not necessarily go to the Council and which the Secretary of State has the power of sending on his own authority, though he is subsequently under the obligation of explaining the causes for his so acting.

(c) 'Secret' communications, on which the Secretary of State has the power of acting on his own authority, nor need he explain to his Council the reasons why he dispenses with their advice. But these 'secret' communications are limited to certain subjects.

21. In India the power of the Governor-General to dispense with his Council

[1] Cd. 8610 (1917), pp. 101–3.

is much more circumscribed. The Government of India is throughout the Statute invariably designated as the Governor-General in Council. If the Governor-General is away from his Council on tour he has all the powers which he could exercise if he was with his Council, and moreover he has the power, when with the Council, of over-ruling them on certain questions, if the majority of them differ from him. But the Members of the Secretary of State's Council and of the Governor-General's Council have a statutory right of protesting in writing against any action of which they disapprove. The protest must be in accordance with their expressed objections in Council, and such written protest can be called for and laid before Parliament.

22. The intention of Parliament in setting up the Government of India upon this basis seems to have been a wish to associate the Secretary of State and the Governor-General (who under the conditions existing in this country would probably be politicians), with Councils of trained Indian administrators; and the power of protest was doubtless given so that each Council might be a check upon the Secretary of State, or the Governor-General, against taking impulsive, or in the view of the Council, improper action.

23. In addition to these authorised statutory communications it has always been the practice of the Secretary of State and the Governor-General to communicate privately, one with another, both by telegram and by letter. These telegrams have, up till quite recently, been supplementary to and explanatory of the official telegrams sent, which as a matter of course come before the Governor-General and Secretary of State in Council. They have also dealt with personal matters, which it is not advisable should be contained in official telegrams, and within certain limits they seem to us to be useful, if not necessary links of intercommunication.

24. All the Statutes relating to the Government of India were consolidated in Acts which received Royal Assent in 1915 and 1916; but in these consolidating Statutes no mention whatever is made of private communications, nor is authority given either to the Secretary of State, or the Governor-General to substitute private telegrams for the prescribed methods of communication laid down by the Statute. All private telegrams are the property of the sender, and they are not necessarily recorded on the files of the Department to which their contents may relate; though they are occasionally so recorded when the Secretary of State or Governor-General gives express orders to that effect. It is usually the practice of the Secretary of State and the Governor-General to take away their private telegrams at the close of their tenure of office, and Lord Crewe informed us that Lord Morley so acted on vacating the post of Secretary of State for India. There is therefore no public record of the purport of the vast majority of these private communications. The substitution of private for public telegrams in recent years has apparently so developed as to become almost the regular channel of official intercommunication.

26. The substitution of private for official telegrams tends to dispossess the Council of the functions, which by Statute they are entitled to exercise. Both the

late Secretary of State for India and the late Governor-General justified recourse to these methods of communication on the ground that in time of war urgency and secrecy are of paramount importance. We at once accept that proposition; but it is clear in our mind that secrecy can be established by a properly regulated procedure; and as regards urgency, as both Councils are small in numbers, there seems to us no difficulty whatever, at any rate in times of emergency, in insisting on their meeting every day.

27. We have been informed by two Members of the Governor-General's Council that according to their recollection the Council was never consulted as to, nor were they privy to the campaign in Mesopotamia. Their opinion was not asked as regards the advance to Baghdad, though occasionally, from time to time, some information was given to them in the shape of conversation at the Council. This statement, though traversed in details by Lord Hardinge, is in the main, we believe, correct.

The despatch of any oversea expedition from India is largely regulated by considerations of internal security, and, as the maintenance of order in India is a primary function of the Council of the Governor-General, it would seem to us a necessary consequence that they ought to be consulted in connection with any oversea expedition or with any serious depletion of Indian military establishments.

31. We have dealt at some length with this matter. We consider it necessary that the attention both of the Government and Parliament should be called to the change we have thus shown to have taken place in the procedure of the two branches of the Indian Government. If the Government and Parliament are of opinion that these private personal telegrams and letters are in the future to become a recognised channel of authoritative and mandatory communication, then the Act of Parliament should be so altered.

32. As the Council of the Governor-General was not consulted, it is clear they cannot be held responsible for what occurred in the Mesopotamian campaign. On the Viceroy and the Commander-in-Chief must rest the sole responsibility for advice given and action taken, so far as India is concerned. But the exclusion of the Ordinary Members of Council from a knowledge of and touch with the varying fortunes of the expedition circumscribed the sources, from which information might have been obtained upon the condition of the army in Mesopotamia.

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B. THE GROWTH OF REPRESENTATIVE GOVERNMENT IN BRITISH INDIA, 1858–1917

INTRODUCTORY NOTE

(a) British policy in transition, 1858–1917

The close degree of supervision exercised throughout the Indian administration down to the districts often led to friction between the centre and the subordinate governments, more especially the historically proud Residency Governments which possessed by law the valuable right of direct correspondence with the Secretary of State. The Government of India frequently sought the extinction of this privilege, but the London Government would not agree, well aware as Sir Charles Wood had indicated that it was impossible to administer India satisfactorily from the centre on uniform lines.

The shock of the Mutiny impelled both the London and Calcutta Governments to consider how to avoid any repetition. Syed Ahmed Khan, a loyal Muslim officer of Government, urged that closer touch with Indian opinion could be maintained by nominating non-official representatives to the Governor General's Council. This was done in 1861, with the important proviso that these members were to join the Council only for the purpose of legislation. Discussion and criticism of the policy of the executive, even the right to ask questions, were forbidden. In this Canning, the Governor General, was probably respecting the precedent not of parliamentary practice but of the Indian *darbar* or audience.

As British ideas on education and political policy increasingly took hold of their minds, Indians began to assume that the lines of political advance already marked out in Britain would automatically be followed in India. Not until towards the turn of the century were the various important implications of this assumption fully considered or understood either in England or India. A mere advisory function in the person of Government nominees was soon considered by politically minded Indians to be inadequate, and pressure was applied by them for further advance. The British response took two main forms. On the one hand, as brilliantly set out by James Fitzjames Stephen, it was urged that British government in India rested on conquest not consent, that it represented a belligerent civilization engaged in the delicate task of educating a vast, ignorant society and that until this process was well advanced, the political foundation on which it rested should not be touched. Meanwhile, the British administration, it was said, fully and fairly represented and protected the ignorant masses. In practical policy Curzon perfectly expressed this view. An opposed view, increasingly voiced from the

early nineteenth century onwards, argued that the British through their administrative services could never fully represent Indian society, and yet that under British rule some form of representative institutions would no doubt emerge. The outcome could not be precisely foreseen and controlled, but the course of policy should not be avoided. As a beginning, on the assumption that the central government in Britain rested on the strength and services of local government, it would be sensible to look first to the growth of local government in India as a school of political practice and education.

Starting with the view that indigenous agencies and group interests should form the fulcrum for advance, the Government soon discovered that Indian local agencies were too weak to take the strain and, despite itself, was driven to establish urban councils and local boards after the British pattern, and in many instances to introduce the representative principle and direct election. Lacking glamour and excitement, the task of local government attracted few able Indians, and in any event the local officers of government found it difficult at one and the same time to maintain the required standards of efficiency and to devolve their responsibilities. In 1915 the central government was still struggling to make this policy effective.

Reformist and politically minded Indians meanwhile sought a more attractive and, as it seemed to them, effective medium by fostering a national conference or congress. Simultaneously in 1892 the Government of India enlarged the scope of its existing policy by increasing the representation of Indians on the Central and Provincial Legislative Councils and by permitting discussion of the budget and the asking of questions. A simple projection of the policy of 1861 was envisaged, for nationalist agitation had not yet persuaded Government that more than 'a consultative, critical, suggestive power' should be yielded to Indians. The genuine perplexity of Government on the right course of policy was indicated by an outward appearance of increasing inflexibility associated with an inward contradiction in that its policies towards the Press, and the admission of Indians to high civil and military employment and towards representative government not only ran at cross purposes with each other but also contrary to British political tradition and to its fundamental educational policy in India.

British attempts to meet the continuous growth of Indian political agitation and to check the outburst of revolutionary extremism in Bengal were finally seen both by British and Indians in the period of the First World War to have led into a political blind alley. Assuming that the British Government could continue effectively to represent the Indian masses Morley and Minto had maintained an official majority in the central legislature. Extremism was checked, but Morley publicly admitted that he could not see the political way ahead.

(b) The rise of the middle class and the beginnings of political agitation, 1858–1917

Even after the suppression of the Mutiny traditional elements in India persisted in attempts to undermine British rule. The Muslim found fewer compensations than the Hindu in the British *raj*, and in the 1870's a Wahabi conspiracy with ramifications

throughout Bengal was uncovered. Vigorous Government counter-action and the Mayo reforms, which gave Urdu, Persian, and Arabic a larger place in education and provided scholarships for Muslims, brought this phase to a close. On the Hindu side similar movements were suppressed at Poona and in the Deccan.

Indian agitation for reform and political progress emerged among the rising middle class and for many years took a loyal and constitutional form. British officials and non-officials played a considerable part in these early developments. In these agitations, especially on the repeal of the Vernacular Press Act and on the proposed Ilbert Bill, the middle class first began to realize its countrywide relevance and strength. The profound effect of European rule on India was not merely to be seen in the excited condition of the native mind but also in the religious questioning that had begun throughout Indian society, both Hindu and Muslim.

(c) The rise of the Indian National Congress, 1858–1917

Down to 1947 the Congress passed through several distinctive, main phases of growth. From 1885 to 1907 it followed a loyal and constitutional policy of seeking a gradual, progressive increase in representative government in India. In the early years of the twentieth century, after hesitating over the advisability of adopting a revolutionary policy, it reaffirmed its aims and methods. However, from this period the extremist minority began to constitute an important element. Congress grew as a largely Hindu, high-caste, middle-class gathering drawn from the principal cities. Muslim membership, even in these early years, averaged less than 15 per cent. of the total.

(d) The Muslim problem and the formation of the All-India Muslim League, 1858–1917

Ideas of Muslim separation were fostered by historical, cultural, religious, and economic factors. Deliberate attempts by Muslim leaders and the British Government to provide for Muslim education met with the resistance of a traditional, self-sufficient way of life and culture. Muslim doubts about the advantages from their point of view of the growth of representative and responsible institutions in India were well put and long sustained by Syed Ahmed Khan. The feeling that Congress in the form of a largely Hindu and middle-class body did not and could not represent Muslims, whose strength lay rather among the land-owning groups and peasantry, was increased by Tilak's extremist and anti-Muslim propaganda. In 1906 the League was formed to represent these Muslim views and fears. The Morley–Minto acceptance in 1909 of separate Muslim electorates, in which the elections to seats reserved for them would be made by Muslims alone, was a recognition of the importance of the community and of their claims.

During the First World War the League and Congress, perhaps drawn closer together by the British attack on Turkey, agreed on the twin objectives of parliamentary government and dominion status for India.

(*a*) British policy in transition, 1858–1917

1

SYED AHMED KHAN ON THE NON-ADMISSION OF INDIANS TO THE LEGISLATIVE COUNCIL,[1] 1858

. . . . . .

THE evils which resulted to India from the non-admission of natives into the Legislative Council of India were various. Government could never know the inadvisability of the laws and regulations which it passed. It could never hear as it ought to have heard the voice of the people on such a subject. The people had no means of protesting against what they might feel to be a foolish measure, or of giving public expression to their own wishes. But the greatest mischief lay in this that the people misunderstood the views and the intentions of Government. They misapprehended every act, and whatever law was passed was misconstrued by men who had no share in the framing of it, and hence no means of judging of its spirit. At length the Hindustanees fell into the habit of thinking that all the laws were passed with a view to degrade and ruin them, and to deprive them and their fellows of their religion. Such acts as were repugnant to native customs and character, whether in themselves good or bad, increased this suspicion. At last came the time when all men looked upon the English Government as slow poison, a rope of sand, a treacherous flame of fire. They learned to think that if today they escaped from the hands of Government, tomorrow they would fall into them; or that even if they escaped on the morrow, the third day would see their ruin. There was no man to reason with them, no one to point out to them the absurdity of such ideas. . . .

. . . . . .

I do not wish to enter here into the question as to how the ignorant and uneducated natives of Hindustan could be allowed a share in the deliberations of the Legislative Council, or as to how they should be selected to form an assembly like the English Parliament. These are knotty points. All I wish to prove here is that such a step is not only advisable, but absolutely necessary, and that the disturbances are due to the neglect of such a measure.

This mistake of the Government then made itself felt in every matter connected with Hindustan. All causes of rebellion, however various, can be traced to this one. . . .

[1] Syed Ahmed Khan, *The Causes of the Indian Revolt* (English translation), 1873, pp. 13–15.

2

SIR CHARLES WOOD TO LORD CANNING,[1] 7 NOVEMBER 1859

I have received your letter of Sept. 30. I have not explained myself clearly as to the council. It seemed to me that if greater power were given to individuals they ought to be of a high description and that if they were merely secretaries they might hardly be of calibre enough to carry weight with them. I put the President of the United States with his Cabinet as the model. Your cabinet ministers ought to be men of such position, I do not mean from mere service and age, as to keep your Lt. Governors or Chief Commissioners in order. They ought to be the best men to be had from every part of the country. I think that you have got a better council with Frere, Wilson & Outram in it than usual. The former is of calibre enough to act off his own bat when you are away. I do not mean that councillors, who are in the first place councillors, should take departments which they do not work themselves, but that you should put at the head of departments the very best men in India and use them as cabinet ministers making a cabinet council of them. I think the question of saving in the amount of their salaries of very minor importance.

That question may be dealt with in the general question of salaries. I entirely agree in your words 'primarily and essentially a head of a department' but I would have the heads of your departments the best men in all India. They ought to come from every part of the country. I should expect Frere to take a department and not to meddle in other matters than his own unless he was asked. In general the Head of the department and the G.G. ought to settle everything. I have no notion of leaving the 'full status' of Councillor as at present. . . .

3

GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[2] 9 DECEMBER 1859

5. I think it is to be regretted that the Legislative Council was, on its first creation, invested with forms and modes of procedure so closely imitating those of Parliament.

It can scarcely be contended that the 136 standing orders by which the proceedings of the Council are ruled are necessary for the guidance of an assembly so small in number, and composed as this Council is composed. Observances which are indispensable to securing order and opportunities of complete discussion in a House of 656 Members, free to come and go at their pleasure, are not needed in a Chamber of 12, nearly all of whom must be always at their posts. They have a tendency to delay business, which in a body so limited as the Legislative Council, would be better conducted by following in the main the simpler forms of a Select

[1] Wood Papers, India Office Library, vol. 1, pp. 218–22. Private letter.

[2] *Parl. Papers*, vol. 43 (1861), No. 307. Official despatch.

Committee of Parliament, or of a Royal Commission. These forms would equally admit of oral discussion. Dissentient opinions would be recorded as easily as now, and more clearly than by speeches. . . .

6. Moreover, I am of opinion that the application of so much Parliamentary form to the proceedings of the Council has not only been of no advantage in the conduct of business, but has placed the Legislative Council in a false position. More is expected from it in the way of debate and exposition than is ordinarily possible in so small a number of members, most of whom are in constant official communication with each other. . . .

20. . . . I propose that the Legislative Council in Calcutta, presided over by the Governor General, which would legislate on all matters of Imperial and general policy, as well as on local matters relating to Bengal and to the Provinces, under the direct supervision of the Governor General in Council, should consist of,—the Governor General, the Commander in Chief, the four ordinary members of the Governor General's Council, the Chief Justice, the Lieutenant Governor of Bengal, the Advocate General, a Judge of the Sudder Court, an officer of the army staff at the Presidency, a representative member from the North Western Provinces, three members not connected with the Government—making 15 members in all.

25. The Legislative Councils for Madras and Bombay would, I think, be advantageously composed as follows:—

The Governor, the Commander in Chief, the two members of the Governor's Council, the Chief Justice, the Advocate General, a Judge of the Sudder Court, three members not connected with the Government. Ten members in all.

29. All measures relating to general finance, customs, relations with foreign or native States and their subjects, the Articles of War, the Indian armies, ecclesiastical matters, emigration, substantive civil and criminal law, judicial procedure, maritime and mercantile law, foreign trade, coinage, English law as administered in the Supreme Courts, post office, weights and measures, State offences and prisoners, railways and telegraphs, patents, copyright, and the like, should be introduced into and passed by the Legislative Council of the Governor General.

All measures of local administration which would affect the finances of the country, either by increase of expenditure or by loss of revenue, should be submitted in draft for the preliminary sanction of the Governor General in Council (not of the Governor General's Legislative Council), before being laid before the local Legislative Council for discussion.

All Bills whatever, after they have been passed, should receive the signature of the Governor General before they become law, as is the case at present, but with this difference, that in the event of the Governor General withholding his signature, or, in other words, putting his veto on the Bill, it should be incumbent upon him to communicate to the local Government his reasons for so doing. Under the law as it stands, the Governor General may veto a Bill, and give no reason. . . .

4

GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[1] 15 JANUARY 1861

On the 9th of December 1859, I had the honour to lay before you my opinion of the present mode of conducting the Legislation of India. During the past year, events have occurred, and experience has been had, which make me desire to recur to the subject, and to state how far I see reason to modify that opinion.

The events referred to are, chiefly, the passing of the Income Tax Act and the Arms Act through the Legislative Council, and the discussions on these measures; the differences which arose between the Supreme Government and the Government of Madras on the first of them; the doubts which have been raised as to the validity of laws introduced into Non-Regulation Provinces without enactment by the Legislative Council; and the address of the Legislative Council for the communication to it of certain correspondence between the Secretary of State and the Supreme Government of India.

2. The discussions on the Income Tax Bill, and the differences with the Government of Madras, have strengthened my conviction that a Legislative Council should be given to each Presidency, and that the Supreme Government should have power to create and sanction Legislative Councils in all Governments administered by Lieutenant Governors and Chief Commissioners.

4. I am of opinion that it will be better that no Judges, whether of the Supreme or of the Sudder Courts, should have seats in the Legislative Councils. The rule observed in England, which excludes Judges from the House of Commons, should be followed.

I would fill the places of the Chief Justice and of the Sudder Judge, who would thus be excluded from the Councils, as formerly proposed by me with two civil officers, covenanted or uncovenanted, chosen by the Governors; but as this would give a greater preponderance to the officers of the Indian Government than is desirable, I recommend that the number of members not holding office be increased from three to five, to be chosen from amongst Europeans or Natives, as the Governor may think proper.

6. But I would not, as there proposed, make the Council sitting in Calcutta a Council for Bengal and also a Council of the Governor General. I think that Bengal and the North-Western Provinces, and the Punjab, should each have its own Legislative Council. . . .

8. Two things are essential in framing a body of advisers to the Governor General in legislative matters. One, that it should be capable of being assembled for business in other places than Calcutta; and the other, that it should so conduct its business as that the opinions and votes of natives not skilled in the English language can be taken.

9. To secure the first object, the appointment of members who are not members

[1] *Parl. Papers*, vol. 43 (1861), No. 307. Official despatch.

ex officio, should be for a short term; certainly not longer than two years, and, I think that a single year would be better. This would enable the Governor General to bring together an efficient body wherever in the plains of India he might be,—Benares, Allahabad, Agra, or even Lahore; and it would make eligible non-official persons, whether English or natives, much more disposed to lend their services than they will be if they are to be bound by duties of a longer duration.

10. The second object can be attained only by adopting for this Council forms of debate different from those which have been adopted in the present Legislative Council.

If discussion by speeches, and according to the rules of the House of Commons, be adopted, it will be hopeless to look for the co-operation of native gentlemen who cannot speak or understand a word of English, and who would have nothing to do in the Council but to sit and listen to what they could not comprehend.

In the Local Legislative Councils at Calcutta, Madras, and Bombay, with their comparatively large European communities, it is, as I have already said, advisable that these forms should continue to be followed. But at a distance from the Presidency towns, and in the Legislative Council of the Governor General, they should be avoided.

The North Western Provinces constitute a Government equal to the kingdom of Prussia in extent, and exceeding it by several millions in population. The Punjab is three times as large as Scotland, and its inhabitants are five times as numerous. But I doubt whether in the North Western Provinces there are half-a-dozen English gentlemen not connected with the Government, and who, by education, property, and their command of time, would be enabled to take any part in legislation. In the Punjab, I believe that there are none such. Under both Governments, however, there are intelligent, wealthy, and influential native gentlemen, many of them attached to our rule and having a large stake in its stability and power, although ignorant of our language and not familiar with our ways. Their participation with us in the making of laws for their Provinces would be a help to us, and acceptable to their own class and to the classes below them. To secure this we may be content to forego something of those formalities which would preclude all natives who cannot talk English fluently, and who are not accustomed to our modes of business, from taking a useful part in legislation.

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For these reasons, I recommend that in the Legislative Councils of the North Western Provinces and the Punjab, as well as in that of the Governor General, the business should be conducted as in a Committee, or Commission, and not in the form of set Parliamentary debate, and that the reports of the proceedings be made under the authority of the Government.

. . . . .

5

THE INDIAN COUNCILS ACT, 1861,[1] 1 AUGUST 1861

III. There shall be five ordinary members of the said Council of the Governor-General, three of whom shall from time to time be appointed by the Secretary of State for India in Council, with the concurrence of a majority of members present at a meeting, from among such persons as shall have been, at the time of such appointment, in the service in India of the Crown, or of the Company and the Crown, for at least ten years; and if the person so appointed shall be in the military service of the Crown he shall not, during his continuance in office as a Member of Council, hold any military command, or be employed in actual military duties, and the remaining two, one of whom shall be a barrister or a member of the Faculty of Advocates in Scotland of not less than five years standing, shall be appointed from time to time by Her Majesty by Warrant under Her Royal Sign Manual; and it shall be lawful for the Secretary of State in Council to appoint the Commander-in-Chief of Her Majesty's Forces in India to be an extraordinary member of the said Council, and such extraordinary member of Council shall have rank and precedence at the Council Board next after the Governor-General.

VIII. It shall be lawful for the Governor-General from time to time to make rules and orders for the more convenient transaction of business in the said Council; and any order made or act done in accordance with such rules and orders (except as hereafter provided respecting laws and regulations) shall be deemed to be the order or act of the Governor-General in Council.

IX. The said Council shall from time to time assemble at such place or places as shall be appointed by the Governor-General in Council within the territories of India; and as often as the said Council shall assemble within either of the Presidencies of Fort Saint George or Bombay, the Governor of such Presidency shall act as an extraordinary member of Council; and as often as the said Council shall assemble within any other division, province, or territory having a Lieutenant-Governor, such Lieutenant-Governor shall act as an additional councillor at meetings of the Council, for the purpose of making laws and regulations only, in manner hereinafter provided.

X. For the better exercise of the power of making laws and regulations vested in the Governor-General in Council, the Governor-General shall nominate, in addition to the ordinary and extraordinary members above mentioned, and to such Lieutenant-Governor in the case aforesaid, such persons, not less than six nor more than twelve in number, as to him may seem expedient, to be members of Council for the purpose of making laws and regulations only, and such persons shall not be entitled to sit or vote at any meeting of Council, except at meetings held for such purpose: Provided that not less than one half of the persons so nominated shall be non-official persons, that is, persons who, at the date of such nomination, shall not

[1] 24 and 25 Vict., c. 67.

be in the civil or military service of the Crown in India, and that the seat in Council of any non-official member accepting office under the Crown in India shall be vacated on such acceptance.

XI. Every additional member of Council so nominated shall be summoned to all meetings held for the purpose of making laws and regulations, for the term of two years from the date of such nomination.

XIX. No business shall be transacted at any meeting for the purpose of making laws and regulations, except as last hereinbefore provided, other than the consideration and enactment of measures introduced into the Council for the purpose of such enactment; and it shall not be lawful for any member or additional member to make or for the Council to entertain any motion, unless such motion be for leave to introduce some measure as aforesaid into Council, or have reference to some measure actually introduced thereinto: Provided always, that it shall not be lawful for any member or additional member to introduce, without the previous sanction of the Governor-General, any measure affecting,—

1st. The Public Debt or Public Revenues of India, or by which any charge would be imposed on such Revenues:

2nd. The religion or religious rites and usages of any class of Her Majesty's subjects in India:

3rd. The discipline or maintenance of any part of Her Majesty's Military or Naval Forces:

4th. The relations of the Government with foreign Princes or States.

XX. When any law or regulation has been made by the Council at a meeting for the purpose of making laws and regulations as aforesaid, it shall be lawful for the Governor-General, whether he shall or shall not have been present in Council at the making thereof, to declare that he assents to the same, or that he withholds his assent from the same, or that he reserves the same for the signification of the pleasure of Her Majesty thereon; and no such law or regulation shall have validity until the Governor-General shall have declared his assent to the same, or until (in the case of a law or regulation so reserved as aforesaid) Her Majesty shall have signified her assent to the same to the Governor-General, through the Secretary of State for India in Council, and such assent shall have been duly proclaimed by the said Governor-General.

XXI. Whenever any such law or regulation has been assented to by the Governor-General, he shall transmit to the Secretary of State for India an authentic copy thereof; and it shall be lawful for Her Majesty to signify, through the Secretary of State for India in Council, her disallowance of such law; and such disallowance shall make void and annul such law from or after the day on which the Governor-General shall make known, by proclamation or by signification to his Council, that he has received the notification of such disallowance by Her Majesty.

XXIII. Notwithstanding anything in this Act contained, it shall be lawful for the Governor-General, in cases of emergency, to make and promulgate from time to time ordinances for the peace and good government of the said territories or of

any part thereof, subject however to the restrictions contained in the last preceding section; and every such ordinance shall have like force of law with a law or regulation made by the Governor-General in Council, as by this Act provided, for the space of not more than six months from its promulgation, unless the disallowance of such ordinance by Her Majesty shall be earlier signified to the Governor-General by the Secretary of State for India in Council, or unless such ordinance shall be controlled or superseded by some law or regulation made by the Governor-General in Council at a meeting for the purpose of making laws and regulations as by this Act provided.

XXIX. For the better exercise of the power of making laws and regulations hereinafter vested in the Governors of the said Presidencies in Council respectively, each of the said Governors shall, in addition to the members whereof his Council now by law consists, or may consist, termed herein ordinary members, nominate to be additional members the Advocate-General of the Presidency, or officer acting in that capacity, and such other persons, not less than four nor more than eight in number, as to him may seem expedient, to be members of Council, for the purpose of making laws and regulations only, and such members shall not be entitled to sit or vote at any meeting of Council, except at meetings held for such purpose; provided that not less than half of the persons so nominated shall be non-official persons, as hereinbefore described, and that the seat in Council of any non-official member accepting office under the Crown in India shall be vacated on such acceptance.

XXX. Every additional member of Council so nominated shall be summoned to all meetings held for the purpose of making laws and regulations for the term of two years from the date of such nomination.

XXXIII. No law or regulation made by any such Governor in Council in accordance with the provision of this Act shall be deemed invalid by reason only that the proportion of non-official additional members hereby established was not complete at the date of its introduction to the Council or its enactment.

XXXIX. When any law or regulation has been made by any such Council at a meeting for the purpose of making laws and regulations as aforesaid, it shall be lawful for the Governor, whether he shall or shall not have been present in Council at such meeting, to declare that he assents to, or withholds his assent from, the same.

XL. . . . no such law or regulation shall have validity until the Governor-General shall have assented thereto, and such assent shall have been signified by him to and published by the Governor: . . .

XLI. Whenever any such law or regulation shall have been assented to by the Governor-General, he shall transmit to the Secretary of State for India an authentic copy thereof; and it shall be lawful for Her Majesty to signify, through the Secretary of State for India in Council, her disallowance of such law or regulation. . . .

XLIV. The Governor-General in Council, so soon as it shall appear to him expedient, shall, by proclamation, extend the provisions of this Act touching the

making of laws and regulations for the peace and good government of the Presidencies of Fort Saint George and Bombay to the Bengal Division of the Presidency of Fort William, and shall specify in such proclamation the period at which such provisions shall take effect, and the number of councillors whom the Lieutenant-Governor of the said division may nominate for his assistance in making laws and regulations; and it shall be further lawful for the Governor-General in Council, from time to time and in his discretion, by similar proclamation, to extend the same provisions to the territories known as the North-Western Provinces and the Punjab respectively.

XLV. Whenever such proclamation as aforesaid shall have been issued regarding the said division or territories respectively, the Lieutenant-Governor thereof shall nominate, for his assistance in making laws and regulations, such number of councillors as shall be in such proclamation specified; provided that not less than one-third of such councillors shall in every case be non-official persons, as hereinbefore described, and that the nomination of such councillors shall be subject to the sanction of the Governor-General; . . .

6

SECRETARY OF STATE ON THE INDIAN COUNCILS ACT,[1] 9 AUGUST 1861

13. The Imperial Legislature has by this Act provided, for the first time, for the admission of Europeans independent of the Government and of Natives of India to take part in the important work of legislating for India. I have no doubt this measure will be hailed with satisfaction throughout the country. I entertain as little doubt that your Lordship will be able to fill up these appointments with persons in every way qualified to give the Government important and valuable assistance in matters that may come before it, and I anticipate that the introduction of intelligent Native gentlemen into the Council will bring to its deliberations a knowledge of the wishes and feelings of the Native population, which cannot fail to improve the laws passed by the Council by adapting them to the wants of the great mass of the population of India.

14. I am quite aware that there cannot but be considerable difficulty in assembling, at any one place, official and non-official persons from distant parts of India, who may bring to the Council of the Governor General the advantage of their knowledge of different parts of the country. The grant of legislative powers to Councils in other parts of India renders it less necessary to have such persons present in your Lordship's Council, where, at present, the whole legislation of India is concentrated; but, nevertheless, I think it most desirable that servants of the Government in the other Presidencies, and from the North-West and the Punjab, should be summonded to a body which is to legislate on matters affecting the whole of India; and I shall be glad to find that influential Native gentlemen from

[1] Judicial and Legislative Despatches to India, 4 (1861), Legislative No. 14. India Office Library.

distant places have, even at some personal inconvenience to themselves, responded to the call of the head of the Government to take their places in the Council when legislating for the peace and good government of their country.

15. To enable your Lordship the more readily to avail yourself of the services of such persons as occasion may require, as well as to obviate the necessity for issuing fresh summonses simultaneously for the whole number of additional Councillors on the expiration of the term of service of those first appointed, which the immediate nomination of the entire number will impose, I think it expedient that your Lordships should not summon at once the maximum number of members allowed by the Act, but appointing part of them at first, should leave the remaining number to be nominated at such times, and on such occasions, as your Lordship may think proper.

16. It will be the duty of your Lordship in Council to make, in the first instance, subject to subsequent alteration at meetings for the purpose of making laws and regulations, the rules for the conduct of business at such meetings. The experience of the past has shown, as it appears to me, that an error was committed in adopting numerous rules under the name of 'Standing Orders', and thereby imparting to the proceedings of the Council a much more formal character than was contemplated by the Act of 1853. The rules of procedure at meetings for making laws and regulations should be few and simple, and the business should be conducted, agreeably to your Lordship's suggestions, much in the same way as in a committee or a commission. This is the more indispensable in the Council of the Governor General, as well as in those of the North-West and the Punjab, where Native gentlemen unacquainted with the English language may not improbably be present, and who will be prevented from taking their part in the business of the Council, unless some such arrangement be made.

19. I think it of the highest importance that correct reports of the proceedings of the several Councils, under the authority of the Council itself, should be sent forth to the public, and I request that you will take into your consideration measures for ensuring this very desirable object.

21. I entertain a decided opinion that the Councils should not sit permanently for the purpose of making laws and regulations, but should be called together by summons from the head of the Government when projects of law, prepared by the proper officers under the supervision of the executive Government, are ready for discussion. It is probable that, by adopting this course, Bills will come before the Council better prepared than when hurriedly framed for a Council in session, and will be better considered by the Council when brought before them, and thus much unnecessary legislation will be avoided, and much public time saved. The adoption of this plan, moreover, will be necessary to secure for you the services of Native gentlemen at a distance, and of those persons whose time, like that of the members of the mercantile communities of the Presidency towns, is much occupied with their own private engagements.

23. The additional Councillors provided for by the Act are to be called in to

assist the Council of the Governor General in matters of legislation. Members of the Council will, of course, exercise their independent judgment in regard to matters brought before them, but the Council at its meetings for making laws and regulations is not to be a body separate and distinct from the Council of the Governor General. Petitions relating to legislative matters should be addressed to the Governor General, or Governor, or Lieutenant Governor in Council, as the case may be; and, in recording its proceedings, each Council should be designated according to the form followed in the Act, and no other.

32. There is nothing in the terms of the section [s. 43], or in any other part of the Act, which takes away from the Council of the Governor General the power of legislation in regard to all matters whatsoever connected with any part of Her Majesty's dominions in India, and it is possible that there may be other subjects than those enumerated which may be considered as properly coming within the cognizance of the highest legislative authority. The division of legislative measures into two classes will not be difficult, and, as a general rule, the supreme legislature should as little interfere with matters of local administration, as a local legislature should be permitted to interfere with those matters of general administration which are reserved to be dealt with by the Council of the Governor General.

34. I gather from communications already received, that your Lordship will deem it expedient to give effect without delay to the provisions of the Act in Bengal, the North-West Provinces, and the Punjab. Her Majesty's Government are of opinion that, as regards the Bengal Division of the Presidency of Fort William, the change should be introduced with as little delay as possible; and I leave it to your Lordship to determine at what time you will take the same course as regards the North-West Provinces and the Punjab.

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7

SIR CHARLES WOOD TO SIR BARTLE FRERE,[1] 18 AUGUST 1861

The Councils Act, which really alters the constitution of the Government of India, is by far the most important of the measures which I have introduced. It is framed upon Lord Canning's despatches, & will I hope meet your views & answer your expectations. It is undeniable that it is a great experiment, & I can only hope for its working well. That everything is changing in India is obvious enough, & that the old autocratic government cannot stand unmodified is indisputable. But I confess I cannot look forward without some apprehension to the phase which obviously the English population look forward to, & which your letter indicates, namely something approaching to Colonial self-govt. I am as much as anybody can be for the self govt of a colony of British settlers. They can manage their own affairs, &, if they mis-govern themselves, they suffer & will learn to mend their

[1] Wood Papers, India Office Library, vol. 8, pp. 220–4. Frere was a member of the Supreme Council 1859–62, and Governor of Bombay, 1862–7. Private letter.

ways—but such a form of govt seems to me singularly unsuited to India. The worst of all govts is a popular govt of one race over another. It is notorious that the treatment of slaves is best in despotism; worst in free countries. The Spanish code is by far the most humane, the American the worst, in the world. You know that, in the mutiny, the Gov. Genl. was unpopular with the English, because he would not go their lengths against the Natives; & I have heard of language being held at Calcutta, which would have shocked an American slave driver. Do you think a jury of Indigo planters would convict a planter, or acquit a ryot or how would they legislate for matters pending between them?

The governments & assemblies of our Slave Colonies were always going wrong; & the owners of property in Jamaica who lived in England could not control their agents living in the Colony. Now there was no danger of a slave insurrection, but can anybody say that there is no danger in India from partial legislation or administration. I do not care to what extent Englishmen in Calcutta legislate for Calcutta or for themselves anywhere—but I do not think them very fit to legislate for other people, whom they despise or hate, or whose interests are totally different from their own. Self-Govt is very good, if the people who are to be so governed, are the people who govern; but self-government is a mockery, if 9/10ths of the people to be governed have not & cannot have anything *really* to do with the govt. In India the Govt is really the protector of the Natives, & their representative if you will consider the govt *representative*, &, if the govt has 9/10 of the members of the assembly, it might do, but I am by no means comfortable at the prospect of English settlers legislating for Indian dependents. I would willingly leave their interests in the hands of the Indian govts—& I very seldom agree in the doctrine so often put forward in the House of Commons that the Indian Govt. have behaved ill to Indian Princes & Chiefs. They may have done so according to the habits & usages of Europe but that is no test of what is right or expedient (at least) in India, but I suspect that the control of the Home Govt & its support to the Govt in India will become more necessary as the popular element gains strength.

The future Govt of India is a problem of the most serious import, utterly unexampled in history, & one of which it seems to me very difficult to foresee the progress.

8

SIR CHARLES WOOD TO LORD ELGIN,[1] 19 MAY 1862

As for your prorogation and adjournment—it is much of a muchness—you cannot do either the one or the other to what you call your 'legislative council'. You have no *Secret* Council. You have a Council which occasionally make laws, & when it makes laws, certain other people sit with your ordinary Councillors. But your Council is one and the same Council—& we took very great pains

[1] Wood Papers, India Office Library, vol. 10, pp. 270–4. Private letter. Elgin was Viceroy from 12 March 1862 to his death on 20 November 1863.

throughout the Act to avoid any word, which could favor the notion of the separate existence of a legislative Council. It had been improperly so constituted by Dalhousie, & we took great pains to undo his mistake. The new rules are very good, except in their notion of a *Session.* A Session of what? Not of a legislative Council, for there is no such body—not of the Govr. Genl's Council, for it is never out of Session.

There may be a cessation of legislative work, i.e. the Govr. Genl's Council may say—'We will confine ourselves to executive business for the next 3 weeks or 3 months or 9 months, & therefore we shall not need the attendance of the extraordinary Members'—but that is not a formal prorogation or adjournment of the Govr. Genl's Council.

The practical effect is the same, but the one form necessarily implies a legislative Council having a sort of separate existence, whereas the other does not. I need not tell you how much significance there sometimes is in form.

I put it to Canning, who could have said (as you might) 'Now we'll adjourn'—but he understood the difference, when I put it to him.

If not too late for this season, pray don't adjourn or prorogue. We shall send you a Despatch about it, suggesting an alteration of the standing rules. It would have gone long ago, but we thought it could not be in time for this year.

The Privy Council never adjourns—it meets from time to time—its Judicial Comm^ee^ meet & adjourn, but that is not the Council. The P.C. meets when summoned either for one purpose or the other, & it may *adjourn* the *consideration of any subject* for a time. So your Council might adjourn the debate on a bill.

I hope I have made the difference clear to you, but indeed I thought I had done so before.

9

SIR CHARLES WOOD TO LORD ELGIN,[1] 18 APRIL 1863

. . . You did not understand, I conclude, that I agreed in all the views of the Governments of Bombay and Madras. I only wished you to see that, whilst you were of opinion that the Central Government had too little control, and interfered too little with the Local governments, they, on the contrary, thought that the very reverse was nearer the truth. Generally speaking, the control over the Local governments should be financial and political, and *now* legislative. Take the Public Works: I don't think that the Bengal Engineer is the person to criticise the details and plans of the Madras Engineer for his works. Of course, as you are to make an assignment of money, you must exercise a general control. They are not to commence any large work without your sanction, for the simple reason that you have to assign the funds; and you must exercise a *very general* supervision of the works, —i.e. you must see that they do not send in a *totally* inadequate estimate, so as to lead you into unexpected expenditure. Politically, your control is complete; and

[1] Wood Papers, India Office Library, vol. 12, pp. 210–12. Private letter.

you have exercised very properly your legislative veto on several Bills. This is my general doctrine; and it will, I think, afford an answer to Denison's observations on public works. It is, as it seems to me, impossible to draw a line so sharply, from hence, as will obviate any dispute or difference; but, if you start from the principle that your control is not in engineering science, but financial, and that it is to interfere with the former no further than is requisite for *general* financial control, you will, I think, have a key which will solve most questions of the kind. Suppose he sends in estimates for £300.000, and you can only allow £200.000, I think you may allow him to spend £200.000 on such works as he chooses,—supposing that they can be completed for the sum named.—But, supposing that part of the proposed expenditure is for works which would require further expenditure in another year, then you ought to exercise a discretion. If two works are in hand, he ought to say to which of them he would devote the sum which you allowed.—I put these cases as illustrations of what I mean; and hope that they will convey to you the sort of control which I consider it to be the function of the Central Government to exercise in such matters.

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10

THE GOVERNMENT OF INDIA'S RESOLUTION OF 31 AUGUST 1864 ON THE MUNICIPALITIES[1]

. . . Neither the Central Government nor the Local Governments are capable of providing either the funds or the executive agency for making the improvements of various kinds, in all the cities and towns of India, which are demanded by the rapidly developing wealth of the country. The imperial revenue barely suffices for the increasing demands upon it for objects of general interest; and the practical alternative is a large addition to imperial taxation, in order to meet the wants of the town populations under a centralised system, or a transfer both of the duty and the charge to those populations. Not only will the local requirements be more promptly and fully provided for under the municipal system than they could be by any Government agency, but, when the people see that they have the management of their own affairs in their own hands, they will feel confidence to do things which they would not have accepted from the Government. The appointment of Wardens by popular election in the south of India has already introduced a new feeling of liberality into the administration of the religious endowments. Where the field is open, the more advanced members of the community naturally take the lead.

The people of this country are perfectly capable of administering their own local affairs. The municipal feeling is deeply rooted in them. The village communities, each of which is a little republic, are the most abiding of Indian institutions. They maintained the frame-work of society while successive swarms of invaders swept over the country. In the cities, also, the people cluster in their wards, trade guilds,

[1] *The Gazette of India Extraordinary*, 14 September 1864, pp. 12–13.

and panchayats, and show much capacity for corporate action. In making the more important improvements, they will have the aid of many intelligent Europeans who are settled at the principal places of trade in the interior.

If an improved municipal administration were not required for Police, it would soon be wanted as a basis for the more enlarged and effectual measures of conservancy called for by the present state of public opinion. The Government is totally incapable of furnishing either the funds or the executive agency necessary for such purposes in all the cities and towns throughout the wide realm of British India.

Holding the position we do in India, every view of duty and policy should induce us to leave as much as possible of the business of the country to be done by the people, by means of funds raised by themselves, and to confine ourselves to doing those things which must be done by the Government, and to influencing and directing, in a general way, all the movements of the social machine.

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11

E. C. BAYLEY'S NOTE ON RELATIONS BETWEEN THE GOVERNMENT OF INDIA AND PROVINCIAL GOVERNMENTS,[1] 8 DECEMBER 1867

The entire business of the Government of India, in the Home Department, may be divided into three portions:

The first of these is the administration of those Provinces of India which are directly under the Governor General in Council, and in which the Government of India is both legally and, in fact, the Local Government.

As regards the purposes of the present Note, this part of the subject may be passed by, with the remark that it only affects the relations of the Government of India and the Local Governments of the two Presidencies, and the three Lieutenant-Governorships, in so far that occasionally questions of general importance come under discussion, and general rulings are made which are communicated for guidance generally to all Governments and Administrations.

The second division of the work of the Government of India is also one in which the initiation of all executive measures rests with the Governor General in Council: it is the administration of the great Imperial Departments. Most of these, as the General Post Office and the Indian Telegraph, are entirely in the hands of the Government of India, so also are the Trigonometrical, the Topographical and Geological Surveys. The Marine Department is, as regards certain local portions, under the Bengal Government, and, as to another, under the Bombay Government.

All these Departments have, until very lately, been administered by the Government of India in the *Home Department.*

There are many obvious considerations, arising mainly from the absolute necessity for uniformity in the operations of these Departments, or from political

[1] *India Public Proceedings*, vol. 8, December 1867, No. 60. Bayley was I.C.S. Home Secretary, Government of India from 1862 to 1872 and Supreme Councillor 1873–8.

reasons, which render it expedient that their operations, though extending all over India, should remain immediately under one authority, which is, under such circumstances, naturally that of the Government of India.

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But by far the most important division of the relations of the Government of India and the Local Governments, is the third, arising out of the general supervision and control exercised over the latter.

This supervision is based on many considerations, and is exercised in various ways.

It may, perhaps, be conveniently considered under three main heads, that is to say,—

I.—Cases in which the sanction of the Government of India, or of the Governor General, is required by some law, either an Act of Parliament, or an Act of the Indian Legislature.

II.—Cases in which the sanction of the Government of India is required to increase expenditure.

III.—Cases involving a general principle or precedent, or which are likely to rise into Imperial importance, or to create a grave public scandal, or in which an illegality has been committed, or (in the Bengal Presidency) which refer to the distribution and management of the Covenanted Civil Service, or in which appeals have been preferred by individuals from the orders of Local Governments (not of Madras and Bombay) . . .

Practically, however, almost the only interference of any importance which is ever exercised under this head, is as regards legislation. This interference is exercised at two stages,—one, in which the previous sanction of the Governor General is required to enable the Local Government to propose legislation with regard to specific subjects; and secondly, when Bills are submitted for the final assent of the Governor General.

As regards the first, Bills are rarely submitted for previous sanction, unless they contain penal clauses. Strictly speaking the submission of such Bills is only required by law when they alter the Indian Penal Code, but as a matter of fact, it is very difficult to say beforehand what will be the effect of a penal clause in this respect, and, therefore, the Secretary of State has desired that all Bills containing any penal clauses shall be submitted for previous sanction.

The interference of the Governor General at this stage is not necessarily confined to the points referred for his sanction; other portions which would affect the ultimate sanction to be given by the Governor General are occasionally noticed, and sometimes points suggested which seem to require consideration in connection with the subject-matter of the Bill.

The second stage in which interference is exercised by the Governor General is, when Bills are submitted to him for final sanction.

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It may be observed, however, that the Governor General has, in some cases, assented to Bills under reservation. Thus, the Bombay Municipal Act was criticised on some points, and the Governor General's assent avowedly given to it only as an experimental measure. The Madras Bank Act of 1866 was assented to only on condition that a power to deal in Bills of Exchange out of India should be exercised, subject to the executive control of the Government of India. And very recently the Madras Municipality Bill was assented to only on condition that certain powers of taxation, which were objectionable on many grounds, should remain practically in abeyance.

... It will be observed that, in the majority of cases, the necessity for interference has arisen from technical reasons. This was still more the case before 1864. The exact scope of the Indian Councils' Act was not on its first enactment very well understood by the Local Councils, and some rather curious points also arose out of the High Courts' Act, and the restriction imposed on the Local Councils as to interfering with the jurisdictions of these Courts.

The second head under which the Government of India exercises its control over the Local Governments, is as respects those proposals which involve increased expenditure.

This is by far the most important class of cases, and is that which brings the action of the Local Governments by far the most frequently under the scrutiny of the Government of India.

It is true that, so far as the decision of questions on purely financial grounds is in question, this rests wholly with the Financial Department. But the relative claims of various proposals for additional expenditure must be decided, so much for administrative reasons, that all proposals of such a nature are first considered in the Department of the Government of India to which the subject-matter of the proposal belongs.

Thus, for example, all proposals for additional expenditure on Educational or Police objects, are primarily considered in the Home Department, and are only referred to the Financial Department if allowed or supported for administrative reasons in the former Department.

But such proposals are necessarily examined in the Administrative Departments on other than purely financial grounds. Some, perhaps, violate general rules and principles laid down by the Secretary of State and the Government of India, on grounds of general policy. Some are illegal: in fact, cases are found to be objectionable in all the general considerations which warrant the interposition of the Government of India, and the interference exercised may be said often rather to belong to the general control exercised by the Government of India, under the third class of cases, than to be used in virtue of its power of regulating the Imperial finances.

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As to the third class of cases, it may be said that it is in practice comparatively very small.

Sometimes cases of this class arise on direct references from Local Governments raising questions of general policy, particularly where rules laid down by the Secretary of State, or the Government of India, appear unsuited to local circumstances, or seem to have become obsolete, or otherwise to need modification. On other occasions, the Government of India notices matters which seem to call for explanation, or for criticism in the monthly Proceedings submitted by the Local Governments. . . .

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The total number of references made by the five Local Governments during the first half of 1867 was 1,611: the percentage, therefore, of cases in which interference was exercised in the Home Department, was as nearly as possible 1·8.

It will probably be considered that this is not an excessive proportion, if it be intended that the Government of India should maintain any real control over Local Governments.

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So far as my individual experience enables me to speak—and it now extends over six years of connection with the Government of India—I can say that the policy of the Government of India has generally been to extend the utmost possible liberty to the Local Governments.

When interference has been exercised, it has been almost invariably in order to secure moderation and economy of expenditure, and to balance fairly the competing claims of different Provinces. More rarely it has been used to insist on the maintenance of settled principles of general policy, or to convey to some Local Government the results of experience gained in other Provinces.

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12

GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[1] 7 SEPTEMBER 1871

5. . . . We need scarcely say that the question of limiting, or rather properly regulating, the powers possessed by the Governments of Madras and Bombay of corresponding direct with the Secretary of State, is quite distinct from the question of the powers to be exercised by those Governments in their own administrations. But, whatever administrative powers may be possessed by them, or may hereafter be conferred on them, there is nevertheless, we think, an obvious propriety in all correspondence on such important questions as those referred to in paragraphs 6 to 9 of our letter of the 6th August 1870, which affect principles of far wider application than the Madras and Bombay Presidencies, being conducted through the Government of India. If a scheme of correspondence were now for the first time

[1] India Public Letters, vol. 15 (1871), No. 91. Official despatch. India Office Library.

to be devised, we think no one will pretend that a proposal to establish such a system as at present exists would for a moment be listened to. The only argument in its favour seems to us to be its antiquity. It originated in days when all means of rapid communication were unknown, and when, moreover, in consequence of the want of such communications, the interests of the minor Governments were much more dissociated from imperial considerations than they are now, or will ever be again. The Madras Government, in our opinion, very correctly shows that the Local Governments gain nothing by the present practice, but, on the contrary, lose much by the impatience of control which it tends to foster; that it adds nothing to their real dignity; that, in short, there is no reason for its continuance, except on the supposition that it gives the Local Governments a certain independence of the Supreme Government in matters on which the Supreme Government ought to be consulted, and so far works mischief.

6. The arguments for a change, as respects the departments of Government concerned with ordinary matters of internal administration, appear to be infinitely stronger as regards foreign affairs. These are essentially of imperial interest, and often give rise to questions that may involve Government in war or in difficult complications. The present practice of direct correspondence with the Secretary of State has on more than one occasion led to much inconvenience and loss.

7. In further illustration of this point we may mention that in 1856 the Bombay Government negotiated treaties with the Arab Chiefs of the Persian Gulf in direct correspondence with the Court of Directors. The matter was not reported to the Government of India, which knew nothing about it until enquiry was made: in consequence of some correspondence a few months ago, regarding the cost of maintaining some slaves rescued under these treaties. Thus, for fifteen years important treaties with foreign powers remained absolutely unknown to the Government of India. Recently, too, the Bombay Government concluded an engagement with the Edur State for the exchange of territory, of which the Government of India was not aware until the arrangements had been confirmed by the Secretary of State. In both these cases the arrangements made may, in themselves, have been quite proper and unobjectionable. But it seems anomalous that the Government of India should be involved in international obligations with foreign powers without its consent or knowledge, and that the boundaries of the Indian Empire should be liable to be altered without its knowledge and concurrence.

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13

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 29 FEBRUARY 1872

6. The views of the late Governor General in Council are set forth in paras. 6 to 9 of your Secretary's letter to the Local Governments. I entirely concur in the

[1] Public Despatches to India, vol. 15 (1872), No. 22. Official despatch. India Office Library.

conclusions stated in the sixth and seventh paragraphs, and no dissent is expressed by the Governments of Madras and Bombay.

7. In the eighth paragraph of Mr. Secretary Bayley's letter it is suggested that all references by the Local Governments to the Secretary of State on important questions of general principle, relating to the public revenues, the religion or religious observances of the Natives of India, the Army, and the relations of the Government with Foreign Princes and States, should, in the opinion of the Governor General in Council, be made through the Government of India.

8. In this suggestion, allusion is made to four classes of questions. With respect to two of them, the Army and the relations with Foreign States, I concur with your Excellency's predecessor in Council in considering that the Local Governments should correspond with the Secretary of State through the Government of India.

9. With respect to the other two classes of questions, I do not deem it advisable to lay down any new rule. I have no doubt that on every subject of real importance a reference would in the first instance be made to the Government of India, and that if it were not, Her Majesty's Government would pronounce no decision without previously obtaining an expression of the opinion of the Governor General in Council. To attempt to lay down any new rule would tend to impair the authority of the Governors of Madras and Bombay, and to reduce them to the position of Lieutenant Governors, an object which could not be fully and legally attained without Imperial legislation.

11. To impose such further restrictions would, in my opinion, add to the immense amount of labour now devolving on the Government of India, and would, in practice, whatever may be present impressions, irritate and embarrass the Local Governments.

17. Reverting, then, in conclusion, to the general subject, although I am not inclined to lay down any new rule with respect to the correspondence between the Local Governments in India and Her Majesty's Government in England, I can assure your Lordship in Council that I shall always be sedulously careful to pass no decision without consulting you on any subject on which it is expedient that your Excellency's Government 'should have an opportunity of recording a deliberate expression of its policy'.

14

LORD LYTTON TO LORD CRANBROOK,[1] 28 JANUARY 1880

. . . The Government of the two minor Presidencies are at present so organised as to render serious and mischievous friction between them and the Government of India quite inevitable, when those Governments are administered by men who have no practical knowledge of any part of India that is not included in one or other of the minor Presidencies. Apart from his personal loyalty, the rare merit of Temple's Bombay Government was his great administrative experience of India

[1] Lytton Papers, Letters Despatched (1880), 84. India Office Library. Private letter.

as a whole, and his consequent emancipation from the provincial influence of his own Council. Under his predecessor, Sir P. Wodehouse, our relations with Bombay were quite intolerable. And, under the Duke of Buckingham, our relations with Madras have practically ceased to exist. It is so absolutely hopeless to attempt to get the Madras Government to do anything right or reasonable that, for the last year, I have resigned myself to the recognition of Madras as a country which does not belong to India, and over which the Government of India cannot exercise the smallest influence or accept the smallest responsibility. For all practical purposes it is to us a foreign State, abominably ill-governed. . . .

15

THE GOVERNMENT OF INDIA'S RESOLUTION OF 18 MAY 1882 ON THE CONSTITUTION OF LOCAL BOARDS[1]

5. At the outset, the Governor General in Council must explain that, in advocating the extension of local self-government, and the adoption of this principle in the management of many branches of local affairs, he does not suppose that the work will be in the first instance better done than if it remained in the sole hands of the Government district officers. It is not, primarily, with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. His Excellency in Council has himself no doubt that, in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will in fact follow. But at starting there will doubtless be many failures, calculated to discourage exaggerated hopes, and even in some cases to cast apparent discredit upon the practice of self-government itself. If, however, the officers of Government only set themselves, as the Governor General in Council believes they will, to foster sedulously the small beginnings of independent political life; if they accept loyally and as their own the policy of the Government; and if they come to realise that the system really opens to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it supersedes, then it may be hoped that the period of failures will be short, and that real and substantial progress will very soon become manifest.

6. It is not uncommonly asserted that the people of this country are themselves entirely indifferent to the principle of self-government; that they take but little interest in public matters; and that they prefer to have such affairs managed for them by Government officers. The Governor General in Council does not attach much value to this theory. It represents no doubt the point of view which commends itself to many active and well-intentioned district officers; and the people of India are, there can be equally no doubt, remarkably tolerant of existing facts. But as education advances, there is rapidly growing up all over the country an intelligent class of public spirited men, whom it is not only bad policy, but sheer waste of

[1] *Supplement to the Gazette of India*, 20 May 1882, pp. 747–53.

power, to fail to utilise. The task of administration is yearly becoming more onerous as the country progresses in civilisation and material prosperity. The annual reports of every Government tell of an ever-increasing burden laid upon the shoulders of the local officers. The cry is everywhere for increased establishments. The universal complaint in all departments is that of overwork. Under these circumstances it becomes imperatively necessary to look around for some means of relief; and the Governor General in Council has no hesitation in stating his conviction, that the only reasonable plan open to the Government is to induce the people themselves to undertake, as far as may be, the management of their own affairs; and to develop, or create if need be, a capacity for self-help in respect of all matters that have not, for imperial reasons, to be retained in the hands of the representatives of Government.

7. If it be said that the experiments hitherto made in this direction have not been encouraging, the Governor General in Council must avow his belief that the principle has not as yet been, in any general or satisfactory fashion, fully and fairly tried. There is reason to fear that previous attempts at local self-government have been too often overridden and practically crushed by direct, though well-meant, official interference. In the few cases where real responsibility has been thrown upon local bodies and real power entrusted to them, the results have been very gratifying. There is even now a vast amount of assistance rendered to the administration by Honorary Magistrates, members of Municipal Corporations and other Committees; and there is no antecedent improbability in the theory that if non-official auxiliary agency were more thoroughly organised and more fully trusted, there would be a speedy and marked improvement, not only in its amount, but in its efficiency.

8. Holding, therefore, that it is the duty and interest of the ruling power to take care that the further advance which it is now proposed to make in the direction of local self-government shall be, though cautious, yet at the same time real and substantial, the Governor General in Council will proceed to indicate, for the guidance of the Provincial Administrations, the general principles upon which, in the judgment of the Government of India, these measures should be shaped. The subject may for the purposes of this Resolution be divided into two parts—the first, relating to the mode in which local boards, whether municipal or district, should generally be constituted; and the second, to the degree of control which the Government should retain over such bodies, and the manner in which that control should be exercised.

9. In regard to the first of these points, the Governor General in Council would observe that he is quite aware of the absurdity of attempting to lay down any hard-and-fast rules which shall be of universal application in a country so vast, and in its local circumstances so varied, as British India. It would be unreasonable to expect that any uniform system of local government could be applied with equal success in provinces differing as the Punjab, for instance, differs from Madras, or Bengal from Burma. A large latitude of application must, therefore, in every case

be left to the local authorities. Indeed, we are really as yet so much in the infancy of self-government, and have perhaps so little knowledge of the directions in which it would naturally develop itself among the people, that there is a distinct advantage in having different schemes tried in different places, in order to test by practical experience what arrangements are best suited to the ways of thinking, habits, and other idiosyncrasies of the heterogeneous populations of the Empire. But there are, nevertheless, fundamental principles which, after every allowance has been made for local peculiarities, must be universally followed and frankly adopted, if the system is to have anywhere a fair trial.

10. The Government of India desires, then, that, while maintaining and extending, as far as practicable, the plan of municipal government in the cities and towns of each province, the Local Governments will also maintain and extend throughout the country, in every district where intelligent non-official agency can be found, a network of local boards, to be charged with definite duties and entrusted with definite funds. The Governor General in Council considers it very important that the area of jurisdiction allotted to each board should in no case be too large. If the plan is to succeed at all, it will be necessary to secure among the members both local interest and local knowledge. Experience proves that District Committees are, as a rule, very badly attended by members not actually residing in the vicinity of the head-quarters' station. Those who do attend have frequently no intimate acquaintance with the wants of outlying parts of the district. The consequence is, either that undue attention is given to the requirements of the immediate neighbourhood of the central station, or that the business falls entirely into the hands of the district officer, the Committee contenting itself with formally endorsing his proposals. Modifying, therefore, to some extent the suggestions made in paragraph 8 of the Circular letters of the 10th October last, the Governor General in Council desires that the smallest administrative unit—the sub-division, the taluka, or the tahsil—shall ordinarily form the maximum area to be placed under a local board. He would not indeed object to even smaller jurisdictions where these were deemed suitable. In some provinces it may be found possible to leave these sub-divisional boards to their own independent working, arranging for a periodical District Council, to which delegates from each local board might be sent, to settle such common matters as the rate of land cess to be levied during the year, the allotment to be made of district funds, and other questions of general interest. In other provinces, again, it may be thought best to have a District Board with controlling power over the smaller local boards. But whatever system is followed, the cardinal principle, which is essential to the success of self-government in any shape, is this, that the jurisdiction of the primary boards must be so limited in area as to ensure both local knowledge and local interest on the part of each of the members.

11. The Municipal Committees will, of course, remain the local boards for areas included within town limits. The relations between such municipal boards and the sub-divisional or district boards within whose jurisdiction the towns lie must be carefully settled in each case. In some instances the town boards will be left

entirely independent and apart. In others it may be found desirable to give the rural boards a certain share in the settlement of questions of common interest. In others, again, the town boards would be required to send delegates to the District Board or Council.

12. The local boards, both urban and rural, must everywhere have a large preponderance of non-official members. In no case ought the official members to be more than one-third of the whole, unless in places in which the elective system is followed, when there would be no ground for objecting to an elected member merely on the ground that he was in the service of Government. The Governor General in Council is disposed to think that the non-official members of the boards should hold office for at least two years after election or appointment; but probably the best plan to follow would be that of the compulsory retirement by rotation of a fixed proportion of members, those retiring being eligible to sit again. A detail of this description may, however, fitly be left to the Local Governments.

13. Members of boards should be chosen by election wherever it may, in the opinion of the Local Governments, be practicable to adopt that system of choice. The Governor General in Council does not require the adoption of the system of election in all cases, though that is the system which he hopes will ultimately prevail throughout the country, and which he wishes to establish now as widely as local circumstances will permit. Election in some form or other should be generally introduced in towns of any considerable size, but may be extended more cautiously and gradually to the smaller municipalities and to backward rural tracts. Even as regards these last, however, the Governor General in Council is disposed to think that if the Government officers cordially accept the principle, and set themselves to make it successful, a great advance might be made with comparatively little difficulty. Thus when the Local Governments had determined the nature of the qualifications suited to such a district (and these might ordinarily at first be fairly high), each sub-divisional officer might be instructed to prepare a list or register of candidates qualified to sit upon the local board, and might invite all those residing in any particular area, such as a police (thana) jurisdiction, to meet him on a day fixed at some convenient spot near their homes. He might then explain to them the objects of Government, and the nature of the duties they were invited to undertake, and call upon them to elect then or on a future day the number of representatives that had been fixed for the area in question. In the course of a few years, when the members of the board find that they have real powers and responsibilities entrusted to them, any Government interference will become unnecessary. The electors may safely then be left to conduct their own elections under such rules as may be from time to time laid down.

14. As to the system of election to be followed, the Governor General in Council would here also leave a large discretion to the Local Governments. Experience is wanting to determine the most suitable general system for each province; and it is desirable that a variety of plans should be tried in order to provide a future comparison of results. The simple vote, the cumulative vote, election by wards,

election by the whole town or tract, suffrage of more or less extended qualification, election by castes or occupations—these and other methods might all be tried. New methods, unthought of in Europe, may be found suitable to India; and after a time it will probably be possible to say what forms suit best the local peculiarities and idiosyncrasies of the different populations. The Provincial Governments should, through their district officers, consult the leading Natives of each locality, not only as to the possibility of introducing the elective system, but as to the arrangements most likely to meet their local circumstances; and should use every effort to make the schemes adopted as consonant as possible to the feelings and habits of the people.

15. Doubtless the first consequence of this mode of proceeding will be that the electoral system, viewed as a whole, will present for a time a very diversified appearance, and in some places arrangements made will turn out badly and call for change; but the Governor General in Council is not disposed to attach undue importance to this. The problem before the Government is one of no slight difficulty; being that of discovering in what manner the people of the towns and districts of British India can be best trained to manage their own local affairs intelligently and successfully. The attempts hitherto made with this object have met with but little success. The best men in many cases do not at present present themselves as candidates for municipal office. The number of voters is generally insignificant compared with the number on the registers. And yet there can be no doubt that among the more intelligent classes of the community there is a real and growing interest being taken in administrative matters. It may be suspected, therefore, that the cause of comparative failure in the efforts hitherto made is to be found rather in the character of those efforts than in the nature of the object pursued. They have been, it seems to the Governor General in Council, wanting to a great degree in earnestness and in real endeavours to adapt the system adopted to the feelings of the people by whom it has to be worked. If this is so, the remedy must lie in ascertaining by patient and practical experiment how best to call forth and render effective that desire and capacity for self-government which all intelligent and fairly educated men may safely be assumed to possess.

16. With a view to stimulating the candidature of men of respectable standing in Native society, and to mark the importance of the functions of these local boards in the eyes of Government, the Governor General in Council is pleased to direct that the courtesy titles of 'Rai (or Rao) Bahadur' or 'Khan Bahadur' shall in all official correspondence be applicable to Native members of all local boards during their term of office.

17. Turning now to the second division of the subject—the degree of control to be retained by the Government over the local boards, and the manner in which that control should be exercised; the Governor General in Council observes that the true principle to be followed in this matter is, that the control should be exercised from without rather than from within. The Government should revise and check the acts of the local bodies, but not dictate them. The executive authorities should

have two powers of control. In the first place, their sanction should be required in order to give validity to certain acts, such as the raising of loans, the imposition of taxes in other than duly authorised forms, the alienation of municipal property, interference with any matters involving religious questions or affecting the public peace, and the like. (The cases in which such sanction should be insisted upon would have to be carefully considered by each Government, and they would at the outset be probably somewhat numerous, but, as the boards gained in experience, might be reduced in number.) In the second place, the Local Government should have power to interfere either to set aside altogether the proceedings of the board in particular cases, or, in the event of gross and continued neglect of any important duty, to suspend the board temporarily, by the appointment of persons to execute the office of the board until the neglected duty had been satisfactorily performed. That being done, the regular system would be re-established, a fresh board being elected or appointed. This power of absolute supersession would require in every case the consent of the Supreme Government. A similar power is reserved to the Executive Government under several English statutes; and if required in England, where local self-government is long established and effective, it is not probable that it could be altogether dispensed with in India. It should be the general function of the executive officers of Government to watch, especially at the outset, the proceedings of the local boards; to point out to them matters calling for their consideration, to draw their attention to any neglect of duty on their part, and to check by official remonstrance any attempt to exceed their proper functions, or to act illegally or in an arbitrary or unreasonable manner.

18. It does not appear necessary, for the exercise of these powers, that the chief executive officers of towns, sub-divisions or districts should be Chairmen or even members of the local boards. There is indeed much reason to believe that it would be more convenient that they should supervise and control the acts of those bodies, without taking actual part in their proceedings. The Governor General in Council is aware that many high authorities hold that the district officer should always be *ex-officio* Chairman of all the local boards within the district, and should directly guide and regulate their proceedings. This was indeed the view taken by the Government of India itself in the Circular letters of the 10th October last, so far as the constitution of district boards was concerned. But even then the Governor General in Council did not see his way to accepting the principle in the case of Municipal Boards; and further consideration has led him to the belief that, on the whole, it is better to lay down no such general rule in the case of any class of local boards. There appears to him to be great force in the argument that so long as the chief executive officers are, as a matter of course, Chairmen of the Municipal and District Committees, there is little chance of these Committees affording any effective training to their members in the management of local affairs, or of the non-official members taking any real interest in local business. The non-official members must be led to feel that real power is placed in their hands, and that they have real responsibilities to discharge. It is doubtful whether they have under present

arrangements any sufficient inducement to give up their time and attention to the transaction of public business. There is this further objection to the district officer acting as Chairman, that if the non-official members are independent and energetic, risk may arise of unseemly collision between the Chairman and the board. The former would be in a far more dignified and influential position if he supervised and controlled the proceedings of the Board from outside, acting as arbiter between all parties, and not as leader of any.

19. The Governor General in Council therefore would wish to see non-official persons acting, wherever practicable, as Chairmen of the local boards. There may, however, be places where it would be impossible to get any suitable non-official Chairman, and there may be districts where the chief executive officer must for the present retain these duties in his own hands. But His Excellency in Council trusts that the Local Governments will have recourse sparingly to the appointment of executive officers as Chairmen of local boards; and he is of opinion that it should be a general rule that when such an officer is Chairman of any local board, he shall not in that capacity have a vote in its proceedings. This arrangement will, to some extent, tend to strengthen the independence of the non-official members, and keep the official Chairman, where there must be such, apart from the possible contentions of opposing parties.

The appointments of Chairmen should always be subject to the approval of the Local Government, but need not be always made by it. The Governor General in Council would be glad to see the boards allowed, in as many cases as possible, to elect their own Chairman. But this matter is one which must be left to the discretion of Local Governments.

20. These, then, are the principles upon which the Governor General in Council desires to see the experiment of local self-government introduced throughout the several provinces of India; and he would ask the Local Governments to revise their several schemes and shape any proposed legislation in general accordance with these principles. . . .

16

SIR JAMES FITZJAMES STEPHEN[1] ON THE PRINCIPLES OF BRITISH GOVERNMENT IN INDIA, 1883

(*a*)[2]

It has been observed in many articles, some published in *The Times*, that if the Government of India have decided on removing all anomalies from India, they ought to remove themselves and their countrymen. Whether or not that mode of expression can be fully justified, there can, I think, be no doubt that it is impossible to imagine any policy more fearfully dangerous and more certain, in case of failure,

[1] Legal member of the Supreme Council, 1869–72 and Judge of the High Court 1879–91.

[2] Letter to *The Times*, 1 March 1883.

to lead to results to which the Mutiny would be child's play than the policy of shifting the foundations on which the British Government of India rests. It is essentially an absolute Government, founded, not on consent, but on conquest. It does not represent the native principles of life or of government, and it can never do so until it represents heathenism and barbarism. It represents a belligerent civilization, and no anomaly can be so striking or so dangerous as its administration by men who, being at the head of a Government founded upon conquest, implying at every point the superiority of the conquering race, of their ideas, their institutions, their opinions, and their principles, and having no justification for its existence except that superiority, shrink from the open, uncompromising, straightforward assertion of it, seek to apologize for their own position, and refuse, from whatever cause, to uphold and support it. I should be sorry to say a word which could embarrass any Viceroy in the discharge of the weightiest and most delicate duties which can be imposed on any of Her Majesty's subjects; but much of the language lately held as to local government, education, and some other subjects has filled me, as to my knowledge it has filled others who are interested in India, with apprehension, and I do not in the least wonder that the Europeans in India see in the proposed change about criminal procedure a symptom, all the more formidable because in itself it is slight and utterly needless, of a determination to try to govern India upon principles inconsistent with the foundations on which British power rests.

(*b*)[1]

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. . . One great practical inference is that government in India must proceed upon principles different from and in some respects opposed to those which prevail in England, and which, since the outbreak of the French Revolution, have acquired in many parts of Europe something like the consistency and energy of a new religion. In England, and in countries which derive their political institutions from our own, the government has come directly to represent the great body of the people; all modern legislation has been directed to a great extent towards the object of making that representation more and more complete, and the action of the constituents upon the representatives more and more direct and peremptory. In India the opposite is the case. The government which now exists has not been chosen by the people. It is not, and if it is to exist at all, it cannot look upon itself as being, the representative of the general wishes and average way of thinking of the bulk of the population which it governs. It is the representative of a totally different order of ideas from those prevalent amongst the natives of India. . . .

Another practical inference from the fact that the British power is founded on conquest is that it must be absolute. The British Government of India differs from the various native governments which it has successively conquered, and on the

[1] 'The foundations of the Government of India', *Nineteenth Century*, October 1883, pp. 548–61.

conquest of which it is founded, not in its origin, but by its objects. . . . The rule of the Queen, and that of the Moguls whom she displaced, differ, not in the foundation on which they rest, nor in the extent of the power which they possess, but in the spirit in which they rule and in the principles by which they govern themselves. The great peculiarity of the British Government in India is that it is essentially both English and European. It rests on the foundation common to all Eastern governments. It is animated by a spirit and principles essentially European. My proposition is that it is absolutely essential to its existence, and to its utility both to England and to India, that the foundation on which it rests should be as distinctly acknowledged and borne in mind in practice as the principles by which it is animated; and I further say that much of the language recently used by persons high in authority, both in India and in England, either conceals this fact or shows that the writer or speaker is afraid or ashamed of it. . . .

. . . In the first place, then, it should be observed that the strong association which exists in the minds of most English people between good government and representative government is likely to mislead them in dealing with the government of India. I cannot even glance in this place at the reasons which have created this association of ideas, or at the limitations which even in this country ought to be imposed upon it. . . .

. . . I think, however, that it may be safely asserted that absolute government has its own merits and conveniences; that it is, so to speak, as legitimate a form of government as any other; and that if it exists, if it is well and successfully administered, and if it is suited to the circumstances and tastes of those amongst whom it exists, there is no reason why those who administer it should seek to substitute for it a representative system, or should feel in any respect ashamed of their position as absolute rulers, or desirous to lay it down. Much of the language used about the British Government in India implies, if it does not exactly state, a doctrine which might perhaps be called the doctrine of the Divine Right of Representative Institutions, or of the Sovereignty of the People; it seems to assume that the exercise of absolute power can never be justified except as a temporary expedient used for the purpose of superseding itself, and as a means of educating those whom it affects into a fitness for parliamentary institutions. The point at which I differ from many of those who write and speak upon the Government of India is that I do not in any degree share in this view, whether it is regarded as a doctrine or a sentiment. I do not think that the permanent existence of such a Government as ours in India must in itself be a bad thing; that we ought not to desire its permanence even if we can secure it; and that the establishment of some kind of parliamentary system instead of it is an object which ought to be distinctly contemplated, and, as soon as it is practicable, carried out.

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Secondly, the whole of the population, with exceptions in point of number too trifling to mention, are ignorant to the last degree, according to any European

standard of knowledge. Most of them are under the dominion of grovelling superstitions. The majority are divided into castes, each man's caste forming his world. Most of them are also practically fatalists, impatient in many instances of the burden of existence. They are moreover divided amongst themselves in all manner of ways. Mohammedans, Hindoos, Sikhs, up-countrymen, and Bengalees are in many ways inimical to each other, and the peace is kept between them only by the efforts of their common superior.

When all these considerations are put together, it appears to me to follow that the British Government must forget not only its origin, but all that is most important and characteristic in its position, if it forgets that it is and must be an absolute government founded on conquest.

. . . What then is the task which lies before the English in India, which they have been discharging for many years, and which they may hope to carry out successfully if they understand and carefully observe the conditions under which they are to act? The general problem is the welfare of the community. No one wishes to govern India merely for the sake of finding salaries for officials. The salaries paid would hardly be a sufficient price to induce men of ability to adopt such a way of life if it were not for the absorbing interest of the work itself. How then is the welfare of the community to be promoted? The answer is by the introduction of the essential parts of European civilisation into a country densely peopled, grossly ignorant, steeped in idolatrous superstition, un-energetic, fatalistic, indifferent to most of what we regard as the evils of life, and preferring the repose of submitting to them to the trouble of encountering and trying to remove them.

Now the essential parts of European civilisation are peace, order, the supremacy of law, the prevention of crime, the redress of wrong, the enforcement of contracts, the development and concentration of the military force of the state, the construction of public works, the collection and expenditure of the revenue required for these objects in such a way as to promote to the utmost the public interest, interfering as little as possible with the comfort or wealth of the inhabitants, and improvement of the people.

That this is, and for many years past has in fact been, the policy of the Government of India and the task which in their own opinion they have to discharge, and that they have in fact been actively and most successfully engaged upon it for a long series of years, and especially since the Mutiny of 1857, can be denied by no one who has anything like a competent knowledge of the subject. . . .

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. . . I do not approve of Mr. Ilbert's Bill, but I think its intrinsic importance has been exaggerated. I have not studied the details of the Local Government Bills, and can give no opinion upon them, but I do believe that the local governments will allow them to be dangerous. The most definite point on which I should disagree with the views about India which seem to be becoming popular is that I do not share in the view so often stated and insinuated in all kinds of forms, that it is a

moral duty on the part of the English nation to try to educate the natives of India in English ideas in such a way as to lead them to set up a democratic form of government administered by representative assemblies. . . .

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17

REPORT OF LORD DUFFERIN'S COMMITTEE ON PROVINCIAL COUNCILS,[1] OCTOBER 1888

7. Having thus decided affirmatively on the desirability of expanding the functions of the Legislative Councils in Madras, Bombay, and Bengal, we proceed to consider how the expansion can best be carried into effect . . . The question presents two aspects:—(*a*) the constitution of the Councils; (*b*) the functions they are to discharge.

Taking the constitution of the Councils first, we consider that, in any arrangements which may be agreed upon, provision should be made for the appointment of representatives of the more important interests which exist in the country. Taken in their broadest aspects, these are—(*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.

8. Having given our careful attention to this part of the question, we have come to the conclusion that these various interests can be best provided for by a Council which shall consist of two Divisions, organised with reference to the classes which its non-official members will be composed. We are aware that the recognition of separate orders in the same body is open to objection, and it is not without hesitation that we have adopted the view now put forward; but having regard to the circumstances of Indian society, and to the practical consideration that constitutional stability is promoted by the association of two Bodies in legislative functions, we are satisfied that the hereditary nobility and the landed classes should have some means of entrance into the Chamber, independently of popular election, and that their interests, which are not always coincident with those of other classes should have the means of independent expression. We think also that they will more readily associate themselves with the work of the Council, if certain distinctive privileges are reserved to them, so as to secure due weight to their opinion upon public questions. We therefore recommend that all Rajahs, Maharajahs, and Nawabs whose traditional titles are recognized by the Government, and all landed proprietors of high standing and influence (such as in Bengal, for example, would be secured by a qualification based on the payment of not less than Rs. 50,000 in Revenue to Government), shall have, subject to rules to be prescribed in this

[1] Public Letters from India, vol. 9 (1888), pp. 1173–83. India Office Library. The members of the Committee were George Chesney, C. U. Aitchison, and James Westland. Dufferin was Viceroy from 8 December 1884 to 10 December 1888.

behalf, the right to vote for the election of one or more of their own class for membership of what may be called the First Division of the Council.

The interests of the trading, professional, and agricultural classes, which may be regarded as the popular element in the community, may, we think, be best provided for by such an approximation to the principle of popular election as the circumstances of the country permit. We are fully aware that in India at present there can be no such thing as popular representation as understood in Western countries; but we think it desirable that in appointing members to the Council, we should not rely solely on nomination; and that some approximation should be made to the elective principle. What this approximation may be we shall state presently.

The interests of the European planting and commercial communities and the permanent influence of the Government cannot, in our opinion, be satisfactorily secured by any method of election. In regard to those interests, therefore, recourse must be had to appointment by nomination. It may also be necessary that the interest of minorities, such as the Parsees in Bombay and Mahomedans in Madras, should be provided for by direct nomination by the Government.

Elections from the trading, professional and agricultural classes, and nominations, of members from the European planting and commercial community and from minorities, should be made to the Second Division of the Council. Official nominees should be appointed to both Divisions. We also recommend that on suitable opportunities the Chiefs of Native States which are in political subordination to the Governments concerned should be appointed by nomination to the First Division of the Council.

10. The next points to be considered are, who should constitute the electoral body, and how the elections are to be conducted. Under the present circumstances of this country, anything like popular election, in the English sense of the term, is, as we have already said, altogether impracticable. Having given our best consideration to this, the most difficult part of the subject, we arrive at the unanimous conclusion that within the electoral circles constituted as above, the electors should be the members of Municipal Committees and Local Boards *as by law established*, and in the case of the Universities the Senate and such graduates as have taken a Master's or Doctor's degree in any of the faculties of Arts, Law, Medicine, Engineering, and Oriental Learning.

11. . . . An important consideration which arises in this connexion is, that due provision should be made for the presence in both Divisions of the Council of a fair proportion of members drawn from the two great classes, Hindus and Mahomedans, into which the population is divided. So far as concerns the First Division no difficulty need arise, as the election for that Division will have no reference to electoral circles, and the Government may prescribe the proportion of Mahomedans and Hindus to be elected. But this will not be possible in connexion with the Second Division, the elections for which must proceed on the basis of electoral circles. It may therefore be occasionally necessary for the Government to use its reserve of nomination for the purpose of adjusting marked inequalities in the results

of the election. In this the object to be aimed at should be that *caeteris paribus* the members drawn from the two great classes of the community—Hindus and Mahomedans—should bear to each other a numerical proportion approaching as nearly as may be thought desirable the proportion that Hindus bear to Mahomedans in the Provincial population.

Direct nomination is the only method by which other important classes—such as the European planting and commercial community, and the Parsees in Bombay—can be duly provided for. The official members other than members of the Executive Council must, of course, be all nominated.

13. With regard to the size of the Council, the question is one which must be decided primarily upon the advice of Local Governments. For a large Province like Bengal it might require nearly 40 members to give a fair representation to all the interests involved. In a general way we consider that about one-third of the whole number should belong to the First Division, and that in each Division not less than two-fifths should be elected. The following figures shew in detail (for Bengal) in what way a Council, framed on these lines, would fit in with the system of nomination and election which we have in contemplation:

First Division		
President	1	
Members of Council	2	
Official members	4	
Elected members	6	
	—	13
Second Division		
Elected members for territorial areas	5	
Elected members for Calcutta and the University	2	
Nominated non-official members	4	
Official members	12	
	—	23
Total		36

In such a Chamber as this the Executive Government would have a majority of one in both Divisions; and that we consider to be sufficient for practical purposes.

14. In liberalizing the constitution and functions of the Local Councils, we think it as desirable in the interests of the new Councils as of the Executive Government that the Councils should be of moderate size. The Council which we propose, compared with the existing numbers, may indeed to some appear unduly large; but it is not expected that ordinarily all the official members will take part in the proceedings. On the contrary, we consider it preferable that some of the nominated official members should be officers—such as Commissioners of Divi-

sions—whose duties for the most part involve a residence at a distance from the head-quarters of the Government, and who would ordinarily attend only when specially summonded in cases of more than ordinary importance. But 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.

Although we have thus provided that the Local Governments shall ordinarily be able to command a majority in the Councils, nevertheless, as their executive acts will be subjected to criticism and debate, we consider that the necessity of preserving the supremacy and the ultimate responsibility of the Local Government demand that, in respect to all matters falling within the authority of the Local Councils, powers should be vested in the Local Government to overrule the Council and to adopt, suspend or reject any executive measure notwithstanding the vote of a majority of Council.

15. We now proceed to consider the functions which a Chamber constituted as set forth in the preceding paragraphs should exercise. These functions should be twofold—legislative and consultative.

In regard to the legislative functions and procedure, there appears to be no necessity for change.

In regard to the Council's consultative functions, we consider that it should be entitled to originate advice and suggestions on any subject connected with the internal civil administration of the Province, not being subjects excepted from its cognizance by section 43 of 24 & 25 Vict., Cap. 67; that it should give advice and suggestion on any subject on which the Governor or Lieutenant-Governor may in writing require, provided that the consent of the Governor General in Council shall be necessary before any requirement is so made on any subject excepted under the above quoted Statute; that subject to the same restriction it be entitled to call for papers and the members be entitled to ask questions; and that papers on subjects within its cognizance be freely supplied to the Council unless for reasons of State their production was considered undesirable.

16. We also consider that the estimates connected with Local Finance should be submitted annually to the Council. According to the proposals which have recently been laid before the Local Governments their finance will be divided into two branches, one account relating to the subjects classified as belonging to general administration, and the other to such expenditure as Schools, Hospitals, Sanitation, Roads and Communications, Town Police &c. Part of this second or Local account will be the account of transactions made over under the Local Self-Government Acts, to District Boards and other bodies, but a large part will represent transactions of similar character still remaining under the direct administration of the Government. The funds available for these last are that part of the 'Local' Revenue which is not by law received by Local Boards, supplemented by a grant from the general account, the amount of which is in the discretion of the Local Government.

It appears to us that this 'Local' part of the transactions of the Local Governments might well be made over to the administration of the Council in much the same way, and with much the same powers, as under the Local Self-Government Acts similar matters, within the limits of single districts, are placed under District Boards.

The Council would exercise whatever financial control over the proceedings of District Boards has been reserved on financial matters to the Local Governments, and especially it should have power to define as between itself and the District Boards, what expenditure the latter should be responsible for meeting out of the revenue assigned to them.

Further, when the proposals which have been made for the establishment of a Provincial Loan account are carried into effect, the administration of this Loan Account affords another subject of which the financial administration can be, to a large extent, placed in the hands of the Council.

In all these matters relating to Local Finance we think the object should be to give to the Provincial Councils a real control and a real responsibility, and that the Local Government should endeavour to confine its control and direction of the Council's proceedings to the broader question of policy, and to the assurance of general financial stability.

The other part of the accounts of the Local Government, *viz.*, that connected with general administration, could not be placed to the same extent in the hands of the Council, but the budget might be laid before them for discussion, and the Local Government might avail itself of its advice and suggestions in the same way as it would in the case of matters relating to general Civil Administration.

18

LORD DUFFERIN'S MINUTE ON ENLARGING THE FUNCTIONS OF THE CENTRAL LEGISLATURE,[1] NOVEMBER 1888

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There are two further points to which I am desirous of alluding, though they are not connected with any question affecting the Provincial Councils; nor have they been dealt with in the Report of the Committee enclosed in our Despatch,—I mean the mode in which the annual Budget is dealt with by the Government of India, and the advisability of allowing questions to be asked in the Legislative Council. Our Committee has stated that, in their opinion, the changes suggested for the Provincial Councils should not be extended to the Governor General's Supreme Council. In this opinion I entirely agree; nor is it at all necessary that I should here state my reasons for doing so. But in one respect I should desire our procedure to be amended. Under the existing law it is only when a new tax is to be imposed that the Finance Member is required to submit his financial proposals

[1] Public Letters from India, vol. 9 (1888), pp. 1200–2. India Office Library.

to the Legislative Council, or that any opportunity is given to the members of that body to make observations in regard to them. When there is no new taxation the Finance Member merely publishes his Budget in the form of a pamphlet. For my own part, I think that a yearly financial discussion in the Viceroy's Legislative Council would prove a very useful and desirable arrangement, and a very convenient preliminary to the subsequent debate which takes place on Indian finances in the House of Commons later in the year. I do not by this mean that votes should be taken in regard to the various items of the Budget, or that the heads of expenditure should be submitted in detail to the examination of the Council, but simply that an opportunity should be given for a full, free, and thorough criticism and examination of the financial policy of the Government. Some such change as this would, I believe, prove as beneficial to the Indian Administration as it would be in accordance with the wishes of the European and Native mercantile world of India. At present the Government is exposed to every kind of misapprehension and misrepresentation in regard to its figures and its statement of their results. . . .

The second change in the procedure of the Supreme Legislative Council which I am inclined to recommend is, that, under proper restrictions to be laid down by the Viceroy, its Members should be permitted to ask questions in reference to current matters of domestic, as distinguished from those of Imperial interest, that may have attracted public attention. One of the great dangers of the present situation is the facility with which that section of the press which is bent upon holding up English Rule to the hatred and contempt of the people can go on day after day attributing to the Government intentions of inaugurating some obnoxious policy, until they have worked up large sections of the community into a state of excitement and alarm; or else of inventing or exaggerating facts, upon which they subsequently comment in a most malicious manner, with the view of producing a disquieting effect upon the public mind, and infusing into it a spirit of disloyalty and discontent. Under existing circumstances the Government of India has no means of controlling or neutralizing the effect of these mischievous practices. It has no adequate medium through which it can explain its policy, correct a wrong impression, or controvert a false statement, and, though up to the present time the consequences of the evils I have indicated may not have become very serious or widespread, they contain the germs of incalculable danger. Consequently it would prove as great an advantage to the Administration as it would frequently be a satisfaction to the Members of the Council and the public at large, if reasonable opportunities were afforded of communicating to those interested the exact facts in regard to any questionable matter.

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19

THE INDIAN COUNCILS ACT,[1] 20 JUNE 1892

Be it enacted . . ., as follows:

I.—(1) The number of additional members of Council nominated by the Governor General under the provisions of section ten of the Indian Councils Act, 1861, shall be such as to him may seem from time to time expedient, but shall not be less than ten nor more than sixteen; and the number of additional members of Council nominated by the governors of the presidencies of Fort St. George and Bombay respectively under the provisions of section twenty-nine of the Indian Councils Act, 1861, shall (besides the advocate general of the presidency or officer acting in that capacity) be such as to the said governors respectively may seem from time to time expedient, but shall not be less than eight nor more than twenty.

(2) It shall be lawful for the Governor General in Council by proclamation from time to time to increase the number of councillors whom the lieutenant governors of the Bengal Division of the presidency of Fort William and of the North-Western Provinces and Oudh respectively may nominate for their assistance in making laws and regulations: Provided always, that not more than twenty shall be nominated for the Bengal Division, and not more than fifteen for the North-Western Provinces and Oudh.

(4) 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 Lieutenant Governors respectively, and prescribe the manner in which such regulations shall be carried into effect.

II. Notwithstanding any provision in the Indian Councils Act, 1861, the Governor General of India in Council may from time to time make rules authorising at any meeting of the Governor General's Council for the purpose of making laws and regulations the discussion of the annual financial statement of the Governor General in Council and the asking of questions, but under such conditions and restrictions as to subject or otherwise as shall be in the said rules prescribed or declared: And notwithstanding any provisions in the Indian Councils Act, 1861, the Governors in Council of Fort St. George and Bombay respectively, and the lieutenant governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws and regulations, have been or are hereafter extended or made applicable, may from time to time make rules for authorising at any meeting of their respective councils for the purpose of making laws and regulations the discussion of the annual financial statement of their respective local governments, and the asking of questions, but under such conditions and restrictions, as to subject or otherwise, as shall in the said rules applicable to such councils respectively be prescribed or declared. But no member at any such meeting of any

[1] 55 and 56 Vict., c. 14.

council shall have power to submit or propose any resolution, or to divide the council in respect of any such financial discussion, or the answer to any question asked under the authority of this Act, or the rules made under this Act: Provided that any rule made under this Act by a governor in council, or by a lieutenant governor, shall be submitted for and shall be subject to the sanction of the Governor General in Council, and any rule made under this Act by the Governor General in Council shall be submitted for and shall be subject to the sanction of the Secretary of State in Council: Provided also that rules made under this Act shall not be subject to alteration or amendment at meetings for the purpose of making laws and regulations.

VII. Nothing in this Act shall detract from or diminish the powers of the Governor General in Council at meetings for the purpose of making laws and regulations.

20

LORD LANSDOWNE ON THE CONSTITUTION OF LEGISLATIVE COUNCILS,[1] 16 MARCH 1893

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I should like at this stage to dwell upon the fact that the Government of India, ever since I have had the honour of being connected with it, while it has insisted upon the ultimate responsibility of the Government for these nominations, has constantly urged that any Bill which might be passed should render it possible for the Governor General, and for the heads of the Local Governments, to have recourse to the advice of what, for the want of any more convenient expression, I will describe as 'suitable constituencies'.

I will venture to quote to the Council an extract from a Despatch sent home by us as long ago as the 24th December, 1889, in which we placed on record our opinion that it would be 'well that the measure about to be laid before Parliament should not absolutely preclude us 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'.

We went on to say that 'we should have been glad if the Bill had reserved to us authority to make rules from time to time for the appointment of Additional Members "by nomination or otherwise", and we should have considered it sufficient if the consent of Your Lordship in Council had been made a condition precedent to the validity of such rules. Such an enactment would have provided for the gradual and tentative introduction of a carefully guarded mode of electing Additional Members.'

I am glad to have had the opportunity of referring to what we said upon this

[1] *Proceedings of the Legislative Council of the Governor General of India*, XXXII (1893), pp. 105–11. Lansdowne was Viceroy from 10 December 1888 to 27 January 1894.

occasion, because I have seen it not unfrequently stated that the Government of India had strenuously opposed the introduction of anything approaching to the elective principle into the Bill, and that we had accepted it reluctantly and under pressure.

These, then, are the conditions under which we are called upon to frame regulations for the appointment of Additional Members. I think the first observation which it would occur to any one to make would be that, given legislative bodies of the dimensions prescribed for us, or of any dimensions approaching to those laid down in the Act, it would be altogether hopeless to attempt the introduction of a representative system in the sense in which the words are understood in Western communities. How, for instance, would it be possible in a province like that of Bengal, with a population of 70 millions, to allot the handful of seats at our disposal so as to divide the country, either in respect of geographical areas, or in respect of the different communities which inhabit it, in such a manner as to distribute the representation equitably, or to make it really effectual? And I am bound to admit that, to the best of my belief, even those who are credited with opinions of the most advanced type upon Indian political questions have carefully guarded themselves against being supposed to claim for the people of India any system of representation closely imitating the Parliamentary systems of Western Europe.

We are met, moreover, with this difficulty that, in many parts of India, any system of election is entirely foreign to the feelings and habits of the people, and that, were we to have recourse to such a system, the really representative men would probably not come forward under it.

Upon a careful review of the whole matter, and of the contents of the Act, as well as of the circumstances under which it had been introduced and passed into law, it appeared to us that the mandate under which we were called upon to act might be summarised in the four following propositions:

(1) It is not expected of us that we shall attempt to create in India a complete or symmetrical system of representation.
(2) It is expected of us that we shall make a *bonâ 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 wherever 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, but of recommendation entitled to the greatest weight, and not likely to be disregarded except in cases of the clearest necessity.

It is in this light that the question has been considered and discussed by us with the Local Governments. We do not believe that the seats placed at our disposal

can be distributed according to strict numerical proportion, or upon a symmetrical and uniform system. We do not believe, to use Mr. Gladstone's words, that, under the Act, 'large and imposing results' are to be at once obtained, but we do believe that, by having resort to sources other than the unassisted nomination of the Government, we shall be able to obtain for these Councils the services of Members who will be in the truest sense representative, but who will represent types and classes rather than areas and numbers.

We believe that it should not be beyond our power to secure in this manner for the Government the advice and assistance of men connected with different parts of the country, thoroughly aware of the interests and wishes of their countrymen, and able to judge of the extent to which those interests are likely to be affected by any measure of legislation which may be proposed. If we can obtain men of this description, not by selecting them ourselves, but by allowing the great sections of the community a voice in the matter, we believe that the persons selected will bring to our deliberations a very much greater weight of authority than they would have possessed had we been content to rely upon nomination alone.

. . . It is not unlikely that our proposals will disappoint the expectations of those who would gladly see us travel further and faster along the path of reform. We claim, however, for the changes which we have been instrumental in procuring that they will, beyond all question, greatly increase the usefulness and the authority of these legislative bodies. We are able to show that the number of Additional Members has been materially increased; that we have considerably widened the functions of the Councils by the admission of the right of interpellation and the discussion of the Financial Statement; and, finally, that we shall no longer rely on nomination, pure and simple, for the selection of Additional Members. These are all substantial steps in advance. . . .

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21

SIR HENRY FOWLER TO LORD ELGIN,[1] 30 NOVEMBER 1894

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The Cabinet have very carefully considered the whole question of the legislative position of the six Members of the Executive Council, and they are of opinion that the English precedent applies, and, therefore, that Members of the Executive Council must, as Members of the Government here do, *vote together* in support of Government measures. If they are unable to do this, then the English precedent also applies, and the objecting Member resigns before he either abstains from voting for, or votes against, the measure. No English Statesman, no subordinate member

[1] Elgin Papers, Letters from and to the Secretary of State, 1894, No. 30. India Office Library. Sir Henry Fowler was Secretary of State for India, 10 March 1894 to 4 July 1895.

of an English Government, would hesitate as to taking this course, and, therefore, the painful alternative of dismissal never arises. You will remember the celebrated case of Mr. Huskisson, who, after having voted in favour of a proposal which the Government opposed, sent in his resignation to the Duke of Wellington the same night. He afterwards wished to withdraw it on the ground that it was a mistake, but the Duke replied in the well-known sentence—'There was no mistake; there could be no mistake, and there should be no mistake.' I think that this, which was more than 60 years ago, is the nearest approach to a dismissal of a rebellious member of Government. I understand from Lord Ripon (who, I may say, entirely concurs in the view I have taken as to the position of the Executive Council) that, in the Crown colonies, nominated Members of Legislative Councils are obliged to vote in accordance with the directions they receive from the Governors. I should be very sorry to think that you have in your Council any man who would dispute the supreme authority of the Cabinet on a constitutional question of this description, and by withholding his resignation necessitate his dismissal. However, my duty is clear; and, with the cordial support of my colleagues, I shall immediately advise the Queen to dismiss any Member of the Council who so far forgets what is due to his own position and to the position of the Viceroy as to attempt to continue a Member of a Government whose policy he is unable to support.

I need hardly say that I write strongly to you in order that you may know exactly the attitude of the Government; but, of course, I leave it absolutely to your discretion as to the best and most conciliatory mode of dealing with any recalcitrant Member. Totally irrespective of the measure under consideration, we feel here that the constitutional relations between the Viceroy and his Executive Council, and their effective action as a Government, are at stake; and we cannot consent to your Government appearing before the Legislative Council *and before the public* as a *divided* body.

22

LORD CURZON TO LORD HAMILTON,[1] 7 JUNE 1899

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The detachment of Madras is, however, as I think I have said in a previous letter, quite as significant, though perhaps a less serious phenomenon than that of Bombay. Since I have been in India, now over five months, I have not had a word from the Governor, although I particularly requested him to communicate with me from time to time and let me know what was going on. Now and then a case comes up in which the Madras Government want to perpetrate some local job which we have to over-rule; and they clamour for more money at Budget time. With these exceptions I know far less of what is going on in Madras than I do of what is passing in Egypt or France; and as for the supposed responsibility of the Viceroy, it has long ago vanished into thin air.

[1] Hamilton Papers, India Office Library, vol. 14, No. 26. Private letter.

In many respects we over-centralise in India; crowds of petty affairs come up to our Departments which ought to have been settled locally without any reference to us at all. On the other hand, as regard the direct responsibility of the Viceroy and the Government of India, decentralisation has been carried to a point at which there is barely any contact between the Supreme and the Local Governments, and in which the latter—I speak of course more particularly of Madras and Bombay—are in reality separate and independent dominions. All this is, of course, wrong, and will one day be followed by certain disaster. You know my prescription; and I hope that before long you will enable me to enforce it. The weekly letter of those two Governors ought to be written, not to the Secretary of State, but to the Viceroy. I can see no reason why Madras and Bombay should correspond directly rather than Calcutta and Lahore. The continued existence of this prerogative, the necessity for which has been destroyed by the railway and the telegraph, is an incentive to that detachment of which I have been speaking, and which, of course, local pride and self-respect do their utmost to accentuate.

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23

LORD CURZON TO LORD HAMILTON,[1] 17 SEPTEMBER 1902

. . . In the first place you seem to think that Members of Council here do not exercise the same undisputed authority within their respective Departments that the Ministerial heads of offices do at home. The truth is that they exercise precisely the amount of authority which is justified by their personality and character. They have not the advantage, except upon the one occasion of a Budget Debate, of stating their case or policy that a Cabinet Minister has at home, and therefore they are not to the same extent brought before the eyes of the public as the sole responsible head of the Department, but within it they have every whit as much authority as an English Secretary of State, if they choose to exercise it, subject to one important qualification, that the Viceroy exerts a far more dominating and a more far-reaching influence here in every Department than any Prime Minister in the last half century has attempted to do at home. But for that qualifying condition, a Member of Council in his Department here is just as supreme as he chooses to make himself. . . . What happens in practice is this. Once a week on two mornings (they often include the afternoons also) the Viceroy sees the Secretaries of each Department in succession. This meeting is intended, partly to enable the Member for a Department to put his views before the Viceroy on cases of too petty a character to justify a request for a personal interview; partly to enable the Secretary to expedite the despatch of business, by taking the verbal orders of the Viceroy on matters which would otherwise have to be dealt with in writing; partly to enable the Viceroy to ask any questions, or to bring any matter to the attention of the Department,

[1] Hamilton Papers, India Office Library, vol. 23, No. 40. Private letter.

which he may have in his mind. The Secretary, before his weekly interview, invariably sees his Hon'ble Member, and takes his instructions from him as to the matters and cases which he is to submit to the Viceroy. It is possible, in the conversation that ensues between the Viceroy and the Secretary, that the former may find out that the Hon'ble Member and the Secretary are not in complete agreement on this or that subject, and it is extremely important that, if this is the case, the Head of the Government should not be left in ignorance, for, contrary to your opinion, so great is the prestige of the Member of Council that a Secretary, and particularly a military officer, hardly dare record a note in print that is opposed to the views of his Hon'ble Member. Law began his career here by brushing Finlay completely on one side, and trying to introduce a lot of changes which you have often told me created absolute consternation in the India Office, and which were profoundly unsuited to this country. Had he been allowed to eliminate Finlay altogether, as he would have wished, and had I not insisted that the regular Departmental procedure should be followed, and had I not enjoyed the opportunity of ascertaining from Finlay what were the grounds of objection to the madcap schemes which Law put forward, and the opposition to which he tried altogether to suppress, I should never have been able to give you the advice that I have frequently done about financial matters, and the Government of India might have been landed in serious blunders. In my experience, however, of nearly four years, I have not known a single case in which a Secretary to Government has appealed to me against his chief. The obligations of Departmental loyalty here are, I should say, even more rigidly fixed and faithfully observed than they are at home. . . .

On the other hand, if these are not the weaknesses of our system, I can tell you in a moment what they are. It is the division of labour that is utterly and hopelessly at fault. You take one man in the middle of life, whose vigour has very likely been impaired by 30 years of service in a tropical climate, and you expect him both to manage the Home and the Revenue and Agricultural Departments, and all the numerous sub-Departments attached to them. It is beyond human capacity or diligence properly to discharge this task. Rivaz got through all right because he shirked it; but Ibbetson, who never spares himself, and is one of the most industrious workers that I have ever met, will most certainly, in a year or two, unless some relief be given to him, irretrievably break down. While you are exhausting presumably your best man in this way, you take another man who has been engaged all his life on revenue work or something of the kind, and you expect him, at the age of 55, to manage a gigantic railway organization, involving questions both of policy, construction, management, and traffic. He is as much *de trop* in his office as the other man is unequal to the strain in his. . . . The Military Member and the Commander-in-Chief are concerned with their own problems, and play little part in general administration. The Finance Member has a voice in almost every matter, but as regards a policy, his own Department keeps him pretty fully occupied, while, in matters affecting other Departments, he is called upon to regard them almost exclusively from one point of view. Thus it comes about that the

whole work of domestic administration in the ordinary sense of the term devolves upon the Home and Revenue and Agricultural Member and the Viceroy, while the latter is Foreign Minister in addition. These two men in India do a work that is divided among at least six or eight in England. It cannot go on much longer; . . . Ibbetson has himself told me that he cannot continue to fill the double post, and that, if he is not relieved, he must retire. Neither will I go on any longer contentedly watching the absurd spectacle of Indian Railways being managed entirely by a Civilian. The two Departments of Home and Revenue and Agriculture must, as I have before argued, be separated. Irrigation must be handed over to Revenue and Agriculture, and they must have a Member of their own. Railways must be separated altogether and placed under a Board. . . . With such a fresh division of labour, I think that we may succeed in getting along for some time to come, but the day will come, after I have gone, when the present strength of Council, even as redistributed, will be unequal to the task, and when another Member will have to be added. My own desire will, of course, be to postpone this as long as possible.

24

LORD CURZON TO LORD HAMILTON,[1] 4 JUNE 1903

. . . After 4½ years' experience of Indian administration, I say deliberately that if the improvement of our administration is to depend upon the initiative or activity of Local Governments, it will never advance at all. I cannot recall in my time a single suggestion that has emanated from any one of the Local Governments for the improvement of any branch of the administration, except that with which their provincial area was specifically concerned; and there I can recall few proposals of administrative improvement that have taken any other shape than a request for the increase of the emoluments of their own officers. Of all the great administrative reforms that have been taken in hand since I came to India, I say deliberately that not one has emanated from a Local Government: and that if you wait for their initiative or activity, the machine will remain unaltered and unreformed for a century. How often have I not pointed out to you that there are neither originality, nor ideas nor imagination in the Indian Civil Service, that they think the present the best, and that change or improvement or reform (except in the direction that I have indicated) sends a cold shiver down their spine. Where would have been any one of the great subjects that I have taken up—Education, Irrigation, Police, Railways, if I had waited for the Local Governments to give the cue? Education was only started by my summoning a Conference of provincial representatives to Simla and presiding over their deliberations myself. The Irrigation Commission I started on its way, by my own fiat alone, in opposition to the advice of everybody concerned. Where would have been the creation of the new Frontier Province, if I had waited for the advice of Sir Mackworth Young? When I initiated it, you addressed me some admirable maxims about the inopportuneness of centralisation.

[1] Hamilton Papers, India Office Library, vol. 26, No. 23. Private letter.

Excellent; but in practice the reform has turned out to be one of the greatest measures of decentralisation that we have ever carried through. To continue, I have not, since I came to India, received one hint or suggestion from a single Local Government or Governor as to Railway Reform. As regards Police, I have received abundant representations for increase of salaries to provincial policemen, but nothing more.

If, therefore, you lay down the proposition that administrative reforms in India are to proceed from the suggestion of Local Governments, you are as good as saying that there is never to be any administrative reform at all. . . .

I wish I could get you all to understand that what I have been engaged upon since I came to India has not been a process of centralisation, but one of raising the standard of administration all round. For this purpose the initiative has had to spring from the Supreme Government—because there is no other fountain of initiative in India. I am not exaggerating when I say that in nine cases out of ten it has had to spring exclusively from myself. But it is quite a mistake to suppose that when the initial effort has exhausted itself, everything will relapse, that the references will diminish, and that our Departments will cease to require their existing staffs. Raising the standard of the supreme administration involves raising the standard of the Provincial Governments too: and this will carry with it increased and unavoidable reference between the two parties. You have yourself agreed to the appointment, in my time, of a Director-General of Education, a Director-General of Agriculture, a Director-General of Archaeology, and a Government Architect; and before long you will be asked to agree to the creation of a Central Criminal Investigation Department. If these are centralising appointments, then you are just as responsible as I. But I declare that they are among the rudimentary and cardinal requirements of a decent administration: and that for the want of them, the machine, as I found it, was in a state of lamentable inefficiency and dislocation. But when you consented to all these appointments, you must have known that they would carry with them increased reference and, if you like so to call it, increased centralisation, though intelligent coordination is the word that I should prefer to apply.

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25

JOHN MORLEY TO LORD MINTO,[1] 15 JUNE 1906

[Gokhale came for another interview. Tho' I don't know that he advances matters much, it brings what we all call Indian 'problems' more vividly before us—

[1] Minto Papers, vol. 1, No. 67. National Library of Scotland. Private letter. This extract is printed in Morley's *Recollections*, vol. 2, p. 174, (1917), with the words in square brackets omitted. Morley also replaced 'animal' by the word 'personage' and 'European' by 'Anglo' in the published version. The italics are also introduced in the printed version. Morley was Secretary of State for India, 1905–10. Minto was Viceroy from 18 November 1905 to 23 November 1910.

a great advantage to a minister groping his way in dark places. I often wonder whether you, who are at close quarters with Indian things, or I who am further off, have the best advantage for seeing over British policy as a whole. Probably a fair combination and discussion between the two is best of all.]

I wonder whether we could not now make a good start in the way of reform in the popular direction. If we don't, is it not certain that the demands will widen and extend into 'National' reasons, where I at least look with a very doubting and suspicious eye? Why should you not now consider as practical and immediate things—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. (Of course officials would remain a majority.) If I read your letters correctly, you have no disposition whatever to look on such changes as these in a hostile spirit: quite the contrary. Why not, then, be getting ready to announce reforms of this sort? Either do you write me a dispatch, or I'll write you one—by way of opening the ball. It need be no long or high-flown affair. I suppose the notion of a Native in your Executive Council would not do at all. Is that certain? I daresay it is—and it would frighten that nervous animal (naturally nervous), the European-Indian.

26

LORD MINTO TO JOHN MORLEY,[1] 5 JULY 1906

In your last letter to me you suggested the possibility of attempting to meet the demands of coming changes here, and I feel, if I may say so, that we are very much at one in our wishes. I have very nearly, on several occasions, suggested to you the possibility of a Native gentleman on my Council, but thought it would be premature to say anything about it. [In my opinion there is much to be said for it.] On the other hand, one must remember that such a colleague would necessarily become acquainted with all our State secrets, both interior and foreign, and that in this country it is difficult to dissociate any Native, however able, from the influences of religion. . . . Also it would be necessary to find a man generally looked up to in India with a stake in the country [and not to promote any one of the purely Gokhale type]. But please take all I say now as the mere embryo of future possibilities. But I believe we should effect the most solid reforms by beginning at the bottom—I mean by greater powers and greater encouragement given to the Native element on District Councils and Municipalities. You may be sure [I will not lose sight of all this and] that I am watching all the time.

[1] Minto Papers, vol. 2, July–December 1906. National Library of Scotland. This extract is printed in the Countess of Minto's *India, Minto and Morley*, pp. 97–9, with the words in brackets omitted. Private letter.

27

LORD MINTO TO JOHN MORLEY,[1] 11 JULY 1906

. . . Again, as to a Native member of Council, there is a great deal to be said for it. To me such a possibility appeals very strongly, but I cannot disguise from myself the doubts which naturally arise as to the advisability of committing State secrets to a Native colleague. At the same time I do not feel sure that we are not exaggerating the risk, that our suspicion is not largely due to our own inherent prejudice against another race, and that the time may not have come when we can afford to take a broader view of things and to offer to recognized ability a more direct share in the government of India.

[But if this were possible the man one would be inclined to take would be a recognized administrator. Scindia, for instance, or putting him aside some native gentleman of well-known administrative ability and moderate views. No such appointment would, however, be welcome to the Congress party, and though I dislike the mere suspicion of pandering to their views irrespective of what may be soundly beneficial to India, yet I think the point in question can also be laid aside for the present with the Council of Princes.]

What I think we have distinctly before us is the prolongation of the Budget Debate, the encouragement of greater discussion at that debate, not only on questions of finance, but on other matters of public moment, and also a larger representation on the Legislative Council of the Viceroy. The prolongation of the Budget debate would not be difficult to deal with. The question of representation is much more so.

[The unwieldiness of a larger body than the present could and would no doubt be troublesome, but we ought to be able to deal with it, and we must recollect that any increase we sanction must be proportionate with a similar increase of official members. But the chief difficulty will lie in selecting the bodies to whom power is to be given to nominate members. Popular representation in our sense of the word is of course out of the question, and all we can at present aim at is the selection of certain bodies to whom the power of nominating a Member should be given. I should be inclined to suggest for this the five universities of Calcutta, Madras, Bombay, Allahabad and the Punjab, with possibly some selected colleges, such as Aligarh. But I am inclined to apprehend that we might perhaps find our university members too much connected with Congress aspirations, and I think that their influence should be balanced by representatives on the Council nominated, for instance, by the Taluqdar Association and other such associations representing the landed interest. Again, outside the question of increased representation, there is another possibility upon which, though not likely to attract much public notice

[1] Minto Papers, vol. 2, No. 3, July–December 1906. National Library of Scotland. This extract is printed in the Countess of Minto's *India, Minto and Morley*, pp. 97–9, with the words in brackets omitted. Private letter.

or to engage the good-will of the Congress, I place great value; the increased powers which might be given to District Committees. I believe, as a matter of sound improvement we should do very right in commencing our reforms from the bottom of the tree. The Congress leaders would begin at the top. They want ready made power for themselves.] We must remember that our own people at home have been educated for centuries in the idea of constitutional government, and have only advanced by slow steps to the popular representation of today. Here everything is different. From time immemorial it has been the rule of dictators, and we must be very careful not to thrust modern political machinery upon a people totally unprepared for it.

. . . We have not had the matter up in Council, and I think it would be premature to do so at the moment. What I venture to propose to you is that you should let me know what you think of my crude suggestions, that we should put our ideas, as far as possible, into shape by private correspondence, and that I should then place the position before my Council for discussion with the intention of sending you our proposals in the shape of an official despatch. I attach great importance to the official initiative being taken by the Government of India. It is better in every respect, both for the present and for the future, that the Government of India should appear to recognise all that is in the air here, the necessity of meeting new conditions, and that they should not run the risk of being assumed to have at last taken tardy action out of respect to instructions from home. . . .

If you approve of my outline you might perhaps telegraph to me and I could set the official ball rolling here at once . . . I cannot but feel that we have a great opportunity, and I expect we are both equally eager to seize it. Nothing was ever truer than what Morison says in the extract you send me; 'Ideas can only be combated by ideas, and you won't keep this young generation away from the Congress unless you have another programme and another set of ideas to set up against theirs.'

28

LORD MINTO TO JOHN MORLEY ON THE CONGRESS AND MUSLIMS,[1] 4 NOVEMBER 1906

Your last letter of October the 11th with its enclosures was intensely interesting and has set me thinking very much. The correspondence with Sir W. Wedderburn is full of warning and instruction. Tilak, as you no doubt know, has an evil reputation, and if he and his party gained control of the Congress, knowing what we do, we could not look upon them otherwise than as irreconcilably hostile to British rule. Gokhale's letters are very remarkable. They are evidently honest, and the admission he makes as to the weakness of his own countrymen and the strength of our rule in India has impressed me much as coming from him. He and Lord Cromer agree as to the inadvisability of press persecution and the results which

[1] Morley Papers, India Office Library, MSS. Eur. D. 573, 7. Private letter.

they would apprehend from it. Lord Cromer's memo. is a great help to me, for it is encouraging to read the conclusions he, with all his great experience, has come to as to difficulties which, as you say, are in many respects parallel with those we have to deal with in India. At the same time, there are of course many conditions in India and Egypt which are entirely dissimilar, but Lord Cromer's views as to the treatment of the press and the influence British public opinion has on the administration of our imperial possessions is full of meaning. Whether the growth of democracy at home, and the power which better means of communication have given it of transmitting its sympathies to the uttermost parts of the world are entirely conducive to the good government of a great empire such as ours, I am not prepared to argue, though there can be no doubt that British administrators in our distant possessions are heavily handicapped, as to decisions which they may be required instantly to act upon, by their knowledge of the trend of public opinion at home, however mistaken it may be; but I entirely agree with Lord Cromer that all we can do is to accept the conditions under which we work and make the best of it. I think myself, much can be done in India by recognising the honesty of the 'Moderates', even though we may not agree with them. I should always be willing to meet the Congress leaders provided they do not altogether lose their reason. Our friendly recognition of a moderate Congress might, I believe, do much good. If the extremists, such as Tilak and Bepin Chandra Pal, gain the ascendancy, it will be impossible to deal with them, and the Congress itself will split up. So far I have heard no actual decision as to next year's President, though Gokhale talks of Dr. Dadabhi as likely to hold the post. I agree with you that the 'Moderates' are always at a disadvantage. Extremists generally know their own mind and take the lead, though the inauguration of the Congress was, I believe, not due to the initiative of extremists, but to the Mr. Hume who is referred to in the enclosures, and who with Gokhale was, I think, largely answerable for its creation. What is going on in India is altogether peculiar in comparison with other revolutions. Gambetta and Clemenceau, and before them Cavour, Garibaldi, and Mazzini, were fighting for what they believed to be the liberties of the people and had the support of a great majority of their fellow countrymen. I have always thought the regeneration of Italy a very fine story, though it was led by extremists who were not over scrupulous; but here the position is entirely different. There is no popular movement from below. The movement, such as it is, is impelled by the leaders of a class very small indeed in comparison to the population of India, who, if by some miracle they obtained the reins of Government, are totally incapable of ruling and would not for an instant be tolerated by the people of India as a whole. The extremists here are aiming at impossibilities. Their success would mean the disappearance of British administration and their own annihilation the next day. All the same, I am sure you know, that in saying this, I am very far from not appreciating and being ready to assist the genuine wish which is growing in India—though it cannot be said as yet to have reached the people—for a greater share in the Government of the country. I believe we can do something to meet that wish, but after

all, it is not so much political reform or political ambitions that, in the present stage of Indian history, I feel we ought to look to, but the means of giving most happiness and prosperity to the every-day lives of its teeming multitudes.

As to Mahomedan recognition, I was not surprised with the views Maclean (who is a very old friend of mine) expressed to you. I knew he had a poor opinion of Mahomedan ability, but I should be inclined to look upon what he said, and Stephen also, as illustrative of professional opinion, which is generally somewhat narrow in the sense of looking only at professional requirements, irrespective of broader considerations. There are bigger questions involved in the possible appointment of a Mahomedan to the Calcutta High Court than those of mere legal capacity. Of course one does not want to lower the high standard of any British department, but you will remember mentioning to me in one of your letters some time ago Lord Cromer's opinion as to the desirability of recognising native claims occasionally, even at some sacrifice of efficiency, and just now I am inclined to think somewhat similarly of the advisability of Mahomedan encouragement when it is reasonably possible. You mentioned to me some time ago that you had been told that Mahomed Shah Din had been mentioned to you as suitable for the High Court. From what I had heard, I also thought so, but though he is certainly a good man, further information does not point to his being quite up to the mark. Dunlop-Smith has been making enquiries on my behalf throughout India as to qualified Mahomedans, and I shall shortly be able to examine their qualifications.

29

THE PRESS ACT QUESTION,[1] 27 JUNE 1907

The Press Act question has been delayed by discussions in the Home and Legislative Departments, and I am avoiding troubling you about it till we have something definite to advise. There are several different proposals now before us. What we all feel is that we must have some safeguard against the contamination of the Indian Army. Commanding Officers report that inflammatory leaflets are freely distributed amongst the rank and file, and with a view to getting some further clue to their origin, I lately sanctioned the interception of suspicious correspondence which we have power to do under an Act of 1898. The last four incoming mails have been examined between Aden and Bombay, and the results have very fully confirmed our suspicions. Much matter of an inflammatory and seditious nature has come to light. The Intelligence Department tell me there are proofs, too, of treasonable correspondence with Russia, and with Russian Staff Officers, whilst the Clan-na-Gael in America have been supplying large numbers of their abominable publications to the Native troops. We have of course kept the matter most secret, and the interception has been very carefully managed. But you certainly should know of it. We mean to discontinue it after the arrival of the mail due in Bombay on

[1] Minto to Morley, Morley Papers, India Office Library, MSS. Eur. D. 573, 9. Private letter.

July the 5th. It is a disagreeable proceeding which I have not liked at all, but which the military danger seemed to me to fully justify at the moment.

30

LORD MINTO'S SPEECH IN THE FIRST MEETING OF THE REFORMED IMPERIAL LEGISLATIVE COUNCIL,[1] 25 JANUARY 1910

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It is important that my Hon'ble Colleagues and the Indian Public should know the history, the early history at any rate, of the reforms which have now been sanctioned by Parliament. They had their genesis in a note of my own addressed to my Colleagues in August 1906—nearly 3½ years ago. It was based entirely on the views I had myself formed of the position of affairs in India. It was due to no suggestions from home—whether it was good or bad I am entirely responsible for it. . . .

. . . . . .

That note elicited valuable opinions and was fully discussed in Council, and though, as you are aware, its suggestions were not accepted in their entirety by the Government of India, it laid the foundation of the first scheme of reform they submitted to the Secretary of State.

Since it was written, Lord Morley has fought India's battles in both Houses of Parliament in many great and memorable speeches, and there has been a constant interchange of correspondence between him and the Government of India. Much of it has not as yet been made public, but as regards the reform of the Legislative Councils I commit no breach of confidence in indicating the lines which the Government of India has endeavoured to follow. We have distinctly maintained that representative Government in its Western sense is totally inapplicable to the Indian Empire and would be uncongenial to the traditions of Eastern populations —that Indian conditions do not admit of popular representation—that the safety and welfare of this country must depend on the supremacy of British administration—and that that supremacy can, in no circumstances, be delegated to any kind of representative assembly.

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31

THE REORGANIZATION OF IMPERIAL AND PROVINCIAL COUNCILS,[2] 24 AUGUST 1907

2. It is now 20 years since Lord Dufferin's Government initiated the discussions which resulted in the passing of the Councils Act of 1892. . . .During this period

[1] Minto, *Speeches*, 1905–10, pp. 375–9.

[2] *Govt. of India Circular, East India, Advisory and Legislative Councils*, Cd. 3710, 1907.

higher education has penetrated to circles which a generation ago had hardly been affected by its influence. The ruling chiefs and the landholding and commercial classes, possessing a material stake in the country, and representing the most powerful and stable elements of Indian society, have now become qualified to take a more prominent part in public life, and to render a larger measure of assistance to the Executive Government. They no longer stand aloof from the new social and political conditions which affect the course of Indian affairs; they have profited greatly by the educational advantages offered to them under British rule; and they are anxious to be afforded an opportunity of expressing their views on matters of practical administration. No scheme of constitutional reform would meet the real requirements of the present time which did not make adequate provision for representing the landed aristocracy of India, 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. . . .

3. The Governor-General in Council has been much struck by the difficulty encountered by the Governments in India in making their measures and motives generally understood, and in correcting erroneous and often mischievous statements of fact or purpose imputed to them. When the right of interpellation was granted by the India Councils Act of 1892 to the Legislative Councils, it was hoped that by that means correct information on public affairs might be more widely diffused. The Legislative Councils, however, are called together only when there is legislation to be undertaken, their meetings are too infrequent to offer the means of confidential and intimate consultation between Government and its subjects, and the strict procedure by which they are restrained naturally tends to formality. . . .

4. . . . It has, however, long been felt that considerable advantages might be expected from any measures which, without impeding the free action of the Executive Government of India in the general conduct of affairs, would in some degree associate the great Ruling Chiefs and the territorial magnates of British India with the Governor-General in the guardianship of common and Imperial interests. . . . The establishment and recognition of a determinate body of advisers, who, while requiring no legislative recognition, and possessing in themselves no formal powers of initiative, would be consulted individually by the Governor-General, and would occasionally be called together, either in whole or in part, for the purpose of collective deliberation, and would be entitled, when so summoned, to offer their counsel on matters affecting the welfare of the people, would, in the opinion of the Government of India, be a marked step in constitutional progress. . . . The scheme would thus be no innovation in principle (as are some applications of Western methods to Eastern society), and if judiciously applied would, by evoking the stable forces fundamentally so strong in India, lend valuable aid to the orderly working of Government. For this purpose what appears to be needed is an Imperial Advisory Council of sufficient size and weight to

represent the views of the hereditary leaders of the people, both in British India and in the principal Native States, to be consulted by the Governor-General either individually or collectively or by means of committees appointed from among their number, on questions of sufficient moment to call for their advice, and to be used by him not only to draw out opinion on measures in contemplation, but also—what is hardly less important—as an agency for the diffusion of correct information upon the acts, intentions, and objects of Government.

10. It is the desire of the Governor-General in Council that the Legislative Councils in India should now be enlarged to the fullest extent compatible with the necessary authority of the Government. He desires, moreover, that these bodies should 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. In carrying out this system, which the Government of India agree with Lord Lansdowne's Government in regarding as the only one in any way applicable to Indian conditions, they consider it essential that the Government should always be able to reckon on a numerical majority, and that this majority should be strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member. The principle of a standing majority is accepted by the Government as an entirely legitimate and necessary consequence of the nature of the paramount power in India, and so far as they know it has never been disputed by any section of Indian opinion that does not dispute the legitimacy of the paramount power itself. . . . The necessity of maintaining an official majority thus implies the necessity of limiting the number of non-official members; and the problem which faces the Government of India now, as it faced Lord Lansdowne's Government fifteen years ago, is how to provide for the due representation, within the narrow limits thus imposed, of the vast diversity of classes, races, and interests in the Indian Empire.

32

GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[1] 1 OCTOBER 1908

6. . . . In view of the opposition of the Chiefs to a Council of mixed composition, and of the unfavourable reception which our proposal has met with in British India, we consider that the published scheme should not be proceeded with at present. It is possible that in course of time the relations of Native States to British India may become more intimate, and that common interests may arise which might with advantage be referred for discussion to a mixed Council, or to a Council consisting of two Chambers, one of Chiefs and the other of Notables. But in present conditions we are of opinion that an attempt to create a mixed Council in any form would result in failure. We think, however, that there should be an Imperial Council composed only of Ruling Chiefs. The scope of such a Council

[1] *East India, Advisory and Legislative Councils*, Cd. 4426, 1908. Official despatch.

would necessarily be narrower than that of a mixed Council, but there are many questions of an Imperial character on which the advice of Ruling Chiefs would be of great value, and we are of opinion that the time has come when they should be invited to assist the Governor General in the guardianship of common and Imperial interests.

75. In framing the proposals, which we now submit to your decision, we have given ample consideration to the great variety of opinion elicited by our letter of 24th August 1907. . . . We have accepted in substance several important suggestions, and we have introduced into our scheme measures of a far more advanced character than have hitherto been proposed. We will now sum up the results of our deliberations. In accordance with the most authoritative opinion we have abandoned the idea of an Imperial Advisory Council as originally planned, and have substituted for it a Council of Chiefs to be appointed by the Viceroy, and utilised by him in the guardianship of common and Imperial interests as the demands of the time may require. We have planned Provincial Advisory Councils on lines which will enable local Governments to avail themselves of the advice and co-operation of the leading representatives of the best non-official opinion, and we trust that the proposal will commend itself to popular feeling, and will satisfy the demand for extended opportunities of consultation on matters of local interest. The enlargement of the Legislative Councils, and the extension of their functions to the discussion of administrative questions, are the widest, most deep-reaching and most substantial features of the scheme which we now put forward. . . Regarding the scheme as a whole, we consider ourselves justified in claiming for it that it will really and effectively associate the people of India with the Government in the work not only of occasional legislation but of actual everyday administration. It is an attempt to give India a constitution framed on sufficiently liberal lines to satisfy the legitimate aspirations of the most advanced Indians, whilst at the same time enlisting the support of the more conservative elements of Indian society. . . .

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33

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 27 NOVEMBER 1908

12. Without rejecting the various expedients suggested by Your Excellency for adoption, in order to secure the adequate representation of these important classes on the Councils, I suggest for your consideration that the object in view might be better secured, at any rate in the more advanced provinces in India, by a modification of the system of a popular electorate, founded upon the principle of electoral colleges. The use of this method is not in itself novel; it already exists in the groups of District Boards and of municipalities which, in several provinces, return members to the Provincial Councils. The election is not committed to the Boards or

[1] *East India, Advisory and Legislative Councils*, Cd. 4426, 1908. Official despatch.

Municipalities directly; these bodies choose electors, who then proceed to elect the representative of the group.

13. In this manner minorities would be protected against exclusion by majorities, and all large and important sections of the population would have the opportunity of returning members in proportion to their ratio to the total population. Their choice could in that event be exercised in the best possible way, that, namely, of popular election, instead of requiring Government to supply deficiencies by the dubious method of nomination.

14. I do not wish definitely to prescribe such a scheme for adoption whether locally or universally, but I commend it to your consideration. It appears to offer an expedient by which the objections against a system of nomination may be avoided, and it would work through a choice freely exercised by the electorate at large, instead of by artificial electorates specially constituted for the purpose. No doubt, it removes the primary voter by more than one stage from the ultimate choice; and it does not profess to be simple. I can only say that it is quite as simple as any scheme for representation of minorities can ever be. The system of a single vote, which is an essential part of it, is said to work satisfactorily in places where it is already in existence, and it is easy of apprehension by the electors. It would have several great advantages. It would bring the classes specially concerned within the popular electorate, . . . second, it establishes a principle that would be an answer to further claims for representation by special classes or associations; third, it would ensure the persons chosen being actually drawn from the locality that the electoral college represents; fourth, it would provide a healthy stimulus to interest in local self-government by linking up local bodies (Rural and Municipal Boards) more closely with the Provincial Legislative Councils. To this end it might be provided that the candidate for election to the Provincial Council must himself have taken part in local administration.

22. . . . While I desire to liberalize as far as possible the Provincial Councils, I recognise that it is an essential condition of this policy that the Imperial supremacy shall be in no degree compromised. I must therefore regard it as essential that Your Excellency's Council in its legislative, as well as its executive, character should continue to be so constituted, as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes, and must always owe, to His Majesty's Government and to the Imperial Parliament. . . . To secure the required relations I am convinced that a permanent official majority in the Imperial Legislative Council is absolutely necessary, and this must outweigh the grave disadvantages that induce us to dispense with it in the Provincial Legislatures. . . .

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34

LORD MORLEY ON THE REFORM PROPOSALS OF 1908,[1] 17 DECEMBER 1908

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There is one point of extreme importance which, no doubt, though it may not be quite diplomatic for me to say so at this stage, will create some controversy. I mean the matter of the official majority. The House knows what an official majority is. It is a device by which the Governor-General or the Governor of Bombay or Madras may secure a majority in his Legislative Council by means of officials. . . . But anybody can see how directly, how palpably, how injuriously, an arrangement of this kind tends to weaken, and I think I may say, even to deaden, the sense of trust and responsibility in the non-official members of these councils. Anybody can see how the system tends to throw the non-official member into an attitude of peevish, sulky, permanent opposition, and, therefore, has an injurious effect on the minds and characters of members of these Legislative Councils.

I know it will be said—I will not weary the House by arguing it, but I only desire to meet at once the objection that will be taken—that these councils will, if you take away the safeguard of the official majority, pass any number of wild-cat Bills. The answer to that is that the head of the Government can veto the wild-cat Bills. The Governor-General can withhold his assent, and the withholding of the assent of the Governor-General is not a defunct power. . . . And it must be remembered that the range of subjects within the sphere of Provincial Legislative Councils is rigorously limited by statutory exclusions. . . .

There is one proviso in this matter of the official majority in which your Lordships may, perhaps, find a surprise. We are not prepared to divest the Governor-General in his Council of an official majority. In the Provincial Councils we propose to dispense with it, but in the Viceroy's Legislative Council we propose to adhere to it, though let me say that here we may seem to lag a stage behind the Government of India themselves—so little violent are we—because the Government say, in their despatch—On all ordinary occasions we are ready to dispense with an official majority in the Imperial Legislative Council, and to rely on the public spirit of non official members to enable us to carry on the ordinary work of legislation. My Lords, that is what we propose to do in the Provincial Councils. But in the Imperial Council we consider an official majority essential. It may be said that this is a most tremendous logical inconsistency. So it would be on one condition. If I were attempting to set up a Parliamentary system in India, or if it could be said that this chapter of reforms led directly or necessarily up to the establishment of a Parliamentary system in India, I, for one, would have nothing at all to do with it. . . . If my existence, either officially or corporeally, were prolonged twenty times longer than either of them is likely to be, a Parliamentary system in India is not the goal to which I for one moment would aspire.

[1] *Parl. Debates*, H.L., vol. 198 (1908), cols. 1983–7.

One point more. It is the question of an Indian member of the Viceroy's Executive Council. The absence of an Indian member from the Viceroy's Executive Council can no longer, I think, be defended. There is no legal obstacle or statutory exclusion. The Secretary of State can, to-morrow, if he likes, if there be a vacancy on the Viceroy's Council, recommend His Majesty to appoint an Indian Member. All I want to say is that, if, during my tenure of office, there should be a vacancy on the Viceroy's Executive Council, I should feel it my duty to tender to the King my advice that an Indian member should be appointed. If it were on my own authority only, I might hesitate to take that step, because I am not very fond of innovations in dark and obscure ground, but here I have the absolute and the zealous approval and concurrence of Lord Minto himself. . . . It is a rather remarkable thing that two men differing in this way in antecedents and so on should agree in this proposal—Lord Minto zealously concurring in it, even instigating it. . . .

But I am not altogether without experience, because a year ago, or somewhat more, it was my good fortune to be able to appoint two Indian gentlemen to the Council of India that sits at the India Office. Many apprehensions reached me as to what might happen. So far, at all events, those apprehensions have all been dissipated. The concord between the two Indian members of the Council and their colleagues has been unbroken, their work has been excellent, and you will readily believe me when I say that the advantage to me of being able to ask one of these two gentlemen to come and tell me something about an Indian question from an Indian point of view is enormous. I find in it a chance of getting the Indian angle of vision, and I feel sometimes as if I were actually in the streets of Calcutta. I do not say there are not some arguments on the other side, but this, at all events, surely is common sense—to have in the Government of the country, for the Governor-General to have at his side a man who knows the country well, who belongs to the country and can give him the point of view of an Indian, surely that is likely to prove an enormous advantage.

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35

LORD MORLEY ON THE INDIAN COUNCILS BILL,[1] 23 FEBRUARY 1909

There is one very important chapter in these regulations which I think now on the Second Reading of the Bill, without waiting for Committee, I ought to say a few words to your Lordships about—I mean the Mahomedans. That is a part of the Bill and scheme which has no doubt attracted a great deal of criticism and excited a great deal of feeling in that very important community. We suggested to the Government of India a certain plan. We did not prescribe it, we did not order it, but we suggested and recommended this plan for their consideration—no more than that. It was the plan of a mixed or composite electoral college, in which

[1] *Parl. Debates*, H.L., vol. 1 (1909), cols. 14–18.

Mahomedans and Hindus should pool their votes, so to say. The wording of the recommendation in my Despatch was, as I soon discovered, ambiguous—a grievous defect, of which I make bold to hope I am not very often in public business guilty. But, to the best of my belief, under any construction the plan of Hindus and Mahomedans voting together in a mixed and composite electorate would have secured to the Mahomedan electors, wherever they were so minded, the chance of returning their own representatives in their due proportion. The political idea at the bottom of that recommendation which has found so little favour was that such composite action would bring the two great communities more closely together, and this idea of promoting harmony was held by men of very high Indian authority and experience who were among my advisers at the India Office. But the Mahomedans protested that the Hindus would elect a pro-Hindu upon it, just as I suppose in a mixed college of say seventy-five Catholics and twenty-five Protestants voting together the Protestants might suspect that the Catholics voting for the Protestant would choose what is called a Romanising Protestant and as little of a Protestant as they could find. . . At any rate, the Government of India doubted whether our plan would work, and we have abandoned it. I do not think it was a bad plan, but it is no use, if you are making an earnest attempt in good faith at a general pacification, out of parental fondness for a clause interrupting that good process by sitting too tight.

The Mohamedans demand three things. I had the pleasure of receiving a deputation from them and I know very well what is in their minds. They demand the election of their own representatives to these councils in all the stages, just as in Cyprus, where, I think, the Mahomedans vote by themselves. They have nine votes and the non-Mahomedans have three, or the other way about. So in Bohemia, where the Germans vote alone and have their own register. Therefore we are not without a precedent and a parallel for the idea of a separate register. Secondly, they want a number of seats in excess of their numerical strength. Those two demands we are quite ready and intend to meet in full. There is a third demand that, if there is a Hindu on the Viceroy's Executive Council—a subject on which I will venture to say a little to your Lordships before I sit down—there should be two Indian members on the Viceroy's Council and that one should be a Mahomedan. Well, as I told them and as I now tell your Lordships, I see no chance whatever of meeting their views in that way to any extent at all.

To go back to the point of the registers, some may be shocked at the idea of a religious register at all, of a register framed on the principle of religious belief. We may wish, we do wish—certainly I do—that it were otherwise. We hope that time, with careful and impartial statesmanship, will make things otherwise. Only let us not forget that the difference between Mahomedanism and Hinduism is not a mere difference of articles of religious faith. It is a difference in life, in tradition, in history, in all the social things as well as articles of belief that constitute a community. . . .

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36

THE INDIAN COUNCILS ACT,[1] 25 MAY 1909

Be it enacted . . ., as follows:—

I. (1) The additional members of the councils for the purpose of making laws and regulations (hereinafter referred to as Legislative Councils) of the Governor-General and of the Governors of Fort Saint George and Bombay, and the members of the Legislative Councils already constituted, or which may hereafter be constituted, of the several Lieutenant-Governors of Provinces, instead of being all nominated by the Governor-General, Governor, or Lieutenant-Governor in manner provided by the Indian Councils Acts, 1861 and 1892, shall include members so nominated and also members elected in accordance with regulations made under this Act, and references in those Acts to the members so nominated and their nomination shall be construed as including references to the members so elected and their election.

(2) The number of additional members or members so nominated and elected, the number of such members required to constitute a quorum, the term of office of such members and the manner of filling up casual vacancies occurring by reason of absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise, shall, in the case of each such council, be such as may be prescribed by regulations made under this Act:

Provided that the aggregate number of members so nominated and elected shall not, in the case of any Legislative Council mentioned in the first column of the first schedule to this Act, exceed the number specified in the second column of that schedule.

II. (1) The number of ordinary members of the councils of the Governors of Fort Saint George and Bombay shall be such number not exceeding four as the Secretary of State in Council may from time to time direct, of whom two at least shall be persons who at the time of their appointment have been in the service of the Crown in India for at least twelve years.

(2) If at any meeting of either of such councils there is an equality of votes on any question, the Governor or other person presiding shall have two votes or the casting vote.

III. (1) It shall be lawful for the Governor-General in Council, with the approval of the Secretary of State in Council, by proclamation, to create a council in the Bengal Division of the Presidency of Fort William for the purpose of assisting the Lieutenant-General in the executive government of the Province and by such proclamation—

(a) to make provision for determining what shall be the number (not exceeding four) and qualifications of the members of the council; and

[1] 9 Edward VII, c. 4.

(b) to make provision for the appointment of temporary or acting members of the council during the absence of any member from illness or otherwise, and for the procedure to be adopted in case of a difference of opinion between a Lieutenant-Governor and his council, and in the case of equality of votes, and in the case of a Lieutenant-Governor being obliged to absent himself from his council from indisposition or any other cause.

(2) It shall be lawful for the Governor-General in Council, with the like approval, by a like proclamation to create a council in any other province under a Lieutenant-Governor for the purpose of assisting the Lieutenant-Governor in the executive government of the province: Provided that before any such proclamation is made a draft thereof shall be laid before each House of Parliament for not less than sixty days during the session of Parliament, and, if before the expiration of that time an address is presented to His Majesty by either House of Parliament against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft.

(3) Where any such proclamation has been made with respect to any province the Lieutenant-Governor may, with the consent of the Governor-General in Council, from time to time make rules and orders for the more convenient transaction of business in his council, and any order made or act done in accordance with the rules and orders so made shall be deemed to be an act or order of the Lieutenant-Governor in Council.

(4) Every member of any such council shall be appointed by the Governor-General, with the approval of His Majesty, and shall, as such, be a member of the Legislative Council of the Lieutenant-Governor, in addition to the members nominated by the Lieutenant-Governor and elected under the provisions of this Act.

V. (1) Notwithstanding anything in the Indian Councils Act, 1861, the Governor-General in Council, the Governors in Council of Fort Saint George and Bombay respectively, and the Lieutenant-Governor or Lieutenant-Governor in Council of every province, shall make rules authorising at any meeting of their respective legislative councils the discussion of the annual financial statement of the Governor-General in Council or of their respective local governments, as the case may be, and of any matter of general public interest, and the asking of questions, under such conditions and restrictions as may be prescribed in the rules applicable to the several councils . . .

(3) Rules under this section, where made by a Governor in Council, or by a Lieutenant-Governor, or a Lieutenant-Governor in Council, shall be subject to the sanction of the Governor-General in Council, and where made by the Governor-General in Council shall be subject to the sanction of the Secretary of State in Council, and shall not be subject to alteration or amendment by the Legislative Council of the Governor-General, Governor, or Lieutenant-Governor.

VI. The Governor-General in Council shall, subject to the approval of the Secretary of State in Council, make regulations as to the conditions under which and

manner in which persons resident in India may be nominated or elected as members of the Legislative Councils of the Governor-General, Governors, and Lieutenant-Governors, and as to the qualifications for being, and for being nominated or elected, a member of any such council, and as to any other matter for which regulations are authorised to be made under this Act, and also as to the manner in which those regulations are to be carried into effect. Regulations under this section shall not be subject to alteration or amendment by the Legislative Council of the Governor-General.

VII. All proclamations, regulations, and rules made under this Act, other than rules made by a Lieutenant-Governor for the more convenient transaction of business in his Council, shall be laid before both Houses of Parliament as soon as may be after they are made.

SCHEDULES

FIRST SCHEDULE

Maximum Numbers of Nominated and Elected Members of Legislative Councils

Legislative Council	Maximum Number
Legislative Council of the Governor-General	60
Legislative Council of the Governor of Fort Saint George	50
Legislative Council of the Governor of Bombay	50
Legislative Council of the Lieutenant-Governor of the Bengal Division of the Presidency of Fort William	50
Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh	50
Legislative Council of the Lieutenant-Governor of the Province of Eastern Bengal and Assam	50
Legislative Council of the Lieutenant-Governor of the Province of the Punjab	30
Legislative Council of the Lieutenant-Governor of the Province of Burma	30
Legislative Council of the Lieutenant-Governor of any Province which may hereafter be constituted	30

37

GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[1] 25 AUGUST 1911

3. The maintenance of British rule in India depends on the ultimate supremacy of the Governor-General-in-Council, and the Indian Councils Act of 1909 itself bears testimony to the impossibility of allowing matters of vital concern to be decided by a majority of non-official votes in the Imperial Legislative Council. Nevertheless it is certain that, in the course of time, the just demands of Indians

[1] Cd. 5979, pp. 6–7. This despatch proposed the transfer of the seat of government from Calcutta to Delhi.

for a larger share in the government of the country will have to be satisfied, and the question will be how this devolution of power can be conceded without impairing the supreme authority of the Governor-General-in-Council. The only possible solution of the difficulty would appear to be gradually to give the Provinces a larger measure of self-government, until at last India would consist of a number of administrations, autonomous in all provincial affairs, with the Goverment of India above them all, and possessing power to interfere in cases of misgovernment, but ordinarily restricting their functions to matters of Imperial concern. In order that this consummation may be attained, it is essential that the Supreme Government should not be associated with any particular Provincial Government. The removal of the Government of India from Calcutta, is, therefore, a measure which will, in our opinion, materially facilitate the growth of Local self-government on sound and safe lines. It is generally recognised that the capital of a great Central Government should be separate and independent, and effect has been given to this principle in the United States, Canada, and Australia.

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38

LORD CURZON'S QUESTIONS IN THE HOUSE OF LORDS, 21 FEBRUARY, 24 JUNE 1912, AND LORD CREWE'S REPLIES,[1] 22 FEBRUARY, 24 JUNE 1912

LORD CURZON

I would like the Secretary of State to answer one more question, if I may be allowed to ask it. There is one paragraph in the Despatch which has attracted little attention in this country, but which seems to me to be in a sense the most significant of all. It is Paragraph 3 of the Despatch of the Government of India, in which the Government of India light-heartedly, as if they were uttering a mere commonplace instead of putting forward what is, as I conceive, an entirely new form of Government in India, use these words:—'The only possible solution of the difficulty would appear to be gradually to give the Provinces a larger measure of self-government, until at last India would consist of a number of administrations, autonomous in all provincial affairs, with the Government of India above them all, and possessing power to interfere in cases of misgovernment, but ordinarily restricting their functions to matters of Imperial concern.' My Lords, this picture of a federation of self-governing and quasi-independent States in India, with the Governor-General-in-Council existing at the top, interfering only in cases of misgovernment—and we know how difficult that would be—and confining itself ordinarily to Imperial matters, by which I suppose are meant the frontier and the Army, may be a good or a bad idea. In my view it is a bad one, but nobody can doubt that it represents a scheme or a sketch of the future Government of India wholly different from that which has hitherto prevailed. It is not by divided Governments that the Indian Empire has been built, but by the existence of a

[1] *Parl. Debates*, H.L., vol. 11, cols. 164–5, 243–4; vol. 12, cols. 143–4, 153–6. Lord Crewe was Secretary of State for India, Nov. 1910 to March 1911, and again May 1911 to May 1915.

strong central authority, controlling and supervising all, which you have persuaded in times past the best of your statesmen and administrators to take up, and which they have taken up to the advantage of India and the credit of your country.

But this is entirely different. It is true that as time has gone on there has been a delegation of powers to Local Governments, financial, administrative, legislative—an inevitable and proper process of which we have not yet reached the end. But if you are going to contemplate, as this Despatch indicates, a policy of separate States in India, a sort of Home Rule all round—Mr. John Bright's idea of an India divided into separate States, with separate Governments, separate armies, and so on—if you are going to abandon that uniformity in the main principles of government, in the guiding tenants of your administration, which you have hitherto observed, I venture to say the result can only be to lead through disruption to disaster. That is my fear. My fear about this establishment of the capital at Delhi is that your Central Government, instead of becoming stronger, will become weaker. My view is that you will become dissociated from the life and administration of India, and that gradually, as the Provinces follow the line you have laid down and demand increasing Home Rule, your Viceroy in India will become a sort of puppet as the Moghuls were towards the end of their régime, and India will break up into separate fragments, as it did in the empiring days of Aurangzeb and his successors. When trouble comes, as it may come some day in India, it will not be by separate Provinces acting on their own account that India will be saved, but by a strong central Government exercising supervision and control over all.

LORD CREWE'S REPLY

My Lords, may I, by the indulgence of the House, explain one point, not of course in answer to anything which the noble Marquess has said, because I am not entitled to do that, but with regard to a remark which fell from him . . . with which I omitted to deal, for I am greatly afraid that the absence of any observation from this side upon it might lead to misunderstanding in India. . . . The point is this. He seemed to assume, and the noble Marquess [the Marquess of Lansdowne] who has just sat down also seemed to assume, that there was something approaching a settled policy on the part of the Government of India and, for all I know, of the Government at home, leading in the direction of something like a federal system in India. I wish to dispel altogether the idea that anything of the kind is intended. What my noble friend the Viceroy in his Despatch did—and I think if the paragraph is carefully read it will be taken as doing nothing more—was to draw attention to the general trend and tendency of the form of Government in India, particularly as it now exists under the Councils Act of 1909 which is associated with my noble friend, Lord Morley. Lord Hardinge was speaking of the general tendency which might be expected to continue towards a further decentralisation in all matters of a provincial kind, and he drew the conclusion which is to be found towards the close of the paragraph. But it would be unfortunate, and not in con-

sonance with the facts, if a belief were held that we have or that the Government of India have any policy in view in the nature of a formal system of federation. I repeat that my noble friend Lord Hardinge was simply speaking of what he takes to be the inevitable trend and tendency of things in India.

LORD CURZON'S REJOINDER

. . . Moreover, . . . we had only a few days afterwards a statement in a public speech made by his Under-Secretary, who represents the India Office with so much ability in the House of Commons, Mr. Montagu. May I read to your Lordships what Mr. Montagu, speaking at Cambridge, had to say about this passage? He said:—

> 'We have endeavoured to look ahead to co-ordinate our changes in Bengal with the general lines of our future policy in India, which is stated now for the first time in the Government of India's Despatch that has been published as a Parliamentary Paper. That statement shows the goal, the aim towards which we propose to make, not immediately, not in a hurry, but gradually.'

Mr. Montagu then went on to quote the very sentence which I read out to your Lordships just now, and he continued as follows:—

> 'We cannot drift on for ever without stating a policy. The Moderates look to us to say what lines our future policy is to take. We have put off answering them for too long. At last, and not too soon, a Viceroy has had the courage to state the trend of British policy in India and the lines on which we propose to advance.'

. . . Well, my Lords, I venture to say that this is a very different thing from the conception entertained by the Secretary of State. The Secretary of State invites us to believe that His Majesty's Government have no definite policy in view which they have sought this opportunity to enunciate. The Under-Secretary, on the other hand, tells us that there is a definite aim and object on the part of His Majesty's Government, that they have what he describes as a thought-out-plan. It appears to me impossible to reconcile these two comments upon the same text.

LORD CREWE'S REPLY

A certain degree of gloss has been put upon that statement by a section of public opinion, and that gloss—in spite of the statement which I made in this House that I could see no reason for it—is supposed to have received some support from a speech which my honourable friend Mr. Montagu made at Cambridge. It is open to anybody to say—as the noble Earl has more than hinted, I think he almost stated—that it would have been wiser for the Government of India not to attempt to prophesy about the distant future at all. It is open to noble Lords opposite to take that view, but it is important to remember the context in which those words come. The Government of India had to explain, and I had to explain in reply to them, that we were anxious to remove the Government of India from a close connection with any Provincial Government, and in arguing for that necessity the

Viceroy went on to say that the time would come some day, as the tendency showed and as the general drift our policy indicated, when in local affairs Provinces would tend to become more and more independent.

The noble Earl [Lord Curzon] himself, when he was in India, made observations which involved a somewhat similar forecast, perhaps on a more limited scale, but still a somewhat similar forecast. I have here a volume of the speeches which he made in India, and in those I have found two passages which make it clear that in his mind there was at that time a feeling that a further extension of local autonomy was possible. In his Sixth Budget Speech, which was delivered in March, 1904, the noble Earl was talking about the new provincial settlements, and he ran through the steps that were taken for giving the different Provinces a more permanent instead of a temporary interest in the revenue and expenditure under their control. . . . The noble Earl went on to say, on the occasion I am referring to, [Lord Curzon's speech made at a dinner given to him by the United Service Club at Simla in December, 1905] that he believed in a strong Government of India holding the reins, but it ought to ride the local Governments 'on the snaffle and not on the curb'.

. . . Therefore when my honourable friend Mr. Montagu said that this ideal of larger provincial autonomy, or however you may like to describe it, was being put forward for the first time he showed himself, I am afraid, not quite so well acquainted with the noble Earl's speeches as I admit he ought to have been. In fact, if we could collect the various allusions to this subject in the speeches of former Viceroys, and possibly also former Secretaries of State, we should often find, I am inclined to believe, the expression of hopes that as education spread and as the sense of responsibility grew, more influence and more actual power should be placed in the hands of local Governments and of local bodies than it is possible to place at present. Whether that be called a policy, which seemed to shock the noble Earl, or whether it be called, as I called it when I was speaking on the subject before, a trend or a tendency, I do not think very much matters; because the tendencies in India, are, and, as things are, can only be, the policy of the Government of India and of Parliament here.

. . . I do not believe that the experiment—for it would be an experiment quite new, so far as my knowledge of history goes, in the whole world—of attempting to confer a measure of real self-government, with practical freedom from Parliamentary control, upon a race which is not our own race, even though that race enjoyed and appreciated the advantages of getting the best services of men belonging to our race—I do not believe that that experiment is one which could be tried. That being so, standing here as Secretary of State for India it is certainly my duty to repudiate altogether that reading of this Despatch which implies that anything of the kind is the hope or goal of the policy of His Majesty's Ministers or of the present Government of India working with them.

. . . But I do feel—and I have no reason to suppose that in expressing such a feeling I shall be contradicted by the noble Earl—that it is our duty as a nation

and as the Government for the time being of that nation to encourage in every reasonable and possible way the desire of the inhabitants of India to take a further part in the management of their own affairs.

39

THE GOVERNMENT OF INDIA'S RESOLUTION ON LOCAL SELF-GOVERNMENT POLICY,[1] 28 APRIL 1915

3. The obstacles in the way of realising completely the ideals which have prompted action in the past are still, however, by no means inconsiderable. The smallness and inelasticity of local revenues, the difficulty of devising further forms of taxation, the indifference still prevailing in many places towards all forms of public life, the continued unwillingness of many Indian gentlemen to submit to the troubles, expense and inconveniences of election, the unfitness of some of those whom these obstacles do not deter, the prevalence of sectarian animosities, the varying character of the municipal area, all these are causes which cannot but impede the free and full development of local self-government. The growing demand among the educated classes in towns for greater efficiency, involving more direct expert control, in matters affecting public health and education, is a further influence of a different character. . . . But on the whole the Government of India declare unhesitatingly in favour of a general policy of further progress, limited only by such conditions as local circumstances may dictate. Uniformity, even were it attainable, would be undesirable as tending to monotony, lifelessness and discouragement of new experiments. But, in fact, any attempt to exact uniformity in local administration would be foredoomed to failure. . . .

4. Local Governments and Administrations in general are prepared to advance in the direction of the main recommendations of the Commission.[2] They propose in varying degrees to expand the electoral element in the constitution of local bodies, to extend the employment of non-official chairmen in municipalities, to allow local bodies more ample control over budgets and freer powers of reappropriation, to concede increased authority to local bodies over establishments and to relax existing restrictions in regard to outside sanction for expenditure on works of importance. These changes will mark a real and immediate extension of the principles of local self-government.

6. The Commission recommended that municipal boards should ordinarily be constituted on the basis of a substantial elective majority, and that nominated members should be limited to a number sufficient to provide for the due representation of minorities and official experience. This recommendation has already been adopted in several provinces and is generally accepted by local Governments and the Government of India, subject to the proviso that the principle should in places,

[1] *Supplement to the Gazette of India*, 1 May, 1915, pp. 1175–90.
[2] *The Royal Commission upon Decentralisation*, 1909.

where its success is doubtful, be introduced gradually, and after experiment in selected municipalities.

8. The majority of local Governments are in favour of substituting, so far as possible, non-official for official chairmen, and the Government of India are in full sympathy with the proposal. The increasing burden of administration, apart from other considerations, renders it desirable that the district officer should be relieved of the executive control of municipal bodies. The Governor-General in Council recognises, however, that the change must be made gradually, and that in the absence of suitable candidates, it may not be possible to make it finally and once for all in particular places. He agrees with the opinion expressed in several quarters that discretion should be reserved to a local Government to nominate a non-official as chairman. Many gentlemen of influence, well fitted to be chairmen of boards, are not prepared to offer themselves for election, and insistence on election as the only alternative to the nomination of an official would unnecessarily narrow the field of choice. Nor does it appear necessary to prohibit boards under any circumstances from electing an official as their chairman. It may be desirable, however, to require the election of an official as chairman to be confirmed by the Commissioner, or even higher authority.

17. The Commission were of opinion that municipalities should have full liberty to impose or alter taxation within the limits laid down by the municipal laws but that the sanction of an outside authority to any increase in taxation should be required where the law did not prescribe a maximum rate. . .

18. Municipal finance has shown a marked expanse during the last decade. The total income of 701 municipalities in 1912–1913 was £3,282,845 (Rs. 4,92,42,675) as compared with £1,844,081 (Rs. 2,76,61,215) for 753 municipalities in 1902–1903. Contributions from Government have materially assisted this expansion. Since 1911, the Government of India have made grants amounting to £3,076,466 (Rs. 4,61,47,000), of which £368,200 (Rs. 55,23,000) are recurring, for urban sanitation. Municipalities have also received their share—the exact figure is not easily ascertainable—of the large educational grants made by the Government of India since 1911, amounting to about £3,987,800 (Rs. 5,98,17,000), of which £826,666 (Rs. 1,24,00,000) are recurring. Municipal boards have been relieved of all charges for the maintenance of police within municipal limits. In almost every province the recommendation that municipalities should be relieved from financial responsibility for famine relief and should receive assistance from Government in the case of severe epidemics, has been already given effect to, or the principle has been accepted.

There is a growing demand on every side for improvements and it is not possible for all municipalities to finance large schemes of water-supply and drainage without substantial aid. Such aid has been freely given by the Imperial and local Governments. The power of the Government to make grants is, however, limited and financial assistance of this nature cannot be expected unless the rate-payers are prepared to bear a reasonable proportion of the burden. . . .

24. The Commission thought that the Collector should retain certain powers, given under the existing Acts, *e.g.*, the power to suspend in certain cases the operation of municipal resolutions and that the Commissioner should be able to require a municipality which had neglected a particular service to take such action as he may consider necessary. The local Governments generally and the Government of India are of opinion that special powers of outside control are necessary and should continue.

28. The Commission were of opinion that an official should remain, as he usually is at present, chairman of every district and sub-district board. They considered that the removal of the district and sub-divisional officer from the presidentship of rural boards would have the effect of dissociating them from the general interests of the district in such matters as roads, education, sanitation, etc., and would divorce them from healthy contact with instructed non-official opinion. They differentiated the circumstances of rural boards from those of municipalities, in that the latter are less connected with general district administration, that they have reached a higher level of political education and that the jurisdictional area is much smaller and more compact. All local Governments have accepted this view with which the Government of India are in agreement, though they will have no objection to non-official chairmen being retained where such exist, or appointed where a local Government or Administration desires to make the experiment.

29. The funds of district boards are mainly derived from a cess levied upon agricultural land over and above the land revenue, with which it is collected, and not usually exceeding one anna in the rupee ($6\frac{1}{4}$ per cent.) on the annual rent value. Since 1905 this income has been specially supplemented by a Government contribution amounting to 25 per cent. of the then existing income. Besides this, special grants are frequently made to district boards by local Governments. The total number of district and sub-district boards in 1912–1913 was 199 and 536, respectively, with an aggregate income of £3,787,219 (Rs. 5,68,08,292). In the same year they received specially large grants from the sums allotted by the Imperial Government for education and sanitation. Prior to 1913 the district boards of several provinces did not receive the whole of the land cess. For example, this cess in Bengal and Bihar and Orissa was divided into two parts, *viz.*, the road cess and the public works cess. The district boards only enjoyed the benefits of the road cess, while the public works cess belonged of right to the local Government, which returned, however, a portion in the shape of discretionary grants. In other Provinces, *e.g.*, the United Provinces, the Punjab and the North-West Frontier Province, considerable deductions were made by the local Governments concerned from the cess for various purposes. In 1913 the Imperial Government made assignments to the local Governments concerned to enable them to hand over the entire net proceeds of the cess to the boards. The relief thus given amounted to £548,866 (R.82,33,000) a year and the provinces which benefited were Bengal, the United Provinces, Bihar and Orissa, and to a smaller extent the Punjab and the

North-West Frontier Province. The income of district boards in Bengal, the United Provinces and Bihar and Orissa has mainly by this measure been increased by 44, 43 and 55 per cent., respectively, in the year 1913–1914. This notable expansion will enable them in future to undertake or develop many beneficent activities from which they have hitherto been debarred by lack of financial means.

. . . . . .

37. The Commission recommended the constitution and development of village panchayats possessed with certain administrative powers, with jurisdiction in petty civil and criminal cases, and financed by a portion of the land cess, special grants, receipts from village cattle pounds and markets, and small fees on civil suits. This proposal, favourably commended by the Government of India, who expressed their readiness to acquiesce in some form of permissive taxation, if need be, has in general been sympathetically received. The practical difficulties are, however, felt to be very great in many parts of India. The Government of Burma and the Chief Commissioner of the Central Provinces deprecate the introduction of a system which, in their judgment, is alien to the customs of the people and will not command public confidence. Other Governments are willing to experiment, but on different lines. The Punjab Government has already established panchayats for civil cases only and of a voluntary character. Sir Leslie Porter, when officiating as Lieutenant-Governor of the United Provinces, expressed his willingness to entrust selected panchayats with criminal as well as civil jurisdiction. The Madras Government are desirous of experimenting in the establishment of panchayats but consider that action should be confined for the present to the encouragement of voluntary self-contained organisms independent of statutory sanction and consisting of village elders conferring together for common village purposes. So far as judicial functions are concerned they are content to rely on the provisions of the Madras Village Panchayats Regulation, 1816, and the Madras Village Courts Act, 1888, which authorise the assembling of panchayats and the convening of village bench courts for the settlement of particular civil suits on the application of the parties and to encourage the operation of these enactments wherever practicable. The Governments of Bengal and of Bihar and Orissa are of opinion that their existing laws sufficiently provide for the establishment of panchayats with administrative duties, while powers to dispose of criminal cases could be given under the existing Acts dealing with these matters. The Chief Commissioner of Assam has expressed his readiness to develop village government, and the Local Self-Government Bill which has recently passed the Legislative Council of that province permits the constitution of village authorities, the grant of funds by local boards and from other sources, and the delegation of minor powers of local control. The whole question has now been raised again in the discussions contained in the report of the Bengal District Administration Committee, 1913–1914.

38. The Commission recognised that any policy of establishing panchayats would be the work of many years, would require great care and discretion, and

much patience and judicious discrimination between the circumstances of different villages. . . .

39. With this general commendation, the Government of India are content to leave the matter in the hands of local Governments and Administrations. They are disposed to consider that the following general principles indicates the lines on which advance is most likely to be successful:—

(1) The experiments should be made in selected villages or areas larger than a village, where the people in general agree.

(2) Legislation, where necessary, should be permissive and general. The powers and duties of panchayats, whether administrative or judicial, need not and, indeed, should not be identical in every village.

(3) In areas where it is considered desirable to confer judicial as well as administrative functions upon panchayats the same body should exercise both functions.

(4) Existing village administrative committees, such as village sanitation and education committees, should be merged in the village panchayats where these are established.

(5) The jurisdiction of panchayats in judicial cases should ordinarily be permissive, but in order to provide inducement to litigants reasonable facilities might be allowed to persons wishing to have their cases decided by panchayats. For instance, court fees, if levied, should be small, technicalities in procedure should be avoided and possibly a speedier execution of decrees permitted.

(6) Powers of permissive taxation may be conferred on panchayats, where desired, subject to the control of the local Government or Administration, but the development of the panchayat system should not be prejudiced by an excessive association with taxation.

(7) The relations of panchayats on the administrative side with other administrative bodies should be clearly defined. If they are financed by district or subdistrict boards, there can be no objection to some supervision by such boards.

. . . . . .

(*b*) The rise of the middle class and the beginnings of political agitation, 1858–1917

1

PETITION OF THE BRITISH INDIAN ASSOCIATION TO THE HOUSE OF COMMONS,[1] 1859

6. The subjects upon which your petitioners deem it their duty at once to address your Hon'ble House, class themselves under five heads, *viz.*, 1, Legislation—2, Judicature—3, Public Service—4, Education—5, Land-tenures.

[1] Petition to the House of Commons, Calcutta, 1859. This association was formed at Calcutta in 1851.

8. The manifest incompetency of the Council to accomplish the objects of its formation, your petitioners endeavored to point out, in a petition addressed to your Hon'ble House more than two years since, when the administration of India was not, your petitioners must believe, so likely to be a welcome, or, perhaps, so fitting a subject of debate as at present.

10. Your petitioners, now, as then, urge the defects of that assembly to be—

1st There is no representation of the voice of the people, their views, their wishes, or their wants: nor is this defect supplied or compensated for by a competent knowledge, or even appreciation, of those wants and wishes.

2nd Sufficient leisure and, therefore, opportunity is not afforded for the business of legislation.

3rd The Council is numerically insufficient to master and to get through the business before them.

4th The Council is exclusively official, consisting of paid servants of the Crown.

14. It is now but little short of a century, that the Civil Courts have been assuming to deal out justice according to 'equity and good conscience'. Elaborately constituted, with a costly and intricate machinery, a complicated system of appeal, of review and counter-review, an extravagantly paid official judicatory, still it is undeniable that they are not merely incomplete but inefficient.

16. Your Petitioners ask, that, as a first step towards that indispensable change and reform, your Hon'ble House do resolve, that no Court, civil or criminal, of general jurisdiction, in the provinces of British India, should be without a professionally educated judge or assessor, trained as a practitioner and professor of jurisprudence.

19. Nor can your petitioners fail to note here two familiar defects, of a character differing from those observed upon under the head of Judicature, *viz.* 1st, the entire and mischievous dependence of judges upon the Executive Government, their liability to be capriciously shifted from one office to another, and to be dismissed or degraded without trial; 2ndly, the union of judicial and executive police powers in the same functionary, an abuse usually supported by a fanciful theory of its adaptability to the people of Asia, but the only real use and apology of which is its convenience as an instrument of despotism and as a cloak to inefficiency.

21. In connection with the improvement of the Courts of justice, the raising of those much and not unjustly censured establishments into tribunals worthy of Britain's greatness, your petitioners humbly call upon your Hon'ble House to assert, and, by your solemn resolution, to consecrate the principle of—one law and one tribunal for all—of whatever race, creed, color or origin—a principle, repudiating the exemption of any class, who may choose a British dependency for their residence, from the jurisdiction of those Courts of justice which they may find there established and which govern the conduct and fortunes of the subjects of the Queen originally there settled—a principle which treats justice as a catholic right and not divisible or varying with the varying pretensions (whether assumed or real) of different and conventionally distinguished sections of Her Majesty's subjects.

22. . . . The honor and great advantage of being enrolled among the Indian Civil Service—that body to whom are appropriated the highest, if not all, offices of great trust and emolument in the administration of British India—is, in theory, open to all. Your petitioners say, in theory, because, practically, the boon is available only to European candidates, by reason of the competitive test being in London, and therefore excluding all natives of India, whose religious creed, national habits, or limited means may make it impracticable for them to undergo the required test in London, however ready and able to pass that same test, or one more severe in the country of their birth and residence, and their relation to which, your petitioners humbly submit, would seem to give this excluded class of candidates peculiar claims, *cæteris paribus*, to be enrolled in the Indian Public Service.[1]

25. . . . Your petitioners ask for no modification of the test required, whether of education, ability or integrity: they ask, that it be rendered practicable for the natives of India, without violation of their 'religious faith or observances', to become candidates for public employ requiring the highest qualification.

26. . . . As the moral results of educational policy and measures infinitely surpass, both in depth and extension, what is or can be effected by any other instrument or means of government; so is it important and indispensable, that the landmarks and bases of that policy, and the course of action to carry it out, be established beyond controversy.

27. Your petitioners urge these trite, though not wholly undisputed, maxims, as their apology for the hope, that your Hon'ble House will seal with your declared approbation the policy of, firstly—perfect toleration and non-interference, in or by means of educational establishments, as regards the religion and national habits of the people, of every race and class; secondly—adequate assistance from the public resources, such as the peculiar circumstances of India and the habits of its people render indispensable to the spread of education,—that this, whether as respects professional and learned attainments, or that general and popular education which is really calculated to raise and to civilize the masses.

36. There is but one matter of detail under the head of land-tenures, to which your petitioners would here direct the attention of your Hon'ble House, *viz*. the advisability, on every account, of rendering permanent the Government cess or land revenue—in other words, the extension of the Permanent Settlement.

37. Your Petitioners urge, that the disturbances following and incident to the late mutiny of the sepoy army have well established the political advantage of a body of permanently-settled zemindars, over the class of superior proprietors of land, who, under various denominations and with various rights, are to be found in all the unsettled provinces. A comparison of the loyal and of the disloyal throughout the late period of crisis and of trial will, your petitioners submit, at least show the tendency of a Permanent Settlement to create a powerful class who feel their interest as one with that of the ruling power, and who are satisfied with

[1] The Association had sent a memorial on this subject to the President of the Board of Control three years before.

their position; no less than it shows that the opposite system has an exactly opposite tendency and result.

43. In conclusion, your humble petitioners pray, that their earnest petitions may not be laid aside, as needless or as unworthy the distinguished notice of your Hon'ble House. Your petitioners have long labored earnestly and honestly, and not without success or acknowledged usefulness, to make the requirements and views of the vast native population of these parts known to legislative bodies, imperial and local—to our Gracious Queen on her throne—to Her Majesty's ministry —to Governors—and to all in authority, who (for such are their office and duty) cannot but desire such knowledge. . . .

2

OCCUPATIONS IN 1871 AND 1881 IN THE MADRAS PRESIDENCY[1]

	Male population 1871	Male population (exclusive of Pudukota) 1881
1. Persons engaged in the general and local government of the country	126,104	193,450
2. Do. in defence of the country	34,319	22,882
3. Do. in learned professions, literature, art and science, with their immediate subordinates	154,848	185,070
4. Do. in entertaining or performing personal offices to man	36,277	104,639
5. Persons who buy, sell, keep or lend houses or goods of various kinds including bankers, money-lenders and money changers	425,116	176,544
6. Persons engaged in the conveyance of men, animals, goods and messages	63,376	163,342
7. Persons possessing or working the land or engaged in producing grain, fruit, grasses, animals or other products	5,211,178	6,453,839
8. Persons engaged about animals	38,042	106,380
9. Do. in art and mechanical productions	89,585	150,337
10. Do. in working and dealing in the textile fabrics and dress	755,676	720,404
11. Do. in foods and drinks	223,520	391,048
12. Do. in animal substances	5,253	63,281
13. Do. in vegetable	58,906	153,617
14. Do. in minerals	288,001	416,934
15. Laborers and others (branch of labor undefined)	2,295,917	510,585

[1] Memo. on the progress of the Madras Presidency by S. Srinivasa Raghavaiyangar, Parl. Branch Collection, 220, Appendix F(*a*), p. cxi. India Office Library.

3

RELATIONS OF SOWKAR AND RYOT IN THE DECCAN,[1] 1875

46. We have seen that about the time when this inquiry was made the period of prosperity which followed the introduction of the survey and settlement, and of a sounder and more liberal system of revenue into the Deccan, had already commenced. The favourable features of that period have been noticed above. Strong inducements existed for the ryot to increase his agricultural operations, and the sowkar found enhanced security and a ready machinery for recovery to encourage him in loans. We find accordingly in the record relating to this subject from 1850 to 1858, two features which had already become marked characteristics of the relations of sowkar and ryot under the altered conditions of our revenue and judicial systems. These are the growth of small capitalists engaged in money-lending, and the unequal operation of our laws to the disadvantage of the ryot. The appendices deal fully with the relations of the sowkar and ryot from 1848 to 1858, but in illustration of the above remarks the following passages are extracted. The Superintendent of the Ahmednagar Revenue Survey, Captain G. S. Anderson, writes:

'The country has not hitherto derived that benefit from the Marwaris which it would do from respectable and permanently resident capitalists. . . . The people are much preyed upon by needy adventurers, and there is a great deal of reckless and fraudulent trading carried on, which appears to me not only to entail much injury and oppression on the ryots, but also subjects the traders themselves (at least the honest portion of them) to loss. No one could object to the legitimate employment of capital, but at present the doings of the Marwaris far exceed the limits of fair trading, and in many localities it does not appear to be so much their object to trade with the ryots as to get them, by fair means or foul, into their hands, so that they may use them as mere tools in the acquisition of fortunes. For instance, a ryot may borrow two maunds of grain, the price of which is, say, Rs. 2 or Rs. 3. This, by tricky proceedings on the part of the Marwaris, is converted into a money debt of Rs. 12, and subsequently, by the writing out of new agreements, it gradually increases to Rs. 50 or upwards. In this manner a ryot becomes so entirely involved that it is not in his power to extricate himself by any honest exertion of his own, and he either remains in a slavish state of poverty and indebtedness, or should he show signs of resistance to the Marwari's continued exactions he is dragged into court and ruined, to deter others from proving disobedient.'

Again, Captain (now Sir G.) Wingate wrote in 1852:

'The facilities which the law affords for the realization of debt have expanded credit to a most hurtful extent. In addition to the ordinary village bankers, a set

[1] *Deccan Riots Commission Report*, 1875, pp. 15–17.

of low usurers is fast springing up, by whom small sums are lent for short periods at enormous rates of interest to the very lowest of the populations who have not credit enough to obtain advances from the more respectable of the village bankers. All grades of the people are thus falling under the curse of debt, and should the present course of affairs continue, it must arrive that the greater part of the realized property of the community will be transferred to a small monied class, which will become disproportionately wealthy by the impoverishment of the rest of the people. No greater misfortune could befall any nation than this, by which the many are made miserable in order that the few may be pampered. And yet this is the inevitable tendency of the existing relations between debtor and creditor in our presidency.'

In 1858 the Revenue Commissioner, Mr. Inverarity, submitted to Government a report from the Collector of Ahmednagar in which the following passage occurs:

'The aid given by our courts is all on the side of the Marwari, who alone knows how to turn that aid to his own advantage. The position of the litigants is not, therefore, simply of debtor and creditor, it is the fradulent Marwari, backed by civil courts, versus the helpless ryot, signing any bond without even a true knowledge of its contents, and powerless to oppose any decree that may be passed. This matter keeps up a constant irritating sore throughout the society, and the whole onus is thrown by the people on the civil courts, whereas it is the law which is at fault in assuming that debtor and creditor in this country to be equal, while they are rather in the position of master and slave. The question is one of vital importance both to Government and the people. Even the passive society of the East cannot bear so great a burden without making from time to time convulsive efforts to shake it off. These efforts must increase in frequency and strength, unless the Legislature seriously take up the evil and applies the knife to it.'

On the Revenue Commissioner's letter the Governor in Council recorded the following resolution:

'His Lordship in Council entertains no doubt of the fact that the labouring classes of the native community suffer enormous injustice from the want of protection by law from the extortionate practices of money-lenders. He believes that our civil courts have become hateful to the masses of our Indian subjects from being made the instruments of the almost incredible rapacity of usurious capitalists. Nothing can be more calculated to give rise to widespread discontent and disaffection to the British Government than the practical working of the present law. The attention of the Legislative Council on the subject should be requested, and copy of the Revenue Commissioner's letter forwarded for their consideration.'

The subject was then again for a time dropped.

4

ROBERT KNIGHT TO MAJOR OWEN BURNE ON THE INDIAN PRESS,[1] 31 JULY 1876

You are good enough to express your wish that I would state for the information of H.E. the Viceroy my views as to the relations that now subsist between the Government and the Indian Press.

The Government of India is necessarily a despotism, tempered only by the character of the men who administer it, their accountability to the House of Commons, and by the right of complete freedom of speech which has been accorded to the people. The State has conferred upon the people all the privileges of free men and, in the conscious integrity of its purpose, has conceded the right of free speech in every part of the empire. In doing this, the State seems to me to have placed in the hands of the newspaper Press a very responsible trust. It is not the place of the newspapers, I think, to be courtiers to the Government, but to represent the interests of all classes. And there is no country in the world, perhaps, in which it is more important that the Press should discharge this duty. But there has been a tendency of late years to less cordiality between Government and the Press than ever existed, and I do not think that it has been the fault of the latter. The Government is less ready than it formerly was to avail itself of our help in the only way in which it can be given. As to the value of this help, Lord William Bentinck assured a deputation that waited on him at Calcutta many years ago 'that he had derived more information from the Indian Press than from all the Councils, all the Boards, and all the Secretaries by whom he was surrounded'. Now no one will maintain that the Press is not more ably conducted to-day than it was then; but the Government, as a whole, has come to look with less magnanimity upon it, especially upon the communication of its servants therewith, and in particular upon any criticism of its proceedings or measures thereby. The change is for the worse altogether. To expect the Indian Press to be 'official' is, I think, to mistake its trust; while if we exclude loyal and well-informed criticism from its columns, we must not complain if they are filled with what is not loyal and is ill-formed. By drawing nearer to the Press, without any attempt to influence it otherwise than by sympathy, very much might be done, I am sure, to raise the character of the vernacular Press, and certainly very much to improve that of the English papers.

It seems to me that under the system of administration we have established in India, the only right conception of the office of the Press is that of Her Gracious Majesty's Opposition, and whether that opposition shall be well-informed and loyal or the reverse, depends wholly upon the relations established therewith by the Government. If it shows sympathy therewith, admits it as far as possible to

[1] Quoted in *Modern India and the West*, ed. L. S. O'Malley, 1941, pp. 216–19. Knight was editor and owner of *The Statesman* newspaper. Major Burne was private secretary to Lord Lytton, the Viceroy.

its councils, places all the information it properly can at its disposal, shows a readiness to defer to public wishes and opinions when they are reasonable, and instead of regarding the newspapers as a natural enemy, treats the Press as an ally actuated by the same desire as itself for the public welfare, and finally gives it such support and encouragement as it may reasonably look for—the country may patiently endure the want of those representative rights that are so prized and cherished wherever they exist, but that at present are admitted to be out of our reach in India. If, on the other hand, the Government shows no sympathy, is jealous of all appearance of consulting it, excludes it from all information upon subjects of current interest, shows no deference to public wishes, however reasonable, looks upon the Press as factious and inspired by no real desire for the public good, and gives neither the support nor the encouragement it might reasonably expect—then the want of representative institutions becomes unendurable, and the whole Press glides insensibly into an attitude of hostility to the Government. I shall not conceal my conviction that we have been tending towards this state of matters for some years in India, and that it received a most unhappy development under the rule of Lord Northbrook.

At present there is not the slightest sympathy with the Press, nor the least disposition to assist it. Instead of any desire being evinced to conciliate its sympathies, it is made to feel that it is a matter of indifference to the Government whether it sinks or swims. Thus the papers are expected to publish gratuitously the notifications of the various departments such as the Post Office, the Commissariat Department, and the Customs and Opium Departments; and although it has been repeatedly represented that such notifications should be paid for as advertisements, and although the amount would be most trifling, the Government has refused to show even this small amount of interest in, or consideration for, the Press. I am persuaded that with the vernacular Press in particular a very trifling outlay in this way would give the Government a hold upon the sympathies of its conductors which, if wise, it would seize at once. Thus, what could be more proper than advertising the land sales of this province in its vernacular papers, putting them under a mild but effectual discipline in the matter, by giving them to understand that the Government was desirous of helping every journalist who honourably used his columns to promote honest discussion of public questions and maintained complete respectability of tone. But the Government practically treats the Press as though it were Bohemian, and in all passive ways ignores and discourages it. This attitude is felt sensibly and calls forth a corresponding one on the other side.

Passing by these considerations, however, I come to the question of the footing upon which the Press should stand towards the Government as to the information communicated to it thereby. Under Lord Northbrook, the system was simply fatal. The almost open practice was resorted to of selling information to any journal that would give the Government support. No journalist of any self-respect will ever enter into a compact of this kind, while the paper that does prostitute its columns in this way covers not only itself with odium, but the Government also.

The Government must never condescend to buy public support. A strong Government will challenge it, and if kindly and sympathetic in its attitude towards the Press, will secure it.

To begin with, the Government does not sufficiently sympathise with the desire of the public for information. It must be remembered that we have no Parliament in India in which interpellations can be made to the Government, while the desire for information upon subjects of current interest is just as strong here as there. A disposition exists to make everything secret in India. The tendency has, of course, been inherited from the days when all Europeans outside the official class were looked upon as adventurers and interlopers, who knew nothing about the administration of the country and cared nothing about it so long as they were not interfered with in their own pursuits. But this state of matters has long passed away, and a very strong desire exists in the great non-official class of the country and in the educated native community to understand both the principles and the course of our administration, our relations with Native Princes and with the States beyond the frontiers. Every Government must, of course, have its *arcana* which it is neither desirable nor wise to throw open to the public gaze, but the tendency in India is to make a secret of everything, and the general run of business is involved in a degree of mystery that is far from conducive to the public good. An 'Editors' Room' was established some years ago in each of the Secretariats of the country and for a time valuable papers were laid upon the table, but the institution dwindled down into a mere sham, until the *pabulum* put on the table was not worth appropriating.

It seems to me most desirable that the Government should possess some means by which it might communicate to the Press, as far as it may be prudent and possible to do so, the course of its proceedings, the information it is receiving, the views with which it is regarded, the purposes and desires of the Government, and the special difficulties that embarrass its course. The practice of giving exclusive information on such subjects to any one journal is sure to produce general dissatisfaction; while exact information is all that is wanted, nine times out of ten, to secure public sympathy and approval. I think there should be a special Press Bureau in the Government, the duty of whose chief should be to acquaint himself with the writings of every journal in the country. This would be easy enough with the English papers as they are not very numerous and a practised hand would get the entire heart out of it daily in an hour's time. He will see from them what the course of public thought is on current events, on what subjects information is manifestly desired, on what questions wrong impressions are prevalent and what matters ought to come prominently to the notice of the Government. Having mastered their contents, it seems to be desirable that he should see personally the head of every department, to consult with him as to the desirableness or otherwise of communicating with the journals on these subjects; while the Press should be invited to communicate with him freely on all questions concerning which they desire information. As the most influential native papers are published in English,

they would be placed on the same footing, and daily bulletins would issue from the Bureau to all the journals simultaneously. There would often be nothing to communicate, sometimes a great deal, but nothing would tend more, I think, to the growth of sympathetic and cordial relations between the Press and the Government than the establishment of a Bureau of this nature, under the administration of a man of broad views and general culture. He would be at once a sort of Dionysius' ear to the Government and the channel of free and unreserved communication between the Government and the people. The vernacular Press ought frequently to be reviewed by him, through the medium of the provincial summaries into which their contents are translated. In the course of a very few months, he would know the exact character of every native journal in the country, and would be able to advise as to the course to be taken towards the vernacular Press as a whole. I believe the Government might indefinitely improve its character and settle its loyalty by a wise attitude towards it. A broad, sympathetic man really interested in his work, with the art of instilling good humour into his correspondence, would change the tone of the whole Press of India in six months, if he was really the right man for the work. All Press grievances should go to him, and if fitted for the task, he would quickly be on friendly and confidential relations with every editor in the country. I would have no official *Moniteur*, nor anything approaching to it, but a personal bond between the Government and the Press. Everything, of course, will depend upon the *man* in the working of such a system. A cold and narrow official would fail absolutely; a broad genial man of sound judgement and commonsense would succeed absolutely.

To sum up. The Government should abandon its attitude of total indifference to the Press and should frankly recognise in it an opposition with which courteous and friendly relations were to be maintained; and in all reasonable and proper ways it should be recognized, honoured and assisted.

To establish and maintain such relations, I think there should be a Press Bureau administered by a broad and genial man, endowed with prudence and plenty of commonsense, whose special office it would be to invite the confidence of every journal in the country and establish friendly relations therewith. It would be for him to communicate freely what information can be given them and to tell them frankly what it was deemed necessary to reserve.

I think that in the course of a very few months the Director of such a Bureau would become a real mentor of the Press and would succeed in re-awakening those sympathies for Government which have been so largely alienated by its attitude of late years. There would be this great advantage in such a Bureau that it would divert from the shoulders of Government to itself nearly all the complaints and grievances of the Press, and a change of Director would be the 'constitutional' remedy when their complaints and grievances attained a real magnitude. A *censor* we cannot have; the very name is fatal to all idea of sympathy, and what we want is, I think, a mentor of the Press whose office it would be to evoke and maintain sympathetic relations between the Government and the Press by extending frank

and cordial assistance to it. I do not think an official man at all likely to succeed in such an appointment, unless he is exceptionally broad indeed.

5

LAND VALUES IN THE MADRAS PRESIDENCY,[1] 1877–78

Years	Wet lands	Remarks
	Rs.	
1823–24	12	The value for the years up to 1862–63 have been deduced from the values entered in the deeds of sale and mortgage of lands paying revenue to Government, which passed through the Collector's office under the system of mirassi registry, which formerly prevailed in the district. The selling prices for the years subsequent to 1862–63 have been deduced from the values given in the deeds of sale registered in the Registration offices.
1824–25	12	
1825–26	15	
1826–27	9	
1827–28	9	
1828–29	25	
1829–30	13	
1830–31	15	
1831–32	16	
1832–33	13	
1833–34	19	
1834–35	18	
1835–36	18	
1836–37	19	
1837–38	23	
1838–39	20	
1839–40	23	
1840–41	27	
1841–42	27	
1842–43	26	
1843–44	24	
1844–45	26	
1862–63	39	
1868–69	151	
1869–70	160	
1870–71	148	
1871–72	138	
1872–73	132	
1873–74	146	
1874–75	126	
1875–76	153	
1876–77	180	
1877–78	172	

[1] Memo. on the progress of the Madras Presidency, by S. Srinivasa Raghavaiyangar, Parl. Branch Collection, 220, Appendix E (*d*), p. ixxxv. India Office Library.

6

LORD LYTTON TO LORD NORTHBROOK ON THE VERNACULAR PRESS ACT OF 1878[1]

I send you herewith all the papers about the Vernacular Press Act, with the exception only of the confidential telegrams between myself and the Secretary of State, which ought not, I suppose, to be included in these papers, and which would really add nothing to the information they contain. It is not without very considerable hesitation that I made up my mind to pass this Bill. Although I can hardly doubt that the seditious utterances of the Vernacular Press are, at all times, more or less mischievous, yet I do not think that, in ordinary times, the mischief done by them is sufficiently serious to call for interference in the only form which could render interference efficient, or to justify the shock likely to be given by such a measure, as the one we have passed, to popular sentiment and traditions at home. In short I should say that, in the normal social condition of India, the ordinarily vicious tone of the Vernacular Press would be one of those minor evils, which, all things considered, it is on the whole better to endure than to cure, at the risk of resort to violent remedies. But what determined my decision finally in favour of prompt, and stringent, repressive legislation was the altogether abnormal, and daily increasing, excitement of the native communities throughout India, in reference to passing events in Turkey. I don't think that the political and religious sympathy, with which the cause of the Sultans of Stamboul is no doubt regarded by large numbers (including some of the most loyal) of our native subjects, is very powerful, nor such as to constitute a factor, which, if it stood alone, would appreciably affect the sum total of the political forces we have to deal with. But the excitement to which I refer, and of which the increasing evidences are unmistakable and significant, is not confined to Mussulmans; it is quite as vivid on the part of the Hindu communities. All our native subjects, from the highest to the lowest, and without distinction of creed, have, for the last six months, been watching and discussing with an interest which is, my most experienced officers and advisers assure me, quite unprecedented,—the process of the Russo-Turkish war, as a series of vital test questions applied to the relative strength of the Russian and British Empires, or at least of Russian and British policy. They instinctively look upon the Ottoman Empire as merely a counter on which Russia and England have each a tremendous stake in a great game for oriental dominion. They assume that Russia has won her stake, and that we have irretrievably lost ours. I certainly do not think that the present feeling of our great feudatories, or of the more enlightened and well-to-do classes of the native community, is by any means one of disloyalty or ill-will towards us. Far from it. But I cannot doubt the strength of what appears

[1] Lytton Papers, Eur. MSS. E. 218, 518/3, 25 April 1878, pp. 253–7. India Office Library. Private letter. Lytton was Viceroy and Governor General, 12 April 1876 to June 1880. Northbrook had been Viceroy from 3 May 1872 to 12 April 1876.

to be their general impression that our Raj has been seriously weakened by the course of events elsewhere; and that Russia, if she does not rapidly become dictatress of the destinies of Hindustan, as well as of the Mediterranean East, must inevitably ere long be felt in India as a very real political force,—a force antagonistic to ours, which must be either resisted or appeased, and which will bring into play a whole new series of political combinations and provocatives to intrigue, by presenting the native dynasties with a possibility of selection between two rival candidates (of more or less equivalent strength) for the ultimate supremacy of the East. When such is the impression of the chief Native Durbars, one can scarcely wonder at the excitement and credulity of the masses; who, poor and ignorant, are easily persuaded that they have little to lose and much to gain by any change, whose thoughts and instincts are the offspring of superstition and fanaticism, and whose political information is solely derived at second-hand from the abominable literature which the Vernacular Press provides for the bazars. At this moment, there is a most absurd, but very prevalent impression amongst the native communities that the result of the Russo–Turkish war will be an alliance between Russia and Turkey, having for its object the expulsion of the British Power from India. In the strength of such impressions as these which we have no means of refuting, Fakirs are beginning *ambiguas spargere voces*, whilst the King of Oudh and his friends, and all the really disaffected elements of native society, are on the *qui vive*.

Simultaneously with the increasing symptoms of this excited condition of the native mind, the seditious language of the Vernacular Press has been, during the last six months, growing more undisguised and audacious. It is impossible to assume that the particular classes, to whom this language is addressed, are not injuriously affected by it. Every native well knows that not even the smallest officer of the governing race would allow a native to come into his compound, deface his premises, and insult his family, without taking the slightest notice of such a proceeding, unless the insulted officer were absolutely powerless to prevent it: and, by a parity of reasoning, they attribute the impunity with which of late the Vernacular Journals have been openly insulting and denouncing the whole British Power in all its manifestations, not to the generosity, but to the fear, and the weakness, of the Government. I did not take this question seriously in hand till I had received from local Governments several appeals (two of them official) for permission to prosecute certain Vernacular Journals for sedition. An examination of the existing law, and the opinion of all the legal authorities whom I consulted, convinced me that such a remedy would be worse than the disease; and that we must either legislate or leave the matter alone. In this belief I confidentially consulted all the local Governments, and every one of them, with the exception of Madras, (where the Vernacular Press is quite harmless and insignificant) expressed strong opinions in favour of immediate legislation on the lines we have adopted. I then consulted all my executive colleagues, and the three lawyers, Paul, Evans and Fitzpatrick. These were unanimous in the expression of the same opinion. But, by this time, the Calcutta Session was drawing to its close, and two of the Native

Members of the Legislative Council had unluckily been obliged to leave Calcutta, on account of the heat. We could not properly legislate on such a subject at Simla. It was, therefore, necessary to legislate at once, or virtually postpone legislation for another twelve months. And who could say what events might happen, or what development the mischief might assume in the course of those twelve months? I consequently explained the situation to Lord Salisbury by telegraph, and requested sanction to the immediate introduction of the present Press Bill, on the ground of public safety. After submitting my proposal to the Cabinet, he gave it the required sanction; but naturally, I think, requested me to keep our intentions secret till the last moment; because if they were discussed by the Press in India, and telegraphed home by Reuter, the Government would probably be besieged by questions in Parliament, which would perhaps have rendered it practically impossible to pass any measure at all. I had no hesitation in carrying out this instruction. For the measure, though nominally a legislative, was virtually an *executive* act, and although I think that, in all ordinary cases, prolonged previous public discussion of Government Bills is exceedingly valuable, it is obvious, I think, that no advantage could be derived from such discussion of a measure which the Government had made up its mind to enforce on political grounds as a measure of public safety. I, however, gave private notice of the Bill and all its provisions to the unofficial Members of our Legislative Council. They all recognised the necessity of it, and both the Commercial Member (Morgan) and one remaining Native Member, Jotendra Mohun Tagore, supported the Bill. The day after the Bill was passed, I instructed the Home Department, to issue a circular to all local Governments warning them to work it with the greatest caution, and to take no action on it, without previous reference to the Supreme Government. The text of this circular only reached me on my way to Simla, and as it did not appear to me sufficiently explicit, I then at once telegraphed further instructions of a more stringent character to all the local Governments. By some unlucky misunderstanding, apparently on the part of Mr. Eden, Mr. Metcalfe, who is a dull man, thought himself authorised to call upon the editors of two Calcutta Vernacular Journals for security for future good behaviour, and one of them, having no capital, thereupon collapsed. This was a most unfortunate blunder, for I doubt not it will be taken hold of in England; but the moment I heard of it I telegraphed to Eden, who informed me in reply that he had already anticipated my wishes by cancelling all Mr. Metcalfe's proceedings: and you will find in the accompanying papers a further circular which I have just issued to local Governments, and which will, I trust, sufficiently prevent any possible abuse of the Act.

I know not, my dear Lord Northbrook, whether you will be able to find, in the explanations I have now given you, a sufficient justification for this Bill. Of course, I hope so. But, in any case, I am anxious to assure you that (although I may seem to have departed from it) I entirely approve your own policy in not interfering with the Vernacular Press. I think that policy was a thoroughly sound and wise one, and in all ordinary circumstances I should certainly have abstained from taking

notice of the language of the vernacular journals, however bad it might have been. But, although, of course, my judgment may be erroneous, I feel bound to say that, in my deliberate judgment and conviction, not only the language of the Vernacular Press, but, what is far more important, the situation affected by it, have seriously changed for the worse during the past year. This conviction has been gradually borne in upon my mind by an accumulation of evidence from all parts of India. I have been slow to act on it, and the necessity for stringent legislation was reluctantly recognised by me on the strength of an unusually large *consensus* of experienced opinion. Concurring in that opinion, however, I think it would have been moral cowardice to shrink from the responsibility of acting on it. And hence the Bill, about which I have now endeavoured to answer fully the considerate questions you have asked me.

7

THE INDEBTEDNESS OF THE LANDED CLASSES, 1880[1]

1. No subject has been more strongly and frequently pressed on our attention than the evil results which spring from the degree to which the landowners are sunk in debt, the asserted rapid increase of their indebtedness, and the difficulty they find in extricating themselves from such burdens. In some parts of India, notably in the four districts of the Bombay Deccan and in the Jhansi district, their indebtedness has become so grievous that the Government has recently been led to take special steps for their rescue, and in other parts it has at different times intervened to protect special classes whose ruin, otherwise unavoidable, it was thought necessary, on political grounds, to ward off. On a topic which has been so long and earnestly debated by every Indian administrator of importance it is difficult to make any new suggestion. It was fully discussed last year in the Council of the Governor-General of India, and remedial measures were adopted which are still only in an experimental stage, so that we can offer no conclusion based on the result of their actual operation; but the subject is one of such gravity that the Famine Commission have felt bound to give it their most careful consideration.

2. We have found no reason to believe that the agricultural population of India has at any known period of their history been generally free from debt, although individuals of classes may have fallen into deeper embarrassments under the British rule than was common under the Native dynasties which preceded it. It has been usual for the landowners in all times habitually to have transactions with the money-lender of their village, with whom they carry on a running account on friendly terms, taking from him advances for seed and food in the months preceding the harvest and handing over to him the greater part of their produce, from the money proceeds of which he pays their dues to the State and places any balance to their credit. Under this arrangement the ignorant cultivator was relieved of much trouble and responsibility, and his payments to the Government were

[1] *Report of the Indian Famine Commission*, 1880, Part II, Section IV, pp. 130–2.

conducted for him by the money-lender or village headman. His account might run on amicably for a long series of years unless extravagant expenditure on family ceremonies, or a failure of the harvest from drought, should involve him in difficulties beyond his ability to meet. Even in such cases the money-lender would be deterred from extreme measures by popular opinion, and by the knowledge that he could count on no support from the ruling authority in selling up and reducing to destitution a member of the class on which the payment of the land revenue depended. Thus, though the cultivator (in the absence of any power of obtaining loans on the security of his holding) was never deeply involved, he was seldom free from debt, and lived the life of a contented serf, exempt from the risks and responsibilities which accompany the possession of independent rights, but also without any stimulus to raise himself or improve his position.

3. The changes which have been introduced under the British Administration are for the most part those which will always occur in the progressive development of social life from a simple to a more advanced stage. Of these changes those which have affected the landed classes consist chiefly in their admission by the State to better defined rights of property in their holdings, combined with the more complete recognition of the force of contracts, and the obligation on the courts of justice to enforce them. It is to be expected in every forward movement in the education of a people that while the result is beneficial to the country as a whole, some classes or individuals will fail to display the qualities needed to benefit by the advantages offered, and will suffer inconvenience under the novel circumstances to which they are unable to adapt themselves. But although a section of the landholders has thus suffered, we ought not to overlook the fact that the class as a whole has prospered under British administration, and that the more enterprising and substantial landowners have greatly benefited by the enlargement of their proprietary rights, and by the moderation with which the land revenue is now assessed.

4. We learn from evidence collected from all parts of India that about one-third of the landholding class are deeply and inextricably in debt, and that at least an equal proportion are in debt though not beyond the power of recovering themselves. It is commonly observed that landholders are more indebted than tenants with occupancy rights, and tenants with rights than tenants-at-will, a result obviously attributable to the fact that the classes which have the best security to offer are the most eligible customers of the money-lenders. It does not appear that in this respect one province greatly differs from another, but certain localities are from special circumstances either above or below the average condition. Thus in the Punjab the canal-irrigated tracts are stated to be highly prosperous; in Eastern Bengal the profits of jute cultivation have enriched the cultivating tenants; in the Central Provinces the landowners have profited in the same way by high prices of cotton and large exports since the American War; in Madras the ryots of the deltas are in easy circumstances. On the other hand the precarious out-turn of the crops, with other adverse circumstances, has grievously depressed the landholders of the

Bombay Deccan and the adjoining districts of Madras, as well as those of the somewhat similar region of Jhansi; and many of the talukdars of Oudh, of Sindh, and of Guzerat, without such excuse, have been led by a course of extravagance into a state of bankruptcy, to relieve them from the consequences of which special legislative measures have been framed.

5. With regard to the creditors of the landed classes we are informed that in the more prosperous parts of the country the substantial landowners are themselves engaged in money-lending, and that neither they nor the professional money-lenders of the better class often employ the agency of the Civil Courts against their debtors. But it has happened in some cases that when a district has fallen into depression it has attracted an inferior class of foreign usurers, who have no scruples in using every means open to them to secure a profit on hazardous transactions, and who, working entirely through the machinery of the Courts, are not inclined to cultivate sympathetic relations with the people, by whom they are detested in turn. It is not probable that the gains of these usurers are excessive, but they are exacted with the utmost degree of friction, hostility, and suffering, with the unfortunate result of attaching odium to the civil tribunals.

6. However just may be the terms of abhorrence applied to the 'Marwari', or foreign usurer, it must be remembered that he is the product of a diseased condition of the community. The like condemnation must not be extended to the village banker of the better class, with whose useful services the rural communities of India have at no time been able to dispense. Any violent interference with the legitimate business of the rural banker would be disastrous, as it would result in the calling-in of all agricultural loans, and the transfer of this capital to some other field of investment. The State should rather assist him in his transactions so far as they are lawful, should afford additional facilities for the recovery of reasonable claims, and should thus induce him to make loans at a lower rate of interest than that which now prevails, under the custom established under Native rule when the security was very inferior. The aim of all remedial measures as regards the landholder would be to make his dealings with his banker fair and open, and while protecting him from extortion or oppressive measures of coercion, to constrain him to pay his just debts to the full extent of his means, but by less cruel and ruinous expedients than imprisonment or the sale of all he possesses. The means available to these ends are cheap and accessible courts which shall give full consideration to the equity of every claim, and a simple method of recovering debts.

7. The origin of debt among the landed classes is traceable to various causes, among which the most prominent are the failure of crops from drought, expenditure on marriage or other ceremonies, general thriftlessness, an improvident use of sudden inflations of credit, the exactions of an oppressive body of middlemen, and administrative errors such as unsuitable revenue settlements; and debt once incurred very rapidly grows with exorbitant rates of interest. In so far as the causes of indebtedness lie in the inherited tendencies of the people, such as want of forethought, and readiness to promise anything in the future in order to secure present

gratification, no remedies are possible, except through the spread of education, the gradual growth of provident and self-denying qualities under the influence of painful experience, and the success of the stronger and thriftier individuals in the struggle for life. It is obvious that there is danger lest any intervention of Government should hinder the growth of such qualities, or protect the weak and foolish too completely against the consequences of their own action. But where the misfortunes of the landholders have ensued on the introduction of novel institutions somewhat too advanced for their present stage of intelligence and forethought, it is the duty of the Government, for a time at least, to moderate the stringency of the action of those institutions; and this has commonly been the object of the remedies which have been suggested.

8

SECRETARY OF STATE TO THE GOVERNOR GENERAL ON THE REPEALING OF THE VERNACULAR PRESS ACT,[1] 28 JANUARY 1881

2. As your Excellency is aware, considerable doubts have from the first been entertained as to the expediency of the law in question, and it does not appear to me that there was any great weight of evidence for its necessity.

3. While on the one hand it has provoked strong feelings of discontent and resentment, and is unquestionably open to the objection that it infringes the principle, which it is the object of the Government of India to uphold, of the equality before the law of all classes of Her Majesty's subjects in India, on the other, there is but little reason to think that, as regards language inimical to British rule, the character of the vernacular press has since the passing of the Act undergone any essential change.

4. I have nothing, therefore, before me to show that the original objections to the law of 1878 have been counterbalanced by increased security to Government, or other compensating advantages.

5. Your Excellency is aware that the Vernacular Press Act applies not only to publications which are of a nature to excite disaffection and endanger the public peace, but also to those affecting private persons and public servants.

6. As regards the latter object, I am of opinion that nothing short of the strongest evidence of a wide-spread system of extortion and intimidation, which the provisions of the Penal Code are inadequate to restrain, can justify such exceptional legislation. But if it be proved to be indeed necessary, I should require special and peculiar reasons to satisfy me that, in any legislation on the subject, invidious exception should be permitted in favour of the English press.

7. The defence of the Act in its application to seditious writings is more plausible, but does not appear to be conclusive.

9. If, as I am disposed to infer, the Vernacular Press Act has been practically

[1] Parl. Collection, No. 71, India Office Library, Papers on the Native Press. Legislative No. 4. Official despatch.

inoperative, whether such a result be due to the absence of seditious writings or to a reluctance on the part of the Government to exercise the invidious powers with which it invested them, the policy of its continuance may be considered apart from the question of any amendment of the Penal Code, especially as, in my opinion, the Act cannot be retained upon the statute book without being extended to the English press, and without some judicial check being interposed at some stage of the proceedings under it, upon the action of the executive Government.

10. In any case, without desiring to fetter the discretion of your Excellency in Council as to the course which you may think it expedient to pursue on this important subject, I would invite your early consideration to the policy of the continuance of the Act of 1878. The question for your Excellency will be, not only whether repressive legislation of so exceptional a kind should be maintained at the cost of much irritation, but also whether the Act has succeeded in securing the avowed object with which it was passed.

11. With these observations, I leave the subject to the early and careful consideration of your Excellency in Council.

9

BANDE MATARAM,[1] 1882

MOTHER, I bow to thee!
Rich with thy hurrying streams,
Bright with thy orchard gleams,
Cool with the winds of delight,
Dark fields waving, Mother of might,
Mother free.

Glory of moonlight dreams,
Over thy branches and lordly streams,
Clad in thy blossoming trees,
Mother, giver of ease,
Laughing low and sweet,
Mother, I kiss thy feet,
Speaker sweet and low,
Mother, to thee I bow.

Who hath said thou art weak in thy lands,
When the swords flash out in seventy million hands,
And seventy million voices roar
Thy dreadful name from shore to shore?
With many strengths who art mighty and strong,
To thee I call, Mother and Lord!

[1] Bankim Chandra Chatterji, *Anandamath*. An English translation by Sri Aurobindo Ghose.

Thou who savest, arise and save!
To her I cry who ever her foemen drave
Back from plain and sea
And shook herself free.

Thou art wisdom, thou art law,
Thou art heart, our soul, our breath,
Thou the love divine, the awe
In our hearts that conquers death.
Thine the strength that nerves the arm,
Thine the beauty, thine the charm,
Every image divine,
In our temples is but thine.
Thou art Durga, Lady and Queen,
With her hands that strike and her swords of sheen.
Thou art Lakshmi lotus-throned
And the Muse, a hundred-toned.
Pure and perfect without peer
Mother, lend thine ear.

Rich with thy hurrying streams,
Bright with thy orchard gleams,
Dark of hue, O candid fair,
In thy soul, with jewelled hair
And thy glorious smile divine,
Loveliest of all Earthly lands,
Showering wealth from well-stored hands
Mother, Mother mine!
Mother sweet, I bow to thee
Mother great and free!

10

BANKIM CHANDRA CHATTERJI AND HINDU NATIONALISM,[1] 1882

Satyananda. Come; I'm ready. But, my lord, clear up this doubt in my mind. Why at the very moment in which I have removed all barriers from before our eternal Faith, do you order me to cease?

He. Your task is accomplished. The Muslim power is destroyed. There is nothing else for you to do. No good can come of needless slaughter.

[1] *Anandamath*, Part IV, ch. 8. An English translation by T. W. Clark. The context of this extract is that Satyananda, the leader of a band of sannyasis, had just won a victory over Muslim forces and their British officers. To him came a figure who spoke with the voice of God, instructing him to cease from fighting.

S. The Muslim power has indeed been destroyed, but the dominion of the Hindus has not yet been established. The British still hold Calcutta.

He. Hindu dominion will not be established now. If you remain at your work, men will be killed to no purpose. Therefore come.

S. (*greatly pained*). My Lord, if Hindu dominion is not going to be established, who will rule? Will the Muslim kings return?

He. No. The English will rule.

S. (*turning tearfully to the image of her who symbolized the land of his birth*). Alas, my mother! I have failed to set you free. Once again you will fall into the hands of infidels. Forgive your son. Alas, my mother! Why did I not die on the battlefield?

He. Grieve not. You have won wealth; but it was by violence and robbery, for your mind was deluded. No pure fruit can grow on a sinful tree. You will never set your country free in that way. What is going to happen now is for the best. If the English do not rule, there is no hope of a revival of our eternal Faith. I tell you what the wise know. True religion is not to be found in the worship of 33 crores of gods; that is a vulgar, debased religion, which has obscured that which is true. True Hinduism consists in knowledge not in action. Knowledge is of two kinds, physical and spiritual. Spiritual knowledge is the essential part of Hinduism. If however physical knowledge does not come first, spiritual knowledge can never be born. If you do not understand the physical body you will never comprehend the subtle spirit within. Now physical knowledge has long since disappeared from our land, and so true religion has gone too. If you wish to restore true religion, you must first teach this physical knowledge. Such knowledge is unknown in this country because there is no one to teach it. So we must learn it from foreigners. The English are wise in this knowledge, and they are good teachers. Therefore we must make the English rule. Once the people of India have acquired knowledge of the physical world from the English, they will be able to comprehend the nature of the spiritual. There will then be no obstacle to the true Faith. True religion will then shine forth again of itself. Until that happens, and until Hindus are wise and virtuous and strong, the English power will remain unbroken. Under the English our people will be happy; and there will be no impediment to our teaching our faith. So, wise one, stop fighting against the English and follow me.

S. My lord, if it was your intention to set up a British government, and if at this time a British government is good for the country, then why did you make use of me to fight this cruel war?

He. At the present moment the English are traders. Their minds are set on amassing wealth. They have no desire to take up the responsibilities of government. But as a result of the rebellion of the Children, they will have to; because they will get no money if they do not. The rebellion took place to make the English ascend the throne. Come with me now. Know and you will understand.

S. My lord, I do not desire knowledge. It cannot help me. I have vowed a vow,

and I must keep it. Bless me, and let me not be shaken in my devotion to my mother.

He. Your vow is fulfilled. You have brought fortune to your mother. You have set up a British government. Give up your fighting. Let the people take to their ploughs. Let the earth be rich with harvest and the people rich with wealth.

S. (*weeping hot tears*). I will make my mother rich with harvest in the blood of her foes.

He. Who is the foe? There are no foes now. The English are friends as well as rulers. And no one can defeat them in battle.

S. If that is so, I will kill myself before the image of my mother.

He. In ignorance? Come and know. There is a temple of the mother in the Himalayas. I will show you her image there.

So saying, He took Satyananda by the hand. What incomparable beauty! In the dim light, in the deep recesses of Visnu's temple, two human forms radiant with light stood before a mighty four-armed figure. One held the other by the hand. Who held the hand; and whose was the hand he held? Knowledge was holding Devotion by the hand; Faith that of Action; Self-sacrifice that of Glory; Heavenly Joy that of Earthly Peace. Satyananda was the Earthly Peace; He was Heavenly Joy. Satyananda was Glory; He was Self-sacrifice.

And Self-sacrifice led away Glory.

11

SWAMI DAYANAND ON RELIGION,[1] 1882

I believe in a religion based on universal and all-embracing principles which have always been accepted as true by mankind, and will continue to command the allegiance of mankind in the ages to come. Hence it is that the religion in question is called the *Primeval Eternal Religion*, which means that it is above the hostility of all human creeds whatsoever. Whatever is believed in by those who are steeped in ignorance or have been led astray by sectarians is not worthy of being accepted by the wise. That faith alone is really true and worthy of acceptance which is followed by *Aptas*, *i.e.* those who are true in word, deed and thought, who promote public good and are impartial and learned but all that is discarded by such men must be considered as unworthy of belief, and false.

My conception of God and all other objects in the Universe is founded on the teachings of the *Veda* and other true *Shastras*, and is in conformity with the beliefs of all the sages, from *Brahma* down to *Jaimini*. I offer a statement of these beliefs for the acceptance of all good men. That alone I hold to be acceptable which is worthy of being believed in by all men in all ages. I do not entertain the least idea of founding a new religion or sect. My sole aim is to believe in truth and help

[1] *Beliefs of Swami Dayanand Saraswati*, pp. 1–3, published by Arya Pratinidhi Sabha, U.P., 1912.

others to believe in it, to reject falsehood and to help others in doing the same. Had I been biased, I would have championed any one of the religions prevailing in India. But I have not done so. On the contrary, I do not approve of what is objectionable and false in the institutions of this or any other country, nor do I reject what is good and in harmony with the dictates of true religion, nor have I any desire to do so, since a contrary conduct is wholly unworthy of man. He alone is entitled to be called a man, who possesses a thoughtful nature and feels for others in the same way as he does for his ownself, does not fear the unjust, however powerful, but fears the truly virtuous, however weak. Moreover, he should always exert himself to his utmost to protect the righteous, and advance their good, and conduct himself worthily towards them even though they be extremely poor and weak and destitute of material resources. On the other hand, he should constantly strive to destroy, humble and oppose the wicked, sovereign rulers of the whole earth and men of great influence and power though they be. In other words, a man should, as far as it lies in his power, constantly endeavour to undermine the power of the unjust and to strengthen that of the just. He may have to bear any amount of terrible suffering, he may have even to quaff the bitter cup of death in the performance of this duty, which devolves on him on account of being a man, but he should not shirk it.

12

C. P. ILBERT ON THE PRINCIPLES AND PURPOSES OF THE ILBERT BILL[1] OF 1883

. . . As to the object at which we ought to aim, there will be no difference of opinion. It is simply the effectual and impartial administration of justice, and as to the facts with which we have to deal, no one who has studied the statistics and reports of the cases involving charges against European British subjects can fail to be struck with two things, first, that as compared with the great mass of ordinary criminal business they are exceptionally rare, and secondly, that they are exceptionally troublesome and difficult. To what conclusion do these two peculiarities point? They appear to me to show that, in the interests of the effectual and impartial administration of justice it is not necessary, and that, in the same interests it is not desirable, to clothe all Magistrates indiscriminately with the power of dealing with these cases. As we are justified in excluding from the jurisdiction of interior Magistrates as such the cognisance of the graver classes of offences, so we should be justified in excluding from their jurisdiction the cognisance of a class of offences the trial of which, from the circumstances under which they are ordinarily committed, presents features of exceptional difficulty . . . the further question which we have to determine is how this class is to be defined. My answer is that the line ought to be drawn with reference to the presumable fitness of the Magistrate, and

[1] Abstracts of Proceedings of the Legislative Council, 1883, pp. 92–5. Sir C. P. Ilbert was Legal Member of the Supreme Council, 1882–6.

with reference to that alone, and that we ought not to base any difference which we may think fit to make between particular classes of Magistrates, on race distinctions which are as invidious as they are unnecessary.

These are the principles by which we have been guided in framing the proposals which I am now asking leave to lay before the Council. We are of opinion that the time has come when the settlement which was arrived at in 1872 may with safety, and ought in justice to be reconsidered; we are of opinion that if this question is reopened it ought to be settled on a permanent and stable foundation; and finally we are of opinion that no change in the law can be satisfactory or stable which fails to remove at once and completely from the Code every judicial disqualification which is based merely on race distinctions. . . .

13

OPPOSITION TO THE ILBERT BILL,[1] 26 FEBRUARY 1883

The telegram from our Calcutta Correspondent which we print this morning shows that increased familiarity with the Criminal Jurisdiction Bill only intensifies the distrust with which it is regarded by the European community in India. That feeling found its earliest and, perhaps, its strongest expression in Bengal, but it is evident that it exists in equal force wherever there are European capitalists or residents to be affected by the new scheme. The newspapers are filled with articles and letters protesting against the proposed change, and our Correspondent testifies to the widespread and intense indignation it has evoked. The Bengal Chamber of Commerce has passed a resolution declaring its unqualified disapproval and its intention to oppose the measure by every means in its power. A requisition signed by all the leading non-official Europeans in Calcutta has been presented to the Sheriff, asking him to call a public meeting in order that the sense of the European community may be formally taken and made known to the Indian Government and to Parliament. A large and influential meeting at Madras has resolved that the Bill demands the concerted opposition of the European community throughout India, is an unnecessary sacrifice of a highly-prized right to ideal legislation, and will seriously check the introduction of European capital into India. The planters of Assam protest indignantly against the Bill, as calculated seriously to injure existing interests and to stop the progress of the province, besides reviving the antagonism of race which was happily disappearing. The indigo planters of Behar and the tea-growers of Darjeeling join in the general outcry, while despatches from every centre of European activity testify to the universality of the opposition excited by this unfortunate measure. It is, of course, more difficult to obtain conclusive evidence as to the drift of official opinion. Official propriety requires that it should be expressed with caution, and stronger motives are not wanting to prevent excessive candour. But officials are also private citizens, permitting themselves greater freedom in that capacity, and our Correspondent affirms that, with

[1] Editorial article, *The Times*, 26 February 1883.

obvious exceptions, they agree, as is, indeed, to be expected, with the general opinion of the non-official Europeans. Those who take their stand upon some abstract theory or sentiment may, of course, exclaim *fiat justitia* after the magnificent manner of sentimentalists everywhere, but practical politicians will agree with us in thinking that the universal opinion of the European community cannot be thus lightly disposed of. We do not govern India exclusively through the Civil Service. Every man who plants tea or indigo or cinchona, who exports wheat, or who runs a mill, is part of an agency for the development of India which is the necessary complement of the machinery of government. Without European capital and enterprise the Government of India might mark time, but it could not advance. Therefore, the opinion of the mercantile community is entitled as a mere matter of statesmanship to serious consideration, and ought not to be disregarded, except for some very cogent reason. . . .

14

MEMORIAL OF THE EURASIAN AND ANGLO-INDIAN ASSOCIATION TO THE GOVERNOR GENERAL IN COUNCIL,[1] 8 MARCH 1883

That your memorialists have become aware of the desire of the Legislature to be informed of public feeling, in all classes concerned, in regard to a proposed change in the criminal law relating to the subjection of European British subjects to certain Native magistrates in the Mufassil; and that, as loyal subjects, many of whom personally possess the status of European British subjects under the law, your memorialists submit for consideration the following objections which they hold against the change.

2. That it is a wise maxim of British statesmanship that legislation, and more especially important legislation, should wait upon necessity; and that no pressing necessity has been made out for this change in the Statement of Objects and Reasons which has been given to the country.

3. That, in the absence of such necessity, the grounds advanced for the change are, that 'it was thought anomalous that, while Natives of India were admitted to the Covenanted Civil Service, and held competent to discharge the highest judicial duties, they should be deemed incompetent to be justices of the peace, and to exercise jurisdiction over Europeans outside the Presidency towns'; and that 'the Government of India had accordingly decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, at once and completely, every judicial disqualification which is based merely on race distinctions'.

5. That in the opinion of the European and Anglo-Indian community, the concessions to native prejudice made in connexion with the administration of justice, such as the exemption of the Native gentry and ladies from attendance as witnesses in our law courts, represent greater anomalies than any involved in the right

[1] C. 3877, pp. 561–4.

of European British subjects to be tried by their peers. To such concessions the European community have never demurred; and they feel that, on this very account, the only right which they themselves have hitherto enjoyed should remain untouched.

6. That, without presuming to assert that the Indian Legislature has no strict legal power to enact that European British subjects may be tried by Native judicial officers, your memorialists respectfully submit that a great constitutional difficulty underlies the proposed legislation. That during the many centuries through which the English people struggled for liberty and for the complete and practical attainment of the right of trial by one's peers, the possibility of the spectacle of an Englishman being tried by anybody but an Englishman was not and could not have been contemplated. That such a possibility has now arisen, not only in India, but in several of the dependencies and colonies belonging to the British Empire, such as Cape Colony, Natal, New Zealand, and the West Indies. That, without denying the many virtues and merits of the Natives of India and of these other countries, it cannot be contended that they are the peers or equals of Englishmen. That the trial of an Englishman by a Native of any of these dependencies, that is to say, the trial of an Englishman by one who is not his peer, is an infringement of a great constitutional right. That your memorialists respectfully, but confidently, submit that the Parliament of Great Britain and Ireland is the only Legislature which ought to deal with so momentous a trespass on the principle which is the foundation of English constitutional law. . . .

15

J. GIBBS TO LORD RIPON,[1] 17 APRIL 1883

I have been able to get very thorough information as to the origin of the opposition, . . .

The Bar have been very sore about the reduction of the judges' pay . . . and were only too glad of an opportunity to do Govt. an injury if they could—and the idea of an opposition to the Bill was started in the Bar library by some of the English Barristers. Communications were entered into with the Englishman's office(?) and circulars in the shape of letters were sent to the planters . . . up country suggesting they oppose the Bill . . . they took the bait and urged their correspondents and agents here to move in the matter and hence the opposition took firm hold . . . the delay between the 2 and 19 Feb. when the fiercer opposition broke out is accounted for by the time it took to communicate with up country and get replies before the matter could be prominently(?) mooted in Calcutta . . . it acquired force by morning and its climax was reached on 28 Feb. at the Town Hall.

[1] Ripon Papers, Add. MSS. 43611, ff. 153–6, British Museum. James Gibbs was a member of the Supreme Council 1880–5, and President in 1884. Private letter.

16

THE BOMBAY PRESS AND THE ILBERT BILL,[1] 1883

... The Ilbert Bill was hailed with joy by the native press all over India; although generally opposed by the entire European population of the Presidency, discussions of the Bill were not carried on with such acrimony of feeling as in Calcutta. In noticing the meeting held by the Bombay Chamber of Commerce to protest against the Bill, it was observed by the native papers, that the proceedings were, on the whole, characterized by admirable moderation and decorum. There was but one feeling in regard to the ultimate compromise—intense dissatisfaction. In noticing affrays between Europeans and natives, which resulted in serious consequences, it was observed, that, during the past two years, nearly one hundred natives had been killed by European soldiers, most of whom had escaped the punishment they deserved. The orders issued by the Commander-in-Chief, laying down that certain localities in different parts of the country should be assigned to European soldiers for purposes of sport and that the police should take special precautions in those places to prevent collisions between sportsmen and the natives, were highly approved....

17

THE INCIDENCE OF INCOME TAX IN BENGAL,[2] 1891–92

1. Division	2. Current demand with penalties	3. Number of assessees	4. Demand per assessee	5. Proportion of assessees to population, i.e., one in
	Rs.		Rs. A. P.	
1. Chittagong	91,160	5,129	17 12 4	816
2. Dacca	2,83,307	10,677	28 8 0	922
3. Rajshahi	2,90,759	12,472	23 5 0	645
4. Presidency (excluding Calcutta)	2,56,067	12,634	20 4 3	675
5. Calcutta	18,05,820	21,902	82 11 3	31
6. Burdwan	1,95,177	8,896	21 15 0	864
7. Chota Nagpur	94,805	4,311	21 5 10	1,073
8. Orissa	51,413	2,576	19 15 4	1,570
9. Bhagalpur	2,31,442	10,607	21 13 1	809
10. Patna	3,83,449	13,972	27 7 1	1,131
TOTAL	36,83,399	103,176	28 8 0(*a*)	853(*a*)

(*a*) Average incidence for Bengal.

[1] *Bombay Administration Report*, 1883–4, p. 212.

[2] *Progress and Condition Report*, Memo. on Bengal by F. H. B. Skrine, Table VI, p. 57. Skrine was a member of the I.C.S., 1868–97.

18

CLASS PROGRESS IN THE MADRAS PRESIDENCY,[1] 1892

57. For the purposes of this enquiry, the general population may roughly be divided into four main divisions; viz., I, the agricultural classes, comprising land-owners, tenants and agricultural labourers; II, labourers not connected with land; III, the professional, mercantile and other classes owning capital other than land; IV, the artizan classes and small traders. The divisions here referred to have been roughly made, and, in some instances, they overlap one another. A landlord is often a money-lender or trader, and an artizan frequently owns a piece of land; and a peasant proprietor ekes out his small income from land by non-agricultural labour, e.g., by spinning or working on the roads during the non-agricultural season. The prosperity or the reverse of large sections of the population must also re-act on the condition of other classes, for instance, traders prosper when the agricultural classes thrive and so on. Nevertheless, there is a convenience in considering the condition of different sections of the population separately, and the main divisions above given are sufficiently accurate for the purpose in view. . . .

58. There is a pretty general impression that in this Presidency land is held in small properties by pauper ryots. There is truth in this, but not to the extent that is often supposed. Out of the 90 millions of acres forming the area of this Presidency, 27½ millions, or between one-third and one-fourth, are held by 849 zemindars; 15 of these zemindars hold 6¾ million acres, or nearly half a million each, paying to Government a peishcush of 2 lakhs of rupees on an average; 128 zemindars hold 9½ millions of acres and pay to Government an average peishcush of 18,100 rupees; and 706 zemindars and mittadars hold 2¾ million acres and pay a peishcush which averages 1,300 rupees. The peishcush of the zemindaris was fixed at two-thirds of the rental in the case of ancient estates, and 90 per cent. of the rental in the case of estates newly created at the time of the permanent settlement. A few large estates, which were held as military jaghirs, pay a quit-rent. The rental of all these estates amounts to 161 lakhs of rupees, while the peishcush amounts to 50 lakhs, or, in other words, the rental is now more than three times the peishcush, and the zemindars have consequently enormously benefited. . . .

62. Among the propertied classes, the military classes, and more especially the Poligars who used to lead plundering expeditions, have become peaceful land-holders, and, as such, while they have benefited by the rise in the profits of landed property, they have lost their old power and influence. . . .

Another class, which has suffered under the present regime, consists of the favourites and minions of Native chiefs who had fattened on the substance of the poor and are now no longer allowed to do so. It is the existence of this class, to some extent, that gives the capital cities of Native States an appearance of greater

[1] Memorandum by Dewan Bahadur S. Srinivasa Raghavaiyangar, Inspector-General of Registration, Parl. Branch Collection, India Office, 220, pp. 74–91.

wealth and prosperity than is the case in the cities of British territory, where wealth is more diffused and less concentrated in particular localities. . . .

A third class, which has increased in numbers, but has lost in individual share of the wealth of the country, consists of the Native bankers, Sowkars and Banians. Formerly there was no security for property except in the capital cities and their vicinity, and all the wealth was found concentrated there. . . .

Other mercantile and trading classes have increased largely in numbers and are in a prosperous condition, owing to the development of trade of which a full account has already been given. As in the case of money-lenders, the income of this class is made up of small gains in a large number of transactions and not by large profits in a small number of transactions. This is a wholesome change, for, as has been pertinently observed, the advantages of trade can no more be measured by the gains of individual traders than the advantages of learning by the salaries of schoolmasters. The gains of traders represent the sacrifice incurred for securing the advantages of trade, and the less the sacrifice and the more the volume of trade, the greater the advantage to the general community.

Among the learned professions, the official classes have also increased in numbers, owing especially to the increased activity of local fund administration. Barristers, vakils and other legal practitioners are rising into importance. According to the income-tax returns the income assessed, that is, of persons who get not less than Rs. 500 per annum is about 26 lakhs of rupees. 1,034 persons get an income of nearly 10 lakhs of rupees, and 267 persons an income of 16 lakhs of rupees. Of the latter, 47 persons, with an income of about 6½ lakhs, reside in the Presidency town, and 220 persons, with an income of 10½ lakhs, reside in the mofussil stations.

64. The best means of finding out whether the economic condition of the country has improved or not is to enquire whether the standard of living has risen or not among all but the lowest classes of labourers who practically live from hand to mouth. There is ample evidence that this has been the case. On this point I have obtained the opinions of a number of gentlemen who have had exceptional opportunities of forming an intelligent and trustworthy opinion as to the condition of landowners in different parts of the country at the present time as compared with their condition in the old days. The facts stated in the previous portions of this memorandum place it beyond doubt that the vast majority of landowners were in a state of abject poverty amounting to almost destitution fifty years ago. Reference should be made in particular to the description of the income and the ways of living of even the richer ryots given by Mr. Bourdillon, whose account is printed in the appendix. It is true that there is a considerable portion of the ryot class which still answers to Mr. Bourdillon's description, but it is also true that there is a class—a daily increasing one—which seeks and enjoys more comforts. This is evidenced in various ways. The number of houses as shown by the last census has increased in a greater ratio than the population; and tiled and terraced houses are superseding the old thatched cottages. Better clothing, especially of elegant and costly kinds for women, has come into ordinary use among the higher classes in most districts,

and in the Southern districts women of the present day will not, as Mr. Seshaiyar, Professor of the Kumbakonam College, observes, even look at the coarse clothing which their grandmothers wore. In the richer families servants for doing the menial work are being more largely employed than before. Much larger quantities of gold and silver jewels are now worn. Metal vessels have, to a very large extent, taken the place of earthen vessels, even among the lower classes, and rice is becoming a part of the ordinary diet of the classes which, in former days, would have used it as a luxury on special festive occasions. A great deal of money is being spent on the education of children. The money expended in school-fees for a single boy would formerly have sufficed to maintain two adults. It is true, at the same time, that everybody feels that his means are inadequate to the satisfaction of his wants, but this is not because his means have not increased, but because his wants have increased in a still greater ratio. Formerly, none but the richest would have dreamt of giving collegiate education to their children. Now persons with very small means wish to educate their sons and make great sacrifices for this purpose. Sometimes the sons turn out well, but occasionally they do not, and, in the latter case, great is the suffering inflicted on the parents. Nevertheless, the general effect, both on the parents and the sons, of this state of things, is very beneficial. Formerly, the father would have pinched himself and saved to leave his children property for subsistence. Now he saves to give them education leaving them to earn their living. Indeed, the benefits of education are so much appreciated that even if the father be not willing to educate his children, the mother insists on its being done. Lads who have been educated and who have passed University examinations are so much sought after by parents as suitable husbands for their daughters that they command a high price in the matrimonial market. . . .

19

SWAMI VIVEKANANDA ON THE ORIGIN OF THE VEDAS,[1] 1893

The Hindus have received their religion through revelation, the Vedas. They hold that the Vedas are without beginning and without end. It may sound ludicrous to this audience, that a book can be without beginning or end. But by the Vedas no books are meant. They mean the accumulated treasury of spiritual law discovered by different persons at different times. Just as the law of gravitation acted before its discovery by humanity, and would continue to act if all humanity forgot it, so is it with the laws that govern the spiritual world. The moral, ethical, and spiritual relations that exist between soul and soul, and between individual spirits and the Father of all spirit, were there before our discovery of them and would still remain, even if we forgot them.

The discoverers of these laws are called Rishis, and we honour them as perfected beings. I am glad to tell this audience that some of the very greatest of them were women.

[1] Address to World's Parliament of Religions at Chicago, 1893. *The Chicago Addresses*, pp. 19–20.

20

EDUCATION AND POLITICAL AGITATION,[1] 16 DECEMBER 1897

2. Certain facts therein set forth will probably have suggested to your Lordship in Council that there is something to inquire into, and, perhaps, to rectify, in the organisation and methods of your Department of Education. They point to the conclusion that unhealthy tendencies are being engendered along with the advantages to be expected from the extension of education in certain classes; and if it appears that the educational facilities provided by the Government are being used to propagate hostility to the established order, it is time to review, in this particular, the system of State education which admits of such a perversion of its beneficent purposes. It is not desirable to suppress the growing exercise by the educated classes of the habit of forming judgments on the conduct of public affairs by their Government, but it is certainly necessary that State education should not be misapplied to the diffusion of wild political speculation and disaffection.

3. Some of the vernacular reading books patronised by your Educational Department are stated to contain lessons which, however harmless they may have seemed when the books were compiled, are asserted to be capable of being used as apologies for disloyalty. It is possible that the Counsel for the defence of Tilak may have overstated the facts for the benefit of his client; and however that may be, the matter may be adequately dealt with by a School Books Committee. The occasion may also be opportune for a wider enquiry, whether the selection of books on which the students of your schools and colleges are trained is judicious; and whether, in so far as the course touches history and politics, more care should not be taken that the matter presented is wholesome, and adapted to the crude understanding of Oriental students. The Bombay Government was requested to take action in this direction by the Government of India in 1889; I am not informed with what result.

4. More important is the attitude of your Government towards aided institutions. No one would attempt to fetter the political thought of grown men. But your Government may well insist that schools and colleges have nothing to do with politics, and it is reasonable to impose on the grant of money from the public revenue the condition that the institutions subsidised should confine themselves to their proper business. It should not be accepted that, as long as an aided school or college teaches its scholars up to certain standards, the State should pay for these results, and be indifferent to the infusion of a disaffected tone and spirit by the masters and managers. It may be argued that, while the educational results can be tested, the political tone of the teachers eludes observation. But there is evidence in the papers which have come before me that expressions of the more sober and sensible side of public opinion are not wanting as a guide in this matter. I have

[1] Secretary of State to the Governor in Council, Bombay, Judicial and Public Papers, 1897, No. 456. India Office Library. Official despatch.

observed instances in which the presence and conduct of teachers or scholars at political meetings indicate a defective sense of the impropriety of their appearance on such occasions on the part of those who are responsible. I think you will agree with me that your rules for grant-in-aid should provide that a grant may be withdrawn or refused after sufficient warning, when a private institution mixes up political agitation with its legitimate purposes.

5. It may be also that the views and practice of your inspecting and teaching staff as to the enforcement of discipline are not quite so definite and strict as the circumstances of the present time require. If, as has been asserted, a diminution of respect for authority has followed on the spread of education, it is a tendency which cannot prudently be viewed with toleration, much less with favour, by those to whom is entrusted the duty of maintaining the right position. The influence of professors and masters over such a people as that of India, is, of course, immense for good or evil; and the indiscreet expression of political opinions which would be immaterial in England, may give a very undesirable direction to the immature minds of Indian students. I am confident that the gentlemen of whom I am speaking understand that their responsibility, as servants of the State, is precisely that of other Government officers, and that solidarity throughout the public service is, in the peculiar circumstances of our administration in India, of very great importance.

21

REPRESENTATION OF CLASSES IN THE LEGISLATIVE COUNCILS,[1] NOVEMBER 1898

I am directed by the Committee of the British Indian Association to submit, for the consideration and orders of His Honour the Lieutenant-Governor, the following representation regarding the regulations framed by His Excellency the Governor General in Council under section 1 (4) of the Indian Councils Act, 1892, and published in the Gazette of India, dated the 18th of March 1893.

2. His Excellency the Marquis of Lansdowne from his seat in Council remarked in 1893 that the rules were to some extent of an experimental and tentative character, and that they might be modified if experience suggested improvements as regards the manner in which they were to be carried out. The Committee respectfully urge that the experience gained during the last five years clearly shows that unless the rules be improved, it will not be possible to secure in the most effectual manner the objects with which the Councils Act of 1892 was passed. In their opinion the time has now come to reconsider the entire question of representation under the Act in the light of this experience.

3. The rules authorise His Honour the Lieutenant-Governor of Bengal to nominate twenty Councillors for his assistance in making laws and regulations. Of these twenty Councillors not more than ten are to be officials. Of the ten seats

[1] India Home Progs. vol. 5414, pp. 2327–32. India Office Library. Sent by the Secretary of the British Indian Association to the Government of Bengal.

reserved for non-official Councillors, nominations to seven are to be made by the Lieutenant-Governor on the recommendation of the Corporation of Calcutta, Mafassil Municipal Corporations and District Boards selected by the Lieutenant-Governor, the Bengal Chamber of Commerce, the Trades Association, and the Senate of the Calcutta University. The Lieutenant-Governor is also authorised to nominate at his discretion persons to such of the remaining seats as shall not be filled by officials in such manner as shall in his opinion secure a fair representation of the different classes of the community; provided that one seat shall ordinarily be held by a representative of the great land-holders of the Province.

4. The Committee submit that the rules do not in any way provide for the adequate representation of important native interests in the Council. Any scheme of representation which does not recognise the claims of wealth, property and social position is radically defective. If men having a stake in the country are practically excluded from seats in the Legislative Council, the system which ignores their claims can never secure the representation of the most important classes of the community; and if such representation is not secured, the failure of the system adopted, as a truly representative one, is inevitable. Whatever might be the theory of the rules, the Committee desire to lay the utmost stress upon the fact that in practice their working has been found to be radically defective and that they have failed to secure any approach to real representation in any sense of the word.

5. It was perhaps expected that the representation of the Mafassil Municipal Corporations and District Boards would to a large extent fulfil the required conditions. A slight consideration will show that the important interests of the Province cannot be sufficiently safeguarded by vesting the privilege of recommendation in such bodies only. The constitution of the Municipalities and the District Boards is such as to preclude the representation of some of the most important classes of the community. A cursory glance at the reports will show that these bodies are mainly composed of small land-holders and traders, vakils, mukhtears, school-masters and medical practitioners. Rightly or wrongly, men of property and position, with their oriental notions of propriety, as a rule, keep themselves aloof from meddling in the Municipal and the District Board elections. If by chance any of the large land-holders offer themselves as candidates for election to a seat in the Council, they are sure to be defeated by a combination of vakils, mukhtears, small traders, money-lenders and school-masters.

6. The District Boards and Mafassil Municipalities, and even the Calcutta Corporation and the University, have as a rule elected pleaders and members of the other branches of the legal profession. They have also occasionally elected representatives of that section of the educated middle class, which too strongly imbued with western radical ideas, has necessarily no sympathy with either landowners or ryots, and which is out of touch with the bulk of what is after all a purely agricultural community. The Statement (A) appended to this representation will bear out this remark, and will show that both in the Provincial and Imperial Councils the

people of India are represented almost exclusively by pleaders who have comparatively little stake in the country, and are apt to regard projects of law in the light of experience chiefly gained in courts of law.

7. The work of the Municipalities and District Boards is confined to such a limited sphere, that the experience gained even as an active member of these bodies is of very little benefit in discussing the large measures connected with land, which are considered in the Council Chamber. How utterly the nominees of those bodies have failed is well known to those who have watched with any interest the proceedings of the Bengal Legislative Council.

9. The Committee would in this connection venture to point out that nothing could be more inequitable than a system which entrusts to pleaders and others who are wholly ignorant of the condition and requirements of the agricultural population power to legislate about a fund raised by a cess expressly imposed for the benefit of the landowning classes. In a word while the Road cess is paid by the Zamindars and ryots it is levied and administered by middle class pleaders and school-masters who, as a rule, own no land themselves and consequently pay no cess. It is contrary to all principle that a tax should be paid by one class and administered by another class.

APPENDIX A

List of Elected Members of the Viceregal Legislative Council

(1895–1897)

Name	Occupation	Returned by
Maharaja Sir Lakshmiswara Sing, Bahadur, G.C.I.E. of Durbhanga	Zamindar	Bengal
Maharaja of Ajudhia, K.C.I.E.	Zamindar	North-Western Provinces and Oudh
Mr. P. M. Mehta, C.I.E.	Lawyer	Bombay
Rai Bahadur Bhashyam Iyengar, C.I.E.	Lawyer	Madras
Mr. Eardly Norton	Lawyer	
Rai Bahadur P. Ananda Charin, C.I.E.	Lawyer	

(1897–1899)

Maharaja Sir Lakshmiswara Sing, Bahadur, G.C.I.E. of Durbhanga	Zamindar	Bengal
Pundit Bissumbhur Nath	Lawyer	North-Western Provinces and Oudh
Mr. R. M. Sayani	Lawyer	Bombay
Rai Bahadur P. Ananda Charin, C.I.E.	Lawyer	Madras

List of Elected Members of the Bengal Legislative Council

(1893–1895)

Mr. Surendra Nath Banerjee	.....	Corporation of Calcutta
Mr. W. C. Bonnerjee	Lawyer	Calcutta University
Mr. Lal Mohun Ghose	Lawyer	Municipalities, Presidency Division
Moulvi Seraj-ul Islam Khan Bahadur	Lawyer	District Boards, Chittagong Division
Maharaja Sir Lakshmiswara Sing, Bahadur, of Durbhanga	Zamindar	District Boards, Patna Division
Maharaja Jagadindranath Roy	Zamindar	Municipalities, Rajshahi Division

Name	Occupation	Returned by
	(1895–1897)	
Mr. Surendra Nath Banerjee	.....	Corporation of Calcutta
Mr. Ananda Mohun Bose	Lawyer	Calcutta University
Rai Ishan Chunder Mitter Bahadur	Lawyer	Municipalities, Rajshahi Division
Babu Modhu Sudan Das	Lawyer	Municipalities, Orrisa Division
Babu Guru Prasad Sen	Lawyer	District Boards, Dacca Division
	(1897–1899)	
Babu Narendra Nath Sen	Lawyer	Calcutta Corporation
Babu Kali Charan Banerji	Lawyer	Calcutta University
Babu Saligram Sing	Lawyer	Municipalities, Patna Division
Babu Jatra Mohun Sen	Lawyer	Municipalities, Chittagong Division
Mr. Surendra Nath Banerjee	....	District Boards, Presidency Division

22

THE DEMAND FOR GRADUATES, 1902–7[1]

97. It is sometimes supposed that the output of graduates from the Indian Universities is in excess of the number for whom there is employment; and indeed it is very common for persons who write about the social and political condition of India to treat this supposition as if it were a demonstrated fact and to build upon it the theory that the presence in the country of a large body of graduates seeking employment and finding none is the cause of some disorders in the State.

The total annual output from all the Universities in India has only once exceeded 2,000. In 1893–94 it was 1,421, in 1898–99 it touched 1,500 for the first time, and in the three closing years of the quinquennium it averaged 1,935. These numbers include all the Bachelors of Arts, of Science, of Engineering, or Oriental Learning and of Medicine, and in addition thereto the Licentiates of Medicine and Surgery and of Engineering. Some of these graduates proceed to higher degrees, but for the purpose of counting the output of the Universities, those who take higher degrees should neither be added to the 1,935 nor subtracted from them. Nineteen hundred and thirty-five pass through the portal of the Bachelor's degree or Licentiate: some of these proceed to higher degrees, others go out at once into the world. Of the 1,935 graduates of the Universities, 540 become Bachelors of Law, and in the most cases proceed to the Bar. This leaves a yearly supply of nearly 1,400 graduates available for the other professions, for the branches of the public service in which graduates are employed, for teaching in colleges and schools and for service in Native States. The colleges and secondary schools, if they were able to offer salaries sufficiently attractive, would be capable of absorbing as teachers nearly the whole of this number. At present these institutions are obliged to employ men who are not graduates, owing to two causes, a dearth of graduates, and inability to pay sufficient salaries to attract graduates. A return was made in 1903

[1] *Progress of Education in India*, 1902–7, H. W. Grange, Director General of Education, vol. 1, pp. 34–5.

of the number of higher posts in the public services held by Indians: this return took count only of posts at a pay of more than Rs. 75 a month, and this is a higher rate of pay than a young man would usually expect to receive immediately upon leaving the University. Consequently the return does not show the full extent of the demand for graduates in the public service; but it showed that Indians were employed in more than 16,000 posts at a pay exceeding Rs. 75.

The following extract from an official letter written by the Madras Government in the year 1902 shows that in the opinion of that Government there is not an excessive production of graduates in Madras:

'The benefits which higher education has conferred, small as the progress has been, will be readily conceded, and His Excellency in Council is convinced that any action which checked its development would be a serious misfortune. Young men of education are wanted in the interests alike of the efficiency and the purity of the administration of the State, for the extension of primary and secondary instruction and for the development of the trade, the industries and the resources of the country. And what is the supply? The Madras University serves a population of at least 50 millions and yet the number of graduates in Arts in 1900 was only 365, while in 1901 it was not more than 331, and in no year in the past decade has it reached 500. The number of students on the rolls of colleges is practically the same now as it was in 1890–91, and any attempt to make this branch of education self-supporting or even materially to increase the contribution demanded from those who benefit by it must result in a serious falling off in the number of students, which His Excellency in Council would view with grave apprehensions.'

98. The most striking feature about the number of graduates at the Indian Universities is not the magnitude of their total or any increase in it, but the very high proportion of wastage. It takes 24,000 candidates at Matriculation to secure 11,000 passes, it takes 7,000 candidates at the Intermediate examination to secure 2,800 passes, and it takes 4,750 candidates for the B.A. degree to secure 1,900 passes.

There are 18,000 students at college in order to supply an annual output of 1,935 graduates. This means that a very large number fall out by the way without completing successfully their University career. The phenomenon, peculiar to India, of candidates for employment urging as a qualification that they have failed at a University examination (meaning that they have passed the preceding examination and added thereto some years of study for the next) is due to two causes, the large number of students whom the University rejects at its examinations before it grants the B.A. degree to the remainder, and the dearth of graduates. If there were enough graduates forthcoming to fill the places, those who can only urge as their qualification that they have failed in the Bachelor's degree would no longer be serious competitors.

99. The proportion of students who graduate in the four main faculties is as follows:—

Arts	85 per cent.
Science	2 „
Medicine	9 „
Engineering	4 „
Total	100 „

The conclusion often but erroneously drawn from these figures is that a 'purely literary education' is followed at the Indian Universities to the almost total exclusion of Science. This conclusion is arrived at by the omission to observe that in some of the Universities the Arts degree is granted upon Science subjects. An analysis of the returns of four of the Universities shows that the proportion of graduates in Arts who take one or more Science subjects at the B.A. examination is as follows: —

	Percentage
Calcutta	36
Madras	46
Bombay	34
Allahabad	25

In these calculations Mathematics is not counted as a Science subject.

23

THE INCREASE IN INCOMES, 1914[1]

439. There has undoubtedly been a real progress, an increase of wealth and a general diffusion of it, in consequence of an increase in the profits of agriculture, and a remarkable increase in wages greater than the cost of living in almost all parts of India during the period of rising prices. There has indeed been a very great increase in the annual income of India. Dr. Marshall defines a country's income as 'the net aggregate of commodities and capital, material and immaterial, including services, produced annually by the labour of the country acting upon its natural resources.' It is beyond all doubt that in recent years there has taken place with the development of the resources of the country and the growth of enterprise on the part of the community as a whole, a very considerable increase in this annual income. A noticeable sign of this improvement is the enormous increase in India's power of absorbing the previous metals and the large expansion of her import trade, all of which are paid for by her produce. The total amount of gold and silver absorbed in the country during the twelve years ending in 1911 amounted to £116,000,000 of gold and 1,600,000,000 tolas of silver against £27,000,000 and 1,150,000,000 tolas respectively in the twelve years prior to 1900. Her import trade in merchandise has also grown from an average of 62 crores of rupees, in the

[1] *Official Report on the enquiry into the rise of prices in India*, K. L. Datta, pp. 184–6.

five years 1890–91 to 1894–95, to 130 crores in 1911–12. Material welfare, as is well known, depends on many factors, such as quantity of food consumed, clothing, housing accommodation, facilities for travel, and on other comforts of life and on the equitable distribution of such means of enjoyment. From this point of view also, the material welfare of the country, as a whole, has increased remarkably, especially during the last 15 years.

440. India has now to part with much less of her produce than formerly to meet her foreign obligations. The surplus of her produce available for export is now, owing to the rise of prices, very much more valuable than it was 20 or even 10 years ago. India's exports have thus grown considerably in value in consequence of the rise of prices, and only a part of this increase goes towards meeting the increased cost of her imports. There has also been a considerable increase in the volume of the imports of almost all classes of goods required for consumption and the increase in the imports of many classes of goods which were formerly considered as luxuries, but are now recognised as necessities, bear eloquent testimony to a standard of living which is rising higher and higher with the rise of prices and the material prosperity of the country.

443. The standard of living among all classes of the population, especially among landholders, traders and ryots, has increased very considerably in recent years, and extravagance on occasions of marriage and other social ceremonies has seriously increased. The average villager lives in a better house and eats better food than did his father; brass and other metal vessels have taken the place of coarse earthenware and the clothing of his family in quality and quantity has improved. We may also say that the increase in passenger miles travelled predicates the existence of spare money to pay for railway fares.

(*c*) The rise of the Indian National Congress, 1858–1917

1

THE INDIAN NATIONAL CONFERENCE,[1] 1883

. . . I took up the movement for the creation of a National Fund. A great meeting was held on July 17, 1883, attended by over ten thousand people, at which it was resolved to raise a national fund to secure the political advancement of the country by means of constitutional agitation in India and in England. The Contempt Case and the growing movement for Indian unity and solidarity had opened wide our vision, and we invited the other provinces to co-operate with us. The Civil Service agitation had disclosed the essential unity of Indian aims and aspirations, the Contempt Case had accentuated the feeling, and we now began to look beyond our own province, and to seek for strength and invigoration by the moral support and active co-operation of united India. The moral transformation which

[1] S. N. Banerjea, *A Nation in the Making*, 1925, pp. 85–6, 98–9.

was to usher in the Congress movement had thus already its birth in the bosom of the Indian National Conference which met in Calcutta, and to which representatives from all parts of India were invited.

The Ilbert Bill controversy helped to intensify the growing feeling of unity among the Indian people. The Anglo-Indian community had formed their Defence Association with its branches in different parts of the country. They had raised over a lakh and fifty thousand rupees to protect what they conceived to be their interests, and to assert their special privileges. Their organization and their resources had secured success to their cause. The educated community all over India watched the struggle with interest. There was the Ilbert Bill agitation with all its developments taking place before their eyes. They could not remain insensible to the lesson that it taught, of combination and organization; a lesson which in this case was enforced amid conditions that left a rankling sense of humiliation in the mind of educated India. It was, however, fruitful of results. It strengthened the forces that were speeding up the birth of the Congress movement; and, as I have observed, before the year was out the first National Conference was held in Calcutta. In its organization I had no inconsiderable share—*quorum magna pars fui.* It was the reply of educated India to the Ilbert Bill agitation, a resonant blast on their golden trumpet. The Conference met for three days, from December 28 to 30.

The questions that even now substantially form the chief planks in the Congress platform were taken up for discussion. They were Representative Councils or Self-government, Education, general and technical, the separation of Judicial from Executive functions in the administration of Criminal Justice, and, lastly, the wider employment of our countrymen in the public service. . . .

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In December, 1885, we again held a National Conference, the second of its kind, to the first of which I have referred as having been held in 1883. It was like its predecessor a conference of all-India held upon the same lines. But in the meantime the ideal had made headway. This time the Conference was convened by the three leading Associations of Calcutta—the British Indian, representing the landed interest, the Indian, the Association of the middle classes, and the Central Mohamedan Association, of which Mr. (now the Rt. Hon. Mr.) Ameer Ali was Secretary.

The Conference met for three days, on December 25, 26 and 27, 1885. Not only was Bengal represented, but delegates attended from several towns in Northern India such as Meerut, Benares and Allahabad. Bombay was represented by the Hon. Mr. Visnarain Mandlik, the Indian member for that presidency in the Imperial Legislative Council. The Conference voted the urgency of the reform of the Legislative Councils, and appointed a committee to consider what steps should be taken to bring about its satisfactory settlement.

While we were having our National Conference in Calcutta, the Indian National

Congress, conceived on the same lines and having the same programme, was holding its first sittings at Bombay. The movements were simultaneous; the preliminary arrangements were made independently, neither party knowing what the other was doing until on the eve of the sittings of the Conference and of the Congress. Mr. W. C. Bonnerjee, who presided over the Bombay Congress, invited me to attend it. I told him that it was too late to suspend the Conference, and that as I had a large share in its organization it would not be possible for me to leave Calcutta and attend the Bombay Congress. This and the one at Karachi are the only sittings of the Indian National Congress that I missed over the long period extending from 1885 to 1917, when, for reasons set forth later on, the Moderate Party definitely seceded from the Congress.

It appears that while we were organizing our National Conference at Calcutta, some of our friends headed by the late Mr. Allan Hume had met at Madras for a similar purpose. Mr. Kashinath Trembuck Telang wrote to me from Bombay requesting me to send him some notes about the first National Conference held in 1883. The two Conferences met about the same time, discussed similar views and voiced the same grievances and aspirations. The one that met in Calcutta was called the 'National Conference' and the other, which assembled at Bombay, the 'Indian National Congress'. Henceforth those who worked with us joined the Congress and heartily co-operated with it.

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2

W. C. BONNERJEE ON THE ESTABLISHMENT OF THE NATIONAL CONGRESS[1]

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It will probably be news to many that the Indian National Congress, as it was originally started and as it has since been carried on, is in reality the work of the Marquis of Dufferin and Ava when that nobleman was the Governor-General of India. Mr. A. O. Hume, C.B. had, in 1884, conceived the idea that it would be of great advantage to the country if leading Indian politicians could be brought together once a year to discuss social matters and be upon friendly footing with one another. He did not desire that politics should form part of their discussion, for, there were recognised political bodies in Calcutta, Bombay, Madras and other parts of India, and he thought that these bodies might suffer in importance if when Indian politicians from different parts of the country came together, they discussed politics. His idea further was that the Governor of the Province where the politicians met should be asked to preside over them and that thereby great cordiality should be established between the official classes and the non-official Indian poli-

[1] *Indian Politics* (1898), pp. vii–viii. Bonnerjee was first President of the Congress.

ticians. Full of these ideas he saw the noble Marquis when he went to Simla early in 1885 after having in the December previous assumed the Viceroyalty of India. Lord Dufferin took great interest in the matter and after considering over it for some time he sent for Mr. Hume and told him that, in his opinion, Mr. Hume's project would not be of much use. He said there was no body of persons in this country who performed the functions which Her Majesty's Opposition did in England. The newspapers, even if they really represented the views of the people, were not reliable and as the English were necessarily ignorant of what was thought of them and their policy in native circles, it would be very desirable in the interests as well of the rulers as of the ruled that Indian politicians should meet yearly and point out to the Government in what respects the administration was defective and how it could be improved; and he added that an assembly such as he proposed should not be presided over by the local Governor for in his presence the people might not like to speak out their minds. Mr. Hume was convinced by Lord Dufferin's arguments and when he placed the two schemes, his own and Lord Dufferin's, before leading politicians in Calcutta, Bombay, Madras and other parts of the country, the latter unanimously accepted Lord Dufferin's scheme and proceeded to give effect to it. Lord Dufferin had made it a condition with Mr. Hume that his name in connection with the scheme of the Congress should not be divulged so long as he remained in the country, and his condition was faithfully maintained and none but the men consulted by Mr. Hume knew anything about the matter.

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3

DADABHAI NAOROJI'S PRESIDENTIAL SPEECH,[1] 27 DECEMBER 1886

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Well, then what is it for which we are now met on this occasion? We have assembled to consider questions upon which depend our future, whether glorious or inglorious. It is our good fortune that we are under a rule which makes it possible for us to meet in this manner. (*Cheers*) It is under the civilizing rule of the Queen and people of England that we meet here together, hindered by none, and are freely allowed to speak our minds without the least fear and without the least hesitation. Such a thing is possible under British rule and British rule only. (*Loud cheers*) Then I put the *question* plainly: Is this Congress a nursery for sedition and rebellion against the British Government (*cries of no, no*); or is it another stone in the foundation of the stability of that Government (*cries of yes, yes*)? There could be but one answer, and that you have already given, because we are thoroughly sensible of the numberless blessings conferred upon us, of which the very existence of this Congress is a proof in a nutshell.

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[1] *Report of the 2nd Indian National Congress*, 1886, pp. 52–7.

It has been asserted that this Congress ought to take up questions of social reforms (*cheers and cries of yes, yes*) and our failure to do this has been urged as a reproach against us. Certainly no member of this National Congress is more alive to the necessity of social reforms than I am; but, gentlemen, for everything there are proper times, proper circumstances, proper parties and proper places (*cheers*); we are met together as a political body to represent to our rulers our political aspirations, not to discuss social reforms, and if you blame us for ignoring these you should equally blame the House of Commons for not discussing the abstruser problems of mathematics or metaphysics. But, besides this, there are here Hindus of every caste, amongst whom, even in the same provinces, customs and social arrangements differ widely,—there are Mahomedans and Christians of various denominations, Parsees, Sikhs, Brahmos and what not—men indeed of each and all of those numerous classes which constitute in the aggregate the people of India. (*Loud cheers*) How can this gathering of *all* classes discuss the social reforms needed in each individual class? What do any of us know of the internal home life, of the customs, traditions, feelings, prejudices of any class but our own? How could a gathering, a cosmopolitan gathering like this, discuss to any purpose the reforms needed in any one class? Only the members of that class can effectively deal with the reforms therein needed. A National Congress must confine itself to questions in which the entire nation has a direct participation, and it must leave the adjustment of social reforms and other class questions to class Congresses. . . .

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One of the questions which will be placed before this Congress and will be discussed by them, is the deep sympathy which this Congress feels for the poverty of the people. It is often understood and thought that when we struggle for admission into the Services it is simply to gratify the aspirations of the few educated. But if you examine this question thoroughly, you will find that this matter of the Public Services will go far to settle the problem of the poverty of the Indian people. . . .

. . . All the benefits we have derived from British rule, all the noble projects of our British rulers, will go for nothing if after all the country is to continue sinking deeper and deeper into the abyss of destitution. At one time I was denounced as a Pessimist, but now that we have it on the authority of our rulers themselves that we are *very* poor, it has become the right, as well as the duty, of this Congress to set forth its convictions, both as to this widespread destitution and the primary steps needful for its alleviation. . . .

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4

A. O. HUME ON THE AIMS AND OBJECTS OF CONGRESS,[1] 30 APRIL 1888

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It is desirable at the outset to explain that the Congress movement is only one outcome, though at the moment the most prominent and tangible, of the labours of a body of cultured men, mostly born natives of India, who some years ago banded themselves together to labour silently for the good of India. To understand the Congress thoroughly it is necessary to understand, first, what were the basal principles laid down by that body (which has since merged into the National Party) for their own guidance,—principles out of which the Congress and many other social and, if I may so term them, more spiritual movements (of which more will be heard as the years roll by) had their origin.

What these fundamental principles were I will take the liberty of reading to you. It is desirable that, in a matter out of which such momentous issues are, though as yet little noticed, already springing, there should be no mistake on a point like this. Well then the objects—the fundamental objects of what we may term from the designation assumed by its originators, the National movement—were threefold:

'FIRST: THE FUSION INTO ONE NATIONAL WHOLE OF ALL THE DIFFERENT AND, TILL RECENTLY DISCORDANT, ELEMENTS THAT CONSTITUTE THE POPULATION OF INDIA;

'SECOND: THE GRADUAL REGENERATION ALONG ALL LINES, MENTAL, MORAL, SOCIAL AND POLITICAL, OF THE NATION THUS EVOLVED; AND

'THIRD: THE CONSOLIDATION OF THE UNION BETWEEN ENGLAND AND INDIA, BY SECURING THE MODIFICATION OF SUCH OF ITS CONDITIONS AS MAY BE UNJUST OR INJURIOUS TO THE LATTER COUNTRY.'

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Bearing in mind the basal objects of the larger movement, we shall now find less difficulty in realizing the scope of the special Congress machinery, constructed primarily in view to the political regeneration of the country. Bear that in mind; although it was perfectly realized that indirectly it would subserve other purposes, that indirectly it would promote the social, mental and moral progress of the nation, it was primarily and directly as a political institution that the Congress was founded. I dwell upon this because people are found fatuous enough to urge it as a reproach that the Congress does not directly meddle with social questions. . . .

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. . . The Congress by its constitution can only pass resolutions in regard to questions on which there is a practical unanimity between all who take part in it. It

[1] Speech delivered at Allahabad, 30 April 1888. Allan Octavian Hume was a member of the I.C.S., 1849–82. India Tracts, 658, pp. 2–8, 15–16. India Office Library.

was realized from the outset that there might be questions in regard to which Bombay would differ from Bengal, Europeans from Natives, Hindus from Mahomedans, Sunis from Sheahs; but all such are excluded from the Congress by its fundamental rule that it shall only pass and press resolutions on those questions in regard to which there is practically unanimity amongst the representatives of all classes and creeds of all provinces. Other questions, in regard to which no such general agreement can be arrived at, are left to be dealt with, as they may deem fitting, by the several provincial, local and sectional associations. The Congress is National, and it deals only with those questions on which the entire nation is practically agreed. If all or practically all the representatives of any province or any community object, the Congress must drop the subject.

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But what have been its methods? Firstly, quiet teachings and preachings throughout the greater part of the country of simple elementary political truths. The people are taught to recognize the many benefits that they owe to British rule, as also the fact that on the peaceful continuance of that rule depend all hopes for the peace and prosperity of the country. They are taught that the many hardships and disabilities of which they complain are after all, though real enough, small in comparison with the blessings they enjoy, but that all these grievances may be and will be redressed if they all join to press their views and wishes unanimously, but temperately, on the Government here and on the Government and people of England. The sin of illegal or anarchical proceedings are brought home to them, and the conviction is engendered that by united, patient, constitutional agitation they are certain ultimately to obtain all they can reasonably or justly ask for, while by any recourse to hasty or violent action they must inevitably ruin their cause and entail endless misery on themselves; and these teachings have gone on so quietly and unostentatiously that they have never once attracted even serious attention, much less unfavourable comment.

Second, amongst our methods is the distribution of elementary tracts setting forth similar doctrines and embodying teachings conceived in a like spirit in regard to the rights and duties of subjects. Of two of these, *viz.*, Mr. Veraraghava Chariar's Congress Catechism and a Conversation between Moulvi Furreeduddeen and one Rambuksh of Kambakhtpur,[1] some 50,000 copies were circulated during the past year, and perhaps half a million will be so circulated during the present year; and so far as I know these are the only tracts yet sent out. Although they are to be met with in every one of the twelve languages of India, they are also published in English, and every one of you may judge them for himself. I submit that when read as they stand, there is not one of you who will not agree that they are loyal and kindly alike in spirit and in word.

Third, amongst our methods must be reckoned public meetings—public meetings in hundreds—or rather, if we take the 28 months that have elapsed since the

[1] Both reproduced in the *Report of the 3rd Indian National Congress* (1887).

first Congress was held, public meetings to the number of more than one thousand —so marvellously orderly as a whole in their character as to astound even those most appreciative of the peaceful and law-abiding character of our population. . . .

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Do you not realise that by getting hold of the great lower middle classes before the development of the reckless demagogues, to which the next quarter of a century must otherwise give birth, and carefully inoculating them with a mild and harmless form of the political fever, we are adopting the only certain precautionary method against the otherwise inevitable ravages of a violent and epidemic burst of the disorder? I know that both in these provinces and the Punjab there are many officials—good men and true though not far-seeing—who are publicly and privately doing their utmost to impede the progress and hinder the happy development of this great and beneficent movement; but, Gentlemen, as they are good men, acting, though ignorantly, in all good faith, they will be very sorry later for this, and they will regret that before opposing they did not first take the trouble of thoroughly understanding the movement. . . .

Speaking, however, in these provinces, there is one more point that I feel most unwillingly compelled to touch upon—unwillingly, because on the one side stands a lifelong friendship, on the other the sacred duty that is imposed upon every man to speak the truth without fear or favour when the interests of his country and countrymen are at stake. I refer of course to the unfortunate schism of a section of the Musulmans, which threatens to impair temporarily the harmony of our movement and retard the fruition of the aspirations of India's best friends for her welfare. In dealing with this question I carefully distinguish between the doctrines preached and those who preach them. Against those gentlemen who are, as I hope, in all singleness of purpose and in good faith, preaching however unwisely, however blindly, the doctrines to which I shall refer,[1] I have not one word to say. Their own consciences must be their judges to acquit or to condemn them. But the doctrines that these are preaching I must denounce, with all the earnestness, with all the energy, I possess.

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5

LORD DUFFERIN'S MINUTE ON THE CONGRESS,[2] NOVEMBER 1888

. . . Consequently it must be admitted that, out of a population of two hundred millions, there are only a very few thousands who may be considered to possess adequate qualifications for taking an intelligent view even of that portion of local public affairs with which peculiar circumstances or their individual position may have rendered them conversant, while those who may be credited with capacity for comprehending or dealing advantageously with the larger problems which are

[1] Omitted. [2] India Public Letters, vol. 9 (1888), pp. 1195–1200. India Office Library.

being presented from day to day to the consideration of the Government would have to be counted rather by tens than by hundreds. To extend, therefore, to this infinitesimal and only partially qualified fraction of the people of India anything beyond the consultative, critical and suggestive powers which we are now recommending, would be evidently impracticable. The chief concern of the Government of India is to protect and foster the interests of the people of India, and the people of India are not the seven or eight thousand students who have graduated at the Universities, or the Pleaders recruited from their numbers who are practising in our Courts of Justice, or the newspaper writers, or the Europeanized Zemindars, or the wealthy traders, but the voiceless millions whom neither education, nor civilization, nor the influence of European ideas or modern thought, have in the slightest degree transfigured or transformed from what their forefathers were a thousand years ago.

It is true that a considerable number of highly educated, intelligent, and I believe perfectly loyal, honest, and well-meaning Native Politicians have conceived, though in a vague and hazy way, the idea of the introduction into India of political institutions of a far more democratic character. The Congresses which have been held at Calcutta and Madras and the numerous Associations which have lately sprung into existence are the outcome of these aspirations. It is unnecessary for me in the present paper to criticize either the constitution or the proceedings of these bodies. It will be sufficient to observe that the principal subjects which they have brought forward as constituting the grievances of the people of India are of singularly trivial importance in comparison with the many momentous administrative problems which have been already dealt with by Government even during my own tenure of office, or which are still pressing for solution. . . . No one can pass even a few months in India without being aware that we are sitting under the shadow of an enormous danger,—the over-population of the country, or at all events of large districts and territories, whose inhabitants are yearly, nay monthly and weekly, multiplying beyond the numbers the soil is capable of sustaining,—yet during the four years I have been here, this most important subject has not attracted the attention of a single Native newspaper, still less of any native public body. Again, where is there a population whose rise in the scale of social comfort and prosperity is more checked and impeded by excessive and useless expenditure on the occasion of marriages and other similar ceremonies than that of India? Or in what country is the peasant more hampered in the pursuit of his agricultural industries than is the Hindu or Mahomedan ryot by chronic indebtedness to the money-lender? Where is there a more crying need for Sanitary Reform than amongst those who insist upon bathing in the tanks from which they obtain their drinking water, and where millions of men, women and children die yearly, or, what is even worse, become the victims of chronic debility and disease from preventible causes? From what more prolific source are widespread misery and degradation propagated amongst millions of women than by the immoral custom of child marriage and virgin widowhood, so ruthlessly insisted upon by Hindu society? Yet where have

any of these problems formed the subject of serious and original enquiry, comment or suggestion by a Native Hindu Association? What, in fact, would be the effect of adopting any single proposal, or indeed all the proposals *en bloc*, made by the Congress, in comparison with the security and happiness which have been diffused amongst thousands and thousands of peasant homes by a single Act of the Legislature, such as the Bengal Tenancy Act or the Oudh Rent Bill, or many others that could be mentioned? The fact is that the Congress is the product only of that infinitesimal section of the Indian community to whom I have already referred as having been tinctured either directly or indirectly with an infusion of European education, European political ideas, and European literature. They neither represent the aristocratic sections of Indian society, nor are they in special contact or sympathy with the great masses of the population; they do not understand their wants or necessities, if indeed they are not indifferent or even opposed to them—as was evidenced by the strenuous resistance of the important Native Associations to our recent Land Legislation—and they are very imperfectly fitted to grasp any of the larger questions which affect the stability or safety of the Empire as a whole.

. . . Such then being the relation in numbers, in condition, in status, and in qualifications for government of what may be called the Europeanized or educated section of the Indian people, as compared with the masses that constitute the bulk of the nation, I am convinced that we are acting wisely in confining our efforts within the limits marked out by our despatch, and that we should be falling into a great error if, miscalculating the force and value of the Congress movement and the influence of its supporters and advocates, whether in the press or elsewhere, we were to relax in the slightest degree our grasp of the Supreme administration of the country. On the other hand, as long as we hold firmly to this principle and remain fully alive to our own Imperial responsibilities, I believe that both with safety and advantage we can give full play to the legitimate and praiseworthy ambition of the loyal, patriotic, and educated classes in India, who are desirous of taking a larger share than hitherto in the transaction of the public business of their respective Provinces, and who, if admitted to our counsels under the conditions we have recommended, though not exercising theoretically more than consultative functions, will undoubtedly be able, not only sensibly to direct and influence the various descriptions of legislation on which they may be called upon to engage, but also to assist in framing the general policy of the Governments to which they are attached. . . .

6

SIR WILLIAM WEDDERBURN ON AN INDIAN PARTY IN PARLIAMENT,[1] 1894

. . . The public in India would make a mistake if it overestimated what has been accomplished towards forming an Indian party in the House of Commons. It

[1] I.C.S. Retired from India in 1887. Later M.P. for Banffshire 1893–1900. A strong supporter of the Indian National Congress.

'India's National Appeal,' *India*, October, 1894, pp. 305–6.

is true that we have induced about 160 members to join the Indian Parliamentary Committee. But the conditions under which the adhesion of so large a number of members has been secured, must not be lost sight of. It must be borne in mind that these gentlemen are not pledged to the Congress programme, nor indeed have they promised to support any particular measure. All that they have promised is to support a just and sympathetic policy towards India, and to give a fair hearing to Indian grievances. We must also remember the peculiar composition of the political party, from which the members of this Committee are drawn. The party is made up of groups: Irish, Scotch, Welsh, Metropolitan, Temperance, Labour, members, whose first duty is to their constituents and supporters. Even those therefore who are best disposed towards India may on any particular occasion find there are considerations which prevent their voting against the Government on an Indian question. The Indian party thus consists of two portions, (a) those who, like the British Committee, are supporters of the Congress programme, and are prepared actively to advocate the cause of India; and (b) those who have not as yet fully mastered the points at issue between Indian public opinion and the dominant officials, but are prepared to give both sides an impartial hearing. These members must be regarded not as advocates for the appellants but rather as fairminded jurors, desirous of doing justice, but requiring the facts upon which they are to give judgment to be fully placed before them. But if it is unwise to over-estimate, it would also be a mistake to underestimate the value of the Indian Parliamentary Committee. Our demand, in season and out of season, has been for inquiry: without inquiry nothing can be hoped for. And it is unquestionable that the existence of this Parliamentary combination was the main reason why at the last moment the Government yielded, in part, at least, to our demand. The fact is Ministers could not well help themselves. For as the Indian Budget debate came on at the end of the Session, they could not count upon the support of the Tories, who had mostly paired and gone away, so they knew that if they did not yield they ran a great risk of being defeated by their own followers.

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7

B. G. TILAK ON THE IMPORTANCE OF FESTIVALS,[1] 1896

This work is not as strenuous or expensive as the work of the Congress, but the educated people can achieve results through these national festivals which it would be impossible for the Congress to achieve. Why should you not give the shape of huge mass meetings to the bigger *jatras*? Will it not be possible for political activities to enter the humblest cottages of the villages through these festivals? Will it not thus be possible to make available to our illiterate countrymen in the villages the moral and the religious education which you have got after strenuous efforts? . . . We sometimes complain that people do not attend the Congress in as large

[1] *Kesari*, 8 September 1896, quoted in D. P. Tahmankar, *Lokamanya Tilak* (1956), pp. 77–8.

numbers as for religious discourses; but where do we want to go to where the people naturally gather? Our ancestors have created natural opportunities for people to get together. But, for our educated people, these opportunities are as nothing. They are proud of the fact that they are educated. Their main difficulty is how to mix with the people. . . . There is no greater folly than the educated people thinking themselves to be a different class from the average society. The educated belong to the people. They can only swim or sink with the people. They cannot be without society. . . . We therefore request that the educated people should realise their duty in this matter and act accordingly.

8

LORD HAMILTON TO LORD CURZON,[1] 18 MAY 1899

The enclosed was given me by a native resident in London, on the understanding I was not to mention his name. Its statement of the harm, Wedderburn & Co. through his wretched paper is trying to do entirely tallies with my own observation.

The remedies to counteract the evil are

1. To ascertain who subscribe among the Princes and noblemen to the Congress and to let them know that the Government are aware of that fact.
2. To prefer for honours and distinctions those who are not Congress men.
3. To exercise a greater control over education, its organization and text books, you know this so well that I need not repeat these formula, but with the multiplicity of your other work and objects it would be well not to lose sight of this counter campaign and so I trouble you with these remarks.

I note that *India* frequently starts lies here that are reproduced in detail by the Congress paper, in fact nearly all information about India is derived from this poisonous little rag. We were too quick for them, otherwise they would have endeavoured to get up an agitation against the sugar duties.

9

C. S. BAYLEY'S NOTE ON CONGRESS SUPPORT,[2] 18 JUNE 1899

1. We have no evidence to show that 'India' is supplied gratis, as stated in the note, to the vernacular press and to public bodies in this country, though it is not improbable that many of the Native papers receive it as an exchange. On the other hand we do know that one leading object in the establishment of the journal was to bring grist to the Congress mill. To take one proof out of many which I can, if desired, bring forward on this point, I may mention a meeting held in Calcutta on the 2nd February 1894, at which, after an address had been delivered by Mr. Morgan Brown, the Assistant Secretary to the British Committee, Babu Surendra Nath

[1] Hamilton Papers, India Office Library, C. 126/1, pp. 135–8. Private letter.

[2] Hamilton Papers, D. 510/2, vol. 14, pp. 63–7. Charles Stuart Bayley, I.C.S., was Superintendent for the suppression of *thagi* and *dakaiti*.

Banarji proposed that the Hughli District should pay Rs. 600 annually to the Congress, for which purpose 100 subscribers to 'India' were wanted.

Whether the distribution is free or not, there can be no doubt that the author of the note is right in saying that 'India' is very widely distributed, and that it exercises an important influence over the Native press and that the influence is pernicious.

2. As to the support given to the Congress by Chiefs and other leading Natives we have a certain amount of information, though from the nature of the case it is not to be expected that that information should be complete.

We have nothing to prove that the late Maharaja of Darbhanga contributed Rs. 10,000 a year, but it is certain that he did give very large pecuniary assistance. In 1888 it was rumoured that he was to be nominated President of the Congress to be held at Allahabad and that he intended to contribute a large sum. In 1890 he and the Raja of Vizianagram each subscribed Rs. 5,000 towards the cost of Babu Surendra Nath Banarji's deputation to England to lecture on behalf of the Congress. In the same year he was said to have given Rs. 2,000 to Mr. W. C. Bonnerjee as his first instalment towards the expenses of the next Congress. In 1894 Babu Surendra Nath Banarji mentioned at a meeting held on the 2nd February that in the previous year the Maharaja had contributed Rs. 20,000. In 1893 and 1895 an 'Indian Friend', who was supposed to be the Maharaja of Darbhanga, gave Rs. 15,000 to the Permanent Fund of the Congress and Rs. 8,000 to the Special Fund for 'India'.

As to the Thakur of Gondal our only information is contained in a letter from Sir William Lee-Warner dated the 9th July 1897, of which I annex a copy, together with a copy of the orders passed by Lord Elgin on it.

As to the Maharaja of Bhaunagar we have no information at all.

About the Gaekwar of Baroda there was reason to believe that he was financing Mr. Nowroji. This was mentioned in a letter from Colonel Biddulph, then Agent to the Governor-General, who also stated that over a lakh of rupees had been taken out of the Treasury by His Highness without the knowledge of the Minister, presumably for some secret purpose. Mr. Nowroji had boasted in Baroda that he could do what he liked with the Irish Members. I may mention that all, or nearly all, the Home Rule Members appeared in the list of members of the British Committee. The 'Ahmadabad Times' of the 5th May(?) 1895 stated that the Gaekwar had given Nowroji £1,000.

In 1895 and again in 1896 Mr. Tata subscribed Rs. 500.

In 1895 or previously the Raja of Ramnad in Madras gave Rs. 10,000 to the Congress Fund.

3. With regard to the last portion of the note it may be noticed that in 1893 the 'Indian Mirror' mentioned in regard to the recent elections to the Bengal Council that five out of the six members elected were Congress men. In 1895 the Police Inspector of Tirupati in Madras discovered a Telugu pamphlet in which, among other results of the Congress agitation, the fact was mentioned that Government

had appointed four representatives of the Congress and had given them seats on the Legislative Council. As lately as the sixth of the current month the 'Advocate' (Lucknow) drew the attention of its *readers to the fact that six prominent Congressmen are or have been Judges of different High Courts and that several others have received decorations or Native Titles.

I will now try to ascertain to what extent Chiefs and other prominent persons are helping the Congress with money, but I am not very sanguine as to the result of the enquiry.

* Yes: but their appointment was exclusively upon their professional merits and had nothing to do with their Congress associations.

10

C. W. BOLTON'S LETTER ON CONGRESS SUPPORT,[1] 18 JULY 1899

In reply to your letter No. 647 of the 20th ult. I send the information which I have been able to obtain regarding the financial support received by the Congress and the Newspaper 'India' from leading Native gentlemen of this Province. It has been furnished by the Detective Superintendent of the Calcutta Police, and is necessarily not precise as to the amounts of subscriptions, such particulars being difficult to procure.

The Congress Movement excites much less enthusiasm than it did some years ago. It has lost much of its interest to the educated classes since the expansion of the Legislative Councils and the election of representative members, which were the principal demands of its promoters, were conceded to by the Government. The people are lukewarm on the question of the separation of the Judicial from the Executive functions of the Civil Service and the various questions on which the Congress Conferences annually pass resolutions do not arouse much discussion. The centre of the movement is Calcutta, but even there funds are not liberally supplied. The British Committee in London were promised Rs 8000, annually from the Calcutta Standing Committee, . . . but no payment has been made for 1898 and 1899, notwithstanding several reminders from Mr. A. O. Hume, the General Secretary at home. At the Berar Conference of 1897 it was agreed that £1000 should be collected for a memorial in recognition of the generous help given by the British people during the famine, and that £500 should be raised in Bengal. It appears that not a single rupee has actually been collected in Bengal.

For the last three years there has also been no payment of the sum of Rs 500 out of the interest on the National fund which was to be annually given to the Congress fund.

The actual expenditure required in Calcutta is not large, but there has been some difficulty in maintaining the office establishment, which costs about Rs 100 a month, and a circular was issued not long ago calling on the members of the

[1] Hamilton Papers, India Office Library, D. 510/2, vol. 14, pp. 227–30. Bolton was I.C.S. and Chief Secretary to the Government of Bengal, 1896.

Committee to subscribe more liberally towards this establishment. When the annual Conferences are held each delegate is expected to pay Rs 10/-.

The principal subscribers of the Congress now are the members of the legal profession and their clients. The Bengali Zamindars do not subscribe largely, though there are a few regular subscribers. The following have been ascertained to be such subscribers:

Babus Manmatha Nath and Narendra Nath Mittra, grandsons of the late Raja Digambar Mittra. They are strong Congress men, residing in Calcutta.
Raja Binoi Krishna Deb, of the Sobhabazar family.
Maharaja Jagendra Nath Roy, of Nator in Rajshahi.
Raja Sashishikaseshwar Roy, of Gahirpur in Rajshahi.
Maharaja Surjyakanta Acharjya, of Mymensingh.
Rai Yotindra Nath Chaudhri, of Gatri, in the 24 Parganas.
Maharaja Sir Jotindro Mohan Tagore, and his brother Sir Surendra Mohan Tagore, are also believed to be subscribers to the Congress, not from active sympathy with the movement, but from fear of newspaper attacks.

The members of the branch of the family of which Babu Debendra Nath Tagore is the head, are active Congress men.

It is stated that the late Maharani Sharnamayi, of Kasimbazar, contributed liberally to the Congress. Her Successor, Maharaja Monendra Chandra Nandi, has apparently not yet given it any pecuniary assistance.

The late Maharaja of Darbhanga gave Rs 10,000/ annually to the Congress fund, and the amount will be due about the end of this year.

It is not known whether the present Maharaja will continue the subscription. I gathered from a conversation which I had with him that he is not inclined to give any assistance to the Congress, but it is quite possible that he will yield to pressure. He informed me that an endeavour had already been made to obtain a contribution from him.

With regard to the Newspaper 'India', it appears that no lump sums are paid in Bengal towards its maintenance. It receives support only through subscriptions for copies. Of the 6000 copies published in England 1500 are allotted to Bengal. In 1898 the number of copies subscribed for here was 750. This year it has risen to 960;—400 copies being for Calcutta and the rest for Mofussil. On the list of subscribers are the names of nearly all the leading Zamindars of Bengal. The paper is said to be popular.

11

LORD CURZON TO LORD HAMILTON,[1] 18 NOVEMBER 1900

Wedderburn sent me a copy of the same document that he forwarded to you, and I answered him in very much the same spirit. He was anxious to extract from

[1] Hamilton Papers, India Office Library, D. 510/6, vol. 18, pp. 293–4. Private letter.

me some pronouncement that might be regarded as favourable to the Congress. Now I am not going to be tempted into anything of the sort. My own belief is 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. I told him plainly, therefore, that I felt myself incapacitated from giving any opinion about, or offering any advice to, the Congress; but I added that, while I was myself sensible of the desirability of consulting and conciliating public opinion in India, the composition of the Congress, at any rate in recent years, had deprived them of any right to pose as the representative of more than a small section of the community. My belief is that the best men in the Congress are more and more seeing the hopelessness of their cause, and indeed many of their papers have begun to argue that they had better trust to me to give them as much as I can instead of wasting their energies in clamouring for what no Viceroy is likely to give them at all.

12

RESOLUTIONS OF THE INDIAN NATIONAL CONGRESS,[1] 1885–1905

I. That this Congress earnestly recommends that the promised inquiry into the working of Indian Administration, here and in England, should be entrusted to a Royal Commission, the people of India being adequately represented thereon, and evidence taken both in India and in England. (1885)

II. That this Congress considers the abolition of the Council of the Secretary of State for India, as at present constituted, the necessary preliminary to all other reforms. (1885)

III. That this Congress considers the reform and expansion of the Supreme and existing Local Legislative Councils, by the admission of a considerable proportion of elected members (and the creation of similar Councils for the N.W. Provinces and Oudh, and also for the Punjab) essential; and holds 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; and that a Standing Committee of the House of Commons should be constituted to receive and consider any formal protests that may be recorded by majorities of such Councils against the exercise by the Executive of the power, which would be vested in it, of overruling the decisions of such majorities. (1885)

IV. That in the opinion of this Congress the competitive examinations now held in England, for first appointments in various civil departments of the public service, should henceforth, in accordance with the views of the India Office Committee of 1860, 'be held simultaneously, one in England and one in India, both being as far as practicable identical in their nature, and those who compete in both countries being finally classified in one list according to merit', and that the successful candidates in India should be sent to England for further study, and subjected there to such further examinations as may seem needful. . . . Lastly, that the

[1] *Reports of the Indian National Congress*, 1885–1905.

maximum age of candidates for entrance into the Covenanted Civil Service be raised to not less than 23 years. (1885)

V. That in the opinion of this Congress, the proposed increase in the military expenditure of the empire is unnecessary, and regard being had to the revenues of the empire and the existing circumstances of the country, excessive. (1885)

II. That this Congress regards with the deepest sympathy, and views with grave apprehension, the increasing poverty of vast numbers of the population of India, and (although aware that the Government is not overlooking this matter and is contemplating certain palliatives) desires to record its fixed conviction that the introduction of Representative Institutions will prove one of the most important practical steps towards the amelioration of the condition of the people. (1886)

VIII. That, in the opinion of this Congress, the time has now arrived when the system of trial by jury may be safely extended into many parts of the country where it is not at present in force. (1886)

XI. That this Congress do place on record an expression of the universal conviction, that a complete separation of executive and judicial functions (such that in no case the two functions shall be combined in the same officer) has become an urgent necessity, and that, in its opinion, it behoves the Government to effect this separation without further delay, even though this should, in some Provinces, involve some extra expenditure. (1886)

XII. That in view to the unsettled state of public affairs in Europe, and the immense assistance that the people of this country, if duly prepared therefor, is capable of rendering to Great Britain in the event of any serious complications arising, this Congress do earnestly appeal to the Government to authorise (under such rules and restrictions as may to it seem fitting) a system of Volunteering for the Indian inhabitants of the country, such as may qualify them to support the Government, effectively, in any crisis. (1886)

IV. That in view of the loyalty of her Majesty's Indian subjects, this Congress considers it desirable that the Queen's Proclamation should be given effect to; that the Military Service in its higher grades should be practically opened to the natives of this country, and that the Government of India should establish Military Colleges in this country whereat the natives of India, as defined by Statute, may be educated and trained for a military career as officers of the Indian Army. (1887)

VI. That, as the administration of the Income Tax, especially as regards incomes below Rs. 1,000, has proved extremely unsatisfactory, it is essential, in the opinion of the Congress, that the taxable minimum be raised to Rs. 1,000, the loss of revenue thus involved being made good, and further financial difficulties, if any, met by reductions in the existing public expenditure, or, should this prove impossible, by the re-imposition of an import duty on the finer classes of cotton goods. (1887)

VII. That having regard to the poverty of the people, it is desirable that the Government be moved to elaborate a system of Technical Education, suitable to the condition of the country, to encourage indigenous manufactures by a more

strict observance of the orders already existing, in regard to utilizing such manufactures for State purposes, and to employ more extensively than at present the skill and talents of the people of the country. (1887)

VIII. That in view of the loyalty of the people, the hardships which the present Arms Act (XI of 1878) causes, and the unmerited slur which it casts upon the people of this country, the Government be moved so to modify the provisions of Chapter IV, and, if necessary, other portions of the said Act, as shall enable all persons to possess and wear arms, unless debarred therefrom, either as individuals or members of particular communities or classes, by the orders of the Government of India (or any local authority empowered by the Government of India on that behalf), for reasons to be recorded in writing and duly published. (1887)

XIII. That no subject shall be passed for discussion by the Subject Committee, or allowed to be discussed at any Congress by the President thereof, to the introduction of which the Hindu or Mahomedan Delegates as a body object, unanimously or nearly unanimously; and that if, after the discussion of any subject which has been admitted for discussion, it shall appear that all the Hindu or all the Mahomedan Delegates as a body are unanimously or nearly unanimously opposed to the Resolution which it is proposed to pass thereon, such Resolution shall be dropped; provided that this rule shall refer only to subjects in regard to which the Congress has not already definitely pronounced an opinion. (1888)

VII. That the Government be urged to take the subject of Permanent Settlement once more under consideration in view to practical action thereon, such that fixity and permanency may be given to the Government Land Revenue demand without further delay, at any rate in all fully populated and well cultivated tracts of country. (1889)

III. That this Congress, concurring in the view set forth in previous Congresses, affirms—

That fully fifty millions of the population, a number yearly increasing, are dragging out a miserable existence on the verge of starvation, and that, in every decade, several millions actually perish of starvation.

That this unhappy condition of affairs is largely due to—

(a) the exclusion of the people of India from a due participation in the administration, and all control over the finances of their own country, . . .

(b) the extravagant cost of the present administration, Military and Civil, but especially the former; and to

(c) a short-sighted system of Land Revenue Administration, whereby not only is all improvement in the agriculture of the country, on which nine-tenths of the population depend for subsistence, rendered impossible, but the gradual deterioration of that agriculture assured.

That hence it has become imperatively necessary—

That the cost of the administration be greatly reduced; . . . and, in the Civil Branch, by the wide substitution of a cheaper indigenous agency for the extremely costly imported Staff; and

That measures be at once taken to give, as was promised by the British Government thirty years ago, fixity and permanence to the land Revenue demand and thus permit capital and labour to combine to develop the agriculture of the country, which, under the existing system of temporary settlements, in recent times often lasting for short periods, in some cases only extending to ten and twelve years, is found to be impossible; and to establish agricultural banks. (1891)

V. That the Congress regrets the practical exclusion of natives of India from the higher appointments in the Police, the Public Works, the State Railways, the Opium, the Customs, the Telegraph, the Survey and other Departments, and prays that full justice be done to the claims of the people of India in regard to these appointments. (1900)

III. That the Congress earnestly desires to draw the attention of the Government of India to the great poverty of the Indian people, which, in the opinion of the Congress, is mainly due to the decline of indigenous arts and manufactures, to the drain of the wealth of the country which has gone on for years, and to excessive taxation and over-assessment of land which have so far impoverished the people that at the first touch of scarcity large numbers are forced to throw themselves on State help. And the Congress recommends the following amongst other remedial measures:

(1) That practical steps in the shape of State encouragement be taken for the revival and development of indigenous arts and manufactures and for the introduction of new industries.

(2) That Government be pleased to establish technical schools and colleges at important centres throughout the country.

(3) That the permanent settlement be extended to such parts of the country, as are now ripe for it, in accordance with the conditions laid down in the Secretary of State for India's Despatches of 1862 and 1867 on the subject; and that reduction of and judicial restrictions on over-assessments, be imposed in those parts of India where Government may still deem it inadvisable to extend the permanent settlement.

(4) That the drain of the wealth of the country be stopped at least in part by a much wider employment of the children of the soil in the higher branches of the Public Service.

(5) That Agricultural Banks be established for the better organization of rural credit and for enabling solvent agriculturists to obtain loans on comparatively easy terms. (1902)

IV. That this Congress views with grave concern and regret the hard lot of His Majesty's Indian subjects living in the British Colonies in South Africa, Australia and elsewhere, the great hardships and disabilities to which they are subjected by the Colonial Governments, and the consequent degradation of their status and rights as subjects of the King, and protests against the treatment of Indians by the colonies as backward and uncivilized races; and it prays that, in view of the great part the Indian settlers have played in the development of the colonies and the

economic advantages which have resulted both to India and to the colonies from their emigration to and stay in the latter, the Government of India will be pleased to ensure to them all the rights and privileges of British citizenship in common with the European subjects of His Majesty, by enforcing, if necessary, such measures as will render it impossible for the colonies to secure Indian immigrants except on fair, equitable and honourable terms; and that in view to the great importance of the principle of equal treatment of all His Majesty's subjects, His Majesty's Government should devise adequate measures to ensure that position to Indian emigrants in all the British Colonies. (1903)

IV. That in the opinion of this Congress 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 by—

(a) the bestowal on each of the Provinces of India of the franchise to return at least two members to the British House of Commons;

(b) the appointment of not less than three Indian gentlemen of proved ability and experience as members of the Secretary of State's Council; and

(c) the appointment of two Indians as members of the Governor-General's Executive Council and of one Indian as a member of the Executive Councils of Bombay and Madras. (1905)

V. That this Congress is of opinion that to enable Parliament to discharge more satisfactorily its responsibility in regard to the Government of India periodical Parliamentary enquiries into the condition of India should be revived and the salary of the Secretary of State for India should be placed on the British Estimates. (1905)

XII. That this Congress records its emphatic protest against the Partition of Bengal in the face of the strongest opposition on the part of the people of the province.

That having regard to the intense dissatisfaction felt by the entire Bengali community at the dismemberment of their province and their manifest disinclination to accept the partition as an accomplished fact, this Congress appeals to the Government of India and the Secretary of State to reverse or modify the arrangements made, in such a manner as to conciliate public opinion and allay the excitement and unrest present among all classes of the people.

That this Congress recommends the adoption of some arrangement which would be consistent with administrative efficiency and would place the entire Bengali community under one undivided administration. (1905)

XV. (a) That this Congress deplores a fresh outbreak of famine in several parts of the country; and, holding that the frequent recurrence of famines is due to the great poverty of the people, which forces large numbers of them to throw themselves on State help at the first touch of scarcity, it again urges the Government of India and the Secretary of State to institute a detailed inquiry into the economic condition of a few typical villages in different parts of India.

(b) This Congress is of opinion that the prosperity of an agricultural country

like India cannot be secured without a definite limitation of the State demand on land, such as was proposed by Lord Canning in 1862 or by Lord Ripon in 1882, and it regrets that Lord Curzon in his Land Resolution of 1902, failed to recognize any such limitation and declined to accept the suggestions of the Right Hon'ble Sir Richard Garth and other memorialists in the matter. The Congress holds that a reasonable and definite limitation of the State demand, and not the restriction of tenants' rights, such as has found favour in recent years, is the true remedy for the growing impoverishment of the agricultural population. (1905)

. . . . . .

13

G. K. GOKHALE'S PRESIDENTIAL SPEECH,[1] 27 DECEMBER 1905

. . . . . .

Gentlemen, the question that is uppermost in the minds of us all at this moment is the Partition of Bengal. A cruel wrong has been inflicted on our Bengalee brethren and the whole country has been stirred to its deepest depths in sorrow and resentment, as had never been the case before. The scheme of partition, concocted in the dark and carried out in the face of the fiercest opposition that any Government measure has encountered during the last half a century will always stand as a complete illustration of the worst features of the present system of bureaucratic rule—its utter contempt for public opinion, its arrogant pretentions to superior wisdom, its reckless disregard of the most cherished feelings of the people, the mockery of an appeal to its sense of justice, its cool preference of Service interests to those of the governed. . . .

. . . . . .

But, gentlemen, as has been well said, even in things evil there is a soul of goodness, and the dark times, through which Bengal has passed and is passing, have not been without a message of bright hope for the future. The tremendous upheaval of popular feeling, which has taken place in Bengal in consequence of the partition, will constitute a landmark in the history of our national progress. For the first time since British rule began, all sections of the Indian Community, without distinction of caste or creed, have been moved by a common impulse and without the stimulus of external pressure to act together in offering resistance to a common wrong. . . . The most outstanding fact of the situation is that the public life of this country has received an accession of strength of great importance, and for this all India owes a deep debt of gratitude to Bengal. . . .

Gentlemen, I will now say a few words on a movement which has spread so rapidly and has been hailed with so much enthusiasm all over the country during the last few months—the *Swadeshi* movement. It is necessary at the outset to distinguish it from another movement, started in Bengal, which has really given it

[1] *Report of the 21st Indian National Congress*, 1905, pp. 8–15.

such immense impetus—the boycott of British goods. We all know that when our Bengali brethren found that nothing would turn the late Viceroy from his purpose of partitioning Bengal, that all their protests in the Press and on the platform, all their memorials to him, to the Secretary of State and to Parliament were unavailing, that the Government exercised its despotic strength to trample on their most cherished feelings and injure their dearest interests and that no protection against this of any kind was forthcoming from any quarter, they, in their extremity, resolved to have recourse to this boycott movement. This they did with a two fold object—first as a demonstration of their deep resentment at the treatment they were receiving, and secondly to attract the attention of the people in England to their grievances, so that those who were in a position to call the Government of India to account might understand what was taking place in India. It was thus as a political weapon, used for a definite political purpose, that they had recourse to the boycott; and in the circumstances of their position they had every justification for the step they took. And I can tell you from personal experience that their action has proved immensely effective in drawing the attention of English people to the state of things in our country. But a weapon like this must be reserved only for extreme occasions. . . . On an extreme occasion, of course, a boycotting demonstration is perfectly legitimate, but that occasion must be one to drive all classes, as in Bengal, to act with one impulse, and make all leaders sink their personal differences in the presence of a common danger. . . .

. . . The *Swadeshi* movement, as it is ordinarily understood, presents one part of this gospel to the mass of our people in a form which brings it within their comprehension. It turns their thoughts to their country, accustoms them to the idea of voluntarily making some sacrifice for her sake, enables them to take an intelligent interest in her economic development and teaches them the important lesson of co-operating with one another for a national end. All this is most valuable work, and those who undertake it are entitled to feel that they are engaged in a highly patriotic mission. But the movement on its material side is an economic one; and though self-denying ordinances, extensively entered into, must serve a valuable economic purpose, namely, to ensure a ready consumption of such articles as are produced in the country and to furnish a perpetual stimulus to production by keeping the demand for indigenous things largely in excess of the supply, the difficulties that surround the question economically are so great that they require the co-operation of every available agency to surmount them. The problem is indeed one of the first magnitude. Twelve years ago, the late Mr Ranade remarked at an Industrial Conference held at Poona:—'The political domination of one country by another attracts far more attention than the more formidable, though unfelt domination, which the capital, enterprise and skill of one country exercise over the trade and manufactures of another. This latter domination has an insidious influence, which paralyzes the springs of all the varied activities, which together make up the life of a nation.' The question of production is a question of capital, enterprize and skill, and in all these factors, our deficiency at present is

very great. Whoever can help in any one of these fields is, therefore, a worker in the *Swadeshi* cause and should be welcomed as such. Not by methods of exclusion but by those of comprehension, not by insisting on every one working in the same part of the field but by leaving each one free to select his own corner, by attracting to the cause all who are likely to help and not alienating any who are already with us, are the difficulties of the problem likely to be overcome. Above all, let us see to it that there are no fresh divisions in the country in the name of *Swadeshism*. No greater perversion of its true spirit could be imagined than that.

. . . . . .

The goal of the Congress is that India should be governed in the interests of the Indians themselves, and that in course of time a form of Government should be attained in this country similar to what exists in the self-governing Colonies of the British Empire. For better, for worse, our destinies are now linked with those of England and the Congress freely recognises that whatever advance we seek must be within the Empire itself. That advance, moreover, can only be gradual, as at each stage of the progress it may be necessary for us to pass through a brief course of apprenticeship before we are enabled to go to the next one; for it is a reasonable proposition that the sense of responsibility, required for the proper exercise of the political institutions of the West, can be acquired by an Eastern people through practical training and experiment only. To admit this is not to express any agreement with those who usually oppose all attempts at reform on the plea that the people are not ready for it. . . . While, therefore, we are prepared to allow that an advance towards our goal may be only by reasonably cautious steps, what we emphatically insist on is that the resources of the country should be primarily devoted to the work of qualifying the people by means of education and in other ways, for such advance. Even the most bigoted champion of the existing system of administration will not pretend that this is in any degree the case at present. Our net revenue is about 44 millions sterling. Of this very nearly one-half is now eaten up by the Army. The Home Charges, exclusive of their military portion absorb nearly one-third. These two, between them, account for about 34 millions out of 44. Then over three millions are paid to European officials in civil employment. This leaves only about 7 millions at the disposal of the Government to be applied to other purposes. Can any one, who realizes what this means, wonder that the Government spends only a miserable three-quarters of a million out of State funds on the education of the people—primary, secondary and higher, all put together? Japan came under the influence of Western ideas only forty years ago, and yet already she is in a line with the most advanced nations of the West in matters of mass education, the State finding funds for the education of every child of school-going age. We have now been a hundred years under England's rule, and yet to-day four villages out of every five are without a school house and seven children out of eight are allowed to grow up in ignorance and in darkness! Militarism, Service interests and the interest of the English capitalists,—all take precedence

to-day of the true interest of the Indian people in the administration of the country. Things cannot be otherwise, for it is the Government of the people of one country by the people of another, and this, as Mill points out, is bound to produce great evils. Now the Congress wants that all this should change and that India should be governed, first and foremost, in the interests of the Indians themselves. This result will be achieved only in proportion as we obtain more and more voice in the government of our country. . . .

. . . On the moral side, the present situation is steadily destroying our capacity for initiative and dwarfing us as men of action. On the material side, it has resulted in a fearful impoverishment of the people. For a hundred years and more now India has been for members of the dominant race, a country where fortunes were to be made to be taken out and spent elsewhere. As in Ireland, the evil of absentee landlordism has in the past aggravated the racial domination of the English over the Irish, so in India what may be called absentee capitalism has been added to the racial ascendancy of Englishmen. A great and ruinous drain of wealth from the country has gone on for many years, the net excess of exports over imports (including treasure) during the last forty years amounting to no less than a thousand millions sterling. The steady rise in the death-rate of the country—from 24 per thousand, the average for 1882–84, to 30 per thousand, the average for 1892–94, and 34 per thousand, the present average,—is a terrible and conclusive proof of this continuous impoverishment of the mass of our people. India's best interests—material and moral—no less than the honour of England, demand that the policy of equality for the two races promised by the Sovereign and by Parliament should be faithfully and courageously carried out.

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14

RESOLUTIONS OF THE CONGRESS OF 1906[1]

VI. The Partition of Bengal.—This Congress again records its emphatic protest against the Partition of Bengal and regrets that the present Government, while admitting that there were errors in the original plan and that it went wholly and decisively against the wishes of the majority of the people of Bengal, is disposed to look upon it as a settled fact, in spite of the earnest and persistent protest of the people and their manifest disinclination to accept it as final.

This Congress, composed of representatives from all the Provinces of this country, desires earnestly to impress upon the British Parliament and the present Liberal Government that it will be not only just, but expedient to reverse or modify the Partition in such a manner as to keep the entire Bengali-speaking community under one undivided administration and thus restore contentment to so important a province as Bengal.

VII. Boycott Movement.—Having regard to the fact that the people of this

[1] *Report of the 22nd Indian National Congress*, 1906, pp. ii–iii.

country have little or no voice in its administration, and that their representations to the Government do not receive due consideration, this Congress is of opinion that the Boycott Movement, inaugurated in Bengal by way of protest against the partition of that province, was, and is legitimate.

VIII. *Swadeshi.*—This Congress accords its most cordial support to the *Swadeshi* movement and calls upon the people of the country to labour for its success by making earnest and sustained efforts to promote the growth of indigenous industries and to stimulate the production of indigenous articles by giving them preference, wherever practicable, over imported commodities, even at a sacrifice.

IX. Self-Government.—This Congress is of opinion that the system of Government obtaining in the self-governing British Colonies should be extended to India and that as steps leading to it, it urges that the following reforms should be immediately carried out:—

(a) All examinations held in England only should be simultaneously held in India and in England and that all higher appointments which are made in India should be by competitive examination only:

(b) The adequate representation of Indians in the Council of the Secretary of State and the Executive Councils of the Viceroy and of the Governors of Madras and Bombay:

(c) The 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.

(d) The powers of local and municipal bodies should be extended and official control over them should not be more than what is exercised by the Local Government Board in England over similar bodies.

X. Education.—This Congress repeats its protest against the policy of the Government in respect of high and secondary education as being one of officialising the governing bodies of the Universities and restricting the spread of education. The Congress is of opinion that the Government should take immediate steps for (i) making primary education free and gradually compulsory all over the country, (ii) assigning larger sums of money to secondary education (special encouragement being given, where necessary, to educationally backward classes), (iii) making the existing Universities more free from official control and providing them with sufficient means to take up the work of teaching, and (iv) making adequate provision for technical education in the different Provinces, having regard to local requirements.

XI. National Education.—In the opinion of this Congress the time has arrived for the people all over the country earnestly to take up the question of National Education for both boys and girls and organise a system of Education—Literary, Scientific and Technical—suited to the requirements of the country, on national lines and under national control.

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15

B. G. TILAK ON THE SWADESHI MOVEMENT RESOLUTION,[1] 1906

. . . It is a mistake to suppose that the Swadeshi movement is not favoured by Mahomedans. It is a mistake to suppose that it requires sacrifice from poor people. We, the middle classes are the greatest offenders in this respect (Hear, hear). The poor Kumbi villagers require not many foreign articles at all,—probably none at all. It is we, the middle classes, who are the consumers of foreign goods; and since this Government is not going to stop the drain by imposing a protective duty it becomes imperatively necessary to adopt a measure by which we can do ourselves what the Government is bound to do and what the Government ought to have done long ago. That one point was self-help: and another point was determination; and the third, sacrifice. You will find that all this included in this resolution, joined with the declaration made in the Presidential address that Swadeshism is a forced necessity in India owing to unnatural economic conditions of India, makes up a complete case for you. I trust that that resolution of self-help adopted this year will form the basis of other resolutions of self-help in years to come . . .

16

B. G. TILAK ON THE TENETS OF THE NEW PARTY,[2] 2 JANUARY 1907

Two new words have recently come into existence with regard to our politics, and they are *Moderates* and *Extremists*. These words have a specific relation to time, and they, therefore, will change with time. The Extremists of to-day will be Moderates tomorrow, just as the Moderates of to-day were Extremists yesterday. When the National Congress was first started and Mr. Dadabhai's views, which now go for Moderates, were given to the public, he was styled an Extremist, so that you will see that the term Extremist is an expression of progress. We are Extremists to-day and our sons will call themselves Extremists and us Moderates. . . .

. . . One thing is granted, *viz.*, that this Government does not suit us. As has been said by an eminent statesman—the Government of one country by another can never be a successful, and therefore, a permanent Government. There is no difference of opinion about this fundamental proposition between the Old and New schools. One fact is that this alien Government has ruined the country. . . . We believed in the benevolent intentions of the Government, but in politics there is no benevolence. Benevolence is used to sugar-coat the declarations of self-interest, and we were in those days deceived by the apparent benevolent intentions under which rampant self-interest was concealed. . . .

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. . . It is said there is a revival of Liberalism, but how long will it last? Next year it might be, they are out of power, and are we to wait till there is another

[1] *Report of the 22nd Indian National Congress*, 1906, pp. 110–11.

[2] B. G. Tilak, *Speeches and Writings* (1918), pp. 37–50.

revival of Liberalism, and then again if that goes down and a third revival of Liberalism takes place; and after all what can a liberal Government do? I will quote the observation of the father of the Congress, Mr. A. O. Hume. This was made in 1893. Let the Government be Liberal or Conservative, rest sure that they will not yield to you willingly anything. . . . I laughed when I read the proceedings of the meeting in Calcutta, congratulating people on the appointment of Mr. Morley to the Secretaryship of State for India. Passages were read from Mr. Morley's books. . . . There are the interested Anglo-Indians and the Secretary of State is the head of the Anglo-Indian bureaucracy whose mouth-piece he is. Do you mean to say that when the whole bureaucracy, the whole body of Anglo-Indians, is against you, the Secretary of State will set aside the whole bureaucracy and give you rights? Has he the power? If he does, will he not be asked to walk away? So then it comes to this that the whole British electorate must be converted. So you are going to convert all persons who have a right to vote in England, so as to get the majority on your side, and when this is done and when by that majority the Liberal party is returned to Parliament bent upon doing good to India and it appoints a Secretary of State as good as Mr. Morley, then you hope to get something of the old methods. The new Party has realized this position. The whole electorate of Great Britain must be converted by lectures. You cannot touch their pocket or interest, and that man must be a fool indeed who would sacrifice his own interest on hearing a philosophical lecture. . . . To convert the whole electorate of England to your opinion and then to get indirect pressure to bear upon the Members of Parliament, they in their turn to return a Cabinet favourable to India and the whole Parliament, the Liberal party and the Cabinet to bring pressure on the bureaucracy to yield—we say this is hopeless. You can now understand the difference between the Old and the New Parties. Appeals to the bureaucracy are hopeless. On this point both the New and Old parties are agreed. The Old party believes in appealing to the British nation and we do not. That being our position, it logically follows we must have some other method. There is another alternative. We are not going to sit down quiet. We shall have some other method by which to achieve what we want. We are not disappointed, we are not pessimists. It is the hope of achieving the goal by our own efforts that has brought into existence this new New Party.

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. . . We have come forward with a scheme which if you accept, shall better enable you to remedy this state of things than the scheme of the Old school. Your industries are ruined utterly, ruined by foreign rule; your wealth is going out of the country and you are reduced to the lowest level which no human being can occupy. In this state of things, is there any other remedy by which you can help yourself? The remedy is not petitioning but boycott. We say prepare your forces, organise your power, and then go to work so that they cannot refuse you what you demand. . . . We are not armed, and there is no necessity for arms either. We

have a stronger weapon, a political weapon, in boycott. We have perceived one fact, that the whole of this administration, which is carried on by a handful of Englishmen, is carried on with our assistance. We are all in subordinate service. The whole Government is carried on with our assistance and they try to keep us in ignorance of our power of co-operation between ourselves by which that which is in our own hands at present can be claimed by us and administered by us. The point is to have the entire control in our hands. I want to have the key of my house, and not merely one stranger turned out of it. Self-Government is our goal; we want a control over our administrative machinery. . . . What the New Party wants you to do is to realise the fact that your future rests entirely in your own hands. If you mean to be free, you can be free; if you do not mean to be free, you will fall and be for ever fallen. . . .

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17

G. K. GOKHALE ON INDIA AND THE BRITISH EMPIRE,[1] 4 FEBRUARY 1907

I recognize no limits to my aspiration for our motherland, I want our people to be in their own country what other people are in theirs. I want our men and women, without distinction of caste or creed, to have opportunities to grow to the full height of their stature, unhampered by cramping and unnatural restrictions. I want India to take her proper place among the great nations of the world, politically, industrially, in religion, in literature, in science and in arts. I want all this and I feel at the same time that the whole of this aspiration can, in its essence and its reality, be realized within this Empire.

. . . The cases of the French in Canada and the Boers in South Africa showed that there was room in the Empire for a self-respecting India. Some of their friends, appalled by the extreme difficulty of their task and under the belief that this goal could never be attained, had begun to talk of another goal, even more impossible of attainment. They were like persons who sought to fly from the evils they knew of to those that they knew nothing about. The goal of self-government within the Empire involved a minimum disturbance of existing ideas, and it meant proceeding along lines which they understood, however difficult the progress might be. Such a goal, moreover, enlisted on their side all that was high-minded, freedom-loving and honourable. Despite occasional lapses—and some of them most lamentable lapses—despite prolonged reactions, inevitable in human affairs, the genius of the British people, as revealed in history, on the whole made for political freedom, for constitutional liberty. It would be madness, it would be folly on their part to throw away in the struggle that lay before them these enormous advantages.

[1] G. K. Gokhale at Allahabad on 4 February, 1907; *Speeches of the Honourable Mr. G. K. Gokhale* (G. A. Natesan and Co. Madras, 1909), pp. 781–3.

18

G. K. GOKHALE ON THE SWADESHI MOVEMENT,[1] 9 FEBRUARY 1907

In this connection I think I ought to say a word about an expression which has, of late, found considerable favour with a section of my countrymen—'the boycott of foreign goods.' I am sure most of those who speak of this 'boycott' mean by it only the use, as far as possible, of *Swadeshi* articles in preference to foreign articles. Now such use is really included in true *Swadeshi*; but unfortunately the word 'boycott' has a sinister meaning—it implies a vindictive desire to injure another, no matter what harm you may thereby cause yourself. And I think we would do well to use only the word *Swadeshi* to describe our present movement, leaving alone the word 'boycott' which creates unnecessary ill-will against ourselves. Moreover, remember that a strict 'boycott' of foreign goods is not at all practicable in our present industrial condition, For when you 'boycott' foreign goods, you must not touch even a particle of imported articles; and we only make ourselves ridiculous by talking of a resolution which we cannot enforce.

19

JOHN MORLEY TO LORD MINTO ON THE SPLIT IN THE CONGRESS,[2] 21 OCTOBER 1907

One of the most interesting Indian things that has come my way this week is a letter from Gokhale to Wedderburn, dated the 11th October. The one absorbing question, he says, is how the split in the Congress, now apparently inevitable, is to be averted. 'The outlook at this moment is as dark as dark could be.' He has no hope that any solution can be found, short of removing the sittings of the Congress from Nagpur. But this 'means a split, as the New Party in that case will probably insist on holding their own separate Congress at Nagpur'. '*If a split does come*, it means a disaster, for the Bureaucracy will then put down both sections without much difficulty.' They will brush Gokhale and his friends aside on the ground that they have no large following in the country; and will put the New Party down, on the plea that the most thoughtful people are against them. This crisis, he says, in the affairs of the Congress, is bound to affect the work of the English Committee and of *India* (the newspaper). 'Even Sir P. Mehta says he has lost heart, and the only thing consistent with self-respect is to stop all agitation in England and India for a time, and let the officials do as they please.' So much for that.

I have often thought during the last twelve months that Gokhale as party manager is a baby. A party manager, or for that matter any politician aspiring to be a leader, should never *whine*. Gokhale is too often whining, just like the second-rate

[1] *Speeches of the Honourable Mr. G. K. Gokhale*, pp. 819–20.

[2] Minto Papers, No. 61, 1907. National Library of Scotland. Private letter.

Irishmen between Dan O'Connell and Parnell. There was never any whine about Parnell (unless may be at the bottom of the useful fire-escape). Now if I were in Gokhale's shoes—if he wears shoes, I forget—I should insist on quietly making terms with the Bureaucracy, on the basis of Order *plus* Reforms. Why should you 'brush them aside', I wonder? We are no more in love with Bureaucracy in its stiff bad routine, &c., than they are. If he would have the sense to see what is to be gained by this line, the 'split' when it comes should do him no harm, because it would set him free to fix his aims on reasonable things, where he might get out of us 60 or 70 per cent of what he might ask for.

20

THE SURAT SPLIT[1] IN 1907

. . . Dewan Bahadur Ambalal S. Desai, late Chief Justice of progressive Baroda, learned in law, in banking, and commercial enterprise, rose formally to propose that Dr. Ghose, already designated President, should now take the Presidential Chair. At the name of Ghose, the deep murmur of dissent was heard again, and one shrill voice cried, 'Never!' But the moment the Dewan sat down, Mr. Banerjea was seen standing in his place beside the table—Surendra Nath, the hero of a hundred platforms, grey-bearded son of thunder, youthful still in the service of the cause, by reason and temperament friend and champion of both parties alike. He was to second the proposal that Dr. Ghose should take the Chair. Hardly had his immense voice uttered ten words when, like the cracking of thunder that begins before the lightning ceases, the tumult burst, and no word more was heard.

Waving their arms, their scarves, their sticks, and umbrellas, a solid mass of delegates and spectators on the right of the Chair sprang to their feet and shouted without a moment's pause. Over their heads was the label, 'Central Provinces'—Central Provinces where Nagpur stands and the Congress was to have been. 'Remember Nagpur!' they cried; 'Remember Midnapur!' where, during the Bengal Provincial Conference a week or two before Surendra Nath had attempted to keep the peace against the Extremists, and had actually sat on the same platform with a District Superintendent of Police! White turbans from Madras joined them. The whole ten thousand were on their feet, shouting for order, shouting for tumult. Mr. Malvi, still half in the Chair, rang his brass Benares bell, and rang in vain. . . . Again the Chairman rang his Benares bell, and rang in vain. In an inaudible voice like a sob he declared the sitting suspended. . . .

. . . I conversed with Mr. Kelkar of Poona, editor of the *Mahratta*, as Mr. Tilak's lieutenant. The outbreak, he said, was accidental and unexpected. They had determined to oppose Dr. Ghose's election, but not by tumult; they would not even have opposed it had not the Moderate offer of compromise come too late. I visited the Nationalist camp, far across the town, and found Mr. Tilak himself,

[1] H. Nevinson, *The New Spirit in India*, pp. 247–58. He arrived in Bombay in October 1907 as correspondent of the *Manchester Guardian* and other papers.

just returned from his dubious triumph, sitting naked in his cloth. He gave me the same assurance. The whole thing had been a mistake; it had all happened because the undertaking to renew the Calcutta resolutions had reached him too late—not till the Chairman had begun his speech. The resolutions had then been handed to him by Mr. Gokhale, and he had admitted he would himself have been satisfied if certain changes in their wording had been removed and the original form restored. But by that time it was too late to reassure his followers, or re-establish his authority for peace.

The difference in the remaining resolution was vital. It went to the very root of the difference between the parties, and for the sake of it alone the proposed changes remain worthy of notice. In the original Calcutta resolution the Congress was 'of opinion that the Boycott Movement inaugurated by Bengal by way of protest against the Partition of that province was and is legitimate'. In the new form proposed for discussion in the Subjects Committee the wording ran, 'This Congress is of opinion that the Boycott of foreign goods resorted to in Bengal by way of protest against the Partition of that province was and is legitimate.' All the difference between Moderates and Extremists—just the one point which made genuine conciliation impossible—lay implied in that small difference of wording. 'Boycott of foreign goods' was plain; it was a necessary part of Swadeshi, whether used as a political protest or as an encouragement to Indian industries. But 'Boycott Movement' might mean the rejection of almost anything—the rejection of foreign goods, of foreign justice, foreign appointments, foreign education, foreign authority, taxation, Government itself. Already it had been so interpreted, both at the Calcutta Congress and frequently throughout the year. To yield on this point would be to hand over the Congress to Extremists for ever, to abandon the first principles of the Congress, which had been to work out the salvation of India in association with the British rulers, and endeavour, in spite of Anglo-Indian mockery and hatred, to invoke the sense of justice which must somewhere surely lie in the heart of so great and free a people as the English. If these first principles were now to be abandoned, if the Congress was to be pledged to call upon India to go her own way, regardless of the English people and the English Government, the Congress as it had hitherto existed might as well give up the pretence of existence, and bequeath its effects to a new and different force. Here was no half-way house, no common ground for compromise. The alteration in the wording was vital.

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The morning of December 27th again found them at variance . . .

. . . Suddenly something flew through the air—a shoe!—a Mahratta shoe!—reddish leather, pointed toe, sole studded with lead. It struck Surendra Nath Banerjea on the cheek; it cannoned off upon Sir Pherozeshah Mehta. It flew, it fell, and, as at a given signal, white waves of turbaned men surged up the escarpment of the platform. Leaping, climbing, hissing the breath of fury, brandishing long

sticks, they came, striking at any head that looked to them Moderate, and in another moment, between brown legs standing upon the green-baize table, I caught glimpses of the Indian National Congress dissolving in chaos.

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21

WILFRID BLUNT'S ESTIMATE OF GOKHALE AND LAJPAT RAI,[1] 1908

22nd Oct.—Gokhale and Lajpat Rai came to see me, sent by Nevinson, and stayed an hour, and we discussed the situation in India very thoroughly. I am disappointed with both of them. Gokhale is a well bred, highly educated and intelligent man, a Maharata Brahmin, I believe, and according to Nevinson the Leader of the National movement. He expresses himself well in English, and I have no doubt is an able speaker. But he is clearly no leader of a revolution, and they will effect nothing without one. He lacks the enthusiasm which a belief in ultimate success would give, or even the bitterness which is also the force of hatred and despair. He told me that he did not like being called a moderate, but if he represents anything that can be called extreme, there is small chance for India. I asked him what in his view was the end to be aimed at. He said, 'Of course we hope some day for complete independence, but that is far away. Perhaps in ten years' time we may get Provincial self-Government, but for that we must educate ourselves, and the educated class is very small.' I asked him what means he proposed to use in order to obtain it. He disclaimed an appeal to force in any shape. 'What could we do', he said, 'against Kitchener and the army?' He would not hear even of obstruction. 'It is no use,' he said, 'trying to overthrow the present administration until we have something to put in its place.' Language of this sort may be true, as it certainly is prudent, but it is not the language of revolution. I asked him whether he expected to convert English people, or the English Government by appeals to reason and justice? He said he believed that Morley had a scheme of extending the representative character of the councils, and they would have to be content with that at present. He had been a great believer in Morley, and had read all his writings on liberty, but he feared that Morley was more for *personal* than *national* liberty. I told him Morley was a broken reed. 'In that', he said, 'my friend here', pointing to Lajpat Rai, 'will agree with you.' On this I turned to Lajpat and asked him to give me *his* opinion. Lajpat is a different sort of man altogether, much more purely Oriental, but inferior in breeding, and very much in intelligence to Gokhale. He has a poor command of English, and it seemed to me a confused mind, timid too, and deprecatory in manner. It was difficult to see in him anything that the Indian Government could possibly have been afraid of, or that Morley can have thought

[1] W. S. Blunt, *My Diaries*, Part II (1900–14), pp. 219–21. Compare the views on Lajpat Rai expressed by Lord Minto, printed in Lady Minto's *India, Minto and Morley* (1934), pp. 124–5. After a short period in the diplomatic service, Blunt travelled widely, visiting India in 1879 and 1883. His view was that India was 'selfishly and unwisely governed'.

it necessary to arrest by a *lettre de cachet* and deport him without trial as a danger to India. His views were less pacific than Gokhale's, but all without precision. 'I know nothing,' he said, more than once, 'about India in general, only about my own province, Punjaub.' Perhaps if he had been alone with me he would have had the courage to speak out, but he was afraid of his companion, and I frightened him when I asked him what chance there was of the native army taking the National side. We had a long discussion about the attitude of the Indian Moslems, and I told them how I had tried to influence the last in 1884, to join the Hindoos in the Congress movement, but they assured me the Moslems were all against them now, and Gokhale seemed to think that they would be a danger in any reconstruction of India on a national basis, because, though they were much less numerous, and less rich, they were more united. 'All we hope for is,' he said, 'that the movement of self-government in Turkey and Egypt may spread to Mohammedan India, and then they may join us.' I asked them if I could do any good by writing my views, especially on this point, but Gokhale said it would be useless, though if I went to India it might be of use to them. Lajpat in leaving pressed a little book into my hand. It was a printed account of his arrest and deportation, a naive, and in places quite childish narrative, which I hope may not get into the hands of our Anglo-Indians here to make sport of. It is really preposterous that its author should have been made a national hero. . . .

22

LORD MORLEY TO LORD MINTO ON THE DEPORTATION OF CONGRESSMEN,[1] 14 OCTOBER 1909

I have before me a highly interesting letter from Gokhale, not written to me, but to an English friend, possibly with a notion that I might see it. His points are mainly these:

Disintegration has overtaken us again: this time it is the national movement that is going to pieces, throwing us back on Provincialism.

The Congress is crumbling away, and the effort of heart and mind that brought us together in that organisation seems to have almost exhausted itself.

The split at Surat, followed by Government vigour against the Extremists everywhere, has turned the whole Extremist party actively into hostility against the national constitutional movement.

The Moderates, placed between officials and Extremists, have not energy of character enough to hold together effectively for long, though numerically strong in the country.

Again, the conduct of the Bengal Moderates is hastening disintegration. 'They have no leader on our side.' Surendra Nath is an orator, but without energy and backbone, and cannot keep in hand 'the unruly pack whom he professes to lead'.

[1] Minto Papers, No. 59, 1909. National Library of Scotland. Private letter.

'No doubt the position of the constitutional party in Bengal has been rendered practically impossible by the Government's refusal to reconsider Partition, and by the continued incarceration of the Deportees. The feeling is general throughout the country that most of these deportees, if not all, are innocent men, deported simply because Government wanted to make an exhibition of force.'

So the whole feeling in Bengal is towards Extremism.

'The Moderates in other Provinces see the danger of drifting into the arms of Extremists, and are determined to stand firm. Situation is further complicated by the fierce antagonism between Hindu and Mahomedan. 'In "short" the situation is full of anxiety.'

The letter is very full and long, and it is of remarkable interest, as an analysis of the position by a man thoroughly conversant from the inside with what is going on. He looks with some hope to the operation of the new Councils, but not unless the scheme is worked out in as liberal a spirit as that in which it was conceived. He is urgent that provision should be made for regular meetings of the Councils, and not merely on occasions of legislation. *I doubt.*

I press on your attention the little Passage that I have marked with red ink, about deportation, The effect of release in strengthening Moderates against Extremists is a thoroughly valid political consideration and confirms my conviction that the time has come for release, of some at any rate.

23

SIR HERBERT RISLEY'S SPEECH ON THE INDIAN PRESS ACT,[1] 4 FEBRUARY 1910

I will now show how we propose to prevent the publication of matter of the kind described. Hon'ble Members are no doubt aware that under the Press and Registration of Books Act of 1867 every person who wishes to keep a press for the printing of books or papers must make a declaration to that effect before a Magistrate. Another provision of that Act requires that every printer and publisher of a newspaper must make a similar declaration. These declarations are registered and are available for the information of anyone who wishes to take proceedings against the press or the newspaper. Clause 3 of our Bill provides that every person who makes a declaration hereafter as the keeper of a press must deposit security for an amount to be fixed in each case by the Magistrate, but not being less than Rs. 500 or more than Rs. 5,000. Clause 8 contains a similar provision in respect of the publisher of a newspaper. The printer of a newspaper is not required to deposit security, as his case is already covered by the provision requiring security from the person who keeps the press. These provisions, as I have said, apply only to future registrations. In the case of existing presses and existing newspapers no

[1] Proceedings of Governor General's Council, Parliamentary Collection, No. 71. India Office Library. Risley was I.C.S. and temporary member of the Supreme Council, 1909.

security can be demanded until the press or paper offends by printing or publishing matter of the prohibited kind. But when a press or newspaper has printed or published such matter, the Local Government may at once call upon the person registered as the keeper of the press or the publisher of a newspaper to deposit security to an amount to be fixed by the Local Government subject to the same limits as are prescribed for fresh registrations.

The next stage in the procedure provided by the Bill is that the Local Government can order the forfeiture of the security deposited if it appears that the press has printed or the newspaper has published any matter of the prohibited kind. If the keeper of the press or the publisher of the newspaper wishes to continue his business after such an order has been passed, he is at liberty to do so, but he must make a fresh declaration under the Press and Registration of Books Act, and the Magistrate may then demand enhanced security up to a maximum of Rs. 10,000. Should the keeper of a press or the publisher of a newspaper again publish prohibited matter after enhanced security has been taken, the Local Government may order the forfeiture of the enhanced security in the case of the newspaper, and of both security and press in the case of the printing-press. I wish to make it quite clear to Hon'ble Members that no keeper of a press who is registered at the time of the passing of this Bill will be affected by its provisions unless and until he offends by printing prohibited matter; but if he does that, he may be called upon to deposit security. If he again offends, his security may be forfeited, while for a third offence both security and press may be forfeited. For persons who are now registered as publishers of newspapers the procedure is the same. That is to say, no interference at all until one offence is committed; then a demand for security which may be forfeited for the second offence; next the taking of enhanced security; and the forfeiture of this enhanced security for the third offence. In the case of new registrations security is demanded from the beginning. This is necessary to provide against an evasion of the law by new registrations which are new only in name.

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I have explained the scope of the Bill, what it proposes to do. I will now mention its limitations, what it does not propose to do. In the first place, it does not create a Censorship. It imposes no antecedent restraint on the Press: a man may publish what he pleases; he has the widest range for every form of intellectual activity within the limits laid down by the law. Secondly, it is not like the Press Act of 1878, a purely executive measure. The initiative, indeed, rests with the Executive Government, but ample security against hasty or arbitrary action is provided in the form of what is virtually an appeal to a highly competent judicial authority. Thirdly, it is not a measure of universal licensing with power to the Government to withdraw or refuse a license at discretion. The liberty of unlicensed printing, for which Milton pleaded three centuries and a half ago, and at the time pleaded in vain, is untouched by this Bill. Security is demanded only from

papers established after the passing of the Act. That is necessary to guard against the Protean changes of identity of which we have had illustrations in Bengal. But security is one thing and a system of licensing is another. Security may rightly be required in the interests of the community in order to guarantee that those who undertake for the first time the important task of instructing the people regarding public affairs shall at any rate be fully aware of the responsibility they incur.

24

THE CONGRESS–LEAGUE SCHEME OF REFORM,[1] 1916

I.—*Provincial Legislative Councils*

1. Provincial Legislative Councils shall consist of four-fifths elected and of one-fifth nominated members.

2. Their strength shall be not less than 125 members in the major provinces, and from 50 to 75 in the minor provinces.

3. The members of Councils should be elected directly by the people on as broad a franchise as possible.

4. Adequate provision should be made for the representation of important minorities by election, and the Mahomedans should be represented through special electorates on the Provincial Legislative Councils in the following proportions:

Punjab—One-half of the elected Indian		Members
United Provinces—30 p.c.	,,	,,
Bengal—40 p.c.	,,	,,
Bihar—25 p.c.	,,	,,
Central Provinces—15 p.c.	,,	,,
Madras—15 p.c.	,,	,,
Bombay—One-third	,,	,,

Provided that no Mahomedan shall participate in any of the other elections to the Imperial or Provincial Legislative Councils, save and except those by electorates representing special interests.

Provided further that no Bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or provincial, oppose the Bill or any clause thereof, or the resolution . . .

7. (a) Except customs, post, telegraph, mint, salt, opium, railways, army and navy, and tributes from Indian States, all other sources of revenue should be provincial.

(b) There should be no divided heads of revenue. The Government of India

[1] *Report of the 31st Indian National Congress*, 1916, pp. 77–81.

should be provided with fixed contributions from the Provincial Governments, such fixed contributions being liable to revision when extraordinary and unforeseen contingencies render such revision necessary.

(c) The Provincial Council should have full authority to deal with all matters affecting the internal administration of the province including the power to raise loans, to impose and alter taxation, and to vote on the Budget. . .

(e) A resolution passed by the Provincial Legislative Council shall be binding on the Executive Government, unless vetoed by the Governor in Council, provided, however, that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

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9. A Bill, other than a Money Bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Government should not be required therefore . . .

II. *Provincial Governments*

1. The head of every Provincial Government shall be a Governor who shall not ordinarily belong to the Indian Civil Service or any of the permanent services.

2. There shall be in every province an Executive Council, which, with the Governor, shall constitute the Executive Government of the Province.

3. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Councils.

4. Not less than one-half of the members of the Executive Council shall consist of Indians to be elected by the elected members of the Provincial Legislative Council . . .

III. *Imperial Legislative Council*

1. The strength of the Imperial Legislative Council be 150.

2. Four-fifths of the members shall be elected.

3. The franchise for the Imperial Legislative Council should be widened as far as possible on the lines of the electorates for Mahomedans for the Provincial Legislative Councils, and the elected members of the Provincial Legislative Councils should also form an electorate for the return of members to Imperial Legislative Council.

4. One-third of the Indian elected members should be Mahomedans elected by separate Mahomedan electorates in the several provinces, in the proportion, as may be, in which they are represented on the Provincial Legislative Councils by separate Mahomedan electorates . . .

16. The Imperial Legislative Council shall have no power to interfere with the Government of India's direction of the military affairs and the foreign and political relations of India, including the declaration of war, the making of peace and the entering into treaties.

IV. *The Government of India*

1. The Governor-General of India will be the head of the Government of India.

2. He will have an Executive Council, half of whom shall be Indians.

3. The Indian members shall be elected by the elected members of the Imperial Legislative Council . . .

V. *The Secretary of State in Council*

1. The Council of the Secretary of State for India should be abolished.

2. The salary of the Secretary of State should be placed on the British Estimates.

3. The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India, as the Secretary of State for the Colonies does in relation to the Governments of the self-Governing Dominions.

4. The Secretary of State for India should be assisted by two permanent Under-Secretaries, one of whom should always be an Indian.

VI. *India and the Empire*

1. In any Council or other body which may be constituted or convened for the settlement or control of Imperial affairs, India shall be adequately represented in like manner with the Dominions and with equal rights.

2. Indians should be placed on a footing of equality in respect of status and rights of citizenship with other subjects of His Majesty the King throughout the Empire.

VII. *Military and other matters*

1. The military and naval services of His Majesty, both in their commissioned and non-commissioned ranks, should be thrown open to Indians, and adequate provision should be made for their selection, training and instruction in India. . . .

(*d*) The Muslim problem and the formation of the All-India Muslim League, 1858–1917

1

SYED AHMED KHAN ON THE MUSLIMS AND THE MUTINY,[1] 1860

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Now the season of dire extremity to which I allude is that which befell the Mohomedans in 1857–58. There was no atrocity committed then of which the blame was not imputed to Mohomedans, although the parties really guilty may have been Ramdeen and Matadeen![2]

[1] Syed Ahmed Khan, *Loyal Mohomedans of India* (1860), pp. 2–6. The original is in Urdu.

[2] Hindu names, intended as a general reference to Hindus.

An oriental Poet has well said, 'There was no misfortune sent from Heaven, which ere it descended to earth, did not seek for its resting place the dwellings of Mohomedans!'

Long and anxiously have I pondered upon the events which marked the terrible crisis that has passed over this country; and I am free to confess, that the facts which have come to my knowledge, and which I firmly believe to be true, have been a source of genuine comfort to my soul, inducing as they do the proud conviction, that the rumours defamatory of the Mohomedans that have got abroad from the four quarters of the world, are utterly without foundation. Some of the acts of the horrible Drama have already been exposed, but as day by day all the particulars are gradually brought to light, then, when the naked truth stands revealed,—*then* will this one glorious fact stand out in prominent relief, and become patent to the universe that if in Hindoostan there was one class of people above another, who, from the principles of their religion, from habits and associations, and from kindred disposition, were fast bound with Christians, in their dread hour of trial and danger, in the bonds of amity and friendship, those people were the MOHOMEDANS, and they alone! —and then will be effectually silenced the tongue of slander now so loud in their condemnation!

I am an attentive reader of the newspapers, and I have also read the various works that have been written upon the Mutiny and Rebellion, and in all do I find the most bitter denunciations against the Mohomedans, who are freely represented as being everything that is vile, treacherous, and contemptible. There was no prickly thorn in those awful times, respecting which it was not said that it was planted by a Mohomedan:—there was no fiery whirlwind that was not raised by a Mohomedan!

And yet what are the facts? The very opposite indeed of what the mistaken popular opinion would show them to be; for I really do not see that any class besides the Mohomedans displayed so much single-minded and earnest devotion to the interests of Government, or so willingly sacrificed reputation and status, life and property, in their cause. It is an easy thing to make empty professions of loyalty and service, and to write an occasional bulletin of news, false or true, but it is to the Mohomedans alone that the credit belongs of having stood the staunch and unshaken friends of the Government amidst that fearful tornado that devastated the country, and shook the empire to its centre:—and who were ever ready heart and hand, to render their aid to the utmost extremity, or cheerfully to perish in the attempt, regardless of home and kindred, of life and its enjoyments!

Be it known however that I am no advocate of those Mohomedans who behaved undutifully, and joined in the Rebellion; on the contrary I hold their conduct in utter abhorrence, as being in the highest degree criminal, and wholly inexcusable; because at that momentous crisis it was imperatively their duty, a duty enjoined by the precepts of our religion, to identify themselves heartily with the Christians and to espouse their cause; seeing that they have,—like ourselves,—been favored with a revelation from Heaven, and believe in the Prophets, and hold

sacred the word of God in his holy book, which is also an object of faith with us. It was therefore needful and proper, that where the blood of Christians was spilt, there should also have mingled with it that of Mohomedans; and those who shrunk from manifesting such devotedness, and sided with the rebels, wilfully disobeyed the injunctions of religion, besides proving themselves ungrateful to their salt, and thereby incurring the severe displeasure of Government, a fact that is patent to every peasant.

Verily, such unworthy Mohomedans have well deserved the righteous indignation of all right-thinking men; but at the same time, I must deprecate that wholesale denunciation against the entire class of Mohomedans, in which the newspapers are wont to indulge, and which stains the pages of those who have written upon the events of 1857. . . .

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2

SIR WILLIAM HUNTER ON THE CAUSES OF MUSLIM DISCONTENT,[1] 1871

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If ever a people stood in need of a career, it is the Musalman aristocracy of Lower Bengal. Their old sources of wealth have run dry. They can no longer sack the stronghold of a neighbouring Hindu nobleman; send out a score of troopers to pillage the peasantry; levy tolls upon travelling merchants; purchase exemption through a friend at Court from their land-tax; raise a revenue by local cesses on marriages, births, harvest-homes, and every other incident of rural life; collect the excise on their own behalf, with further gratifications for winking at the sale of forbidden liquors during the sacred month of Ramazan. The administration of the Imperial Taxes was the first great source of income in Bengal, and the Musalman aristocracy monopolized it. The Police was another great source of income, and the Police was officered by Muhammadans. The Courts of Law were a third great source of income, and the Musalmans monopolized them. Above all, there was the army, an army not officered by gentlemen who make little more than bank interest on the price of their commissions, but a great confederation of conquerors who enrolled their peasantry into troops, and drew pay from the State for them as soldiers. A hundred and seventy years ago it was almost impossible for a well-born Musalman in Bengal to become poor; at present it is almost impossible for him to continue rich.

The Muhammadan aristocracy, in short, were conquerors, and claimed as such the monopoly of Government. Occasionally a Hindu financier, and more seldom a Hindu general, came to the surface; but the conspicuousness of such instances is

[1] W. W. Hunter, *The Indian Musalmans*, 1876, pp. 148–83. Hunter was a member of the I.C.S., 1861–87. President of the Education Commission, 1882–3.

the best proof of their rarity. Three distinct streams of wealth ran perennially into the coffers of a noble Musalman House—Military Command, the Collection of the Revenue, and Judicial or Political Employ. These were its legitimate sources of greatness, and besides them were Court Services, and a hundred nameless avenues to fortune. . . .

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. . . The greatest blow which we dealt to the old system was in one sense an underhand one, for neither the English nor the Muhammadans foresaw its effects. This was the series of changes introduced by Lord Cornwallis and John Shore, ending in the Permanent Settlement of 1793. By it we usurped the functions of those higher Musalman Officers who had formerly subsisted between the actual Collector and the Government, and whose dragoons were the recognised machinery for enforcing the Land Tax. Instead of the Musalman Revenue-farmers with their troopers and spearmen, we placed an English Collector in each District, with an unarmed fiscal police attached like common bailiffs to his Court. The Muhammadan nobility either lost their former connection with the Land Tax, or became mere landholders, with an inelastic title to a part of the profits of the soil.

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With regard, therefore, to the first two great sources of Muhammadan wealth, viz. the Army and the higher administration of the Revenues, we had good reasons for what we did, but our action has brought ruin upon Muhammadan Houses of Bengal. We shut the Musalman aristocracy out of the Army, because we believed that their exclusion was necessary to our own safety. We deprived them of their monopoly of the most lucrative functions in the Administration, because their deprivation was essential to the welfare and just government of the people. But these grounds, however good in themselves, fail to convince an ancient nobility suffering under the blight of British Rule. Their exclusion from the Army seems to the Musalmans a great public wrong; our departure from their ancient fiscal system, an absolute breach of faith.

The third source of their greatness was their monopoly of Judicial, Political, or in brief, Civil Employ. It would be unfair to lay much stress on the circumstance, but it is nevertheless a significant fact, that none of the native gentlemen who have won their way into the Covenanted Civil Service, or up to the bench of the High Court, are Musalmans. But for some time after the country passed under our care, the Musalmans retained all the functions of Government in their own hands. Musalman Collectors, as we have seen, gathered the Land Tax; Musalman *Faujdars* and *Ghatwals* officered the Police. A great Musalman Department, with its headquarters in the Nizam's palace at Murshidabad, and a network of officials spreading over every District in the Province, administered the Criminal Law. . . . but for the first fifty years of the Company's Rule the Musalmans had the lion's share of State patronage. During its second half century of power the tide turned,

at first slowly, but with a constantly accelerating pace, as the imperative duty of conducting public business in the vernacular of the people, and not in the foreign *patois* of its former Muhammadan conquerors, became recognised. Then the Hindus poured into, and have since completely filled, every grade of official life. . . .

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. . . In the highest grade in which the appointments dated from a previous generation, the Muhammadans had not much to complain of, as in April 1869 there was one Musalman to two Hindus: there is now but one Musalman to three Hindus. In the second grade there were then two Muhammadans to nine Hindus; there is now one Musalman to ten Hindus. In the third grade there were then four Musalmans to a total of twenty-seven Hindus and Englishmen; there are now three Musalmans to a total of twenty-four Hindus and Englishmen. Passing down to the lower ranks, there were in 1869 four Musalmans among a total of thirty of all creeds; there are now four among a total of thirty-nine. Among the probationers from whom the service is recruited, there were only two Musalmans in a total of twenty-eight; there is now not a single Muhammadan in this rank.

It is, however, in the less conspicuous Departments, in which the distribution of patronage is less keenly watched by the political parties in Bengal, that we may read the fate of the Musalmans. In 1869 these Departments were filled thus:—In the three grades of Assistant Government Engineers there were fourteen Hindus and not one Musalman; among the apprentices there were four Hindus and two Englishmen, and not one Musalman. Among the sub-Engineers and Supervisors of the Public Works Department there were twenty-four Hindus to one Musalman; among the Overseers, two Musalmans to sixty-three Hindus. In the Offices of Account there were fifty names of Hindus, and not one Musalman; and in the Upper Subordinate Department there were twenty-two Hindus, and again not one Musalman.

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How comes it that the Muhammadan population is thus shut out alike from official employ and from the recognised Professions? . . .

The truth is, that our system of public instruction, which has awakened the Hindus from the sleep of centuries, and quickened their inert masses with some of the noble impulses of a nation, is opposed to the traditions, unsuited to the requirements, and hateful to the religion, of the Musalmans. . . .

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The truth is, that our system of Public Instruction ignores the three most powerful instincts of the Musalman heart. In the first place, it conducts education in the vernacular of Bengal, a language which the educated Muhammadans despise, and by means of Hindu teachers, whom the whole Muhammadan community hates. . . In the second place, our rural schools seldom enable a Muhammadan to learn the

tongues necessary for his holding a respectable position in life, and for the performance of his religious duties. Every Muhammadan gentleman must have some knowledge of Persian, and Persian is a language unknown even in our higher class District schools. Every Musalman, from the peasant to the prince, ought to say his prayers in one of the sacred languages, Persian or Arabic, and this our schools have never recognised. . . . In the third place, our system of Public Instruction makes no provision for the religious education of the Muhammadan youth. . . . A system of purely secular education . . . is certainly altogether unsuited to the illiterate and fanatical peasantry of Muhammadan Bengal.

3

SYED AHMED KHAN ON MUSLIM EDUCATION[1] 1872

20. Syed Ahmed Khan Bahadur was of opinion that the points now before the Committee, on which the members were to report, did not imply that they should consider and determined upon such means only which might suit the present age, and which might now be practicable. He thought that the Committee were required rather to consider the means which, quite irrespective of the existing circumstances, might be of real use to Muhammadans in the future. They should look forward to, and inaugurate an educational system for future generations, and although such a system could not possibly be brought into working order all at once, they could consider the fabric as a whole and commence such portions of it as are at present feasable. Every member of the Committee, he said, must be aware that education cannot always be one and the same, nor is it possible that any large community should have always only one particular end in view; the different classes constituting a large community having always different objects and pursuits. The system of education under the consideration of the Committee relates to a very large community, and the different classes composing that community have their distinct objects as regards education. They had therefore to inaugurate such a scheme of education as would embrace the various wants and requirements of those different classes of the people. Of the classes constituting the Muhammadan community there is, he said, one which aspires to high situations in the service of Government, to have a share in the management of the country, to gain honour and respect in the world, and thus to do good to their fellowmen. There is another, which does not aspire to Government posts, but prefers rather to live by commerce or by some profession. The third live to improve their estates and property, to manage their affairs systematically, and to live in a manner suitable to their station in life. The fourth seeks a knowledge of arts and sciences. The fifth has no inclination for any of the above objects, but with a view to their life hereafter wishes to gain a perfect knowledge of the religious sciences, and to pass their days in the study of the same. There are lastly the lower classes for whose general good,

[1] Translation of the *Report of the members of the Select Committee for the Better Diffusion and Advancement of the Learning among the Muhammadans of India*, 1872, pp. 53–7.

instruction to a certain extent is necessary. These different classes however have all a common desire that their children may not learn to disbelieve in their religion, and may not neglect to discharge fully the duties of their faith. Thus, when they had to consider and determine upon a system of education for the whole Muhammadan community, they should determine upon such a scheme which will answer all their aforesaid wants, as well as other purposes pertaining to education.

Without great personal exertions on the part of the Muhammadan community, Syed Ahmed Khan observed, such a system can never be successfully inaugurated and carried out in its entirety. It is a moral impossibility that it can be effected by Government. The system of education for the Muhammadans should therefore consist of two branches; one for their general education which may be available for all classes of the community, from the highest to the lowest, which may answer all their wants, and in the accomplishment of which no help should be expected from Government.

In the second branch, the Committee have to consider such means as may enable the Muhammadan community to benefit by the rules and principles of education adopted by Government until it is ready to adopt the plan proposed in the first branch. Syed Ahmed Khan Bahadur said that he was about to say that which would doubtless prove distasteful to the majority of the members present, but as he considered it his duty to speak what he deemed to be the truth, he had no alternative but to do so. When the question of education is mooted, he said, amongst the Muhammadans, their efforts are always hampered by their endeavours to adopt their old hereditary system of education, and the old established course of study. Many schools regulated by the old system have been established by the Muhammadans of Jounpore, Allygurh, Cawnpore, Saharanpore, Deoband, Delhi, and Lahore, but he could assure the Committee that they are altogether useless to the nation at large, and that no good can be expected from them.

The times, and the spirit of the age, the Sciences and the results of those Sciences, have all been altered. The old Muhammadan books and the tone of their writings do not teach the followers of Islam independence of thought, perspecuity, and simplicity; nor do they enable them to arrive at the truth of matters in general; on the contrary, they deceive and teach men to veil their meaning, to embellish their speech with fine words, to describe things wrongly and in irrelevant terms, to flatter with false praise, to live in a state of bondage, to puff themselves up with pride, haughtiness, vanity and self-conceit, to hate their fellow creatures, to have no sympathy with them, to speak with exaggeration, to leave the history of the past uncertain, and to relate facts like tales and stories. All these things are quite unsuited to the present age and to the spirit of the time, and thus instead of doing any good they do much harm to the Muhammadans. Loss of time in a useless pursuit is a loss which can hardly be retrieved. He hoped therefore that his respected fellow members would excuse him, and would consider the points he had just dwelt upon, when determining the new system of education, which was, he trusted, to be of much benefit to their country.

22. The members of the Committee heard the speech of Syed Ahmed Khan Bahadur with abhorrence, but at the same time, they concurred with him in his opinion, that the system of education to be proposed for the Muhammadans should consist of two branches, general, which the Muhammadans themselves should organise, and which should be so moulded as to be able to answer all their wants, secular and spiritual; and special, which may enable the Muhammadans to benefit by the educational system adopted by Government.

4

RESOLUTION OF THE GOVERNMENT OF INDIA ON MUSLIM EDUCATION,[1] 13 JUNE 1873

On the 7th August 1871, the Government of India issued a Resolution upon the condition of the Mahomedan population of India as regards education, in which, after regretting that so large and important a class should stand aloof from co-operation with our educational system, His Excellency the Earl of Mayo in Council desired that more systematic encouragement should be given to the classical and vernacular languages of the Mahomedans in all schools and colleges. The Resolution was circulated to all Local Governments and Administrations for their opinion as to what measures should be adopted toward promoting this object, by modifying the methods and means through which teaching should be given, so as to make the higher branches of it more accessible to Mahomedans without altering the essential principles of our public instruction. Whether the creation of a vernacular literature might not be aided by the State, and whether more ample recognition should not be given in the University courses to Arabic and Persian, were matters on which advice and propositions were particularly invited.

2. The reports now collected from all the Provinces of British India present a fair survey of the actual state of Mahomedan education throughout the empire; and they discuss largely how far, and in what direction, should the further steps be taken which are most consistent with the needs of the people and the duties of the Government. It may be useful to describe in broad outline the place now allotted to Mahomedan instruction in the educational scheme of each Government, and then to touch briefly on the measures proposed for improvement and advance.

3. In the Resolution of 1871 there is no direct mention of primary education. Its importance was not overlooked, but the needs and defects to be remedied appeared to press more urgently in the higher than in the lower gradations of State instruction. From the reports, however, which are now under review, there appears some ground for doubting whether many of the disadvantages under which Mahomedans have been placed as to higher education may not be traced down to their sources in the earlier stages of our system. As a matter of fact, it

[1] *Selections from the Records of the Government of India*, Home Dept. No. 205 (1886), pp. 152, 226–9.

may be inferred generally, that wherever the ordinary vernacular of the country is read and written in the Hindustani or Urdu character, there the Mahomedans have occupied their proper position in the primary and secondary schools founded or aided by the State. In the North-Western Provinces, in Oudh, and in the Punjab, the attendance of Mahomedans in the lower and middle schools is, on the whole, rather above than below the proportion which all Mahomedans bear to the total population; in Oudh the Mahomedans furnish a much larger comparative contingent than the Hindus to the schools, though in the Punjab, out of a Mahomedan element of 53 per cent. of the total population, not more than 35 per cent. of the scholars are Mahomedans. Then in all these Provinces the indigenous Mahomedan schools are very numerous, and thrive up to a certain point; they are encouraged and assisted by the Government Officers; the grants-in-aid are offered on conditions which suit Mahomedan schooling as well as any other, and the whole course of primary education is so shaped as to favour the Mahomedan at least equally with the Hindu. On the other hand, in Provinces where the Mahomedans are scattered and are not numerous, where they mostly talk a different language from that of the majority, or where their teaching at any rate is in a different tongue and according to entirely separate traditions, there the special arrangements which these circumstances require for them have been not always organized, and their claims to it have been often inevitably disregarded. Where the Mahomedan uses a form of the country dialect, as in Eastern Bengal and in parts of Bombay, he goes with others to the primary Government schools for the rudiments of education; but where his mother-tongue is different, in speech and in written character, he cannot attend them. And the peculiar obstacles which keep him apart from our school system grow stronger as he emerges beyond those elements which are common to all teaching. In Bengal the Bengali-speaking Eastern Mahomedans frequent the lower schools in good number, but they found themselves more or less excluded from following out their education into the upper classes by the absence, up to 1871, of any adequate provision for that distinctive course of instruction which the customs of their society require. All over Western India, in part of the Central Provinces, in Berar, and very generally in Madras, the same difficulty had arisen, and had not been satisfactorily surmounted. The Government expenditure on education is necessarily limited, and could not suffice for the support of two separate classes of schools; the money available was naturally bestowed too entirely upon those classes of the people which are homogeneous for educational purposes, are by far the more numerous, the richer, and the more eager to make use of the grant.

4. It is, however, in the higher schools, in the colleges, and in the universities, that the absence or backwardness of Mahomedans has been shown to exist remarkably. The reports all agree that our system has not attracted them to the higher ranges of our educational course, or to persevere up to the point at which studies impress real culture, and fit young men for success in the services and open professions.... It may be conjectured that, at the present epoch, Mahomedans are

discovering that the ancient paths are unprofitable to stand upon, while their traditions and natural predilections still hold them back from setting out energetically upon newly opened roads. For, while it is confessed that Mahomedans nowhere appear in satisfactory strength upon the lists of our higher schools, colleges, or universities, on the other hand those institutions which have purposely preserved the ancient exclusively Mahomedan type, and which have been restricted to instruction in the languages and sciences which belong peculiarly to Mahomedanism, have also been found to be falling gradually but steadily into neglect. We may perhaps assume, therefore, that the Mahomedans are not so much averse to the subjects which the English Government has decided to teach, as to the modes or machinery through which teaching is offered. And if it thus appear that to the traditions and reasonable hesitation which keep aloof our Mahomedan fellow-subjects are added certain obstacles which our system itself interposes,—either by using a language that is unfamiliar or machinery that is uncongenial,—it is plain that many of the drawbacks to the universality of our educational system are susceptible of removal.

5. His Excellency in Council therefore perceives with gratification from the reports now before him, that judicious endeavours are being made to diminish, so far as they can be remedied, these inequalities in the distribution of State aid, and to place the Mahomedans, wherever this may be possible, upon a more even footing with the general community throughout the whole course of our public instruction.

6. In Madras the Government has now directed the Department of Public Instruction to take steps without delay for establishing elementary Mahomedan schools, and corresponding classes in other schools, at the principal centres of the Mahomedan population, where instruction may be given in the Urdu language by qualified teachers through appropriate text books. In the Madras University special recognition is already given to Arabic and Persian, and the question of awarding special prizes for proved excellence in those languages is under deliberation. As the Syndicate observe, this is a project in which leading Mahomedan gentlemen might be invited themselves to co-operate. From Bombay the Director of Public Instruction reported in 1871 that he was engaged in settling a course of Persian instruction for the upper standards in vernacular schools, for English schools, and for high schools, which will be arranged so as to prepare for the study of Persian at the University, where Arabic and Persian are already admitted as classical languages for graduates in the Arts. In 1870 a Professor of Persian and Arabic was appointed to the Elphinstone College; and the Government and the University now join in recommending to the Government of India the endowment of a University Professorship of Arabic and Persian, founding their proposition upon the great importance to Mahomedans in that Presidency of familiarity with the tongues of Western Asia. His Excellency in Council agrees that it may be advisable to establish such professorships, and any scheme for doing so would be favourably entertained, especially if there were any prospect of aid from private sources to the endowment.

7. In Bengal the Lieutenant-Governor now desires to restore Mahomedan education by a well-connected and substantial reforming of existing material. Orders were issued in 1871 to establish a special class for teaching Arabic and Persian to Mahomedans in the ordinary schools, wherever the demand should justify the supply, and wherever the Mahomedans should agree to conform, in addition, to the regular course of study in the upper school classes, so that both kinds of instruction must be taken. The collegiate instruction in the Calcutta Madrassa will be remodelled and reinforced, while the Mohsin endowments, which now support the Hooghly College, will be employed, wherever in Bengal their employment seems most advantageous, for encouraging and extending education among Mahomedans. Moreover, the University of Calcutta has decided to examine in Persian as well as in Arabic for the degrees.

8. In the North-Western Provinces, in the Punjab, and in Oudh, the existing system of State instruction is already at least as favourable to Mahomedans as to Hindus. At Lahore there is a University College, and the Mahomedans themselves share the unanimous opinion that no special educational privileges to their community are needed. . . . In Oudh the Canning College embraces an ample Mahomedan curriculum. In the Central Provinces, in Mysore, in Coorg, and in Berar, the administration has directed that wherever the numbers of Mahomedans is sufficient to form a class, or fill a school, there a class or a school shall be established. His Excellency in Council assumes that in these as in all other Provinces where Mahomedans are few, and often exposed to all the disadvantages which affect a religious minority without wealth or superior influence, it will be the special care of Government to satisfy themselves that these endeavours to encourage the education of Mahomedans are persistently maintained. It is the paramount duty of an imperial department thus to fill up gaps in the ranks of elementary education, and to range the various divisions of this vast population in one advancing line of even progress. . . .

5

MUSLIM ADDRESS TO LORD LYTTON,[1] 8 JANUARY 1877

. . . . . .

We, the Mussulman subjects of her Imperial Majesty, consider ourselves more particularly bound in gratitude to the Government of India for its having of late years shown so strong a disposition to advance the cause of education amongst our community, and for issuing directions to the provincial Governments to adopt special measures to supply our intellectual needs. . . . So different in many respects are our educational wants from those of the rest of the population of India, that the

[1] Quoted in G. F. Graham, *Syed Ahmad Khan*, 1909, pp. 174–9. Lord Lytton, the Governor General, laid the foundation-stone of the Muhammadan Anglo-Oriental College, Aligarh, and the address was presented to him on that occasion by the M.A.O. College Fund Committee.

best measures which the Government can adopt, consistently with its policy, must still be inadequate; and even if it were not opposed to the wise policy of Government to interfere in matters of religion, it would be beyond its powers to remove difficulties which owe their strength to religious ideas, and will only yield to theological discussion. The Government could neither introduce a system of religious instruction, nor could it direct its efforts towards contending with the prejudices of a race by whom religion is regarded not merely as a matter of abstract belief, but also as the ultimate guide in the most ordinary secular concerns of life. The treatment which the question of Mohammedan education has in this respect received at the hands of the Government, is fully appreciated by us, and leaves no room for any kind of dissatisfaction or complaint.

. . . . . .

The college, of which your Excellency is about to lay the foundation-stone, differs in many important respects from all other educational institutions which this country has seen. There have before been schools and colleges founded and endowed by private individuals. There have been others built by sovereigns and supported by the revenues of the State. But this is the first time in the history of the Mohammedans of India that a college owes its establishment, not to the charity or love of learning of an individual, not to the splendid patronage of a monarch, but to the combined wishes and the united efforts of a whole community. It has its origin in causes which the history of this country has never witnessed before. It is based upon principles of toleration and progress such as find no parallel in the annals of the East. The British rule in India is the most wonderful phenomenon the world has ever seen. . . . But that they, . . . should make it the first principle of their government to advance the happiness of the millions of a subject race, by establishing peace, by administering justice, by spreading education, by introducing the comforts of life which modern civilisation has bestowed upon mankind, is to us manifestation of the hand of Providence, and an assurance of long life to the union of India with England. To make these facts clear to the minds of our countrymen; to educate them, so that they may be able to appreciate these blessings; to dispel those illusory traditions of the past which have hindered our progress; to remove these prejudices which have hitherto exercised a baneful influence on our race; to reconcile oriental learning with Western literature and science; to inspire in the dreamy minds of the people of the East the practical energy which belongs to those of the West; to make the Mussulmans of India worthy and useful subjects of the British Crown; to inspire in them that loyalty which springs, not from servile submission to a foreign rule, but from genuine appreciation of the blessings of good government,—these are the objects which the founders of the college have prominently in view. . . .

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6

SYED AHMED KHAN ON A LOCAL SELF-GOVERNMENT BILL,[1] 12 JANUARY 1883

. . . The system of representation by election means the representation of the views and interest of the majority of the population, and, in countries where the population is composed of one race and one creed, it is no doubt the best system that can be adopted. But, my Lord, in a country like India, where caste distinctions still flourish, where there is no fusion of the various races, where religious distinctions are still violent, where education in its modern sense has not made an equal or proportionate progress among all the sections of the population, I am convinced that the introduction of the principle of election, pure and simple, for representation of various interests on the local boards and the district councils, would be attended with evils of greater significance than purely economic considerations. . . . The larger community would totally override the interests of the smaller community, and the ignorant public would hold Government responsible for introducing measures which might make the differences of race and creed more violent than ever. . . . Government, in reserving to itself the power of appointing one-third of the members of the local boards and district councils, is adopting the only measure which can be adopted to guarantee the success of local self-government, by securing and maintaining that due and just balance in the representation of the various sections of the Indian population which the system of election pure and simple, would fail to achieve.

7

THE GOVERNMENT OF INDIA'S RESOLUTION[2] OF 15 JULY 1885

In February 1882 a memorial was addressed to His Excellency the late Viceroy by the National Muhammadan Association calling attention to the present decayed position of Muhammadans in India, to the causes which had, in the opinion of the memoralists, led to the decadence, and to the circumstances which in their belief, tend to perpetuate that condition. . . .

. . . . . .

20. The memorial of the National Muhammadan Association lays special stress upon the extent to which the Hindus have ousted Muhammadans from State employ generally, and prays that 'the balance of State patronage may be redressed'.

The memorialists are aware of the orders which have from time to time been issued by the Government of India as well as by the Local Governments, directing

[1] *Proceedings of the Indian Legislative Council*, vol. 22 (1883), pp. 19–20.

[2] *Selections from Records of the Government of India*, Home Dept., No. 205 (1886), pp. 376–90.

the Heads of Departments to pay due regard to the claims of candidates belonging to their community; but at the same time they assert that no practical gain has accrued to the Muhammadans from these orders. This they attribute to two causes —(1) neglect of the Government policy by the officers with whom the actual distribution and dispensation of State patronage rests, and (2) the undue importance which is attached to a university qualification.

With regard to this point, the Government of India would remark that in every province admission to the superior departments of the Government service is now, speaking generally, regulated either by public competition or by the possession of qualifications altogether independent of the race or caste of the candidate. If therefore, Muhammadans have secured a less proportion of places in the public service than members of other native communities in India, the blame cannot, in the opinion of the Government of India, be attributed in any sensible degree to the action of the State or of its officers. In the matter of the Statutory Civil Service, the Muhammadans have in fact had even more than their proportionate share of consideration, 10 out of 36 nominations to that service having been given to Mussalmans.

21. From the reports of the Local Governments it would appear, moreover, that the memorialists have exaggerated the numerical inferiority of Muhammadans in the public service generally. In Madras and Bombay, where Muhammadans form only from 6 to 7 per cent. of the total population, the anxiety of these Governments to induce the Mussalman community to qualify for the public service has been distinctly manifested in the special educational facilities afforded to members of that community. Not only so, but Mussalman candidates, provided they are qualified by the prescribed tests for the public service, have always received exceptional favour. In Madras this has been specially the case since the time of Lord Hobart's Government in 1872. The Government of Bombay point out that in Western India the Muhammadan chances of employment are better now than they were in the days of the Hindu dynasties which preceded the British Empire. If the proportion of Muhammadans in the public service of Bombay is small, the reason is, in the opinion of the Government of Bombay, to be found, not in any disfavour to Muhammadans, entertained by English bestowers of patronage, nor in the overpowering influence of Hindu advisers and subordinates, for the Government and its higher officers are fully alive to the administrative advantage of associating men of different races in every department of public business, but in the circumstance that entrance into the public service is determined as far as possible by educational tests, 'whereby public emoluments are treated as public property, and the public is served by the fittest persons'. In Sind, where the proportion of Muhammadans to the total population is considerable, the reports show that the community is very largely represented in most departments of the public service.

In Bengal, to which the memorial more particularly refers, the Muhammadans form over 31 per cent. of the total population. Here it is no doubt true that their numerical inferiority in the public offices is very marked. This is, however, mainly due to their want of the prescribed educational qualifications, especially as regards

a knowledge of English. For this deficiency poverty will to some extent account; but there is also no doubt that there has been a real unwillingness to take advantage of the education provided by the State. At the same time another important fact, pointed out by Nawab Abdul Lateef in a memorandum laid before the Education Commission, should not be overlooked, *viz.*, that 'the mass of the Muhammadan population consists of cultivators among some millions of Brahmins and Kayasthas, who from time immemorial have enjoyed a superior system of education and in consequence a passport to public offices'. This is especially the case in Eastern Bengal, where the Muhammadans are most numerous.

In the North-Western Provinces and Oudh and in the Punjab the enquiries which have been instituted prove that the allegations of the memorialists as to the exclusion of their community from a share of Government patronage do not apply. The figures submitted indicate that in respect of offices in the Subordinate Executive and Judicial services, including all the higher and better paid appointments, the Muhammadans have secured not only a fair proportion, but almost an unduly liberal share of patronage. In the Central Provinces they have been equally fortunate. Nor in the minor Administrations does there appear to exist any cause of grievance under this head.

22. The Governor-General in Council does not consider it desirable or for the advantage of the Muhammadans themselves that they should be exempted from those tests which are established to secure the admission of duly qualified candidates into the public service. Nor can special favour be shown them in open competitive examinations of any description. It is only by raising their own educational qualifications to the level already attained by other races that the Muhammadans can hope to win appointments that are awarded as the result of examination. But there are a large number of appointments the gift of which lies in the hands of the Local Governments, the High Courts, or local officers. The Governor-General in Council desires that in those provinces where Muhammadans do not receive their full share of State employment, the Local Governments and High Courts will endeavour to redress this inequality as opportunity offers, and will impress upon subordinate officers the importance of attending to this in their selection of candidates for appointments of the class last referred to. . . .

8

SYED AHMED KHAN AND THE NATIONAL CONGRESS[1]

(i) Speech at Lucknow, 28 December 1887

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I come now to the main subject on which I wish to address you. That is *The National Congress* and the demands which that body makes of Government. . . . Think for a moment what would be the result if all appointments were given by

[1] Syed Ahmed Khan, *The Present State of Indian Politics*, 1888, pp. 7–21, 31–53.

competitive examination. . . . There would remain no part of the country in which we should see at the tables of justice and authority any face except those of Bengalis. . . .

The second demand of the National Congress is that the people should elect a section of the Viceroy's Council. They want to copy the English House of Lords and the House of Commons. The elected members are to be like members of the House of Commons; the appointed members like the House of Lords. Now, let us suppose the Viceroy's Council made in this manner. And let us suppose first of all that we have universal suffrage, as in America, and that everybody, *chamars* and all, have votes. And first suppose that all the Mahomedan electors vote for a Mahomedan member and all Hindu electors for a Hindu member, and now count how many votes the Mahomedan member has and how many the Hindu. It is certain the Hindu member will have four times as many because their population is four times as numerous. Therefore we can prove by mathematics that there will be four votes for the Hindu to every one vote for the Mahomedan. And now how can the Mahomedan guard his interests? It would be like a game of dice, in which one man had four dice and the other only one. In the second place, suppose that the electorate be limited. Some method of qualification must be made; for example, that people with a certain income shall be electors. Now, I ask you, O Mahomedans! Weep at your condition! Have you such wealth that you can compete with the Hindus? . . . In the normal case no single Mahomedan will secure a seat in the Viceroy's Council. . . . Suppose a rule to be made that a suitable number of Mahomedans and a suitable number of Hindus are to be chosen. I am aghast when I think on what grounds this number is likely to be determined. Of necessity proportion to total population will be taken. So there will be one member for us to every four for the Hindus. No other condition can be laid down. Then they will have four votes and we shall have one. Now, I will make a fourth supposition. Leaving aside the question as to the suitability of members with regard to population, let us suppose that a rule is laid down that half the members are to be Mahomedan and half Hindu, and that the Mahomedans and Hindus are each to elect their own men. Now, I ask you to pardon me for saying something which I say with a sore heart. In the whole nation there is no person who is equal to the Hindus in fitness for the work. . . .

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(ii) Speech at Meerut, 14 March 1888

. . . I wish to explain what method my nation, nay, rather the whole people of this country, ought to pursue in political matters. . . . Now, suppose that all the English and the whole English army were to leave India, taking with them all their cannon and their splendid weapons and everything, then who would be rulers of India? Is it possible that under these circumstances two nations—the Mahomedans and the Hindus—could sit on the same throne and remain equal in power? Most certainly not. It is necessary that one of them should conquer the other and

thrust it down. . . . Now, suppose that the English are not in India and that one of the nations of India has conquered the other, whether the Hindus the Mahomedans, or the the Mahomedans the Hindus. At once some other nation of Europe, such as the French, the Germans, the Portuguese, or the Russians, will attack India. . . . Everybody knows something or other about these powerful kingdoms of Europe. Everyone will admit that their governments are far worse, nay, beyond comparison worse, than the British Government. It is, therefore, necessary that for the peace of India and for the progress of everything in India the English Government should remain for many years—in fact for ever!

When it is granted that the maintenance of the British Government, and of no other, is necessary for the progress of our country, then I ask whether there is any example in the world of one nation having conquered and ruled over another nation, and that conquered nation claiming it as a right that they should have representative government? The principle of representative government is that it is government by a nation, and that the nation in question rules over its own people and its own land. . . .

. . . . . .

When it has been settled that the English Government is necessary, then it is useful for India that its rule should be established on the firmest possible basis. And it is desirable for Government that for its stability it should maintain an army of such a size as it may think expedient, with a proper equipment of officers; and that it should in every district appoint officials in whom it can place complete confidence, in order that if a conspiracy arise in any place they may apply the remedy. I ask you, is it the duty of Government or not to appoint European officers in its empire to stop conspiracies and rebellions? Be just, and examine your hearts, and tell me if it is not a natural law that people should confinde more in men of their own nation. . . .

. . . . . .

Therefore the method we ought to adopt is this, that we should hold ourselves aloof from this political uproar and reflect on our condition, that we are behindhand in education and are deficient in wealth. Then we should try to improve the education of our nation. . . . When you shall have fully acquired education, and true education shall have made its home in your hearts, then you will know what rights you can legitimately demand of the British Government. And the result of this will be that you will also obtain honourable positions in the Government, and will acquire wealth in the higher ranks of trade. But to make friendship with the Bengalis in their mischievous political proposals, and join in them, can bring harm only. If my nation follow my advice they will draw benefit from trade and education. Otherwise, remember that the Government will keep a very sharp eye on you because you are very quarrelsome, very brave, great soldiers and great fighters.

9

MUSLIM ADDRESS TO LORD MINTO,[1] 1 OCTOBER 1906

May it please your Excellency,—Availing ourselves of the permission accorded to us, we the undersigned nobles, jagirdars, talukdars, lawyers, zemindars, merchants and others representing a large body of the Mahomedan subjects of his Majesty the King-Emperor in different parts of India, beg most respectfully to approach your Excellency with the following address for your favourable consideration.

We fully realise and appreciate the incalculable benefit conferred by British rule on the teeming millions belonging to diverse races and professing diverse religions who form the population of the vast continent of India, and have every reason to be grateful for the peace, security, personal freedom and liberty of worship that we now enjoy. Further from the wise and enlightened character of the Government we have every reasonable ground for anticipating that these benefits will be progressive, and that India will in the future occupy an increasingly important position in the comity of nations.

One of the most important characteristics of British policy in India is the increasing deference that has, so far as possible, been paid from the first to the views and wishes of the people of the country in matters affecting their interests, with due regard always to the diversity of race and religion which forms such an important feature of all Indian problems.

Beginning with the confidential and unobtrusive method of consulting influential members of important communities in different parts of the country, this principle was gradually extended by the recognition of the right of recognised political or commercial organisations to communicate to the authorities their criticisms and views on measures of public importance, and finally by the nomination and election of direct repesentatives of the people in Municipalities, district boards and above all in the Legislative Chambers of the country. This last element is, we understand, about to be dealt with by the committee appointed by your Excellency, with the view of giving it further extension; and it is with reference mainly to our claim to a fair share in such extended representation and some other matters of importance affecting the interests of our community, that we have ventured to approach your Excellency on the present occasion.

The Mahomedans of India number according to the census taken in the year 1901 over sixty-two millions, or between one-fifth and one-fourth of the total population of his Majesty's Indian dominions, and if a reduction be made for the uncivilised portions of the community enumerated under the heads of animists and other minor religions, as well as for those classes who are ordinarily classified as Hindus, but properly speaking are not Hindus at all, the proportion of Mahome-

[1] *The Times of India*, vol. LXXIX, No. 14, 6 October 1906. The Address was presented by H. H. the Aga Khan.

dans to the Hindu majority becomes much larger. We, therefore, desire to submit that under any system of representation, extended or limited, a community in itself more numerous than the entire population of any first class European Power, except Russia, may justly lay claim to adequate recognition as an important factor in the State.

We venture indeed, with your Excellency's permission, to go a step further and urge that the position accorded to the Mahomedan community in any kind of representation, direct or indirect, and in all other ways affecting their status and influence 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, and we also hope that your Excellency will in this connection be pleased to give due consideration to the position which they occupied in India a little more than a hundred years ago, and of which the traditions have naturally not faded from their minds . . .

While therefore we are bound to acknowledge with gratitude that such representation as the Mahomedans of India have hitherto enjoyed has been due to a sense of justice and fairness on the part of your Excellency and your illustrious predecessors in office or the heads of local governments by whom the Mahomedan members of Legislative Chambers have almost without exception been nominated, we cannot help observing that the representation thus accorded to us has necessarily been inadequate to our requirements, and has not always carried with it the approval of those whom the nominees were selected to represent. . . .

As for the results of election it is most unlikely that the name of any Mahomedan candidate will ever be submitted for the approval of Government by the electoral bodies as now constituted, unless he is in sympathy with the majority in all matters of importance, nor can we in fairness find fault with the desire of our non-Moslem fellow subjects to take full advantage of their strength and vote only for members of their own community or for persons who, if not Hindus, are expected to vote with the Hindu majority on whose good will they would have to depend for their future re-election. It is true that we have many and important interests in common with our Hindu fellow-countrymen, and it will always be a matter of the utmost satisfaction to us to see these interests safe-guarded, by the presence in our Legislative chambers of able supporters of these interests, irrespective of their nationality. Still it cannot be denied that we Mahomedans are a distinct community, with additional interests of our own which are not shared by other communities, and these have hitherto suffered from the fact that they have not been adequately represented even in the provinces in which the Mahomedans constitute a distinct majority of the population. . . .

We therefore pray the Government will be graciously pleased to provide that both in the gazetted and the subordinate and Ministerial services of all Indian Provinces a due proportion of Mahomedans shall always find place. Orders of like import have at times been issued by Local Governments in some Provinces, but have not, unfortunately, in all cases been strictly observed, on the ground that qualified

Mahomedans were not forthcoming. This allegation, however well founded it may have been at one time, is, we submit, no longer tenable now, . . .

We venture to submit that the generality of Mahomedans in all parts of India feel aggrieved that Mahomedan Judges are not more frequently appointed to the High Courts and Chief Courts of Judicature. Since the creation of these Courts only three Mahomedan lawyers have held these honourable appointments, all of whom have fully justified their elevation to the bench. At the present moment there is not a single Mahomedan Judge sitting on the bench of any of these Courts, while there are three Hindu Judges in the Calcutta High Court, where the proportion of Mahomedans in the population is very large; and two in the Chief Court of the Punjab, where the Mahomedans form the majority of the population. . . .

As Municipal and District Boards have to deal with important local interests, affecting to a great extent the health, comfort, educational needs, and even the religious concerns of the inhabitants, we shall, we hope, be pardoned if we solicit for a moment your Excellency's attention to the position of Mahomedans thereon, before passing to higher concerns. Those institutions form, as it were, the initial rungs in the ladder of self-government, and it is here that the principle of representation is brought home intimately to the intelligence of the people. The position of Mahomedans on these Boards is not at present regulated by any guiding principle capable of general application, and practice varies in different localities. The Aligarh Municipality, for example, is divided into six wards, and each ward returns one Hindu and one Mahomedan Commissioner, and the same principle, we understand, is adopted in a number of municipalities in the Punjab, and elsewhere, but in a good many places the Mahomedan taxpayers are not adequately represented. We would therefore respectfully suggest that the Local Authority should in every case be required to declare the number of Hindus and Mahomedans entitled to seats on Municipal and District Boards. Such proportion to be determined in accordance with the numerical strength, social status, local influence, and special requirements of either community. Once their relative proportion is authoritatively determined, we would suggest that either community should be allowed severally to return their own representatives, as is the practice in many towns in the Punjab.

We would also suggest that the Senates and Syndicates of Indian Universities might be similarly dealt with. That is to say, there should so far as possible, be an authoratitive declaration of the proportion in which Mahomedans are entitled to be represented in either body.

We now proceed to the consideration of the question of our representation in the Legislative Chambers of the country. Beginning with the Provincial Councils we would most respectfully suggest that as in the case of Municipalities and District Boards the proportion of Mahomedan representatives entitled to a seat should be determined, and declared with due regard to the important considerations which we have ventured to point out in paragraph five of this address and that the important Mahomedan landowners, lawyers, merchants and representatives of other important interests, the Mahomedan members of District Boards and Municipali-

ties, and the Mahomedan graduates of Universities of a certain standing, say five years, should be formed into electoral Colleges, and be authorised, in accordance with such rules of procedure, as your Excellency's Government may be pleased to prescribe in that behalf, to return the number of members that may be declared to be eligible.

With regard to the Imperial Legislative Council, whereby the due representation of Mahomedan interests is a matter of vital importance, we crave leave to suggest:—

(1) That in the cadre of the Council the proportion of Mahomedan representatives should not be determined on the basis of the numerical strength of the community, and that in any case the Mahomedan representatives should never be an ineffective minority.

(2) That, as far as possible, appointment by election should be given preference over nomination. That for purposes of choosing Mahomedan members, Mahomedan landowners, lawyers, merchants, and representatives of other important interests of a status to be subsequently determined by your Excellency's Government, Mahomedan Members of the Provincial Councils and Mahomedan Fellows of Universities should be invested with electoral powers to be exercised in accordance with such procedure as may be prescribed by your Excellency's Government in that behalf.

An impression has lately been gaining ground that one or more Indian members may be appointed on the Executive Council of the Viceroy. In the event of such appointments being made, we beg that the claims of Mahomedans in that connection may not be overlooked. More than one Mahomedan, we venture to say, will be found in the country fit to serve with distinction in that august Chamber.

We beg to approach your Excellency on a subject which most closely affects our national welfare. We are convinced that our aspiration as a community, and our future progress are largely dependent on the foundation of a Mahomedan University, which will be the centre of our religious and intellectual life. We therefore most respectfully pray that your Excellency will take steps to help us in an undertaking in which our community is so deeply interested. . . .

10

JOHN MORLEY TO LORD MINTO ON THE MUSLIMS,[1] 11 OCTOBER 1906

About the Mahometans, two or three views have interested me.

1. I asked Maclean, the C.J., of the Calcutta High Court, could he tell me of a really first-class Mahometan Judge? No: not one.

2. Same question to Stephen, a judge in the same Court. Same answer: not even first-class Mahometan barrister or pleader. Stephen also did not think

[1] Morley Papers, MSS. Eur. D. 573, 1906, p. 213. India Office Library. Private letter.

Mahometans, who came under notice of the Court, were a whit less addicted to perjury than Hindus, and their morals were damnable.

3. McMahon, who has had plenty to do with Mahometans, thinks not well of them as an element in a State: they are absolutely moveless, and without any principle of Reform in them: much more chance from the Hindus, heathen as they are. So said he.

11

LORD MINTO TO SIR ARTHUR GODLEY ON THE VALUE OF RECENT MOHAMMEDAN DEMONSTRATIONS,[1] 17 OCTOBER 1906

... I entirely agree with you as to the value of the recent Mohammedan demonstrations. They have been most fortunate and have really done much to save the position, for, as you say, they will be a useful reminder to the people in England that the Bengali is not everybody in India, in fact 'the Mohammedan Community, when roused, would be a much stronger and more dangerous factor to deal with than the Bengalis.'

12

MUSLIM RESOLUTIONS AT DACCA,[2] 30 DECEMBER 1906

(i) That this meeting, composed of Mussalmans from all parts of India, assembled at Dacca, decides that a Political Association, styled the All-India Moslem League, be formed for the furtherance of the following objects: (a) To promote among the Mussalmans of India feelings of loyalty to the British Government and to remove any misconceptions that may arise as to the intentions of Government with regard to any of its measures; (b) to protect and advance the political rights and interests of Mussalmans of India and respectfully to represent their needs and aspirations to Government; (c) to prevent the rise among Mussalmans of India of any feelings of hostility towards other communities without prejudice to the other objects of the League.

(ii) That this meeting considers that partition is sure to prove beneficial to the community which constitutes the majority of the population, and that all such methods of agitation as boycotting shall be firmly condemned and discouraged.

13

THE MUSLIM LEAGUE'S MEMORANDUM ON REFORM PROPOSALS,[3] 24 MARCH 1908

The scheme for the creation of Imperial and Provincial Councils as propounded in the Government of India letter no. 2310–2317, dated 24th August 1907, has

[1] Minto Papers. No. 24, National Library of Scotland. Private letter.

[2] *The Pioneer*, vol. CLIV, 2 January 1907.

[3] Enclosure XXVI to Govt. of India's letter of 1 October, 1908, *East India—Advisory and Legislative Councils*, Cd. 4436 (1908).

been under consideration by the All-India Mustlim League in their session at Aligarh, on the 18th and 19th March 1908, and they beg leave to bring to the notice of the Government their great gratification with the principles on which the scheme is based. The principle of class representation in the Legislative Councils is entirely in accord with the sentiments of the Musalman community in this respect, and its definite recognition and enunciation by the Imperial Government will be hailed with satisfaction by Muhammadans throughout the length and breadth of the Indian Empire. . . .

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The League thoroughly approves of the proposed enlargement of the Imperial Legislative Council, and in this connection endorses the two following principles laid down by the Government of India:—

(a) 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.
(b) That the Legislative Council should be so constituted in respect to non-official members as to give due and ample representation to the different classes and interests of the community.

The question of setting apart a fixed number of seats on the Council for the Muhammadan community is one of great importance, and the League believes that it only voices the real feeling of the Muhammadan in all parts of India . . . This reform will not only serve to remove one of the grievances which have been long and sorely felt by Muhammadans in the past, but will also mean the timely recognition by the Supreme Government of the sound principle of separate racial representation on the Councils of the Indian Empire, which when fully carried out will tend to solve many of the administrative difficulties of the Government. The League, therefore, strongly supports the proposal to allot a fixed number of seats to Muhammadans on the Imperial Legislative Council, though at the same time the League cannot approve of the suggestion to limit this number to four. . . . The Government of India having recognised the justice of the Muhammadan claim to a separate representation on the Legislative Councils of the country in the generous reply given by His Excellency the Viceroy to the address presented to him by the Muhammadan deputation at Simla on the 1st October 1906 . . . the League submits that the representation so conceded should be made adequate. If this is not done, the Government of India will, on the one hand, be accused of partiality to the Muhammadans and will incur the displeasure of those who pin their faith in the wholesale application of Western methods of Government, pure and unadulterated, as the panacea for all the ills to which this country is heir; on the other hand it will fail to satisfy the just demands of the educated Muhammadans for an adequate representation of their special interests on the enlarged Council boards.

14

THE BENGAL GOVERNMENT'S RESOLUTION ON MUSLIM EDUCATION,[1] 3 AUGUST 1916

3. It is beyond question that the Muhammadans of Bengal are still backward from an educational point of view in spite of the large increase in the number attending schools which has taken place in recent years. At the census of 1911 it was found that only about three-tenths of the total number of literate persons in the Presidency were Muhammadans, though more than half the population profess the faith of Islam. It was then pointed out that though there had been a remarkable expansion of Muhammadan education, this had not yet had time to produce its full effect on the statistics, and that only 4 per cent. of the community were literate. A study of more recent statistics shows that only in the primary stage of education is the number of Muhammadan pupils at all commensurate with the proportion which the community bears to the population of Bengal, and even here the percentage (42) is below their proportional strength. In more advanced stages of education the ratio falls steadily, being 25·3 per cent. in middle schools, 16·8 per cent. in high schools and only 7·8 per cent. in colleges. Having regard to these facts, the Governor in Council is convinced that, though much has already been done to advance Muhammadan education, more is required in order to stimulate its progress.

4. The inequality of the progress in education made by the Hindu and Muhammadan communities is patent. The comparatively slow advance made by the Muhammadans, more especially in the higher branches of education, has prevented them taking as full a part in the political, professional and industrial life of the province as the Hindus; and many of the present administrative difficulties in Bengal are due to the educational inequality between the two communities. Comparatively few Muhammadans are engaged in professional pursuits. They are largely outnumbered by the Hindus in industries and commerce. The deficiency of Muhammadans qualified for appointment to administrative posts is a not infrequent source of embarrassment to Government. Their disabilities are largely due to their having failed to keep pace with the Hindus in the matter of education. The development of the country, in political as well as in other directions, is dependent on the uniform educational progress of the two main constituents of the population and on their equal capacity to take advantage both of the opportunities now open to them and of the fuller opportunities which may be available hereafter. The Government of India are anxious that all reasonable facilities should be provided for the education of Muhammadans, and the Governor in Council is convinced that it is in the interest both of the Government and of the people as a whole that the Muhammadans, who, in spite of recent efforts, have still much lost ground to make up, should receive such special facilities as may be necessary to enable them

[1] *Supplement to Calcutta Gazette*, 9 August 1916, pp. 931–8.

to benefit as fully as the Hindus from the educational institutions which are maintained wholly or partially, out of public funds. . . .

The general conclusion of the Committee is that it is necessary to maintain special institutions for Muhammadans, but that it is undesirable to develop any further a separate system of education intended solely for that community. As a corollary to this recommendation, they suggest that Government should recognize the existence of *maktabs* and encourage them as far as possible to add secular subjects to their courses of study. In these conclusions the Governor in Council concurs.

10. In connection with the question of general policy, it is urged that there should be at least one Muhammadan Deputy Inspector of Schools at each district headquarters and that Muhammadans should have fuller power to control expenditure on primary education by being more largely represented on District Boards and also on their Education and Finance Committees. . . . This policy will be continued, but, as Deputy Inspectors have to be appointed from the ranks of Sub-Inspectors of Schools, and the number of experienced Muhammadan Sub-Inspectors is still comparatively small, it will not for some time to come be possible to appoint Muhammadan Deputy Inspectors in all districts in which the Muhammadan population predominates.

13. *Secondary Education.*—The backwardness of Muhammadans in respect of secondary education is ascribed to various causes, such as the poverty of the community, the demand for religious instruction, the absence of Moslem representation on the governing bodies of educational institutions and the difficulties caused by the anxiety of Muhammadans to study Arabic, Persian and Urdu in addition to Bengali and English. Other causes which have retarded the spread of secondary education among them are the conservatism and apathy of the masses and the fact that the majority live in rural areas where High Schools are few and far between. Many, it is true, have not the means to enable their sons to attend High Schools. A large number of those engaged in agriculture are anxious to have their sons' assistance in their holdings and have no desire that they should go beyond the primary course. In other cases the boys have not sufficient capacity, or are unable, owing to the deficiencies of their previous tuition, to benefit fully by an English education. In such cases, to spend years in obtaining a smattering of English, which will be of no use in after life, only means waste of time which might more profitably be employed in obtaining a sound all round education in the vernacular.

16. The Governor in Council agrees that the number of Muhammadan teachers in secondary schools is at present inadequate: excluding maulvis and pandits, there is, according to the latest returns, only one Muhammadan teacher to every four Hindu teachers in the Government High Schools in Bengal. He is also of opinion that more Muhammadan students are likely to be attracted, if the teaching staff includes a substantial proportion of Muhammadans; and he considers their more extensive employment to be a necessary condition of the progress of secondary education among the members of this community. . . . The only practicable

condition, therefore, under which a sufficient number of Muhammadans can become headmasters of Government High Schools, is that a greater number should join the lower grades of the services, and obtain as assistant masters the experience necessary to qualify them for headmasterships.

17. The Committee further recommend that in each Government High School 15 per cent. of the places should be reserved for Muhammadan boys and that this percentage should represent the minimum number of Muhammadan boys who should be in the school at any one time. The Governor in Council is anxious to remove any possible cause of complaint on the ground that Muhammadans cannot obtain admission to High Schools. He will therefore make rules that a definite percentage of places shall be reserved in each Government High School for Muhammadan pupils and that this number should be regarded as a minimum. . . .

23. . . . As in the case of High Schools, the Governor in Council is prepared to reserve a definite proportion of places in Government colleges for Muhammadan students, and he accepts the suggestion that the ratio should be 25 per cent., which will for the present be regarded as a minimum and be liable to modification from time to time. He will further consider whether similar action can be taken to ensure that Muhammadan students will be regarded as having a preferential claim to vacancies in aided colleges up to the same limit. . . .

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II

THE EVOLUTION OF RESPONSIBLE GOVERNMENT, INDEPENDENCE AND PARTITION 1917–47

A. THE TRANSITION TO RESPONSIBLE GOVERNMENT
1917–37

INTRODUCTORY NOTE

(a) The Indian National Congress and the Muslim League, 1917–37

In 1920, with the declaration of the *swaraj* policy and the acceptance of Mahatma Gandhi's leadership and political methods, Congress entered a new phase, in which its nationalist, middle-class agitation was transformed into a mass, revolutionary movement. Congress policy reached a successful climax in its victory in the 1937 national elections, followed by its accession to office in seven provinces.

In the two decades following the Congress–League agreement of 1916, the League dropped into the background. But the growing contrast between, on the one side, Hindu wealth, commercial enterprise, and education, and on the other side, Muslim backwardness, created a profound uneasiness among Muslims, and the great progress made by the Congress, leading to its rejection in 1937 of the concept of government by coalition, faced them with a struggle for power.

(b) The extreme Left and Right, 1917–37

(i) *The extreme Left—the Indian Communist Party.* In the decade after the Bolshevik revolution and the formation of an increasing number of Communist parties outside the Soviet Union attempts were made by conspiratorial methods in India to build up a Communist organization. The British Government retorted with the Public Safety Ordinance of 1929, introduced under the Governor General's special powers, and with the Meerut Conspiracy trial. Down to this period Communist activity in India had formed hardly more than a reflection of current Anglo-Russian relations, but after the publicity afforded by the trial the Communist Party in India, with considerable help from the Communist Party of Great Britain, began to assume a countrywide political significance.

(ii) *The extreme Right—the Hindu Mahasabha.* In a strongly traditional society the forces of orthodoxy and reaction were pervasive and powerful. Under the impact of British government and ideas Indian orthodoxy had at first recoiled, only to spring out in the Indian Mutiny, in the Muslim Wahabi movement, in the Moplah rebellion, and in Hindu uprisings at Poona and in the Deccan. Bal Gangadhar Tilak's anti-Muslim policies, the short-lived partition of Bengal, and the discussion of the nature of representative and responsible government brought Indian communal antagonisms to the surface.

(c) British policy, 1917–37

The political *impasse* induced by the Morley–Minto reforms was broken by the Montagu declaration of 1917, a declaration which avowedly was based on faith in India's constitutional future. Unfortunately the ingenious method of dyarchy, intended by the act of 1919 as a first step in producing responsible government, met with the opposition of the National Congress, and the support given to it by the Liberal Federation was insufficient to ensure its taking root. Despite this setback, the promised ten-year review of progress in 1929, undertaken by the Simon Commission, recognized that there was no going back on declared policy. At the same time the Commission pointed out the difficulties ahead, for example, in army policy, more clearly than ever before. In 1929 also a declaration was made that India's future was envisaged as that of a dominion within the Commonwealth. From 1921 to 1935 the political talent of Britain was fully engaged in committee, in Round Table Conferences, in negotiations, in Parliament, in sifting the Simon Commission proposals and finally in passing the Act of 1935, which appropriately enough formed the longest statute in British history. This Act, which provided for the grant of self-government to the provinces of British India, and of a Federation for all-India, rested on the assumptions that the chief political parties would work the constitution and that the main units would enter the Federation. The first assumption was broadly justified by the elections of 1937, on the result of which Congress took office in their seven majority provinces, but the second assumption proved false. No sense of urgency in bringing the Indian States into the Federation was shown by either the Central Government or the princely rulers, and the outbreak of war brought the unfinished negotiations to a standstill.

(*a*) The Indian National Congress and the Muslim League 1917–37

1

ANNIE BESANT ON THE NEW SPIRIT IN INDIA,[1] 26 DECEMBER 1917

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In the East, the swift changes in Japan, the success of the Japanese Empire against Russia, the downfall of the Manchu dynasty in China and the establishment of a Chinese Republic, the efforts at improvement in Persia, hindered by the interference of Russia and Great Britain with her growing ambition, and the creation of British and Russian 'spheres of influence', depriving her of her just liberty, and now the Russian Revolution and the probable rise of a Russian Republic in Europe and

[1] *Report of the 32nd Indian National Congress*, 1917, pp. 22–34. Annie Besant was President of the Thirty-second Congress.

Asia, have all entirely changed the conditions before existing in India. Across Asia, beyond the Himalayas, stretch free and self-ruling Nations. India no longer sees as her Asian neighbours the huge domains of a Tsar and a Chinese despot, and compares her condition under British rule with those of their subject populations. British rule profited by the comparison, at least until 1905, when the great period of repression set in. But in future, unless India wins Self-Government, she will look enviously at her Self-Governing neighbours, and the contrast will intensify her unrest.

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But there are other causes which have been working in India, consequent on the British attitude against autocracy and in defence of freedom in Europe, while her attitude to India has, until lately, been left in doubt. Therefore I spoke of a splendid opportunity lost. India at first believed whole-heartedly that Great Britain was fighting for the freedom of all Nationalities. . . . As the War went on, India slowly and unwillingly came to realise that the hatred of autocracy was confined to autocracy in the West, and that the degradation was only regarded as intolerable for men of white races; that freedom was lavishly promised to all except to India; that new powers were to be given to the Dominions, but not to India. India was markedly left out of the speeches of statesmen dealing with the future of the Empire, and at last there was plain talk of the White Empire, the Empire of the Five Nations, and the 'coloured races' were lumped together as the wards of the White Empire, doomed to an indefinite minority.

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The undermining of this belief [in the superiority of the white races] dates from the spreading of the Arya Samaj and the Theosophical Society. Both bodies sought to lead the Indian people to a sense of the value of their own civilisation, to pride in their past, creating self-respect in the present, and self-confidence in the future. They destroyed the unhealthy inclination to imitate the West in all things, and taught discrimination, the using only of what was valuable in western thought and culture, instead of a mere slavish copying of everything. Another great force was that of Swami Vivekananda, alike in his passionate love and admiration for India, and his exposure of the evils resulting from Materialism in the West. . . .

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Sir James Meston[1] said truly, a short time ago, that he had never, in his long experience, known Indians in so distrustful and suspicious a mood as that which he met in them to-day. And that is so. For long years Indians have been chafing over the many breaches of promises and pledges to them that remain unredeemed. The maintenance here of a system of political repression, of coercive measures increased in number and more harshly applied since 1905, the carrying of the system to a

[1] Lieut.-Gov. U.P., 1912–18. Member of the Viceroy's Council and Finance Minister, 1918–19.

wider extent since the War for the sanctity of treaties and for the protection of Nationalities has been going on, have deepened the mistrust. A frank and courageous statemanship applied to the honest carrying out of large reforms too long delayed, can alone remove it. The time for political tinkering is past; the time for wise and definite changes is here.

To these deep causes must be added the comparison between the progressive policy of some of the Indian States in matters which most affect the happiness of the people, and the slow advance made under British administration. The Indian notes that this advance is made under the guidance of rulers and ministers of his own race. When he sees that the suggestions made in the People's Assembly in Mysore are fully considered and, when possible, given effect to, he realises that without the forms of power, the members exercise more real power than those in our Legislative Councils. He sees education spreading, new industries fostered, villagers encouraged to manage their own affairs and take the burden of their own responsibility, and he wonders why Indian incapacity is so much more efficient than British capacity.

Perhaps, after all, for Indians, Indian rule may be the best.

Of the many forces that have created New India, the awakening of the merchants into political life is perhaps the most potent, and the most pregnant with happy possibilities. Sir Dorab Tata, in the Industrial Conference in Bombay, 1915, advocated the yoking together of Politics and Industry. It is now coming about. Hitherto the merchants had remained immersed in their own occupations, but they were awakened by the War to the necessity of taking part in politics by finding that those very occupations were threatened with disaster by the attitude of the Government; as for instance, the refusal to lend a helping hand to industries which had been connected closely with German trade and were menaced with ruin by the War; by the refusal to aid the efforts made to replace necessaries, hitherto supplied by Germany, by the founding or financing of factories for their production at home; by the restrictions put on trade under pretext of the War, that prevented the legitimate expansion of promising branches of industry; by the absence of effort to relieve the stringency of the money market, wealthy merchants being unable to obtain cash to meet their liabilities here, because their English debtors could not transmit the money they owed; some were even obliged to sell the depreciated Government paper at heavy loss in order to maintain their credit; in other cases War Bonds were offered to them in lieu of cash for goods supplied. The details have varied in different centres, and the wealthy and independent merchants of Bombay have suffered less than the merchants of Madras, with whose difficulties I am naturally more familiar.

There, added difficulties constantly arise from the favouritism shewn by the Presidency Bank to English, as compared with Indian, clients, and the absence of Indians from its Directorate, complained of for years. The anxiety felt by the merchants was largely increased by the depreciation of Government paper, and apart from the heavy losses of capital incurred when necessity forced holders to sell

for cash, an uneasy feeling arose as to the stability of the Government, when its securities fell so low.

Another disturbing cause was the alienation during many years of lands and minerals to foreigners, the Government looking on with indifference.

The copra and coir industry of the West Coast had passed into German hands; struck away from them by the War, there was danger of its being absorbed by the English; happily the firm of Tata & Sons stepped in and rescued it, and it remains an Indian industry. Ten years ago, the working of the blend known as monazite, an ingredient in munitions, was absorbed by Germany. Indian mica mines became German property. Undressed hides were exported wholesale to Germany, although Mysore had shewn that they could be dressed and tanned better in Indian than in European factories, and only a little encouragement and help were needed to ensure their dressing and tanning, if not also their working, here. Instead of that, the undressed hides were bought up by Government at a price fixed by themselves, and were largely exported to be dressed, tanned and worked abroad. . . .

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However, the War has done for India, in awakening the interest of the Government in her industries, that which the attempts of Indian patriots have failed to do. The War brought about the Industries Commission, and the need for munitions has forced industrial organisation for their production. It is for Indian merchants to see, by seizing and utilising the political weapon, that the organisation and encouragement of industries by Government—unless it be a Home Government, under their own control—does not reduce Indians to a more subordinate position than they now hold. It is this danger which is playing a great part in the fear which has caused the Awakening of the Merchants. The tea industry, for instance, is in the hands of English planters, and while incomes drawn from other agricultural profits have been taxed, incomes derived from tea—which is certainly an agricultural profit—have wholly escaped till lately. If this policy be pursued, and the fostering of industries with Indian money places the industries in foreign hands, Indians will, even more than now, be *dubashes*, and clerks, and other employees of English-captained firms, and will depend ever more and more on wages, driven lower and lower by increasing competition.

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India demands Home Rule for two reasons, one essential and vital, the other less important but weighty: First, because Freedom is the birthright of every Nation: secondly, because her most important interests are now made subservient to the interests of the British Empire without her consent, and her resources are not utilised for her greatest needs. It is enough only to mention the money spent on her Army, not for local defence but for Imperial purposes, as compared with that spent on primary education.

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2

THE REVOLUTIONARY MOVEMENT IN BENGAL,[1] 1918

23. The *bhadralok* of Bengal have been for centuries peaceful and unwarlike, but, through the influence of the great central city of Calcutta, were early in appreciating the advantages of Western learning. They are mainly Hindus and their leading castes are Brahmins, Kayasthas and Vaidyas; but with the spread of English education some other castes too have adopted *bhadralok* ideals and modes of life. . . . They are prominent in medicine, in teaching, and at the Bar. But, in spite of these advantages, they have felt the shrinkage of foreign employment; and as the education which they receive is generally literary and ill-adapted to incline the youthful mind to industrial, commercial or agricultural pursuits, they have not succeeded in finding fresh outlets for their energies. Their hold on land too has weakened owing to increasing pressure of population and excessive sub-infeudation. Altogether their economic prospects have narrowed, and the increasing numbers who draw fixed incomes have felt the pinch of rising prices. . . .

24. . . . Vivekananda died in 1902; but his writings and teachings survived him, have been popularised by the Rama Krishna Mission and have deeply impressed many educated Hindus. From much evidence before us it is apparent that this influence was perverted by Barindra[2] and his followers in order to create an atmosphere suitable for the execution of their projects. . . .

But neither the religious teaching of Vivekananda nor the exhortations of Sri Krishna in the *Bhagavad Gita* would have afforded so moving a text to preach from had not the whole world, and especially the Asiatic world, been electrified and amazed by the victories of Japan over Russia at a time when within this country circumstances occasioned by certain Government measures specially favoured the development of Barindra's plans.

Early in the century Lord Curzon, then Viceroy, had introduced a Universities Bill which provoked much controversy and was interpreted by politicians as designed to limit the numbers of Indians educated in English, and thus to retard national advance. In Bengal, where, as we have seen, English education had been largely adopted, opposition was intensely bitter; and while the dispute was in progress, the Government projected a partition of the province. It was the agitation that attended and followed on the latter measure that brought previous discontent to a climax and afforded a much-desired opportunity to Barindra and his friends. . . .

The agitation was Hindu and drew its strength from the *bhadralok*. It was keenly resented by the Muhammadans, who form the majority of the inhabitants of Eastern Bengal; and thus throughout the year 1906–07, Hindu and Muhammadan relations became exceedingly strained in that province. The boycott and the

[1] *Sedition Committee Report*, Calcutta, 1918, pp. 15–23. Cmd. 9190.

[2] Barindra Kumar Ghosh.

consequent picketing of shops by students and schoolboys led inevitably to frequent disturbances. In both Bengals it was frequently asserted and sometimes believed that Government was setting the Muhammadans against the Hindus. Educated Hindu feeling reached a remarkable intensity of bitterness.

27. The partition agitation was beginning when Barindra returned to Calcutta in 1904 to reopen his campaign. He was young himself and he addressed his appeal mainly to uncritical and emotional youths already stirred to unwonted depths and enlisted in a popular political cause. It is important to hear from himself an account of his motives and methods. He said before a Magistrate on the 22nd of May 1908 that at Baroda he devoted himself 'to the study of history and political literature'. 'After being there a year,' he continued, 'I came back to Bengal with the idea of preaching the cause of independence as political missionary. I moved from district to district, and started gymnasiums. There young men were brought together to learn physical exercises and study politics. I went on preaching the cause of independence for nearly two years. By that time I had been through almost all the districts of Bengal. I got tired of it, and went back to Baroda and studied for a year. I then returned to Bengal, convinced that a purely political propaganda would not do for the country, and that people must be trained up spiritually to face dangers. I had an idea of starting a religious institution. By that time the *swadeshi* and boycott agitation had begun. I thought of taking men under my own instruction to teach them, and so I began to collect this band which have been arrested. With my friend Abinash Bhattacharji and Bhupendra Nath Datta I started the *Jugantar* newspaper. We managed it for nearly one and a half years and then gave it over to the present managers. After I gave it up I took again to the recruiting. I collected together 14 or 15 young men from about the beginning of 1907 till now (1908). I educated the boys in religious books and politics. We are always thinking of a far-off revolution and wish to be ready for it, so we were collecting weapons in small quantities. Altogether I have collected 11 revolvers, 4 rifles and 1 gun. Among other young men who came to be admitted to our circle was Ullaskar Datta. He said that, as he wanted to come among us and be useful, he had learnt the preparation of explosives. He had a small laboratory in his house without his father's knowledge and he experimented there. I never saw it. He told me of it. With his help we began preparing explosives in small quantities in the garden-house at 32, Muraripukur Road. In the meantime another friend of ours, Hem Chandra Das, after, I think, selling part of his property, went to Paris to learn mechanics, and, if possible, explosives. When he came back he joined Ullaskar Datta in preparing explosives and bombs. We never believed that political murder will bring independence. We do it because we believe the people want it.' Previously, when asked what certain people were doing in his house when he was arrested, Barindra had said: 'They are being instructed by me and Upendra Nath in religious and political books.'

The ideas which prompted the early revolutionary efforts were further explained by some of his associates. In the statement of Upendra Nath Banarji we read: 'As

I thought that some people of India would not be made to do any work except through religion, I wanted the help of some *sadhus* (religious ascetics). Failing *sadhus* I fell back upon schoolboys and collected them to give them religious, moral and political education. Since then I have been mainly engaged in teaching boys about the state of our country and the need of independence, and that the only way left us is to fight for independence and to start secret societies in different parts of the country to propagate ideas and collect arms and rise in rebellion when the time shall be ripe. . . .' Another associate said: 'When the Government at the time of partition refused to listen to our petition we tried to have *swaraj* (self-government). My heart was touched by reading the *Jugantar* newspaper.'

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29. The associates formed a body called the Anusilan Samiti (Society for the promotion of culture and training). One of these societies was soon in working order at Calcutta, the capital of Western, and another at Dacca, the capital of Eastern Bengal. They extended their ramifications in all directions. At one time the Dacca society had 500 branches in towns and villages. . . .

30. For their own initiates the conspirators devised a remarkable series of text-books. The *Bhagavad Gita*, the writings of Vivekananda, the lives of Mazzini and Garibaldi, were part of the course; and in the words of Mr. Justice Mukharji: 'such principles as the religious principle of absolute surrender to the Divine Will were employed by designing and unscrupulous men as potent means to influence and unbalance weak-minded persons and thus ultimately bend them to become instruments in the commission of nefarious crimes from which they might otherwise recoil with horror.' . . .

3

THE MONTAGU–CHELMSFORD REPORT ON COMMUNAL ELECTORATES,[1] 1918

228. The crucial test to which, as we conceive, all proposals should be brought is whether they will or will not help to carry India towards responsible government. Some persons hold that for a people such as they deem those of India to be, so divided by race, religion and caste as to be unable to consider the interests of any but their own section, a system of communal and class representation is not merely inevitable but is actually best. . . . But when we consider what responsible government implies, and how it was developed in the world we cannot take this view. We find it in its earliest beginnings resting on an effective sense of the common interests, a bond compounded of community of race, religion and language. In the earlier form which it assumed in Europe it appeared only when the territorial principle had vanquished the tribal principle, and blood and religion had ceased to assert a rival claim with the State to a citizen's allegiance; and throughout its development in western countries, even in cases where special reasons to the contrary

[1] Report on Indian Constitutional Reforms (1918), Cd. 9109, pp. 185–8.

were present, it has rested consistently on the same root principle. The solitary examples that we can discover of the opposing principle are those of Austria, a few of the smaller German states, and Cyprus. It is hardly necessary to explain why we dismiss these as irrelevant or unconvincing. We conclude unhesitatingly that the history of self-government among the nations who developed it, and spread it through the world is decisively against the admission by the State of any divided allegiance; against the State's arranging its members in any way which encourages them to think of themselves primarily as citizens of any smaller unit than itself.

229. Indian lovers of their country would be the first to admit that India generally has not yet acquired the citizen spirit, and if we are really to lead her to self-government, we must do all that we possibly can to call it forth in her people. Division by creeds and classes means the creation of political camps organised against each other, and teaches men to think as partisans and not as citizens; and it is difficult to see how the change from this system to national representation is ever to occur. The British Government is often accused of dividing men in order to govern them. But if it unnecessarily divides them at the very moment when it professes to start them on the road to governing themselves, it will find it difficult to meet the charge of being hypocritical or short sighted.

230. There is another important point. A minority which is given special representation owing to its weak and backward state, is positively encouraged to settle down into a feeling of satisfied security; it is under no inducement to educate and qualify itself to make good the ground which it has lost compared with the stronger majority. On the other hand, the latter will be tempted to feel that they have done all they need do for their weaker fellow countrymen and that they are free to use their power for their own purposes. The give-and-take which is the essence of political life is lacking. There is no inducement to the one side to forbear, or to the other to exert itself. The communal system stereotypes existing relations.

231. We regard any system of communal electorates, therefore, as a very serious hindrance to the development of the self-governing principle. The evils of any extension of the system are plain. Already communal representation has been actually proposed for the benefit of a majority community in Madras. At the same time we must face the hard facts. The Muhammadans were given special representation with separate electorates in 1909. The Hindus' acquiescence is embodied in the present agreement between the political leaders of the two communities. The Muhammadans regard these as settled facts, and any attempt to go back on them would rouse a storm of bitter protest and put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of very great difficulty, and which we know to be feeling no small anxiety for its own welfare under a system of popular government. The Muhammadans regard separate representation and communal electorates as their only adequate safeguards. . . . Much as we regret the necessity, we are convinced that so far as the Muhammadans at all events are concerned the present system must be maintained until

conditions alter, even at the price of slower progress towards the realization of a common citizenship. But we can see no reason to set up communal representation for Muhammadans in any province where they form a majority of the voters.

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4

THE CONGRESS AND MOB EXCESSES,[1] 1919

'This Congress while fully recognising the grave provocation that led to a sudden outburst of mob frenzy, deeply regrets and condemns the excesses committed in certain parts of the Punjab and Gujerat resulting in the loss of lives and injury to person and property during the month of April last.'

In proposing the fifth resolution Mahatma Gandhi made a speech in Hindi after which he expressed almost the same sentiments in English for the benefit of those who could not follow his Hindi speech. He said he was bound to condemn mob excesses. He admitted that these were committed under grave provocation given by the Government, but he wanted that even in grave provocation they should not lose their heads. He wanted true Satyagraha of them. To restrain anger and to bear troubles was the real Satyagraha. They wanted India to be a land of Rishis. If so, they should enthusiastically support the resolution and admit their own excesses, and India was bound to progress even in a year.

5

THE JALLIANWALA BAGH FIRING,[2] 13 APRIL 1919

CAUSES

Specific Causes & General Unrest

1. At Amritsar on 10th April 1919 the immediate cause for the assembling of the crowds which subsequently broke into acts of disorder and violence was the deportation of Drs. Kitchlew and Satyapal. On the same evening unruly crowds gathered at Lahore on news reaching that town of the occurrences at Amritsar and of Mr. Gandhi's arrest. In other places, e.g. Kasur and Gujranwala, it is more difficult to trace the reason for the first exhibition of excitement among the people. They were influenced, no doubt, by what they heard of the occurrences in other places. They were advised, in some cases encouraged, to emulate the example there set. An adequate explanation, however, of the general and widespread outbreak in the Punjab against constituted authority, of the attack on Europeans, on Government property, and on the railway and telegraph system must be sought in the causes of a general state of unrest and discontent among the people, particularly the inhabitants of the larger towns.

[1] Resolution V, *Report of the 34th Indian National Congress*, 1919, p. 65.

[2] *Report of the Committee appointed to investigate Disturbances in the Punjab*, Cmd. 681, 1920, pp. 29–31, 57–63.

Home Rule and Self-determination Principles

2. The desire for a larger say in the government of the country was greatly fostered by the dissemination in the press and otherwise of the doctrine of self-determination which formed so prominent a subject of discussion at the Peace Conference in Paris. The principle, involved in the new Government of India Act, even before it could be carried into effect, and indeed from the moment that it was solemnly acknowledged, also acted necessarily as a stimulus to political activity and gave height to the interest in public affairs.

Defence of India Act

3. The circumstances under which India had to develop these principles were exceptionally difficult. Restrictions, which under normal conditions were unnecessary, were becoming more and more essential,—not in India only—as the war drew slowly towards its climax and the strain and risk increased. These restrictions effected the daily life of the ordinary citizen much more lightly in India than in Europe; e.g., though recruiting was intensive in the Punjab and elsewhere, conscription was nowhere in force. But the Defence of India Act, 1915, and the rules made thereunder did trench upon the ordinary measure of liberty. Important examples of this interference with individual liberty were the power to order 'deportation' of individuals from a given locality and to confine or intern them in a particular place; the power to create and authorise the creation of new offences; the power to set up special tribunals; and the power to exclude newspapers from special provinces or control the press. . . .

Rowlatt Bills

9. The agitation against the action of the Government in pressing forward and passing the Rowlatt Bill must be particularly noticed as it was in our opinion largely, if not mainly, responsible for creating the feeling against Government which promoted such serious disorder in the Punjab.

The opposition to the Rowlatt Bills was very widespread throughout India among both moderate and extreme politicians. It was represented that, on the eve of the grant of a large measure of self-government to India, and after the splendid contribution made by her to the winning of the European war, there was no necessity for passing an Act of the character proposed. It was objected that the Act conferred considerable power on the Executive uncontrolled by the Judiciary. It was maintained that the Defence of India Act clothed the Government with all the authority they would get under the new legislation, and that there was, therefore, every reason for delay and for conceding an adjournment asked by the Indian members of the Legislative Council. The agitation against Government action took an acute form in the months of February and March, both in the press and on public platforms.

Press Criticism

10. The Criticism of Government in newspapers voicing extreme nationalist sentiment was particularly bitter and determined. . . .

False Rumours

11. Many false rumours as to the object and purpose of the Rowlatt Act were extensively circulated in the Punjab. As illustrations of these rumours the following may be noticed. It was said that people assembling to the number of five would be liable to be arrested by the police, that property would to a substantial extent be confiscated by the Government, that excessive fees would be levied on the occasion of marriages, and that their personal liberty would be interfered with in other ways. . . .

Passive Resistance

12. In January the suggestion was made in the press that the leaders should prepare themselves for passive resistance in the event of the Rowlatt Bill becoming law, and that a passive resistance movement should be set on foot in every part of the country. This proposal met with an enthusiastic reception, although it was gradually realised that opposition confined to passive resistance would, in the case of the Rowlatt legislation, be ineffective. As the SERVANT OF INDIA expressed it on 6th March: 'If resistance is confined to the provisions of this particular legislation, there is little chance of a conflict arising with the authorities. One may passively resist the Rowlatt Acts for years without ever coming in the path of the police.'

Satyagraha

13. Meantime Mr. Gandhi started his Satyagraha movement against the Rowlatt Act. The word 'Satyagraha' is, according to Mr. Gandhi, of modern origin, having been invented by him, and means insistence on truth, and force derivable from such insistence. He says 'the movement is intended to replace methods of violence. It is essentially a religious movement. It is a process of purification and penance. It seeks to secure reforms or redress of grievances by self-suffering.' The True Satyagrahi therefore invites pain and suffering upon himself with a view to inducing Government to alter a measure to which he is opposed.

The Vow. 24th February

On the 24th February, 1919, Mr. Gandhi, at Ahmedabad started his Satyagraha campaign against Government in connection with the Rowlatt Bills. He devised a vow in the following terms: 'Being conscientiously of opinion that the Bills known as the Indian Criminal Law (Amendment) Bill of No. 1 of 1919 and the Criminal Law (Emergency Powers) Bill No. 2 of 1919 are unjust, subversive of the principles of liberty and justice, and destructive of the elementary rights of individuals on which the safety of the community as a whole and the State itself is based,

we solemnly affirm that in the event of these Bills becoming law, and until they are withdrawn, we shall refuse civilly to obey these laws and such other laws as a committee to be hereafter appointed may think fit, and we further affirm that in this struggle we will faithfully follow truth and refrain from violence to life, person, or property.'

Peace Terms with Turkey

19. Other causes of unrest besides the Rowlatt Act agitation among the population of the Punjab cannot be left entirely out of view. Many Muhammadan Indians have felt great uneasiness about the possible fate of Turkey in consequence of her having espoused the cause of Germany in the Great War. The Turkish Peace terms involving such questions as the integrity of the holy places of Islam and the Khilafat have roused keen interest among the Muhammadan population. . . .

High Prices

20. India, like many other countries throughout the world, has been affected by a feeling of unrest consequent on the termination of hostilities in the Great War. The continued high prices of the necessaries of life has been a cause of great discontent in the more densely populated towns. . . .

Conspiracy

23. On the evidence before us there is nothing to show that the outbreak in the Punjab was part of a pre-arranged conspiracy to overthrow the British Government in India by force. . . .

39. General Dyer's action in firing on the crowds at Jallianwala Bagh is open to criticism in two respects. (First) that he started firing without giving the people who had assembled a chance to disperse, and (second) that he continued firing for a substantial period of time after the crowd had commenced to disperse.

In the ordinary case where a proclamation has been issued, forbidding assemblies of people, and intimating that a gathering held in defiance of the proclamation may have to be dispersed by military force, notice is properly given to the crowd before they are actually fired upon. The military situation at the time, e.g., the risk of a small force of soldiers being overwhelmed by a threatening mob may justify firing without the formality of giving a notice to disperse being observed. The only person who can judge whether or not such an emergency has arisen is the officer in command of the troops. In his report to the General Staff, dated 25th August, 1919, General Dyer does not suggest the existence of such an emergency from anything observed by him in the demeanour of the crowd prior to his giving the order to fire. When examined by us, he explained that his mind was made up as he came along in his motor car; if his orders against holding a meeting were disobeyed he was going to fire at once. Apparently he looked upon the warning which he had given in the morning as sufficient notice and justification for his firing upon a crowd assembling in defiance thereof. As he expresses it in the report to which we have

just referred, 'My work that morning in personally conducting the Proclamation must be looked upon as one transaction with what had now come to pass. There was no reason to further parley with the mob, evidently they were there to defy the arm of the law.'

We may note that while the proclamation issued by General Dyer as expressed in English is 'any gathering of four men will be looked upon and treated as an unlawful assembly and "dispersed by force of arms if necessary" ', we were informed by Mr. Fateh Khan, the Naibtashildar, who explained the proclamation in vernacular to the people, that he intimated that an assembly of people held in defiance of the proclamation would be dispersed by force of arms by the military, the addition 'if necessary' being left out. The absence of these words, is however, not important, as though not expressed, they are necessarily implied. We think it distinctly improbable, notwithstanding what General Dyer said in his evidence, that the crowd gathered in the Jallianwala Bagh would have dispersed upon notice being made that they should do so, and much more likely that recourse to firing would have been necessary to secure obedience to his proclamation. The majority, at all events, of the people who (assembled) had done so in direct defiance of a proclamation issued in the interests of peace and order, many thinking that the reference to firing was mere bluff. In spite of this circumstance, notice to disperse would have afforded those assembled in ignorance of the proclamation and other people also an opportunity to leave the Bagh, and should have been given. If the notice had been disregarded, General Dyer would have been justified in firing on the crowd, to compel it to disperse.

40. In continuing to fire for so long as he did it appears to us that General Dyer committed a grave error. As soon as firing started the crowd began to disperse. Mr. Plomer, Deputy Superintendent of Police, who was with General Dyer on the 13th April, arrived at Jallianwala Bagh in a motor-car behind the car in which the General drove. On his getting into the Bagh firing had started and was continued for about 10 minutes, during which time the crowd was trying to escape as fast as they could. General Dyer made his statement very frankly to us, and we believe that he honestly considered that he was called upon in the discharge of his duty to take the extreme step which he did. The situation as it presented itself to his mind during the time that had elapsed since his arrival at Amritsar was serious and difficult. On 12th April he had received a communication by aeroplane in the following terms:—

'Telegraph line reported cut this morning between Cantonment East and Harbanspura. Lahore quiet. Kasur reports at 06.10 armour train visited Khem Karan during night and found station wrecked but no casualties. Rioters in small numbers apparently organised for destruction left in direction of Sutlej.'

On the same day he had a telegram from the Telegraph Master reporting that all telegraph wires between Lahore and Amritsar had been cut and other communications as to the attack on the station and on Europeans at Kasur. On 13th April he

was informed by Mr. Miles Irving that secret meetings had taken place near the Ram Bagh where his headquarters were. From these communications General Dyer concluded that there was a widespread movement which was not confined to Amritsar alone. He was afraid that an attempt might be made to isolate his forces and cut him off from other supplies.

In continuing firing as long as he did, it is evident that General Dyer had in view not merely the dispersal of the crowd that had assembled contrary to his orders, but the desire to produce a moral effect in the Punjab. In his report he says: 'I fired and continued to fire until the crowd dispersed, and I consider this is the least amount of firing which would produce the necessary moral and widespread effect it was my duty to produce if I was to justify my action. If more troops had been at hand the casualties would have been greater in proportion. It was no longer a question of merely dispersing the crowd, but one of producing a sufficient moral effect from a military point of view not only on those who were present, but more especially throughout the Punjab. There could be no question of undue severity.' In our view this was unfortunately a mistaken conception of his duty. If necessary a crowd that has assembled contrary to a proclamation issued to prevent or terminate disorder may have to be fired upon; but continued firing upon that crowd cannot be justified because of the effect such firing may have upon people in other places. The employment of excessive measures is as likely as not to produce the opposite result to that desired.

41. General Dyer's action in not attending to or making provision for the wounded at Jallianwala Bagh has been made the subject of criticism. It has to be remembered, however, that he was acting with a very small force and that after firing ceased he at once withdrew to his quarters at Ram Bagh. On being questioned as to whether he had taken any measures for the relief of the wounded, General Dyer explained that the Hospitals were open and that the medical officers were there. 'The wounded only had to apply for help. But they did not do this because they themselves would be in custody for being in the assembly. I was ready to help them if they applied.' He added that it never entered his head that the Hospitals were not sufficient for the number of wounded if they cared to come forward. It has not been proved to us that any wounded people were in fact exposed to unnecessary suffering from want of medical treatment.

6

MAHATMA GANDHI'S STATEMENT ON SATYAGRAHA,[1] 1 NOVEMBER 1919

For the past thirty years, I have been preaching and practising Satyagraha. The principles of Satyagraha, as I know it to-day, constitute a gradual evolution.

Satyagraha differs from Passive Resistance as the North Pole from the South. The latter has been conceived as a weapon of the weak and does not exclude the

[1] Extract from a statement to the Hunter Committee, which appeared in *Young India* of November 1919, pp. 11–13.

use of physical force or violence for the purpose of gaining one's end, whereas the former has been conceived as a weapon of the strongest and excludes the use of violence in any shape or form.

The term Satyagraha was coined by me in South Africa to express the force that the Indians there used for full eight years and it was coined in order to distinguish it from the movement then going on in the United Kingdom and South Africa under the name of Passive Resistance.

Its root meaning is holding on to Truth, hence Truth-force. I have also called it Love-force or Soul-force. In the application of Satyagraha, I discovered in the earliest stages that pursuit of Truth did not admit of violence being inflicted on one's opponent but that he must be weaned from error by patience and sympathy. For what appears to be Truth to the one may appear to be error to the other. And patience means self-suffering. So the doctrine came to mean vindication of Truth, not by infliction of suffering on the opponent, but on one's self.

But, on the political field, the struggle on behalf of the people mostly consists in opposing error in the shape of unjust laws. When you have failed to bring the error home to the law-giver by way of petitions and the like, the only remedy open to you, if you do not wish to submit to error, is to compel him by physical force to yield to you or by suffering in your own person by inviting the penalty for the breach of the law. Hence Satyagraha largely appears to the public as Civil Disobedience or Civil Resistance. It is civil in the sense that it is not criminal.

The law-breaker breaks the law surreptitiously and tries to avoid the penalty; not so the civil resister. He ever obeys the laws of the State to which he belongs, not out of fear of the sanctions, but because he considers them to be good for the welfare of society. But there come occasions, generally rare, when he considers certain laws to be so unjust as to render obedience to them a dishonour. He then openly and civilly breaks them and quietly suffers the penalty for their breach. And in order to register his protest against the action of the law givers, it is open to him to withdraw his co-operation from the State by disobeying such other laws whose breach does not involve moral turpitude.

In my opinion, the beauty and efficacy of Satyagraha are so great and the doctrine so simple that it can be preached even to children. It was preached by me to thousands of men, women and children commonly called indentured Indians with excellent results.

7

THE SWARAJ RESOLUTION,[1] 1920

Mahatma Gandhi in moving the Resolution on Article 1 of the constitution in English said:—The resolution which I have the honour to move is as follows:—

The object of the Indian National Congress is the attainment of Swarajya by the people of India by all legitimate and peaceful means.

[1] *Report of the 35th Indian National Congress*, 1920, pp. 46–9.

I do not propose to detain you for any length of time over proposing this Resolution to you in a few English words. I am already absolved from that infliction because Lala Lajpat Rai has already arrived and he has undertaken the task of explaining that Resolution to you in English. I just want to say a few words, personal words, to those who may not have followed my Hindustani. In my humble opinion, the Congress will have done the rightest thing if it unanimously adopts this Resolution.

There are only two kinds of objection, so far as I understand, that will be advanced from this platform. One is, that we may not today think of dissolving British Connection. What I say is that it is derogatory to national dignity to think of permanence of British Connection at any cost (hear, hear). We are labouring under a grievous wrong which it is the personal duty of every Indian to get redressed. This British Government not only refuses to redress the wrong but it refuses to acknowledge its mistakes, and so long as it retains that attitude it is not possible for us to say, all that we want to be or all that we want to get is by retaining British Connection. No matter what difficulties lie in our path, we must make the clearest possible declaration to the world and to the whole of India that we may not possibly have British connection if the British people will not do this elementary justice. I do not for one moment suggest that we want to end British Connection at all costs unconditionally. If the British Connection is for the advancement of India, we do not want to destroy it. But if it is inconsistent with our national self-respect, then it is our bounden duty to destroy it. There is room in this Resolution for both, those who believe that by retaining British Connection we can purify ourselves and purify the British people, and those who have no such belief. As for instance, take the extreme case of Mr. Andrews. He says all hope for India is gone for keeping British Connection. He says there must be complete severance, complete independence. There is room enough in this creed for a man like Mr. Andrews also. Take another illustration, a man like myself or my brother Shaukat Ali. There is certainly no room for us if we have eternally to subscribe to the doctrine, whether these wrongs are redressed or not, we shall have to evolve ourselves within the British Empire. There is no room for me in this creed. Therefore, this creed is elastic enough to take in both shades of opinion, and the British people will have to beware that if they do not want to do justice it will be the bounden duty of every Indian to destroy that Empire.

If you want to carry this Resolution do not carry it only by acclamation though I shall want your acclamation for this Resolution. But I want you to accompany the carrying out of this Resolution with a faith and a resolution which nothing on earth can move, that you are intent upon getting swaraj at the earliest possible moment, and that you are intent upon getting swaraj by means that is legitimate, that is honourable, and by means that is non-violent, that is peaceful. You have resolved upon this thing that so far as we can see to-day we cannot give battle to this Government by means of steel, but we can give battle by exercising what I have often called soul force and soul force is not the prerogative of one man or a Sanyasi

or even of a so-called saint. Soul force is the prerogative of every human being, female or male, and therefore I ask my countrymen, if they want to accept this Resolution, to accept it with that fixed determination and to understand that it is inaugurated under such good and favourable auspices as I have described to you. I have done. If there is anything which I have got to explain I shall do so in my reply. I thank you very much for giving me this patient hearing. May God grant that you will pass this Resolution unanimously. May God grant that you will also have the courage and the ability to carry out the Resolution and that within one year (loud and continued cheers).

8

THE GOVERNMENT OF INDIA'S RESOLUTION ON THE NON-CO-OPERATION MOVEMENT,[1] 1920

In view of recent events the Governor General in Council considers that it is necessary to make a further declaration of the attitude and policy of the Government of India towards the non-co-operation movement, not only for the guidance of local Governments and Administrations but also for the information of the people of India. At the opening of the Autumn Session of the Imperial Legislative Council His Excellency the Viceroy explained the policy which the Government of India have, up to date, followed in this matter. Although in their opinion the movement is unconstitutional in that it has as its object the paralysis and subversion of the existing administration of the country, Government have hitherto refrained from instituting criminal proceedings or taking any other action against those of its promoters who have advocated simultaneously with non-co-operation abstention from violence, and they have instructed local Governments to take action against those persons only who in furtherance of the movement have gone beyond the limits originally set by its organisers and have by speech or writing openly incited the public to violence or have attempted to tamper with the loyalty of the army or of the police. In adopting this policy Government have been influenced by several considerations.

In the first place they have been reluctant to interfere with liberty of speech and the freedom of the press at a time when India is on the threshold of a great advance towards the realisation of the principle of self-government within the Empire, when indeed the first elections are already in sight. . . .

In the second place, Government are at all times reluctant to embark on a campaign against individuals some of whom may be actuated by honest, if misguided, motives. . . .

The third and chief consideration, however, which has influenced the Government of India is their trust in the common sense of India, their belief that the sanity of the classes and the masses alike would reject non-co-operation as a visionary and chimerical scheme, which if successful could only result in widespread disorder,

[1] *Gazette of India*, 6 November 1920, Resolution 4484.

political chaos, and the ruin of all those who have any real stake in the country. The appeal of non-co-operation is to prejudice and ignorance, and its creed is devoid of any constructive genius. . . .

The confidence of Government in the good sense of India has already been in great measure justified by the unanimity of her best minds in their condemnation of the folly of non-co-operation. For a most weighty body of educated opinion has rejected this new doctrine as one that is fraught with the most mischievous potentialities for India. But having failed to secure a favourable verdict from educated India, the leaders of the movement have now been driven to increase the violence of their appeal to the masses and to endeavour to enlist under the banner of non-co-operation the sympathy and assistance of immature school boys and college students. Herein lie two great dangers for India, which have compelled Government to place the issues plainly before the country, in the hope that its most enlightened and stable elements may clearly recognise the necessity of vigorous and united action to prevent any further extension of the mischief.

Of these two latest developments, the most immoral is undoubtedly the mischievous attack which has been made on the youth of the country who are to be sacrificed to the exigencies of a political campaign; it matters not to the leaders of the movement if the foundations of home life are sapped and children set against their parents and teachers, provided their own ends are attained and the success of their campaign assured.

The appeal to the illiterate and the ignorant is also fraught with very grave danger—it has already resulted in at least one deplorable crime—and it is certain that the restless activity of the leaders who wander from one city to another stirring up excitement amongst the masses by inflammatory speeches and by the reiteration of false statements despite constant contradiction may at any moment result in serious outbreaks of disorder.

The best weapon to combat both dangers lies in the practical help and sympathy of sober-minded and moderate men and Government therefore call on all who have the good of India at heart to organise themselves and take concerted measures to assist the cause of law and order by active opposition to the movement, by the exercise of their influence over the minds of the ignorant and the immature, and by public exposure and denunciation of the evils of non-co-operation and of the anarchy to which it must inevitably lead.

9

THE INDIAN KHILAFAT DELEGATION TO THE PRIME MINISTER, LLOYD GEORGE,[1] 19 MARCH 1920

. . . . . .

The members of the Delegation were Mohamed Ali, Syud Hossain, Maulana Syed Sulaiman Nadavi and H. M. Hayah.

[1] *The Times*, 22 March 1920.

Mohamed Ali said the deputation had come chiefly in connection with a religious question. For the defence of the Faith, the Caliph must always retain adequate territories, naval and military forces, and financial resources. . . . Their first claim, then, was that the Caliphate must be preserved by the entire body of Moslems at all times with adequate temporal power. After the Balkan war particularly, the Empire of the Caliph was reduced to such low limits that Moslems considered the irreducible minimum of temporal power adequate for the defence of the Faith to be the restoration of the territorial *Status quo ante bellum.*

The Prime Minister asked whether the Delegation were opposed to the act of the Syrian Mohamedans, who declared Emir Faisal King of Arabia.

Mohamed Ali—We think this matter can well be left for settlement amongst Moslems.

. . . . . .

The Prime Minister—That means that you are opposed to the independence of Arabia?

Mohamed Ali—Yes. Continuing, he said the Moslems claimed that the local centre of their faith—namely the Jazirat-ul-Arabe—the 'Island of Arabia'—should remain entirely in Moslem Control. This was based on the dying injunction of the Prophet himself. . . . Moslems could acquiesce in no form of non-Moslem Control, whether in the shape of Mandates or otherwise, over any portion of this region. The religious requirements would be satisfied even if the Emir Feisal exercised independent control there. But since they had to provide sufficient temporal power for the Caliph, the requirement of the utmost economy in their claims suggested that both these requirements might easily be satisfied if the Jazirat-ul-Arabe remained under the direct sovereignty of the Caliph.

The Prime Minister—I should like to get out of the mind of any Musulman throughout the Empire that we are treating Turkey upon different principles from those we applied when we came to consider Christian countries. We were at war with three Christian countries and one Mahomedan country. We did not seek war with any of them. The government of Turkey took upon themselves to wage war upon us. . . . So I do not want any Mahomedan in India to imagine that we entered into this war against Turkey as a Crusade against Islam. . . . We are applying the principle of self-determination to those countries which oppressed subject peoples and provoked war to destroy liberty throughout the world. . . . I do not want any Musulman in India, therefore, to imagine that we are applying one principle to Christians and another principle to Mahomedans. But neither do I want any Musulman in India to imagine that we are going to abandon, when we come to Turkey the principles which we have ruthlessly applied to Christian countries like Germany and Austria.

10

CAUSES OF THE MOPLAH OUTBREAK OF 1921[1]

The cause of the present Moplah outbreak was the excited state of religious fanaticism which has been aroused among the Moplahs. The non-co-operation and Khilafat agitations had reached Malabar. The doctrines preached were of course (1) that the Government of India is Satanic and that Hindus and Moslems should unite to paralyse it and establish instead some vaguely conceived 'Swaraj' under which all classes were to be happy and prosperous; (2) that the Government was the enemy of Islam and had injured and was continuing to injure the sacred principle of Khilafat; and (3) that nevertheless both the Hindus and Muhammadans should exercise the virtue of non-violence. Care was taken to indoctrinate the religious leaders and teachers of the Moplahs, the Tangals and Moulvies, with this teaching, and although some enlightened Moulvies protested and declared that rebellion against constituted authority was contrary to religion, there can be little doubt that the first two of the above-mentioned three doctrines were accepted by the great body of religious teachers and leaders among the Moplahs, but little regard was paid to the teaching of non-violence. A conference was held in April 1920 in Manjeri, the capital of Ernad, the very centre of the fanatical zone. It was very largely attended by Moplahs, and many inflammatory speeches were made and a strong resolution on the Khilafat passed, in spite of the efforts of Mrs. Besant, who secured the support of only a small minority. Again there was a similar conference in April 1921 in Ottapalam in Walluvand. The well-known speech of Mr. Muhammad Ali in Madras and that at Erode in the adjoining district of Coimbatore, which was given to an audience which included a great number of Moplahs, were well calculated to inflame religious passions still more.

There have been many Moplah outbreaks in the past. But the present one is different from all that have preceded it in its wide extent and clear evidence of systematic preparation and organisation. Previous outbreaks have generally been spontaneous and have been occasioned by disputes about religious matters, usually the desire of a recent convert to return to Hinduism. Such outbreaks have been local and spasmodic; they have been ugly affairs because the Moplah rioters only desire to be killed themselves after killing as many non-moslems as possible; but they have been comparatively little dangerous because of their local and spasmodic character. In fact, whereas the previous outbreaks may be described as homicidal riots the present one can rightly be classified as a rebellion. It has been all the more serious on account of the number of demobilised Moplah recruits to the army who had learnt something of the methods of modern warfare in Mesopotamia.

[1] *East India* (*Moplah Rebellion*), Cmd. 1552, 1921; *Malabar and the Moplahs*: a leaflet issued by the Madras Publication Bureau, pp. 39–40.

11

MAHATMA GANDHI'S STATEMENT AND BROOMFIELD'S JUDGEMENT,[1] MARCH 1922

I owe it perhaps to the Indian public and to the public in England, to placate which this prosecution is mainly taken up, that I should explain why from a staunch loyalist and co-operator I have become an un-compromising disaffectionist and Non-co-operator. To the court too I should say why I plead guilty to the charge of promoting disaffection towards the Government established by law in India.

My public life began in 1893 in South Africa in troubled weather. My first contact with British authority in that country was not of a happy character. I discovered that as a man and an Indian I had no rights. More correctly, I discovered that I had no rights as a man, because I was an Indian.

But I was not baffled. I thought that this treatment of Indians was an excrescence upon a system that was intrinsically and mainly good. I gave the Government my voluntary and hearty co-operation, criticising it freely where I felt it was faulty but never wishing its destruction.

Consequently when the existence of the Empire was threatened in 1899 by the Boer challenge, I offered my services to it, raised a volunteer ambulance corps and served at several actions that took place for the relief of Ladysmith. Similarly in 1906, at the time of the Zulu revolt, I raised a stretcher-bearer party and served till the end of the 'rebellion'. On both these occasions I received medals and was even mentioned in despatches. For my work in South Africa I was given by Lord Hardinge a Kaiser-i-Hind Gold Medal. When the war broke out in 1914 between England and Germany, I raised a volunteer ambulance corps in London consisting of the then resident Indians in London, chiefly students. Its work was acknowledged by the authorities to be valuable. Lastly, in India, when a special appeal was made at the War Conference in Delhi in 1918 by Lord Chelmsford for recruits, I struggled at the cost of my health to raise a corps in Kheda and the response was being made when the hostilities ceased and orders were received that no more recruits were wanted. In all these efforts at service I was actuated by the belief that it was possible by such services to gain a status of full equality in the Empire for my countrymen.

The first shock came in the shape of the Rowlatt Act, a law designed to rob the people of all real freedom. I felt called upon to lead an intensive agitation against it. Then followed the Punjab horrors beginning with the massacre at Jallianwala Bagh and culminating in crawling orders, public floggings and other indescribable humiliations. I discovered too that the plighted word of the Prime Minister to the Mussalmans of India regarding the integrity of Turkey and the holy places of Islam was not likely to be fulfilled. But in spite of the forebodings and the grave

[1] M. K. Gandhi, *Young India*, 1919–22, pp. 1049–56. Gandhi's trial took place on 18 March 1922 before C. N. Broomfield, District and Sessions Judge of Ahmedabad.

warnings of friends, at the Amritsar Congress in 1919, I fought for co-operation and working the Montagu-Chelmsford reforms, hoping that the Prime Minister would redeem his promise to the Indian Mussalmans, that the Punjab wound would be healed and that the reforms, inadequate and unsatisfactory though they were, marked a new era of hope in the life of India.

But all that hope was shattered. The Khilafat promise was not to be redeemed. The Punjab crime was white-washed and most culprits went not only unpunished but remained in service and some continued to draw pensions from the Indian revenue, and in some cases were even rewarded. I saw too that not only did the reforms not mark a change of heart, but they were only a method of further draining India of her wealth and of prolonging her servitude.

I came reluctantly to the conclusion that the British connection had made India more helpless than she ever was before, politically and economically. . . .

The greatest misfortune is that Englishmen and their Indian associates in the administration of the country do not know that they are engaged in the crime I have attempted to describe. I am satisfied that many Englishmen and Indian officials honestly believe that they are administering one of the best systems devised in the world and that India is making steady though slow progress. They do not know that a subtle but effective system of terrorism and an organised display of force on the one hand, and the deprivation of all powers of retaliation or self-defence on the other, have emasculated the people and induced in them the habit of simulation. . . .

In fact, I believe that I have rendered a service to India and England by showing in Non-co-operation the way out of the unnatural state in which both are living. In my humble opinion, Non-co-operation with evil is as much a duty as is co-operation with good. But in the past, Non-co-operation has been deliberately expressed in violence to the evil doer. I am endeavouring to show to my countrymen that violent Non-co-operation only multiplies evil and that as evil can only be sustained by violence, withdrawal of support of evil requires complete abstention from violence. Non-violence implies voluntary submission to the penalty for Non-co-operation with evil. I am here, therefore, to invite and submit cheerfully to the highest penalty that can be inflicted upon me for what in law is a deliberate crime and what appears to me to be the highest duty of a citizen. The only course open to you, the Judge, is either to resign your post and thus dissociate yourself from evil, if you feel that the law you are called upon to administer is an evil and that in reality I am innocent; or to inflict on me the severest penalty if you believe that the system and the law you are assisting to administer are good for the people of this country and that my activity is therefore injurious to the public weal.

The Judgment, 18 March 1922

Mr. Gandhi, you have made my task easy in one way by pleading guilty to the charge. Nevertheless, what remains, namely, the determination of a just sentence, is perhaps as difficult a proposition as a judge in this country could have to face. The law is no respector of persons. Nevertheless, it will be impossible to ignore

the fact that you are in a different category from any person I have ever tried or am likely to have to try. It would be impossible to ignore the fact that, in the eyes of millions of your countrymen, you are a great patriot and a great leader. Even those who differ from you in politics look upon you as a man of high ideals and of noble and of even saintly life. I have to deal with you in one character only. It is not my duty and I do not presume to judge or criticise you in any other character. It is my duty to judge you as a man subject to the law, who by his own admission has broken the law and committed what to an ordinary man must appear to be grave offence against the State. I do not forget that you have consistently preached against violence and that you have on many occasions, as I am willing to believe, done much to prevent violence. But having regard to the nature of your political teaching and the nature of many of those to whom it was addressed, how you could have continued to believe that violence would not be the inevitable consequence, it passes my capacity to understand.

There are probably few people in India, who do not sincerely regret that you should have made it impossible for any government to leave you at liberty. But it is so. I am trying to balance what is due to you against what appears to me to be necessary in the interest of the public, and I propose in passing sentence to follow the precedent of a case in many respects similar to this case that was decided some twelve years ago, I mean the case against Bal Gangadhar Tilak under the same section. The sentence that was passed upon him as it finally stood was a sentence of simple imprisonment for six years. You will not consider it unreasonable, I think, that you should be classed with Mr. Tilak, *i.e.*, a sentence of two years simple imprisonment on each count of the charge; six years in all, which I feel it my duty to pass upon you, and I should like to say in doing so that, if the course of events in India should make it possible for the Government to reduce the period and release you, no one will be better pleased than I.

12

LORD OLIVIER AND THE SWARAJIST PARTY'S DISTRUST OF BRITISH INTENTIONS,[1] 26 FEBRUARY 1924

One general cause of distrust in the minds of the Indian Home Rule Party is the Resolution passed by your Lordships' House . . . on the action taken by the Government of India in regard to General Dyer. I have read the debates and also looked through the Division List, and I know what many of your Lordships think on that matter. I want to take this opportunity, on behalf of myself and the Party to which I belong, to say that I believe the criticism of the Government of India's action passed by your Lordships' House does not represent the opinion of the great majority of my fellow countrymen.

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[1] *Parl. Debates*, H.L., vol. 56 (1924), cols. 321–30. Lord Olivier was Secretary of State for India, 23 January–6 November, 1924.

In the second place there is the injudicious language used by Mr. Lloyd George in a speech in Parliament, which is known throughout India as the 'steel frame speech', in which he compared—quite justly, so far as the present time is concerned —the Indian Civil Service to the steel frame upon the stability of which the whole structure of Indian government rests. I do not think any exception can be taken to that phrase under present conditions, but he went on to say, being carried away by his enthusiastic admiration for the Indian Civil Service,—

'Whatever we may do in the way of strengthening the Government of India, one institution we will not interfere with, will not deprive of its functions and privileges, and that is the British Civil Service in India.'

This was directly contrary to the statement of August 20, 1917, which said that we should progressively Indianise the Services, and that the position of the British Civil Service in India would be modified.

. . . . . .

In the third place there was the certification of the Salt Tax last year. . . .

. . . . . .

Then there is the matter of the franchise, which has caused the greatest consternation and irritation in India because we have established in Kenya a differential franchise as between Indians and white men, neither of them being original denizens of the country. That, of course, is a grievance against which Indians in the Dominion of South Africa have been struggling for years. It is the grievance which has brought Mr. Gandhi into being an influential factor in Indian affairs. It is a new departure in our Crown Colonies.

. . . This kind of discrimination between franchises is one of the things which are most dangerous to the unity of the British Empire. This principle I have held all my life, and if you want to disrupt and break up the British Empire the way to do it is to make this discrimination between one race and another on the ground of colour, and not on the ground of qualification.

. . . . . .

13

MAHATMA GANDHI AND THE SWARAJIST LEADERS,[1] 22 MAY 1924

(i) Gandhi's Statement

After having discussed with Swarajist friends, the vexed question of entry into the Legislative Assembly and the Councils by Congressmen, I am sorry to have to

[1] Quoted in Pattabhi Sitaramayya, *History of the Indian National Congress*, 1885–1935, vol. 1, pp. 454–62. The talks between Gandhi and the Swarajist leaders C. R. Das and Motilal Nehru took place at Juhu, a sea-side resort near Bombay.

say that I have not been able to see eye to eye with the Swarajists. . . . There is an honest and fundamental difference. I retain the opinion that Council-entry is inconsistent with Non-co-operation, as I conceive it. . . .

. . . With regard to the method of work in the Councils, I will say that I would enter a legislative body, if only I found that I could, at all, use it to advantage. If, therefore, I enter the Councils, I should, without following a general policy of obstruction, endeavour to give strength to the constructive programme of the Congress. I should, therefore, move resolutions requiring the Central and Provincial Governments, as the case may be,

(1) To make all their cloth purchases in hand-spun and hand-woven khaddar.
(2) To impose a prohibitive duty on foreign cloth.
(3) To abolish the drink and drug revenue, and at least correspondingly reduce the Army expenditure.

If the Government refuse to enforce such resolutions when carried in the Legislatures, I should invite them to dissolve them and take the vote of the electors on the specific points. If the Government would not dissolve, I should resign my seat and prepare the country for Civil Disobedience. When that stage is reached, the Swarajists will find me ready to work with and under them. My test of fitness for Civil Disobedience remains the same as before.

During the state of probation, I should advise the 'no-changers' not to worry about what the Swarajists are doing or saying, and to prove their own faith by prosecuting the constructive programme with undivided energy and concentration. Khaddar and National Schools are enough to occupy every available worker who believes in quiet, honest and undemonstrative work. The Hindu-Muslim problem too will tax the best energy and faith of the workers. The 'no-changers' can justify their opposition to Council-entry, only by showing the results of their application to the constructive programme, even as the 'pro-changers' must justify their entry by results. The 'no-changers' are in one respect in an advantageous position, for they can secure the co-operation of the 'pro-changers'. The latter have declared their faith in the constructive programme, but their contention is that, by itself, the constructive programme cannot enable the country to reach the goal. In the prosecution, however, if the constructive programme outside the Legislatures, all,—'no-changers', 'pro-changers' and others,—can, if they will, work in union through their respective organisations, if necessary.

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(ii) Statement of C. R. Das and Motilal Nehru

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We regret that we have not been able to convince Mahatma Gandhi of the soundness of the Swarajist position regarding Council-entry. We fail to understand how such entry can be regarded as inconsistent with the Non-co-operation

resolution of the Nagpur Congress. But if Non-co-operation is more a matter of mental attitude than of the application of a living principle to the existing facts of our national life, with special reference to the varying attitude of the bureaucratic Government which rules that life, we conceive it to be our duty to sacrifice even Non-co-operation to serve the real interests of the country. In our view, this principle includes self-reliance in all the activities which make for the healthy growth of the Nation and resistance to the bureaucracy as it impedes our progress towards Swaraj. . . .

Within the legislative bodies we must continue:—

1. To throw out budgets unless and until the system of Government is altered in recognition of our rights, or as a matter of settlement between Parliament and the people of this country. . . .

2. To throw out all proposals for Legislative enactments by which the bureaucracy proposes to consolidate its power. It is conceivable that some good may incidentally result from a few of such measures; but we are clearly of opinion that in the larger interests of the country it is better to temporarily sacrifice such little benefits rather than add an iota to the powers of the bureaucracy, which are already irresistible.

3. To introduce all resolutions, measures and bills which are necessary for the healthy growth of our National life and the consequent displacement of the bureaucracy. We heartily accept the suggestions made by Mahatma Gandhi in his statement, and we think that the resolutions mentioned by him in support of the constructive programme of the Congress should certainly be accepted by the Swaraj Party. . . .

4. To follow a definite economic policy, based on the same principles, so as to prevent the drain of public wealth from India by checking all activities leading to exploitation.

To make this policy effective, we should take and occupy every place which is open to the members of the Central and Provincial Legislatures by election. In our opinion, we should not only fill elective posts, but serve on every Committee where it is possible. We invite the attention of the members of our Party to this important question, and we call upon them to decide this matter as soon as possible.

Our policy outside the legislative bodies should be as follows:—

In the first place we should give our whole-hearted support to the constructive programme of Mahatma Gandhi and work that programme unitedly through the Congress organisations. We are decidedly of opinion that our Council work must necessarily lose much of its strength without the backing of the constructive work outside, for it is not inside but outside the Legislatures that we must look for that sanction without which the effective carrying out of our Council policy is impossible. . . .

In the second place, we must supplement the work of the Congress by helping the labour and peasant organisations throughout the country. . . .

14

MAHATMA GANDHI ON INDIA'S PLACE IN THE EMPIRE,[1] 26 DECEMBER 1924

In my opinion if the British Government mean what they say and honestly help us to equality, it would be a greater triumph than a complete severance of the British connection. I would therefore strive for Swaraj within the Empire but would not hesitate to sever all connection if severance became a necessity through Britain's own fault. I would thus throw the burden of separation on the British people. The better mind of the world desires to-day not absolutely independent States warring one against another, but a federation of friendly inter-dependent States. The consummation of that event may be far off. I want to make no grand claim for our country. But I see nothing grand or impossible about our expressing our readiness for universal inter-dependence. It should rest with Britain to say that she will have no real alliance with India. I desire the ability to be totally independent without asserting the independence. Any scheme that I would frame, while Britain declares her goal about India to be complete equality within the Empire, would be that of alliance and not of independence without alliance.

15

THE MOTILAL NEHRU COMMITTEE RECOMMENDATIONS,[2] 1928

. . . On the assumption that India is to have the status of a member of the British Commonwealth of Nations there is scarcely any difference of opinion between one section or another of political India. It may be safely premised that the greatest common factor of agreement among the well recognised political parties in India is that the status and position of India should in no case be lower than that of the self-governing dominions such as Canada, Australia, South Africa or the Irish Free State. In one word the attainment of dominion status is not viewed as a remote stage of our evolution but as the next immediate step. That being so it would in ordinary circumstances be unnecessary for us to justify the basis of our recommendations.

. . . . . .

Our critics, however, urge that the pronouncement of August, 1917, spoke of 'gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India', and that, that is the phrase used in the preamble to the Government of India Act. Now in the first place it is scarcely necessary to point out that those of us who are members of the Indian National Congress never acquiesced in the said phraseology, and in the second those of us

[1] Speech at the 1924 session of the Indian National Congress at Belgaum, 26 December, 1924, *Report of the 39th Indian National Congress*, p. 26.

[2] *All Parties Conference, 1928. Report of the Committee appointed to determine the principles of the Constitution for India, 1928*, pp. 1–13, 100–23.

who accepted the preamble cannot believe that in 1917–1919 Parliament or British statesmen deliberately spoke with mental reservation, and chose language which might be used to repel the claim of India to dominion status. . . .

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We have therefore made our recommendations on the basis (1) that we are agreed that nothing short of dominion status will satisfy India and (2) that the form of government to be established in India will be the same and not lower than that of the other self-governing dominions.

. . . . . .

. . . We have reasons to believe that in some high quarters the belief is seriously maintained that all that need be done at present is (1) to establish a modified form of government which shall consist of ministers appointed from among the elected members of the legislature and officials appointed by the Crown and owing responsibility not to the legislature but to the Crown, (2) to establish second chambers in the provinces so as to stimulate the conservative element and thus to provide an equipoise against the hasty, ill-conceived activities of an irresponsible lower house, (3) to leave the structure and composition of the central government absolutely untouched, and (4) if possible to make the Legislative Assembly less harmful than it is supposed to be by restricting the legislative activities of the all India politicians who are imagined to be less 'representative' than their more compromising brethren in the provincial councils. Now, all this may pass with a certain class of people, both in England and in India, as a constitutional advance. In our opinion it will be very far removed from the problem of responsible government or dominion status'

. . . . . .

The practical objections to our demand for dominion self-government were formulated by Sir Malcolm Hailey, in the form of certain questions in the speech to which we have already referred. They may be taken as typical of the criticism that is usually made by our critics. 'Is dominion self-government,' asks Sir Malcolm Hailey,[1] 'to be confined to British India only, or is it to be extended to the Indian States?' We have attempted to answer this question in a separate chapter to which we invite attention.

The second question which was put by Sir Malcolm Hailey, and which is usually put by our critics, is as to the position of minority communities. Like Sir Malcolm Hailey, we do not desire to 'exaggerate it', and like him we feel that 'it has to be faced'. We have attempted to face this problem in our report. We have provided for the protection of the rights of the minorities, not only in the declaration of rights, which in the peculiar circumstances of India we consider to be necessary,

[1] Governor of the Punjab.

but we have dealt with the question at length in relation to the problem of the representation of the minorities in the legislatures. . . .

Another question which was put by Sir Malcolm Hailey, and which is also usually put by others, is, whether we have satisfied ourselves that 'there exist those social and political foundations on which alone such constitutional structure can safely exist'. . . . We do not deny that there is much need for social advance. Indeed, the need seems to us to be urgent and imperative. We feel, however, that that is an argument for, rather than against, the establishment of responsible government; for we believe that without real political power coming into our hands, a real programme of social reconstruction is out of the question. . . .

We are next confronted with questions relating to European commerce, and are told that 'men who have put great sums of money in India and are daily increasing the sphere of their operation, have a right to know if we contemplate an early change of government'. Similarly, we are told that 'men entering the services, whether civil or military, whether European or Indian, have a right to know if we intend a radical change of government at an early date'. As regards European commerce we cannot see why men who have put great sums of money into India should at all be nervous. It is inconceivable that there can be any discriminating legislation against any community doing business lawfully in India. . . . If, however, there are any special interests of European commerce which require special treatment in future, it is only fair that in regard to the protection of those interests, Europeans should formulate their proposals and we have no doubt that they will receive proper consideration from those who are anxious for a peaceful solution of the political problem. As regards the services, we would draw attention to the provisions that we have suggested in our report. In respect of the emoluments, allowances and pensions they would be entitled to on the establishment of the Commonwealth we have provided a statutory guarantee. . . .

The last question to which we would refer is the question of defence. 'Full dominion status,' said Sir Malcolm Hailey, 'means a dominion army under full control of the dominion government, and I have not yet seen any serious thinker who has pretended that India is yet in a position or will, in the immediate future, be in a position to create a dominion army in the proper sense of the word'. . . .

This is true but we do not accept the constitutional position that without an Indian or dominion army India cannot attain dominion status. In the first place, the Indian army has not to be created; it exists there already. In the next place, historically the position taken by our critics is not correct.

We venture to quote on this subject from the speech of Sir Sivaswamy Iyer in the Legislative Assembly, delivered on February 18, 1924. . . . 'But with regard to the problem of the army, I have only to observe this, that so far as my reading of colonial history goes, none of the colonies was in a position to assume its defence at the time when a self-governing status was granted to it. For many years, the colonies were not even able to pay for their defence. It was the home government that had to contribute towards the military expenditure of the colonies. We, on

the other hand, have from the beginning paid for our army. . . . No doubt, Sir Malcolm Hailey is right in saying that full dominion self-government implies the capacity to undertake the defence, not merely by paying for it but also by undertaking its officering and administration. But that was not a condition which was insisted upon in the case of any of the colonies. . . . But so far as defence against external aggression was concerned, I am not aware that the duty has been laid upon them even now. As regards naval defence, the obligation has not been laid upon them.'

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Recommendations

1. India shall have the same constitutional status in the comity of nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State, with a Parliament having powers to make laws for the peace, order and good government of India, and an executive responsible to that Parliament, and shall be styled and known as the Commonwealth of India.

4. (i) All powers of government and all authority, legislative, executive and judicial, are derived from the people and the same shall be exercised in the Commonwealth of India through the organisations established by or under, and in accord with, this constitution.

(iii) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person.

(iv) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or unions, is hereby guaranteed for purposes not opposed to public order or morality.

(v) All citizens in the Commonwealth of India have the right to free elementary education without any distinction of caste or creed in the matter of admission into any educational institutions, maintained or aided by the state, and such right shall be enforceable as soon as due arrangements shall have been made by competent authority.

(vi) All citizens are equal before the law and possess equal civic rights.

(xi) There shall be no state religion for the Commonwealth of India or for any province in the Commonwealth, nor shall the state either directly or indirectly endow any religion or give any preference or impose any disability on account of religious belief or religious status.

(xiv) All citizens have an equal right of access to, and use of, public roads, public wells and all other places of public resort.

(xv) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to everyone and of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.

(xvii) Parliament shall make suitable laws for the maintenance of health and

fitness for work of all citizens, securing of a living wage for every worker, the protection of motherhood, welfare of children, and the economic consequences of old age, infirmity and unemployment.

(xviii) Every citizen shall have the right to keep and bear arms in accordance with regulations made in that behalf.

(xix) Men and women shall have equal rights as citizens.

5. The legislative power of the Commonwealth shall be vested in a Parliament which shall consist of the King, a Senate and a House of Representatives herein called the Parliament.

6. The Governor-General shall be appointed by the King and shall have, and may exercise in the Commonwealth, during the King's pleasure, but subject to this constitution, such powers and functions of the King as His Majesty may assign to him.

8. The Senate shall consist of 200 members to be elected by the Provincial Councils, a specific number of seats being allotted to each province on the basis of population, subject to a minimum. The election shall be held by the method of proportional representation with the single transferable vote. (The Hare system).

9. The House of Representatives shall consist of 500 members to be elected by constituencies determined by law. Every person of either sex who has attained the age of 21, and is not disqualified by law, shall be entitled to vote.

Provided that Parliament shall have the power to increase the number of members from time to time if necessary.

13. Parliament shall, subject to the provisions of this Constitution, have power to make laws

(a) for the peace, order and good government of the Commonwealth in relation to all matters not coming in the classes of subjects by this Act assigned to the legislatures of provinces;

(b) for the nationals and servants of the Commonwealth within other parts of India as well as those without and beyond India;

(c) for the government officers, soldiers, airmen and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act or the Air Force Act; and

(d) for all persons employed or serving in or belonging to the Royal Indian Marine Service or the Indian Navy.

For greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that notwithstanding anything in this Act the legislative authority of the Parliament of the Commonwealth extends to all matters coming within the classes of subjects hereinafter enumerated and specified in Schedule I, attached hereto.

14. The powers of Parliament with respect to foreign affairs, not including the Indian States, shall be the same as exercised by the self-governing dominions.

22. The executive power of the Commonwealth is vested in the King and is exercisable by the Governor-General as the King's representative, acting on the advice of the Executive Council, subject to the provisions of this Act and of the laws of the Commonwealth.

28. The legislative power of a province shall be vested in the King and the local Legislative Council.

29. There shall be a Governor of every province who shall be appointed by the King and represent His Majesty in the province.

31. (i) There shall be one member of the Provincial Legislative Council for every 100,000 of the population of the said province, provided that in provinces with a population of less than ten millions there may be a maximum of 100 members.

(ii) Every member shall be elected by a constituency determined by law. Every person of either sex who has attained the age of 21 and is not disqualified by law shall be entitled to vote.

43. The executive power of the province shall be vested in the Governor acting on the advice of the provincial Executive Council.

46. There shall be a Supreme Court which shall exercise such jurisdiction as Parliament shall determine. The Supreme Court shall consist of a Lord President, and as many other Justices, as Parliament may fix.

49. The Supreme Court shall have original jurisdiction in all matters—

(i) referred to the Supreme Court by the Governor-General-in-Council under section 85;
(ii) in which the Commonwealth, or person suing or being sued on behalf of the Commonwealth, is a party;
(iii) affecting consuls or other representatives of other countries;
(iv) between provinces;
(v) arising under this Constitution or involving its interpretation.

76. The proposals of the Governor-General-in-Council for the appropriation of revenues or monies classified as 'Defence', shall be submitted to the vote of the House of Representatives.

85. The Commonwealth shall exercise the same rights in relation to, and discharge the same obligations towards, the Indian States, arising out of treaties or otherwise, as the Government of India has hitherto exercised and discharged.

In case of any difference between the Commonwealth and any Indian State on any matter arising out of treaties, engagements, sanads or similar other documents, the Governor-General-in-Council may, with the consent of the State concerned, refer the said matter to the Supreme Court for its decision.

86. The redistribution of provinces should take place on a linguistic basis on the demand of the majority of the population of the area concerned, subject to financial and administrative considerations.

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16

RESOLUTION OF THE ALL-INDIA MUSLIM CONFERENCE,[1] DELHI, 1 JANUARY 1929

Whereas, in view of India's vast extent and its ethnological, linguistic, administrative and geographical or territorial divisions, the only form of Government suitable to Indian conditions is a federal system with complete autonomy and residuary powers vested in the constituent States, the Central Government having control only of such matters of common interest as may be specifically entrusted to it by the Constitution;

And whereas it is essential that no Bill, resolution, motion or amendment regarding inter-communal matters be moved, discussed or passed by any legislature, central or provincial, if a three-fourth majority of the members of either the Hindu or the Muslim community affected thereby in that legislature oppose the introduction, discussion or passing of such Bill, resolution, motion or amendment;

And whereas the right of Moslems to elect their representatives on the various Indian Legislatures through separate electorates is now the law of the land and Muslims cannot be deprived of that right without their consent;

And whereas in the conditions existing at present in India and so long as those conditions continue to exist, representation in various Legislatures and other statutory self-governing bodies of Muslims through their own separate electorates is essential in order to bring into existence a really representative democratic Government;

And whereas as long as Musalmans are not satisfied that their rights and interests are adequately safeguarded in the constitution, they will in no way consent to the establishment of joint electorates, whether with or without conditions;

And whereas, for the purposes aforesaid, it is essential that Musalmans should have their due share in the central and provincial cabinets;

And whereas it is essential that representation of Musalmans in the various legislatures and other statutory self-governing bodies should be based on a plan whereby the Muslim majority in those provinces where Musalmans constitute a majority of population shall in no way be affected and in the provinces in which Musalmans constitute a minority they shall have a representation in no case less than that enjoyed by them under the existing law;

And whereas representative Muslim gatherings in all provinces in India have unanimously resolved that with a view to provide adequate safeguards for the protection of Muslim interests in India as a whole, Musalmans should have the right of 33 per cent. representation in the Central Legislature and this Conference entirely endorses that demand;

And whereas on ethnological, linguistic, geographical and administrative grounds the province of Sindh has no affinity whatever with the rest of the Bombay

[1] *Indian Statutory Commission Report*, vol. 2, Cmd. 3569, 1930, App. VII, pp. 84–5.

Presidency and its unconditional constitution into a separate province, possessing its own separate legislative and administrative machinery on the same lines as in other provinces of India is essential in the interests of its people, the Hindu minority in Sindh being given adequate and effective representation in excess of their proportion in the population, as may be given to Musalmans in provinces in which they constitute a minority of population;

And whereas the introduction of constitutional reforms in the N.W.F. Province and Baluchistan along such lines as may be adopted in other provinces of India is essential not only in the interests of those provinces but also of the constitutional advance of India as a whole, the Hindu minorities in those provinces being given adequate and effective representation in excess of their proportion in population, as is given to the Muslim community in provinces in which it constitutes a minority of the population;

And whereas it is essential in the interests of Indian administration that provision should be made in the constitution giving Muslims their adequate share along with other Indians in all services of the State and on all statutory self-governing bodies, having due regard to the requirements of efficiency;

And whereas, having regard to the political conditions obtaining in India it is essential that the Indian Constitution should embody adequate safeguards for protection and promotion of Muslim education, languages, religion, personal law and Muslim charitable institutions, and for their due share in grants-in-aid;

And whereas it is essential that the constitution should provide that no change in the Indian constitution shall, after its inauguration, be made by the Central Legislature except with the concurrence of all the States constituting the Indian federation;

This Conference emphatically declares that no constitution, by whomsoever proposed or devised, will be acceptable to Indian Musalmans unless it conforms with the principles embodied in this resolution.

17

M. A. JINNAH'S DRAFT RESOLUTION[1] OF MARCH 1929

. . . The League after anxious and careful consideration most earnestly and emphatically lays down that no scheme for the future constitution of the government of India will be acceptable to Mussalmans of India until and unless the following

[1] *Indian Quarterly Register*, vol. I (1929), pp. 365–6. At its Calcutta session of December 1928 the All-India Muslim League failed to come to an agreement on the recommendations of the Nehru Committee. An influential section of the Muslims held a separate meeting, called the All-Parties Moslem Conference, under the presidency of the Aga Khan. The Muslim community was divided deeply. The draft resolution was prepared by Jinnah to accommodate the various points of view in regard to the forthcoming constitutional proposals. There were three sections among the Muslims—one section stood for the adoption of the Nehru Report, another for its rejection, and the third wanted a compromise. Attempts to reach an agreement at the Delhi session of the League, held at the end of March 1929, ended in failure.

basic principles are given effect to and provisions are embodied therein to safeguard their rights and interests:—

(1) The form of the future constitution should be federal, with the residuary powers vested in the provinces.

(2) A uniform measure of autonomy shall be granted to all provinces.

(3) All legislatures in the country and other elected bodies shall be constituted on the definite principle of adequate and effective representation of minorities in every Province without reducing the majority in any Province to a minority or even equality.

(4) In the Central Legislature, Mussalman representation shall not be less than one third.

(5) Representation of communal groups shall continue to be by means of separate electorates as at present, provided it shall be open to any community, at any time, to abandon its separate electorate in favour of joint electorate.

(6) Any territorial redistribution that might any time be necessary shall not in any way, affect the Moslem majority in the Punjab, Bengal and N.W.F. Province.

(7) Full religious liberty i.e., liberty of belief, worship and observance, propaganda, association and education, shall be guaranteed to all communities.

(8) No bill or resolution or any part thereof shall be passed in any legislature or any other elected body if three fourths of the members of any community in that particular body oppose such a bill, resolution or part thereof on the ground that it would be injurious to the interests of that community or in the alternative, such other method is devised as may be found feasible and practicable to deal with such cases.

(9) Sind should be separated from the Bombay Presidency.

(10) Reforms should be introduced in the N. W. F. Province and Baluchistan on the same footing as in other provinces.

(11) Provision should be made in the constitution giving Moslems an adequate share along with the other Indians, in all the services of the State and in local self-governing bodies having due regard to the requirements of efficiency.

(12) The Constitution should embody adequate safeguards for the protection of Moslem culture and for the protection and promotion of Moslem education, language, religion, personal laws and Moslem charitable institutions and for their due share in the grants-in-aid given by the State and by local self-governing bodies.

(13) No cabinet, either Central or Provincial, should be formed without there being a proportion of at least one-third Moslem Ministers.

(14) No change shall be made in the constitution by the Central Legislature except with the concurrence of the States constituting the Indian Federation.

The draft resolution also mentions an alternative to the above provision in the following terms:

That, in the present circumstances, representation of Musalmans in the different

legislatures of the country and other elected bodies through the separate electorates is inevitable and further, the Government being pledged over and over again not to disturb this franchise so granted to the Moslem community since 1909 till such time as the Musalmans chose to abandon it, the Musalmans will not consent to joint electorates unless Sind is actually constituted into a separate province and reforms in fact are introduced in the N. W. F. Province and Baluchistan on the same footing as in other provinces.

Further, it is provided that there shall be reservation of seats according to the Moslem population in the various provinces; but where Musalmans are in a majority they shall not contest more seats than their population warrants.

The question of excess representation of Musalmans over and above their population in Provinces where they are in a minority is to be considered hereafter.

18

THE INDEPENDENCE RESOLUTION,[1] 31 DECEMBER 1929

This Congress endorses the action of the Working Committee in connection with the Manifesto signed by party leaders, including Congressmen, on the Viceregal pronouncement of the 31st October relating to Dominion Status, and appreciates the efforts of the Viceroy towards a settlement of the national movement for Swaraj. The Congress, however, having considered all that has since happened and the result of the meeting between Mahatma Gandhi, Pandit Motilal Nehru and other leaders and the Viceroy, is of opinion that nothing is to be gained in the existing circumstances by the Congress being represented at the proposed Round Table Conference. This Congress, therefore, in pursuance of the resolution passed at its session at Calcutta last year, declares that the word 'Swaraj' in Article 1 of the Congress Constitution shall mean Complete Independence, and further declares the entire scheme of the Nehru Committee's Report to have lapsed, and hopes that all Congressmen will henceforth devote their exclusive attention to the attainment of Complete Independence for India. As a preliminary step towards organizing a campaign for Independence, and in order to make the Congress policy as consistent as possible with the change of creed, this Congress calls upon Congressmen and others taking part in the national movement to abstain from participating directly or indirectly in future elections, and directs the present Congress members of the Legislatures and Committees to resign their seats. This Congress appeals to the Nation zealously to prosecute the constructive programme of the Congress, and authorizes the All-India Congress Committee, whenever it deems fit, to launch upon a programme of Civil Disobedience including non-payment of taxes, whether in selected areas or otherwise and under such safeguards as it may consider necessary.

[1] Indian Quarterly Register, vol. 2 (1929), p. 300.

19

PLEDGE TAKEN ON INDEPENDENCE DAY,[1] 26 JANUARY 1930

We believe that it is the inalienable right of the Indian people, as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth. We believe also that if any government deprives a people of these rights and oppresses them, the people have a further right to alter it or to abolish it. The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses, and has ruined India economically, politically, culturally, and spiritually. We believe, therefore, that India must sever the British connection and attain Purna Swaraj or Complete Independence.

India has been ruined economically. The revenue derived from our people is out of all proportion to our income. Our average income is seven pice (less than two pence) per day, and of the heavy taxes we pay 20 per cent. are raised from the land revenue derived from the peasantry and 3 per cent. from the salt tax, which falls most heavily on the poor.

Village industries, such as hand-spinning, have been destroyed, leaving the peasantry idle for at least four months in the year, and dulling their intellect for want of handicrafts, and nothing has been substituted, as in other countries, for the crafts thus destroyed.

Customs and currency have been so manipulated as to heap further burdens on the peasantry. British manufactured goods constitute the bulk of our imports. Customs duties betray clear partiality for the British manufactures, and revenue from them is used not to lessen the burden on the masses, but for sustaining a highly extravagant administration. Still more arbitrary has been the manipulation of the exchange ratio, which has resulted in millions being drained away from the country.

Politically, India's status has never been so reduced as under the British régime. No reforms have given real political power to the people. The tallest of us have to bend before foreign authority. The rights of free expression of opinion and free association have been denied to us, and many of our countrymen are compelled to live in exile abroad and cannot return to their homes. All administrative talent is killed, and the masses have to be satisfied with petty village offices and clerkships.

Culturally, the system of education has torn us from our moorings, and our training has made us hug the very chains that bind us.

Spiritually, compulsory disarmament has made us unmanly and the presence of an alien army of occupation, employed with deadly effect to crush in us the spirit of resistance, has made us think that we cannot look after ourselves or put up a defence against foreign aggression, or even defend our homes and families from the attacks of thieves, robbers, and miscreants.

[1] Quoted in J. Nehru, *An Autobiography*, 1942, App. A, pp. 612–3.

We hold it to be a crime against man and God to submit any longer to a rule that has caused this fourfold disaster to our country. We recognize, however, that the most effective way of gaining our freedom is not through violence. We will therefore prepare ourselves by withdrawing, so far as we can, all voluntary association from the British Government, and will prepare for civil disobedience, including non-payment of taxes. We are convinced that if we can but withdraw our voluntary help and stop payment of taxes without doing violence, even under provocation, the end of this inhuman rule is assured. We therefore hereby solemnly resolve to carry out the Congress instructions issued from time to time for the purpose of establishing Purna Swaraj.

20

MUHAMMAD IQBAL'S PRESIDENTIAL ADDRESS AT THE ALLAHABAD SESSION OF THE ALL-INDIA MUSLIM LEAGUE,[1] 29 DECEMBER 1930

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Communalism, in its higher apect, then, is indispensable to the formation of a harmonious whole in a country like India. . . . The Muslim demand for the creation of a Muslim India is, therefore, perfectly justified. The resolution of the All-Parties Muslim Conference at Delhi is to my mind wholly inspired by this noble ideal of a harmonious whole which, instead of stifling the respective individualities of its component wholes, affords them chances of fully working out the possibilities that may be latent in them. And I have no doubt that this house will emphatically endorse the Muslim demand embodied in this resolution. Personally I would go further than the demands embodied in it. I would like to see the Punjab, North-West Frontier Province, Sind and Baluchistan amalgamated into a single state. Self-Government within the British Empire, or without the British Empire, the formation of a consolidated North-West Indian Muslim state appears to me to be the final destiny of the Muslims at least of North-West India. The proposal was put forward before the Nehru Committee. They rejected it on the ground that, if carried into effect, it would give a very unwieldy state. This is true in so far as the area is concerned; in point of population the state contemplated by the proposal would be much less than some of the present Indian provinces. . . . The idea need not alarm the Hindus or non-Muslim minorities within the area. The idea need not alarm the Hindus or the British. India is the greatest Muslim country in the world. The life of Islam as a cultural force in this living country very largely depends on its centralisation in a specified territory . . . Thus, possessing full opportunity of development within the body-politic of India, the North West Indian Muslims will prove the best defenders of India against a foreign invasion, be that invasion the one of ideas or bayonets. The Punjab with fifty-six per cent. Muslim population supplies fifty-four per cent. of the total combatant

[1] *Indian Quarterly Register*, vol. 2 (1930), pp. 337–44.

troops in the Indian army and if the nineteen thousand Gurkhas recruited from the independent state of Nepal are excluded, the Punjab contingent amounts to sixty-two per cent. of the whole Indian Army. This percentage does not take into account nearly six thousand combatants supplied to the Indian Army by the North-West Frontier Province and Baluchistan. From this you can easily calculate the possibilities of North-West Indian Muslims in regard to the defence of India against foreign aggression. The Right Hon'ble Mr. Srinivasa Sastri thinks that the Muslims demand for the creation of autonomous Muslim states along the North-West border is actuated by a desire 'to acquire means of exerting pressure in emergencies on the Government of India'. I may frankly tell him that the Muslim demand is not actuated by the kind of motive he imputes to us; it is actuated by a genuine desire for free development which is practically impossible under the type of unitary government contemplated by the nationalist Hindu politicians with a view to secure permanent communal dominance in the whole of India . . .

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The conception of federation underlying the Simon Report necessitates the abolition of the central Legislative Assembly as a popular assembly and makes it an assembly of the representatives of federal states. It further demands a redistribution of territory on the lines which I have indicated. And the Report does recommend both. I give my whole-hearted support to this view of the matter and I venture to suggest that the redistribution recommended in the Simon Report must fulfil two conditions. It must precede the introduction of the new constitution and must be so devised as to finally solve the communal problem. . . .

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The best course, I think, would have been to start with a British Indian Federation only. A federal scheme born of an unholy union between democracy and despotism cannot but keep British India in the same vicious circle of a unitary Central Government. Such a unitary form may be of the greatest advantage to the British, to the majority community in British India and to the Indian Princes; it can be of no advantage to the Muslims unless they get majority rights in five out of eleven Indian Provinces with full residuary powers, and one-third share of seats in the total house of the Federal Assembly.

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I have thus tried briefly to indicate the way in which the Muslims of India ought, in my opinion, to look at the two most important constitutional problems of India. A redistribution of British India, calculated to secure a permanent solution of the communal problem is the main demand of the Muslims of India. If, however, the Muslim demand of a territorial solution of the communal problem is ignored, then I support, as emphatically as possible, the Muslim demands repeatedly urged by the All-India Muslim League and the All-India Muslim Conference. The Muslims of India cannot agree to any constitutional changes which affect their majority

rights, to be secured by separate electorates, in the Punjab and Bengal, or fail to guarantee them 33 per cent representation in any Central Legislature. . . . Let me tell you frankly that at the present moment, the Muslims of India are suffering from two evils. The first is the want of personalities. Sir Malcolm Hailey and Lord Irwin were perfectly correct in their diagnosis when they told the Aligarh University that the community had failed to produce leaders. . . . By leaders I mean men who, by Divine gift or experience, possess a keen perception of the spirit and destiny of Islam, along with an equally keen perception of the trend of modern history. Such men are really the driving forces of a people but they are God's gift and cannot be made to order. The second evil from which the Muslims of India are suffering is that the community is fast losing what is called the herd-instinct. This makes it possible for individuals and groups to start independent careers without contributing to the general thought and activity of the community. . . .

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21

THE GANDHI–IRWIN AGREEMENT,[1] 5 MARCH 1931

The following statement by the Governor-General in Council is published for general information:—

1. Consequent on the conversations that have taken place between His Excellency the Viceroy and Mr. Gandhi, it has been arranged that the civil disobedience movement be discontinued, and that, with the approval of His Majesty's Government, certain action be taken by the Government of India and local Governments.

2. As regards constitutional questions, the scope of future discussion is stated, with the assent of His Majesty's Government, to be with the object of considering further the scheme for the constitutional Government of India discussed at the Round Table Conference. Of the scheme there outlined, Federation is an essential part; so also are Indian responsibility and reservations or safeguards in the interests of India, for such matters as, for instance, defence; external affairs; the position of minorities; the financial credit of India, and the discharge of obligations.

3. In pursuance of the statement made by the Prime Minister in his announcement of the 19th of January 1931, steps will be taken for the participation of the representatives of the Congress in the further discussions that are to take place on the scheme of constitutional reform.

4. The settlement relates to activities directly connected with the civil disobedience movement.

5. Civil disobedience will be effectively discontinued and reciprocal action will be taken by Government. The effective discontinuance of the civil disobedience movement means the effective discontinuance of all activities in furtherance thereof, by whatever methods pursued and, in particular, the following:—

[1] *India in 1930–31*, App. 3, pp. 655–9. Lord Irwin was Viceroy from 3 April 1926 to 17 April 1931.

(1) The organised defiance of the provisions of any law.
(2) The movement for the non-payment of land revenue and other legal dues.
(3) The publication of news-sheets in support of the civil disobedience movement.
(4) Attempts to influence civil and military servants or village officials against Government or to persuade them to resign their posts.

6. As regard the boycott of foreign goods, there are two issues involved, firstly, the character of the boycott and secondly, the methods employed in giving effect to it. The position of Government is as follows. They approve of the encouragement of Indian industries as part of the economic and industrial movement designed to improve the material conditions of India, and they have no desire to discourage methods of propaganda, persuasion or advertisement pursued with this object in view, which do not interfere with the freedom of action of individuals, or are not prejudicial to the maintenance of law and order. But the boycott on non-Indian goods (except of cloth which has been applied to all foreign cloth) has been directed during the civil disobedience movement chiefly, if not exclusively, against British goods, and in regard to these it has been admittedly employed in order to exert pressure for political ends.

It is accepted that a boycott of this character, and organised for this purpose, will not be consistent with the participation of representatives of the Congress in a frank and friendly discussion of constitutional questions between representatives of British India, of the Indian States, and of His Majesty's Government and political parties in England, which the settlement is intended to secure. It is, therefore, agreed that the discontinuance of the civil disobedience movement connotes the definite discontinuance of the employment of the boycott of British commodities as a political weapon and that, in consequence, those who have given up, during a time of political excitement, the sale or purchase of British goods must be left free without any form of restraint to change their attitude if they so desire . . .

8. Mr. Gandhi has drawn the attention of Government to specific allegations against the conduct of the police, and represented the desirability of a public enquiry into them. In present circumstances Government see great difficulty in this course and feel that it must inevitably lead to charges and counter-charges, and so militate against the re-establishment of peace. Having regard to these considerations, Mr. Gandhi agreed not to press the matter.

22

MAHATMA GANDHI ON INDIA'S PLACE IN THE EMPIRE,[1] 15 SEPTEMBER 1931

If we are intent upon complete independence it is not from any sense of arrogance; it is not because we want to parade before the Universe that we have now

[1] Gandhi on 15 September 1931 at the Indian Round Table Conference (Second Session), *Proceedings of Federal Structure Committee and Minorities Committee*, p. 17.

severed all connection with the British people. Nothing of the kind. On the contary, you will find in this mandate itself that the Congress contemplates a partnership—the Congress contemplates a connection with the British people—but that connection to be such as can exist between two absolute equals. Time was when I prided myself on being, and being called, a British subject. I have ceased for many years to call myself a British subject; I would far rather be called a rebel than a subject. But I have aspired—I still aspire—to be a citizen, not in the Empire, but in a Commonwealth; in a partnership if possible—if God wills it an indissoluble partnership—but not a partnership superimposed upon one nation by another. Hence you find here that the Congress claims that either party should have the right to sever the connection, to dissolve the partnership. It has got to be necessarily, therefore, of mutual benefit.

23

MAHATMA GANDHI'S SPEECH AT THE SECOND ROUND TABLE CONFERENCE,[1] 30 NOVEMBER 1931

There is another thing which I want to bring to the notice of this Conference, namely: what is the meaning of the dissent of the Congress? I said at one of the preliminary meetings of the Federal Structure Committee that the Congress claimed to represent over 85 per cent. of the population of India, that is to say the dumb, toiling, semi-starved millions. But, I went further: that the Congress claimed also by right of service to represent even the Princes, if they would pardon my putting forth that claim, and the landed gentry, the educated class. I wish to repeat that claim and I wish this evening to emphasise that claim.

All the other parties at this meeting represent sectional interests. Congress alone claims to represent the whole of India, all interests. It is no communal organisation; it is a determined enemy of communalism in any shape or form. Congress knows no distinction of race, colour or creed; its platform is universal. It may not always have lived up to the creed. . . .

And yet here I see that the Congress is treated as one of the Parties. I do not mind it; I do not regard it as a calamity for the Congress; but I do regard it as a calamity for the purpose of doing the work for which we have gathered together here. I wish I could convince all the British public men, the British Ministers, that the Congress is capable of delivering the goods. The Congress is the only all-India-wide national organisation, bereft of any communal basis; that it does represent all the minorities which have lodged their claim here and which, or the signatories on their behalf, claim—I hold unjustifiably—to represent 46 per cent. of the population of India. The Congress, I say, claims to represent all these minorities. . . .

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[1] *Proceedings of the Indian Round Table Conference (Second Session)*, Cmd. 3997 (1932), pp. 389–90.

Were Hindus and Mussalmans and Sikhs always at war with one another when there was no British rule, when there was no English face seen there? We have chapter and verse given to us by Hindu historians and by Mussulman historians to say that we were living in comparative peace even then. And Hindus and Mussulmans in the villages are not even today quarrelling. In those days they were not known to quarrel at all. . . . This quarrel is not old; this quarrel is coeval with this acute shame. I dare to say it is coeval with the British advent, and immediately this relationship, the unfortunate, artificial, unnatural relationship between Great Britain and India, is transformed into a natural relationship, when it becomes, if it does become, a voluntary partnership to be given up, to be dissolved at the will of either party, when it becomes that you will find that Hindus, Mussulmans, Sikhs, Europeans, Anglo-Indians, Christians, Untouchables, will all live together as one man. . . .

24

MAHATMA GANDHI'S STATEMENT OF 17 SEPTEMBER 1934[1]

The rumour that I had contemplated severing all physical connection with the Congress was true. However, for the considerations urged by my friends who had come to Wardha during the meetings of the Working Committee and the Parliamentary Board last week, I agreed with them that it might be safer for me to leave the Congress, if at all, after the forthcoming Congress session. There was an intermediate course, suggested by Pandit Govind Ballabh Pant and Rafi Ahmed Kidwai, of remaining in the Congress without participating in any active administration of the organization, but both Sardar Vallabhbhai Patel and Maulana Abul Kalam Azad strongly disapproved of that course. Sardar Vallabhbhai Patel had agreed with me that the time had arrived for me to retire from the Congress, but many others would not endorse that view. After due consideration of all the pros and cons, I have adopted the safe and prudent course of postponing the final step at least till after the meeting of the Congress session in October. One attractive idea behind the insistence on postponement was that it would enable me to test the accuracy of my impression that a very large body of Congress intelligentsia were tired of my method and views, and the programme based upon them, that I was a hindrance rather than a help to the natural growth of the Congress, that, instead of remaining the most democratic and representative organization, it was dominated by my personality, that in it there was no free play of reason.

If I am to test the truth or otherwise of my impression, naturally, I must put before the public the reasons on which my impression is based, and my own proposals based thereon. Congressmen might vote on them and thus clearly register their opinion.

I must try to do this as briefly as I can. It has appeared to me that there is a growing and vital difference of outlook between many Congressmen and myself. . . .

[1] Quoted in D. G. Tendulkar, *Mahatma*, vol. iii, pp. 361–6.

Let me state them. I put the spinning wheel and khadi in the forefront. Hand-spinning by the Congress intelligentsia has all but disappeared. The general body of them have no faith in it and yet, if I could carry their reason with me, I would substitute the four-anna franchise by personal, daily, hand-spinning. The khadi clause of the Congress constitution has been almost a dead letter from the beginning and Congressmen have not been wanting who have reminded me that I am responsible for the hypocrisy and the evasion about the working of the khadi clause. I ought to have realized that it was not passed out of deep conviction, but largely out of personal loyalty to me. I must own that there is considerable force in this argument. Nevertheless my conviction is growing that if India is to win complete independence in terms of the toiling millions and through unadulterated non-violence, the spinning wheel and khadi have to be as natural to the educated few as to the partially unemployed and semi-starved millions who, for not using their hands for the purpose for which nature has endowed man with them, have become almost like beasts of burden. The spinning wheel is an emblem of human dignity and equality in the truest sense of the term. It is the handmaid of agriculture. It is the nation's second lung. We are perishing because we are using only one lung, and yet only a few Congressmen have a living faith in the India-wide potency of the wheel. The removal of the khadi clause in the constitution would mean removal of the living link between the Congress and the millions whom it has from its inception sought to represent, and yet if it remains, it has to be rigidly enforced. But it cannot be, if a substantial majority of the Congressmen have no living faith in it. . . .

I have welcomed the formation of the socialist group. Many of them are respected and self-sacrificing co-workers. With all this, I have fundamental differences with them on the programme published in their authorized pamphlets. But I would not, by reason of the moral pressure I may be able to exert, suppress the spread of ideas propounded in their literature. I may not interfere with the free expression of those ideas, however distasteful some of them may be to me. If they gain ascendancy in the Congress, as they well may, I cannot remain in the Congress. For, to be in active opposition should be unthinkable. Though identified with many organizations during a long period of public service, I have never accepted that position.

Then, there is the policy advocated by some with regard to the Indian states which is wholly different from what I have advised. I have given many anxious hours to the question but I have not been able to alter my view.

Even on untouchability, my method of approach is perhaps different from that of many, if not of most Congressmen. For me, this is a deeply religious and moral issue. Many consider that it was a profound error for me to have disturbed the course of the civil resistance struggle by taking up the question in the manner, and at the time, I did. I feel that I would have been untrue to myself if I had taken any other course.

Last of all, take non-violence. After fourteen years of trial, it still remains a

policy with the majority of Congressmen, whereas it is a fundamental creed with me. That the Congressmen do not still regard non-violence as a creed is no fault of theirs. It is undoubtedly my own faulty presentation and still more the faulty execution that are responsible for this failure. I have no consciousness of any faulty presentation or execution, but it is the only possible inference from the fact that it has not yet become an integral part of the lives of Congressmen.

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I have referred to the common goal, but I have begun to doubt if all the Congressmen understand the same thing by the expression 'Complete Independence'. I want for India complete independence in the full English sense of that English term. For me Purna Swaraj has an infinitely larger meaning than Complete Independence, but even Purna Swaraj is not self-explained. No one word or compound expression will give us a meaning which all can understand. Hence, on several occasions I have given several definitions of swaraj. I hold that they are all hopelessly incomplete even when put together, but I do not wish to labour on it.

My mention of the difficulty, if not the impossibility, of giving a complete definition leads me to another serious point of difference between many Congressmen and myself. I have always said since 1909, that means and end are convertible terms and that, therefore, where the means are various and even contradictory the end must be different and even contradictory. We have always control over the means and never of the end. But we may not bother about its content, if we all employ identical means with identical connotation for them. It will be admitted that many Congressmen do not admit this—to me—obvious truth. They believe that the end justifies the means, whatever they may be.

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25

JAWAHARLAL NEHRU'S PRESIDENTIAL ADDRESS AT THE LUCKNOW SESSION OF THE NATIONAL CONGRESS,[1] 12 APRIL 1936

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The real problem for us is, how in our struggle for independence we can join together all the anti-imperialist forces in the country, how we can make a broad front of our mass elements with the great majority of the middle classes which stands for independence.

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. . . Most of you must know my views on social and economic matters for I have often given expression to them. Yet you chose me as president. I do not take that choice to mean an endorsement by you all, or by a majority, of those views, but I

[1] *Report of the 49th Session of the Indian National Congress*, 1936, pp. 18–32.

take it that this does mean that those views are spreading in India and that most of you will be indulgent in considering them at least.

I am convinced that the only key to the solution of the world's problems and of India's problems lies in socialism, and when I use this word I do so not in a vague humanitarian way but in the scientific, economic sense. Socialism, is, however, something even more than an economic doctrine; it is a philosophy of life and as such also it appeals to me. I see no way of ending the poverty, the vast unemployment, the degradation and the subjection of the Indian people except through socialism. That involves vast and revolutionary changes in our political and social structure, the ending of vested interests in land and industry, as well as the feudal and autocratic Indian States system. . . . Some glimpse we can have of this new civilization in the territories of the U.S.S.R. Much has happened there which has pained me greatly and with which I disagree, but I look upon that great and fascinating unfolding of a new order and a new civilization as the most promising feature of our dismal age. If the future is full of hope it is largely because of Soviet Russia and what it has done, and I am convinced that, if some world catastrophe does not intervene, this new civilization will spread to other lands and put an end to the wars and conflicts which capitalism feeds.

. . . . . .

Socialism is thus for me not merely an economic doctrine which I favour: it is a vital creed which I hold with all my head and heart. I work for Indian independence because the nationalist in me cannot tolerate alien domination: I work for it even more because for me it is the inevitable step to social and economic change. I should like the Congress to become a socialist organization and to join hands with the other forces in the world who are working for the new civilization. But I realize that the majority in the Congress, as it is constituted today, may not be prepared to go thus far. We are a nationalist organization and we think and work on the nationalist plane. It is evident enough now that this is too narrow even for the limited objective of political independence, and so we talk of the masses and their economic needs. But still most of us hesitate, because of our nationalist backgrounds, to take a step which might frighten away some vested interests. Most of those interests are already ranged against us and we can expect little from them except opposition even in the political struggle.

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How does socialism fit in with the present ideology of the Congress? I do not think it does. I believe in the rapid industrialization of the country and only thus I think will the standards of the people rise substantially and poverty be combatted. Yet I have cooperated whole-heartedly in the past with the khadi programme and I hope to do so in the future because I believe that khadi and village industries have a definite place in our present economy. They have a social, a political and an economic value which is difficult to measure but which is apparent enough to

those who have studied their effects. But I look upon them more as temporary expedients of a transition stage rather than as solutions of our vital problems. That transition stage might be a long one, and in a country like India, village industries might well play an important, though subsidiary, role even after the development of industrialism. But though I cooperate in the village industries programme my ideological approach to it differs considerably from that of many others in the Congress who are opposed to industrialization and socialism.

The problem of untouchability and the Harijans again can be approached in different ways. For a socialist it presents no difficulty for under socialism there can be no such differentiation or victimization. Economically speaking, the Harijans[1] have constituted the landless proletariat and an economic solution removes the social barriers that custom and tradition have raised.

I come now to a question which is probably occupying your minds—the new Act passed by the British Parliament and our policy in regard to it. This Act has come into being since the last Congress met, but even at that time we had had a foretaste of it in the shape of the White Paper, and I know of no abler analysis of those provisions than that contained in the presidential address of my predecessor in this high office. The Congress rejected that proposed constitution and resolved to have nothing to do with it. The new Act as is well known, is an even more retrograde measure and has been condemned by even the most moderate and cautious of our politicians. If we rejected the White Paper, what then are we to do with this new charter of slavery to strengthen the bonds of imperialist domination and to intensify the exploitation of our masses? And even if we forget its content for a while, can we forget the insult and injury that have accompanied it, the contemptuous defiance of our wishes, the suppression of civil liberties and the widespread repression that has been our normal lot? If they had offered to us the crown of heaven with this accompaniment and with dishonour, would we not have spurned it as inconsistent with our national honour and self-respect? What then of this?

A charter of slavery is no law for the slave, and though we may perforce submit for a while to it and to the humiliation of ordinances and the like, inherent in that enforced submission is the right and the desire to rebel against it and to end it.

. . . . . .

I think that, under the circumstances, we have no choice but to contest the election to the new provincial legislature, in the event of their taking place. We should seek election on the basis of a detailed political and economic programme, with our demand for a Constituent Assembly in the fore front. I am convinced that the only solution of our political and communal problems will come through such an Assembly, provided it is elected on an adult franchise and a mass basis. . . .

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[1] See glossary.

One of the principal reasons for our seeking election will be to carry the message of the Congress to the millions of voters and to the scores of millions of the disfranchised, to acquaint them with our future programme and policy, to make the masses realize that we not only stand for them but that we are of them and seek to cooperate with them in removing their social and economic burdens. Our appeal and message will not be limited to the voters, for we must remember that hundreds of millions are disfranchised and they need our help most for they are at the bottom of the social ladder and suffer most from exploitation. We have seen in the past wide-spread official interference in the elections; we shall have to face that, as well as the serried and monied ranks of the reactionaries. But the real danger will come from our toning down our programme and policy in order to win over the hesitating and compromising groups and individuals. . . .

. . . . . .

Self-respect apart, common sense tells us that we can lose much and gain little by acceptance of office in terms of the Act. We cannot get much out of it, or else our criticism of the Act itself is wrong, and we know that it is not so. The big things for which we stand will fade into the background and petty issues will absorb our attention, and we shall lose ourselves in compromises and communal tangles, and disillusion with us will spread over the land. If we have a majority, and only then can the question of acceptance of office arise, we shall be in a position to dominate the situation and to prevent reactionaries and imperialists from profiting by it. Office will not add to our real strength, it will only weaken us by making us responsible for many things that we utterly dislike.

. . . . . .

The provincial legislatures may come, but few persons, I imagine, are confident about the coming of the federal part of this unholy structure. So far as we are concerned we shall fight against it to our utmost strength, and the primary object of our creating deadlock in the provinces and making the new Act difficult of functioning, is to kill the Federation. With the Federation dead, the provincial end of the Act will also go and leave the slate clean for the people of India to write on. That writing, whatever it be, can never admit the right of the Indian States to continue as feudal and autocratic monarchies. They have long survived their day, propped up by an alien Power, and have become the strangest anomalies in a changing world. The future has no place for autocracy or feudalism; a free India cannot tolerate the subjection of many of her children and their deprivation of human rights, nor can it ever agree to a dissection of its body and a cutting up of its limbs. If we stand for any human, political, social or economic rights for ourselves, we stand for those identical rights for the people of the States.

I have referred to the terrible suppression of civil liberties by the British Government in India. But in the States matters are even worse, and though we know that the real power behind those States is that of British imperialism, this tragic suppression of our brothers by their own countrymen is of painful significance. Indian

Rulers and their ministers have spoken and acted increasingly in the approved fascist manner, and their record during the past few years especially has been one of aggressive opposition to our national demands. States which are considered advanced ban the Congress organization and offer insult to our national flag, and decree new laws to suppress the Press. What shall we say of the more backward and primitive States?

. . . . . .

I have not been enamoured of the past Congress policy in regard to the communal question and its attempts to make pacts and compromises. Yet essentially I think it was based on a sound instinct. First of all the Congress always put independence first and other questions, including the communal one, second, and refused to allow any of those other questions to take pride of place. Secondly, it argued that the communal problem had arisen from a certain set of circumstances which enabled the third party to exploit the other two. In order to solve it, one had either to get rid of the third party (and that meant independence), or get rid of that set of circumstances, which meant a friendly approach by the parties concerned and an attempt to soften the prejudice and fear that filled them. Thirdly, that the majority community must show generosity in the matter to allay the fear and suspicion that minorities, even though unreasonably, might have.

That analysis is, I think, perfectly sound. I would add, that in my opinion, a real solution of the problem will only come when economic issues, affecting all religious groups and cutting across communal boundaries, arise. Apart from the upper middle classes, who live in hopes of office and patronage, the masses and the lower middle classes have to face identical political and economic problems. It is odd and significant that all the communal demands of any group, of which so much is heard, have nothing whatever to do with these problems of the masses and the lower middle classes.

It is also significant that the principal communal leaders, Hindu or Moslem or others, are political reactionaries, quite apart from the communal question. It is sad to think how they have sided with British imperialism in vital matters, how they have given their approval to the suppression of civil liberty, how during these years of agony they have sought to gain narrow profit for their group at the expense of the larger cause of freedom. With them there can be no cooperation, for that would mean cooperation with reaction. But I am sure that with the larger masses and the middle classes, who may have temporarily been led away by the specious claims of their communal leaders, there must be the fullest cooperation, and out of that cooperation will come a fairer solution of this problem.

I am afraid I cannot get excited over this communal issue, important as it is temporarily. It is after all a side issue and it can have no real importance in the larger scheme of things. Those who think of it as the major issue, think in terms of British imperialism continuing permanently in this country. . . .

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26

JAWAHARLAL NEHRU AND THE BRITISH EMPIRE,[1] 1936

Herein lies the difference between Dominion Status and Independence. The former envisages the same old structure, with many bonds visible and invisible tying us to the British economic system; the latter gives us, or ought to give us, freedom to erect a new structure to suit our circumstances.

It is not a question of an implacable and irreconcilable antagonism to England and the English people, or the desire to break from them at all costs. It would be natural enough if there was bad blood between India and England after what has happened. 'The clumsiness of power spoils the key and uses the pick-axe,' says Tagore, and the key to our hearts was destroyed long ago, and the abundant use of the pick-axe on us has not made us partial to the British. But if we claim to serve the larger cause of India and humanity we cannot afford to be carried away by our momentary passions. And even if we were so inclined the hard teaching which Gandhiji has given us for the last fifteen years would prevent us. I write this sitting in a British prison, and for months past my mind has been full of anxiety, and I have perhaps suffered more during this solitary imprisonment than I have done in gaol before. Anger and resentment have often filled my mind at various happenings, and yet as I sit here, and look deep into my mind and heart, I do not find any anger against England or the English people. I dislike British imperialism and I resent its imposition on India; I dislike the capitalist system; I dislike exceedingly and resent the way India is exploited by the ruling classes of Britain. But I do not hold England or the English people as a whole responsible for this, and even if I did, I do not think it would make much difference, for it is a little foolish to lose one's temper at or condemn a whole people. They are as much the victims of circumstances as we are.

Personally, I owe too much to England in my mental make-up ever to feel wholly alien to her. And, do what I will, I cannot get rid of the habits of mind, and the standards and ways of judging other countries as well as life generally, which I acquired at school and college in England. All my predilections (apart from the political plane) are in favour of England and the English people, and if I have become what is called an un-compromising opponent of British rule in India, it is almost in spite of myself.

It is that rule, that domination, to which we object, and with which we cannot compromise willingly—not the English people. Let us by all means have the closest contacts with the English and other foreign peoples. We want fresh air in India, fresh and vital ideas, healthy co-operation; we have grown too musty with age. But if the English come in the role of a tiger they can expect no friendship or co-operation. To the tiger of imperialism there will only be the fiercest of opposition, and to-day our country has to deal with the ferocious animal. . . . Only

[1] Jawaharlal Nehru, *An Autobiography*, 1942, pp. 418–19.

with the elimination of British imperialism from India will conditions be created which permit of real Indo-British co-operation.

27

RESOLUTION ON CONGRESS POLICY IN THE LEGISLATURES,[1] 18 MARCH 1937

The All India Congress Committee records its high appreciation of the magnificent response of the country to the call of the Congress during the recent elections and the approval by the electorate of the Congress policy and programme. The Congress entered these elections with its objective of independence and its total rejection of the new Constitution, and the demand for a Constituent Assembly to frame India's constitution. The declared Congress policy was to combat the New Act and end it. The electorate has, in overwhelming measure, set its seal on this policy and programme and the New Act therefore stands condemned and utterly rejected by the people through the self-same democratic process which had been invoked by the British Government, and the people have further declared that they desire to frame their own constitution, based on national independence, through the medium of a Constituent Assembly elected by adult franchise. This Committee therefore demands, on behalf of the people of India, that the New Constitution be withdrawn.

In the event of the British Government still persisting with the New Constitution, in defiance of the declared will of the people, the All India Congress Committee desires to impress upon all Congress members of the legislatures that their work inside and outside the legislatures must be based on the fundamental Congress policy of combating the New Constitution and seeking to end it, a policy on the basis of which they sought the suffrage of the electorate and won their overwhelming victory in the elections. That policy must inevitably lead to dead-locks with the British Government and bring out still further the inherent antagonism between British Imperialism and Indian Nationalism, and expose the autocratic and undemocratic nature of the New Constitution.

. . . . .

And on the pending question of office acceptance, and in pursuance of the policy summed up in the foregoing paragraphs, the All India Congress Committee authorises and permits the acceptance of offices in provinces where the Congress commands a majority in the legislature, provided the ministerships shall not be accepted unless the leader of the Congress party in the legislature is satisfied and is able to state publicly that the Governor will not use his special powers of interference or set aside the advice of ministers in regard to constitutional activities.

[1] *Congress Resolution Relating to the Legislatures*, 1936–7, pp. 9–10.

(*b*) The Extreme Left and Right. The Indian Communist Party and the Hindu Mahasabha, 1917–37

1

THE RUSSIAN ATTEMPT TO COMMUNIZE INDIA,[1] MAY 1925

3. Among the most useful bases for Russian anti-British propaganda has always been the area which comprises Persia, Afghanistan and the Indian border.

I. *Persia*

4. The Russian Minister at Tehran has been the most tireless, though not always the most successful, operator in this field. He has housed Indian seditionists within his hospitable walls, and has sped them on their mission to India. His Majesty's Government know the exact sums which have been sent to him from time to time by the Russian Government largely for the purpose of anti-British intrigue; and they have seen instructions that have passed between him and his superiors, and between him and his subordinate agents, with a view to stirring up anti-British movements and rebellion in that part of the world. The activities of this agent have even extended to the neighbouring territory of Irak, and Kermanshah, where there is a Soviet consul, the instructions to whom are known to His Majesty's Government, who has been made the active centre of these benevolent intentions. That these activities are well known to, and have been authorised by, the Soviet Government at Moscow is demonstrated by a report from M. Shumiatsky, the Russian representative of Tehran to the Commissariat for Foreign Affairs, in February 1923, which contains the following interesting paragraph: 'Our mission, in carrying out the instructions which your telegram amplifies, had decided on this political line of action, especially in North Persia and Tehran: a good group of workers has been organised who can act in an anti-British direction with real activity. . . . If the Commissary for Foreign Affairs will agree to the plan of the mission, for the first expenditure 300,000 tomans will be necessary as a credit to enable us to work.'

II. *Afghanistan*

5. Afghanistan affords an even more favourable base for enterprise, owing to its proximity to the turbulent tribes within the Indian border. Here M. Raskolnikov, the Soviet representative in Kabul, has distinguished himself by exceptional zeal. On the 17th February, 1923, he informed the Soviet authorities in Tashkent that

[1] Memorandum of British Government, May 1923; *Correspondence between H.M.G. and the Soviet Government Respecting the Relations between the Two Governments*, 1923, Cmd. 1869, pp. 503–5.

every possible means should be used 'to aggravate the undoubted existing crisis by making a breach between Afghanistan and the English', and that 'the immediate delivery of arms and money would have an immense significance'. The Russian Commissariat for Foreign Affairs will no doubt recognise the following communication dated the 21st February, 1923, which they received from M. Raskolnikov: 'I am making arrangements for giving help to Waziristan, probably to the extent of the outlay of 3,000 roubles and ten boxes of cartridges'; and a further communication dated the 17th March, in which M. Raskolnikov implored the Commissariat not to curtail his work for 'Indian work and extraordinary expenses', as this would cause 'an irretrievable loss to the work of the Legation in its most vital spheres'. These extraordinary expenses for the year October 1922 to October 1923 were estimated by M. Raskolnikov in November 1922 at 800,000 out of a total Legation expenditure of about 1,200,000 Kabul rupees.

6. The Commissariat for Foreign Affairs will also doubtless recognise a communication received by them from Kabul, dated the 8th November, 1922, to the following effect: 'Your instructions as regards the caution with which our intelligence and propaganda work should be done are being complied with exactly. Special attention is now being given to the region north of Peshawar, among the Mohmands, but in this respect we cannot do much owing to the insufficiency of funds.'

7. Nor will they have forgotten a communication, dated the 16th March, 1923, from M. Karakhan, the Assistant Commissary for Foreign Affairs, to M. Raskolnikov, in which he said: 'Bring with you a concrete proposal with regard to the form the co-operation in assisting the tribes should take. On the settlement of this question will depend the question of the delivery of arms. Please inform us of your ideas as to the form of co-operation necessary to ensure local supervision in the distribution of the arms.'

8. These communications throw an interesting light on some recent events in the Indian Borderland.

III. *India*

9. The Soviet Government has also not failed to carry its activities further into India. Already, in November 1922, seven Indians, who had been trained as Communist agitators at Tashkent and, after the conclusion of the Russian Trade Agreement, at Moscow, were arrested on their arrival in India from Moscow, whence they had travelled under the charge of Russian civil and military officials by a circuitous and very difficult route, in order to avoid detection.

10. In the same year a number of banknotes of 100 L each, issued through Lloyd's Bank and the Russian Commercial and Industrial Bank in London to Nikolai Klishko, Assistant Official Agent of the Soviet Government in London in June 1921, were cashed in India on behalf of a revolutionary Panjabi in touch with other Indian seditionaries who are known to have been closely associated with the Russian representative in Kabul.

11. In the light of these incidents, it is not surprising to learn that in a recent communication to M. Karakhan, M. Raskolnikov thus expressed himself: 'I consider it most important to maintain personal touch with and render at least the minimum amount of assistance to Indian revolutionaries. At the very lowest it is necessary to assign at least 25,000 gold roubles. Failing this, the existing organisation will collapse.'

12. In their note of the 27th September, 1921, the Soviet Government indignantly repudiated any connection between themselves and the mischievous body known as the Third International. It is singularly unfortunate, if this be the case, that a member of the Soviet Government, M. Sokolnikov, People's Commissary for Finance, and presumably a responsible official, should at a meeting of the Financial Commission of the Fourth Congress of the Third International held at Moscow on the 25th November, 1922, have been one of the body of three by whom the sums of 80,000L. and 120,000L. were allotted to the British and Indian Communist parties respectively. Of this sum 75,000L. had arrived in England by the beginning of January 1923. A little earlier, in September 1922, the Soviet Government had borne the expense of equipping and despatching to India and other Eastern countries sixty-two Oriental students trained in propaganda schools under the Third International.

13. The above paragraphs contain but a few selected examples among many scores of similar incidents, covering in their wide ambit Egypt, Turkey, the British Dominions, and even Great Britain, which testify to the consistent manner in which the Soviet Government has flouted and infringed the preliminary condition upon which the Trade Agreement was signed. It is clearly impossible that an arrangement should be perpetuated which is faithfully observed by one party and as systematically violated by the other. Unless such acts are repudiated and apologised for, and unless the officials who have been responsible for them are disowned and recalled from the scene of their maleficent labours, it is manifestly impossible to persevere with an agreement which is so one-sided in its operation.

2

LORD IRWIN ON COMMUNISM,[1] 28 JANUARY 1929

But there is a yet more serious side of these industrial troubles on which I feel it my duty to touch. While every allowance must be made for the genuine grievances which the labouring classes feel, there can be no doubt that the unrest of the past year has been due in no small measure to the activities of certain persons, whose end is rather to promote anti-social purposes than to secure betterment of the workman's lot. The disquieting spread of the methods of communism has for some time been causing my Government anxiety. Not only have communist agents from abroad promoted a series of strikes in the industrial world, but the

[1] Opening Day Speech in the Legislative Assembly, 28 Jan. 1929; *Legislative Assembly Debates*, vol. I, 1929, pp. 5–6. Lord Irwin was Viceroy from 1926 to 1931.

programme which they have openly set before themselves include undisguised attacks on the whole economic structure of society. All classes alike are threatened by the spread of these doctrines, and no Government can afford to ignore this insidious danger. Last session my Government placed before you a measure aimed at the agents from outside India who have been engaged in this mischievous work, but by a narrow margin the measure was rejected. The anticipations on which my Government then acted have been justified. The object of spreading communist ideas has been steadily pursued, and communist methods have been regularly employed. We have watched in the great city of Bombay the industrial labouring population brought into a state of great unsettlement, excited, prone to violence and often deaf to reason, while in Calcutta we have seen a strike, which appears to have no clearly reasoned basis, indefinitely prolonged. These facts are only symptomatic of a more general movement, of which many here have direct experience, and accordingly my Government have decided to place before you once more the proposals for dealing with communist agents from abroad, which were under discussion last session, and further to include in the measure power to forfeit or control remittances of money from communist sources abroad, which are not without a very appreciable influence on the activities of the communists in this country and their ability to promote and prolong for their own ends these industrial troubles.

3

PUBLIC SAFETY ORDINANCE, 13 APRIL 1929[1]

In September 1928 my Government introduced in the Legislative Assembly a Bill to provide for the removal from British India in the interest of public safety of certain persons engaged in subversive propaganda. After long consideration and after the Bill had been referred to a Select Committee, which reported in its favour with certain amendments which were acceptable to my Government, the Bill on returning to the Assembly was rejected by the casting vote of the President.

2. In January 1929 my Government impressed by the dangers of the situation, which appeared to them to have become still more marked in the interval, introduced in the Legislative Assembly a new Public Safety Bill based on the provisions of the original Bill as amended by the Select Committee and including powers to seize or control money or other valuables in certain cases. The Bill was by a majority of 11 votes referred by the Legislative Assembly to Select Committee. The Select Committee presented an unanimous report which my Government were prepared to accept. Before further proceedings were taken in the Assembly my Government found themselves in a position to take action against 31 alleged Communists on a charge of conspiring to deprive the King of sovereignty of British India. When the Bill, as reported by the Select Committee, was again before the Assembly for consideration, the President of the Assembly suggested that the fundamental

[1] The Viceroy's Statement, *Indian Quarterly Register*, 1929, pp. 81–2.

basis for the Bill was virtually identical with that of the conspiracy case and consequently that it would not be possible to argue the case for the Bill without arguing the case for the prosecution and making statements which were likely to prejudice the trial. The President accordingly advised my Government either to postpone the Bill till the conclusion of the conspiracy trial or to withdraw the conspiracy case and then proceed with the Bill.

3. My Government in reply made it plain that in their view the further discussion of the Bill with due regard to the observance of the rule prohibiting reference of facts on which a judicial decision is pending need cause no inconvenience to the House or embarrassment to the Chair in maintaining the rule. At the same time he felt bound to question the power of the Chair to refuse to allow the Government to proceed further with the Bill at this stage. My Government further made it plain that they could accept neither of the alternative suggestions put before them by the President. They explained that they regarded the passing of the Bill as a matter of urgent importance to enable them to fulfil their responsibilities for the good government of the country and that they could not contemplate the withdrawal of a criminal case, the decision of which they regarded as essential in the public interests.

4. The President of the Assembly after duly considering the reply of my Government affirmed his views on the 11th April 1929 and ruled that the further consideration of the Bill in the present circumstances was out of order.

5. This ruling of the President debars my Government from asking the Legislature to give them the additional powers of which they conceive themselves to stand in need. The primary responsibility for protecting the foundation of the State rests upon the Executive Government. Neither I nor my Government can neglect that responsibility, even though the present circumstances have made it impossible to share it with the Legislature. We cannot ignore the fact that the men behind the revolutionary movements against which the Bill is directed will not stay their hands because the enactment by the Indian Legislature of preventive legislation is postponed. With this danger in view and with a full knowledge of much that can necessarily not now be publicly disclosed I conceive that it has become imperative for my Government to obtain the powers proposed in the Public Safety Bill without further delay. I have accordingly decided after careful review of all the facts to avail myself of the authority conferred upon the Governor General under Section 72 of the Government of India Act in order to issue an Ordinance giving to the Governor-General in Council the powers in question. The purpose of those powers is preventive. They will affect none who are content to employ their liberty in this country for legitimate ends, and the conditions under which they will be exercised, have been the subject of very full and careful consideration. I am fully conscious of the serious character of the personal decision which I have thought it right to take. But though the responsibility in this particular matter rests upon the Governor General, I have no fear that my action will not command the approval of that vast majority of India's people who have

faith in India's future and whose first desire is to see their country prosperous, contented and secure.

4

MEERUT COMMUNIST CONSPIRACY CASE, 1929: THE CHARGES[1]

The above charge was framed as the result of the inquiry into a complaint (P 2485), filed on March 15, 1929, in the Court of the District Magistrate of Meerut by Mr. R. A. Horton, Officer on Special Duty, under the Director, Intelligence Bureau, Home Department, Government of India. It will be convenient, I think, to reproduce the complaint or rather the narrative part of the complaint in full. It runs as follows:—

1. That there exists in Russia an organisation called the Communist International. The aim of this organisation is, by the creation of armed revolution, to overthrow all the existing forms of Government throughout the world and to replace them by Soviet Republics subordinate to, and controlled by the Central Soviet administration in Moscow.

2. That the said Communist International carries on its work and propaganda through various committees, branches and organisations, controlled by and subject to itself, e.g., the Executive Committee of the Communist International (E.C.C.I), and various sub-committees of the same, including a sub-committee concerned with Eastern and Colonial affairs (Colonial Bureau), the Communist Party of Great Britain (C.P.G.B.) which is a section of the Communist International; the Red International of Labour Unions (R.I.L.U.), the Pan-Pacific Trade Union Secretariat, the League Against Imperialism, the Young Communist League (Y.C.L.) and various other bodies.

3. That the ultimate objective of the said Communist International is the complete paralysis and overthrow of existing Governments in every country (including India), by means of a general strike and armed uprising. It has outlined a programme or plan of campaign which should be followed for the achievement of this ultimate objective. Among the methods so ordained are:—

(a) The incitement of antagonism between Capital and Labour.

(b) The creation of Workers' and Peasants' parties, Youth Leagues, Unions, etc., ostensibly for the benefit of the members thereof, but in fact for the purpose of propaganda: the domination of such parties by Communists pledged to support the aims of the Communist International, and the unification of such bodies under one control subservient to the Communist International.

(c) The introduction of fractions or nuclei of such communists with illegal objects as aforesaid into existing Trade Unions, Nationalist bodies and political and other organisations, with the object of capturing the same or obtaining their support in the interest of the Communist International.

[1] *Meerut Communist Conspiracy Case* (Sessions trial no. 2 of 1930), vol. 1, 1932, pp. 3–4.

(d) The encouragement of strikes, hartals and agitations.
(e) Propaganda by speeches, literature, newspapers, the celebration of anniversaries connected with the Russian revolution etc., etc.
(f) The utilisation and encouragement of any movements hostile to the Government.

4. That in the year 1921 the said Communist International determined to establish a branch organisation in British India, and the accused Sripad Amrit Dange, Shaukat Usmani and Muzaffar Ahmad entered into a conspiracy with certain other persons to establish such branch organisations with a view to deprive the King Emperor of his sovereignty of British India.

5. That thereafter various persons, including the accused Philip Spratt and Benjamin Francis Bradley were sent to India by the Communist International through the medium of one of its branches or organisations, and with the object of furthering the aims of the Communist International.

6. That the accused named in this complaint reside at different centres throughout British India. They have conspired with each other and with other persons known or unknown within or without British India, to deprive the King Emperor of the sovereignty of British India, and for such purpose to use the methods and carry out the programme and plan of campaign outlined and ordained by the Communist International, and in fact they used such methods and carried out such plan of campaign with the assistance of, and financial support from the Communist International.

7. That the accused have met and conspired together as aforesaid at various places within and without British India, and amongst others at Meerut, and in pursuance of such conspiracy as aforesaid, the accused formed a Workers' and Peasants' Party at Meerut and there held a conference thereof.

5

CABLEGRAM FROM JAWAHARLAL NEHRU, PRESIDENT OF THE ALL-INDIA TRADE UNION CONGRESS, TO WALTER CITRINE, SECRETARY OF THE BRITISH TRADE UNION CONGRESS GENERAL COUNCIL,[1] 22 JUNE 1929

In view of Government attempts to break the labour movement in India and hamper trade union organization by repressive legislation and arrest all prominent workers, we trust your council will help the Indian trade union movement to fight repression. In particular, we request that you insist that accused in the Meerut trial are not deprived of the rights of jury trial, which most of them possess in their provinces. The Government is carrying on Meerut inquiry obviously as propaganda with their head publicity officer personally supervising publicity arrangements in Meerut. We request your Council to give moral and material support for defence.

[1] *The Meerut Trial, Facts of the Case*, p. 10.

6

LETTER OF JAWAHARLAL NEHRU TO WALTER CITRINE,[1] 22 JUNE 1929

I would like to point out that this trial cannot be isolated from the general situation and must be treated as one phase of the offensive which the Government here has started against the Labour movement. This fact is well recognised in India and the Executive Council of our Trade Union Congress has laid stress on it in their resolution on the subject. Even the Indian National Congress, which is not directly or solely concerned with labour has been constrained to admit this.

There is a lot of shouting about communists and communism in India. Undoubtedly there are some communists in India, but it is equally certain that this cry of communism is meant to cover a multitude of sins of the Government. Of the 31 accused in the Meerut case, now 32 since Hutchinson's arrest, the majority knew little about communism. People connected with any kind of labour or peasant activity have been arrested and are being tried. Eight of those included in the Meerut case are members of the All-India Congress Committee—the Central Executive Committee of the National Congress. It is patently absurd to say that the Government is confining its attention to Communists. . . .

Under these circumstances I hope your general council will appreciate the importance of the issues involved and will express itself unequivocally on the subject. The real issue is the breaking of the Trade Union movement in India. We are quite sure that your council cannot view the possibility of an injury being done to their infant movement in India with equanimity and that you will do your utmost to help us at this stage. We would like you to expose and oppose the whole policy underlying the recent labour legislation of the Government of India and the Meerut trial.

7

MEERUT COMMUNIST CONSPIRACY CASE: THE JUDGEMENT[2]

It remains only to state the conclusions to which the oral and documentary evidence placed before the Court and the admissions of the accused appear to me to lead. First of all it appears to me to be conclusively proved that throughout the period under consideration, that is at all times material to this case, there has been in existence in Russia an organisation known as the Communist International, which has had as its aim to bring about throughout the world a revolution or revolutions for the overthrowing of existing Governments and the establishment in their place of Soviet Republics similar to that established in Russia. This overthrow is expected and intended to be brought about by armed uprisings. We have

[1] *The Meerut Trial, Facts of the Case*, pp. 10–11.

[2]. Delivered by R. L. Yorke, Additional Sessions Judge. *Meerut Communist Conspiracy Case* (Sessions trial no. 2 of 1930), vol. 1, 1932, pp. 312–13.

found this aim, based originally on Marxian economic theory, stated in the writings and speeches of leading Communists and in the pronouncements made from time to time by the Communist International in its statutes and theses. The subject has been fully discussed in many of these writings, and again in both the individual statements of the accused in this case and the joint statement, and no room has been left for doubt as to the existence of this ultimate intention or aim.

Secondly it has been clearly established that the Communist International works to that end through (1) various committees of its own, as for example the E.C.C.I. and its sub-committees, such as the Colonial Committee, (2) branches, such as the Communist Party of Great Britain, and (3) auxiliary organisations, as for example, the R.I.L.U., the National Minority Movement, the P.P.T.U.S., the League against Imperialism, the Young Communist League, the W.W.L.I. and other bodies. Some of these bodies are nominally independent, but in reality they are all controlled by the Communist International and are subject to it.

The objects of the Communist International and of all these other bodies are set out and described in their official publications and in numerous other documents on the record. These publications and documents also contain a clear account of the methods, which have been prescribed by the Communist International directly and through its subordinate organisations for carrying on work and propaganda leading up to the main objective, namely an armed revolution.

So much for the general aspect of the activities of the Communist International and its connected organisations. Specifically with regard to India it is established that the Communist International at a very early date decided that India offered a suitable field for its operations as being one of the most likely places for the next step forward towards world revolution, one of the two most likely weak links in the capitalist chain. The evidence shows that beginning from soon after the Communist Conspiracy case of 1924 the Communist International has been endeavouring to bring about a revolutionary situation in India by assisting and instigating Communists in India to active work, both directly and through its subordinate organisations. We have seen it at work in England operating through the Communist Party of Great Britain, and again in Holland and generally on the Continent through Roy and Sipassi and the Foreign Bureau, probably representing the remaining members of that Bureau during the period of Roy's absence in China. Through these agencies it has been sending literature, advice and instructions, and financial help for newspapers and possibly for other work. In addition it has through the agency of the Communist Party of Great Britain sent a number of agents to work in India, for example Glading, Allison, Spratt, Bradley and others, who have been guided in their work by members of the Foreign Bureau, particularly Roy and C. P. Dutt, and have followed the traditional methods of Communist penetration and propaganda.

The methods which have been laid down as a programme of work for the revolution in India, include (a) incitement generally of antagonism between Capital and Labour; (b) the creation of Workers' and Peasants' Parties, Youth Leagues,

Trade Unions etc. superficially for the benefit of their members, but mainly in reality for the purpose of propaganda; such parties to be organised and run by Communists; (c) in the case of existing Trade Unions, political bodies and the like, their capture in the Communist interest by the introduction of fractions or nuclei consisting of Communists; (d) encouragement of strikes, hartals and similar demonstrations; (e) propaganda by speeches, newspapers, articles, leaflets, celebration of anniversaries and 'days'; (f) utilisation of any other movements hostile to Government, such as Bardoli, Independence League etc.

It will be remembered that in the course of the preceding pages there have been instances illustrating every single item of this programme. Moreover, it is quite clear that these methods have been applied by the Communists in India with the fullest intention and the fullest understanding of their meaning and object and with the guidance and assistance of the agents mentioned above, who, it is quite evident, were sent out to India for that express purpose.

It appears to me to be quite clear that the Communists (and possibly others) in India, who have been working along with these agents from Europe have, even though not members of the Communist International, conspired with each other at Meerut and elsewhere to carry out such of the successive steps indicated in the publications and documents of the Communist International and its subordinate organisations and agents, as appeared to them suitable, with the ultimate objective of bringing about an armed revolution with the object of depriving the King Emperor of his sovereignty of British India. That is to say I am quite satisfied that there has been during the period under consideration a conspiracy on the part of the Communist International and its subordinate and connected organisations to deprive the King of his sovereignty of British India, and that persons in India took part in that conspiracy and in so doing committed acts at Meerut and other places, which bring them within the purview of Section 121-A I.P.C. In the second half of this judgement I shall have to consider which of the 30 accused now before this Court (the thirty-first accused, Thengdi, having died subsequent to the close of arguments) actually entered into and participated in this conspiracy, and thereby committed an offence under Section 121-A I.P.C., but it will be convenient to mention here the opinions expressed by the assessors on the question of the existence of a conspiracy, Of the five assessors four were of opinion that there was in the years 1925 to 1929 a conspiracy as alleged by the prosecution to deprive the King of his sovereignty of British India. The fifth assessor was of opinion that the conspiracy was proved, that all the accused were guilty more or less but not under Section 121-A I.P.C. 'The conspiracy,' he said, 'is not to deprive the King of his sovereignty but to overthrow the Capitalist and Imperialist power over British India.' The opinion that none of the accused were guilty of an offence under Section 121-A I.P.C. seems to me difficult to understand in the light of the opinion that they were all guilty of participating in a conspiracy to overthrow the Imperialist power over British India, the active expression of which power is the sovereignty of His Majesty, the King Emperor. In my opinion the view expressed

by this assessor also really amounts to an acceptance of the general theory of conspiracy put forward by the Crown in this case.

8

THE HINDU MAHASABHA'S ECONOMIC PLAN,[1] 1931

(a) We shall first of all welcome the machine. This is a Machine age. The handcrafts will of course have their due place and encouragement. But National production will be on the biggest possible machine scale.

(b) The peasantry and the working class form literally the chief source of National wealth, health and strength as well; for, a stalwart army also has for its recruitment to depend chiefly on these very classes which supply the Nation with the first two requisites. Therefore, every effort will be made to revigorate them and the villages which are their cradle. Peasants and labourers must be enabled to have their share in the distribution of wealth to such an extent as to enable them to have not only a bare margin of existence but the average scale of a comfortable life. Nevertheless it must be remembered that they too being a part and parcel of the Nation as a whole must share obligations and responsibilities and therefore can only receive their share in such a way as is consistent with the general development and security of the National Industry, manufacture and wealth in general. (c) As the National capital is under the present circumstances mainly individual and indispensable for the development of National Industry and manufacture, it also will receive due encouragement and recompense. (d) But the interests of both the capital and labour will be subordinated to the requirement of the Nation as a whole. (e) If an industry is flourishing, the profits will be shared in a large portion by the labourers. But on the contrary if it is a losing concern, not only the Capitalist but to a certain extent even the Labourer will have to be satisfied with diminishing returns so that the National Industry as such may not altogether be undermined by the overbearing attitude of the selfish class interests of either the capitalists or labourites. In short the claims of the capital and labour will be so co-ordinated from time to time as to enable the Nation as a whole to develop its National Industry and manufacture and make itself self-sufficient. (f) In cases some of the key industries or manufactures and such other items may be altogether nationalized if the National Government can afford to do so and can conduct them more efficiently than private enterprise can do. (g) The same principle applies to cultivation of land. We should so co-ordinate the interest of the landlord and the peasant that the National agricultural production may on the whole be developed and does not suffer owing to any selfish tussle between the class interests of the landowner or the tenants or the tiller. (h) In some cases the Government may take over the land and introduce State cultivation if it can serve to train up the peasant class as a whole with the use of big machines and agriculture on a large and scientific scale.

[1] V. D. Savarkar's Presidential Address at the 21st Session of the Akhil Bharatiya (All India) Hindu Mahasabha 1931. *Hindu Rashtra Darshan*, pp. 140–3.

(i) All strikes or lockouts which are obviously meant or inevitably tend to undermine and cripple National industry or production in general or are calculated to weaken the economic strength of the Nation as a whole must be referred to State arbitration and get settled or in serious cases quelled. (j) Private property must in general be held inviolate. (k) And in no case should there be on the part of the State any expropriation of such property without reasonable recompense. (l) Every step must be taken by the State to protect National industries against foreign competition.

I have hurriedly lined out above items to serve as illustrations only. The National economical strength must grow and the Nation must be made economically self-sufficient; these two form the pivot of the Policy.

A special feature of no less importance of this Hindu Sanghatanist economics must of course be to safeguard the economical interests of the Hindus wherever and whenever they may be threatened by the economical aggression of the non-Hindus as happens today of a set policy in the Nizam State, in the Punjab, in Bhopal, in Assam and in several other parts of India. Hindu Sabhas in all localities should make it a point to see that the Hindu peasants, the Hindu traders, the Hindu labourers do not suffer at the hands of non-Hindu aggression while the conflicting class interests amongst the Hindus themselves should be solved in the light of the above general principle.

(*c*) British Policy, 1917–37

1

THE SECRETARY OF STATE'S ANNOUNCEMENT,[1] 20 AUGUST 1917

The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestions of representative bodies and others.

I would add that progress in this policy can only be achieved by successive

[1] Report on Indian Constitutional Reforms, Cd. 9109 (1918), para. 6.

stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

Ample opportunity will be afforded for public discussion of the proposals which will be submitted in due course to Parliament.

2

EDWIN MONTAGU ON THE GOVERNMENT OF INDIA'S ATTITUDE TO REFORMS,[1] 24 JANUARY 1918

Thursday, January 24

. . . . . .

Then we went to the meeting on agitation. It was a gloomy proceeding. Chelmsford threw out suggestions, such as my suggestion for power to sue for criminal libel; my suggestion of making a paper insert a contradiction of a lie; my suggestion that officials should have freedom to answer attacks upon them. Then the Governors and Lieutenant-Governors began and went on talking. I will not record what they said, because the best account I can give of the meeting is by saying what I said when they had finished, after two hours. I was then asked to give my views. I told them that I was more depressed than I could say by what they had said; that I did not seem to talk the same language as they did; that I daresay they were right, but if they were right, then our policy was wrong; we need not discuss political reform any further. The announcement of August 20 was wrong; the Morley–Minto reform scheme was wrong, and India ought not to have any political institutions. It was monstrous to say that a man could not make the same speech outside the Council that he could inside; it was monstrous to say that an official must be a politician inside a Council, using his vote and influence in political matters, sitting on Executive Councils which were really Cabinets, and then must take no part in politics outside. Their scheme dated from a day before Parliamentary institutions dawned in India. I heard them say, to my amazement, that it was a most disquieting sign that agitation was spreading to the villages. What was the unfortunate politician in India to do? He was told he could not have self-government because there were no electorate, because only the educated wanted it, because the villagers had no political instincts; and then when he went out into the villages to try and make an electorate, to try and create a political desire, he was told that he was agitating, and that the agitation must be put a stop to. The right answer to agitation was to remove all justifiable causes for it, and

[1] E. Montagu, *An Indian Diary*, pp. 215–17. Montagu was Secretary of State for India, 1917–22.

then we had a good answer to everything that the agitator said. Agitation should be answered by agitation. We should try and educate the villagers; we should put our case; but to sit quite quiet whilst an agitator was agitating and then intern him showed that we had no answer. . . . If our policy was adequate, and if we thoroughly believed it, the only right way to answer agitation was by advocating it; that if the Government defended itself, the moderates would soon rally to the Government. It was only because we left the moderates without any backing or stiffening or assistance from the real leaders of the Government political party, the officials, that they were so doubtful of themselves. I said law and order was not my business; I could not keep law and order from England, and those who governed the Provinces were responsible for it. But I could not defend them if they did things that I did not agree with; then I would resign and they must get somebody else to do it. The idea that they could get a reporter into a private house when more than 20 people were assembled seemed to me to be a thing that the House of Commons would never stand. They must learn to be politicians; they must learn to defend themselves, and not to think of suppressing agitation. I told them that I had met no extremists, except Tilak and Mrs. Besant, and even Mrs. Besant was not an extremist; she was a suffragette. In just the same way I had met no reactionaries, or only one or two, looking hard at certain people. It was really only a matter of terms. Disaffection was an excellent thing if it meant that you were teaching a man that he must hope for better things. Our whole policy was to make India a political country, and it was absolutely impossible to associate that with repression.

. . . . . .

3

PRINCIPLES OF THE MONTAGU–CHELMSFORD REPORT[1]

188. Let us now consider the principles on which our proposals are based. . . . It follows from our premises, and it is also recognised in the announcement of August 20, that the steps are to be gradual and the advance tested at each stage. Consistently with these requirements a substantial step is to be taken at once. If our reasoning is sound, this can be done only by giving from the outset some measure of responsibility to representatives chosen by an electorate. There are obviously three levels at which it is possible to give it—in the sphere of local bodies, in the provinces, and in the Government of India. . . . As we go upwards, the importance of the retarding factors increases; and it follows that popular growth must be more rapid and extensive in the lower levels than in the higher. Let us state the proposition in another way. The functions of government can be arranged in an ascending scale of urgency, ranging from those which concern the comfort and well-being of the individual to those which secure the existence of the State. The individual understands best the matters which concern him and of

[1] Report on Indian Constitutional Reforms, Cd. 9109 (1918), pp. 134–7.

which he has experience; and he is likely to handle best the things which he best understands. Our predecessors perceived this before us, and placed such matters to some extent under popular control. Our aim should be to bring them entirely under such control. This brings us to our first formula:—

'*There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control*' (1).

189. When we come to the provincial Governments the position is different. Our objective is the realisation of responsible government. We understand this to mean first, that the members of the executive government should be responsible to, because capable of being changed by, their constituents; and, secondly, that these constituents should exercise their power through the agency of their representatives in the assembly. These two conditions imply in their completeness that there exist constituencies based on a franchise broad enough to represent the interests of the general population, and capable of exercising an intelligent choice in the selection of their representatives; and, secondly, that it is recognised as the constitutional practice that the executive Government retains office only so long as it commands the support of a majority in the assembly. But in India these conditions are as yet wanting. . . . We must proceed therefore by transferring responsibility for certain functions of government while reserving control over others. From this starting point we look for a steady approach to the transfer of complete responsibility. We may put our second formula thus:—

'*The provinces are the domain in which the earlier steps towards the progressive realisation of responsible government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislative, administrative, and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities*' (2).

10. But, as we shall see, any attempt to establish equilibrium between the official and popular forces in government inevitably introduces additional complexity into the administration. For such hybrid arrangements precedents are wanting; their working must be experimental, and will depend on factors that are yet largely unknown. We are not prepared, without experience of their results, to effect like changes in the Government of India. Nevertheless, it is desirable to make the Indian Legislative Council more truly representative of Indian opinion, and to give that opinion greater opportunities of acting on the Government. While, therefore, we cannot commend to Parliament a similar and simultaneous advance both in the provinces and in the Government of India, we are led to the following proposition:—

'*The Government of India must remain wholly responsible to Parliament, and saving such responsibility, its authority in essential matters must remain indisputable,*

pending experience of the effect of the changes now to be introduced in the provinces. In the meantime the Indian Legislative Council should be enlarged and made more representative and its opportunities of influencing Government increased' (3).

191. Further the partial control of the executive in the provinces by the legislature, and the increasing influence of the legislature upon the executive in the Government of India will make it necessary that the superior control over all Governments in India which is now exercised by the authorities at home must be in corresponding measure abated: for otherwise the executive Governments in India will be subjected to pressure from different sources which will wholly paralyse their liberty of action, and also the different pressures may be exercised in opposite directions. We may put this proposition briefly as follows:—

'In proportion as the foregoing changes take effect, the control of Parliament and the Secretary of State over the Government of India and provincial Governments must be relaxed'(4).

4

THE MONTAGU–CHELMSFORD REPORT ON THE NATURE OF PARLIAMENTARY CONTROL,[1] 1918

. . . . .

Our own study of political development in India has led us . . . to one important conclusion. It is that Parliament's omission to institute regular means of reviewing the Indian administration is as much responsible as any single cause for our failure in the face of growing nationalist feeling in India, to think and to work out a policy of continuous advance. For this failure it would be unfair to blame the Government or the services of India. They have been abundantly occupied with their own heavy tasks, and they have lacked instructions from those whose business it was to give them. But, as we shall show hereafter, we think that there is a strong case for reviving in some form the machinery for enabling Parliament to discharge the weighty responsibility which lies upon it and which indeed the announcement of August 20 categorically acknowledges, for determining the stages and the pace of India's future political progress. . . .

294. But whatever control over Indian affairs the Secretary of State keeps he keeps in the name of Parliament; and it will not suffice to improve the agent, so long as his relations with his principal are not what they should be. Of all the great departments of the State, the India Office is at present the least concerned with Parliament. Parliamentary control cannot in fact be called a reality. Discussion is often out of date and ill-informed; it tends to be confined to a little knot of members and to stereotyped topics; and it is rarely followed by any decision. We fully realise the other pre-occupations of Parliament, and yet we are sure that means must be found of enabling it to take a real and continuous interest in India. No one

[1] Report on Indian Constitutional Reforms, Cd. 9109, pp. 27–30, 235–6.

would wish matters that ought to be discussed and settled in India to be debated and decided in Parliament; but there remain large questions of policy with which only Parliament can deal. We are anxious that Parliament should be in a position to take them up with interest and to decide them with knowledge. We have already made one important proposal—that for periodic commissions to deal with the political progress of India—which will be of value for this purpose. . . . We advise that the Secretary of State's salary, like that of all other Ministers of the Crown, should be defrayed from home revenues and voted annually by Parliament. This will enable any live questions of Indian administration to be discussed by the House of Commons in Committee of Supply. On previous occasions when this proposal has been made it has encountered the objection that it would result in matters of Indian administration being treated as party questions. Without entering into speculations as to the future of parties in Parliament, we do not see why this result would follow from such a debate more than from the existing debate on the budget; . . .

5

LOCAL SELF-GOVERNMENT POLICY,[1] 1918

. . . Generally speaking, therefore, we may say that while within town areas elected town councils control the administration of their roads, schools, drainage, conservancy, lighting, and the like, the district officer is still at hand as a stimulus and a mentor; and in the more backward district boards he still plays an important part, because as chairman he directs the executive agency of the board. Rural education, dispensaries, sanitation, country roads, bridges, water-supply, drainage, tree-planting, veterinary work, pounds, fairs, ferries, sarais, and the like are all matters which, to a great extent, he still administers, not primarily as a servant of government, but in behalf of, indeed in some provinces, as the formally elected president of, a popular body; and the Commissioner above him exercises considerable supervision over the boards' proceedings. It will of course be understood that we are speaking of *mufassil* practice. The great presidency corporations, whose beginnings date from the 17th century, are in a class by themselves. Mainly elective in character, they work largely through an official chairman or executive officer, and are not subject to close supervision from outside. . . .

. . . In large centres of population municipal institutions are a reality, and they form an oasis of popular control in the midst of an official system. In smaller towns official influence is still actually though not technically strong. The boards to whom rural affairs are committed, though they often enjoy elected majorities, are, in practical working, probably still weaker in relation to the official system than the Morley-Minto changes left the councils in relation to Government. The organization is still well-suited in many ways to the needs of a backward people, and is well understood by them. . . .

[1] Report on Indian Constitutional Reforms, Cd. 9109, pp. 103–4, 158–60.

194. At present rather more than half the members of municipal and rather less than half of those of rural boards, including in this term sub-district boards, are elected. The intention is that substantial elected majorities should be conceded in boards of both kinds, and that the system of nomination should be retained only in order to secure the necessary representation of minorities, and the presence of a few officials as expert advisers without a vote. Generally the suggestion is that the proportion of nominated members should not exceed one-fourth. The enlargement of the elected element must necessarily be accompanied by the adoption of a sufficiently low franchise to obtain constituencies which will be really representative of the general body of ratepayers. It should also be followed by an extension of the system of elected chairmen. The Decentralization Commission thought that municipal chairmen should ordinarily be elected non-officials, and that if a nominated chairman was required an official should be selected. It is hoped, however, that the election of chairmen will be the general rule in future. . . .

195. The Decentralization Commission recommended that municipalities should have full liberty to impose and alter taxation within the limits laid down by law, but that where the law prescribes no maximum rate the sanction of an outside authority should be required to any increase. It is hoped that nearly all boards will contain substantial elected majorities, and in their case it is proposed to accept the Commission's recommendation, though indebted boards should still obtain the sanction of higher authority before altering a tax. It is clearly important that municipal boards should have such power to vary taxation, and the intention is to give it to rural boards as well by allowing them to levy rates and fees within the limits of the existing Acts. . . .

6

JOINT SELECT COMMITTEE ON THE GOVERNMENT OF INDIA BILL,[1] 1919

5. . . . They regard it as of the highest importance that the Governor should foster the habit of free consultation between both halves of his government, and indeed that he should insist upon it in all important matters of common interest. He will thus ensure that ministers will contribute their knowledge of the people's wishes and susceptibilities, and the members of his Executive Council their administrative experience, to the joint wisdom of the government. But while the Committee anticipate much advantage from amicable, and, as far as possible, spontaneous association for purposes of deliberation, they would not allow it to confuse the duties or obscure the separate responsibility which will rest on the two parts of the administration. Each side of the government will advise and assist the other; neither will control or impede the other. The responsibility for administrative and legislative action in their own field will be fixed beyond possibility of doubt on ministers and on the majorities of the provincial legislatures which support them; and they will be given adequate power to fulfil their charge. Similarly within that

[1] *Report of the Joint Select Committee*, 1919, vol. I, pp. 5–11.

field for which he remains accountable to Parliament, the responsibility for action must be fixed on the Governor-in-Council, and he must possess unfailing means for the discharge of his duties. Finally, behind the provincial authorities stands the Government of India.

6. The change which this Bill will make in the political structure and life of India is very important. It marks a great step in the path of self-government, and it is a proof of the confidence reposed by His Majesty's Government in the loyalty, wisdom and capacity of our Indian fellow-subjects. At the same time it points to the desirability of keeping Parliament in closer touch with Indian affairs than has recently been possible. The Committee accordingly propose that a Standing Joint Committee should be appointed by both Houses of Parliament for that purpose. It should have no statutory functions, but a purely advisory and consultative status; and among its tasks is one of high importance, the consideration of amendments to rules made under this Bill. For the plan on which the Bill has been drafted, and in the opinion of the Committee rightly drafted, will necessitate the completion of some of its main provisions by a large number of rules and other documents which will have to be framed before the machinery established by the Bill can come into working order. Many of these rules and documents will be drafted in India for the approval of the Secretary of State. When they come to England, it may be found convenient that the present Committee be reappointed to advise Parliament in regard to them.

7. *Clause* 6. The Committee desire at this point to give a picture of the manner in which they think that, under this Bill, the government of a province should be worked. There will be many matters of administrative business, as in all countries, which can be disposed of departmentally; but there will remain a large category of business, of the character which would naturally be the subject of Cabinet consultation. In regard to this category the Committee conceive that the habit should be carefully fostered of joint deliberation between the members of the executive council and the ministers, sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such subjects; but the Committee attach the highest importance to the principle that, when once opinions have been freely exchanged and the last word has been said, there ought then to be no doubt whatever as to where the responsibility for the decision lies. Therefore, in the opinion of the Committee, after such consultation, and when it is clear that the decision lies within the jurisdiction of one or other half of the Government, that decision in respect of a reserved subject should be recorded separately by the executive council, and in respect of a transferred subject by the ministers, and all acts and proceedings of the government should state in definite terms on whom the responsibility for the decision rests. It will not always, however, be clear, otherwise than in a purely departmental and technical fashion, with whom the jurisdiction lies in the case of questions of common interest. In such cases it will be inevitable for the Governor to occupy the position of informal arbitrator between the two parts of his administration; and it will equally be his duty to see that a decision

arrived at on one side of his government is followed by such consequential action on the other side as may be necessary to make the policy effective and homogeneous.

The position of the Governor will thus be one of great responsibility and difficulty, and also of great opportunity and honour. He may have to hold the balance between divergent policies and different ideals, and to prevent discord and friction. It will also be for him to help with sympathy and courage the popular side of his government in their new responsibilities. He should never hesitate to point out to ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, ministers should decide not to adopt his advice, then, in the opinion of the Committee, the Governor should ordinarily allow ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation. It is not possible but that in India, as in all other countries, mistakes will be made by ministers, acting with the approval of a majority of the legislative council, but there is no way of learning except through experience and by the realisation of responsibility.

. . . . .

7. *Clause* 33.—. . . In the exercise of his responsibility to Parliament, which he cannot delegate to anyone else, the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement.

This examination of the general proposition leads inevitably to the consideration of one special case of non-intervention. Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India, and without limiting the power of veto which rests in the Crown; and neither of these limitations finds a place in any of the Statutes in the British Empire. It can only therefore be assured by an acknowledgment of a convention. Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secre-

tary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party.

The relations of the Secretary of State and of the Government of India with provincial governments should, in the Committee's judgment, be regulated by similar principles, so far as the reserved subjects are concerned. It follows, therefore, that in purely provincial matters, which are reserved, where the provincial government and legislature are in agreement, their view should ordinarily be allowed to prevail, though it is necessary to bear in mind the fact that some reserved subjects do cover matters in which the central government is closely concerned. Over transferred subjects, on the other hand, the control of the Governor-General in Council, and thus of the Secretary of State, should be restricted in future within the narrowest possible limits, . . .

7

THE GOVERNMENT OF INDIA ACT,[1] 23 DECEMBER 1919

Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the empire:

And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken:

And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples:

And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility:

And whereas concurrently with the gradual development of self-governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities:

Be it therefore enacted . . ., as follows:—

LOCAL GOVERNMENTS

I.—(1) Provision may be made by rules under the Government of India Act, 1915, as amended by the Government of India (Amendment) Act, 1916 (which Act, as so amended, is in this Act referred to as 'the principal Act')—

[1] 9 & 10 Geo. V, c. 101.

(a) for the classification of subjects, in relation to the functions of government, as central and provincial subjects, for the purpose of distinguishing the functions of local governments and local legislatures from the functions of the Governor-General in Council and the Indian legislature;

(b) for the devolution of authority in respect of provincial subjects to local governments, and for the allocation of revenues or other moneys to those governments;

(c) for the use under the authority of the Governor-General in Council of the agency of local governments in relation to central subjects, in so far as such agency may be found convenient, and for determining the financial conditions of such agency; and

(d) for the transfer from among the provincial subjects of subjects (in this Act referred to as 'transferred subjects') to the administration of the governor acting with ministers appointed under this Act, and for the allocation of revenues or moneys for the purpose of such administration.

(3) The powers of superintendence, direction, and control over local governments vested in the Governor-General in Council under the principal Act shall, in relation to transferred subjects, be exercised only for such purposes as may be specified in rules made under that Act, but the Governor-General in Council shall be the sole judge as to whether the purpose of the exercise of such powers in any particular case comes within the purposes so specified.

. . . . . .

II.—(1) The provision in subsection (1) of section thirty of the principal Act, which gives power to local governments to raise money on real or personal estate within the limits of their respective governments by way of mortgage or otherwise, shall have effect as though that provision conferred a power on local governments to raise money on the security of their allocated revenues, and to make proper assurances for that purpose.

(2) Provision may be made by rules under the principal Act as to the conditions under which the power to raise loans on the security of allocated revenues shall be exercised.

(3) The provision in subsection (1) of section thirty of the principal Act, which enables the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India to prescribe provisions or conditions limiting the power to raise money, shall cease to have effect as regards the power to raise money on the security of allocated revenues.

IV.—(1) The governor of a governor's province may, by notification, appoint ministers, not being members of his executive council or other officials, to administer transferred subjects, and any ministers so appointed shall hold office during his pleasure. . . .

(2) No minister shall hold office for a longer period than six months, unless he is or becomes an elected member of the local legislature.

(3) In relation to transferred subjects, the governor shall be guided by the advice of his ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice: Provided that rules may be made under the principal Act for the temporary administration of a transferred subject where, in cases of emergency, owing to a vacancy, there is no minister in charge of the subject, by such authority and in such manner as may be prescribed by the rules.

V.—(1) The provision in section forty-seven of the principal Act, that two of the members of the executive council of the governor of a province must have been for at least twelve years in the service of the Crown in India, shall have effect as though 'one' were substituted for 'two', and the provision in that section that the Commander-in-Chief of His Majesty's Forces in India, if resident at Calcutta, Madras, or Bombay, shall, during his continuance there, be a member of the governor's council, shall cease to have effect.

. . . . .

VII.—(1) There shall be a legislative council in every governor's province, which shall consist of the members of the executive council and of members nominated or elected as provided by this Act.

. . . . .

(2) The number of members of the governors' legislative councils shall be in accordance with the table set out in the First Schedule to this Act; and of the members of each council not more than twenty per cent. shall be official members, and at least seventy per cent. shall be elected members:

. . . . .

X.—(1) The local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province.

(2) The local legislature of any province may, subject to the provisions of the subsection next following, repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local legislature.

(3) The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

(a) imposing or authorising the imposition of any new tax unless the tax is a tax scheduled as exempted from this provision by rules made under the principal Act; or

(b) affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the

Governor-General in Council for the general purposes of the government of India, provided that the imposition or alteration of a tax scheduled as aforesaid shall not be deemed to affect any such tax or duty; or

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

(d) affecting the relations of the government with foreign princes or states; or

(e) regulating any central subject; or

(f) regulating any provincial subject which has been declared by rules under the principal Act to be, either in whole or in part, subject to legislation by the Indian Legislature, in respect of any matter to which such declaration applies; or

(g) affecting any power expressly reserved to the Governor-General in Council by any law for the time being in force; or

(h) altering or repealing the provisions of any law which, having been made before the commencement of this Act by any authority in British India other than that local legislature, is declared by rules under the principal Act to be a law which cannot be repealed or altered by the local legislature without previous sanction; or

(i) altering or repealing any provision of an Act of the Indian Legislature made after the commencement of this Act, which by the provisions of that Act may not be repealed or altered by the local legislature without previous sanction:

Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act.

(4) The local legislature of any province has not power to make any law affecting any Act of Parliament.

XI.—(2) The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the council in each year, and the proposals of the local government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the council in the form of demands for grants. The council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed:

Provided that—

(a) the local government shall have power, in relation to any such demand, to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the demand relates to a reserved subject, and the governor certifies that the

expenditure provided for by the demand is essential to the discharge of his responsibility for the subject; and

(b) the governor shall have power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the province, or for the carrying on of any department; and

(c) no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation of the governor, communicated to the council.

. . . . . .

XII.—(1) Where a Bill has been passed by a local legislative council, the governor, lieutenant-governor or chief commissioner may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the council for reconsideration, either in whole or in part, together with any amendments which he may recommend, or, in cases prescribed by rules under the principal Act may, and if the rules so require shall, reserve the Bill for the consideration of the Governor-General.

. . . . . .

XIII.—(1) Where a governor's legislative council has refused leave to introduce, or has failed to pass in a form recommended by the governor, any Bill relating to a reserved subject, the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject, and thereupon the Bill shall, notwithstanding that the council have not consented thereto, be deemed to have passed, and shall, on signature by the governor, become an Act of the local legislature in the form of the Bill as originally introduced or proposed to be introduced in the council or (as the case may be) in the form recommended to the council by the governor.

. . . . . .

GOVERNMENT OF INDIA

XVII.—Subject to the provisions of this Act, the Indian legislature shall consist of the Governor-General and two chambers, namely, the Council of State and the Legislative Assembly.

Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian legislature unless it has been agreed to by both chambers, either without amendment or with such amendments only as may be agreed to by both chambers.

XVIII.—(1) The Council of State shall consist of not more than sixty members nominated or elected in accordance with rules made under the principal Act, of whom not more than twenty shall be official members.

. . . . . .

XIX.—(2) The total number of members of the Legislative Assembly shall be one hundred and forty. The number of non-elected members shall be forty, of whom twenty-six shall be official members. The number of elected members shall be one hundred:

. . . . .

XXI.—Every Council of State shall continue for five years, and every Legislative Assembly for three years, from its first meeting:

. . . . .

XXII.—(4) Every member of the Governor-General's Executive Council shall be nominated as a member of one chamber of the Indian legislature, and shall have the right of attending in and addressing the other chamber, but shall not be a member of both chambers.

XXIV.—(3) If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that chamber, passed by the other chamber either without amendments or with such amendments as may be agreed to by the two chambers, the Governor-General may in his discretion refer the matter for decision to a joint sitting of both chambers: Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two chambers.

(4) Without prejudice to the powers of the Governor-General under section sixty-eight of the principal Act, the Governor-General may, where a Bill has been passed by both chambers of the Indian legislature, return the Bill for reconsideration by either chamber.

(7) Subject to the rules and standing orders affecting the chamber, there shall be freedom of speech in both chambers of the Indian legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber, or by reason of anything contained in any official report of the proceedings of either chamber.

XXV.—(1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the legislative assembly, nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration, unless the Governor-General otherwise directs—

(i) interest and sinking fund charges on loans; and
(ii) expenditure of which the amount is prescribed by or under any law; and
(iii) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council; and
(iv) salaries of chief commissioners and judicial commissioners; and
(v) expenditure classified by the order of the Governor-General in Council as—

(a) ecclesiastical;
(b) political;
(c) defence.

(4) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the above heads, the decision of the Governor-General on the question shall be final.

(5) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the above heads shall be submitted to the vote of the legislative assembly in the form of demands for grants.

(6) The legislative assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

(7) The demands as voted by the legislative assembly shall be submitted to the Governor-General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the legislative assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding the withholding of such assent, or the reduction of the amount therein referred to, by the legislative assembly.

(8) Notwithstanding anything in this section, the Governor-General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof.

XXVI.—(1) Where either chamber of the Indian legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor-General, any Bill, the Governor-General may certify that the passage of the Bill is essential for the safety, tranquillity or interests of British India or any part thereof, and thereupon—

(a) If the Bill has already been passed by the other chamber, the Bill shall, on signature by the Governor-General, notwithstanding that it has not been consented to by both chambers, forthwith become an Act of the Indian legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian legislature, or (as the case may be) in the form recommended by the Governor-General; and

(b) If the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so consented to, shall, on signature by the Governor-General, become an Act as aforesaid.

. . . . .

SECRETARY OF STATE IN COUNCIL

XXX.—The salary of the Secretary of State, the salaries of his under-secretaries, and any other expenses of his department may, notwithstanding anything in the principal Act, instead of being paid out of the revenues of India, be paid out of moneys provided by Parliament, and the salary of the Secretary of State shall be so paid.

XXXI.—The following amendments shall be made in section three of the principal Act in relation to the composition of the Council of India, the qualification, term of office, and remuneration of its members:—

(1) The provisions of subsection (1) shall have effect as though 'eight' and 'twelve' were substituted for 'ten' and 'fourteen' respectively, as the minimum and maximum number of members, provided that the council, as constituted at the time of the passing of this Act, shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision.

(2) The provisions of subsection (3) shall have effect as if 'one-half' were substituted for 'nine' and 'India' were substituted for 'British India'.

(3) In subsection (4) 'five years' shall be substituted for 'seven years' as the term of office of members of the council, provided that the tenure of office of any person who is a member of the council at the time of the passing of this Act shall not be affected by this provision.

(4) The provisions of subsection (8) shall cease to have effect and in lieu thereof the following provisions shall be inserted:

'There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds, provided that any member of the council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds.

'Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament.'

XXXIII.—The Secretary of State in Council may, notwithstanding anything in the principal Act, by rule regulate and restrict the exercise of the powers of superintendence, direction and control, vested in the Secretary of State and

the Secretary of State in Council, by the principal Act, or otherwise, in such manner as may appear necessary or expedient in order to give effect to the purposes of this Act.

. . . . .

XXXV.—His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom, and for the pay, pension, powers, duties, and conditions of employment of the High Commissioner and of his assistants; and the Order may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council, whether under the principal Act or otherwise, in relation to making contracts, and may prescribe the conditions under which he shall act on behalf of the Governor-General in Council or any local government.

THE CIVIL SERVICES IN INDIA

XXXVIII.—(1) There shall be established in India a public service commission, consisting of not more than five members, of whom one shall be chairman, appointed by the Secretary of State in Council. Each member shall hold office for five years, and may be re-appointed.

(2) The public service commission shall discharge, in regard to recruitment and control of the public services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council.

STATUTORY COMMISSION

XLI.—(1) At the expiration of ten years after the passing of this Act the Secretary of State, with the concurrence of both Houses of Parliament, shall submit for the approval of His Majesty the names of persons to act as a commission for the purposes of this section.

(2) The persons whose names are so submitted, if approved by His Majesty, shall be a commission for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable.

(3) The commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the commission by His Majesty.

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FIRST SCHEDULE[1]

Legislative Council	Number of Members
Madras	118
Bombay	111
Bengal	125
United Provinces	118
Punjab	83
Bihar and Orissa	98
Central Provinces	70
Assam	53

8

THE WORKING OF DYARCHY,[2] 1924

25. The specific allegations against the present constitution and the manner in which it has been worked, which are contained in the evidence of the witnesses we are now considering, may perhaps be summarized as follows:—

(i) the failure to encourage joint deliberation between the reserved and transferred sides of the provincial governments;
(ii) the absence of joint responsibility of the Ministers;
(iii) the impinging of the administration of reserved upon the administration of transferred subjects, and *vice versa*;
(iv) the failure on the part of permanent officials to co-operate with the Ministers;
(v) the vesting of the control of the Finance Department in a Member of the reserved side of the government, the control thus given to the reserved side over the Ministers and, generally speaking, the handicapping of the other departments by excessive financial control; and
(vi) the failure of the constitution to vest real authority in the Ministers owing to the control of—

(a) the Governor; and
(b) the Government of India and the Secretary of State.

. . . . .

[1] The Second Schedule is omitted in these selections.

[2] *Majority Report, Reforms Enquiry Committee*, Cmd. 2360 (1925), pp. 25–7. The Reforms Enquiry Committee, with Sir Alexander Muddiman as Chairman, was appointed to inquire into the working of the Government of India Act, and to investigate the feasibility and desirability of securing remedies for difficulties or defects, consistent with the structure and policy of the Act. Five members signed the majority report, and the remaining four wrote a separate minority report.

26. The division of subjects into reserved and transferred subjects is of the very essence of dyarchy, and dyarchy must be held responsible for any failure in the working of the constitution which can be directly attributed to the administration of a transferred subject impinging upon the administration of a reserved subject or *vice versa*. . . . We fully agree that before any question is decided in a dyarchic constitution which impinges upon the two sides of the administration it is necessary that both sides should see the case and be given an opportunity of expressing their individual views. In some such cases decisions were apparently reached without one side of the administration having had an opportunity of being heard, but this is contrary to the scheme of administration contemplated by the existing constitution.* It is true, however, that there should be no doubt upon which side of the administration responsibility for the actual decision taken should be placed. The other side must be free from responsibility for such decisions, and it can then have no real grievance if the decision taken is contrary to any advice which it may have given. . . .

32. . . . We consider that there can be no doubt but that the members of the services generally loyally co-operated with the Ministers in working the reforms. There may have been a few instances in which this was not the case, but we believe they were exceptional. We consider that the evidence before us also goes to show that the members of the permanent services did not hesitate to carry out any policy once it had been decided upon by the Ministers. In some cases we feel that the Ministers did not fully appreciate the position of the permanent services or sought to take a greater share themselves in the detailed work of a department than is normally expected from its political head. It was only to be anticipated that honest differences of opinion would arise between the Heads of the permanent Departments and the Ministers, and that the Heads of the permanent Departments would urge their own point of view with some tenacity. We believe, however, that for the most part they have been prepared to assist the Ministers fully in coming to conclusions and have loyally co-operated in carrying out their general policy. Any contrary conclusion, save in regard to the few exceptional cases to which we have referred, is not, we consider, supported by the answers given in examination by the witnesses themselves, or by other evidence produced before us. As was stated by one witness neither Members nor Ministers nor autocratic nor democratic administrators are exempt from occasional friction and unpleasantness.

38. Some of the reasons which have been advanced by the remaining witnesses, who have a claim to first-hand knowledge, to show that dyarchy has failed also cannot be ascribed, either wholly or in part, to dyarchy itself. It is clear that the electorate should be educated to realise the responsibilities vested in them, and further that the members whom they elect should also understand and be prepared to use their powers to control the administration of the Transferred Departments by Ministers. The education of the electorate must naturally be a slow process, and the fact that they are not yet sufficiently educated can scarcely be attributed to dyarchy. It is possible, however, that the failure by the members of the legislative

councils to grasp the situation may be partly attributed to the system of dyarchy. Amongst the reasons for this failure may be mentioned the lack of experience of the members of the councils themselves, the fact that no party system had been developed and the appointment of Ministers individually instead of collectively. Another reason is the connection of the Ministers with the reserved side of the administration. They have been treated in some provinces, on acceptance of office, as though they had become a part of the executive government, and, as such, people to be attacked and thwarted. . . . It is obvious that before any responsible system of government can work satisfactorily, it is necessary that the Ministers should not only be members of their party but the leaders of it. The members of the legislative councils also must grasp their powers. It is not only unnecessary, but it is clearly inadvisable for them to attempt to interfere in the details of a Minister's administration. They have not the detailed information which alone could justify such an interference, but they should make it clear that they will hold the Minister responsible for the main policy which he adopts. The absence of a properly developed party system in practically all the councils and also the communal differences have further contributed to the difficulties which the new constitution had to face. All of these, however, are difficulties for the solution of which time is required, and they would arise in an almost equal degree under any system of responsible government which might have been introduced in India.

39. . . . It is clear that witnesses have frequently made this allegation with reference not to dyarchy itself and have been thinking not of the division of functions, which is the essential principle of dyarchy, but of other features of the constitution. Complete dyarchy was not in fact established. For complete dyarchy it would have been necessary to have established a complete vertical division of functions between the two halves of a provincial government, and to have endowed each half with a separate purse, with a separate permanent staff and with a separate legislature; in the same way as in a federal constitution, there is a corresponding horizontal division in these respects. We have of course no evidence to show how such a system might have worked in India. The partial dyarchy which was introduced is clearly, as stated by the Government of the United Provinces, a complex, confused system having no logical basis rooted in compromise and defensible only as a transitional expedient. A complex constitution like dyarchy, requires more particularly to be worked by reasonable men in a reasonable spirit, if deadlocks are not to ensue. In this, however, it is by no means unusual, for many democratic constitutions contain in the words of Lord Bryce 'a body of complicated devices, full of opportunities for conflict and for deadlock'. The existing constitution is working in most provinces, and it is giving a training in parliamentary government to the electorate and also to the members of the legislatures and to Indian Ministers. While the period during which the present constitution has been in force has been too short to enable a well-founded opinion as to its success to be formed the evidence before us is far from convincing us that it has failed. If, recently, in some of the provinces, it has not achieved the expected measure of success, it is because it

was not worked on the lines and in the spirit which was intended. We hold in fact that, except by some form of dualism, it was not possible to afford an equally valuable training towards responsible government in India and still to safeguard those conditions upon which government depends.

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9

MINORITY REPORT ON THE WORKING OF DYARCHY,[1] 1924

. . . The system has been severely tested during the course of this year and its practical breakdown in two provinces, *viz.*, Bengal and the Central Provinces as a result of the opinions of the majority of the members of the Councils of those two provinces who refuse to believe in the efficacy of Dyarchy and the tension prevailing in the other Legislatures for similar reasons, point to the conclusion that the constitution requires being overhauled. It has failed in our opinion for several reasons: (1) There are the inherent defects of the constitution which though theoretically obvious at its inception have now been clearly shown by actual experience to exist. (2) The Ministers position has not been one of real responsibility. (3) While in a few provinces the practice of effective joint deliberation between the two halves of the Government has been followed, in several of them it has not been. (4) Excepting to a partial extent in Madras, almost everywhere else the Ministers have been dealt with individually by Governors and not on the footing of collective responsibility. (5) The close inter-connection between the subjects of administration which have been divided into 'reserved' and 'transferred' has made it extremely difficult for Legislatures at times to make in practice a distinction between the two sections of the Government with the result that the policy and administration of the Reserved half of the Government have not infrequently been potent factors in determining the attitude of the Legislatures towards the Ministers and have also in our opinion prejudiced the growth and strength of parties in the Councils. (6) The Meston Award has crippled the resources of the provinces. It has been the corner stone of the entire Financial system, and it has prevented Ministers from developing nation-building Departments to the extent which would have enabled them to produce any substantial results. (7) The defects of the Rules which we have noticed before and the constitution and the working of the Finance Departments have put a severe strain on the system.

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We think that the Bihar Government has correctly summed up the position in the provinces by saying that Dyarchy is working 'creakily' and 'minor remedies may cure a creak or two'. We have examined in detail the sections of the

[1] *Report of the Reforms Enquiry Committee*, Cmd. 2360 (1925), pp. 201–3. The Minority Report was signed by T. B. Sapru, P. S. Sivaswamy Aiyer, M. A. Jinnah, and R. P. Paranjpye, four of the nine members of the Committee.

Government of India Act and the Rules made thereunder with a view to see how far 'creaks' discovered can be 'cured'. We are satisfied that this process, though it may lead to some improvement of the administrative machinery in some respects, will not produce any substantial results. We do not think that the suggested amendments if effected will afford 'valuable training towards responsible government' or will provide any solution of the difficulties which we have discussed in our chapter on political conditions, or that they will strengthen the position of the Provincial Governments, in relation to their Legislatures or that of the Central Government in relation to the Assembly. The majority of our colleagues say that no alternative transitional system has been placed before us. We think that no such alternative transitional system can be devised which can satisfactorily solve the administrative or political difficulties which have been brought to our notice. To our mind the proper question to ask is not whether any *alternative transitional* system can be devised but whether the constitution should not be put on a permanent basis, with provisions for automatic progress in the future so as to secure stability in the government and willing co-operation of the people. We can only express the hope that a serious attempt may be made at an early date to solve the question. That this attempt should be made—whether by the appointment of a Royal Commission with freer terms of reference and larger scope of enquiry than ours or by any other agency—is a question which we earnestly commend to the notice of the Government.

10

LORD IRWIN'S STATEMENT ON DOMINION STATUS,[1] 31 OCTOBER 1929

I have just returned from England where I have had the opportunity of prolonged consultation with His Majesty's Government. Before I left this country I said publicly that as the King-Emperor's representative in India I should hold myself bound to tell my fellow-countrymen, as faithfully as I might, of India's feelings, anxieties and aspirations. In my endeavours to discharge that undertaking I was assisted by finding, as I had expected, a generous and sincere desire, not only on the part of His Majesty's Government but on that of all persons and parties in Great Britain, to hear and to appreciate everything that it was my duty to represent.

. . . . . .

The goal of British policy was stated in the declaration of August 1917 to be that of providing for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible Government in India as an integral part of the British Empire. As I recently pointed out, my own Instrument of Instruction from the King-Emperor expressly states that it is His Majesty's will and pleasure that the plans laid by Parliament in 1919 should be the means by which British India may attain its due place among His Dominions. Ministers of

[1] *India in 1929–30*, App. II, pp. 466–8.

the Crown, moreover, have more than once publicly declared that it is the desire of the British Government that India should, in the fullness of time, take her place in the Empire in equal partnership with the Dominions. But in view of the doubts which have been expressed both in Great Britain and India regarding the interpretation to be placed on the intentions of the British Government in enacting the Statute of 1919, I am authorised on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion status.

In the full realisation of this policy, it is evidently important that the Indian States should be afforded an opportunity of finding their place, and even if we cannot at present exactly foresee on what lines this development may be shaped, it is from every point of view desirable that whatever can be done should be done to ensure that action taken now is not inconsistent with the attainment of the ultimate purpose which those, whether in British India or the States, who look forward to some unity of All-India, have in view.

His Majesty's Government consider that both these objects, namely, that of finding the best approach to the British Indian side of the problem, and secondly, of ensuring that in this process of the wider question of closer relations in the future between the two parts of Greater India is not overlooked, can best be achieved by the adoption of procedure such as the Commission has outlined. When, therefore, the Commission and the Indian Central Committee have submitted their Reports and these have been published, and when His Majesty's Government have been able, in consultation with the Government of India, to consider these matters in the light of all the material then available, they will propose to invite representatives of different parties and interests in British India and representatives of the Indian States to meet them, separately or together as circumstances may demand, for purpose of conference and discussion in regard both to the British-Indian and the All-Indian problems. It will be their earnest hope that by this means it may subsequently prove possible on these grave issues to submit proposals to Parliament which may command a wide measure of general assent.

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11

THE SIMON COMMISSION ON THE DEFECTS OF LOCAL GOVERNMENT,[1] 1930

350. . . . Not a few of the failures and defects of local self-government in India may be traced to the inability to realise the importance of having a competent and well-paid official analogous to the English Town Clerk or Clerk to the County Council. It was not realised how much the efficiency of local self-government in England depends on the existence of a class of skilled professional administrators who, while they follow the policy laid down by the elected representatives, are at

[1] *Report of the Indian Statutory Commission*, Cmd. 3568 (1930), vol. I, pp. 309–15.

once their advisers and the instruments whereby their decisions are put into operation. In this sphere, as in others, we have noticed a tendency to misapprehend what are the duties and functions of elected members. There is on the part of elected persons a general tendency to meddle and interfere in details of administration which should be left entirely to the paid official.

351. Another grave error, in our judgment, was the failure to realise the need for control by the provincial Governments over local self-government authorities. The provincial Governments endeavoured to carry out in its fullest implications the formula laid down in the Montagu-Chelmsford Report that there should be 'the largest possible independence for them of outside control'. It would seem to have been imagined that this was the British system of local self-government. As a matter of fact, the present state of efficiency of local government services and administration in Great Britain has been largely due to an ever increasing pressure by the departments of the Central Government. By numerous administrative devices, by inspection, by audit, by the giving of grants-in-aid on conditions ensuring efficiency, and by an insistence on standards of competence in the municipal staff, the Local Government Board and its successor, the Ministry of Health, have steadily raised the standard of administration in all local authorities. Indeed, the history of local government in Great Britain during the nineteenth century might be described from one angle as the steady invasion by the Central Government of a sphere formerly left entirely to local authorities. No picture of British local self-government could be more false than that which depicts the local authorities as enjoying the largest possible independence of outside control. The result of the legislative and administrative action taken in accordance with the scheme of the Reforms was, in effect, to deprive the new Ministers of Local Self-Government of powers which were essential if they were to perform their task successfully. . . .

352. It is only fair to draw attention to certain difficulties encountered by local government administrators in India, some of which are due to local, others to temporary causes. The size of the average district, which is normally the unit for rural self-government, is in Madras about 6,000 square miles, in Bombay about 5,000, in the United Provinces about 2,500, and in Bengal about 2,700 square miles. Compared with the average area of an English administrative county, which is about 970 square miles, these are units so unwieldy as to add greatly to the difficulties of administration, while the average population of a district is also far higher than that of an English county. It may be easily imagined, therefore, how difficult it must be for the elected Chairman to establish personal contact with the country-side and to supervise adequately the various activities of the Board. This difference of scale must be always present to the minds of critics of Indian government. . . .

354. It is a commonplace of administration in India that financial resources are generally quite inadequate to meet needs, and this is especially true in local self-government. Undoubtedly one of the reasons for the failure to develop a trained municipal personnel is the poverty of the Municipalities and the District Boards.

But it is not only actual poverty which cramps their resources but the reluctance of the elected members to impose local taxes. This is a feature by no means confined to India; indeed the willingness of a community to impose high taxation on itself for common needs is proof of a very advanced civic consciousness. . . .

While the rural authorities have the advantage of the machinery of revenue for the collection of their basic source of income, cess on land, Municipalities adopt a variety of expedients for raising revenue. The most disturbing feature, however, is the failure to collect the direct taxes imposed. In Great Britain, a Municipality expects to collect up to 98 or 99 per cent. of the rates imposed by it, and a drop in collection to 95 per cent. would be the subject of very close enquiry. But in Municipalities in India since the Reforms, uncollected arrears have been mounting up to very large sums. . . .

355. It has already been stated that the failure to appreciate the need for an efficient municipal service accounts for many defects, but there is also considerable evidence that appointments are not always made solely with a view to efficiency. The tendency to jobbery in municipal appointments is not a feature peculiar to India, and such a practice is exceedingly difficult to eradicate. It was not to be expected that in India, where family, caste and communal ties are so strong, it would be everywhere resisted. There is evidence of improper appointments and improper dismissals in not a few instances. Only an informed public opinion can check this evil, but in addition there is, in our view, urgent need for greater security of tenure in the service of local authorities. . . .

356. While it may be hoped that the faults referred to above may with greater experience and with a growth of public spirit be corrected, there remains another serious difficulty which militates against sound local government. Communal and caste dissensions, which are to-day the most serious problem in Indian politics, have naturally affected local bodies. The violent sectional antagonism between Hindus and Muhammadans or Brahmins and non-Brahmins has certainly impaired the efficiency of local bodies. It has tended to prevent the employment of the fittest persons in administrative posts, and factious quarrelling has in many instances occupied the attention of the members to the exclusion of all other considerations. It is clearly the greatest obstacle to the development of a sense of common citizenship, which is the necessary basis for healthy civic life.

357. So far, we have considered how the chosen representatives of the public, comparatively few in numbers, have responded to new and testing responsibilities in the management of local affairs. We come now to the question, even more important for our purposes, how the many have used the ultimate power which resides in those who possess the vote. That there is a growing sense of its value is, we think, clearly established, though here again what is true of one province may need qualification in another. If the numbers that go to the poll provide any index to the growing interest taken by the voter—and we are aware that other extraneous causes often operate as a temporary incitement to vote—then most provinces can record a steady advance. . . . But we believe that it is generally true to say that

there is an increasing readiness to use the vote, though interest may arise from many causes. If we are to assess the growth of political education, it is essential to have some conception of the standards of value and judgment adopted by the electors. While in some instances electors have recorded a strong verdict on corrupt and inefficient administration, we are, on the whole, of opinion that questions of administration play little part in the elections and that communal, caste and personal considerations furnish in the majority of cases the motive power which takes the elector to the polling booth and decides the casting of his vote.

12

THE SIMON COMMISSION'S RECOMMENDATIONS,[1] 1930

364. In the provinces, the main consequences of adopting our proposals would be as follows:—

The boundary now set up between departments of which Indian Ministers may take charge and departments from which they are excluded will be removed, and thus dyarchy will terminate.

The conduct of provincial administration as a whole will rest with a provincial Cabinet, the members of which will be chosen by the Governor. These Ministers, whether elected members of the legislature or not, will have joint responsibility for action and policy. The constitution of the provincial Cabinet will be elastic and, where and when the Governor considers it necessary, it will contain an official element.

The powers of the Governor for certain essential purposes, such as the protection of minorities, and of the civil service, will be defined, and will be exercised within the limits and under the conditions we have described.

Full powers of intervention in the event of a breakdown will remain in the hands of the Governor, subject to the direction of the Governor-General.

The Provincial Legislatures will be based upon a widened franchise—the extension we propose would treble the electorate and would include the admission of a larger number of women voters.

Certain important minorities will be adequately protected by the continuance of communal electorates unless and until agreement can be reached upon a better method.

The Depressed Classes will get representation by reservation of seats.

The Legislatures will be enlarged, and the constituencies reduced to a more manageable size. The Provincial Councils instead of being, as at present, purely legislative bodies, will acquire certain powers of recasting their own representative system, so that each province may advance to self-government on lines which are found to be best suited for its individual needs, subject always to securing that the vote of the majority shall not introduce constitutional changes which would prejudice minority rights.

[1] *Report of the Indian Statutory Commission*, vol. II, (1930), pp. 312–15.

The provinces will be provided with enlarged financial resources.

As for provincial areas, the question whether some redistribution is desirable will at once be taken up; such cases as those of Sind and the Oriya-speaking peoples will be the first to be considered.

Burma, which is admittedly not a natural part of British India, will be separated forthwith. Provision must be made without delay for framing its future constitution.

The administered areas of the North-West Frontier Province will now receive an advance in constitutional status represented by the creation of a local legislature, with powers which we have described. Both it and Baluchistan will acquire the right to representation at the Centre.

. . . . .

365. We now pass to the Centre.

The Legislative Assembly, which should be called the 'Federal Assembly', will be reconstituted on the basis of the representation of the Provinces and other areas in British India according to population. Members representing Governors' Provinces will be elected by the Provincial Councils by the method of proportional representation, which will ensure that members belonging to minority communities will be included in sufficient numbers in the Federal Assembly. Members will be returned from the North-West Frontier Province and other areas outside the Governors' Provinces by methods appropriate to each case. The official members of the Federal Assembly will consist of such members of the Governor-General's Council as sit in the Lower House, together with twelve other nominated officials.

The Council of State will continue with its existing functions as a body of elected and nominated members chosen in the same proportions as at present. Its members, who must have high qualifications, will, so far as they are elected, be chosen by indirect election carried out by provincial Second Chambers if such bodies are constituted, or failing this, by the Provincial Councils.

The existing Legislative and financial powers of the two Chambers of the Central Legislature will remain as at present, but the Federal Assembly will also have the special function of voting certain indirect taxes, collected by a central agency, the net proceeds of which will fall into a Provincial Fund for the purpose of being distributed amongst the different units represented in the Federal Assembly.

The Central Executive will continue to be the Governor-General in Council, but the Governor-General will henceforward be the authority who will select and appoint his Executive Councillors. Existing qualifications will remain, but will be laid down in statutory rules made under the new Government of India Act, so that when occasion arises to modify these conditions hereafter this may be done without passing a new Act of Parliament. But any modification in the statutory rules made for this purpose would require to be laid before both Houses of Parliament and the approval of both Houses expressed by resolution.

It is proposed that among the members of the Governor-General's Council

should be one whose primary function it would be to lead the Federal Assembly . . . we propose that the Commander-in-chief should no longer be a member of it, or of the Central Legislature.

. . . . . .

367. . . . As regards the India Office, the Governor-General in Council will remain in constitutional theory under the superintendence, direction and control of the Secretary of State, and the extent to which this control is relaxed or falls into desuetude will depend upon future practice, and cannot be laid down in the Statute.

Apart from the Secretary of State's authority over the Governor-General in Council, he will exercise no control over Provincial Governments, save in so far as he does so in connection with the exercise of special powers vested in the Governor.

The functions and composition of the Council of India will be modified. Its size will be reduced, and the majority of its members should have the qualification of more recent Indian experience than is required at present. The Council will exist primarily as an advisory body, but independent powers will continue for (1) the control of Service conditions, and (2) the control of non-votable Indian expenditure.

368. Lastly, for the purpose of promoting the closer association with British India of the Indian States in matters of common concern for India as a whole, we propose that the new Act should provide that it shall be lawful for the Crown to create a Council for Greater India, containing both representatives of the States and members representing British India. This Council would have consultative and deliberative functions in regard to a scheduled list of 'matters of common concern', together with such other subjects of common concern as the Viceroy from time to time certifies as suitable for consideration by the Council. . . .

13

THE POWERS OF THE SECRETARY OF STATE IN COUNCIL,[1] 1930

37. The relations of the Government of India with the Secretary of State in Council group themselves most conveniently round the particular powers which the Government of India Act has reserved to the Secretary of State, his control of the expenditure of the revenues of India in British India, and his general powers of superintendence, direction and control. . . .

. . . The Secretary of State remains in law responsible to Parliament for all expenditure from Indian public funds. Accordingly, control from home over administration in the Finance Department of the Government of India is closer than that over almost any other class of administration, except perhaps defence, foreign relations and the conditions of service under the Crown. The budget proposals of

[1] *Report of the Indian Statutory Commission*, vol. IV (1930), pp. 91–4.

the Government of India and particularly those affecting taxation must be referred to the Secretary of State in the first instance and approved by him before the budget is presented to the legislature. He also controls ways and means of operations, sales of Council Bills, the management of the Gold Standard and Paper Currency reserves, the policy with regard to exchange and currency, and all borrowing operations in London.

38. . . . there are many matters in which the action of the Secretary of State is clearly an exercise of general superintendence, direction and control. His powers of this nature are still unrestricted by either rule or convention, for no action has been taken on the suggestion by the Joint Select Committee of a convention that the Secretary of State should not ordinarily dissent from concurrent conclusions of the Government of India and the Legislative Assembly on matters of purely Indian interest, or on a somewhat similar suggestion by the Reforms Enquiry Committee. The Secretary of State in Council retains very considerable powers. In particular he is absolutely responsible to Parliament for the maintenance of peace and order in India, and Imperial control over India's foreign and military affairs is unrelaxed. In certain cases the Secretary of State has by executive order insisted on being placed in a position to exercise control, if so advised. . . . But generally the sphere within which the Secretary of State may wish to exercise his powers of superintendence, direction and control is a matter of understanding rather than precise definition. Broad general questions are invariably referred to him, and new departures of any importance in purely administrative matters are brought to his notice. At the same time the Secretary of State is not restricted in the initiation of his control. . . . But except in certain financial questions the initiative of the Secretary of State has never been pushed to the extent of reducing the Government of India to the position of a mere subordinate agency, and it is probably true to say that even in matters of finance there has been on the whole a tendency as time goes on for his control to be gradually relaxed.

In Army matters the position is somewhat different. His Majesty's Government maintain a larger army than they would maintain but for the necessity of defending India, and they are under a constant liability to reinforce India with troops in the event of an emergency. The question of the strength of the Army in India is thus an Imperial question not because it is proposed to use the Army in India for the general defence of the Empire but because it may be necessary at any moment to use the Imperial Army for the defence of India. In these matters the superintendence, direction and control of the Secretary of State has, therefore, been more close, action has been taken more freely on the initiation of the Secretary of State, and the recommendations of the Government of India have been more independently considered and on occasion overruled.

Finally, it has been established that the control of the Secretary of State extends to the exercise by the Governor General of powers vested in him, apart from his Council, unless the Act clearly indicates a contrary intention.

14

B. R. AMBEDKAR ON THE DEPRESSED CLASSES,[1] 1 JANUARY 1931

Mr. Chairman, I am sure you will readily agree that the task which has fallen upon me to represent the case of the Depressed Classes is a heavy one. I think it is for the first time that the case of the Depressed Classes from the political point of view has come to be considered. The disabilities of the Depressed Classes were mentioned in almost every Despatch that was recorded by the Government of India in connection with the political advancement of the country; but the Despatches only mentioned the difficulties and never attempted to give any solution of those difficulties. The problem was just allowed to rest there. In view of that, and in view of other matters, namely, that in a Committee consisting of so many members we are only two to voice the grievances of 43 millions of people, and grievances which the Committee will agree are unparalleled by the case of any other community that exists in India, I submit that the task is really an enormous one, . . .

Sir, the first observation that I will make is this, that although there are various minority communities in India which require political recognition, it has to be understood that the minorities are not on the same plane, that they differ from each other. They differ in the social standing which each minority occupies *vis-à-vis* the majority community. We have, for instance, the Parsee community, which is the smallest community in India, and yet, *vis-à-vis* its social standing with the majority community, it is probably the highest in order of precedence.

On the other hand, if you take the Depressed Classes, they are a minority which comes next to the great Muslim minority in India, and yet their social standard is lower than the social standard of ordinary human beings.

Again, if you take the minorities and classify them on the basis of social and political rights, you will find that there are certain minorities which are in enjoyment of social and political rights, and the fact that they are in a minority does not necessarily stand in the way of their full and free enjoyment of those civic rights. But if you take the case of the Depressed Classes, the position is totally different. They have in certain matters no rights, and, where they have any, the majority community will not permit them to enjoy them.

My first submission to this Committee, then, is that it should realise that although, to use an illustration, the minorities are all in the same boat, yet the most important fact to remember is that they are not all in the same class in the same boat; some are travelling in 'A' class, some in 'B' class and some in 'C', and so on. I have not the slightest doubt in my mind that the Depressed Classes, though they are a minority and are to that extent in the same boat as other minorities, are not even in 'C' or 'D' class but are actually in the hold.

Starting from that point of view, I agree that, in some respects, the position of

[1] Ambedkar was for many years recognized as the leader of these classes. *Indian Round Table Conference, Proceedings of Sub-Committees*, Part II (1931), pp. 108–10.

the Depressed Classes is similar to that of the other minorities in India. The Depressed Classes, along with the other minorities, fear that under any future constitution of India by which majority rule will be established—and there can be no shadow of doubt that that majority rule will be the rule of the orthodox Hindus—there is great danger of that majority with its orthodox Hindu beliefs and prejudices contravening the dictates of justice, equality and good conscience, there is a great danger that the minorities may be discriminated against either in legislation or administration or in the other public rights of citizenship, and therefore it is necessary to safeguard the position of the minorities in such a manner that the discrimination which is feared shall not take place.

. . . . . .

Take the case of employment in the Police or in the Army. In the Government of India Act it is provided that no subject of His Majesty shall be deprived of the right of being employed in any public service by reason of his caste, creed or colour. Having regard to that, it is obvious that every member of the Depressed Class community who is capable, who is in a position to satisfy the test laid down for employment in any public department, should have the right to enter that public department. But what do we find? We find this. If a Depressed Class man applied for service in the Police Department to-day, he is told point blank by the executive officers of the Government that no member of the Depressed Classes can be employed in the Police service, because he is an untouchable person. In the case of the Military the same situation obtains. Up to 1892 practically the whole of the Madras Army and the whole of the Bombay Army consisted of members drawn from the Depressed Classes. . . . Yet in 1892 a rule or regulation was made which debarred the Depressed Classes from entry into the military service, and even to-day, if you ask a question in the Legislative Council as to why this is done, the answer is that the bar of untouchability does create insuperable difficulties in the recruitment of these classes.

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I can cite many other cases. For instance, there is the difficulty the Depressed Classes find in getting themselves accommodated in a public inn when they are travelling, the difficulty they find in being taken in an omnibus when travelling from one place to another, the difficulty they find in securing entry to public schools to which they have themselves contributed, the difficulty they find in drawing water from a well for the building of which they have paid taxes, and so on. But I need not go into all these cases. The one circumstance which distinguishes the position of the Depressed Classes from that of the other minorities is that they suffer from civic disabilities which are as effective as though they were imposed by law.

The second and, in my opinion, the most hideous distinction which marks the Depressed Classes is that the Depressed Classes are subject to social persecution unknown in any other part of the world. In that connection I want to read to the

sub-Committee a small extract from the Report of a Committee appointed by the Government of Bombay in the year 1928 to investigate into the position of the Depressed Classes. . . .

This is what the Committee said:

'Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

'The second difficulty arises from the economic position in which the Depressed Classes are found to-day. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania. According to the evidence sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bridegroom on the horse through the public street.

'We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the Depressed Classes. The method of open violence pales away before it, for it has the most far-reaching and deadening effects. It is the more dangerous because it passes as a lawful method consistent with the theory of freedom of contact. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee the Depressed Classes the freedom of speech and action necessary for their uplift.'

A third thing which the Depressed Classes fear more than any other community

is that whatever representation they may be granted in the new legislature, they will always be in a very small minority, and consequently, having regard to the apathetic attitude of the orthodox classes towards the Depressed Classes, there is always the danger of the interests of the Depressed Classes being neglected altogether, or some action taken which may ultimately prove to be prejudicial to their interests.

As against these special circumstances which affect the Depressed Classes, we propose the following safeguards. First of all, we want a fundamental right enacted in the constitution which will declare 'untouchability' to be illegal for all public purposes. We must be emancipated, so to say, from this social curse before we can at all consent to enter into the constitution; and secondly, this fundamental right must also invalidate and nullify all such disabilities and all such discriminations as may have been made hitherto. Next, we want legislation against the social persecution to which I have drawn your attention just now. . . . Then what we want is this, that liability of the executive officers of the Crown for acts of tyranny or oppression shall be made effective. To-day, under sections 110 and 111 of the Government of India Act that liability is not real. And lastly, what we want is a right to appeal against acts of neglect or prejudice to the Central Government, and failing that, to the Secretary of State and a special Department in the Government of India to take charge of our welfare.

This is, in general, the case for the Depressed Classes, and the safeguards that they want. Let me just say a word or two as regards the most important of them—namely, their right to adequate representation in the legislature. Now, on the question of the granting of representation of the Depressed Classes, we are absolutely unanimous that that representation shall be by election and not by nomination. The system of nomination has produced, in the case of the Depressed Classes, results which we all say are abominable. The system has been abused in a manner in which it was never expected that it would be abused, and it has never given the Depressed Classes the real and independent representation which they must have as their safeguard. Under no circumstances, therefore, will the Depressed Classes accept representation by nomination.

As to the question of joint or separate electorates, our position is this—that if you give us adult universal suffrage the depressed classes, barring a short transitional period which they want for their organisation, will be prepared to accept joint electorates and reserved seats; but if you do not give us adult suffrage, then we must claim representation through separate electorates. That is our position.

Now regarding the question of the number of seats, it is not possible, of course, for us to state definitely what that number should be, except to state that we will not tolerate any invidious discrimination. We insist upon equality of treatment. . . . The first observation that I will make is this—that we, the Depressed Classes, demand a complete partition between ourselves and the Hindus. That is the first thing. We have been called Hindus for political purposes, but we have never been

acknowledged socially by the Hindus as their brethren. They have taken to themselves all the political advantage which our numbers, which our voting strength, have given to them, but in return we have received nothing. All that we have received is a treatment which is worse than the treatment that they themselves have accorded to other communities whom they do not call Hindus. That must be the first thing, therefore, that we want done.

The second thing that I will say concerns the question of weightage. Now, this system—I will be plain—to my mind has been abused. I am not against the principle of weightage. I do not accept the principle that in all circumstances every minority must be confined to its population ratio. A minority may be so small that its population ratio may give a representation which may be wholly inadequate for the purpose of its protection. . . . In our opinion, weightage is to be conceded because a minority is weak, either in numbers, or because its social standing is low, or its educational standing is backward as compared with others, or because its economic strength is not sufficient to place it on a fighting par with other communities.

. . . . . .

. . . If you have again adult suffrage for the election of members of the Central Legislature, then, of course, the Depressed Classes will claim separate representation in the Legislature, such number of seats being allotted to them in conjunction with the seats allotted to other minorities. But if your representation is to be by a suffrage which is higher or much higher, based on property, and so much higher that the Depressed Classes will probably be entirely left out, then I am afraid the Depressed Classes will have to claim indirect election to the Central Legislature, carried on by electoral colleges composed of members of the Depressed Classes, in the Provincial Legislature, in municipalities, and in district local boards. That is all that I have to say so far as the Depressed Classes are concerned.

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15

MINORITIES' PROPOSALS TO SETTLE THE COMMUNAL PROBLEM,[1] NOVEMBER 1931

1. No person shall by reason of his origin, religion, caste or creed, be prejudiced in any way in regard to public employment, office of power or honour, or with regard to enjoyment of his civic rights and the exercise of any trade or calling.

2. Statutory safeguards shall be incorporated in the constitution with a view to protect against enactments of the Legislature of discriminatory laws affecting any community.

[1] *Proceedings of the Indian Round Table Conference* (Second Session), Cmd. 3997 (1932), App. III, pp. 68–70. A note of dissent was made by S. K. Datta.

3. Full religious liberty, that is, full liberty of belief, worship, observances, propaganda, associations and education, shall be guaranteed to all communities subject to the maintenance of public order and morality.

No person shall merely by change of faith lose any civic right or privilege, or be subject to any penalty.

4. The right to establish, manage and control, at their own expense, charitable, religious and social institutions, schools and other educational establishments with the right to exercise their religion therein.

5. The constitution shall embody adequate safeguards for the protection of religion, culture and personal law, and the promotion of education, language, charitable institutions of the minority communities and for their due share in grants-in-aid given by the State and by the self-governing bodies.

6. Enjoyment of civic rights by all citizens shall be guaranteed by making any act or omission calculated to prevent full enjoyment an offence punishable by law.

7. In the formation of Cabinets in the Central Government and Provincial Governments, so far as possible, members belonging to the Mussalman community and other minorities of considerable number shall be included by convention.

8. There shall be Statutory Departments under the Central and Provincial Governments to protect minority communities and to promote their welfare.

9. All communities at present enjoying representation in any Legislature through nomination or election shall have representation in all Legislatures through separate electorates and the minorities shall have not less than the proportion set forth in the Annexure[1] but no majority shall be reduced to a minority or even an equality. Provided that after a lapse of ten years it will be open to Muslims in Punjab and Bengal and any minority communities in any other Provinces to accept joint electorates, or joint electorates with reservation of seats, by the consent of the community concerned. Similarly after the lapse of ten years it will be open to any minority in the Central Legislature to accept joint electorates with or without reservation of seats with the consent of the community concerned.

With regard to the Depressed Classes no change to joint electorates and reserved seats shall be made until after 20 years' experience of separate electorates and until direct adult suffrage for the community has been established.

10. In every Province and in connection with the Central Government a Public Services Commission shall be appointed, and the recruitment to the Public Services, except the proportion, if any reserved to be filled by nomination by the Governor-General and the Governors, shall be made through such Commission in such a way as to secure a fair representation to the various communities consistently with the considerations of efficiency and the possession of the necessary qualifications. Instructions to the Governor-General and the Governors in the Instrument of Instructions with regard to recruitment shall be embodied to give effect to this principle, and for that purpose—to review periodically the composition of the Services.

[1] Omitted.

11. If a Bill is passed which, in the opinion of two-thirds of the members of any Legislature representing a particular community affects their religion or social practice based on religion, or in the case of fundamental rights of the subjects if one-third of the members object, it shall be open to such members to lodge their objection thereto, within a period of one month of the Bill being passed by the House, with the President of the House who shall forward the same to the Governor-General or the Governor, as the case may be, and he shall thereupon suspend the operation of that Bill for one year, upon the expiry of which period he shall remit the said Bill for further consideration by the Legislature. When such Bill has been further considered by the Legislature and the Legislature concerned has refused to revise or modify the Bill so as to meet the objection thereto, the Governor-General or the Governor, as the case may be, may give or withhold his assent to it in the exercise of his discretion, provided, further, that the validity of such Bill may be challenged in the Supreme Court by any two members of the denomination affected thereby on the grounds that it contravenes one of their fundamental rights.

Special Claims of Mussulmans

A. The North-West Frontier Province shall be constituted a Governor's Province on the same footing as other Provinces with due regard to the necessary requirements for the security of the Frontier.

In the formation of the Provincial Legislature the nominations shall not exceed more than 10 per cent. of the whole.

B. Sind shall be separated from the Bombay Presidency and made a Governor's Province similar to and on the same footing as other Provinces in British India.

C. Mussulman representation in the Central Legislature shall be one-third of the total number of the House, and their representation in the Central Legislature shall not be less than the proportion set forth in the Annexure.

Special Claims of the Depressed Classes

A. The constitution shall declare invalid any custom or usage by which any penalty or disadvantage or disability is imposed upon or any discrimination is made against any subject of the State in regard to the enjoyment of civic rights on account of Untouchability.

B. Generous treatment in the matter of recruitment to Public Service and the opening of enlistment in the Police and Military Service.

C. The Depressed Classes in the Punjab shall have the benefit of the Punjab Land Alienation Act extended to them.

D. Right of Appeal shall lie to the Governor or Governor-General for redress of prejudicial action or neglect of interest by any Executive Authority.

E. The Depressed Classes shall have representation not less than set forth in the Annexure.

Special Claims of the Anglo-Indian Community

A. Generous interpretation of the claims admitted by sub-Committee No. VIII (Services) to the effect that in recognition of the peculiar position of the community special consideration should be given to the claim for public employment, having regard to the maintenance of an adequate standard of living.

B. The right to administer and control its own educational institutions, i.e., European education, subject to the control of the Minister.

Provisions for generous and adequate grants-in-aid and scholarships on the basis of present grants.

C. Jury rights equal to those enjoyed by other communities in India unconditionally of proof of legitimacy and descent and the right of accused persons to claim trial by either a European or an Indian jury.

Special Claims of the European Community

A. Equal rights and privileges to those enjoyed by Indian-born subjects in all industrial and commercial activities.

B. The maintenance of existing rights in regard to procedure of criminal trials, and any measure or bill to amend, alter, or modify such a procedure cannot be introduced except with the previous consent of the Governor-General.

Agreed by:—

HIS HIGHNESS THE AGA KHAN (Muslims),
DR. AMBEDKAR (Depressed Classes),
RAO BAHADUR PANNIR SELVAM (Indian Christians),
SIR HENRY GIDNEY (Anglo-Indians),
SIR HUBERT CARR (Europeans).

16

SIR SAMUEL HOARE ON THE INDIAN ROUND TABLE CONFERENCES,[1] 24 DECEMBER 1932

Lord Chancellor, to-day we are attempting to finish our endeavour to recreate the fellowship of the Round Table in modern conditions—the fellowship founded by King Arthur and depicted upon the opposite wall of this Royal Robing Room.

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Lord Chancellor, the great achievement of the first Round Table Conference was to establish the fact for the first and, I believe, for all time that the new bond must be the bond of an All-India Federation with the rights of each of the three parties effectively safeguarded. I believe that historians will say that this decision was a turning point in the course of the British Empire. . . .

[1] *Indian Round Table Conference, 3rd Session*, Cmd. 4238 (1933), pp. 137–45. Hoare was Secretary of State for India, 26 August 1931 to June 1935.

The second Conference met in the face of very great difficulties. On the one hand we were in the throes of a world economic crisis; on the other we were faced with a change of Government and an impending General Election. Those factors in themselves placed great difficulties in the way of our deliberations.

But there was a third difficulty. There was the difficulty of the communal question. There we found with the best will in the world at every stage last year we were brought up against the barrier of the communal difficulty. I think the real achievement of the Conference last year was to start on foot the whole series of enquiries, most important of which were the detailed enquiries that led to the Government's Communal Award and included amongst which were the invaluable Reports of the Committees that went to India in the New Year—Lord Lothian's Committee, Mr. Davidson's Committee and Lord Eustace Percy's Committee. . . .

I now come, Lord Chancellor, to the work of this Conference and I would venture to sum up the results in two sentences. I would say, first of all, we have clearly delimited the field upon which the future constitution is going to be built. In a much more detailed manner than in the last two years we have delimited the spheres of activity of the various parts of the constitution. Secondly, and I regard this result as much more important than even that important first result, we have I believe created an *esprit de corps* amongst all of us that is determined to see the building that is going to be reared upon the field that we marked out both complete in itself and completed at the earliest possible date. Lord Chancellor, I said that we had marked out the ground. Let me explain by a few examples what I mean by that assertion. I take the various parts of the constitutional structure in order.

I begin with the part that Indian India, the India of the States, is to play in the Federation. There we have made it quite clear that there is no risk in any respect to the Treaties or to the obligations into which they and we have entered. I hope that I have made it quite clear that all questions governed by that general term 'paramountcy' do not enter into the Federal scheme at all. I think also I may say that we made some progress in the enquiry over which Lord Irwin presided one day this week into the methods by which the States will accede to the Federation.

Let me say in passing—for I think it may help our future discussions both here and in India—that we have always regarded an effective Federation as meaning the accession of a reasonable number of States and, as at present advised, we should regard something like not less than half the States seats and not less than half the population as the kind of definition that we have in mind.

Next I come to the Federation and the Units. Here, again, I think we have made great progress in delimiting the field between the Centre on the one hand and the Provincial and States Units on the other. We have been very carefully through the lists of Federal and non-Federal activities, and we have got much nearer to agreement than we have ever reached before. It is now quite clear that there will be a definite delimitation of the activities of each of these three parts of the federal structure. To-day I need not go into detail, for the Report of the Distribution of

Powers Committee will show, both to you and to the world outside, the progress that we have made in that direction.

Next there is the very difficult question of Federal Finance, one of the most vital questions in the whole field of Federal activities. Unfortunately we were discussing that question at a time of great difficulty. We have been discussing it at a time when no Government in the world has sufficient money for its needs. But I think I can claim that there again we have made some substantial progress. . . .

Then, Lord Chancellor, there are those difficult questions that we have always had with us in connection with the federal institutions, the questions about the size of the Chambers and about the allocation of seats. I say quite frankly that, as regards the size of the Chambers, I had hoped that we should have reached a greater measure of agreement than we have found possible during these last weeks. It has been made clear that there still are differences to be reconciled, not only differences between British India and the States, but differences between the bigger States and the smaller States, differences even between some members of the Chamber of Princes and other members of the Chamber of Princes.

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Then there was the question of the representation of the communities in the Centre, particularly of the Muslim Community. There I think I can say definitely —I think I have said it indirectly very often before—that the Government consider that the Muslim Community should have a representation of 33⅓ per cent. of the British Indian seats in the Federal Chambers. So far as Indian India is concerned, that must be a matter for arrangement between the communities affected and the India of the Princes. But so far as the British Government has any part in the question, we will at any time give our good offices to making it as easy as possible for an arrangement between those parties in regard to future allocation of seats. There again I venture to say that definitely to-day, because I am anxious that that factor in the problem should not in any way impede the future progress in elaborating the further stages of the Constitution.

Now, with all these Federal questions, I can see that there is a grave anxiety in the minds of many members of the Conference—and I can sympathise with that anxiety—lest the various complications of which I have just given you certain instances should take too long to settle, and that the Federation itself will drift into the dim distance and will cease to be a reality in practical politics.

Feeling that anxiety, Sir Tej Bahadur Sapru asked last night that a definite date should be placed in the Bill at which time the Federation should come into being. He qualified his request—and qualified it, no doubt, quite rightly—with the reservation that if the conditions were not fulfilled, Parliament must have some means at its disposal for postponing the date of the Federation.

Now I agree with him that the last thing in the world that we wish is to see the Federation drift back into being simply an idea and not an integral part of the

Indian Constitution. But I think I ought to say that I do find a difficulty in agreeing—if indeed this is the time to agree or disagree—to anything in the nature of a definite date in the provisions of the Act. The difficulties that are in my mind are twofold. I am not quite sure—and here I am speaking very candidly in the presence of representatives of the States—what reaction something that might appear to be rather in the nature of an ultimatum might have on the Indian States themselves.

Again, I find this difficulty. I feel that the machinery of the Constitution will be of an extremely complicated nature, and I think that Parliament, if it were confronted with a definite date, might demand a longer interval and more cautious provisions than it would require if there were no fixed date. After all, the machinery for bringing the Act into operation is going to be of a very complicated nature. I have always contemplated that some such method as a Parliamentary Resolution of both Houses would be adopted for bringing the Federation into operation, and that that method would be adopted at the earliest possible opportunity.

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. . . Let me now come to the other series of problems that in some cases affect more directly Great Britain and in other cases affect certain communities and certain interests in India itself. I mean by this all that chapter of questions that by a rough and ready phrase we have described as 'safeguards'. Lord Chancellor, let me say at the outset of my observations that I regard the safeguards not as a stone wall that blocks a road, but as the hedges on each side that no good driver ever touches but that prevent people on a dark night falling into the ditch. They are not intended to obstruct a real transfer of responsible power. They are not intended to impede the day to day administration of any Indian Minister. They are rather ultimate controls that we hope will never need to be exercised for the greater reassurance of the world outside both in India itself and in Great Britain. Let me take the two instances that have been most prominent in this part of our discussions. Let me take the most difficult question of all, the difficulty of a transfer of financial responsibility. There, Lord Chancellor, I am not disclosing any secret when I say that during the last twelve months the British Government have fully accepted the fact that there can be no effective transfer of responsibility unless there is an effective transfer of financial responsibility. . . .

Now our difficulties have arisen from two sources. In the first place, there is the fact that, as things are at present, a large part of the Indian revenue has to be devoted to meeting the obligations that have grown up during these years of partnership between India and Great Britain. That in itself—and I am sure no one would question the justice of the point of view—makes people here, investors who invested their money in Indian securities, men and women whose families are interested in the meeting of the old obligations, extremely nervous of any change. Secondly, there is the fact that we are passing through, I suppose, the most difficult

financial crisis that has faced Asia and Europe for many generations. In the case of India there is a peculiar difficulty, namely, that a large body of short-term loans, raised under the name of the Secretary of State in London, fell due for payment in the next six years. That means that, if the Federation is to start with a good name, if its solvency is to be assured, some means must be found for meeting these short-term maturities without impairing the future of Indian credit.

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I come now to the question of Defence, a question that again has loomed very large, and rightly so, in our discussions. We had first of all, as you all remember, a debate in full Conference—a debate in which I think I may claim that there was complete unanimity that Defence, until it can be transferred into Indian hands, remains the sole responsibility of the Crown. It was, however, clear to me in the course of the discussions, and afterwards in an informal talk that I was able to have with certain leading members of the Conference, that there were differences of opinion as to the methods by which Indian political opinion might be consulted in the administration of the Reserved subject. . . .

Well, gentlemen, I think that I can say that the British Government can go at any rate some way—I myself believe a considerable way—towards removing some of the anxieties. . . .

First of all, there was the question of the discussion of the Defence Budget. We were all agreed that it should be non-votable. . . .

. . . About the employment of Indian troops outside India without the approval of the Federal Government or the Federal Legislature . . . where it was actually a case of the defence of India, in which no Imperial considerations entered at all, the defence say, of the Frontier of India itself, there the responsibility—the sole responsibility—of the Crown should remain undiluted. More difficult questions arose in cases where Indian troops might be employed for purposes other than directly Indian purposes. . . . I myself feel sure that a means will be found to leave the decision in some manner to the Federal Ministry and to the Federal Legislature.

Next, there was an important series of questions connected, first of all, with the Indianisation of the Army, that is to say, the greater participation of Indians themselves in the defence of India and, secondly, as to the bringing into consultation as much as possible the two sides of the Government. . . . Lord Chancellor, the British Government still take the view, and we feel we must maintain it, that statutory provision is too inelastic, if you define statutory provision in the narrow sense. . . .

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. . . We still feel that the Governor-General should have an unfettered power in selecting his Defence Minister; but we will make it quite clear in the Instructions that we wish the two sides of the Government to work in the closest co-operation, and that we do definitely contemplate . . . that before the Estimates are actually put

to the Federal Assembly the Finance Minister and no doubt the Prime Minister should have an opportunity of seeing them and giving to the Governor-General their views upon them.

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17

THE MUSLIM POSITION AT THE CENTRE,[1] 27 DECEMBER 1932

I. *Muslim Representation in the Federal Legislature*

As has been urged over and over again in the Round Table Conference and elsewhere, the Muslim community claim a one-third share in the Federal Legislature, i.e., 33 seats out of every hundred in the Lower House, and 33 seats out of every hundred in the Upper House. The community insists that of their 33 seats out of one hundred in either House, 25 should be guaranteed to them out of the British Indian quota.

As between British India and the Indian States, British India is on the population basis entitled to 76 seats out of a House of 100. That is why the Muslims ask for 25 or a third of 76 seats out of the British Indian quota. Further, they ask that it should be so arranged that 8 Muslim seats out of a House of 100 are secured out of the Indian States' quota to represent Muslim interests in the Indian States.

For reasons that need not here be reiterated, the Muslim community are opposed to the grant of any weightage to the States. The population of British India (excluding Burma) is 256,782,052, of whom 66,435,604 or 25·8 per cent. are Muslims. The population of the Indian States (excluding Burma) is 79,098,008, of whom 10,657,102, or only 13·5 per cent. are Muslims. Hence any weightage granted to the States will be so much weightage for the Hindu majority and to that extent a handicap to the Muslim minority.

If on the insistence of the majority community less than 76 seats are allotted to British India and more than 24, in a House of 100, to the Indian States, then it is not the Muslims but the majority community that should make good the weightage given to a predominately Hindu block.

Mode of Election

For the Lower Chamber we take it for granted that the Muslim representatives will be chosen by direct election through separate Muslim constituencies.

For the Upper Chamber also the Muslim community insists that their representatives from British India should be elected through separate constituencies, i.e., by the Muslim members of the various provincial Legislatures and by them alone. The Muslim community would strongly object to any plan under which the whole of the British Indian quota for the Upper House would be elected by the provincial Legislatures voting as a body by the system of the single transferable vote. Apart

[1] *Indian Round Table Conference, 3rd Session*, Cmd. 4238 (1933), pp. 193–4.

from other reasons, the chief of which is the community's dislike of joint electorates in any form their objection rests on the ground that under the most favourable conditions, such a system would not secure for them a due share in the Upper House.

II. *Residuary Powers*

The Muslims attach the greatest importance to the vesting of residuary powers in the Provinces, both in regard to legislation and taxation, because they regard this as one of their necessary safeguards. That the residuary powers of taxation should vest in the Provinces is settled, but unfortunately there has been a conflict of views in regard to the legislative field.

The arguments in support of the Muslim position need not be here re-stated. Apart from the fact that the Muslims regard it as a safeguard, this is the only arrangement which would reduce to a minimum litigation regarding the validity of provincial statutes, and thus enable the constitution to work with the least possible friction.

III. *The Position of Baluchistan*

Baluchistan comprises a very large area of immense strategic importance. The population is, no doubt, sparse, but it possesses the advantage of homogeneity and a common tribal system which is still able to carry on practically the entire local administration of the whole area.

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The question of introducing a provincial autonomous form of government in Baluchistan is simplified by the very large amount of autonomy at present enjoyed by this tract through what is known as the Jirga system. This system could easily be adapted so as to form the basis of the future legislative as well as administrative system of the Province.

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So far as the Federal Legislature is concerned, the share of Baluchistan as a whole should be taken proportionately out of the British Indian and Indian States' quotas, the share of British Baluchistan being taken from the British Indian and that of Kalat, Las Bela and other non-British areas from the Indian States. The existing Shahi Jirga may be enlarged and utilised both as the legislative organ of Baluchistan as a unit, and as the electorate for choosing its representatives to the Upper and Lower Federal Houses.

It may be pointed out that the exclusion of Baluchistan from the future scheme of an all-India Federation, would be both anomalous and a source of embarrassment from many points of view. Having regard to the importance of Baluchistan as a Frontier Province, it would be of the greatest advantage from the political, as well as the military, points of view to work Baluschistan into the fabric of the future Federation.

18

PRINCIPLES OF A CONSTITUTIONAL SETTLEMENT,[1] 1934

20. In establishing, or extending, parliamentary government in the Provinces, Parliament must take into account the facts of Indian life. It must give full weight, indeed, to the testimony of the Statutory Commission that, in spite of the disadvantages of dyarchy on which the Commission laid such stress, Indians have shown, since 1921, a marked capacity for the orderly conduct of parliamentary business, a capacity which has grown steadily with the growth of their experience. We cannot doubt that this apprenticeship in parliamentary methods has profoundly affected the whole character of Indian public life, both by widening the circle of those who have had practical contact with the affairs of government and by stimulating the growth of a public conscience amongst the educated classes as a whole. But other facts must also be frankly recognized. Parliamentary government, as it is understood in the United Kingdom, works by the interaction of four essential factors: the principle of majority rule; the willingness of the minority for the time being to accept the decisions of the majority; the existence of great political parties divided by broad issues of policy, rather than by sectional interests; and finally the existence of a mobile body of political opinion, owing no permanent allegiance to any party and therefore able, by its instinctive reaction against extravagant movements on one side or the other, to keep the vessel on an even keel. In India none of these factors can be said to exist to-day. There are no parties, as we understand them, and there is no considerable body of political opinion which can be described as mobile. In their place we are confronted with the age-old antagonism of Hindu and Muhammadan, representatives not only of two religions but of two civilisations; with numerous self-contained and exclusive minorities, all a prey to anxiety for their future and profoundly suspicious of the majority and of one another; and with the rigid divisions of caste, itself inconsistent with democratic principle. . . . In these circumstances, the successful working of parliamentary government in the Provinces must depend, in a special degree, on the extent to which Parliament can translate the customs of the British Constitution into statutory 'safeguards'.

21. That word, like other words repeatedly used in recent discussions, has become a focus of misunderstandings both in England and India. To many Englishmen it conveys the idea of an ineffective rearguard action, masking a position already evacuated; to many Indians it seems to imply a selfish reservation of powers inconsistent with any real measure of responsible government. Since it is too late to invent a new terminology, we must make it clear that we use the word in a more precise and quite different sense. On the one hand, the safeguards we contemplate have nothing in common with those mere paper declarations which have been

[1] *Proceedings of the Joint Committee on Indian Constitutional Reform*, vol. I, Part I (1934), pp. 11–26.

sometimes inserted in constitutional documents, and are dependent for their validity on the goodwill or the timidity of those to whom the real substance of power has been transferred. They represent on the contrary (to quote a very imperfect but significant analogy) a retention of power as substantial, and as fully endorsed by the law, as that vested by the Constitution of the United States in the President as Commander-in-Chief of the Army—but more extensive both in respect of their scope and in respect of the circumstances in which they can be brought into play. On the other hand, they are not only not inconsistent with some form of responsible government, but in the present circumstances of India it is no paradox to say that they are the necessary complement to any form of it, without which it could have little or no hope of success. It is in exact proportion as Indians show themselves to be, not only capable of taking and exercising responsibility, but able to supply the missing factors in Indian political life of which we have spoken, that both the need for safeguards and their use will disappear. We propose to examine later in this Report the nature of the safeguards required, but we think it right to formulate here what seem to us to be the essential elements in the new constitutional settlement which these safeguards should be designed to supply.

22. The first is flexibility, so that opportunity may be afforded for the natural processes of evolution with a minimum of alteration in the constitutional framework itself. The deplorable and paralysing effect of prescribing a fixed period for constitutional revision requires no comment in the light of events since 1919; but we are also impressed with the advantage of giving full scope for the development in India of that indefinable body of understanding, of political instinct and of tradition, which Lord Bryce, in the passage which we have quoted, postulates as essential to the working of our own Constitution. The success of a Constitution depends, indeed, far more upon the manner and spirit in which it is worked than upon its formal provisions. . . .

23. Next, there is the necessity for securing strong Executives in the Provinces. We have little to add to what the Statutory Commission have written on this point, and in our judgment they do not exaggerate when they say that nowhere in the world is there such frequent need for courageous and prompt action as in India and that nowhere is the penalty for hesitation and weakness greater. . . . Here, we content ourselves with saying that there must be (to quote again the Statutory Commission) an executive power in each Province which can step in and save the situation before it is too late. This power must be vested in the Governor, and so strongly have we been impressed by the need for this power, and by the importance of ensuring that the Governor shall be able to exercise it promptly and effectively, that, among other alterations in the White Paper, we have felt obliged to make a number of additional recommendations in regard to the Governor's sources of information, the protection of the police, and the enforcement of law and order.

24. But, further, a strong Executive is impossible and the power thus vested in

the Governor would be useless, in the absence of a pure and efficient administration, the backbone of all good government. . . .

25. Lastly, there must be an authority in India, armed with adequate powers, able to hold the scales evenly between conflicting interests and to protect those who have neither the influence nor the ability to protect themselves. Such an authority will be as necessary in the future as experience has proved it to be in the past. Under the new system of Provincial Autonomy, it will be an authority held, as it were, in reserve; but those upon whom it is conferred must at all times be able to intervene promptly and effectively, if the responsible Ministers and the Legislatures should fail in their duty. . . .

26. If the establishment of Provincial Autonomy marks, not so much a new departure, as the next stage in a path which India has long been treading, it is the more necessary that, on entering this stage, we should pause to take stock of the direction in which we have been moving. We have spoken of unity as perhaps the greatest gift which British rule has conferred on India; but, in transferring so many of the powers of government to the Provinces, and in encouraging them to develop a vigorous and independent political life of their own, we have been running the inevitable risk of weakening or even destroying that unity. Provincial Autonomy is, in fact, an inconceivable policy unless it is accompanied by such an adaptation of the structure of the Central Legislature as will bind these autonomous units together. . . .

30. . . . The unity of India on which we have laid so much stress is dangerously imperfect so long as the Indian States have no constitutional relationship with British India. It is this fact, surely, that has influenced the Rulers of the Indian States in their recent policy. They remain perfectly free to continue, if they so choose, in the political isolation which has characterized their history since the establishment of the British connection. But they have, it appears, become keenly conscious of the imperfections of the Indian polity as it exists to-day. A completely united Indian polity cannot, it is true, be established either now or, so far as human foresight can extend, at any time. In most respects, the anomalies to which we have referred are the necessary incidents, not merely of the introduction of an All-India Federation at this moment, but of its introduction at any time in the future. . . . The question for decision is whether the measure of unity which can be achieved by an All-India Federation, imperfect though it may be, is likely to confer added strength, stability and prosperity on India as a whole—that is to say, both on the States and on British India. To this question, there can, we think, be only one answer, an affirmative one; and that answer does not rest only, or even chiefly, on the kind of general considerations which naturally appeal most strongly to the people of this country. From their point of view it is evident enough that Ruling Princes who in the past have been the firm friends of British rule have sometimes felt their friendship tried by decisions of the Government of India running counter to what they believed to be the interests of their States and Peoples. Ruling Princes, however, as members of a Federation, may be expected to give

steadfast support to a strong and stable Central Government, and to become helpful collaborators in policies which they have sometimes in the past been inclined to criticise or even obstruct. But an even stronger, and a much more concrete, argument is to be found in the existing economic condition of India.

31. The existing arrangements under which economic policies, vitally affecting the interests of India as a whole, have to be formulated and carried out are being daily put to an ever-increasing strain, as the economic life of India develops. For instance, any imposition of internal indirect taxation in British India involves, with few exceptions, the conclusion of agreements with a number of States for concurrent taxation within their frontiers, or, in default of such agreement, the establishment of some system of internal customs duties—an impossible alternative, even if it were not precluded by the terms of the Crown's treaties with some States. Worse than this, India may be said even to lack a general customs system uniformly applied throughout the sub-Continent. On the one hand, with certain exceptions, the States are free themselves to impose internal customs policies, which cannot but obstruct the flow of trade. Even at the maritime ports situated in the States, the administration of the tariffs is imperfectly co-ordinated with that of the British-India ports, while the separate rights of the States in these respects are safeguarded by long-standing treaties or usage acknowledged by the Crown. On the other hand, tariff policies, in which every part of India is interested, are laid down by a Government of India and British-India Legislature in which no Indian State has a voice, though the States constitute only slightly less than half the area and one-fourth of the population of India. Even where the Government of India has adequate powers to impose internal indirect taxation or to control economic development, as in the cases of salt and opium, the use of those powers has caused much friction and has often left behind it, in the States, a sense of injustice. Moreover, a common company law for India, a common banking law, a common body of legislation on copyright and trademarks, a common system of communications, are alike impossible. Conditions such as these, which have caused trouble and uneasiness in the past, are already becoming, and must in the future increasingly become, intolerable as industrial and commercial development spreads from British India to the States. On all these points the Federation, now contemplated would have power to adopt a common policy. . . .

32. An All-India Federation thus presents solid advantages from the point of view alike of His Majesty's Government, of British India, and of the Indian States. But the attraction of the idea to the States clearly depends on the fulfilment of one condition; that, in acceding to the Federation, they should be assured of a real voice in the determination of its policy. The Princes have, therefore, stated clearly in their declaration that they are willing now to enter an All-India Federation, but only if the Federal Government is a responsible and not an irresponsible government. This brings us to the last of the main issues which have been submitted to our consideration, the issue whether, in the common phrase, there shall or shall not be any degree of 'responsibility at the Centre'.

33. It is obvious at the outset that the very ground on which the Princes advocate responsibility at the Centre in an All-India Federation constitutes the strongest possible argument against responsibility at the Centre in a purely British-India Federation; for a British-India Centre would have to deal, as now, with matters intimately affecting the States, yet would, as now, be unable to give the States any effective voice in its deliberations. If the States are irked by the exercise of such powers by the present Government of India, their exercise by Ministers responsible to a purely British-India electorate could hardly fail to lead to serious friction. Indeed, the position of the Governor-General in such circumstances, as the sole representative of the Crown in its treaty relations with the States and, therefore, as the sole mediator between a British-India electorate and the State Rulers, would be an almost impossible one. We agree, therefore, with the Statutory Commission in thinking that a responsible British-India Centre is not a possible solution of the constitutional problem, or would, at most, only be possible at the price of very large deductions from the scope of its responsibility.

34. But the Statutory Commission went further than this. They considered the question of responsibility at the Centre from another angle also. It is unnecessary to repeat all that they said on the subject, but they realised, as every student of the problem must realise, that responsible government at the Centre could not in any case extend to all departments of the Central Government, and that, in any case, it would be necessary to reserve Defence and Foreign Affairs from the sphere of ministerial responsibility. Hence any measure of responsible government at the Centre must involve a system of dyarchy, and the Commission held strongly the view that a unitary Government at the Centre was essential and should be preserved at all costs. 'It must be a Government,' they wrote, 'able to bear the vast responsibilities which are cast upon it as the central executive organ of a sub-continent, presenting complicated and diverse features which it has been our business to describe', and they expressed the opinion that a plan based on dyarchy was unworkable and would, indeed, constitute no real advance in the direction of developing central responsibility. . . .

41. We cannot leave this subject without asking the vital question which Parliament will have to answer: whether a Central Government of India constituted as we propose would fulfil the condition we have already laid down—whether it would provide a Central authority strong enough to maintain the unity of India and to protect all classes of her citizens. That question cannot be answered apart from a consideration of the strength or weakness of the Central Government as it now exists. As our enquiries have proceeded, we have been increasingly impressed, not by the strength of the Central Government as at present constituted, but by its weakness. It is confronted by a Legislature which can be nothing but (in Bagehot's words) 'a debating society adhering to an executive'. The members of that Legislature are unrestrained by the knowledge that they themselves may be required to provide an alternative government; their opinions have been uninformed by the experience of power, and they have shown themselves prone to regard sup-

port of government policy as a betrayal of the national cause. It is no wonder that the criticism offered by the members of such a Legislature should have been mainly destructive; yet it is abundantly clear from the political history of the last twelve years that criticism by the Assembly has constantly influenced the policy of Government. As a result, the prestige of the Central Government has been lowered and disharmony between Government and Legislature has tended to sap the efficiency of both. Indeed, the main problem which, in this sphere, Parliament has now to consider is how to strengthen an already weakening Central Executive. We believe that the Central Government which we recommend will be stronger than the existing Government and we see no other way in which it could be strengthened.

19

SIR SAMUEL HOARE'S BROADCAST ON INDIAN CONSTITUTIONAL REFORM,[1] 1 JANUARY 1935

Both Houses of Parliament have held great debates on the future of Indian government. By a majority of more than three to one in the House of Commons and nearly four to one in the House of Lords they have supported the recommendations of their own Joint Select Committee.

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No one either here or in India has produced any workable alternative. It is true that in India a chorus of disapproval has been raised against the Committee's recommendations. There was bound to be an outburst of criticism. No Indian public man can afford to be wholly satisfied with any scheme that contains any reservations or safeguards. The significant fact is not the outburst of criticism but the total absence of any constructive proposals. No one in India has produced a workable alternative.

Neither has anyone here in Great Britain produced a workable alternative. The Socialist members of the Committee and the group led by Lord Salisbury brought forward sketches of an alternative policy. In the judgment of the most experienced members of the Committee both these suggestions, for they were little more than suggestions, either went too far or not far enough. The Socialists, going much further than the political development of India permits at the present time, weakened the safeguards that are as necessary for Indian interests as our own.

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The reasons why, if you go forward at all, you must proceed to the point recommended by the Committee are three-fold. In the first place, you will turn the whole of political India into opposition if you confine your reforms to the Provinces and leave the Centre untouched. Secondly, by leaving the Centre as it is,

[1] Samuel Hoare, *Speeches*, 1931–5, pp. 132–5.

you do nothing to meet the claim of the Indian States that they should share in the determination of policies that affect their welfare. Thirdly, if you create popular Governments in the Provinces while leaving the Centre with an official and irremovable executive, confronted by a large hostile majority in the legislature, you will create a situation of friction and instability between the units and the Centre that will endanger the two main functions of the Central Government, the maintenance of defence and the maintenance of credit. Autonomous Provinces without a federal link at the Centre would drift further and further apart and make an All-India Federation impossible for all time.

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The final test of our policy is whether it is one for the better government of India. This is the broad question that contains within it the issue that is constantly in our minds, the future welfare of the Indian masses. The millions of toiling workers cannot be treated as an isolated part of the population that has no connection with the rest. I certainly do not suggest that self-government is, in itself, preferable to good government. Such a suggestion would be entirely inconsistent with the record of our rule in India. But I do maintain that the old system of paternal government, great as have been its achievements on behalf of the Indian masses in the past, is no longer sufficient. However good it has been, it cannot survive a century of Western education, a long period of free speech and of a free press and our own deliberate policy of developing Parliamentary government. We have reached the point when the welfare of the people depends upon co-operation between the Government and the political elements of the country and when the most difficult social questions such as the status of women and child marriage can only be settled by Indians themselves. For 15 years many of the subjects that most directly affect the vital interests of the workers, such as health and education, have been in the charge of responsible Ministers. Lord Salisbury and Mr. Churchill do not propose to withdraw the departments that are already in Indian hands. Indeed they profess to be willing to transfer practically all the subjects that affect the daily lives of the Indian masses. Why then do they attack us as if we were sacrificing the interests of the masses to Indian politicians and as if they were seeking to preserve and safeguard them?

In the conditions of the present day, the interests of the people as a whole will be most effectively served by a wide franchise that will give them for the first time a say in their own government, and by a system of responsibility and political opportunity that will attract the best men into public life.

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WINSTON CHURCHILL'S SPEECH ON THE SECOND READING OF THE GOVERNMENT OF INDIA BILL,[1] 11 FEBRUARY 1935

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. . . We have as good a right to be in India as anyone there except, perhaps, the Depressed Classes, who are the original stock. Our Government is not an irresponsible Government. It is a Government responsible to the Crown and to Parliament. It is incomparably the best Government that India has ever seen or ever will see. It is not true to say that the Indians, whatever their creed, would not rather have their affairs dealt with in many cases by British courts and British officers than by their own people, especially their own people of the opposite religion. . . .

A similar mood of disparagement affects the defence of our commercial rights with India. . . . While we maintain an Army in India at a great burden of expense to this country, while we give the protection of our fleet, while we give the fruitful advantage of our trade, we are entitled on the highest grounds of justice, as well as empowered by hitherto unimpared sovereignty, to proper and special consideration in regard to our trade.

Sir S. HOARE: Is my right hon. Friend in favour of continuing the system under which we do not interfere when the Viceroy and the Legislature agree on tariff questions, that is to say, would he impose a tariff upon India if India were unwilling to have it?

Mr. CHURCHILL: If my right hon. Friend had followed my argument he would see that it entirely covers the point. I have pointed out that, if the Viceroy and the Assembly are in accord, the Secretary of State does not interfere, but, as the Secretary of State is in special relation to the Viceroy, it is not an agreement of two external independent bodies. . . .

Of course, we are confronted with the old choice of self-government versus good government. We are invited to believe that the worst self-government is better than the best good government. That is going too far, but I think no one would look at it in that way. It is a matter of degree. It is a matter that can only be judged in relation to the actual circumstances and conditions. Everyone is, in fact, approaching it on those lines. The modern view is not concentrated entirely on the sovereign virtues of self-government. On the contrary, there is the idea of the external aid to be given by one nation to another. How happy we should be if the United States were willing to place her fleets and armies at the disposal of the League of Nations to protect countries in Europe against an aggressor. How we should rejoice. Yet it is those very functions which we have discharged and are discharging in India that have given India its immunity from the perils, the anxieties, the disorders and the burdens which oppress the strongest and most

[1] *Parl. Debates*, H.C., vol. 297 (1935), cols. 1650–63.

civilised nations in Europe. That is not the principle of self-government. It is the principle of beneficial aid from an external source for a virtuous object.

This protection and security cannot be removed from India. They have grown with our growth and strengthened with our strength. They will diminish with our diminution and decay with our decay, if I may paraphrase a famous sentence. In so far as they are withdrawn and this external aid withheld, India will descend, not quite into the perils of Europe but into the squalor and anarchy of India in the sixteenth and seventeenth centuries. It seems to me that the present infatuation of the Liberal mind, and I must say of the more intellectual part of the Socialist mind, is at this moment very serious. Their error is an undue exaltation of the principle of self-government. They set this principle above all other principles; they press it to the destruction of all other principles. . . .

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I have always felt bound to a very large extent and in principle by the great compromise and settlement between representatives of all British parties embodied in the report of the Statutory Commission. I do not agree with it in every detail, but in the main I have felt greatly under the impression of its authority. I should have been glad if the commission had reported, in view of the lack of co-operation by Congress and other elements and in view of the deterioration of the transferred Services, that no further advance was justified at the present time. . . . I still think that after all these five years of discussions and inquiry no advance or improvement of any sort has been made upon the report of the Statutory Commission. There has been no advance towards efficiency, no advance towards finality, and, above all, no advance towards agreement. All these protracted, tumultuous confabulations which followed Lord Irwin's unfortunate Declaration in 1929—all this labyrinth through which we have been led has brought us nothing that has been good for this country or India.

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We are told that something must be done. My father Lord Randolph Churchill was often credited with saying that when he heard people going about saying that something must be done, he had noticed that something very foolish was done. We are told that you cannot put the clock back. What nonsense. We put the clock back every year with highly beneficial results. Why do we put it back? That is what I want the House to notice. We put it back to place ourselves in more harmonious relation with the great facts of nature. We do not try with our little clocks and watches to run counter to nature. That would bring us into confusion or be entirely ineffectual. The error of the Government is that they are trying to put the clock forward without regard to the true march of solar events. They are trying to put it forward in the hope that the sun will alter its process because of their little dodges. So much for the argument that you cannot put back the clock.

There is one final argument that remains. I will endeavour to compress and put

it as shortly as possible, but it is one that must be met. We are told that by opposing the India Bill and India policy here and in the country we are running the risk of putting the Socialist Opposition into power, and that they will pass a much worse Bill. If that doctrine is to be accepted, it means that right hon. Gentlemen opposite, whether in office or in Opposition, are always in power. It really destroys the Conservative and Liberal parties. But in actual practice the passage of this Bill as it stands will make very easy the path of a Socialist Government in carrying a solution of the India problem which not one of those who are going to vote on the Government side to-night would for a moment contemplate or tolerate. One Parliament cannot bind another, but there are certain practical securities. The first is well organised parties expressing their national and traditional view, balancing each other and reacting upon a healthy public opinion in the country—that is the great security against foolish or dangerous legislation.

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I will make an appeal to the right hon. Gentleman, if he will allow me to do so, an appeal which is earnest and governed by sincere respect. Will he not consider the division of this Bill into two parts and the omission of the Federal Clauses? That will enormously relieve the whole position and follow on the advice and wishes expressed by the Indian people through the only channels and organs which are open to them.

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This is the first time that this extended and elaborate Bill has been brought out into the open and exposed to the criticism of the House of Commons. I believe that it will be possible to convince the House and the country that the Federal proposals are untimely and unworkable. I believe that they could be riddled in fair and free Debate, and that if the scheme which is now being pressed forward—the whole of it, not only the Federal, but also the Provincial—were dropped by the Government it would be the cause of great relief not only throughout this country, but from one end of India to the other. We shall endeavour to conduct our opposition as far as in us lies to show the fatal faults and defects of this Bill. But we shall aim at doing more. We shall try to instil into the minds of the peoples of Britain and of India a different and a new conception of the relations between the two countries. We hope once and for all to kill the idea that the British in India are aliens moving, with many apologies, out of the country as soon as they have been able to set up any kind of governing organism to take their place. We shall try to inculcate this idea, coming now to be mentioned more and more in many quarters of the House, that we are there for ever as honoured partners with our Indian fellow subjects whom we invite in all faithfulness to join with us in the highest functions of government for their lasting benefit and for our own.

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C. R. ATTLEE'S SPEECH ON THE GOVERNMENT OF INDIA BILL,[1] 4 JUNE 1935

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. . . The question that we should put is this: Does this Constitutional scheme provide a medium through which the living forces of India can operate, because what we have to deal with are the forces of modern India, a living India, and not the dead India of the past. If we are to do anything with India, we have to bring modern forces into play, and it is here that the importance of the attack on the Congress party comes in. For good or ill, the Congress party is one of the dominating factors in the situation. It is no use ignoring it, and it is useless and futile merely to abuse it. We may disagree with it, but within it are very many of the forces that are going to make for modern India. . . .

My first objection to this Bill is that I think it is deliberately framed so as to exclude as far as possible the Congress party from effective powers in the new Constitution. On many occasions provisions have been deliberately put forward with that end in view. This is done at the Centre by giving an undue weight to the Princes. The Princes are represented as a conservative element to keep left wing elements in check. It has been done by the creation of a reactionary and unrepresentative Council of State at the Centre and by the creation of reactionary second chambers in the Provinces, and also in the formation of the British side of the Assembly by the method which sets a premium on communalism. I disagree with some of my hon. Friends with regard to the question of direct and indirect election. The fault of this is that it is indirect communal election. The electing chambers are split on communal lines. The Bill makes the worst of both worlds.

Another serious objection is the provision with regard to the exclusion from effective political life of those who have been sentenced to prison, although that has been slightly bettered during the Committee stage. But all the way through the Government have yielded time after time to the States and time after time to minority communities, but have always stood strongly up against any yielding to Congress or the Nationalists. In the Congress movement you have a right wing, a left wing and a centre. You have people of the Eastern school of thought and of the Western school of thought. The policy of the Bill will tend to subdue all the active forces in India into a barren opposition. The subject matter for the Centre is so restricted and the powers so limited that it will make that opposition as barren as has been much of the opposition in the Centre during the last 12 or 13 years. This will have its repercussions in the Provinces. The Provincial experiments will very easily be upset by their being used as battlefields for an intransigent Nationalist majority. The effect of that will be that the safeguards which should be kept in the background and should cease gradually to be effective or to be used at all will become a more and more prominent feature in the Government

[1] *Parl. Debates*, H.C., vol. 302 (1935), cols. 1824–8.

and the political life. In each of these Provinces you should see natural forces working and a gradual development of as full a parliamentary system as you can have. But, if as a matter of fact, you have in the majority of the Provinces a nationalist Government using this for purely negative ends, then you will destroy whatever good there is in the Constitution.

The next great danger that I see is that in all federations there is a possibility of separatist tendencies. In a great continent like India it is a very great danger, and where the Centre is ineffective, where it does not really provide a field for the national forces to work, you may get a gradual breaking up. Hence we stress the need for making a far stronger provision than there is in the Bill for the transference of the reserved subject, and particularly of defence.

The other great danger is obviously communalism. The only counterforce that one can see to communalism is the emergence of divisions on entirely different lines, and I think that in the modern world the natural development is for a division on economic lines. But in this Bill provision is made by means of upper chambers representative of wealth, privilege, power and land to weight the scales all the time in favour of wealth against the poorer sections of the community. The little representation given to labour, the lack of any provision for a development of the franchise, but, above all, the special representation given to vested interests and the creation of second chambers means that the economic life will be ineffective and the tendency will be right the way through to get divisions on mere communal lines.

Another danger is that throughout the Bill, while we were considering it in Committee as when we were considering the White Paper, there has been a general lack of confidence, and over-insistence on safeguards. The erection of a large number of safeguards is simply an indication of lack of generosity. It is exactly the same with regard to the trade safeguards. You cannot get your trade into a country by making a number of little elaborate arrangements to try to force people to take your goods. You cannot sell your goods unless you get the good will of the people, and, although I admit that the Government have rejected the counsel of the extreme people in this House, the people who would run the Empire on the lines of a brewery, with India one of a number of tied houses, there is far too much of that kind of insistence all the way through, of safeguard after safeguard, piling them up. The result of anyone reading through this Bill is that he is struck not by what is conceded but by what is withheld. That will have an extraordinarily bad effect on our future relationships.

I have said already that I think that one of the great dangers is the over-representation of the States at the Centre. We must look forward for the development of India to the development in the States of democratic institutions. You have them already in some. We have not the power to force the rulers of Indian states to make these changes, but we should give all possible chance for the forces that are in the Provinces to flow over into the States, because there is a great danger if in any way you rely on the States for what is called a conservative element at the

Centre to keep national forces in check. The danger there is that we are pledged to support the States. If you make the States instruments of reaction, you will have the Provinces agitating among the people of those States. British democracy may be placed in a very difficult position. I certainly hope that British democracy would refuse to come to the aid of people who were reactionary in their own States.

. . . If you are going to use the States as a reactionary force at the Centre—we have already overloaded the Centre with the States—and rule India and the States through the representatives of vested interests, the result will be that you will get Provinces where there is a comparatively advanced majority breaking away from the Centre and the whole of your structure will break down.

We complain of the lack of flexibility and opportunities for advance in this Constitution. I am sorry that the Instrument of Instructions is going to be brought formally before this House. In the whole history of the British Empire the way in which advance has come in the various Colonies has been by changes in the Instrument of Instructions, not elaborate Acts of Parliament from time to time, but now you are doing away with this as an instrument of advance and are not providing any other instrument of advance in this Constitution. It is far too rigid.

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Finally, is the Bill going to be accepted and worked by the people of India? I do not think so. The indications are that if it is going to be worked at all it will be in a grudging spirit and that it is only too likely that its provisions will be used not for seeing how far it can be made useful for self-government but as a means of getting something more. . . .

22

THE GOVERNMENT OF INDIA ACT,[1] 2 AUGUST 1935

PART I

INTRODUCTORY

III.—(1) The Governor-General of India is appointed by His Majesty by a Commission under the Royal Sign Manual and has—

(a) all such powers and duties as are conferred or imposed on him by or under this Act; and

(b) such other powers of His Majesty, not being powers connected with the exercise of the functions of the Crown in its relations with Indian States, as His Majesty may be pleased to assign to him;

(2) His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States is appointed by His Majesty in like manner and

[1] 26 Geo. V, c. 2.

has such powers and duties in connection with the exercise of those functions (not being powers or duties conferred or imposed by or under this Act on the Governor-General) as His Majesty may be pleased to assign to him.

(3) It shall be lawful for His Majesty to appoint one person to fill both the said offices.

PART II

THE FEDERATION OF INDIA

V.—(1) It shall be lawful for His Majesty, if an address in that behalf has been presented to him by each House of Parliament and if the condition hereinafter mentioned is satisfied, to declare by Proclamation that as from the day therein appointed there shall be united in a Federation under the Crown, by the name of the Federation of India,—

(a) the Provinces hereinafter called Governors' Provinces; and
(b) the Indian States which have acceded or may thereafter accede to the Federation;

and in the Federation so established there shall be included the Provinces hereinafter called Chief Commissioners' Provinces.

(2) The condition referred to is that States—

(a) the Rulers whereof will, in accordance with the provisions contained in Part II[1] of the First Schedule to this Act, be entitled to choose not less than fifty-two members of the Council of State; and (b) the aggregate population whereof, as ascertained in accordance with the said provisions, amounts to at least one-half of the total population of the States as so ascertained,

have acceded to the Federation.

VI.—(1) A State shall be deemed to have acceded to the Federation if His Majesty has signified his acceptance of an Instrument of Accession executed by the Ruler thereof, whereby the Ruler for himself, his heirs and successors—

(a) declares that he accedes to the Federation as established under this Act, with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal authority established for the purposes of the Federation shall, by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to his State such functions as may be vested in them by or under this Act; and
(b) assumes the obligation of ensuring that due effect is given within his State to the provisions of this Act so far as they are applicable therein by virtue of his Instrument of Accession:

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[1] Omitted.

IX.—(1) There shall be a council of ministers, not exceeding ten in number, to aid and advise the Governor-General in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion:

Provided that nothing in the subsection shall be construed as preventing the Governor-General from exercising his individual judgment in any case where by or under this Act he is required so to do.

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XI.—(1) The functions of the Governor-General with respect to defence and ecclesiastical affairs and with respect to external affairs, except the relations between the Federation and any part of His Majesty's dominions, shall be exercised by him in his discretion, and his functions in or in relation to the tribal areas shall be similarly exercised.

(2) To assist him in the exercise of those functions the Governor-General may appoint counsellors, not exceeding three in number, whose salaries and conditions of service shall be such as may be prescribed by His Majesty in Council.

12.—(1) In the exercise of his functions the Governor-General shall have the following special responsibilities, that is to say,—

(a) the prevention of any grave menace to the peace or tranquillity of India or any part thereof;
(b) the safeguarding of the financial stability and credit of the Federal Government;
(c) the safeguarding of the legitimate interests of minorities;
(d) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act and the safeguarding of their legitimate interests;
(e) the securing in the sphere of executive action of the purposes which the provisions of chapter III of Part V of this Act are designed to secure in relation to legislation;
(f) the prevention of action which would subject goods of United Kingdom or Burmese origin imported into India to discriminatory or penal treatment;
(g) the protection of the rights of any Indian State and the rights and dignity of the Ruler thereof; and
(h) the securing that the due discharge of his functions with respect to matters with respect to which he is by or under this Act required to act in his discretion, or to exercise his individual judgment, is not prejudiced or impeded by any course of action taken with respect to any other matter.

(2) If and in so far as any special responsibility of the Governor-General is involved, he shall in the exercise of his functions exercise his individual judgment as to the action to be taken.

XIV.—(1) In so far as the Governor-General is by or under this Act required

to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by, the Secretary of State, but the validity of anything done by the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section.

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XVIII.—(1) There shall be a Federal Legislature which shall consist of His Majesty, represented by the Governor-General, and two Chambers, to be known respectively as the Council of State and the House of Assembly (in this Act referred to as 'the Federal Assembly').

(2) The Council of State shall consist of one hundred and fifty-six representatives of British India and not more than one hundred and four representatives of the Indian States, and the Federal Assembly shall consist of two hundred and fifty representatives of British India and not more than one hundred and twenty-five representatives of the Indian States.

(3) The said representatives shall be chosen in accordance with the provisions in that behalf contained in the First Schedule[1] to this Act.

(4) The Council of State shall be a permanent body not subject to dissolution, but as near as may be one-third of the members thereof shall retire in every third year in accordance with the provisions in that behalf contained in the said First Schedule.

(5) Every Federal Assembly, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

XXXII.—(1) When a Bill has been passed by the Chambers, it shall be presented to the Governor-General, and the Governor-General shall in his discretion declare either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the signification of His Majesty's pleasure:

Provided that the Governor-General may in his discretion return the Bill to the Chambers with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and the Chambers shall reconsider the Bill accordingly.

(2) A Bill reserved for the signification of His Majesty's pleasure shall not become an Act of the Federal Legislature unless and until, within twelve months from the day on which it was presented to the Governor-General, the Governor-General makes known by public notification that His Majesty has assented thereto.

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XXXIII.—(1) The Governor-General shall in respect of every financial year cause to be laid before both Chambers of the Federal Legislature a statement of

[1] Omitted.

the estimated receipts and expenditure of the Federation for that year, in this Part of this Act referred to as the 'annual financial statement'.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the revenues of the Federation; and
(b) the sums required to meet other expenditure proposed to be made from the revenues of the Federation,

and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor-General has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.

(3) The following expenditure shall be expenditure charged on the revenues of the Federation:—

(a) the salary and allowances of the Governor-General and other expenditure relating to his office for which provision is required to be made by Order in Council;
(b) debt charges for which the Federation is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;
(c) the salaries and allowances of ministers, of counsellors, of the financial adviser, of the advocate-general, of chief commissioners, and of the staff of the financial adviser;
(d) the salaries, allowances, and pensions payable to or in respect of judges of the Federal Court, and the pensions payable to or in respect of judges of any High Court;
(e) expenditure for the purpose of the discharge by the Governor-General of his functions with respect to defence and ecclesiastical affairs, his functions with respect to external affairs in so far as he is by or under this Act required in the exercise thereof to act in his discretion, his functions in or in relation to tribal areas, and his functions in relation to the administration of any territory in the direction and control of which he is under this Act required to act in his discretion: provided that the sum so charged in any year in respect of expenditure on ecclesiastical affairs shall not exceed forty-two lakhs of rupees, exclusive of pension charges;
(f) the sums payable to His Majesty under this Act out of the revenues of the Federation in respect of the expenses incurred in discharging the functions of the Crown in its relations with Indian States;
(g) any grants for purposes connected with the administration of any areas in a Province which are for the time being excluded areas;

(h) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal:

(i) any other expenditure declared by this Act or any Act of the Federal Legislature to be so charged.

(4) Any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of the Federation shall be decided by the Governor-General in his discretion.

XLIII.—(1) If at any time the Governor-General is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgment, he may promulgate such ordinances as in his opinion the circumstances of the case require.

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XLV.—(1) If at any time the Governor-General is satisfied that a situation has arisen in which the government of the Federation cannot be carried on in accordance with the provisions of this Act, he may by Proclamation—

(a) declare that his functions shall to such extent as may be specified in the Proclamation be exercised by him in his discretion;

(b) assume to himself all or any of the powers vested in or exercisable by any Federal body or authority,

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any Federal body or authority:

Provided that nothing in this subsection shall authorise the Governor-General to assume to himself any of the powers vested in or exercisable by the Federal Court or to suspend, either in whole or in part, the operation of any provision of this Act relating to the Federal Court.

(4) If at any time the government of the Federation has for a continuous period of three years been carried on under and by virtue of a Proclamation issued under this section, then, at the expiration of that period, the Proclamation shall cease to have effect and the government of the Federation shall be carried on in accordance with the other provisions of this Act, subject to any amendment thereof which Parliament may deem it necessary to make, but nothing in this subsection shall be construed as extending the power of Parliament to make amendments in this Act without affecting the accession of a State.

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PART III

THE GOVERNORS' PROVINCES

XLIX.—(1) The executive authority of a Province shall be exercised on behalf of His Majesty by the Governor, either directly or through officers subordinate to him, but nothing in this section shall prevent the Federal or the Provincial Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor any functions conferred by any existing Indian law on any court, judge, or officer or any local or other authority.

(2) Subject to the provisions of this Act, the executive authority of each Province extends to the matters with respect to which the Legislature of the Province has power to make laws.

LI.—(1) The Governor's ministers shall be chosen and summoned by him, shall be sworn as members of the council, and shall hold office during his pleasure.

(2) A minister who for any period of six consecutive months is not a member of the Provincial Legislature shall at the expiration of that period cease to be a minister.

(3) The salaries of ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine, shall be determined by the Governor:

Provided that the salary of a minister shall not be varied during his term of office.

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LII.—(1) In the exercise of his functions the Governor shall have the following special responsibilities, that is to say:—

(a) the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof;

(b) the safeguarding of the legitimate interests of minorities;

(c) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act, and the safeguarding of their legitimate interests;

(d) the securing in the sphere of executive action of the purposes which the provisions of chapter III of Part V[1] of this Act are designed to secure in relation to legislation;

(e) the securing of the peace and good government of areas which by or under the provisions of this Part of this Act are declared to be partially excluded areas;

(f) the protection of the rights of any Indian State and the rights and dignity of the Ruler thereof; and

(g) the securing of the execution of orders or directions lawfully issued to him under Part VI[1] of this Act by the Governor-General in his discretion.

[1] Omitted.

(2) The Governor of the Central Provinces and Berar shall also have the special responsibility of securing that a reasonable share of the revenues of the Province is expended in or for the benefit of Berar, the Governor of any Province which includes an excluded area shall also have the special responsibility of securing that the due discharge of his functions in respect of excluded areas is not prejudiced or impeded by any course of action taken with respect to any other matter, any Governor who is discharging any functions as agent for the Governor-General shall also have the special responsibility of securing that the due discharge of those functions is not prejudiced or impeded by any course of action taken with respect to any other matter, and the Governor of Sind shall also have the special responsibility of securing the proper administration of the Lloyd Barrage and Canals Scheme.

(3) If and in so far as any special responsibility of the Governor is involved, he shall, in the exercise of his functions, exercise his individual judgment as to the action to be taken.

LIV.—(1) In so far as the Governor of a Province is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him, by the Governor-General in his discretion, but the validity of anything done by a Governor shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section.

(2) Before giving any directions under this section, the Governor-General shall satisfy himself that nothing in the directions requires the Governor to act in any manner inconsistent with any Instrument of Instructions issued to the Governor by His Majesty.

LX.—(1) There shall for every Province be a Provincial Legislature which shall consist of His Majesty, represented by the Governor, and—

(a) in the Provinces of Madras, Bombay, Bengal, the United Provinces, Bihar and Assam, two Chambers:
(b) in other Provinces, one Chamber.

(2) Where there are two Chambers of a Provincial Legislature, they shall be known respectively as the Legislative Council and the Legislative Assembly, and where there is only one Chamber, the Chamber shall be known as the Legislative Assembly.

LXI.—(3) Every Legislative Council shall be a permanent body not subject to dissolution, but as near as may be one-third of the members thereof shall retire in every third year in accordance with the provision in that behalf made in relation to the Province under the said Fifth Schedule.

LXXV.—A Bill which has been passed by the Provincial Legislative Assembly or, in the case of a Province having a Legislative Council, has been passed by both Chambers of the Provincial Legislature, shall be presented to the Governor, and

the Governor in his discretion shall declare either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the consideration of the Governor-General:

Provided that the Governor may in his discretion return the Bill together with a message requesting that the Chamber or Chambers will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Chamber or Chambers shall reconsider it accordingly.

LXXVIII.—(1) The Governor shall in respect of every financial year cause to be laid before the Chamber or Chambers of the Legislature a statement of the estimated receipts and expenditure of the Province for that year, in this Part of this Act referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the revenues of the Province; and

(b) the sums required to meet other expenditure proposed to be made from the revenues of the Province,

and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.

(3) The following expenditure shall be expenditure charged on the revenues of each Province—

(a) the salary and allowances of the Governor and other expenditure relating to his office for which provision is required to be made by Order in Council:

(b) debt charges for which the Province is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt:

(c) the salaries and allowances of ministers, and of the Advocate-General;

(d) expenditure in respect of the salaries and allowances of judges of any High Court;

(e) expenditure connected with the administration of any areas which are for the time being excluded areas;

(f) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(g) any other expenditure declared by this Act or any Act of the Provincial Legislature to be so charged.

(4) Any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of the Province shall be decided by the Governor in his discretion.

LXXXIX.—(1) If at any time the Governor of a Province is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion, or to exercise his individual judgment, he may promulgate such ordinances as in his opinion the circumstances of the case require.

. . . . . .

XCIII.—(1) If at any time the Governor of a Province is satisfied that a situation has arisen in which the government of the Province cannot he carried on in accordance with the provisions of this Act, he may by Proclamation—

(a) declare that his functions shall, to such extent as may be specified in the Proclamation, be exercised by him in his discretion;

(b) assume to himself all or any of the powers vested in or exercisable by any Provincial body or authority;

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any Provincial body or authority:

Provided that nothing in this subsection shall authorise the Governor to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend, either in whole or in part, the operation of any provision of this Act relating to High Courts.

. . . . . .

PART VII

FINANCE, PROPERTY, CONTRACTS AND SUITS

CXXXVII. Duties in respect of succession to property other than agricultural land, such stamp duties as are mentioned in the Federal Legislative List, terminal taxes on goods or passengers carried by railway, or air, and taxes on railway fares and freights, shall be levied and collected by the Federation, but the net proceeds in any financial year of any such duty or tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces, shall not form part of the revenues of the Federation, but shall be assigned to the Provinces and to the Federated States, if any, within which that duty or tax is leviable in that year, and shall be distributed among the Provinces and those States in accordance with such principles of distribution as may be formulated by Act of the Federal Legislature:

Provided that the Federal Legislature may at any time increase any of the said duties or taxes by a surcharge for Federal purposes and the whole proceeds of any such surcharge shall form part of the revenues of the Federation.

CXXXVIII.—(1) Taxes on income other than agricultural income shall be levied and collected by the Federation, but a prescribed percentage of the net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces or to taxes payable in respect of Federal emoluments, shall not form part of the revenues of the Federation, but shall be assigned to the Provinces and to the Federated States, if any, within which that tax is leviable in that year, and shall be distributed among the Provinces and those States in such manner as may be prescribed.

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PART IX

THE JUDICATURE

CC.—(1) There shall be a Federal Court consisting of a Chief Justice of India and such number of other judges as His Majesty may deem necessary, but unless and until an address has been presented by the Federal Legislature to the Governor-General for submission to His Majesty praying for an increase in the number of judges, the number of puisne judges shall not exceed six.

(2) Every judge of the Federal Court shall be appointed by His Majesty by warrant under the Royal Sign Manual and shall hold office until he attains the age of sixty-five years:

. . . . .

CCIV.—(1) Subject to the provisions of this Act, the Federal Court shall, to the exclusion of any other court, have an original jurisdiction in any dispute between any two or more of the following parties, that is to say, the Federation, any of the Provinces or any of the Federated States, if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends:

Provided that the said jurisdiction shall not extend to—

(a) a dispute to which a State is a party, unless the dispute—

(i) concerns the interpretation of this Act or of an Order in Council made thereunder, or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State; or

(ii) arises under an agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature, or otherwise concerns some matter with respect to which the Federal Legislature has power to make laws for that State; or

(iii) arises under an agreement made after the establishment of the Federation, with the approval of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, between that State and

the Federation or a Province, being an agreement which expressly provides that the said jurisdiction shall extend to such a dispute;

(b) a dispute arising under any agreement which expressly provides that the said jurisdiction shall not extend to such a dispute.

(2) The Federal Court in the exercise of its original jurisdiction shall not pronounce any judgment other than a declaratory judgment.

CCV.—(1) An appeal shall lie to the Federal Court from any judgment, decree or final order of a High Court in British India, if the High Court certifies that the case involves a substantial question of law as to the interpretation of this Act or any Order in Council made thereunder, and it shall be the duty of every High Court in British India to consider in every case whether or not any such question is involved and of its own motion to give or to withhold a certificate accordingly.

(2) Where such a certificate is given, any party in the case may appeal to the Federal Court on the ground that any such question as aforesaid has been wrongly decided, and on any ground on which that party could have appealed without special leave to His Majesty in Council if no such certificate had been given, and, with the leave of the Federal Court, on any other ground, and no direct appeal shall lie to His Majesty in Council, either with or without special leave.

CCVII.—(1) An appeal shall lie to the Federal Court from a High Court in a Federated State on the ground that a question of law has been wrongly decided, being a question which concerns the interpretation of this Act or of an Order in Council made thereunder or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State, or arises under an agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature.

(2) An appeal under this section shall be by way of special case to be stated for the opinion of the Federal Court by the High Court, and the Federal Court may require a case to be so stated, and may return any case so stated in order that further facts may be stated therein.

CCVIII. An appeal may be brought to His Majesty in Council from a decision of the Federal Court—

(a) from any judgment of the Federal Court given in the exercise of its original jurisdiction in any dispute which concerns the interpretation of this Act or of an Order in Council made thereunder, or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of any State, or arises under an agreement made under Part VI of this Act in relation to the administration in any State of a law of the Federal Legislature, without leave; and

(b) in any other case, by leave of the Federal Court or of His Majesty in Council.

CCXIII.—(1) If at any time it appears to the Governor-General that a question of law has arisen, or is likely to arise, which is of such a nature and of such public

importance that it is expedient to obtain the opinion of the Federal Court upon it, he may in his discretion refer the question to that court for consideration, and the court may, after such hearing as they think fit, report to the Governor-General thereon.

(2) No report shall be made under this section save in accordance with an opinion delivered in open court with the concurrence of a majority of the judges present at the hearing of the case, but nothing in this subsection shall be deemed to prevent a judge who does not concur from delivering a dissenting opinion.

PART X

THE SERVICES OF THE CROWN IN INDIA

CCXXXIII.—(1) His Majesty in Council may require that appointments to such offices connected with defence as he may specify shall be made by him or in such manner as he may direct.

(2) Nothing in this section derogates from any power vested in His Majesty by virtue of any Act or by virtue of his Royal Prerogative.

CCXXXIV.—The power of His Majesty, and of any person authorised in that behalf by His Majesty, to grant commissions in any naval, military or air force raised in India extends to the granting of a commission in any such force to any person who might be, or has been, lawfully enlisted or enrolled in that force.

CCXL.—(1) Except as expressly provided by this Act, every person who is a member of a civil service of the Crown in India, or holds any civil post under the Crown in India, holds office during His Majesty's pleasure.

(2) No such person as aforesaid shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed.

(3) No such person as aforesaid shall be dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

. . . . .

CCXLIV.—(1) As from the commencement of Part III of this Act appointments to the civil services known as the Indian Civil Service, the Indian Medical Service (Civil), and the Indian Police Service (which last-mentioned service shall thereafter be known as 'the Indian Police') shall, until Parliament otherwise determines, be made by the Secretary of State.

CCLXIV.—(1) Subject to the provisions of this Section, there shall be a Public Service Commission for the Federation and a Public Service Commission for each Province.

(2) Two or more Provinces may agree—

(a) that there shall be one Public Service Commission for that group of Provinces; or

(b) that the Public Service Commission for one of the Provinces shall serve the needs of all the Provinces,

and any such agreement may contain such incidental and consequential provisions as may appear necessary or desirable for giving effect to the purposes of the agreement and shall, in the case of an agreement that there shall be one Commission for a group of Provinces, specify by what Governor or Governors the functions which are under this Part of this Act to be discharged by the Governor of a Province are to be discharged.

. . . . . .

CCLXV.—(1) The chairman and other members of a Public Service Commission, shall be appointed, in the case of the Federal Commission, by the Governor-General in his discretion, and in the case of a Provincial Commission, by the Governor of the Province in his discretion:

Provided that at least one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years under the Crown in India.

PART XI

THE SECRETARY OF STATE, HIS ADVISERS AND HIS DEPARTMENT

CCLXXVIII.—(1) There shall be a body of persons appointed by the Secretary of State, not being less than three nor more than six in number, as the Secretary of State may from time to time determine, whose duty it shall be to advise the Secretary of State on any matter relating to India on which he may desire their advice.

(2) One-half at least of the persons for the time being holding office under this section as advisers of the Secretary of State shall be persons who have held office for at least ten years under the Crown in India and have not last ceased to perform in India official duties under the Crown more than two years before the date of their respective appointments as advisers under this section.

(3) Any person appointed as an adviser to the Secretary of State shall hold office for a term of five years and shall not be eligible for reappointment:

. . . . . .

(4) A person for the time being holding office as adviser to the Secretary of State shall not be capable of sitting or voting in either House of Parliament.

. . . . . .

CCCII.—(1) There shall be a High Commissioner for India in the United Kingdom who shall be appointed, and whose salary and conditions of service shall be prescribed, by the Governor-General, exercising his individual judgment.

(2) The High Commissioner shall perform on behalf of the Federation such functions in connection with the business of the Federation, and, in particular, in relation to the making of contracts as the Governor-General may from time to time direct.

. . . . . .

PART XIII

TRANSITIONAL PROVISIONS

CCCXIV.—(1) The Governor-General in Council and the Governor-General, both as respects matters with respect to which he is required by or under this Act to act in his discretion and as respects other matters, shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the Secretary of State, but the validity of anything done by the Governor-General in Council or the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this subsection.

(2) The Secretary of State shall not give any direction to the Governor-General in Council with respect to any grant or appropriation of any part of the revenues of the Governor-General in Council except with the concurrence of his advisers.

(3) While this Part of this Act is in operation, the advisers of the Secretary of State shall not be more than twelve, nor less than eight, in number, and, notwithstanding anything in Part XI of this Act with respect to their term of office, on the establishment of the Federation such of the advisers as the Secretary of State may direct shall cease to hold office.

. . . . . .

23

LORD LINLITHGOW'S STATEMENT ON THE GOVERNORS' POSITION,[1] 22 JUNE 1937

. . . . . .

The executive authority of a Province runs in the name of the Governor: but in the ministerial field the Governor, subject to the qualifications already mentioned, is bound to exercise that executive authority on the advice of his ministers. There are certain strictly limited and clearly defined areas in which, while here as elsewhere primary responsibility rests with ministers, the Governor remains ultimately responsible to Parliament. Over the whole of the remainder of the field ministers are solely responsible, and they are answerable only to the provincial legis-

[1] Linlithgow, *Speeches and Statements*, 1936–43, pp. 80–2. Linlithgow was Viceroy from 18 April 1936 to 20 October 1943.

lature. In the discharge of the Governor's special responsibilities it is open to the Governor, and it is indeed incumbent upon him, to act otherwise than on the advice of his ministers if he considers that the action they propose will prejudice minorities or areas or other interests affected. The decision in such cases will rest with the Governor; and he will be responsible to Parliament for taking it. But the scope of such potential interference is strictly defined—and there is no foundation for any suggestion that a Governor is free, or is entitled, or would have the power, to interfere with the day-to-day administration of a Province outside the limited range of the responsibilities specially confined to him. Before taking a decision against the advice of his ministers even within that limited range a Governor will spare no pains to make clear to his ministers the reasons which have weighed with him in thinking both that the decision is one which it is incumbent on him to take, and that it is the right one. He will put them in possession of his mind. He will listen to the arguments they address to him. He will reach his decision with full understanding of those arguments and with a mind open to conviction. In such circumstances, given the goodwill which we can I trust postulate on both sides, and for which I can on behalf of His Majesty's Government answer so far as Governors are concerned, conflicts need not in a normal situation be anticipated. . . .

Where . . . a really major issue is involved and ministers, even though they are not responsible for the final decision taken by a Governor, and can without any constitutional impropriety make that clear, feel that such action has raised issues of such a character, and affected their position as a parliamentary party, in such a way that they can no longer, without misunderstanding in the country, associate themselves with the Governor in the work of Administration, then it is open to ministers to resign. Or, if they do not resign and the Governor feels that his partnership with them cannot with profit to the public continue, it is open to a Governor, and indeed incumbent on him to dismiss them. But the object of Governors and, I feel confident, the object of the ministers, will at all times be to avoid such a state of things arising. The mere fact that the Government of India Act covers contingencies such as the dismissal of ministers, the breakdown of the Constitution, or the like, is not for one moment to be taken as involving an assumption that the framers of the Act, those concerned with its administration, or anyone, indeed, who is concerned for the constitutional progress and development of this great country, wishes to see those contingencies turned into realities. . . .

B. INDEPENDENCE AND PARTITION 1937–47

INTRODUCTORY NOTE

(a) The Indian National Congress, 1937–47

Congress in office between 1937 and 1939 showed that it could rule effectively. But its rejection of coalition ministries made it clear to Muslims that, if they could not accept Congress's claim to represent all Indians, they would be committed to a struggle for power.

In the period of the Second World War this gulf between the Congress and the Muslim League widened. Through the failure of the 'Quit India' movement and the imprisonment of its leaders, the Congress lost its initiative, and the British indication of their intention to leave India brought the struggle for power to a head.

(b) The All-India Muslim League, 1937–47

Muhammad Ali Jinnah exploited to the full the situation created by the refusal of Congress to accept coalition ministries in provinces where it had a clear majority. He soon became not merely one among a number but *the* leader of the Muslim community, and the organization which he represented, the Muslim League, became *the* representative Muslim political body. The League had massive Muslim support in adopting the Pakistan policy in March 1940 and in stating that only the creation of a separate, national homeland for Muslims in India would remove their fears and satisfy their demands. Partition thus became the fundamental issue of Indian politics. Through the vicissitudes, conflicts, and negotiations down to 1947 the League did not waver in its policy. It attracted the mass of Muslim support and emerged as the architect of Pakistan.

(c) The extreme Left and Right, 1937–47

The general line of policy followed by the Communists in India was the familiar one of seeking to penetrate and use the nationalist movement. After the outbreak of war in 1939 they were increasingly pushed into a policy of 'twist and turn' to meet the rapidly changing political and military situation. They called first for a shoulder-to-shoulder struggle against the Imperialists' war, but abandoned this and the Congress in 1941 when Russia joined in the war in favour of the call for a Peoples' War. Nevertheless, they soon resumed their policy of infiltrating into the Indian National Congress, at the same time seeking to undermine it as a bourgeois manifestation. In 1945 Nehru publicly condemned this ambivalent policy and asked Congress to recognize the antagonistic nature of Communist activity and to oppose it.

Britain's declared intention of leaving India precipitated a struggle for power in

which Hindu and Muslim reactionary elements, which placed communalism even above nationalism, harassed both the Congress and the Muslim League and exerted an important influence in bringing about the Partition.

(d) British policy, 1937–47

In 1939, as in 1914, the British Government felt unable to place full responsibility of decision on Indian leaders, and therefore by its own will took India into war. The consequential resignation of the Congress ministries, and the growing division of opinion between the Congress and Muslim League produced a deadlock which throughout the war remained unbroken despite successive British offers, notably in the Cripps plan of 1942 and in the three-tiered proposal of 1946. At this stage the British Government, placing its emphasis on responsible rather than strictly representative government, and on the maintenance of the unity of India, failed to carry the Congress and Muslim League with it. Indians were concerned rather with the struggle for effective power and, on the Muslim League's side, with the implications for them of representative government. Alarmed by the fact that with its weakening civil and military resources in India it could no longer guarantee the maintenance of law and order, the British Government declared in February 1947 that the transfer of power must be completed by June 1948. The final, headlong rush to independence and partition was in fact completed by 15 August 1947.

(*a*) The Indian National Congress, 1937–47

1

THE WARDHA EDUCATIONAL CONFERENCE,[1] 1937

Soon after Congress took up office in the Provinces Gandhiji, through the columns of the Harijan, drew the attention of the country to education and particularly to primary education in rural areas. His suggestions were that education should centre round some form of productive manual work and should be made self-supporting in the sense that it should pay for the expense of its teachers. He invited the opinion of educationalists and national workers to his suggestions. As a result a Conference on National Education was called to meet at Wardha, October last under Gandhiji's presidentship. The Conference was to discuss the whole question of education in all its aspects. It was however necessary to arrive at some practical conclusions within the short time at its disposal, and therefore only the most immediate and pressing problem of primary education was taken up. The Conference was a small select body consisting of education ministers in the Congress provinces and representative workers in the field of National Education. The proceedings of the Conference were conducted in Hindustani and were entirely businesslike.

Gandhiji explained his scheme and placed it before the conference not only as a

[1] *Report of the Indian National Congress*, January 1937–February 1938, pp. 34–6.

provisional educational experiment to meet the exigency of the limited resources at the disposal of the Congress Ministers but as one based on recognised educational principles and suited to the genius of the Indian people and the essential rural character of our culture. Gandhiji's ideas were discussed and the Conference after five sittings passed the following resolutions:

1. That in the opinion of this Conference free and compulsory education be provided for seven years on a nationwide scale.

2. That the medium of instruction be the mother tongue.

3. That the Conference endorses the proposal made by Mahatma Gandhi that the process of education throughout this period should centre round some form of manual and productive work, and that all the other abilities to be developed or training to be given should, as far as possible, be integrally related to the central handicraft chosen with due regard to the environment of the child.

4. That the Conference expects that this system of education will be gradually able to cover the remuneration of the teachers.

The Conference before dispersing appointed a small Committee to prepare a planned syllabus on the basis of resolutions passed by the Conference and to submit the report to Mahatma Gandhi. The members of the Committee were:

> Dr. Zakir Husain (President), Syt. Vinoba Bhave, Syt., Shree Krishna Das Jajoo, Syt. Kishori Lal Mashruwala, Syt. J. C. Kumarappa, Prof. Siyuddin, Prof. K. T. Shah, Syt. Kakasahab Kalelkar, Shrimati Asha Devi and Syt. Aryanayakam (Convener).

The Committee has since submitted its report which has been published and is before the country and discussions are going on.

2

RESOLUTION OF THE INDIAN NATIONAL CONGRESS AT RAMGARH,[1] 20 MARCH 1940

This Congress, having considered the grave and critical situation resulting from the war in Europe and the British policy in regard to it, approves of and endorses the resolutions passed and the action taken on the war situation by the All-India Congress Committee and the Working Committee. The Congress considers the declaration, by the British Government, of India as a belligerent country, without any reference to the people of India, and the exploitation of India's resources in this war, as an affront to them, which no self-respecting and freedom-loving people can accept or tolerate.

The recent pronouncements made on behalf of the British Government in regard to India demonstrate that Great Britain is carrying on the war fundamentally for Imperialist ends and for the preservation and strengthening of her Empire, which is based on the exploitation of the people of India as well as of other Asiatic

[1] *Parl. Papers*, X (1939–40), Cmd. 6196, pp. 39–40.

and African countries. Under these circumstances, it is clear that the Congress cannot in any way, directly or indirectly, be party to the war, which means continuance and perpetuation of this exploitation.

The Congress, therefore, strongly disapproves of Indian troops being made to fight for Great Britain and of the drain from India of men and material for the purpose of the war. Neither the recruiting nor the money raised in India can be considered to be voluntary contributions from India. Congressmen and those under the Congress influence cannot help in the prosecution of the war with men, money or material.

The Congress hereby declares again that nothing short of complete independence can be accepted by the people of India. Indian freedom cannot exist within the orbit of Imperialism, and Dominion Status or any other status within the Imperial structure is wholly inapplicable to India, is not in keeping with the dignity of a great nation and would bind India in many ways to British politics and economic structure. The people of India alone can properly shape their own constitution and determine their relations to the other countries of the world, through a constituent assembly elected on the basis of adult suffrage.

The Congress is further of opinion that while it will always be ready, as it ever has been, to make every effort to secure communal harmony, no permanent solution is possible except through a constituent assembly, where the rights of all recognised minorities will be fully protected by agreement, as far as possible, between the elected representatives of the various majority and minority groups, or by arbitration if agreement is not reached on any point. Any alternative will lack finality. . . .

The Congress withdrew the Ministries from the provinces where the Congress had a majority in order to dissociate India from the war and to enforce the Congress determination to free India from foreign domination. This preliminary step must naturally be followed by civil disobedience, to which the Congress will unhesitatingly resort as soon as the Congress organisation is considered fit enough for the purpose, or in case circumstances so shape themselves as to precipitate a crisis.

The Congress desire to draw the attention of Congressmen to Gandhiji's declaration that he can only undertake the responsibility of declaring civil disobedience when he is satisfied that they are strictly observing discipline and are carrying out the constructive programme prescribed in the independence pledge. . . .

3

MAHATMA GANDHI AND BRITISH WITHDRAWAL FROM INDIA,[1] 26 APRIL 1942

. . . Whatever the consequences, therefore, to India, her real safety and that of Britain too lie in orderly and timely British withdrawal from India. All talk of

[1] Quoted in Tendulkar, *Mahatma*, vol. 6, pp. 93–4. After the failure of the Cripps Mission Gandhi wrote a number of articles in *Harijan* asking the British to leave India.

treaties with the princes and obligations towards minorities are a British creation designed for the preservation of the British rule and the British interests. It must melt before the stern reality that faces all of us. The princes, in so far as they rely upon their armed strength, are more than able to defend themselves against unarmed India. The fiction of majority and minority will vanish like the mist before the morning sun of liberty. Truth to tell, there will be neither majority nor minority in the absence of the paralysing British arms. The millions of India would then be an undefined but one mass of humanity. I have no doubt that at that time the natural leaders will have wisdom enough to evolve an honourable solution of their difficulties. This presupposes Japan and the other powers leaving India alone. If they do not, I should hope even then for wisdom to guide the principal parties to devise a scheme whereby they all can act with one mind to face the new menace.

Holding the views I do, it is clear why I look upon the introduction of foreign soldiers as a positive danger thoroughly to be deplored and distrusted. The present state of things and the attempt to uphold it are a distinct sign of corroding consumption of the body politic in India.

4

CONGRESS DEMANDS FOR BRITISH WITHDRAWAL,[1] 1942

(i) The Congress Working Committee's Resolution, 14 July 1942

The events happening from day to day and the experience that the people of India are passing through confirm the opinion of Congressmen that British rule in India must end immediately, not merely because foreign domination even at its best is an evil in itself and a continuing injury to the subject people, but because India in bondage can play no effective part in defending herself and in affecting the fortunes of the war that is desolating humanity. The freedom of India is thus necessary not only in the interest of India, but also for the safety of the world and for the ending of Nazism, Fascism, militarism and other forms of imperialism, and the aggression of one nation over another. Ever since the outbreak of the world war, the Congress has studiedly pursued a policy of non-embarrassment. Even at the risk of making its satyagraha ineffective, it deliberately gave it a symbolic character in the hope that this policy of non-embarrassment carried to its logical extreme would be duly appreciated and that real power would be transferred to popular representatives so as to enable the nation to make its fullest contribution towards the realisation of human freedom throughout the world, which is in danger of being crushed. It had also hoped that negatively nothing would be done which was calculated to tighten Britain's hold on India.

These hopes have, however, been dashed to pieces. The abortive Cripps' proposals showed in the clearest possible manner that there was no change in the

[1] *Statement on the Congress Party's responsibility for disturbances in 1942–3*, Cmd. 6430 (1943), pp. 42–3, 44–6.

British Government's attitude towards India and that the British hold on India was in no way to be relaxed. In the negotiations with Sir Stafford Cripps, Congress Representatives tried their utmost to achieve a minimum, consistent with the national demand, but to no avail. This frustration has resulted in a rapid and widespread increase of ill-will against Britain and a growing satisfaction at the success of Japanese.

The Working Committee view this development with grave apprehension as this, unless checked, will inevitably lead to a passive acceptance of aggression. The Committee hold that all aggression must be resisted, for any submission to it must mean the degradation of the Indian people and the continuation of their subjection. The Congress is anxious to avoid the experience of Malaya, Singapore, and Burma and desires to build up resistance to any aggression on or invasion of India by the Japanese or any foreign Power. The Congress would change the present ill-will against Britain into goodwill and make India a willing partner in a joint enterprise of securing freedom for the nations and peoples of the world and in the trials and tribulations which accompany it. This is only possible if India feels the glow of freedom.

The Congress representatives have tried their utmost to bring about a solution of the communal tangle. But this has been made impossible by the presence of the foreign power and only after the ending of foreign domination and intervention, can the present unreality give place to reality and the people of India, belonging to all groups and parties, face India's problems and solve them on a mutually agreed basis. . . .

It is the earnest desire of the Congress to enable India to resist aggression effectively with the peoples' united will and strength behind it. In making the proposal for the withdrawal of the British rule from India, the Congress has no desire whatsoever to embarrass Great Britain or the Allied Powers in their prosecution of the war, or in any way to encourage aggression on India or increase pressure on China by the Japanese or any other Power associated with the Axis group. Nor does the Congress intend to jeopardise the defensive capacity of the Allied powers.

The Congress is, therefore, agreeable to the stationing of the armed forces of the Allies in India, should they so desire, in order to ward off and resist Japanese or other aggression and to protect and help China. . . . Should, however, this appeal fail the Congress cannot view without the gravest apprehension the continuation of the present state of affairs involving a progressive deterioration in the situation and the weakening of India's will and power to resist aggression. The Congress will then be reluctantly compelled to utilise all the non-violent strength it might have gathered since 1920 when it adopted non-violence as part of its policy for the vindication of the political rights and liberty. Such a widespread struggle would inevitably be under the leadership of Mahatma Gandhi. As issues raised are of the most vital and far-reaching importance to the people of India as well as to the peoples of the United Nations the Working Committee refer them to the All-India

Congress Committee for final decision. For this purpose the A.I.C.C. will meet in Bombay on the 7th of August 1942.

(ii) The All-India Congress Committee's Resolution of 8 August 1942

. . . The A.I.C.C., therefore, repeats with all emphasis the demand for the withdrawal of the British power from India. On the declaration of India's independence, a provisional Government will be formed and free India will become an ally of the United Nations, sharing with them in the trials and tribulations of the joint enterprise of the struggle for freedom. The provisional Government can only be formed by the co-operation of the principal parties and groups in the country. It will thus be a composite Government, representative of all important sections of the people of India. Its primary functions must be to defend India and resist aggression with all the armed as well as the non-violent forces at its command, together with its Allied Powers, and to promote the well-being and progress of the workers in the fields and factories and elsewhere to whom essentially all power and authority must belong. The provisional Government will evolve a scheme for a constituent assembly which will prepare a constitution for the Government of India acceptable to all sections of the people. This constitution, according to the Congress view, should be a federal one, with the largest measure of autonomy for the federating units, and with the residuary powers vesting in these units. The future relations between India and the Allied Nations will be adjusted by representatives of all these free countries conferring together for their mutual advantage and for their co-operation in the common task of resisting aggression. Freedom will enable India to resist aggression effectively with the people's united will and strength behind it. . . .

The A.I.C.C. would yet again, at this last moment, in the interest of world freedom, renew this appeal to Britain and the United Nations. But the Committee feels that it is no longer justified in holding the nation back from endeavouring to assert its will against an imperialist and authoritarian Government which dominates over it and prevents it from functioning in its own interest and in the interest of humanity. The Committee resolves, therefore, to sanction, for the vindication of India's inalienable right to freedom and independence, the starting of a mass struggle on non-violent lines on the widest possible scale, so that the country might utilize all the non-violent strength it has gathered during the last 22 years of peaceful struggle. Such a struggle must inevitably be under the leadership of Gandhiji and the Committee requests him to take the lead and guide the nation in the steps to be taken. . . .

5

JAWAHARLAL NEHRU AND THE OBJECTIVES RESOLUTION,[1] 13 DECEMBER 1946

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I beg to move:

(1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;
(2) WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and
(3) WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the Law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and
(4) WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and
(5) WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic and political: equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and
(6) WHEREIN adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and
(7) WHEREIN shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to justice and the law of civilised nations, and
(8) this ancient land attains its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

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. . . In this Resolution which the House knows has been drafted with exceeding care, we have tried to avoid saying too much or too little. It is difficult to frame a resolution of this kind. If you say too little, it becomes just a pious resolution and nothing more. If you say too much, it encroaches on the functions of

[1] *Indian Constituent Assembly Debates*, vol. 1, No. 5, pp. 57–61.

those who are going to draw up a constitution, that is, on the functions of this House. This Resolution is not a part of the constitution we are going to draw up, and it must not be looked at as such. This House has perfect freedom to draw up that Constitution and when others come into this House, they will have perfect freedom too to fashion that constitution. This Resolution therefore steers between these two extremes and lays down only certain fundamentals which I do believe, no group or party and hardly any individual in India can dispute. We say that it is our firm and solemn resolve to have an independent sovereign republic. India is bound to be sovereign, it is bound to be independent and it is bound to be a republic. I will not go into the arguments about monarchy and the rest, but obviously we cannot produce monarchy in India out of nothing. It is not there. If it is to be an independent and sovereign State, we are not going to have an external monarchy and we cannot have a search for some local monarchies. It must inevitably be a republic. Now, some friends have raised the question: 'Why have you not put in the word "democratic" here.' Well, I told them that it is conceivable, of course, that a republic may not be democratic but the whole of our past is witness to this fact that we stand for democratic institutions. Obviously we are aiming at democracy and nothing less than a democracy. What form of democracy, what shape it might take is another matter. The democracies of the present day, many of them in Europe and elsewhere, have played a great part in the world's progress. Yet it may be doubtful if those democracies may not have to change their shape somewhat before long if they have to remain completely democratic. We are not going just to copy, I hope, a certain democratic procedure or an institution of a so-called democratic country. We may improve upon it. In any event whatever system of Government we may establish here must fit in with the temper of the people and be acceptable to them. We stand for democracy. It will be for this House to determine what shape to give to that democracy, the fullest democracy, I hope. The House will notice that in this Resolution, although we have not used the word 'democratic' because we thought it is obvious that the word 'republic' contains that word and we did not want to use unnecessary words and redundant words, but we have done something much more than using the word. We have given the content of democracy in this Resolution and not only the content of democracy but the content, if I may say so, of economic democracy in this Resolution. Others might take objection to this Resolution on the ground that we have not said that it should be a Socialist State. Well, I stand for Socialism, and, I hope, India will stand for Socialism and that India will go towards the constitution of a Socialist State and I do believe that the whole world will have to go that way. What form of Socialism again is another matter for your consideration. But the main thing is that in such a Resolution, if, in accordance with my own desire, I had put in, that we want a Socialist State, we would have put in something which may be agreeable to many and may not be agreeable to some and we wanted this Resolution not to be controversial in regard to such matters. Therefore we laid down, not theoretical words and formulae, but rather the content of the thing we

desire. This is important and I take it there can be no dispute about it. Some people have pointed out to me that our mentioning a republic may somewhat displease the Rulers of Indian States. It is possible that this may displease them. But I want to make it clear personally and the House knows, that I do not believe in the monarchical system anywhere, and that in the world today monarchy is a fast disappearing institution. Nevertheless it is not a question of my personal belief in this matter. Our view in regard to these Indian States has been, for many years, first of all that the people of those States must share completely in the freedom to come. It is quite inconceivable to me that there should be different standards and degrees of freedom as between the people in the States and the people outside the States. In what manner the States will be parts of that Union, that is a matter for this House to consider with the representatives of the States. And I hope in all matters relating to the States, this House will deal with the real representatives of the States. We are perfectly willing, I take it, to deal in such matters as appertain to them, with the Rulers or their representatives also, but finally when we make a constitution for India, it must be through the representatives of the people of the States as with the rest of India, who are present here. (*Applause*) In any event, we may lay down or agree that the measure of freedom must be the same in the States as elsewhere. It is a possibility and personally I should like a measure of uniformity too in regard to the apparatus and machinery of Government. Nevertheless, this is a point to be considered in co-operation and in consultation with the States. I do not wish, and I imagine this Constituent Assembly will not like, to impose anything on the States against their will. If the people of a particular State desire to have a certain form of administration, even though it might be monarchical, it is open to them to have it. . . .

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6

JAWAHARLAL NEHRU AND THE FIRST ASIAN RELATIONS CONFERENCE,[1] MARCH–APRIL 1947

In this crisis in world history Asia will necessarily play a vital role. The countries of Asia can no longer be used as pawns by others; they are bound to have their own policies in world affairs. Europe and America have contributed very greatly to human progress and for that we must yield them praise and honour, and learn from them the many lessons they have to teach. But the West has also driven us into wars, and conflicts without number and even now, the day after a terrible war, there is talk of further wars in the atomic age that is upon us. In this atomic age Asia will have to function effectively in the maintenance of peace. Indeed there can be no peace unless Asia plays her part. There is today conflict in many countries, and all of us in Asia are full of our own troubles. Nevertheless, the whole spirit and

[1] *The Asian Relations Conference*, 1949. Inaugural address by Jawaharlal Nehru, pp. 24–6.

outlook of Asia are peaceful, and the emergence of Asia in world affairs will be a powerful influence for world peace.

Peace can only come when nations are free and also when human beings everywhere have freedom and security and opportunity. Peace and freedom, therefore, have to be considered both in their political and economic aspects. The countries of Asia, we must remember, are very backward and the standards of life are appallingly low. These economic problems demand urgent solution or else crisis and disaster might overwhelm us. We have, therefore, to think in terms of the common man and fashion our political, social and economic structure so that the burdens that have crushed him be removed, and he may have full opportunity for growth.

We have arrived at a stage in human affairs when the ideal of that 'One World' and some kind of a world federation seems to be essential though there are many dangers and obstacles in the way. We should work for that ideal and not for any grouping which comes in the way of this larger world group. We therefore support the United Nations structure which is painfully emerging from its infancy. But in order to have 'One World', we must also in Asia think of the countries of Asia co-operating together for that larger ideal.

This Conference, in a small measure, represents this bringing together of the countries of Asia. Whatever it may achieve, the mere fact of its taking place is itself of historic significance. Indeed this occasion is unique in history for never before has such a gathering met together at any place. So even in meeting we have achieved much and I have no doubt that out of this meeting greater things will come. When the history of our present times is written, this event may well stand out as a landmark which divides the past of Asia from the future. And because we are participating in this making of history, something of the greatness of historic events comes to us all.

This Conference will split up into committees and groups to discuss various problems which are of common concern to all of us. We shall not discuss the internal politics of any country because that is rather beyond the scope of our present meeting. Naturally we are interested in these internal politics because they act and react on each other, but we may not discuss them at this stage, for if we do so, we may lose ourselves in interminable arguments and complications. We may fail to achieve the purpose for which we have met. I hope that out of this Conference some permanent Asian Institute for the study of common problems and to bring about closer relations will emerge; also perhaps a school of Asian Studies. Further, we might be able to organise interchange of visits and exchanges of students and professors so that we might know each other better. There is much else we can do, but I shall not venture to enumerate all these subjects for it is for you to discuss them and arrive at some decisions.

(*b*) The All-India Muslim League, 1937–47

1

M. A. JINNAH ON THE ALIENATION OF MUSLIMS FROM THE CONGRESS,[1] OCTOBER 1937

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The present leadership of the Congress, especially during the last ten years, has been responsible for alienating the Musalmans of India more and more by pursuing a policy which is exclusively Hindu, and since they have formed the Governments in six provinces where they are in a majority they have by their words, deeds and programme shown more and more that the Musalmans cannot expect any justice or fair-play at their hands. Wherever they are in a majority and wherever it suited them, they refused to co-operate with the Muslim League Parties and demanded unconditional surrender and signing of their pledges.

The demand was insistent: abjure your party and forswear your policy and programme and liquidate Muslim League; but where they found that they had not a majority, like the North-West Frontier Province, their sacred principle of collective responsibility disappeared, and promptly the Congress Party was allowed in that province to coalesce with any other group. That any individual Musalman member who was willing to unconditionally surrender and sign their pledge was offered a job as a minister and was passed off as a Musalman minister, although he did not command the confidence or the respect of an overwhelming majority of the Musalman representatives in the legislature. These men are allowed to move about and pass off as Muslim ministers for the 'loyal' services they have rendered to the Congress, by surrendering and signing the pledge unconditionally and the degree of their reward is the extent of their perfidy. *Hindi* is to be the national language of all India, and that *Bande Matram* is to be the national song, and is to be forced upon all. The *Congress flag* is to be obeyed and revered by all and sundry. On the very threshold of what little power and responsibility is given, the majority community have clearly shown their hand that Hindustan is for the Hindus; only the Congress masquerades under the name of nationalism, whereas the Hindu Mahasabha does not mince words. The result of the present Congress Party policy will be, I venture to say, class bitterness, communal war and strengthening of the imperialistic hold as a consequence. . . .

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The Congress High Command speaks in different voices. One opinion is that there is no such thing as Hindu-Muslim question, and there is no such thing as Minorities' question in the country. The other high opinion is that if a few crumbs

[1] *Speeches and Writings of Jinnah*, ed. Jamiluddin Ahmad, 1946, vol. I, pp. 30–8, 78–86. Presidential Address delivered at the Lucknow Session of the Muslim League.

are thrown to the Musalmans in their present disorganised and helpless state, you can manage them. They are sadly mistaken if they think that the Musalmans can be imposed upon. The All-India Muslim League has now come to live, and play its just part in the world of Indian politics, and the sooner it is realised and reckoned with the better it will be for all interests concerned. The third opinion is that there is no light to be seen through the impenetrable darkness; but as the Congress goes on acquiring strength and power, so the past promises of the blank cheques remain unfilled and unsigned.

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NEHRU-JINNAH CORRESPONDENCE,[1] APRIL 1938

(i) Jawaharlal Nehru to M. A. Jinnah, 6 April 1938

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. . . The Congress naturally thinks in terms of independence, though it adjusts itself occasionally to the present transitional and temporary phases. It is thus not interested in amendments to the present Constitution, but aims at its complete removal and its substitution by a Constitution framed by the Indian people through a Constituent Assembly. Another matter has assumed an urgent and vital significance and this is the exceedingly critical international situation and the possibility of war. This must concern India greatly and affect her struggle for freedom. This must therefore be considered the governing factor of the situation and almost everything else becomes of secondary importance, for all our efforts and petty arguments will be of little avail if the very foundation is upset. The Congress has clearly and repeatedly laid down its policy in the event of such a crisis and stated that it will be no party to imperialist war. Peace, therefore, and Indian independence is its basic policy. The Congress will very gladly and willingly co-operate with the Muslim League and all other organisations and individuals in the furtherance of this policy. . . .

May I also point out that in the resolution passed by the Muslim League in 1929, at the time it adopted the fourteen points, it was stated that the 'Mussalmans will not consent to joint electorates unless Sind is actually constituted into a separate province and reforms in fact are introduced in the N.W.F. Province and Baluchistan on the same footing as in other Provinces.' So far as Baluchistan is concerned, the Congress is committed to a levelling up of this area in the same way. . . .

13. I do not understand what is meant by our recognition of the Muslim League as the one and the only organisation of Indian Muslims. Obviously the Muslim League is an important communal organisation and we deal with it as such. But we have to deal with all organisations and individuals that come within our ken. We do not determine the measure of importance or distinction they possess. There

[1] *Indian Annual Register*, vol. I (1938), pp. 369–75.

are a large number, about a hundred thousand, of Muslims on the Congress rolls, many of whom have been our close companions, in prisons and outside, for many years and we value their comradeship highly. There are many organisations which contain Muslims and non-Muslims alike such as the Trade Unions, Peasant Unions, Kisan Sabhas, Debt Committees, Zamindar Associations, Chambers of Commerce, Employers' Association etc. and we have contacts with them. There are special Muslim organisations such as the Jamiat-Ul-Ulema, the Praja Party, the Ahrar and others which claim attention. Inevitably the more important the organisation the more the attention paid to it, but this importance does not come from outside recognition, but from inherent strength. And the other organisations, even though they might be younger and smaller, cannot be ignored.

14. I should like to know what is meant by coalition. A Ministry must have a definite political and economic programme and policy. Any other kind of ministry would be a disjointed and ineffective body, with no clear mind or direction. Given a common political and economic programme and policy, co-operation is easy. You know probably that some such co-operation was sought for and obtained by the Congress in the Frontier Province. In Bombay also repeated attempts were made on behalf of the Congress to obtain this co-operation on the basis of a common programme. The Congress has gone to the Assemblies with a definite programme and in furtherance of a clear policy. It will always gladly co-operate with other groups whether it is in a majority or a minority in an Assembly, in furtherance of that programme and policy. On that basis I can conceive of even coalition ministries being formed. Without that basis the Congress has no interest in a Ministry or in an Assembly.

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Personally, the idea of pacts and the like does not appeal to me, though perhaps they might be necessary occasionally. What seems to me far more important is a more basic understanding of each other, bringing with it the desire and ability to co-operate together. That larger co-operation, if it is to include our millions, must necessarily be in the interests of these millions. My mind, therefore, is continually occupied with the problems of these unhappy masses of this country, and I view all other problems in this light. I should like to view the communal problem also in this perspective, for otherwise it has no great significance for me.

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(ii) M. A. Jinnah to Jawaharlal Nehru, 12 April 1938

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. . . It seems to me that you cannot even accurately interpret my letter, as you very honestly say that your mind is obsessed with the international situation and the sense of impending catastrophe that hangs over the world, so you are thinking in terms entirely divorced from realities which face us in India. I can only express my regret at your turning and twisting of what I wrote to you and putting entirely

a wrong complexion upon the position I have placed before you at your request. You have formulated certain points in your letter which you father upon me to begin with as my proposals. I sent you extracts from the press which had recently appeared simply because you repeatedly asserted and appealed to me that you would be grateful if I would refer you to any recent statements made in the press or platform which would help you in understanding matters. Those are some of the matters which are undoubtedly agitating Muslim India, but the question how to meet them and to what extent and by what means and methods is the business, as I have said before, of every true nationalist to solve. Whether constitutional changes are necessary, whether we should do it by agreement or convention and so forth, are matters, I thought, for discussion, but I am extremely sorry to find that you have in your letter already pronounced your judgment and given your decision on a good many of them with a preamble which negatives any suggestion of discussion which may lead to a settlement as you start by saying, 'I was so much surprised to see this list as I have no idea that you wanted to discuss many of these matters with us; some of these are wholly covered by previous decisions of the Congress, some others are hardly capable of discussion,' and then you proceed to your conclusions having formulated the points according to your own motions. Your tone and language again display the same arrogance and militant spirit, as if the Congress is the sovereign power, and as an indication you extend your patronage by saying that 'obviously the Muslim League is an important communal organisation and we deal with it as such as we have to deal with all organisations and individuals that come within our ken. We do not determine the measure of importance and distinction they possess' and then you mention various other organisations. Here I add that in my opinion, unless the Congress recognises the Muslim League on a footing of complete equality and is prepared as such to negotiate for a Hindu-Muslim settlement, we shall have to wait and depend upon our inherent strength which will 'determine the measure of importance and distinction it possesses'. Having regard to your mentality, it is really difficult for me to make you understand the position any further. Of course, as I have said before, I do not propose to discuss the various matters referred to by you by means of and through correspondence, as, in my opinion, that is not the way to tackle this matter. . . .

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M. A. JINNAH ON THE NATURE OF CONGRESS,[1] DECEMBER 1938

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The Congress has now, you must be aware, killed every hope of Hindu-Muslim settlement in the right royal fashion of Fascism. The Congress does not want any

[1] Presidential Address delivered at the Patna Session of the Muslim League, December 1938.

settlement with the Muslim of India. As the Chairman of Reception Committee has said in his address, the Congress wants the Muslims to accept the settlement as a gift from the majority. The Congress High Command makes the preposterous claim that they are entitled to speak on behalf of the whole of India, that they alone are capable of delivering goods. Others are asked to accept the gift as from a mighty sovereign. The Congress High Command declared that they will redress the grievances of the Muslims, and they expect the Muslims to accept declaration. I want to make it plain to all concerned that we Muslims want no gifts. . . .

As I have said before, there are four forces at play in this country. Firstly, there is the British Government. Secondly, there are the rulers and people of the Indian States. Thirdly, there are the Hindus and, fourthly, there are Muslims. The Congress Press may clamour as much as it likes, they may bring out their morning, afternoon, evening and night editions, the Congress leaders may cry as much as they like that Congress is a national body. But I say it is not true. The Congress is nothing but a Hindu body. That is the truth and the Congress leaders know it. The presence of the few Muslims—the few misled and misguided ones and the few who are there with ulterior motives—does not, cannot make it a national body. . . .

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Take next the case of Hindi-Hindustani. I need not add to what has already been said on the subject by the Chairman of the Reception Committee. Is there any doubt now in the mind of anyone that the whole scheme of Hindi-Hindustani is intended to stifle and suppress Urdu? (Voices: 'No doubt.')

Take next the Wardha scheme of education. Were the Muslims taken into confidence when the scheme was under preparation? The whole scheme was conceived and its details worked out behind the back of the Muslims. Who is the author of the scheme? Who is the genius behind it? Mr. Gandhi. I have no hesitation in saying that it is Mr. Gandhi who is destroying the ideal with which the Congress was started. He is the one man responsible for turning the Congress into an instrument for the revival of Hinduism. His ideal is to revive Hindu religion and establish Hindu raj in this country, and he is utilising the Congress to further this object.

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The next question that you will have to consider is that of the Federation. Let the Congress continue to say that they will never accept the Federation. But I tell you I do not at all believe in the professions of the Congress. The Congress will tumble into it just as it tumbled into the Provincial part of the Constitution. . . . The whole game of the Congress is and has been to get a substantial majority in this wretched, highly objectionable and rotten constitution which they want to enjoy. If they get a majority they will accept the Federation with utmost glee, and then they will begin to pursue their nefarious scheme of destroying the Muslim

culture and organisation and to build up the Congress organisation as the one and only totalitarian organisation of the Fascist brand. And then they will be able to establish their ideal of Hindu raj in Hindustan.

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4

M. A. JINNAH'S APPEAL FOR THE OBSERVANCE OF DELIVERANCE DAY,[1] 2 DECEMBER 1939

I wish the Musalmans all over India to observe Friday the 22nd December as the 'Day of Deliverance' and thanksgiving as a mark of relief that the Congress regime has at last ceased to function. I hope that the provincial, district and primary Muslim Leagues all over India will hold public meetings and pass the resolution with such modification as they may be advised, and after Juma prayers offer prayers by way of thanksgiving for being delivered from the unjust Congress regime. I trust that public meetings will be conducted in an orderly manner and with all due sense of humility, and nothing should be done which will cause offence to any other community, because it is the High Command of the Congress that is primarily responsible for the wrongs that have been done to the Musalmans and other minorities.

RESOLUTION: 'This public meeting of the Musalmans of (*name of the place*) records its opinion that the Congress Ministry has conclusively demonstrated and proved the falsehood of the Congress claim that it represents all interests justly and fairly, by its decidedly anti-Muslim policy. It is the considered opinion of this meeting that the Congress Ministry has failed to safeguard the rights and interests of the Musalmans and other minorities and interests.

'That the Congress Ministry both in the discharge of their duties of the administration and in the legislatures have done their best to flout the Muslim opinion, to destroy Muslim culture, and have interfered with their religious and social life, and trampled upon their economic and political rights; that in matters of differences and disputes the Congress Ministry invariably have sided with, supported and advanced the cause of the Hindus in total disregard and to the prejudice of the Muslim interests.

'The Congress Governments constantly interfered with the legitimate and routine duties of district officers even in petty matters to the serious detriment of the Musalmans, and thereby created an atmosphere which spread the belief amongst the Hindu public that there was established a Hindu raj, and emboldened the Hindus, mostly Congressmen, to ill-treat Muslims at various places, and interfere with their elementary rights of freedom, therefore, it expresses its deep sense of relief at the termination of the Congress regime in various provinces and rejoices in observing this day as the 'Day of Deliverance' from tyranny, oppression and

[1] *Speeches and Writings of Mr Jinnah*, ed. Jamiluddin Ahmad, 1946, vol. I, pp. 110–12.

injustice during the last two and a half years, and prays to God to grant such strength, discipline and organisation to Muslim India as to successfully prevent the advent of such a ministry again and to establish a truly popular ministry which would do even justice to all communities and interests.

'This meeting urges upon his Excellency the Governor of (*name of the province*) and his Council of Advisers to enquire into the legitimate grievances of the Musalmans and the wrongs done to them by the outgoing Congress Ministry, and redress the same at the earliest moment in accordance with the announcements that have been made by the Governors in taking over the Governments of various provinces under Section 93 of the Government of India Act of 1935 and thus assure people that the new regime stands for even justice to all communities and interests concerned.'

5

M. A. JINNAH'S PRESIDENTIAL ADDRESS AT THE LAHORE SESSION OF THE ALL-INDIA MUSLIM LEAGUE,[1] MARCH 1940

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The problem in India is not of an inter-communal character but manifestly of an international one, and it must be treated as such. So long as this basic and fundamental truth is not realised, any constitution that may be built will result in disaster and will prove destructive and harmful not only to the Musalmans but to the British and Hindus also. If the British Government are really in earnest and sincere to secure peace and happiness of the people of the sub-continent, the only course open to us all is to allow the major nations separate homelands by dividing India into 'autonomous national states'. There is no reason why these states should be antagonistic to each other. On the other hand, the rivalry and the natural desire and efforts on the part of one to dominate the social order and establish political supremacy over the other in the government of the country will disappear. It will lead more towards natural goodwill by international pacts between them, and they can live in complete harmony with their neighbours. This will lead further to a friendly settlement all the more easily with regard to minorities by reciprocal arrangements and adjustments between Muslim India and Hindu India, which will far more adequately and effectively safeguard the rights and interests of Muslims and various other minorites.

It is extremely difficult to appreciate why our Hindu friends fail to understand the real nature of Islam and Hinduism. They are not religions in the strict sense of the word, but are, in fact, different and distinct social orders, and it is a dream that the Hindus and Muslims can ever evolve a common nationality, and this misconception of one Indian nation has gone far beyond the limits and is the cause of most of your troubles and will lead India to destruction if we fail to revise our notions in

[1] *Speeches and Writings of Mr Jinnah*, ed. Jamiluddin Ahmad, 1946, vol. 1, pp. 176–80.

time. The Hindus and Muslims belong to two different religious philosophies, social customs, literatures. They neither intermarry nor interdine together and, indeed, they belong to two different civilisations which are based mainly on conflicting ideas and conceptions. Their outlooks on life and of life are different. It is quite clear that Hindus and Musalmans derive their inspiration from different sources of history. They have different epics, different heroes, and different episodes. Very often the hero of one is a foe of the other and, likewise, their victories and defeats overlap. To yoke together two such nations under a single state, one as a numerical minority and the other as a majority, must lead to growing discontent and final destruction of any fabric that may be so built up for the government of such a state.

. . . The present artificial unity of India dates back only to the British conquest and is maintained by the British bayonet, but termination of the British regime, which is implicit in the recent declaration of his Majesty's Government, will be the herald of the entire break-up with worse disaster than has ever taken place during the last one thousand years under Muslims. Surely that is not the legacy which Britain would bequeath to India after 150 years of her rule, nor would Hindu and Muslim India risk such a sure catastrophe.

Muslim India cannot accept any constitution which must necessarily result in a Hindu majority government. Hindus and Muslims brought together under a democratic system forced upon the minorities can only mean Hindu raj. Democracy of the kind with which the Congress High Command is enamoured would mean the complete destruction of what is most precious in Islam. We have had ample experience of the working of the provincial constitutions during the last two and a half years and any repetition of such a government must lead to civil war. . . .

. . . . . .

6

RESOLUTION OF THE MUSLIM LEAGUE AT LAHORE,[1] 24 MARCH 1940

. . . This session of the All-India Muslim League emphatically reiterates that the scheme of Federation embodied in the Government of India Act, 1935, is totally unsuited to and unworkable in the peculiar conditions of this country, and is altogether unacceptable to Muslim India. . . .

. . . Muslim India will not be satisfied unless the whole constitutional plan is reconsidered *de novo*, and that no revised plan would be acceptable to the Muslims unless it is framed with their approval and consent.

Resolved that it is the considered view of this session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principle, viz., that geographically contiguous units are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary that the areas in

[1] *Parl. Papers*, X, *India and the War* (1939–40), Cmd. 6196.

which the Muslims are numerically in a majority, as in the north-western and eastern zones of India, should be grouped to constitute 'independent States' in which the constituent units shall be autonomous and sovereign: that adequate, effective and mandatory safeguards should be specifically provided in the constitutions for minorities in the units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them and in other parts of India where the Muslims are in a minority adequate, effective and mandatory safeguards shall be specifically provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them.

This session further authorizes the Working Committee to frame a scheme of constitution in accordance with these basic principles, providing for the assumption finally by the respective regions of all powers such as defence, external affairs, communications, customs and such other matters as may be necessary.

7

C. RAJAGOPALACHARI TO M. A. JINNAH,[1] 8 APRIL 1944

Here is the basis for a settlement which I discussed with Gandhiji in March, 1943, and of which he expressed full approval. He then authorised me to signify his approval of these terms should I be able to convince you of their being just and fair to all. As the Government have refused to relax any of the restrictions imposed on him to enable him to discuss or negotiate terms of any settlement, I write this to you on his behalf and hope that this will bring about a final settlement of the most unfortunate impasse we are in. You are aware of the intensity of my desire for a settlement. I was very glad when I found it possible to obtain Gandhiji's approval of these terms. I hope that you will bestow your fullest thought to the justice and fairness of these proposals and help to terminate a condition of affairs which is steadily causing all round deterioration in the country.

Basis for Settlement

Basis for terms of settlement between the Indian National Congress and the All-India Muslim League to which Mahatma Gandhi and Mr. Jinnah agree and which they will endeavour respectively to get the Congress and the League to approve.

(1) Subject to the terms set out below as regards the constitution for Free India, the Muslim League endorses the Indian demand for independence and will co-operate with the Congress in the formation of a provisional interim Government for the transitional period.

(2) After the termination of the war, a commission shall be appointed for demarcating contiguous districts in the north-west and east of India, wherein the

[1] *Indian Annual Register* (1944), vol. 2, pp. 129–30.

Muslim population is in absolute majority. In the areas thus demarcated, a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan. If the majority decide in favour of forming a sovereign State separate from Hindustan, such decision shall be given effect to, without prejudice to the right of districts on the border to choose to join either State.

(3) It will be open to all parties to advocate their points of view before the plebiscite is held.

(4) In the event of separation, mutual agreements shall be entered into for safeguarding defence, commerce and communications and for other essential purposes.

(5) Any transfer of population shall only be on an absolutely voluntary basis.

(6) These terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India.

8

GANDHI-JINNAH CORRESPONDENCE,[1] SEPTEMBER 1944

(i) Mahatma Gandhi to M. A. Jinnah, 24 September 1944

I have your two letters of 23rd September in reply to my letters of 22nd and 23rd.

With your assistance, I am exploring the possibilities of reaching an agreement so that the claim embodied in the Muslim League resolution of Lahore may be reasonably satisfied. You must therefore have no apprehensions that the August resolution will stand in the way of our reaching an agreement. The resolution dealt with the question of India as against Britain and it cannot stand in the way of our settlement.

I proceed on the assumption that India is not to be regarded as two or more nations but as one family consisting of many members of whom the Muslims living in the North-West zones, i.e., Baluchistan, Sindh, North West Frontier Province and that part of the Pubjab where they are in absolute majority over all the other elements and in parts of Bengal and Assam where they are in absolute majority, desire to live in separation from the rest of India.

Differing from you on the general basis I can yet recommend to the Congress and the country the acceptance of the claim for separation contained in the Muslim League Resolution of Lahore of 1940 on my basis and on the following terms:—

The areas should be demarcated by a Commission approved by the Congress and the League. The wishes of the inhabitants of the areas demarcated should be ascertained through the votes of the adult population of the areas or through some equivalent method.

If the vote is in favour of separation it shall be agreed that these areas shall form

[1] *Sapru Committee Report*, 1945, App. V, pp. xxi–xxv. The Gandhi–Jinnah talks took place at the latter's residence in September 1944. The Rajagopalachari formula formed the basis of these talks.

a separate state as soon as possible after India is free from foreign domination and can therefore be constituted into two sovereign Independent States. There shall be a treaty of separation which should also provide for the efficient and satisfactory administration of foreign affairs, defence, internal communications, customs, commerce and the like, which must necessarily continue to be the matters of common interest between the contracting parties.

The treaty shall also contain terms for safeguarding the rights of minorities in the two states.

Immediately on the acceptance of this agreement by the Congress and the League the two shall decide upon a common course of action for the attainment of independence of India.

The League will however be free to remain out of any direct action to which the Congress may resort and in which the League may not be willing to participate.

If you do not agree to these terms could you let me know in precise terms what you would have me to accept in terms of the Lahore Resolution and bind myself to recommend to the Congress? If you could kindly do this, I shall be able to see apart from the difference in approach what definite terms I can agree to. In your letter of 23rd September you refer to 'the basis and fundamental principles embodied in the Lahore Resolution' and ask me to accept them. Surely this is unnecessary when as I feel I have accepted the concrete consequence that should follow from such acceptance.

(ii) M. A. Jinnah to Mahatma Gandhi, 25 September 1944

I am in receipt of your letter of September 24th, and I thank you for it. You have already rejected the basis and fundamental principles of the Lahore Resolution.

(1) You do not accept that the Mussalmans of India are a nation.

(2) You do not accept that the Mussalmans have an inherent right of self-determination.

(3) You do not accept that they alone are entitled to exercise this right of theirs for self-determination.

(4) You do not accept that Pakistan is composed of two zones, North-West and North-East, comprising six provinces, namely Sindh, Baluchistan, North-West Frontier Province, the Punjab, Bengal and Assam, subject to territorial adjustments that may be agreed upon, as indicated in the Lahore Resolution. The matter of demarcating and defining the territories can be taken up after the fundamentals above mentioned are accepted, and for that purpose machinery may be set up by agreement.

You do not accept the provisions embodied in the Lahore Resolution for safeguarding the minorities, and yet in your letter under reply you say: 'With your assistance, I am exploring the possibilities of reaching an agreement so that the claim embodied in the Muslim League Resolution of Lahore may be reasonably

satisfied', and proceed to say 'you must therefore have no apprehensions that the August Resolution will stand in the way of our reaching an agreement'.

I have already clearly explained to you that the August resolution, so long as it stands, is a bar, for it is fundamentally opposed to the Lahore Resolution. You then proceed to say 'that resolution dealt with the question of India as against Britain and it cannot stand in the way of our settlement'. I am not at present concerned with Britain, but the August Resolution, as I have already stated, is against the ideals and demands of the Muslim League. Further, there is the resolution of Jagat Narayan Lal, passed by the All-India Congress Committee in May 1942 at Allahabad, which, in express terms, lays down as follows:

> 'The A.I.C.C. is of opinion that any proposal to disintegrate India by giving liberty to any component state or territorial unit to secede from the Indian Union or Federation will be highly detrimental to the best interests of the people of the different states and provinces and the country as a whole and the Congress, therefore, cannot agree to any such proposal.'

These two resolutions, so long as they stand, are a complete bar to any settlement on the basis of the division of India as Pakistan and Hindustan. It is open to the Congress to revise and modify them, but you are only speaking in your individual capacity, and even in that capacity you are holding fast to the August Resolution and you have given no indication of your attitude regarding Jagat Narayan Lal's resolution. I have repeatedly made it clear after we had discussed the Gandhi-Rajaji formula, as you maintained that, to use your own language, 'Rajaji not only has not put the Lahore Resolution out of shape and mutilated it but has given it substance and form', and proceeded to say 'Indeed in view of your dislike of the Rajaji formula, I have, at any rate for the moment, put it out of my mind and I am now concentrating on the Lahore Resolution in the hope of finding a ground for mutual agreement.' When I asked for further clarification which you furnished me by your letter of September 15th, you started by saying 'I have shunted the Rajaji formula and with your assistance I am applying my mind very seriously to the famous Lahore Resolution of the Muslim League', and thence forward the Gandhi–Rajaji formula was not discussed any further, and the question of your representative character and authority, which I had pointed out from the very commencement, therefore did not arise, as you had given me the task of converting you to the fundamentals of the Lahore Resolution, and ever since we discussed the Lahore Resolution only at great length and examined the pros and cons, and finally you have rejected it. As a result of our correspondence and discussions I find that the question of the division of India as Pakistan and Hindustan is only on your lips and it does not come from your heart, and suddenly at the eleventh hour you put forward a new suggestion, consisting only of two sentences by your letter of September 22nd, saying, 'I have therefore suggested a way out. Let it be a partition as between two brothers if a division there must be.' I naturally asked you what this new suggestion of yours meant and wanted you to give me

rough outlines of this new idea of yours as to how and when the division is to take place and in what way it is different from the division envisaged in the Lahore Resolution, and now you have been good enough to give me your amplification, in your letter of September 24th under reply, in which you say: 'Differing from you on the general basis I can yet recommend to the Congress and the country the acceptance of the claim for separation contained in the Muslim League Resolution of Lahore 1940 on my basis and on the following terms.' The terms clearly indicate that your basis is in vital conflict with and is opposed to the fundamental basis and principles of the Lahore Resolution. Now let me take your main terms:—

(a) 'I proceed on the assumption that India is not to be regarded as two or more nations but as one family consisting of many members of whom the Muslims living in the North-West zones i.e., Baluchistan, Sindh, North-West Frontier Province and that part of the Punjab where they are in absolute majority over all the other elements and in parts of Bengal and Assam where they are in absolute majority, desire to live in separation from the rest of India'. If this term were accepted and given effect to, the present boundaries of these provinces would be maimed and mutilated beyond redemption and leave us only with the husk, and it is opposed to the Lahore Resolution.

(b) That even in these mutilated areas so defined, the right of self-determination will not be exercised by the Muslims but by the inhabitants of these areas so demarcated. This again is opposed to the fundamentals of the Lahore Resolution.

(c) That if the vote is in favour of separation they shall be allowed to form a separate state as soon as possible after India is free from foreign dominations, whereas we propose that we should come to a complete settlement of our own immediately, and by our united front and efforts do everything in our power to secure the freedom and independence of the peoples of India on the basis of Pakistan and Hindustan.

(d) Next you say 'There shall be a treaty of separation which should also provide for the efficient and satisfactory administration of foreign affairs, defence, internal communications, customs, commerce and the like which must necessarily continue to be matters of common interests between the contracting parties'. If these vital matters are to be administered by some central authority, you do not indicate what sort of authority or machinery will be set up to administer these matters and how and to whom again that authority will be responsible. According to the Lahore Resolution, as I have already explained to you, all these matters, which are the lifeblood of any state, cannot be delegated to any central authority or government. The matter of security of the two states and the natural and mutual obligations that may arise out of physical contiguity will be for the constitution-making body of Pakistan and that of Hindustan, or other party concerned, to deal with on the footing of their being two independent states. As regards the safeguarding of the rights of minorities, I have already

explained that this question of safeguarding the minorities is fully stated in the Lahore Resolution.

You will therefore see that the entire basis of your new proposal is fundamentally opposed to the Lahore Resolution, and as I have already pointed out to you both in the correspondence and in our discussions, it is very difficult for me to entertain counter-proposals and negotiate and reach any agreement or settlement with you as an individual unless they come from you in your representative capacity. That was the same difficulty with regard to the Gandhi–Rajaji formula, and I made it clear to you at the very outset, but the formula was discussed as you asserted that it had met the Lahore Resolution in substance, but while you were furnishing me with the clarification of this formula, you shunted it and we confined ourselves to the Lahore Resolution, and hence the question of your representative capacity did not arise regarding this formula. But now you have in your letter of September 24th made a new proposal of your own on your own basis, and the same difficulties present themselves to me as before, and it is difficult to deal with it any further unless it comes from you in your representative capacity.

I cannot agree with you when you finally wind up by saying 'In your letter of 23rd September you refer to the basis and fundamental principles embodied in the Lahore Resolution and ask me to accept them. Surely this is unnecessary when as I feel I have accepted the concrete consequence that should follow from such acceptance.' This is obviously far from correct. Why not then accept the fundamentals of the Lahore Resolution and proceed to settle the details?

9

M. A. JINNAH ON THE BIHAR RIOTS,[1] 11 NOVEMBER 1946

Mr. M. A. Jinnah, President of the All-India Muslim League, issued the following statement from New Delhi on 11 November:

'This is not the time for me to add anything to what is already so very clear to every honest, thinking and intelligent man. There is no limit to the false propaganda that is being carried on to throw the blame on the Muslim League and the Muslims for the happenings in various parts of India. There is no foundation or justification for making wild and false allegations against the Muslim League, but this is not the moment for me to deal with them or pass judgment.

'I know that the Muslims have suffered heavily and are suffering. But the tragedy of Bihar has eclipsed what are mere specks elsewhere. I condemn brutality in any shape or form, but the Bihar tragedy has no parallel or precedent in this record of cold-blooded butchery of the Muslim minority in the various parts of the country committed by the majority Hindu community.

'While I can quite understand that there is grave provocation and resentment among the Muslims of India, I wish to caution them that retaliation or vengeance

[1] *Indian Annual Register* (1946), vol. 2, pp. 209–10.

in the Muslim majority provinces for what has happened in Bihar, and is happening in other parts of India, will be a terrible catastrophe and a blunder on our part, both morally or politically, and we shall be only playing into the hands of our enemies.

'If you really want to achieve Pakistan, I pray that Muslim honour should not be sullied by inhuman, degrading and brutal happenings of the kind that have taken place in Bihar. We should not sink low in the scales of civilisation, morality and humanity. While our hearts may bleed for the suffering we cannot sanction cowardly inhuman massacres of the innocent in other places where Muslims happened to be in the majority.

'We must prove politically that we are brave, generous and trustworthy, that in the Pakistan areas, the minorities will enjoy the fullest security of life, property and honour, just as the Musalmans themselves—nay, even greater. If the Muslims lose their balance and give vent to the spirit of vengeance and retaliation, and prove false to the highest codes of morality and preachings of our great religion, Islam, you will not only lose your title to the claim of Pakistan, but also it will start a most vicious circle of bloodshed and cruelty, which will at once put off the day of our freedom, and we shall only be helping to prolong the period of our slavery and bondage.

'I am glad that so far the Muslim majority provinces have been peaceful and immune from this virus of holocaust and I hope and trust that they will not lose their balance and will not resort to revenge or retaliation, however deeply they may feel from what they read and hear of the terrible happenings, especially in Bihar.

'I, therefore, most fervently and earnestly appeal to the Muslims, where they are in the majority, to do their best to protect and defend the non-Muslims and do everything that lies in their power to create a complete sense of security and confidence among the non-Muslim minorities. The sufferings of the Muslims in the minority provinces and the terrific death roll and the butchery that has taken place will not go in vain. This sacrifice will, I am sure, establish our claim to Pakistan. Those who have died, who have been wounded and have suffered loss and destruction of property, may take some consolation that they have suffered and made their contribution for our freedom and the achievement of Pakistan.'

(*c*) The Extreme Left and Right. The Indian Communist Party and the Hindu Mahasabha, 1937–47

1

BOYCOTT OF THE CONGRESS BY THE HINDU MAHASABHA,[1] 1938

28. Before we proceed to indicate the easiest remedy to capture the political power and disable the Congress from doing any practical harm to the Hindu

[1] V. D. Savarkar's Presidential Address at the 20th Session of the All-India Hindu Mahasabha 1938. *Hindu Rashtra Darshan*, pp. 72–6.

Sanghatan movement let us declare in unmistakable terms that we are not out to spite the Congress Institution itself, nor the leaders and followers thereof. Mr. Jinnah is quite correct in stating that the Congress has been since its inception down to this day a Hindu body manned mostly by the Hindu brains, Hindu money, and Hindu sacrifice. Even today some of them are noble patriots. They are erring but cannot be wicked and almost all of them are our own kith and kin. The few Moslems there, although they are allowed to boss the Congress policy at times through the suicidal folly of the Hindu leaders, are but nonentities, are kept there merely as figureheads to run the poor show of a 'United Indian Nation'. We are out not to spite the Congress as an institution but to chastise its anti-Hindu policy, to cure it of the intolerable hypocrisy which is all the more harmful for its strutting about under the mask of Truth. Truth absolute and nothing but Truth, with its lathi charges and English bayonets going merrily hand in hand with non-violence, non-violence absolute and nothing but non-violence in thought, word and deed!!

So under the present circumstances the Congress has compelled us to disown it and divest it of all power to represent the Hindus in any aspect or capacity whatsoever. They have foolishly challenged the Hindu Community and the Hindu Mahasabha and we must take up the challenge.

Just think, Oh Hindu Sanghatanists, on what meat does this Congress feed that it has grown so great? Only remember that the Congress draws all its supplies—men, money and votes, from the Hindus. Then cut off those supplies and the position which the Congress has taken against the Hindu and which seems to be so impregnable will be untenable in no time.

All the national importance and political power that the Congress has come to wield today in India and the ministries and majorities it holds in legislatures are but derived from the Hindu Electorate. The Congressite Hindu cannot get a single Mohammedan vote, for the constitution itself is communal. The Mohammedans can vote only for a Mohammedan, the Christians for a Christian and so on. Congressites—and they are mostly Hindus—can but get them elected to the legislature, boards and municipalities, on the strength of the Hindu votes. If the Hindus make it a point not to vote for a Congress ticket, then not a single Congressman can be returned to either a local body or a legislature! They stand on Hindu shoulders as Hindu candidates and as soon as they raise themselves to those high places they kick the Hindus back, disown the Hindus, call Hindu organizations as communal and, therefore, reprehensibly betray Hindu interests at every turn but keep dancing attendance on the Moslem League. But if you withdraw your shoulder, your support then? You will find that political power and public importance of the Congress as dead as a door-nail. They call themselves Indian Nationalists! But every step they take is communal. They have guaranteed special protection to minorities—Moslems, Christians, Europeans, etc. Is that Indian Nationalism? A true Indian Nationalist must know nothing of Moslems and Hindus, minorities and majorities. To him all must be Indians only. Why do

they then take cognisance of communities, religious or racial, in India? And if they can take cognisance of the communal minorities then why do they fight so shy to take cognisance of the major community, the Hindus, or call those who do so as reprehensible communalists? Nay more; a true Indian Nationalist, if honest, will never go abegging for votes from a constituency which is openly tabulated as general that means non-Moslem, non-Christian, etc. That is an electorate which is not national. A truly Indian National electorate cannot be divided as Moslem one and non-Moslem one or Christian one, and non-Christian one, special and general. A truly Indian National electorate must be only an 'Indian' electorate pure and simple without the least mention of the Un-national and unreasonable difference of race or religion. If our Congressites are true and conscientious Indian Nationalists they ought to refuse forthwith to stand as candidates to elections under this communal electoral roll and resign their seats forthwith which are tainted with these communal labels. Is there a single Congress Minister or member ready to resign and run that ordeal? None, none! Next election when they come to your Hindu doors to beg for votes tell them in all honesty and humility 'Sirs Congressmen you are Indian Nationalists; but I am a Hindu and this is a Hindu Electorate? Then how can you accept a vote so tainted by communalism? Please go to a truly "Indian Nationalist electorate," to beg for votes wherever you may find it; and if you find it nowhere in the world today please wait till a pure and simple and truly "Indian Electorate," comes into being!' Do you think you will find a dozen congress candidates honest enough to do so? None, none!

Then again every candidate under the present constitution has to write his religion and even caste. Then only can he be drafted out to separate electorates, Hindus, Moslems, Christians, etc. These Congress candidates in the election season quietly write down their community as Hindus! They mark down Hindu homes even according to castes—Brahmins, Marathas, Bhangis, etc. and then allot their candidates according to their castes to the caste voters so that he may pool up larger votes. They appeal even to caste pride and caste hatred. In the electional season they are communalists of the worst type. But as soon as the election season is over the Congress candidate dons on again his Indian National robes and hits back the very Hindu who paid him his vote as a Hindu that it is a shame for a Hindu to call himself a Hindu, and to be a member of the Hindu Mahasabha!

But if you once make it quite clear that you as Hindus are not going to vote for any such seasonal Hindu but only for a Hindu who is born and bred and means to be true to his Hindu race even after the election season is over and if once these gentlemen know for certain that they can never be elected on Hindu Votes unless they are members of the Hindu Mahasabha—what do you think will happen? I assure you that 75 per cent of these Indian Nationalists will vie with each other to register themselves as members of the Hindu Mahasabha overnight and vow to be Hindus even fanatically throughout their life, rather than lose a chance of being members and ministers and somebodies in the Government Secretariats!

Then the only way which is also unbelievably easy, not only to chastise the

Congress Nationalist fad but even to raise Hindudom to incalculably power position in the land at a stroke is under the present circumstances this—

(1) Boycott the Congress; (2) Don't vote for the Congress ticket; and (3) Vote only for a confirmed and merited Hindu Nationalist.

29. Let no Hindu Sanghatanist pay a single farthing or lend a single member or register a single vote for the Congress ticket. We know by experience that even a staunch Hindu has to act against Hindu interests as soon as he is tainted by a Congress ticket under the Congress discipline and for the selfish fear that he would otherwise lose his job. When once the Congressites know that the Congress cap or ticket is at a serious discount in the Hindu market, is no royal road to the councils or local bodies, you will find that the Hindu caps will sell like hot cakes and Hindu Sabha tickets will rise in an unsupplyable demand!

2

MANIFESTO OF THE COMMUNIST PARTY OF INDIA,[1] 16 MARCH 1940

The tenth anniversary of Independence Day takes place in the midst of the second imperialist war, a war which signifies the deeper crisis of imperialism, a war which is daily extending and drawing millions into its devastating orbit. . . .

Amidst chaos and carnage, amidst world-wide clash of arms, new forces are arising in every land—challenging the very system that bred the war; forces that by battling against countless terror are daily gathering strength. In every imperialist country engaged in war the masses are already raising the Red banner of Revolt. In every country in bondage the people are preparing for decisive battles with their enslavers.

At the head of these forces stands the Soviet Union, the land of victorious Socialism, the citadel of world Revolution. Afraid of the tremendous Revolutionary role of the Soviet Union the forces of reaction are planning an assault against it. Finland has already become the outpost of international counter-revolution.

Democracy, Freedom, and Peace have entered into decisive conflict with the forces of Imperialism, Fascism, and War. On the outcome of this conflict depends the fate of humanity.

The old world is collapsing. In the midst of the horrors of war and starvation a new world is being born. We are passing through a momentous period in human history.

Taking place in the midst of this world crisis, taking place at this historic moment, Independence Day this year acquires a special significance. With the outbreak of war a new phase of our national movement has begun. No longer is Britain the master of the situation, master of our destiny. The war has changed the whole position.

Undreamt of possibilities have opened up for fulfilling our pledge that we took

[1] *World News and Views*, vol. 20, No. ii, pp. 166–7.

ten years back for striking a decisive blow for our own freedom and against the most powerful bulwark of world reaction, for making our most effective contribution—the creation of a new world order.

If that opportunity is wasted . . . we shall commit a crime against our national movement, a crime against humanity. History will never forgive that crime.

Never were we as powerful as we are today. Never was our enemy so weak. With the power that the Congress has achieved during the last ten years, with the tremendous advance that the working class, peasants and States, Peoples' Movements have registered, with the unity that has been forged in numerous struggles, we are to-day in a position to launch an attack which Imperialism will not be able to resist.

Let this truth be carried to the millions of our countrymen on Independence Day. Let the people be made conscious of the glorious opportunity which history has placed before us. Let us Congressmen realise that we stand upon the threshold of victory.

Obstacles that today seem formidable, obstacles created by communalist agencies, obstacles that the policy of compromise and inaction have encouraged to grow, will vanish in thin air when the nation's indignation is directed against the main enemy, against Imperialist Rule.

Struggling against the economic distress caused by the war, struggling against the suppression of political liberties, the masses are already moving on the path of action. Aided and led by the Congress, these struggles will draw millions of our countrymen into organised assault on the very citadel of imperialism.

For a democratic Republic with a Peoples Army.

For the eight-hour day and a living wage.

For freedom from Rack-renting, and debt-slavery.

When contrasted with the existing state of affairs, when made alive and real to our oppressed peoples, these slogans will galvanise millions and bring them into active struggle for freedom.

With this perspective, Independence Day must be celebrated this year as a day of demonstration of national unity and strength, a day for the decisive struggle. Struggle for the smashing of Imperialist Rule, for the victorious convening of the Constituent Assembly, for laying the foundations of the Peoples Democratic Republic.

Let tens of thousands of workers come out on the street and place themselves at the head of the demonstrations. Let the peasant masses hold gigantic rallies all over the country and organise marches. Let the students actively participate in the Day's celebrations. Let Congress Committees everywhere work for making Independence Day a day of mobilisation of the national forces for the battle of freedom.

It must be a day that gives Imperialism a fore-taste of the coming struggle, a day that creates deathless determination in our people, a day that inaugurates a new period of advance.

3

THE PEOPLE'S WAR POLICY OF THE COMMUNIST PARTY OF INDIA,[1] 1942

The Soviet entry into the War isolated Fascism as the main enemy of mankind. It flung the non-Fascist imperialists into the people's camp by creating the basis for the international front against Fascism and for freedom. It transformed the War of the imperialists into a war of the peoples and opened the gate to a world-wide people's unity.

The Japanese entry into the war is only an underlining of this new situation for the whole of Asia and, above all, for India.

We opposed the imperialist War for all we were worth—we must go into the people's War for all we are worth. We had nothing to gain and everything to lose by supporting the imperialist War. We have nothing to lose and everything to gain by going into the people's war.

This war is India's great opportunity to fight for her national liberation, no more in isolation, no more single-handed, but as part of the battle for world liberation. It is the war of the Soviet peoples, whom we pledged support against an imperialist attack. It is the war of the heroic Chinese people, whose five years of lone struggle we have admired with veneration. It is the war of the British people, with whom we have preached friendliness and co-operation despite the British imperial domination over us. It is the war of the enslaved peoples of Europe, for whom our hearts bleed. It is an All-People's war against Fascism and for freedom. It is the Indian people's war no less than the war of all the rest of the peoples of the world. It is war for all that we hold dear, for all that we stood and stand. . . .

To acquiesce in the present because there can be no worse hell for us but only a worse hell for the British imperialists is utter ignorance, plain cowardice and shameless defeatism. If we let the war remain in imperialist hands we are not fighting slavement but awaiting our doom. India's freedom will not come out of the blood-stained dagger of the Japanese militarists.

The Indian people are not alone. In this war the peoples of the world stand as one, knit together in one single front. . . . The people's camp is blessed with an incomparable leader in the great U.S.S.R., its mighty Red Army, its wise Soviet Government, and its leader, Stalin. Never before in human history has any struggling people, any enslaved nation, had such powerful support guaranteed to it.

Not Fascism, but the people will emerge victorious out of this war. This is the guarantee of India's liberation. . . .

But the immediate situation is threatening. The events of the war leave posed two sharp alternatives. Will India go down in the Malayan way before the rushing tide of Fascism? Or will India rally the people to fight Fascism to death in the Chinese way? . . .

[1] *The Indian Communist Party*, P. C. Joshi, General Secretary of the Communist Party of India, 1942, pp. 12–33.

Today we communists are moved by one single desire—to prevent the tragedy of Malaya befalling our country, to enact the glory of China in our own land.

Let us unite! That is our call to our countrymen.

We will win! That is our firm conviction.

4

JAWAHARLAL NEHRU ON THE ANTI-NATIONAL POLICY OF THE C.P.I.,[1] 1945

'The cause of Communism and the name of Russia have suffered most at the hands of the Communist Party of India,' said Pandit Jawaharlal Nehru, addressing a large public meeting at Beawar on the 23rd October 1945.

Pandit Nehru said: 'When the second great war started, the Congress agreed to join hands with the anti-Fascist forces, provided the national freedom of the country was assured. This demand was not a bargain, because as the situation stood, neither the Congress nor its biggest leaders could have organised the national forces against Fascism without the assurance of National Independence. The Communist Party was the one party that tried to do what the Congress could not do, namely, organise the national forces without the assurance of Independence, and it failed.'

Continuing, Pandit Nehru said that he was not against Communism or Russia. He had himself popularised Socialistic and Communist views in the past. But the role of the Communist Party of India, he said, has made all Nationalist India its cent per cent opponents. Opposition to the Indian Communists was not merely political. The whole nation was angry with them. 'When lakhs of India staked their all for the country's cause,' said Pandit Nehru, 'the Communists were in the opposite camp, which cannot be forgotten. The common man associates the Communist Party with Russia and Communism. But the actions of the Communist Party of India have prejudiced both Russia and Communism. We don't want to spoil relations with Russia, with whom we are looking forward for closer relations when India becomes free.'

Tracing the history of the Communist Party's relations with the Congress, Pandit Nehru said that from the inception of the Party till 1935, it had been doing propaganda against the Congress from underground. In 1936 the Party changed its policy to one of joint front with the Congress. It worked within the Congress for three years. When the Congress offered individual civil disobedience, the Communists criticised the Congress for not taking a stronger course of action against the British power. But when Russia joined the war against Germany, the Imperialist War became an object of attack. The Congress Organisation began to be disturbed from within. The Communists played against the Congress policy. But the Congress was even now following the least offensive policy towards the Communists. Explanations from members holding executive posts only had been asked for.

[1] *Indian Annual Register* (1945), vol. 2, p. 122.

'No other political organisation would deal so leniently with its opponents,' declared Pandit Nehru. 'For the Congress, National Independence was the prime objective, while the Communists gave primary importance to other issues. The last three years have been a clear indicator as to where a particular person or organisation stood in relation to the struggle for National Independence. It is no use fighting a battle of words when the issues have been clearly decided in action. The Communist Party itself has brought on it its present position. No one should be misguided by the blooming name of Russia and Communism uttered by the Communist Party.'

Pandit Nehru made a passing reference to the impending trial of the members of the Indian National army and said that the vanishing Government of the day wanted to try those who should set that Government on its trial.

5

THE COMMUNISTS QUIT THE CONGRESS,[1] 5 OCTOBER 1945

As a protest against the 'new attitude taken by the Congress towards the Communists', the Communist Party Headquarters in India called upon all Communists —with the exception of the Communist members of the A.I.C.C.—to resign from the Congress. A statement issued in this connection from Bombay on 5th. October 1945 by the General Secretary of the Communist Party, Mr. P. C. Joshi, explains that the Communist members of the A.I.C.C. have been asked not to resign in order that they may remain to answer the charges made against them by the Congress Working Committee 'as the decision of the Congress will concern not only the past but the future of our common national movement'.

It may be recalled that Pandit Jawaharlal Nehru stated in Bombay recently that a sub-committee appointed by the Working Committee had presented the Communist members of the A.I.C.C. with the charge sheet that they had acted against the Congress's declared policy and that a time limit of 15 days had been given for a rejoinder as to why disciplinary action should not be taken against the Communist members concerned. Mr. P. C. Joshi, in his statement, says:

'We Indian Communists had great hopes that the leaders of the Congress, our foremost patriotic organisation, would rally the whole country behind a democratic plan for realising Indian freedom in alliance with progressive forces all over the world. We made their release the central plank of our agitation for the last three years, but the Congress leadership after release is not doing serious thinking but demonstrating sectarian arrogance. Instead of a plan to win Indian freedom and build Indian democracy, they have in the last A.I.C.C. meeting committed the organisation to a course which will only divide and disrupt the freedom forces themselves.

'Their declaration of fight against the Muslim League will only unleash forces of

[1] P. C. Joshi's statement, *Indian Annual Register* (1945), vol. 2, pp. 119–20.

civil war, not forge the future Indian Union. To glorify the strength of the Congress and deny that of the League is to be blind. To demand self-determination from the British and to deny it to a section of our own countrymen is plain injustice. We do not think it is good patriotism to seek British intervention in our internal affairs, for it will lead not to Indian freedom, but to a British-planned imposed constitution'. . . .

6

MAHASABHA POLICY TOWARDS THE CONGRESS,[1] JANUARY 1945

Explaining his differences with the Congress, the Mahasabha President said:

'Our fundamental difference with the Congress is that we refuse to surrender on the basic principle of India's integrity nor do we subscribe to pandering to intransigent communalism. We must have the courage to face stern reality that the Congress policy of appeasement has merely widened the breach between Hindus and Muslims, has weakened the national resistance and has gravely jeopardised the legitimate rights of Hindus as such. The C.R. Formula, though powerfully backed by Gandhiji, failed to produce any result as it was nothing but a compromise with an untruth. We hear again of a move for a fresh Congress–League settlement through the efforts of Mr. Bhulabhai Desai, though the detailed plans are not officially known to us. Let me say this unhesitatingly that the Hindu–Muslim problem will never be solved by the spokesmen of the Congress bartering away the rights of the Hindus and agreeing to increased percentage of representation to the Muslim League in the Central and Provincial Governments either on a higher basis than their population justifies or on a scale higher than what Muslims are entitled to even under the present constitution. Hindu–Muslim settlement can only be achieved by Hindus and Muslims as such and not between a party swayed by communal passions alone utterly oblivious of the country's welfare and another that owes its strength and popularity to Hindu support but openly declares that it does not represent the Hindu community. We have offered a just and fair basis for political settlement between Hindus and Muslims. If Hindu opinion is correctly and widely mobilised there will be no occasion for any non-Muslim organisation to run after the Muslim League for a temporary and patched up solution. The Muslim community is bound to discover the folly and unwisdom of its own leaders and come to an agreement with the Hindus on a just and equitable basis. It is clear today that British Government will not easily part with power in India. Our goal is complete Independence for India. The present constitution stands suspended in the majority of Indian Provinces and the executive government at the Centre owes no responsibility to any elected legislature.'

[1] Proceedings of the Mahasabha Working Committee. *Indian Annual Register* (1945), vol. 1, p. 298. Dr. Shyama Prasad Mookerjee was the President.

(*d*) British Policy, 1937–47

1

GOVERNOR GENERAL'S STATEMENT ON INDIA AND THE WAR,[1] 8 AUGUST 1940

INDIA'S anxiety at this moment of critical importance in the world struggle against tyranny and aggression to contribute to the full to the common cause and to the triumph of our common ideals is manifest. She has already made a mighty contribution. She is anxious to make a greater contribution still. His Majesty's Government are deeply concerned that that unity of national purpose in India which would enable her to do so should be achieved at as early a moment as possible. They feel that some further statement of their intentions may help to promote that unity. In that hope they have authorised me to make the present statement.

Last October His Majesty's Government again made it clear that Dominion Status was their objective for India. They added that they were ready to authorise the expansion of the Governor-General's Council to include a certain number of representatives of the political parties, and they proposed the establishment of a consultative committee. In order to facilitate harmonious co-operation, it was obvious that some measure of agreement in the Provinces between the major parties was a desirable prerequisite to their joint collaboration at the Centre. Such agreement was, unfortunately, not reached, and in the circumstances no progress was then possible.

During the earlier part of this year I continued my efforts to bring the political parties together. . . .

It is clear that earlier differences which had prevented the achievement of national unity remain unbridged. Deeply as His Majesty's Government regret this, they do not feel that they should any longer, because of those differences, postpone the expansion of the Governor-General's Council, and the establishment of a body which will more closely associate Indian public opinion with the conduct of the war by the Central Government. They have authorised me accordingly to invite a certain number of representative Indians to join my Executive Council. They have authorised me further to establish a War Advisory Council which would meet at regular intervals and which would contain representatives of the Indian States and of other interests in the national life of India as a whole.

The conversations which have taken place, and the resolutions of the bodies which I have just mentioned, made it clear, however, that there is still in certain quarters doubt as to the intentions of His Majesty's Government for the constitutional future of India, and that there is doubt, too, as to whether the position of minorities, whether political or religious, is sufficiently safeguarded in relation to any future constitutional change by assurances already given. There are two

[1] *Parl. Papers*, X, *India and the War* (1939–40), Cmd. 6219.

main points that have emerged. On those two points His Majesty's Government now desire me to make their position clear.

The first is as to the position of minorities in relation to any future constitutional scheme. It has already been made clear that my declaration of last October does not exclude examination of any part either of the Act of 1935 or of the policy and plans on which it is based. His Majesty's Government's concern that full weight should be given to the views of minorities in any revision has also been brought out. That remains the position of His Majesty's Government.

It goes without saying that they could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.

The second point of general interest is the machinery for building within the British Commonwealth of Nations the new constitutional scheme when the time comes. There has been very strong insistence that the framing of that scheme should be primarily the responsibility of Indians themselves, and should originate from Indian conceptions of the social, economic and political structure of Indian life. His Majesty's Government are in sympathy with that desire and wish to see it given the fullest practical expression, subject to the due fulfilment of the obligations which Great Britain's long connection with India has imposed on her and for which His Majesty's Government cannot divest themselves of responsibility. It is clear that a moment when the Commonwealth is engaged in a struggle for existence is not one in which fundamental constitutional issues can be decisively resolved. But His Majesty's Government authorise me to declare that they will most readily assent to the setting up after the conclusion of the war with the least possible delay of a body representative of the principal elements in India's national life in order to devise the framework of the new Constitution, and they will lend every aid in their power to hasten decisions on all relevant matters to the utmost degree . . .

2

THE CRIPPS MISSION,[1] 30 MARCH 1942

The conclusions of the British War Cabinet as set out below are those which Sir Stafford Cripps has taken with him for discussion with the Indian Leaders and the question as to whether they will be implemented will depend upon the outcome of these discussions which are now taking place.

His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of the promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realisation of self-government

[1] *Lord Privy Seal's Mission*, Cmd. 6350 (1942) pp. 4–5.

in India. The object is the creation of a new Indian Union which shall constitute a Dominion, associated with the United Kingdom and the other Dominions by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government therefore make the following declaration:—

(a) Immediately upon the cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new Constitution for India.

(b) Provision shall be made, as set out below, for the participation of the Indian States in the constitution-making body.

(c) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to:—

(i) the right of any Province of British India that is not prepared to accept the new Constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as Indian Union, and arrived at by a procedure analogous to that here laid down.

(ii) the signing of a Treaty which shall be negotiated between His Majesty's Government and the constitution-making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in the future its relationship to the other Member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its Treaty arrangements, so far as this may be required in the new situation.

(d) the constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities:—

Immediately upon the result being known of the provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of the Provincial Legislatures shall, as a single electoral college, proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about one-tenth of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of the representatives of

British India as a whole, and with the same powers as the British Indian members.

(e) During the critical period which now faces India and until the new Constitution can be framed His Majesty's Government must inevitably bear the responsibility for and retain control and direction of the defence of India as part of their world war effort, but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

3

RESOLUTION OF THE CONGRESS WORKING COMMITTEE ON THE BRITISH WAR CABINET'S PROPOSALS,[1] 11 APRIL 1942

The Working Committee have given full and earnest consideration to the proposals made by the British War Cabinet with regard to India and the elucidation of them by Sir Stafford Cripps.

These proposals, which have been made at the very last hour because of the compulsion of events, have to be considered not only in relation to India's demand for independence but more especially, in the present grave war crisis, with a view to meeting effectively the perils and dangers that confront India and envelop the world.

Congress has repeatedly stated, ever since the commencement of the war in September 1939, that the people of India would line themselves with the progressive forces of the world and assume full responsibility to face the new problems and shoulder the new burdens that had arisen, and it asked for the necessary conditions to enable them to do so to be created. The essential condition was the freedom of India, for only the realisation of present freedom could light the flame which would illuminate millions of hearts and move them to action.

At the last meeting of the All-India Congress Committee, after the commencement of the war in the Pacific, it was stated that:—'Only a free and independent India can be in a position to undertake the defence of the country on a national basis and be able to help in the furtherance of the larger causes that are emerging from the form of war.'

The British War Cabinet's new proposals relate principally to the future, upon the cessation of hostilities. The Committee, while recognising that self-determination for the people of India is accepted in principle in that uncertain future, regret

[1] *Lord Privy Seal's Mission*, Cmd. 6350 (1942) pp. 16–18.

that this is fettered and circumscribed and that certain provisions have been introduced which gravely imperil the development of a free and united national government and the establishment of a democractic state. Even the constitution-making body is so constituted that the people's right of self-determination is vitiated by the introduction of non-representative elements.

The people of India have, as a whole, clearly demanded full independence, and Congress has repeatedly declared that no other status except that of independence for the whole of India could be agreed to or could meet the essential requirements of the present situation.

The Committee recognise that future independence may be implicit in the proposals, but the accompanying provisions and restrictions are such that real freedom may well become an illusion.

The complete ignoring of ninety millions of people in the Indian States, and their treatment as commodities at the disposal of their Rulers, is a negation both of democracy and self-determination. While the representation of an Indian State in the constitution-making body is fixed on a population basis, the people of the State have no voice in choosing those representatives, nor are they to be consulted at any stage while decisions vitally affecting them are being taken. Such States may in many ways become barriers to the growth of Indian freedom, enclaves where foreign authority still prevails, and where the possibility of maintaining foreign-armed forces has been stated to be a likely contingency and a perpetual menace to the freedom of the people of the States as well as of the rest of India.

The acceptance beforehand of the novel principle of non-accession for a Province is also a severe blow to the conception of Indian unity and an apple of discord likely to generate growing trouble in the Provinces, and which may well lead to further difficulties in the way of the Indian States merging themselves into an Indian Union. Congress has been wedded to Indian freedom and unity and any break of that unity especially in the modern world when people's minds inevitably think in terms of ever larger federations would be injurious to all concerned and exceedingly painful to contemplate. Nevertheless the Committee cannot think in terms of compelling the people of any territorial unit to remain in an Indian Union against their declared and established will. While recognising this principle, the Committee feel that every effort should be made to create conditions which would help the different units in developing a common and co-operative national life. Acceptance of this principle inevitably involves that no changes should be made which would result in fresh problems being created and compulsion being exercised on other substantial groups within that area. Each territorial unit should have the fullest possible autonomy within the Union consistently with a strong National State. . . .

. . . The Committee are, therefore, unable to accept the proposals put forward on behalf of the British War Cabinet.

4

RESOLUTION OF THE ALL-INDIA MUSLIM LEAGUE WORKING COMMITTEE ON THE BRITISH WAR CABINET'S PROPOSALS,[1] 11 APRIL 1942

. . . The Committee, while expressing their gratification that the possibility of Pakistan is recognised by implication by providing for the establishment of two or more independent Unions in India, regret that the proposals of His Majesty's Government embodying the fundamentals are not open to any modification and therefore no alternative proposals are invited. In view of the rigidity of the attitude of His Majesty's Government with regard to the fundamentals not being open to any modification, the Committee have no alternative but to say that the proposals in their present form are unacceptable to them for the following reasons:—

(1) The Mussalmans, after 25 years of genuine efforts for the reconciliation of the two major communities and the bitter experience of the failure of such efforts, are convinced that it is neither just nor possible, in the interests of peace and the happiness of the two peoples, to compel to constitute one Indian Union composed of the two principal nations—Hindus and Moslems: but this appears to be the main object of His Majesty's Government as adumbrated in the preamble of the draft Declaration, the creation of more than one Union being relegated only to the realm of remote possibility, and is purely illusory.

(2) In the draft Declaration a constitution-making body has been proposed with the primary object of creating one Indian Union. So far as the Muslim League is concerned, it has finally decided that the only solution of India's constitutional problem is the partition of India into independent zones: and it will therefore be unfair to the Moslems to compel them to enter such a constitution-making body whose main object is the creation of a new Indian Union. With conditions as they are it will be not only futile but on the contrary may exacerbate bitterness and animosity amongst the various elements in the country.

The machinery which has been proposed for the creation of the constitution-making body, namely that it will consist of members elected by the newly elected Lower Houses of the eleven Provinces upon the cessation of hostilities as a single electoral College by the system of proportional representation, is a fundamental departure from the right of the Mussalmans hitherto enjoyed by them to elect their representatives by means of separate electorates, which is the only sure way in which true representatives of the Mussalmans can be chosen. . . .

(3) The right of non-accession to the Union as contemplated in the draft Declaration has been conceded presumably in response to the insistent demands by the Mussalmans for the partition of India: but the method and procedure laid down are such as to negative the professed object; for in the draft proposals the right of non-accession has been given to the existing Provinces which have been formed from time to time for administrative convenience and on no logical basis.

[1] *Lord Privy Seal's Mission*, Cmd. 6350 (1942) pp. 18–20.

The Mussalmans cannot be satisfied by such a Declaration on a vital question affecting their future destiny, and demand a clear and precise pronouncement on the subject. Any attempt to solve the future problem of India by the process of evading the real issue is to court disaster. . . .

(4) With regard to the Indian States, it is the considered opinion of the Committee that it is a matter for them to decide whether to join or not to join or form a Union.

(5) With regard to the Treaties to be negotiated between the Crown and the Indian Union or Unions, the proposals do not indicate as to what would happen in case of disagreement on the terms between the contracting parties; nor is there any provision made as to what would be the procedure when there is a difference of opinion in negotiating a revision of treaty arrangements with the Indian States in the new situation.

(6) With regard to the interim arrangement there is no definite proposal except the bare statement that His Majesty's Government desire and invite the effective and immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth, and of the United Nations. The Committee are therefore unable to express their opinion until a complete picture is available. . . .

5

LORD WAVELL'S STATEMENT OF H.M.G.'S POLICY.[1] 14 JUNE 1945

1. During the recent visit of Field-Marshal Viscount Wavell to this country His Majesty's Government reviewed with him a number of problems and discussed particularly the present political situation in India.

2. Members will be aware that since the offer by His Majesty's Government to India in March 1942 there has been no further progress towards the solution of the Indian constitutional problem. . . .

6. His Majesty's Government are, however, most anxious to make any contribution that is practicable to the breaking of the political deadlock in India. While that deadlock lasts not only political but social and economic progress is being hampered.

7. The Indian administration, over-burdened with the great tasks laid upon it by the war against Japan and by the planning for the post-war period, is further strained by the political tension that exists.

8. All that is so urgently required to be done for agricultural and industrial development and for the peasants and workers of India cannot be carried through unless the whole-hearted co-operation of every community and section of the Indian people is forthcoming.

9. His Majesty's Government have therefore considered whether there is something which they could suggest in this interim period, under the existing constitution,

[1] *India, Statement of Policy of H.M.G.*, Cmd. 6652 (1945). Lord Wavell was Viceroy from 20 October 1943 to 24 March 1947.

pending the formulation by Indians of their future constitutional arrangements, which would enable the main communities and parties to co-operate more closely together and with the British to the benefit of the people of India as a whole.

10. It is not the intention of His Majesty's Government to introduce any change contrary to the wishes of the major Indian communities. But they are willing to make possible some step forward during the interim period if the leaders of the principal Indian parties are prepared to agree to their suggestions and to co-operate in the successful conclusion of the war against Japan as well as in the reconstruction in India which must follow the final victory.

11. To this end they would be prepared to see an important change in the composition of the Viceroy's Executive. . . .

12. It is proposed that the Executive Council should be reconstituted and that the Viceroy should in future make his selection for nomination to the Crown for appointment to his Executive from amongst leaders of Indian political life at the Centre and in the Provinces, in proportions which would give a balanced representation of the main communities, including equal proportions of Moslems and Caste Hindus.

13. In order to pursue this object, the Viceroy will call into conference a number of leading Indian politicians who are the heads of the most important parties or who have had recent experience as Prime Ministers of Provinces, together with a few others of special experience and authority. The Viceroy intends to put before this conference the proposal that the Executive Council should be reconstituted as above stated and to invite from the members of the conference a list of names. Out of these he would hope to be able to choose the future members whom he would recommend for appointment by His Majesty to the Viceroy's Council, although the responsibility for the recommendations must of course continue to rest with him, and his freedom of choice therefore remains unrestricted. . . .

15. The members of the Executive would be Indians with the exception of the Viceroy and the Commander-in-Chief, who would retain his position as War Member. This is essential so long as the defence of India remains a British responsibility.

16. Nothing contained in any of these proposals will effect the relations of the Crown with the Indian States through the Viceroy as Crown Representative. . . .

18. If such co-operation can be achieved at the Centre it will no doubt be reflected in the Provinces and so enable responsible Governments to be set up once again in those Provinces where, owing to the withdrawal of the majority party from participation, it became necessary to put into force the powers of the Governors under Section 93 of the Act of 1935. It is to be hoped that in all the Provinces these Governments would be based on the participation of the main parties, thus smoothing out communal differences and allowing Ministers to concentrate upon their very heavy administrative tasks.

19. There is one further change which, if these proposals are accepted, His Majesty's Government suggest should follow.

20. That is, that External Affairs (other than those tribal and frontier matters which fall to be dealt with as part of the defence of India) should be placed in the charge of an Indian Member of the Viceroy's Executive so far as British India is concerned, and that fully accredited representatives shall be appointed for the representation of India abroad.

6

THE CABINET MISSION,[1] 16 MAY 1946

1. On the 15th March last, just before the despatch of the Cabinet Mission to India, Mr. Attlee, the British Prime Minister, used these words:—

> 'My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of Government is to replace the present régime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision. . . .
>
> 'I hope that the Indian people may elect to remain within the British Commonwealth. I am certain that she will find great advantages in doing so. . . .
>
> 'But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible.'

2. Charged in these historic words, we—the Cabinet Ministers and the Viceroy —have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try to reach a settlement, but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached, we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India, and an interim Government may be set up at once to carry on the administration of British India until such time as a new constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people;

[1] *India, Statement by the Cabinet Mission and His Excellency, the Viceroy*, Cmd. 6821 (1946).

and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence which has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

6. We therefore examined in the first instance the question of a separate and fully independent sovereign state of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas: one in the North-West consisting of the provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan; the other in the North-East consisting of the provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate state of Pakistan was based, first, upon the right of the Muslim majority to decide their method of government according to their wishes, and, secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six provinces enumerated above would be very considerable as the following figures show:—

	Muslim	Non-Muslim
North-Western Area—		
Punjab	16,217,242	12,201,577
North-West Frontier Province	2,788,797	249,270
Sind	3,208,325	1,326,683
British Baluchistan	438,930	62,701
	22,653,294	13,840,231
	62·07 per cent.	37·93 per cent.
North-Eastern Area—		
Bengal	33,005,434	27,301,091
Assam	3,442,479	6,762,254
	36,447,913	34,063,345
	51·69 per cent.	48·31 per cent.

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate sovereign state of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and of Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally, in our view, be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We, therefore, considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (a) the whole of the Ambala and Jullundur divisions in the Punjab; (b) the whole of Assam except the district of Sylhet; and (c) a large part of Western Bengal, including Calcutta, in which city the percentage of the Muslim population is 23·6 per cent. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have therefore been forced to the conclusion that neither a larger nor a smaller sovereign state of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of a United India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian Armed Forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally, there is the geographical fact that the two halves of the proposed Pakistan state are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are therefore unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign states.

12. This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which provinces would have full autonomy subject only to a minimum of central subjects, such as foreign affairs, defence and communications.

Under this scheme provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a central executive and legislature in which some ministers, who dealt with compulsory subjects, were responsible to the whole of India while other ministers, who dealt with optional subjects, would be responsible only to those provinces who had elected to act together in respect of such subjects. This difficulty would be accentuated in the central legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their provinces were not concerned were under discussion. Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other provinces, which did not desire to take the optional subjects at the centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendations we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties and would at the same time be most likely to bring about a stable and practicable form of constitution for All-India.

We recommend that the constitution should take the following basic form:—

(1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects: foreign affairs, defence, and communications; and should have the powers necessary to raise the finances required for the above subjects.

(2) The Union should have an executive and a legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

(3) All subjects other than the Union subjects and all residuary powers should vest in the provinces.

(4) The States will retain all subjects and powers other than those ceded to the Union.

(5) Provinces should be free to form groups with executives and legislatures, and each group could determine the provincial subjects to be taken in common.

(6) The constitutions of the Union and of the groups should contain a provision whereby any province could by a majority vote of its legislative assembly call for a reconsideration of the terms of the constitution after an initial period of ten years and at ten-yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above programme but to set in motion machinery whereby a constitution can be settled by Indians for Indians.

It has been necessary, however, for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery. . . .

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope, in any event, that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be, we look forward with you to your ever-increasing prosperity among the greatest nations of the world and to a future even more glorious than your past.

7

RESOLUTION OF THE CONGRESS WORKING COMMITTEE,[1] 24 MAY 1946

. . . In considering the Statement [of 16 May], the Working Committee have kept in view the picture of the future, in so far as this was available to them from the proposals made for the formation of a Provisional Government and the clarification given by members of the Delegation. This picture is still incomplete and vague. It is only on the basis of the full picture that they can judge and come to

[1] *India, Statement by the Cabinet Mission*, Cmd. 6835 (1946).

a decision as to how far this is in conformity with the objectives they aim at. These objectives are: independence for India, a strong, though limited, central authority, full autonomy for the provinces, the establishment of a democratic structure in the centre and in the units, the guarantee of the fundamental rights of each individual so that he may have full and equal opportunities of growth, and further that each community should have opportunity to live the life of its choice within the larger framework.

The Committee regret to find a divergence between these objectives and the various proposals that have been made on behalf of the British Government, and, in particular, there is no vital change envisaged during the interim period when the Provisional Government will function, in spite of the assurance given in paragraph 23 of the Statement. If the independence of India is aimed at, then the functioning of the Provisional Government must approximate closely in fact, even though not in law, to that independence and all obstructions and hindrances to it should be removed. The continued presence of a foreign army of occupation is a negation of independence.

The Statement issued by the Cabinet Delegation and the Viceroy contains certain recommendations and suggests a procedure for the building up of a Constituent Assembly, which is sovereign in so far as the framing of the constitution is concerned. The Committee do not agree with some of those recommendations. In their view it will be open to the Constituent Assembly itself at any stage to make changes and variations, with the proviso that in regard to certain major communal matters a majority decision of both the major communities will be necessary. . . .

The Statement of the Cabinet Delegation affirms the basic principle of provincial autonomy and residuary powers vesting in the Provinces. It is further said that Provinces should be free to form groups. Subsequently, however, it is recommended that provincial representatives will divide up into sections which 'shall proceed to settle the Provincial Constitutions for the Provinces in each section and shall also decide whether any Group Constitution shall be set up for those Provinces.' There is a marked discrepancy in these two separate provisions, and it would appear that a measure of compulsion is introduced which clearly infringes the basic principle of provincial autonomy. In order to retain the recommendatory character of the Statement, and in order to make the clauses consistent with each other, the Committee read paragraph 15 to mean that, in the first instance, the respective provinces will make their choice whether or not to belong to the section in which they are placed. Thus the Constituent Assembly must be considered as a sovereign body with final authority for the purpose of drawing up a constitution and giving effect to it.

The provisions in the Statement in regard to the Indian States are vague and much has been left for future decision. The Working Committee would, however, like to make it clear that the Constituent Assembly cannot be formed of entirely disparate elements, and the manner of appointing State representatives for the Constituent Assembly must approximate, in so far as is possible, to the method adopted

in the Provinces. The Committee are gravely concerned to learn that even at this present moment some State governments are attempting to crush the spirit of their people with the help of armed forces. These recent developments in the States are of great significance in the present and for the future of India, as they indicate that there is no real change of policy on the part of some of the State governments and of those who exercise paramountcy.

A Provisional National Government must have a new basis and must be a precursor of the full independence that will emerge from the Constituent Assembly. It must function in recognition of that fact, though changes in law need not be made at this stage. The Governor-General may continue as the head of that Government during the interim period, but the Government should function as a cabinet responsible to the Central Legislature. The status, powers and composition of the Provisional Government should be fully defined in order to enable the Committee to come to a decision. Major communal issues shall be decided in the manner referred to above in order to remove any possible fear or suspicion from the minds of a minority. . . .

8

RESOLUTION OF THE ALL-INDIA MUSLIM LEAGUE COUNCIL,[1] 6 JUNE 1946

1. This meeting of the Council of the All-India Muslim League, after having carefully considered the Statement issued by the Cabinet Mission and the Viceroy on 16th May, 1946, and other relevant statements and documents officially issued in connection therewith, and after having examined the proposals set forth in the said statement in all their bearings and implications, places upon record the following views for the guidance of the Nation and direction to the Working Committee.

2. That the references made, and the conclusions recorded, in paras. 6, 7, 8, 9, 10 and 11 of the Statement, concerning the Muslim demand for the establishment of a full Sovereign Pakistan as the only solution of the Indian Constitutional Problem, are unwarranted, unjustified, and unconvincing, and should not therefore have found a place in a State document, issued on behalf and with the authority of the British Government. These paragraphs are couched in such language, and contain such mutilations of the established facts, that the Cabinet Mission have clearly been prompted to include them in their Statement solely with the object of appeasing the Hindus, in utter disregard of Muslim sentiments. . . . In order that there may be no manner of doubt in any quarter, the Council of the All-India Muslim League reiterates that the attainment of the goal of a complete sovereign Pakistan still remains the unalterable objective of the Muslims in India, for the achievement of which they will, if necessary, employ every means in their power, and consider no sacrifice or suffering too great.

3. That notwithstanding the affront offered to Muslim sentiments by the choice

[1] *India, Statement by the Cabinet Mission*, Cmd. 6861 (1946).

of injudicious words in the preamble to the Statement of the Cabinet Mission, the Muslim League, having regard to the grave issues involved, and prompted by its earnest desire for a peaceful solution, if possible, of the Indian constitutional problem, and inasmuch as the basis and the foundation of Pakistan are inherent in the Mission's plan by virtue of the compulsory grouping of the six Muslim Provinces in Section B and C, is willing to co-operate with the constitution-making machinery proposed in the scheme outlined by the Mission, in the hope that it would ultimately result in the establishment of complete sovereign Pakistan, and in the consummation of the goal of independence for the major nations, Muslims and Hindus, and all the other people inhabiting the vast subcontinent.

9

FORMATION OF AN INTERIM GOVERNMENT,[1] 16 JUNE 1946

1. His Excellency the Viceroy, in consultation with the members of the Cabinet Mission, has for some time been exploring the possibilities of forming a Coalition Government drawn from the two major parties and certain of the minorities. The discussions have revealed the difficulties which exist for the two major parties in arriving at any agreed basis for the formation of such a Government.

2. The Viceroy and the Cabinet Mission appreciate these difficulties and the efforts which the two parties have made to meet them. They consider however that no useful purpose can be served by further prolonging these discussions. It is indeed urgently necessary that a strong and representative Interim Government should be set up to conduct the very heavy and important business that has to be carried through.

3. The Viceroy is therefore issuing invitations to the following to serve as members of the Interim Government, on the basis that the constitution-making will proceed in accordance with the statement of May 16th:

Sardar Baldev Singh	Dr. John Matthai
Sir N. P. Engineer	Nawab Mohammed Ismail Khan
Mr. Jagjivan Ram	Khwaja Sir Nazimuddin
Pandit Jawaharlal Nehru	Sardar Abdur Rab Nishtar
Mr. M. A. Jinnah	Mr. C. Rajagopalachari
Nawabzada Liaquat Ali Khan	Dr. Rajendra Prasad
Mr. H. K. Mahatab	Sardar Vallabhbhai Patel

If any of those invited is unable for personal reasons to accept, the Viceroy will after consultation invite some other person in his place.

4. The Viceroy will arrange the distribution of portfolios in consultation with the leaders of the two major parties.

5. The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient

[1] *India, Statement by the Cabinet Mission*, Cmd. 6861 (1946).

put forward to solve the present difficulty only, and to obtain the best available coalition Government.

6. The Viceroy and the Cabinet Mission believe that Indians of all communities desire to arrive at a speedy settlement of this matter so that the process of constitution-making can go forward and that the Government of India may be carried on as efficiently as possible in the meantime.

7. They therefore hope that all parties especially the two major parties will accept this proposal so as to overcome the present obstacles and will co-operate for the successful carrying on of the Interim Government. Should this proposal be accepted the Viceroy will aim at inaugurating the new Government about the 26th June.

8. In the event of the two major parties or either of them proving unwilling to join in the setting up of a Coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16th.

9. The Viceroy is also directing the Governors of the Provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the setting up of the Constitution-making machinery as put forward in the statement of May 16th.

10

RESOLUTION OF THE CONGRESS WORKING COMMITTEE,[1] 25 JUNE 1946

. . . . .

The kind of independence which Congress has aimed at is the establishment of a united democratic Indian Federation with a Central authority which would command respect from the nations of the world, maximum provincial autonomy, and equal rights for all men and women in the country.

The limitation of the Central authority, as contained in the proposals, as well as the system of grouping of Provinces, weakened the whole structure and was unfair to some Provinces, such as the North West Frontier Province, and Assam, and to some of the minorities, notably the Sikhs.

The Committee disapproved of this. They felt, however, taking the proposals as a whole, that there was sufficient scope for enlarging and strengthening the Central authority and for fully ensuring the right of a Province to act according to its choice in regard to grouping, and to give protection to such minorities as might otherwise be placed at a disadvantage. Certain other objections were also raised on their behalf, notably the possibility of non-nationals taking any part in the Constitution-making. It is clear that it would be a breach both of the letter and the spirit of the statement of May 16 if any non-Indian participated in voting or standing for election to the Constituent Assembly.

[1] *India, Statement by the Cabinet Mission*, Cmd. 6861 (1946).

In the proposals for an interim Government contained in the Statement of June 16, the defects related to matters of vital concern to the Congress. Some of these have been pointed out in a letter of June 25, from the Congress President to the Viceroy. The Provisional Government must have power and authority and responsibility and should function, in fact if not in law, as a *de facto* independent Government leading to the full independence to come. The Members of such a Government can only hold themselves responsible to the people and not to any external authority. In the formation of a Provisional or other Government, Congressmen can never give up the national character of Congress or accept an artificial and unjust parity, or agree to a veto of a communal group. The Committee are unable to accept the proposals for the formation of an interim Government as contained in the Statement of June 16.

The Committee have, however, decided that the Congress should join the proposed Constituent Assembly with a view to framing the Constitution of a free, united, and democratic India.

While the Committee have agreed to Congress participation in the Constituent Assembly, it is, in their opinion, essential that a representative and responsible provisional national Government be formed at the earliest possible date. The continuation of an authoritarian and unrepresentative Government can only add to the suffering of the famishing masses and increase discontent. It will also put in jeopardy the work of the Constituent Assembly, which can only function in a free environment.

. . . . .

11

JAWAHARLAL NEHRU ON THE COMMUNAL RIOTS,[1] 14 NOVEMBER 1946

To give an account of the communal trouble in the country is to deal with a chain of events going back to the past. One evil action leads to another which again becomes the ostensible cause of further evil. The preaching and practice of hatred and violence inevitably sows seeds which yield bitter fruit. If we sow the wind we have to reap the whirl-wind.

Ever since the Interim Government took charge of affairs they have been intensely occupied with these communal troubles. The House will remember that this Government took office very soon after what is called the great Calcutta killing which began on the 16th August. All our work was shadowed by these events and we tried our utmost to deal with this situation. The House knows that the Government of India may not interfere, under the existing constitution, with the Provincial autonomy. In so far as any one can interfere under the constitution, it is the Governor-General, and not the Governor-General in Council. Nevertheless, as Indians in responsible positions to whom the country looked for guidance, we tried our utmost to help. Throughout this unhappy period, whether it was in

[1] *Indian Legislative Assembly Debates*, vol. 8 (1946), pp. 1053–5.

Calcutta or elsewhere in India, or Noakhali and East Bengal, or Bihar, the Government were acutely conscious of their responsibilities and keenly desirious of combating the peril that had encompassed the country. There has been much public criticism of our seeming inaction because necessarily we could not function in public in regard to these matters. If facts were known, I do not think that this criticism would be considered to be justified.

A succession of events, which are known to this House, led to the great Calcutta killing. That was followed by the great tragedy of Noakhali and East Bengal, and that again led to the terrible happenings in Bihar. And now Bihar is leading to other outbursts of brutality and violence. There appears to be a competition in murder and brutality, and unless we put a stop to this, the immediate future of our country is dark. That it can be put a stop to, I have little doubt. Not by a reliance on mere armed force, though that may be necessary occasionally, but by the efforts of all those who influence public opinion, can we put an end to this horror, which comes in the way of all political and social progress, and indeed which is already making life a burden for many of us. It must be clearly accepted that we cannot settle any problem by the methods of hatred and violence.

Recently I have come into intimate contact with masses of people in Bihar and I saw horrors that a simple and likeable peasantry can perpetrate when it loses all balance and sanity. I found that during the Calcutta killing a large number of Biharis had lost their lives. Their relatives had returned to Bihar, together with many other refugees and had spread out all over the rural areas carrying stories of what had happened in Calcutta. The people of Bihar were stirred profoundly. Then came news of Noakhali and East Bengal. These stories, and more especially the accounts of abduction and rape of women and forcible conversion of large numbers of people, infuriated the populace. For some time they looked to the Central Government and hoped that this would give them relief and afford protection. When they did not see any such help or protection forthcoming, they grew bitter, criticized strongly the Interim Government for its apparent inactivity.

Various incidents occurred in Bihar which added to the general excitement. Towards the end of October there was trouble in Chapra District and in Bhagalpur city. This was soon suppressed. Then came, on the 31st October, trouble on a big scale in Patna District, overflowing into Gaya and Monghyr Districts. It was in essence a mass uprising, large numbers of peasants burning and killing mercilessly. As always happens on such occasions, criminal and anti-social elements took part and even took the lead in certain areas. One of the difficulties of the situation was that the areas could not be easily reached because of lack of communications and flooded conditions.

This mass uprising lasted almost exactly one week. Just as it started suddenly, it ended almost equally suddenly. This rapid ending of a wide-spread movement, which was on the verge of spreading to other districts, was remarkable. The military, of course, came in at a somewhat later stage and helped in restoring order. But a much more powerful factor in this restoration of order was the effort of a

large number of people, chiefly Biharis, who spread out all over the villages and came face to face with the peasant masses. The news of Mahatma Gandhi's proposed fast also had a powerful effect.

Grossly exaggerated accounts have appeared of the number of casualties during these troubles caused both by infuriated mobs and by military firing. It is difficult to give at present even approximately accurate figures of casualties. But it can be said with certainty that some of the figures appearing in newspapers are completely wrong. They are usually based on accounts of panic-stricken refugees who had lost all balance or judgment.

The Bihar situation was brought completely under control after a week and is quiet now. Evidence of a return to normality is the desire of people to return to their villages. The great problem there now is how to rehabilitate these people. The Bihar Government have undertaken responsibility to lodge, feed and provide other necessaries including medical relief to the evacuees. I understand that they also propose to give financial assistance to the sufferers in order to help rehabilitation.

As I have stated, the news from and about Noakhali created a very profound feeling in Bihar and the rest of India. I am not in a position to say much about present conditions in East Bengal. But recent reports from reliable witnesses have drawn particular attention to the vital problem of restoring women who were abducted and forcibly converted. This problem is not only important in itself but also because of its all-India repercussions. It is, therefore, urgently necessary that every possible step should be taken with all possible speed to restore them to their people. Only then can beginnings be made of rehabilitation in East Bengal.

It is clearly the duty of the State to give every possible assistance to the sufferers from these disturbances. I hope that Provincial Governments will undertake this duty in adequate measure. This will help also in producing a feeling of security among the people and a psychological atmosphere for a return to normality.

Recent events around and near Delhi must be fresh in the minds of Honourable Members. It is time that we put an end to all this sorry business all over India, and I trust that every sensitive Indian, whatever his political views might be, will co-operate with others in this vital and urgent task.

12

DOWNING STREET STATEMENT,[1] 6 DECEMBER 1946

APPEAL TO FEDERAL COURT SUGGESTED

The statement issued from 10, Downing Street, last night, was as follows:—

The conversations held by His Majesty's Government with Pandit Nehru, Mr. Jinnah, Mr. Liaquat Ali Khan, and Sardar Baldev Singh came to an end this

[1] *The Times*, 7 December 1946.

evening, as Pandit Nehru and Sardar Baldev Singh are returning to India tomorrow morning.

The object of the conversations has been to obtain the participation and co-operation of all parties in the Constituent Assembly. It was not expected that any final settlement could be arrived at since the Indian representatives must consult their colleagues before any final decision is reached.

The main difficulty that has arisen has been over the interpretation of paragraphs 19 (v) and 19 (viii) of the Cabinet Mission's statement May 16th, relating to the meetings in sections, which run as follows:—

Paragraph 19 (v) 'These sections shall proceed to settle provincial constitutions for the Provinces included in each section, and shall also decide whether any group constitution shall be set up for those Provinces and if so with what Provincial subjects the group should deal. Provinces should have power to opt out of groups in accordance with the provisions of sub-clause (viii) below.'

Paragraph 19 (viii) 'As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any group in which it has been placed. Such a decision shall be taken by the Legislature of the Province after the first General Election under the new constitution.'

SIMPLE MAJORITY VOTE

The Cabinet Mission have throughout maintained the view that the decisions of the sections should, in the absence of agreement to the contrary, be taken by simple majority vote of the representatives in the sections. This view has been accepted by the Muslim League, but the Congress have put forward a different view. They have asserted that the true meaning of the statement, read as a whole, is that the provinces have a right to decide both as to grouping and as to their own constitutions.

His Majesty's Government have had legal advice which confirms that the statement of May 16 means what the Cabinet mission have always stated was their intention. This part of the statement as so interpreted must therefore be considered an essential part of the scheme of May 16th for enabling the Indian people to formulate a constitution which his Majesty's Government would be prepared to submit to Parliament. It should, therefore, be accepted by all parties in the Constituent Assembly.

It is, however, clear that other questions of interpretation of the statement of May 16 may arise, and his Majesty's Government hope that if the Council of the Muslim League are able to agree to participate in the Constituent Assembly they will also agree, as have the Congress, that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such decision so that the procedure both in the Union Constituent Assembly and in the sections may accord with the Cabinet mission's plan.

ADVICE TO CONGRESS

On the matter immediately in dispute his Majesty's Government urge the Congress to accept the view of the Cabinet Mission in order that the way may be open for the Muslim League to reconsider their attitude. If, in spite of this reaffirmation of the intention of the Cabinet mission the Constituent Assembly desires that this fundamental point should be referred for the decision of the Federal Court, such reference should be made at a very early date. It will then be reasonable that the meetings of the sections of the Constituent Assembly should be postponed until the decision of the Federal Court is known.

There has never been any prospect of success for the Constituent Assembly except upon the basis of an agreed procedure. Should a Constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, his Majesty's Government could not of course contemplate—as the Congress have stated they would not contemplate—forcing such a Constitution upon any unwilling parts of the country.

13

C. R. ATTLEE'S STATEMENT ON THE TRANSFER OF POWER,[1] 20 FEBRUARY 1947

I desire to make a statement on Indian policy.

1. It has long been the policy of successive British Governments to work towards the realisation of self-government in India. In pursuance of this policy an increasing measure of responsibility has been devolved on Indians and to-day the civil administration and the Indian Armed Forces rely to a very large extent on Indian civilians and officers. In the constitutional field the Acts of 1919 and 1935 passed by the British Parliament each represented a substantial transfer of political power. In 1940 the Coalition Government recognised the principle that Indians should themselves frame a new constitution for a fully autonomous India, and in the offer of 1942 they invited them to set up a Constituent Assembly for this purpose as soon as the war was over.

2. His Majesty's Government believe this policy to have been right and in accordance with sound democratic principles. Since they came into office, they have done their utmost to carry it forward to its fulfilment. The declaration of the Prime Minister of 15th March last which met with general approval in Parliament and the country, made it clear that it was for the Indian people themselves to choose their future status and constitution and that in the opinion of His Majesty's Government the time had come for responsibility for the Government of India to pass into Indian hands.

3. The Cabinet Mission which was sent to India last year spent over three months in consultation with Indian leaders in order to help them to agree upon a

[1] *Parl. Debates*, H.C., vol. 433 (1947), cols. 1395–8.

method for determining the future constitution of India, so that the transfer of power might be smoothly and rapidly effected. It was only when it seemed clear that without some initiative from the Cabinet Mission agreement was unlikely to be reached that they put forward proposals themselves.

4. These proposals, made public in May last, envisaged that the future constitution of India should be settled by a Constituent Assembly composed, in the manner suggested therein, of representatives of all communities and interests in British India and of the Indian States.

5. Since the return of the Mission an Interim Government has been set up at the Centre composed of the political leaders of the major communities exercising wide powers within the existing constitution. In all the Provinces Indian Governments responsible to Legislatures are in office.

6. It is with great regret that His Majesty's Government find that there are still differences among Indian Parties which are preventing the Constituent Assembly from functioning as it was intended that it should. It is of the essence of the plan that the Assembly should be fully representative.

7. His Majesty's Government desire to hand over their responsibility to authorities established by a constitution approved by all parties in India in accordance with the Cabinet Mission's plan, but unfortunately there is at present no clear prospect that such a constitution and such authorities will emerge. The present state of uncertainty is fraught with danger and cannot be indefinitely prolonged. His Majesty's Government wish to make it clear that it is their definite intention to take the necessary steps to effect the transference of power into responsible Indian hands by a date not later than June 1948.

8. This great sub-continent now containing over 400 million people has for the last century enjoyed peace and security as a part of the British Commonwealth and Empire. Continued peace and security are more than ever necessary to-day if the full possibilities of economic development are to be realised and a higher standard of life attained by the Indian people.

9. His Majesty's Government are anxious to hand over their responsibilities to a Government which, resting on the sure foundation of the support of the people, is capable of maintaining peace and administering India with justice and efficiency. It is therefore essential that all parties should sink their differences in order that they may be ready to shoulder the great responsibilities which will come upon them next year.

10. After months of hard work by the Cabinet Mission a great measure of agreement was obtained as to the method by which a constitution should be worked out. This was embodied in their statements of May last. His Majesty's Government there agreed to recommend to Parliament a constitution worked out, in accordance with the proposals made therein, by a fully representative Constituent Assembly. But if it should appear that such a constitution will not have been worked out by a fully representative Assembly before the time mentioned in paragraph 7, His Majesty's Government will have to consider to whom the powers of the Central

Government in British India should be handed over, on the due date, whether as a whole to some form of central Government for British India or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian people.

11. Although the final transfer of authority may not take place until June 1948, preparatory measures must be put in hand in advance. It is important that the efficiency of the civil administration should be maintained and that the defence of India should be fully provided for. But inevitably, as the process of transfer proceeds, it will become progressively more difficult to carry out to the letter all the provisions of the Government of India Act, 1935. Legislation will be introduced in due course to give effect to the final transfer of power.

12. In regard to the Indian States, as was explicitly stated by the Cabinet Mission, His Majesty's Government do not intend to hand over their powers and obligations under paramountcy to any Government of British India. It is not intended to bring paramountcy, as a system, to a conclusion earlier than the date of the final transfer of power, but it is contemplated that for the intervening period the relations of the Crown with individual States may be adjusted by agreement.

13. His Majesty's Government will negotiate agreements in regard to matters arising out of the transfer of power with the representatives of those to whom they propose to transfer power.

14. His Majesty's Government believe that British commercial and industrial interests in India can look forward to a fair field for their enterprise under the new conditions. The commercial connection between India and the United Kingdom has been long and friendly, and will continue to be to their mutual advantage.

15. His Majesty's Government cannot conclude this statement without expressing on behalf of the people of this country their goodwill and good wishes towards the people of India as they go forward to this final stage in their achievement of self-government. It will be the wish of everyone in these islands that, notwithstanding constitutional changes, the association of the British and Indian peoples should not be brought to an end; and they will wish to continue to do all that is in their power to further the well-being of India.

14

SIR STAFFORD CRIPPS' REASONS FOR THE TRANSFER OF POWER,[1] 5 MARCH 1947

. . . There were other factors at work. The exigencies of the war situation were such that it was not possible for the British Government to continue with the recruitment of Europeans, for the Secretary of State's Services, while, at the same time, there was, of course, a great increase in the Indian Forces, accompanied by a rapid Indianisation of their officer cadre. This meant that, side by side with the growing demand for an acceleration of the transfer of power on the part of all

[1] *Parl. Debates*, H.C., vol. 434 (1946–7), cols. 497–508.

parties in India, there was an obvious and inevitable weakening of the machinery of British control through the Secretary of State's Services. It was, of course, through these Services that British control had been exercised in the administration of Indian affairs. They had been supported in extreme cases by the Indian Army under British Command and with a large percentage of British officers, and by British troops stationed in India. In the last resort, British responsibility was exercised by Parliament through the Governor-General and the Governors, who could dismiss the Indian Government if it failed to carry out its functions under the Act of 1935 and then take over control under Section 93, using, of course, for that purpose, as the main support of the administration, the Secretary of State's Services who look to the British rather than to Indians for their future advancement, livelihood and pensions.

After the offer of 1942 had been rejected by the the Indian parties, it was repeatedly stated by the Coalition Government that it still remained open for acceptance. There was, therefore, the continuing prospect of a Constituent Assembly meeting immediately after the war, with the almost inevitable sequel that, if the Assembly could agree upon a new Constitution, it would be adopted and so India would have her freedom. In the face of this developing situation, and the knowledge that the Secretary of State's Services were diminishing in strength, it was not possible, even if it had been thought desirable, to take steps to reinforce those services, because of the war situation which then existed.

It must be remembered that those Services were manned both by European and Indian Officers in the proportion, roughly, of one to one. At the end of the war, a very considerable number of time-expired officers were being kept on, who at best, had only a short time in which they could be called upon to serve, and who were being held at their stations by war emergency regulations. So far as the Indian officers were concerned, who, presumably, looked forward to a continuing career in the administration, despite any transfer of power, they, naturally, began to look more and more to those Indian parties which would, in the future, hold power, rather than to the British, who had announced their willingness to hand over power. All those officers, European and Indian alike, were most loyal in their service, but they were, obviously, placed in a very difficult position when the Indian majority leaders had a clash with the Central Government, as they did in the early part of 1942, or when the views and methods of Indian Ministers ran counter to those of the British elements of the administration.

In June, 1945, The British Government, realising the strain that had been brought upon the Secretary of State's Services during the war, launched a scheme under which recruitment could take place, of both Indians and Europeans, to fill the gaps that had occurred, or were anticipated. After the change of Government in July, 1945, it became abundantly clear that Indian public opinion was against any such fresh recruitment, and, later, that there was a very strong opinion in favour of winding up the Secretary of State's Services altogether. Accordingly, in June, 1946, it was finally decided to abandon any such further recruitment, in cir-

cumstances to which I will refer when I come to that period of time. When the present Government therefore, came into office, they found themselves already committed by these accumulated influences and facts, to which I have referred, to a course of action which was entirely consistent with the avowed policy of the party they represent, that is, to give freedom to India as soon as the Indians should be able to decide upon a new Constitution.

When the Cabinet Mission was in India we had, naturally, discussed this problem of the services and their automatic running down with those responsible for their maintenance, and we had then explored the possibility of their temporary reinforcement, as I mentioned earlier. It was made clear to us—and we accepted and took responsibility for the decision—that no short-term scheme could yield effective or valuable results, because the crucial period was immediately ahead, and that for that period, new or emergency entrants could not contribute anything, especially in the very difficult and tangled political atmosphere that then existed. So this committed us to a continuation with the existing services under conditions, so far as the Indian personnel were concerned, such as I have already described to the House. We were, of course, at the same time demobilising British Armed Forces, as rapidly as was possible, and, I may say, under heavy pressure from all sides of the House of Commons, and that meant that the number of British troops which could be left in India and the East was being rapidly diminished from the war-time level.

At the same time, the Indianisation of the Indian Army was proceeding more rapidly than ever, latterly under the directions of an Indian Defence Member of the Interim Government. It was in these circumstances, after the decision of the Muslim League not to join in the Constituent Assembly, and their failure to reverse their decision on entering the Interim Government, that we invited their representatives and those of Congress to come to this country with the Viceroy at the beginning of last December. Though the conversations which then ensued produced no decisive result, we hoped that they might result in a lessening of the differences between the two communities and make it easier for the Muslim League, which was the only British Indian element then standing out, to join the Constituent Assembly. As a result of this meeting, we put out our statement of 6th December, and there can be no doubt that as the result of that statement there has been a narrowing of the gap between the two parties. The Congress accepted that statement, but included within their resolution of acceptance words which the Muslim League considered still to contain some reservations. It is, no doubt, unfortunate, and certainly unpremeditated, that just at the moment when the Muslim League was about to reconsider the situation with a view, possibly, to coming into the Constituent Assembly at Karachi, events in the Punjab boiled up, leading to a clash between the non-Muslim League Punjab Government and the Muslim League. We can only hope that tolerance and good sense will bring about some settlement of a very difficult and complicated matter. This is just another one of those factors which make it so difficult to predict the course of events in a complex situation such as exists politically in India today.

However difficult prediction may be, the facts have to be faced and dealt with when they arise. At the end of January, almost contemporaneously with the refusal of the Muslim League to reconsider their position in relation to the Constituent Assembly, following upon the result of the Congress resolution upon the British Government's statement of 6th December, came the demand by the non-Muslim League members of the Interim Government that the Muslim League members should withdraw. That demand was based upon the proposition that the Muslim League representatives had been invited to join the Interim Government on the basis of the Muslim League taking its place in the Constituent Assembly. That proposition accorded with the facts of the case, and had at the time of the invitation been communicated by the Viceroy to the leader of Congress. It is true that in their acceptance of office in the Interim Government, the Muslim League did not expressly accept this condition, but it was assumed by those concerned that, as they had not repudiated it they would consider themselves to be bound by it. Whatever may be the rights or wrongs of that situation, it does not seem to His Majesty's Government to be wise to precipitate a decision upon it so long as there is any hope of all parties meeting in the Constituent Assembly and working side by side in the Interim Government.

It was in these circumstances which I have detailed, I am afraid, at some length—I think it is necessary for the House to have them in mind,—that His Majesty's Government had to consider what action they should take to try to smooth out the difficulties of the transfer of power in India, and that was a very difficult decision to take. It seemed essential that we should not lose the initiative and that we should not hesitate or adopt a policy of indecision. There is, I believe, nothing worse in such a situation than temporising or delaying for the sake of delay. What, then, were the alternatives which faced us? Those alternatives were fundamentally two, though both, of course, might be subject to minor variations; first, we could attempt to strengthen British control in India on the basis of an expanded personnel in the Secretary of State's Services, and a considerable reinforcement of British troops, both of which would have been required, so that we should be in a position to maintain for as long as might be necessary our administrative responsibility while awaiting an agreement amongst the Indian communities. Such a policy would entail a definite decision that we should remain in India for at least 15 to 20 years, because for any substantially shorter period we should not be able to reorganise the Services on a stable and sound basis.

The length of period necessary would be determined by the consideration that the India members of the Secretary of State's and other administrative services should look at us for their future career and prospects rather than to the Indian leaders, to whom we should undoubtedly, under those circumstances, find ourselves in opposition if we were to declare our intention to stay for such a period of time. The second alternative was, we could accept the fact that the first alternative was not possible, and make a further attempt to persuade the Indians to come together, while at the same time warning them that there was a limit of time during

which we were prepared to maintain our responsibility while awaiting their agreement. One thing that was, I think quite obviously, impossible, was to decide to continue our responsibility indefinitely—and, indeed, against our own wishes—into a period when we had not the power to carry it out. Those were the alternatives, and the only alternatives, that were open to us. . . .

We were left with the other alternative, and we had to consider the form in which that alternative should be expressed, consistently with our previous promises, and to consider particularly the time limit we should set beyond which we could no longer reasonably be asked to accept responsibility for the Government of India, for the reasons that I have already stated—that we should not have the power to carry it out. It will be remembered that it had already been decided at an earlier date, as I have mentioned, that it was impossible to alter the situation by building up again the Secretary of State's Services for a short temporary period. We were therefore faced, either with the permanent building up which I have mentioned under the first alternative, for a considerable term of years, or with specifying some terminal date beyond which we should not be willing to continue our responsibilities. . . .

The next question arises out of paragraph 10 of the statement. It has been stated by some that this paragraph is unduly vague. To whom, it is asked, do we hand over power, if, by the due date, a new Central Government for all British India has not been constituted by a fully representative Constituent Assembly? We shall certainly, of course, in the first instance, do all in our power to encourage the formation of such a Government as put forward by the Cabinet Mission, and in accordance with the procedure which they suggested. But, if this proves impossible of realisation, and there is no such Central Government in being or in prospect when the time comes for us to take a decision, then we shall be forced to choose, in the light of the existing circumstances at the time of our decision, the most appropriate government or governments, to which to hand over power. We have said in our statement that it might be the then existing Provincial Governments, as was suggested in the offer of 1942; or it might be some form of combined government, for parts of India, depending upon what seems best and most helpful for the future of India.

15

PROPOSAL FOR THE IMMEDIATE TRANSFER OF POWER,[1] 3 JUNE 1947

Introduction

1. On 20th February, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for the major parties to co-operate in the working-out of the Cabinet Mission's Plan of 16 May, 1946, and

[1] *Indian Policy Statement*, Cmd. 7136 (1947).

evolve for India a constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the representatives of the Provinces of Madras, Bombay, the United Provinces, Bihar, Central Provinces and Berar, Assam, Orissa and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Muslim League Party, including in it a majority of the representatives of Bengal, the Punjab and Sind, as also the representative of British Baluchistan, has decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such an agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved on His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below. His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate Constitution for India; this is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for an united India.

The Issues to be Decided

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that provision is made for certain Provinces specified below, His Majesty's Government trust that, as a consequence of this announcement, the Muslim League representatives of those Provinces, a majority of whose representatives are already participating in it, will now take their due share in its labours. At the same time, it is clear that any Constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their Constitution is to be framed—

(a) in the existing Constituent Assembly; or
(b) in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

When this has been done, it will be possible to determine the authority or authorities to whom power should be transferred.

Bengal and The Punjab

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will therefore each be asked to meet in two parts, one

representing the Muslim majority districts and the other the rest of the Province. For the purpose of determining the population of districts, the 1941 census figures will be taken as authoritative. The Muslim majority districts in these two Provinces are set out in the Appendix to this Announcement.

6. The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decides in favour of partition, division will take place and arrangements will be made accordingly.

7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either Legislative Assembly so demands, there shall be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on behalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority districts (as laid down in the Appendix) and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of final partition of these Provinces a detailed investigation of boundary questions will be needed; and, as soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the Appendix will be used.

Sind

10. The Legislative Assembly of Sind (excluding the European members) will at a special meeting also take its own decision on the alternatives in paragraph 4 above.

North-West Frontier Province

11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this Province are already participating in the existing

Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that, if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

British Baluchistan

12. British Baluchistan has elected a member but he has not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriately be done.

Assam

13. Though Assam is predominately a non-Muslim Province, the district of Sylhet which is contiguous to Bengal is predominately Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet district, under the aegis of the Governor-General and in consultation with the Assam Provincial Government, to decide whether the district of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new Province of Eastern Bengal, if that Province agrees. If the referendum results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim majority areas of Sylhet district and contiguous Muslim majority areas of adjoining districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

Representation in Constituent Assemblies

14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet Mission's Plan of 16th May, 1946. Similar elections will also have to be held for Sylhet in the event of its being decided that this district should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:—

Province	*General*	*Muslims*	*Sikhs*	*Total*
Sylhet District . . .	1	2	Nil	3
West Bengal	15	4	Nil	19
East Bengal	12	29	Nil	41
West Punjab	3	12	2	17
East Punjab	6	4	2	12

15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

Administrative Matters

16. Negotiations will have to be initiated as soon as possible on administrative consequences of any partition that may have been decided upon:—

(a) Between the representatives of the respective successor authorities about all subjects now dealt with by the Central Government, including Defence, Finance and Communications.

(b) Between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power.

(c) In the case of Provinces that may be partitioned as to administration of all provincial subjects such as the division of assets and liabilities, the police and other services, the High Courts, provincial institutions, &c.

The Tribes of the North-West Frontier

17. Agreements with tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.

The States

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May, 1946, remains unchanged.

Necessity for Speed

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently as far as practicable within the conditions of this Plan, the existing Constituent Assembly and the New Constituent Assembly (if formed) will proceed to frame Constitutions for their respective territories: they will of course be free to frame their own rules.

Immediate Transfer of Power

20. The major political parties have repeatedly emphasised their desire that there should be the earliest possible transfer of power in India. With this desire

His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June 1948, for the handing over of power by the setting up of an independent Indian Government or Governments at an even earlier date. Accordingly, as the most expeditious, and indeed the only practicable, way of meeting this desire His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a Dominion status basis to one or two successor authorities according to the decisions taken as a result of this announcement. This will be without prejudice to the right of Indian Constituent Assemblies to decide in due course whether or not the part of India in respect of which they have authority will remain within the British Commonwealth.

Further Announcements by Governor-General

21. His Excellency the Governor-General will from time to time make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.

Appendix

Muslim Majority Districts of Bengal and the Punjab according to the 1941 Census.

1. Bengal

Chittagong Division
- Chittagong
- Noakhali
- Tippera

Dacca Division
- Bakarganj
- Dacca
- Faridpur
- Mymensingh

Presidency Division
- Jessore
- Murshidabad
- Nadia

Rajshahi Division
- Bogra
- Dinajpur
- Malda
- Pabna
- Rajshahi
- Rangpur

2. The Punjab

Lahore Division
- Gujranwala
- Gurdaspur
- Lahore
- Sheikhupura
- Sialkot

Rawalpindi Division
- Attock
- Gujrat
- Jhelum
- Mianwali
- Rawalpindi
- Shahpur

Multan Division
- Dera Ghazi Khan
- Jhang
- Lyallpur
- Montgomery
- Multan
- Muzaffargarh

16

C. R. ATTLEE'S SPEECH ON THE INDIAN INDEPENDENCE BILL,[1] 10 JULY 1947

. . . . . .

I beg to move, 'That the Bill be now read a Second time.'

. . . This Bill brings to an end one chapter in the long connection between Britain and India, but it opens another. British rule which has endured so long is now, at the instance of this country, coming to an end.

There have been many instances in history when States at the point of the sword have been forced to surrender government over another people. It is very rare for a people that have long enjoyed power over another nation to surrender it voluntarily. My mind recalls as the nearest parallel the action of the Liberal Government of Sir Henry Campbell Bannerman, in 1906, when he gave back to the Dutch in South Africa the freedom to manage their own affairs which they had lost in the South African war. That was a great act of faith, an act of faith which bore fruit both in 1914 and 1939. I have often heard that great South African statesman, General Smuts, describing it as marking the end of imperialism. . . .

. . . . . .

We can recall how, 90 years ago, the Government of the East India Company came to an end when Parliament assumed responsibility for Indian affairs. During those long years there has been a change in the spirit of British administration. In the earlier days we were concerned mainly with trade providing opportunities for making fortunes. In the eighteenth century British citizens returning from India had often made fortunes and were known as nabobs. But, as time went on, there was an increasing appreciation of the responsibility which fell to the government of the East India Company, a responsibility for the lives of many millions who sought justice and a quiet life. The British administrator in India became more and more deeply concerned with the well-being of the people of India, the well-being of that great congeries of people divided by race, by caste, language and religion in this sub-continent.

To this change of spirit the House of Commons, in many famous Debates from the time of Burke onwards, made a most notable contribution. Perhaps it is not always realised how early that change took place. It was long before the transfer of sovereignty to the Crown. In the early days of the nineteenth century, great men, such as Sir Thomas Munro in Madras, set the standards which have since been followed by so many who have served India. Looking back today over the years, we may well be proud of the work which our fellow citizens have done in India. There have, of course, been mistakes, there have been failures, but we can assert that our rule in India will stand comparison with that of any other nation

[1] *Parl. Debates*, H.C., vol. 439 (1947), cols. 2441–6.

which has been charged with the ruling of a people so different from themselves.

There has been a great succession of Viceroys who have made their particular contributions and sought to serve India faithfully. I think not least among them would be accounted the present Viceroy. There is a roll of names of eminent Governors of Provinces, high among which is that of the right hon. Gentleman the Member for Scottish Universities (Sir J. Anderson). There has been a multitude of administrators, soldiers, missionaries and others who have served India with great devotion and have loved the Indian people. In every part of India are the graves of those who died in her service. Not least among those who have served India are the men who in the difficult and exacting times of the last four decades, under the stress of two great wars with all their repercussions on Indian life, have worked in the changing conditions that have resulted from the rise of Indian nationalism and the development of self-government.

May I recall here a thing that is not always remembered, that just as India owes her unity and freedom from external aggression to the British, so the Indian National Congress itself was founded and inspired by men of our own race, and further, that any judgment passed on our rule in India by Indians is passed on the basis, not of what obtained in the past in India, but on the principles which we have ourselves instilled into them. I am well aware that many of those who have been closely associated with India are anxious about the future of the millions for whom we are now relinquishing responsibility. I can understand their anxiety. They fear that the work to which they have devoted themselves for so many years may be brought to nought. They are anxious for those who would suffer most from a breakdown of administration—the poorest sections of the community.

We must all be anxious, but I think everybody realises that the service of Britain to India must now take another form. The constitutional change, vital as it is, does not, of course, mean the disappearance of the civilian European community in India. Not a few of those of the British race who have been in the Services in India will, we confidently expect, be willing, at the invitation of the two new Governments, to continue in official service in India and Pakistan. The business community in India has still, I am confident, a role to play in maintaining, between the populations in India and this country, trade and commerce, to the great benefit of both. To all those men and women, who, although domiciled in the United Kingdom, are intending to remain in India after Partition I would say 'You have a great task in front of you, namely, to cement the bonds of friendship between this country, India and Pakistan. You can accomplish at least as much in achieving this end as can the British Government.'

Many years ago, when we began the association of Indians in the responsibility of Government and set ourselves to train them in the methods of democracy, it was obvious that the time would come, sooner or later, when Indians would seek to secure the entire management of their own affairs. This was clear many years ago to some of our wisest administrators, and I quote from a letter of Mountstuart Elphinstone as long ago as 1854:

'The moral is that we must not dream of perpetual possession, but must apply ourselves to bring the natives into a state that will admit of their governing themselves in a manner that may be beneficial to our interests as well as their own, and that of the rest of the world; and to take the glory of the achievement and the sense of having done our duty for the chief reward of our exertions.'

It has been the settled policy of all parties in this country for many years that Indians, in course of time, should manage their own affairs. The question has always been how and when? It would, I think, be unprofitable today to go back into the past and to question whether, if some particular action had been taken by a British Government earlier, or if a different line of conduct had been taken by the Indian political leaders on certain occasions, a more satisfactory solution might have been found than that which I am commending to the House today.

There are hon. Members of this House, such as the noble Lord the Member for Horsham (Earl Winterton) and the hon. Member for Aylesbury (Sir S. Reed), whose connection with the Indian problem goes back far beyond mine. Some 20 years ago, I was first brought into contact with it by being placed on the Simon Commission, and I think they would agree with me that the major difficulty that has faced all of us in considering the best way of achieving Indian self-government has been the absence of mutual trust and toleration between the communities. It has sometimes been said by our enemies that this was a difficulty created by ourselves in order to perpetuate our own rule. Nothing could be more untrue. This same difficulty, which faced Mr. Edwin Montagu and the Simon Commission, faced the President of the Board of Trade in his Mission and my three Cabinet colleagues in theirs, and it was still the outstanding difficulty of the present Viceroy when he took office. Everyone who has touched the Indian problem has been brought up against this stumbling-block. They have all wanted to maintain the unity of India, to give India complete self-government and to preserve the rights of minorities. Every one of them has hoped that a solution might be found without resorting to partition. I know that many Indians of all communities passionately desire this, but it has not been found to be practicable.

We and the Indian statesmen have had to accept the only alternative—partition. For myself, I earnestly hope that this severance may not endure, and that the two new Dominions which we now propose to set up may, in course of time, come together again to form one great member State of the British Commonwealth of Nations. But this is entirely a matter for the Indians themselves. The demand for self-government has been insistently pressed for many years by the leaders of political thought in India, and has been stimulated by the external situation, and particularly by those great waves of nationalist feeling that accompanied both the great wars. This demand is not peculiar to India, but has spread throughout Asia. It is the natural result of contact by dwellers in other continents with European political thought. The chief question has been as to how this desire could be gratified. Delay in granting it has always led to more and more extreme demands.

There has been a tendency to consider that nothing short of complete and absolute severance would satisfy this urge. There is a desire by some to cut every tie which connects them with their former rulers. On the other hand, in the age in which we live, there are very strong reasons which militate against the complete isolation which some demand. Many countries that long enjoyed their freedom and independence have lost it either permanently or temporarily, and some form of association with others for security and greater prosperity is the desire of many peoples. The League of Nations and the United Nations organisation express this desire, but the one great practical example of how complete freedom and independence can be combined with inclusion in a greater whole is the British Commonwealth of Nations.

The British Commonwealth of Nations is so unique that its nature is still not fully comprehended, and even many of our American friends do not understand that the Dominions are as free as Great Britain. They do not appreciate that membership of the British Commonwealth, in the words of the Prime Minister of New Zealand is, 'independence with something added, not independence with something taken away.' In this Bill, we set up two independent Dominions, free and equal, of no less status than the United Kingdom or the Dominion of Canada, completely free in all respects from any control by this country, but united by a common allegiance to the Sovereign and by a community of ideas, receiving from their membership of the Commonwealth great advantages, but in no way suffering any restriction. The Title of this Bill expresses this fact that the independence which has been the goal for so long of many Indians can be, and I believe will be realised within the British Commonwealth of Nations. It is my hope that these two new Dominions may continue in this great association, giving and receiving benefits.

I saw with great regret in one paper, and I think in one paper only, that the action which we are now taking was described as abdication. It is not the abdication, but the fulfilment of Britain's mission in India. It is the culminating point in a long course of events. The Morley–Minto proposals, the Montagu–Chelmsford proposals, the Simon Commission Report, the Round Table Conferences, the Act of 1935, the Declaration at the time of the Cripps Mission, the visit of my right hon. Friends to India last year, are all steps in the road that led up eventually to the proposals that I announced to the House on 3rd June last. This Bill is designed to implement those proposals, which met, I think, with general acceptance in this House and in the country.

. . . . . .

17

LORD LISTOWEL'S SPEECH ON THE INDEPENDENCE BILL,[1] 16 JULY 1947

. . . My Lords, that a vast population of non-European origin is about to achieve the independent status of the old Dominions, shows that the Commonwealth,

[1] *Parl. Debates*, H.L., vol. 150 (1947), cols. 817–8.

with its flexible and dynamic structure which responds so readily to the pressure of events, can still succeed in combining the contrary ideals of freedom and unity in internation relations. This achievement is all the more remarkable in the case of peoples who differ from ourselves in race, in language, and in history, and may be the opening of a new chapter in the growth of freedom under British rule. For what we are now doing is to carry a step further the progressive enlargement of the Commonwealth within the Empire and the steady replacement of the responsibility of trusteeship by the no less weighty responsibility of partnership. Our new partnership with India will start under the most promising auspices. The difficulties and misunderstandings that have clouded our relations with India in the past will have disappeared, and there will be a greater fund of good will between us than ever before in the history of our long relationship. It will also be strengthened by a multitude of common interests, and by the personal friendships that will continue, or be made afresh.

It will surely transform the Commonwealth into an even more impressive and useful example of international co-operation, than it has been hitherto, as a group of countries sprung from Europe and with their roots in the West. For our association of nations will now comprise a union between the ancient culture and civilization of Asia, and the scientific and practical genius of peoples of European origin and descent. The friendly collaboration that this will entail will bring lasting benefit to future relations between the most densely populated of the five continents, where powerful forces of change are vigorously at work, and those parts of the world in which industrial and military power are mainly concentrated. I need not enlarge upon the potentialities of this new association between East and West, as a stabilizing influence, and as a means of maintaining the delicate and often precarious equilibrium that is indispensable for peaceful progress.

. . . . . .

18

THE INDIAN INDEPENDENCE ACT,[1] 18 JULY 1947

Be it enacted . . . as follows:—

I.—(1) As from the fifteenth day of August, nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

(2) The said Dominions are hereafter in this Act referred to as 'the new Dominions', and the said fifteenth day of August is hereafter in this Act referred to as 'the appointed day'.

II.—(1) Subject to the provisions of subsections (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India

[1] 10 & 11 Geo. VI, ch. 30.

except the territories which, under subsection (2) of this section, are to be the territories of Pakistan.

(2) Subject to the provisions of subsections (3) and (4) of this section, the territories of Pakistan shall be—

(a) the territories which, on the appointed day, are included in the Provinces of East Bengal and West Punjab, as constituted under the two following sections;

(b) the territories which, at the date of the passing of this Act, are included in the Province of Sind and the Chief Commissioner's Province of British Baluchistan; and

(c) if, whether before or after the passing of this Act but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the North West Frontier Province are in favour of representatives of that Province taking part in the Constituent Assembly of Pakistan, the territories which, at the date of the passing of this Act, are included in that Province.

(3) Nothing in this section shall prevent any area being at any time included in or excluded from either of the new Dominions, so, however, that—

(a) no area not forming part of the territories specified in subsection (1) or, as the case may be, subsection (2), of this section shall be included in either Dominion without the consent of that Dominion; and

(b) no area which forms part of the territories specified in the said subsection (1) or, as the case may be, the said subsection (2), or which has after the appointed day been included in either Dominion, shall be excluded from that Dominion without the consent of that Dominion.

(4) Without prejudice to the generosity of the provisions of subsection (3) of this section, nothing in this section shall be construed as preventing the accession of Indian States to either of the new Dominions.

III.—(1) As from the appointed day—

(a) the Province of Bengal, as constituted under the Government of India Act, 1935, shall cease to exist; and

(b) there shall be constituted in lieu thereof two new Provinces, to be known respectively as East Bengal and West Bengal.

(2) If, whether before or after the passing of this Act, but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the District of Sylhet are in favour of that District forming part of the new Province of East Bengal, then, as from that day, a part of the Province of Assam shall, in accordance with the provisions of subsection (3) of this section, form part of the new Province of East Bengal.

(3) The boundaries of the new Provinces aforesaid and, in the event mentioned n subsection (2) of this section, the boundaries after the appointed day of the Province of Assam, shall be such as may be determined, whether before or after he appointed day, by the award of a boundary commission appointed or to be ppointed by the Governor-General in that behalf, but until the boundaries are o determined—

(a) the Bengal Districts specified in the First Schedule to this Act, together with, in the event mentioned in subsection (2) of this section, the Assam District of Sylhet, shall be treated as the territories which are to be comprised in the new Province of East Bengal;
(b) the remainder of the territories comprised at the date of the passing of this Act in the Province of Bengal shall be treated as the territories which are to be comprised in the new Province of West Bengal; and
(c) in the event mentioned in subsection (2) of this section, the District of Sylhet shall be excluded from the Province of Assam.

(4) In this section, the expression 'award' means, in relation to a boundary commission, the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

IV.—(1) As from the appointed day—

(a) The Province of the Punjab, as constituted under the Government of India Act, 1935, shall cease to exist; and (b) there shall be constituted two new Provinces, to be known respectively as West Punjab and East Punjab.

(2) The boundaries of the said new Provinces shall be such as may be determined, whether before or after the appointed day, by the award of a boundary commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—

(a) the Districts specified in the Second Schedule to this Act shall be treated as the territories to be comprised in the new Province of West Punjab; and
(b) the remainder of the territories comprised at the date of the passing of this Act in the Province of the Punjab shall be treated as the territories which are to be comprised in the new Province of East Punjab.

(3) In this section, the expression 'award', means, in relation to a boundary commission the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

5. For each of the new Dominions, there shall be a Governor-General who shall be appointed by His Majesty and shall represent His Majesty for the purpose of the government of the Dominion:

Provided that, unless and until provision to the contrary is made by a law of

the Legislature of either of the new Dominions, the same person may be Governor-General of both the new Dominions.

VI.—(1) The Legislature of each of the new Dominions shall have full power to make laws for that Dominion, including laws having extra-territorial operation.

(2) No law and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of this or any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion.

(3) The Governor-General of each of the new Dominions shall have full power to assent in His Majesty's name to any law of the Legislature of that Dominion and so much of any Act as relates to the disallowance of laws by His Majesty or the reservation of laws for the signification of His Majesty's pleasure thereon or the suspension of the operation of laws until the signification of His Majesty's pleasure thereon shall not apply to laws of the Legislature of either of the new Dominions.

(4) No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion unless it is extended thereto by a law of the Legislature of the Dominion.

(5) No Order in Council made on or after the appointed day under any Act passed before the appointed day, and no order, rule or other instrument made on or after the appointed day under any such Act by any United Kingdom Minister or other authority, shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion.

VIII.—(1) In the case of each of the new Dominions, the powers of the Legislature of the Dominion shall, for the purpose of making provision as to the constitution of the Dominion, be exercisable in the first instance by the Constituent Assembly of that Dominion, and references in this Act to the Legislature of the Dominion shall be construed accordingly.

(2) Except in so far as other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion under subsection (1) of this section, each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935; and the provisions of that Act, and of the Orders in Council, rules and other instruments made thereunder, shall, so far as applicable, and subject to any express provisions of this Act, and with such omissions, additions, adaptations and modifications as may be specified in orders of the Governor-General.

XI.—(1) The orders to be made by the Governor-General under the preceding provisions of this Act shall make provision for the division of the Indian armed forces of His Majesty between the new Dominions, and for the command and governance of those forces until the division is completed.

(2) As from the appointed day, while any member of His Majesty's forces, other han His Majesty's Indian forces, is attached to or serving with any of His Majesty's ndian forces—

(a) he shall, subject to any provision to the contrary made by a law of the Legislature of the Dominion or Dominions concerned or by any order of the Governor-General under the preceding provisions of this Act, have, in relation to the Indian forces in question, the powers of command and punishment appropriate to his rank and functions; but

(b) nothing in any enactment in force at the date of the passing of this Act shall render him subject in any way to the law governing the Indian forces in question.

XVIII.—(3) Save as otherwise expressly provided in this Act, the law of British India and of the several parts thereof existing immediately before the appointed day shall, so far as applicable and with the necessary adaptations, continue as the law of each of the new Dominions and the several parts thereof until other provision is made by laws of the Legislature of the Dominions in question or by any other Legislature or other authority having power in that behalf.

XX. This Act may be cited as the Indian Independence Act, 1947.

SCHEDULES

FIRST SCHEDULE

BENGAL DISTRICTS PROVISIONALLY INCLUDED IN THE NEW PROVINCE OF EAST BENGAL

In the Chittagong Division, the districts of Chittagong, Noakhali and Tippera.
In the Dacca Division, the districts of Bakarganj, Dacca, Faridpur and Mymensingh.
In the Presidency Division, the districts of Jessore, Murshidabad and Nadia.
In the Rajshahi Division, the districts of Bogra, Dinajpur, Malda, Pabna, Rajshahi and Rangpur.

SECOND SCHEDULE

DISTRICTS PROVISIONALLY INCLUDED IN THE NEW PROVINCE OF WEST PUNJAB

In the Lahore Division, the districts of Gujranwala, Gurdaspur, Lahore, Sheikhupara and Sialkot.
In the Rawalpindi Division, the districts of Attock, Gujrat, Jhelum, Mianwali, Rawalpindi and Shahpur.
In the Multan Division, the districts of Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan and Muzaffargarh.

III

PROBLEMS AND POLICIES OF THE INDO-BRITISH EMPIRE 1858–1947

A. THE INDIAN STATES, 1858–1947

INTRODUCTORY NOTE

THE Queen's Proclamation, followed by the grant of *sanads* and treaties, which established and consolidated the position of the Princes and Chiefs under the Crown, fully rewarded them for their support during the Mutiny. But whereas the Company had usually made this kind of treaty on an equal footing, the Crown specifically claimed, as sovereign authority, the allegiance of the Princes. It was accepted by the British Government that while protecting the Princes against removal or rebellion it was incumbent on the sovereign authority to provide for the supervision and improvement of the Indian States. The Instrument of Rendition granted to the newly elevated ruler of Mysore in 1881 gave full expression to this policy, but the British performance in applying it to the Indian States fell far short of the declared intention.

On their side the Princes, refusing to accept their loss of sovereignty, made frequent attempts to assert it. Their position was in fact anomalous. They were treated rather like 'a set of schoolboys', and the behaviour of some of them at times was hardly better. By comparison, a few of the Indian States, like Mysore, Travancore, and Baroda, set standards for the whole of India in educational and economic development. With the growth of political agitation in British India and the grant of provincial autonomy the situation of the Princes grew more delicate. Federation appeared to offer a solution for their more obvious political difficulties, but in the years immediately following the Act of 1935 both the Princes and the Central Government were slow to move, with the consequence that the Federation had not been established by the outbreak of war in 1939.

In the period of the war and in the final rush towards independence and partition both the Central Government and the Princes were overtaken by events. The British finally cut the Gordian knot by declaring that its paramountcy over the Princes had lapsed and that they should seek association with or independence of India and Pakistan. Pressure on the Princes by the new Viceroy, Lord Mountbatten, and a dynamic act of statesmanship and policy on the part of India and Pakistan did much to remove the difficulties created by the earlier omissions and indecision in policy.

1

ADOPTION SANAD GRANTED TO HIS HIGHNESS THE MAHARAJAH GUIKWAR OF BARODA, 1862[1]

HER MAJESTY being desirous that the Governments of the several Princes and Chiefs of India who now govern their own territories, should be perpetuated, and that the representation and dignity of their Houses should be continued, I hereby, convey to you the assurance that, on failure of natural heirs, the adoption by yourself and future rulers of your State of a successor according to Hindoo law and to the customs of your race will be registered and confirmed.

Be assured that nothing shall disturb the engagement thus made to you so long as your House is loyal to the Crown and faithful to the conditions of the Treaties, Grants, or Engagements which record its obligations to the British Government.

2

SIR STAFFORD NORTHCOTE TO LORD LAWRENCE,[2] 1 NOVEMBER 1867

. . . . .

As to the mode of dealing with native rulers, I think it peculiarly important that we should come to a clear understanding on the subject now; because we are proclaiming our desire to uphold native dynasties, and to refrain from annexation, while at the same time we desire to secure good government in the States we so maintain. The strongest argument that was urged against the Secretary of State's decision in the case of Mysore was, that by restoring the country to native rule we were sacrificing the interests of the native population. I think it important to show that we do not renounce the functions of a Paramount Power, capable of exercising and determined to exercise its authority for the repression of arbitrary violence and the punishment of criminal acts of despotism. I think we ought to justify our presence in India by an exhibition of our power alike and of our determination to interfere when a sovereign goes beyond bounds either towards his neighbours or towards his subjects. But we must take care not to push this doctrine to the extent of making ourselves a court of appeal upon every petty occasion. We should avoid lowering a native Sovereign in the eyes of his subjects, either by marking him ostentatiously as a sovereign under our authority or by lecturing him as if he were a minor of whom we are the guardians. I think the power of England should be kept as much in the background as possible; that we should let it be felt that if occasion really required it the power would be exercised, and exercised with tremendous effect; that it should be like Milton's 'two-handed engine at the door' ready to strike once and strike no more; but that it should not be paraded. Oc-

[1] C. U. Aitchison, *Treaties, Engagements and Sanads relating to India* (1929–33), vol. 3, pp. 95–6.

[2] Lawrence Papers, India Office Library, Letters from the Secretary of State (1867), No. 47. Private letter. Lawrence was Viceroy from 12 January 1864 to 12 January 1869.

casional severe examples, and strictly private friendly warnings, seem to me the method of dealing with Princes whom you desire at once to support and to control. In such cases of atrocity as this at Tonk, I would interprose swiftly and vigorously, and depose the offender without mercy.

3

LORD LAWRENCE TO SIR STAFFORD NORTHCOTE,[1] 3 DECEMBER 1867

. . . I think that we should avoid anything like a petty or a vexatious interference with the actions and the administration of Native Chiefs. We should when they appear to be acting unwisely prefer private to public notice of their mistakes. But I doubt much if it were wise to leave them generally alone when the almost certain result of their conduct will lead to the serious maladministration of their territories. A few words of advice, a timely remonstrance may do much good, and prevent much mischief. In every case, the Govt. of India and its officers must be guided a good deal by the personal character of a chief, and by the general nature of our past relations with him and his predecessors. What we should try, as far as possible, is to guide and influence and lead him when necessary, and not to drive him. . . .

4

LORD LYTTON AND THE INDIAN STATES,[2] 25 JULY 1877

8. In the first place, the relative positions in which the Imperial Government and the Feudatory States have been placed by the proclamation of the Imperial title, and the measures connected therewith, are not precisely the same as those previously occupied by the parties concerned. The object contemplated by me in organising with so much elaboration the great Assemblage recently held at Delhi was not merely scenic display or theatrical pomp. In proclaiming, with special ceremony, the recognition and assertion of the British Empire in India, I also desired to prepare the way for its more complete consolidation. It seemed to me that, by all means not involving any infraction of the recognised rights of Native Princes, the subordinate position of their States should be more distinctly defined than heretofore, and that the resources of those States should, if possible, be gradually brought into closer and more systematic co-operation with the Supreme Government of the Empire to which they belong.

. . . . . .

[1] Lawrence Papers, India Office Library, Letters to the Secretary of State (1867), No. 67. Private letter.

[2] Lytton Papers, India Office Library. Minutes and Notes, 1876–7, p. 668. Official despatch.

5

INSTRUMENT OF TRANSFER, 1881[1]

. . . . .

1. The Maharaja Chamrajendra Wadiar Bahadur shall, on the twentyfifth day of March 1881, be placed in possession of the territories of Mysore, and installed in the administration thereof.

2. The said Maharaja Chamrajendra Wadiar Bahadur and those who succeed him in manner hereinafter provided shall be entitled to hold possession of, and administer, the said territories as long as he and they fulfil the conditions hereafter prescribed.

3. The succession to the administration of the said territories shall devolve upon the lineal descendants of the said Maharaja Chamrajendra Wadiar Bahadur, whether by blood or adoption, according to the rules and usages of his family, except in case of disqualification through manifest unfitness to rule:

Provided that no succession shall be valid until it has been recognized by the Governor-General in Council.

In the event of a failure of lineal descendants, by blood and adoption, of the said Maharaja Chamrajendra Wadiar Bahadur, it shall be within the discretion of the Governor-General in Council to select as a successor any member of any collateral branch of the family whom he thinks fit.

4. The Maharaja Chamrajendra Wadiar Bahadur and his successors (hereinafter called the Maharaja of Mysore) shall at all times remain faithful in allegiance and subordination to Her Majesty the Queen of Great Britain and Ireland and Empress of India, Her Heirs and Successors, and perform all the duties which in virtue of such allegiance and subordination may be demanded of them.

5. The British Government having undertaken to defend and protect the said territories against all external enemies, and to relieve the Maharaja of Mysore of the obligation to keep troops ready to serve with the British army when required, there shall, in consideration of such undertaking, be paid from the revenues of the said territories to the British Government an annual sum of Government Rupees thirty-five lakhs in two half-yearly instalments, commencing from the said twenty-fifth day of March 1881.

7. The Maharaja of Mysore shall not, without the previous sanction of the Governor-General in Council, build any new fortresses or strongholds, or repair the defences of any existing fortresses or strongholds in the said territories.

8. The Maharaja of Mysore shall not, without the permission of the Governor-General in Council, import, or permit to be imported, into the said territories, arms, ammunition or military stores, and shall prohibit the manufacture of arms, ammunition and military stores throughout the said territories, or at any specified place therein, whenever required by the Governor-General in Council to do so.

[1] C. U. Aitchison, *Treaties, Engagements and Sanads relating to India* (1929–33), vol. 8, pp. 479–82.

9. The Maharaja of Mysore shall not object to the maintenance or establishment of British cantonments in the said territories whenever and wherever the Governor-General in Council may consider such cantonments necessary. He shall grant free of all charge such land as may be required for such cantonments, and shall renounce all jurisdiction within the lands so granted. He shall carry out in the lands adjoining British cantonments in the said territories such sanitary measures as the Governor-General in Council may declare to be necessary. He shall give every facility for the provision of supplies and articles required for the troops in such cantonments, and on goods imported or purchased for that purpose no duties or taxes of any kind shall be levied without the assent of the British Government.

10. The military force employed in the Mysore State for the maintenance of internal order and the Maharaja's personal dignity, and for any other purposes approved by the Governor-General in Council, shall not exceed the strength which the Governor-General in Council may, from time to time, fix. The directions of the Governor-General in Council in respect to the enlistment, organisation, equipment and drill of troops shall at all times be complied with.

11. The Maharaja of Mysore shall abstain from interference in the affairs of any other State or Power, and shall have no communication or correspondence with any other State or Power, or the Agents or Officers of any other State or Power, except with the previous sanction and through the medium of the Governor-General in Council.

12. The Maharaja of Mysore shall not employ in his service any person not a native of India without the previous sanction of the Governor-General in Council, and shall, on being so required by the Governor-General in Council, dismiss from his service any person so employed.

13. The coins of the Government of India shall be a legal tender in the said territories in the cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India; and all laws and rules for the time being applicable to coins current in British India shall apply to coins current in the said territories. The separate coinage of the Mysore State, which has long been discontinued, shall not be revived.

14. The Maharaja of Mysore shall grant free of all charge such land as may be required for the construction and working of lines of telegraph in the said territories wherever the Governor-General in Council may require such land, and shall do his utmost to facilitate the construction and working of such lines. All lines of telegraph in the said territories, whether constructed and maintained at the expense of the British Government, or out of the revenues of the said territories, shall form part of the British telegraph system and shall, even in cases to be specially excepted, by agreement between the British Government and the Maharaja of Mysore, be worked by the British Telegraph Department; and all laws and rules for the time being in force in British India in respect to telegraphs shall apply to such lines of telegraph when so worked.

15. If the British Government at any time desires to construct or work, by itself or otherwise, a railway in the said territories, the Maharaja of Mysore shall grant free of all charge such lands as may be required for that purpose, and shall transfer to the Governor-General in Council plenary jurisdiction within such land; and no duty or tax whatever shall be levied on through traffic carried by such railways which may not break bulk in the said territories.

16. The Maharaja of Mysore shall cause to be arrested and surrendered to the proper officers of the British Government any person within the said territories accused of having committed an offence in British India, for whose arrest and surrender a demand may be made by the British Resident in Mysore, or some other officer authorised by him in this behalf; and he shall afford every assistance for the trial of such persons by causing the attendance of witnesses required, and by such other means as may be necessary.

17. Plenary criminal jurisdiction over European British subjects in the said territories shall continue to be vested in the Governor-General in Council, and the Maharaja of Mysore shall exercise only such jurisdiction in respect to European British subjects as may from time to time be delegated to him by the Governor-General in Council.

18. The Maharaja of Mysore shall comply with the wishes of the Governor-General in Council in the matter of prohibiting or limiting the manufacture of salt and opium, and the cultivation of poppy, in Mysore; also in the matter of giving effect to all such regulations as may be considered proper in respect to the export and import of salt, opium and poppy-heads.

20. No material change in the system of administration, as established when the Maharaja Chamrajendra Wadiar Bahadur is placed in possession of the territories, shall be made without the consent of the Governor-General in Council.

22. The Maharaja of Mysore shall at all times conform to such advice as the Governor-General in Council may offer him with a view to the management of his finances, the settlement and collection of his revenues, the imposition of taxes, the administration of justice, the extension of commerce, the encouragement of trade, agriculture and industry, and any other objects connected with the advancement of His Highness's interests, the happiness of his subjects, and his relations to the British Government.

23. In the event of the breach or non-observance by the Maharaja of Mysore of any of the foregoing conditions, the Governor-General in Council may resume possession of the said territories and assume the direct administration thereof, or make such other arrangements as he may think necessary to provide adequately for the good government of the people of Mysore, or for the security of British rights and interests within the province.

24. This document shall supersede all other documents by which the position of the British Government with reference to the said territories has been formally recorded. And if any question arise as to whether any of the above conditions has been faithfully performed, or as to whether any person is entitled to succeed, or is

it to succeed, to the administration of the said territories, the decision thereon of he Governor-General in Council shall be final.

6

ADOPTION SANAD GRANTED TO HIS HIGHNESS THE NIZAM OF HYDERABAD,[1] 1882

Her Majesty being desirous that the Governments of the several Princes and Chiefs of India who now govern their own territories should be perpetuated, and hat the representation and dignity of their Houses should be continued; I hereby, n fulfilment of this desire, convey to you the assurance that on failure of natural ieirs any succession to the Government of your State, which may be legitimate according to Mahomedan law, will be upheld.

Be assured that nothing shall disturb the engagement thus made to you so long as your House is loyal to the Crown and faithful to the conditions of the Treaties, grants or engagements which record its obligations to the British Government.

7

PRINCIPLES AFFECTING ADOPTIONS OR SELECTIONS IN INDIAN STATES,[2] 1886

34. It is well, at the outset, to distinguish between the rights of Native sovereigns resting on distinct pledges, and the concessions granted to them as an act of policy. The rights of Native States rest upon their Treaties and Sanads. The Sanads of Lord Canning, for instance, bind the British Government to recognise as heir to the State the particular individual adopted by the Chief himself during his life-time. In the event of a Chief dying without natural heirs, and without exercising the powers of adoption conferred on him personally by Sanad, the doctrine of lapse might legally operate. But here the declared policy of the Queen's Proclamation protects the integrity of the Native State, although the rights of the reigning dynasty are no longer secured by formal pledge. The perpetuation of Native rule is wider than the perpetuation of the houses of Native rulers, and it is based on grounds of general policy, not on an exclusive regard for individual claims. It is a policy and not a pledge. It is of course capable of exceptions under the pressure of adequate exigency, and it can be administered subject to conditions. There is a wide and fundamental difference between escheat or confiscation, and the attachment of conditions to the restoration of Native rule in a State circumstanced like Mysore, or Savant-vadi, or Baroda after the deposition of the late Gaikwar. It will be observed that in adoptions or successions guaranteed by Sanad

[1] Aitchison, *Treaties, Engagements and Sanads relating to India* (1929–33), vol. 9, pp. 107–8.

[2] An elementary treatise on some principles applied to the conduct of political relations with the Native States. For confidential use, compiled by W. Lee Warner. Lee Warner Papers, 1886. India Office Library. Sir William Lee Warner was a member of the I.C.S., 1869–95, serving mainly with Indian States.

the minimum of interference is exercised, and what interference there is must be justified by the Sanad. But in selections a wider play is allowed to the British Government. The distinction between adoption and selection is one of great importance. Government is bound by Lord Canning's Sanads to recognize and confirm an adoption made by a Chief in accordance with Hindu law and the customs of the house. Where there is no valid adoption, Government may fall back on selection. Where the adoption is not valid, Government may, if they please, and in fact often do, recognise an invalid adoption, or else they may exercise their own selection.

35. Before examining in detail the principles affecting adoptions or selections, two general principles must be enunciated. The first in importance is that the sanction of the British Government is necessary before a succession is proclaimed in a Native State.

The second principle is, that every endeavour should be made to induce a Chief to settle the succession in his life-time by making an adoption, or choosing a successor in accordance with his Sanads.

39. The difference between the terms of the adoption Sanads given to Hindus and the succession Sanads conferred on Mahomedan Chiefs has been briefly noticed in the 26th section. It is obvious that difficult questions may arise under the latter which could not occur under the former. At what stage in the family history is adoption possible to a Hindu? and what are its effects? are questions on which there is no room for doubt. But it is very different when the words 'any succession' are used. The Navab of Palanpur holds a Sanad conveying to him the assurance 'that, on failure of natural heirs, any succession to the Government of your State which may be legitimate according to Mahomedan law, will be upheld'. Does this mean that the discretionary power of selection will not accrue so long as any natural heirs, that is any persons, who have inherited rights according to Mahomedan law, exist? Does the protective caveat 'natural heirs'—comprise collaterals? or as in the cases of the Bhopal and Delhi successions, may a Mahomedan ruler select from amongst even his sons the one he chooses to succeed? It does not appear that this question has ever received an authoritative answer, but a distinguished authority has drawn the following inference on the subject from some correspondence which took place in 1864. 'The Government of India does not recognise the right of a Musalman Chief who is without lineal heirs to pass over a natural collateral heir in favour of a selected successor without inherited rights, nor to pass over the person next in succession in favour of a more remote collateral. And the Government of India does not consider that the ordinary rules of civil inheritance are necessarily applicable in cases of quasi-regal succession in Native States.' The authority I have quoted is entitled to every weight, but, as far as I can form a judgment, the precise ruling of the Secretary of State on the correspondence went no further than this principle, that the Government of India were not bound to uphold the succession of the nearest collateral in a Musalman State in defiance of the wishes of the ruling family, the nobles and the people.

8

THE GOVERNMENT OF INDIA'S RESOLUTION ON MANIPUR,[1] 21 AUGUST 1891

. . . The degree of subordination in which the Manipur State stood towards the ndian Empire has been more than once explained in connection with these cases; ınd it must be taken to be proved conclusively that Manipur was a subordinate and ɔrotected state which owed submission to the Paramount Power, and that its forc- ble resistance to a lawful order, whether it be called waging war, treason, rebellion, ɔr by any other name, is an offence the commission of which justifies the exaction ɔf adequate penalties from individuals concerned in such resistance, as well as from the state as a whole. The principles of international law have no bearing upon the relations between the Government of India as representing the Queen-Empress on the one hand, and the Native States under the suzerainty of Her Majesty on the other. The paramount supremacy of the former presupposes and implies the subordination of the latter. In the exercise of their high prerogative, the Government of India have, in Manipur as in other protected states, the unquestioned right to remove by administrative order any person whose presence in the state may seem objectionable. They also had the right to summon a darbar through their political representative for the purpose of declaring their decision upon matters connected with the expulsion of the ex-Maharaja, and if their order for the deportation of the Senapati were not obeyed, it was this officer's duty to take proper steps for his forcible apprehension. In the opinion of the Governor-General in Council any armed and violent resistance to such arrest was an act of rebellion, and can no more be justified by a plea of self-defence than could resistance to a police officer armed with a magistrate's warrant in British India. The Governor-General in Council holds, therefore, that the accused persons were liable to be tried for waging war against the Queen.

9

LORD CURZON'S SPEECH AT THE STATE BANQUET AT GWALIOR,[2] 29 NOVEMBER 1899

. . . . . .

But I also do not hesitate to say, wherever I go, that a return is owing for these advantages, and that security cannot be repaid by licence, or the guarantee of rights by the unchartered exercise of wrong. The native Chief has become, by our policy, an integral factor in the Imperial organisation of India. He is concerned not less than the Viceroy or the Lieutenant-Governor in the administration of the

[1] *Report of the Indian States Committee, 1928–9*, Cmd. 3302, pp. 17–18.

[2] *Lord Curzon in India: A Selection from His Speeches, 1898–1905*, ed. W. Raleigh, pp. 217–18.

country. I claim him as my colleague and partner. He cannot remain *vis à vis* of the Empire a loyal subject of Her Majesty the Queen—Empress, and *vis à vis* of his own people a frivolous or irresponsible despot. He must justify and not abuse the authority committed to him; he must be the servant as well as the master of his people. He must learn that his revenues are not secured to him for his own selfish gratification, but for the good of his subjects; that his internal administration is only exempt from correction in proportion as it is honest; and that his *gadi* is not intended to be a divan of indulgence, but the stern seat of duty. His figure should not merely be known on the polo-ground, or on the racecourse, or in the European hotel. These may be his relaxations, and I do not say that they are not legitimate relaxations; but his real work, his princely duty, lies among his own people. By this standard shall I, at any rate, judge him. By this test will he in the long run, as a political institution, perish or survive.

. . . . . .

10

CIRCULAR LETTER FROM W. J. CUNINGHAM TO LOCAL GOVERNMENTS,[1] 24 AUGUST 1900

4. . . . I am, therefore, instructed to inform you that, upon all future occasions from the present date, the application of any Native Prince or Chief to leave India, for purposes of travel abroad—whatever be the objects or motives of such travel—should be transmitted at a reasonable distance of time in advance to the Government of India, with a detailed account of the circumstances in which and the object for which the request is made, and of the reasons which induce the Local Government either to recommend or to dissuade compliance therewith. Sanction should not in any case be given in advance, either conditionally or absolutely, by the Local Government. The Government of India must be left with an unfettered discretion to comply or to refuse, according as the circumstances may, in their judgment, require.

6. The Government of India hold very strongly to the opinion that the first and paramount duty of a Native Prince or Chief lies towards his own State and people. By the protection and authority of the Supreme Government, he is guaranteed a security of tenure in his exalted station superior to that enjoyed by rulers in any other country in the world, and one which is only sacrificed or impaired by gross misconduct on his part or by some other offence of exceptional gravity. In return for these advantages the Government are entitled to claim that the ruler shall devote his best energies not to the pursuit of pleasure, nor to the cultivation of absentee interests or amusements, but to the welfare of his own subjects and administration. Such a standard of duty is incompatible with frequent absences from the State, even though these may be represented as inspired by the pursuit of know-

[1] *Supplement, Gazette of India*, 25 August 1900, pp. 1954–6. Cuningham was Secretary to the Government of India in the Foreign Department, 1894–1901.

edge or by a thirst for civilisation. In proportion as a Chief becomes infected with hese tastes and inclinations, so in many cases is he apt to be drawn further away rom, instead of nearer to, his people. . . .

8. The Government of India desire, therefore, to lay down the initial proposiion that repeated absences from India of Native Chiefs should be regarded as a lereliction, and not as a discharge, of public duty. Secondly, the visits of such Princes and Chiefs to Europe should only meet with encouragement in cases where he Local Government is convinced that benefit will result from the trip, both to he Chief and to his people. In other words, the criterion of compliance should not be private convenience, but personal and public advantage. Thirdly, in cases where such permission is recommended by Local Governments and is granted by the Government of India, it should be understood that, so far from constituting a ground for the early renewal of the request, it is a reason against it; and that a suitable interval of time should elapse between the return from travel and the submission of a fresh application for leave. Lastly, it should be the business of Local Governments, as it is of the Government of India in the case of the Princes and Chiefs under their direct charge, carefully to watch the effects of foreign travel upon character and habits, so as to be able to base their future recommendations not only upon general principles, but upon a careful study of the individual case.

11

LORD CURZON TO LORD HAMILTON,[1] 29 AUGUST 1900

With reference to what you say about the Native Princes, I do not at all deprecate the remark that to a large extent we act as their schoolmasters. It is not only true, but it is inevitable. For what are they, for the most part, but a set of unruly and ignorant and rather undisciplined school-boys? What they want more than anything else is to be schooled by a firm, but not unkindly, hand; to be passed through just the sort of discipline that a boy goes through at a public school in England, but which they have never had out here; and to be weaned, even by a grandmotherly interference, from the frivolity and dissipations of their normal life. I cannot conceive a more fatal policy than to leave them alone to go their own way, so that they may be an object-lesson to their people. Why do their people want an object-lesson at all? What good will it do to them? Already they are beginning to protest against the extravagance and tyranny of many of these rulers, and it is to us that they turn and ask for security and protection. I am always looking ahead in India. There is not a day of my life in which I do not say to myself, 'What is going to happen in this country 20 years, or 50 years hence?' And I say with the profoundest conviction that any Viceroy, or any Government, that adopted the attitude of letting all these Princes and Chiefs run to their own ruin, would be heaping up immeasurable disaster in the future. We have embarked since the Mutiny upon the policy of sustaining the Native States and Princes. We

[1] Hamilton Papers, India Office Library, vol. 17, No. 38. Private letter.

do so, not so much in the interests of the Princes themselves, who are often quite undeserving of the compliment, as in the interests of the people, who are supposed to like the old traditions and dynasties and rule. But supposing we allow the confidence of the people in their rulers to be sapped; supposing we allow Native India to be governed by a horde of frivolous absentees who have lost the respect and affection of their own subjects,—what justification shall we have in such a case for maintaining the Native States at all? No, in my judgment, so long as Lord Canning's policy is adhered to; so long as we regard the Native States and their Chiefs as an integral factor in our system; so long as we guarantee to them a security enjoyed by no other potentates in the world; so long are we bound to train and discipline, and control them, and so to fit them for the unique position which we have placed within their grasp. Believe me that the matter is looked at in India by all thinking men, whether European or Native, from this point of view; the best Native papers are continually arguing it, and I shall be very much surprised, if there is anything but approbation in them for the policy that I have shadowed out. The sense of duty and responsibility is growing in them under the influence of our teaching; they are beginning to see that Princes cannot afford, any more than Viceroys, to live exclusively in palaces, but that they must be out, and about, setting an example among their fellow-creatures. Any severity that I may show to the ill-doers will be more than compensated by my encouragement of the few and exceptional shining lights; and I hope, by adhering to the principles which I have laid down, and which I first foreshadowed in my speech at Gwalior last year, amid the enthusiastic acceptance of the Press, both English and Native, to do something towards raising the whole tone and standard of the life of Native Princes in my time, and thereby to place their own future existence upon more durable foundations.

12

LORD MINTO'S SPEECH AT UDAIPUR,[1] 3 NOVEMBER 1909

. . . . . .

It is sometimes asked by ruling Chiefs as well as by the public in India and in Europe what our policy towards Native States is.

I can only tell you that the basis of that policy was laid down in Queen Victoria's Proclamation of 1858 and repeated in the Coronation message of His Majesty the King-Emperor. . . . In pursuance of these pledges our policy is with rare exceptions one of non-interference in the internal affairs of Native States. But in guaranteeing their internal independence, and in undertaking their protection against external aggression, it naturally follows that the Imperial Government has assumed a certain degree of responsibility for the general soundness of their administration and would not consent to incur the reproach of being an indirect instrument of misrule. There are also certain matters in which it is necessary for the Govern-

[1] Minto, *Speeches*, 1905–10, (1911) pp. 323–6.

ment of India to safeguard the interests of the community as a whole as well as those of the Paramount Power, such as railways, telegraphs, and other services of an Imperial character. But the relationship of the Supreme Government to the States is one of suzerainty.

Your Highness will, I know, recognise the difficulty that must exist in adhering to an uniform policy owing to the varying conditions of different States. It is this diversity of conditions which renders so dangerous any attempt at complete uniformity and subservience to precedent. I have therefore made it a rule to avoid as far as possible the issue of general instructions and have endeavoured to deal with questions as they arose with reference to existing treaties, the merits of each case, local conditions, antecedent circumstances, and the particular stage of development, feudal and constitutional, of individual principalities.

. . . . . .

I have always been opposed to anything like pressure on Darbars with a view to introducing British methods of administration,—I have preferred that reforms should emanate from the Darbars themselves, and grow up in harmony with the traditions of the State. It is easy to overestimate the value of administrative efficiency—it is not the only object to aim at, though the encouragement of it must be attractive to keen and able Political Officers, and it is not unnatural that the temptation to further it should for example appeal strongly to those who are temporarily in charge of the administration of a State during a minority, whether they are in sole charge or associated with a State Council. Their position is a difficult one—it is one of peculiar trust—and though abuses and corruption must of course as far as possible be corrected, I cannot but think that Political Officers will do wisely to accept the general system of administration to which the Chief and his people have been accustomed. The methods sanctioned by tradition in States are usually well adapted to the needs and relations of the ruler and his people. The loyalty of the latter to the former is generally a personal loyalty, which administrative efficiency, if carried out on lines unsuited to local conditions, would lessen or impair.

I can assure Political Officers I am speaking in no spirit of criticism. . . . I believe that they themselves very fully recognise that the necessities of the times have somewhat changed. . . . My aim and object will be, as it has always been to assist them, but I would impress upon them that they are not only the mouthpiece of Government and the custodian of Imperial policy, but that I look to them also to interpret the sentiments and aspirations of the Darbars. It is upon the factful fulfilment of their dual functions that the Supreme Government and Chiefs must mutually rely. . . .

13

THE MONTAGU–CHELMSFORD REPORT ON THE FUTURE OF THE STATES,[1] 1918

300. . . . Looking ahead to the future we can picture India to ourselves only as presenting the external semblance of some form of 'federation'. The provinces will ultimately become self-governing units, held together by the central Government which will deal solely with matters of common concern to all of them. But the matters common to the British provinces are also to a great extent those in which the Native States are interested—defence, tariffs, exchange, opium, salt, railways and posts and telegraphs. The gradual concentration of the Government of India upon such matters will therefore make it easier for the States, while retaining the autonomy which they cherish in internal matters, to enter into closer association with the central Government if they wish to do so. . . .

305. . . . We wish to say that we think that the Princes should be assured in the fullest and freest manner that no constitutional changes which may take place will impair the rights, dignities and privileges secured to them by treaties, *sanads*, and engagements or by established practice.

306. We have explained how, on various occasions in recent years, the Princes have met in conference at the invitation of the Viceroy. . . . But although the meetings have in the last few years been regular, they depend upon the invitation of the Viceroy; and our first proposal is to replace them by the institution of a Council of Princes. We wish to call into existence a permanent consultative body. There are questions which affect the States generally, and other questions which are of concern either to the Empire as a whole, or to British India and the States in common, upon which we conceive that the opinion of such a body would be of the utmost value. . . .

14

THE NIZAM OF HYDERABAD TO LORD READING,[2] 20 SEPTEMBER 1925

2. . . . Save and except matters relating to foreign powers and policies, the Nizams of Hyderabad have been independent in the internal affairs of their State just as much as the British Government in British India. With the reservation mentioned by me, the two parties have on all occasions acted with complete freedom and independence in all inter-Governmental questions that naturally arise from time to time between neighbours. Now, the Berar question is not and cannot be covered by that reservation. No foreign power or policy is concerned or involved in its examination and thus the subject comes to be a controversy between two Governments that stand on the same plane without any limitations of subordination of one to the other. I do not deny that parties so placed and within

[1] *Report on Indian Constitutional Reforms*, Cd. 9109, pp. 240–1, 243–4.

[2] *Parl. Papers, Hyderabad* (1926), Cmd. 2621, pp. 444–7.

the limits mentioned by me are free to reject each other's claims or proposals, but, with great respect to the British Government, I cannot refrain from questioning the use of the word 'decision' in connection with the Berars. Outside foreign affairs, I have, as an Ally of the British Government, every justification to reserve to myself the right of looking upon a refusal given by His Majesty's Government as a mere rejection and not a 'decision' . . . The rejection by His Majesty's Government of my claim to the restoration of the Berars can only be a fact expressing its views but it cannot impose upon me or my House any obligation to treat the subject as closed or regard the claim as barred for all time. No such limitations can govern allies who within the terms of their Treaties exercise full freedom of action to agree or disagree with a proposal put forward by one or the other. . . .

3. . . ., there is yet another graver anomaly which it is not possible for me to leave unnoticed. This arises from the consideration that when the controversy happens to be between Allies who stand in relation to each other with reference to a particular issue in no position of subordination, ought the finality be left to either in terms of a mere rejection? Such a procedure predicates one of the parties to be the judge also. When there is a controversy no satisfactory solution can be obtained by such a method. Judge and party in one is an arrangement that leaves much to be desired. . . . What I feel is that regard being had to the relations and mutual obligations of the parties, the help of an independent tribunal in examining the merits of the case and the issue raised is a *sine qua non* to a satisfactory settlement of the controversy.

15

LORD READING TO THE NIZAM,[1] 27 MARCH 1926

4. The sovereignty of the British Crown is supreme in India, and therefore no Ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements, but exists independently of them, and, quite apart from its prerogative in matters relating to foreign powers and policies, it is the right and duty of the British Government, while scrupulously respecting all treaties and engagements with the Indian States, to preserve peace and good order throughout India. The consequences that follow are so well known, and so clearly apply no less to Your Exalted Highness than to other Rulers, that it seems hardly necessary to point them out. But if illustrations are necessary, I would remind Your Exalted Highness that the Ruler of Hyderabad, along with other Rulers, received in 1862 a Sanad declaratory of the British Government's desire for the perpetuation of his House and Government, subject to continued loyalty to the Crown; that no succession to the Masnad of Hyderabad is valid unless it is recognised by His Majesty the King Emperor; and that the British Government is the only arbiter in cases of disputed succession.

[1] *Parl. Papers, Hyderabad* (1926), Cmd. 2621, pp. 461–2.

5. The right of the British Government to intervene in the internal affairs of Indian States is another instance of the consequences necessarily involved in the supremacy of the British Crown. The British Government have indeed shown again and again that they have no desire to exercise the right without grave reason. But the internal, no less than the external, security which the Ruling Princes enjoy is due ultimately to the protecting power of the British Government, and where Imperial interests are concerned, or the general welfare of the people of a State is seriously and grievously affected by the action of its Government, it is with the Paramount Power that the ultimate responsibility for taking remedial action, if necessary, must lie. The varying degrees of internal sovereignty which the Rulers enjoy are all subject to the due exercise by the Paramount Power of this responsibility. Other illustrations could be added, no less inconsistent than the foregoing with the suggestion that, except in matters relating to foreign powers and policies, the Government of Your Exalted Highness and the British Government stand on a plane of equality. But I do not think I need pursue the subject further. I will merely add that the title 'Faithful Ally' which Your Exalted Highness enjoys has not the effect of putting Your Government in a category separate from that of other States under the paramountcy of the British Crown.

6. In pursuance of your present conception of the relations between Hyderabad and the paramount power, you further urge that I have misdescribed the conclusion at which His Majesty's Government have arrived as a 'decision', and that the doctrine of *res judicata* has been misapplied to matters in controversy between Hyderabad and the Government of India.

7. I regret that I cannot accept Your Exalted Highness's view that the orders of the Secretary of State on your representation do not amount to a decision. It is the right and privilege of the Paramount Power to decide all disputes that may arise between States, or between one of the States and itself, and even though a Court of Arbitration may be appointed in certain cases, its function is merely to offer independent advice to the Government of India, with whom the decision rests. I need not remind you that this position has been accepted by the general body of Indian Rulers as a result of their deliberations on paragraph 308 of the Montagu–Chelmsford Report. As regards the use of the term *res judicata*, I am of course aware that the Government of India is not, like a Civil Court, precluded from taking cognizance of a matter which has already formed the subject of a decision, but the legal principle of *res judicata* is based on sound practical considerations, and it is obviously undesirable that a matter which has once been decided should form the subject of repeated controversies between the same parties.

8. I now pass on to consider your request for the appointment of a Commission to enquire into the Berar case and submit a report. As Your Exalted Highness is aware, the Government of India not long ago made definite provision for the appointment of a Court of Arbitration in cases where a State is dissatisfied with a ruling given by the Government of India. If, however, you will refer to the document embodying the new arrangement, you will find that there is no provision for

the appointment of a Court of Arbitration in any case which has been decided by His Majesty's Government, and I cannot conceive that a case like the present one, where a long controversy has been terminated by an agreement executed after full consideration and couched in terms which are free from ambiguity, would be a suitable one for submission to arbitration.

9. In accordance with Your Exalted Highness's request, your present letter has been submitted to His Majesty's Secretary of State, and this letter of mine in reply carries with it his authority as well as that of the Government of India.

16

PRINCES' COUNSEL ON THE RELATIONSHIP BETWEEN THE CROWN AND THE STATES,[1] 24 JUNE 1928

. . . . . .

. . . In its correct sense paramountcy is not a factor in creating any rights or obligations, but is merely a name for a certain set of rights when vested by consent in another sovereign state. Incorrectly understood it may be treated as creating rights and obligations; and as the word paramountcy itself is not a word of art with a defined meaning, the rights and obligations attributed to it would be undefined. If paramountcy were a source of rights, there would be no limit, save the discretion of the Paramount Power, to the interference with the sovereignty of the protected states by the Paramount Power. Indication of this misunderstanding of paramountcy are, we are informed, present in the official correspondence with individual states, and this fact gives the point importance. We regard the idea that paramountcy, as such, creates any powers at all, as wholly wrong, and the resort to paramountcy, as an unlimited reservoir of discretionary authority over the Indian States, is based upon a radical misconception of what paramountcy means.

. . . . . .

4. The consent to the transfer to the Crown of any sovereign powers is the consent of each individual state given by its sovereign. Each state, and each occasion of transfer must be considered separately, in order to find out what the agreement was by which the consent of the state was given to any particular session.

. . . . . .

6.—(f) The Crown has, by the mere cession to it of paramountcy, acquired no right to control the independent action of any state in matters lying outside the special field so ceded. Outside the subjects of foreign relations and the external and internal security of the state, each state remains free to guide its actions by

[1] *Report of the Indian States Committee*, 1928–9, Cmd. 3302 (1929), pp. 59–73. The Princes' counsel were Leslie Scott, Stuart Bevan, Wilfrid Greene, Valentine Holmes and Donald Somervell. They were asked to advise on the questions raised by the terms of reference of the Indian States Committee.

considerations of self-interest, and to make what bargain with the Government of India it may choose. There is no legal or constitutional power in the Government of India, or its officers, nor in the Viceroy or the Political Department, to insist on any agreement being entered into by a state. Nor is there any legal basis for a claim that any state is under a duty to co-operate in matters outside the field of paramountcy, with British India. The phrase 'subordinate co-operation' which appears in some treaties (*e.g.*, the Udaipur Treaty of 1818) is concerned, in our opinion, solely with military matters.

It follows from this ascertainment of the legal position, that in a large field of subjects, such as fiscal questions, and the commercial and industrial development of India as a whole, it is within the rights of each state, so far as paramountcy is concerned, and apart from special agreement, to remain inactive, and to abstain from co-operation with British India. In many directions the legal gap may have been bridged by particular agreements between individual states and British India; but such agreements may fall short of what is, or may hereafter become, desirable in the common interest of the development of India as a whole, or may need revision. It is therefore important to draw attention to the fundamental legal position, that if, on political grounds the co-operation of the states is desired, their consent must be obtained. . . .

. . . . . .

17

THE NATURE OF PARAMOUNTCY,[1] 1928–9

39. . . . The relationship of the Paramount Power with the states is not a merely contractual relationship, resting on treaties made more than a century ago. It is a living, growing relationship shaped by circumstances and policy, resting . . . on a mixture of history, theory and modern fact. The novel theory of a paramountcy agreement, limited as in the legal opinion, is unsupported by evidence, is thoroughly undermined by the long list of grievances placed before us which admit a paramountcy extending beyond the sphere of any such agreement, and in any case can only rest upon the doctrine, which the learned authors of the opinion rightly condemn, that the treaties must be read as a whole. It is not in accordance with historical fact that when the Indian States came into contact with the British Power they were independent, each possessed of full sovereignty and of a status which a modern international lawyer would hold to be governed by the rules of international law. In fact, none of the states ever held international status. Nearly all of them were subordinate or tributary to the Moghul empire, the Mahratta supremacy or the Sikh kingdom, and dependent on them. Some were rescued, others were created, by the British.

40. We cannot agree that usage in itself is in any way sterile. Usage has shaped and developed the relationship between the Paramount Power and the states from

[1] *Report of the Indian States Committee, 1928–29*, Cmd. 3302 (1929), pp. 23–31, 51–2.

the earliest times, almost in some cases, as already stated, from the date of the treaties themselves. . . . Usage and sufferance have operated in two main directions. In several cases, where no treaty, engagement or sanad exists, usage and sufferance have supplied its place in favour of the states. In all cases usage and sufferance have operated to determine questions on which the treaties, engagements and sanads are silent; they have been a constant factor in the interpretation of these treaties, engagements and sanads; and they have thus consolidated the position of the Crown as Paramount Power.

106. . . . Treaties, engagements and sanads, where they exist, are of continuing valid force but have necessarily been supplemented and illumined by political practice to meet changing conditions in a moving world. We have traced and analysed the growth of paramountcy. Though it has already lost and should continue to lose any arbitrary character in full and open discussion between the Princes and the Political Department, it must continue to be paramount and therefore it must be left free to meet unforeseen circumstances as they arise. We find that the relationship between the Princes and the Paramount Power has on the whole been harmonious and satisfactory. No practical proposals for new machinery have been placed before us but we have indicated changes in procedure, based on experience, which should lead to the removal of grievances and the settlement of outstanding questions. In particular we recommend that the Viceroy, not the Governor General in Council, should in future be the agent of the Crown in its relations with the Princes, and that important matters of dispute between the states themselves, between the states and the Paramount Power, and between the states and British India should be referred to independent committees for advice. . . . We hold that the treaties, engagements and sanads have been made with the Crown and that the relationship between the Paramount Power and the Princes should not be transferred, without the agreement of the latter, to a new government in British India responsible to an Indian legislature. But we have left the door open for constitutional developments in the future. . . .

18

THE MAHARAJA OF BIKANIR ON THE ATTITUDE OF INDIAN PRINCES TO FEDERATION,[1] 17 NOVEMBER 1930

. . . . . .

As to the question whether, if a federal government is devised for India, the Princes and States will enter into association with it, the final answer must obviously depend on the structure of the government indicated and on other points involved, such, for instance, as certain necessary safeguards—constitutional and fiscal—for the preservation of the rights and interests of the States and their subjects. Federalism is an elastic term: there are several forms of federal government.

[1] *Indian Round Table Conference (First Session), Proceedings*, Cmd. 3778 (1931), pp. 36–7.

Conditions in India are unique. We have no historical precedents to guide us; and the position of the Indian States is, I believe I am correct in saying, absolutely without parallel. All these and many other grave questions of policy and of detail will have to be examined and defined and settled first in Committee and in informal discussions. But, speaking broadly, the Princes and States realise that an All-India Federation is likely to prove the only satisfactory solution of India's problem. A Federation, on the lines I have attempted to sketch on other occasions, has, as I have previously said, no terrors for the Princes and Governments of the Indian States. We, however, recognise that a period of transition will necessarily intervene before the Federal Government is fully constituted, and that federation cannot be achieved by coercion of the States in any form. The Indian Princes will only come into the Federation of their own free will, and on terms which will secure the just rights of their States and subjects.

19

RESOLUTION OF THE CHAMBER OF PRINCES,[1] 12 MARCH 1940

The Chamber of Princes, while welcoming the attainment by India of its due place among the Dominions of the British Commonwealth under the British Crown, records its emphatic and firm view that, in any future constitution for India, the essential guarantees and safeguards for the preservation of the sovereignty and autonomy of the States and for the protection of their rights arising from treaties, sanads, engagements and otherwise should be effectively provided;

That any unit should not be placed in a position to dominate the others, or to interfere with the rights and safeguards guaranteed to them, and that all parties must be ensured their due share and fair play;

And that, in any negotiations for formulating a constitution for India, whether independently of the Government of India Act, 1935, or by revision of that Act, representatives of the States and of this Chamber should have a voice proportionate to their importance and historical position.

This Chamber further records its view that any constitutional scheme which may involve the transference of the relationship of the States with the Crown to any other authority without their free and voluntary agreement, or which may permit of alterations affecting the rights and interests of the States without their consent, cannot be acceptable to them.

20

MEMORANDUM ON STATES' TREATIES AND PARAMOUNTCY,[2] 12 MAY 1946

2. During the interim period, which must elapse before the coming into operation of a new Constitutional structure under which British India will be indepen-

[1] *Parl. Papers*, X (1939–40), Cmd. 6196, p.42.

[2] Presented by the Cabinet Mission to the Chancellor of the Chamber of Princes, *Cabinet Mission*, Cmd. 6835, 1946

dent or fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government.

5. When a new fully self-governing or independent Government or Governments come into being in British India, His Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they cannot contemplate that British troops would be retained in India for this purpose. Thus, as a logical sequence and in view of the desires expressed to them on behalf of the Indian States His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them.

21

RESOLUTION OF THE PRINCES,[1] 29 JANUARY 1947

1. This meeting reiterates the willingness of the States to render the fullest possible co-operation in framing an agreed Constitution for, and in the setting up of, the proposed Union of India in accordance with the accepted plan; and declares:—

(a) that the following fundamental propositions *inter alia* form the basis for the States' acceptance of the Cabinet Mission's plan—

(i) The entry of the States into the Union of India in accordance with the accepted plan shall be on no other basis than that of negotiation, and the final decision shall rest with each State. The proposed Union shall comprise, so far as the States are concerned, the territories of only such States or groups of States as may decide to join the Union, it being understood that their participation in the constitutional discussions in the meantime will imply no commitments in regard to their ultimate decision which can only be taken after consideration of the complete picture of the constitution.

(ii) The States will retain all subjects and powers other than those ceded by them to the Union. Paramountcy will terminate at the close of the interim period and will not be transferred to or inherited by the new Government of India. All the rights surrendered by the States to the Paramount Power will return to the States. The proposed Union of India will, therefore, exercise only such functions in relation to the States in regard to Union subjects as are assigned or

[1] *Constituent Assembly Debates*, vol. 3, 1947, No. 1, Encl. 1 to App. A, pp. 367–8.

delegated by them to the Union. Every State shall continue to retain its sovereignty and all rights and powers except to the extent that those rights and powers have been expressly delegated by it. There can be no question of any powers being vested or inherent or implied in the Union in respect of the States unless specifically agreed to by them.

(iii) The Constitution of each State, its territorial integrity, and the succession of its reigning dynasty in accordance with the custom, law and usage of the State, shall not be interfered with by the Union or any Unit thereof, nor shall the existing boundaries of a state be altered except by its free consent and approval.

(iv) So far as the States are concerned, the Constituent Assembly is authorised only to settle the Union Constitution in accordance with the Cabinet Mission's plan, and is not authorised to deal with questions bearing on the internal administrations or constitutions of individual States or groups of States.

(v) His Majesty's Government have made it clear in Parliament that it is for the States to decide freely to come in or not as they choose. Moreover according to the Cabinet Mission's Memorandum of 12th May, 1946, on States Treaties and Paramountcy 'Political arrangements between the States on the one side and the British Crown and British India on the other will be brought to an end' after the interim period. 'The void will have to be filled either by the States entering into a federal relationship with the successor Government . . . in British India, or failing this, entering into particular political arrangements with it.'

22

VALLABHBHAI PATEL'S STATEMENT ON THE INDIAN STATES,[1] 5 JULY 1947

It was announced some days back that the Government of India had decided to set up a Department to conduct their relations with the States in matters of common concern. This Department has come into being today and the States have been informed to this effect. On this important occasion I have a few words to say to the Rulers of Indian States among whom I am happy to count many as my personal friends.

. . . . .

When the British established their rule in India they evolved the doctrine of paramountcy which established the supremacy of British interests. That doctrine has remained undefined to this day, but in its exercise there has undoubtedly been more subordination than co-operation. Outside the field of paramountcy there has been a very wide scope in which relations between British India and the States have been regulated by enlightened mutual interests. Now that British rule is ending, the demand has been made that the States should regain their independence. In so far as paramountcy embodied the submission of States to foreign will, I have

[1] White Paper on *Indian States* (1950), pp. 157–9. Patel was Member for the States Department.

every sympathy with this demand, but I do not think it can be their desire to utilise this freedom from domination in a manner which is injurious to the common interests of India or which militates against the ultimate paramountcy of popular interests and welfare or which might result in the abandonment of that mutually useful relationship that has developed between British India and Indian States during the last century. This has been amply demonstrated by the fact that a great majority of Indian States have already come into the Constituent Assembly. To those who have not done so, I appeal that they should join now. The States have already accepted the basic principle that for Defence, Foreign Affairs and Communications they would come into the Indian Union. We ask no more of them than accession to these three subjects in which the common interests of the country are involved. In other matters we would scrupulously respect their autonomous existence. . . .

There appears a great deal of misunderstanding about the attitude of the Congress towards the States. I should like to make it clear that it is not the desire of the Congress to interfere in any manner whatever with the domestic affairs of the States. They are no enemies of the Princely Order, but, on the other hand, wish them and their people under this aegis all prosperity, contentment and happiness. Nor would it be my policy to conduct the relations of the new Department with the States in any manner which savours of the domination of one over the other; if there would be any domination, it would be that of our mutual interests and welfare. . . .

23

LORD MOUNTBATTEN'S ADDRESS TO THE RULERS AND REPRESENTATIVES OF INDIAN STATES,[1] 25 JULY 1947

. . . Now, the Indian Independence Act releases the States from all their obligations to the Crown. The States have complete freedom—technically and legally they are independent. Presently I will discuss the degree of independence which we ourselves feel is best in the interests of your own States. But there has grown up during the period of British administration, owing to the fact that the Crown Representative and the Viceroy are one and the same person, a system of co-ordinated administration on all matters of common concern which meant that the sub-continent of India acted as an economic entity. That link is now to be broken. If nothing can be put in its place, only chaos can result, and that chaos, I submit, will hurt the States first—the bigger the State the less the hurt and the longer it will take to feel it—but even the biggest of the States will feel itself hurt just the same as any small State. The first step was to set up some machinery by which it was possible to put the two future Governments of India—the Dominions of India and Pakistan—into direct touch with the States. So we conceived the scheme of

[1] White paper on *Indian States* (1950), pp. 160–4. Lord Mountbatten was Viceroy from 24 March 1947 and after 15 August 1947 the first Viceroy of independent India.

setting up two States Departments within the future Governments. Please note that these States Departments are not the successors of the Political Department. They have been set up simultaneously and side by side. While the Political Department exercised functions relating to paramountcy on behalf of the Crown Representatives, the States Departments are to take over those subjects gradually which have nothing to do with paramountcy but which will be concerned with relations with neighbouring States and also provide the machinery to negotiate in such matters. . . . It was necessary to set up two States Departments, one in each Government because the States are theoretically free to link their future with whichever Dominion they may care. But when I say that they are at liberty to link up with either of the Dominions, may I point out that there are certain geographical compulsions which cannot be evaded. Out of something like 565 States, the vast majority are irretrievably linked geographically with the Dominion of India. The problem therefore is of far greater magnitude with the Dominion of India than it is with Pakistan. In the case of Pakistan the States, although important are not so numerous, and Mr. Jinnah, the future Governor-General of Pakistan, is prepared to negotiate the case of each State separately and individually. But in the case of India where the overwhelming majority of the States are involved, clearly separate negotiation with each State is out of the question.

The first step that I took was to suggest that in the Bill before Parliament—the Indian Independence Act—a clause should be put in which would enable certain essential agreements to continue until renounced by either side. That was only done to ensure that there should be some continuity and to see if in the short time available it was not possible to get the agreement through with every State representative. It does not replace the need for Standstill agreements; it gives a very slight breathing space.

Now, I think it is no exaggeration to say that most Rulers and Dewans were apprehensive as to what their future would be when paramountcy lapsed. At one time it appeared that unless they joined the Constituent Assembly and accepted the Constitution when it was framed, they would be outside the organisation and left in a position which, I submit, if you think it over carefully, no State could view with equanimity—to be left out having no satisfactory relations or contacts with either Dominion Government. You can imagine how relieved I was, and I am sure you will yourselves have been equally relieved, when Sardar Vallabhbhai Patel on taking over the States Department made, if I may say so, a most statesmanlike statement of what he considered were the essentials towards agreement between the States and the Dominion of India.

. . . Therefore I am sure you will agree that these three subjects [Defence, External Affairs, Communications], have got to be handled for you for your convenience and advantage by a larger organisation. This seems so obvious that I was at a loss to understand why some Rulers were reluctant to accept the position. One explanation probably was that some of you were apprehensive that the Central Government would attempt to impose a financial liability on the States or

encroach in other ways on their sovereignty. If I am right in this assumption, at any rate so far as some Princes are concerned, I think I must dispel their apprehensions and misgivings. The draft Instrument of Accession which I have caused to be circulated as a basis for discussion and not for publication to the representatives of the States provides that the States accede to the appropriate Dominion on three subjects only without any financial liability. Further, that Instrument contains an explicit provision that in no other matters has the Central Government any authority to encroach on the internal autonomy or the sovereignty of the States. This would, in my view, be a tremendous achievement for the States. But I must make it clear that I have still to persuade the Government of India to accept it. If all of you would co-operate with me and are ready to accede, I am confident that I can succeed in my efforts. Remember that the day of the transfer of power is very close at hand and, if you are prepared to come, you must come before the 15th August. I have no doubt that this is in the best interests of the States, and every wise Ruler and wise Government would desire to link up with the great Dominion of India on a basis which leaves you great internal autonomy and which at the same time gets rid of your worries and cares over External Affairs, Defence and Communications. . . .

B. FRONTIER PROBLEMS AND EXTERNAL POLICY
1858–1947

INTRODUCTORY NOTE

The Crown Government consolidated the East India Company's achievement in bringing India under one paramount rule, and pushed to a logical conclusion the policy of applying throughout the country a uniform system of administration. Frontiers both by sea and land, which could be defended with relative ease, were established, the outstanding question for decision being exactly how far out to place and fortify the bastions of defence. The opening of the Suez Canal and the laying of the Indo-British submarine cable firmly placed Indian external policy under imperial control in London. The assertion of British control over all the entrances to the Indian Ocean ensured the sea defence of India down to the irruption of Japanese air–sea power in 1941.

The land frontiers of India appeared to the British less secure, especially to the north-west, where Russian expansion in Central Asia, along with her attempts to control the rulers of Afghanistan and Persia, alarmed and pre-occupied British opinion. Policy makers in London and Calcutta were perplexed between the advantages of leaving Persia and Aghanistan as buffer states, or of controlling Afghanistan and pushing British outposts into Central Asia or of standing firm behind a forward Indo-British line of strong strategic outposts. The British invasion of Afghanistan in 1876 failed to eliminate Russian influence there or to stabilize British control; frontier incidents in 1885 and the sudden British outthrust to Lhasa in Tibet made war between Britain and Russia seem likely. Towards the close of the century the British began to appreciate more clearly that Russia was using her threat of intervention in Afghanistan as a means of furthering her policies in Turkey and Europe, and the simultaneous growth of the power of Germany in Europe made both powers realize in 1907 that their strategic interests in Europe and Asia were not irreconcilable.

In the years immediately following the First World War both Russia and Britain continued to watch each other and the Afghan Government closely, but increasing pre-occupation with other important problems elsewhere led to some relaxation, and Britain's definition in the treaties of 1922 and 1923 of her determination to maintain a strong Afghanistan and Nepal, and also a strong frontier position, created the context for a period of relative stability. Simultaneously and logically the Indian Government announced a policy towards the frontier tribes of 'pacification through civilization'.

Far less attention was paid by Britain to the Tibetan, Bhutan and Sikkim frontiers, and although in 1914 a McMahon Line running from Bhutan to Assam was roughly indicated by convention between Tibetan and British representatives, no alarm was felt at the subsequent refusal of China to ratify the agreement. With some reluctance Upper Burma was occupied in 1885 and the security of the heavily wooded mountainous North-East frontier was taken for granted. In 1942 the Japanese penetration to Kohima rudely shattered this assumption. Nevertheless, during the Second World War the fundamental British strategic assumption that command of the Indian Ocean rested on this control of the Indian mainland, was justified.

Despite grave threats from the north-west, north-east and south, India under the British Crown did not suffer serious invasion. One significant consequence was that down to 1947 Indian nationalist politics grew in a self-centred way, and Indian and Pakistani leaders were given little opportunity of facing and learning to understand the realities of external policy.

1

LORD LAWRENCE TO SIR STAFFORD NORTHCOTE,[1] 9 MARCH 1867

. . . I do not think that there is much to choose between the two parties in Afghanistan. I do not think that either of them is in the least degree to be trusted, if any strong inducement were to arise, in which it was the interest of the ruling power in that country to turn against us. I don't think also that any one chief if he attained the supreme authority could count on retaining it for six months. Sher Ali who was selected by old Dost Muhummud to succeed him has been turned out. His two brothers the present Rulers, Md. Afzul & Md. Azim, now possess the chief power; I can already discern an intention in the latter to oust his elder brother, and there are plenty of other aspirants now ready to act for themselves on the first appearance of a hope of success. Afghanistan has more chiefs than the country can support: there can be no peace until half of them have fallen or have been exiled. Therefore there is little inducement for interference in favor of any party. But though little inclined to interfere, and with little expectation of doing any real good, I think that on the whole it would be the best course in the event of Ameer Sher Ali adopting the policy I have indicated, to tell him plainly that hitherto though we have not helped him we have taken no part on the other side. That we still cannot consent to give him aid: but that so long as he can hold Herat by his own power, biding his time and waiting for what fortune may turn up we will continue to maintain our Treaty with him and will recognize him as Ruler of Herat. But that if he should resolve on calling in the aid of Persia or Russia, and either of these powers should give him material aid, then it will lead us to give assistance to his enemies the two brothers who are now in possession of Candahar & Caubul.

[1] Lawrence Papers, India Office Library, Letters to Secretary of State (1867), No. 16. Sir Stafford was Secretary of State for India. Private letter.

What that assistance would be would of course depend on ourselves. I do not propose that we should bind ourselves in any way to them. It would probably be in the shape of arms and ammunition and perhaps of a little money from time to time that we might help them. I hardly expect that this would deter Ameer Sher Ali from having recourse to Persia or Russia, but it might have that effect; and at any rate it appears to me that it is a card wh. we are bound to play. . . . I do not see that we should take for granted that Russian policy points to an attack sooner or later on India; nor do I admit that even were this the case we should move westwards to any distance out of India to meet her. My view is that the opposite policy would be the proper course. But when such a time approaches it will be for those who sway the destinies of England and India to settle this point. There is enough and more than enough for the employment of all the resources and all the energy of Russia in Central Asia. . . .

2

H. C. RAWLINSON'S MEMORANDUM ON CENTRAL ASIA,[1] 20 JULY 1868

. . . . . .

The latest intelligence received from Central Asia confirms the announcement of General Kaufman's occupation both of Samarcand and Bokhara, and foreshadows, as the inevitable fate of the Government of the Amir, that gradual absorption into the Russian Empire which, in spite of disclaimers,—in spite, perhaps, of real disinclination,—has already been carried out to its full accomplishment in regard to the greater portion of the territory of Kokand. In fact, whatever may be the policy for the moment of the Court of St. Petersburgh, it is the 'manifest destiny' of Russia to absorb the Uzbeg States. Her present position is another illustration of the old doctrine that, when civilization and barbarism come in contact, the latter must inevitably give way. She has advanced to a point from which retreat is impossible; and thus, whether the final consummation occur this year, or next year, or five years hence, or even 10 years hence,—come it soon or come it late,—we may take it for granted that nothing can prevent the extinction of the three independent Governments of Kokand, Bokhara, and Khiva, and the consequent extension of the Russian frontier to the Oxus.

The question then arises, how will this new distribution of power in Central Asia affect our interests in India? Will it strengthen us or weaken us? Is it, in fact, to be encouraged or deprecated? A large portion of the thinking public, including the optimist class of Anglo-Indian politicians to a man, will declare in favour of the Russian advance. On general grounds, they hold that the substitution of order and civilization, and a Christian Government, for the ignorance, the cruelty, the anarchy of the fanatical Uzbegs must be advantageous; and they further

[1] *Parl. Papers, Afghanistan* (1878–79), C. 2190, p. 32–9. Rawlinson was a Member of the Council of India 1858–9 and 1868–95.

point to the impetus that would be given to trade by an increased security and facility of communication, as well as by the increased wants of a settled and improving community. But, in such a view of the case sufficient weight seems hardly to be given to special political considerations. Public opinion in Russia, with a truer instinct, has declared itself in a different sense. It is, indeed, well worthy of notice that, whilst the Press in this country, with a few exceptions, has expressed satisfaction at the Russian progress in Central Asia, and has encouraged her to continue in the same course, the Russian Press has decided, with an equal unanimity, that such an advance must be distasteful, if not dangerous, to us, and has accordingly been speculating on the steps that we are likely to take in order to arrest the movement, or, at any rate, to neutralize its effects.

. . . . . .

. . . Let us now consider the effect of this position upon India. As long as Russia remained in her present strength to the northward of the Oxus, and confined her attention to the consolidation and improvement of her newly acquired territory, we should have no occasion to complain of her neighbourhood. In fact, beyond the gradual exclusion of our commerce from the markets of Central Asia, her neighbourhood would exert little or no influence on our affairs. But would it be possible for her, even with the best intentions, to maintain this passive and innocuous attitude? Could she, if she wished, divest herself of the responsibilities and obligations, the temptations to interference, inseparably associated with her new position? This is what it may be permitted to doubt. Intermediate, it must be remembered, between her position beyond the Oxus and our own frontier, broadly marked by the valley of the Indus, would lie the strong and independent country of the Afghans. To pretend that it is physically impossible for Russia, entrenched upon the Oxus, and wielding the resources of Bokhara, to exercise an influence on Afghanistan, as boldly asserted in a recent number of the 'Invalide Russe', is simply false and fatuous. To apprehend, on the other hand, with the Indian alarmists, that, while Cabul still maintains its independence, we shall be subjected to the full inconvenience of Russian contiguity, is equally unreasonable. The truth lies between the two extremes; we are, no doubt, exposed to a certain danger from the advance of Russia to the Oxus, and that danger approaches us through Afghanistan, but the danger is *not* immediate, and it *is* evitable.

. . . . . .

There is one other argument, relating to this branch of the subject, which it may be worth while to notice. Putting aside all consideration of the Russian advance, and the danger of their establishment at Cabul, it would seem to be a duty which we owe to our subjects in the Punjab to make serious efforts for the consolidation of a strong and friendly Government in Afghanistan. Anarchy is contagious, and, with the spectacle of constant bloodshed and rapine about the passes, it is impossible to preserve order and content among the frontier tribes. In the interests,

then, of peace, in the interests of commerce, in the interests of moral and material improvement, it may be asserted that interference in Afghanistan has now become a duty, and that any moderate outlay or responsibility we may incur in restoring order at Cabul will prove, in the sequel, to be true economy.

. . . . . .

3

THE GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[1] 4 JANUARY 1869

2. The various proposals brought forward in that Memorandum, [Rawlinson's] in order to counteract, in some measure, the advances of Russia in Central Asia, and to strengthen the influence and power of England in Afghanistan and Persia, have received from us that careful consideration which is due to the well-known career and abilities of the writer, and to the magnitude of the events and interests of which he has treated.

3. A careful perusal of the Memorandum forwarded to us, and a further discussion of the subject in all its bearings, has not led us to recommend any substantial alteration in the course of policy to be adopted on the frontier, or beyond it. On the contrary, the closer and more constant the attention which the subject receives at our hands, the more settled is our conviction that any serious departure from the principles which we have already enunciated, would be the cause of grave political and financial embarrassments, and would probably involve us in doubtful undertakings, the issue or duration of which no statesman could venture to predict.

5. . . . We object to any active interference in the affairs of Afghanistan by the deputation of a high British officer with or without a contingent, or by the forcible or amicable occupation of any post or tract in that country beyond our own frontier, inasmuch as we think such a measure would, under present circumstances, engender irritation, defiance, and hatred in the minds of the Afghans, without in the least strengthening our power either for attack or defence. We think it impolitic and unwise to decrease any of the difficulties which would be entailed on Russia, if that power seriously thought of invading India, as we should certainly decrease them if we left our own frontier, and met her half way in a difficult country, and, possibly, in the midst of a hostile or exasperated population. We foresee no limits to the expenditure which such a move might require, and we protest against the necessity of having to impose additional taxation on the people of India, who are unwilling, as it is, to bear such pressure for measures which they can both understand and appreciate. And we think that the objects which we have at heart, in common with all interested in India, may be attained by an attitude of readiness and firmness on our frontier, and by giving all our care and expending all our resources for the attainment of practical and sound ends over which we can exercise an effective and immediate control.

[1] *Parl. Papers, Afghanistan* (1878–79), C. 2190, pp. 43–5. Official despatch.

6. Should a foreign power, such as Russia, ever seriously think of invading India from without, or, what is more probable, of stirring up the elements of disaffection or anarchy within it, our true policy, our strongest security, would then, we conceive, be found to lie in previous abstinence from entanglements at either Cabul, Candahar, or any similar outpost; in full reliance on a compact, highly-equipped, and disciplined army stationed within our own territories, or on our own border; in the contentment, if not in the attachment, of the masses; in the sense of security of title and possession, with which our whole policy is gradually imbuing the minds of the principal Chief and the Native aristocracy; in the construction of material works within British India, which enhance the comfort of the people, while they add to our political and military strength; in husbanding our finances and consolidating and multiplying our resources; in quiet preparation for all contingencies, which no Indian statesman should disregard; and in a trust in the rectitude and honesty of our intentions, coupled with the avoidance of all sources of complaint which either invite foreign aggression or stir up restless spirits to domestic revolt.

9. The following are the only fresh measures which we could bring ourselves to recommend:—We think that endeavours might be made to come to some clear understanding with the Court of St. Petersburg as to its projects and designs in Central Asia, and that it might be given to understand, in firm but courteous language, that it cannot be permitted to interfere in the affairs of Afghanistan, or in those of any State which lies contiguous to our frontier. . . . The truth appears to us to be, that the advances of Russia, coupled with the constant allusions made in the newspapers to her progress as compared with what is called the inaction of the British Government, have produced, in the minds of Europeans and Natives, what we believe to be an exaggerated opinion of her resources and power. A mutual good understanding between the two Powers, though difficult of attainment, would enable us to take means to counteract unfounded rumours and to prevent unnecessary alarms. . . .

4

THE GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[1] 23 MAY 1871

6. But, although the assurances so explicitly given by the Turkish Government may for the present allay any immediate apprehensions, we think it not improbable that the expedition to Nejd may, from the force of circumstances, assume more serious proportions than the Porte at present contemplate.

8. Your Grace is aware that it has been the policy of the British Government for a long course of years to prevent all such expeditions in the Persian Gulf as calculated to disturb the maritime peace, of which it has, with the best results, become the protector.

[1] Letters from India, Foreign Department. Secret. Vol. 8, No. 26. India Office Library. Official despatch.

9. The position we have assumed was partly forced upon us by the necessity of protecting the lives and property of our subjects, great numbers of whom have, on the faith of the security created by our policy, embarked large capital in trade and the pearl fishery. This position was also in part voluntarily taken up in accordance with the wishes of several of the Arab Chiefs and tribes inhabiting the coast, who have concluded treaties with us, by which they bind themselves to abstain from acts of aggression by sea upon each other, and the British Government undertake to watch over the peace, and to take steps at all times to ensure the due observance of the agreements. The scope of these covenants, however, is exceedingly limited. They affect only those Chiefs who are parties to them. But our general position in the Gulf rests on other grounds, and we are strongly of opinion that no exceptions to the policy we have hitherto pursued in those waters can be permitted without great risk of our influence being shaken, and our power to preserve the peace at sea between those who are not parties to the treaties being weakened, if not altogether destroyed. If the Turkish Government proceed against Saood by sea, we could not reasonably prevent Saood himself, or any of the Chiefs on the coast whom he might attract to his standard, from attacking by sea the Turkish expeditionary force. If the result were a defeat of the Arab Chiefs, we could not prevent the Turks from exercising over them all the rights of successful war, and establishing their supremacy over the Arab country. If again the Arab Chiefs, remaining quiet now, should hereafter seek to effect an armed movement by sea against any parties who have not subscribed the treaty of peace, permission could not be denied on any intelligible grounds, after a similar movement had been effected by the Turkish power without challenge on our part. Or if Persia, desirious as she is to possess a fleet in the Gulf for the purpose of establishing her claims to supremacy should throw herself on some foreign power and procure vessels-of-war, there are no grounds on which the British Government could remonstrate, except such as are equally applicable to the prevention of this expedition. The occurrence of any of these events, which do not by any means exhaust the list of probable contingencies, would probably occasion the abandonment of the policy, and the loss of that position which the British Government has come to occupy in the Persian Gulf.

. . . . .

5

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 28 FEBRUARY 1876

The tranquillity of the British power in India is so far dependent on its relations with the Trans-frontier States, that Her Majesty's Government cannot view without anxiety the present unsatisfactory condition of those relations.

2. This anxiety is increased by the advance which the Russian forces in Central

[1] Political and Secret Despatches to India, vol. 2 (1876), pp. 9–18. India Office Library. This despatch was delivered to Lord Lytton in London. He assumed office on 12 April 1876.

Asia have made in recent years, and which the Cabinet of St. Petersburgh seems powerless to restrain.

3. Whilst watching the progress of events which have now placed the outposts of Russia at some points almost immediately upon the frontier of Afghanistan, at others in command of roads whereby that frontier may be easily approached, the Government of India has apparently failed to find, for the increased security of its own frontier, pacific pledges in the friendship of the Amir, and the confidence of his Sirdars.

4. The increasing weakness and uncertainty of British influence in Afghanistan constitutes a prospective peril to British interests; the deplorable interruption of it in Khelat inflicts upon them an immediate inconvenience, by involving the cessation of all effective control over the turbulent and predatory habits of the Trans-Indus tribes.

5. Guided by these considerations, Her Majesty's Government have commended to the consideration of the Governor General of India in Council arrangements for promoting unity of purpose and consistency of conduct in the administration of the Sindh frontier. They have also instructed the Viceroy to find an early occasion for sending to Caubul a temporary mission, ostensibly directed to some object of no great political importance, but furnished with such confidential instructions as may, perhaps, enable it to overcome the Amir's apparent reluctance to the establishment of permanent British Agencies in Afghanistan, by convincing His Highness that the Government of India is not coldly indifferent to the fears he has so frequently urged upon its attention; that it is willing to afford him material support in the defence of his territories from any actual and unprovoked external aggression, but that it cannot practically avert or provide for such a contingency, without timely and unrestricted permission to place its own Agents in those parts of his dominions whence they may best watch the course of events.

7. A special mission, having for this purpose a twofold destination, might perhaps be advantageously despatched from Jacobabad, up the Bolan Pass, to Quetta, where the Khan could be invited to meet and receive it. After delivering your letter to the Khan, the mission might proceed to Kandahar, and thence, under an escort furnished by the Amir, continue its journey to Caubul. From Caubul it would return to India, either through the Koorum Valley or the Khyber Pass, according to circumstances.

10. With respect to Khelat, it will be the object of any mission you may send to that country to recover for the Government of India the dominant and advantageous position secured to it by the important Treaty of 1854. . . .

15. The Russian Ambassador at the Court of St. James has been officially informed by Her Majesty's Principal Secretary of State for Foreign Affairs that the objects of British policy as regards Afghanistan, are—

1st. 'To secure that State against aggression.'

2nd. 'To promote tranquillity on the borders of that country, by giving such

moral and material support to the Amir, without interfering in the internal affairs of his country, as may enable Her Majesty's Government to prevent a recurrence of the disturbances and conflicts between rival candidates for power among his own family, or the Meers of the different Provinces.'

16. Her Majesty's Government would not, therefore, view with indifference any attempt on the part of Russia to compete with British influence in Afghanistan; nor could the Amir's reception of a British Agent (whatever be the official rank or function of that Agent) in any part of the dominions belonging to His Highness afford for his subsequent reception of a Russian Agent similarly accredited any pretext to which the Government of Her Majesty would not be entitled to except as incompatible with the assurances spontaneously offered to it by the Cabinet of St. Petersburgh. . . .

19. The requests which may be made by Shere Ali in connexion with his reception of permanent British Agents in Afghanistan will probably raise the question of granting to His Highness—

1st. A fixed and augmented subsidy.
2nd. A more decided recognition than has yet been accorded by the Government of India to the order of succession established by him in favour of his younger son Abdullah Jan.
3rd. An explicit pledge, by treaty or otherwise, of material support in case of foreign aggression.

20. The first of these questions is of secondary magnitude. You will probably deem it inexpedient to commit your Government to any permanent pecuniary obligation on behalf of a neighbour whose conduct and character have hitherto proved uncertain. On the other hand, you may possibly find it worth while to increase from time to time the amount of pecuniary assistance which up to the present moment the Amir has been receiving. But your decision on this point can only be determined by circumstances which have not arisen, and considerations which must be left to your appreciation of such circumstances.

24. Her Majesty's Government do not desire to renounce their traditional policy of abstention from all unnecessary interference in the internal affairs of Afghanistan. But the frank recognition of a *de facto* order in the succession established by a *de facto* Government to the throne of a foreign State does not, in their opinion, imply or necessitate any intervention in the internal affairs of that State.

38. Her Majesty's Government are, therefore, prepared to sanction and support any more definite declaration which may, in your judgment, secure to their unaltered policy the advantages of which it has been hitherto deprived by an apparent doubt of its sincerity. But they must reserve to themselves entire freedom of judgment as to the character of circumstances involving the obligation of material support to the Amir, and it must be distinctly understood that only in some clear case of unprovoked aggression would such an obligation arise.

6

LORD LYTTON TO C. GIRDLESTONE,[1] 27 AUGUST 1876

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I assume that you are well acquainted with the principles and results of the frontier policy pursued, during the last five years, by the Government of India in accordance with the views of Mr. Gladstone's Cabinet. This policy, (if policy it can be called), consisted in leaving events to take their course, subject to the unchecked action of other States, but unguided and uncontrolled by the British Government. I believe it to have been unsound in theory and mischievous in practice. Certainly the results of its application to Afghanistan have not been satisfactory.

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It is unnecessary for me, in the present letter, to indicate the causes of this very unsatisfactory state of things. I need only make two observations on it: First, I consider that it is mainly attributable to the mistakes of the British Government, and that, therefore, every fair and reasonable allowance must now be made for the conduct of Shere Ali, in consideration of his many past disappointments, and the present difficulties and embarrassments of the position into which we have suffered him to drift; for that position is really far more perilous to himself than, in all probability, he is yet aware of. Secondly, this is a state of things which I cannot, (in the interests of the British Government), allow to continue.

Afghanistan is a State far too weak and barbarous to remain isolated, and wholly uninfluenced, between two great military empires such as England and Russia. The present difference between the policies of these two empires, as regards the interests of the Ameer, is that the British Government sincerely desires to promote his security abroad, and his stability at home. It is our policy to constitute on our north-western border a strong bulwark, by aiding Afghanistan to become a powerful and prosperous State, provided its power be friendly to ourselves, and its prosperity in harmony with that of those other frontier States whose welfare and independence we are resolved to defend against all aggression. . . . We do not covet one inch of his territory; we do not desire to diminish one iota of his independence. But we cannot allow him to fall under the influence of any Power whose interests are antagonistic to our own, and thereby become the tool of ambitions to which the whole energy of the British Government will, in case of need, be resolutely opposed. On the other hand, the Russian Government, (although its real policy has not been, and cannot as yet be, openly avowed), desires, and would

[1] Lytton Papers, Letters Dispatched, I (1876), pp. 428–37, India Office Library. C. E. R. Girdlestone, I.C.S., was Resident in Nepal. Maharaja Sir Jung Bahadur of Nepal had offered to go to Kabul as an accredited representative of the British Government. The object of the proposed mission was to bring about an improvement in Anglo-Afghan relations. Private letter.

gladly effect, the disarmament of Afghanistan, and the absorption of the Ameer's dominions, either by Russia alone, or by Russia in conjunction with England; each of the two European Powers taking, by previous agreement, its own share of the spoil. This object could be best attained by the assent and connivance of the British Government; but, failing that condition of success, its attainment will be, (and, indeed, is already being), sought by means of adroitly playing on the hopes and fears of the Ameer, and thus establishing a diplomatic influence at Cabul. The Ameer, (who appears to be tumbling headlong into the trap thus skilfully laid for him, under the ludicrous illusion that he is strong enough, or crafty enough, to play off Russia against England, and thereby maintain his equilibrium between them), must now choose which of his two powerful neighbours he will rely upon. But one lesson he will have to learn; and that is, that if he does not promptly prove himself our loyal friend, I shall be obliged to regard him as our enemy, and treat him accordingly. A tool in the hands of Russia I will never allow him to become. Such a tool it would be my duty to break before it could be used.

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But, before I enable you to answer it [offer], it is desirable that I should confidentially inform you what I am prepared to give the Ameer, as well as to expect from him, if he affords me the opportunity, by proposing any mode of negotiation compatible with the dignity of the British Government.

In the first place, then, I should *not* insist upon, or even ask for, the acceptance of a permanent English Agent at Cabul. I believe that the Ameer is convinced that this is what I am driving at; and that such a conviction has probably strengthened, if it has not inspired, his reluctance to receive the temporary mission which I proposed to send him. But, in point of fact, I am of opinion that the importance of a permanent Agent at Cabul has been greatly exaggerated. . . .

I should certainly insist, however, upon permission for a British officer to reside permanently at Herat, for the purpose of watching the frontier, giving timely warning of approaching danger both to the Ameer and to ourselves, and preventing complications with the Tekkes, of which the Russians would be only too eager to take advantage. I should wish, (far more in the Ameer's interests than in ours), to have a British officer stationed also at Balk; but, were there any insurmountable objection on the part of the Ameer to this arrangement, I would not press it. It must be, however, a *sine quâ non* to any good understanding between this Government and the Ameer, that peaceable British subjects be no longer *officially* excluded, as travellers, from any part of Afghanistan. . . .

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This, then, is all I care to ask from Shere Ali. My demands are surely moderate. In return for a frank and loyal acquiescence in them, I am ready to give the Ameer —first, a definite treaty of alliance, pledging the whole power of the British Government to the defence of his dominions from attack by Russia, or any other

foreign State; second, the public recognition by the British Government, (to be embodied, if he likes, in the same, or any similar, instrument), of the order of succession as established by His Highness in the person of his younger son, Abdulla Jan; third, assistance in strengthening the fortifications of Herat; fourth, aid, if he wishes it, or whenever he wishes it, by British officers, in organising, drilling, or instructing, his troops on the most improved methods. I am quite ready to agree to this, if it be asked for, but have no wish whatever to urge or force it on the Ameer. . . .

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However, Shere Ali must, in any case, make up his mind, and define his policy, quickly; for I am resolved not to leave our relations with him any longer in their present ambiguous and undignified condition. They must shortly grow better or worse. One hand washes another, and it is now time for the Ameer to shew us some of his soap. I may mention by the way that his present chief political adviser, Syed Nur Mahomed Shah, appears to have been left, by his personal interviews with Lord Northbrook, under very unsatisfactory impressions of our sincerity and energy, and to have returned to Cabul, (where he is now doing all in his power to set the Ameer against us), with very bitter and hostile sentiments towards the British Government.

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In the present very delicate state of our relations with the Ameer, the British Government might be seriously compromised, and embarrassed, by the arrival of the Maharajah at Cabul in the avowed character of our accredited, or recognised, representative. We could not, consistently with our own dignity in the eyes of the Ameer, at this critical juncture, be *openly* cognizant of such an arrangement, or publicly a party to it.

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7

INTERVIEWS OF THE TURKISH MISSION WITH THE AMIR OF KABUL,[1] SEPTEMBER AND OCTOBER 1877

(i) Amir's speech. Third interview. 6 Oct.

. . . The English have encroached upon my possessions. Quetta has been taken up as a permanent military station by them without my consent, according to what rules of friendship, and in accordance with what treaty? Strange treaty indeed! Is such the good faith of all Powers? First to make a treaty, and then to enter the possessions of others without their consent! . . . Without reference to me the Khan was talked over, and allowed a monthly grant. It has been a most serious mistake. . . .

[1] Add. MSS., 39164, f. 90–8. British Museum. The mission had the full support of Lord Lytton, because the Turkish Government had assured the British Ambassador, Sir H. Layard, that the mission would do its best to promote British interests.

(ii) Fourth interview, 12th Oct.

. . . The Russians, up to the present, have not encroached upon my possessions. The English, in violation of their treaty and engagements, have invaded my country. . . . The English have made several grave mistakes: (1) an Englishman, deputed by his Government, incited to rebellion an undutiful son of mine; (2) they have come into my house and made themselves a fixture. They have taught the son of the Khan of Beluchistan to rebel, and promised his friend a place at Delhi. . . . If the Government of the Sultan, in truth, desires me to continue friendship with the English, let it enquire of the English why they have encroached upon Afghanistan, and let it advise them to return to their own limits, and to respect their treaty. . . .

. . . My own feeling in the matter of making friends with the English is, that from the very first I have been in friendly relations with them; and to seek a new friendship is not desirable. I have never been guilty of anything to their prejudice. They press me to allow their agents to take up certain positions in my country. In reply, I tell them that for their agents to reside within my territories was not desirable, owing to the extreme bigotry of my subjects. God forbid, if any of their agents were assassinated, they would at once come down upon me, and charge me with being the instigator. In this country of Afghans I am myself surrounded with enemies, who desire nothing better than my ruin, and would designedly be guilty of acts of violence for which I would be held responsible. . . . Let them relinquish Quetta, and I am as ever their friend. If the English desire the Russians to be restrained, let them rest assured that, until I have exhausted all my resources, and risked my very existence, I shall never give them passage to Hindustan . . . in my opinion, in their Indian career, they [the English] have made three grave mistakes,—1st, without annexing the Punjab, they invaded Afghanistan, with their rear cut off; failing to obtain support, they were discomfited; 2nd, forcing obnoxious reforms during the year of disturbances in Hindustan, they very nearly worked their own ruin; 3rd, for a place like Quetta they have severed friendship with an old and trusted friend, for whose country they have expended large sums of money, and now they are causing anxiety to a friend of theirs, and of such long standing as myself. . . .

(Translation made by J. Christie from a copy of a Persian diary kept by Syud Lall Shah who accompanied the Turkish mission from Constantinople to Kabul.)

8

LORD LYTTON'S MINUTE ON FRONTIER POLICY[1], 4 SEPTEMBER 1878

16. I conceive, then, that it would be simply suicidal to allow Russia to establish herself peaceably and securely at Cabul, and extend her authority to our present borders and over the passes leading into India. She would gain fresh and almost

[1] Lytton Papers, Minutes and Notes, 1878, pp. 636–51. India Office Library.

inexhaustible sources of military strength in the wild warriors who inhabit the countries round Cabul and Herat; and who, in her ranks, would rival the best native troops we have in India. She would add enormously to her prestige, a factor never to be lightly thought of in a war, and of almost magic power in Eastern warfare. Her dream of a railway from the Caspian to Herat, and of a new and shorter line of communication with her Central Asian possessions, would soon become a reality; and all her present difficulties of distances and communications would disappear. We cannot rely on her friendship; and the rich plains of India might prove a too alluring bait to the occupiers of the barren and profitless mountains of Afghanistan. To attack Russia, securely established in such a position, would be a task that might prove beyond even our military resources; to await her in the plains below would be to court defeat. Russia could offer the plunder of the plains, and the conquest of regions once their own, to the Afghans and hill tribes who join her ranks; we have nothing to offer them in return. Even Lord Lawrence, the great advocate of our present frontier, says—'I feel no shadow of a doubt that if a formidable invasion of India from the west were imminent, the Afghans, *en masse*, from the Ameer of the day to the domestic slave of the household, would readily join in.' And though he believes that such hordes would make no impression on the troops we could oppose to them, the conditions would be different were these hordes armed, drilled, and led by European officers, and supported by European troops.

38. In the natural progress of civilized and civilizing Powers which I have already dwelt upon, wherever we leave a vacuum, Russia will assuredly fill it up; and if we leave Herat outside our sphere, Russia will sooner or later occupy it, and extend her power southwards through Western Afghanistan and Seistan, and probably to the Persian Gulf. Thus ultimately we should be conterminous with, and enveloped by, Russia along the whole of our frontier from the Pamir Steppe to the Arabian Sea; and the increased military expenditure entailed on us by such contact would fall little short of that entailed by an occupation of Herat.

39. But if we securely hold Herat, I believe its command of position to be so great that it will definitively and finally stop the southern progress of Russia, not only in Afghanistan, but in Eastern Persia; and probably divert her expansion permanently eastwards. Our contact with Russia on this side would then be restricted to the space between Herat and the Pamir; an influence equal to, or greater than, that of Russia might be regained in Persia; and we might watch, without anxiety, Russia's efforts to open a new line of communication from the Caspian through Merv to Turkistan. The scheme of a railway from the Caspian to Herat, and thence southwards to India, and northwards to Central Asia, would no longer be a mere visionary dream, but an idea which might become an accomplished fact within the next generation; and, instead of a source of danger, might prove an element of stability, and of development and commercial prosperity alike to Persia, England, and Russia, in the East. Lastly our frontier, though in appearance lengthened, would really be shortened; for so long as we hold

Herat, our western frontier between that and the sea will never be seriously menaced.

40. To sum up then. As a purely military line, the strongest frontier we could take up would be along the Hindu-Kush from the Pamir to Bamian, holding the northern debouches of the principal passes; and thence southwards by the Helmund, Girishk, and Gandahar to the Arabian Sea. Though political considerations of the moment may compel and justify an extension of our line to the northern frontier of Afghanistan, this would weaken, rather than strengthen, our general position. But the political and strategical importance of Herat is so great that, though it lies beyond our natural frontier, it cannot be excluded from our line of defence. This line, therefore, should ultimately run from the Hindu-Kush along the Paropamisus to Herat, and thence down the western frontier of Afghanistan and Beloochistan to the Arabian Sea.

43. The solution hitherto sought has been to maintain Afghanistan as a friendly but independent, State, between Russia and ourselves; guarding those points which we deem necessary to India's security. No one will question the wisdom of the policy, though we may disapprove the system of absolute non-intervention which was thought necessary to give effect to it. The error which vitiated this policy was an assumption that Russia would appear in Afghanistan in the character of an enemy, as an invading and conquering Power; and that if we only held aloof and gave no cause for offence, Afghanistan, when the time came, would certainly throw herself into our arms. Even before landing in India I drew attention to this most dangerous fallacy. I pointed out that Russia was too farseeing and wary to shipwreck her cause by a wild premature invasion; that she would first appear at Cabul in friendly guise; and that what we had really to fear was the gradual establishment there, by friendly means and by a policy more active than our own, of an influence hostile to us. This is precisely what has happened. While British officers have been rigorously excluded from all parts of Afghanistan, Russian officers have been permitted to visit Maimena and other points on her northern frontier; a Russian mission has been received, and hospitably entertained at Cabul, where it still remains; and proposals have been openly made to the Ameer to receive Russian workmen to aid in the improvement of his manufactures, among which arms and soldiers would doubtless be included. This is the situation with which we have now to deal; and which has forced on us the somewhat undignified course of hurriedly despatching a rival mission, without even waiting to learn how it will be received.

46. War with Russia is not a thing to be lightly undertaken. The obligation to undertake it for an object which might have been attained by other means, would be most discreditable to our statesmanship. A British statesman, remembering the American War, and the lasting effect which a few hostile cruisers have had on America's commercial prosperity, may well hesitate before exposing British commerce to the same risks. The contemplation of war with Russia in Central Asia has been forced on my mind in the study of the anxious question now under con-

sideration. But the more closely I contemplate such a catastrophe, the greater is the repugnance with which I regard it; a repugnance amounting almost to horror. In such a war we should doubtless be successful, for we can meet Russia with far superior forces on the Oxus. But it is the consequences of success that we have to consider. We should probably stir up a Mahomedan rising throughout the Khanates; and we can realize the horrors of such a rising, if we picture to ourselves another Indian mutiny, in which the mutineers would be supported by a victorious European army. As we advance, and drive the Russians out of Central Asia, and perhaps back to Orenburg, our difficulties and responsibilities would increase. We cannot undertake the whole administration of Central Asia; nor prevent Russia stepping in again to restore order in the countries which, by our withdrawal, we have abandoned to the wildest anarchy. And, when she does this, she will assuredly take signal vengeance on all who sided with us during the war.

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9

LEPEL GRIFFIN TO ABDUR RAHMAN KHAN,[1] 14 JUNE 1880

My friend, I have received your letter of the 16th May by the hand of Sirdar Ibrahim Khan, Sirdar Bahadoor, who arrived at Kabul on the 23rd May, and have fully understood its friendly sentiments and the desire which it expresses for a cordial understanding between the British Government and yourself. This letter, together with the memorandum of the members of the mission, which was shown to you before despatch, and which mentioned certain matters regarding which you desired further information has been laid before His Excellency the Viceroy and Governor General of India; and I am now commanded to convey to you the replies of the Government of India to the questions which you have asked.

Firstly. With regard to the position of the ruler of Kabul to foreign Powers, since the British Government admit no right of interference by foreign Powers in Afghanistan, and since both Russia and Persia are pledged to abstain from all political interference with Afghanistan affairs, it is plain that the Kabul ruler can have no political relations with any foreign Power except the English; and if any such foreign Power should attempt to interfere in Afghanistan, and if such interference should lead to unprovoked aggression on the Kabul ruler, then the British Government will be prepared to aid him, if necessary, to repel it, provided that he follows the advice of the British Government in regard to his external relations.

Secondly. With regard to limits of territory, I am directed to say that the whole province of Kandahar has been placed under a separate ruler, except Pishin and Sibi, which are retained in British possession. Consequently the Government is not able to enter into any negotiations with you on these points, nor in respect to

[1] *Parl. Papers, Afghanistan* (1881), C. 2776, pp. 47–8. Griffin was Chief Political Officer, North and East Afghanistan, 1880–1.

arrangements with regard to the North-Western Frontier, which were concluded with the ex-Amir Muhammad Yakub Khan. With these reservations the British Government are willing that you should establish over Afghanistan—including Herat, the possession of which cannot be guaranteed to you, though Government are not disposed to hinder measures which you may take to obtain possession of it—as complete and extensive authority as has been hitherto exercised by any Amir of your family. The British Government desires to exercise no interference in your internal government of these territories, nor will you be required to admit an English Resident anywhere; although, for convenience of ordinary friendly intercourse between two contiguous States, it may be advisable to station, by agreement, a Muhammadan Agent of the British Government at Kabul.

If you should, after clearly understanding the wishes and intentions of the British Government, as stated in former letters and now further explained, desire these matters to be stated in a formal writing, it is necessary that you should first intimate plainly your acceptance or refusal of the invitation of the British Government, and should state your proposals for carrying into effect friendly arrangements.

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10

THE GOVERNMENT OF INDIA TO THE SECRETARY OF STATE ON THE DESPATCH OF TROOPS TO UPPER BURMA,[1] 1 DECEMBER 1885

2. The treaties between the British Government and the kingdom of Burmah provide that British subjects shall be free to travel and trade in the Burmese dominions; that they shall, while resident in those dominions, be treated and protected as if they were Burmese subjects; that the British Government may establish a political agent in Burmese territory with a suitable residence and escort; that there shall be no monopolies in goods and merchandise passing between Burmese and British territories, excepting as regards earth-oil, timber, and precious stones; and generally that relations of peace and amity shall be maintained between the two Governments, each being careful to observe the conditions of a firm and lasting friendship.

3. Your Lordship is aware that for some years past we have had grave cause to complain of the manner in which these obligations have been fulfilled . . . the principal concessions secured to us by our commercial treaties had never been fairly brought into effect; there were no sufficient guarantees for the strict and substantial observance of the engagements in force; that territorial rights claimed by us were refused recognition, or pertinaciously obstructed; that British subjects in Upper Burmah were exposed to ill-treatment and indignity; and that there was grave cause for dissatisfaction at the position of the British Resident, who was excluded from personal access to the king, in consequence of the degrading ceremonial upon which the Court insisted. The despatch [of 1879] also referred to the

[1] *Parl. Papers, Burmah* (1886), C. 4614, No. 158.

circumstances under which King Theebaw had lately come to the throne, and to the horrible massacres by which his succession had been signalised. The opinion was expressed that it would be in the highest degree impolitic, and indeed scarcely possible, to acquiesce much longer in the existing condition of affairs. No request of the least importance, no representation, however earnest or reasonable, no complaint, however well founded, on the part of our resident at Mandalay, had been entertained or satisfied without such pressure as to convince the Government of Upper Burmah that further resistance would be unsafe to itself. At that point the Burmese Government would always yield to our demands, but in relations maintained under such inconvenient conditions, every trivial misunderstanding might lead to serious complications. The Government of India therefore submitted that it had become expedient to intimate decidedly to the King of Upper Burmah that they looked for change in his policy towards them. They proposed to inform His Majesty that they desired to arrange for the improvement of the British Resident's position, for a general settlement of pending differences and grievances, and for a revision of their treaty relations with his Government.

4. In reply, the Secretary of State observed that the recital of events in this despatch showed our relations with the King of Burmah to be in a very precarious position, but his Lordship was of opinion that such a decided intimation of policy as was contemplated by the Government of India would not be opportune while King Theebaw was in the first excitement of the possession of unbridled power, and was surrounded by the worst class of counsellors. It was pointed out that the grievances which we had tolerated from former rulers of Burmah had not as yet been aggravated by the new king, and that no action had been taken on his part which called for a distinct change of policy on ours.

Under these circumstances, Her Majesty's Government considered that the despatch of anything like an ultimatum based upon former grievances would be impolitic, and they expressed a hope that His Majesty might after a time be induced to make advances which would result in a better understanding upon the various points to which the Government of India had referred.

5. King Theebaw has now been more than six years upon the throne, and it cannot be said that he has availed himself, or manifested any serious inclination to avail himself, of the opportunity which was afforded to him. Our relations with his Government have during that time been to the full as insecure and unsatisfactory as they were in 1879.

A year after King Theebaw's accession it was found impracticable and unsafe to retain a Resident any longer at his Court; and as the efforts of Lord Ripon's Government to come to a satisfactory understanding for the restoration of diplomatic relations were frustrated by the unreasonable nature of the Burmese demands, we have never since had a representative in Burmese territory. At the same time causes of complaint similar to those which were enumerated in the Despatch of 1879 have continued to recur. British subjects in Upper Burmah have been maltreated, and adequate redress has been persistently refused or delayed.

The commercial privileges secured by treaty have been infringed. The Burmese Government have shown a disposition to encroach upon our borders and upon the protected State of Munnipoor; and the general disorganization into which their country has been allowed to fall has proved in many respects gravely prejudicial to the peace of our own borders and to the interest of our subjects.

6. Nor were the foregoing the only circumstances which occasioned us anxiety in regard to Burmah. *Pari passu* with the development of King Theebaw's persistent hostility towards ourselves, unmistakeable indications were not wanting that the Government of Mandalay was bent upon welcoming to the Upper Valley of the Irrawaddy extraneous influences, which, if allowed to become established and dominant, could not fail at some future time to trouble the political tranquillity of Lower Burmah, and engender complications extending even beyond our frontiers.

7. These various circumstances were occupying our attention, when the Burmese Government rendered some definite action necessary by imposing an arbitrary fine of ruinous amount upon a British Trading Company. So far as we could judge from the information submitted to us, the demand was altogether unjustifiable; but we desired to afford King Theebaw every opportunity of explaining his proceedings, and to bring about, if possible, an amicable settlement of the dispute. With this view the Chief Commissioner of British Burmah was instructed to address to the Burmese Government a representation, couched in temperate terms and devoid of all appearance of menace, by which King Theebaw was invited to refer the case to impartial adjudication, and was informed that in the mean time the Government of India hoped he would abstain from taking final action against the Company. We received in reply, a letter refusing to entertain any proposal for arbitration, and distinctly informing the Chief Commissioner that on no account whatever would there be suspension of any order which might be passed upon the case. Under these circumstances we thought it necessary to adopt a more decided tone, and after full consideration, we resolved that the opportunity should be taken of placing our future relations with King Theebaw upon a more satisfactory basis.

8. Accordingly, we directed the Chief Commissioner to despatch to Mandalay a communication containing three demands. These were briefly as follows:—

(1) That an envoy from the Viceroy and Governor General should be suitably received at Mandalay, and that the present dispute should be settled in communication with him.

(2) That all action against the Trading Company should be suspended until the Envoy arrived.

(3) That for the future a diplomatic Agent from the Viceroy should be allowed to reside at Mandalay, with proper securities for his safety, and should receive becoming treatment at the hands of the Burmese Government.

Failing the acceptance of these demands, we announced our intention of taking the matter into our own hands without any further attempt to prolong a fruitless

negotiation. At the same time we thought it fair to warn King Theebaw that the Government of Ava would be expected for the future to regulate the external relations of the country in accordance with the advice of the Government of India, and to afford reasonable facilities for opening up British trade with China. These last two requirements, however, did not form an essential part of our ultimatum, because we did not deem it right to insist upon an explicit answer with regard to them, until our Agent, after his arrival at Mandalay, should have had an opportunity of explaining their real meaning, and of meeting any objections which might be made to them by the Burmese Government. We therefore asked for nothing more than a general acquiescence in the principle of these demands.

9. Notwithstanding the unsatisfactory nature of King Theebaw's reply to our first proposal, we still hoped that His Majesty might not be so ill-advised as to throw away the final opportunity of coming to an amicable understanding which had thus been afforded to him. At the same time we considered it expedient to prepare for every eventuality, by fitting out and sending to Rangoon a military force sufficiently large to show that we were prepared in case of necessity to follow up our demands by decisive measures.

10. As your Lordship is aware, the Burmese Government refused to accept our proposals, and accentuated their refusal by issuing a Proclamation of an unmistakeably hostile nature.

General Prendergast, who had been appointed to the command of the expeditionary force, was therefore directed to cross the border of Upper Burmah, to issue the appended Proclamation, and to advance on Mandalay.

11. It is needless for us to assure your Lordship that we have embarked with extreme reluctance on the line of action above described. In spite of the urgent representations made to us by the mercantile community of Rangoon, we have steadily refused to admit that the misgovernment of King Theebaw within the limits of his own dominions, even when it had an injurious influence on our commerce, was a sufficient justification for invading his territories; but, on the other hand, when the Mandalay Government proceeded to overt acts of flagrant injustice upon a scale it was impossible to overlook, we felt bound to protect Her Majesty's subjects from further wrong at the hands of a semi-barbarous and arbitrary ruler. With this view we once more resorted to diplomatic representations, and when these failed of their effect, we repeated them in such a form as to leave no doubt in the minds of the Ava Government of our being in earnest. The demands themselves were both moderate and reasonable. It had become necessary on many accounts that the Government agency at Mandalay should be reconstituted. All that we imperatively insisted upon was that our representative should be allowed to return, exempted from those humiliating requirements which had forced his predecessor to quit the Burmese capital, and that the proceedings against the Trading Company should be arrested until our Agent should have been given an opportunity of discussing on the spot with the King's Government the merits of the case. To our great regret, our efforts to avoid a recourse to arms have been

unavailing. But, however disappointed we may be at such a result, we feel convinced that no other course was open to us, and that to have prolonged our forbearance further in the face of the many provocations to which we had been exposed, would ere long have superinduced a crisis which would have had to be met under conditions far more embarrassing to ourselves, and more likely to entail heavy sufferings upon the inhabitants of Upper Burmah than those we are now called upon to encounter.

12. In conclusion, I beg to state that by acting with promptitude and decision, by refusing to be amused by vain pretexts invented merely to prepare resistance and secure delay until the unhealthy season, and by the despatch of a force sufficiently large to render opposition vain, I hope to circumscribe, to the smallest possible limits, the expense, the losses, and the duration of the campaign. General Prendergast has been invited to remember that he is about to operate in a country inhabited by a people kindred to our own subjects in race, in religion, and in their material interests, and that he is attacking not a hostile nation, but a perverse and impracticable Court. I am happy to say that, so far, General Prendergast has succeeded, by his skilful and humane arrangements, in making considerable progress up the Irrawaddy without sustaining much loss himself or inflicting any severe punishment upon the enemy. I hope to hear before many days that he is in possession of Mandalay, and I shall then endeavour to submit as soon as possible final proposals with regard to the future administration of the country. Before doing so, however, it is my intention to proceed to Burmah in person, with the view of examining on the spot the elements of this most important question.

11

CONVENTION BETWEEN GREAT BRITAIN AND CHINA RELATING TO SIKKIM AND TIBET,[1] 17 MARCH 1890

ARTICLE I.—The boundary of Sikkim and Tibet shall be the crest of the mountain range separating the waters flowing into the Sikkim Teesta and its affluents from the waters flowing into the Tibetan Mochu and northwards into other rivers of Tibet. The line commences at Mount Gipmochi on the Bhutan frontier and follows the above-mentioned waterparting to the point where it meets Nipal territory.

II.—It is admitted that the British Government, whose protectorate over the Sikkim State is hereby recognised, has direct and exclusive control over the internal administration and foreign relations of that State, and except through and with the permission of the British Government, neither the Ruler of the State nor any of its officers shall have official relations of any kind, formal or informal, with any other country.

III.—The Government of Great Britain and Ireland and the Government of

[1] *Parl. Papers, Tibet* (1904), Cd. 1920, pp. 6–7.

China engage reciprocally to respect the boundary as defined in Artcle I., and to prevent acts of aggression from their respective sides of the frontier.

IV.—The question of providing increased facilities for trade across the Sikkim–Tibet frontier will hereafter be discussed with a view to a mutually satisfactory arrangement by the High Contracting Powers.

V.—The question of pasturage on the Sikkim side of the frontier is reserved for further examination and future adjustment.

VI.—The High Contracting Powers reserved for discussion and arrangement the method in which official communications between the British authorities in India and the authorities in Tibet shall be conducted.

VII.—Two Joint-Commissioners shall, within six months from the ratification of this Convention, be appointed, one by the British Government in India, the other by the Chinese Resident in Tibet. The said Commissioners shall meet and discuss the questions which by the last three preceding Articles have been reserved.

VIII.—The present Convention shall be ratified, and the ratifications shall be exchanged in London as soon as possible after the date of the signature thereof.

In witness whereof . . .

12

LORD LANSDOWNE TO LORD KIMBERLEY,[1] 23 AUGUST 1892

. . . The Amir's hostility to us is, of course, explained in different ways by different persons. I am sometimes told that it is due mainly to the activity which the Government of India has shown for some years past in cultivating closer relations with the frontier tribes, in opening up the Passes by which their territory is traversed, or in the extension of our Railway system to the Afghan frontier. I have no doubt that His Highness regards such proceedings with a jealous eye, but I doubt whether he would have been our friend, or at all events a trustworthy friend, if none of these things had been done. . . .

Another explanation of his attitude is to be found in the fact that, although he took over from us, in the first instance, only the Kabul Province, to which we subsequently added, as a matter of grace, other large slices of territory, he has always nursed the project of placing himself at the head of a great Mahometan Kingdom, and bringing under his dominion all the tribes and Chiefships adjoining Afghanistan. For this reason he bitterly resents our action in maintaining the independence of Bajaur, Chitral, and Waziristan. He knows, moreover, that a settlement of his frontier is inevitable, and he probably considers that it will be to his advantage if, when the time comes, he is found in occupation of as many points as possible within the debateable region.

[1] Lansdowne Papers, Letters to and from the Secretary of State (1892), No. 41. Private letter. India Office Library. Kimberley was Secretary of State for India from 16 December 1882 to 24 June 1885, and again from 6 February 1886 to 3 August 1886, and again from 18 August 1892 to 10 March 1894.

. . . In Waziristan the position is critical. I regard this as the most important part of the problem which we have to solve. It would, to my mind, be absolutely out of the question to let the Amir annex Waziristan. He would be a most troublesome and dangerous neighbour, and the safety of the Gomal could not be depended upon for a week if his people were allowed to establish themselves in close proximity to it. His incursion into Wano is producing any amount of mischief. It has led to the commission of a series of outrages along the line of the Gomal, and has thoroughly unsettled the whole of the Waziri tribes. They feel that the time has come when they must choose between us and the Amir, and, seeing that we did not promptly retaliate upon the Afghans, they are wavering, and may declare against us.

. . . If we had been entirely free to act, I believe that our best course would have been to expel the Afghans at once from Asmar, Wano and Chageh; but it was impossible to exclude from consideration the possibility that action of this kind might possibly have led to a permanent rupture with him. Nor could I feel sure that a proposal to this effect would be supported at home. But, besides this, we have, as you know, been for some years past proposing to the Amir that there should be an amicable settlement of his frontier, and that, for the purpose of arranging preliminaries, he should either meet me in India, or receive a British mission in Afghanistan. He has always raised difficulties in the way of the first alternative, but he has several times referred to the second as one which was likely to be accepted. We, therefore, thought that, even at the risk of our patience being misunderstood, it would be better, for the present, to avoid resorting to force, and to propose a negotiation, allowing the Afghans in the meanwhile to retain their positions under protest, upon the condition that they made no further advance, and subject to any settlement which might hereafter be arrived at. There is, of course, a danger that the Afghans may not respect the *status quo*, and, if it is disturbed in any important particular, I do not see how we can abstain from putting our foot down.

What I have said will, I hope, convince you that we cannot allow His Highness to adopt dilatory tactics, or to postpone the reception of the mission indefinitely. This is what he is evidently trying to do.

. . . . . .

13

LORD KIMBERLEY TO CAMPBELL-BANNERMAN,[1] 7 OCTOBER 1892

In writing to you the other day I overlooked a letter to me from Lord Lansdowne recently received in which he gives his reasons for wishing Roberts' term to be prolonged. . . .

Now I may tell you in *strict confidence* that I do not wish Roberts to stay longer

[1] Campbell-Bannerman Papers, Add. MSS. 41221, ff. 102–4, British Museum. At this time Campbell-Bannerman was Secretary of State for War in Gladstone's Ministry. Private letter.

in India. He is no doubt a very able man, & he has done excellent work, I am told, in the organisation of the military forces in India, but he is the powerful representative of a forward policy which has gone very far already and if it goes on, may involve us in serious dangers. More especially is his continued presence in India undesirable, because he has, I believe, got command of the Indian frontier policy and carries the Foreign Office (Indian) & Lansdowne too much with him. In these circumstances what is wanted is some good *military* reason, which I can give to Lansdowne for not complying with his request.

Will you think it over?

14

AGREEMENT BETWEEN THE GOVERNMENTS OF INDIA AND AFGHANISTAN,[1] 12 NOVEMBER 1893

Whereas certain questions have arisen regarding the frontier of Afghanistan on the side of India, and whereas both His Highness the Amir and the Government of India are desirous of settling these questions by a friendly understanding, and of fixing the limit of their respective spheres of influence, so that for the future there may be no difference of opinion on the subject between the allied Governments, it is hereby agreed as follows:—

(1) The eastern and southern frontier of His Highness's dominions, from Wakhan to the Persian border, shall follow the line shown in the map attached to this agreement.

(2) The Government of India will at no time exercise interference in the territories lying beyond this line on the side of Afghanistan, and His Highness the Amir will at no time exercise interference in the territories lying beyond this line on the side of India.

(3) The British Government thus agrees to His Highness the Amir retaining Asmar and the valley above it, as far as Chanak. His Highness agrees, on the other hand, that he will at no time exercise interference in Swat, Bajaur, or Chitral, including the Arnawai or Bashgal valley. The British Government also agrees to leave to His Highness the Birmal tract as shown in the detailed map already given to His Highness, who relinquishes his claim to the rest of the Waziri country and Dawar. His Highness also relinquishes his claim to Chageh.

(4) The frontier line will hereafter be laid down in detail and demarcated, wherever this may be practicable and desirable, by Joint British and Afghan Commissioners, whose object will be to arrive by mutual understanding at a boundary which shall adhere with the greatest possible exactness to the line shown in the map attached to this agreement, having due regard to the existing local rights of villages adjoining the frontier.

(5) With reference to the question of Chaman, the Amir withdraws his objection to the new British Cantonment and concedes to the British Government the

[1] *Parl. Papers*, *North-West Frontier* (1896), C. 8037, No. 7.

rights purchased by him in the Sirkai Tilerai water. At this part of the frontier the line will be drawn as follows:—

> From the crest of the Khwaja Amran range near the Psha Kotal, which remains in British territory, the line will run in such a direction as to leave Murgha Chaman and the Sharobo spring to Afghanistan, and to pass half-way between the New Chaman Fort and the Afghan outpost known locally as Lashkar Dand. The line will then pass half-way between the railway station and the hill known as the Mian Baldak, and, turning southwards, will rejoin the Khwaja Amran range, leaving the Gwasha Post in British territory, and the road to Shorawak to the west and south of Gwasha in Afghanistan. The British Government will not exercise any interference within half-a-mile of the road.

(6) The above articles of agreement are regarded by the Government of India and His Highness the Amir of Afghanistan as a full and satisfactory settlement of all the principal differences of opinion which have arisen between them in regard to the frontier; and both the Government of India and His Highness the Amir undertake that any differences of detail, such as those which will have to be considered hereafter by the officers appointed to demarcate the boundary line, shall be settled in a friendly spirit, so as to remove for the future as far as possible all causes of doubt and misunderstanding between the two Governments.

(7) Being fully satisfied of His Highness's goodwill to the British Government, and wishing to see Afghanistan independent and strong, the Government of India will raise no objection to the purchase and import by His Highness of munitions of war, and they will themselves grant him some help in this respect. Further, in order to mark their sense of the friendly spirit in which His Highness the Amir has entered into these negotiations, the Government of India undertake to increase by the sum of six lakhs of rupees a year the subsidy of twelve lakhs now granted to His Highness.

15

LORD ELGIN TO LORD ROSEBERY ON FRONTIER POLICY,[1] 7 JULY 1895

. . . . .

I should like now to say for myself that I do not suppose any one ever came to India more inclined to follow out the doctrines of the Lawrence school than I; and I remember that when I sat down to write my first letter about the future of Chitral, before the expedition had actually started, I began by a natural impulse with the argument for withdrawal. But as I wrote, the other side forced itself upon my attention, and I have never felt quite sure which policy that particular letter will have been thought to recommend.

[1] Elgin Papers, Correspondence with England (1895), No. 51. India Office Library. Private letter.

What has impressed itself upon me since I reached this country is that we can only govern it by maintaining the fact that we are the dominant race. Therefore it is that in civil administration, however much we may desire to introduce natives of India into the government of their country, there is a point at which we must reserve the control to ourselves, if we are to remain at all. Apply these principles to the Chitral question. We cannot afford, in dealing with these Oriental peoples, to let it be thought that we are unable, or unwilling, to observe obligations we have entered into, and therefore the obligations of the 30 years since the time of Lord Lawrence must remain, even if we regret them. That means to say that in any question with Russia our frontier is not the Indus, or the red line of the frontier of British India on a map. I could wish it were. I fully believe that, if we had never gone beyond it, Russia might have tried to open the door in vain. But I cannot refuse to see some force in the arguments of those who hold that as things stand now, if it was laid down that we should await Russia on the Indus, not only should we have the whole frontier in a blaze, but we might have dangers behind us that would paralyse our efforts.

The obligations beyond the frontier of British India are various and far-reaching. What about the Amir and Afghanistan? I know Curzon intended to show to you certain memoranda of his Kabul visit, which he only entrusted to me confidentially, and therefore I may mention his conviction that one of the Amir's objects in desiring to visit England was to obtain a guarantee of his northern frontier. I may doubt if you would have given this; but I cannot see any other justification for our whole policy with Afghanistan, and all the money we have lavished on that alliance, except that we do not mean to allow any interference from Russia there. . . . Fowler sent me an extract from the opinion of 'a distinguished military officer (not Wolseley)' which maintained that we had made no preparations to occupy what Sir G. White calls the accepted line of defence from Kabul to Kandahar. If he had visited Chaman with me and seen 100 miles of railway stored ready for the operation, he could scarcely have argued thus. But if we are not preparing to resist Russia in Afghanistan, for what conceivable purpose are we spending such vast sums upon it? At all events no one will surely deny the existence of some obligation towards that country.

So again in Chitral itself I have never seen anything to show that you have abandoned the position which Kimberley took up in 1893, i.e. that we could not go back from our guarantee of suzerainty to Kashmir. *There* is an obligation of Lord Lytton's making, very likely a regrettable one, but existent. But besides these, when we talk of taking our stand on the frontier of British India, I think we forget obligations more or less definite to all the tribes between that frontier and Afghanistan. The Durand Convention has to my mind given form and shape to much that before was vague. We have said distinctly that all these voices are in our sphere of influence, and we have claimed from many of them acknowledgments of our supremacy. How could we possibly abandon them without the imputation, possibly of treachery, most certainly of cowardice?

I must not weary you, but these are some of the considerations that led me to the conclusion that we are not now free to fall back upon our frontier; and, if that is so, I confess that to me the occupation of Chitral, in the manner we proposed, was not the locking up of men who would otherwise have been available in India, but the placing of a small, but adequate, detachment in such a position of advantage that it would effectually check an operation which, if Russia carried it out, as she could with 3,000 or 4,000 men, would certainly lock up more than 20,000 men in the garrisons from Peshawar to Kashmir. I am not a military strategist, but I must say that the arguments of those who are, and who took this view, commended themselves to my judgment.

I regret very much to have differed from you and your Government on this question. I regret it the more now, because, if the new Government reverses your decision, I foresee that I may be brought into conflict with my political friends at home. It cannot of course be helped. I have done what I could to secure that the Government of India, while firmly expressing its own views, should loyally carry out the decision of the ultimate authority, and you will agree I must do the same still.

. . . . . .

16

LORD HAMILTON TO LORD ELGIN,[1] 23 SEPTEMBER 1897

. . . Our object is two-fold, one, to be attained as soon as it is possible, viz., the pacification, control over and establishment of friendly relations with the tribes outside our own frontier; and secondly out of relations so established a secure passage for our troops should they be called upon to protect the frontier that scientifically safeguards India from attack. If we fail in our first object, the difficulty of performing the second is enormously increased, and although Roberts admits that the subjugation of the tribes, as he proposes it, would cost much money and life, he does not show that at the conclusion of the operation he would have achieved what is the foundation and starting point for object 2. The danger of a direct attack by Russia upon India yearly lessens, as Russia has other and larger fish to fry. Roberts then goes on to wish for the disintegration of Afghanistan, which I assume means that a certain portion of its present territory will get under Russian control, the inhabitants breaking away from their present Afghan rulers because they hate them. Yet if this disruption takes place it is to be only the prelude to the two sections reuniting to fight us.

I have always put the political objects to be gained by the forward movement higher than the strategical. If we can conciliate and attach to us these tribes then from a military point we are greatly the gainers. If we only make them more hostile, whatever benefit we gain theoretically in strategy by occupying their country we more than lose tactically by the forces locked up in maintaining our communications. The old Laurentian punitive dog in the manger policy was impossible

[1] Hamilton Papers, vol. 2, No. 141. India Office Library. Private letter.

under the new conditions brought into existence by the establishment of railways in Central Asia, and through their agency the steady advance, absorption and consolidation of territory by Russia. The question which it therefore seems to me you will have to answer at the close of these military operations, is, how can the principle of the forward policy (which I accept as I do the doctrine of gravitation) be best associated with the procedure likely to conciliate the tribes. Roberts' reply would be, I assume, 'If you do go into the country in force and remain there, do not scatter a body of troops in small numbers along a long line inviting attack and casualties.' As regards railways, I assume we shall all agree, but prosecuting their advance according to our means. We shall probably not differ as to disarmament, so far as it is practicable. Can we go much further and undertake the administration of these tribes and the territories they occupy. I am a great believer in gradual evolution. In this country it is the secret of our political progress, but Orientals, I am told, require sudden and heavy coups for their management and control. If I review the past I think our frontier policy has been right in principle; but the pace has been too rapid: Roberts, on the other hand, thinks we owe all our difficulties to half-hearted action; but he is obliged to fall back upon this recriminatory defence to justify his past action. . . .

17

THE GOVERNMENT OF INDIA TO THE SECRETARY OF STATE ON THE RELATIONS OF BRITAIN WITH PERSIA,[1] 21 SEPTEMBER 1899

. . . Although the relations of Great Britain with Persia have for a period of exactly a century occupied a large, and perhaps at times a disproportionate, space upon the field of international diplomacy; . . . we have not been able to discover in our records any clear definition of the principles upon which our policy towards the Persian kingdom is based, of the objects which it should keep in view, or of the scope and limits of the respective shares of responsibility, political and financial, which should be assumed by the two partners, *viz.*, Her Majesty's Government and the Government of India, who are jointly concerned in the defence of Anglo-Indian interests in the dominions of the Shah.

2. We feel that there is at the present time the greater need for such a discussion, because of the facts, which must be patent to all, that the Persian Government appears well nigh to have exhausted all power of recuperation or reform; and that the country, but feebly held together by any tie either of race, religion, or loyalty, is only saved from a fate to which it must otherwise have long ago succumbed, partly by a superficial vitality not infrequently seen in political organisms, especially in the East, even when in an advanced stage of decay, still more by the rival ambitions of the two great European Powers between whom its territories are placed, and who are the real arbiters of its destiny. These conditions have already

[1] Letters from India, Political Department, vol. 116 (1899), Foreign and Secret, No. 175, India Office Library. This document appears in full in J. C. Hurewitz, *Diplomacy in the Near and Middle East, 1535–1914*, (1956), vol. 1, pp. 219–49.

displayed a durability in excess of any *a priori* expectations, and they may yet continue for a while, in the absence of any startling change of environment, to survive. But they cannot, in the nature of things, be permanent. . . .

3. We think that there are signs that such an issue, if not immediately impending in Persia, is drawing near. The rule of the present Shah is distinctly and uniformly weaker than that of his predecessor. The dissolvent agencies at work in the Persian kingdom are more active and persistent. Meanwhile, the encroachments of Russian power are steadfastly pursued and are less veiled by any pretence of concealment. Other Governments and nationalities, either impelled by the secret obligations of international sympathies, or attracted by a desire to share in the probable spoils, are appearing upon the scene; and there is every reason to believe that, as in the case of the Ottoman Empire and of China, so also here, the property of the sick man, should no steps be taken in advance to prolong his existence, and should the end come before any testamentary dispositions have been made, is likely to be subject of bitter contention between the various parties who may demand to be included among his heirs.

4. We desire, therefore, not merely to examine, in response to Your Lordship's invitation, the particular steps that may require to be taken for the maintenance or extension of British interests in Persia at the present juncture, but to survey a wider field, and, while there is yet time, to discuss how those interests should be definitely safeguarded in the future that seems to be imminent, and what part in the outlay or in the measures that may be necessitated for that end, should be assumed respectively by Her Majesty's Government and by the Government of India. Sir M. Durand himself concludes his despatch by saying that 'the time has come for us to lay down a definite line of policy'. We concur in this opinion, but we interpret the obligation thus admitted in a broader sense than Her Majesty's Minister has done; and we think that no mere stop-gap measures, however useful they may individually be, will avail for the permanent protection of our position in Persia, unless a clear understanding be arrived at in advance as to what that position is and what it demands.

5. It may not be inappropriate to state, in the first place, what we conceive British, i.e. Anglo-Indian, interests in Persia to be. They are commercial, political, strategical and telegraphic, The total annual value of British trade with Persia has been estimated by Sir M. Durand (and, from the calculations that we have made, we believe the estimate to be below the mark) as approximately three-and-a-half millions sterling; and while a great deal of this trade, particularly in the south and east, is with British India, yet the northern and western avenues of entry are devoted in the main to commercial connections with the British Isles. The total volume of Anglo-Persian trade continues, in spite of the difficulties encountered and the increasing insecurity in Persia, to rise and, under a more efficient and less venal régime, would probably attain to much larger dimensions. Similarly, although the experience of the past decade has not been encouraging to British mercantile investment in Persia, as the experience of the Tobacco Régie, the Persian Mining Rights Company, and other ventures, has shown, there is nevertheless

a good deal of British capital sunk in various industrial undertakings in different parts of the country.

7. The strategical interests of Great Britain in Persia arise from conditions with which India is most intimately concerned. Long before the boundaries of British India had been extended to their present limits, or before Russia had become a great Central Asian Power, approaching or impinging at many points upon the Indian frontiers, the fortunes of Persia, though not at that time a coterminous country, had become a matter of vital concern to the British dominion in India. In the early years of the present century, when the ambitions of France were the main source of apprehension, it was through Persia that a blow at British supremacy was expected to be struck, and that an invasion of India was planned. The same idea has re-appeared at intervals since. Now that the boundaries of Afghanistan, which have been demarcated and guaranteed by Great Britain, march for many hundreds of miles with those of Persia; that Persian territory is also coterminous for hundreds of miles with Baluchistan, a State under a British Protectorate, and in large measure actually administered by the officers of the Government of India: and that the sea which washes the southern coasts of Persia is one in which, both from its proximity to the Indian Ocean and as a result of the exertions of the past century, Indian interests and influence have become supreme—it is clear that Persia has assumed a strategical importance, in relation to British India, which might not be serious, were the resources or the designs of that country itself alone to be considered; but which is indisputably great, when it is remembered that closely pressing upon Persia and upon Afghanistan is the ever-growing momentum of a Power whose interests in Asia are not always in accord with our own, and that the Persian Gulf is beginning to attract the interest of other and sometimes rival nations. These conditions, however, while they indicate the supreme concern which those who are responsible for the government of India cannot fail to feel in the fortunes of Persia, are nevertheless sufficiently obvious in their general application to render it unnecessary for us to point out their far more than local range, or to argue that they affect not merely the destinies of British dominion in India, but those of the British Empire. It is from this point of view that we hold strongly the opinion that Persia in its strategical, no less than in its political, aspect is not only an Indian, but is also an Imperial, concern, and that we feel no hesitation in appealing to Her Majesty's Government for a frank and generous recognition of this common responsibility.

8. The telegraphic interests of Great Britain in Persia may be said to be evenly divided between the mother-country and India. For whilst on the one hand the wires that have been constructed between the north-west frontier and Tehran, and which provide the earlier link in the Persian section of the main overland connection with the East, are in the hands of a Company whose domicile is in London, from Tehran onwards to the Gulf the undertaking is conducted by an establishment that is recruited and paid for by the Government of India, while its head-quarters are in the India Office in London. This two-fold system exists in order to maintain

a connection which may be said to be equally British and Indian, since it is equally indispensable to the interests of both countries; but which also has an ulterior and wider scope, inasmuch as the Trans-Persian wires, and the sub-marine cables by which they are supplemented in the Persian Gulf, are largely utilised for the conveyance of messages between Great Britain and places lying beyond India, notably the Australasian Colonies. From a calculation based upon the aggregate results of the past five years, we have ascertained that no less than 30 per cent. of the total traffic is of this description. Nevertheless the cost, in so far as it is borne by either Government, devolves exclusively upon the Indian, and not upon the Home, Exchequer.

. . . we maintain that enough has been said to prove that on the broad field of international policy Persia is not exclusively an Indian interest, but is emphatically an Imperial interest of Great Britain; and that the latter should be prepared to exert her full strength for the defence of that interest, should it be jeopardised or impugned.

10. In discussing the manner in which it is desirable that these principles, if accepted, should be carried into action, we are anxious at the outset to make our position, in one respect, perfectly clear. We have no desire to make an addition to the political or territorial responsibilities of India, for which we have not, under existing conditions, the means either in money or in men. . . . But we press for an early decision and for early action, since, unless we bestir ourselves, there is good reason for fearing that the already trembling balance may be disturbed by others to our disadvantage.

12. The political destinies of a country and a Government, as weak as we have stated those of Persia to be, are likely to be determined in the main by her geographical position in relation to her neighbours. Of the four foreign Powers whose territories adjoin her own, two may be eliminated from the present discussion as being themselves lacking in the strength or vitality, likely to render their influence decisive, or their aggression to be feared. These are Turkey and Afghanistan, the latter of which, moreover, is under engagements with Great Britain that render it impossible for her to be considered, in her foreign relations, as an independent Power. There remain Russia and Great Britain. There is a curious correspondence, but there are also notable differences, between the positions of these two Powers *vis à vis* with Persia. The entire northern frontier of Persia is now contiguous with Russian territory, with the exception of that portion which borders upon the Caspian Sea—a distinction, but not a difference, inasmuch as that sea has to all intents and purposes been converted into a Russian lake. Russian territory also overlaps the north-east corner of the Persian dominions. Great Britain enjoys a somewhat similar preponderance of influence on the south, by virtue of her hitherto unchallenged supremacy, both naval and commercial, in the Persian Gulf; while, owing to recent developments on the side of Baluchistan, her land territories also touch those of Persia upon the south-east. But there are these broad differences between the two positions: firstly, that whereas the Russian territories that are contiguous [?] with Persia on the north are continuous either with those of

European or with those of Asiatic Russia, the immense resources of both of which dominions can be brought by a skilfully designed system of railways, and deposited with little trouble and with no delay, upon the Persian frontier itself—the forces of Great Britain, if required for purposes either of menace or attack, would require to be conveyed by sea and would be separated by a great distance from their base; the land connection on the Perso-Baluch side being as yet too precarious and remote to admit of its being taken into serious consideration in the present context; secondly, that whereas the Russian land approaches upon the north are in her own exclusive possession, the maritime access of Great Britain on the south is equally open to any other Power possessing a naval marine. Hence the marked and inevitable distinction between the power of persuasion or menace possessed by Russia in the north, as compared with that at the disposal of Great Britain in the south, the advantage enjoyed by the former being enhanced by the fact that the Persian capital and Court are situated in the northern or Russian and not in the southern or British zone of influence.

13. In these circumstances, it is not surprising to read of the increasing and indisputable supremacy which Russia has established in Northern Persia, as described by Sir M. Durand. While not repeating his demonstration, we may supplement it by saying that, while we think that no efforts should be spared to safeguard so much as is left to us of the trade that enters the country by the Trebizond–Tabriz route, of the trade of Tehran, and of that of North-East Persia (concerning which it may be noted that the imports into Meshed from British India which in 1893–94 represented a value of £198,500 and in 1894–95 of £312,000, have in 1897–98 sunk to £130,000), and while as long as the capital remains at Tehran, which is also the centre of important British interests in the shape of the Telegraph administration and the Imperial Bank of Persia, it is essential that British influence there should be asserted on a scale as nearly as possible equivalent to that of Russia—we are yet of opinion that the advantages enjoyed by Russia in the field under discussion are so overwhelming as to render any attempt to dispute or to shake her position there fruitless; and that our own energies can with greater wisdom and with superior chances of success be directed towards the protection and consolidation of the British sphere of influence in the centre and south. It is to a more critical examination of this subject that we now turn.

20. . . . Seistan is, by reason of its geographical position in relation both to North Khorasan, to Western Afghanistan, to British Baluchistan, and to the Persian Gulf, a position of no small strategical importance. Seistan is the present meeting point of the advanced pioneers of British and Russian influence. Perhaps on the whole, owing to recent activity on our part, the British position and chances are the more hopeful. It is essential in the future . . . that Seistan should be retained in the British zone. It is fortunately not too late to secure that consummation. . . .

23. The *de jure* position in the Persian Gulf is that of a sea open to the flag of all nations, the northern shores and territorial waters of which are included in the dominions of Persia, while its western and southern coasts are partially owned and

partially claimed by Turkey, or are in the occupation of Arab tribes, who have entered into treaty relationships of varying character, constituting a sort of veiled Protectorate, with Great Britain. The islands in the Gulf are owned either by Persia, or by Arab Chiefs (in the case of Bahrein under British protection); but upon one of the Persian Islands, *viz.*, Kishm, Great Britain possesses a piece of land by virtue of an original grant from the Imam of Maskat, to whom the island once belonged. Outside the entrance to the Persian Gulf, but included in the same political system, are, on the northern shore of the Arabian Sea, the coasts of Persian Baluchistan, along which the overland wires of the Indo-European Telegraph Company run as far as Jask, where a reserve of English territory exists under an agreement concluded in 1887 between the British and Persian Governments, and where a detachment of Indian troops, who had previously been stationed there between the years 1879 and 1887, was replaced in January 1898 in consequence of the murder of a British telegraph official and the disturbed state of Persian Baluchistan. A larger detachment was at the same time despatched to Charbar, near the eastern limits of the same province. On the southern and western coasts is the still independent kingdom or Sultanate of Oman (Maskat).

24. The *de facto* position upon the waters and on the shores of the Persian Gulf reflects a more positive British predominance than the preceding paragraph might indicate. In the early years of the present century, the slave trade was rampant in the Gulf, and the vessels of the Indian Marine were engaged in a long and arduous struggle with the Arab pirates who infested its southern coasts. This conflict which was conducted entirely by British agency and means, without any help from the Persian Government, resulted in the establishment of treaty relations with the great majority of the Arab Chiefs, under which they bound themselves to observe perpetual peace and to refer all disputes to the British Resident at Bushire. The *pax Britannica*, which has ever since, with rare exceptions, been maintained, is the issue of these arrangements and is the exclusive work of this country. Of similar origin were the soundings of the channels and the surveys of the shores of the Persian Gulf, which the navigators of all nations owe to the labours of a long line of naval officers of the Indian service. Meanwhile, British trade has acquired almost a monopoly of the foreign commerce of the Gulf ports. Indian Bunias from Shikarpur and other parts of Sind have settled in considerable numbers at Lingah, Bunder Abbas, Bushire and Bahrein. They frequently farm the customs. The foreign imports and exports pass through their hands. These are for the most part conveyed to and from the Gulf in British ships, more than one Anglo-Indian Company (the 'British India', the 'Bombay and Persia', and the 'Anglo-Arabian and Persian Gulf') having maintained for years a merchant steamer service between Karachi and Basrah, touching at the Gulf ports on the way, whilst the rival ventures that have occasionally been attempted by foreign nations have uniformly failed and have been withdrawn.

25. As the result of careful calculations of the trade returns of the three years, 1895–96–97, which are the latest at our disposal, we have ascertained that the total

value of Imports and Exports in the Persian Gulf (including the Persian ports of Bunder Abbas, Lingah, Bushire, and Mohammerah; the Arab ports on the opposite coast; and Bahrein) in that triennial period amounted to £17,241,300 (at the rate of Rs. 15 = £1). Of this total, Local trade accounted for £5,124,000 and External trade for £12,117,300; while of the latter total the trade with British possessions (including India) amounted to £9,709,500, or over 80 per cent of the entire External trade. In the same three years, out of a total of 2,161 steamers which entered and cleared from the Gulf ports, 2,039 were British, and their tonnage represented 84 per cent of the total tonnage. If the returns of Persian ports alone be required, the figures are Total trade, £11,172,000, of which Local trade = £2,169,400 and External trade = £9,002,600, the British proportion of the latter being £7,494,200, or 83 per cent. To these totals in either case there should, in our opinion, certainly be added those of Basrah, which amounted in the same triennial period to £2,157,300. Unfortunately the manner in which these have been prepared, do not admit of our distinguishing the countries of origin or destination. The proportion, however, that should properly be assigned to Anglo-Indian commerce may be inferred from the British percentage of shipping that entered or cleared from that port in the three years referred to. It amounted to no less than 93 per cent both of the number and tonnage of the steamers engaged.

47. . . . we desire to impress upon Her Majesty's Government the fact that in an area, by land and by sea, which Great Britain regards with good reason as falling within her sphere of influence, that influence is being directly and increasingly challenged by other nations, who, in proportion as their foothold becomes more securely established, will resist any preferential claims, upon whatever foundation in history or in fact they may rest, and will claim for themselves an equality of right which in theory it may be difficult to contest.

49. We cannot pretend to divine the future, or to say whether any European Power, and if so which, will at any time push her advance to the point of claiming a maritime outlet in or near to the Persian Gulf. The fate of Mesopotamia lies beyond our ken: and it may be that in the collapse of the Ottoman Empire, some stronger Power may one day exercise dominion at Baghdad, may occupy Basrah, and may demand access for its vessels to the neighbouring waters of the Gulf. Such a consummation, it is in our opinion, in the interests of British policy, as long as may be possible, to postpone. But upon the question of allowing any European Power, and more especially Russia, to overrun Central and Southern Persia, and so to reach the Gulf, or to acquire naval facilities in the latter even without such territorial connections, we do not conceive that any doubt whatever can be entertained; and we imagine that it will be accepted as a cardinal axiom of British policy that no such development would be acquiesced in by Her Majesty's Government. We would arrive with the greater confidence at this conclusion, since we were lately informed by Your Lordship that on April 15th of the present year, Lord Salisbury communicated to the Persian Government with reference to rumours of the cession of a port in the Gulf to Russia, that 'Her Majesty's

Government felt it to be their duty to renew the intimation that it would not be compatible with the interests of the British Empire that any European Power should exercise control or jurisdiction over the ports of the Persian Gulf'.

53. . . ., it behoves us to examine the various alternative policies that have been or can be proposed. The first of these is the policy of a regeneration of Persia by Anglo-Russian means; i.e., joint action by Great Britain and Russia to insist upon reforms, to reorganise the administration and finances, to develop the resources of the country, to lend the requisite means, in fact to convert the Persian Government by combined philanthropy from a moribund into a solvent institution. This policy was discussed and rejected by Sir M. Durand in his Memorandum of September 1895, on the ground that Russia would denounce us to the Shah to begin with and would play us false afterwards; and in his despatch of February 1899, he again 'proceeds upon the assumption that we cannot hope to come to terms with Russia, and persuade her to join us in a policy of reform and development'. We concur with Her Majesty's Minister in believing that the reform of Persia by a policy of friendly co-operation between Russia and ourselves is out of the question; and we do so in the main for the reason, which no one familiar with Persia will deny, that Russia is interested not in the reform of Persia, but in its decay; that in the background of her ambitions is the vision of a country and a people falling from inherent debility into her grasp; and that any policy which might tend to strengthen the country or to revivify the people, is to be resisted as tending to thwart the fulfilment of those ambitions. . . .

54. The alternative policy recommended by Sir M. Durand is that we should plainly intimate that any Russian encroachments in Northern Persia will provoke corresponding measures for the protection of British interests in the south. In his Memorandum of September 1895, Her Majesty's Minister suggested that this declaration should be made to the Russian Government. In his despatch of February 1899 he proposed that it should also be made to the Persian Government; so that both parties should be well aware of the steps that would follow upon any further Russian aggression. It has been objected to this policy that such an engagement might impose upon the British Government an unwelcome obligation to intervene and to add to British responsibilities in Southern Persia, at the moment most opportune to Russia, and least opportune to ourselves. There is force in this objection; although we think that it might be met by introducing sufficient elasticity into the proposed intimation to leave Her Majesty's Goverment free to act for the protection of British interests in Southern Persia, not in a specified manner at a specified moment, but in what manner and at what juncture might commend itself to their judgment. Moreover the value of the objection is somewhat weakened by the consideration that did Russia take any such step in Northern Persia as is here contemplated, counter-action of some sort, with or without a previous intimation, would in all probability be imposed upon Her Majesty's Government; while the knowledge that a Russian advance in the north might be the signal for a corresponding British move in the south would, it can scarcely be doubted, operate as

a deterrent upon any premature activity on the part of Russia, since she might thereby gravely jeopardise the realisation of her own dreams of ultimate access to Southern Persia and the Persian Gulf.

55. Nevertheless before we recommend that such a policy should be essayed, we desire to raise the question whether, though it be impossible to conclude an agreement with Russia for the joint patronage and development of Persia, it might not yet be possible to come to an understanding with her for the separate patronage and development of that country in distinct and clearly defined compartments by the two great Powers, in other words for a recognition of British and Russian spheres of interest in the dominions of the Shah. This is a solution the desirability of which has not been lost sight of by Sir M. Durand, but which for certain reasons he did not feel called upon to discuss. Recent events in China have familiarised the public mind with the idea of such spheres of interest, although their existence would appear to be still somewhat lacking both in clearness of definition and in precision of outline. The Viceroy has observed in recent telegrams from Lord Salisbury to Sir M. Durand with reference to a Persian loan and to mining concessions in that country, indications of a willingness to concede to Russia liberties in the north of Persia, parallel in scope and substance with those conceded to Great Britain in the south; and it is worthy of consideration whether in an expansion of this suggestion might not be found a feasible scheme.

56. We have already alluded to the line across Persia drawn by Sir M. Durand from Khanikin on the Turkish frontier, through Kermanshah, Hamadan, Ispahan, Yezd, and Kerman to Seistan, as indicating the northern limits of the sphere within which British political influence and trade are paramount. To some extent this partition is assisted by geographical conditions, the great deserts of Central Persia constituting a natural barrier between the north and the south, and roughly dividing the one from the other. But this situation is modified both in the west of Persia, where there are no deserts, and where there is no physical line of demarcation between the respective spheres of influence; in the centre of Persia, where Ispahan can hardly be said to constitute the natural frontier of any geographical zone; and also in the extreme east where Seistan, the inclusion of which in the British sphere would be an obligatory point, lies not to the south but to the north of the great desert. These considerations might not affect the success of any engagement that was carried out with equal *bona fides* by both parties; but they might become a fruitful source of friction were such a good understanding not to be counted upon in the future. In any case, we would recommend that the line of partition, suggested by Sir M. Durand, should be so far amended as to substitute Kashan for Ispahan. It would be undesirable that any Russian railway should penetrate further south than Kashan, which indeed is separated by a considerable range of hills from Ispahan, or that Russia should have right of access to the very fringe of the latter district.

60. Neither will it be overlooked by Her Majesty's Government that, while any such arrangement with Russia might preclude that Power from obtaining control

over Central and Southern Persia and in that way reaching the Persian Gulf, it would not for one moment retard, but might on the contrary accelerate her advance to the same objective through Mesopotamia by way of Baghdad. This is an issue which we should regard with scarcely inferior repugnance; but the problem is one which we do not feel called upon to discuss upon the present occasion, and which would require to be examined on independent grounds. Nor again would an Anglo-Russian agreement preclude France, or Germany, or any other Power from endeavouring to acquire in Southern Persia or in the Gulf the position from which Russia would *ex hypothesi* have debarred herself. There might even be combined action between them for that object. These however are features inseparable from the solution which we are discussing, and which would be of a less formidable character, if the influence of the principal competitor were removed from the scene. We should strongly deprecate the political rivalry of any European nation in the neighbourhood of the Persian Gulf; even though such a situation, while fraught with constant annoyance, might not, as in the case of Russia, constitute a positive menace to the Indian Empire.

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18

THE GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[1] 13 FEBRUARY 1902

4. Your Lordship is fully aware of the present position of affairs, and of the manner in which the Tibetans have evaded their obligations under the Convention of 1890 and the Trade Regulations of 1893. . . . We have now for years carried the policy of forbearance and inaction to almost unreasonable limits. We have tried every means of effecting a compromise, but without success. We have endeavoured to negotiate with the Tibetan authorities through the Chinese Government, and to establish direct relations with them ourselves. All these attempts have been attended with equal failure; and the time seems to us to have arrived when we should decline any longer to allow our boundary to be transgressed, our trade to be strangled, and the rights secured to us by Treaty defied. The policy of isolation pursued by the Tibetan Government is one that, from its own point of view, it may not be difficult to comprehend. But it is not compatible either with proximity to the territories of a great civilised power at whose hands the Tibetan Government enjoys the fullest opportunities both for intercourse and trade, or with the respect for the treaty stipulations into which the Chinese Government has entered on its behalf. It is, indeed, the most extraordinary anachronism of the 20th Century that there should exist within less than 300 miles of the borders of British India a State and a Government, with whom political relations do not so much as exist, and with whom it is impossible even to exchange a written communi-

[1] Letters from India, Political and Secret, vol. 142, Foreign and Secret, No. 32. India Office Library.

cation. Such a situation cannot in any case be lasting. But it seems desirable that it should be brought to an end with as little delay and commotion as possible, since there are factors in the case that might at a later date invest the breaking down of these unnatural barriers with a wider and more serious significance.

9. We commend these views to the favourable consideration of His Majesty's Government, and we trust that our plans may be approved.

19

LORD HAMILTON TO LORD CURZON,[1] 11 SEPTEMBER 1902

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Lee-Warner has gone away on leave previous to giving up his post as Political Secretary. I had some conversation with him about Tibet, and he has written a memorandum, which I enclose, upon the great political advantages of associating ourselves with the Nepalese in repelling Russian influence from Tibet. The Chinese Ministers emphatically repudiate any idea of such a Protectorate, but Satow believes that unofficially some such proposal has been made to the Yamen. But this telegram from Peking makes it clear that the danger is not immediate, and gives time for advances to be made to Nepal and their cooperation secured. In addition to the material assistance we should thus gain if we come to overt acts, the political effect outside India would be great, for it would be a demonstration to the world at large that not only the British Government, but the peoples of India, were equally determined to withstand and combat any Russian advance into territories which would command an outlet into India.

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NOTE ON TIBET BY SIR WILLIAM LEE WARNER, 5 SEPTEMBER 1902

I venture to submit a short Note on Tibet. We have two questions with Tibet, which are parts of one whole.

(i) By a Convention of 17th March 1890 with China, the boundary of Sikkim and Tibet was defined. Tibet has not observed this Convention, and under Clause 6 we reserved for arrangement the method in which official communications between India and Tibet should be conducted. We have tried at times to approach Tibet, and have been repulsed. We have tried to get China to settle matters in dispute, and have failed. The Convention practically recognises Chinese sovereignty over Tibet.

Meanwhile (ii) we hear rumours of a Russian protectorate over Tibet. We have warned China, thus again recognising Chinese sovereignty.

There is a third country which has relations with Tibet. Before the Mutiny

[1] Hamilton Papers, vol. IV (1902), No. 37 and enclosure. India Office Library. Private letter. Lee Warner was Secretary of the Political Department of the India Office from 1895 to 1902 and then became a member of the Council of India.

Tibet and Nipal fell out. Nipal went to war without our interference, and concluded peace by an agreement of 24th March 1856. Tibet agreed to pay an annual tribute to Nipal. Nipal promised, in future, to give all the assistance in its power to Tibet, 'if the troops of any other Raja invade that country'. A Nipalese agent or Bharadar was to reside at Lhassa. Neither Nipal nor ourselves can tolerate a Russian protectorate over Tibet. I doubt whether Russian troops could easily occupy the capital of Tibet. Since 1856 Nipal and Tibet have quarrelled more than once—in 1875 and 1880 and 1883—and we have not interfered.

The conclusion I draw is that we cannot ignore Nipal. It seems to me that we ought to have a frank exchange of views with Nipal, and take common action. The difficulty is that we must act for Nipal in dealing with China. The extreme limit to which Nipal can go is to deal direct with Tibet, a measure at present not open to us without arrangement with China. Thus both ourselves and the Gurkhas are handicapped. But might we not work together? China might be told that we are behind Nipal, and Nipal, being in direct communication with Lhassa, might of itself demand information as to any arrangements between Russia and Tibet. If this information was unsatisfactory, and if at the same time China did not deny the agreement with Russia, might not Nipal be urged to send a force to Lhassa and demand from Tibet an assurance that it would permit no Russian troops to enter its country? At present, however, what I venture to urge is, concerted discussion with Nipal. If we intervene without such an understanding, Nipal will suspect our designs, and it may be embarrassed when its treaty obligation to assist Tibet is invoked.

Much will depend upon the Chinese answer, if we can trust its truth. But I would ask the Viceroy to consider the Nipalese-Tibetan agreement, and report what communication he proposes to make to Nipal, and what views Nipal entertains on the subject of Russian encroachment upon its neighbour. If Nipal tells the Tibetans that it will not tolerate any change of status in regard to Russia, and we tell China the same, we are working together. But if we move troops into Tibet without an understanding with Nipal, we run the risk of giving offence to a State upon whose military assistance and geographical position we must always depend.

20

LORD HAMILTON TO LORD CURZON,[1] 27 NOVEMBER 1902

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. . . Of course we can smash the Amir any day we choose, but would that put us in a better position? The 'Alpha and Omega' of our policy for the last thirty years has been to try and secure the cooperation of the Afghans in the event of a collision with Russia; and yet the restrictions and limitations, which we are compelled to impose upon the very inducements we offer to the Amir to come over on our side, are not unlikely to force him over towards the side of our adversary.

[1] Hamilton Papers, vol. IV (1902), No. 48. India Office Library. Private letter.

It is a most difficult and perplexing situation, and one which has caused both Lansdowne and myself considerable anxiety for some time past. . . .

21

LORD HAMILTON TO LORD CURZON,[1] 19 DECEMBER 1902

. . . the growing dislike [in the Cabinet], if not abhorrence, of any forward move, or of any action likely to entail military operations, is so strong that I really believe, if it was put to the vote, there would be a disposition to abandon all our present obligations, and to substitute nothing in their place except an attempt to come to an understanding with Russia. So decided and unanimous was the objection to any forward movement that, after the Cabinet was over, I thought it right, and with the full concurrence of the Prime Minister, to telegraph to you what had passed. Now such being the disposition of the supreme authority here, it is self-evident that any suggestions, such as you sketched out in your last letter, entailing the occupation of Kandahar, would not be listened to for a moment, but, quite independent of any pre-conceived views which the majority of the Cabinet may entertain, it seems to me that the step you propose might ultimately result in combining against us Afghans, Persians, and Russians: in fact, it would effect the very fusion to prevent which our policy of the last twenty years has been specially framed. I am not competent to express an opinion as to the military strength of the position you would take up, but it has always seemed to me that the occupation of Kandahar would be the last, and not the first step for us to take in dealing with the Amir or the Afghan nation. We can take it at any moment we choose, and we certainly ought not to occupy it, unless we intend permanently to hold it. But its permanent retention must alienate from us Eastern Afghanistan. The advance to the head of the Helmund would irritate and annoy Persia, and, moreover, would be a move which Russia, in her present mood, would not ignore. So long as we confine ourselves to Afghanistan, and make no move which is a stepping stone to an advance upon Persia, Russia might not disturb the *status quo*; but the moment we break off all relations with the Amir, decline to continue our past responsibility for his external relations, and move forward in a manner which is a threat to Persia, Russia unquestionably would decline to be bound by the old understanding. And if she so acted, international opinion would, I think, be on her side. And with Eastern Afghanistan alienated from us, with the possibility of Russian commercial agents located inside Afghanistan, and a possible subsidy to the Ruler of Kabul, and large imports from the West of arms into Afghanistan, without going to war with us Russia could keep our North-Western frontier in a state of perturbation and turmoil, which would render it very difficult for the Indian Government to concentrate their attention on any great military enterprise elsewhere. I do not suppose that you will have time to consider seriously your next proposed move until after the Durbar is over, and I hope, therefore, that you will receive this letter

[1] Hamilton Papers, vol. IV (1902), No. 51. India Office Library. Private letter.

before you send home to us any definite proposals; but the only chance of obtaining acquiescence from those in authority here in your policy is to move most cautiously, to make no forward military movement, and to do what you can to try and re-establish a friendlier connection with Kabul.

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22

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 5 AUGUST 1904

2. His Majesty's Government have throughout the present difficulty been very reluctant to take any steps which would involve an advance into Tibet or interference with Tibetan affairs. As stated in Lord George Hamilton's despatch of the 27th February, 1903, they had to consider the question not as a local one, concerning India and Tibet alone, but from the wider point of view of the relations of Great Britain to other Powers, both European and Asiatic, and as involving the status of a dependency of the Chinese Empire. Formerly European nations and their interests were in the main far removed from the scope of Indian policy, and the relations of India with the states on her borders rarely involved any European complications. But the effect of Indian policy in relation to Afghanistan, Siam, Tibet or any other dependency of the Chinese Empire is liable to be felt throughout Europe. This immediate responsibility towards Europe which Indian policy nowadays imposes on this country necessarily involves its correlative, and the course of affairs on the Indian frontiers cannot be decided without reference to Imperial exigencies elsewhere.

3. His Majesty's Government have also been consistently averse to any policy in Tibet which would tend to throw on the British Empire an additional burden. The great increase to our responsibilities, however necessary, which recent additions to the Empire have involved, make it obvious that it would be most imprudent to further enlarge them except upon the strongest ground. In military and naval matters the resources of Great Britain and India must be considered together. India has from time to time given effective and ready help in the defence of British interests and British Colonies. On the other hand, it must be remembered that the British Army largely exists in order to defend India, and every new obligation undertaken by India is as much a charge upon the common stock of our heavily burdened resources as if it were placed upon the people of this country. . . .

4. . . . the result of our communications with the Russian Government was that His Majesty's Government received explicit assurances from them that they had no convention about Tibet either with Tibet itself or with China, or with anyone else, and that they had no Agents in Tibet and no intention of sending Agents or Missions there. His Majesty's Government, therefore, having regard to the satisfactory nature of these pledges, which modified the apprehensions that had been

[1] *Parl. Papers, Tibet: Further Papers (No. III)* (1905), Cd. 2370, pp. 46–7. John Brodrick was Secretary of State, 1903–5.

felt as to the establishment at Lhasa of foreign influences incompatible with our interests, decided, as stated in the telegram of the 28th May, 1903, that it was unnecessary and undesirable that any demand for the recognition of a Political Agent either at Gyangtse or at Lhasa should be included in the proposals to be made in the negotiations for a settlement with Tibet . . .

5. . . . It was, therefore, laid down, in the telegram of the 6th November, 1903, that the advance of the Mission was not to lead to permanent intervention in Tibetan affairs in any form; that it should be made for the sole purpose of obtaining satisfaction; that as soon as reparation was obtained a withdrawal should be effected; and that the question of insisting on the fulfilment of our treaty rights of trade in Tibet was to be considered subject to these considerations.

6. The opposition offered by the Tibetans to the progress of the Mission, coupled with their refusal to negotiate at Gyangtse, has necessitated the advance to Lhasa, which it has been our object to avoid, and which we have postponed till no alternative was left to us. But His Majesty's Government adhere to the view that, while our influence must be duly recognised at Lhasa, so as to exclude foreign pressure which would have a disturbing influence on territories adjoining Tibet and British India, it is unnecessary, in view of the present political conditions of Tibet, to insist on the appointment of a permanent political officer as the basis of the settlement to be proposed to the Tibetan Government.

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23

CONVENTION BETWEEN GREAT BRITAIN AND TIBET,[1] 7 SEPTEMBER 1904

Whereas doubts and difficulties have arisen as to the meaning and validity of the Anglo-Chinese Convention of 1890, and the Trade Regulations of 1893, and as to the liabilities of the Tibetan Government under these agreements; and whereas recent occurrences have tended towards a disturbance of the relations of friendship and good understanding which have existed between the British Government and the Government of Tibet; and whereas it is desirable to restore peace and amicable relations, and to resolve and determine the doubts and difficulties as aforesaid, the said Governments have resolved to conclude a Convention with these objects, and the following articles have been agreed upon by Colonel F. E. Younghusband, C.I.E., in virtue of full powers vested in him by His Britannic Majesty's Government and on behalf of that said Government, and Lo Sang Gyal-Tsen, the Ga-den Ti-Rimpoche, and the representatives of the Council of the three monasteries Se-ra, Dre-pung, and Ga-den, and of the ecclesiastical and lay officials of the National Assembly on behalf of the Government of Tibet.

I. The Government of Tibet engages to respect the Anglo-Chinese Convention of 1890 and to recognise the frontier between Sikkim and Tibet, as defined in Article I of the said Convention, and to erect boundary pillars accordingly.

[1] *Parl. Papers, Tibet: Further Papers (No. III)* (1905), Cd. 2370, pp. 90–2.

II. The Tibetan Government undertakes to open forthwith trade marts to which all British and Tibetan subjects shall have free right of access at Gyangtse and Gartok, as well as at Yatung.

The Regulations applicable to the trade mart at Yatung, under the Anglo-Chinese Agreement of 1893, shall, subject to such amendments as may hereafter be agreed upon by common consent between the British and Tibetan Governments, apply to the marts above mentioned.

In addition to establishing trade marts at the places mentioned, the Tibetan Government undertakes to place no restrictions on the trade by existing routes, and to consider the question of establishing fresh trade marts under similar conditions if development of trade requires it.

V. The Tibetan Government undertakes to keep the roads to Gyangtse and Gartok from the frontier clear of all obstruction and in a state of repair suited to the needs of the trade, and to establish at Yatung, Gyangtse, and Gartok, and at each of the other trade marts that may hereafter be established, a Tibetan Agent who shall receive from the British Agent appointed to watch over British trade at the marts in question any letter which the latter may desire to send to the Tibetan or to the Chinese authorities. The Tibetan Agent shall also be responsible for the due delivery of such communications and for the transmission of replies.

VI. As an indemnity to the British Government for the expense incurred in the despatch of armed troops to Lhasa, to exact reparation for breaches of treaty obligations, and for the insults offered to and attacks upon the British Commissioner and his following and escort, the Tibetan Government engages to pay a sum of pounds five hundred thousand—equivalent to rupees seventy-five lakhs—to the British Government.

VII. As security for the payment of the above-mentioned indemnity, and for the fulfilment of the provisions relative to trade marts specified in Articles II, III, IV, and V, the British Government shall continue to occupy the Chumbi valley until the indemnity has been paid and until the trade marts have been effectively opened for three years, whichever date may be the later.

VIII. The Tibetan Government agrees to raze all forts and fortifications and remove all armaments which might impede the course of free communication between the British frontier and the towns of Gyangtse and Lhasa.

IX. The Government of Tibet engage that, without the previous consent of the British Government,—

(a) no portion of Tibetan territory shall be ceded, sold, leased, mortgaged or otherwise given for occupation, to any Foreign Power;

(b) no such Power shall be permitted to intervene in Tibetan affairs;

(c) no Representatives or Agents of any Foreign Power shall be admitted to Tibet;

(d) no concessions for railways, roads, telegraphs, mining or other rights, shall be granted to any Foreign Power, or the subject of any Foreign Power. In the

event of consent to such concessions being granted, similar or equivalent concessions shall be granted to the British Government;

(e) no Tibetan revenues, whether in kind or in cash, shall be pledged or assigned to any Foreign Power, or the subject of any Foreign Power.

24

THE ANGLO-RUSSIAN CONVENTION,[1] 31 AUGUST 1907

. . . . . .

Agreement concerning Persia

The Governments of Great Britain and Russia having mutually engaged to respect the integrity and independence of Persia, and sincerely desiring the preservation of order throughout that country and its peaceful development, as well as the permanent establishment of equal advantages for the trade and industry of all other nations;

Considering that each of them has, for geographical and economic reasons, a special interest in the maintenance of peace and order in certain provinces of Persia adjoining, or in the neighbourhood of, the Russian frontier on the one hand, and the frontiers of Afghanistan and Baluchistan on the other hand; and being desirous of avoiding all cause of conflict between their respective interests in the above-mentioned provinces of Persia;

Have agreed on the following terms:—

I

Great Britain engages not to seek for herself, and not to support in favour of British subjects, or in favour of the subjects of third Powers, any Concessions of a political or commercial nature—such as Concessions for railways, banks, telegraphs, roads, transport, insurance, &c.—beyond a line starting from Kasr-i-Shirin, passing through Isfahan, Yezd, Kakhk, and ending at a point on the Persian frontier at the intersection of the Russian and Afghan frontiers, and not to oppose, directly or indirectly, demands for similar Concessions in this region which are supported by the Russian Government. It is understood that the above-mentioned places are included in the region in which Great Britain engages not to seek the Concessions referred to.

II

Russia, on her part, engages not to seek for herself and not to support, in favour of Russian subjects, or in favour of the subjects of third Powers, any Concessions of a political or commercial nature—such as Concessions for railways, banks, telegraphs, roads, transport, insurance, &c.—beyond a line going from the Afghan

[1] *Parl. Papers, Convention between the United Kingdom and Russia* (1908), Cd. 3753. Signed on 31 August 1907 and ratified on 23 September 1907.

frontier by way of Gazik, Birjand, Kerman, and ending at Bunder Abbas, and not to oppose, directly or indirectly, demands for similar Concessions in this region which are supported by the British Government. It is understood that the above-mentioned places are included in the region in which Russia engages not to seek the Concessions referred to.

III

Russia, on her part, engages not to oppose, without previous arrangement with Great Britain, the grant of any Concessions whatever to British subjects in the regions of Persia situated between the lines mentioned in Articles I and II.

Great Britain undertakes a similar engagement as regards the grant of Concessions to Russian subjects in the same regions of Persia.

All Concessions existing at present in the regions indicated in Articles I and II are maintained.

IV

It is understood that the revenues of all the Persian customs, with the exception of those of Farsistan and of the Persian Gulf, revenues guaranteeing the amortization and the interest of the loans concluded by the Government of the Shah with the 'Banque d'Escompte et des Prêts de Perse' up to the date of the signature of the present Agreement, shall be devoted to the same purpose as in the past.

It is equally understood that the revenues of the Persian customs of Farsistan and of the Persian Gulf, as well as those of the fisheries on the Persian shore of the Caspian Sea and those of the Posts and Telegraphs, shall be devoted, as in the past, to the service of the loans concluded by the Government of the Shah with the Imperial Bank of Persia up to the date of the signature of the present Agreement.

V

In the event of irregularities occurring in the amortization or the payment of the interest of the Persian loans concluded with the 'Banque d'Escompte et des Prêts de Perse' and with the Imperial Bank of Persia up to the date of the signature of the present Agreement, and in the event of the necessity arising for Russia to establish control over the sources of revenue guaranteeing the regular service of the loans concluded with the first-named bank, and situated in the region mentioned in Article II of the present Agreement, or for Great Britain to establish control over the sources of revenue guaranteeing the regular service of the loans concluded with the second-named bank, and situated in the region mentioned in Article I of the present Agreement, the British and Russian Governments undertake to enter beforehand into a friendly exchange of ideas with a view to determine, in agreement with each other, the measures of control in question and to avoid all interference which would not be in conformity with the principles governing the present Agreement.

Convention concerning Afghanistan

The High Contracting Parties, in order to ensure perfect security on their respective frontiers in Central Asia and to maintain in these regions a solid and lasting peace, have concluded the following Convention:—

ARTICLE I

His Britannic Majesty's Government declare that they have no intention of changing the political status of Afghanistan.

His Britannic Majesty's Government further engage to exercise their influence in Afghanistan only in a pacific sense, and they will not themselves take, nor encourage Afghanistan to take, any measures threatening Russia.

The Russian Government, on their part, declare that they recognize Afghanistan as outside the sphere of Russian influence, and they engage that all their political relations with Afghanistan shall be conducted through the intermediary of His Britannic Majesty's Government; they further engage not to send any Agents into Afghanistan.

ARTICLE II

The Government of His Britannic Majesty having declared in the Treaty signed at Kabul on the 21st March, 1905, that they recognize the Agreement and the engagements concluded with the late Ameer Abdur Rahman, and that they have no intention of interfering in the internal government of Afghan territory, Great Britain engages neither to annex nor to occupy in contravention of that Treaty any portion of Afghanistan or to interfere in the internal administration of the country, provided that the Ameer fulfils the engagements already contracted by him towards His Britannic Majesty's Government under the above-mentioned Treaty.

ARTICLE III

The Russian and Afghan authorities, specially designated for the purpose on the frontier or in the frontier provinces, may establish direct relations with each other for the settlement of local questions of a non-political character.

ARTICLE IV

His Britannic Majesty's Government and the Russian Government affirm their adherence to the principle of equality of commercial opportunity in Afghanistan, and they agree that any facilities which may have been, or shall be hereafter, obtained for British and British–Indian trade and traders, shall be equally enjoyed by Russian trade and traders. Should the progress of trade establish the necessity for Commercial Agents, the two Governments will agree as to what measures shall be taken, due regard, of course, being had to the Ameer's sovereign rights.

ARTICLE V

The present arrangements will only come into force when His Britannic Majesty's Government shall have notified to the Russian Government the consent of the Ameer to the terms stipulated above.

Agreement concerning Thibet

The Governments of Great Britain and Russia recognizing the suzerain rights of China in Thibet, and considering the fact that Great Britain, by reason of her geographical position, has a special interest in the maintenance of the *status quo* in the external relations of Thibet, have made the following Agreement:—

ARTICLE I

The two High Contracting Parties engage to respect the territorial integrity of Thibet and to abstain from all interference in its internal administration.

ARTICLE II

In conformity with the admitted principle of the suzerainty of China over Thibet, Great Britain and Russia engage not to enter into negotiations with Thibet except through the intermediary of the Chinese Government. This engagement does not exclude the direct relations between British Commercial Agents and the Thibetan authorities provided for in Article V of the Convention between Great Britain and Thibet of the 7th September, 1904, and confirmed by the Convention between Great Britain and China of the 27th April, 1906; nor does it modify the engagements entered into by Great Britain and China in Article I of the said Convention of 1906.

It is clearly understood that Buddhists, subjects of Great Britain or of Russia, may enter into direct relations on strictly religious matters with the Dalai Lama and the other repesentatives of Bhuddhism in Thibet; the Governments of Great Britain and Russia engage, so far as they are concerned, not to allow those relations to infringe the stipulations of the present Agreement.

ARTICLE III

The British and Russian Governments respectively engage not to send Representatives to Lhassa.

ARTICLE IV

The two High Contracting Parties engage neither to seek nor to obtain, whether for themselves or their subjects, any Concessions for railways, roads, telegraphs, and mines, or other rights in Thibet.

ARTICLE V

The two Governments agree that no part of the revenues of Thibet, whether in kind or in cash, shall be pledged or assigned to Great Britain or Russia or to any of their subjects.

Annex to the Agreement between Great Britain and Russia concerning Thibet

Great Britain reaffirms the Declaration, signed by his Excellency the Viceroy and Governor-General of India and appended to the ratification of the Convention of the 7th September, 1904, to the effect that the occupation of the Chumbi Valley by British forces shall cease after the payment of three annual instalments of the indemnity of 25,00,000 rupees, provided that the trade marts mentioned in Article II of that Convention have been effectively opened for three years, and that in the meantime the Thibetan authorities have faithfully complied in all respects with the terms of the said Convention of 1904. It is clearly understood that if the occupation of the Chumbi Valley by the British forces has, for any reason, not been terminated at the time anticipated in the above Declaration, the British and Russian Governments will enter upon a friendly exchange of views on this subject.

25

THE SIMLA CONVENTION AND THE McMAHON LINE,[1] 3 JULY 1914

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Excellency the President of the Republic of China, and His Holiness the Dalai Lama of Tibet, being sincerely desirous to settle by mutual agreement various questions concerning the interests of their several States on the Continent of Asia, and further to regulate the relations of their several Governments, have resolved to conclude a Convention on this subject and have nominated for this purpose their respective Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Sir Arthur Henry McMahon, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Eminent Order of the Indian Empire, Companion of the Most Exalted Order of the Star of India, Secretary to the Government of India, Foreign and Political Department:

His Excellency the President of the Republic of China, Monsieur Ivan Chen, Officer of the Order of the Chia H.O.;

His Holiness the Dalai Lama of Tibet, Lonchen Ga-den Shatra Pal-jor Dorje; who having communicated to each other their respective full powers and finding them to be in good and due form have agreed upon and concluded the following Convention in eleven Articles:—

Article 1

The Conventions specified in the Schedule to the present Convention shall, except in so far as they may have been modified by, or may be inconsistent with

[1] Aitchison, *Treaties, Engagements and Sanads relating to India*, vol. 14, 5th edition, 1929, pp. 35–8.

or repugnant to, any of the provisions of the present Convention, continue to be binding upon the High Contracting Parties.

Article 2

The Governments of Great Britain and China recognising that Tibet is under the suzerainty of China, and recognising also the autonomy of Outer Tibet, engage to respect the territorial integrity of the country, and to abstain from interference in the administration of outer Tibet (including the selection and installation of the Dalai Lama), which shall remain in the hands of the Tibetan Government at Lhasa.

The Government of China engages not to convert Tibet into a Chinese province. The Government of Great Britain engages not to annex Tibet or any portion of it.

Article 3

Recognising the special interest of Great Britain, in virtue of the geographical position of Tibet, in the existence of an effective Tibetan Government, and in the maintenance of peace and order in the neighbourhood of the frontiers of India and adjoining States, the Government of China engages, except as provided in Article 4 of this Convention, not to send troops into Outer Tibet, nor to station civil or military officers, not to establish Chinese colonies in the country. Should any such troops or officials remain in Outer Tibet at the date of the signature of this Convention, they shall be withdrawn within a period not exceeding three months.

The Government of Great Britain engages not to station military or civil officers in Tibet (except as provided in the Convention of September 7, 1904, between Great Britain and Tibet) nor troops (except the Agents' escorts) nor to establish colonies in that country.

Article 4

The foregoing Article shall not be held to preclude the continuance of the arrangement by which, in the past, a Chinese high official with suitable escort has been maintained at Lhasa, but it is hereby provided that the said escort shall in no circumstances exceed 300 men.

Article 5

The Governments of China and Tibet engage that they will not enter into any negotiations or agreements regarding Tibet with one another, or with any other Power, excepting such negotiations and agreements between Great Britain and Tibet as are provided for by the Convention of September 7, 1904, between Great Britain and Tibet and the Convention of April 27, 1906, between Great Britain and China.

Article 6

Article III of the Convention of April 27, 1906, between Great Britain and China is hereby cancelled, and it is understood that in Article IX(d) of the Convention of September 7, 1904, between Great Britain and Tibet the term 'Foreign Power' does not include China.

Not less favourable treatment shall be accorded to British commerce than to the commerce of China or the most favoured nation.

Article 7

(a) The Tibet Trade Regulations of 1893 and 1908 are hereby cancelled.

(b) The Tibetan Government engages to negotiate with the British Government new Trade Regulations for Outer Tibet to give effect to Articles II, IV and V of the Convention of September 7, 1904, between Great Britain and Tibet without delay; provided always that such Regulations shall in no way modify the present Convention except with the consent of the Chinese Government.

Article 8

The British Agent who resides at Gyantse may visit Lhasa with his escort whenever it is necessary to consult with the Tibetan Government regarding matters arising out of the Convention of September 7, 1904, between Great Britain and Tibet, which it has been found impossible to settle at Gyantse by correspondence or otherwise.

Article 9

For the purpose of the present Convention the borders of Tibet, and the boundary between Outer and Inner Tibet, shall be as shown in red and blue respectively on the map attached hereto.

Nothing in the present Convention shall be held to prejudice the existing rights of the Tibetan Government in Inner Tibet, which include the power to select and appoint the high priests of monasteries and to retain full control in all matters affecting religious institutions.

Article 10

The English, Chinese and Tibetan texts of the present Convention have been carefully examined and found to correspond, but in the event of there being any difference of meaning between them the English text shall be authoritative.

Article 11

The Present Convention will take effect from the date of signature.

In token whereof the respective Plenipotentiaries have signed and sealed this Convention, three copies in English, three in Chinese and three in Tibetan.

Done at Simla this third day of July, A.D., one thousand nine hundred and fourteen, corresponding with the Chinese date, the third day of the seventh month

of the third year of the Republic, and the Tibetan date, the tenth day of the fifth month of the Wood-Tiger year.

Initial of the Lonchen Shatra	(Initialled) A.H.M.
Seal of the Lonchen Shatra	Seal of the British Plenipotentiary.

SCHEDULE

1. Convention between Great Britain and China relating to Sikkim and Tibet, signed at Calcutta the 17th March 1890.

2. Convention between Great Britain and Tibet, signed at Lhasa the 7th September 1904.

3. Convention between Great Britain and China respecting Tibet, signed at Peking the 27th April 1906.

The notes exchanged are to the following effect:—

1. It is understood by the High Contracting Parties that Tibet forms part of Chinese territory.

2. After the selection and installation of the Dalai Lama by the Tibetan Government, the latter will notify the installation to the Chinese Government, whose representative at Lhasa will then formally communicate to His Holiness the titles consistent with his dignity, which have been conferred by the Chinese Government.

3. It is also understood that the selection and appointment of all officers in Outer Tibet will rest with the Tibetan Government.

4. Outer Tibet shall not be represented in the Chinese Parliament or in any other similar body.

5. It is understood that the escorts attached to the British Trade Agencies in Tibet shall not exceed seventy-five per centum of the escort of the Chinese Representative at Lhasa.

6. The Government of China is hereby released from its engagements under Article III of the Convention of March 17, 1890, between Great Britain and China to prevent acts of aggression from the Tibetan side of the Tibet–Sikkim frontier.

7. The Chinese high official referred to in Article 4 will be free to enter Tibet as soon as the terms of Article 3 have been fulfilled to the satisfaction of representatives of the three signatures to this Convention, who will investigate and report without delay.

Initial of Lonchen Satra	(Initialled) A. H. M.
Seal of the Lonchen Shatra	Seal of the British Plenipotentiary.

NOTE

Whereas the Simla Convention itself after being initialled by the Chinese Plenipotentiary was not signed or ratified by the Chinese Government, it was accepted as binding by the two other parties as between themselves.

26

HOSTILITIES WITH AFGHANISTAN,[1] 1919

. . . Proclamation by Amir Amunulla Khan. (No. 2 undated)

While my great nation were putting the Crown of the Kingdom on my head, I declared to you with a loud voice that I would accept the Crown and throne only on the condition that you should all co-operate with me in my thoughts and ideas. These I explained to you at the time and I repeat here a summary thereof:—

(1) Firstly that the Government of Afghanistan should be internally and externally independent and free, that is to say, that all rights of Government that are possessed by other independent Powers of the world should be possessed in their entirety by Afghanistan.

(2) Secondly that you should unite with me with all your force in avenging the unlawful assassination of my late father, the martyr, who was spiritually a father to all of you.

(3) Thirdly that the nation should be free, that is to say, that no individual should be oppressed and subjected to any highhandedness or tyranny by any other individual. Of course obedience to the sacred law of Muhammad and Civil and Military laws is looked upon as a glorious honour for which we, the great nation of Afghanistan, are by disposition and nature well-known.

27

HOSTILITIES WITH AFGHANISTAN,[2] 1919

The Viceroy to the Secretary of State, dated 4th May, 1919. (Received 5th May)

(Telegraphic)

Following is translation of Amir's firman, wording of which is about as bad as possible, though loophole is still left for hope that he has not definitely committed himself:—

'I send this order to all my subjects of the Eastern circles, Saiyids, Sheikhs, Khans and Motabars. This is to tell you that there is great unrest in India. Practically all, Muhammadan or Hindu, have remained sincere and faithful to Government, and proved themselves to be loyal subjects; but they have been rewarded by all kinds of cruelty and injustice, affecting their religion, honour and modesty. This is a pity. The latest news received by Amir Amanulla, your King, is very distressing, and there is nobody but must lament and hate such deeds of injustice. To be brief, the account received of these injustices shows that nobody, whether Hindu or Muhammadan, will have any right to own his land or his property or power to speak; nor may more than three men stand together in one place; nor may they go to their mosques nor Hindus to their temples; if they do go there and assemble together they will be punished at the mere word of the Criminal

[1] *Afghanistan*, Cmd. 324, (1919), pp. 1190–3. [2] Ibid.

Investigation Department and without any investigation of the matter. There are other examples of orders and rules of the same kind, contrary to the rights of humanity. Of all these things I inform you. I am prevented by international law from interfering with the internal policy of the British Government, and I have nothing to do with it; but from the point of view of Islam and mankind, I dislike unfair laws and, in my view, Indians, in rising and creating disturbances, are right. But these risings and disturbances are not confined to India; in Afghanistan also their bad effects are seen. It is, therefore, your King's duty to warn his faithful subjects to remain united and ardent. Do not scatter but catch fast the rope of God. Act upon the order of God and do not become disunited. For God the Creator has laid this order upon us that casting aside all pride, distinction, and differences in such time of disorder we help one the other. Sympathy and kindness to the poor are virtues of the children of Adam and Eve. All are God's children, Jews and Christians, Hindus and Muhammadans. It is a pity that, excepting themselves, no one is considered a human being by the British. What will be the result of these things we do not know, nor are they any concern of ours. But in pursuance of one of my duties as King of Afghanistan, I appoint to be Commander of the Eastern Circle, with military and civil powers, Saleh Muhammad Khan, our Commander-in-Chief, in whom are all soldierly and righteous virtues; I give him full powers to protect and benefit the Eastern Circle, and honestly, prudently and courageously to preserve its unity and community. I lay upon him the duty of watching carefully the frontiers and of keeping my subjects informed of all intentions, thoughts and orders of me, your King, which shall be for the benefit of our country and for its religion, and which shall make us united to achieve this sacred end. So you may win the favour of God, and obey the will of the Prophet and remain sincerely obedient to your King to the end. For upon these things depends the good of this world and the next. God be with you.' Firman bears the seal of Amanulla.

We are preparing a message from the Viceroy to the Amir, and meanwhile impressing on Chief Commissioner that it is of vital importance to avoid any frontier incident at Tor Kham or anywhere else, and are inviting him to consider whether it would not be advisable for Abdul Qayum to try and arrange a meeting on the frontier with Afghan Commander-in-Chief.

28

TREATY BETWEEN THE BRITISH AND AFGHAN GOVERNMENTS,[1] 22 NOVEMBER 1921

PREAMBLE

The British Government and the Government of Afghanistan with a view to the establishment of neighbourly relations between them have agreed to the Articles

[1] *Parl. Papers, Afghanistan,* (1923), Cmd. 1786. Signed on 22 November 1921; ratifications exchanged at Kabul on 6 February 1922.

written hereunder whereto the undersigned duly authorised to that effect have set their seals:—

ARTICLE 1

The British Government and the Government of Afghanistan mutually certify and respect each with regard to the other all rights of internal and external independence.

ARTICLE 2

The two High Contracting Parties mutually accept the Indo-Afghan Frontier as accepted by the Afghan Government under Article 5 of the Treaty concluded at Rawalpindi on the 8th August, 1919, . . .

ARTICLE 3

The British Government agrees that a Minister from His Majesty the Amir of Afghanistan shall be received at the Royal Court of London like the Envoys of all other Powers, and to permit the establishment of an Afghan Legation in London, and the Government of Afghanistan likewise agrees to receive in Kabul a Minister from His Britannic Majesty the Emperor of India and to permit the establishment of a British Legation at Kabul.

Each party shall have the right of appointing a Military Attaché to its Legation.

ARTICLE 4

The Government of Afghanistan agrees to the establishment of British Consulates at Kandahar and Jalalabad, and the British Government agrees to the establishment of an Afghan Consul-General at the headquarters of the Government of India and three Afghan Consulates at Calcutta, Karachi and Bombay. . . .

ARTICLE 6

As it is for the benefit of the British Government and the Government of Afghanistan that the Government of Afghanistan shall be strong and prosperous, the British Government agrees that whatever quantity of material is required for the strength and welfare of Afghanistan, such as all kinds of factory machinery, engines and materials and instruments for telegraph, telephones, &c., which Afghanistan may be able to buy from Britain or the British dominions or from other countries of the world, shall ordinarily be imported without let or hindrance by Afghanistan into its own territories from the ports of the British Isles and British India. Similarly the Government of Afghanistan agrees that every kind of goods, the export of which is not against the internal law of the Government of Afghanistan and which may in the judgment of the Government of Afghanistan be in excess of the internal needs and requirements of Afghanistan and is required by the British Government, can be purchased and exported to India with the permission of the Government of Afghanistan. With regard to arms and munitions, the British Government agrees that as long as it is assured that the intentions of the

Government of Afghanistan are friendly and that there is no immediate danger to India from such importation in Afghanistan, permission shall be given without let or hindrance for such importation. . . .

ARTICLE 7

No Customs duties shall be levied at British Indian ports on goods imported under the provisions of Article 6 on behalf of the Government of Afghanistan, for immediate transport to Afghanistan, provided that a certificate signed by such Afghan authority or representative as may from time to time be determined by the two Governments shall be presented at the time of importation to the Chief Customs Officer at the port of import setting forth that the goods in question are the property of the Government of Afghanistan and are being sent under its orders to Afghanistan, and showing the description, number and value of the goods in respect of which exemption is claimed; provided, secondly, that the goods are required for the public services of Afghanistan and not for the purposes of any State monopoly or State trade; and provided, thirdly, that the goods are, unless of a clearly distinguishable nature, transported through India in sealed packages, which shall not be opened or subdivided before their export from India.

. . . . . .

ARTICLE 8

The British Government agrees to the establishment of trade agents by the Afghan Government at Peshawar, Quetta and Parachinar, provided that the personnel and the property of the said agencies shall be subject to the operations of all British laws and orders and to the jurisdiction of British Courts; and that they shall not be recognised by the British authorities as having any official or special privileged position.

ARTICLE 11

The two High Contracting Parties having mutually satisfied themselves each regarding the goodwill of the other, and especially regarding their benevolent intentions towards the tribes residing close to their respective boundaries, hereby undertake each to inform the other in future of any military operations of major importance which may appear necessary for the maintenance of order among the frontier tribes residing within their respective spheres, before the commencement of such operations.

ARTICLE 14

The provisions of this treaty shall come into force from the date of its signature, and shall remain in force for three years from that date. In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said three years the intention to terminate it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it. . . .

29

DENYS BRAY ON BRITISH POLICY TOWARDS THE FRONTIER TRIBES,[1] 5 MARCH 1923

. . . our policy is not merely designed to provide a preventive menace to the Mahsuds or to serve as an insurance against the abnormal frequency of expeditions or against their abnormal cost. It is essentially positive and constructive in character, in marked contrast to a negative system of rigid close-border defence. The central feature of it is the tribal levy or Khassadar, providing his own rifle and ammunition, and policing the country for us. This Khassadar system was of course the keystone of Sandeman's policy, perhaps his most potent agency in the grand work of civilization he achieved. In essence, it is a means of giving the tribe a stake in our administration of law and order; of controlling the tribe as far as possible by self-Government; of keeping alive that spirit of tribal responsibility which is the basis of our relations with all trans-frontier people. But tribal levies cannot be expected to function in the trans-frontier if they are left in the air, without some form of external force within reasonable range to keep them up to their work. The most economical form of outside force that we can devise is the irregular. But irregulars, again, cannot be safely employed in the trans-frontier unless they are in effective range of military support in case of emergency. Hence the necessity for roads suitable for occasional mechanical transport use, linking up a minimum number of irregular posts in the trans-frontier with military posts in the rear. These roads are thus an alternative to military occupation, and a very much cheaper alternative. But they are something much more. Like the Khassadar, they are civilisation carriers. And complementary to the arrangements in the trans-frontier itself, our policy includes a cis-border road about 100 miles in length, providing a much needed lateral communication, for the immediate defence of the sorely-harassed inhabitants of the Dera Ismail Kahn district. The policy of Government in Waziristan is, therefore, the control of Waziristan—through a road system, of which about 140 miles lie in Waziristan itself and 100 miles along the border of the Derajat, and the maintenance of some 4,600 Khassadar and of some 5,000 irregulars. And this policy Government is resolved to carry through with vigour and determination in the interests of our fellow-subjects in the Zhob and the Derajat, and in the interests of the security of all India.

Now, in so far as a forward policy means a move forward to the Durand Line, the Government policy is not a forward policy at all, for our new post at Ramzak, for instance, is farther from the Durand Line than our old established posts in the Tochi. In this sense of the term, indeed, our policy is in one signal respect a backward policy. For, whereas we have held Wana close to the Afghan border by regulars and irregulars since 1894, we shall now hold it by Khassadars only; and our irregulars on this side will be no further forward than Sarwekai, which we

[1] *Legislative Assembly Debates*, vol. III (1923), pp. 3012–14. Bray was Foreign Secretary to the Government of India.

have occupied for years. None the less, the Government policy is a forward policy in a very real sense of the word. It is a policy of progress. It is a big step forward on the long and laborious road towards the pacification through civilisation of the most backward and inaccessible, and therefore the most truculent and aggressive, tribes on our border. Come what may, civilisation *must* be made to penetrate these inaccessible mountains, or we must admit that there is *no* solution to the Waziristan problem, and we must fold our hands while it grows inevitably worse. It is the inaccessibility of these mountains which breed more than they can feed, that lies at the root of the problem. For from this inaccessibility arise the economic stringency, the crass ignorance, and the wanton insolence and barbaric cruelty that spring from a sense of security. And these are diseases for which civilisation in some shape or form is the only cure. It may be thought visionary to talk of the civilisation of the Mahsud. But you must take long views on the frontier. Civilisation, after all, has succeeded often enough with material far more unpromising and intractable than the Mahsud, who, for all his barbarity and ignorance, is a man of magnificent virility and courage and with no small share of natural wit and intelligence.

I have spoken of the forward policy as being, in these latter days, a counsel of perfection. I have spoken of a rigid closed border policy as a policy of negation, degenerating into a counsel of despair. I have expounded the Government policy and have endeavoured to make plain to the House its essentially constructive and progressive character. But of one policy—if policy it can be called—I have said not a word. I had thought that the old cry of 'Back to the Indus' had long since been silenced for ever. I was wrong. It has been re-appearing of late in our press; it even found its way into the evidence adduced before us on the Military Requirements Committee. Back to Indus? Shall we betray our fellow-subjects on the frontier? Shall we hand them over to the tender mercies of the independent tribesmen in the first instance, and thereafter to—who shall say? Back to the Indus? If India went back to the Indus, not all the five rivers of the Punjab would set the mark to the erosion of India's soil that would then ensue. . . . In the domain of India's foreign politics, I know of one fixed and immutable rule only: What India has, let India hold. India is large enough to covet not a single square mile of ground that is not already her own. But India is not large enough to allow any invader of India—be he independent tribesman or foreign power, from south or north or east or west,—more of her soil than a plot of ground 7 feet by 2½ and 4 feet deep.

30

TREATY BETWEEN THE UNITED KINGDOM AND NEPAL,[1] 21 DECEMBER 1923

Whereas peace and friendship have now existed between the British Government and the Government of Nepal since the signing of the Treaty of Segowlie on

[1] *Parl. Papers, Treaty between the United Kingdom and Nepal* (1924–5), Cmd. 2453. Signed on 21 December 1923; ratifications exchanged at Katmandu on 8 April 1925.

the second day of December, one thousand eight hundred and fifteen; and whereas since that date the Government of Nepal has ever displayed its true friendship for the British Government and the British Government has as constantly shown its goodwill towards the Government of Nepal; and whereas the Governments of both the countries are now desirous of still further strengthening and cementing the good relations and friendship which have subsisted between them for more than a century; the two High Contracting Parties having resolved to conclude a new Treaty of Friendship have agreed upon the following Articles:—

ARTICLE 1

There shall be perpetual peace and friendship between the Governments of Great Britain and Nepal, and the two Governments agree mutually to acknowledge and respect each other's independence, both internal and external.

ARTICLE 2

All previous Treaties, Agreements and Engagements, since and including the Treaty of Segowlie of 1815, which have been concluded between the two Governments are hereby confirmed, except so far as they may be altered by the present Treaty.

ARTICLE 3

As the preservation of peace and friendly relations with the neighbouring States whose territories adjoin their common frontiers is to the mutual interests of both the High Contracting Parties, they hereby agree to inform each other of any serious friction or misunderstanding with those States likely to rupture such friendly relations, and each to exert its good offices as far as may be possible to remove such friction and misunderstanding.

ARTICLE 4

Each of the High Contracting Parties will use all such measures as it may deem practicable to prevent its territories being used for purposes inimical to the security of the other.

ARTICLE 5

In view of the long standing friendship that has subsisted between the British Government and the Government of Nepal, and for the sake of cordial neighbourly relations between them, the British Government agrees that the Nepal Government shall be free to import from or through British India into Nepal whatever arms, ammunition, machinery, warlike material or stores may be required or desired for the strength and welfare of Nepal, and that this arrangement shall hold good for all time as long as the British Government is satisfied that the intentions of the Nepal Government are friendly and that there is no immediate danger to India from such importations. The Nepal Government, on the other hand, agrees

that there shall be no export of such arms, ammunition, &c., across the frontier of Nepal either by the Nepal Government or by private individuals.

If, however, any Convention for the regulation of the Arms Traffic, to which the British Government may be a party, shall come into force, the right of importation of arms and ammunition by the Nepal Government shall be subject to the proviso that the Nepal Government shall first become a party to that Convention, and that such importation shall only be made in accordance with the provisions of that Convention.

ARTICLE 6

No Customs Duty shall be levied at British Indian Ports on goods imported on behalf of the Nepal Government for immediate transport to that country provided that a certificate from such authority as may from time to time be determined by the two Governments shall be presented at the time of importation to the Chief Customs Officer at the Port of import setting forth that the goods are the property of the Nepal Government, are required for the public services of the Nepal Government, are not for the purpose of any State monopoly or State trade, and are being sent to Nepal under orders of the Nepal Government.

The British Government also agrees to the grant in respect of all trade goods, imported at British Indian Ports for immediate transmission to Katmandu without breaking bulk *en route* of a rebate of the full duty paid, provided that in accordance with arrangements already agreed to between the two Governments, such goods may break bulk for repacking at the port of entry under Customs supervision in accordance with such rules as may from time to time be laid down in this behalf. Rebate may be claimed on the authority of a certificate signed by the said authority that the goods have arrived at Katmandu with the Customs seals unbroken and otherwise untampered with.

The Prime Minister of Nepal, to the British Envoy at the Court of Nepal, 21 December 1923

Regarding the purchase of arms and munitions which the Government of Nepal buys from time to time for the strength and welfare of Nepal, and imports to its own territory from and through British India in accordance with article 5 of the Treaty between the two Governments, the Government of Nepal hereby agrees that it will, from time to time before the importation of arms and munitions at British Indian Ports, furnish detailed lists of such arms and munitions to the British Envoy at the Court of Nepal in order that the British Government may be in a position to issue instructions to the port authorities to afford the necessary facilities for their importation in accordance with article 6 of this Treaty.

31

THE GOVERNMENT OF INDIA'S NOTE ON THE STATUS AND POSITION OF INDIA IN THE BRITISH EMPIRE,[1] 1929

2. India's representation at Imperial Conferences started in 1917. In that year His Highness the Maharaja of Bikaner, Lord (then Sir James) Meston and the late Lord (then Sir S. P.) Sinha were appointed to *assist* the Secretary of State for India, who was the principal representative. The Conference, on the motion of Sir Robert Borden, passed the following resolution:—

> 'The Imperial War Conference desires to place on record its view that the resolution of the Imperial Conference of April 20th 1907, should be modified to permit of India being fully represented at all future Imperial Conferences and that necessary steps should be taken to secure the assent of the various Governments in order that the next Imperial Conference may be summoned and constituted accordingly.'

. . . The object of the 1917 Resolution was to enable India to be represented at future sittings with the same right of speech and vote as was accorded to representatives of the other participating Governments. Its acceptance marked 'an immense advance in the position of India in the Empire', and admitted 'the Government of India to full partnership in the Councils of the Empire' with the Self-Governing Dominions. India was represented at the Imperial War Conference of 1918, and at the Imperial Conferences which were held subsequently in London in 1921, 1923 and 1926.

3. . . . India's membership of the League places her in a unique position among all non-Self-Governing States, Dominions or Colonies throughout the world. As a signatory named in the Annex to the Covenant she is an original member by virtue of paragraph 1 of Article 1 of the Covenant. She is the only original member who is not Self-Governing and in virtue of the restriction under paragraph 2 of Article 1 on the admission of members other than original members to Self-Governing States, Dominions or Colonies, she will remain the only member which is not Self-Governing so long as the present constitution of the League endures.

On all questions coming before the League India has exactly the same rights as any Self-Governing Dominion. The Secretary of State for India is ultimately responsible for appointment of Indian delegates and for their instructions, but in practice he and the Government of India act jointly in consultation and agreement with one another. To this extent, therefore, the views of the Government of India are subject to those of His Majesty's Government and India's position is inferior to that of the Self-Governing Dominions who, as already stated, are in no way subordinate to Great Britain in any aspect of their domestic or external affairs. . . .

4. Though India, unlike the Self-Governing Dominions, does not formally

[1] *Indian Statutory Commission Report*, vol. v (1930), pp. 1333–8.

enjoy an independent position in the sphere of foreign policy, she is possibly more continuously and practically concerned with foreign policy than any of them. For this her vast land frontier, and, to a much less extent, the existence of French and Portuguese possessions within the Indian Sub-Continent are immediately responsible. It is true she is not entitled to accredit Ministers to Foreign States. Yet His Majesty's Minister at Kabul was appointed from the Indian Political Department; so was the British Envoy at the Court of Katmandu and also the officer in charge of His Majesty's Government's relations with Tibet; and India supplies consular officers in Afghanistan, Persia, Arabia and Kashgar. With His Majesty's Government's relations in all these areas the Indian Foreign Office is intimately concerned and advises His Majesty's Government on them continuously. And His Majesty's Government's policy in them is framed in close and constant consultation with the Government of India. Generally speaking, the interests of India are, of course, the interests of the Empire.

6. India also enjoys the privilege of—

(a) Direct negotiation and correspondence with the Governments of the Self-Governing Dominions, subject to certain limitations; and
(b) Representation in other parts of the Empire by means of—

(i) Agents; and
(ii) Trade Commissioners.

. . . . .

The status of India within the Empire in regard to external commercial relations may thus be briefly stated to be as follows:—

Unlike the Dominions, she has not the right to conclude her commercial arrangements with foreign powers without reference to the Government in London, but it is recognised that she is an important portion of the Imperial Commonwealth, and that she has the right to be consulted in all important matters of common Imperial concern.

32

THE GOVERNMENT OF INDIA'S MEMORANDUM ON THE INTERNATIONAL STATUS OF INDIA,[1] 1929

1. When at the Paris Peace Conference plenipotentiaries, holding full powers on behalf of India, signed the Treaty of Versailles, India thereby became an original Member of the League of Nations and was thus for the first time brought into direct and formal contact with the outside world as a separate entity. The situation thus created was highly anomalous and one impossible to harmonise with the consti-

[1] *Indian Statutory Commission Report*, vol. v (1930), pp. 1632–42.

tutional position as defined in the Government of India Act. The anomaly is evident. On the one hand, as the powers of superintendance, direction and control, vested by the Act in the Secretary of State, still extend to the most important affairs of government in India even in the internal sphere, these powers extend *a fortiori* to all matters affecting her external relations, and occasions for their exercise are more likely to arise in the external than in the internal sphere. The existence of these powers would, therefore, seem to preclude the idea of a separate international status for India. On the other hand, by being placed on an equality with the self-governing Dominions at Versailles and in the League of Nations, India has been treated as if she had attained to the same kind of separate nationhood as that now enjoyed by those Dominions.

4. The difficulty of reconciling the facts with the constitutional position has been specially prominent in connection with the control of India's representatives at the League Assembly and the numerous international conferences to which she is now regularly invited. Constitutionally the Secretary of State is the ultimate authority for appointing and instructing these delegates, but the unqualified and ostensible exercise of this authority would at once destroy the quasi-independent character of India's representation. This difficulty has been met, so far as possible, by the establishment of a *modus vivendi* on the basis that, in making appointments and giving directions, the Secretary of State and the Government in India act jointly in consultation and agreement with each other. . . .

13. India's representatives have not confined themselves merely to the rôle of spectators, but have played a prominent part in many of the meetings which they have attended. She has fully justified her position as a separate Member of the League by her co-operation in the economic and social spheres which form so large a part of its activities. She has ratified 11 of the draft conventions adopted at International Labour Conferences and 9 conventions or international agreements (besides minor instruments) promoted by the League. Her membership of the League has thus had an important influence on domestic Indian policy, and the progressive social and labour legislation of recent years was partly undertaken in order to give effect to her international obligations. Her co-operation has been specially marked in the work of the Labour Organisation. She has been recognised as one of the eight States of chief industrial importance entitled by the Treaty of Versailles to a seat on the Governing Body as of right. She has taken a leading part in the work of the Organisation, and this fact has been recognised in many tributes paid to her in the Annual Report of the Director, and by the unanimous election of Sir A. Chatterjee as President of the Conference in 1927.

16. But sometimes on non-political questions the British and Indian Delegations have remained in opposite camps. On such questions, when special Indian interests are at stake India's right of independent action extends to speaking and voting against the views advanced on behalf of His Majesty's Government. For example, at the Labour Conference on maritime questions in 1920 the Government of India gave a clear mandate to their delegates to secure special treatment for India seamen,

and the Secretary of State instructed them during the Conference to do everything possible to counter a strong move which it was believed, was being made to drive lascars off British ships. The action which the delegates felt bound to take to carry out these instructions caused great annoyance to the British delegates. The latter complained in their report, but the conduct of the Government of India's delegates was successfully defended by Mr. Montagu.

. . . . .

18. It is principally in the spheres of foreign and 'inter-Imperial' policy that this task of co-ordination falls to the Secretary of State as the connecting link between His Majesty's Government and the Governor-General in Council and in either sphere if the two Governments have different views they must be adjusted domestically.

It is obvious that India, under her present constitution, cannot have a separate foreign policy of her own, and that in major questions of foreign policy she must be guided by His Majesty's Government. It is, therefore, not a necessary or invariable rule that she should even be separately represented at first-class political conferences outside the League, and at the Geneva Naval Armaments Conference of 1917, for example, she was not represented otherwise than by Mr. Bridgeman. At the Washington Conference, 1921, she was represented on the same footing as the Dominions because of her interest in the Pacific Question and in China, but on that occasion her representative like those of the Dominions, though a plenipotentiary, was merely one member of the combined British Empire Delegation, and did not constitute a separate delegation; this had also been the method of representing the Dominions and India at the Paris Peace Conference.

19. Again, the position of the Secretary of State enables him to co-ordinate Indian policy with that of His Majesty's Government, so that a united front is preserved at international meetings in regard to major questions of Imperial policy, and open ventilation of disputes between India and other parts of the Empire is avoided. This is not always an easy matter, since disputes regarding the status of Indians in the Dominions and Colonies have been very common, and feeling in India on such questions naturally runs high. There is, therefore, always a risk of Indian public opinion wishing to appeal to the League in a dispute between India and some other part of the Empire; for example, in 1925 the Indian Legislative Assembly passed a resolution recommending the Government of India to instruct the Indian representatives at the next Assembly of the League to ventilate the grievances of Indians in mandate territories, especially Tanganyika, and to seek immediate redress. The Government of India took no action on the lines recommended, but the resolution is symptomatic of Indian feeling.

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33

GENERAL WAVELL ON THE DIFFICULTY OF DEFENDING BURMA AND INDIA,[1] 14 JULY 1942

2. The vital importance of Burma in a war against Japan, to the Allied cause in general and to the defence of India is obvious. Through Burma lay the only route by which the Chinese armies could be kept supplied, and bases stocked for Allied air attack on Japan itself. From India's point of view, so long as Burma was in our possession, Calcutta and the great industrial centres of North-East India were practically immune from air attack, and her eastern land frontiers were secure from the threat of invasion.

3. Burma had been included, for operational purposes, in the Far East Command when this was established in November, 1940, with headquarters in Singapore. Administration remained directly under the War Office. So much, however, was the Security of Burma of concern to those charged with the defence of India that several attempts were made by successive Commanders-in-Chief in India to have this arrangement altered and responsibility for the defence of Burma transferred to India. The recommendation to this effect made by my predecessor, General Auchinleck, was not accepted. Shortly after my appointment as Commander-in-Chief, India, I paid a visit to the United Kingdom and personally proposed this change to the Chiefs of Staff, who again refused to alter the existing arrangement, on the grounds that the question had been fully considered when the Far East Command was established. The Japanese had by this time invaded Indo-China and this brought danger to Burma much closer, but this fact was not held to justify the change.

. . . . .

I was very greatly concerned by the extent of unpreparedness in Burma's defences of which I became aware during my visit. I realised that the number and training of the troops, their equipment, the intelligence lay-out, the size and organisation of the staff, the administrative system and the defensive arrangements were quite inadequate.

4. The neglect of Burma's defences during the early part of the war was understandable. There seemed little pressing danger, even should Japan decide to attack Great Britain. Burma was protected on the east by two neutral states, Thailand and Indo-China, both of which professed their intention to defend themselves against Japanese aggression, and by the natural difficulties of this mountainous, undeveloped country on her border. So long as Singapore remained in British

[1] *Despatch of General Sir Archibald P. Wavell* (Commander-in-Chief, India); *Supplement to the London Gazette*, 5 March 1948, pp. 1667–75. The Despatch was submitted to the Secretary of State for War on 14 July 1942. It covers operations in Burma from 15 December 1941 to 20 May 1942.

possession, there was little danger of a threat from seaward. Troops, equipment and staff were badly needed elsewhere, and it was only natural that Burma's requirements were placed by the War Office very low in the scale of priority. When Japan entered Indo-China in July, 1941, and her aggressive intentions became obvious, Burma became more nearly threatened and more attention should have been paid to her deficiencies. The cardinal mistake seems to me, however, to have been in placing Burma in the Far East Command instead of under India. Except as a subsidiary air base, Burma hardly entered into the strategical plans of the Far East Command, which was concerned with the defence of Hong Kong and Malaya; whereas, for India, Burma was a vital bulwark. Similarly, in administration, the War Office was too far away and too occupied with other matters to concern itself with, or even to understand, the needs of Burma to which India would have given sympathetic consideration as part of her own defence problem.

In Burma itself, more might have been done, in spite of all the deficiencies, to place the country on a war footing. Political considerations, the climate, underestimation of the enemy, over-estimation of the natural strength of the frontiers, the complacency of many years of freedom from external threat, all combined to prevent the defence problem being taken sufficiently seriously.

28. Such plans and preparations as had been made for the defence of Burma suffered from three misconceptions:

(a) That the main attack would be directed against Kengtung in the Southern Shan States; the only place to which there were good communications in Thailand —a motor road from a railhead at Lampang. Actually the Japanese made no attempt to use this obvious route.

(b) That our air force would be able to prevent the enemy using the limited approaches to the frontier. The whole experience of this war is that air forces cannot prevent the use of a road or railway; and anyway there were no bombers in Burma.

(c) That the natural difficulties of the country on the frontier, few and indifferent tracks, hills and thick jungle and the formidable natural obstacle of the Salween River, would restrict the numbers they could employ and dictate the direction in which we used them. Actually, we found ourselves up against a new feature in warfare—an enemy fully armed, disciplined, and trained on the continental model, using the mobility, independence of communications, and unorthodox tactics of the savage in thick jungle. It was perhaps, little wonder that our troops were outmanoeuvred and became bewildered.

30. There was never sufficient naval force to give any effective naval support during the Burma campaign; and its absence made the General Officer Commanding always anxious about a landing near Rangoon.

C. ARMY POLICY AND ORGANIZATION

1858–1947

INTRODUCTORY NOTE

It was an axiom of the Company's policy, re-emphasized by the Mutiny, that India was ruled by force of arms. The shock of the Mutiny and the degree of success achieved by the mutineers imposed an enduring pattern of development on army administration. The British element was increased and the sepoy element diminished until a rough proportion of one to two was reached. This was maintained right down to 1914. Further, the artillery was placed in British hands, and sepoy battalions were recruited on a potentially less explosive, mixed basis of class and caste. Later in the century the Russian threat encouraged the policy of recruiting from those peoples, in particular the Gurkhas, Pathans, and Sikhs, who had shown a warlike talent.

At the same time, in defining more precisely the functions of the army, emphasis was increasingly given to its role in maintaining internal law and order, still further reinforced as the nationalist movement became communal and violent. In the troubles leading to the civil war and partition of 1946–47 the army played a decisive, helpfully constructive part.

The annual cost of the army, borne entirely on Indian revenues, was heavy, amounting in the 1880s, for example, to some 50 crores of rupees and absorbing about one-third of the Government's budget. The London Government regarded the Indian army as forming in effect an Imperial reserve, using it to enforce British policy in campaigns in Egypt and the Sudan, in South Africa, in China, and even more extensively during the First and Second World Wars.

The policy of gradually transferring power from British to Indian hands, first announced in 1917, implied that *pari passu* the army would be Indianized, but the relationship of the Indianization of the army to the grant of responsible government did not receive the consideration which its importance demanded until the Simon Commission Report pointedly called attention to it. On the military as on the political side this policy proved difficult to apply, and despite the influence of two world wars the pace of Indianization in the army lagged significantly behind that of the Indianization of the civil service and of the transfer of political power. At the point of transfer in 1947 the senior Indian army officer was a brigadier.

1

RECOMMENDATIONS OF THE INDIAN ARMY ORGANIZATION COMMISSION,[1] 1859

1. That the Native Army should be composed of different nationalities and castes, and as a general rule, mixed promiscuously through each regiment.

2. That all men of the regular Native Army, in Your Majesty's Eastern possessions, should be enlisted for general service.

3. That a modification should be made in the uniform of the Native troops, assimilating it more to the dress of the country, and making it more suitable to the climate.

4. That Europeans should, as far as possible, be employed in the scientific branches of the service, but that Corps of pioneers be formed, for the purpose of relieving the European Sappers from those duties which entail exposure to the climate.

5. That the Articles of War, which govern the Native Army, be revised. and that the power of commanding officers be increased.

6. That the promotion of Native commissioned and non-commissioned officers, be regulated on the principle of efficiency, rather than of seniority, and that commanding officers of regiments have the same power to promote non-co mis' ned officers, as is vested in officers commanding regiments of the Line.

7. That, whereas the pay and allowances of officers and men are now issued under various heads, the attention of Her Majesty's Government be drawn to the expediency of simplifying the pay codes, and of adopting, if practicable, fixed scales of allowances for the troops in garrison or cantonments, and in the field.

8. That the Commander-in-Chief in Bengal be styled the Commander-in-Chief in India, and that the General Officers commanding the armies of the minor Presidencies be Commanders of the Forces, with the power and advantages which they have hitherto enjoyed.

9. Your Commissioners observe, that the efficiency of the Indian Army, has hitherto been injuriously affected by the small number of officers, usually doing duty with the regiments, to which they belong.

This evil has arisen from the number withdrawn for staff and other duties, and civil employment.

All the evidence before Your Commissioners points out the necessity of improving the position of officers, serving regimentally. For the attainment of this object, and for the remedy of the evil complained of, various schemes have been suggested, viz.:—

1st. The formation of a Staff Corps:

2dly. The system of 'seconding' officers who are on detached employ, which exists to a certain extent in the Line army:

[1] *Organisation of the Indian Army Report* (1859), C. 2515, pp. xiv–xv. Major-General Jonathan Peel was Chairman of the Commission.

3dly. Placing the European officers of each Presidency on general lists for promotion.

Your Commissioners, not being prepared to arrive at any satisfactory conclusion on this point, without further reference to India, recommend that the subject be submitted without delay, for the report of the Governors and Commanders-in-Chief at the several Presidencies, with a view to the framing of regulations, which will ensure the greater efficiency of regiments.

2

SIR CHARLES WOOD TO LORD ELGIN,[1] 19 MAY 1862

As for the Army no doubt there is a vicious circle. I always put it to Canning thus. Make up your minds what is the amount of European force which is necessary for the maintenance of our position in India. That is indispensable.

I admit further that all the military work cannot be done by Europeans. They cannot be exposed to the sun like Natives, & in order to economise that very expensive article, an European soldier in India, you must not expose him to more risk of illness than you can help. So much for peace time. In war he cannot do outpost duty, he cannot pursue a light flying enemy, he must be reserved for the charge, the shock & the struggle of the battle.

For all other purposes you want the Native soldiery.

The second question therefore is, what amount of Native force do you require to act with the required force of Europeans. That too is indispensable.

Then comes the third question:

How many more than the indispensable supplement of Europeans do you want?

This question cannot be answered without taking other matters such as the number & character of the police force into consideration. As you form or increase the police you may dispense with soldiery & military & civil considerations must be taken into account together. What state your police is in I really do not know. We are very deficient in information on this point. & I can give you no help in detail for I might be getting quite wrong myself, & lead you astray too, from pure ignorance. I can only point out the principles on which a decision must be made.

A Police Force ought to be cheaper & clearly is a safer force than an Army. It is not so disciplined, not congregated, not so likely to combine. But there are limits to the power of an ordinary police. It may keep down dacoity, but it is hardly strong enough to put down an outbreak, or check any organized violence. You must have soldiers within reach. Then comes a very serious question how to avoid, as much as you can danger from your Native Army. I mean by its own internal organization. I have written at length on two former occasions to Sir H. Rose on this subject, & he agrees in the main as to the composition of regiments,

[1] Wood Papers, vol. 10, pp. 246–52, India Office Library. Private letter.

though he pointed out some discrepancies in the various schemes which different people had proposed. There was in truth no discrepancy which could not be reconciled. Regiments may be raised locally & yet contain different classes & sects. A Punjab Regiment is not exclusively Sikh. It may contain Mahommedans &c.

I myself would raise every regiment in a given neighbourhood & would designate it—just as our own regiments are called the Middlesex—the West York, the Norfolk & so forth. Mix different sects & classes in each regiment as far as the different sects & classes in the neighbourhood will allow, & always take care to keep within bounds the number of high caste men. The general spread of the mutiny is universally attributed to the identity of feeling in most of the regiments in consequence of so many men from Oude being scattered through them all. The regiments which stood by us were the Sikhs & others which had not the mixture of Oude men. The Madras Regiments raised locally & with great local attachments were faithful. Some of the Bombay regiments had the same leaven as those in Bengal, & there were very strong symptoms of mutiny & danger among them. I say *Oude* as it was the great nursery of our army, but you must consider me as using the word to express Oude & similar men.

If the different regiments had not had this common element pervading them, I believe that the mutiny would not have been so general. But I would not only raise the regiments locally so as to keep up a *dissociating* spirit, but I should to a great extent & as far as possible employ them locally & in their own neighbourhoods so as to prevent this antagonism being worn down. Your Sikh Regiment becoming Hindoos at Benares, is a pregnant example of the danger.

Keep your Sikh regiments in the Punjab, & they will be ready to act against the Hindoos, keep your Hindoos out of the Punjab & they will be ready to act against the Sikhs—I do not say that I would not raise men for general service, but I would not put them to general service all over India unless it was necessary. There is no need of it, & we cannot afford in India to neglect any means of strengthening our position. Depend upon it the natural antagonism of races is no inconsiderable element of our strength.

If all India was to unite against us how long could we maintain ourselves?

I daresay the soldiers will fight for a well disciplined well brigaded well organized army, as a machine à la Frederick the Great—I wish to see no such thing. Have your Europeans as perfect as you can make them, as complete a body as we put ashore in the Crimea; but pray do not try to make your Natives like them. I hear that Rose is trying to Europeanize some of the Punjab Cavalry, & insists on their having English bits & spurs; I hope that it is not true. It seems to me pure folly. An oriental is not unfrequently a better horseman & swordsman too than we are—& we shall be converting a very good soldier in his own fashion, into a bad one of ours.

3

LORD LAWRENCE TO LORD CRANBORNE,[1] 4 JANUARY 1867

. . . . . .

Previous to the Mutiny the strength of the army in India was in round numbers

British troops	40,000	300,000
Native do	260,000	

the English troops being generally below this proportion.

At present the proportions are these

British troops	61,747	181,747
Native troops	120,000	

Thus it will be seen that the present aggregate strength of the troops in India is something like 120,000 men less than before the Mutiny, when the Native soldier was as 7½ to 1 British soldier; while now the ratio is about 2 of the former to 1 of the latter.

Perhaps you may say that the change in the relative strength of the two descriptions of troops is excessive and is probably much greater than can be at all necessary, but such is not the case. In the first place the previous disproportion was enormous and left us completely at the mercy of the Native army. Then again the events of the Mutiny have excited a distrust indeed I may say a hatred between the two races which perhaps may never subside, and which has certainly not of late years decreased. In spite of all which has occurred, the old Bengal Army was no doubt remarkable for its docility and respect for authority. A thousand of these men were more easily managed than a hundred English soldiers. . . . Now the present race of Native soldiers on this side of India are of a very much more combustible material than that of the old army. The Native soldiers of the present day are generally stronger, bolder, more excitable, and warlike, than those which we had formerly. If we find them a more useful force when fighting on our side, we must in sound policy keep up a proportionate counterpoise to them in case of any accident. We cannot afford to balance too minutely what this proportion should be; it must be sufficient to deter from any attempt to try conclusions with us. We cannot revert to the old class of Native soldier beyond what we have done. The Northern men, that is the Seikh and the Puthan fought most manfully our battle in the Mutiny; and to disband such soldiers and raise others many of whom have a blood feud with us would be an impolitic measure.

[1] Lawrence Papers, Letters to the Secretary of State (1867), No. 2. India Office Library. Private letter. This was in reply to Cranborne's letter of 3 December 1867, which is printed in R. Bosworth Smith's *Lawrence*, vol. II, pp. 499–502. Lord Cranborne was Secretary of State for India from 6 July 1866 to 9 March 1867 and (as Lord Salisbury) from 22 February 1874 to 30 March 1878.

Then comes the question why we don't employ the Native soldiers at a distance from their own homes. This we do to a considerable extent; and we don't do it more because such a system would be highly unpopular. The climate of distant provinces is more or less unsuitable to the Natives of India. The food of the Northern and Hindustanee man for instance is wheat, while in the South and East of India, it is almost wholly rice. Great changes of this kind are one of the causes of the coolies in Assam and Cachar suffering so much as they do. When our Native troops of this Presidency first went to Sinde, they died in great numbers; and the first ill feeling which was evinced by these troops was on account of this very service in 1842.

. . . Our present system is a mixture of the two principles. Thus the Native soldiers of the Madras Army are for the most part men from the Southern Provinces of India; but a considerable body are employed in British Burmah, the Straits settlements, & in central India & Cuttack. In like manner the majority of the Bombay Army belongs to its Provinces, but they also hold Sinde, and the western part of central India and Rajpootanah. In this Presidency the Afghan of the North Western Border & the Seikh & Punjaubi Mahomedan serves in Regts. with Hindustanees & Oude, men who take their tour of duty in Assam in Calcutta, & in Oude; and in like manner the Hindustanee soldier takes his tour in the Punjaub & Assam & elsewhere. To carry out further the principle of foreign service we must transfer bodily whole Regiments from Madras & Bombay to the Punjaub & Hindustan & vice versa; and nothing could well be more unpopular.

The Madras soldiers are puny delicate men, wholly unfit to cope with those of the Northern races; and even those of the greater part of the Bombay Army, tho' superior to the Madras soldier, are very inferior to the Seikh & Puthan & Afghan.

No doubt mercenaries employed in distant service are somewhat less dangerous than when employed in their own country, but on the other the discontent, which such a change would involve would be a serious counter balancing evil. Wherever the Afghan or Seikh was placed in India he would be dangerous if inclined to be so; unless he was checked by the presence, or vicinity of British troops. Thus the Mutiny was a breaking out of Hindustanee troops—such Regiments though many hundred miles from their homes shared in the common feeling; and where they could do so, with any chance of success, mutinied also. . . .

While I think that there is no real safety with a large mercenary army, which army it is necessary to keep up, I prefer to a system of distant service that of Provincial or local service, by which to a great extent the Native troops would be segregated. I would like to keep a large proportion, say from $\frac{1}{2}$ to $\frac{1}{3}$ in their own Provinces. It would make our service most popular and would be equal to a large increase of pay. It would enable us to enlist men of races who will not serve at a distance from their own homes. Now from being so mixed together men of different races have a tendency to become of one way of thinking. Seikhs and Puthans serving in Hindustanee Regiments acquire the prejudices of these soldiers. By keeping them more separate than we do, the Regiments of one Province would in

case of necessity act against those of another, just as the Punjaubee Regiments fought on our side in the Mutiny, while Punjaubee soldiers in Hindustanee Regiments generally fought against us.

Then again the Native soldier by serving in different parts of India becomes a politician, he knows the world, & what is going on in it. If there is a disturbance in a distant quarter, he can readily understand its bearings and proportions; whereas, while serving mainly in his own Province, he neither understands, nor is interested in the matter.

I am much afraid that we could not with any advantage recruit from other races than we now do in India. The really warlike races, those who will accept such service, as our military service are somewhat limited, the aboriginal races, such as Bheels and Santals, who are neither Hindoos nor Mahomedans, are not equal to the requirements of that service. . . .

. . . we have four regiments of Gookhas, Hindoos of Tartar race from Nepal: first rate soldiers, docile, intelligent & remarkably hardy. These Regiments are all kept in the hills as the men are mountaineers, but they go down readily wherever there may be a probability of hard fighting. More of these men would be valuable, but more cannot be had. Jung Bahadour, the real Ruler of Nepal, looks with great jealousy on those we now have, and recruiting is more or less difficult. Now these Goorkhas are on the whole probably our best & most reliable native troops. Many of them are exiles from social causes from their own homes, and all are strangers in the country. They fraternise, if I may use such an expression, more readily with the English soldier than any other Natives, & yet in the Mutiny it was for sometime doubtful whether they would remain with us. One corps was mismanaged by the commanding officer, and did not behave well, & was after the war disbanded.

. . . . . .

The employment of English soldiers has two great advantages in India; one is of course his fighting power, the other the prestige which he carries with him. He is the one class of soldier in whom his country men repose entire confidence in times of great danger. The English community oscillate between utter indifference to danger with great contempt of the Natives, & something very like panic, when any serious difficulty arises.

The English soldier himself feeling his extreme isolation and incapable of judging who among Natives may be a friend and who a foe, has a tendency to look on every one of them as belonging to the latter class. This feeling is intensified in proportion to the smallness of the number of English troops, which have to confront the danger.

Assuming the present force of English troops as 61,747 which is calculating each arm at its standard strength, and the actual numbers present fall a good deal short, I believe, of this estimate, the fighting power would probably not exceed at the outside 54,000 men and at sickly times would fall short of this calculation. We

have advocated a reduction in the Artillery, to which we have received no reply; and we might spare perhaps two Regiments of Infantry, one from Madras and the other from Bombay, though we would rather retain them, & we might give up a corps of British Cavalry: all this would give a further reduction of some 2,500 men. Beyond this we ought not to go.

In a great emergency we might for a time spare perhaps four or five thousand British soldiers and perhaps as many Native troops for service in adjacent countries such as China, Egypt, Persia & the like but it would be much better if we did not give up one of the former class.

It must be borne in mind that in a great peril in England, in a great war in Europe, in which she was engaged at great odds, an echo would be found in this country. At no time would it be more important to hold India strongly.

I should say that we never can hold India securely with 35,000 English troops & that any considerable body of mercenaries raised out of India is quite out of the question. Nor would 75,000 Native soldiers, aided by 35,000 English troops enable us to hold the country safely and securely. Good Govt. will do a good deal, but it cannot ensure us from discontent, nor from danger: increased taxation of the masses for instance however excellent may be the administration will largely add to these evils. Mischief moreover arises from many causes which the Govt. cannot foresee in time, & prevent. A little mismanagement of our Native troops will do much harm, which will take no little time and labour to remedy.

Religion is no doubt a great cause of estrangement between the English and Natives of India & so is race, and colour & social customs. Above all, the individual bearing of our countrymen has a serious influence for good or for evil.

4

REPORT OF THE ARMY ORGANIZATION COMMISSION,[1] 1879

13. During the 20 years following the mutiny, India was not the scene of any general war, though expeditions were sent to China, to Abyssinia, and to the Malay peninsula. On the north-western, and on the north-eastern frontier, little wars and expeditions constantly took place; and some of these affairs, such as the Ambeyla and Bhootan campaigns, occupied many troops and caused some difficulty. Since the reconstruction which followed the mutiny, the chief changes of organisation have been the extension of the 'irregular' system to the armies of Madras and Bombay. Under the 'irregular' system as finally settled in 1863, and applied to all three armies seven British officers were attached to each Native regiment, instead of 25 under the system of the line regiments, and instead of three as under the irregular system before the mutiny. European officers commanded squadrons and wings of regiments; while Native officers commanded troops and

[1] *Parl. Papers, Report of Special Commission appointed to inquire into the Organisation and Expenditure of the Army* (1884–5), Paper No. 17. Sir Ashley Eden, Lieutenant-Governor of Bengal (1877–82) was President of the Commission.

companies. In 1874–75 the strength of European officers with Native regiments was increased by the addition of one or two probationers to each corps, who were to take the place of officers absent on furlough or other duty.

14. The superior commands and the management of the Indian armies remain as they were before the mutiny. The supreme control of all the armies is vested by law in the Governor General in Council and the Commander in Chief in India; but the armies of Madras and Bombay are commanded by local Commanders in Chief, and are in some degree directed by the Local Governments of those presidencies; while the Punjab Frontier Force is under the immediate orders of the Local Government of the Punjab.

16. On the 1st July 1878, that is to say, before the recent complications with Cabul, the Indian armies consisted of 6,002 British Officers, 60,341 British and 123,254 Native soldiers. The cost of this army amounts, in round numbers, to about 17 millions sterling (or 17 crores of rupees), including charges on account of loss by exchange of military expenditure in England, as well as the outlay on military works. The total revenues of India from which these army charges have to be met are 63¼ millions sterling (63¼ crores of rupees). . . .

17. The purposes for which the army of India must be maintained may be stated to be—

(a) Preventing and repelling attacks, or threatened aggressions from foreign enemies beyond our border;
(b) Making successful armed disturbance, or rebellion, within British India, or its feudatory States, impossible;
(c) Watching and overawing the Armies of feudatory Native States.

Nearly two-thirds of the border of the Indian Empire is protected by the sea. So long as Great Britain is mistress of the seas, the sea-coast of India is protected by the fleet of England, and the Indian army need provide only for defences at four or five sea-ports. The external foes which the Indian army may have to meet on its land frontier are Russia and Afghanistan on the north-west; Nepal or Bhootan on the north-east; wild tribes of the Assam, Cachar, and Arracan border on the east; and Burma on the south-east. It is not probable that India will come in contact with China or Persia on the land frontier of British India for some time to come. For operations against Russia, or Afghanistan assisted by Russia, a force of two army corps, or 50,000 to 60,000 fighting-men, might possibly be necessary. No one has ever suggested that the army of India should be maintained at a strength necessary to put into the field a larger force than this. Two divisions of all arms would probably suffice for the requirements of a war with Nepal; while, against other external foes, a single division of all arms would, if communications were maintained, be enough.

30. The total strength of the regular police, rural and urban, has been stated to be 157,999 according to the latest returns for all the provinces of India; of these, 21,313 are engaged on the duty of guarding jails and treasuries, or of escorting

prisoners and treasure; 32,055 constitute the police of municipal towns; and about 104,000 are employed in keeping the peace in the country at large. The police force is distributed over the country with reference to the density and character of the population, and to the physical features of the country and the lines of communication. The proportion of police to the population ranges from one constable to 2,315 people among the quiet inhabitants of Bengal, to 1,159 among the martial but orderly races of the Punjab, to 950 among the Bombay population, and 447 people among the excitable races of British Burma . . . On the whole, we gather that outside the Punjab, the North-Western Provinces, and Oudh, the frontier police are the only body which can, unaided, repress any considerable armed disturbance. It therefore follows that the military garrison of the country must be ever ready to aid the police when need arises. At the same time we are satisfied that a very small body of troops, if moved to any spot before trouble spreads, will suffice to repress local disturbances. And we consider that the home army, or obligatory garrisons, possessed as they will be of standing means of transport ready for instant use, will suffice to maintain peace in British India and in the great majority of feudatory States.

38. In regard to the troops of Native States generally, we would add that the absence of any cohesion or common feeling between these many armies, of which the total strength is twice as large as the whole of the British and Native Imperial forces, and the fact that they possess little organized artillery, no rifled ordnance, and no breech-loading rifles, are the chief reasons why these troops do not form potential elements of danger or cause of anxiety to the British Government. The chiefs are now all loyal; but their successors may not always remain so; and, even if they do, there is no certainty that their troops will always obey them. But, so long as these forces have little field artillery and no breech-loading arms of precision, they can never stand against even small bodies of British troops. At the same time, their armament and discipline are fully sufficient to keep the peace in the territory, and to maintain the dignity of their sovereigns. We advise that on no account should arms of precision be given to the troops of Native States, that their field artillery should be kept within the smallest possible limits, and that the British Government should take no steps to employ or exercise the contingents of different States together. . . .

40. At present there are, as has been explained already, three distinct Native armies in India with three different systems of organization, viz., the army of Bengal, which garrisons the whole country extending from the Bay of Bengal to Afghanistan; the army of Madras, which garrisons Madras, Burma, Hyderabad, the Central Provinces, and certain stations in Bengal; and the Bombay army, which garrisons Bombay, Sind, Rajputana, and Aden. It has long been felt, by those who have given the subject of the general organization of the army of India attention and consideration, that there is something anomalous and unsatisfactory in the existence of three separate armies in the same country, all serving the same Central Government. The complete amalgamation of the three armies is a measure which

has been discussed for many years past, but such a step was condemned, even before the mutiny took place, and the soundness of the objections raised have been still more fully recognised since. . . . It was to this thorough fusion of the armies that the Duke of Wellington objected, with that practical wisdom which so distinguished that great soldier and statesman. But it appears to us that, in the discussions of the past, the real point at issue has gradually been lost sight of: the question is no longer one of amalgamating the armies of India into one large unmanageable homogeneous body, in which all national and religious differences shall be obliterated and ignored, in supersession of a system under which three armies of different nationalities are maintained. No one would, we imagine, in the present day, advocate a change of such a nature, but the question as it presents itself to us now is this, is it really true that the great principle of segregation of national divisions is preserved under the existing system, and is it necessary for the maintenance of such a principle that we should have three distinct armies, three separate systems of military government, three sets of staff, and army departments?

41. The view which we find ourselves compelled to accept is, that the political separation of nationalities, which is so essential to the safety of the Empire, is disregarded and nullified in the present arrangement of the Presidential armies, and we believe that, by a stricter recognition of that great principle, India can have a simpler, cheaper, and more scientifically constructed military organization, with far greater security than the present system gives. Our desire is to maintain the great national divisions of the army, but to systematise and re-adjust them on an intelligible principle, and we, therefore, have determined to recommend that, instead of the three Presidential armies of Bengal, Madras, and Bombay, the armies of India should be divided into four completely separate and distinct bodies, to be called army corps, so distributed that they shall be deprived, as far as possible, of community of national sentiment and interest, and so organised, recruited, and constituted, as to act in time of excitement and disturbance, as checks each upon the other. . . .

218. We consider that, in the present state of affairs, no reduction can safely be made in the strength of the total effective Native forces of the Empire. We fully recognise that the great extension of communications, and the improved armament of the troops, make a Native regiment a far more powerful unit than it used to be. But, looking to the extent of the Empire; to the long land frontier of India, infested by wild or hostile tribes; to the military monarchies of Nepal, Cabul, Burma, aggression from which must be prevented; to the strength of the great feudatory chiefships, such as Hyderabad and Gwalior, whose troops must be overawed; to the existence of half-civilised tribes, who have hardly forgotten their habits of rapine, within our own borders; and to the other causes of disturbance which may arise among 250 million people of many nations, tribes, and languages, looking to all these considerations, we feel unable to recommend the reduction of the Native army below its present strength.

237. The opinions of regimental officers in the Madras and Bombay Army

Corps are almost unanimous that the system of 'mixed regiments', with no special recruiting ground, is best for their armies. We recommend that this system be left untouched, save in so far as each army corps will henceforward be restricted to raising recruits within its own territorial limits. This restriction will prevent the Bombay Army Corps from recruiting Sikhs and Hindustanis, and it will prevent the regiments of the Hyderabad Contingent, which will in future belong to the Madras Army Corps, from drawing, as they now do, a large proportion of their recruits from Northern India. The restriction, so far as it interferes with regimental traditions and customs, must be enforced gradually; but we feel convinced that, if the essential principle of maintaining four distinct armies without community of nationalities and sympathies is to be preserved, the regiments of the several army corps must be kept to separate and distinct recruiting grounds as far as possible. The Hyderabad Contingent is the force in Southern India most largely recruited from Hindustan; and the Foreign Department of the Government of India agrees, we find, in our view that it would be desirable to recruit this force more exclusively from the Deccan and the adjacent districts.

5

MINUTE BY GENERAL ROBERTS ON THE NEED FOR EUROPEAN TROOPS,[1] 8 FEBRUARY 1890

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I feel it a difficult task to endeavour to make those agree with me who refuse to believe facts, or whose opinions are so warped by sentiment as to prevent their being able to recognize that the near approach of a great European power compels us to have an army composed of very different material from that which sufficed when we had no external enemy to deal with. It was apparent to me when I was in Afghanistan in 1879–80 that only our best Native soldiers could hope to cope with the Afghans in their own mountainous country. During the first Afghan War, Hindustani regiments held their own when properly led and commanded, but the conditions have been greatly altered during the last 50 years. In place of 24 or 25 British officers with each regiment, there are now only 8, while the Afghans and border tribesmen, instead of being armed with matchlocks, are nearly as well armed as our own soldiers. If I am correct in this opinion, and I know that it will be endorsed by almost every officer who served with me in Afghanistan, how much more necessary it is that we should have soldiers in our ranks who can be thoroughly depended upon when it seems almost certain that, instead of having to fight badly armed, undisciplined Afghans and tribes who have but little cohesion amongst themselves, we shall find ourselves opposed, when next we go to war, by

[1] Bengal Military Letters and Enclosures, vol. 527 (1890), Encl. to Letter No. 63 of March 1890. India Office Library. Roberts was Commander-in-Chief in India, 1885–93. The Government of India was in general agreement with Roberts's proposals.

well-armed, well-disciplined Europeans who thoroughly believe in and trust one another and who may very possibly be assisted by the whole, or greater part, of the Afghan nation.

I have no hesitation myself in stating that except Gurkhas, Dogras, Sikhs, the pick of Punjabi Muhammadans, Hindustanis of the Jat and Ranghur casts (such as enlist in the cavalry) and certain classes of Pathans, there are no Native soldiers in our service whom we could venture with safety to place in the field against the Russians. There are none certainly whom I would willingly accept were I placed in command of an Anglo-Indian Army, and even with these picked troops, excepting Gurkhas and perhaps irregular cavalry men, I should be sorry to find myself in front of a European Foe unless my forces were composed of as many Europeans as Natives.

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6

THE MADRAS AND BOMBAY ARMIES ACT,[1] 5 DECEMBER 1893

Be it enacted . . ., as follows:

1.—(1) The offices of commander-in-chief of the forces in the Presidencies of Madras and Bombay respectively, and of military secretary to the government of each of those presidencies, are hereby abolished, and all things which by or under any Act of Parliament are required or authorised to be done by, to, or before any of the officers whose offices are hereby abolished, shall or may be done by, to, or before such officer as the commander-in-chief of the forces in India, with the approval of the Governor-General of India in Council, may appoint in that behalf, and the commander-in-chief of the forces in India shall for the purposes of section one hundred and eighty of the Army Act be deemed to be the commander-in-chief in each presidency in India.

(2) The military control and authority exercisable by the governors in council of the Presidencies of Madras and Bombay shall cease to be exercised by those governors in council, and shall be exercisable by the Governor-General of India in Council and all things which by or under the Army Act are required or authorised to be done by, to, or before the governor in council of the Presidency of Madras or of Bombay, shall or may be done by, to, or before the Governor-General of India in Council.

(3) The officers holding at the commencement of this Act the offices of commanders-in-chief of the forces in the Presidencies of Madras and Bombay shall cease to be members of the council of the governors of Madras and Bombay respectively.

[1] 56 & 57 Vict., c. 62.

7

LORD CURZON'S MEMORANDUM ON COMMISSIONS FOR INDIANS,[1] 4 JUNE 1900

At intervals during the past 20 years attempts have been made, sometimes by the Government of India, sometimes by the Secretary of State, sometimes by officers of high Indian authority and experience, to devise some outlet for the military aspirations of Indians of noble or gentlemanly birth, superior to that which is open to them under the existing system. Fifty years ago, the desirability of providing such facilities was pointed out by Sir Henry Lawrence in a series of notes or essays, which have repeatedly been quoted since; and in every Viceroyalty from that of Lord Ripon to the present day, the question has re-arisen in one or another form.

2. It may be confessed that the feeling or desire that has inspired these several proposals has been political, rather than military in origin; i.e., they have been advocated (even by soldiers) less with the object of adding to the strength of the Army in India, as a fighting machine, than with a desire to remove a possible source of disappointment and discontent, to gratify legitimate ambitions, and to attach the higher ranks of Indian Society, and more especially the old aristocratic families, to the British Government by closer and more cordial ties. There have been some among the advocates of these proposals who have recalled the terms of the Queen's Proclamation of November 1st, 1858, that 'it is our will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our Services the duties of which they may be qualified by their education, ability, and integrity duly to discharge', and who, while admitting the qualifications with which this assurance was wisely hedged, have felt that it has been given a more generous connotation in the Civil than in the Military service of the Crown. It has been pointed out by such critics that, while in many branches of civil employ, and notably in the judicial branch, the highest posts have been thrown open to Natives, and have in numerous cases been filled by the latter with credit and distinction, the opportunities of military preferment for Indians of good birth or position have remained almost stationary since the Mutiny. It has been urged that such a policy of exclusion is not only uncalled for but unsound; uncalled for, because the great strides that have been made in intellectual and educational progress qualify a far larger number of candidates for admission to the Commissioned ranks of the Army than was formerly the case; unsound, because it cannot be wise, and may one day prove to have been disastrous, to slam the door of a military career in the face of those whose pride of birth or surrounding prevents them from embracing a civil profession, whose interests lie naturally on the side of the British Government, but whose sympathies are in danger of being alienated, and their

[1] Bengal Military Letters and Enclosures, vol. 639 (1900), Encl. to Letter No. 103 of July 1900. India Office Library.

energies dulled by the absence of any field for their natural ambitions. Attention has also been drawn to the disparity between the rigid and exclusive policy adopted by ourselves, and the alleged liberality of Russian methods in promoting to high military rank the members of Asiatic and frequently of conquered races—a disparity which is declared to be a common subject of invidious comment among those Natives of India who have any acquaintance with the two systems. These are the main grounds upon which the advocates of a more generous policy in officering the Indian Army have rested their case.

3. On the other hand, the arguments by which it has been resisted have, with one exception, been almost exclusively of a military character. It has been alleged that any such concession would weaken the *morale*, and impair the efficiency, of the Indian Army; that native soldiers are only capable either of discipline or gallantry on a sustained scale, when led by European Officers; and that to throw open the higher ranks of preferment to Indian gentlemen, thereby *pro tanto* reducing the number of British Officers, is quite inconsistent with the demand that is constantly being put forward for an increase in the number of the latter in every Native regiment. Great stress has also been laid upon the military danger of re-awakening a martial spirit that is now dormant among the higher ranks of Indian Society, and of creating and training military leaders, who, in times of emergency, might turn the experience which they had acquired in British schools to the detriment of British interests. The political argument is the familiar apprehension of taking a first step from which it might be found impossible to recede, and the concession of which might lead to other and more perilous demands in the future. . . .

4. They [schemes] have been of a fourfold character, *viz.*, I.—Proposals to create new Regiments of the Indian Army to be officered either wholly or in part by Indians. II.—Proposals to create an Indian Military College, for the instruction of Indian Officers. III.—Proposals to give Commissions in the Indian Army to Indian gentlemen, after the ordinary course of examination and instruction. IV.—Proposals to do the the same in the case of the British Army.

. . . I have made a careful enquiry into the position and chances of those Native gentlemen of respectable birth who reach the commissioned ranks of the Indian Army. They do so by one of two means—by promotion from the ranks, or by direct Commissions. Among the former class there are, especially in the case of the Silladar Cavalry, many men of good birth and position. As regards the direct commissions, which are constantly given to young men of good family who are likely to turn out efficient officers, their number has, under a recent regulation, been fixed at one in every three vacancies in regiments of Native Cavalry, and one in every four vacancies in regiments of Native Infantry. If we take the entire number of Native Officers in the Indian Army, we find that there are 17 in each regiment of Native Cavalry, and 16 in each regiment of Native Infantry, i.e., in the former 8 Jemadars, 4 Resaldars, 1 Woordi Major, and 4 Risaldars; in the latter 8 Jemadars and 8 Subadars. The grand total accordingly is—

Native officers of	Cavalry	. . . . .	674
„ „	Infantry	. . . . .	2,212
„ „	Artillery	. . . . .	37
			2,923

If we extract from these the Risaldar-Majors and the Subadar-Majors, who are almost invariably Native gentlemen of some status, and who enjoy a position of great power and influence in their regiments, we find that the total number of these officers in the service, including the Body-Guard, Central India Horse, and Hyderabad Contingent Cavalry, is 180. To a few among them the honorary rank of Captain is given upon retirement. There are at present 4 Risaldar-Majors and 18 Subadar-Majors in possession of the distinction. Grants of land or assignments of land revenue, carrying with them the title of Bahadur, are also conferred upon meritorious Native Officers to the number of 9 annually. As previously mentioned, the rank of Honorary Lieutenant-Colonel or Major has also been bestowed upon a limited number of these officers, who have been engaged in extra-regimental employment, or who have retired from the service.

29. Let me next examine the case of the Chiefs or men of princely or noble birth. In so far as the British Service is concerned, the only rank that has so far been given to them is honorary rank, and the only service that they have been allowed to perform has been Staff Service in recent campaigns within or upon the confines of India. Among the Indian Princes or Chiefs there are at the present time one Honorary Major-General (the Maharaja of Kashmir); two Honorary Colonels (the Maharaja of Gwalior and Sir Pertab Singh); one Honorary Lieutenant-Colonel (the Maharaja of Kuch Behar); five Honorary Majors, one Honorary Captain, and one Honorary Lieutenant. Some of these have been for a time attached to a British or Native Regiment; but in the majority of cases the rank is purely honorary, and has carried with it nothing more than the privilege of wearing the British uniform. A few of these Chiefs, six in all, have either been attached to the staffs of General Officers in recent frontier campaigns, or have accompanied their own Corps of Imperial Service Troops into the field. Finally, the existence of the Imperial Service Contingents provides an opportunity for military energies, indirectly connected with the British Service, which is taken advantage of in varying degrees by the Chiefs and nobles of the Native States by whom they have been raised.

34. I hope, therefore, so far to have established the following proposition; (1) that any attempt to provide additional facilities for the military education or advancement of the Native of India should primarily be confined to the small class of nobility or gentry for whom it is most urgently required; i.e., that it should rest upon the aristocracy of birth; (2) that some principle of qualifying selection should, if possible, be found which would absolve Government from the invidious task of nomination, with the even more mortifying consequences of failure; (3) that the opportunities created should not be dependent upon, but should be wholly inde-

pendent of, education in England; (4) that the object being, for the present at any rate, to satisfy political aspirations rather than to add to military strength, the scheme adopted should have a political rather than an exclusively military complexion, and should be associated with the Viceroy, in preference to the military authorities; (5) that it should be of a cautious and tentative character, free from the reproach of the 'thin end of the wedge', but capable of expansion, if proved by experience to supply a safe outlet for reasonable and genuine ambitions. . . .

35. I would propose to constitute a small Corps to be designated the Viceroy's Corps of Nobles or the Imperial Cadet Corps (or by any preferable title), consisting of from 20 to 30 young men, drawn from the princely and noble families of India, to be attached to the court and person of the Viceroy during the cold weather. I would avoid the invidiousness of selection among all the ruling or titled families who would press for the honour, by laying down that the selected nominees should, as a rule, be taken only from the four Chiefs' Colleges, previously named[1] (and from any others that may hereafter be established); the recommendation of the Principal of the College being supported by the approval of the Durbar of the State, or the family of the nominee. They should be selected on grounds, firstly, of family, and, secondly, of conduct, and be between the ages of 17 and 20. A knowledge of English should be an indispensable condition. By this plan would be given a much desired impetus to the work of these excellent colleges (without at the same time diverting them from their original purpose, or transforming them, according to the Punjab proposal of 1890, into military academies); there would be laid down an intelligible and logical principle of selection; and we should provide ourselves with an unanswerable reply to the petitions of what may be described as the newer aristocracy, who, if the criterion were one of wealth, or education, or precocity in European manners, would flood us with a stream of applications supported by every sort of examination test, but resulting in the very last type of young officer that we should desire to procure. On the other hand, I would not exclude the possibility, at any rate in the first instance, of selection from other sources. There are princely and noble families in India who have never supported and, for reasons into which it is unnecessary to enter, are not likely to support the Chiefs' Colleges. There may also be cases of the sons of princes or chiefs who have received their education in England, but who, notwithstanding, may welcome an opportunity of military employment in the land of their birth. An exception might be made in such cases. But I would prefer to treat them as the exception and to make a qualifying curriculum in the colleges the rule. Those who know the latter best assure me that this principle, if once established, will lend a wholesome and much needed stimulus to the Chiefs' Colleges, and will start them on a fresh and rejuvenated career.

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[1] Mayo College at Ajmere, Aitchison College at Lahore, Rajkot College in Kathiawar, and Daly College at Indore.

8

THE MESOPOTAMIA COMMISSION ON INDIAN MILITARY ADMINISTRATION,[1] 1917

10. During recent years certain important changes had been made in the highest branch of Indian military administration, and certain influences were at work, which, in our judgment, were detrimental to the efficient supervision of this or any Oversea Expedition. Up to 1905 there had been two high officials in charge of the administrative and executive work of the Indian Army—namely, the Military Member of Council and the Commander-in-Chief. By 'Indian Army' we mean Indian Military Establishments, as there is always a large proportion of the British Army stationed in India, and these troops, so long as they are there, are upon the Indian establishment. The Military Member of Council was in charge of what we may designate the administration of the Army, and it was through him that the demands of the Commander-in-Chief for the Army came to the Viceroy's Council, though the Commander-in-Chief himself was an extraordinary Member of that Council. Whatever may have been the drawbacks of this system, it had the advantage that by this division of work, the Commander-in-Chief was free to perform his important executive duties of inspection, and of reviewing and testing the efficiency and wants of the troops under him, while the Military Member remained at the seat of Government.

11. The Military Member was abolished, and in his place a Supply Member was appointed as one of the Viceroy's Council. This post was, however, extinguished a short time after its creation. Thus, the whole of the administrative and executive work of the Army became concentrated in the hands of one man, who has a duality of responsibility, for he is both Military Member of Council and Commander-in-Chief. Being the only military representative on the Viceroy's Council it is his duty to be present at the meetings of the Executive Council. The two Army Departments, namely, that of which the Commander-in-Chief in his capacity as Military Member of Council is also the head, are both permanently located in Simla.

12. While there is centralisation at the head of the administration, a cumbrous dualism remains below. These two Departments, though under the same individual, are kept separate and distinct, and they are separately maintained in order to give substance to the fiction that one person is two persons. The Commander-in-Chief, in his capacity as Commander-in-Chief, may think and order something in his department which in his subsequent capacity as Military Member in another Department he may like to unthink and counter order. The procedure under this unique form of military administration was described to us by Mr. Brunyate, the Financial Secretary to the Government of India. He had been for some years Financial Adviser to the Commander-in-Chief and Military Member

[1] *Mesopotamia Commission Report*, Cd. 8610 (1917), pp. 98–100.

of Council, and is a high expert upon the procedure which this dual system entails. His evidence was so clear and explicit that we reproduce it verbatim. When asked to give a concrete case of how a paper relating to a proposal for Army equipment would pass through the two Departments, he replied:—

The Quartermaster-General, it may be supposed, wishes to have more mules. Probably before putting forward the proposal at all he sees the Commander-in-Chief personally as Commander-in-Chief, and ascertains from him that he is willing to have that proposal ventilated. He then writes a note stating his facts, probably supported by a note by the Director of the Army Remount Department, makes a definite recommendation, estimates the cost and marks his note to the Army Department of the Government of India. The office clerks of the Army Department note on the case, the Assistant Secretary notes, the Deputy Secretary may note, and it reaches the Army Secretary—we will call him General Holloway, though he is not actually Army Secretary now. He criticises the proposal if he thinks fit. . . . The Office of the Financial Adviser then note upon it. . . . The clerks in the Finance Adviser's office note, the Assistant or Deputy Financial Adviser notes, and the case then comes to the Financial Adviser, now Mr. Fell. Mr. Fell may be prepared at once to accept the proposal on behalf of the Finance Department, and may intimate that he does not intend to refer it to the Finance Member. The file then goes back to the Army Secretary, and in that case he at once arranges for the necessary orders to be issued to give effect to the Quartermaster-General's proposal, unless he thinks the case of sufficient importance to refer it to the Army Member.

Such reference will, of course, practically always be required if the proposal is one requiring the sanction of the Secretary of State. In that case the Army Secretary would take the Army Member's orders at this stage, and a despatch to the Secretary of State would then be drafted in the Army Department. . . . Or again, Mr. Fell, when the case first reached him, might have criticised the proposal, and indicated a desire to see it modified or rejected. In that case the file would still go back to the Army Secretary, and he would doubtless at that stage take the orders of the Army Member unless before doing so he wished to have the opinion of the Quartermaster-General on the criticisms and suggestions which had been made in the Military Finance Branch. Mr. Fell, when criticising the proposal would probably have indicated whether he intended to refer the case eventually to the Finance Member. Thus when the Army Secretary brought these criticisms before the Army Member, the latter would know that if he decided to over-ride the Financial Adviser's criticisms, he might have to face opposition from the Finance Member. The Army Member would then pass his orders. If he adhered to the scheme as put forward by the Quartermaster-General and the Army Department he would record a note to that effect. The file would then go back to the Financial Adviser, and the latter would not note again, but would submit the case to the Finance Member. If the Finance Member decided not to press the objections raised by Mr. Fell, the proposal would become a fully accepted proposal, and orders

would be issued for putting it into effect. If, however, the Finance Member definitely objected to the scheme, the case would then go back to Mr. Fell for return to the Army Secretary for re-submission to the Army Member. The Army Member might then defer to the Finance Member's objection, in which case the whole proposal would be dropped with the Army Member's concurrence, though a reluctant concurrence. If, however, the Army Member, in spite of the Finance Member's objections, considered that the proposal was a necessary one, he would intimate to the Army Secretary that the case should be referred to His Excellency the Viceroy, under our Rules of Business, which prescribe that when two members of Council differ, the case must be referred for the orders of the Viceroy. The Army Secretary would then lay the case before the Viceroy. The latter might very possibly indicate a personal opinion that in the circumstances, as a particular case he thought it perhaps desirable that the views of the Army Member should be deferred to, and any expression of the Viceroy's wish in an ordinary case is very frequently—I might almost say generally—deferred to. Or the Viceroy might, pursuing the ordinary procedure under our Statutory Rules of Business, simply instruct the Army Secretary that the case was to be brought up in Council the following week. It would then be discussed in Council, the Army Secretary being present, but not taking any part in the discussion, and would be settled by the views of the majority of the Council.

. . . . . .

Isolation between an administrative department and its operating factors tends to give to the secretariat so isolated an undue sense of the importance of minute and memorandum writing. In the case of the Simla Departments, this is an evil which was constantly brought to our notice, and many of our witnesses bear testimony to the inordinate dimensions attained by minute-writing, check and counter-check, and the reference backward and forward of papers and proposals in the administrative departments of the Army. The present system of check urgently requires simplification and acceleration. . . .

14. It will thus be seen how great has become the centralisation of authority in one man's hands. Sir Edmund Barrow, the Senior General on the Indian List and Military Secretary at the India Office, and an officer of quite exceptional experience, expressed the view that the Commander-in-Chief is now trying to perform the work of six men, and he further added that the old duties of the Commander-in-Chief have completely fallen into abeyance. The late Commander-in-Chief, Sir Beauchamp Duff, did not agree in the opinion. He contended that in times of peace one man could discharge the functions of both offices, especially if he were allowed a Deputy Chief of the Staff. But he admitted that there was more than one man could do in time of war, that during the war he had been able to give no time to the special work of Commander-in-Chief, and that the location of the Military department at Simla cut off the Commander-in-Chief in war time from contact with the combatant services.

9

THE MONTAGU–CHELMSFORD REPORT ON BRITISH COMMISSIONS FOR INDIANS,[1] 1918

328. If our general policy demands that the Indian element in the civil services of the country should be increased it involves some change also in our military policy. For some years Indian politicians have been urging the right of Indians in general to bear arms in defence of their country. This demand has become much more insistent since the outbreak of war, and there has been a tendency to ascribe the difficulties of the Empire to the short-sightedness of the Government which had consistently refused to afford military training to the Indian people. The argument is that if the Government had only conceded this demand, it would have had by now at its disposal millions of trained men, who would long ago have turned the scale in favour of the Allies. We need not pause to emphasise the very practical limitations which the actual conditions of India impose on a policy of military expansion. They cannot, we think, be unknown to some speakers who have ignored them. We need only say that we have everywhere met a general demand from the political leaders for extended opportunities of military service. . . .

330. . . . British commissions have for the first time been granted to Indian officers. The problem of commissions is one that bristles with difficulties. Government after Government had considered it and found no practical solution, but the war afforded a convenient opportunity for making a definite break with the past, and a beginning that may be fruitful of large consequences has been made. The announcement of His Majesty's Government that 'the bar which has hitherto prevented the admission of Indians to commissioned rank in His Majesty's Army should be removed' has established the principle that the Indian soldier can earn the King's commission by his military conduct. It is not enough merely to assert a principle. We must act on it. The services of the Indian army in the war and the great increase in its numbers make it necessary that a considerable number of commissions should now be given. The appointments made have so far been few. Other methods of appointment have not yet been decided on, but we are impressed with the necessity of grappling with the problem. We also wish to establish the principle that if an Indian is enlisted as a private in a British unit of His Majesty's Army its commissioned ranks also should be open to him. The Indian soldier who fights for us and earns promotion in the field can reasonably ask that his conduct should offer him the same chances as the European beside whom he fights. If he is otherwise qualified race should no more debar him from promotion in the Army than it does in the civil services; nor do we believe that it is impossible to carry this principle into effect without sacrificing parament military considerations. We feel sure that no measures would do so much to stimulate Indian enthusiasm for the war.

[1] Cd. 9109, (1918), pp. 260–4.

10

THE ESHER COMMITTEE ON A TERRITORIAL OR SECOND LINE FORCE IN INDIA,[1] 1920

The following statement shows by provinces (a) the total population, (b) the number of combatant recruits raised during the war:—

	Population in millions	Number of recruits raised
Punjab	20	326,000
United Provinces	47	142,000
Madras	40	46,000
Bombay	20	36,000
North-West Frontier and Baluchistan	3	33,000
Burma	12	13,000
Behar and Orissa	33	8,000
Bengal	45	7,000
Central Provinces	13	5,000
Assam	6	1,000
Ajmir	1	7,000
	240	624,000

Some of the new rural classes made good, others did not, and the experience gained will be most valuable for future guidance. The urban classes, though they supplied many men for auxiliary services, failed to produce any appreciable number of combatant recruits, and the military authorities were on the whole not satisfied with the few that came forward. This was not unexpected, for these classes had no military traditions, no previous connection with the army, and were as a rule reluctant to undertake a career novel to them and involving hardship and danger.

5. It was probably the expectation of such a result that led the Government of India to provide another means of helping in the defence of the Empire by the formation, early in 1917, of the Indian section of the Indian Defence Force. . . .

7. . . . However, the scheme cannot be regarded as other than a failure. . . . The conclusion to be drawn from the experiment is that some at least of the more enthusiastic advocates of the territorial movement probably overrated the practical strength of the desire of the urban classes to share in the burden of defence, and underrated the difficulties of arousing a military spirit and creating a sense of discipline and sacrifice among those classes.

8. The history of the Bengali regular battalion has a practical bearing on the general question. It had long been the ambition of patriotic Bengalis to remove the reproach that Bengal was lacking in fighting qualities. Accordingly during the

[1] *Report of the Committee appointed to inquire into the Administration and Organisation of the Army in India*, Cmd. 943 (1920), pp. 88–92.

war, when the field of recruitment was extended, sanction was given in 1916, at the instance of many leading men of the Presidency, to the raising of a regular battalion in Bengal. The task was one of great difficulty owing not only to the absence of military traditions but to the ignorance of military needs and conditions. But a band of enthusiastic and high-minded Bengali gentlemen set vigorously to work, and by June 1917 the battalion was raised and training began. In all, nearly 7,000 men were enrolled, but owing to the inferior physique of many of the recruits, their breakdown in training, resignations, etc., it was not found possible to maintain more than a single battalion.

To stimulate martial feeling, the battalion was sent to Mesopotamia in August 1917, and every effort was made to render the experiment a success, by specially selecting the officers and enlisting the sympathy of the military authorities at the front. Unfortunately, owing to internal jealousies (which led to the murder of two Bengali officers), the unfitness of many of the men for hard work in the field, susceptibility to disease and the difficulty of enforcing discipline, the battalion was never fit to be sent to the front during the war.

The question of discharging the battalion is now under consideration, and nearly all the men are anxious to be discharged.

. . . . . .

13. After full consideration, therefore, we recommend the creation of a territorial force on cautious lines as a measure of education; and we proceed to indicate the lines on which the experiment might be made, having regard to the results of past experience and of our present enquiries:—

(1) The proposed force must not impair the efficiency of the regular army, or compete with it in recruiting among classes from which the army has hitherto been drawn. While it will primarily be limited to the urban population and the universities, other classes on which the army has hitherto not drawn will not be excluded.

(2) The formation of the force should not be made a reason for reducing the strength of, or expenditure on, the regular army.

(3) It should be co-ordinated with the regular army and be under the control of the military authorities; the establishment of a unit should be the same as that of a regular unit; the organization and training should be carried out with a view not only to aiding the civil power in maintaining internal security, but also to sharing eventually in the duty of defence against external aggression.

(5) Enlistment should be voluntary, between the ages of 18 and 30, with liability for general service in India, and for a period of 4 years, which may be extended if recommended by the commanding officer. . . .

14. The next question is, how many units should be raised? In this case, as in that of the selection of Indian cadets for King's commissions, it is most important that the first experiment should be on lines that promise success, and success will

be undoubtedly endangered if the scheme is started on too ambitious lines. . . . It has also to be remembered that the cost of the regular forces is absorbing a rapidly growing share of the public revenues, and it would be unfair to the taxpayer to spend in addition large sums on what is admittedly an experiment undertaken mainly for its political or educational value. Moreover, the experience of the war goes to show that no great rush of applicants for enlistment is to be expected. From a consideration of all the circumstances we suggest that, to start with, some 12 units, mounted or dismounted, might be raised in the following areas—

Bombay, Madras, Bengal with Assam, United Provinces	2 each
Punjab, Bihar, Burma and Central Provinces	1 each

In each of the four large provinces, one of the units might be a university corps, and in the remaining provinces the single unit might be composed partly of university and partly of general companies. The force might be styled the 'Indian Territorial Force'.

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11

INDIAN LEGISLATIVE ASSEMBLY RESOLUTIONS OF 28 MARCH 1921 ON INDIANIZATION[1]

(1) This Assembly recommends to the Governor General in Council:

(a) That the King-Emperor's Indian subjects should be freely admitted to all arms of His Majesty's military, naval, and air forces in India and the ancillary services and the auxiliary forces, that every encouragement should be given to Indians—including the educated middle classes—subject to the prescribed standards of fitness, to enter the commissioned ranks of the Army and that, in nominating candidates for the entrance examination, unofficial Indians should be associated with the nominating authority, and in granting King's Commissions, after giving full regard to the claims to promotion of officers of the Indian Army who already hold the commission of His Excellency the Viceroy, the rest of the commissions granted should be given to cadets trained at Sandhurst. The general rule in selecting candidates for this training should be that the large majority of the selections should be from the communities which furnish recruits, and, as far as possible in proportion to the numbers in which they furnish such recruits.

(b) That not less than 25 per cent. of the King's commissions granted every year should be given to His Majesty's Indian subjects to start with.

(2) This Assembly recommends to the Governor General in Council:

(a) That adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter the Royal Military College, Sandhurst.

[1] *Legislative Assembly Debates*, vol. I, Part II, (1921), pp. 1753–4.

(b) That as soon as funds be available, steps should be taken to establish in India a Military College, such as Sandhurst, and the desirability of establishing in India training and educational institutions for other branches of the Army should be steadily kept in view.

12

GENERAL RAWLINSON'S STATEMENT,[1] 17 FEBRUARY 1923

. . . The Government consider that a start should be made at once so as to give Indians a fair opportunity of proving that units officered by Indians will be efficient in every way. Accordingly it has been decided that eight units of cavalry or infantry be selected to be officered by Indians. This scheme will be put into force immediately. The eight units to be wholly Indianised will be mainly infantry units, but there will be a proportion of cavalry. They will be chosen judiciously so as to include as many representative types as possible of Indian battalions and cavalry regiments of the Indian Army. Indian Officers holding commissions in the Indian Army will be gradually transferred to Indianising units so as to fill up the appointments for which they are qualified by their rank and by their length of service, and the process of Indianising these units will then continue uninterruptedly as the officers gain seniority and fitness in other respects, which will qualify them for the senior posts. I have given the House these few details because I think they will be of interest as revealing some of the practical aspects of the change. There is one other point, however, which it is necessary for me to explain. It is that, simultaneously with the Indianisation of these selected eight units, Indians who qualify for the King's Commission will continue as at present to be posted to the other units of the Indian Army. The number of Indian cadets now sent to Sandhurst each year, if all pass out successfully, is more than sufficient to replace the normal wastage in the eight units alone. . . . The initiation of this scheme constitutes an entirely new departure which, though limited in its scope, is one which may have far-reaching results. I trust that the Members of this Legislature and that the people of India as a whole will support the Indian officers of these Indianised regiments with living and with practical encouragement, for by this means only can Indianisation hope to deserve and to command success.

13

GENERAL RAWLINSON'S VIEWS ON INDIANIZATION,[1] APRIL 1924

. . . Those politicians who have looked into the future of India, and considered what responsible government in India really means, fully realize that no country that is not capable of its own defence can assume full responsibility for its own government. They, therefore, clamour for the rapid Indianization of the army . . .

[1] *Legislative Assembly Debates*, vol. III, Part III, pp. 2417–18. Rawlinson was Commander-in-Chief and War Member of Council in India.

[1] Quoted in F. Maurice, *General Lord Rawlinson*, 1928, pp. 329–32.

The trouble is that the solution of the political problem, in so far as the self-government of India is concerned, is, and must always be, directly dependent upon the military problem; that is to say, it is impossible to envisage a self-governing India without an Indianized army. The process of the Indianization of the army must proceed extremely slowly if it is not to prove a complete failure. On the other hand, the pressure which has been, and is being, exerted by the Swarajists, and the views of many of the more moderate politicians who look to self-government in eight or ten years' time, will probably force the political side of the problem to proceed more rapidly than the military side can ever hope to proceed; and the supreme difficulty, therefore, arises of keeping these two processes of development at anything like an even rate of advance. Even under the Government of India Act a reconsideration of the Constitution is contemplated by the Statutory Committee as early as 1929. By that time very little progress will have been made with the Indianization of the army. In five years' time from now, instead of having eighty Indian officers with King's commissions, as we have at present, we shall have, under the most favourable circumstances, probably not more than two hundred to three hundred. If the Indian Army is to be completely Indianized, we want over two thousand, and it is more than doubtful whether a sufficient number of the right type of Indian will ever come forward to supply the military requirements of the army; for the Indian of the officer class, except a few of the better-class people of the Punjab and the North-West Frontier Province, dislikes discipline and hard physical work, and is not imbued with any keenness for a military career. The love of leadership and soldiering is one of the foremost characteristics of the British public-school boy of the present day, a form of ambition which is quite absent in the average Indian boy. Even if we succeeded in obtaining the required number of young Indians to come forward, educated them at Dehra Dun, passed them through Sandhurst, and eventually appointed them to regiments; it is practically certain that, after four, five or six years' service in the Army, they would become tired of the discipline and the discomforts, and would send in their papers and return to their homes.

The young British gentleman enters the British Army for the love of soldiering, and for the love of leading the men of his unit. The Indian boy, certainly at present, enters the army, firstly, to serve alongside British officers, whom he respects; and, secondly, for the *izzat* and the privileged position which a King's commission give him amongst his fellow-Indians. I think this will be true in the future too. He does not now, and I am afraid never will, enter the army for love of the profession of arms, prepared to lay down his life for the sake of the land of his birth. In the absence of a definitely Indian patriotism, an efficient and completely Indianized army becomes unthinkable.

14

THE INDIAN SANDHURST COMMITTEE'S REPORT,[1] NOVEMBER 1926

20. . . . The most substantial reason for the dearth of candidates and one which we believe, after very careful consideration, to be the governing factor in regard to future policy is the extremely narrow scope of the scheme for the Indianisation of the higher ranks of the Army in India which has so far been sanctioned. Recruitment of Indian King's Commissioned officers for infantry and cavalry units of the Indian Army is limited to a maximum of ten per annum for the whole of India: Indians are still not eligible to hold the King's Commission in artillery units, in the military engineer services or in the Royal Air Force: and even the scheme for the partial Indianisation of the Indian Army is avowedly experimental and provisional in character. We are aware that the official view hitherto expressed has been that the basis of the scheme of Indianisation cannot be broadened unless and until a larger number of fit candidates come forward to compete for the vacancies at present available. But we, regarding the matter from a human and practical standpoint and looking to what we believe must be the psychology of potential candidates, are convinced that there can be no hope of real progression so long as the prudent official view, which we have mentioned, is maintained. The enterprise of seeking the King's Commission is still a new and formidable one to the Indian boy, and with the few opportunities offered the risk of failure is very great. In such circumstances it is impracticable to expect material improvement in the quality of candidates or an adequate increase in competition.

. . . . . .

It is not our purpose or desire that the number of Indian King's Commissioned officers in the Army should be increased without reference to considerations of efficiency. We recognise that in the Army there can only be one standard of efficiency, namely the highest. We hold strongly, therefore, that the severity of the existing tests should not be relaxed in any way, and, if Indians capable of satisfying these tests are not forthcoming, then the pace of Indianisation must for the time lag behind the number of vacancies offered. But at the same time we contend that, in order to induce the best material to accept the admittedly arduous preparation for a military career and in order to induce the educational authorities in India to lend their active co-operation, it is necessary to widen the field of opportunity. . . .

21. *A substantial and progressive scheme of Indianisation.*—Our primary recommendation is, therefore, that a substantial and progressive scheme for the Indianisation of the Indian Army be adopted without delay. . . . The main features of this scheme are as follows:—

[1] *Report*, (1927), pp. 20–4.

(a) An immediate increase of 10 vacancies at Sandhurst, making a total of 20 vacancies reserved for Indians. We have assumed that this increase becomes effective in 1928.

(b) A further increase of 4 vacancies at Sandhurst per annum up to 1933, making the total number of vacancies in that year 38.

(c) The establishment in 1933 of an Indian Sandhurst with capacity for 100 cadets, to which in that year and each of the two following years, 33 cadets are admitted for a 3 years' course of training.

(d) When the Indian Sandhurst is established, Indian boys, who prefer it, continue to be eligible for admission to Sandhurst, but the number of vacancies at Sandhurst reserved for Indians is then reduced to 20 per annum.

(e) The number of Indian boys admitted annually to the Indian Sandhurst increases by 12 every 3 years, and, on the assumption that all cadets are successful, both at Sandhurst and the Indian Sandhurst, the number of Indians commissioned increases correspondingly until, in 1945, half the number of officers recruited annually for the Indian Army consists of Indians.

(f) By 1952 half the total cadre of officers in the Indian Army are Indians.

. . . . . .

22. *Indianisation in other arms.*—We also recommend that Indians should be made eligible to be employed as King's Commissioned officers in the Artillery, Engineer, Signal, Tank and Air arms of the Army in India and that for this purpose Indians should be admitted to Woolwich and Cranwell until such time as the occasion arises to create corresponding facilities for training in India. . . .

15

THE SIMON COMMISSION ON ARMY RECRUITMENT,[1] 1930

116. To these two features, which distinguish the case of India from that of any of the self-governing Dominions, viz., (1) the necessity of being adequately organised and in sufficient military strength to deal with a danger of the first order of magnitude on her frontiers, and (2) the need for large bodies of troops to support internal order, whose neutrality in communal conflict may be not only assured, but generally recognised, must be added a third. In contrast with the self-governing Dominions, and indeed in contrast with almost the whole of the world, India presents to the observer an astonishing admixture not only of competing religions and rival races, but of races of widely different military capacity. Broadly speaking, one may say that those races which furnish the best sepoys are emphatically not those which exhibit the greatest accomplishments of mind in an examination. . . . Whereas the most virile of the so-called martial races provide fine fighting material, other communities and areas in India do not furnish a single man for the regular Army. The Punjab supplies 54 per cent. of the total combatant troops in the Indian Army

[1] *Indian Statutory Commission* Cmd. 3568 (1930), vol. I, pp. 96–8.

and, if the 19,000 Gurkhas recruited from the Independent State of Nepal are excluded, the Punjab contingent amounts to 62 per cent. of the whole Indian Army. . . .

We are aware of the suggestion, which is sometimes put forward, that this contrast does not represent so much a difference in military quality as a deliberate policy adopted by the Army authorities for some sinister purpose. The simplest and shortest answer is furnished by the figures of recruitment from India during the Great War, when it cannot be suggested that any discouragement was offered to recruitment in any area. Bengal, with a population of 45 millions, provided 7,000 combatant recruits; the Punjab, with a population of 20 millions, provided 349,000 such recruits. The Punjab and the United Provinces between them provided three-fourths of the total number of combatant recruits raised throughout British India.

The plain fact is that the formation of an Indian national Army drawn from India as a whole, in which every member will recognise the rest as his comrades, in which Indian officers will lead men who may be of different races, and in which public opinion will have general confidence, is a task of the greatest possible difficulty. Strenuous efforts are being made by many Indian politicians to develop a more general sense of citizenship, and these efforts have the sympathy of all who sincerely desire to see the growth of Indian unity. The Army authorities are taking their share in the work of reducing the disparity which is no doubt due to economic and climatic considerations, and to the unseen but potent influences of tradition and of race. Cadet corps in the various universities are paid for out of Army funds. In 1923 the Territorial Forces Act was passed, and 23 Territorial units (including four urban battalions) have been formed in all parts of India, in which the selection is not limited to the classes recruited in the regular Army. But the change is bound to be slow, and the obvious fact that India is not, in the ordinary and natural sense, a single nation is nowhere made more plain than in considering the difference between the martial races of India and the rest. It seems certain that in the future equal efficiency in the military sense, such as is necessary in view of the severe tasks which the Army in India has to perform, and in view of the urgent need of reduced military expenditure, cannot be expected from all sections of the population of India. As things are, the presence of British troops and the leadership of British officers secure that the fighting regiments of India, though representing only a portion of India's manhood, shall not be a menace to the millions who are conducting their civil occupations without any thought of the consequences which might ensue if British troops were withdrawn and the Indian Army consisted of nothing but representatives of the Indian fighting races. It is manifest that the peaceful unity of a self-governing India would be exposed to great risks if it relied, for the purpose of maintaining and restoring internal order, solely upon Indian troops drawn from selected areas and special races, such as the Punjabi, the Pathan, the Sikh, the Mahratta, or (to go outside India) the Gurkha. Indian statesmen, in developing their ideas of self-government for India as a whole, will as it

seems to us, have to face these questions in a practical spirit, with a full realisation of their complexity, for generalisations about self-government are no substitute for a frank examination of the special difficulties of the Indian case in relation to the defence problem.

16

GOVERNMENT OF INDIA STATEMENT ON INDIANIZATION,[1] 22 OCTOBER 1945

The Government of India have had under consideration for some time the policy to be followed in the future officering of the Royal Indian Navy, the Indian Army and the Royal Indian Air Force, and, in agreement with His Majesty's Government, have made the following decisions:

The grant of permanent commissions in the Royal Indian Navy and the Indian Army will, in future, be restricted to Indians and to other persons domiciled in India who are subjects of His Majesty's or of a Prince or Chief in India. The recruitment of officers to the Royal Indian Air Force is already subject to this restriction . . .

. . . It will be generally recognised that the three Indian services will still require a quota of British officers until such time as there is an adequate supply of qualified Indian officers completely to fill all grades in the officer cadre. It has been decided therefore that British officers for service in the three Indian services shall hereafter be obtained by secondment or attachment from the Royal Navy, the British Army and the Royal Air Force respectively for so long as may be found necessary. The quota of seconded or attached British officers of the three Indian services will be systematically and progressively reduced as Indian officers become available.

Certain matters arising out of these decisions, such as the duration of periods of secondment or attachment of British officers from British services, and the terms and conditions under which such officers will serve, are being examined by the Government of India in conjunction with His Majesty's Government.

These decisions do not affect the position of regular British officers already holding permanent commissions in the Royal Indian Navy and the Indian Army.

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[1] *Sapru Committee Report* (1945), App. XVII, p. lxxxviii. General Auchinleck announced on 22 October plans for the complete Indianization of India's armed forces of the future. The plans were set forth in a communiqué which the Commander-in-Chief read and explained to Press correspondents.

D. THE INDIANIZATION OF THE CIVIL SERVICE

1858–1947

INTRODUCTORY NOTE

The Queen's proclamation of 1858 stirred the ambitions of Indians in the direction of high and responsible office, and the policy of expanding University education appeared to be designed to give effect to this policy. However, recruitment for the Indian Civil Service by examination in London discouraged Indians, as did the lowering of the age of entry in 1878 to nineteen. Moreover, this system proved more accessible initially to Bengalis than to other provincial groups, and more accessible to Hindus than Muslims. In 1861 the benches of the newly formed High Courts were legally opened to Indians, but for a long time only one was appointed. Various suggestions were made in order to facilitate the appointment of Indians to the higher posts in government. Lawrence proposed to send specially selected men to England with scholarships. The Act of 1869 was passed enabling the Government to make rules under which Indians might be appointed to offices reserved for the Indian Civil Service. Lytton framed rules by which he sought to form a service side by side with the Indian Civil Service, composed of the sons of Indian families of high birth, but this came to nothing, for the candidates who were suitable by birth were rarely suitable by education. At last an expedient was found by permitting a specific number of offices previously filled by Indian Civil Servants to be occupied by Indians who had proved themselves in subordinate posts. However, the main grievance of educated Indians remained, and the Indian National Congress on their behalf long continued to complain that they were not 'freely and impartially admitted to office'. By 1939, out of a total of 1,299 posts in the Indian Civil Service 540 were held by Indians.

1

THE GOVERNMENT OF INDIA'S RESOLUTION,[1] 19 AUGUST 1867

WITH reference to a remark occurring in Mr. Davies' report on the Revenue Administration of Oudh during the year 1865–66, to the effect that 'there is no greater administrative evil in our system than the manner in which many Native officers of ability are, at an early period of life, shorn of all incentive to exertion by

[1] *Parl. Papers, The Admission of Natives to the Civil Service of India*, (1878–79), C. 2376, No. 4.

the bar set to their promotion', Sir Stafford Northcote has directed the Government of India to take this important question into careful review.

2. The Governor General in Council is fully alive to the urgent political necessity that the progress of education has created for opening up to Natives of ability and character a more important, dignified, and lucrative sphere of employment in the Administration of British India.

3. By the creation of a class of officers known in the Regulation Provinces as Deputy Collectors, and in the Non-Regulation Provinces as extra Assistant Commissioners, much has of late years been done to improve the status of the Uncovenanted Service. But those whom this change has chiefly profited have been Englishmen, not the Natives of India. Several of the former, on account of distinguished services performed during the mutinies or at other times, have obtained promotion to the grades of Assistant Commissioners and Deputy Commissioner, and one (in Oudh) is now acting as Commissioner of a Division; but no Native has yet advanced beyond the grade of extra assistant.

4. With regard to the Regulation Provinces, the law reserves all higher appointments for the Civil Service; and Natives wishing for advancement must follow the example set them by a Bengalee gentleman, and qualify in their youth for admission to the Civil Service by competition. Moreover, it must be remembered that the salaries attached to such judicial offices as are open to Uncovenanted officers have quite recently obtained a considerable increase. Leaving aside, therefore, those territories, his Excellency in Council looks rather to the Non-Regulation Provinces as a field in which to satisfy the legitimate ambition of deserving Natives.

5. His Excellency in Council is prepared at once to recognise the eligibility of Natives of approved character for promotion to the rank and emoluments of Assistant Commissioners and Small Cause Court Judges in the Punjab, Oudh, the Central Provinces, British Burmah, Assam, Coorg, Mysore, and Berar. The Local Administrations will be requested severally to report the proportion which Natives should bear in these appointments relatively to civilians, military men, and Uncovenanted Englishmen. In the two Provinces last named, the sovereignty of which is not vested in the British Government, the proportion should be larger than can elsewhere be permitted; indeed, as regards Mysore, the recent orders of the Home Government for the preservation of a Native dynasty make the more general employment of Natives in that country an immediate necessity.

6. In arriving at this decision the Government of India has not overlooked the circumstances that Natives entrusted with administrative duties have a difficulty in dealing with independent Europeans. The Governor General in Council expects that the Local Administrations will frame their proposals with due regard to the expediency of providing English officials for all districts in which European settlers or travellers abound.

2

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 8 FEBRUARY 1868

2. I observe with satisfaction that you are 'fully alive to the urgent political necessity for opening up to Natives of ability and character a more important, dignified, and lucrative sphere of employment in the administration of British India'; and that you are prepared to give, at once, practical effect to this principle, by recognising the eligibility in the Non-Regulation Provinces of Natives thus qualified for grades in the public service, not hitherto open to them.

3. This is a step in the right direction, of which I cordially approve, but it appears to me that there is room for carrying out the principle to a considerable extent in the Regulation Provinces also. The Legislature has determined that the more important and responsible appointments in those Provinces shall be administered exclusively by those who are now admitted to the public service solely by competition; but there is a large class of appointments in the Regulation as well as in the Non-Regulation Provinces, some of them scarcely less honourable and lucrative than those reserved by law for the Covenanted Civil Service, to which the Natives of India have certainly a preferential claim, but which, as you seem to admit, have, up to this time, been too exclusively conferred upon Europeans. These persons, however competent, not having entered the service by the prescribed channel, can have no claim upon the patronage of the Government, none, at least, that ought to be allowed to over-ride the inherent rights of the Natives of the country; and, therefore, while all due consideration should be shown to well-deserving incumbents, both as regards their present position and their promotion, there can be no valid reason why the class of appointments which they now hold should not be filled, in future, by Natives of ability and high character.

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3

THE GOVERNMENT OF INDIA'S RESOLUTION CREATING SCHOLARSHIPS,[2] 30 JUNE 1868

The Governor General in Council, having considered the expediency of encouraging Natives of India to resort more freely to England for the purpose of perfecting their education, and of studying for the various learned professions, or for the civil and other services of this country, believes that this most important object would be facilitated by creating a certain number of scholarships, to be held on condition of a residence in Great Britain.

[1] *Parl. Papers, The Admission of Natives to the Civil Service of India*, (1878–79), C. 2376 No. 5. Sir Stafford Northcote was Secretary of State, 1867–8.

[2] Ibid. No. 7.

Madras	2
Bombay	2
Lower Bengal	2
N.W. Provinces	1
Punjab	1
Oude and Centre Provinces alternately	1

His Excellency in Council proposes that nine such scholarships shall, until further notice, be yearly given by the Local Governments and Administrations, in the proportions marginally noted, and under the following conditions:—

Each scholarship would entitle the holder to an allowance of 200 l. per annum, payable from the date of his arrival in England, and would be tenable for three years. No candidate should be less than 16 or more than 20 years of age. Each candidate to whom a scholarship should be awarded would be required to proceed to England within a reasonable period from the date of his nomination, and to reside there for a period of three years, unless compelled to return sooner by ill health.

Each scholar would receive the sum of 150 l. for passage money and outfit on leaving India, and a similar sum payable within one month before his actual return to India, if he should complete the full period of three years' residence, or be compelled by sickness to return before the completion of such period.

It is intended to reserve to the scholars the power of selecting, once for all, the course of study to be followed by them in Great Britain. . . .

The object of the Government in creating these scholarships is not only to afford to the students facilities for obtaining a University degree, and for passing the competitive examination for admission into the Indian Civil Service, but also to enable them to pursue the study of the law or medicine, or civil engineering, and otherwise to prepare themselves for the exercise of a liberal profession. . . .

. . . . . .

The Governor General in Council is of opinion that, considering the present state of education in India, and the general condition of the people, it is not advisable to award the scholarships wholly upon the principle of open competition.

It is of great social and political importance to give to the sons of Native gentlemen of rank and position a larger share of the advantages now offered than they would be likely to obtain under such a system.

In Madras, Bombay, and Lower Bengal, one scholarship would be annually awarded on the principle of competition. For the remaining six scholarships the Local Governments and Administrations would nominate persons whom they may consider to be duly qualified. In both cases the awards would be made under regulations to be framed by the Local Governments, with the approval of the Governor General in Council. No one should be selected who is not of ascertained good moral character, and who does not appear to be physically capable of undergoing the course of life and study which he will have to follow in Europe.

It would in every case be an indispensable condition that the selected candidates should be a good English scholar, able to read, write, and speak the English language with fluency and accuracy.

His Excellency in Council would propose that the scholarships should be as-

signed on the 31st of December of every year. If the arrangements in England can be completed in time to permit of this being done, the first award would be made in December next.

4

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 8 APRIL 1869

3. . . . According to existing rules these examinations are held in England. Under this condition of things, if Natives were ever to be admitted to any of those appointments, it was indispensable that some assistance should be given, in order to induce them to undertake a journey to Europe, and to incur the expense of an education which, in a great majority of cases, would, after all, probably result in failure. In the 14 years during which competitive examination in England has been the sole door of admission to the Covenanted Civil Service, not more than 16 Native candidates have appeared, and only one of these has succeeded. Hence it is clear that the regulations which forbid the appointment to the Covenanted Civil Service of any person who shall not have passed successfully through competitive examinations held in England, are regulations which practically exclude the Natives of India from that service. It was not, therefore, the abstract merits of an education in England, as the best mode of qualifying Natives for high civil employment in India, which led you to resort to the scheme of scholarships. It was a scheme which arose out of the necessities of the case. It was the only one open to our adoption if the Natives of India were not to be wholly excluded from any share in the higher offices connected with the administration of their country.

4. But the whole conditions of the case will be entirely altered if the law be changed. A Bill is now before Parliament which, if it receives the sanction of the Legislature, will set free the Government of India (under rules and regulations yet to be determined upon) to appoint Natives to all or any of the offices now exclusively confined to the Covenanted Civil Service.

5. The question would then arise whether an education in England and success in a competitive examination is the only, or in all cases the best, test of fitness for office as regards the Natives of India.

6. This question involves very different considerations from those which have determined the adoption of the competitive system as applicable to Europeans. At home, selection meant patronage, and patronage was distributed among friends and relatives. When patronage was abolished, open competition was the only alternative. Under the competitive system, although success does not in itself ensure aptitude for rule or official ability, yet there is at least a better chance of these qualifications being secured than under family or political patronage. And since Europeans have generally those qualities by which they have won, and still hold, the Indian Empire, the tests of competitive examination are, on the whole, good tests as between different candidates of the English race.

[1] *Parl. Papers, The Admission of Natives to the Civil Service of India*, (1878–79), C. 2376, No. 8. Official despatch.

7. But this principle cannot safely be relied upon as regards the Natives of India. It is notorious that in their case mere intellectual acuteness is no indication of ruling power. In vigour, in courage, and in administrative ability some of the races of India most backward in education are well known to be superior to other races, which, intellectually, are much more advanced. In a competitive examination the chances of a Bengalee would probably be superior to the chances of a Pathan or a Sikh. It would, nevertheless, be a dangerous experiment to place a successful student from the colleges of Calcutta in command over any of the martial tribes of Upper India.

8. And to these practical disqualifications of race must be added the not less serious difficulties which may arise out of the circumstances of rank and caste. Although the prejudices of caste are, we may hope, gradually giving way, they are still powerful; and, although nothing should be done to encourage or to foster them, it would yet be in the highest degree imprudent to disregard their existence and their strength. The influence of rank and of social position is hardly less strong in many parts of India. So much do you recognise this to be the fact, that in your proposed scheme the majority of the scholars are to be selected solely with reference to this qualification. But this is an element altogether alien to the system of competitive examination, and it is not easy to see how it can be dealt with in perfect harmony with that system. In whatever degree the Government of India may be compelled by the social condition of the country to be guided in their appointments by such considerations, their action should be disconnected as much as possible with the tests of mere literary examination.

9. On the other hand, it is not to be doubted that personal acquaintance with English society, and the impressions which must arise from seeing the working of our political system, would be a most valuable element in the education of Natives destined for any of the higher offices of the State. For judicial appointments, and in general for the attainment of legal knowledge, a period of study in this country would be specially important. If, therefore, the experiment of these scholarships and of the Gilchrist scholarships should give promise of success, the plan may yet receive further development, or it may be specially connected with special employments in India.

10. On the whole, however, I have come to the conclusion that our duty towards the Natives of India, in respect to the giving them a larger share of employment in the administration of their own country, is a duty which must mainly be discharged in India on the principle of careful and cautious selection. A more free employment of them in the Uncovenanted Service and promotion according to tried ability from that service to the Covenanted Service would seem to be the method of proceeding least beset with difficulties and least open to objection. This would, indeed, be a competitive examination of the best kind. But the wide diversities of character which prevail between different parts of India make it essential that each province and race should be treated by itself.

11. It should never be forgotten, and there should never be any hesitation in

laying down the principle, that it is one of our first duties towards the people of India to guard the safety of our own dominion. For this purpose we must proceed gradually, employing only such Natives as we can trust, and these only in such offices and in such places as, in the actual condition of things, the Government of India may determine to be really suited to them.

12. In view, therefore, of the change in the law which is now under consideration, and of the corresponding change in all the conditions of the question which must ensue therefrom, I am of opinion that the scheme of scholarships should be dealt with meanwhile only as an experiment, and that you should, before proceeding further, await the results attained by those scholars who have already been appointed, and of such candidates as may already have been induced to come forward, or may have had expectations held out to them which ought not to be disappointed.

5

APPOINTMENT OF INDIANS,[1] 25 MARCH 1870

5. Whenever any measure shall be proposed before the Governor General of India in Council whereby the safety, tranquillity, or interests of the British possessions in India, or any part thereof, are or may be, in the judgment of the said Governor General, essentially affected, and he shall be of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority in council then present shall dissent from such opinion, the Governor General may, on his own authority and responsibility, suspend or reject the measure in part or in whole, or adopt and carry it into execution, but in every such case any two members of the disentient majority may require that the said suspension, rejecting, on adoption, as well as the fact of their dissent, shall be notified to the Secretary of State for India, and such notification shall be accompanied by copies of the minutes (if any) which the members of the council shall have recorded on the subject.

6. Whereas it is expedient that additional facilities should be given for the employment of natives of India, of proved merit and ability, in the civil service of Her Majesty in India: Be it enacted, that nothing in the 'Act for the government of India', twenty-one and twenty-two Victoria, chapter one hundred and six, or in the 'Act to confirm certain appointments in India, and to amend the law concerning the civil service there', twenth-four and twenty-five Victoria, chapter fifty-four, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the civil service of Her Majesty in India from appointing any native of India to any such office, place, or employment, although such native shall not have been admitted to the said civil service of India in manner in section thirty-two of the first-mentioned Act provided, but subject to such rules

[1] 33 Vict., c. 3.

as may be from time to time prescribed by the Governor General in Council, and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present; and that for the purpose of this Act the words 'natives of India' shall include any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only; and that it shall be lawful for the Governor General in Council to define and limit from time to time the qualification of natives of India thus expressed; provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

6

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 22 OCTOBER 1872

2. By that Act (33 Vict. c. 3), the authorities in India are enabled, notwithstanding any previous law, to appoint Natives of India to any office in the Civil Service, but subject to such rules as may from time to time be prescribed by the Governor General in Council, and sanctioned by the Secretary of State.

5. It may be taken that the policy of the Act distinctly recognises that the selection of Natives for high office may, under certain conditions, be safely left to the governing authorities in India. Various considerations, no doubt, will determine the choice, and it will be for your Government to define the requisite qualifications which shall be required for admission to office.

6. In considering the question as a whole, there are three points that will specially call for your attention:—1st, whether any proportion should be established between Europeans and Natives in the tenure of the higher offices; 2nd, whether all civil appointments should be freely thrown open; 3rd, whether the rate of pay should be regulated on the scale of remuneration to the English in India, or on that which Englishmen receive in their own country.

7. With regard to the first point, it is to be observed that, in the full belief of the beneficial character of our administration in India, and of the great probability that on its cessation anarchy and misrule would reappear, the maintenance and stability of our rule must ever be kept in view as the basis of our policy, and to this end a large proportion of British functionaries in the more important posts seems essential.

8. As to the selection of Natives for all offices under the Crown, it will be remembered that policy hitherto has debarred them from obtaining commands in the army. With respect to Civil appointments, experience seems to show that educated Natives have very great aptitude for judicial office, but, speaking generally, they are not so well adapted for the executive offices of Collector and Magistrate. It will probably, therefore, only be in exceptional cases that such appointments

[1] *Parl. Papers, The Admission of Natives to the Civil Service of India*, (1878–79), C. 2376, No. 14. Official despatch.

will be made. But whether any restrictions should be imposed *in limine* to restrict the selection of the local Governments will have to be carefully considered by you.

9. With respect to the pay and allowances of Native civil servants, it would seem that the temptations required to allure Englishmen to accept office in a distant land and (to them distasteful) climate cannot be necessary for Natives of the country. On the other hand, every Native who is elevated to high position has so many claims made upon him, and the ties of kindred are so very generally acknowledged, that high emoluments in high office are almost indispensable. It is obvious, however, that the demands of good government require a continually increasing class of superior officials, and that the revenues of the State will not be found to increase in the like proportion.

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7

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 24 FEBRUARY 1876

7. . . . If the object be to obtain Civil servants who have received the ordinary education of English gentlemen, it is not reasonable to omit the part of that education which is most peculiarly English, and which exerts the most powerful influence in the formation of character. But the absence of it in this case has evils of a special kind. The peculiarity of a civilian's career, during all its earlier years, is its isolation. As far as European society is concerned, there is scarcely any seclusion more complete than that of an up-country station, to which a young civilian is usually appointed; and it is a seclusion which often lasts till he has reached to middle age. It is to him, therefore, more important than to the members of other professions that his education should not be solitary, but that, in the company of others of his own class, he should receive the invaluable training which consists in the knowledge of the thoughts and characters of other men. If he does not obtain it at that time, he has not the chance which is open to others of repairing the omission later. The older civilians received this training in common at Haileybury, and their unanimity in extolling it deserves to be carefully noted. Individuals may err in estimating the circumstances which have furthered or have hindered their success in life; but such an error can hardly be attributed to a whole class of able and experienced men.

8. The eulogies which the older civilians bestow upon the Haileybury education depends, no doubt, in some degree upon a feeling which the Universities may not be able so completely to satisfy. The close friendships formed there, which softened the rivalries of after life, and secured devoted instead of perfunctory co-operation in those who were, far apart, working together for the same cause, were an important advantage of that education. The Universities being many, and each containing many Colleges, will not necessarily bring the future civilians into

[1] *Parl. Papers, The Selection and Training of Candidates for the I.C.S.* (1876), C. 1446, pp. 324–6. Official despatch.

the same close daily contact. It is probable, however, that the candidates will be naturally thrown together without any formal arrangement for that purpose. A certain competition in Indian teaching will be set up in the Universities, special excellence will be attained in particular Colleges, and to them it will probably become the habit for Indian candidates to resort. The opportunity of forming close acquaintance with future colleagues, if not so constant as it was at Haileybury, will be far greater than that which the present system affords.

12. The most cogent argument for taking this course is, that a University education cannot be ensured for the candidates by any other. Much has been said against the system of special training, under which most of the selected candidates have been prepared. In itself, it is undoubtedly an incomplete and partial form of education; but such as it is, it is an inseparable accompaniment of selection by competition, especially when the competition is severe. The candidates can spare neither time nor energy for any other subjects of instruction than those which will tell upon the examination. Every hour spent upon irrelevant learning is an advantage gratuitously presented to a rival. Teachers, therefore, whose mode of instruction is exclusively designed to obtain success in the examination, and who recognize no other object of endeavour, must necessarily be perferred to those who have a larger aim. The University course, which must provide for other pupils besides the candidates in the Indian competition, can never be so perfect an instrument for gaining marks at that examination as the instruction of the special teachers. Candidates, therefore, before selection will not willingly resort to it. No such difficulty hinders a residence at the University after selection. The further examinations through which the candidates have to pass will not be competitive; the special subjects are such as can be studied there with peculiar advantage; and a powerful encouragement can be offered to a University residence, by restricting to those selected candidates who frequent the University the subsistence allowance given by the Government. It would obviously be impossible to offer any similar inducement to the whole mass of candidates previous to the competition.

13. A lower limit of age is recommended by another consideration of importance. Out of the number who present themselves for competition, it is certain that four-fifths must fail, because the candidates are usually more than five times as many as the vacancies; and no prudent parent, in selecting a profession for his son will leave this certainty out of consideration. Some professions are absolutely closed, others are almost impossible, to a man who thinks for the first time of entering them at the age of 22. A man, therefore, who competes for the Indian Civil Service at that age, undoubtedly strives for a valuable prize, but does it at a formidable risk. He stakes, in a measure, his chance of self-support upon the result of a competition in which it is certain that four-fifths must fail. It is more than probable that such a risk must weigh strongly with parents, and diminish the field of competition, especially among the professional class. But no such apprehension will be possible if the limit of age is fixed at 19.

14. The minimum of age will remain at 17, as before.

15. The first competition at which the maximum limit of 19 will be enforced will be held in July 1878. This delay in bringing the new arrangement into operation is necessary in order that the requisite preparation may be made, and that those whose age will then exceed the required limit may present themselves at the previous competition.

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8

LORD LYTTON TO LORD SALISBURY,[1] 10 MAY 1877

. . . I have no patience with the theory of an abstract *claim* to Government employment on the part of the natives. This seems to me as vapid as Gladstone's flesh and blood argument. If the natives have any claim at all upon the State, it goes much further than mere Government employment. But, *me judice*, they have absolutely none. On the other hand, I do feel that the gratuitous public pledges of a great Government to any class of its subjects have a strong and valid claim on its own character to the reasonable fulfilment of them. I have a very strong impression that the competitive system is wholly inapplicable to Native employment, and that, if it ever ceases to be a farce, it will become a serious danger. At the same time I think it must be admitted that, as matters now stand, there is this to be said in favor of competition, *versus* selection, in regard to Native employment. The successful competitor feels that he has become the recognised member of a regular Government service. This makes the man, body and soul, State property. All his prospects depend upon the service, which, in turn, depends upon the stability of the Raj. Selection by itself would not necessarily effect this result. But I am inclined to think it might be effected, and better effected, by selection, applied to a close Native Service, organised on a footing entirely distinct from the present Covenanted Service, which I would reserve exclusively for Europeans. The area of the present Covenanted Service need not be, for that purpose, very largely restricted, although, of course, it must, to some extent, be reduced. The change would come into effect very gradually with the utmost tenderness, not only for vested interests, but for the prospects fairly considered, of Civil Servants *in posse*, as well as *in esse*. . . . The posts assigned to the Native Civil Service should be most carefully considered and selected. The area of such a service could not be large, and some time must elapse before its organisation could come into full play. But I would organise it as a regular and recognised service, with rules of promotion, and retiring allowances or pensions, fixed on a lower scale fairly proportioned to the scale of European salaries. If you give natives for serving the State in their own country just the same salary as Englishmen receive for serving it out of their own country, you will be virtually paying the Native Service higher than the European one; and I think that, in that case, the Europeans

[1] Lytton Papers, Letters Despatched, vol. 2 (1877), pp. 357–9. India Office Library.

would soon clamour with justice for increase of pay. In connection with any Native Service I should greatly wish to see a sort of Indian Haileybury established. But even, should this be found impossible, I believe that the creation and recognition of a regular Native Service, wholly distinct from the present Covenanted Service, would deprive the competitive system, as applied to natives, of its *raison d'être*, and enable us to get rid of it 'automatically', without any sudden or violent application of the axe. Years might possibly elapse before the Native community would practically benefit by such an arrangement as I have indicated; but I think it would be satisfied by the announcement of an assured prospect. Eventually, I think the system would give us a better class of Native Civil Servants than the Bengalee Baboos, if you get hold of young men of good family, you will secure along with them all the members, and all the influence, of their families; and this will ramify far and wide. Meanwhile the Government of India will, at least, secure the immediate advantage of a definite principle for the guidance of its policy in this matter. But I feel I am running the risk of misrepresenting, rather than explaining, my notions by this necessarily hasty and imperfect sketch of them.

9

LORD LYTTON'S MINUTE ON THE ADMISSION OF INDIANS TO THE COVENANTED SERVICE,[1] 30 MAY 1877

77. . . . We have, therefore, only three courses before us—either,

1st, to leave the Act of Parliament a dead letter, and persistently abstain from any attempt to carry it into effect:

2ndly, or to go on, as we have hitherto done, making occasional efforts to carry it out in an unsystematic manner, which is not very intelligible to those whose interests are affected by our action; and provoking upon their part a resentment which, if unreasonable, is still so vehement, so popular, and so powerful, as virtually to paralyse our action and embarrass our position:

3rdly, or else to adopt some such course as I have here recommended; whereby, whilst, on the one hand, the Covenanted Service would be clearly given to understand that, in consequence of the Act of Parliament which is binding on the Government, future members of that service must not expect to fill certain minor posts in it which were filled as a matter of course, by their predecessors; on the other hand, it will have the definite assurance that the unavoidable invasion of its ranks is strictly limited; that its claim to the remaining prizes of the service is duly recognised; and that its professional interests, within a large and well defined area, are not liable to disturbance.

78. The first course would, in my opinion, be eminently discreditable; nor do I believe that it could be long continued without serious danger. . . . As to the expediency of the second course, there may still, perhaps, be some difference of opinion; but I think such difference of opinion can hardly survive a patient review

[1] Lytton Papers, Minutes and Notes, 1876–7, pp. 584–7. India Office Library.

of the reiterated failure of all our past efforts to proceed with satisfaction to ourselves, or to any other persons concerned, along the lines prescribed to us by this second course; and the impression made on the Council at home by the remonstrances, which the recent Bombay appointments have provoked, convinces me that further progress in the direction followed by this course is no longer practically possible.

79. There remains, then, the third course; which has, at least, the advantage of not having been yet fairly tried, and condemned by experience. The additional advantages I anticipate from it are these. In the first place, it seems to afford us the only practical means of satisfying all that is fair and reasonable, and consistent with the safety of the Empire, in the demands and expectations of the Native community, without thereby affording to the Covenanted Service (if the proposed arrangement be only judiciously carried out) any reasonable cause of complaint that will stand a moment's impartial examination. In the next place, it enables us to effect these two objects in the manner most conducive to the interests of the Government itself; which interests must, I maintain, be the paramount guide of all our conduct in reference to the present question. As matters now stand, no man, not blinded by prejudice, can venture to assert that, by first passing an Act of Parliament which declares Natives to be eligible for all Government employment, and then resorting to arrangements for practically excluding them from almost every Government employment, we have strengthened the authority of the State; confirmed its hold upon its Native subjects; or enhanced its character in the estimation of disinterested observers. Nor can it be urged with any greater reason that the spasmodic efforts hitherto made by the Government to carry out the Act of Parliament, without defining what is practical, and what is not practical, in the general declarations of the Act, have occasioned anything but increasing embarrassment and weakness to our position.

80. The plan I propose, if properly carried out, ought to strengthen materially our hold upon the Native community, and cheapen to an appreciable extent the cost of our administration. As our reasons for employing Natives at all in the service of the Government have, as I understand them, their origin in motives of political and financial expediency, the Government of India must now, I conceive, in devising any practical scheme for the employment of Natives, begin by laying down the following axioms and their corollaries:—

(a)—No system of Native employment is sound which does not offer inducements to the better and more influential classes of the Native community to enter our service.

(b)—To attain this object, the number of highly paid European agents must be reduced to the minimum sanctioned by safety and convenience.

(c)—The salary of the Native service must be on a scale proportionally lower than that of the European service.

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10

THE GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[1] 2 MAY 1878

19. We are convinced of the political necessity of giving to the Natives of India, whether of pure Asiatic or mixed descent, as large a share as possible in the Civil Administration of the country, and on political grounds we desire to take every opportunity of associating Natives of the influential classes more especially with us in this work; but we find by experience that the mere permission afforded by the existing law to appoint 'Natives of proved merit and ability' to posts ordinarily reserved for members of the Covenanted Civil Service does not suffice to meet the object in view.

21. To give effect to the long-expressed wishes and intentions of Her Majesty's Government, without doing injustice to the Covenanted Service, two steps must be taken *pari passu*; the number of young men annually sent out from England for the Civil Service must be considerably reduced, and the number of appointments to which they are deemed exclusively eligible must be similarly limited. At the same time a corresponding addition to the strength of the administration must be obtained by the formation of a new Native branch of the Civil Service to occupy the posts relinquished by the Covenanted Service.

22. . . . But we attach great importance to the obvious political expediency of endeavouring to strengthen our administration by attracting to it that class of Natives whose social position or connexions give to them a commanding influence over their own countrymen. The qualifications of such persons for administrative employment are partly inherited, partly developed by early habits of command, partly proved by the readiness with which their right to command is recognised by large numbers of their native fellow-subjects. But qualifications of this kind cannot be tested by competitive examination; and, moreover, although we have every reason to believe that the persons thus qualified are not indisposed to seek employment in the service of Her Majesty, it is certain that they are not attracted to it by the present conditions of the Uncovenanted Service. We must either permanently exclude from the administration of this country, greatly to the detriment of its strength and popularity, all the most influential classes of its native population, or else we must admit them by selection and attract them by an assured prospect of promotion, if adequately merited, to an official status commensurate with their legitimate aspirations. To make such promotion safely possible, we must provide for and impose upon all the candidates for it a complete course of progressive official experience. To ensure the requisite standard of efficiency and energy in a service so organised as to combine social influence with educational proficiency, we must make that service a close one. We must reserve to the members of it a sufficient number of important appointments; and for those appointments we must train them up from the beginning of their service. . . .

[1] *Parl. Papers, The Admission of Natives to the Civil Service of India*, (1879), C. 2376, No. 15. Official despatch.

11

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 7 NOVEMBER 1878

5. Your Lordship in Council has expressed your unreserved acceptance of the three great principles laid down by the Duke of Argyll in 1872, as those which should govern in the selection of Natives for high employment, and you have designated a number of offices to which they may be immediately appointed. In these views I entirely concur.

6. But your proposal of a close Native service with a limited class of high appointments attached to it, and your suggestions that the Covenanted Civil Service should no longer be open to Natives, involve an application to Parliament, which would have no prospect of success, and which I certainly would not undertake. Your Lordship has yourself observed that no scheme could have a chance of sanction which included legislation for the purpose of repealing the clause in the Act of 1833 . . . and the obstacles which would be presented against any attempt to exclude Natives from public competition for the Civil Service would be little less formidable.

7. But it seems to me that the main views of your Excellency's Government may be carried out at once and without any alteration in the law.

8. The Duke of Argyll, in his Despatch, 8th April 1869, announced to the Government of India that it was intended to enable them to appoint Natives to all or any of the offices now exclusively confined to the Covenanted Civil Service. But under the words used in 33 Vict. c. 3. s. 6, authorising the appointment of Natives 'of proved merit and ability', the authorities in India were under the impression that only such Natives could be appointed as had already proved their ability in subordinate office. This, however, clearly did not fulfil the intentions of the Home Government, that the higher official life should be open as a career to well-educated young men of the class which your Government were desirous chiefly to bring forward.

9. The opinion of the law officers of the Crown was, therefore, taken, and they were decidedly of opinion that there was nothing in the Act to limit the field out of which the authorities of India might make their selection. . . .

10. It is, therefore, quite competent to your Lordships' Government to appoint every year to the Civil Service of India any such number of Natives as may be determined upon, and the number of covenanted civilians sent out from this country will have to be proportionately decreased. The appointments should, in the first instance, be only probationary, so as to give ample time for testing the merit and ability of the candidates . . .

[1] *Parl. Papers, The Admission of Natives to the Civil Service of India*, (1879), C. 2376, No. 16. Official despatch. Lord Cranbrook was Secretary of State, 1878–80.

12

THE GOVERNMENT OF INDIA'S CIRCULAR TO THE BENGAL GOVERNMENT,[1] 18 APRIL 1879

On the 16th February 1872 was published in the *Gazette of India* correspondence, in which Her Majesty's Government had directed—

(1) that offices to which it is desirable to appoint persons not Natives of India should be, as far as practicable, filled from the ranks of the Covenanted Civil Service or from the Staff Corps;
(2) that so far as may be possible and consistent with the requirements of the public service, all offices, other than those reserved for the Covenanted Civil Service, and those for which technical or professional qualifications are desirable, should be held by Natives of India; and
(3) that, as a rule, persons with special qualifications, not being Natives of India, should be engaged at home, through Her Majesty's Secretary of State, for such branches of the service as the Educational or the Public Works Department, and should not be enlisted in India.

2. Those orders have been in the main obeyed. But still from time to time Europeans have been appointed to posts for which Natives are eligible; and the Governor General in Council deems it necessary to lay down a somewhat stricter rule, and to distinguish the branches of the service which should be, as far as possible, reserved for Natives of India. It may be well to cite here the definition of 'Natives of India' framed by Act of Parliament. Section 6 of 33 Victoria, Chapter 3, says—'For the purposes of this Act, the words "Natives of India" shall include any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only.' The Section goes on to say that 'it shall be lawful for the Governor General in Council to define and limit from time to time the qualification of Natives of India thus expressed: provided', &c. For the purposes of the present orders, the foregoing definition of 'Natives of India' is adopted, with the proviso that 'persons born and domiciled', &c., within the territories of Indian Princes tributory to, or in alliance with, Her Majesty, shall also be considered to be 'Natives of India'.

3. For the future, no persons, other than a Native of India, shall be appointed to an office carrying a salary of R200 a month or upwards without the previous sanction of the Governor General in Council in each case, unless the proposed appointment falls under one or other of the following conditions, namely:—

(a) that the person to be appointed belongs to the Covenanted Civil Service, or to the Staff Corps;

[1] Appendices to *Report of the Public Service Commission*, 1886–7, C. 5327, pp. 56–8. This circular was sent to Madras and Bombay also.

(b) that the person to be appointed was originally nominated to the—

(1) Financial Department by the Governor General after examination,
(2) Forest Department by the Secretary of State, or by the Governor General, after examination, or
(3) Educational Department by the Secretary of State;

(c) that the person to be appointed entered the branch of the department, in which he is now to be promoted, before the 1st January 1879;
(d) that the office to which appointment is to be made belongs to—

(1) the Opium Department,
(2) the Salt or Customs Department,
(3) the Survey Department,
(4) the Mint Department,
(5) the Public Works Department, or
(6) the Police Department.

13

STATUTORY RULES,[1] 2 AUGUST 1879

In exercise of the power conferred by the Statute 33 Vic., Cap. 3, Section 6, the Governor General in Council has been pleased to make the following rules which have been sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present:—

I. Each Local Government may nominate persons who are Natives of India within the meaning of the said Act for employment in Her Majesty's Covenanted Civil Service in India within the territories subordinate to such Government. Such nominations shall be made not later than the first day of October in each year. No person shall be nominated for employment in the said service after he has attained the age of 25 years, except on grounds of merit and ability proved in the service of Government or in the practice of a profession.
II. Nominations under the foregoing rule shall, if approved by the Governor General in Council, be provisionally sanctioned by him. The total number of nominations so sanctioned in any year shall not exceed one-fifth of the total number of civilians appointed by Her Majesty's Secretary of State to the said Service in such year; provided that the total number of such nominations sanctioned in each of the years 1879, 1880, and 1881 may exceed the said proportion by two. . . .

[1] Appendices to *Report of the Public Service Commission*, 1886–7, C. 5327, p. 50.

14

LORD RIPON'S MINUTE OF 10 SEPTEMBER 1884

9. It is necessary, therefore, to consider the grounds upon which a change opposed by so much authoritative opinion was introduced. They are to be found stated in Lord Salisbury's Despatch to the Government of India, dated 24th February 1876, and are, first, that the change was 'recommended by the universities'; second, and 'most cogent', that 'a University education could not be secured for the candidates by any other' course, and, third that the consequences of failure in the competition are more serious at 21 or 22 than at 19, and that prudent parents are deterred from reserving their sons for competition till the age of 21 from a fear that, in case of failure, it would be difficult at that period of life to find them another career, and that this risk must 'diminish the field of competition, especially among the professional class'. With respect to the first of these statements, I must point out that the expression 'the Universities' in Lord Salisbury's Despatch appears to be limited to Oxford and Cambridge alone, and that I can find no proof in any of the papers that the University of Cambridge ever did recommend a reduction of age. Oxford, speaking through the Vice-Chancellor, the Dean of Christ Church, Dr. Liddell, did so no doubt; but, so far as I know, Cambridge expressed no opinion on the subject. . . .

10. The second ground alleged for the change 'is that a University education cannot be ensured for candidates by any other' course. This language is somewhat wanting in precision, because it is not clearly explained whether the University education referred to is the education given by the Universities to their own members, or special education to be given at the Universities to young men intended for the Indian Civil Service. Lord Salisbury in his Despatch seems to claim Lord Macaulay's authority for the new arrangements which he introduced. . . . What the authors of the system introduced in 1853–54 wished was that the Indian competitions should be, as Lord Derby urged in the debate on the Bill of 1853, competitions between young men and not competitions between boys, and that the competitors should be men who had already received the best general education provided by our schools and Universities. The change made in 1876 involved an entire reversal of this system; it altered completely, as the Civil Service Commissioners pointed out, the rules previously in force, and instead of maintaining 'the theory upon which Lord Macaulay and others founded the competition'. it abandoned it altogether. Up to the date of the change more than 66 per cent. of the men appointed to the Civil Service since 1856 had . . . been educated at one or other of our Universities, and it is therefore difficult to understand what the Secretary of State meant when he said that 'a University education cannot be secured for the candidates by any other' course than that of lowering the upper limit of age. Under the regulations as to age as they stood in 1876, two-

[1] *Parl. Papers, Correspondence on the Age at which candidates are admitted for Competition in England* 1884–85, C. 4580, Encl. 3 of No. 4.

thirds of the successful candidates had received a University education; if it was desired to secure that education for a still larger number, the most effectual method of effecting that object would have been to raise the age to that originally fixed by the Committee of 1854, a course for which there is a great deal to be said. . . .

12. The third ground put forward in Lord Salisbury's Despatch relates to the alleged unwillingness of parents to reserve their sons for competition from a fear that in case of failure it would be difficult to find them a career. . . .

13. . . . The truth appears to be that, instead of parents disliking to 'reserve' their sons till 21 before deciding whether to adopt an Indian career for them, the real fact is that parents are very willing to fix on India as the destination of their sons at the early age of 15 or 16.

17. I have now replied briefly to what I understand to be the principal arguments put forward by the advocates of the present limit of age. I proceed to state some of the reasons, which may, as it appears to me, be urged against it. The question divides itself into two branches; the first relating to the manner in which the existing arrangement affects European candidates; the second, relating to its operation in respect to Native candidates. I will deal with each of these subjects separately. I hold that the present system works injuriously in the case of European candidates for the following reasons:—In the first place it has fundamentally altered 'the theory upon which Lord Macaulay and others founded the competition'. That theory, as I have shown above, was that the Indian Civil Servant ought to receive 'the best, the most liberal, and the most finished education that his native country affords', and also that it is 'desirable that a considerable number of the Civil Servants of the Company should be men who have taken the first degree in arts'. I find from Mr. A. C. Tupp's Indian Civil Service List for 1880 that of 903 persons who entered the Service between 1856 and 1879, 618, or more than two-thirds, were University men, and that at least 324 or 36 per cent. of the whole number were graduates. Up to this period, therefore, the regulations devised by Lord Macaulay's Committee had fully answered their purpose. The education of the candidates had been a liberal and finished education, and a considerable proportion of those who passed into the Civil Service were graduates of some University. Since 1878 the highest percentage of graduate has been seven, and the lowest, that of the last year for which I have information, has been three. So that we have now a system under which boys who have only just left school are the competitors, and University graduates are almost entirely excluded from the Service.

18. . . . The difference between the two kinds of competition is of the most substantial kind, and the qualities tested by each are essentially distinct; to put the matter shortly, the one tests mainly the skill of the teachers, the other the real qualities of the pupil. The successful boy overstrained by premature effort is only too likely to subside into a listless unenergetic man; the youth who wins by the 'spontaneous efforts of mind', exerted at an age when that mind can bear the strain, will in all probability maintain his superiority throughout his career.

20. And, thirdly, I object to the present system because I am strongly convinced

that it is becoming every day more and more important that the men who enter the Indian Civil Service should be men trained by the best English methods and thoroughly imbued with the highest English thought. . . .

21. My fourth argument against the existing arrangement is that by lowering the proportion between competitors and appointments, it tends directly to lower the standard of the examination. It requires no discussion to prove that in a competitive examination the fewer the competitors the lower will be the educational standard of those who pass . . . the proportion is now little more than half of what it was before the change, and there can, therefore, be no doubt that the present examination is less testing than the old one used to be. This I regard as a serious matter.

22. Turning now to the question of the way in which the change of 1876 has affected Native candidates, the facts of the case are plain; up to the year 1883 only one Native has been successful in the English competitions since the limit of age was reduced. It is not that Natives have retired sulkily from the competitions because of their dislike of that reduction, or have not done their best to overcome the serious difficulties which it placed in the way of their success. . . .

23. The case of the Natives appears to me to be very strong. Parliament . . . intended to give them free admission to the Covenanted Civil Service through the door of competition in England; this right was secured to them by the Act of 1853, and was renewed by the Act of 1858. Lord Cranbrook in 1878 felt that any application to Parliament to reverse that policy would have no chance of success, and yet six years' experience has demonstrated that it has been almost totally reversed, not by the deliberate decision of Parliament but by an India Office regulation, not meant, as it would seem, to have that effect. . . .

25. Putting aside the question of Parliamentary obligation, I would ask whether it is wise or politic to keep up this 'kind of political discontent', especially among men from whose ranks are drawn the writers in the press, the speakers at public meetings, the pleaders before our courts, and not unfrequently the officials of Native States. . . .

33. The conclusion, therefore, at which I arrive upon the whole matter is that the regulations of 1876 by which the upper limit of age was reduced from 21 to 19 have failed to attain the objects for which they were introduced; that so far as the European candidates are concerned the education which they now receive is fundamentally different from that which was contemplated when the system of open competition was first established, and is much less well calculated to bring into the Indian Civil Service the kind of men with whom it is most desirable that it should be filled; and, lastly, that those regulations have rendered it, to use Lord Lytton's words, 'a matter of exceptional difficulty' for Natives of India to compete successfully in England for the Covenanted Civil Service, and thus tend to deprive them of a privilege which Parliament deliberately conferred upon them and upon which they set a high value. I am, therefore, strongly of opinion that the maximum age for competition should again be raised.

15

THE GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[1] 12 SEPTEMBER 1884

4. At present there are two modes by which Natives of India are admitted to to the Civil Service of the Crown in this country. They may become members of the regular Covenanted Civil Service by success in the London competitions, or they may be appointed under the Rules of 1879 as 'statutory civilians'. We are of opinion that both these modes of admission should be considered together, and that the latter should be regarded as supplementary to the former. The annual competitive examinations in England should be the first door of entrance to the Civil Service, and resort should only be had to the statutory system in order to make up the due proportion of Natives to Europeans in the service, as it may be determined from time to time.

6. We think, therefore, that all proper facilities should be afforded to Native students to enable them to proceed to England, and there to compete on reasonably equal terms with other candidates for appointments in the Indian Civil Service. We are not satisfied that this is at present the case. Your Lordship is aware that the reduction to 19 of the maximum limit of age for intending candidates, effected in 1876, is universally declared by the Native community to be an effectual stumbling block in the way of students educated in this country. . . . We believe that to fix the limits of age for all candidates alike at from 18 years, as the minimum, to 21, as the maximum, would remove much of the objection urged against the present rule by the native community, without relinquishing the advantages of the arrangements now made for probationary study at home, to which we attach importance, and without defeating the objects of those who think that English candidates should come out to India at a comparatively early age. We would also suggest a reconsideration of the position assigned to the Eastern classical languages —Arabic and Sanskrit—among the subjects of examination. It would seem to be only fair to Indian students that these subjects should be put upon a par with Latin and Greek in the schedule of marks, the standard of examination in all four subjects being made equally high.

7. It may be doubted whether, even if these facilities are granted, any large number of Native candidates will succeed in gaining admission to the Service. But the chance of a disproportionate recruitment of Native civilians would be guarded against by the adoption of the arrangement to which we have alluded above for reducing the number of statutory appointments in each year in proportion to the number of admissions of Natives to the regular Covenanted Civil Service at the English competitive examination. At present the proportion of Natives admitted under the Statutory Rules is one-sixth of the whole recruitment of the year, and

[1] *Parl. Papers, Correspondence on the Age at which candidates are admitted for Competition in England* 1884–85, C. 4580, No. 4.

a certain number do from time to time obtain appointments through the open competition. In fixing a percentage of the whole recruitment to be at once reserved for Natives we feel bound to recognize the effect of this double mode of admission, and on a scrutiny of the results of past years, we think that this percentage may fairly be taken at 18 per cent.

8. We would then look to the open competition to supply, as far as possible, the required number of Natives for the superior Civil Service. To make up the differences between the number thus appointed and the full 18 per cent., we must fall back upon the statute of 1870.

9. As to the best mode of selecting candidates under the provisions of the Statute, there are, it will be seen, great differences of opinion among the local governments. On one point, however, the great majority are agreed, namely, that the attempt made by the resolution of the 24th December 1879 to confine the selections to young men of high family has practically failed. It certainly appears to be the case in Bombay, Madras, and Lower Bengal that suitable young men of the class desired are not in fact forthcoming. . . . We must therefore abandon the system of exclusively confining our selections to candidates of high birth, and admit the principles of selection on the grounds of intellectual capacity and educational attainments, or on the ground of proved merit and ability shown in the service of Government.

10. We agree with the majority of the Local Governments that, when selections are being made in India, men who have exhibited marked ability on sufficient trial in the upper Uncovenanted Service have a strong claim to appointments under the Statutory Rules, and are likely to make useful civil servants . . .

12. Filling up, then, the percentage of Native appointments, as far as possible, from the successful candidates at the open competition, we would leave the Local Governments a wide latitude in their arrangements for securing suitable outside candidates when required to complete the total native recruitment of the superior service. Some Governments may prefer, as a rule, to promote men from the Uncovenanted Service, or to select them from the learned professions. In some provinces it may be found desirable to select by limited competition among a number of nominated candidates, and to stipulate for a course of study in England before or after selection. Other Governments may prefer to select their candidates from among young men who have already been studying in England. In other provinces, again, the Local Government might prefer to have recourse to simple selection. But whatever rules the Local Governments may adopt, they should all be subject to the control and approval of the Supreme Government, and be based upon certain general principles to be laid down by us, one of the most important of which would be the requiring of a sufficiently high standard of educational attainment.

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PERSONNEL OF THE EXECUTIVE AND JUDICIAL SERVICES, 1886–87[1]

53. The annexed table shows in regard to the existing incumbents of offices in the Executive and Judicial Services of the several Provinces their nationality according as they are—(1) Europeans or Eurasians not domiciled in India at the time of appointment; (2) Europeans or Eurasians domiciled in India; (3) Hindus; (4) Mahomedans; (5) Sikhs; (6) Parsis; and (7) others:—

Province	Class of appointment	Number of persons actually employed, including officiating officers	Europeans or Eurasians not domiciled in India at time of appointment	By whom held					
				Europeans or Eurasians domiciled in India	Hindus	Mahomedans	Sikhs	Parsis	Others
Madras	(a) *Executive Service*—								
	Deputy Collectors	67	—	12	46	4	—	—	5
	Tahsildárs	155	—	2	138	8	—	—	7
	Total Executive Service	222	—	14	184	12	—	—	12
	(b) *Judicial Service*—								
	Subordinate Judges	17	—	2	15	—	—	—	—
	Munsifs	106	—	6	98	2	—	—	—
	Total Judicial Service	123	—	8	113	2	—	—	—
	Total of both Executive Service and Judicial Service	345	—	22	297	14	—	—	12

[1] Present incumbents according to nationality: *Report of the Public Service Commission 1888*, C. 5327, Sec. 53, pp. 27–31.

Province	Class of appointment	Number of persons actually employed, including officiating officers	Europeans or Eurasians not domiciled in India at time of appointment	By whom held					
				Europeans or Eurasians domiciled in India	Hindus	Mahomedans	Sikhs	Parsis	Others
Bombay and Sind	(a) *Executive Service*—								
	I. *Presidency Proper*—								
	Deputy Collectors	46	1	6	28	3	—	8	—
	Mamlatdárs	157	—	1	149	1	—	6	—
	II. *Sind*—								
	Deputy Collectors	13	—	2	9	2	—	—	—
	Mukhtyárkárs	51	—	—	35	14	1	1	—
	Total Executive Service	267	1	9	221	20	1	15	—
	(b) *Judicial Service*—								
	Bombay and Sind—								
	Subordinate Judges	117	—	3	107	1	—	6	—
	Total of both Executive Service and Judicial Service	384	1	12	328	21	1	21	—
Bengal	(a) *Executive Service*—								
	Deputy Magistrates and Deputy Collectors	237	23	15	171	26	—	—	2
	Sub-Deputy Collectors and Tahsildárs	102	—	5	78	18	—	—	1
	Total Executive Service	339	23	20	249	44	—	—	3

	(b) *Judicial Service*—								
	Subordinate Judges	48	—	1	46	1	—	—	—
	Munsifs	236	—	—	227	8	—	—	1
	Total Judicial Service	284	—	1	273	9	—	—	1
	Total of both Executive Service and Judicial Service	623	23	21	522	53	—	—	4
North-Western Provinces and Oudh	(a) *Executive Service*—								
	Deputy Collectors	161	2	17	90	51	1	—	—
	Tahsildárs	225	—	1	101	122	1	—	—
	Total Executive Service	386	2	18	191	173	2	—	—
	(b) *Judicial Service*—								
	Subordinate Judges	36	—	1	20	15	—	—	—
	Munsifs	99	—	—	51	47	—	—	1
	Total Judicial Service	135	—	1	71	62	—	—	1
	Total of both Executive Service and Judicial Service	521	2	19	262	235	2	—	1
Punjab	(a) *Executive Service*—								
	Extra Assistant Commissioners	77	1	8	32	32	4	—	—
	Tahsildárs	123	—	—	60	55	7	—	1
	Superintendents of Settlements	22	—	—	15	6	1	—	—
	Total Executive Service	222	1	8	107	93	12	—	1

Province	Class of appointment	Number of persons actually employed, including officiating officers	Europeans or Eurasians not domiciled in India at time of appointment	By whom held					
				Europeans or Eurasians domiciled in India	Hindus	Mahomedans	Sikhs	Parsis	Others
Punjab (Contd.)	(b) *Judicial Service*—								
	Extra Judicial Assistant Commissioners	17	4	5	5	3	—	—	—
	Munsifs	84	—	—	49	31	3	—	1
	Total Judicial Service	101	4	5	54	34	3	—	1
	Total of both Executive Service and Judicial Service	323	5	13	161	127	15	—	2
Central Provinces	*Executive Service and Judicial Service*—								
	Extra Assistant Commissioners	44	1	5	34	2	—	—	2
	Munsifs	17	—	—	15	2	—	—	—
	Tahsildárs	60	—	—	42	18	—	—	—
	Total of both Executive Service and Judicial Service	121	1	5	91	22	—	—	2
Hyderabad Assigned Districts	*Executive Service and Judicial Service*—								
	Extra Assistant Commissioners	17	—	3	11	1	—	—	2
	Tahsildárs	25	—	—	18	6	—	—	1

	Total of both Executive Service and Judicial Service	42	—	3	29	7	—	—	3
Assam	(a) *Executive Service*—								
	Extra Assistant Commissioners	29	2	1	22	3	—	—	1
	Sub-Deputy Collectors	14	—	—	12	2	—	—	—
	Tahsildárs	12	—	—	12	—	—	—	—
	Total Executive Service	55	2	1	46	5	—	—	1
	(b) *Judicial Service*—								
	Subordinate Judge	1	—	—	1	—	—	—	—
	Munsifs	10	—	—	9	1	—	—	—
	Total Judicial Service	11	—	—	10	1	—	—	—
	Total of both Executive Service and Judicial Service	66	2	1	56	6	—	—	1
	General total of Executive Service	1,654	30	78	1,118	376	15	15	22
	General total of Judicial Service	934	5	26	748	138	3	6	8
	Grand total of both Executive and Judicial Services	2,588	35	104	1,866	514	18	21	30

The most noteworthy point in the above table appears to be the very small number of posts in the Executive and Judicial Services of the several Provinces held by Europeans and Eurasians who were not domiciled in India at the time of their appointment. The number of such persons employed in the Executive and Judicial Services throughout British India, all of whom, with the exception of two officers, were appointed previous to the issue of the orders of 1879, aggregates 35 only (or 1·3 per cent of the total incumbents), while of these as many as 23 are employed as Deputy Magistrates and Deputy Collectors in the Lower Provinces of Bengal. In no other Province does the total of this class of persons so employed exceed two, except in the Punjab, where there are five officers who have been in the service of Government for many years. On the other hand, the total number of Europeans or Eurasians domiciled in India who are thus employed is 104, or about 4 per cent. of the total incumbents, of whom 78 hold appointments in the Executive Service and 26 in the Judicial Service. Of these, 22 are employed in the Madras Presidency, 21 in the Lower Provinces of Bengal, 19 in the North-Western Provinces and Oudh, 13 in the Punjab, and 12 in the Bombay Presidency. In regard to the distribution of appointments between Hindus and Mahomedans, the general results show that of a total of 2,588 persons employed in both the Executive and Judicial branches, 1,866 or 72·1 per cent. are Hindus, and 514 or 19·8 per cent are Mahomedans. These proportions correspond more or less closely with the general proportions to the total population of Hindus and Mahomedans, which are approxi-

The following figures show the proportion of appointments held by Hindus and Mahomedans respectively as compared with the proportion of those classes to the total population of each Province:

Province	Hindus		Mahomedans	
	Percentage on total population	Percentage on total number of persons employed in the Executive Service and in the Judicial Service of the several Provinces	Percentage on total population	Percentage on total number of persons employed in the Executive Service and in the Judicial Service of the several provinces
Madras	91·4	Executive Service—82·8 Judicial Service —91·8 } 86	6·2	Executive Service—5·4 Judicial Service —1·6 } 0·4
Bombay and Sind	79·6	Executive Service—82·7 Judicial Service —91·4 } 85·4	18·3	Executive Service—7·4 Judicial Service —0·8 } 5·4
Bengal	65·3	Executive Service—73·4 Judicial Service —96·1 } 83·7	31·2	Executive Service—12·9 Judicial Service — 3·1 } 8·5
North-Western Provinces and Oudh	86·2	Executive Service—49·4 Judicial Service —52·5 } 50·2	13·4	Executive Service—44·8 Judicial Service —45·9 } 45·1
Punjab	40·7	Executive Service—48·1 Judicial Service —53·4 } 49·8	51·3	Executive Service—41·8 Judicial Service —33·6 } 39·3
Central Provinces	75·3	Executive Service and Judicial Service } 75·2	2·4	Executive Service and Judicial Service } 18·1
Hyderabad Assigned Districts	90·7	Executive Service and Judicial Service } 69	7	Executive Service and Judicial Service } 16·6
Assam	62·7	Executive Service—83·6 Judicial Service —90·9 } 84·8	26·9	Executive Service—0·9 Judicial Service —0·9 } 0·9

From these figures it appears that the percentage of Hindus employed in the Executive and Judicial Services is greatly in excess of the population proportion in Bengal and Assam, and falls greatly short of it in the North-Western Provinces and Oudh and in the Hyderabad Assigned Districts, while the proportion of Mahomedans so employed is largely in excess of the population proportion in the North-Western Provinces and Oudh, the Central Provinces, and the Hyderabad Assigned Districts, and falls greatly short of it in Bengal, Assam, Bombay, and the Punjab. In this respect again the variation between the two proportions is most marked in the Lower Provinces of Bengal and in Assam.

17

SECRETARY OF STATE TO THE GOVERNOR GENERAL IN COUNCIL,[1] 22 JUNE 1893

I transmit herewith to your Excellency copy of a Resolution passed by the House of Commons as to the holding of simultaneous examinations in England and India, for the Indian Civil Services; and I request that your Government will give a prompt and careful examination to the subject, and that you will inform me in what mode, in your opinion, and under what conditions and limitations this Resolution could be carried into effect.

2. I need scarcely add that in asking to be furnished with the opinion of your Government, it is not my desire to fetter in any way their discretion as to the observations they may think fit to make on the Resolution.

3. I will only point out that it is indispensable that an adequate number of the members of the Civil Service shall always be Europeans, and that no scheme would be admissible which does not fulfil that essential condition.

ENCLOSURE

Resolution of the House of Commons, 2nd June 1893.

Resolved—That all open competitive examinations heretofore held in England alone for appointments to the Civil Services of India shall henceforth be held simultaneously both in India and England, such examinations in both countries being identical in their nature, and all who compete being finally classified in one list according to merit.

18

THE GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[2] 1 NOVEMBER 1893

18. It may be convenient that we should, at this point, briefly summarise the reasons for which we find ourselves unable to recommend to Your Lordship the adoption of the proposal embodied in the House of Commons' Resolution:—

(1) No such concession is necessary for the fulfilment of the so-called pledges upon which the claim has been founded.

(2) The practical difficulties of introducing a system of simultaneous examinations would be extremely serious.

(3) It is conceded that, in order to ensure the efficient government of the country, a minimum of European officials is indispensable. Such a minimum could

[1] *Parl. Papers, Simultaneous examination for the I.C.S. in India and England* (1894), C. 7378. Lord Kimberley was Secretary of State for India from 1882 to 1885, and again in 1886, and 1892–4.

[2] Public Letters from India, vol. 18 (1893), No. 62. India Office Library.

not be maintained in the event of simultaneous examination being resorted to in this country.

(4) It would be entirely out of the question to reduce the existing minimum of Europeans at the present time.

(5) Open competition is not the best way of selecting Natives for the higher ranks of the service. It may be necessary in Europe in order to check nepotism, but in this case nepotism is impossible. Probation by actual employment forms a competitive examination of the best kind. Competitive examination in India would certainly have the effect of admitting a large number of competitors deficient in the qualifications necessary for the higher ranks of the service, and whose antecedents and origin would not be such as to command the confidence or the good-will of the classes for whose welfare they would be responsible; on the other hand, it would exclude the most valuable and capable assistance which the British Government could obtain from natives of India, in the Sikhs, Muhammadans, and other races accustomed to rule and possessing exceptional strength of character, but deficient in literary education.

(6) The proposed change would, unless the irreducible minimum of Europeans is to be diminished, involve the withdrawal of the appointments recently given, after the fullest consideration, to the Provincial Service, and would thus deprive that Service of the prizes promised to it, disappointing its hopes and lowering its efficiency by a sense of injustice.

. . . . . .

19

LORD CURZON TO LORD HAMILTON,[1] 23 APRIL 1900

. . . Wedderburn wrote to me the other day, very civilly, and asked me why we do not employ more Natives in the very highest ranks of the service. I told him plainly in reply, because they are not competent, and because it is our constant experience that, when placed in authority, if an emergency occurs, they lose their heads or abdicate altogether. Some day I must address you about the extreme danger of the system under which every year an increasing number of the 900 and odd higher posts that were meant, and ought to have been exclusively and specially reserved, for Europeans, are being filched away by the superior wits of the Native in the English examinations. I believe it to be the greatest peril with which our administration is confronted. MacDonnell says it is all due to Lord Dufferin, who might have insisted upon the racial qualification without exciting a murmur, whereas now there would probably be a storm.

[1] Hamilton Papers, XVII, No. 17. India Office Library. Private letter.

20

MONTAGU–CHELMSFORD REPORT ON THE INDIANIZATION OF PUBLIC SERVICES,[1] 1918

313. . . . Lord Hardinge's Government were anxious to increase the number of Indians in the public services, and . . . a Royal Commission was appointed in 1912 to examine and report on the existing limitations in the employment of Indians. . . . The report was signed only a few months after the outbreak of war and its publication was deferred in the hope that the war would not be prolonged. When written it might have satisfied moderate Indian opinion, but when published two years later it was criticised as wholly disappointing . . . since the report was signed an entirely new policy towards Indian government has been adopted, which must be very largely dependent for success on the extent to which it is found possible to introduce Indians into every branch of the administration. It is a great weakness of public life in India to-day that it contains so few men who have found opportunity for practical experience of the problems of administration. Although there are distinguished exceptions, principally among the Dewans of Native States, most Indian public men have not had an opportunity of grappling with the difficulties of administration, nor of testing their theories by putting them into practice. Administrative experience not only sobers the judgment and teaches appreciation of the practical difficulties in the way of the wholesale introduction of reforms however attractive and the attainment of theoretical ideals, but by training an increasing number of men in the details of day-to-day business it will eventually provide India with public men versed in the whole art of government. If responsible government is to be established in India, there will be a far greater need than is even dreamt of at present for persons to take part in public affairs in the legislative assemblies and elsewhere; and for this reason the more Indians we can employ in the public services the better. Moreover it would lessen the burden of Imperial responsibilities if a body of capable Indian administrators could be produced. We regard it as necessary therefore that recruitment of a largely increased proportion of Indians should be begun at once. The personnel of a service cannot be altered in a day: it must be a long and steady process; if, therefore, the services are to be substantially Indian in personnel by the time that India is ripe for responsible government no time should be lost in increasing the proportion of Indian recruits.

316. . . . for all the public services, for which there is recruitment in England open to Europeans and Indians alike, there must be a system of appointment in India. It is obvious that we cannot rely on the present method of recruitment in England to supply a sufficiency of Indian candidates. That system must be supplemented in some way or other: and we propose to supplement it by fixing a definite percentage of recruitment to be made in India. . . .

317. . . . we suggest that 33 per cent. of the superior posts should be recruited

[1] *Report on Indian Constitutional Reforms*, Cd. 9109, pp. 250–3.

for in India, and that this percentage should be increased by 1½ per cent. annually until the periodic commission is appointed which will re-examine the whole subject. . . .

. . . We have dealt only with the Indian Civil Service, but our intention is that there should be in all other services now recruited from England a fixed percentage of recruitment in India increasing annually. The percentage will not be uniform for all services as the particular figures must depend upon their distinctive characters and functions.

E. ECONOMIC AND SOCIAL POLICY
1858–1947

(a) The financial system of Government
(b) Tariff policy
(c) Banking and Currency policies
(d) Land revenue and land policy
(e) Agricultural problems and policies
(f) Famine, population and irrigation problems and policies
(g) Industrial policy and growth
(h) Social problems and policies

INTRODUCTORY NOTE

The famous Wood despatch on educational policy of 1854 imposed on the Government of India the policy of 'creating a properly articulated system of education from the primary school to the university'. But in accord with the ideas and circumstances of the day education remained one of the last of the charges on the Government's budget, and this somewhat grandiose policy was in practice applied 'on the cheap'. Unable to provide adequate funds, the Government left the development of secondary education largely to private enterprise, and in 1870 formally decided to place its own emphasis on primary education. The immense wastage at this level of education and genuine doubts on what should be the proper content of instruction led to one inquiry after another, and not until Curzon's governor-generalship were clear lines of policy and some order of priorities established. At this stage closer government control was also applied in revising university education and in emphasizing the importance of technical education. The Sadler Report of 1917 confirmed the main lines of Curzon's policy.

Under the influence of the nationalist movement and of Gandhi's teaching, private primary schools were created in which stress was placed on the need for basic education through crafts. This trend influenced the official system. By the close of the period the Government was beginning to envisage a national plan for education with a full understanding both of its importance and likely cost.

The East India Company had tried to meddle as little as possible with the religious and social customs of Indians. The outbreak of the Mutiny encouraged the Crown Government in the view that this policy should be followed subject to the same modification that the Company had observed, namely that intervention might be justified in order to forbid practices which were utterly offensive to humanitarian and rational principles. In the same way that the Company had come to oppose *sati* and *thagi*, so the Crown opposed polygamy and legislated against child marriage. The Government's fundamental assumption in social policy was

that in the long run the influence of western ideas, especially through education, would gradually induce Indian society to reform itself.

On the economic side under British rule the traditional balance of forces in India was destroyed. The population, quickened by British protective policies, rose from 206 millions in 1872, the year of the first census, to 315 millions in 1911. This growth more than offset the creation of new lands through irrigation. Resort by the people to ever poorer soils took place, and a new and revolutionary competitive bidding for land began. Along with this and as a direct consequence went a considerable displacement of labourers on the land. As land increased in value and the steady operation of the rule of law facilitated the recovery of debts, both real and fictitious, many enterprising Indians lent money on land and subsequently foreclosed. The rising classes of the new cities jumped in to buy land wherever they could. In spite of protective legislation, these processes tended to replace the small cultivator with rights of possession by the cultivator with no rights at all.

The plight of the small cultivator and landless labourer was underlined by their growing inability to meet the challenge of famine. The Government based its famine policy on the protective principle, at first by the building of railways and later through large-scale irrigation, but despite the evolution through trial and error of a remarkably far-sighted and thorough policy, the effects of famine were felt by Indian agricultural society on a widening scale. Not until the close of the period was the emphasis in policy placed on the positive need to produce more food.

In the aftermath of the Mutiny, the British Government was attracted by the thought that a deliberate policy of permanent land settlement would create classes of landowners politically favourable to its interests. However, for economic reasons, the policy of extending the permanent settlement of land was gradually modified and abandoned. Within the *laissez faire* context of 'a rule of economic law' the Government also attempted to mitigate the worst consequences of rural indebtedness and of a dispossessed tenantry. It emerged with the constructive policy of co-operation, rural uplift, and colonization through irrigation, and the germ of the idea that a countrywide improvement in scientific agriculture was required. But no major land reform was undertaken and it lacked the funds to develop the rural areas.

India offered a large and attractive field for British investment. European settlement in areas which were climatically suitable was encouraged, and as a consequence plantation industries developed. A planned system of railways provided the framework on which industry and commerce were constructed. Simultaneously Indian trade became part of the world trade system. The ingenious method of 'managing agency' was introduced to make good the lack of an Indian *entrepreneur* class, and through it British industrial and financial strength as the basis of large-scale production was deployed mainly in the great cities and the immediate hinterland of Calcutta and Bombay. Round these centres there formed a class of industrial workers who for some time were uneasily poised between the village and the town. Gradually, relaxing their traditional interest in land as the

only worthwhile form of investment, Indians with capital began to take to the new ways of financing and managing production. The rigid free trade policy followed by the Government hindered their early progress, but the nationalist policies of boycott and swadeshi favoured them and the protectionist policy adopted by the Government of India in 1924 ensured their rapid growth. The experience of two world wars and the success of the U.S.S.R.'s five year development plans rendered the concept of national economic planning acceptable both to the Government and to the nationalist parties. But lack of funds, the backward and divided state of Indian society, and a lingering British attachment to *laissez faire* views only permitted by 1947 the achievement of partial modernisation.

The new managerial and industrial classes grew much more slowly than the new Indian professional classes. In law, medicine, education, and journalism, Indians made their mark with extraordinary rapidity, displacing Europeans, who in 1858 had still enjoyed a practical monopoly of legal, medical, and journalistic functions in India. The rise of this middle class with an economic rather than an hereditary basis marked a revolutionary turning-point in the history of India.

The growth of cities, railways, newspapers, and postal services provided this class with the means of making an effective, countrywide response to the challenge of western education and to British ideas of government.

(*a*) The financial system of Government, 1858–1947

1

JAMES WILSON'S STATEMENT ON THE NEED FOR DIRECT TAXES,[1] 18 FEBRUARY 1860

What, then, is our position? The last authentic public exposition of the financial position of India was made by my Right honourable friend the Secretary of State in the House of Commons on the 1st day of August last. In that statement, my Right honourable friend computed the deficiency of income as against the expenditure of the current year, ending on the 30th of April next, at 10,250,000 l. That was including the whole of the Indian and home charges. But now, sir, it is my duty to ask the indulgence of the Council, while I allude to what will appear a considerable discrepancy in the state of our accounts as they stand at the present time. In the month of September, the month following the statement to which I have referred, a financial balance sheet was drawn up in Calcutta, which seems to have been published in the public prints. It is the special desire of those who were then Members of the Indian Government that I should be full and explicit upon this subject. According to that statement, the deficiency in India was stated for the current year at 2,651,431 l., and, including the home charges, at 6,499,981 l.

[1] *Parl. Papers*, vol. 49 (1860), No. 339. India Office Library. Wilson was Finance member of the Supreme Council of India, 1859–60.

But let us bear in mind that this was only an estimate, though founded on the best information, which was then at the command of the Government. As might naturally have been expected, the publication in England of so sudden an improvement in the state of Indian finances as that statement exhibited, when compared with the statement made so short a time before by the Secretary of State, produced an impression very favourable. But if, sir, it shall appear, as I proceed in my statement, that this impression was not well founded, I shall at least be able to show that the discrepancies proceed from causes over which the authorities in Calcutta at the time had no control. Well then, sir, I hold in my hand the final estimate of the income and expenditure of the current year, as corrected up to the present time, and a copy of which I will lay upon the table. According to this estimate, the income of the year will be 37,706,209 l., and the charges, including the stores from England, will amount to 41,770,008 l., leaving a deficiency in India alone of 4,063,809 l. But from this amount we have to deduct the railway traffic receipts paid into the public treasury. Sir, it is a most gratifying fact, and one which augurs well for the future, that those receipts in the present year amount to no less a sum than 553,920 l. From this, however, we must deduct 223,220 l. for working expenses, which leaves a net return from traffic of 330,700 l. But then, from this we must further deduct a sum of 50,000 l. payable in India as guaranteed interest to shareholders, leaving a balance of 280,200 l. to be deducted from the deficit of 4,063,809 l., and reducing it to 3,783,109 l. Then, sir, according to the last accounts which I have received from the Secretary of State, the home charges, exclusive of the stores furnished to India, which I have already included, but including the sum of 1,114,000 l. to be paid for guaranteed interest to railway companies, will amount to 5,507,020 l., which, added to the deficit in India will raise it to 9,290,129 l. These figures show an increase upon those of September to the extent of 1,417,378 l. upon the deficit of India, and including the home charges, of no less than 2,790,148 l.

. . . . .

But, sir, there is another element of secure prosperity which India especially enjoys. Almost everything she produces is in constant and boundless demand in Europe, and almost every article of importance required in Europe is to be found increasing in India; so varied are her products. Sir, in this fact there is great security for the future. Let cultivation be extended and improved ever so much, there is no fear of the want of a market. But let me appeal from mere opinions to facts, to show the condition in which India is now placed. Sir, it is undoubted that, at the present time, India enjoys a prosperity far beyond comparison with any former time; and what is most satisfactory is, that the evidences of that prosperity have been for some years past steady and accumulative. It is not, sir, a mere transitory excitement. As proof of this, sir, let me refer to our exports and imports. I hold in my hand official returns, which exhibit the amount of our exports and imports in each year since 1834. Sir, I now speak of merchandise only, leaving

out of question for the present our large transactions in treasure. Well, sir, in 1834–35, the total amount of our exports to all parts was only 7,993,420 l.; in 1858–59, it was no less than 26,989,000 l.; and in the present year it will be considerably more.

. . . . . .

We are, sir, therefore, reluctantly compelled to propose to increase the revenue by the imposition of new taxes; and these we propose to be of two classes; the one we shall propose to enact only for a limited period, with a view to the present emergency; the other, we propose to ask you to pass without limit of time. In selecting new sources of revenue, the Government are very much impressed with the fact that hitherto a large share of the revenue has been derived from land, and that the practice of revising the assessments periodically has at least had the effect of keeping the actual cultivator always at a rack-rent. We therefore think that whatever new taxes we impose, the incidence should fall mainly upon other classes. There is no doubt that merchants and bankers, and others, can hardly be said to have borne their full share of the burdens of the State heretofore.

. . . . . .

With one exception, to which I shall presently refer, these are the taxes which we feel called upon to propose to you: the license duty to be passed without limit of time, the income tax to be taken only for five years. The license duty we propose to be extremely moderate. It will consist of three rates—one rate of one rupee a year on artisans, including weavers, leather workers, and similar trades, but excluding the agricultural menial classes in village communities, who are attached to them and are generally paid in grain: four rupees a year on retail shopkeepers and small manufacturers, who work for local retail sale—and ten rupees on wholesale traders, bankers, manufacturers, and professions. These rates of one, four, and ten rupees will be uniform, and apply to all of each class without any discrimination as to incomes or extent of business.

. . . . . .

Sir, in considering the sources where we may look for reduction of expenditure, I am bound to say that we do not see any ground for expecting much with respect to the civil administration of India. When it is considered that the imperial expenditure of India includes much, if not all, of the whole local government of India, which in other countries is usually defrayed from local funds, I believe it will be found, that in no other country is the civil administration conducted at so small a cost. We do not believe that this part of our government can be reduced in cost. We rather incline to think that it is more likely to be increased by improved courts of justice, by means for education, and by a stronger administration in the country as local interests become developed. We believe that great improvements may be made in the constitution of our offices, and many anomalies even in the existing scale of remuneration; but, on the whole, we look for no reduction on this score.

What we want is an organization which will give a more efficient development to the great talent which undoubtedly does abound in the Indian civil service at this time.

2

C. E. TREVELYAN'S MINUTE ON DIRECT TAXATION,[1] 20 MARCH 1860

A masterly financial statement has been made at Calcutta on the English model. Mr. Wilson's exposition is precisely such a one as Mr. Gladstone might have made to the present House of Commons. It includes all the latest improvements of modern finance, and would have been in advance of the House of Commons less than 20 years ago. But in England there is a real representation of the people. Every class of persons affected by such a scheme would, through their representatives, have taken part in the discussion; and whatever decision might have been arrived at it would have been carried into effect with their general knowledge and consent. In India, notwithstanding a studious imitation of the forms of a popular assembly, we are further from a real representation of local interests than ever. Even the Government of the south of India, which is responsible for the administration, has no power of influencing the legislation. As regards the natives, it is a leap in the dark. Till the tax-gatherer actually makes his demand they will have no conception of what has been prepared for them.

If Mr. Wilson's statement had been made in England it would have been examined in detail by other practised public men, and the conclusions arrived at, after full and repeated discussion, might have been safely adopted. But financial knowledge of this sort is new to India; the natives are entirely destitute of it. Even the Europeans have made small progress in it, else they would before this have produced a plan of financial re-organization suited to the circumstances of India. Comprehensive finance, which deals boldly with all existing interests, and readjusts taxation to suit the circumstances of the time, is the growth of our Parliamentary system; and great danger is to be apprehended from its sudden introduction into India, without the checks and safeguards which belong to the original institution.

The circumstance that the new advantages conferred by the new arrangement, are in favour of the European interest, is an additional reason for distrusting our first impressions. The reduction from 20 to 10 per cent. on the principal articles of European consumption in this country, and the transfer to the free list of the principal raw materials of our home manufactures, have made the budget popular with the ruling class, which represents what we call public opinion. In both points of view, the arrangement is singularly advantageous to the European mercantile interest in this country. The question is, how the matter will be regarded by the tens of millions of natives upon whom three new taxes would be imposed without any such compensation.

[1] *Parl. Papers*, vol. 49 (1860). India Office Library. Trevelyan was Governor of Madras 1859–60, Finance member of the Supreme Council 1863–5.

We all agree that the finances of British India must, for the future, be placed on a solid foundation. There must be no more palliatives. A clear increasing surplus must be established of annual income over annual expenditure. The question is, whether the imposition of an income tax, a license tax, and a tobacco tax, at the present time, as proposed in the financial statement, is a necessary or desirable mode of attaining the object.

It is urged that the capital of the debt of British India has increased since the commencement of the mutiny, from 59,441,052 l., to 97,851,807 l.; and the interest from 2,525,375 l. to 4,461,029 l.; and that in the 46 years, from 1814 to 1860, there has been a surplus in 13 years amounting, on the whole, to 8,895,437 l., and a deficit in the remaining 33 years amounting on the whole to 72,195,416 l.

These statements are the expression of a single fact. The wonderful fabric of the Anglo-Indian empire is the result of a series of great events crowned by the mutiny, and this debt is the price which has been paid for its construction. It answers to the national debt of England, the bulk of which was incurred for our preservation from an ambitious neighbour. Nobody now thinks of paying off the national debt. As its security is that of the entire community, and it offers peculiar advantages for the investment of trust funds, the rate of interest is below the market rate; and it would, therefore, be an improvident arrangement to pay it off by money which is yielding a higher profit in the hands of individuals. If this be the case in England, how much more in this country, where, owing to the greater deficiency of capital, and the greater insecurity of ordinary investments, the disproportion between public and private rates of interest is much greater. Neither would it be a simple transfer of capital from individuals to the State. The process of taxation, by means of which the transfer is effected, is an extremely expensive one, and a great deal more is taken from individuals than goes to the State; and if new taxes have to be imposed for the purpose, there is also much harassment and discontent, and interruption of the business of public and private life.

Our policy, clearly, is to accept the debt as it stands, and to direct our attention to the means of preventing any further increase of it. Taking the annual revenue of British India at 40,000,000 l., and the debt at 98,000,000 l., our debt bears to our annual revenue a proportion of less than two and a half to one; while the English debt is to the English revenue in the proportion of about eleven to one. If free scope is given to the resources of this wonderfully productive country, by maintaining tranquillity and improving the administration in all its branches, the present debt of British India will soon cease to be felt. Although positively the same, it will be relatively diminished by the growth of the resources upon which it is secured. That which is a heavy load to a child is no burden to a grown-up man.

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Mr. Wilson observes at the commencement of his speech, 'We have a public opinion, an enlightened public opinion, both native and European, and above all we have a free press and free discussion; and we are of opinion that nothing but good

can be derived from those useful—I would say necessary—elements of a prosperous social structure by frankness on our part.' But there can be no free public discussion without a free communication of official information. The 'frankness' must be complete. This Government is more interested in the question than any portion of the European or native public, because it is responsible for the tranquillity and well-being of about 30,000,000 of Her Majesty's subjects in the south of India, whose interests have been entrusted to our care. We, therefore, desire to know what the grounds are for believing that the proposed new taxation is necessary. We wish to see whether the asserted deficit of 6,500,000 l. includes any charges which will not recur, like the large payments to be made next year for the Carnatic and Tanjore debts; and whether allowance has been made for the extensive redemption of public debt, which forms part of the new currency measure, or for the great increase in the revenue of this Presidency, which is fully sustained this year, with a large addition arising from a more full collection of the salt tax, to which we have been giving—as we said we could—particular attention. One saving we know to have been greatly understated. Mr. Wilson says, 'Allowing for a decrease in the military charges of 1,740,000 l., for which arrangements have up to this time been made.' The arrangements which have been already made for the decrease of military charges in the Presidencies of Madras and Bombay alone amount to more than this; and no notice whatever is taken of the far larger amount which may be saved in the Bengal Presidency, or of the further considerable reductions which may be effected in this Presidency, if the present tranquil course of events is not interrupted.

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There are two modes of readjusting the national balance sheet: diminution of expenditure, and increase of income, but these by no means stand on the same footing.

Taxes are a portion of the property of the community taken by the Government to defray necessary public expenditure. The Government has, therefore, no right to demand additional taxes, unless it can be shown that the object cannot be attained by a reduction of unnecessary expenditure. In other words, reduction of expenditure is the primary mode of making good a deficiency. In framing our English budgets, we never think of proposing additional taxation if the balance can be restored by reducing establishments. The transfer to this country of the forms of English finance is of much less consequence than the naturalization of the principles which are the basis of our national prosperity. We ought not to have one rule when we govern ourselves and another when we govern our Indian fellow-subjects.

Another important difference is, that reduction of expenditure is pure gain. Nay, the advantage is even greater, for by reducing expenditure, the machinery of various kinds required for carrying it on is rendered unnecessary, and thus a further saving follows. In military affairs, the second economy is greater than the

first; for the expenditure in subsidiary departments, pensions, &c., is notoriously larger than the pay of the officers and men. In taxation, the case is reversed. What is obtained by taxation is gained at the expense of a heavy charge for collection; and this is especially the case in reference to new taxes.

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There is yet one very essential difference between raising money by additional taxation and by reduction of expenditure. Owing to our vast military establishments, to the still more numerous followers of various kinds connected with them, and to our enormous half-paid, half-employed host of revenue and other civil native servants, the amount of labour withdrawn from productive industry in India is very great. The state of things in France and the other European countries where the plan of maintaining a large portion of the community in dependence upon the Government at the expense of the rest of the community, is most acted upon, gives no idea of the excess to which the system has been carried in this country. Reduction of expenditure would transfer the surplus portion of this immense stipendiary class to productive industry, and would make them tax payers instead of tax consumers. Additional taxation would not only render it necessary to retain the whole of our overgrown, embarrassing, exhausting native army but would also largely augment the swarm of subordinate civil employés who, without either sufficient pay or moral principle to restrain them prey in a direct manner upon the vitals of the people. This is an important view of the subject under present circumstances, owing to the deficient state of the labour market and the large proportion of able-bodied men belonging to the various divisions of the working classes, who are maintained in idleness at our innumerable military stations and detached posts.

I have always been of opinion that this financial crisis might be satisfactorily met by reduction of expenditure only, combined with some obvious administrative improvements, whereby both our civil and military establishments would be rendered more effective, and the existing taxes would be more fully collected.

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But it will be far otherwise if we use our strength to impose upon the people of India a new system of taxation which is extremely distasteful to them, which is not justified by any necessity, and which is totally unsuited to the present state of society in this country. The arguments used by myself and my colleagues, and by many of the ablest of the officers serving under us, against the tobacco and licensing taxes, are equally applicable to the taxes now proposed. To those papers I refer in justification of my strong expression of condemnation of these taxes.

I have just returned from an official tour through the districts which form the heart of the Madras Presidency, and never have I received a stronger impression of a population living in a tranquil, contented, advancing state. They were entirely unaware of the discussions which had been going on at Calcutta about the

imposition of new taxes, and not a word was said to me on the subject. There are other parts of the Presidency where the people are of a more turbulent and martial character; I do not pretend to say what the effect of the new taxes, if they are persevered in, will be upon these populations. I will confine myself to saying what I know to be the case.

All people are, of course, averse to taxes; but the native feeling in reference to the imposition of new taxes is different in kind from this, and is not so destitute of reason as may at first sight appear. The natives of this country have always lived under despotic governments, and in the absence of any better means of placing a limit upon the exactions of their rulers, they have been accustomed to take their stand upon long-established practice, which they regard as we do our ancient hereditary privileges. Hence it has always been observed that while they are extremely patient under established grievances, they are always disposed to meet new impositions by active or passive resistance. They would take the restoration of the transit and town duties as a matter of course; but the introduction into India of direct taxation is calculated to arouse all their latent feelings of opposition. The authority of the Indian lawgiver Menu would have no more influence with them than quotations from the rubric or canon law would have upon a country congregation in England suffering from the innovations of a reforming High Church clergyman. Not one in ten thousand ever heard of the Institutes of Menu, which stand in about the same relation to modern India as the Anglo-Saxon Institutes do to modern England. The extravagance of the political maxims laid down shows that they never could have had any practical application As the natives become more enlightened, and we are able to give them a greater share in the government of their country, an improved state of things will arise; but in the meantime we must take them as they are. The object is not to reproduce in this country, at one stroke, a financial reformation more complete in all the most approved principles of political economy than that which was introduced into England by Sir Robert Peel in 1842, but to make the most of the circumstances in which we are placed, and, above all, not to risk all our hopes of progress by prematurely taking up the most advanced position.

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Others, from disinterested, but, in my opinion, mistaken motives, advocate additional taxation for the purpose of carrying on public works on an extensive scale. Well-matured public works, carefully conducted out of a surplus revenue obtained without disturbing the tranquil course of the administration, are greatly to be desired; but funds procured by such taxes as these would be as wastefully raised as they would be likely to be wastefully applied. Public works may be economically carried on when they are gradually undertaken as means are forthcoming, and when it is an object to make the most of moderate means; but large funds, suddenly placed at the disposal of a public department accustomed to a more limited scale of expenditure, are certain to weaken the restraints upon economy. The

formation of a professional establishment equal to the charge of extensive new undertakings is also a work of time. At present, owing to the suspension of most of our public works, our establishment is at a low ebb. Besides, there is a point beyond which public administration in matters of this sort cannot be depended upon, even under the most favourable circumstances; and if our public establishments are unduly extended, the inevitable result will be waste and bad work, and the discouragement of private enterprise. The application of private capital and enterprise to India, under favourable circumstances, ought to be our great end and aim. Every other improvement will follow upon this.

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It is characteristic of the manner in which these three tremendous taxes are proposed to be applied to all the various peoples, nations, and languages, composing the British empire in India, that there are confessed to be 'absolutely no data upon which any reliable calculation can be made of their result'. I can assign a fixed measure of the results to be obtained by the reduction of military expenditure. This reduction can, and ought to be carried, by the end of next year, or soon after, to the full extent required to equalize income and expenditure; and, considering the increased security consequent upon the diminution of the military force, the large proportion of the youth of the country who would be transferred from unproductive to productive labour by that diminution, and the freedom we should have in consequence of the abandonment of the three tax ordinances, for giving our principal attention to administrative improvements, we might safely rely upon the rapid growth of a balance in our favour, owing to the increased yield of the existing taxes.

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Partly owing to its wedgelike shape, but still more to the quiet and industrious character of the majority of its inhabitants, the Madras Presidency may be governed at a remarkably small expense for military protection. There can, therefore, be no doubt that, when we have made the further reductions of military expenditure for which we are preparing, there will be an ample surplus to satisfy the reasonable expectations of the Supreme Government, to carry on our most important public works, and to accomplish the long-desired object of abolishing the remaining portion of the muhtarafa.[1]

3

THE GOVERNMENT OF INDIA TO THE SECRETARY OF STATE,[2] 17 APRIL 1860

In accordance with our expressed intention in our despatch of this day's date, upon the proceedings of the Government of Madras, we propose now to make some remarks upon the grave charges and insinuations contained in the Minute of

[1] See glossary.

[2] Revenue Letters from India, vol. 3. (1860). India Office Library.

His Excellency the Governor of Madras, in respect to the financial measures now before the Legislative Council, the motives by which we were actuated, and the objects we had in view in proposing them.

2. In the first place we are in plain terms charged with 'class legislation', and that in a form to which the Natives of India are naturally most sensitive. In the fourth paragraph of that Minute, it is contended that all the arrangements of our Budget have been made with a view to European interests, to secure popularity '*with the ruling class*', to the disregard of the interests of 'the tens of millions of Natives upon whom these new taxes would be imposed without any such compensation'. In other parts of the Minute, we are reproached with having 'one measure of care for our own interests, and another for those of our Indian fellow-subjects';—and again we are told that 'we ought not to have one rule when we govern ourselves, and another when we govern our Indian fellow-subjects'.

7. The next charge which is preferred against us by Sir Charles Trevelyan, if not in direct terms, yet by the broadest inference, is, that we are imposing taxes for the purpose of redeeming the debt of India. In paragraphs seven and eight of his Minute, there is a studied effort made to prejudice the public mind against our fiscal measures, by showing how undesirable it is to raise taxes for the purpose of paying off a national debt, upon the advantages of which he dilates. To this our reply must be very short. Such a project has never even been thought of by the Government of India, nor, as far as we know, has it ever occurred to anyone but Sir Charles Trevelyan himself. Nor is it easy to assign a reason for so gratuitous and unfounded an assumption. Any Government may indeed congratulate itself when it has the good fortune to exist under circumstances that enable it to perform so honorable an act as reducing the permanent burdens of a country by the redemption of a portion of its debt; but we need not enlarge upon the folly of attempting such an object at a time when we have had to supply a deficit of nearly ten millions in the current year by loans, and when we have a further deficit of six millions and a half staring us in the face during the coming year. No doubt we have shewn that we are burdened with an increase of two millions to the INTEREST of the national debt, for which it is our bounden duty to provide; but it cannot be possible that Sir Charles Trevelyan has confounded the payment of interest with the liquidation of the principal.

9. But the main point in Sir Charles Trevelyan's Minute is a direct inference that, having two courses open to us for re-adjusting the National Balance-Sheet—the one a diminution of expenditure, the other an increase of income by the imposition of new taxes,—we have deliberately adopted the latter, and rejected the former as a mere matter of choice. He draws a contrast between the advantages of the one plan, and the sacrifices of the other, so obvious to any one, that they need not have been stated, unless they were intended as a means of bringing popular odium upon the Government in connexion with the unfounded inference, that we had gratuitously preferred new taxes to reduction of expenditure. And on this erroneous and groundless assumption he strongly deprecates any new taxes,

because 'he has always been of opinion that this financial crisis might be satisfactorily met by reduction of expenditure only, combined with such obvious administrative improvements, whereby both our Civil and Military establishments would be rendered more effective, and the existing taxes would be more fully collected'. Sir Charles Trevelyan's Minute shews that he had carefully studied the financial statement made to the Legislative Council, in which our views were stated in great detail; and it would appear impossible that he should not have observed that the plan of the Government was to rely on the one hand upon a vigorous and unsparing reduction of expenditure, and on the other upon increased sources of revenue to make both ends meet. It was stated that 'we fully admitted that in our endeavours to restore the equilibrium between income and expenditure, our first duty was to use every effort to reduce all expenditure to the lowest point consistent with security and good Government, and to make all those administrative reforms which are so essential in order to secure economy'. And again—'we will do our best to reduce expenditure and to improve administration; but when all that is done, it will not be enough'. According to the best information possessed by the Accountant General and the Financial Department, making allowance for every reduction which had then been decided upon, and for every increase of revenue which had received the sanction of the Legislature, the deficit of the coming year was furnished to us as £6,500,000. Those accounts have again been carefully examined without altering the result. The experience of the past year has not been such as to make us suspect that estimated deficiencies would fall short of the amount stated. We had arrived at the conclusion that it was only by the double aid of great reductions and of considerable increased resources, that it was possible to meet such a deficit.

4

SIR CHARLES WOOD TO LORD LAWRENCE,[1] 31 DECEMBER 1864

But you can ill afford to reduce taxes; and if you come to the conclusion to maintain the Income Tax, I will give you all the support in my power. I have, as perhaps you may know and remember, urged on your predecessors and on Trevelyan and his predecessors, the wisdom of finding some new sources of revenue. I urged something like Harrington's license tax as a possible form. But it is not in my power, or probably in that of anybody without Indian experience to suggest what can be done. I know that all of you feel the difficulty, but what is to be done. I see before me a long vista of increasing expenditure of various kinds and I do not see any corresponding prospect of increased revenue.

I need hardly point this out to you for I know that you are as much alive to the state of the finances as I can be; but I write it, that you may be assured of my concurrence and support in any measure which you think right for keeping down expense wherever it is possible and for increasing your ways and means.

[1] Wood Papers, vol. 19, p. 156. India Office Library. Private letter.

5

SIR CHARLES WOOD TO LORD LAWRENCE,[1] 16 MAY 1865

I have read again your minute and the answer. I adhere to my opinion that you were the only right-minded and sensible man amongst them, and I agree in nearly every word of your minute. I am alarmed at the way in which they talk of increasing the permanent charge by the interest of borrowed money, and I cannot concur in borrowing for barracks, unless additional means are provided by taxation. It is a great deal too bad of the Civilians, landholders and merchants forcing your hand on the Income tax, and trying to shift the load on to the natives in salt, refusing at the same time the export duties. It shows the animus of the Anglo-Indians. I quite agree in the extreme impolicy of the export duties; but their conduct is not creditable; you will have to re-impose the Income tax perhaps under another name next year. I have written a long story to Massey which he will show you. You can get over this year scraping through, one way or another and we can help you to some extent, but you and Massey must look your future position in the face and be prepared for 1866/7 in a very different spirit from what was shown in your Council last month. The condemnation here is universal; I shall see Trevelyan before long, but I don't think that anything he can say will change my opinion. I have talked it over and will do so again with Maine, so that he may be thoroughly imbued with my ideas.

6

THE GOVERNMENT OF INDIA'S RESOLUTION ON PROVINCIAL ASSIGNMENTS,[2] 14 DECEMBER 1870

The Governor General in Council is satisfied that it is desirable to enlarge the powers and responsibility of the Governments of Presidencies and Provinces in respect to the public expenditure in some of the Civil departments.

2. Under the present system, these Governments have little liberty and but few motives for economy in their expenditure: it lies with the Government of India to control the growth of charges to meet which has to raise the revenue. The Local Governments are deeply interested in the welfare of the people confided to their care; and, not knowing the requirements of other parts of the country or of the Empire as a whole, they are liable, in their anxiety for administrative progress, to allow too little weight to fiscal considerations. On the other hand, the Supreme Government, as responsible for the general financial safety, is obliged to reject many demands in themselves deserving of all encouragement, and is not always able to distribute satisfactorily the resources actually available.

3. Thus it happens that the Supreme and Local Governments regard from differ-

[1] Wood Papers, vol. 21, pp. 27–9. India Office Library. Private letter.

[2] *Parl. Papers*, vol. 49 (1871), No. 29. India Office Library.

ent points of view measures involving expenditure; and the division of responsibility being ill-defined, there occur conflicts of opinion injurious to the public service. In order to avoid these conflicts, it is expedient that, as far as possible, the obligation to find the funds necessary for administrative improvements should rest upon the authority whose immediate duty it is to devise such measures.

4. This is the more important, because existing Imperial resources will not suffice for the growing wants of the country. . . .

5. The Supreme Government is not in a position to understand fully local requirements, nor has it the knowledge necessary for the successful development of local resources. Each province has special wants of its own, and may have means for supplying them which could not be appropriated for Imperial purposes. A tax adapted to the circumstances of one part of the country may be distasteful or inapplicable elsewhere; and, everywhere, rates may be proper for provincial or local purposes which could not be taken for the Imperial revenue.

6. These principles are now generally recognised, and important steps have been already taken to develop provincial resources. The Government of Bombay has for some years raised a considerable revenue for local purposes. Important measures to the same intent are under the consideration of the Legislative Council of Madras. The Government of Bengal is maturing a scheme, in accordance with the decision of the Secretary of State, for the levy of a rate for local objects in the Lower Provinces of Bengal. In all the other Provinces of India, provincial revenues have long been raised, and measures for increasing them are now being devised.

7. These measures have been promoted chiefly to provide for urgent administrative wants, the means for which are not otherwise forthcoming. It is inexpedient that the funds so raised should be intercepted, to any considerable extent, for objects the cost of which has been hitherto defrayed from the general revenues, even though such objects be of an admittedly local character. Moreover, the Governor General in Council is not desirous that the demands on the people for provincial purposes should be indefinitely, or too rapidly, increased.

11. The Government of India is accordingly pleased to make over to the Governments, under certain conditions to be presently set forth, the following departments of the administration in which they may be supposed to take special interest; and to grant permanently, from the Imperial revenue, for these services, the sum of 4,688,711 l., being less by 330,801 l. only than the assignments made for the same services in 1870–71:—

Jails
Registration
Police
Education
Medical Services (except '*Medical Establishments*')
Printing
Roads
Miscellaneous Public Improvements
Civil Buildings

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14. The actual permanent Imperial assignments for 'Provincial Services' will be then as follows; all receipts heretofore credited in connection with these services being given up to the Provinces in which they accrue:—

	£
Oudh	206,948
Central Provinces	261,263
Burmah	275,332
Bengal	1,168,592
North Western Provinces	640,792
Punjab	516,221
Madras	739,488
Bombay	880,075
	£4,688,711

16. These assignments will not be classified in the Financial Statement and in the Imperial estimates and accounts, but will appear under a single new head, 'Provincial Services'. . . .

17. Unless some fiscal misfortune, such as heavy loss in the opium revenue, or national disaster, such as war or severe famine, occurs, the Governor General in Council will maintain for the future, the assignments for 'Provincial Services' at the amounts now fixed. They will not, in any case, be reduced without previous consultation with the Governments.

21. The financial control which is thus entrusted to the Local Governments is to be exercised subject to the following conditions:—

I.—Without the previous sanction of the Government of India,—

(1) No appointment is to be created with a salary of more than 250 rupees a month; and no addition is to be made to the pay and allowances of any officer if they exceed, or would after the addition exceed, 250 rupees a month:
(2) No class or grade of officers is to be created or abolished, and the pay of no class or grade of officers is to be raised:
(3) No addition is to be made to the pay or allowances of any individual, or class of officers, that would lead to increase in the emoluments of any public servants doing duty in the same province, whose pay and allowances are charged to the Imperial revenues. The Government of India reserves to itself the right to forbid alterations in rates of pay or allowances, which, in its opinion, would produce inconvenience in other provinces:
(4) No moneys are to be removed from the public treasuries for investment:
(5) No services now rendered to other departments at the charge of the departments made over to the control of the Local Governments are to be diminished, and no services now rendered to these departments at the charge of other departments are to be increased.

II.—The rules of the Supreme Government in respect to leave of absence and absentee, deputation, and superannuation allowances are to be observed.

III.—Returns, Accounts, and Estimates are to be submitted to the Supreme Government in such forms and at such times as may be prescribed.

22. . . . The Governor General in Council believes that it will produce greater care and economy, that it will import an element of certainty into the fiscal system which has hitherto been absent, and that it will lead to more harmony in action and feeling between the Supreme and the Provincial Governments than has heretofore prevailed.

23. But beyond all this, there is a greater and wider object in view. Local interest, supervision, and care are necessary to success in the management of funds devoted to Education, Sanitation, Medical Charity, and Local Public Works. The operation of this Resolution in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institutions, and for the association of Natives and Europeans, to a greater extent than heretofore, in the administration of affairs.

25. The additional powers of financial control which will now be assumed by the Governments must be accompanied by a corresponding increase of administrative responsibility. It is the desire of the Governor General in Council to confine the interference of the Supreme Government in India in the administration of the 'Provincial Services' to what is necessary for the discharge of that responsibility which the Viceroy in Council owes to the Queen and her responsible advisers, and for the purpose of securing adherence to the financial conditions now prescribed, and to the general policy of the Government of India.

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7

LORD MAYO ON THE INCOME TAX BILL,[1] 31 MARCH 1871

I have made from reliable documents a comparative statement of the incidence of Imperial taxation in India, and in some European States, England excluded. I have deducted from the resources of the Indian Empire all those sources of revenue which cannot strictly be called taxation. I have deducted land revenue for the reason that it is not taxation, but is that share of the profits of the land which the Government, in its character of chief proprietor, has from time immemorial deemed its right to demand. The opium revenue is excluded, because no one in India pays it. I have also deducted contributions from Native States, the receipts received in the Army, Postal, Telegraph, and all the Spending Departments. The result is, that the revenue received from taxation proper in India amounts to 14¼ millions from a population of 150 millions, which gives a result of 1s. 10d. per head per

[1] India Legislative Proceedings, 1871, vol. 709, App. G., p. 386. India Office Library.

year. I have followed the same investigation with regard to five European States, some of which are not the richest, and I find that while Indian taxation is but 1s. 10d. per head per year, the subjects of the Sultan are paying 7s. 9d., those of the Emperor of Russia, 12s. 2d.; the inhabitants of Spain, 18s. 5d.; Austria, 19s. 7d.; and Italy, 17s. It must be remembered however that a shilling bears a larger proportion to the income of a laborer in India than to that of a laborer in any of the countries mentioned, but still there is no such difference between the value of labor here and in Europe as is represented by the difference of taxations that I have described. Notwithstanding, the financial credit of our empire is far better than that of any of those States to which I have referred. I have mentioned these facts to show that the term 'crushing taxation' is wholly inapplicable to the countries subject to the authority of the Government of India. At the same time I am far from saying that this happy state is not right. I believe it is. The greatest security to Government is given by the feeling entertained by the people that they are lightly taxed. And by avoiding as much as possible additions to the burdens of those who contribute to the interests of the State, we add much to the safety of our rule.

8

LORD NAPIER'S MINUTE ON THE SCHEME OF PROVINCIAL ASSIGNMENTS,[1] 3 MAY 1872

The institution of fixed provincial assignments in several of the civil departments of Government was a positive and fruitful benefit to the Government of India and to the subordinate Governments. The former was relieved of onerous duties, incessant claims, and vexatious conflicts, without the sacrifice of superior control; the latter were invested with new prerogatives which directly or indirectly prompted or enabled, them to prosecute, with increased interest and confidence, many useful improvements regarding roads, popular education, sanitation, the diffusion of medical relief, discipline and labor in jails, civil buildings, local administration, and the like; while, at the same time, they were stimulated to economy and were placed in more honorable and harmonious relations with the supreme power.

The measure of success which has attended this project, contemplated in some shape or other by the Government of Sir John Lawrence, but first defined and carried out by the Earl of Mayo, may be regarded as satisfactory. The object of my present remarks is to point out how that success may be confirmed and expanded.

The plan followed by the Government of India in the introduction of fixed provincial assignments was practical and prudent at the time; but it involved some injustice, and it is susceptible of development.

In fixing the amount of these assignments, the Government of India simply

[1] Temple Collection, Eur. MSS. F86, E104. India Office Library. Napier was Military member of Council 1861–65, C.-in-C., India, 1870–76.

accepted the financial basis as it stood at the moment. They gave to each province the amount of appropriation which it received in the previous year, making, for the purpose of imperial economy, a small deduction from all. This settlement had the advantage of eluding opposition and securing promptitude; it avoided all thorny discussions: the Governments which had been favored before were favored still; the Governments which had been unfairly apportioned were not proportionally worse off than they were before; they were anxious to secure a real, though imperfect, benefit; they were not excluded from the hope of future increase. Rather than imperil a good scheme by pertinaceous controversy, they maintained a prudent, I might say a patriotic, silence; but this silence could not be maintained for ever.

The appropriations of imperial revenue, under the heads of expenditure now included in the category of provincial services, before the institution of the new system, were in some degree unsettled and arbitrary. They had been made without much reference to the revenues or the population of the provinces concerned. Some parts of the Empire had been more advanced, intelligent, ambitious, and clamorous, than others; they got much because they asked much; and it must be allowed that in some respects they deserved what they got. Other parts of the country were rude, backward or lately reduced to submission; they got much because they needed much, because they had a claim on the fostering care of the Government of India, which recognises that conquest has its duties as well as its rights: nor were perhaps the reminiscences and attachments of men in power without influence.

I do not wish to dwell upon matters which might raise dispute. Whatever were the causes at work the result is patent to all: the re-partition of imperial revenues was unequal, and, in my humble judgment, even then unjustifiably unequal.

9

LORD LYTTON TO LORD HAMILTON,[1] 22 JANUARY 1877

Strachey has explained his financial scheme to Council; and I am now in a position to promise that the three main chapters of our next budget will be :—

I.—Extension of provincial assignments from items of expenditure to sources of income. Decentralisation of public works, and increased powers of taxation to local Governments. This will afford an immediate relief of one million per annum to the Imperial Treasury, and avert the necessity of stopping important works.
II.—Abolition of the salt cordon, and equalisation of the salt duties, which will be slightly raised in Madras and Bombay, under conditions ensuring the consumer against any enhancement in the market price of salt, and simultaneously lowered

[1] Lytton Papers, Eur. MSS. E218, vol. II, pp. 52–3. India Office Library. Private letter. Hamilton was Under-Secretary of State for India, 1874–78.

throughout all the rest of India, with a pledge to reduce duty considerably over the whole area of consumption at the earliest, practicable date.

III.—Immediate reduction of the import duties on cotton by one per cent. all round, with a pledge for their abolition by continuous reduction within a fixed period. General purgation of the import tariff.

10

THE GOVERNMENT OF INDIA'S FINANCIAL RESOLUTION,[1] 30 SEPTEMBER 1881

4. In the first place, it is now proposed to apply to the whole of India the principle upon which the most recent settlement, namely, that with Burma in 1879, was framed. That principle is that, instead of giving Local Governments a fixed sum of money to make good any excess of provincialised expenditure over provincialised receipts, a certain proportion of the Imperial revenue of each Province should be devoted to this object. Certain heads, as few in number as possible, are wholly or with minute local exceptions only, reserved as Imperial; others are divided, in proportions for the most part equal, between Imperial and Provincial; the rest are wholly or with minute local exceptions only, made Provincial. The balance of transfers being against the Local Governments, is rectified for each Province by a fixed percentage on its Land Revenue (otherwise reserved as Imperial), except in Burma where the percentage is extended to the Imperial rice export duty and salt revenue also. The advantage of this system over that which now generally prevails is, that the Provincial Governments will be given a direct interest, not only in the provincialised revenue, but also in the most important item of Imperial revenue raised within their own Province.

7. The question of relief to be afforded on the occasion of severe famine presents considerable difficulties. It has been suggested that each Local Government should be held responsible for a fixed share of any expenditure incurred on famine relief, and that exceptional cases may be left for exceptional treatment at the time. To this course the objections are that any fixed share of the expenditure will always be either too much or too little, and that a time of actual famine is a bad time for driving bargains and defining responsibilities. It is obvious that the Provincial Government ought to have a direct interest in keeping down relief expenditure, and equally so that a Provincial Government, emerging from a great famine, after exhausting all its resources, cannot be saddled with a further liability for interest on Imperial famine expenditure, and will even be crippled in its ordinary administration for many years to come. The real question seems to be, how far should Provincial resources be depleted before Imperial aid steps in.

11. . . . the time has now arrived when further practical development may be afforded to the intentions of Lord Mayo's government, and that the Provincial agreements should no longer exclude from all consideration the mass of taxation

[1] *Parl. Papers*, vol. 51 (1883), Paper No. 93. India Office Library.

under Local and Municipal management, together with the similar resources still retained in Provincial control, and ignore the question of local self-government. The Provincial Governments, while being now largely endowed from Imperial sources, may well, in their turn, hand over to local self-government considerable revenues, at present kept in their own hands, but similar in kind to many which have long been 'locally' managed with success by Committees, partly composed of non-official members, and subject only to a general remedial control reserved to the State by the legislature. At the same time, such items should be generally made Local as the people are most likely to be able to understand the use of and to administer well. His Excellency would, therefore, invite the Local Governments to undertake a careful scrutiny of Provincial, Local, and Municipal accounts, with the view of ascertaining (1) what items of receipt and charge can be transferred from 'Provincial' to 'Local' heads, for administration by Committees comprising non-official, and, wherever possible, elected members, and what items already 'Local' but not so administered, might suitably be so: (2) what redistribution of items is desirable in order to lay on Local and Municipal bodies those which are best understood and appreciated by the people; (3) what measures, legislative or otherwise, are necessary to ensure more local self-government. Incidentally to the scrutiny they will probably notice, and might carefully consider (4) ways of equalising local and municipal taxation throughout the Empire, checking severe or unsuitable imposts, and favouring forms most in accordance with popular opinion or sentiment. The Government of India have already made some preliminary inquiries in the same direction, the results of which will shortly be communicated to the several Local Governments for consideration in conjunction with their own.

14. The Imperial Government will, henceforth, claim no share in the revenue from Provincial Rates, which will be appropriated wholly by the Local Governments.

15. The Medical Establishments have not hitherto been included in the provincial services, except in the case of Bombay and British Burma, because their cost is not immediately within the control of the Local Governments. But experience shows that these items are subject to little fluctuation; and it seems simpler and better now to include them in the provincial allotments. The Ecclesiastical Establishments are, to some extent, in a similar position, but it appears desirable, for various reasons, that they should, for the present, be provincially administered outside the new arrangements, on the fixed allotment system.

17. Railways Irrigation and Navigation, and other Public Works.—The extent to which these works have up to the present time been provincialised is shown below. Under the arrangements now in force, each Local Government bears, as a provincial charge, interest on the whole imperial part of the capital cost of every such work in its jurisdiction, of which capital and revenue accounts are kept, whether such cost has been recorded under 38 Productive Public Works or under some other ordinary head, and is entirely responsible for its construction and administration. The connexion of the Government of India with such works is

confined to the enforcement of the rules and tests prescribed by itself or the Secretary of State, and to the provision of the funds required from the Imperial

* In thousands of rupees	Railways, miles	Irrigation works, gross including indirect revenue
Now provincialised	1,181	60,83
Now imperial	2,463	2,35,48
Total	3,644	2,96,31

Treasury under the head of Productive Public Works. The Local Governments do not, of course, pay interest upon any part of the capital cost of such works which has been provided from Provincial Revenues, or by means of Local Debenture Loans the interest on which is a Provincial change.

18. Since the time, however, when the arrangements just described were matured, Public Works Policy and prospects have altered most materially. The 'Famine Relief and Insurance' annual allotment has been permanently fixed, the invocation of private enterprise is producing a response the limits and effects of which no one can now foresee, and the resources of the Empire for public works will require manipulation, as a whole, from new standpoints, and for the attainment of hitherto uncontemplated ends. Under these circumstances, it seems to be unwise, and might prove to be improvident, to stereotype, much more to alter hastily the *status quo*. Irrigation works will, probably, still be constructed almost entirely by the State, in which case provincialisation may still be freely pursued; but as regards railways, the future is altogether uncertain. The Governor General in Council desires to make the administration of all these services as far as possible Provincial, but is unable, for the reason explained, to give more than a general declaration of intention to provincialise hereafter every work which, on mature consideration, proves suitable for such treatment. Existing provincialisations will not be now interfered with, but should be considered to be provisional only.

21. The views of the Local Governments on this Resolution should reach the Government of India as early as possible. The object being simplicity and uniformity combined with a complete development of the policy that it is expedient that a Local Government should possess a substantial independent interest in the improvement of the revenues which it collects, and the restriction of the expenditure which it incurs, the Governor General in Council anticipates the cordial co-operation of the Local Governments in this measure, and is confident that objections thereto will not be made inconsiderately.

11

QUASI-PERMANENT SETTLEMENT OF PROVINCIAL FINANCE,[1] 30 OCTOBER 1902

4. We are however satisfied that the present arrangements are both susceptible of reform and in urgent need of it. The system of five-year settlements dates from 1877. Its object, in so far as this was financial and not administrative, was to give to each Local Government the maximum of interest in the development of its revenue by securing to it the fruits of its management, and by allowing it entire freedom (subject to well-understood limitations) to expend the funds created by itself on those objects which it had most at heart and of whose importance it was ordinarily the best judge. Another important aim, arising out of the above, was to terminate the scramble for funds and the unseemly wrangling between the Imperial and Provincial Governments which constantly ensued when the Government of India retained all financial responsibility and the whole resources of the public exchequer in its own hands. That great improvement has been effected in both directions has often been acknowledged. But the arrangements are nevertheless far from perfect. The scramble for funds no longer occurs all the year round, as was formerly the case, but it is renewed at periodical intervals of five years. The discussions at each quinquennial revision of the settlements are becoming more prolonged and less harmonious, because the issues are felt to be more important than formerly, and the controversies which have thus on some occasions been engendered between the Government of India and certain of the Provincial Governments are both regrettable and the reverse of conducive to the interests of good administration.

5. But a still more serious evil is that the present system, while it does encourage Local Governments to improve their revenues, is not only not conducive to economy but may not unfairly be said even to set a premium on extravagance. It has been described as a system of five-year budgets: and this definition indicates the root of the evil. Each Local Government is supposed to be free to enjoy the fruits of its economy or of the successful nursing of its revenues. But in practice its term of enjoyment is limited to five years, or more correctly, to the last two or three years of the term of settlement, for during the earlier years it has usually little margin to spend. It is therefore under constant temptation to spend its money not on carefully matured schemes of well thought out improvement, but on such as can be carried through before the close of the settlement, in order to leave as small a balance as possible for resumption at the impending revision. Money thus hastily spent is seldom laid out to the best advantage. Moreover as the assignments at each new revision are usually based on the actual scale of expenditure prevailing at the time of revision, it is clearly to the advantage of a Province that its scale towards the close of the term should be high, rather than moderate or low.

[1] Financial Letters from Government of India to Secretary of State, 1902, vol. 206, No. 318 of 1902. India Office Library.

6. Another imperfection in the present system is that the apportionment of revenue to the various Provinces has never been made on any definite or logical principle. The practice has been to adopt as the basis of a settlement the actual expenditure of each Province, according to the figures of the latest year available, applying to them such modifications as seemed requisite in order to eliminate any abnormal features either of excess or deficit, and to allot a share of revenue calculated so as exactly to cover the expenditure thus adjusted.

This arrangement has proved a fruitful source of misapprehension and complaint on the part of the Local Governments. It has been argued that no adequate allowance has ordinarily been made for provincial needs: that a Province which once started with an unfavourable settlement is condemned to suffer from it for ever: and that the expenditure of those Provinces in which traditions of economy have prevailed has been stereotyped at a lower standard than in others which have been administered on a more liberal scale.

7. While we do not admit that the actual operation of the present system has in practice resulted in any very material inequality of treatment, we regard it as eminently desirable that the principles on which the Provincial assignments are fixed should be not merely equitable in fact, but readily intelligible in form, and should lend no colour to exaggerated statements, based on imperfect information, regarding the unfair treatment of one Province as compared with another.

8. In our opinion, these defects can be most effectually removed (1) by giving to the Local Governments a permanent, in place of a merely temporary interest in the revenue and expenditure under their control, and (2) by establishing a basis for the fixing of Provincial assignments in accordance with certain broad and simple principles which, with their qualifications, are set forth below. It is to these two measures that we now invite Your Lordship's approval.

9. With reference to the first of them, it is desirable to explain our intention with some precision. In all the settlements now existing, it is a well-understood condition that the Government of India reserves the power, in case of necessity, to revise and modify the assignment of any Province during the term of the settlement. This power has been exercised on several occasions, sometimes in favour of the Local Governments, and sometimes against them. Its necessity is fully recognised and acquiesced in by the heads of the various Provincial administrations, and it is thoroughly established as an essential concomitant of financial decentralization. In now proposing to frame future settlements, on new principles, and without any fixed period of duration, it is our intention to affirm in the clearest manner that the Government of India reserves to itself, as the final authority in India responsible for the finances and administration of the country, the power to revise the settlement of any or all Provinces at any time, whenever necessity shall demand it. We shall at the same time declare our intention only to exercise this power when the variations from the initial relative standard of revenue and expenditure in any Province have, over a substantial term of years, been so great as to result in unfairness either to the Province itself, to other Provinces, or to the Government of

India; or in the event of the Government of India being confronted with the alternatives of either imposing additional taxation or of seeking assistance from the Provinces. We do not propose to apply any rigid arithmetical test to variations from the initial standard, since we believe it to be impossible to devise any test of this nature which, if rigidly applied, would not be liable to yield inconvenient and inequitable results. But, as will be seen from paragraph 17 below,[1] we shall utilize a parallel test of this nature, when it may be found expedient to institute a comparison between the progress of the Imperial and the Provincial shares of revenue.

10. The advantages to be gained from giving a qualified permanence to the Provincial settlements will be sufficiently manifest from what has been said in paragraphs 4 and 5 of this Despatch. The periodical discussions which attend the quinquennial revision will either disappear once for all, or at least be confined to rare occasions. No Local Government will be under any inducement to expend its resources in haste and without due forethought, in order to avoid their resumption or curtailment in favour of the Imperial exchequer. The fruits of their good management will be secured to them with a desirable approach to permanence, instead of for a short term of years. And their financial independence will be as real and complete as is compatible with the fundamental relations subsisting between them and the Imperial Government. In particular it will be possible for them to guarantee from Provincial revenues the funds required for the construction of local or Provincial light railways, which are of such urgent importance for the development of the country. Under the present arrangement of short-term settlements any such guarantee would be illusory, and none are permitted.

11. We have given careful attention to the question whether the greater measure of permanence which we propose involves the risk of surrendering to Provincial Governments a larger share of revenue than we can afford. But we do not believe that any such danger will be incurred. In the first place, it is our intention to introduce the new system with extreme caution, and to err, if at all, on the side of assigning to Provincial too little rather than too much; in the hope that if any future revision should anywhere be found necessary it may be in the direction of increasing the Provincial assignments and not of reducing them. Secondly, if our anticipations should not be realized, and if the share of revenue reserved as Imperial should hereafter be found incommensurate with the demands upon it, we shall still retain the right and the power to effect such readjustment as may be necessary, at any time. Our hands will indeed be even freer than they are at present, for we shall be under no obligation to wait for the expiry of any particular term, or to extend our revision to any wider area than may be required by the necessities of the case. We shall lose no faculty which we already possess, whereas the Provincial Governments will gain enormously by the greater security accorded to them.

12. We now turn to the general principles on which it is proposed that the new settlements shall be framed. The method that we advocate is as follows. Firstly,

[1] Omitted.

it is proposed that when any head of revenue is divided between Imperial and Provincial in any proportion, the corresponding head of expenditure shall be divided in the same proportion. Secondly, we shall determine which items of expenditure should be Provincial in each Province, and which Imperial. This division will in the main follow the existing practice, though it is in contemplation to introduce some changes, of which the most important is that Land Revenue shall be a divided and not a wholly Provincial head of expenditure. Having determined the aggregate of the two groups of totals of Provincial and Imperial expenditure, and ascertained the proportions which they bear to each other, we then propose to divide the whole revenue between Imperial and Provincial in approximately the same proportions. In making this division, however, it will first be necessary to make allowance for those items of revenue which are wholly Provincial or wholly Imperial, as the case may be, and which it is necessary or desirable to keep so. Instances of these are Provincial Rates on the one hand, and Opium, Salt, Customs and Tributes on the other. Due allowance will be made for the receipts and charges of the Home Treasury, which will, of course, continue to be wholly Imperial. The excess of provincialized expenditure over provincialized revenue will be covered, as at present, by fixed assignments from Imperial to Provincial. These will approximately correspond, in the Provincial budgets, to the wholly Imperial heads of Opium, Salt, Customs and Tributes, the aggregate net revenue from which has increased from 1895–96 to 1901–02 by only 2 per cent. and may be regarded as nearly though not quite stationary under existing conditions. Finally, it is a feature of our plan that in no case shall a smaller share than one-fourth of any divided head of revenue be made Provincial, that proportion being the least which, in our judgment, gives a Local Government an effective interest in its development.

13. By this method we hope to place each Province separately, and all the Provinces taken together, in possession of a share of growing revenues which bears the same proportion to the Provincial expenditure as the Imperial share of growing revenues bears to the Imperial expenditure. This principle appears to us to be logical, equitable, and capable of being readily understood. It should go a long way to negative the apprehension that one Province is favoured at the expense of another, or that the Provinces as a whole are placed under undue restrictions in favour of the Imperial Government.

12

THE GOVERNMENT OF INDIA ON PROVINCIAL SETTLEMENTS,[1] MARCH 1904

209. . . . These quinquennial revisions have usually, though not invariably, resulted in the resumption of a certain amount of revenue for Imperial purposes. When the settlement of 1877 was made, a total retrenchment of 40 lakhs was enforced; in 1882 the finances were in a prosperous condition and the Imperial

[1] *Indian Financial Statement* (1904–5), pp. 66–7. *Parl. Papers*, No. 193. India Office Library.

Government surrendered an additional 26 lakhs net; in 1887 they resumed 64 lakhs; and in 1892, 46 lakhs. The last revision, made in 1897, affect little change in the aggregate, increases to some Provinces being almost exactly counterbalanced by resumptions from others.

210. The system is marred by several grave defects:—

(1) The periodical revisions interfere with the continuity of Provincial finance, and each revision involves a protracted and sometimes controversial discussion with the Local Governments.

(2) A still more serious evil is that the system tends to encourage extravagance rather than economy. 'It has been described as a system of five-year budgets: and this definition indicates the root of the evil. Each Local Government is supposed to be free to enjoy the fruits of its economy, or of the successful nursing of its revenues. But in practice its term of enjoyment is limited to five years, or more correctly, to the last two or three years of the term of settlement, for during the earlier years it has usually little margin to spend. It is therefore under constant temptation to spend its money, not on carefully matured schemes of well thought-out improvement, but on such as can be carried through before the close of the settlement, in order to leave as small a balance as possible for resumption at the impending revision.'

(3) The apportionment of revenue to the several Provinces has never been made on any definite or logical principle.

211. To remove these defects, and in particular to introduce an element of relative permanence into the settlements, the following arrangement has been made. Firstly, it has been decided to give the Local Governments a permanent, instead of a merely temporary interest in the revenue and expenditure under their control. Secondly, the assignments to the Local Governments will include a slightly smaller share of growing revenues. Thirdly, this share has been calculated so that each Province separately, and all the Provinces taken together, shall be placed in possession of an amount of growing revenues which bears approximately the same proportion to the Provincial expenditure as the Imperial share of growing revenues bears to Imperial expenditure. With some small exceptions the actual heads of revenue which are either Imperial, Provincial, or divided, have been left unchanged, but the Provincial shares of the divided heads have been altered in accordance with the principle stated above. When any head of revenue is divided between Imperial and Provincial, the corresponding head of expenditure has ordinarily been divided in the same proportion.

213. It is intended that the settlements thus made shall be permanent, in the sense that they shall not be subject to revision at the end of fixed periods. The Government of India necessarily reserves to itself, as the final authority in India responsible for the finances and administration of the country, the power to revise the settlement of any or all Provinces at any time whenever necessity may demand it. It is however the intention of Government only to exercise this power when the

variations from the initial relative standards of revenue and expenditure in any Province have, over a substantial term of years, been so great as to result in unfairness either to the Province itself, to other Provinces, or to the Government of India; or in the event of the Government of India being confronted with the alternatives of either imposing additional taxation or of seeking assistance from the Provinces.

214. For the present, the scheme has been applied to four Provinces, *viz.*, Bengal, Madras, Assam, and the United Provinces. In the ensuing year it is proposed to extend it to Bombay and the Punjab, and possibly also to the Central Provinces.

. . . . . .

13

PROVINCIAL FINANCE,[1] 1909

69. The chief valid grievance underlying all these suggestions seems to be that, in some Provinces, fixed assignments from the Government of India tend to increase disproportionately, and to put the Province in a worse position, pro tanto, than if it had a corresponding amount of growing revenue to meet its inevitably growing expenditure. We think, however, that this difficulty can be satisfactorily met by occasional revisions of settlement which would give such a Province a larger share of growing revenue. A revision of this description has, indeed, lately been effected in the settlement made with Madras. There is, no doubt, an advantage in making the Provincial shares of divided heads as uniform as possible throughout India, and providing for differences by lump contributions; but this may be outweighed, in particular instances, by the disadvantage of a large fixed assignment. The Government of India should retain the authority, which we understand they at present possess, to effect such modifications in consultation with the Provincial Government concerned.

71. Accordingly, our conclusion is that it would be undesirable to make any sudden and violent change in the present system of divided heads, but, as already stated, we advocate the conversion of unduly large fixed assignments into shares of growing revenue. Moreover, it seems clear that, as the financial position permits, the resources of Provincial Governments will need to be increased, to provide for the expansion and improvement of local services. It may be, also, that the scope of Provincial financial responsibility will be directly expanded, e.g., irrigation might be made a more entirely Provincial item than it is at present. This increase of regular Provincial revenues should, in our opinion, be met by gradually provincializing heads of revenue which are now divided, and for which the Provincial Governments must always be specially responsible, such as forests or excise.

The high authority of Sir David Barbour may, it is true, be quoted in support of the thesis that a Province with a population of many millions is important

[1] *Report of Decentralization Commission*, Cd. 4360, pp. 33–44.

enough to possess a financial system of its own. In theory that is true, but we are of opinion that present circumstances render the full application of this theory impracticable; and the objection to shared revenues which appears to have been mainly present to Sir David Barbour's mind, viz., the want of any assurance that revenues assigned to the Local Governments would be of a permanent character, has been met by the present quasi-permanent settlements.

87. While, therefore, Imperial and Provincial finance remain as closely intertwined as at present, it is essential that the estimates of the Local Governments should be incorporated in the Imperial Budget, and be subject to revision by the predominant partner.

If, however, Provincial Legislatures are given an effective share in the control of Provincial finance, that, as we have already observed, would render it desirable to give the Provinces more distinct sources of revenue, and concomitantly, more final powers over their Budgets. In such an event it would, no doubt, be necessary for the Government of India to frame their own independent estimates for general ways and means purposes. Even then, however, we think that the Provincial figures should continue to appear in the Imperial Budget, so that the latter may afford information as to the collective resources of the Indian Governments, and as to the manner in which these are to be applied. The Government of India should also retain a general power of control over the Provincial estimates.

99. But should a larger degree of separation be hereafter effected between Imperial and Provincial finance, following upon a more effective control over the Provincial finances by Legislative Councils which would in some measure represent the taxpayers, it would no doubt become practicable, and probably necessary to allow local Governments which desired to increase their scale of expenditure, the means for doing so by levying special Provincial taxation. Even then, however, the special sanction of the Government of India and of the Secretary of State to any such taxation should be requisite, since it would involve legislation, and might raise important political issues or trench upon the sphere of Imperial (Government of India) finance.

14

FINANCIAL DEVOLUTION,[1] 1918

200. We saw in Chapter V. that there was not a little spadework to be done before the way lay open for reconstruction to begin. Above all, we saw that the existing financial relations between the central and provincial Governments must be changed if the popular principle in government is to have fair play in the provinces. The present settlements by which the Indian and Provincial Governments share the proceeds of certain heads of revenues are based primarily on the estimated needs of the provinces, and the Government of India disposes of the surplus. This system necessarily involves control and interference by the Indian

[1] Report on Indian Constitutional Reforms, Cd. 8109, pp. 164–70.

Government in provincial matters. An arrangement, which has on the whole worked successfully between two official Governments, would be quite impossible between a popular and an official Government. Our first aim has therefore been to find some means of entirely separating the resources of the central and provincial Governments.

201. We start with a change of standpoint. If provincial autonomy is to mean anything real, clearly the provinces must not be dependent on the Indian Government for the means of provincial development. Existing settlements do indeed provide for ordinary growth of expenditure, but for any large and costly innovations provincial Governments depend on doles out of the Indian surplus. Our idea is that an estimate should first be made of the scale of expenditure required for the upkeep and development of the services which clearly appertain to the Indian sphere; that resources with which to meet this expenditure should be secured to the Indian Government; and that all other revenues should then be handed over to the provincial Governments, which will thenceforth be held wholly responsible for the development of all provincial services. This, however, merely means that the existing resources will be distributed on a different basis, and does not get over the difficulty of giving to the central and provincial Governments entirely separate resources. Let us see how this is to be done.

205. When all sources of revenue have been completely distributed as we propose, there will be a large deficit in the Government of India's budget. One way of meeting it would be to maintain the basis of the present settlements, but to allot to the Government of India a certain proportion of growing revenue instead of its share of the divided heads. But this device would stereotype all the existing inequalities between the provinces which by reason of the permanent settlement in some of them are considerable; while it would also introduce an element of great uncertainty into the Indian Government's finance. A second suggestion was that we should take an all-round contribution on a per capita basis. But this expedient also would not obviate very undesirable variations between provinces in the rate of levy owing to the inequality of provincial resources and of provincial needs. A third plan was to take an all-round percentage contribution based on gross provincial revenue. This is open, inter alia, to the objection that it would leave several of the provinces with large deficits. Fourthly we considered but rejected the proposal that provinces which had a surplus should temporarily help others as being cumbrous and impracticable.

206. From our examination of these proposals we came to certain broad conclusions. We agreed that in fixing contributions it was undesirable and unnecessary to pay regard to the growing revenues of the provinces. We agreed also that the contributions should be of fixed amounts. We saw that equality of contribution was impracticable, because we have not a clean slate. In spite of the variations in income which result from the permanent settlement in some areas, stereotyped scales of expenditure have grown up, which make it useless to attempt any theoretic calculation on which a uniform contribution from the provinces could be based,

such as an equal percentage of revenues or a contribution fixed on a population basis. This led us to look for some plan which would fit more closely into the existing facts.

Starting with an estimate (based on the budget figures for 1917–18 subject to some adjustments) of the gross revenue of all provinces when all divided heads have been abolished, and deducting therefrom an estimate of the normal expenditure of all provinces, including provision for expenditure on famine relief and protective irrigation, we arrived at R.1564 lakhs as the gross provincial surplus. The deficit in the Government of India's budget was R.1363 lakhs. This left R.201 lakhs, or about 13 per cent of the total gross surplus as the nett surplus available to the provinces. We would propose to assess the contribution from each province to the Government of India as a percentage of the difference between the gross provincial revenue and the gross provincial expenditure. On the basis of the figures which we have taken this percentage would be 87. The contributions to the Government of India would form the first charge upon the provincial revenues. The way in which our plan would work out in practice can be gathered from the following figures:—

Province	Gross provincial revenue	Gross provincial expenditure	Gross provincial surplus	Contribution (87 per cent. of col. 4)	Nett provincial surplus
1	2	3	4	5	6
Madras . . .	13,31	8,40	4,91	4,28	63
Bombay . . .	10,01	9,00	1,01	88	13
Bengal . . .	7,54	6,75	79	69	10
United Provinces .	11,22	7,47	3,75	3,27	48
Punjab . . .	8,64	6,14	2,50	2,18	32
Burma . . .	7,69	6,08	1,61	1,40	21
Bihar and Orissa .	4,04	3,59	45	39	6
Central Provinces .	4,12	3,71	41	36	5
Assam . . .	1,71	1,50	21	18	3
Total . .	68,28	52,64	15,64	13,63	2,01

N.B. The Punjab figures in column 5 should be reduced and those in column 6 raised by 3½ lakhs in each case to allow for the continued compensation which the province is entitled to receive for the cession of a crore of its balances to the Government of India in 1914. We recognise, of course, that the objection will be taken that some provinces even under this plan will bear a very much heavier proportion of the cost of the Indian Government than others. Madras and the United Provinces will be paying 47.4 per cent. and 41.1 per cent. of their remaining revenues to the Government of India, while Bengal and Bombay are paying only 10.1 per cent. and 9.6 per cent. respectively. Our answer is that the objection is one that applies to existing inequalities which we admit that our scheme fails for the present to remove. It merely continues the disparity which is at present masked by the system of divided heads. But the immediate settlement proposed improves the position of the provinces as a whole by upwards of one million sterling. It is not intended to be of a final nature; and when revenues

develop and a revision takes place under normal conditions an opportunity will arise for smoothing out inequalities. We have already mentioned at the beginning of this part of our report that our proposals generally do not relate to the minor administrations. Their financial transactions are classified as All-Indian; and with them separate arrangements must continue.

15

LONDON NEGOTIATIONS RELATING TO STERLING BALANCES,[1] 15 JULY 1948

I am glad to have this opportunity to explain the terms and implications of the agreements which were reached in London between the British Government and the Government of India as a result of the deputation to the United Kingdom of a delegation, which I had the honour to lead. On a previous occasion at the Press Conference held on the 22nd August, 1947, I explained the genesis and the nature of the Sterling Balances. It would be useful to recapitulate this briefly so that you might understand the background of the negotiations. India has always held sterling in the United Kingdom as part of her currency reserve. The pattern of our trade and our balance of payment position necessitated in the past the maintenance of a certain amount of our resources in sterling. Under the Reserve Bank of India Act not less than two-fifths of the total assets of the Bank should consist of gold, bullion and sterling securities. Under provision even before the war the Reserve Bank always held sterling balances of varying amounts. The amount that was thus held immediately before the war was about 48 million pounds (Rs. 64 crores). The Sterling Balances of India at the time of the commencement of our London negotiations were about £1,160 million (Rs. 1,547 crores). Large accumulations of Sterling Balances occurred during the war as a result of the various financial and commercial transactions. The principal sources of accumulations were the re-imbursements in sterling to the Government of India by the United Kingdom Government for the purchase of stores and other materials from India and certain other expenditure incurred by us on account of the U.K. Government and the Governments of Allied Nations. A section of the Reserve Bank Act which imposed on the Bank the obligation to buy sterling to an unlimited extent was utilised for such purposes. The payments in sterling which were made by the British Government for meeting their share of war time expenditure were handed over by the Government of India to the Reserve Bank in exchange for rupees. The sterling thus became the property of the Reserve Bank and has been invested or deposited with the Bank of England. It is thus clear, as I have pointed out on previous occasions, that our Sterling Balances do not represent an inter-governmental war debt in any sense of the term. They are the aggregate of sums received in final settlement of a number of transactions in accordance with agreed financial and other arrangements for the prosecution of the war and the sharing of its burdens.

[1] Statement by R. K. Shanmukham Chetty, Minister for Finance, at a press conference held on 15 July 1948. *Sterling Balances; A Review of the Discussions held with the Representatives of the U.K. Govt.*, pp. 67–73.

It should be noted that over and above the expenditure incurred by India which was recoverable from the United Kingdom Government and the allied Governments India incurred enormous expenditure on her own account during the war.

(*b*) Tariff policy, 1858–1947

1

SECRETARY OF STATE TO THE GOVERNOR GENERAL IN COUNCIL,[1] 11 NOVEMBER 1875

9. In my Despatches noted on the margin, your Excellency has already been informed that the import duty on cotton manufactures should, in the opinion of Her Majesty's Government, be removed, whenever the condition of your revenues shall enable you to part with it. On general principle it is liable to objection, as impeding the importation of an article of first necessity, and as tending to operate as a protective duty in favour of a Native manufacture. It is thus inconsistent with the policy which Parliament, after very mature deliberation, has sanctioned, and which, on that account, it is not open to Her Majesty's Government to allow to be set aside, without special cause, in any part of the Empire under their direct control. Financial exigency may be a just ground for maintaining a duty which cannot be reconciled with the general policy of this country; but the large remissions you have made in other import duties, affecting articles of a less primary importance, have impaired the validity of this plea.

10. In the presence of other causes operating more powerfully upon the cotton trade, the effect of the duty at the present moment in artificially raising the price of cotton goods cannot be accurately estimated. But it has other effects, of which the evil is palpable, and tends to increase. It offers a false encouragement to the Indian manufacturer, which tends to divert him from the efforts by which his success can alone permanently be secured; and it places two manufacturing communities, upon whose well-being the prosperity of the Empire largely depends, in a position not only of competition, but of political hostility to each other. The Indian industry is growing in strength by the help of resources which fiscal legislation cannot affect. The abolition or reduction of the duty will not injure it, though passing apprehensions may be excited by such a measure. The impost is too much at variance with the declared policy of this country to be permanently upheld; but if the task of dealing with it be long postponed, it will be the subject of controversy between interests far more powerful and embittered than those that are contending over it at the present time. On these grounds, I am of opinion that the recent opportunity, when you had resources available for the reduction of import duties, should have been taken for reducing this duty, with a view to its ultimate abolition.

[1] Lytton Papers, Eur MSS. E 218, No. 6. India Office Library.

11. The Act of the 5th August contains a provision the object of which is not perfectly clear, but which appears to have been introduced in some sense as a substitute for the reduction of the duty on cotton goods. The import duty of 5 per cent. upon raw cotton is intended apparently as a protection to the English industry against competition in the finer articles of manufacture. Undoubtedly it is one of the inconveniences of the impost on cotton goods that it appears to give to the English manufacturer a claim for a compensating duty on raw material. But the advantage thus given to him would be purchased at the cost of great and unjust detriment to the prospects of the Native manufacturer.

12. It is true, as your Excellency notices, that at present the competition of the Indian industry with the English is principally felt in respect to the coarser fabrics. This is a characteristic which might be expected to mark an undeveloped industry. It is probable that, as time goes on, the capital and skill of the Indian manufacturer will increase, and that he will employ it in the attempts to widen the field of his enterprise. How far his proximity to his market, and the cheapness of his labour, will enable him to work with a foreign cotton in competition to the English manufacturer, can only be ascertained by experience. But he will not venture on the investments in machinery necessary for making the experiment if his raw material is weighted with a duty, and if he believes that the policy of imposing fresh duties on raw material is one to which the Government may at any time have recourse. I should be apprehensive that the effect of this duty may be to retard, and perhaps to prevent, the growth of an important branch of Indian industry; and therefore I am unable to sanction it.

13. It appears to me that the claims of the English manufacturer will be more legitimately met by dealing with the duty on cotton goods, the speedy removal of which I regard, for reasons upon which I have already dwelt, as a matter of serious importance both to Indian and Imperial interests. This abolition should be gradual, and in deciding upon the mode in which it should be effected, the period which will be necessary for its completion, and the accompanying measures which may be requisite, the paramount importance of guarding the Indian Treasury from financial embarrassment must be borne in mind. The entire removal of the duty should, however, not be adjourned for an indefinite period, but provision should be made for it within a fixed term of years.

2

THE RESOLUTION OF THE HOUSE OF COMMONS ON COTTON DUTIES,[1] 10 JULY 1877

Resolved, That, in the opinion of this House, the Duties now levied upon Cotton Manufactures imported into India, being protective in their nature, are contrary to sound commercial policy, and ought to be repealed without delay, so soon as the financial condition of India will permit.

[1] *Parl. Debates*, H.C. vol. 235, (1877), col. 1128.

3

FINANCIAL STATEMENT OF THE GOVERNMENT OF INDIA,[1] 1882

224. Whether, therefore, we look to the Cotton Duties or to the General Import Duties, it is clear that it is undesirable to maintain the present Tariff.

226. A good deal of the controversy which has arisen on the subject of Customs reform in India, appears to be due to the fact that it has generally been assumed, and I admit that the assumption has until quite recently not been at all unreasonable, that the whole or partial repeal of the Customs Duties must of necessity be accompanied by the imposition of fresh taxation, probably direct taxation, which would be more unpopular than the present method of raising revenue by the levy of duties on imported goods. I am not called upon to discuss the relative merits and demerits of direct and indirect taxation, either in general or in respect to the particular form of taxation which, under present circumstances, is most suitable to India. The question is one which for many years past has divided Indian financiers and administrators into two opposite schools, and high authorities may be quoted on either side of the controversy. The substitution of a direct for an indirect tax is, however, not now under discussion. The issue the Government has had to decide is wholly different. That issue I may formulate in the following words, the ordinary Revenue of India exceeds the ordinary Expenditure. A remission of taxation is therefore possible. What form should that remission take?

227. After a full consideration of the various alternatives which might be adopted, the Government is of opinion that the form which a remission of taxation may most beneficially assume is the abolition of the whole of the Cotton Duties and of the General Import Duties. The Special duties, namely, those on wine, beer, spirits and liqueurs, will remain; so also will the duty on arms and ammunition, salt and opium. With these exceptions, we propose that no import duties of any kind shall in the future be levied.

234. In addition to these general arguments, which would readily admit of further development, there is one consideration which applies specially to India, and which, I venture to think, is at the present moment of considerable importance. The desirability of rapidly extending our railway system is universally recognised. The main obstacle to any such rapid extension is the difficulty of attracting railway capital to India on terms which shall not be too onerous to the State. No fiscal measure of general application would be so likely to give a stimulus to railway construction as the removal of all restrictions on trade.

235. I am, indeed, very far from saying that a free-trade policy should be carried out at all hazards. 'There is not,' Mr. Gladstone once said, 'a free trade Government in this or any country which has not freely admitted that the state of the Revenue is an essential element in the consideration of the application even of the best principles of free trade.' The question is essentially one of Revenue.

[1] *Parl. Papers*, vol. 48, No. 181. India Office Library.

Objectionable as is the present condition of the Tariff, we should be obliged, were our general financial position less favourable than it is, to bear for a time with some, at least, of the existing evils; but, under present circumstances, there is no necessity for withholding from India any longer the full advantages of free trade. The Government, therefore, brings forward these proposals in the firm belief that their adoption will be of the utmost benefit to India, and with the knowledge that, under present circumstances, they will be unaccompanied by any counterbalancing disadvantages.

4

SECRETARY OF STATE TO THE GOVERNOR GENERAL IN COUNCIL,[1] 31 MAY 1894

10. It is too soon to judge of the effect of the New Tariff Act on the financial situation. During the first few weeks of the year 1894–95 the rate of exchange obtained for Council Bills has been less than fourteen pence, the rate taken in the budget estimates. If, however, your Government should be forced again to consider the question of imposing duties on cotton manufactures, it will be requisite to ascertain what classes of imported cotton goods come into competition with Indian manufactures of the same kind. Among imported cotton goods, there will probably be some classes of goods which directly compete with goods produced in India, some which partly compete, and some which practically do not compete at all. It would be for your Government, after full enquiry, to decide how far you could distinguish between these three classes of imported cotton goods; and then to consider by what measures you could deprive any duties, that might be imposed, of a protective character. This object could be attained either by exempting from duty those classes of imported goods which clearly and directly compete with Indian manufactures, or by levying on the latter an excise duty equivalent to the import duty on corresponding goods from abroad. In the case of imported goods which do not compete with Indian manufactures, import duties would not be protective and no equivalent excise duty would be needed. The experience of 1879–80, regarding the difficulty or the futility of drawing an arbitrary line for fiscal purposes between certain classes of woven goods must be remembered; and it must be borne in mind that the Indian mills now spin yarns of higher counts than they did in 1880. But that experience would hardly tell against a general exemption of all yarns, and a general imposition of duties on all woven goods, accompanied by a corresponding excise duty upon woven goods manufactured at Indian mills.

11. I am aware that serious objections have been taken to the Imposition of an excise duty upon Indian manufactures. It would certainly be practically impossible to attempt the levy of an excise duty on cotton yarns and goods produced by cottage industry all over India; but these village-made goods do not practically

[1] Parl. Collection, No. 276, Revenue No. 65, p. 222. India Office Library.

compete with imported cotton manufactures, and no question of levying an excise upon the products of village industries need therefore be raised.

12. The main objections that have been urged against an excise duty upon the products of Indian cotton mills are, briefly, (1) that the Indian cotton mills industry is in a depressed state, and that the imposition of such a duty would cripple or check the growth of the only large manufacturing industry that has grown up in India to the great advantage of the wage-earning classes; (2) that such a duty could not be levied on the produce of mills in Native States, or in the Portuguese and French settlements, and would therefore greatly favour mills outside British India to the prejudice of mills in British provinces; (3) and that the excise duty would be difficult to levy, and would involve large refunds on Indian goods exported to Further Asia and to Africa.

13. I regret that the flourishing mill industry of Western India should have suffered, but I hope the trouble may be only temporary. If it should prove to be so, I do not anticipate that a moderate excise duty, levied to maintain an equality of conditions between imported and Indian cotton goods, would seriously hamper the Indian industry, for I observe that that industry flourished and expanded during the twelve years 1882–93 when its products had to meet English manufactures on equal terms, the import trade being free of duty.

14. It is true that the Indian Legislature cannot impose an excise duty on the produce of cotton mills in Native States, or in French and Portuguese India; and it would not be expedient to attempt the levy of duties on goods crossing the boundary between British territory and Native States in the interior. But the imposition of any customs duties, or of excise duties on salt and liquors, necessitates either the maintenance of a customs line, or the arrangement of a customs union between British territory and the Indian settlements of France and Portugal on the sea-board. Such a customs line, or such a customs union, could provide for the levy of duty on cotton fabrics, as well as on other dutiable goods brought into British India; and it is possible that Native States might, upon representations from your Government, consent to impose on the produce of cotton mills in their territories excise duties corresponding to those levied in British India. But at present the latest returns show only 9 cotton mills in Native and other territory as compared with 105 mills in British provinces and Berar; the total number of spindles in these nine mills is returned at 162,590, against 3,110,398 spindles in British provinces.

5

J. WESTLAND'S MINUTE ON EXCISE DUTIES,[1] 14 JULY 1894

From all that I have said, therefore, it is clear that:—

(1) Of the manufactures of India, quite 94 per cent. is absolutely outside the

[1] Parl. Collection, No. 276, pp. 227–8. India Office Library. Westland was Finance member of the Supreme Council 1893–99.

range of any competition with Manchester, being the coarser quality of goods (24s and under) which Manchester cannot pretend to supply so cheaply as India.

(2) Manchester has an absolute monopoly of the finer qualities of goods, but the bulk of its trade consists in piece-goods of about 30s, and in yarns somewhat finer.

(3) Of goods of the counts 26 and over, India can produce them under difficulties and in small quantities, and to the extent to which it produces them it is in direct, but obviously somewhat unequal, competition with Manchester, that is, it is producing goods of a class that Manchester also lays down in India.

The values may be roughly stated as follows:—

STATEMENT V

	Rs.	Rs.
Imports from United Kingdom into India:		
Yarns	2,600,000	
Piece-goods	22,000,000	
		24,600,000
Mill manufactures in India:		
Piece-goods—		
Exported	600,000	
Consumed in India	3,400,000	
Yarns, excluding those woven into piece-goods—		
Exported	6,000,000	
Consumed mostly by hand looms	4,600,000	
Total	—	14,600,000

Six per cent of this amount, or say Rs. 860,000 worth of produce, may be considered as a possible competitor in the field of trade that is occupied by Manchester, that is, not only with the Rs. 24,600,000 worth of goods which Manchester sends yearly to India, but also with the large quantities which Manchester sends to China, Japan, and the East Coast of Africa, to which places India might (though as a matter of fact it does not) send part of its total competitive traffic of Rs. 860,000. The exports of Manchester to the East appear to be nearly 30 millions sterling, say Rs. 45,000,000. So that India gets less than 2 per cent of the market for the finer goods, of which Manchester gets 98 per cent.

The only possible harm that can arise to Manchester, if we were to oppose an import duty of 5 per cent. without levying a countervailing duty on India manufactures, is that in this narrow margin—the Rs. 860,000 of Indian manufacture—the Indian mills, having no corresponding burden of taxation, might be able to absorb a larger share of the whole trade. The probability of their actually doing so may be judged from what I have above said of the greater facilities and the greater inducements that Indian mills have for extending the coarser rather than the finer qualities. But even should the effect of this advantage be to treble the

existing production, it would take away from Manchester no more than Rs. 1,700,000 worth of trade out of its present total of Rs. 24,600,00 in India.

6

SECRETARY OF STATE TO THE GOVERNOR GENERAL IN COUNCIL,[1] 13 DECEMBER 1894

4. I think that these proposals would comply with the requirements laid down, subject to two modifications of detail. First, I consider that the duty (import and excise) upon yarns should be at the same rate, 5 per cent. ad valorem, as on woven goods. I share the view expressed by the late Mr. James Wilson in his financial statement of the 18th February 1860 that, for reasons which he there states, 'the same duty may be placed on yarns as is charged on goods, without any percetible injury to the trade'. Moreover, I am not certain that a 3½ per cent duty on yarns used in Indian fabrics might not to some extent protect Indian manufactures against imported goods of the same description, paying a 5 per cent duty. Secondly, I am not satisfied that counts above 24 are, without doubt, the right line at which duty on yarns should begin. Mr. Westland shows good grounds for believing that imported yarns below 30s, and imported goods containing yarns below 30s constitute a small proportion of the total importations of cotton goods. But it seems that such goods are imported to some extent. Complete information on the subject does not appear to be available. On the whole, in order to prevent any possibility of the duties being protective, I consider the duty on yarns should begin with counts above 20, instead of 24, as proposed by your Government. I have no objection to your reserving to yourself in the Act power to raise the line by executive action, with the consent of Her Majesty's Government, in case experience should hereafter show that it has been drawn unnecessarily low.

7

TELEGRAM FROM THE GOVERNOR GENERAL TO THE SECRETARY OF STATE,[2] 6 FEBRUARY 1896

Your telegram of 4th February. Bills passed Council 3rd February, and came into force same date. Tariff Act removes duty altogether from yarns of all kinds, and reduces duty on piece goods and other cotton manufactures from 5 per cent. to 3½ per cent. ad valorem. Cotton Duties Act similarly exempts yarns of Indian manufacture, and imposes duty of 3½ per cent. on woven goods of all counts manufactured by Indian mills. Tariff values assigned by notification to goods forming great bulk of production in India. Apart from provisions in regard to stock in hand, no other substantial alteration has been made in law of last year.

[1] Parl. Collection, No. 276, Revenue Despatch No. 169, pp. 230–1. India Office Library.
[2] Parl. Collection, No. 276, p. 297. India Office Library.

8

LORD HAMILTON TO LORD CURZON,[1] 9 JULY 1903

The Parliamentary position remains unchanged. Chamberlain is gaining converts, but, on the other hand, the more solid-thinking men of business are beginning to move. Owing to the Government being compelled to adopt publicly a policy of enquiry, which Balfour on every occasion he has spoken has found cogent reasons to justify, many of our young fellows think that, by giving their adherence to Chamberlain, they are acting in accord with the wishes of the Prime Minister. Chamberlain has publicly announced his intention of beginning his campaign in the first week of October. I think if he could, he would drop the tax on food, but without it no preferential treatment of the Colonies is possible. Northbrook intends to raise a debate tomorrow in the Lords. I think his views are very sound, and, as far as I know, agree with my own. Lansdowne will reply for the Government, and I think we must send out to you for your opinion, not Chamberlain's scheme, because no one knows what it is, but the resolutions that were passed by the Colonial Premiers in favour of preferential treatment, and ask you to examine them, and ask you to give us your opinion as to how far they are applicable to India. I am strongly of opinion that, if this country departs from a policy of free trade, and adopts a *quasi*-protective system in defence of its own rights, you cannot expect India to adhere to free trade. It has been imposed upon her contrary to her wishes, and it seems to me impossible to allow the self-governing Colonies to propose protective duties, and then extract special benefits in consequence from another country, and India, on the other hand, to be forced to adopt a policy of practically free imports, and yet be denied the advantages which she undoubtedly would have, if she had a protective policy, and was unable to offer some reduction of the duties thus imposed upon British manufactures.

9

LORD HAMILTON TO LORD CURZON,[2] 16 JULY 1903

The debate in the Lords last week as to the position which India would occupy under any preferential system was very useful. Four Viceroys spoke—Northbrook, Ripon, Elgin, and Lansdowne. All practically agreed that India, without making any further concessions, was entitled to preferential treatment, and I think all were equally strong that, whilst it was justifiable to impose free trade upon India so long as it was the policy of the Empire, it would be impossible to force India to adhere to that system if the rest of the Empire adopted a protective policy.

[1] Hamilton Papers, Eur. MSS. C. 126/5, pp. 247–8. India Office Library. Private letter.

[2] Hamilton Papers, C. 126/5, p. 252. India Office Library. Private letter.

10

FISCAL AUTONOMY,[1] 1919

33. In the exercise of his responsibility to Parliament, which he cannot delegate to anyone else, the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement.

This examination of the general proposition leads inevitably to the consideration of one special case of non-intervention. Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interest of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India, and without limiting the power of veto which rests in the Crown; and neither of these limitations finds a place in any of the Statutes in the British Empire. It can only therefore be assured by an acknowledgment of a convention. Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party.

11

THE REPORT OF THE INDIAN FISCAL COMMISSION,[2] 1921–2

Principal recommendations:—

1. (a) That the Government of India adopt a policy of Protection to be applied with discrimination along the lines indicated in this Report. . . .

[1] *Joint Select Committee on the Govt. of India Bill*, 1919, H.C. 203, Part III, p. 10.
[2] *Report of the Indian Fiscal Commission*, 1921–22, Cmd. 1764, pp. xv–xvi.

(b) That discrimination be exercised in the selection of industries for protection, and in the degree of protection afforded, so as to make the inevitable burden on the community as light as is consistent with the due development of industries. . . .

(c) That the Tariff Board (. . .) in dealing with claims for protection satisfy itself:—

(i) That the industry possesses natural advantages.

(ii) That without the help of protection it is not likely to develop at all, or not so rapidly as is desirable;

and

(iii) That it will eventually be able to face world competition without protection. . . .

(d) That raw materials and machinery be ordinarily admitted free of duty, and that semi-manufactured goods used in Indian industries be taxed as lightly as possible. . . .

(e) That industries essential for purposes of National Defence, and for the development of which conditions in India are not unfavourable, be adequately protected if necessary. . . .

(f) That no export duties be ordinarily imposed except for purely revenue purposes, and then only at very low rates; . . . but that when it is considered necessary to restrict the export of food grains, the restriction be effected by temporary export duties and not by prohibition. . . .

2. That a permanent Tariff Board be created whose duties will be, inter alia, to investigate the claims of particular industries to protection, to watch the operation of the Tariff, and generally to advise the Government and the Legislature in carrying out the policy indicated above. . . .

3. (a) That no general system of Imperial Preference be introduced;

but

(b) That the question of adopting a policy of preferential duties on a limited number of commodities be referred to the Indian Legislature after preliminary examination of the several cases by the Tariff Board.

(c) That, if the policy be adopted, its application be governed by the following principles:—

(i) That no preference be granted on any article without the approval of the Legislature.

(ii) That no preference given in any way diminish the protection required by Indian industries.

(iii) That preference do not involve on balance any appreciable economic loss to India.

(d) That any preferences which it may be found possible to give to the United Kingdom be granted as a free gift.

(e) That in the case of other parts of the Empire preference be granted only by agreements mutually advantageous. . . .

4. That the existing Cotton Excise Duty in view of its past history and associations be unreservedly condemned and that Government and the Legislature start again with a 'clean slate', regulating their excise policy solely in the interests of India. . . .

(c) Banking and Currency policies, 1858–1947

1

SIR WILLIAM MUIR ON THE PRESIDENCY BANKS BILL,[1] 14 DECEMBER, 1875

I will trouble the Council now with but a very brief narrative of the circumstances which have led to the present measure. The Bank of Bengal took its origin as the immediate result of an able letter addressed in 1801 to the Government of India by its Accountant General, Mr. Henry St. G. Tucker, in which he showed that a Bank was necessary both in the interests of Government and of the mercantile community. Money was in those days raised by what were called 'Treasury bills.' But although these bore interest, they were liable to depreciation in the market, and by the combination chiefly of Native brokers, were often at a heavy discount. To remove the inconveniences of this arrangement and maintain the credit of Government, Mr. Tucker argued that a bank was indispensable; and that in order to hold its security, it was necessary that Government should aid it by contributing as a shareholder to its capital, and by sharing in its direction and in the privilege of voting. Upon this footing the Bank of Bengal was opened in 1806, and obtained its charter in 1809. Its capital was then £500,000, of which the State contributed £100,000. The capital was from time to time increased, and now stands at £2,200,000, of which £220,000 belong to Government. Up to 1854, the Secretary was, with one exception, a member of the Civil Service. Thus constituted, the Bank of Bengal has well answered its object. It has proved a useful auxiliary to the State and to the mercantile community, and in seasons of difficulty has often afforded substantial assistance and valuable support to the Exchequer.

The Presidency Bank of Madras was incorporated by Act IX of 1843, superseding an already existing State Bank. It also has proved, though on a much smaller scale, a useful institution.

The Bank of Bombay was first constituted by Act III of 1840, but it came to a disastrous ending. As is now matter of history, it suffered severe losses in the wild and excited speculation which followed on the American war and the rise in the price of cotton, and in 1868 it was voluntarily wound up. The New Bank of

[1] *Legislative Council Proceedings*, April, 1876, vol. 1017, No. 284. Muir was Finance member of the Supreme Council, 1874–6.

Bombay, Limited, rose upon its ruins, being constituted by Articles of Association under the Indian Companies' Act of 1866.

A Commission was appointed by the Government of India to enquire into the causes of failure of the Bombay Bank, and in 1869 this Commission furnished an elaborate report of the results of the investigation. The majority, consisting of Sir Charles Jackson, the President, and Mr. Maxwell Melville, were of opinion that Government should retire from its position as shareholder. Major Innes, on the contrary, considered the position an expedient one. Sir Charles Jackson's argument was, that the partnership of Government and its participation in the direction of its business afforded no real security against disaster; and that the Government Directors, having other important duties of their own to perform, had not the leisure (and not always the special qualifications) to enforce an effective and vigilant control. The connection, while thus giving no material protection, was looked upon by the outside world as an all-powerful guarantee; and in the event of failure, the discovery that that guarantee was worth nothing must create wide-spread dissatisfaction, as it really did in the case of the Bombay Bank. In short, there was an apparent, but not any real, responsibility. Further, it was urged that the necessity for connection with the State no longer existed; it might have been expedient or even indispensable in the poverty of mercantile resources at the beginning of the century to support the credit of the Bank by Government capital and direction. But this had long ceased to be the case, and there were now abundant materials, altogether apart from the State, for banking upon a secure and independent basis. And even supposing a bank to be needed for the transaction of the business of Government and the custody of its balances, sufficient security could be obtained by legal checks and restrictions upon a private bank, without the State becoming itself a shareholder.

The position thus contended for has been accepted by Her Majesty's Government. Various opinions have prevailed upon it, and much discussion. For my own part, I agree in the conclusion that has been come to, is upon the whole, the most wise and expedient. But in truth the subject is now beyond the range of discussion. The separation has been deliberately resolved upon by the highest authority; and it only remains to provide measures for giving effect to it, and for the constitution of new banks independent of the Government, but on so secure a basis that they can be used by Government for the purposes of the Exchequer.

Such being the case, it has become necessary to provide for the disposal of the shares of Government and to remodel the Acts of Incorporation; and the opportunity is taken to make one Act under precisely the same conditions applying to all the three banks. Although the State will no longer be a shareholder in the banks, it will still be a depositor; all payments to or by Government at the several presidencies will be paid by or to the respective banks, which, as bankers of the State, will transact the business of Government at the presidencies. The provisions on this head will be found under section XI of the Bill. These provisions render it necessary that the interests of the public should be secured by certain legal safe-

guards and restrictions on the kind of business to be transacted by the bank and the mode of its transaction, by the power of inspection on the part of Government, and by the periodical publication of the state of the banks' assets and balances. At the same time such relaxations in the existing law as have been found compatible with safety have been admitted.

The bill which I now introduce is based upon a draft drawn by the New Bank of Bombay in 1872; and it has been subjected to very careful and anxious revision in the Financial and Legislative Departments. Advantage has been freely taken of the criticism received from the Directors of the three banks. Further suggestions will no doubt be advanced by the Directors and others while the Bill is before the Select Committee; and they will there receive the fullest consideration, with the aid which I trust we shall obtain from my hon'ble friends the mercantile members of the Council. The Bill is in itself much more elaborate and systematic than any of the previous enactments, and it may be hoped will prove well adapted for its object. If passed into law, I have every confidence that it will afford a full security and yet ample liberty of action.

2

THE SILVER STANDARD,[1] 1893

3. There can be no doubt that the Government of India have experienced serious difficulty owing to the fall of exchange which has been going on for many years. The Government have yearly to remit a very large sum to this country in discharge of their gold obligations. In 1873–74, before the fall commenced, the amount remitted was 13,285,678–L., which, at a rate of exchange of 1s. 10.351d., was represented by Rs. 14,265,700. During last year (1892–93) the amount remitted was 16,532,215 L., which, at the average rate of exchange in that year, viz., 1s. 2.985d., required a payment of Rs. 26,478,415. If this could have been remitted at the exchange of 1873–74, it would have needed only Rs. 17,751,920. The whole of this difference of Rs. 8,726,495 cannot properly be regarded as a loss to the Government of India arising from the difference in exchange. It is certain, however, that India had actually to remit in 1892–93 upwards of Rs. 8,700,000 more than if the exchange had been at its former point.

4. At an estimated exchange of 1s. 4d. per rupee for the past year, a surplus of revenue over expenditure was shown of Rs. 146,600; the exchange having fallen to an average of rather less than 1s. 3d., this surplus has been converted into an estimated deficit of Rs. 1,081,900, notwithstanding the improvement of the revenue by Rs. 1,653,300 over the Budget Estimate.

5. Nor is this all. The Government are compelled to contemplate a further fall, the effect of which cannot be forecast. There has been for some years past an almost continuous fall in exchange, though it was varied by a sharp rise in the year 1890. The average rate in 1889–90 was 1s. 4.566d. In 1890–91 the average

[1] *Report of the Indian Currency Committee*, 1893, C. 7060, pp. 7–8.

rate was 1s. 6.089d. But in 1891–92 it fell to 1s. 4.733d., in 1892–93 to 1s. 2.985d., and exchange has been of late scarcely maintained at 1s. 2⅛d. by the refusal to sell bills on India below that rate. The extent to which the financial position of the Government of India is affected by exchange is emphasised in the following passages of the recently published statement of Sir David Barbour:—

'The immediate cause of our financial difficulties, and the cause which, by comparison and for the time being, dwarfs all others, is the fall in the gold value of silver, which, as I have already shown, has added to the Indian expenditure in two years more than four crores of rupees. If that fall could be stayed and the rate of exchange with England fixed permanently at even its present low figure, the difficulty of dealing with the present deficit would be comparatively light. The revenue continues to grow in a satisfactory manner; even under the influence of indifferent seasons and poor harvests it has made fair progress. If we could feel assured that there would be no further fall in exchange, I have little doubt that increase of revenue, restriction and reduction of expenditure, with possibly some taxation of a temporary nature, would, in a very short time, re-establish equilibrium. A serious effort would no doubt be required in the first instance, but with a fixed rate of exchange we would have a definite task before us, and our measures could be regulated accordingly. But it unfortunately happens that, unless some settlement of the currency question is obtained, there is no prospect of even the most moderate degree of stability in the rate of exchange.

'Our financial position for the coming year is at the mercy of exchange, and of those who have it in their power to affect in any way the price of silver. If we budget for the present deficit of Rs. 1,595,100, and exchange rises one penny, we shall have a surplus; if it falls a penny, we shall have a deficit of more than three crores; if we impose taxation to the extent of one and a half crores of rupees, a turn of the wheel may require us to impose further taxation of not less magnitude; another turn, and we may find that no taxation at all was required. It will be obvious, from what I have just said, that what we have got to consider in making our arrangements for next year, is not so much the question of increasing the public revenue, or restricting that portion of the public expenditure which is under our control, but the chances of a settlement of the currency question.

3

ADOPTION OF A GOLD STANDARD,[1] 1893

155. It remains for us to state the conclusions at which we have arrived. While conscious of the gravity of the suggestion, we cannot, in view of the serious evils with which the Government of India may at any time be confronted if matters are left as they are, advise your Lordship to overrule the proposals for the closing of the mints and the adoption of a gold standard, which that Government, with

[1] *Report of the Indian Currency Committee*, 1893, C. 7060, p. 38.

their responsibility and deep interest in the success of the measures suggested, have submitted to you.

156. But we consider that the following modifications of these proposals are advisable. The closing of the mints against the free coinage of silver should be accompanied by an announcement that, though closed to the public, they will be used by Government for the coinage of rupees in exchange for gold at a ratio to be then fixed, say 1s. 4d. per rupee; and that at the Government treasuries gold will be received in satisfaction of public dues at the same ratio.

157. We do not feel ourselves able to indicate any special time or contingency when action should be taken. It has been seen that the difficulties to be dealt with have become continually greater; that a deficit has been already created, and an increase of that deficit is threatened; that there are at the present moment peculiar grounds for apprehension; and that the apprehended dangers may become real with little notice. It may also happen that, if action is delayed, until these are realized, and if no step is taken by the Indian Government to anticipate them, the difficulty of acting with effect will be made greater by the delay. It is obvious that nothing should be done prematurely or without full deliberation; but, having in view these considerations, we think that it should be in the discretion of the Government of India, with the approval of the Secretary of State in Council, to take the requisite steps, if and when it appears to them and to him necessary to do so.

4

PROPOSALS FOR THE ESTABLISHMENT OF AN IMPERIAL BANK IN INDIA,[1] 1914

INTRODUCTION

A Central Bank must necessarily stand in a somewhat close relation to Government. If the Bank is to be useful, it must have the management of the Government balances and of the note issue. It would be contrary to experience elsewhere and to what seems reasonable for India to hand over these functions to a purely private institution. If Government is to interfere at all, it cannot help involving itself in ultimate responsibility for the Bank, and if it is thus to involve itself, its powers must be sufficient to permit an effective supervision. From a Government with feeble powers and placed in the position of interested but irresponsible critics, there would be a greater likelihood of vexatious interference; while too great a dependence on the terms of the Bank's charter must tend to make these terms rigid and narrow for practice.

The main difficulties to be faced are the following:—

(i) To combine ultimate Government responsibility with a high degree of day-to-day independence for the authorities of the Bank.

[1] Annexe to *Report of the Royal Commission on Indian Finance and Currency*, 1914, pp. 58–79. Memorandum by J. M. Keynes.

(ii) To preserve unimpaired authority in the executive officers of the Bank, whose duty it would be to take a broad and not always a purely commercial view of policy, and at the same time to make use of the commercial instincts and commercial knowledge of representatives of the shareholders.

(iii) To maintain in the day-to-day management of the Bank the high degree of decentralisation to which great importance is rightly attached in the case of so large a country as India.

GENERAL ADVANTAGES OF A STATE BANK

The outline of the proposed Bank's functions and of its draft constitution is now complete. A number of the advantages which are claimed for it have been developed in passing. It will be useful to summarise these, and to dwell on certain other points, not less important, which do not so naturally arise when it is the Bank's constitution which is the matter in hand.

There are first of all the direct advantages to Government. These affect questions which have been the special business of the Commission. The chief of them may be enumerated:—

(i) The existing 'Independent Treasury System', by which, whenever the Government balances are swollen, deliberately or not, large sums are taken off the Money Market, is done away with by the removal of the cause of this system, namely, the absence of a large public or semi-public institution with which large balances could be safely and properly deposited, together with the difficulty of employing Civil Servants in a policy of discretionary loans out of the balances.

(ii) The objections to holding large sums at loan for short periods in the London Money Market are avoided by the method of dealing with sterling resources proposed in Part VI.

(iii) A Bank, responsible for the management of the note issue, has greater opportunities than are open to Government for pushing the circulation of notes and for popularising them by an increase in the facilities available for convertibility.

(iv) The responsibility of Government officials for a variety of financial and semi-financial business is greatly reduced by handing over to a Bank all question of balances, note issue, remittance, and loans on the London Market.

(v) The Government has at its command the services of officers of the highest position, trained in financial and banking business, instead of Civil Servants who, however full of adaptability and intelligence, have been selected and trained mainly for other purposes.

(vi) A buffer is placed between the Secretary of State and vexatious criticism on small details of financial business.

Next come the immediate advantages to the business world:—

(i) In addition to the partial release of Government balances through their deposit in a central institution, a considerable amount of funds is made available by the reform of the note issue.

(ii) The present wide fluctuations of the bank rate and its normal high level in the busy season may be somewhat moderated.

(iii) The increase of branches, which the union of Government and banking business should promote, would gradually bring sound banking facilities to many parts of India, where they are now almost entirely wanting, both directly and by supplying a basis, in reliance on which private and co-operative banking could be built up.

(iv) The introduction of re-discount facilities, while probably not of the first importance in the immediate future, might greatly aid the eventual development of Indian banking on the most desirable lines which European experience has so far evolved.

At this point something may be said about the bank rate question, and the possibility of obtaining substantially the same results without the interposition of a State Bank.

India suffers not from a high average bank rate, but from a wide range of fluctuation and a high maximum bank rate. If the average bank rate were high, this would mean that the normal return to capital under conditions of least risk was high; and this could not possibly be cured by any monetary device. But a high temporary bank rate, due to the increased volume of cash temporarily required for moving the crops, ought to be capable of amelioration by introducing an elasticity into the credit currency. It is important, however, not to under-estimate the magnitude of the problem. Several witnesses have maintained that a loan of three crores made by the Government from its balances or from the Paper Currency Reserve would be a sufficient cure for high bank-rates. I am convinced that this is a serious misapprehension of the facts. What is true is that at any moment an unexpected and sudden loan of three crores by the Government would break the current bank rate. If borrowers and lenders had adjusted themselves to an expectation of 8 per cent. it would be reasonable to hold that a sudden offer by the Government of three crores would bring the rate down to 6 per cent or less. But this is not the standpoint from which to consider proposals for permanent policy. What present sources of supply would fail and what new sources of demand would spring up, if there were a reasonable expectation beforehand of borrowing in the busy season at 6 per cent? Three crores is a very small percentage of the present transactions; it is not 1½ per cent. of the value of the exports; it is barely half of the normal annual addition to India's banking resources; and to expect great consequences from the loan of it is to take a short-sighted and superficial view of the causes which really determine the value of money. The proposals made above in regard to a fiduciary issue of notes would have a more substantial

effect; but I think it would be optimistic to expect even from them a normal maximum of 6 per cent. Their eventual efficacy is largely bound up with the future development of the use of notes.

This leads us to compare proposals, contingent on the establishment of a State Bank, with proposals for the loan of Government funds to the existing Presidency Banks. If the loans contemplated are comparatively small, there need be no difficulty in lending them on the security of Government paper, and the problem of the terms on which they should be lent, while not quite easy of solution, ought not to prove insuperable. But small loans could not, of course, have large consequences. Though they would, pro tanto, be useful and employ funds which are not wastefully idle, to offer them as a cure of high bank rate or of the existing faults in the Indian financial system is to trifle with the problem. If, on the other hand, fairly large loans are contemplated, other objections rise to importance. It is uncertain (for reasons given in Section V) whether Government paper would be forthcoming in large quantities as security for temporary loans, and even more uncertain whether it is desirable to encourage the holding of a large amount of Government paper in this way. The Government could only get their funds back as a lender, by spoiling their market as a borrower. Yet there are great difficulties in lending by a Government department against the really desirable security, namely trade bills. It would take them to a wholly unfamiliar region, and require them to exercise an unaccustomed discretion.

The most serious objection still remains. It would be a perilous policy for the Government to lend on a scale sufficient to influence the bank rate, and for it to remain nevertheless wholly without responsibility for the bank rate policy. The ultimate lender and the ultimate controller of the credit currency cannot safely remain aloof from the control of the bank rate. So long as the Government do not lend and there is virtually no credit currency, the Government can maintain this aloofness from banking. As I have said already, existing arrangements are deeply conditioned by the fact of this aloofness. But if the Government are to lend their balances and to introduce, under their own control and discretion, a proper elasticity into the credit currency, and if they are to do these things on a sufficient scale to make any real difference, then they cannot ignore considerations of bank-rate policy. Such a scheme involves an exercise of judgment on the part of Government officials in high matters of banking policy, without these officials having access to any first-hand banking experience. The Government is driven, therefore, to call in the assistance of a State Bank to do these things for them and to be responsible at the same time for the bank rate.

These considerations were apprehended by the Government of India when they put forward proposals for a Central Bank in 1900. After mentioning the suggestion of a note issue on the German model, they add:—'Theoretically we admit that the system might be grafted upon the present management of the paper currency by Government. But a Bank would be able to measure the need and extent of accommodation much better than a Government could hope to do, and we

believe that in all countries where it has been adopted, the agency of a Bank has been chosen for working this system. Moreover, in India recourse in any form to a currency reserve in the hands of Government would encourage the tendency to look to and rely upon Government exclusively. From this point of view there would be particular objections to applying the system to the currency reserve while it remained under Government control.' The last point seems to be a very sound one. Whenever the bank rate was high, there would be a clamour that the Government were not lending all they might.

Proposals for direct loans to the Presidency Banks, on a very moderate scale, from the Government balances and the Paper Currency Reserve may serve to meet certain of the more superficial criticisms. The Government will have an answer to the charge that they keep their whole surplus in a barren form. Indeed, so far, the proposals are good; and for every reason they will commend themselves to the lovers of appearance. But as an attempt to solve the real problems of the Indian financial situation, I do not think they are to be regarded seriously. They are incapable of future development, since they depend for their justification on the trifling and innocuous character of their consequences. And they are right off the line of banking evolution. They do nothing towards extending to India the advantages of civilised experience.

Something has been said of the advantages of a State Bank to the Government and of its direct advantages to the commercial world. I will turn in conclusion to some wider and more general issues; but must treat them briefly.

I attach great importance to the increased stability which a State Bank would introduce into the Indian banking system. India is not well placed at present to meet a banking crisis. The Presidency Banks are already Banker's Banks to an important extent, but they are not strong enough to support the whole burden. In effect the Government keeps a part of the banking reserves, but there is no machinery for bringing its reserves into normal connection with banking. With no central reserve, no elasticity of credit currency, hardly a re-discount market, and hardly a bank rate policy, with the growth of small and daring banks, great increase of deposits and a community unhabituated to banking and ready at the least alarm to revert to hoarding, even where it had been seemingly abandoned, there are to be found most elements of weakness and few elements of strength.

A recent article by Mr. H. M. Ross in 'Capital' (September 4th, 1913) brings out these points very plainly. This article contains much which deserves reference, but the following passage is, in the present connection, the most important:—

'India and the United States of America are now practically alone among the great trading countries of the world in possessing no Central Bank. In view of the American banking crisis of 1907 the relation is an ominous one. The vast monetary resources of the United States, badly handled and selfishly hoarded when they should have been freely used where most required through the medium of a great central institution, were of no avail to avert wholesale bankruptcy and a general

suspension of payment by the Banks. In a similar crisis it would be the policy, nay, it would be the duty of each Presidency Bank to conserve its resources for the benefit of its particular area. In the general interests of the country this should not be.' Mr. Ross might have added that India and the United States are also alone in having no re-discount market, no elasticity in the note issue, no bank rate policy, and an 'Independent Treasury System' in place of a Government banker. In America the 1907 crisis served to demonstrate that such a system is indefensible, and the country is now engaged in remedying these defects so far as is possible in the very difficult circumstances which arise out of the presence of innumerable small Banks on the one hand, all with vested interests and a terror of anything which might conceivably diminish their profits, and of a public, deeply suspicious of all moneyed interests and of anything which might strengthen their power, on the other. In India the obstacles are far less to the introduction of the recognised preventives for the diseases of the financial body.

I have already pointed out the importance of a strong central institution in relation to the development on sound lines of native Joint Stock Banks. The encouragement of re-discount should be an encouragement to these Banks to use their funds, as they ought, in the assistance of trade, instead of in speculation or in fixed enterprises.

The great increase of branches in country districts may lead to the State Bank's playing an important part in the development of co-operative banking amongst agriculturists. The local branches should always aim at being the Co-operative Bank's bank and at helping them by judicious loans.

This increase of branches will be much facilitated when a single institution is in control of banking, the Government's balances, and the currency chest in country districts. At present there is apt to be unprofitable discussion between Government and Presidency Banks about (e.g.) the interest payable on loans or the subsidy required to support a branch bank where there is now a District Treasury. It would pay Government to give any subsidy short of the expense of maintaining the Treasury. But they are naturally unwilling to hand over too much profit to private persons and yet are not in a good position to gauge how much this profit would be. So long also as the District Currency Chests are not handed over to the branch bank, some economies are open to the Government Treasury which are not open to the bank. A system of haggling between the Government and Presidency Banks as to the opening of branches, in which both parties have to be convinced that they are certainly making a good bargain, must be worse than one in which the interests of the two parties are joint instead of opposed and the only consideration is whether a branch is worth opening on the whole.

In conclusion it is worth while to recall the Government of India's latest pronouncement on the subject, when in June, 1901, they were 'regretfully compelled' to 'hold the scheme in abeyance':—'We desire at the same time to record our deliberate opinion that it would be distinctly advisable, if practicable, to establish a Central Bank in India, so as to relieve Government of its present heavy responsi-

bilities and to secure the advantages arising from the control of the banking system of a country by a solid and powerful Central Institution.'

5

PROPOSAL FOR A RESERVE BANK OF INDIA,[1] 1926

83. So far we have dealt with the standard of currency. We now proceed to deal with the question of the authority who should control the working of that standard.

The evidence has clearly brought out the inherent weakness of a system in which the control of currency and of credit is in the hands of two distinct authorities whose policies may be widely divergent, and in which the currency and banking reserves are controlled and managed separately one from the other. It has brought out the necessity of a unity of policy in the control of currency and credit in a modern financial organisation, if monetary stability is to be achieved. What has less clearly emerged from the evidence but none the less needs emphasis is how essential it is for the development of banking generally that the foundations of the credit organisation should be truly laid. This will only be the case if the commercial banks (a phrase in which are included both exchange and indigenous banks) are able, when the necessity arises, to turn into cash a maximum of their assets with a minimum of disturbance to general conditions. It is only through the establishment of a central banking system, with the facilities of re-discounting it affords, that this end can be achieved. Not until then does the commercial banks' most legitimate asset, viz., a short-term advance against goods in the form of a commercial bill, become a quick asset capable of prompt realisation in time of stress. The system, in fact, enables the commercial banks to regard their holdings of commercial bills as their secondary reserves.

85. The Central Banks in other countries work under charters which, though differing in detail, are very similar as regards their fundamental lines. In general they are entrusted with the sole right of note issue and the responsibility of maintaining the stability of the currency. They are the custodians of the currency and banking reserves and of the cash balances of their Governments. Their business, in the main, is confined to that of a bank of the banks and of the Government. These functions of necessity require that the character of their business should be of the soundest. Such limitations upon their business prevent these Central Banks from transacting the every-day commercial banking business of the country or from entering into competition with the commercial banks in any general sense. But, in times of stress, they intervene vigorously in the country's business by extending credit facilities liberally. They are primarily concerned with upholding the credit of the country and guiding its financial policy.

We are of opinion that India, profiting by the experience of other nations, should perfect her currency and credit organisation by setting up a Central Bank with a charter framed on lines which experience has proved to be sound.

[1] *Report of the Royal Commission on Indian Currency and Finance*, 1926, pp. 33–7.

86. Before dealing with the technical questions of the Indian charter, it is necessary to consider who is to be entrusted with it. Should it be the Imperial Bank (which is now performing at any rate one or two of the functions of a Central Bank) or should it be a wholly new institution? The idea of utilising the existing organisation of the Imperial Bank is tempting at first sight, but on close consideration it will be found that, whatever advantages there may be in this course, the disadvantages outweigh them.

87. If the Imperial Bank were required to discharge the duties of a true Central Bank its charter would have to be amended radically in the direction indicated. It would thus be precluded from undertaking a great many tasks which it now successfully performs as a commercial bank. The country would then lose the benefit of the elaborate and widespread organisation which has been set up, through the length and breadth of India, to make available to the community the increased commercial banking facilities, which are so urgently needed, and to assist in fostering, among the people as a whole, the habit of banking and investment. This consideration alone negatives the idea of disturbing the present functions of the Imperial Bank. It suggests, on the contrary, that that bank should be freed altogether from the restrictions which its present charter imposes upon it, and which clearly have their origin in the hybrid character of the functions which were originally assigned to it. When those of a purely central banking character are taken over—as they should be—by the new Central Bank, there is no longer any reason why the Imperial Bank should not be as free and unencumbered in its sphere of activity as any other of the commercial banks. Its important task of giving India the widespread banking facilities which it needs will thereby be facilitated. It may perhaps be apprehended that with the creation of the Central Bank the Imperial Bank will lose some of the prestige which at present attaches to it as the sole banker of the Government. But there are numerous ways in which its interests and its ability to continue its present policy of the extension of branch banking may be safeguarded. We can see no reason to doubt that the Imperial Bank could come to a satisfactory agreement with the new Central Bank whereby the latter would employ the former as its agents in the mofussil and, in consideration of this service, place at the disposal of the Imperial Bank such funds and for such periods as would be required to enable the Imperial Bank's branches to become self-supporting.

89. We come, therefore, to the conclusion that the proper course to take is to entrust the central banking functions to a new organization endowed with a charter which wholly conforms to the requirements of a true Central Bank. That new bank would no doubt take over from the Imperial Bank such part of its organization and staff as under the new order of things may become redundant to the purposes of the Imperial Bank, and from the Government a number of officials whose experience in the management of the currency would be of particular help to the new Central Bank.

92. This is largely a matter of taste and local psychology. After considering

various alternatives, we suggest that the new bank be called the 'Reserve Bank of India'.

6

A GOLD STANDARD FOR INDIA,[1] 1926

54. We have already arrived at the conclusion that, in order to secure public confidence in India, the currency of the country must be linked with gold in a manner that is real and conspicuously visible, or, in other words, that it is necessary to establish a true gold standard. It should be understood that this does not necessarily imply a gold currency. It is possible to have a true gold standard under which the currency is based on gold both in reality and in a manner that is conspicuously visible, without putting gold into circulation. Having stated our reasons for rejecting the principal proposal for a gold standard with a gold currency that has been suggested to us, we proceed to deal with the method for the establishment of the gold standard which we recommend for adoption. The essence of the proposal which we proceed to develop is that the ordinary medium of circulation in India should remain as at present the currency note and the silver rupee, and that the stability of the currency in terms of gold should be secured by making the currency directly convertible into gold for all purposes, but that gold should not circulate as money. It must not circulate at first, and it need not circulate ever.

(*d*) Land revenue and land policy, 1858–1947

1

EUROPEAN COLONIZATION AND SETTLEMENT IN INDIA,[2] 1858

Your committee think it proper to commence their Report by a restriction, obvious almost to everyone, of the sense in which Colonization must be applied to India. Though sanctioned in its application to that country by modern usage, and by such high authority as that of Lord Metcalfe, the term 'Colonization' must, in this instance, clearly be limited to a class of superior settlers; who may, by their enterprise, capital, and science, set in motion the labour, and develop the resources of India. The inducements to a settlement of the working classes of the British Isles are not generally to be found in India. Those inducements are, high wages, the facility of obtaining land at an easy rate, the enjoyment of a constitution framed after that of the mother country, a temperate climate, and the prospect of forming a part of a community speaking our language and conforming to our manners and customs. The settlement of India took place at a period of remote

[1] *Report of the Royal Commission on Indian Currency and Finance*, 1926, p. 21.

[2] *Report of Select Committee on Colonization and Settlement (India)*, pp. 453–4. India Office Library.

antiquity. Its lands have mostly been appropriated; the wages of labour are low; its Government is absolute; its climate is generally unfavourable to the permanent residence and increase of the British race, and to labour in the open air; and its usages, languages, and religions are strange, and repulsive to the English labourer. For these reasons, and in accordance with the testimony laid before them, your committee are of the opinion that India cannot compete with the boundless regions of America or Australia, as a home for the labouring emigrant.

Nothing more strongly impresses an inquirer into the foundation and progress of our Indian Empire than the contrast which, as regards British residence, it presents to our other dependencies. While free settlement, as in the neighbouring Island of Ceylon, has formed the basis of our colonial system, and the cause of its prosperity, the exclusion of free settlers has marked the origin and the progress of our Indian Government. Statesmen, indeed, like Lord William Bentinck and Lord Metcalfe saw, in the future increase of British settlers, the only permanent prosperity of British India; and English, and even Indian opinion, has gradually followed in the track of those more observant and profounder minds. Even now, although the principle of free settlement has been recognised by British Legislation, traces of the old exclusive system are said to linger still. Though they may be removed in fact, they are stated to exist in feeling. Thus we are told by a very competent witness, that a 'cold shade is thrown over European adventurers in India', and by another, that a feeling of 'dislike to settlers' exists among civilians; that the civilians, as distinguished from the settlers, are 'too much of a caste'; and that the covenanted service is 'as it were, the nobility of India'.

It appears even now to be doubted by legal authorities whether Europeans can enter, without a licence, those parts of India which have been acquired within the present century. Your Committee recommend the removal of this doubt by legislative enactment.

It is stated by witnesses generally, that 'wherever Europeans have settled, a marked improvement in the country has followed'; the various products of the land have been developed. Settlers have taken the lead in introducing steam navigation, and in discovering its indispensable auxiliaries, coal and iron; in the extension of roads, and in generally lowering the cost of production.

It is justly observed by Mr. Marsham that from their intercourse with the people, settlers must naturally 'know more what is passing in their minds' than the agents of the Government; the position of the settlers rendering them vigilant and interested observers of the tendency of native opinion.

Where they reside, the rate of interest, often exorbitantly high, becomes reduced. The circulation of ready money is extended, and a steady rise takes place in the rate of wages.

Another good effect of settlement is its tendency to promote the maintenance of order. A large extension of the number of settlers over India would be a considerable guarantee against any future insurrection, and would tend to lessen the necessity for maintaining our expensive army.

An objection to British settlement in India has been raised, on the ground of climate. It appears to your Committee that the dangerous effect of the climate of India has been considerably exaggerated. The planters from Lower Bengal, especially in Behar, are described as a 'healthy and hearty' race of men. Such of them as attended before your Committee resembled English farmers rather than residents in a climate far distant and different from their own. Statements, tending considerably to modify pre-conceived opinions as to the dangers of an Indian climate, proceeded from settlers in various parts of India.

One of the special branches of the subject referred to the consideration of your Committee was the fitness of the hill-districts of India for the reception of European settlers. 'There is hardly a province throughout India,' states an eminent medical man, Mr. Martin, 'where there are not mountain-ranges available for civil and military residence.' Mr. Martin's attention was first called to this circumstance with reference to the army; and he has long since submitted to the Government of India a report on the necessity, for the preservation of the European army, of the permanent removal of a portion of it to the hills. 'The monotony of a barrack life on the plains of India', 'without congenial employment or resource', is stated, by several witnesses, to be 'destructive both to mind and body of the soldier'.

It is said that settlement in the hills will tend more than any other circumstance to attach European families to India. The capitalist living himself in a higher climate, may direct the progress of labour in the plain. Railways will give a great facility to residence in the hills. One is already contemplated to Darjeeling. It is stated that these 'hill-climates' have not been sufficiently explored. Many reports have been written upon them; but it is desirable that agents on the spot should more closely examine them, and that their researches should be made public. So far as your Committee have enquired, climates favourable to Europeans' health may be found at a due elevation on the Himalayas, on the Neilgherries, and on other hill ranges yet incompletely explored, especially in the South of India. At about 4,000 feet above the sea level the Himalayas offer an European climate. On the eastward portion, indeed, of that extensive range, the prevalence of rain may be frequently a serious objection; though not so formidable as is generally supposed. Further to the westward the rainfall sensibly diminishes. It has been suggested that asylums, like those originated by the lamented Sir Henry Lawrence, might be advantageously formed on the hills; where, in a climate like that of our own country, the children of soldiers and of other persons might be trained, with a special view to the practical improvement of India, and to the acquisition of a knowledge of the people and the country. Mechanics, and practical agriculturists, are greatly wanted in India. The planters state that young men acquainted with the native languages are much required for their establishments. Thus educated, they might also be employed, as commercial travellers are in this country, for extending the commerce and manufactures of Great Britain and of Europe in the East.

2

BENGAL TENANCY ACT OF 29 APRIL 1859[1]

Whereas it is expedient to re-enact with certain modifications the provisions of the existing law relative to the rights of ryots with respect to the delivery of pottahs[2] and the occupancy of land, to the prevention of illegal exaction and extortion in connection with demands of rent, and to other questions connected with the same; to extend the jurisdiction of Collectors, and to prescribe rules for the trial of such questions, as well as of suits for the recovery of arrears of rent, and of suits arising out of the distraint of property for such arrears; and to amend the law relating to distraint; It is enacted as follows:—

II. Every ryot is entitled to receive from the person to whom the rent of the land held or cultivated by him is payable, a pottah containing the following particulars:—

The quantity of land; and where fields have been numbered in a Government survey, the number of each field.

The amount of annual rent.

The instalments in which the same is to be paid.

And any special conditions of the lease.

If the rent is payable in kind, the proportion of produce to be delivered, and the time and manner of delivery.

III. Ryots who, in the Provinces of Bengal, Behar, Orissa, and Benares, hold lands at fixed rates of rent, which have not been changed from the time of the permanent settlement, are entitled to receive pottahs at those rates.

IV. Whenever, in any suit under this Act, it shall be proved that the rent at which land is held by a ryot in the said Provinces has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that the land has been held at that rent from the time of the permanent settlement, unless the contrary be shown, or unless it be proved that such rent was fixed at some later period.

V. Ryots having rights of occupancy, but not holding at fixed rates as described in the two preceding Sections, are entitled to receive pottahs at fair and equitable rates. In case of dispute, the rate previously paid by the ryot shall be deemed to be fair and equitable, unless the contrary be shown in a suit by either party under the provisions of this Act.

VI. Every ryot, who has cultivated or held land for a period of twelve years, has a right of occupancy in the land so cultivated or held by him, whether it be held under pottah or not, so long as he pays the rent payable on account of the same; but this rule does not apply to khomar, neejjote, or seer land belonging to

[1] Act X of 1859. *Acts of the Legislative Council of India.*

[2] See glossary.

the proprietor of the estate or tenure and let by him on lease for a term or year by year, nor (as respects the actual cultivator) to lands sublet for a term or year by year by a ryot having a right of occupancy. The holding of the father, or other person from whom a ryot inherits, shall be deemed to be the holding of the ryot within the meaning of this Section.

VII. Nothing contained in the last preceding Section shall be held to affect the terms of any written contract for the cultivation of land entered into between a landholder and a ryot when it contains any express stipulation contrary thereto.

VIII. Ryots not having rights of occupancy are entitled to pottahs only at such rates as may be agreed on between them and the persons to whom the rent is payable.

IX. Every person who grants a pottah is entitled to receive from the person to whom the pottah is granted a kubooliyet or counterpart engagement in conformity with the terms of the pottah. The tender to any ryot of a pottah such as the ryot is entitled to receive shall be held to entitle the person to whom the rent is payable to receive a kubooliyet from such ryot.

X. Every under-tenant or ryot, from whom any sum is exacted in excess of the rent specified in his pottah, or payable under the provisions of this Act, whether as abwab or under any other pretext, and every under-tenant, ryot, or cultivator from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the person receiving such rent, damages not exceeding double the amount so exacted or paid. Receipts for rent shall specify the year or years on account of which the rent is acknowledged to have been paid; and any refusal to make such specification shall be held to be a withholding of a receipt.

XI. The power heretofore vested in Zemindars and other landholders of compelling the attendance of their tenants for the adjustment of their rents or for any other purpose is withdrawn, and all such persons are prohibited from adopting any means of compulsion for enforcing payment of the rents due to them other than are authorized by the provisions of this Act.

XII. If payment of rent, whether the same be legally due or not, is extorted from any under-tenant or ryot by illegal confinement or other duress, such under-tenant or ryot shall be entitled to recover such damages, not exceeding in any case the sum of two hundred Rupees, as may be deemed a reasonable compensation for the injury done him by such extortion. An award of compensation under this Section shall not bar or affect any penalty or punishment to which the person practising such extortion may be subject by law.

XIII. No under-tenant or ryot, who holds or cultivates land without a written engagement, or under a written engagement not specifying the period of such engagement, or whose engagement has expired, or has become cancelled in consequence of the sale for arrears of rent or revenue of the tenure or estate in which the land held or cultivated by him is situate, and has not been renewed, shall be liable to pay any higher rent for such land than the rent payable for the previous year, unless a written notice shall have been served on such under-tenant or ryot,

in or before the month of Cheit, specifying the rent to which he will be subject for the ensuing year, and the ground on which an enhancement of rent is claimed. Such notice shall be served by order of the Collector on the application (which may be on plain paper) of the person to whom the rent is payable, and shall, if practicable, be served personally on the under-tenant or ryot. If for any reason the notice cannot be served personally upon the under-tenant or ryot, it shall be affixed at his usual place of residence, or if he have no such place of residence in the District in which the land is situate, the mode of service of such notice shall be by affixing it at the Mal cutcherry of such land or other conspicuous place thereon, or at the village Chowree or Chowpal or at some other conspicuous place in the village in which the land is situate.

XIV. Any under-tenant or ryot, on whom such notice as aforesaid has been served, may contest his liability to pay the enhanced rent demanded of him, either by complaint of excessive demand of rent as hereinafter provided, or in answer to any suit preferred against him for recovery of arrears of the enhanced rent.

XV. No dependent talookdar or other person possessing a permanent transferable interest in land, intermediate between the proprietor of an estate and the ryots, who, in the Provinces of Bengal, Behar, Orissa, and Benares, holds his talook or tenure (otherwise than under a terminable lease) at a fixed rent which has not been changed from the time of the permanent settlement, shall be liable to any enhancement of such rent, anything in Section LI Regulation VIII. 1793, or in any other law, to the contrary notwithstanding.

XVI. Whenever, in any suit under this Act, it shall be proved that the rent at which a talook or other tenure is held in the said Provinces has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that such talook or tenure has been held at that rent from the time of the permanent settlement, unless the contrary be shown, or it be proved that such rent was fixed at some later period.

XVII. No ryot having a right of occupancy shall be liable to an enhancement of the rent previously paid by him except on some one of the following grounds, namely:—

That the rate of rent paid by such ryot is below the prevailing rate payable by the same class of ryots for land of a similar description and with similar advantages in the places adjacent.

That the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot.

That the quantity of land held by the ryot has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

XVIII. Every ryot having a right of occupany shall be entitled to claim an abatement of the rent previously paid by him, if the area of the land has been diminished by dilution or otherwise, or if the value of the produce or the productive powers of the land have been decreased by any cause beyond the power of the

ryot, or if the quantity of land held by the ryot has been proved by measurement to be less than the quantity for which rent has been previously paid by him.

XIX. Any ryot, who desires to relinquish the land held or cultivated by him, shall be at liberty to do so provided he gives notice of his intention in writing to the person entitled to the rent of the land or his authorized agent in or before the month of Cheit of the year preceding that in which the relinquishment is to have effect. If he fails to give such notice, and the land is not let to any other person, he shall continue liable for the rent of the land. If the person entitled to the rent of the land or his agent refuse to receive any such notice and to sign a receipt for the same, the ryot may make an application on plain paper to the Collector who shall thereupon cause the notice to be served on such person or his agent in the manner provided in Section XIII.

XX. Any instalment of rent which is not paid on or before the day when the same is payable according to the pottah or engagement, or, if there be no written specification of the time of payment, at or before the time when such instalment is payable according to established usage, shall be held to be an arrear of rent under this Act, and unless otherwise provided by written agreement, shall be liable to interest at twelve per centum per annum.

XXI. When an arrear of rent remains due from any ryot at the end of the Bengal year, or at the end of the month of Jeth of the Fusly or Willayutee year, as the case may be, such ryot shall be liable to be ejected from the land in respect of which the arrear is due. Provided that no ryot, having a right of occupancy or holding under a pottah the term of which has not expired, shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

XXII. When an arrear of rent shall be adjudged to be due from any farmer or other lease-holder not having a permanent or transferable interest in the land, the lease of such lease-holder shall be liable to be cancelled, and the lease-holder to be ejected. Provided that no such lease shall be cancelled nor the lease-holder ejected otherwise than in execution of a decree or order under the provisions of this Act.

3

THE PERMANENT SETTLEMENT POLICY,[1] 9 JULY 1862

43. By many persons great advantages have been anticipated from what is usually called a permanent settlement; that is, by the State fixing, once and for ever, the demand on the produce of the land, and foregoing all prospect of any future increase from that source. It has been urged that not only would a general feeling of contentment be diffused among the landholders, but that they would thereby become attached, by the strongest ties of personal interest, to the Government by which that permanency is guaranteed. It is further alleged that by this means only can sufficient inducement be afforded to the proprietors to lay out

[1] Revenue Despatches to India, 1862, vol. 10, No. 14. India Office Library.

capital on the land, and to introduce improvements by which the wealth and prosperity of the country would be increased.

45. On the other hand, it has been urged that the consequence of a permanent settlement of the land revenue is to preclude the Government from ever obtaining any future augmentation of income from this source; and, considering that the experience of all countries advancing in civilization demonstrates that the cost of administration is constantly tending to increase, it follows that the additional charge which will fall on the Government must of necessity be met by taxation in some shape, such as customs, excise, salt, stamp, or income duties. Colonel Baird Smith, in the able paper already referred to, admits that this result will take place, but he argues that any sacrifice of public revenue involved in the concession of a demand fixed in perpetuity would be more than compensated by the increased ability of the people generally to bear taxation direct or indirect which would necessarily follow on the improvement in their social condition. An 'intelligent and powerful Government,' he says, 'could not fail to participate in these advantages. Its intelligence would direct it to the least offensive and most effective means of sharing in the general prosperity, and its power would ensure the fair trial and ultimate success of those means.'

48. It is also most desirable that facilities should be given for the gradual growth of a middle class connected with the land, without dispossessing the peasant proprietors and occupiers. It is believed that among the latter may be found many men of great intelligence, public spirit, and social influence, although individually in comparative poverty. To give to the intelligent, the thrifty, and the enterprising the means of improving their condition, by opening to them the opportunity of exercising these qualities, can be best accomplished by limiting the public demand on their lands. When such men acquire property, and find themselves in a thriving condition, they are certain to be well affected towards the Government under which they live. It is on the contentment of the agricultural classes, who form the great bulk of the population, that the security of the Government mainly depends. If they are prosperous, any casual outbreak on the part of other classes or bodies of men is much less likely to become an element of danger, and the military force, and its consequent expense, may be regulated accordingly.

50. It is indispensable, of course, that, whether with a view to redemption, even to the extent of one-tenth of the revenue, or to a permanent settlement, the preliminary step of a revision of the present assessment must be taken. In the first instance, whichever course may be finally adopted, a full, fair, and equable rent must be imposed on all lands now under temporary settlement; and, when that has been accomplished Her Majesty's Government are of opinion that a permanent settlement may be safely applied. This was the course recommended by one of the ablest and most distinguished men who ever was called on to bear a part in the administration of British India. In his celebrated Minute of the 31st December 1824, Sir Thomas Munro, then Governor of the Presidency of Madras, several times refers to this subject, and particularly in the following passage: 'No survey

assessment of a great province,' he says, 'can ever at once be made so correct as not to require future alteration; when, therefore it has been completed with as much care as possible, a trial should always be made of it for six or seven years. This period will be sufficient to discover all defects in the assessment. A general revision of it should then be made, and wherever it might be found too high it should be lowered, and it may then, with safety to the revenue and benefit to the people, be made permanent.'

51. When once the rent has been properly fixed, any increase consequent on the natural progress of society will in all probability take place but slowly, and reach no great amount until after a considerable interval. It must be remembered that, in all the revisions of settlement which have taken place of late years, the tendency has been towards a reduction in the rates of assessment. Wherever the settlements have been carefully made, and the capabilities of the country have been well ascertained, the probability of any considerable increase of land revenue appears to be but slight.

55. It must also be remembered that all revisions of assessment, although occurring only at intervals of 30 years, nevertheless demand, for a considerable time previous to their expiration, much of the attention of the most experienced civil officers, whose services can be ill spared from their regular administrative duties. Under the best arrangements, the operation cannot fail to be harassing, vexatious, and, perhaps, even oppressive to the people affected by it. The work can only be accomplished by the aid of large establishments of native ministerial officers, who must, of necessity, have great opportunities for speculation, extortion, and abuse of power. Moreover, as the period for resettlement approaches, the agricultural classes, with the view of evading a true estimate of the actual value of their lands, contract their cultivation, cease to grow the most profitable crops, and allow wells and watercourses to fall into decay. These practices are certainly more detrimental to themselves than to the Government, but there can be no question that they prevail extensively. The remedy for these evils, the needless occupation of the valuable time of the public officers employed in the revision, the extortion of the subordinate officials, and the loss of wealth to the community from the deterioration of cultivation, lies in a permanent settlement of the land revenue.

58. After the most careful review of all these considerations, Her Majesty's Government are of opinion that the advantages which may reasonably be expected to accrue not only to those immediately connected with the land, but to the community generally, are sufficiently great to justify them in incurring the risk of some prospective loss of land revenue in order to attain them, and that a settlement in perpetuity in all districts in which the conditions absolutely required as preliminary to such a measure are, or may hereafter be, fulfilled, is a measure dictated by sound policy; and calculated to accelerate the development of the resources of India, and to ensure, in the highest degree, the welfare and contentment of all classes of Her Majesty's subjects in that country.

59. They consider that the direct mode of making a permanent settlement is

preferable to the indirect one of obtaining a similar result by conceding to the landholders the right to redeem their assessment. They do not believe that the power to redeem the land revenue is necessary to induce the landholders to incur expenditure in the improvement of their property. What is really required, in order to call into effective action their enterprise and capital, is not an exemption from all payments to the Government on account of their estates, but the fixing those payments in perpetuity, at a moderate and certain amount. In Bengal, where a permanent settlement was made with the Zemindars[1] seventy years ago, the general progress of the country in wealth and prosperity, notwithstanding the depressed condition of the peasantry, caused by errors and omissions in the mode of making the settlement, has been most remarkable. Such errors in the existing state of our knowledge regarding the rights and interests of the subordinate occupants of the soil would not be permitted to recur.

63. Her Majesty's Government have, therefore, determined to limit the power of redeeming the land revenue to such cases as are referred to above in paragraph 26; but they have resolved to sanction a permanent settlement of the land revenue throughout India. It will, however, still remain to be determined how far any particular district is in a condition to warrant the practical application of the measure at the present time.

72. I have therefore to announce to your Excellency in Council, as the result of the foregoing considerations, that, as regards all districts or parts of districts in which no considerable increase is to be expected in the land revenue, and where its equitable apportionment has already been, or may hereafter be, ascertained to your satisfaction, Her Majesty's Government will be ready to sanction, on your recommendation, or that of the local government supported by you, the settlement in perpetuity of the assessment at the present or the revised rates.

4

THE CULTIVATORS' RIGHTS,[2] 1880

24. We can, however, feel no doubt that in all the provinces of Northern India, and particularly in Bengal, it is the duty of the Government to make the provisions of the law more effectual for the protection of the cultivators' rights. This opinion is primarily based on the historical ground that they have a claim as a matter of strict justice to be replaced as far as possible in the position they have gradually lost; but it may also be supported on the economical ground that in the case of these large cultivating classes security of tenure must have its usual beneficial effect; and that as a rule the cultivators with occupancy rights are better off than the tenants-at-will. Wherever inquiry has been made it has been found that in all matters relating to material prosperity, such as the possession of more cattle, better houses, and better clothes, the superiority lies on the side of the occupancy-tenants,

[1] See glossary.

[2] *Report of the Indian Famine Commission*, (1880), C. 2735, Part II, p. 118.

and the figures in the preceding paragraphs also show that as a rule they hold larger areas of land. Where the subdivision of land among tenants-at-will is extreme, and in a country where agriculture is almost the only possible employment for large classes of the people, the competition is so keen that rents can be forced up to a ruinous height, and men will crowd each other till the space left to each is barely sufficient to support a family; any security of tenure which defends a part of the population from that competition must necessarily be to them a source of material comfort and of peace of mind, such as can hardly be conceived by a community where a diversity of occupations exists, and where those who cannot find a living on the land are able to betake themselves to other employments.

25. It is only under such tenures as convey permanency of holding, protection from arbitrary enhancement of rent, and security for improvements, that we can expect to see property accumulated, credit grow up, and improvements effected in the system of cultivation. There could be no greater misfortune to the country than that the numbers of the occupancy class should decrease, and that such tenants should be merged in the crowd of rack-rented tenants-at-will, who owning no permanent connection with the land, have no incentive to thrift or to improvement. It is desirable for all parties that measures should be framed to secure the consolidation of occupancy-rights, the enlargement of the numbers of those who hold under secure tenures, and the widening the limits of that security, together with the protection of the tenant-at-will in his just rights and the strengthening of his position by any measure that may seem wise and equitable. The suggestions which we now proceed to make for alterations in the existing law, or in the system of administering it, are based on this view, and have for their object the ends thus indicated.

5

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 17 AUGUST 1882

4. Without entering upon the debated question of what were the precise intentions of the Government of Lord Cornwallis, I consider it fully established that the reservations made at the time of the Permanent Settlement give you the full right of interposition for the amelioration of the condition of the Bengal peasantry, and that legislative interposition at this time is justified by the facts disclosed:—

I. By the existence of prevalent discontent with some of the provisions of the present law on the part of both zemindars and ryots, which has caused successive Governments of Bengal and of India for some time past to conclude that an amendment of the law is imperative.

II. By the fact that Act. X. of 1859 has failed to ensure to the ryots that security of tenure which it was intended to secure to them.

[1] Revenue Despatch to India, 1882, No. 3. India Office Library. The subject was the amendment of the Bengal Tenancy Act of 1859. Lord Hartington was Secretary of State for India, 1880–2.

III. By the fact that the Courts have proved unequal to discharge the duty of determining rents thrown upon them by the existing law.

5. Concurring, then, with the view of your Excellency's Government, and of the Government of Bengal, that an amendment of the present law is necessary, I proceed to communicate to you my opinion on the proposals summarized under thirteen heads in the 108th paragraph of your letter. You will understand that I accede to those proposals which are not noticed.

8. The Rent Commission proposed to maintain the existing rule that 12 years' continuous possession of any land is required to give its holder a right of occupancy in it, but to guard against the failure of that rule in the future, as it has failed in the past, to promote security of tenure, by imposing a penalty on eviction. This proposal, you state, has met with no support. The Lieutenant Governor, still adhering to the principle that occupancy right shall depend upon the status of the ryot, proposed to confer it on all resident ryots, under the provisions of Section 19 of his Bill. You have fully considered this and other schemes, and you have come to the conclusion that it is impossible to apply effectually the principle on which they are based. You, therefore, propose to take a classification of lands instead of the status of the tenant as the basis on which the recognition of the occupancy right shall be effected, and to attach that right to all 'ryotti' lands, as far as the interest in them of all but nomad cultivators and sub-tenants of occupancy ryots is concerned.

9. After careful consideration of your arguments, I am not satisfied that a measure is advisable which appears to me to make so great and so entirely novel a departure from both the ancient custom and the existing law of Bengal.

10. Your proposal, in the first place, annuls the distinction, deeply rooted in the feelings and customs of the people not only in Bengal but in most parts of India, between the resident or permanent and the non-resident or temporary cultivator. This, when your avowed intention is to restore to the ryots their original position and rights, appears to me anomalous and undesirable. In the next place, it abandons a principle on which the statute law has been based for nearly a quarter of a century, and which was adopted in 1859 by the Legislature on rational and intelligible grounds. And, thirdly, the present papers show that the failure of the law of 1859 has arisen from an error, not in the principle itself, but in the provisions for its application. The provision that accrual of the occupancy right depends on proof, not of the ryot's having been a cultivator for 12 years, but of his having held the same land continuously for that period, has enabled the landlord to prevent the tenant from acquiring the right, either by shifting his fields within the 12 years, by inducing him to enter into a written contract barring the right, or merely by destroying his evidence of continuous possession. This error it appears to me may be guarded against, without abandoning the principle.

11. I would therefore suggest for your consideration whether, in place of adopting the principle you recommend as the basis of the proposed legislation, it

would not be desirable to introduce into the Bill provisions somewhat to the effect that every resident ryot shall have a right of occupancy in the land which he occupies and pays rent for, and that a resident ryot shall be one who, or whose ancestor, has occupied any land in the village or estate for 12 years.

You will observe that the object aimed at is that a ryot shall be deemed to have an occupancy right in all the land which he holds in a village or estate, if he has occupied for 12 years any land whatever in such village or estate. It will be necessary in actual legislation to provide that this right is not forfeited by any subdivision of estates or alteration of village boundaries.

These provisions will, you remark, have practically almost as wide an effect as your own proposals. They will, at the same time, avoid the abandonment of a principle which is with reason strongly insisted upon by the zemindars, and to which I attach much importance.

6

THE BENGAL RENT BILL,[1] 14 FEBRUARY 1885

There has probably never been a document laid on the Council table subject to so many dissents as the Report of the Select Committee on the Bengal Tenancy Bill presented yesterday. The Select Committee was exceptionally large, its deliberations have been protracted over an almost unprecedented number of sittings, and each member seems quite determined to have his own way. When members failed in any particular to get their own way, they appear to have stored up their failures for a dissent, with a view to fighting their battles over again in council. From a personal point of view this may be very edifying, as a disclosure of the reality of the conflict which has been going on behind locked doors during the past two years, and of the tenacity with which each member has clung to what he believed to be essential points in the settlement of the land-law. The main interest which attaches to the dissents is not, however, a personal one. It consists rather in the revelation which they afford as to the diametrical opposition of the two parties in the Council on the great issues involved; and as to a conflict on general principles as strongly waged within the Select Committee as it has been waged outside in the Press. The dissents, although printed, are not yet officially published, but it is a matter of notoriety that the landholders consider the measure as essentially a Tenants Bill, while the tenants' representatives regard it as essentially a Landlords Act. In questions of detail this conflict of view is said to come out in the shape of propositions directly contradictory to one another. Thus the landlords' representatives declare that the provisions in regard to the non-occupancy tenant most improperly raise him to the status of an occupancy cultivator, while the tenants' friends assert that the same provisions most improperly leave him at the mercy of the landlord. Between the two extreme parties there appears to have been a third intermediate section in the Committee, which held the scales between the two,

[1] Extract from *The Englishman* editorial, p. 4.

and was open to conviction by either. The result is that while most of the Committee have dissented on one ground or another, their dissents, like their votes, tend to counterbalance each other, and there is a majority for the specific course recommended in each section of the Bill.

The first point suggested by the revised Bill and by the Report of the Select Committee, is that they give no colour to the exaggerated statements by which the original proposers of the measure were guided, when they assumed the existence of a general system of rack-renting in Bengal. Of the heroic remedies which the Bengal Government proposed for this alleged evil, not one survives in the Bill now finally presented to the Council. What ever may be the case in regard to Bihar, the Select Committee seems to have put quietly aside, after due discussion, the more drastic suggestions of Sir Rivers Thompson's letter of September last, and to have chiefly confined its attention to efforts to make the existing law more effective in the hands of both landlords and tenants. We propose very briefly to enumerate the chief provisions of the Bill in this direction, and to indicate some others in which a new departure is involved. First, as regards the landholders, the Bill endeavours to create out of the unworkable grounds of enhancement in the old law, more simple and practicable facilities for enhancing rents, when such enhancement can be equitably claimed. Thus, for the old impracticable ground of the general prevailing scale, it gives a specific ground of enhancement if the rent paid by the tenant is below the prevailing rate in the same village. This change may of course cut two ways, but, at any rate, it simplifies the burden of proof to the landlord, a burden which under the old law was usually too heavy for him to support, In the same way the Bill substitutes for the old unworkable ground of enhancement, due to the rise in the value of the produce a distinct and easily ascertainable ground of enhancement in consequence of a rise in prices. The landlord will here also have a much easier task, for he will have only to establish a specific group of facts connected with prices, in place of a large and indefinite number of groups of facts connected with the alleged general rise in the value of the produce. The Bill further assists him in the task of proof by directing the Local Government to publish price lists which are to be deemed presumptive evidence by the Courts. Both these provisions in favour of the landlord have, as is well known, been strongly objected to by the tenants' friends. The ground of enhancement on the prevailing rate they proposed to strike out altogether; while they consider that the new facilities for enhancement on the ground of rise in prices is fraught with serious danger in many parts of Bengal and throughout all Bihar. In regard to facilities for settling and realising rents the Bill provides for the appointment of a revenue officer, on the application of the landlord or of a large proportion of the tenants. An officer so appointed shall have the power to raise rents but not to lower them. The procedure thus created for fixing rents is new in Lower Bengal.

To these and other provisions in favour of the landlords, strong objections are taken on behalf of the tenants. The landlords, we need scarcely add, do not think that they go far enough. On the other hand the landlords point to very important

provisions in the Bill in favour of the tenants. The old law recognised a right of occupancy in a tenant who held his land for twelve years. But if he was shifted from one field to another, even in the same village, the right did not accrue, and great uncertainty thus arose as to whether an individual tenant had or had not the occupancy right in his holding. The new law puts an end to this uncertainty by providing that if a tenant holds any land continuously for twelve years he becomes a 'settled rayat', that is a tenant with occupancy rights within the village. It goes further, and declares that any person holding land as a rayat shall be presumed to have held it for twelve years until the contrary is shown. This is a new provision of immense importance to the cultivator; and it is therefore one to which the opposition of the landlords is keenly directed. Under the Bill no amount of shifting of the cultivators within the village by a landlord can destroy their right of occupancy, and every cultivator holding land as a rayat is presumed to have that right. Passing over the other provisions in favour of the occupancy tenants, such as judicial leases for fifteen years and certain restrictions upon enhancement of rent, we come to the provisions for the non-occupancy cultivators. This class of rayats is now brought within the pale of tenant right. It obtains first of all the valuable presumption in its favour that every person holding land as a rayat possesses the right of occupancy. The absolute acquisition of that right by twelve years' continuous occupation of land within the village is maintained, and no contract can bar the acquisition of the right. Until the occupancy right is acquired, the non-occupancy rayat is protected by a system of five years judicial leases, at equitable rates and can only be ejected after due notice and by a suit in court. Again it need hardly be said that the landlords consider the status thus conferred to be unduly favourable, while, as we mentioned before, the friends of the rayat right consider it altogether inadequate. It is impossible in this rapid survey of the main provisions of this Bill laid yesterday on the table of the Legislative Council, to refer to the varied and somewhat complicated provisions in favour of the tenure-holders or even to the meagre sections which deal with under-tenants. The procedure chapters are also beyond our scope today. But any notice of the Bill, however brief, would be inadequate which omitted to mention what has been called the 'bludgeon clause' in Chapter X. The Government of India, in introducing the Bill before the Legislature, mentioned that it would not be a Bill to reduce rents, unless in altogether exceptional circumstances. The clause in question deals with such exceptional cases. It provides that the Local Government may, with the previous sanction of the Governor General in Council, depute a revenue officer to settle and even to reduce rents, when such interference 'is necessary in the interests of public order or of the local welfare'. The precaution of requiring the previous sanction of the Governor General in Council is an important one; for the Local Government would doubtless have to make out a very clear case before that sanction was accorded.

While important provisions have been conceded in favour of the tenants, more drastic demands on their behalf have been refused. The Bill as published last

year provided that the Courts should not enhance rent by more than one quarter or one half the previous rent, according to the specific ground on which the enhancement was claimed. These fractional limits on enhancement of rent by the Courts have disappeared from the Bill as finally revised. The still more important limit on enhancement, so strongly urged by the Bengal Government in its letter of September last, nowhere appears in the Bill. This limit was based on the proposal that no rent should exceed one-fifth of the gross produce of the land—a provision against which the landholders directed the whole strength of their opposition. In this as in other matters they have won the day. Perhaps no feature of the Bill was more highly vaunted by its early advocates than the 'free sale' clauses which would have acknowledged the tenants power to transfer the occupancy right. These clauses have now, however, disappeared and the transferability of such rights is left as before to local custom. Not less important is the failure of Sir Rivers Thompson's attack on the prevailing rate as a ground of enhancement. That ground is still maintained in the new Bill, and indeed, as we have seen, is rendered more capable of being practically worked. The protracted struggle represented by these and other changes has left a good deal of exacerbation behind, and the fortnight which is to elapse before the Bill comes finally before the Council will form a much needed lull during which excited feelings on both sides may calm down. To these feelings it is not the object of this article to add further bitterness, and we have therefore confined ourselves to a brief summary of the principal features of the Bill without attempting to adjudicate between the two parties, One thing is clear, and that is the extremely difficult task of the Government of India in trying to find a defensible position in the centre of the triangular fire kept up by the Bengal Government, the Landholders, and the tenants' friends.

7

LAND REVENUE POLICY,[1] 18 JANUARY 1902

38. In the review of their land revenue policy which has now been brought to a close, the Government of India claim to have established the following propositions, which, for convenience' sake, it may be desirable to summarize before concluding this Resolution:—

(1) That a Permanent Settlement, whether in Bengal or elsewhere, is not protection against the incidence and consequences of famine.

(2) That in areas where the State receives its land revenue from landlords, progressive moderation is the key-note of the policy of Government, and that the standard of 50 per cent. of the assets is one which is almost uniformly observed in practice, and is more often departed from on the side of deficiency than of excess.

(3) That in the same areas the State has not objected, and does not hesitate,

[1] *Supplement to the Gazette of India*, No. 3, pp. 61–2.

to interfere by legislation to protect the interests of the tenants against oppression at the hands of the landlords.

(4) That in areas where the State takes the land revenue from the cultivators, the proposal to fix the assessment at one-fifth of the gross produce would result in the imposition of a greatly increased burden upon the people.

(5) That the policy of long term settlements is gradually being extended, the exceptions being justified by conditions of local development.

(6) That a simplification and cheapening of the proceedings connected with new settlements, and an avoidance of the harassing invasion of an army of subordinate officials, are a part of the deliberate policy of Government.

(7) That the principle of exempting or allowing for improvements is one of general acceptance, but may be capable of further extension.

(8) That assessments have ceased to be made upon prospective assets.

(9) That local taxation as a whole though susceptible of some redistribution is neither immoderate nor burdensome.

(10) That over-assessment is not, as alleged, a general or widespread source of poverty and indebtedness in India, and that it cannot fairly be regarded as a contributory cause of famine.

The Government of India have further laid down liberal principles for future guidance and will be prepared, where the necessity is established, to make further advance in respect of:—

(11) the progressive and graduated imposition of large enhancements;

(12) greater elasticity in the revenue collection, facilitating its adjustment to the variations of the seasons, and the circumstances of the people;

(13) a more general resort to reduction of assessments in cases of local deterioration where such reduction cannot be claimed under the terms of settlement.

39. In thus defining their policy, the Government of India would not desire to claim for the land revenue system of British India an exactitude or a freedom from blemish to which it cannot pretend. Historically it owes its immediate origin to practices inherited from the most decadent period of native rule, and its form to changes made slowly, and not without mistakes, by men who were aliens to the country, and could only with difficulty, and by slow degrees, assimilate the requirements or enter into the feelings of the people. Where habit and precedent count for more than wisdom, there has been need for caution in reform; and logical completeness or simplicity could not be expected of a system, born amid such surroundings, applied to such manifold conditions and to so heterogeneous a population, and subject, in the various stages of its development, to considerations of practical expediency rather than of abstract symmetry or scientific perfection. Indeed the one claim which the Government of India would decline to make for the land revenue system of this country is that it can properly be regarded as a science at all. In no country can land valuation be so described; and India, in

spite of records, estimates, and tables, is no exception to the rule. A part of the weakness of the criticisms which have been directed against it, arises from the erroneous assumption that it can be regulated by fixed laws, or shaped by arithmetical standards. Assessments cannot be dictated by the theorist in his study; they elude dogmatic treatment, and can only be safely worked out by the Settlement Officer in the village and on the fields. While they may admit of statistical analysis, they are liable to be hampered by premature statistical definition. The true function of Government is to lay down broad and generous principles for the guidance of its officers, with becoming regard to the traditions of the province and the circumstances of the locality, and to prescribe moderation in enhancement, and sympathy in collection. Above all it is its duty to exercise discrimination in the choice of the agents whom it employs for this most critical and responsible of tasks. The Governor General in Council acknowledges with gratitude the services that have been rendered to Government in this respect by a long line of devoted and capable officers, and he believes that the existing system, if pursued upon the lines that have been indicated, is both well suited to the present conditions of the country, and compatible with its future development, and that the revenue which it provides, and which is more lenient in its incidence than at any previous stage of Indian history, is capable of being levied from the people with surprisingly little hardship and without discontent.

8

DEFECTS OF THE BENGAL LAND REVENUE SYSTEM,[1] 21 MARCH 1940

80. Financial loss.—Having given an account of the Permanent Settlement, its results, and the course of the tenancy legislation, we are now in a position to summarise what are the defects of the present land revenue system.

It has stereotyped the land revenue at a figure which is far below the fair share which the Government ought to receive from the produce of the land, and is substantially less than the share taken in provinces where there is no Permanent Settlement and where the land is less productive than it is in Bengal. It has deprived the Government of any share in the increment in the value of land due to the increase in population and the extension of cultivation; and it has perpetuated an assessment which has no relation to the productive quality of the land, which varies widely in its incidence from district to district, and which becomes more and more uneven as time goes on.

The Permanent Settlement has involved for the Government the loss of revenue from minerals and from fisheries in certain navigable rivers, as these natural resources were not taken into account at the time of the Permanent Settlement, and in consequence they have been exploited for private gain without any co-ordinated plan. The limitation of the revenue payable by the zamindars, coupled with their

[1] *Report of the Land Revenue Commission of Bengal*, vol. I, pp. 35–9.

exemption from any income-tax on agricultural incomes throws an undue burden on other classes of tax-payers. This discrimination in favour of land has had the effect of creating a bias in favour of investment in land rather than in industrial enterprises, and has contributed to the over-capitalisation of rent-receiving as opposed to productive purposes either in agriculture or industry.

81. Absence of contact with the cultivators.—The low cost to Government of collecting the revenue and the punctuality of payment have tended to obscure the defects of the system, and the interposition of a buffer in the shape of the zamindars between the Government and the cultivators of the soil has until more recent years deprived the Government of the close contact with and intimate knowledge of rural conditions which the raiyatwari system affords. Even though settlement operations have improved the position, there is no provision in Bengal for the maintenance of an up-to-date record-of-rights such as obtains in other provinces.

82. Absence of agricultural improvement.—The Permanent Settlement has imposed on the Province an iron framework which has had the effect of stifling the enterprise and initiative of all the classes concerned. If it was the case that Lord Cornwallis hoped that it would result in the creation of a class of landlords who would supply capital for the improvement of the land and the extension of cultivation, and if he aimed at the establishment of a landlord and tenant system such as then exisited in England, his hopes have not been realised. It cannot be denied that the extension of cultivation since the Permanent Settlement has with few exceptions been the work of the actual cultivators rather than of the zamindars as a class. It was pointed out by Sir John Russell in his report on the work of the Imperial Council of Agricultural Research in applying science to crop production in India, that the most serious of all the difficulties confronting Indian agriculture is the lack of an agricultural aristocracy and of an educated agricultural middle class. The Linlithgow Commission on Agriculture also called attention to the absence of large scale farming in India. It is to the presence of these features that much of the successful operation of a landlord and tenant system in other countries is due, and their absence in Bengal is a measure of the failure of the Permanent Settlement to produce the results which were hoped for.

83. Criticism by Government of India.—The memorandum on the Land Revenue Policy of the Indian Government issued in 1902 referred to the 'evils of absenteeism, of management of estates by unsympathetic agents, of unhappy relations between landlord and tenant and of the multiplication of tenure-holders or middlemen between the zamindar and the cultivator', and it described the Permanent Settlement as a system of agrarian tenure 'which is not supported by the experience of any civilised country, which is not justified by the single great experiment that has been made in India, and which was found in the latter case to place the tenant so unreservedly at the mercy of the landlord that the State has been compelled to employ for his protection a more stringent measure of legislation than has been found necessary in temporarily settled areas'. At the same time it is

not necessary to deny that there have been and are public spirited and charitable landlords who have contributed to the social and educational welfare of the Province.

84. Evils of subinfeudation.—One of the most serious defects of the present system is the excessive amount of subinfeudation which it has encouraged. The margin between the fixed land revenue and the economic rent of the land has permitted the creation of a number of intermediate interests between the zamindar and the actual cultivator which in some districts has reached fantastic proportions. The report of the Simon Commission pointed out that in some cases as many as 50 or more intermediate interests have been created between the zamindar at the top and the actual cultivator at the bottom. This has resulted in dissipating the responsibility for the best use of the land in the national interest among a host of rent-receivers, all of whom have to be supported by the labour of the cultivator, and none of whom have either the incentive or the power to exercise any control over the use of the land. It is not too much to say that the extent of subinfeudation has become an incubus on the working agricultural population, which finds no justification in the performance of any material service as far as agricultural improvements are concerned, and fails to provide any effective means for the development of the resources of the land, which is the greatest asset of the Province. The Government has done far less to develop increased production from the land than the Governments of other provinces. There has been little inducement to spend public money on agricultural development, when the benefit of the improvements goes into private hands.

Moreover this army of rent-receivers is increasing in number each year. The Census figures show an increase of 62 per cent. between 1921 and 1931, and since 1931 there has been a further process of subinfeudation below the statutory raiyat, which will swell the figures still more. At the same time a steady reduction is taking place in the number of actual cultivators possessing occupancy rights, and there is a large increase in the number of landless labourers. Their number increased by 49 per cent. between 1921 and 1931. They now constitute 29 per cent. of the total agricultural population, and the next Census will show a considerably larger increase. Side by side with the growth of subinfeudation there has been the further process of the fragmentation of proprietary interests in land. This is mainly due to the operation of the laws of inheritance and is not directly related to the Permanent Settlement. But it adds greatly to the complexity of the land system and the difficulties of all classes concerned. Striking illustrations of the complications due to subinfeudation and aliquot tenures, with no provision for partition or common management, can be found in the Bakarganj Settlement Report, in which Major Jack justly described the position as 'the most amazing caricature of an ordered system of land tenure in the world'.

85. Administrative defects.—The complexities of the Bengal land system have led to an immense volume of litigation. The time and attention of the Civil Courts are largely occupied in suits relating to interests in land, and though the

court-fees produce a considerable revenue to the Government, the cost to the litigants is far in excess of the revenue and is out of all proportion to the amounts at stake.

There is a notable absence in Bengal of that certainty as to the respective rights and obligations of the parties which a sound and satisfactory system of land tenure should provide. Many of the records in the zamindars' offices are indifferently maintained and sometimes fraudulently manipulated, and the peasantry, 90 per cent. of whom are illiterate, are at the mercy of unscrupulous agents. In spite of the prohibition of abwabs[1] and other exactions in addition to rent which were contained in the Permanent Settlement Regulations and in tenancy legislation, there is still evidence of their continuance in the reports of settlement operations. Indeed it is common knowledge that the naibs[1] and other agents of the rent-receivers frequently live on a scale far above that which the salaries they receive from their employers would permit. Though the scale of abwabs is no doubt less than it was, they still represent an appreciable addition to the burdens of the cultivators.

86. Absence of remission of rent.—Another serious disadvantage of the present land revenue system from the administrative point of view is that it is virtually impossible to grant remissions of rent in permanently settled areas affected by drought, flood or other natural calamities. Although the Tauzi Manual makes provision for remissions, that provision, so far as is known, has never been used, because it would never pay a zamindar to take a remission of Rs. 100 in revenue if at the same time he had to allow Rs. 1,000 in remissions of rent.

87. Increasing loss of occupancy rights.—Rents in Bengal have not been fixed on any scientific principle and have no recognised relation to the quality of the land or the value of the produce from it. It is true that the general level of the rents of the statutory raiyats is low, but owing to subletting and the free right of transfer the actual cultivators are to an increasing extent men who are either paying a cash rent which corresponds to a full economic rent, or are cultivating under the barga system and paying as rent one half of the produce. The rapid increase in the number of bargadars[1] is one of the most disquieting features of the present times; and it is an indication of the extent to which the hereditary raiyats are losing their status and being depressed to a lower standard of living. It is true that the successive provisions of the Tenancy Acts have endowed the raiyats with the practical ownership of their land. But a large and increasing proportion of the actual cultivators have no part of the elements of ownership, no protection against excessive rents, and no security of tenure.

88. Accumulation of arrear rents.—At the same time the rent-receivers complain, not without reason, that they are seriously hampered by the absence of any satisfactory procedure for rent recovery, and that the process in the Civil Courts is cumbrous, expensive and dilatory. The result is that rents are allowed to get into arrear for several years before suits are instituted. This is a highly undesirable

[1] See glossary.

feature of the present system which it may not be possible to alter radically, so long as the Permanent Settlement and the zamindari system remain in operation. Indeed it is maintained by some observers that if the present system remains unaltered, with a strict observance of the Sale Law and a more sparing resort to the protection of the Court of Wards, there will be a complete breakdown of the whole system.

The situation has been complicated by the development in certain areas of a no-rent mentality among the raiyats, which threatens the stability and security of the land system as a whole.

The truth is that the present situation, while containing some of the features of both the landlord and tenant and the peasant proprietorship systems, possesses most of the disadvantages and few of the advantages of either system. Under it the actual cultivator has too often the worst of both worlds.

9

BENGAL LAND REVENUE POLICY,[1] 21 MARCH 1940

94. Raiyatwari system the aim.—The objections to a scheme of State acquisition, which are set out in the preceding paragraphs have been carefully considered by the Commission as a whole. The majority of the members are definitely of opinion that no other solution than State acquisition will be adequate to remedy the defects of the present land system which we have enumerated in paragraphs 80 to 88. No solution that can be proposed is free from difficulties and dangers, but we are agreed that the present system ought not to remain unaltered, and that there should be some modification of the Permanent Settlement. The division of opinion on the Commission relates to the degree of the changes in the present system which should be recommended and there is a clear majority on the Commission who are convinced that in order to improve the economic condition of the cultivators, the Permanent Settlement and the zamindari system should be replaced by a raiyatwari system, under which the Government will be brought into direct relations with the actual cultivators by the acquisition of all the superior interests in agricultural land.

95. Advantages of State acquisition.—As sole landlord, Government would be in direct relation with the actual cultivators and would be in a very much stronger position than any private landlord to initiate schemes for the consolidation of holdings, the restoration of economic holdings, the provision of grazing land, and the prevention of transfers of land to non-agriculturists. Government management, although it might not be universally popular, will certainly be more efficient and more in the interests of the agricultural population than zamindari management. Even if rents were enhanced under Government management, the increment instead of going into the pockets of private individuals would be returned in the shape of improved social services.

So long as the zamindari system remains, it is difficult to evolve any satisfactory

[1] *Report of the Land Revenue Commission of Bengal*, vol. I, pp. 41–3.

arrangement for revising rents all over the Province on an equitable basis, or for maintaining the record-of-rights. It is also doubtful whether so long as the present system remains, the legislature would agree to provide a really efficient machinery for the realisation of arrear rents.

96. Conclusion.—It is in the light of these considerations that the majority of the members of our Commission have been led to the conclusion that whatever may have been the justification for the Permanent Settlement in 1793, it is no longer suited to the conditions of the present time. A majority of the Commission have also come to the conclusion that the zamindari system has developed so many defects that it has ceased to serve any national interest. No half measures will satisfactorily remedy its defects. Provided that a practicable scheme can be devised to acquire the interests of all classes of rent-receivers on reasonable terms, the policy should be to aim at bringing the actual cultivators into the position of tenants holding directly under Government. We recognise that this proposal involves a fundamental change in the rural economy of Bengal, affecting vitally the whole social and economic structure of the Province, that it can only be carried out gradually over a term of years, and that it would be a most formidable administrative undertaking, which will tax to the full all the resources of Government.

97. The constitutional position.—In the later sections of our report we shall deal in detail with the implications of the conclusion that the actual cultivators should be brought into the position of tenants holding directly under Government. But before doing so we desire to record our view that the Permanent Settlement can no longer be regarded as exempt from any modification that may be called for in the national interest. Whatever may have been the obligations of the British Government as successors to the East India Company, the grant of provincial autonomy has created a new situation, under which the Government of Bengal is free to consider the problem afresh and to propose any modifications which they may consider desirable under present conditions. Indeed the appointment of the Commission itself and its terms of reference are evidence that there is no legal or constitutional bar to the reconsideration of the Permanent Settlement, or to its replacement by any other system which is better adapted to the conditions of the present time.

The question was considered by the Joint Committee on Indian Constitutional Reforms, who stated in their report that it should not 'be placed beyond the competence of an Indian Ministry responsible to an Indian Legislature, which is to be charged *inter alia* with the duty of regulating the land revenue system of the Province, to alter the enactments embodying the Permanent Settlement, which enactments, despite the promises of permanence which they contain, are legally subject (like any other Indian enactment) to repeal or alteration'. At the same time the Joint Committee recommended that any Bill passed by the legislature which would alter the character of the Permanent Settlement should be reserved for the signification of His Majesty's pleasure, and this is provided for in the Instruments of Instructions to the Governor and the Governor-General.

(e) Agricultural problems and policies, 1858–1947

1

INDEBTEDNESS OF THE LANDOWNERS, THE JHANSI CASE,[1] 1881

Three different hypotheses are put forward to account for the present state of indebtedness among the Jhansi landowners. The first, to which great weight is attached by the Government of India, is that it is due to the error made by the North-West Provinces Government at the time of settlement, when ryotwari tenures were transformed into zemindari; and the remedy proposed is to undo this mistake. The second, to which Mr. Cunningham seems to attach the chief importance, is that the cause has been the rigidity of the system of collecting the land revenue; and the remedy proposed is to introduce greater elasticity in this respect. The third hypothesis, and the one which is, on the whole, adopted by the North-West Provinces Government, is that the cause lies in the one-sided and usurious terms on which the money-lenders advance loans, and the dishonest advantage they take of the ignorance and necessities of the zemindars'; and the remedy proposed is an Encumbered Estates Act, under which these estates should be managed or nursed by Government officers.

12. The extraordinary unfairness of these contracts does not seem to have been dwelt on as fully as one would have expected, either in the letter of the Local or the Supreme Government, although the facts are clearly set forth in Mr. La Touche's Garotha report. I will recapitulate some of them, because they seem to me totally at variance with an opinion that has gained ground lately—that the bania is not a bad creature after all, and does not take more than he is entitled to by the risks he runs,—whereas—, in many cases in Jhansi, he has run absolutely no risk at all, and yet has lent money on terms which bring him in a profit altogether beyond the ordinary profits of his profession, and terms which the proprietors would never have agreed to had they not been infants in their dealings with their creditors. We have seen how light the assessment is, and how large and secure a margin of profit it leaves. Yet in one case a man borrows money at 36 per cent. pledging his landed property for the amount; in another he not only pledges his property, but agrees that the mortgage shall become an absolute transfer if he does not repay the principal of his debt, with interest at the rate of 24 per cent, in a year. In a third case, the proprietor, owing a debt of Rs. 500, agrees to give over his estate to the creditor for 10 years, he, meanwhile, paying rent as a cultivator (that is, double the land revenue), with a drawback of Rs. 60; and unless at the end of 10 years he repays the principal and interest at 6 per cent. the land is to become the creditor's. If the man had been capable of making a contract, he would have seen that he could never hope to repay principal and interest when he had handed over all the proprietary profits of his land except the sum of Rs. 60 per annum. But the

[1] *Report of the Famine Commission*, 1881, C. 3086, App. 1, pp. 184–7. Note by C. A. Elliott.

Garha case, of which full details are given, is a still more flagrant instance of the incompetence of the zemindars to enter into a contract with the money-lender on equal terms. They owned an excellent property, a village which had to pay (including all expenses) about Rs. 1,340, and the full rent roll of which was about Rs. 2,500, leaving a clear profit of Rs. 1,160, and they owed Rs. 3,600. They agreed to pay their creditor, in 12 years, Rs. 12,680, or nearly four times the principal; they secured him from all risk by making over to him the collection of the rents, and they consented, if ever the surplus fell short of the instalments required to make up the Rs. 12,680 to pay 24 per cent. on the deficit. On these terms the money-lenders in ten years cleared Rs. 7,000, and yet the debt run up to Rs. 10,000 or Rs. 11,000. If dealings so extortionate as these are sanctioned by the Civil Courts, it is impossible for the zemindars ever to escape from the clutches of their creditors. And here it may be observed that the accounts of this village, which Mr. La Touche gives for each of the ten years, may be cited in answer to the arguments of those who assert that it is the rigid exaction of the Government revenue and not the oppression of the money-lenders that impoverishes the people.

I submit that the first thing that should be done is to establish a Court which shall annul these iniquitous contracts, and decree to the money-lenders a fair and equitable return for their money, and no more.

2

SMALL HOLDINGS AND SMALL CAPITAL,[1] 1893

394. The smallness of the holdings occupied by cultivators constitutes a limit to the possibility of improvement. The average size of a holding is probably below five acres, and each man's first concern is to provide food grain for himself and his family. Consequently it often happens that land which might grow highly remunerative crops is given up to the growing of grain crops, and the best use of it is accordingly not made.

Mr. Nicholson says of Coimbatore:—

'The land is often handed over to poor tenants who cannot wait for rich crops like sugar-cane and plantains, but must grow food grains. Sugar cane and plantains, worth 150 rupees per acre, would grow splendidly on tens of thousands of acres of wet land, but, instead of this, 20 rupees are spent to grow a crop worth 40 rupees.'

The smallness of the area also limits the obtaining or the laying out of capital, as well as the benefits of superior implements, and the employment of better cattle. It has been rightly said that 'what is wanted is not increase in the number of five-acre farms, but more capital put into the existing ones'. It is not as if we were dealing with farmers occupying some two or three hundred acres each, and where

[1] *Report on the Improvement of Indian Agriculture*, by Dr. J. A. Voelcker (Consulting Chemist to the Royal Agricultural Society of England), 1893, p. 290.

capital, education, and enterprise are present; but it is the absence of these, and the subdivision of the land into small patches, that make the problem of improvement so hard a one.

3

PRINCIPLES UNDERLYING THE ALIENATION OF LAND ACT,[1] 19 OCTOBER 1900

. . . I should like, before this motion is put to the Council by your Excellency, to say a few words in reply to the criticisms which have been made in several quarters on the general principles of our scheme. It is not necessary for me at this stage to make out a case for doing something, if possible, towards checking the transfer of land from the agricultural to the money-lending classes in the Punjab. I have shown on former occasions that of late years, as land has increased in value and become more attractive as a profitable investment, the number of transfers has increased correspondingly, and the conclusion which was come to by the Government of India, after most careful consideration of the subject, that this ever-growing expropriation of the yeoman and peasant proprietors of the Punjab constitutes a grave political danger which needs a prompt and decisive remedy, has been fully accepted by the Secretary of State. The question, therefore, to which I will now confine myself is whether our scheme is calculated to attain the object we have in view. Those who have opposed and criticised the measure put forward have done so mainly on two grounds: namely, that firstly, the restrictions which we are imposing on alienations will have the effect of diminishing the credit of the small proprietors to such an extent—some even go so far as to say that it will be extinguished altogether,—that they will be forced into parting with their lands at a more rapid rate than is taking place at present. The contention of the opponents of the Bill is, as my Hon'able friend, Sir Harnam Singh, has graphically put it in his Minute of Dissent from the Report of the Select Committee, that the monster fishes in the agricultural community will swallow the smaller fishes. If I thought that this result was really to be apprehended, I would be the first to admit that our scheme was essentially a faulty one; for its main object is the preservation, not the extinction, of the small proprietor. But I have no hesitation in challenging the view thus taken as being an altogether erroneous one, for it is obviously based on the assumption that the present borrowing power of the Punjabi landowner, under his existing unrestricted right of alienation, is essential in order to enable him to procure money for his agricultural and domestic necessities. Our case, however, for the Bill before the Council is that the unlimited power of alienation at present possessed by landowners in the Punjab is a direct incentive to extravagance, and that in a large majority of cases they misuse this power and raise money for various purposes which are quite beyond the limits of necessary or

[1] Speech of C. M. Revaz, C.S.I., Member of Governor General's Council, *Proceedings*, 1900, vol. XXXIX, pp. 272–7. India Office Library.

reasonable expenditure. As I have already said, the object we are aiming at is not to extinguish or injuriously affect the agriculturalist's credit, but to restrict it to a reasonable extent, to discourage him from raising money recklessly on his land for extravagant purposes, but to leave him ample facilities for doing so for all necessary purposes. It has been said in some quarters that the effect of our scheme will be to reduce sales perhaps, but certainly to largely stimulate mortgages. I am not at all prepared to admit that this result will follow. The proportion of mortgages to sales will probably be a good deal larger than it is at present, and I hope that this will be the case, for one of the main objects of our scheme is to encourage temporary in preference to permanent alienations; but I do not for a moment believe that the aggregate amount of alienations, permanent and temporary will exceed the present amount; on the contrary, I confidently anticipate a material decrease not only in sales, but also in mortgages.

. . . . .

The second general criticism which has been made on our scheme by some persons is this. They say 'your plan looks pretty enough on paper, but in practice it will prove ineffectual. The money-lender will get round your restrictions somehow or other, and grab the land as much as ever'. Well, time will show whether this prediction comes true or not. I am far from claiming perfection or finality for our scheme. It is a novel and bold experiment, and it is very possible that flaws at present unforeseen will be found in it for a time when it comes to be worked, and that these flaws will have to be remedied by amending the enactment before us. But, my Lord, those who never risk anything never win anything. Even if our scheme should prove altogether unsuccessful and ineffectual, I, for my part, should still think that the attempt we had made to grapple with an undoubted and ever-growing source of political danger was well worth the venture. But I fear no such failure. I make bold to say that our scheme is framed on the proper lines, and that it will achieve the object we have in view of reducing land transfers and of diverting such transfers in future from the money-lending to the agricultural classes. It will require much patience, tact and judgment on the part of those who will have to work it in its initial stages, but all this it will receive from the zealous and capable officers who will be concerned in putting it into operation, and I feel assured that in future years the measure now before us will be regarded as among not the least successful and beneficial acts of Your Excellency's administration.

4

LORD CURZON ON LAND POLICY,[1] 19 OCTOBER 1900

Now there is one objection that has been raised to our Bill which would equally apply to any Bill. It has been said that social customs and institutions cannot be

[1] Lord Curzon's speech in the Legislative Council, *Proceedings*, 1900, vol. XXXIX, pp. 331–6.

changed by arbitrary dispositions, either of law or executive authority; that they should be allowed to work out their own salvation; and that, in the process of what is described as evolution, but is in reality only blind and irresponsible abnegation of control, the desired reform will some day come. With me this argument carries no weight; for it is the argument both of the optimist, in so far as it cheerily but thoughtlessly assumes that things, if left to themselves, will come right in the end, which I may observe in nine cases out of ten is not the case; and of the pessimist, in so far as it contends that Governments ought not to attempt to solve problems, because their solution is hard; while it is also in direct violation of historical facts. If successive British Governments had contentedly accepted the proposition that social and agrarian evils are not to be rectified by legislation, where, I wonder, would the boasted advance of the nineteenth century have been? How would the men in our coalmines, the women and children in our factories, ever have secured the full protection which they now enjoy? Would labour have emancipated itself from the all-powerful control of capital? Had they not been guaranteed by legislative enactments, where would the valued privileges of compensation for improvements, compensation for accidents, compensation for disturbance, have been? Even in India itself how should we have built up the fabric of social and agrarian rights without the instrumentality of the law? Finally, as regards this particular case of land in the Punjab, I do not see how there can be anything immoral or revolutionary in taking away or modifying a privilege which it is proved beyond possibility of doubt was for the most part one of our own arbitrary creation. If it is an improper thing to diminish or destroy proprietary rights in land because it involves an interference with the course of nature, equally was it an improper thing to create them as we did fifty years ago, when they did not already exist. You cannot apply the argument at one end of the scale, without admitting it at the other. This is the answer to the plea of inviolable promises and inviolable rights that was put forward today by Sir Harnam Singh. The objections in principle to legislation of this description may, therefore, I think, be disregarded.

Will this measure really secure to the agricultural tribes of the province the full possession of their ancestral lands? Will it restrain them from reckless borrowing? Will it save them from the mesh of the usurer? Or, while protecting them from usurers of other castes, will it hand over the feebler and less thrifty units in the class to the richer and more powerful members of the tribe? Or, again, will it effectually divorce the money-bags of the province from the one form of investment which has always been dear to successful speculation? It would require a keener insight than mine to answer such questions with any certainty. It may be permissible, however, to anticipate that while all of these consequences will to some extent ensue, no one will follow to the exclusion of the others.

The moneyed classes, the nouveaux riches, will still have their opportunity of obtaining land, but not on such easy terms as in the past. The agricultural tribesmen will not all in a moment be converted to frugal or provident habits; but the

opportunities and the temptations of borrowing will, it is hoped, be less. The weakling and the spendthrift will still go under and his possessions will pass to his stronger brethren. But the transfer will be more frequently to men of his own tribe or tribal group, and less frequently to outsiders who are not connected either with the traditions or with the traditional occupation of the province. The transition will not be abrupt or sensational. It will be enough if, though gradual, it is sure.

5

THE PUNJAB ALIENATION OF LAND ACT,[1] 19 OCTOBER 1900

I. (1) This Act may be called the Punjab Alienation of Land Act, 1900.

(2) It extends to all the territories for the time being administered by the Lt. Governor of the Punjab; and

(3) It shall come into force on such day as the Governor General in Council may, by notification in the Gazette of India, direct.

III. (1) A person who desires to make a permanent alienation of his land shall be at liberty to make such alienation where:

(a) the alienor is not a member of an agricultural tribe; or

(b) the alienor is a member of an agricultural tribe and the alienee holds land as an agriculturist in the village where the land alienated is situated; or

(c) the alienor is a member of an agricultural tribe and the alienee is a member of the same tribe or of a tribe in the same group:

Provided that, if an agriculturist desire to make a permanent alienation of land acquired under clause (b), he shall not be at liberty to make such permanent alienation under this sub-section unless the alienee is a member of an agricultural tribe or a person holding land as an agriculturist in the village.

(2) Except in the cases provided for in sub-section (1) a permanent alienation of land shall not take effect as such—unless and until sanction is given thereto by a Deputy Commissioner:

Provided that sanction may be given after the act of alienation is otherwise completed.

(3) The Deputy Commissioner shall enquire into the circumstances of the alienation and shall have discretion to grant or refuse the sanction required by sub-section (2).

IV. The Local Government shall, by notification in the local official Gazette published with the previous sanction of the Governor General in Council, determine what bodies of persons in any district or group of districts are to be deemed to be agricultural tribes or groups of agricultural tribes for the purposes of this Act.

V. When a Deputy Commissioner sanctions a permanent alienation of land, his order shall not be taken to decide or affect any question of title, or any question relating to any reversionary right or right of pre-emption.

[1] Act XIII of 1900, *Acts of the Legislative Council of India.*

VI. (1) If a member of an agricultural tribe mortgages his land and the mortgagee is not a member of the same tribe, or of a tribe in the same group, the mortgage shall be made in one of the following forms:—

(a) in the form of a usufructuary mortgage, by which the mortgagor delivers possession of the land to the mortgagee and authorizes him to retain such possession and to receive the rents and profits of the land in lieu of interest and towards payment of the principal, on condition that after the expiry of the term agreed on, or (if no term is agreed on, or if the term agreed on exceeds twenty years) after the expiry of twenty years, the land shall be re-delivered to the mortgagor; or

(b) in the form of a mortgage without possession, subject to the condition that, if the mortgagor fails to pay principal and interest according to his contract, the mortgagee may apply to the Deputy Commissioner to place him in possession for such term, not exceeding twenty years, as the Deputy Commissioner may consider to be equitable, the mortgage to be treated as a usufructuary mortgage for the term of the mortgagee's possession and for such sum as may be due to the mortgagee on account of the balance of principal due and of interest due not exceeding the amount claimable as simple interest at such rate and for such period as the Deputy Commissioner thinks reasonable: or

(c) in the form of a written usufructuary mortgage by which the mortgagor recognises the mortgagee as a landlord and himself remains in cultivating occupancy of the land as a tenant subject to the payment of rent at such rate as may be agreed upon not exceeding sixteen annas per rupee of the amount of the land-revenue in addition to the amount of the land-revenue of the tenancy and the rates and cesses chargeable thereon and for such term as may be agreed on, the mortgagor having no right to alienate his right of cultivating occupancy and the mortgagee having no right to eject the mortgagor unless on the grounds mentioned in Section 39 of the Punjab Tenancy Act, 1887; or

(d) in any form which the Local Government may, by general or special order, permit to be used.

(2) If in the case of a mortgage in form (c) the mortgagor is ejected or relinquishes or abandons cultivating occupancy of the land, the mortgage shall take effect as a usufructuary mortgage in form.

(a) for such term not exceeding twenty years from the date of ejectment, relinquishment or abandonment, and for such sum of money as the Deputy Commissioner considers to be reasonable.

VII. In the case of mortgages made under section 6—

(1) no interest shall accrue during the period for which the mortgagee is in possession of the land or in receipt of rent;

(2) if the mortgage is in form (a) or form (b), then at the end of such period of possession the mortgage-debt shall be extinguished.

(3) the mortgagor may redeem his land at any time during the currency of the mortgage, on payment of the mortgage-debt or, in the case of a mortgage in form (a) or form (b), of such proportion of the mortgage-debt as the Deputy Commissioner determines to be equitable; and

(4) in the case of a usufructuary mortgage the mortgagor shall not be deemed to bind himself personally to repay the mortgage-money.

VIII. (1) In a mortgage made under section 6, the following conditions may be added by agreement between the parties:—

(a) a condition fixing the time of the agricultural year at which a mortgagor redeeming his land may resume possession thereof;

(b) conditions limiting the right of a mortgagor or mortgagee in possession to cut, sell or mortgage trees or to do any act affecting the permanent value of the land; and

(c) any condition which the Local Government by general or special order may declare to be admissible.

(2) In mortgages made under section 6 any condition not permitted by or under this Act shall be null and void.

IX. (1) If a member of an agricultural tribe makes a mortgage of his land in any manner or form not permitted by or under this Act, the Deputy Commissioner shall have authority to revise and alter the terms of the mortgage so as to bring it into accordance with such form of mortgage permitted by or under this Act as the mortgagee appears to him to be equitably entitled to claim.

(2) If a member of an agricultural tribe has before the commencement of this Act made a mortgage of his land in which there is a condition intended to operate by way of conditional sale, the Deputy Commissioner shall be empowered at any time during the currency of the mortgage to put the mortgagee to his election whether he will agree to the said condition being struck out, or to accept in lieu of the said mortgage a mortgage which may at the mortgagee's option be either in form (a) or in form (b) as permitted by section 6 and which shall be made for such period not exceeding the period permitted by the said section and for such sum of money as the Deputy Commissioner considers to be reasonable.

(3) If proceedings for the enforcement of a condition intended to operate by way of conditional sale are instituted or are pending at the commencement of this Act in any Civil Court or if a suit is instituted in any Civil Court on a mortgage to which sub-section (1) or sub-section (2) applies, the Court shall refer the case to the Deputy Commissioner with a view to the exercise of the power conferred by the sub-section applying thereto.

X. In any mortgage of land made after the commencement of this Act any

condition which is intended to operate by way of conditional sale shall be null and void.

XI. Any member of an agricultural tribe may make a lease or farm of his land for any term not exceeding twenty years, and any lease or farm made by a member of an agricultural tribe for a longer term than twenty years shall, if the lessee or farmer is not a member of the same tribe or of a tribe in the same group, be deemed to be a lease or farm for the term permitted by this section.

XII. (1) During the currency of a mortgage made under section 6 in form (a) or form (b) or of a lease or farm under this Act, the owner shall be at liberty to make a further temporary alienation of the same land for such term as together with the term of the current mortgage, lease or farm will make up a term not exceeding the full term of twenty years.

(2) Any such further temporary alienation, if made for a longer term than is permitted by this section, shall be deemed to be a temporary alienation for the term permitted by this section.

XIII. If a mortgagee, lessee or farmer holding possession under a mortgage made under section 6 or under a lease or farm made under section 11 or under a mortgage, lease or farm made under section 12 remains in possession after the expiry of the term for which he is entitled to hold under his mortgage, lease or farm, the Deputy Commissioner may, of his own motion or on the application of the person entitled to possession, eject such mortgagee, lessee or farmer and place the person so entitled in possession.

6

AGRICULTURAL POLICY,[1] 1901

349. The aspects of the famine problem, which, in the opinion of the Commission of 1880, called most urgently for attention, were the ascertainment of the actual facts regarding the agriculture of the country, and the circulation of the surplus stocks of food. To this end the policy of protective railways and of Agricultural Departments was recommended; and this policy has now, by the mere process of achievement, ceased to respond to the requirements of the present time.

350. To the policy of protective railways such ample effect has now been given that the final horror of famine—an actual dearth of food—need no longer be a source of apprehension. In inaccessible mountain country or in some remote valley the local officers may have upon occasion to bring food for the people, or to subsidize private trade to do so; but in the continent at large there is, for the future, no anxiety as to the ability of private trade to deliver food where it is needed. There is, indeed, necessity, as we have already pointed out, for improving the means of transport by an increase of the rolling stock; but generally railway construction has, in our opinion, played its part in the policy of famine insurance. To put the food-supply of the country in circulation was necessarily the first object

[1] *Report of the Indian Famine Commission*, 1901, Cd. 876, Part III, pp. 111–13.

of a wise famine policy; to protect and develop the supply itself should be its second object; and this is the function of agricultural development generally, and of irrigation in particular.

353. We are, indeed, far from thinking that the Indian cultivator is ignorant of agriculture; in the mere practice of cultivation Agricultural Departments have probably much to learn from the cultivator. But in the utilization of his hereditary skill, in economy of the means of production, and in the practice of organized self-help the Indian cultivator is generally ignorant and backward. It is in correcting these deficiencies that Agricultural Departments will find their richest fields of labour. Without pretending to exhaust the number of subjects on which these departments may usefully employ themselves, we may mention the following; improved agricultural teaching to the better classes; the promotion of Mutual Associations; agricultural research and experiments; enquiries regarding tillage and manure; the investigation of crop diseases and their remedies; the provision of improved seed; the experimental introduction of new staples; the improvement of cattle breeding; the investigation of cattle diseases; and the development of the fodder supply. To some of these subjects more or less attention has, we know, been already given, but they all claim greater and more systematic attention. To this end the employment of a stronger expert staff in every province is necessary. The steady application to agricultural problems of expert research is the crying necessity of the time.

7

AGRICULTURAL BANKS,[1] 1901

288. We attach the highest importance to the establishment of some organization or method whereby cultivators may obtain, without paying usurious rates of interest, and without being given undue facilities for incurring debt, the advances necessary for carrying on their business. Agriculture, like other industries is supported on credit. 'The saukar[2] is as essential in the village as the ploughman,' said the Secretary of State in reviewing the Report of the Deccan Riots Commission, and the statement is true in existing circumstances. But, owing to causes, which it would be tedious to trace, the saukar or bania[2] has, from being a help to agriculture, become, in some places, an incubus upon it. The usurious rates of interest that he charges and the unfair advantage that he takes of the cultivator's necessities and ignorance have, over large areas, placed a burden of indebtedness on the cultivator which he cannot bear. Passed on from father to son, and continually swollen in the process by compound interest, this burden of indebtedness has become hereditary and retains the cultivating classes in poverty, from which there is no escape, that we can perceive, except through State assistance, or the discovery of some other means by which the cultivator may get, on easier terms, the accommodation

[1] *Report of the Indian Famine Commission*, 1901, Cd. 876, Part III, pp. 97–9.

[2] See glossary.

that he needs. But even the fuller measure of State aid in the shape of taqavi loans,[1] which we shall recommend, will go but a small way towards removing the difficulties of the whole class. Government cannot possibly finance all the cultivators of a district, still less of a province. In the establishment of Mutual Credit Associations lies a large hope for the future of agriculture in India; and from the enquiries we have made there is reason to believe that, if taken up and pressed with patience and energy, such associations may be successfully worked.

289. This question is, we believe, to come shortly under the consideration of the Government of India, but it is necessary that we should call attention to its importance here. The subject was broached by us in all the provinces that we visited, and was everywhere regarded with interest. Moreover, as the Government of the North-Western Provinces and Oudh has actually taken steps to put the principles of rural co-operative credit into practice, we think it well to offer a few brief remarks on the direction which, in our opinion, a practical scheme of Agricultural Banks should follow.

290. The underlying idea in all Mutual Credit Associations, such as we recommend, is that a number of persons, by combining together, create a new and valuable security, which none of them previously possessed as individuals. Co-operation substitutes for isolated and helpless agricultural units a strong association competent to offer guarantees and capable of inspiring confidence. The advantages of lending to groups instead of to individuals need no demonstration. It is simpler for a creditor to deal with a group of fifty or a hundred associated cultivators than with the same number singly; it is simpler for him to obtain repayment from the group than from each of the members composing it; it is simpler for the group to make its own arrangements with each member than for the lender to try to do so. By the same process of reasoning, it is simpler for a Central Agricultural Bank to deal with groups of associated cultivators in each village than to make any attempt to deal with each cultivator singly.

291. To obtain the full advantages that co-operation offers, any group of cultivators, voluntarily associating together to obtain credit on their joint responsibility must agree to abide by certain recognized rules. Notwithstanding the difference between eastern and western conditions, the rules of the Raiffeisen credit associations are probably the best that, subject to necessary modifications, any similar associations in India could adopt. On this point some further remarks are required; but before offering them, we desire to remove some misconceptions, which our enquiries have shown to prevail, both as to the scope of village banks and as to the fundamental principles which should regulate their working.

292. It should be understood from the outset, and made perfectly clear to all concerned, that the establishment of a village bank does not imply the creation of an institution from which the villagers may draw money at their discretion. A village bank, based generally upon the Raiffeisen system, admits no one to membership who does not fulfil certain conditions which are essential for the safe conduct

[1] See glossary.

of the bank's operations; it works only for the benefit of its own members, and it grants no loan except for purposes connected with the promotion of agriculture. It is most important that these objects and limitations should be clearly understood, so that there may be no disappointment afterwards and no unnecessary alarm caused to the old established village money-lender.

293. We have been told by some non-official witnesses that, if Agricultural Banks do not lend for miscellaneous purposes, they stand no chance of succeeding, and by other witnesses that, if they do lend for miscellaneous purposes and thus compete with the money-lender, they are sure to fail. We think that both apprehensions arise from a misconception of the objects in view. It is not intended to frighten the village money-lender by permitting a village bank to enter into competition with him over the whole field of his business; still less is it the intention to encourage borrowing for unproductive purposes. No association borrowing on the joint responsibility of its members would be justified in devoting any of its funds to loans for unproductive purposes. It does not consequently enter into the scope of a village bank's operations to lend for marriage festivities or for caste feasts or similar objects. If people wish to borrow money for such purposes, or for any other purpose unconnected with agriculture, they must still go to the village saukar or bania. The co-operative agricultural bank only aims at freeing the great business of the cultivator's life from the terrible burden which now presses on it, owing to the usurious interest taken for agricultural loans.

294. To sum up, the objects of an Agricultural Bank of this kind may be thus enumerated:—

(1) To enable its members to obtain loans at reasonable rates for agricultural purposes by placing them in a favourable position to borrow, and by assisting in the creation of a new credit, which individually they did not possess.
(2) To provide them with a secure place, in which to deposit their small savings.
(3) To encourage thrift, by holding up before the eyes of the members the principle that money should not be borrowed unless for reproductive purposes.
(4) To promote co-operation among the village community in all agricultural affairs.

295. Having thus defined the scope of an Agricultural Bank's operations, we next wish to enumerate the principles upon which they are usually based. They are as follows:—

(1) There should be unlimited liability; members must be jointly and severally responsible for all the obligations contracted by their society.
(2) The area in which the village institution works must be well defined and restricted to narrow limits.
(3) Members must be carefully selected, and none admitted but those of approved character.

(4) All services in connection with the bank's administration must be gratuitously rendered.
(5) There should, in general, be no paid up capital.
(6) All net profits are payable, not as dividends to members, but to the reserve fund, which must be indivisible.

8

ESTABLISHMENT OF THE PUSA INSTITUTE,[1] 4 JUNE 1903

We have the honour to submit for your Lordship's favourable consideration and sanction a scheme for the establishment of an Agricultural Research Station, with which will be associated an Experimental Farm and an Agricultural College, on the Government estate of Pusa in the Darbhanga district of Lower Bengal.

2. When two years ago, we appointed with your Lordship's sanction an Inspector General of Agriculture for India, it was recognised that this was the first step towards the more active prosecution of the policy of scientific and practical enquiry and experiment in agricultural matters on which so much stress was laid by the Famine Commissioners of 1878, and the necessity for which was again emphasized by Dr. Voelcker, who was deputed in 1890 to advise us on the best course to be adopted in order to effect improvements in Indian agriculture. We realized, moreover that, in order to enable him to perform the task entrusted to him, it was essential that he should be given an adequate staff of experts, and we have therefore, with Your Lordship's approval, added to his staff a Cryptogramic Botanist and an Entomologist, in addition to the Agricultural Chemist whose services were already at our disposal. It has however always been apparent that, if the desired progress was to be made in the field of agricultural investigation, it would be necessary to provide a fully equipped research laboratory in which the agricultural experts could pursue their various enquiries, and the establishment of such a laboratory was already under our consideration when Mr. Henry Phipps, whose name will be known to Your Lordship, came forward with his munificent donation of £20,000 to be devoted to whatever object of public utility (if possible in the direction of scientific research) His Excellency the Viceroy might prefer. In accepting his generous offer it appeared to His Excellency that no more practical or useful object could be found to which to devote a portion of his gift, nor one more entirely consonant with the wishes of the donor, than the erection of a laboratory for agricultural research. He therefore decided to utilize for this purpose the greater portion of Mr. Phipps' donation, and we would add that Mr. Phipps has expressed his warm approval of the decision and has generously added a further sum of £10,000 to his original contribution.

6. Thus the scheme to which we now desire to obtain your Lordship's approval includes the establishment on the Pusa estate of an experimental farm and research

[1] Revenue Letters from India, Govt. of India to Secretary of State, 1903, vol. 30. India Office Library.

station with fully equipped laboratories, the funds for the erection of which will be provided from Mr. Phipps' donation, together with an agricultural college for the training of students and a cattle farm for the improvement of the local breeds of cattle. The institution will be an Imperial one under the general supervision and control of the Inspector General of Agriculture. It is perhaps unnecessary for us to argue at any length the urgent necessity for an institution of this kind.

We would therefore only remark that the necessity for similar institutions has been recognized not only in England—as in the institution founded by the late Sir J. Lawes at 'Rothamsted', in Hertfordshire—but also in America and in most Continental countries. In India it is, as we have already pointed out, only a further and necessary step in the development of the policy which has been initiated by the appointment of an Inspector General of Agriculture and his expert staff. Indeed in the absence of some such institution, at which our agricultural staff can combine experiments with growing crops with research in the laboratory, we cannot expect to derive full benefit from their services.

11. We now turn to the portion of the scheme which relates to the establishment of an agricultural college, and in this connection it is necessary to explain somewhat fully what is the present position of agricultural education in India, and the objects which the proposed college is designed to attain.

12. The question of establishing an agricultural college in connection with the research station at Pusa naturally came before us first of all from the point of view of Bengal, which at present possesses an Agricultural College at Sibpur near Calcutta, with a course of two years (formerly 14 months), where a somewhat superficial agricultural training is given to students who have taken their B.A. degree, or have passed the F.E. standard in the Engineering College. There are only six students in the second year's course at present. There was formerly a lower class, which also had a 14 months' course afterwards lengthened to two years, but it was discontinued in 1900 as it failed to attract students. The qualification for entry to this class was the Entrance Examination; and the education was intended for kanungos and others in the Subordinate Revenue Service. In both classes the education was in English. This College is admitted on all hands to have been a failure, and will probably have to be closed in any case, if for no other reason than that its situation is wholly unsuited to its purpose. There is not a suitable place in Bengal where a new college can be started with the advantage of an experimental farm in its neighbourhood, the only farm belonging to Government being at Chittagong. It appears essential therefore that the Imperial Institution at Pusa should include a college that will take the place of the Provincial Agricultural College of Bengal, though admission to it will not be confined to that province.

13. But an agricultural college is required at Pusa, not only in order to provide for the needs of Bengal, but also to serve as a model for and raise the standard of agricultural colleges in other provinces, and to provide for a more complete and efficient agricultural education than is now possible in any of the existing institutions. . . .

9

CO-OPERATIVE CREDIT SOCIETIES ACT,[1] 25 MARCH 1904

I. (1) This Act may be called the Co-operative Credit Societies Act, 1904; and
(2) It extends to the whole of British India.

III. (1) A society shall consist of ten or more persons above the age of eighteen years—

(a) residing in the same town or village or in the same groups of villages, or
(b) subject to the sanction of the Registrar, consisting of members of the same tribe, class or caste.

(2) Societies shall be either rural or urban. In a rural society not less than four-fifths of the members shall be agriculturists. In an urban society not less than four-fifths of the members shall be non-agriculturists.

(3) When any question arises as to whether for the purposes of this Act a person is an agriculturist or a non-agriculturist or whether two or more villages shall be considered to form a group, or whether any person belongs to a tribe, class or caste, the question shall be decided by the Registrar, whose decision shall be final.

IV. The members of a society shall be—

(a) persons joining in the application mentioned in section 6, sub-section (1), and registered as a society under sub-section (2), of the same section;
(b) persons qualified in accordance with the requirements of section 3 and admitted by the society in accordance with the provisions of this Act and with the by-laws of the society;

Provided that a person so admitted shall not exercise the rights of a member unless or until he has made such payment to the society in respect of membership or acquired such interest in the society as may be prescribed by the rules made under this Act or the by-laws of the society.

V. The Local Government may appoint a person to be Registrar of Co-operative Credit Societies for the Province or any portion of it.

VII. The liability of each member of a society for the debts of the society shall be as follows:—

(a) in the case of a rural society, such liability shall, save with the special sanction of the Local Government, be unlimited;
(b) in the case of an urban society, such liability shall be unlimited or limited as may be provided by the by-laws or by any rules made under this Act.

VIII. (1) No dividend or payment on account of profits shall be paid to a member of a rural society, but all profits made by such a society shall be carried to a fund (to be called the reserve fund):

[1] Act X of 1904, *Acts of the Legislative Council of India.*

Provided that, when such reserve fund has attained such proportion to the total of the liabilities of the society, and when the interest on loans to members has been reduced to such rates as may be determined by the by-laws or rules made under this Act, any further profits of the society, not exceeding three-fourths of the total annual profits, may be distributed to members by way of bonus.

(2) Not less than one-fourth of the profits in each year of an urban society shall be carried to a fund (to be called the reserve fund) before any dividend or payment on account of profits is paid to the members or any of them.

IX. A society may receive deposits from members without restriction, but it may borrow from persons who are not members only to such extent and under such conditions as may be provided by its by-laws or by rules made under this Act.

X. (1) A society shall make no loan to any person other than a member.

Provided that, with the consent of the Registrar, a society may make loans to a rural society.

(2) Save with the permission of the Registrar to be given by general order in the case of each society, a rural society shall not lend money on the security of moveable property.

(3) The Local Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immoveable property or any kind thereof by any society or class of societies.

XI. A society may deposit its funds in the Government Savings Bank or with any banker or person acting as a banker approved for this purpose by the Registrar.

10

LORD CURZON ON THE INDIAN PEASANT,[1] 16 NOVEMBER 1905

It is the Indian poor, the Indian peasant, the patient, humble, silent millions, the 80 per cent who subsist by agriculture, who know very little of policies, but who profit or suffer by their results, and whom men's eyes, even the eyes of their countrymen, too often forget—to whom I refer. He has been in the background of every policy for which I have been responsible, of every surplus of which I have assisted in the disposition. We see him not in the splendour and opulence, nor even in the squalor, of great cities; he reads no newspapers, for, as a rule, he cannot read at all; he has no politics. But he is the bone and sinew of the country, by the sweat of his brow the soil is tilled, from his labour comes one-fourth of the national income, he should be the first and the final object of every Viceroy's regard.

It is for him in the main that we have twice reduced the salt-tax, that we remitted land revenue in two years amounting to nearly 2½ millions sterling; for him that we are assessing the land value at a progressively lower pitch and making its collection

[1] Lord Curzon's speech at the Byculla Club, Bombay. *Lord Curzon in India. A selection of his speeches*, 1898–1905, ed. J. Raleigh, pp. 584–5.

elastic. It is to improve his credit that we have created co-operative credit societies, so that he may acquire capital at easy rates, and be saved from the usury of the money-lender. He is the man whom we desire to lift in the world, to whose children we want to give education, to rescue whom from tyranny and oppression we have reformed the Indian police, and from whose cabin we want to ward off penury and famine. Above all let us keep him on the soil and rescue him from bondage or expropriation. When I am vituperated by those who claim to speak for the Indian people, I feel no resentment and no pain. For I search my conscience, and I ask myself who and what are the real Indian people; and I rejoice that it has fallen to my lot to do something to alleviate theirs, and that I leave them better than I found them. As for the educated classes, I regret if, because I have not extended to them political concessions—more places on councils, and so on—I have in any way incurred their hostility. For I certainly in no wise return it, and when I remember how impartially it is bestowed on every Viceroy in the latter part of his term of office, I conclude that there must be something wrong about all of us which brings us under a common ban. I also remember that in a multitude of ways even as regards places and appointments I have consistently befriended and championed their cause. That I have not offered political concessions is because I did not regard it as wisdom or statesmanship in the interests of India itself to do so; and if I have incurred odium for thus doing my duty, I have no apology to advance.

11

M. L. DARLING'S EVIDENCE ON AGRICULTURAL INDEBTEDNESS,[1] 1928

. . . There are four main reasons why the peasant proprietor is obliged to borrow:—

1. The small size of his holding and the way it is split up, conditions which make it almost impossible for him to live without getting into debt, unless he is exceptionally frugal and industrious, or has some extraneous source of income.
2. His constantly recurring losses of cattle from drought and disease;
3. His ingrained improvidence, the effects of which are greatly aggravated by insecurity of crop; and
4. His extravagant expenditure upon marriage and other domestic ceremonies.

In addition there are two causes that make borrowing easy, namely:—

1. The money-lender and his vicious system of business; and
2. The great expansion of credit due to high prices and the inflated value of land.

[1] *Royal Commission on Agriculture*, 1928, vol. VIII (Punjab), pp. 583–5. Darling was Registrar of Cooperative Societies, 1927, Commissioner in the Punjab, 1931.

The first four causes explain why the peasant proprietor must borrow, the last two how he can borrow, and it is the combination of 'must' and 'can' that explains the great increase of debt in the last fifty years. Or, expressing it differently, we may say that the first four causes explain the existence of debt, the money-lender and his system, its continuance, and the expansion of credit, its volume.

Two minor points must also be noted; litigation, though a serious factor in certain districts, is not a major cause of debt; and land revenue, though often a cause of borrowing, is rarely a cause of indebtedness . . .

The reasons preventing repayment embrace the whole life of the peasant and may perhaps be summed up as follows:—

(1) the profound insecurity of life and crop in India acting upon very small holdings. (. . .)
(2) the thriftless character of the peasant which various forms of legal protection do nothing to mitigate.
(3) the character of the village money-lender, which is such that it is considered almost a virtue to outwit, and sometimes even to murder him.
(4) the limited field of investment open to him which makes him reluctant to press for the return of his money, provided interest is more or less regularly paid;
(5) the heavy interest charges and their rapid accumulation in bad seasons at compound interest.
(6) the prodigal expenditure upon marriages leading to large unproductive loans which can only be repaid with difficulty.
(b) Co-operation is much the best direct means of lightening the burden of debt, as the following figures show, relating to 2,093 village banks in the Punjab (with 69,000 members) which have completed 10 years. One hundred and twenty-eight lakhs (£850,000) of debt have been repaid, 38,000 acres redeemed and 41,000 taken in mortgage or purchased for 87 lakhs. Fifty-eight lakhs have been accumulated in shares and undistributed profits, and 35 per cent. of the members are entirely free of debt. In other words, liabilities have been reduced by 128 lakhs, and assets increased by 145 lakhs. The former represents an average reduction of Rs. 185 per member. As there are over 300,000 members of village banks in the Punjab, this means that co-operation is reducing debt at the rate of about six crores (£4 million) in ten years.

The best indirect means of combating usury is the development of communications, education, and joint stock banks. In the Punjab, usury is most evident in the more backward districts, e.g., Attock, Muzaffargarh and Gurgaon, and least evident in the more developed districts, e.g. Lyallpur. Emigration is another means and has been singularly successful in southern Italy. It would probably be only

less effective in the Punjab if doors now closed could be opened; in Jullundur, for instance, it has had marked effect. But this is presumably impossible. . . .

(c) In the Punjab, the Land Alienation Act restricts mortgage and sale. Circumstances have changed so profoundly since the act was passed that, in my opinion, it requires reconsideration. It was primarily passed to protect the weaker cultivator from expropriation, and in this it has succeeded. But it no longer protects the weak, but confers a very valuable privilege upon the strong; for, with the great increase in rural prosperity, many agriculturists are now in a position to buy land, and, as purchasers, are placed in a privileged position by the Act. The conferment of a privilege is obviously much less defensible than the conferment of protection. The difficulty is to grant the one without the other. Some advocate the introduction of a Homestead Law making whatever area is necessary to support a family inalienable. Such laws are in force in America, and several countries in Europe, e.g., France, Germany, Switzerland and Roumania, but they do not always prove effective and as recently as 1920 a Commission reported against their introduction into Italy. In Roumania there is not only a Homestead Law, but also a law that no more than a prescribed amount of land may be acquired. The object of this is to prevent the swelling of large estates at the expense of the small.

12

F. L. BRAYNE'S EVIDENCE ON VILLAGE UPLIFT,[1] 1928

There are two great things to be done.

(1) First I would insist with all my power that no improvement of agriculture is of any use whatever without uplift. An uplift campaign must precede and accompany all efforts at improvement of agriculture. Improvements in agriculture cannot precede an improvement in the standard of living and no improvement in the standard of living is possible without breaking the hard brake of custom which grips the rural area. The people do not know how to spend the money they have got, so what is the use of giving them more money till they have learnt this lesson? They live in the most unnecessary squalor, misery, suffering, degradation and disease. The improvement of agriculture matters nothing compared with the importance of teaching them to live healthy, reasonable human lives. I attach the outlines of the propaganda campaign which is being carried on in Gurgaon, to achieve this end, and also a paper written by me which was read at the Educational Conference held in December, 1926, at Lahore.

(2) The second great thing is that it is utterly useless and worse than useless introducing better machinery, better seeds and better farming until we can stop the

[1] *Royal Commission on Agriculture*, 1928, vol. VIII (Punjab), pp. 57–9. Brayne was Deputy Commissioner, Gurgaon, later Commissioner of Rural Reconstruction, Punjab.

people ruining their land and impoverishing and degrading themselves by the making and burning of dung cakes. If the Royal Commission will stop the making of dung cakes, they will double the crops in India and make all other agricultural development easy.

These two things are the first and the greatest essentials in India. If I might pick out the heart and centre of the uplift campaign, I should say that it was the elevation of women. India is the most backward of all countries because it regards women as hardly human. If it gave her proper place to women, India would very soon gain its own proper position among the nations of the world. Until it does so, India is bound to be backward and degraded and to be counted among the less honoured countries of the world.

It must not for a moment be supposed that I would stop the women working in the fields. Far from it. I consider the fact that the women (of all but the unfortunate purdah observing castes) work in the fields and every infant for the first year of its life lies in a basket under a tree in the fields, as the one redeeming feature of village life and the one thing that keeps the people healthy.

I want to stop the unnecessary and unhealthy work of corn grinding and dung cake making which wastes time far better devoted to the welfare of the children.

. . . . . .

The first few things to do then are:—

(a) to send the girls to school
(b) stop the making of dung cakes
(c) dig pits for the manure and village refuse and sweepings.
(d) open windows and ventilators in the houses.
(e) abolish the grinding of corn by female labour, and
(f) reinstate the menial castes in their proper position among mankind.

Add to this the teaching of the dignity of labour and you will make a paradise of the Punjab villages. Till these things are done, it is a waste of time working at new kinds of seeds and implements and all the other niceties of advanced agriculture.

The Government authorities responsible for sanctioning or modifying local uplift schemes are rarely seen either in the villages or even at district headquarters.

If uplift is to be a real thing and the local workers are not to go on being disappointed and discouraged, there must be a real live organisation for the work. At present all schemes are criticised at provincial headquarters and in a hostile atmosphere, and there is little effort made to consider them on the spot where they were framed and where they are to be executed and where local information and experience is available.

An officer, call him Director of Rural Uplift or Director of Rural Development —is required, sufficiently active and junior to tour regularly at all times of the year

in the districts themselves and sufficiently young to be keen and optimistic. Uplift is a matter of enthusiasm which is apt to die as the years pass and touch is lost with the actual villager.

13

REPORT ON INDIAN CATTLE,[1] 1928

169. The complaint that cattle in India are deteriorating is an old one. It is mentioned by a traveller in India at the end of the eighteenth century and it was a common topic of discussion throughout the nineteenth century. It is impossible either to prove or to disprove that average specimens of Indian cattle are better or worse than they were a century, or ten centuries ago. No full records of their former condition exist, and, if records did exist, it would not be possible to use them so as to show how the 150 million cattle of to-day compare with the 100 millions of a former period. On the evidence placed before us, we can, however, state that the difficulty of securing good bullocks and good cows has increased in recent years; thus, in relation to the existing demand, the quality of the supply has deteriorated. There was also much evidence to the effect that conditions for the breeders of cattle are now more difficult than formerly. While the evidence of witnesses points to the probability that deterioration is going on, our own examination of the position, created primarily by the increasing demand for bullocks owing to the extension of cultivation, leads us to the conclusion that conditions have arisen, and are already at work, which cannot fail to prejudice livestock, and that cattle such as the deplorable animals now to be seen, for example, in parts of Bengal and of the Central Provinces, must become more common unless substantial changes in the existing management take place.

170. Many suggestions for improvement have been made and the subject is now engaging the attention of experts in all provinces. To these suggestions and efforts we shall later allude. In the meantime, we would emphasise two cardinal points in any policy of cattle improvement. The first is the necessity for attention to all matters that would tend to decrease the number of bullocks required for cultivation. Improvement in this respect would be secured by any measures calculated to check the subdivision and fragmentation of holdings, to increase the efficiency of the cultivator's tillage implements or to facilitate transport, whether by improvement of his roads or by other means, as well as by measures aiming at an increase in the strength of the bullocks themselves. The second is the necessity for efforts to secure for dry cows and cows in-calf better treatment than they now receive.

[1] *Report of the Royal Commission on Agriculture*, 1928, ch. VII, pp. 191–2.

14

REPORT ON VILLAGE UPLIFT,[1] 1928

The aim of the suggestions and recommendations we have made in the preceding chapters has been to bring about greater efficiency throughout the whole field of agricultural production and to render the business of farming more profitable to the cultivator. Throughout our Report, we have endeavoured to make plain our conviction that no substantial improvement in agriculture can be effected unless the cultivator has the will to achieve a better standard of living and the capacity, in terms of mental equipment and of physical health, to take advantage of the opportunities which science, wise laws and good administration may place at his disposal. Of all the factors making for prosperous agriculture, by far the most important is the outlook of the peasant himself.

This, in the main, is determined by his environment and it follows, therefore, that the success of all measures designed for the advancement of agriculture must depend upon the creation of conditions favourable to progress. If this conclusion be accepted, the improvement of village life in all directions assumes at once a new importance as the first and essential step in a comprehensive policy designed to promote the prosperity of the whole population, and to enhance the national income at the source. The demand for a better life can, in our opinion, be stimulated only by a deliberate and concerted effort to improve the general conditions of the country-side, and we have no hesitation in affirming that the responsibility for initiating the steps required to effect this improvement rests with Government.

15

RURAL DEVELOPMENT POLICY,[2] 1935

The Government of India has allotted under the budget Rs. 1 crore for distribution to the provinces for the economic development of rural areas. The money was to be spent on schemes designed to increase the economic welfare of the people as well as those intended to improve their health and education. Of the sum allotted Rs. 15 lakhs were set aside for developing the co-operative movement. The balance was distributed amongst the provinces on the basis of their rural population. As soon as the demand was sanctioned, local Governments were asked to submit schemes for the approval of the Government of India. A lead was given by indicating to them subjects which in the view of the Government of India covered the most pressing needs of village life. These were: sanitary measures—including anti-malaria schemes, village water-supply and village drainage; consolidation of holdings; construction of village roads; and discretionary grants to District officers to enable them to promote or assist minor local works of improvement.

[1] *Report of the Royal Commission on Agriculture*, 1928, ch. XXI, p. 672.

[2] *Moral and Material Progress Report*, 1934–5, pp. 107–8.

The scope for initiative in using the grant is great, as was illustrated by the proposals put up by the provinces. Some proposed to spend most of their allotment on projects of the general description indicated by the Government of India, but several schemes were put forward covering a wide range of activity, some of them representing entirely new departures which might in time transform the conditions of village life.

The nature of the various provincial proposals cannot be described in detail, but some of the interesting projects beyond the general range can conveniently be summarised as follows: improvements of livestock and fodder crops; development of marketing facilities; improved preserving and tanning of hides; encouragement of cottage industries; attachment of farms to schools for giving practical training in agriculture; development of fruit culture and canning; provision of improved seed; establishment of inland fisheries; and provision of wireless sets, gramophones and touring cinema outfits for propaganda work connected with village uplift

The preliminary arrangements for launching the schemes took time and many of them could not produce substantial results by the close of the year. However, the reports received from the provinces show that a comprehensive programme of rural uplift work has been started and good use is being made of the money available. Much has been achieved, particularly in the improvement of water-supply by well-boring, in the provision of pedigree stock for improving cattle breeding and in the distribution of selected seed. Progress has also been made in the consolidation of holdings and in the improvement of village communications. One of the main features in the scheme is the rapid establishment of rural development centres and village development committees.

16

REPORT ON INDIAN CATTLE,[1] 1941

. . . Although India has about as many milch cattle as Europe including Russia (U.S.S.R.), its production of milk is only a fifth of that of Europe. India produces nearly four times the quantity of milk produced by Canada but has nearly 17 times the number of cattle. Similarly, it produces only a little less milk than Germany but maintains six times the number of cattle. It must be realised that India has a very large cattle population, more than that of any other continent, not to speak of any individual country. The dairy quality of the cattle within the boundaries of India itself varies so extensively that it is highly misleading to compare 'Indian cattle' as a class in point of milk yields with small lots of specialised dairy cattle in countries abroad, some of which have been improving their yields for the last 50 years, if not more. As stated before, there is one note-worthy feature concerning the Indian cattle, viz., that they yield richer milk as compared with most of the breeds of cows abroad. It appears that from early times a major portion of the production of milk in India has always been utilised for ghee making and the early

[1] *Report on the Marketing of Milk in India and Burma*, 1941, pp. 17–18.

breeders, therefore, paid more attention to the richness of milk rather than to high yields. In other words they thought more in terms of ghee (butter-fat) than milk. Even today, the breeders in remote areas, e.g., *Kathiawar* and *Cutch*, where ghee is the main consideration, never measure or weigh the milk but as the ghee is packed in empty kerosene oil tins (4 gallons each) before sale, they indicate the performance of the animal in terms of the number of tins of ghee obtained from it and it is surprising how well they know the exact quantity of ghee yielded by each animal during a lactation.

17

REPORT ON SANITATION AND THE MILK SUPPLY,[1] 1941

In India although the defective filthy and often dangerous methods employed in the production, handling and distribution of milk are generally well known to all including the Public Health authorities, little or no biological work has been done so far to bring to light the real state of affairs or their effects on public health. Figures of infantile mortality in India, said to be the highest among all countries of the world, are often quoted in the various reports but no study has been made to show how far the unhygienic conditions prevailing in the production and distribution of the most important child's food—milk—are responsible for the heavy toll of death and disease.

Bacteria may originate in milk from the diseased udder or the diseased system of the cow itself. The universal Indian practice of allowing the calf to suck a little milk before each milking, the practice of milking the animals on the streets for door-to-door delivery, the dirty udder and unwashed flanks of the animals, particularly of the buffaloes which wallow in the mud, the unwashed and contaminated hands of the milker, his dirty clothings and insanitary habits, e.g., coughing, sneezing and blowing the nose with fingers, etc., the diseases, if any, of the milker and others handling the product, the filthy condition of the cattle stable which exposes milk to manurial contamination, the unclean and defective milk vessels, the polluted water supply in the villages, the defective transport arrangements, the practice of putting leaves, paper and straw in milk to prevent spilling from open cans, the warm climate of the country so favourable for rapid growth of bacteria, the ignorance and indifference of persons generally engaged in the milk trade even towards the elementary principles of cleanliness, the insanitary conditions of the open milk shops in streets, the lack of suitable technical and educational facilities to create better understanding in the people concerned, the addition of dirty water to milk, the lack of adequate control by the health authorities, etc., are only a few of the many sources and causes which unfortunately pollute the supply of market milk in India and help to keep its standard low compared to other countries.

[1] *Report on the Marketing of Milk in India and Burma*, 1941, p. 211.

(*f*) Famine, population and irrigation problems and policies, 1858–1947

1

RESOLUTION OF THE GOVERNMENT OF INDIA ON FAMINE POLICY,[1] 22 SEPTEMBER 1868

5. In proceeding to consider the manner in which the Government should act if severe scarcity arises, His Excellency in Council would first most earnestly impress upon all persons in authority the necessity for not permitting the smallest interference with the ordinary operations of trade during the continuance of the scarcity. On this subject the following extract from a paper drawn up in 1861 by Mr. J. Strachey, then Collector of Moradabad, may be regarded as expressing the views of the Government of India at the present time:—

> There is one other point connected with this part of the question to which it is desirable to refer. The Government has already publicly expressed its disapproval of all interference by its officers with the object of reducing the price of food. I believe that orders still more strong and explicit would be useful. Unfortunately, public education in these matters is at a miserably low ebb. In times of difficulty, like the present, almost every Magistrate is constantly urged, both by Englishmen and by Natives, to interfere, in some way or other, for the purpose of cheapening food, or of rendering it easier of access to the consumers. Reports frequently become prevalent that in some part of the country such interference has been actually practised. Whether these reports be true or false, they are extremely mischievous. The determination of Government to allow no such interference ought to be so notorious that reports of this kind shall obtain no credence. These rumours are the more readily believed, because they fall in with the general idea of what is proper and probable. The mere suspicion of any interference of the kind is sufficient to check the speculations of the corn-merchants, and it cannot be doubted that this is a cause which often, in this country, has the effect of stopping the exportation of grain from distant markets.

It cannot be too clearly borne in mind that in time of extreme famine, when it is impossible to supply the deficiency of food by importation, the main safeguard against general starvation is the reduction of consumption, and that this can only be effectually brought about by a rise of prices. The grain-dealer, therefore, while he works for his own personal advantage by raising the price of food as it becomes scarce, is in fact providing the means of securing the community against the extremity of famine, and his action, so far from being, as it is too often ignorantly described to be, that of a public enemy, is much more that of a public benefactor.

[1] *Supplement to the Gazette of India*, 26 September 1868, pp. 909–10.

2

LORD LYTTON'S MINUTE ON FAMINE POLICY,[1] 12 AUGUST 1877

5. The policy of the Government of India, as declared after previous famines, was to give all possible facilities for the transport of grain to distressed districts; to abstain from interference with the grain trade, so long as that trade was active; to give relief wages to the destitute who would labor on useful public works; to relieve gratuitously, under trustworthy supervision, the helpless poor, when the pressure of famine became extreme; and to avert death from starvation by the employment of all means practically open to the resources of the State and the exertions of its officers; but to discharge this duty at the lowest cost compatible with the preservation of human life from wholesale destruction. In the autumn of 1876, no general instructions were issued by the Government of India for the management of serious and widespread famine, nor until November was it certain, from the reports received by the Supreme Government, that positive famine was impending in the Madras districts.

11. In regard to the main object of relief operations, viz., the saving of human life, much, but not complete, success has been attained. In some tracts relief operations began too late; at centres of population, like Madras and Bangalore, and on some of the roads leading to such centres, starvation deaths have occurred; the death-rate from cholera, dysentry, and such like diseases has greatly increased over large areas. But, on the whole, the worst evils of famine have, so far, been successfully averted over the vast tracts visited by failure of crops. According to the standard of mortality during the Orissa famine, from three to five millions of people must have died of famine in Southern India during the year 1877 if the guaranteed railways had not existed, and if Government had incurred no outlay on relief operations. Nothing of this sort has occurred; and on this result the Governments, and the local officers, who have exerted themselves admirably, deserve the acknowledgments of the Government of India. I fear, however, it may hereafter be found that over large tracts relief operations were, for considerable periods, conducted without sufficient system, and without due regard to economy.

18. When harvests fail in an Indian province, considerable old stocks of food are left in the hands of the land-holding and mercantile classes: but these stocks are often held back from sale. Markets have, therefore, to be supplied with grain imported from a distance. I consider that, except under most peculiar and exceptional circumstances, the function of supplying the demand for imported grain can be best, and, indeed, alone, discharged by private trade; and that private trade should be left to do its work in this respect with as little interference from Government as practicable. The Government and its officers should, however, give all possible information, and should give, where necessary, additional facilities, to private trade. Early and correct information as to prices and means of carriage

[1] Lytton Papers, MSS. Eur. E 218, 520/1, pp. 710–34. India Office Library.

should be published The carrying power of railways and canals, leading into the famine tracts, should be reinforced; tolls and other restraints on free inter-communication should be removed; roads into the interior should be improved and kept in order; rates of railway or other carriage might be reduced; and, in cases of extreme necessity, temporary railways, or tramways, might be laid from main railway lines into populous tracts, whereto means of communication failed, or were insufficient. These will, indeed, be the most useful of all works, if we have to meet another year of famine. Grain required by Government for alms to the helpless poor, or for labourers on relief-works, or for any tract where supplies were deficient, should be obtained through the trade, at or near the local markets, and should not be imported from a distance by Government itself. Experience has shown that Government operations in the grain market disorganise and paralyse private trade, to an extent out of all proportion to the operations themselves. Moreover, where the carrying power of a country by rail, canal, or cart, is limited, and is fully utilised, Government grain importations must necessarily displace a corresponding quantity of privately imported grain. My view, therefore, is that, under no circumstances, which are likely to occur, ought the Government itself to engage in the business of importing grain. Free and abundant private trade cannot co-exist with Government importation. Absolute non-interference with the operations of private commercial enterprise must be the foundation of our present famine policy. Trade towards the famine country from Bengal and Northern and Central India is at present active; and there is every reason to believe that the Indian sources of supply are still considerable. But even if these should fail, the interference of the Government would be a ruinous error. It could only have the effect of decreasing the total amount of food available, and thus aggravating the catastrophe. I am confident that more food, whether from abroad or elsewhere, will reach Madras, if we leave private enterprise to itself, than if we paralyse it by Government competition. These remarks refer to the famine we are now dealing with. I do not, of course, intend to assert that famines cannot occur, in which Government interference for the importation of food may not be absolutely necessary. Indeed, the Orissa famine was one of those cases.

SYNOPTICAL VIEW OF FAMINE CHRONOLOGY,[1] 1880

70. The following table, which embraces the period from 1769 to 1878, or 109 years, shows the years in which famines and scarcities have occurred in the chief provinces of India, the degree of intensity and the duration of ease, the intervals of time between their occurrence, and the resulting averages as regards each province and the whole of India:

	Bengal			N.W. Provinces and Punjab			Rajputana and Central India			Bombay			Madras			All India		
		Years			Years			Years			Years			Years			Years		
	Severity	Duration	Interval	Severity	Duration	Interval	Severity	Duration	Interval	Severity	Duration	Interval	Severity	Duration	Interval	Severity	Duration	Interval
1769–70	***	1	—	—	—	—	—	—	—	—	—	—	—	—	—	***	1	—
1782–3	—	—	—	—	—	—	—	—	—	**	1	13	**	2	13	**	1	12
1783–4	*	1	13	***	1	14	—	—	—	—	—	—	—	—	—	***	1	—
1791–2	—	—	—	—	—	—	**	1	22	***	1	8	**	1	7	***	1	7
1802–3	—	—	—	—	—	—	—	—	—	**	1	10	—	—	—	**	1	10
1803–4	—	—	—	**	1	19	**	1	11	—	—	—	—	—	—	**	1	—
1806–7	—	—	—	—	—	—	—	—	—	—	—	—	**	1	13	**	1	2
1812–13	—	—	—	*	1	8	*	1	8	**	1	9	—	—	—	**	1	5
1823–4	—	—	—	—	—	—	—	—	—	—	—	—	**	1	16	**	1	10
1824–5	—	—	—	—	—	—	—	—	—	*	1	11	—	—	—	*	1	—
1832–3	—	—	—	—	—	—	—	—	—	—	—	—	***	1	8	***	1	7
1833–4	—	—	—	*	1	20	*	1	20	*	1	8	—	—	—	*	1	—
1837–8	—	—	—	***	1	3	**	1	3	—	—	—	—	—	—	***	1	3
1838–9	—	—	—	—	—	—	—	—	—	*	1	4	—	—	—	*	1	—
1844–5	—	—	—	—	—	—	—	—	—	*	1	5	—	—	—	*	1	5
1853–4	—	—	—	—	—	—	—	—	—	—	—	—	**	1	20	**	1	8
1860–1	—	—	—	**	1	22	*	1	22	—	—	—	—	—	—	**	1	6
1865–6	***	2	81	—	—	—	—	—	—	—	—	—	**	1	11	***	2	4
1868–9	—	—	—	**	1	7	***	2	7	—	—	—	—	—	—	***	2	1
1873–4	**	1	6	*	1	4	—	—	—	—	—	—	—	—	—	**	1	3
1876–7	—	—	—	—	—	—	—	—	—	***	2	31	***	2	10	***	2	2
1877–8	—	—	4	**	1	3	*	1	7	—	—	—	—	—	—	—	—	—
Total No. of Famines or Scarcities	4	—	—	9	—	—	8	—	—	9	—	—	8	—	—	21	—	—
Total No. of Years affected by Famine	—	5	—	—	9	—	—	9	—	—	10	—	—	10	—	—	24	—
Total No. of Years of Interval without Famine	—	—	104	—	—	100	—	—	100	—	—	99	—	—	99	—	—	85
Average No. of Years of Interval without Famine	—	—	26	—	—	11	—	—	13	—	—	11	—	—	12	—	—	4

N.B.—One asterisk denotes a severe scarcity; two asterisks denote a famine; three asterisks denote an intense famine.

[1] *Report of the Indian Famine Commission*, C. 2591, 1880, Part I, pp. 22–3.

4

FAMINE POLICY,[1] 1880

. . . . .

105. The precise circumstances under which it becomes right and necessary that the resources of the State should be applied to the relief of want or suffering must differ in different countries, but the general conditions by which the obligation is governed appear to be these: (1), that the calamity shall be one which places it beyond the power of an individual to obtain the requisite relief or efficacious remedy otherwise than with the aid of the State; and (2), that the intervention of the State is likely to produce a practically beneficial result. There can be no doubt that a calamity such as famine, exceptional in its nature and arising from causes wholly beyond human control, which deprives an entire population of its customary food supply, and arrests the ordinary employments of the wage-earning classes, is one which in a country such as India wholly transcends individual effort and power of resistance. It accordingly becomes a paramount duty of the State to give all practical assistance to the people in time of famine, and to devote all its available resources to this end, and this duty is emphasized by the fact that the Government stands in the place of landlord to the agriculturists, who form the great mass of the population. We need not entangle ourselves in vain speculation as to the point at which the consequences of giving relief on some imaginary scale of magnitude would become a more grievous evil to the country than the destruction that would follow if famine were left without relief, or with relief known to be insufficient. No such alternative is at all events at present before us.

5

IRRIGATION POLICY,[2] 1901–3

383. Our general conclusion is that there is a wide but not unlimited field in which the Engineers and Civil officers can work together for the protection of the country from famine; partly by the construction of new State irrigation works, and partly by encouraging and stimulating the extension of irrigation by means of private works. Both methods will involve heavy expenditure on the part of the State, upon which there will be no direct return, although it may be justified by the value of the protection afforded. We have endeavoured to indicate not only all the possibilities, but also the limitations to extensions of irrigation. It has been incumbent on us to consider the latter, but it is the former on which we prefer to dwell, and to which we invite the more earnest consideration. It is more important to realize what irrigation can do, than what it cannot. The whole of India can never be protected from famine by irrigation alone, but irrigation can do much to restrict

[1] *Report of the Indian Famine Commission*, 1880, Part I, pp. 34–5.

[2] *Report of the Indian Irrigation Commission*, 1901–3, Cd. 1851, Part I, pp. 125–6.

the area and to mitigate the intensity of famine. We cannot but repeat, in respect of the measures that we propose, the wise warning of the last Famine Commission that their enduring success will depend no less on their effect in evolving a spirit of self-help and thrift among the people than on their efficiency in securing the crops from drought. Nevertheless, we hope that, if they are vigorously and systematically carried to completion, they will at least give all the protection from drought that irrigation is capable of affording; and that the additional security thereby conferred on the agricultural classes of India may tend to develop amongst them that prudence and practice of thrift without which irrigation of itself will be of little permanent or lasting value.

6

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[1] 19 NOVEMBER 1905

5. While, therefore, I agree with your Government in desiring a more liberal policy in the construction of protective works, I am constrained to recognise that no extension of irrigation sufficient to secure all parts of the country against the attacks of famine is possible.

8. In the case of the productive works the problem is easier, as there is here no question of benefiting one portion of the community at the expense of the rest. At the same time all productive works must be regarded as essentially protective, and are generally more reliable than the works technically known by that name.

9. For these reasons I agree with the recommendation of the Commission, which is accepted by your Government, that the programme of future expenditure on irrigation works should provide for the construction of as many productive works as can be prepared, without reference to the urgency of the need for protection in the tract to be commanded by them, and that promising projects should be held in abeyance only when their execution is prevented by want of establishment or of funds.

7

OBJECTS AND PRINCIPLES OF COLONIZATION,[2] 1915

. . . . . .

4. . . . The scheme of colonization, if not wholly philanthropic in its intent, was at any rate conceived in a spirit of singular breadth and magnanimity. The land available being absolutely at the disposal of Government, it was possible to select colonists without regard to vested interests except for the comparatively small body of nomad graziers originally resident in the Bar and neighbouring landholders adversely affected by the scheme. The relief of pressure in congested

[1] Public Works Despatches to India, vol. 26, No. 60, India Office Library.

[2] *Final Report on the Chenab Colony Settlement*, 1915, pp. 3–5.

districts was made the keystone of the Government policy: but it was coupled with a determination to introduce only practised agriculturists of approved antecedents and to found, in so far as might be, none but healthy rural communities of the best type. Pursuant to this main idea, three principal classes of colonists were originally contemplated: peasants, to whom a right of occupancy for 20 years was promised, if they duly resided and cultivated their grants; yeomen, who would be permitted to purchase proprietary rights on favourable terms after the fulfilment of certain conditions, which included personal residence: capitalists, who would be mulcted in larger payments than the yeomen, but were subject to the same privilege as regards acquisition of proprietary rights without any liability in the matter of personal residence. The last class included a few auction purchasers, who were to secure proprietary rights outright, subject to the conditions of sale. Some of the essentials of successful colonization were at the same time enunciated, which may be summarized as follows: (i) colonists were obliged to build houses and to reside in a selected village site, join in the construction of a well and submit to certain elementary rules of sanitation: (ii) the control of all common land, roads, water-courses and grazing grounds was maintained in the hands of Government: (iii) as the country-side would be denuded of its fuel and timber reserves in the process of colonization, grantees were required to plant a certain number of trees. At the earlier stages the philanthropic idea was dominant: later, with the introduction of service grants, a fresh purpose asserted itself. True, the germ of it was present from the beginning in the allotment of extra grants to lambardars:[1] the possession of such a grant implied services rendered or to be rendered, if not of a very definite character. But the mule-breeding and camel service grants were of a different type. The problem of providing for a number of Baloch camel-owners, nomad graziers of the Bar, had arisen in the Colony about the year 1897: it synchronized with the appointment of a committee to consider how the transport necessary to the Indian Army could be provided at reasonable cost and without impressment or undue inconvenience to the persons providing it. The result was the foundation of the grantee camel corps, as it exists at present. A connection between service and land once established in principle, its extension to the lambardari grants, which were made subject to mule-breeding conditions from 1903 onwards, was a natural sequence of events.

Such was, in brief, the plan of campaign, initiated with the appointment of a Colonization Officer in February, 1892, and in its entirety even now not yet fully accomplished.

. . . . .

5. Grantees will now be classified according to the original allotment as peasants, yeomen, capitalists or auction purchasers, military and service grantees being placed in separate categories. The present tendencies of the social fabric thus

[1] The cultivator, who on his own account or as representative of other members of a village, pays the Government dues.

created are reserved for treatment in a subsequent chapter (paras. 131 to 133), which must be regarded as an appendix to this account.

The wisdom of the choice made by the district and colony officers was generally unquestionable, but a few of the mistakes made are worthy of notice. A new Colony must start with a population of vigorous men, not past their prime: those who selected heads of families, in contravention of this fundamental principle, postponed public to private interests. Again, joint grants to a whole village or minute allotments in severalty to each of its individual members, proved equally unsatisfactory. These could only result in apathy on the part of grantees, who lacked personal interest in their holdings, or difficulties with the Irrigation officers in regard to the distribution of water.

8

NATURE OF THE POPULATION PROBLEM,[1] 1931

Attention has already been drawn to the grave increase in the population of this country. The actual figure of the increase alone is little under thirty-four million, a figure approaching equality with that of the total population of France or Italy and appreciably greater than that of such important European powers as Poland and Spain. The population now even exceeds the latest estimate of the population of China, so that India now heads the list of all the countries in the world in the number of her inhabitants. This increase, however, is from most points of view a cause for alarm rather than for satisfaction. The total literate population of India in 1921 was 22,623,651 and is now 28,131,315, so that the mere increase of population during the intervening period has exceeded the former figure by 11 million, that is by 50 per cent., and still exceeds the latter by 20 per cent. Even in Travancore State, where the percentage of literacy is much higher than in most parts of India, but where the population has increased by 27 per cent., the proportion of literacy has fallen from 24·2 per cent. in 1921 to 23·9 per cent. in 1931 though in India as a whole it has risen from 7 per cent. to 8 per cent.

Recent writers on the population question in India, e.g., Wattal and Ranadive have directed their attention primarily to the question of food production. Their argument is that the population of India is already living permanently on the verge of scarcity and any increase is bound to result in an insufficiency of the food supply. Recent experience, however, throws doubt on this theory; the general slump in the price of food, and the difficulty found by cultivators in selling their produce, suggest that the danger of shortage of the food supply is not the most serious aspect of the question. It is not argued that this is not a danger to be reckoned with, and in any case the maximum population possible is very far from identical with the maximum population desirable, since the rise of population on the subsistence margin must reduce the standard of living but it would seem that the point has not yet been reached at which the ability of the country to feed its occupants is seriously

[1] *Census of India 1931*, vol. I, Part 1, pp. 29–31.

taxed. The position of economists in regard to the west now appears to be that 'the devastating torrent of babies' is being reduced to a trickle, and that even if it were swelled again the rapid developments both mechanical and biological that are taking place in the world production of food, would be more than sufficient to cope with the flood, so that it is progressively easier to obtain subsistence. It may be doubted whether either supposition is yet applicable, to Indian conditions. In the first place there are as yet no indications of any tendency on the part of the countryman to modify his view of the blessedness of the man who has a quiverful of sons and is not ashamed to meet his enemy in the gate, and, in the second, little sign that agriculture is likely to be appreciably affected during the next decade by means such as those which have so greatly increased wheat production on the American continent. It is however obvious that apart from the law of diminishing returns the ability of agriculture to provide an occupation is limited. In Europe it has been estimated that the maximum population which can be supported by agricultural occupations is 250 to the sq. mile, while an estimate of somewhat higher density has been made in the case of the United States of America, and the island of Porto Rico in the West Indies has an agricultural population of nearly 400 to the sq. mile. The number is, as we have seen, very much greater than this in many parts of India, and the rural population which attains the extraordinary density mentioned of parts of Bengal and of the Malabar Coast indicates the extent to which fertile land intensively cultivated together with fish-yielding waters could sustain a population whose material wants are reduced to the minimum by the natural environment of a tropical climate. These, of course, are extreme cases taken from the two most fertile parts of India, but generally speaking the maximum density of the agricultural population can be far greater in India than in Europe, not only on account of the greater fertility of the land but on account of the diminution in the absolute necessities of life corresponding to a less rigorous climate. The real difficulty is that to cultivate on anything like economic lines the number of individuals that can work on a given area of ground is limited; and though the food product may be ample for many more than that number, a large increase in the population must either lead to excessive subdivision of the areas cultivated, and so to a diminution in production on account of uneconomic holidings, or on the other hand, to a floating population which is not engaged in agriculture and which has nothing to exchange with the producers for the food which it requires. The employment of this surplus in industrial activity would, of course, meet the difficulty for a time, but can only prove a permanent cure if the increase of the population be limited not only to the food producible but also to the saturation point of the demand for industrial labour. When the latter point is passed, as in the United Kingdom, where the increase in population during the last decade was approximately equivalent to the number of unemployed in 1931, unemployment will arise and the fact that the food supply is adequate is to this extent irrelevant. As in some parts of Europe, life on the land as a cultivator is an end in itself rather than a mere means of production of victuals, hence the real danger of a growth of

population which must suffer discomfort because this end becomes rapidly more difficult of realisation. The present problem in India would therefore seem to be less the actual total increase of population, than the increase of that portion of the population, by far the greater part of course, which is occupied in agriculture and allied pursuits, i.e., the population represented by Sub-class I of the Occupation Table; and an additional complication of the problem appears in the fact that the cultivating classes in India generally lack the capital required for the extension of cultivation beyond the existing margin, particularly where the cultivation practised is already dependent on a somewhat problematic rainfall. Mechanical improvements which reduce the need for labour are a doubtful palliative, though no such doubt attaches to biological improvements, enabling a better crop to be obtained from a smaller area. Labour-saving devices will do little for a peasantry whose work takes up part only of the year and certainly they will not enable a greater number of peasants to live on the same area of land where there is neither demand nor market facilities for the minor products of agriculture which contribute to the income of the European small holder or on which, such as poultry, pigs or potatoes, he may principally depend.

9

INDIAN POPULATION IN 1941[1]

... India proper has added over 50 millions to its population in ten years. In other words, the mere decade increment is itself greater than the entire population of any European country except Germany or Russia. This was not unanticipated by any means. More than one observer had predicted a population of these dimensions and between-census observation had shown that it was on the way.

. . . . .

The increase is by no means uniform, although a greater figure for the previous decades is practically universal. Rates are noticeably larger in the north than in the south and have two distinct peaks in the extreme west and north-west and in the east. In fact we have in the Punjab and Eastern Bengal two swarming areas. Both are comparatively young from a habitation point of view. The Punjab irrigation is by no means ancient and when applied was applied not to a land with a substantial settled population and long local practice, but to a semi-desert. So, as it were, it started from scratch. The Punjab phenomena show themselves this time in Bikaner where the Sikh has followed the water and produced a 40 per cent. increase. Similarly in Bahawalpur. Where you have an empty country suddenly presented with the means for filling it, the filling process starts at a high speed. In effect you have an open frontier. America had the open frontier too, although it presented itself there in a different form. In essence, however, the phenomenon was the same i.e., empty lands suitable for habitation, or in other words for

[1] *Census of India 1941*, vol. I, pp. 23–24.

swarming. The difference is that in America the empty lands were suitable from the beginning. In the Punjab they were unsuitable till the water came. Once they were suitable, the human tide flowed.

. . . . .

Another element was present behind the general increase which has some bearing on the differential rates as between North and South India. And indeed, the very existence of these differences squares with past experience which would have indicated them as to be expected. The factor in question is the degree of under-enumeration in 1931.

At that time Gandhi's civil disobedience campaign was in full swing and all over North India the census, as a governmental activity, incurred hostility as such. In Ahmedabad city, the census could not be taken at all and similar effects were undoubtedly apparent in Surat and other Gujarat areas. Likewise in the larger towns and particularly the cities, where enumeration in any case is always difficult, the risks of assault, intimidation or hostility in 1931 undoubtedly existed and were not such as to encourage unpaid enumerators to absolute thoroughness of discovery. The dimensions of the leak, as it were, are indeterminable, but we have several lines of indication which enable us at least to locate its more prominent appearance. For example, such is the quality of the Indian village staffs and rural population generally that there is no reason to suppose it reached any marked dimensions outside towns except possibly in such areas as Gujarat; and in the South, where heads are harder, it did not enter at all. It was undoubtedly present, however, in the larger towns and other regions in Northern India.

Consequently if the adverse circumstances of 1931 no longer existed, one would expect their removal to show an effect in an apparent greater increase in the regions where these causes had operated most at the earlier census. In other words, one would look for a larger increase rate for 1931–41 in such places as Ahmedabad, Surat than, say, corresponding cities elsewhere; and in general in North India than in the South. This has been borne out by experience; increase rates in the South are below those in the north, while the present figure for Ahmedabad bears no relation to the 1931 determination.

Much the same influence enters in another way, affecting this time rather the system as a whole than particular disturbing causes. Ten years ago, and indeed at all previous censuses, the people's attitude towards enumeration might be described as passive. In 1941 it was extremely active. In past decades, if someone were left out, the chances were against him taking any trouble to get himself put in. All that was changed in 1941, and we had for example the spectacle of a not particularly wealthy or healthy individual taking a substantial journey to the headquarters of a province in order to assure himself that he had been recorded. Thanks to the acute interest in community figures, practically all communities this time were census-conscious and took pains to see that their houses were in the lists and that they themselves were counted. In other words, the second and predominant

item in any census was at work; the citizens wanted to be counted. Unfortunately their anxiety was not always guided by reason or consideration and their enthusiasms created great difficulties for the census staff in certain areas. Nevertheless, the fact remains that an appreciable though undeterminable slack has this time been taken up.

10

THE BENGAL FAMINE,[1] 1945

3. In our first report, dealing with the famine in Bengal, we remarked that our responsibilities differed from those of earlier Famine Commissions in India in that we had to report, not on famine due to the obvious cause of drought, but on a calamity resulting from a complicated series of events for which both natural causes and human error were responsible. We had, in fact, a more difficult task to perform than that undertaken by our predecessors. As regards our second report, we venture to make the same claim. In 1902, when the last Indian Famine Commission reported, the field to be covered in considering the prevention and relief of famine and the development of food production was a limited one, and the Commission, it may be said, had that field to itself, or almost to itself. To-day things are different. A great deal of knowledge has accumulated, and many of the subjects with which we are concerned are normally dealt with by specialists who have devoted a lifetime to their study. Further, numerous reports on reconstruction and development, which overlap to some extent with our report, have been prepared, or are under preparation, by committees of the Central and Provincial Governments, non-official bodies and individual experts. The position is such that many of the questions to which we have devoted a single chapter in our report would in themselves almost provide scope for the enquiries of a commission. In the circumstances we may perhaps be excused for any technical errors which may occur in sections of the report, and for our inability to deal adequately with so wide a range of subject-matter.

It is fully apparent that progress in the spheres of community life with which we are most directly concerned—nutrition and agriculture—and progress in many other spheres are interdependent. There are, however, various important questions relevant to the main theme of our report which have either not been discussed at all, or referred to very briefly. Thus, the illiteracy of the masses is a serious obstacle to all forms of progress, including those with which we are most directly concerned, and the need for the vigorous development of education in all its aspects is obvious. We have not, however, dealt with this question, which has been fully considered in the 'Report of the Central Advisory Board of Education' (1943), in any detail. We have made little reference to agricultural marketing and rural transport, both of which were dealt with at length by the Royal Commission on Agriculture. As regards some of the subjects discussed in our report—the

[1] *Famine Inquiry Commission Final Report* 1945, pp. viii–x.

improvement of agricultural economy, for example—we have in general attempted to state the problem rather than to solve it, suggesting general lines of approach and investigation rather than clear-cut schemes for immediate action.

4. Our main responsibility, as we have conceived it, has been to survey the problem as a whole and to define the broad lines of a food policy designed to prevent any future threat of famine and to improve the diet of the people. In attempting to do this, and to view in true perspective the far-reaching measures necessary for the attainment of the objective, we have left many gaps to be filled in by others. Much hard work and hard thinking will be needed to further the reconstruction and development of the country along sound lines. The Commission of which we are members is the latest of four Indian Famine Commissions. We hope that it will be the last Famine Commission and at the same time the first of a series of Food Commissions concerned not with the prevention of famine, but with the replacement of hunger and malnutrition by plenty.

11

PARTITION OF THE NORTH-WEST CANAL SYSTEM,[1] 1947

9. The task of delimiting a boundary in the Punjab is a difficult one. The claims of the respective parties ranged over a wide field of territory, but in my judgment the truly debatable ground in the end proved to lie in and around the area between the Beas and Sutlej rivers on the one hand, and the river Ravi on the other. The fixing of a boundary in this area was further complicated by the existence of canal systems, so vital to the life of the Punjab but developed only under the conception of a single administration, and of systems of road and rail communication, which have been planned in the same way. . . .

10. I have hesitated long over those not inconsiderable areas east of the Sutlej River and in the angle of the Beas and Sutlej Rivers in which Muslim majorities are found. But on the whole I have come to the conclusion that it would be in the true interests of neither State to extend the territories of the West Punjab to a strip on the far side of the Sutlej and there are factors such as the disruption of railway communications and water systems that ought in this instance to displace the primary claims of contiguous majorities. But I must call attention to the fact that the Dipalpur Canal, which serves areas in the West Punjab, takes off from the Ferozepore headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks.

11. I have not found it possible to preserve undivided the irrigation system of the Upper Bari Doab Canal, which extends from Madhopur in the Pathankot Tahsil to the western border of the district of Lahore, although I have made small adjustments of the Lahore-Amritsar district boundary to mitigate some of the

[1] *Report of the Punjab Boundary Commission*, 1947. Sir Cyril (now Lord) Radcliffe was the chairman.

consequences of this severance; nor can I see any means of preserving under one territorial jurisdiction the Mandi Hydro-electric Scheme which supplies power in the districts of Kangra, Gurdaspur, Amritsar, Lahore, Jullundur, Ludhiana, Ferozepore, Sheikhupura, and Lyallpur. I think it only right to express the hope that, where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation, railways, and electric power transmission, a solution may be found by agreement between the two States for some joint control of what has hitherto been a valuable common service.

(*g*) Industrial policy and growth, 1858–1947

(i) THE INDIAN NATIONAL CONGRESS AND INDUSTRY

1

THE INDIAN NATIONAL CONGRESS AND INDUSTRY,[1] 1900

That the Congress hereby approves of the suggestion presented by the Indian Congress Committee for the consideration of this Session that at least half a day at each annual Session of the Congress be devoted to the consideration and discussion of the Industrial and Educational problems of the country. Further, resolved, that annually two Committees be appointed to consider and suggest means of Educational and Industrial improvement of the country and to assist therein and that to each Committee a Secretary be annually appointed. These Committees will divide themselves into Provincial Committees with powers to add to their number.

2

THE INDIAN NATIONAL CONGRESS'S INDUSTRIAL EXHIBITION,[2] 1901

. . . I have much pleasure in announcing that this year we have opened an Industrial Exhibition in connection with the Congress, which, I hope, will in future be a permanent feature of our annual meeting. We cannot live in ignorance of the supreme importance which industry has assumed in modern civilisation. In these days every political question is at bottom an economic one. It seems that henceforward markets are to be the battle-fields where destinies of nations will be decided. With the average European, it is a fixed idea that in the pre-established harmony of the Universe, Europe is to sell and Asia to buy. But *we* cannot help feeling that our thoughts and energies cannot be better employed than in the work of effecting a revival and development of our industries. The Exhibition that we have got up cannot fail to be useful in that it will keep the industrial problem before our eyes; and the poverty of the show will impress us with the 'little done and the vast undone'.

[1] *Report of the 16th Indian National Congress*, 1900, p. 79.

[2] *Report of the 17th Indian National Congress*, 1901, p. 22. The statement was made by Maharaja Jagadindra Nath Roy Bahadur, Chairman of the Reception Committee.

3

THE PROTECTION OF INDIAN INDUSTRIES,[1] 1902

The industrial movement is flowing deep, fraught with national ideals. It partakes of the character of the parent movement. It follows in its footsteps with a truly filial piety. A widespread feeling has been roused in favour of the growth and expansion of indigenous arts and industries, and the distinguished men who organized the Industrial Exhibition in connection with the Calcutta Congress of last year have still further carried their high endeavours by opening a store-house for Indian goods. Our infant industries need protection. But the Government, wedded to the traditions of free trade, will not grant them protection. If however protection by legislative enactment is impossible, may we not, by the fiat of the national will, afford them such protection as may lie in our power, if we resolve in our heart of hearts to avail ourselves, wherever practicable, of indigenous articles in preference to foreign goods. Has not the time come when the scattered national impulses may be focussed into an organic and organized whole for a supreme effort for the promotion of our industries? May we not obtain a complete and comprehensive list of Indian articles available for our varied requirements and seek to encourage their manufacture and stimulate their expansion? I quite agree that the process is expensive. But it is of the essence of protection to incur present pecuniary sacrifice in view of future gain; and our national industries, placed on a sound and satisfactory footing, under a moral protection, evoked by a lofty spirit of patriotism, will, in their own good time, bring in an abundant harvest of gold. All sacrifice, incurred for high national purposes and towards the attainment of great national ideals, is repaid with compound interest. Such is the ordering of nature, the dispensation of Divine Providence; and the sacrifices we now make to restore our lost industries and to establish new ones will compensate us a hundredfold by enabling us to supply our own wants and to check in part at least that depletion of the national wealth which more than anything else has contributed to the appalling poverty of our people. Our industrial helplessness is even more deplorable than our political impotency. And if the Congress can do aught to stimulate the forces which would improve our industrial position, it would add one more to the many titles which it already possesses to the enduring gratitude of the people of India. Nay more, it would render a great service to the Government. It would relieve the Government, in part at least, of those serious administrative difficulties which have their roots in the deplorably straitened conditions of Indian life. It is therefore with all thankfulness I note that the Industrial Exhibition has come to be regarded as a necessary adjunct to the National Congress. Your Exhibition has been a magnificent success. It has been opened under distinguished auspices by a Prince, whose enlightenment and culture, whose broad and states-

[1] *Report of the 18th Indian National Congress*, 1902, pp. 13–14. Statement by Surendra Nath Bannerjea, the President.

man like views and deep sympathy with all high endeavours for the public good have not only placed him in the forefront among the Sovereign Princes of India, but have won for him the unstinted homage and admiration of the educated community of India who are proud to reckon him as one of themselves. It must be the heartfelt hope and prayer of every well-wisher of his country that the Industrial Exhibition which was opened by His Highness the Maharaja of Baroda may still further stimulate the industries of this great town and that this session of the Congress may for ever be associated in the minds of the people of Guzerat with a new epoch of industrial development, tempered by deep and rational political convictions, prompted by unswerving loyalty to the British connection. Let it never be forgotten that political rights minister to material progress and that an unenfranchised people can never work out their industrial salvation.

4

THE NATIONAL PLANNING COMMITTEE OF THE CONGRESS,[1] 1940

The first meeting of the Committee, which was held in December 1938, drafted an elaborate questionnaire, which was sent to various Governments, public bodies, Chambers of Commerce, Trade Unions and individuals. The second meeting took place in Bombay from 4th to 17th June, 1939. As originally conceived the Planning Committee was supposed to do a certain amount of preliminary work as preparatory to more comprehensive investigations by the larger body—a National Planning Commission. But as it proceeded it found that it had to do its work more thoroughly and on a more comprehensive basis. A mere superficial survey of the industrial situation in the country would be of no useful guidance to the country or the Planning Commission to be appointed later. It was therefore decided to enlarge the scope of work of the Planning Committee. It appointed 27 sub-committees to consider each individual problem, and each sector of the National plan separately. The 27 sub-committees were divided under seven main heads, namely: (i) agriculture, (ii) industries, (iii) demographic relations, (iv) transport and communication, (v) commerce and finance, (vi) public welfare and (vii) education.

Experts were invited to serve on these committees. The committee adopted certain instructions for the guidance of the various sub-committees. The fundamental aim to be kept in view by all sub-committees, it directed, was to ensure an adequate standard of living for the masses. An adequate standard of living implies a certain irreducible minimum plus a progressive scale of comfort. The average annual income per capita in India is placed at Rs. 65. This is the most optimistic calculation. It includes the rich and poor, the town dweller and the villager. Even according to this the average for the villager cannot be more than Rs. 25 to 30 per annum per capita. This implies not only a considerable deficit in food supply but also in the other essential requirements of human existence. The national income

[1] *Indian Annual Register*. General Secretary's Report, 1940, vol. 1, pp. 267–8.

must therefore be increased greatly during the next ten years to ensure an irreducible minimum standard for everybody. In order to secure this minimum standard not only will it be necessary to increase production but also to bring about a more equitable distribution of wealth.

A really progressive standard of life will necessitate the increase of the national wealth five or six times. But for the present the minimum standard which can and should be reached is an increase of national wealth of between two and three times within the next ten years. It is with this object in view that the planning should be done now.

The Planning Committee as it proceeded with its work, received cooperation from various individuals and organisations. All the Provincial Governments are cooperating with it. The Committee has also received the active cooperation of important States like Hyderabad, Mysore, Baroda, Bhopal, Travancore and Cochin. It has a well-staffed secretariat. Professor K. T. Shah has been appointed Honorary General Secretary. A sum of Rs. 50,000 has been sanctioned for the Committee's expenses. The work of the various committees is near completion. The Chairman has asked for the report of the various committees by the end of February.

(ii) LINES OF POLICY

5

WANT OF DIVERSITY OF OCCUPATIONS IN INDIA,[1] 1880

103. A main cause of the disastrous consequences of Indian famines, and one of the greatest difficulties in the way of providing relief in an effectual shape, is to be found in the fact that the great mass of the population directly depends on agriculture, and that there is no other industry from which any considerable part of the community derives its support. The failure of the usual rain thus deprives the labouring class, as a whole, not only of the ordinary supplies of food obtaining at prices within their reach, but also of the sole employment by which they can earn the means of procuring it. The complete remedy for this condition of things will be found only in the development of industries other than agriculture and independent of the fluctuations of the seasons. With a population so dense as that of India these considerations are of the greatest weight, and they are rendered still more serious by the fact that the numbers who have no other employment than agriculture, are in large parts of the country greatly in excess of what is really required for the thorough cultivation of the land. So far as this is the case, the result must be that the part of the population which is in excess of the requirements of agriculture eats up the profits that would otherwise spring from the industry of the community. It is not surprising that in a country thus situated material progress is slow.

[1] *Report of the Indian Famine Commission*, 1880, C. 6591, Part 1, p. 34.

6

THE GOVERNOR GENERAL TO THE SECRETARY OF STATE,[1] 1 OCTOBER 1903

2. It will be convenient if we commence by summarizing the proposals . . . which we desire to recommend for your Lordship's acceptance. They are—

(1) That a new Department be formed, to be called the Department of Commerce and Industry.

(2) That it be placed in charge of a sixth Ordinary Member of Council who might either be selected from the ranks of the Civil Service, or (as perhaps would more commonly be the case) might be chosen for his experience of mercantile and commercial business in the widest sense.

(3) That the Commerce and Industry Department should deal with the subjects . . . most closely related to the commercial and industrial development of the country and most likely to prove susceptible of large expansion in the hands of a Department with special aptitudes for administering them. In addition . . . the Department might also with advantage be charged with the important function of advising the Government of India on questions relating to Commercial treaties and on the business and commercial aspects of the numerous contracts into which the various Departments of Government are constantly entering.

(4) That the Member in charge of the Department should have the assistance of a Secretary on Rs. 3,000 a month, the pay now drawn by the Joint Secretary in the Public Works Department, and of an Under Secretary on Rs. 1,300.

(5) That instead of the Commercial Bureau proposed in our Despatch No. 337 of 4th December, 1902 there should be a Director General of Commercial Intelligence on Rs. 2,000 a month who would take the place of the present Director General of Statistics and would act as an intermediary between the new Member and the mercantile public.

(6) That in order to enable the Director General to discharge these functions adequately a competent officer should be appointed Assistant Director of Statistics on Rs. 700-50–1,000 a month who would relieve him of all but the more important work.

(7) That the subjects dealt with in the Home Department be re-arranged . . . by transferring Factories, Explosives and Petroleum to the Commerce and Industry Department, and by adding to the Home Department Archaeology and Epigraphy, the business relating to which is now conducted in the Revenue and Agriculture Department.

(8) That the Home Department, with its business re-adjusted to the extent referred to above . . . should in future form the sole charge of one Ordinary Member of Council.

(9) That the Department of Revenue and Agriculture should be reconstructed . . . by transferring [subjects] to the new Department of Commerce and

[1] Public Letters from India, No. 61 of 1903, pp. 1–3. India Office Library.

Industry and receiving from the Public Works Department [subjects]. We would propose, however, to defer the transfer of Emigration until a decision has been arrived at on certain large questions now under discussion in connection with emigration to South Africa. The Department thus revised will form the sole charge of one Member, but will have two Secretaries, for the Joint Secretary in the Public Works Department will be transferred in order to deal with the work made over by that Department. The reduction affected in the work of the Revenue Department proper will enable us to avoid the necessity of adding a Deputy Secretary, an appointment which would otherwise be absolutely indispensable.

(10) That the Finance and Commerce Department, to be called in future the Finance Department, should transfer to the new Department of Commerce and Industry [certain] subjects.

(11) That the Public Works Department as at present constituted should cease to exist, some of its functions being transferred to the new Department, others to the Railway Board proposed by Mr. Robertson, the formation of which we have under separate consideration, and others again to the Department of Revenue and Agriculture under the arrangement described above.

(12) That the question, raised by the Secretaries' Committee, of the amalgamation of the Postal and Telegraph Departments, be reserved for further consideration.

7

INDUSTRIAL DEVELOPMENT OF INDIA,[1] 1902–3

. . . But nothing illustrates better the present state of industrial development in India than the fact that, after the cotton and jute industries, and apart from the indigenous industries, there was only one of the manufacturing industries, strictly so called, namely the iron and brass foundries, in which as many as 20,000 persons are returned as having been employed during the year. In the preparation of agricultural staples for the market, employment is found for larger numbers; indigo factories, for instance, employed over 81,000 workers; cotton ginning, cleaning,

	Average daily number of employees			
	Men	Women	Children and young persons	Total
Cotton mills (figures for 1902–3) .	111,559	36,325	29,766	178,444
Jute mills (figures for 1902–3) .	77,114	20,253	20,699	118,066
Woollen mills (figures for 1902–3)	—	—	—	2,854
Paper mills (figures for 1902–3) .	—	—	—	4,865
Coal mines (figures for 1902) .	66,521	27,218	4,573	98,312
Other mines (figures for 1902) .	45,473	9,479	4,901	57,853

[1] *Moral and Material Progress Report*, 1902–3, p. 173.

and pressing mills over 65,000; jute presses 22,000. But of manufacturing industries properly so called, which are capable of expansion apart from the increased productiveness of the soil, the most important, after cotton and jute mills, are the iron and brass foundries (20,674 workers), silk filatures (10,652), tanneries (8,626), and others of still less importance. It must not, however, be forgotten that the returns upon which these figures are based are in most cases of very doubtful value. Omitting these untrustworthy returns of the minor industries, the table [on page 686] gives some particulars as to industrial employment.

8

THE TATA IRON AND STEEL WORKS,[1] 1911

Of the various industrial developments of the decade one of the most striking, from more than one point of view, was the establishment of the works of the Tata Iron and Steel Company in Bengal. Iron ores are widely distributed in India, but smelting after European methods has only been carried on in Bengal, where coal is found in proximity to the ore, and before the formation of the new company was carried on only by one company, whose production was practically confined to pig-iron, though steel plant was laid down in 1904 with the aid of a subsidy from Government, and was worked for a time. The scheme for the establishment of a large iron and steel industry on a scientific basis owed its inception to Mr. J. N. Tata, who may be said to have been the pioneer among Indians in the scientific organisation of industries. The Tata Iron and Steel Company was floated in 1907, with exclusively Indian capital of over £1,500,000 and an Indian board of directors. After detailed preliminary enquiries, a lease of 20 square miles of iron-ore lands in Orissa was secured, and arrangements were made for the erection of blast furnaces and steel rolling mills at a point, some 150 miles west of Calcutta, where the raw materials—ore, coal, and flux—could be most advantageously assembled. The Government of India gave assistance in various ways to this important project, and undertook to purchase annually for a minimum period of 10 years at least 20,000 tons of steel rails, subject to the Government specifications being complied with and prices comparing favourably with those at which similar rails could be imported. On the chosen site, the new town of Sakchi has been laid out for a population of 15,000 people. The first blast furnace was started in December 1911, and the steel plant in February, 1912.

It is reported that the rated capacity of the steel works is put down at 90,000 tons a year, employing 2,000 workers, including 160 Europeans.

The first effect of the company's operations was seen in the returns of mineral production for 1911, the extraction by them of 300,000 tons of ore being mainly responsible for the increase in the total output of iron ore in India from 54,626 tons in 1910 to 336,180 tons in 1911. The manufacturing operations of the company are reported to have made a good beginning.

[1] *Moral and Material Progress Report*, 1911–12, pp. 281–2.

THE OWNERSHIP AND MANAGEMENT OF THE MORE IMPORTANT INDUSTRIAL CONCERNS, 1911[1]

Nature of Factory, etc.	Number of factories	Number Owned by Companies of which the Directors are				Number Privately Owned by		Number Managed by	
		Government	Europeans and Anglo-Indians	Indians	Of both races	Europeans and Anglo-Indians	Indians	Europeans and Anglo-Indians	Indians
1	2	3	4	5	6	7	8	9	10
Ajmer-Merwara									
Cotton	9	—	2	4	—	—	3	1	8
Assam									
Tea plantations	609	—	494	12	—	55	48	536	73
Bengal									
Tea plantations	240	—	158	18	—	46	18	193	47
Collieries	129	—	53	6	21	7	43	66	63
Jute presses	109	—	50	16	—	7	36	64	45
Jute mills	50	—	49	—	—	1	—	50	—
Machinery and engineering workshops	37	4	22	—	—	4	7	30	7
Brick and tile factories	161	1	7	3	4	10	136	8	153
Oil mills	118	—	4	4	—	—	118	4	115
Printing presses	103	7	11	4	1	17	65	32	71
Bihar and Orissa									
Indigo plantations	119	—	12	—	—	93	14	117	2
Collieries	199	—	80	11	5	6	99	87	112
Mica mines	52	—	10	—	1	4	37	14	38
Lac factories	48	—	1	—	—	1	46	2	46
Bombay									
Cotton, etc., ginning, cleaning and pressing factories	312	—	13	92	13	—	194	10	304
Cotton, etc., spinning, weaving and other mills	148	1	12	92	25	—	18	43	106
Flour and rice mills	57	—	1	14	3	—	39	6	51
Machinery and engineering workshops	13	—	5	—	2	4	2	10	3
Printing presses	61	4	8	8	—	5	36	16	45
Railway workshops	13	—	13	—	—	—	—	12	1
Burma									
Rice mills	152	—	41	5	—	6	100	45	107
C.P. and Berar									
Manganese mines									

MADRAS										
Coffee plantations	104	—	30	6	1	56	11	86	18
Tile factories	40	—	7	9	—	2	23	10	30
Rice mills	81	—	2	23	—	—	57	3	78
Railway workshops	23	—	23	—	—	—	—	23	—
Printing presses	51	3	11	16	1	1	19	15	36
Tanneries	66	—	3	26	—	1	36	3	64
PUNJAB									
Cotton spinning factories	11	—	—	2	—	—	9	1	10
Cotton ginning factories	22	—	—	3	—	—	19	—	22
Brick and tile kiln	86	1	—	2	—	—	83	—	86
Railway workshops	19	18	1	—	—	—	—	12	7
Printing presses	28	4	—	—	—	2	22	5	23
Tea factory	41	—	—	1	—	8	32	10	31
UNITED PROVINCES									
Brick and tile factories	32	1	5	—	—	2	24	3	29
Glass factories	28	—	—	1	—	—	27	1	27
Printing presses	27	3	2	1	—	6	15	12	15
BARODA STATE									
Cotton ginning factories	48	—	—	3	—	—	45	—	48
C.I. AGENCY									
Cotton ginning factories	81	1	—	23	—	—	57	1	80
HYDERABAD STATE									
Cotton ginning factories	15	—	—	3	—	—	12	—	15
Gold mines	2	—	2	—	—	—	—	2	—
Tanneries	13	—	—	—	—	—	13	—	13
KASHMIR STATE									
Carpet factories	4	—	3	1	—	—	—	3	1
Timber factories	9	—	3	2	—	—	4	3	6
MYSORE STATE									
Coffee plantations	242	—	9	1	—	127	105	138	104
Gold mines	6	—	6	—	—	—	—	6	—
RAJPUTANA AGENCY									
Cotton	19	—	—	4	—	—	15	—	19
TRAVANCORE STATE									
Tea plantations	37	—	29	1	—	7	—	36	1
Rubber plantations	10	—	9	—	—	1	—	10	—
Oil mills	12	—	—	6	—	—	6	—	12

[1] Subsidiary Table XII, *Census of India 1911*, Part I, p. 446.

10

DISTRIBUTION OF INDUSTRIES

Industrial Establishment	Total number of establishments	General Distribution of Industries — Number of					
		Total		Direction, supervision and clerical			
				Europeans and Anglo-Indians		Indians	
		Males	Females	Males	Females	Males	Females
1	2	3	4	5	6	7	8
INDIA	15,606	1,994,314	686,811	14,671	—	108,573	—
I. Growing of special products	2,266	435,015	385,853	3,160	—	10,044	—
II. Mines	1,035	196,987	69,756	1,312	—	8,457	—
III. Quarries of hard rocks	264	20,548	6,686	47	—	1,078	—
IV. Textiles and connected industries	2,889	616,019	157,046	2,184	—	28,033	—
V. Leather, etc., industries	243	13,405	1,090	147	—	1,332	—
VI. Wood, etc., industries	448	31,543	1,323	272	—	2,808	—
VII. Metal industries	983	160,354	9,339	2,054	—	9,183	—
VIII. Glass and earthenware industries	1,085	65,927	16,093	147	—	3,860	—
IX. Industries connected with chemical products	1,226	95,894	13,263	1,149	—	8,935	—
X. Food industries	2,607	93,653	16,215	769	—	11,067	—
XI. Industries of dress	407	11,677	341	308	—	1,114	—
XII. Furniture industries	157	6,618	52	144	—	696	—
XIII. Industries connected with building	417	22,693	7,005	116	—	1,613	—
XIV. Construction of means of transport and communication	471	153,312	1,971	1,814	—	12,675	—
XV. Production, application and transmission of physical forces	150	14,783	473	361	—	1,254	—
XVI. Industries of luxury.	958	55,886	305	687	—	6,424	—

[1] *Census of India 1921*, vol. I,

AND PERSONS EMPLOYED, 1921[1]

AND PERSONS EMPLOYED

PERSONS EMPLOYED

Skilled workmen		Unskilled labourers				No. of adult females employed per 1,000 adult males	No. of children of both sexes employed per 1,000 adults
		Adults		Children			
Males	Females	Males	Females	Males	Females		
9	10	11	12	13	14	15	16
666,480	57,500	1,063,678	540,267	136,989	88,183	508	140
14,228	2,492	342,740	322,093	64,928	61,183	940	190
63,108	4,309	107,985	56,260	11,362	9,166	521	125
4,876	214	13,327	5,563	1,224	905	417	113
291,840	42,494	255,339	104,202	38,854	10,119	408	136
3,450	51	7,820	934	664	97	120	87
8,611	65	18,977	1,144	891	98	60	49
76,642	52	69,467	8,837	3,035	423	127	44
22,118	1,663	36,027	12,137	3,825	2,243	337	126
23,039	2,534	59,777	9,502	3,027	1,194	159	61
18,804	2,307	59,445	12,360	3,676	1,440	208	71
7,067	208	2,608	93	620	—	36	230
3,379	8	2,088	37	317	1	18	150
6,407	822	12,739	4,929	1,871	1,201	387	174
84,072	216	53,632	1,601	1,213	60	30	23
5,683	1	7,266	419	233	39	58	35
33,156	64	14,441	156	1,249	14	11	87

Part 1, p. 292, Subsidiary Table VIII.

11

INDUSTRY IN WARTIME,[1] 1919

The functions of the Indian Munitions Board as laid down in the Gazette of India, in February, 1917, were: 'To control and develop Indian resources, with special reference to the needs created by the war . . . to limit and co-ordinate demands for articles not manufactured or produced in India and to apply the manufacturing resources of India to war purposes with the special object of reducing demands on shipping'. The ability of the Board to develop industries in India therefore has been strictly limited by the concentration of its energies on its primary object, namely, the immediate supply of demands from the armies in the Eastern theatres of war, but within those limits it has been able to foster the growth of indigenous industries in many ways, the most important of which are:—

(1) the direct purchase in India of articles and materials of all kinds needed for the army and civil departments and the railways;
(2) the diversion, whenever practicable, by means of the priority system and its control over home indents, of all orders for articles and material from the United Kingdom and elsewhere to manufacturers in India;
(3) the giving of assistance to individuals and firms who desired to import plant or to engage chemical and technical experts and skilled labour from Home or elsewhere, in order to establish new industries or develop old ones;
(4) the dissemination of information and expert advice and the giving of other direct or indirect encouragement to persons prepared to establish new industries in India.

12

WORKING CONDITIONS IN FACTORIES,[2] 1931

1. HEALTH

Dust and Dirt

In a number of factories the manufacturing processes disseminate large amounts of dust, arrangements for the elimination of which are frequently defective. Mechanical systems which result in a constant flow of fresh air would add greatly to the comfort of the operative, and would in some cases improve his output. More important is the conservation of the workers' health, for the prevalence of dust may result in pulmonary disease. In certain manufacturing processes, particularly connected with cotton, jute and wool, the reduction of dust to a minimum should be made obligatory. Section 10 of the Factories Act confers ample powers on Inspectors of Factories in this respect and these should be more exten-

[1] *Industrial Handbook*, 1919, p. 9.
[2] *Report of the Royal Commission on Labour in India*, 1931, Cmd. 3883, pp. 56–7.

sively used. More attention should also be paid to the general cleanliness of factories. Where quantities of dust and fluff are produced, it is important that floors and walls should be regularly cleaned. Periodic white-washing of the interior walls and roofs not only removes collected dust, but helps to improve the lighting. It is difficult to associate efficiency with the grime to be found in some factories. We recommend that, where the rules made by the local Government, under Section 37 of the Act do not require the cleaning of factories annually, they should be supplemented in this direction, and that in all cases such rules should be strictly enforced.

Sanitation

Under the Factories Act, the provision of sufficient and suitable latrine accommodation is compulsory and local Governments have drawn up scales for latrines varying with the number of operatives. Latrine accommodation is not always adequate, and its quality often leaves much to be desired. It is commonly asserted that the Indian labourer, coming as he often does from a village, is unwilling to use sanitary conveniences. Our observations have convinced us that he can be brought to use them without serious difficulty, provided that they are kept in decent order. He rightly refuses to use a latrine whose condition, by the very nature of its construction and supervision, is always filthy. The popularity of the efficient septic tanks, which are a feature of the Bengal jute mills, is only one item of evidence in this direction. This system is to be recommended for areas where the water supply is sufficient. Where the supply cannot be made adequate, recourse must be had to other methods; but every factory should be compelled to maintain separate and sufficient accommodation for males and females, and a staff adequate to maintain the latrines in a state of cleanliness during working hours.

Temperatures

In nearly every part of India there are long periods when the climatic conditions render physical toil particularly difficult and unpleasant. This is especially true of factory work. In many factories the temperature in the hot weather is higher than that of the air outside, and the air movement is less; in a number of factories the difference is marked. A large number, probably the majority, of factory owners make no endeavour to mitigate the discomfort, to use a mild world, which the hot weather brings to their operatives. Some factories, indeed, suggest that they might have been constructed by cold weather visitors, for they show little respect for the sun in their orientation and elevation. Apart from the regulations relating to humidification and cooling power in cotton textile mills, there is no official control of temperatures, nor is any such control possible under the present law. Recent experience has indicated that the reduction of excessive temperatures, or the minimising of their effect, is in many cases easier than is generally supposed. Mr. T. Maloney in his official report on *Humidification in Indian Cotton Mills* pointed out in 1923 that appreciable reductions could be effected by comparatively

inexpensive means, and suggested that reductions would prove profitable to the industry as well as advantageous to the operatives. The white-washing of roofs, the spraying of roofs with water, and the provision of electric fans, or even small devices attached to the shaft, can often be made without undue expense. Some employers have found that these methods have brought a reward not merely in the greater contentment of the operatives, but in improved attention to work and increased production. We consider that there is room for much more work in this direction and recommend to employers a study of what has been done already. We do not, of course, suggest that improvements of this character should be regarded solely in the light of their financial results; in many cases the operatives have a right to demand that the present conditions should not continue, even if improvements are not likely to be remunerative.

13

THE VILLAGES AND THE FACTORIES,[1] 1931

TEMPORARY MIGRATION

We have referred to factory labour as drawn from rural areas and, as often as not, from areas at long distances from the factories. This is the case even when the factories are situated in or close to a great city. It is here that we strike perhaps the most fundamental difference between the Indian factory workers and the corresponding class in the West. The latter is drawn mainly from persons brought up in the towns, and partly from those who have abandoned the country for the towns. The Indian factory operatives are nearly all migrants. But the difference does not end here. In India the migration from the rural areas to the factories is not in the main a permanent exodus; it is, in the minds of those who undertake it and to a large extent in fact, a temporary transfer, and the recruit to industry continues to regard as his home the place from which he has come. A true understanding of this position is a necessary approach to nearly all the problems affecting this type of labour, and we must go on to examine in greater detail the character of the contact between the village and the factory.

THE FACTORY WORKER NOT AN AGRICULTURIST

Those anxious to emphasise the importance of this phenomenon are apt to suggest that the Indian factory worker is essentially an agriculturalist, and the student unfamiliar with the facts is led to picture the main industries of India as manned by a mass of agricultural workers, temporarily forsaking the mattock and the plough to add to their income by a brief spell of industrial work in the city. It would not be unfair to say that this picture is in the minds of some employers whose attention is focussed on the rapidity with which their own labour force changes. But it is not an accurate representation of the position and has been responsible occasionally for a mistaken attitude to labour questions. In the seasonal

[1] *Report of the Royal Commission on Labour in India*, 1931, Cmd. 3883, pp. 11–14.

industries, dealing largely with the treatment of agricultural products in the raw state after they have been harvested, there is an intimate connection between industrial and agricultural work; and in the collieries too there is a substantial class directly interested in agriculture. But in the regular factory industries which offer permanent work, the employer has generally got past the stage of being compelled to employ those who are prepared to work only for a few months of the year.

Connection with Agriculture

The truth behind the assertion of the agricultural character of the factory population—and it is a truth of primary importance—is that the great majority of those employed are at heart villagers; they have had in most cases a village upbringing, they have village traditions, and they retain some contact with the villages. This does not necessarily mean even that they are all drawn from agricultural classes. There are in the village important sections of the population whose occupation is not primarily agricultural and may not be agricultural at all; the weaving sheds of textile factories, the tanneries, the railway workshops and other scenes of urban industry contain many who look back rather to village crafts than to village fields. But agriculture has naturally supplied the bulk of the recently established industrial population. Some factory workers, but far fewer than is frequently supposed, may have a direct interest in agriculture, in that they derive some pecuniary benefit from it; more have indirect interests, in that members of that very variable group, the joint family, or other close relations have agricultural holdings. A larger number still have a home and members of their own family in the village and the latter may secure an income from agricultural work. Occasionally members of the same family relieve each other by turns in factory employment. Even where workers live with their families in the factory areas, many of them look to some village as their home and do their best to retain contact with it.

Permanent Factory Population

The residue, who have no village ties and look upon the city as their home, are only a small percentage of the total labour force. In the most industrialised areas such as the Hooghly area and Bombay Island, this class forms a small proportion of the factory employees. It is proportionately most numerous in such centres as Ahmedabad, Nagpur and Madras. Each of these cities has, in its cotton mills particularly, an appreciable number of employees who form part of the permanent urban population. It is worth noting that these are composed largely of classes whose interest in the land was always slight or precarious, namely, Musalman weavers in Ahmedabad, and members of the depressed classes in all three centres. In the last two centres the owners of the most important mills have made special efforts calculated to build up a permanent population. Statistics of this permanent element are not available; but it has been estimated as constituting in Ahmedabad 20 per cent. of the working class population. Elsewhere the figure is generally much smaller.

Relations with the Country

The points we desire to emphasise at this stage are:—

(1) on the one hand, the factory population, generally speaking, is not divorced from the land, as in the West;
(2) on the other hand, it cannot be regarded as composed of a mass of agriculturists serving a short term in industry.

The relation of the workers to the villages is perhaps best expressed by the legal conception of domicile. In so far as an analogy is helpful, the position of many Englishmen in India has essential similarities. For the Indian factory worker is in most cases a man who has taken up definite work in a place which he does not regard as his own (in many cases even its language is foreign to him), who cherishes the hope of returning to his country now and then and of retiring there ultimately. He is as a rule prepared to abandon the factory if work offering adequate opportunities becomes available in his native place or if the climate makes serious inroads on his health. The popular and, as we believe, misleading conception of the short-term recruit from agriculture has arisen mainly from experience of the past, which is no longer valid. It is kept alive partly by the fact that a number of new recruits revert quickly to the village, and partly by the fact that the continuous period spent by the average worker in an individual establishment is brief.

Contact with the Village

What, then, is the nature of the contact between the factories and the villages? It will be obvious from the preceding paragraphs that it is a variable quantity; with some the contact is close and constant, with others it is slender or spasmodic, and with a few it is more an inspiration than a reality. But in most cases the contact has begun at birth; the proportion of industrial workers whose birthplace is the city is small. Many workers leave their wives in the country, and of those wives who come to the city, all who can do so return to the village for their confinement. The steady expansion of Indian industry year by year and the higher mortality in cities increase still further the numbers that have to be supplied from rural areas. Generally, too, childhood is spent in the villages; the raising of the minimum age for industrial employment has strengthened this tendency. After industrial employment has commenced, the worker returns to the village as often as he can. Financial considerations form the principal obstacle to frequent returns: the man who succeeds in the mills returns more regularly as his income rises. In the Bengal jute mills and the Bombay cotton mills, a number secure an annual holiday of anything from one to three months' duration; others may go every second year. Yet others, owing to lack of money or for various reasons, may not go back for many years. But at any time illness or urgent family affairs may compel a return, even when it has to be financed by borrowing. The returned industrial worker may give assistance in agricultural operations, or he may prefer to remain un-

occupied. It is interesting to note, for example, that the holiday exodus from the Bengal jute mills is at its height during a slack season for agriculture in the workers' villages. The duration of the holiday is usually limited only by the money available; more rarely it is determined by the necessity of complying with the instructions of the employer in the city. At other times, if close relatives remain in the villages, remittances may be sent regularly to them and serve to maintain contact, but apart from these, correspondence is usually infrequent. Nor are relatives the only ones who look for money orders. The village money-lender may have claims which have to be met, and occasionally his assistance is sought to meet the initial expenses involved in the exodus to the city. Finally, the worker looks forward to a time when his work in the factory will be over, and he can return to the village for good.

14

A PLAN OF ECONOMIC DEVELOPMENT FOR INDIA,[1] 1944

1. *AIM OF MEMORANDUM.* This memorandum presents in brief outline a plan of economic development for India. The plan set out in it is not in any sense a complete scheme nor is its scope so comprehensive as that of the National Planning Committee to whose labours the conception of a planned economy for India is very largely due. Our object is merely to put forward, as a basis of discussion, a statement, in as concrete a form as possible, of the objectives to be kept in mind in economic planning in India, the general lines on which development should proceed and the demands which planning is likely to make on the country's resources. . . .

2. *POLITICAL ASSUMPTIONS.* Underlying our whole scheme is the assumption that on the termination of the war or shortly thereafter, a national government will come into existence at the centre which will be vested with full freedom in economic matters. The maintenance of the economic unity of India being, in our view, an essential condition of any effective planning, we have assumed for the purpose of our plan that the future government of India will be constituted on a federal basis and that the jurisdiction of the central government in economic matters will extend over the whole of India. . . .

3. *PLANNING ORGANIZATION.* We contemplate that under the central government there will be a national planning committee in which the various interests concerned will be represented and to which the responsibility for drawing up plans will be delegated. The actual execution of the plans will be the function of a supreme economic council working alongside the national planning committee under the authority of the central government. . . .

4. *OBJECTIVE OF PLAN.* The principal objective of our plan is to bring about a doubling of the present per capita income within a period of fifteen years

[1] *A plan of economic development for India*, by Sir Purshotamdas Thakurdas, J. R. D. Tata and others, pp. 1–28.

from the time that the plan comes into operation. Allowing for an increase in population of 5 million per annum, which is the rate disclosed by the last decennial census, we estimate that a doubling of the per capita income within a period of fifteen years will necessitate a trebling of the present aggregate national income. To achieve this increase, we propose that the plan should be so organized as to raise the net output of agriculture to a little over twice the present figure, and that of industry, including both large and small industries, to approximately five times the present output. This would still leave our economy mainly agricultural in the sense that the greater part of the population would continue to be engaged in agriculture and allied occupations although the present preponderance of agriculture would be considerably reduced.

36. *AIM OF PLAN.* The objective we propose for a plan of economic development for India may be stated as follows. There should be a threefold increase in the total national dividend within a period of 15 years from the time the plan is put into execution. The aggregate income of British India as estimated in 1931–32 is Rs. 1,766 crores (£1,324½ millions). This should be raised in 15 years to about Rs. 5,300 crores (£3,975 millions). Assuming that the figure of per capita income calculated for British India is also applicable to the States, the range of increase in the total national dividend would be from Rs. 2,200 crores (£1,650 millions) to Rs. 6,600 crores (£4,950 millions).

15

PLANNING OF INDUSTRIAL DEVELOPMENT,[1] 1945

The Government of India have reached a stage in their planning of industrial development when they consider it would be in the public interest to make an announcement of the conclusions reached by them on various aspects of policy. There has not been time to consult either provincial Governments, which are at present constitutionally responsible for industrial development in Provinces or States between whom and British India a high degree of collaboration will be necessary if the maximum results are to be achieved from a vigorous industrial policy. Some of the proposals will eventually have to be placed before the Legislature for approval. Although, for these and other reasons, the conclusions reached are, to some extent, provisional, the Government of India consider that an announcement of their views may help to clear up the uncertainty which appears at present to be impeding plans of development by private industry.

2. Under the Government of India Act, 1935, the development of industries is a provincial subject, but is open to the Centre to declare by law that the development of certain industries under Central control is expedient in the public interest and thereupon the development of such industries becomes a Central subject. No such Act has in fact been passed by the Central Legislature with the consequence that the development of industries is at the moment wholly a provincial

[1] *Statement of Government Industrial Policy*, 1945.

subject. In view of this, some explanation is necessary as to why the Government of India feel themselves called upon to issue a statement of their industrial policy. The reasons are two-fold. In the first place, the general economic policy pursued by the Government of India under their own constitutional powers exercises a profound influence over industrial development. It is a matter of history, for example, that the cotton textile, the iron and steel and the sugar industries have made rapid strides in India largely as a result of the fiscal policy pursued by the Central Government. In the second place, the progress of planning has made it abundantly clear that certain industries must be taken over under Central control in the interests of co-ordinated development. It was indeed contemplated by Parliament, when the Government of India Act was passed, that industries in which a common policy was desirable would be brought under Central control. Government consider that for achieving the foregoing object the following industries should be centralised, but before coming to a final decision they will consult the Provinces and the leading Indian States:—

(i) Iron and Steel
(ii) Manufacture of Prime Movers
(iii) Automobiles and Tractors and Transport vehicles.
(iv) Aircraft
(v) Ship-building and Marine Engineering
(vi) Electrical Machinery
(vii) Heavy Machinery, such as Textiles, Sugar, Paper, Mining, Cement and Chemicals.
(viii) Machine Tools
(ix) Heavy Chemicals, and fine chemicals, chemical dyes, Fertilisers and Pharmaceutical Drugs.
(x) Electro-chemical Industry.
(xi) Cotton and Woollen Textiles
(xii) Cement
(xiii) Power Alcohol.
(xiv) Sugar
(xv) Motor and Aviation fuel
(xvi) Rubber manufacture
(xvii) Non-ferrous metals Industry
(xviii) Electric Power
(xix) Coal
(xx) Radio Engineering.

When the necessary legislation is passed by the Centre, the Government of India will have direct constitutional authority for shaping the progress of a number of industries of vital importance to the country's development. It may be pointed out, although the point is clear enough, that this arrangement has no long range constitutional implications. It is intended to be in operation for so long as

the present Constitution lasts; and to what extent it will survive beyond that period is a matter to be decided by the future.

3. The policy to be pursued by Government must be governed by what they consider to be the proper objectives of industrial development and the steps that will be necessary, in the conditions in which India will find herself after the war, to enable these objectives to be achieved. Government consider that the fundamental objects of industrialisation are three-fold:

(i) To increase the national wealth by the maximum exploitation of the country's resources. It is well-known that there are considerable unused resources of man-power and material, and clearly Government policy must be directed towards stimulating their fullest and most effective utilisation.

(ii) To make the country better prepared for defence. The experience of two wars has demonstrated the dangers, both to India and to the rest of the Commonwealth, inherent in India's dependence on overseas supplies for vital commodities required for defence.

(iii) To provide a high and stable level of employment. At present the volume of industrial employment is comparatively speaking small, but if the country's industrial resources are developed to their maximum possible extent, industrial employment, including employment in ancillary trades and professions, will considerably affect the volume of total employment in the country. Government consider that their industrial policy should be directed towards maintaining employment at the highest possible degree of stability and volume.

It is axiomatic in Government's policy that the additional wealth created by industrial development should be distributed in a manner that may be regarded as socially equitable. Powers must be taken and consciously used to secure this purpose.

7. (i) A primary point in industrial policy is the extent to which the State will take part in industrial enterprise. In India, ordnance factories, public utilities and railways together forming a considerable proportion of the total industrial enterprise are already very largely State-owned and State-operated. This arrangement will naturally continue. Further, Government have recently decided that the bulk generation of electric power should, as far as possible, be a State concern. This decision falls within the existing pattern of State and private enterprise. Apart from ordnance factories, public utilities and railways, basic industries of national importance may be nationalised provided adequate private capital is not forthcoming and it is regarded as essential, in the national interests, to promote such industries. For the purpose of Government policy, basic industries can be defined as including aircraft, automobiles and tractors, chemicals and dyes, iron and steel, prime movers, transport vehicles, electrical machinery, machine tools, electrochemical and non-ferrous metal industries. It is contemplated also that Government may take over certain industries in which the tax element is much more pre-

dominating than the profit element and it is necessary and convenient for the State to take over the industry. An example of such action in the past is 'Salt Manufacture'.

All other industries will be left to private enterprise under varying degrees of control. There may be no control except such as is required to ensure fair conditions for labour, in the case of such industries as those catering for ordinary consumers' demands and subject to free competition, while in the case of industries of a semi-monopolistic nature or which control scarce natural resources there may be a stricter control varying with the circumstances of each case.

The views expressed in this paragraph regarding the scope of nationalisation will be discussed with Provinces and also with the more important Indian States and a further statement issued as to whether the scope should be enlarged at all, and if so to what extent.

Within the field considered open for State enterprise, the question whether the existing units which are privately owned should be taken over by the State will be examined on the merits of each type of each case. The Reconstruction Committee of Council has decided in regard to Electricity undertakings that, as licences fall due, they will as far as possible be taken over by the State or quasi-State organisation.

The case of coal will be examined and dealt with separately.

(ii) Certain industries of national importance such as Ship-building and the manufacture of locomotives and boilers will be run by the State as well as by private capitalists.

(iii) Normally State enterprises will be managed by the State. In special cases the possibility of management through private agency for a limited period may have to be explored.

(iv) In some cases, State enterprises may be operated through public corporations. In order to gain experience of management through public corporations, further experiments will be tried.

(iii) THE RAILWAYS

16

RAILWAYS AND FAMINE POLICY,[1] 1880

12. With a view to the more systematic and consistent development of a system of railways which may give the greatest attainable security to the country as a whole, we consider that it is expedient to frame a scheme for the distribution among the several provinces of the total sum which can be provided for this class of works, based on a consideration of the already existing lines, and of the lines of traffic on which it is expedient to construct new railways, as well as on the general resources of each province and its liability to suffer from drought.

[1] *Report of the Indian Famine Commission*, 1880, C. 2735, Part II, p. 171.

13. Each province should be required to draw out a scheme for the application of the funds allotted to it extending over a series of some years, and after making provision for bringing into harmony the schemes for adjacent provinces, the several Governments should be left to carry out the lines in the order and on the general plan agreed upon, the principle of provincial financial responsibility being as far as practicable applied in the manner already explained in an earlier part of our Report. In this manner we might anticipate that before another 25 years has passed away there will be no district and no important town in British India, with the exception of the mountain districts, to which railway communication will not be extended.

17

RAILWAY POLICY,[1] 1884

20. Your Committee have given the most careful consideration to the arguments thus summarized, and they consider the evidence in favour of a more rapid extension of railway communication to be conclusive.

21. With regard to the question of gauge, your Committee are of opinion that all the leading trunk lines, with their principal feeders, should be on the broad gauge, the metre being as a rule confined to tracts of country where that system is already in successful operation, and to local lines where the traffic is likely to be so light, that cheapness of construction more than counterbalances the undoubted disadvantage of break of gauge. The witnesses, with singular unanimity, General Strachey and Mr. Rendel being the only exceptions, attached great importance to the avoidance of breaks of gauge.

22. In considering the means by which a more rapid extension of railway communication may be accomplished, your Committee have given great attention to the merits of State operations, as compared with construction and working by the means of companies; and they are of opinion that it is desirable to employ both agencies. State operations are according to the present practice limited to the strength of the Public Works Department, the permanent staff of which it is not desirable to increase, for reasons given before the Select Committee of 1878–79, which reasons your Committee fully endorse. On the one hand, money can be raised more cheaply by the State, on the other construction and working by companies does not necessarily involve any increase of the staff of the Public Works Department, and it relieves the Government of India of a somewhat onerous charge; besides which, the emulation between quasi-private enterprise and Government working tends to promote economical construction and management.

23. Your Committee think that the time may come when new railways will be made in India by unassisted private enterprise, and that this should be kept in view in all contracts made by the State, so that nothing should be done to prejudice a change of system which improved financial results of Indian railways, and greater

[1] *Select Committee Report on East India Railway Communication*, 1884, pp. ix–xii.

consequent confidence on the part of the investing public might justify. Your Committee are confirmed in this belief by an examination of the last year's railway accounts, which show clearly that, irrespective of loss by exchange, which is a matter really outside the consideration of loss or profit on any particular line, the return on the whole railway investment of India was 5·68 per cent.

28. Your Committee are of opinion that the technical distinction which has been hitherto made between protective and productive lines cannot be maintained. They recommend, therefore, that railways, needed for protection from famine or for the development of the country, be made as required, whether they be technically considered protective or productive. Your Committee do not approve of the entire removal of the existing check upon the construction of unremunerative railways, as suggested by the Indian Government. The evidence even of their own witnesses has been against this revolution of policy. Your Committee are strongly of opinion that the bulk of the lines made should be self-supporting.

34. In making the recommendations contained in this Report, your Committee wish most emphatically to endorse the declaration of the Government of India, made by Major Conway-Gordon and Mr. Westland, that the proposed extension of railways should not involve additional taxation.

18

STATE OR COMPANY MANAGEMENT,[1] 1903

74. I have so far considered the administration of railways in India as a whole, but it may not be out of place for me to make some observations on the question of the merits of State versus Company management.

75. I may state at once that I cannot say I have noticed any very marked superiority in practical management in the Company-worked railways over those worked by the State, or vice versa; but different countries have different circumstances to deal with.

In India, the objections to State management appear to me to be:—

(i) The difficulty in which the Government must often find themselves through having to adjudicate in disputes or differences in which they themselves are really one of the interested parties.

As an instance of this, the treatment of the Southern Punjab railway may be quoted. The Company were unable to obtain redress for their grievances against the North-Western State railway, and finally had to appeal to arbitration, which resulted in the Cripps award against the State railway.

(ii) The danger that the interests of the State railway may be sacrificed to serve some object, political or otherwise, which it is desired to attain, or because it is less difficult to yield to the other party's demand than to resist it.

[1] *Report on the administration and working of Indian Railways*, by Thomas Robertson, pp. 22–7.

As an instance of this, the Southern Punjab railway may again be quoted. The interests of the North-Western State railway were to no small extent sacrificed to secure the early construction of the Southern Punjab railway by a Company.

(iii) The danger that something necessary in the interests of some other railway or the public may be withheld because it may be regarded as being in some way injurious to the interests of the State railway. The general good is liable to be sacrificed for the benefit of the individual.

As an instance, the dispute between the Bengal and North-Western and the Oudh and Rohilkhand State railways over the metre-gauge link may be quoted.

(iv) The difficulty of working the railway on strictly commercial principles when a part of the staff is pensionable and is not confined to one railway.

In 1881, when the idea was conceived of working the State railways on strictly commercial lines, it was decided to employ no more men on the pensionable establishment, either in the superior or subordinate branches, of the Traffic, Locomotive and Stores Departments. These Departments have since been recruited accordingly, but the Engineering and Accounts Departments still retain the pensionable service, and the officers of these Departments, instead of being confined to one railway, are eligible for service all over India. The commercial success of an undertaking depends on continuity of service in its servants. Pensionable service does not necessarily mean indifference to the interests of the employer, but non-pensionable service ensures greater zeal as a general rule in a commercial undertaking.

(v) The danger that continuity of policy will be absent from the management of the property.

As an example, the case of the Eastern Bengal State railway may be mentioned. In the five years 1898 to 1902, there were no less than seven changes in the Manager of the railway. . . .

The changes were numerous in the case of the departmental officers also, but here they were due to leave vacancies and were not generally of a nature to disturb continuity of policy.

I have enquired to what extent constant changes in the administrative head of the railway have occurred on Company-worked railways, but I have been unable to find any parallel case. Changes there frequently are, but not of the kind which occurred on the Eastern Bengal State railway, or of the kind to which exception can very well be taken.

(vi) The very great difficulty of differentiating between the Railway Department and the other Departments of the State, and of treating the business of the railway as a purely commercial undertaking, and of regulating the salaries of its servants by the same considerations as govern skilled labour in similar undertakings managed by Companies instead of by a standard which may be suitable enough for officers in other Departments of the State, but

which is quite inapplicable in the case of men managing large commercial enterprises.

As an example, the Manager of the North Western railway, who controls 3,750 miles of line, receives a salary of Rs. 2,500 a month. The Managers of the other State lines until recently only received Rs. 1,600 a month, and now only draw, one Rs. 2,000 and one Rs. 1,800. The Agents of the neighbouring Company-worked lines receive Rs. 3,000 a month for managing railways nearly 1,000 miles shorter. Similarly, the Chief Traffic Officer of the North Western received Rs. 1,600 a month, and of the other State-worked railways only Rs. 1,350 a month, while those of the Company-worked railways referred to receive not less than Rs. 2,000.

The same remarks apply to all the other Departments.

(vii) The great difficulty experienced in getting rid of inefficient men, whether superior or subordinate, pensionable or non-pensionable.

The same difficulty is experienced by all Departments of the State, but its evil effects are felt in a greater degree in a Department which is expected to be worked as a commercial undertaking.

(viii) The difficulty of ignoring the claims of seniority when there is nothing special against a man, but when it is well known that he would not be the best selection for an appointment, and another his junior, would perhaps be much more suitable.

This is a difficulty common to all Departments and the remedy is not an easy one so long as the choice is limited to the servants of the State.

(ix) Lastly, the absence of that healthy and beneficial control which a strong and judicious Board of Directors is capable of exercising.

A body of men who have a personal interest in, and responsibility for, the welfare of the business entrusted to them, their dividends depending on their proper conduct of it, must necessarily have a more powerful influence for good than any system of control which lacks personal responsibility for results.

76. On the other hand, the advantages of, or perhaps it would be more correct to say the reasons necessitating, direct State management have been represented as follows:—

(i) That it is very important for military reasons that the Government should have absolute control of the North-Western State railway at all times.

This is a question of high policy which falls outside my province, but I would remark that the officers managing Company-worked lines are drawn from the same class and nationality as those managing the State-worked railways, and, in an emergency, the former could be relied upon to be as patriotic and loyal as the latter. Further, in times of military necessity it would always be possible for the Government to take over all railways as was done in South Africa.

(ii) That the State lines are needed for the training of Military Officers in railway duties.

It has not been found necessary to have State railways in England for this purpose.

(iii) That the State lines are needed as a training ground for the supervising staff in the offices of the Government of India and of the Consulting Engineers; and it has been stated that the State railway training is so good that the Companies select their Agents from among the State railway officers.

Speaking generally, I have not found that Company-trained officers are inferior to State railway officers, and I am of the opinion that, if the field for selection of officers for the higher railway appointments under the Government were widened and made to embrace all railways in India instead of only the State railways, the Government administration would be strengthened, not weakened.

(iv) That the State-worked railways afford an excellent opportunity to the Government of holding them up as object lessons to all other railways of the best practice in railway management. If they were ever used in this way the argument would be a very strong one for their being worked as State Railways; but I am of opinion that the retention of the North Western State railway alone would be sufficient for this purpose.

77. From the foregoing it would appear that the disadvantages of direct State-management outweigh any advantages which it may possess. But it will probably also be seen that the majority of these disadvantages are not due to State-management per se, but to the system of working some railways through Companies and some directly by the State; and that if the duality of system were eliminated, most of the objections in direct State-management would disappear.

It would seem clear, therefore, that the two systems should not both be in operation in India, and that the Government should either work all the railways as State railways, or lease them all to Companies to work. The latter, I consider, would on the whole be the best course for India, as, in the first place, the Government would then be in a much stronger position to watch the interests of the country and to hold the scales evenly between contesting parties than they are at present, on account of having so large a personal share in the direct management of some of the railways, and, in the second place, the public would have the benefits resulting from healthy competition between bodies independent of each other and who were each anxious to increase their business as much as possible.

78. If it is decided to transfer all State lines to Companies to work, provision should be made in the contracts for the Companies to take over all the existing State railway staff on their present terms of service.

If it is decided to retain State railways, I am of opinion that the scale of pay of heads of Departments and others is inadequate and that these should be brought

more into line with those prevailing on the neighbouring Company-worked railways.

19

LORD CURZON'S MINUTE ON THE RAILWAYS,[1] 1 OCTOBER 1903

34. There are two further and conspicuous advantages in this scheme to which I must draw attention. One of the severest and justest criticisms against our existing system of Railway Administration has been its indifference to the commercial aspect of railway development; and it was one of the vulnerable points of my earlier plan that, while it provided for the management of railways in their technical and even administrative aspect by experts, it left the above criticism unanswered, and furnished no machinery by which the growing demands of the public for a commercial handling of railway problems could be met. Not even the creation of a Railway Board will be a guarantee for reform in this respect, since technical knowledge and authority must always be in the ascendant upon it. At the same time there are a large number of questions of railway policy, connected with tariffs, freights, the classification of goods, the movement or congestion of traffic, and the like, . . . in which commercial interests are involved, and which it is desirable that Government should consider and decide, not exclusively from the railway point of view. I would place these in charge of the Member for Commerce and Industry. The Railway Board would be in frequent contact with him for this branch of their work, and he would thus naturally take his place as their representative on Council, for any work that might require to be brought before it.

20

SECRETARY OF STATE TO THE GOVERNMENT OF INDIA,[2] 19 AUGUST 1904

23. I propose, then, that the Railway Board shall consist of three persons, a Chairman and two members. The Chairman should be a man with full experience of Railways in India, and of tried capacity. I doubt if it is possible to secure one with English railway experience, and possessing the qualities you describe . . . for any reasonable remuneration; and if it were possible I am not sure that it would be expedient. No man destitute of experience of the climate of India, of the habits and prejudices of the people, and of the personnel of the establishments, could be otherwise than dependent for a considerable time on his colleagues and subordinates. As, however, English experience, especially in traffic management, will be useful, the second member of the Board may be selected from persons who have gained experience on lines in this country. The third member should be selected from the staff of some Indian Railway, either State or Company-managed, and should possess special knowledge of traffic.

[1] Public Letters from India, Letter No. 61, Enclosure No. 1, 1903, pp. 11–12. India Office Library.

[2] Selections from Despatches to India, Railways (65) No. 66, pp. 647–8. India Office Library.

24. The Chairman should be vested with the general control of all questions committed to the Board, and should be individually answerable to you for the acts of the Board. It will be necessary for him in some instances to act on his own responsibility subject to confirmation by the Board. The Board should be authorised to delegate to their Chairman or other member of the Board power of Settling questions which may arise on any tour of inspection, such decision to be subsequently recorded as an act of the Board.

25. The Board must, I consider, have a Secretary and such clerical establishment as may be found necessary, for conducting correspondence with the Government with other Departments, and with the public at large. You will be able to provide this establishment from the present Railway Branch of the Public Works Secretariat, which will cease to be necessary. I conclude that one of your first steps will be to abolish this Branch. As soon as the Board is established, therefore, all railway business should be transferred to them, and all correspondence on railway matters should be addressed to them.

21

PROPOSALS FOR THE FUTURE MANAGEMENT OF THE RAILWAYS,[1] 1921

210. Our Reference instructed us to consider four possible methods of management of the India railways belonging to the State: by English companies, by Indian companies, by a combination of English and Indian companies, or directly by the State; and to advise on the relative advantages of these four methods. The Committee have unanimously ruled out management either by English companies or by combinations of English and Indian companies. There remains, therefore, for discussion only the alternative between management by Indian companies and management directly by the State. But we desire to add to that portion of the Report (Section 1 above) to which the Committee have unanimously agreed, some further observations on the subject of the English companies, which in our judgment have a direct bearing on the question of State *v.* company management in India.

211. The Committee have unanimously recommended that the English companies shall be brought to an end on the broad ground that they do not correspond with modern Indian conditions. But in our judgment there is another and even stronger ground, that they represent a system essentially unworkable. There is a great deal to be said for company management. Few people will be found to deny that a company, investing its own money, managing its own property, and judging its officials by their success in producing results in the shape of dividends, usually conducts its business with more enterprise, economy and flexibility than are found by experience to be attained in businesses directly managed by the State. It is, we think, strictly germane to the question we have now to consider, to point

[1] *Report of the Railway Committee*, 1921, pp. 65–9.

out that the English companies ceased many years ago to be companies in this sense.

212. The property entrusted to their management, is not their own, and their financial stake in the undertakings is, as we have said, relatively very small. But it might be urged that the objection on these grounds to their continuance is merely theoretical. In a work-a-day world it matters little whether a system is logical, provided that it works. Our experience and investigations in India have led us to the quite definite conclusion that the system has never worked satisfactorily, and cannot be made to do so. The management of the undertakings is nominally entrusted to the several guaranteed companies. We say 'nominally', for the Government, feeling itself to be the real owner and ultimately responsible, not only financially, but also morally and politically, for the policy pursued, has always refused to leave any real initiative in their hands. And as by the interposition of the companies the Government is kept apart from direct management, it in its turn does not feel an obligation to undertake the initiative itself.

213. On the board of each company there sits a Director, nominated by the Government, with a power of veto over any decision come to by his colleagues. It is true that we have been informed that this power of veto, though it has existed from the beginning, is believed never to have been exercised in any single case. But the explanation is largely that the existence of the power of veto suffices—a board of business men would naturally refrain from passing a resolution which they were warned in advance would not be permitted to take effect.

214. Further, the Government control is enforceable and enforced by other methods. The freedom of the board and its officials to act is confined in nearly every direction by the Government. The Company does not retain control over its own revenue receipts or regulate its own revenue expenditure. The current cash receipts are required to be paid into the Government Treasury to the credit of the Secretary of State. Such moneys as may be necessary to meet current expenditure are furnished to the Company out of the Treasury as required, subject to restrictions prescribed by Government, and not necessarily to the extent desired by the Company. It is true that the Company appoints its own staff, but the cadres are fixed by the Government—so many officers and servants of each kind at scales of remuneration which the Company may not exceed. Should the Agent of the Company desire in an exceptionally meritorious case to increase the pay of a station-master at a station where the maximum is fixed at Rs. 250 per month to Rs. 260, Government sanction has to be applied for and obtained. No new appointment, even of a temporary nature, carrying a salary beyond Rs. 250 per month, can be created without specific Government sanction—a sanction which we are told sometimes fails to be obtained till the purpose for which the appointment was urgently desired has ceased to exist. In the case of a temporary appointee, we are even informed that rules laid down by Government, which cannot be departed from without express Government permission, prescribe the maximum leave of absence which the Company is entitled to grant. In a word, the Company does not and

cannot manage the undertaking; it cannot, without the permission of Government, break new ground in any direction. Neither does the Government manage; it only controls and restrains. Further, as the control over railways in every case where money is involved really rests, not with the railway, but with the Finance Department of the Government, this control tends to take the form of refusing to face any exceptional investment of new money, however great may be its potential earning power.

216. Our conclusion therefore is, in a word, that the guaranteed companies do not possess the essential attributes which belong to ordinary companies. To claim that, because ordinary companies possess the advantages of energy, enterprise, and so forth, therefore companies of the nature which we have described may be expected to possess these advantages, is to be misled by a mere name.

222. We now proceed to discuss the question from a quite different angle. Indian public opinion is practically unanimous in demanding that the owner shall manage directly. We see no reason to believe that the mere transfer of the management from companies domiciled in England to companies domiciled in India would satisfy Indian public opinion. Nor, judging from the evidence before us, would such a transfer meet with general approval by Europeans in India. For though almost all the European witnesses whom we examined upon this point favoured company management, only 9 out of 19 supported Indian company management, the remaining 10 contemplated either management by companies domiciled in England, or by a combination of English and Indian domiciled companies.

224. In the case of the East Indian Railway there is another reason in favour of direct State management. For hundreds of miles in the North West from Ambala roughly to Allahabad, the main line of the East Indian is parallel with the main line of the Oudh and Rohilkhand State Railway. Both lines are at present overcrowded and inadequately equipped to deal with the traffic offering. If they were combined together and worked as a single system they would be at least less inadequate, as through traffic could be diverted from one to the other according to the greater or less demands on either for the accommodation of local traffic. At present the two systems compete and we have the curious but not unnatural position that the company management of the East Indian Railway, being interested to the extent of one-hundredth in the net profits of that undertaking, endeavour to retain on their own line traffic which could more conveniently be carried by the Oudh and Rohilkhand.

227. We conclude, therefore, that no scheme for the establishment of Indian domiciled railway companies is acceptable. Only if relieved from risk of loss will shareholders subscribe at all. Even when so relieved, they will only subscribe relatively small amounts. Such small amounts would not justify entrusting them with substantially independent management. And unless management is substantially independent, the justification for the existence of a company disappears. And, therefore, approaching the question, not as one of national sentiment, but purely from the practical point of view, we find ourselves in agreement with the

almost unanimous opinion of Indian witnesses, and recommend that the undertakings of guaranteed companies, as and when the contracts fall in, be entrusted to the direct management of the State.

228. We think it necessary here to draw special attention to the caveat which we have to enter. It is not State management as it has hitherto existed in India, whose functions we recommend to be so greatly extended. In earlier chapters of this Report the Committee have pointed out the failure and drawbacks of the existing system of control of Indian railways, whether considered from the executive and administrative or from the financial point of view. To the Government Departments concerned, as at present constituted and administered, we should hesitate to entrust any new responsibilities, in respect either of State or company managed railways. Our recommendation as to State management must therefore be read as coupled with and conditioned on the adoption—at least substantially, and in main outline—of the recommendations which we have made with respect to financial and administrative reforms.

(iv) THE MANAGING AGENCY SYSTEM

22

THE LARGE AGENCY FIRMS,[1] 1918

12. A characteristic feature of organised industry and commerce in all the chief Indian centres is the presence of the large agency firms, which, except in the case of Bombay, are mainly European. In addition to participating in the export and import trade, they finance and manage industrial ventures all over the country and often have several branches in the large towns. The importance of these agency houses may be gauged from the fact that they control the majority of the cotton, jute and other mills, as well as of the tea gardens and the coal mines. This system originated and has still continued owing to the ability of these houses to furnish financial help to industries; it also owes its existence to some extent to the difficulty, in the case of companies under European control, of finding among the relatively small class of leading men of business available in India directors, especially managing directors, who will remain in the country long enough to guarantee the continuous supervision requisite for the successful conduct of such businesses. An agency firm as a rule comprises several partners, some of whom are taking their turn of duty in India, while the others attend to the firm's affairs in London or elsewhere. There is no doubt but that the system is in many ways well adapted to present conditions in India, and has a far greater list of successes to its credit than can be shown by ordinary company management under individual managing directors. We are much impressed by the strong evidence of the high financial prestige possessed by the better-class agency firms, and of the readiness of the investing public to follow their lead, a position only reached, we recognise, by a policy, extending

[1] *Report of the Indian Industrial Commission*, 1919, Cmd. 51, ch. II, pp. 12–13.

over many years, of efficient management, cautious finance and watchful attention to the interests of client enterprises. Nevertheless, they have not escaped criticism as being unduly conservative in their methods of business and as exhibiting undue reluctance to embark on new ventures. They have been charged with lack of enterprise and an unwillingness to follow up lines of development naturally proceeding from the expansion of operations in their own specialised industries. In other words, they have been inclined to develop commerce rather than industries, and have thus been at times less helpful than might have been the case, in clearing the way for continuous industrial progress.

In recent years, however, a new spirit has arisen, evoked by the genius of a few men who have boldly faced the industrial needs of India and have not been deterred by the large scale on which it is necessary to start operations. They have instituted such thorough preliminary enquiries that they have been able to accept the conclusions reached with confidence and, when these were favourable, to act upon them. The success which they have achieved as a result of the scientific methods adopted has encouraged others to similar efforts, and these have been further stimulated by the war, which has clearly demonstrated the vital necessity for industrial development and has, temporarily at least, lessened foreign competition.

23

THE HEREDITARY PRINCIPLE,[1] 30 SEPTEMBER 1926

41. The managing agency system is the system most suited to Indian conditions at present. Whilst perfection is not claimed for it, it is no use condemning a system to which Indian industry owes its origin and growth, unless a more workable arrangement can be proposed.

It is well known that banks at present are unwilling to advance moneys on the security of the assets of a limited concern, unless the same is backed by the personal security of the Agents themselves. As no practical banker at present would be prepared to make a departure from this practice, it is no use proposing an alternative system, unless the whole organisation of commercial and banking credit in India is changed.

The fact that the managing agency is hereditary has been subjected to much criticism. While the hereditary principle has its limitations and disadvantages, it has compensating advantages which appear to have been overlooked. I would refer the Tariff Board to enormous sacrifices made by mill agents,—sacrifices not only of their commission, but also of their private wealth to a degree which would never be possible under a system of paid managing directors. Without attempting to make any invidious distinctions, I would only refer to two examples which occur to me at the moment, viz., the sacrifices made by the Tatas for their oil mills and the Steel Company, and by the Currimbhoys for the Kastoorchand mills. It

[1] *Report of the Indian Tariff Board*, 1927, vol. 1, pp. 4–5. Statement by Sir Purshotamdas Thakurdas.

is the hope and trust that the benefits of the managing agency will continue to accrue to themselves and their successors from generation to generation, which induce mill agents to make enormous sacrifices at critical junctures for their industrial concerns. Once the hereditary principle is taken away, no firm of managing agents will come forward to stake its all—its reputation and its private wealth for the benefit of the limited concerns under its charge.

24

THE AGENCY SYSTEM AND COTTON,[1] 1927

The contention that the managing agency system is a cause of the present depression can be disposed of in a few words. We have shown that the depression is world wide and the fact that it is even more prevalent in Lancashire than it is in India is in itself sufficient to show that it is not any particular system of management which is in any way responsible for it. But we cannot but think that the defects of the system are more apparent in a time of depression than in a time of prosperity and that the evidence we have received shows that, so far as Bombay is concerned, the criticisms of the system mentioned by the Indian Industrial Commission are not without foundation. We shall give reasons in a later chapter for our view that the Bombay mill-owners have been unduly conservative in their methods of business and have exhibited undue reluctance to embark on new ventures and it will be obvious that what Sir Victor Sassoon considered in his evidence before the Royal Commission on Currency and Finance as the most valuable function of the managing agency system, namely, that of arranging finance for the concerns they manage, is one which bears heavily on them in a time of depression, especially when this follows on a concentration of managing agencies. It is noteworthy that two firms of managing agents in Bombay now control 23 of the 83 mills in Bombay shown in the Millowners' Association's statement. These mills between them account for half the paid up capital of the entire Bombay mill industry and about two-sevenths of the looms and spindles, and, in view of the large amount of finance required, it certainly cannot be held that this has, in the conditions of the last few years, tended to strengthen the Bombay mill industry especially as both groups include flotations of the boom period. We attach as Appendix XII[2] a list showing the managing agents, the mills they control with paid up capital and the numbers of looms and spindles.

We do not propose to enter on any discussion of the merits of the managing agency system as compared with the system of managing directors. The managing agency system is the outcome of conditions which are peculiar to India. It has, so to speak, grown up with India's industrial development and, so far as can be seen, there does not appear any immediate probability of a change. Any pressure in the direction of an alteration from the system of managing agents to the system

[1] *Report of the Indian Tariff Board*, 1927, vol. I, pp. 85–90.

[2] Printed on p. 718 below.

of managing directors can only come from the industry concerned. In these circumstances, an expression of the views of a Board such as ours would be of no value.

One of the criticisms levelled against the managing agency system in Bombay was that, owing to the multiplicity of their other interests and the situations of their offices at a distance from the mills, the managing agents are not in as close touch with the mills as is desirable. In regard to this, it must be pointed out that some of the most successful mills in India are situated in upcountry centres while the managing agents have their offices in Bombay. None the less, we were much impressed by the contrast between Ahmedabad and Bombay in this respect. In Ahmedabad, there are very few agents with more than one or two mills to look after. Their offices are on the mill premises and their constant attendance at the mill enables them to keep that close watch on incomings and outgoings which is essential if costs of production are to be kept down to the lowest possible limit and also to maintain close contact with possible customers and to make arrangements for manufacture to suit their requirements. We shall discuss this further at a later stage but would here say that, in this characteristic of Ahmedabad is to be found one reason why, in our view, that centre has fared so much better during the last three years than has Bombay.

The system of remuneration of the managing agents was also attacked. The three systems in force are:—

1. The system of remuneration by commission on profits which, since profits increased so largely during the war period, has been the most common system in Bombay and in most upcountry centres where it was, we believe, first adopted in 1888. The commission in Bombay ranges from 7½ per cent. to 12½ per cent. but, in the majority of cases, it is 10 per cent. and the managing agency agreement usually provides for a minimum commission.
2. The system of commission on production which is still in force in a few mills in Bombay and Ahmedabad but is more common in upcountry centres. The usual rate of commission is three pies per pound. In most cases, provision is made in the managing agents' agreements for the relinquishment of a portion of the commission according to the percentage of dividend distributed.
3. The system of commission on sales which is the most common system in Ahmedabad where it was introduced in 1895. It practically completely replaced the system of commission on production in 1917 when the era of high prices set in. It is also in force in three mills in Bombay and in several mills in upcountry centres. The rate of commission is usually 3½ per cent. In this case also, provision is made in the managing agents' agreement for a relinquishment of a portion of the commission.

It will be evident that, in a year of prosperity, the commission on profits or on sales must considerably exceed that on production and that in a year of depression

the commission on profits must be considerably less than that on sales or on production. Of the three systems, we have no hesitation in considering that of commission on profits the best. The great defect of the system of commission on production is that it tends to concentrate attention on output rather than on quality, but a greater objection to that system is that it removes the incentive to the disposal of production at the best possible price. Both these objections apply, though in a less degree, to the system of commission on sales. The mills which adopt this system, unless they are managed by agents who hold the majority of the shares, are obviously only concerned with getting rid of their production and not with the price at which it is disposed of. Calculations we have made show that, over a series of years, the system of commission on sales is the most expensive of the three. In prosperous times, the system of commission on profits is comparatively expensive, but, again over a series of years, it seems probable that it is not more so than either of the other two and it is undoubtedly the system which should furnish the greatest stimulus to efficient working. A feature of it which is, however, open to objection, as it is worked in Bombay and to which we shall have occasion to refer later, is that the profits on which it is calculated are arrived at before allowance is made for depreciation. It will be clear from this examination that the system of remuneration of managing agents has in no way either caused or contributed to the depression which is more acute in Bombay than elsewhere, in spite of the fact that it is in that centre that the system of commission on profits, which we consider the most satisfactory, is the one most generally adopted.

. . . . .

A further criticism which was brought against the managing agency system, especially in Ahmedabad, was that the tendency for the agency to be passed on from father to son or to some other relative and to be regarded somewhat in the light of a family possession does not promote efficiency, since it does not follow that business capacity is inherited with the succession to the agency, especially as very few agents take the trouble to train those who will succeed them in the technique of management. On the other hand, it was urged that the retention of the managing agency in the same family causes a business to be regarded as something more than a mere commercial concern and that this, in some cases, has operated distinctly to the advantage of shareholders as, in bad times, private fortunes have been devoted to the assistance of a business which would otherwise have collapsed. There is much force in both views and it is, therefore, not easy to determine whether the defects of what was described to us as the hereditary system of managing agency have outweighed its advantages.

Allegations were also freely made that the present condition of the industry could to some extent be attributed to malpractices on the part of managing agents. It was stated that speculative purchases of cotton are frequently made by managing agents and that, if these result in a loss it is passed on to the mill, whereas, if a profit is realised on the transaction, it is retained by the managing agent. It was further

alleged that managing agents received commissions on purchases of cotton, machinery mill-stores, coal and liquid fuel as well as on sales of cotton, yarn and piece-goods and on insurance premiums which are not passed on to the mills, in other words that stimulus to efficiency is removed by the fact that, whatever the position of the mill, the managing agent is sure of a profit on transactions connected with it. Though allegations of this character were made by several witnesses, it is perhaps not surprising that no substantive evidence was brought forward in support of them. The authority quoted in all cases was merely rumour or statements which have appeared in the press. It is significant that, when questioned IN CAMERA on the point, the witnesses who made statements of this kind were never able to give the names of more than one or two mills and that these names were almost always the same. We are, therefore, satisfied that no general indictment of the mill industry can be established under this head and that the practice of receiving secret commissions, if it exists at all, is exceptional. There are one or two cases in which managing agents are also agents for firms which deal in machinery but there was no evidence to show that this is detrimental to the mills they manage, though there is a possibility that the managing agent may be inclined to purchase for his mill the machinery for which he is also agent without due regard to its comparative cost. In one or two cases also, the managing agents act as guarantee brokers to their mills, that is they guarantee the mills against losses on sales whereas, in the great majority of mills, this function is undertaken by an independent individual or firm. In cases where the managing agent acts as guarantee broker, the commission on sales is of course received by him. The objection to this practice is that the interests of the mills are obviously better served when the risks arising from defaults by purchasers are spread over a wider field. We received evidence in Ahmedabad that the adoption of this practice had, in one instance, resulted in the proceeds of sales remaining with the managing agent instead of being passed on to the mill. This was only discovered after the mill had gone into liquidation. In any case, neither practice is sufficiently common appreciably to affect the efficiency of the industry.

The position is somewhat different with the commission on fire insurance. Several managing agents are also agents to fire insurance companies, their activities in this direction being, however, confined to their own mills. We were informed by the representatives of the Bombay Millowners' Association that the rules of the insurance companies lay down that no part of the agents' commission on premiums shall be passed on to the mills. The objections to this arrangement are that it prevents combined action on the part of the millowners in regard to insurance rates, as managing agents naturally do not care to place themselves in a position which not only involves opposition to the insurance companies of which they are agents but may also result in the loss of their commission.

The practice, which is not uncommon in Ahmedabad, of investing the surplus funds of mills with firms of shroffs instead of with banks was the subject of unfavourable comment especially when, as in some instances, the firm of shroffs is

identical with that of managing agents. This practice appears to have originated in a desire to afford facilities to merchants for the payment of goods after the banks have closed. This practice involves no risk so long as the financial position of the firm of shroffs is sound but, as these firms do not publish any balance sheets, neither managing agents, directors nor shareholders have any means, beyond general information, of ascertaining whether it is so or not and the system, therefore, appears to us to be open to grave objection.

Objection was also raised to the investment of the surplus funds of one concern in, or the loan of such funds to another concern under the same managing agency. Only one instance of this character came to our notice in Bombay but such cases have been more common in Gujarat and the evidence we received in Ahmedabad showed that some mills which were intrinsically in a perfectly sound financial position had been forced into liquidation as the result of the loan of their surplus funds to weaker mills under the same managing agents. The criticism of this practice is, in our view, justified but it is clear that it is exceptional and that very few mills have been affected thereby.

Except, therefore, to the extent to which it can be held that the defects in the managing agency system to which we referred at the outset, namely undue conservatism and lack of initiative, have contributed to the present depression, we do not consider that the managing agency system can be regarded as being responsible for existing conditions. It is obviously impossible to come to any other conclusion in view of the fact that while the managing agency system is general throughout the industry, the extent of the depression... varies so greatly in different parts of India.

25

THE AGENCY SYSTEM AND TEXTILES,[1] 19 AUGUST 1927

41. The Association does not consider that the Managing Agency System is at all defective in India. It must be remembered that if it had not been for the enterprise of Managing Agents, the textile industry of India would not at present exist. It was their enterprise and their money that brought the industry into being at a time when grave doubts were entertained as to whether cotton spinning and manufacturing could be carried on in India, in competition with the industrially advanced countries of the West and when capital was notoriously shy. The justification for the agency system of management is to be judged from the fact that every industry in India and not the cotton industry alone has been built up, and is controlled and directed by Managing Agents. It should be remembered that Managing Agents have a double function to perform in India as against a single function of the Managing Directors of England. In England, the Managing Director or Manager is a paid servant and only looks after the working of the mills; the Managing Agents of India not only have to look to the satisfactory working of the mills, but

[1] *Report of the Indian Tariff Board*, 1927, vol. II, p. 135. Statement of the Bombay Millowners' Association.

to finance them and have frequently suffered very severely by doing so. Banks in India will not lend money as they do in England to the mill company itself. They require not only the signature of the mill company for any loan made to the mill, but also require in addition the guarantee of the Managing Agents. The charges which have been made against the system in recent years cannot be substantiated but are to be expected in periods of great depression. They do not, in any way, affect the justification of a system which has proved its superiority over other systems of management as far as India is concerned.

26

MANAGING AGENTS IN BOMBAY,[1] 1927

Managing Agents	Number of mills	Spindles	Looms	Capital
				Rs.
1. Currimbhoy Ebrahim & Co.	11	517,282	10,464	2,49,56,630
2. E. D. Sassoon & Co. Ltd.	12	516,446	11,325	7,26,00,000
3. Tata Sons & Co.	4	211,912	5,708	96,85,500
4. D. M. Petit Sons & Co.	4	185,944	5,811	48,59,500
5. Nowrosji Wadia & Sons	2	180,216	4,810	62,74,500
6. W. H. Brady & Co.	5	161,620	2,299	66,98,750
7. Thackersey Mooljee & Co.	3	125,776	3,102	33,00,000
8. James Finley & Co.	3	120,160	2,452	94,62,450
9. C. N. Wadia & Co.	2	111,338	3,001	18,50,000
10. David Sassoon & Co.	2	98,416	2,142	27,50,000
11. Mathradas Goculdas & Co.	3	97,284	697	77,51,195
12. Morarjee Goculdas & Co.	1	82,928	1,605	11,50,000
13. Killick Nixon & Co.	1	69,200	1,394	20,00,000
14. Khatau Makanji & Co.	1	62,844	1,511	29,95,000
15. Mangaldas Mehta & Co.	2	59,536	1,008	23,00,000
16. Ramnaram Harnandrai & Sons	1	54,072	696	8,00,000
17. B. D. Petit Sons & Co.	1	46,452	1,383	15,00,000
18. Pransukhal Mafatlal	1	46,064	—	13,25,000
19. Allana Rahimtoola & Co.	2	44,678	400	60,98,800
20. Kilachand Devchand & Co.	1	43,846	—	39,85,600
21. Purshotam Vithaldas & Co.	1	41,768	968	2,00,000
22. Vussenjee Munjee & Co.	1	40,944	1,026	9,00,000
23. Sassoon J. David & Co.	1	39,816	—	8,00,000
24. Commissariat & Co.	1	39,208	600	13,24,215
25. Allen Brothers	1	38,144	1,265	22,50,000
26. Goculdas Madhavjee Sons & Co.	1	37,452	903	20,25,000
27. Hormusji Sons & Co.	1	33,648	797	22,40,770
28. Abdoolabhoy Joomabhoy Lalljee & Co.	1	33,516	663	11,00,000
29. P. A. Hormarji & Co.	1	32,782	756	2,50,000
30. Toyo Menka Kaisha, Ltd.	1	31,992	758	20,00,000
31. Partapgir Narsingirji & Co.	1	31,586	929	17,04,000
Carried forward				

[1] *Report of the Indian Tariff Board*, 1927, vol. I, App. XII, p. 258.

Managing Agents	Number of mills	Spindles	Looms	Capital
				Rs.
Brought forward				
32. Hormusji Ardenshir & Son . .	1	31,300	494	13,32,100
33. Waljee Shamji & Co. . . .	1	31,212	914	12,00,000
34. Ragavji Maganlal & Co. . .	1	30,544	840	12,00,000
35. Turner, Morrison & Co. . .	1	29,104	744	10,00,000
36. Morarbhai Vijbhukhandas & Co. .	1	28,116	592	7,00,000
37. Cowasjee Jehangir & Co. . .	1	27,640	719	13,00,000
38. Mafatlal Galgalbhai . . .	1	19,652	560	Proprietary
39. Govindalal & Co. . . .	1	18,908	—	15,21,000
40. Hormusji & Co. . . .	1	13,152	365	12,00,000
41. Lowjee Meghjee & Co. . .	1	6,144	—	Proprietary
Total	83	3,472,642	73,701	19,65,90,010

27

DRAWBACKS OF THE AGENCY SYSTEM,[1] 1931

352. Although the Managing Agency system is reported to have done a great deal for the industrial development of Bombay, it is admitted that it is not by any means a perfect arrangement but has many serious drawbacks. There have been cases where the Managing Agents have, besides managing their own mills, traded and speculated and the resulting weakness in their position has reacted on the financial position of the mills themselves and led to the banks withdrawing cash credits even when the mills were intrinsically sound, merely because the Managing Agents had become weak. Further, although it is true that in times of crisis such as Bombay has been going through, Managing Agents have incurred extensive losses as a direct result of financing the mills under their control, there have been a few cases in which these Agents have turned their loans to the mills into debentures, with the result that the concerns have passed into their hands and the shareholders have lost all their capital invested in the undertaking. It has also been pointed out that this Managing Agency system works well when everything goes on smoothly and when the industries are prosperous. During these periods of prosperity if more money is required by the industrial concerns, the Managing Agents may very often continue supplying the money themselves to a considerable degree. Later on, however, when conditions alter and the industry or the particular concern comes up against bad times and the Managing Agents find themselves compelled to find more money to support the industry, it is found that they are not able in all cases to cope with the requirements.

353. We suggest, therefore, that attempts should be made to make industrial enterprises in India less dependent on this system for future development. The

[1] *Report of the Indian Central Banking Enquiry Committee*, 1931, ch. XVI, pp. 279–80.

establishment of direct friendly relations between industrial companies and commercial banks is desirable especially in view of the capital demands that are likely to arise in connection with mergers and reconstructions which may follow the present economic depression.

28

AGENCY AND THE COAL INDUSTRY,[1] 1937

57. Apart from the notorious lack of co-ordination or co-operation in the coal trade as a whole, or even in the various groups into which it is divided, the managing agency system, though it may have answered the requirements of the coal trade as distributors and profit producers, has not been an unmixed advantage to the coal industry. In 1935, 74·75 per cent. of the Raniganj and Jharia production was raised by limited companies formed under the Indian Companies Act of 1913, and 1936 amendments to which do not generally apply to existing companies though there are provisions regarding the proportion of directors to be appointed by the managing agents and powers of borrowing and lending among companies under the same managing agents. These companies are directed and controlled by business firms in Calcutta described in their articles of association as 'managing agents'. They are usually remunerated either by a fixed percentage on the gross proceeds on all coal sold plus a percentage on other transactions, or by a commission on raisings plus a fixed monthly sum for office expenses, or by a fixed percentage on dividends and bonuses paid to shareholders plus a fixed monthly sum for office expenses. All three methods place a premium on high outputs, big sales and large profits, and are generally calculated to focus effort on immediate rather than future gain, it being remembered as well that these managing agents also control mills and other industrial concerns which benefit by cheap fuel. Shareholders seldom attend the general meetings of these companies in any numbers, two holders of ordinary shares personally present at such meetings constituting a quorum to choose a chairman and declare a dividend, while three persons holding ordinary shares, present either in person or by proxy, constitute a quorum for all other purposes. Under the 1936 amendments to the Companies Act, the interests of shareholders have been better safeguarded in several ways and closer contact between them and the directors has been aimed at. Retrenchment in working expenses has necessarily dictated policy in the coal trade, and the industry has had to give effect to that policy by increasing output or cutting down costs without sufficient attention to the mining methods necessary to secure these ends. So far as we are aware, no firm of managing agents has a technical expert on its Calcutta staff, but it is from Calcutta that the policy of every coal company is directed in detail with primary regard to commercial considerations.

In short, to use a sporting metaphor, the coal trade in India has been rather like a race in which profit has always come in first, with safety a poor second, sound

[1] *Report of the Coal Mining Committee*, 1937, vol. I, ch. IV, pp. 27–30.

methods an 'also ran', and national welfare a 'dead horse' entered perhaps, but never likely to start. Neither Government nor the landlords can escape responsibility for allowing this state of affairs to prevail for so long, but this does not alter the facts nor, still less, will it justify further inaction on the part of all concerned.

29

AGENCY AND THE COAL INDUSTRY,[1] 1946

4. The importance of the place which Managing Agents occupy in the coal industry is well recognised. A large number of such Managing Agents are British houses of great standing and repute, all of which are members of the Indian Mining Association. The position that the collieries under the management of members of the Indian Mining Association occupy will be evident from the following figures:

Year	Total output of coal in British India	Percentage output of members of the Indian Mining Association
1942	25·96 million tons	65·0%
1943	22·45 million tons	71·0%
1944	23·49 million tons	70·6%

5. Almost all the evidence tendered before us by Chambers of Commerce, representatives of producers and consumers' organisations, colliery owners and others directly interested in the coal industry, has favoured the continuation of the Managing Agency system. We are not surprised at this unanimity, as the Managing Agency system has come to stay in this country, and almost in every industry, more and more use is being made of this device in respect of new ventures. An opposite opinion has, however, been expressed by independent witnesses who have no direct connections with the coal trade and by labour organisations.

6. While we do not propose to analyse at great length the working of the Managing Agency system, it will be useful to summarise the various advantages and disadvantages of the system in so far as the coal industry is concerned.

First and foremost, there are undoubted advantages in the grouping of a number of production units under unified control and management. Grouping by itself confers distinct benefits; for instance, technical staff of greater ability and experience can be employed. This is of great importance in India where there is a chronic deficiency of technical talent. Again, there are a number of common services between coal producing units which can, with advantage, be centralised and supplied from a common pool. Services of this nature include surveying, zamindari work, mechanical workshop facilities, provision of hospitals and medical care. The grouping of a number of production units also facilitates the consideration and execution of schemes requiring large capital and which can serve the needs of the

[1] *Report of Indian Coalfields Committee*, 1946, vol. I, ch. XI, pp. 116–20.

entire group. In recent years, the problem of sand-stowing, whether for safety or conservation, has come to the forefront. It has been possible for a number of collieries grouped under one Managing Agent to get together and work a common scheme for the winning and transport of sand to the various collieries. If these collieries were operating on their own, they would not have been able to afford the large outlay of capital needed. Likewise, grouping facilitates joint effort in matters such as the provision of electrical energy.

It has been urged before us that, through the Managing Agency system, large benefits accrue to the collieries by the centralisation in the office of the Managing Agents of the purchase of stores and equipment for the collieries and the sale of their output. On the other hand, 'if each individual colliery were to provide and pay for its own purchase and selling organisations, the costs will be considerably increased and the efficiency and flexibility of the system appreciably reduced'.

The advantages outlined above essentially proceed from the factor of grouping, and it is not essential that a mechanism like the Managing Agents should be superimposed to achieve these benefits. It is suggested, however, that the mechanism is a convenient device through which many other substantial benefits accrue. The most important of them is the financial backing which a Managing Agency provides for the individual collieries under its charge. It is not unknown that, during periods of depression, many a colliery company would have gone under but for the assistance rendered by its Managing Agents, who, with their own funds, kept the collieries going. Moreover, during the early years of a new production unit, it is the Managing Agents' responsibility to nurse the venture into the profit-earning stage. All may not agree with the rather exaggerated claim put forward by the Indian Mining Association that 'Managing Agency system in the coal industry has never shown its value to greater effect than during the last 20 years'. It is, however, true that wiser Managing Agents kept quite a number of colliery companies, which might otherwise have gone into liquidation, alive during the depression period.

It is further claimed that Managing Agents furnish business management to the collieries of a most efficient nature. Their experience in conducting the management of a number of varied industries is at the disposal of their colliery group. Such management is not easily or so cheaply available to individual collieries. The claim is also made that Managing Agency houses with a long tradition behind them must, of necessity, adopt a long-term policy in respect of the companies under their control. It is stated that 'they have interests besides coal to look to and it is unlikely that they will spoil this reputation by sacrificing the colliery companies under their management for the benefit of their other interests'. There is perhaps some truth in this statement, but it must be said that a long view in a commercial house may not necessarily be what is best in the national interest.

The concentration of industrial power in the hands of Managing Agents no doubt provides them with the opportunity of adopting a progressive policy in respect of labour conditions. Additional amenities and the provision of education,

and welfare facilities for the workers can be maintained collectively. Such power, however, is, with some reason, disputed by the workers' representatives, inasmuch as it reduces their powers of collective bargaining on behalf of the workers of individual collieries.

7. Turning to the other side of the picture, the Coal Mining Committee, 1937, considered that the Managing Agency system has not been an unmixed advantage to the coal industry. Their sharp criticism of the role which Managing Agents have played is summed up tartly by them as follows:

> 'In short, to use a sporting metaphor, the coal trade in India has been rather like a race in which profit has always come in "first", with safety a poor "second", sound methods an "also ran", and national welfare a "dead horse", entered perhaps, but never likely to start.'

The gravamen of the charge against the Managing Agency system lies in the excessive attention which Managing Agents of collieries, in fact of any industry, are likely to pay to the commercial aspect of the operation of the companies under their control. It has been said that Managing Agents serve as trustees for the shareholders of the respective companies and as such feel in duty bound to earn for the shareholders the best dividends they can. It further states that this policy does not prevent the adoption and carrying out of a long-term policy. But it is possible to envisage conflict between the policies of individual collieries and of what is good for the coal industry as a whole.

Managing Agents usually receive their remuneration in the form of a fixed monthly sum for office expenses and a fixed percentage on net profits though in contracts entered into prior to 1936, provisions can be found for payments to the Managing Agents of certain fixed percentages on sales or on output or on a similar basis having direct relation to the net profits of the company. The Indian Companies Act, as amended in 1936, provides for the limitation of the tenure of Managing Agents to 20 years and also limits the remuneration of the Managing Agents to a percentage on net profits as defined in the Act. By 1956, therefore, all Managing Agents' contracts must adopt the uniform basis of receiving remuneration as prescribed in the Companies Act. It is notorious, however, that remuneration based on raisings or on sales or on any other basis not directly connected with net profits can be very injurious to the ultimate interests of the company concerned. We will not go as far as the ex-cathedra opinion of the Coal Mining Committee, 1937, that in actual practice sound methods of mining and national welfare suffered considerably under the Managing Agency system. We consider that the conclusion does not necessarily follow from the institution of the Managing Agency as such, but where quick commercial profit becomes the criterion in the conduct of an industry, inevitably larger interests recede to the background. Nor do we agree with the view that the methods of remuneration of Managing Agents, which prevailed in the past in the coal industry, placed a premium on high outputs, quick sales and large profits. But the history of the coal industry during the

depression period reveals a number of unsound features, as for instance, over-production persisting through a period of very low prices. There is also no defensible evidence supporting the case for slaughter exploitation of the better class of seams which took place during this period. For both, Managing Agents must take their appropriate share of the blame.

Managing Agency houses, with their interests in various industries, exhibit a concentration of industrial power which may mean supremacy of technical and business management, and progressive policies in respect of labour conditions; but these do not necessarily secure also the ultimate good of all the individual units under their control. Take for instance the operations of a centralised selling organisation. Many Managing Agents of coal companies also control other industrial units which are large consumers of coal. It may not be considered essential that the colliery companies should get the best price for their coal under these conditions. Nor does it follow that the sundry consumer units under one house will receive the best quality of coal at the best possible price. Centralised administration of selling may thus lead to certain inequities for one or the other unit. There is no assurance under the Managing Agency system that the individual colliery companies do effect their sales in the best possible manner. In regard to the centralised purchase of stores and equipment, the individual companies do no doubt get the benefit of low prices for bulk purchases, though it is not known in every case whether the Managing Agents charge for such services. Occasionally the purchases are made by Managing Agents on their own responsibility and at their own risk. If companies under their control need these stores and purchase them from the Managing Agents, it is considered only fair that the risks taken by the Managing Agents should be properly paid for. Note may also be taken of the complaint that the fixed monthly allowances, which Managing Agents charge for office expenses, mean a net payment to the Managing Agents, inasmuch as the contracts usually provide that the companies pay for all the staff engaged on the companies' work, either wholly or partly. If the head office of the Company is located under the same roof as the Managing Agents' offices, it is common practice for the companies to pay for their respective shares of the office rent and other common service facilities made available to them by the Managing Agents. Therefore, it is contended that the fixed monthly sum paid to the Managing Agents is just another name for a net payment to the Managing Agents for which no concrete services are rendered.

It has also been urged that Managing Agents have displayed in the past no special zeal in the matter of furthering the interests of shareholders of individual companies under their control. The pooled industrial power in the hands of the Managing Agents is utilised in a fashion which promotes the larger interests of the Managing Agency house, which may not necessarily coincide with the interests of individual companies. It is true that aggregation of power does in some phase or other exhibit a monopolistic aspect and, therefore, to that extent is an anti-social trend which must be condemned.

In the coal industry, there is a further complication in that a large number of Managing Agency houses are British-owned. To this feature we do not attach much importance, for it is commonly known that the stock-holding of most of the coal companies is now in Indian hands; and if the respective Managing Agents do not fall in line with the wishes of the shareholders, it is in the hands of the latter to make a change. It must be recognised that, broadly speaking, the collieries under the management of such houses are far better run than many units under Indian management. Larger resources and the provision of better technical talent are responsible for such a feature. The progressive policy of these Managing Agents, as a whole, in the provision of amenities and in following more efficient mining practices should be commended.

There is an allegation that in the coal industry some Managing Agents have, through foresight, obtained leases of large coal-bearing areas and have been following a policy of waiting for the market to become 'high' before opening up a new coal area. It is stated that the opening up of new fields has in this manner been retarded. There is, however, the reply that development can proceed only pari passu with the provision of transport facilities, over which the lessees have no control, and further that such development can take place only when the economic conditions of the industry justify it. But the fact remains that large portions of known coalfield areas remain undeveloped. This may be a re-assuring factor in the context of our growing needs for coal and a word of appreciation must be extended to some of these Managing Agency houses, who have carried out extensive prospecting and boring in such undeveloped areas. Their statistics and analyses will form a very useful guide in framing our detailed plans for development.

8. In regard to the large segment of the industry controlled by Managing Agency houses, we feel it will be futile to express a detailed judgment on the benefits or otherwise of the system. The subject in general has been in continuous debate for over 20 years. The amendments to the Indian Companies Act in 1936 provided the culmination of efforts to improve the working of the system. It is not suggested by any one that the limitations imposed by the 1936 Act have in any way detracted from the efficiency of operations of Managing Agents. It may be that further experience has since pointed to certain other glaring abuses which could only be put right by legislation. On the other hand, there is probably a more wide-awake sense of responsibility amongst the Managing Agents, which would restrain them from utilising their position of advantage for their own personal benefit. The investing public have become conscious of their rights as shareholders in various companies and they have begun to exercise a healthy and useful influence towards securing a proper conduct of their companies by the Managing Agents.

The system of Managing Agents is favoured by industrialists all over the country, large and small. Almost every new venture which has been placed on the market during the last two years is presented under the sponsorship of a house of Managing Agents. We realise that, because of acute deficiencies of managerial talent in India, Managing Agents must continue to be a dominating form of

mechanism for industrial schemes. It is, however, necessary to investigate in detail the alleged abuses of power by Managing Agency houses and, if it proved that such abuses exist, to undertake legislation for preventing their continuation. We are not equipped to carry out such an investigation.

Broadly, our view is that Managing Agents have rendered useful service to the industry in the past. We do not ignore the fact that commercial objectives have always been the guide-posts of their policy in respect of coal mining operations. But we appreciate that Managing Agents are not in business for the sake of their health. If their mining policies have sometimes led to avoidable waste and losses of valuable resources, and if they have unwittingly worked against what are called national interests, it must be recognised that no one has clearly laid down so far the policy for sound mineral development or defined clearly what these national interests are. We feel that it is the duty of the State to take such measures as would make it clear to every operator of the coal industry what the national interests dictate in regard to mineral development.

(*h*) Social problems and policies, 1858–1947

1

THE GRANTS-IN-AID SYSTEM AND RELIGIOUS NEUTRALITY,[1] 7 AUGUST 1859

32. In addition to the means provided directly by Government for affording education to the different classes of the community, colleges and schools have for many years been maintained with the same object, by Individuals, Associations, or Local communities, to some of which allusion has already been made. The liberality shown by the natives, in some instances, in the maintenance of educational institutions, and the benefits which had resulted from the educational efforts of Christian associations, received recognition in the 49th and 50th paragraphs of the Education Despatch of July, 1854; and in the same despatch, sanction was given to the principle of grants in aid, as the best and most effectual mode of calling out private efforts in aid of education to a still greater extent.

49. The difficulties experienced by the officers of the Department of Education in establishing a general system of popular schools on the basis of the existing rules for the administration of grants in aid, has been already referred to; but apart from the difficulty, and in many cases the impossibility of obtaining the local support required for the establishment of a school under the grant-in-aid system, it cannot be denied that the mere requisitions made for the purpose by the officers of the Education Department may have a tendency not only to create a prejudice against education, but also to render the Government itself unpopular; and, besides the unpopularity likely to arise from the demands on the poorer members of the community, made in the way either of persuasion, or of authority, there can be no

[1] Secretary of State to Government of India, Desps. to India, vol. I, 1859–60. India Office Library.

doubt that the dignity of the Government is compromised by its officers appearing in the light of importunate, and often unsuccessful, applicants for pecuniary contributions for objects which the Government is confessedly very anxious to promote.

54. The peculiar objections which have been shown to attach to the grant-in-aid system, when applied to vernacular education, do not appear to extend to it in connection with English and Anglo-vernacular schools. The conductors of existing schools of these kinds are generally anxious to obtain grants, and the Government and its officers are, therefore, not placed in the unbecoming position of unsuccessful applicants for pecuniary contributions towards a public object, which the Government is known to be desirous to promote, but which its influence is seen to be unable to secure.

55. On the other hand, the comparatively small number of scholars in the Government colleges and schools sufficiently shows what ample scope there is for every agency which can be brought into the field of educational labour, and the expediency of making use of, and fostering, all such agency as is likely to engage in the work with earnestness and efficiency. There can be no doubt of the great advantage of promoting in the native community a spirit of self-reliance, in opposition to the habit of depending on Government and its officers for the supply of local wants; and if Government shall have undertaken the responsibility of placing within reach of the general population the means of a simple elementary education, those individuals or classes, who require more than this, may, as a general rule, be left to exert themselves to procure it with or without the assistance of Government.

56. You are aware, that, besides the other advantages of the plan of grants in aid, the authors of the despatch of 1854 regarded the system as carrying out in the most effectual manner the principle of perfect religious neutrality, and as solving in the best practicable way various difficult questions connected with education, arising out of the peculiar position of the British Government in India. If, on the one hand, by the natural operation of the system, grants have been made to missionary societies, assistance has, on the other, been extended to schools under the management of natives, whether Hindoo or Mahomedan. The principle of perfect neutrality in matters of religion, on which the system has been brought into operation in India has been laid down, and promulgated with unmistakable distinctness in the published rules. The amount contributed to missionary institutions bears but a small proportion to the general expenditure on education; and besides the numerous native schools established under the grant-in-aid system in the Mofussil, the Sanscrit College and the Madrissa are maintained in their integrity at Calcutta, for the exclusive benefit of the members of the Hindoo and Mahomedan communities respectively.

57. But as it has been alleged that, notwithstanding these precautions, jealousy has been excited by the assistance indirectly extended, through the medium of grants in aid, to missionary teaching, I am anxious to learn your opinion as to the

manner in which, on the whole, the grant-in-aid system operates; as to the necessity of making any, or what, alterations in the existing rules; and as to the feeling with which, in your opinion, it is regarded by the native community in those districts in which it has been brought into operation.

59. From the earliest period at which the British Government in India directed its attention to the subject of education, all its measures, in consistency with the policy which regulated its proceedings in other departments of the State, have been based on the principle of perfect religious neutrality; in other words, on an abstinence from all interference with the religious feelings and practices of the natives, and on the exclusion of religious teaching from the Government schools. As a necessary part of this policy, the Holy Scriptures have been excluded from the course of teaching; but the Bible has a place in the school libraries, and the pupils are at liberty to study it, and to obtain instruction from their masters as to its facts and doctrines out of school hours if they expressly desire it. This provision is displeasing to many of those who have interested themselves in the education of the people of India, and some of the missionaries especially are much dissatisfied with it and are desirous that direct instruction in the Bible should be afforded in the Government schools, as a part of the regular course of teaching. Some of the greatest friends of native education, however, who are warmly interested in missionary operations, declared themselves, before the Parliamentary Committee of 1853, to be averse to any change in the established policy of Government in this respect. The main argument of these gentlemen rested on the alarm and distrust which would probably be excited by the introduction of religious teaching into the Government schools, even if attendance on the Bible-classes were declared to be voluntary; but it was further observed that it would not be honest to accept the consent of the pupils themselves to attend the classes, and that it was not probable that the assent of the parents would be given; and it was pointed out that most of the masters in the Government institutions are natives, and that instruction in the facts and doctrines of the Bible, given by heathen teachers, would not be likely to prove of much advantage.

60. It would certainly appear that the formation of a class for instruction in the Bible, even though attendance on it might be voluntary, would at any time be a measure of considerable hazard, and, at best, of doubtful countervailing advantage; more especially at the present time, the introduction of a change in this respect might be found peculiarly embarrassing. The Proclamation of Her Majesty, on assuming the direct control of the Government of India, plainly declared that no interference with the religion of the people, or with their habits and usages, was to take place. Now, though in this country there might seem but a slight difference between the liberty enjoyed by the pupils to consult their teachers out of school hours with regard to the teaching of the Bible, and the formation of a class for affording such instruction in school hours to such as might choose to attend it, it is to be feared that the change would seem by no means a slight one to the natives of India; and that the proposed measure might, in a political point of view, be objec-

tionable and dangerous, as tending to shake the confidence of the native community in the assurances of a strict adherence to past policy in respect to religious neutrality, which Her Majesty has been pleased to put forth.

61. The free resort of pupils of all classes to Government schools, even at times when unusual alarm has been excited in the minds of the natives, is a sufficient proof of the confidence which is felt in the promises of Government that no interference with religious belief will be allowed in their schools; and this confidence Her Majesty's Government would be very reluctant to disturb by any change of system which might give occasion to misapprehension. They are unable, therefore, to sanction any modification of the rule of strict religious neutrality, as it has hitherto been enforced in the Government schools; and it accordingly remains, that the Holy Scriptures being kept in the library, and being open to all the pupils who may wish to study them, and the teachers being at liberty to afford instruction and explanations regarding them to all who may voluntarily seek it, the course of study in all the Government institutions be, as heretofore, confined to secular subjects.

2

THE SUPPRESSION OF POLYGAMY IN BENGAL,[1] 8 AUGUST 1866

Your letters dated the 5th of April and the 12th of June having been considered by the Governor General in Council with the care which is due to the high importance of the question to which they relate, I am directed to communicate the following remarks.

2. Your letter dated the 5th of April encloses copy of a Memorial 'recently presented to the Lieutenant Governor by the Maharajah of Burdwan, and nearly 21,000 other Hindoos of Bengal, praying for the enactment of a law to prevent the abuses attending the practice of polygamy among the Hindoos'; and the Lieutenant Governor requests the authority of the Governor General for the introduction into the Bengal Council of a measure 'for the prevention of polygamy among Hindoos in Bengal, except under certain specified circumstances'. The Lieutenant Governor adds that it is his intention to take as the basis of his measure a draft Bill which was prepared about three years ago by Rajah Deonarain Sing; and in another part of your letter the scope of the proposed measure is further indicated by the statement that, 'as regards Bengal, there is ample evidence to show that the feeling of the great bulk of the intelligent and thinking portion of the Hindoo community is strongly in favor of bringing the practice of polygamy strictly within the limits prescribed by ancient Hindoo law'.

3. The letter of the 12th June forwards, in continuation of the previous letter, a petition from certain inhabitants of the Mymensing District, praying 'for the suppression of polygamy'.

[1] Government of India to Govt. of Bengal, Home Dept., Legislative, 1866, vol. 53, pp. 267–9. India Office Library.

4. The Governor General in Council does not doubt that the great bulk of the intelligent and thinking portion of the Hindoo community in Bengal would be found in favor of some measure for repressing the special abuses which in Bengal have been engrafted on the liberty accorded by the Hindoo law to marry more than one wife, and His Excellency in Council cordially commends and sympathises with the feeling which the present movement among this class indicates. But the Governor General in Council is obliged to say that there is nothing to show that the people generally even in Bengal are prepared, and that in his judgement they are not in fact prepared, for so great a change either as the complete suppression of polygamy, which evidently is in the minds of some of the Memorialists, or for the strict limitation of polygamy which is contemplated by the Lieutenant Governor. It must be remembered that polygamy, as it exists in India, is a social and religious institution prevalent to a great extent throughout the whole country, and the Governor General in Council doubts whether the great difficulty of dealing with the subject in India, or even in Bengal, has been fully considered. As regards the latter Province there is nothing in the papers before Government which, in the opinion of the Governor General in Council, would lead a calm and unbiased enquirer to the conclusion that a large majority of even the more enlightened people of the Province will be found to be heartily against polygamy, apart from the special abuses practised by the Coolin Brahmins. Few certainly, if any, of the Mahomedans would be found of this way of thinking, and probably a good many Hindoos would also be found opposed to any interference by the British Government with this part of their system. This would of course be still more the case beyond Bengal, in the other Provinces of British India. For it is not a few scattered individuals only who advocate and practise polygamy, but the largest proportion of all classes, Hindoo and Mahomedan. who are in a position to maintain a plurality of wives. The practise is indeed closely interwoven with the social condition of the people throughout Asia.

5. There is the further difficulty in adopting any such measure as that devised by Rajah Deonarain Sing that, whereas the institution of polygamy does not at present derive any force or validity from our laws, it would by such a measure be distinctly recognized and regulated under restrictions imposed by English legislation. The Lieutenant Governor treats this objection as 'of little weight', arguing that the existence and legality of polygamy have been recently admitted by the Indian Legislature in the Native Converts' Marriage Dissolution Act. It seems, however, to the Governor General in Council that there is the greatest possible difference between a law which, in providing for the dissolution under certain circumstances of the marriage of one who has ceased to be a Hindoo, simply deals with the possible fact of his having, as a Hindoo, married more than one wife, and a law which would have for its express object the regulation of polygamy among the Hindoo people generally.

9. But the Governor General in Council, while not regarding this ground of objection so lightly as the Lieutenant Governor does, would yet by no means

press it so far as to shut out all recourse to legislation for the suppression of the great and peculiar evil which is represented in the papers submitted by the Lieutenant Governor as being practised specially in the Province of Bengal by the Coolin Brahmins. On the contrary, His Excellency in Council will be most happy to take into consideration any measure which, after full deliberation, the Lieutenant Governor may think fit to recommend for the purpose of putting a stop to the custom which has grown up among that class of Hindoos, provided that it does not at the same time affect the general liberty which is now possessed by all Hindoos to take more than one wife, or, on the other hand, give the express sanction of English legislation to that feature of the Hindoo system. With this object, it seems desirable that the Lieutenant Governor should further consult some of the ablest of the leading Native gentlemen in Bengal, and with their assistance carefully mature the plan which they would recommend for adoption.

3

ELEMENTARY EDUCATION FOR THE MASSES,[1] 1870

The history of education in India may be briefly described as the transition from the 'filtration' scheme (by which the energies of Government were devoted to the provision of superior education for the upper classes in the belief that the knowledge thus communicated would filter down to the masses), to the system inaugurated in 1854, which, while it provided a first-class education for the wealthier classes, had for its principal object the elementary instruction of the masses. The endeavour of Government is to create an unbroken chain of education, stretching from the primary schools, with their simple elementary instruction, to the complicated curriculum of the universities; in no stage, however, does it recognise any obligation to create educational institutions to the discouragement of private enterprise, but only to afford facilities for the improvement and elevation of existing institutions. In the absence of such institutions, however, Government takes the initiative. The results of examinations for entrance into the each school is therefore a test of the efficiency of the school immediately below it, while the prospects of advancement of national education are found in the prosperity of the normal schools which furnish instructors, more especially for the elementary schools.

The year under review was pre-eminently one of transition. The body of the reports is occupied both by a discussion of the effects of the Local Self-Government policy, which will place in the hands of the native representative bodies the charge of all but the higher educational institutions, and likewise by material furnished for the consideration of the Educational Commission that assembled in the autumn of 1882 at Calcutta to deliberate on the condition of education in India, and more especially to discuss the best means of giving effect to the orders of the Home Government in 1870, that 'Government expenditure should be mainly

[1] *Moral and Material Progress Report*, 1881–82, p. 145.

directed to the provision of elementary education for the mass of the people'. Tangible progress has, however, been made in the revision of the rules for grants-in-aid based on the attendance of the scholars, and the results attained by them in examination, by the formation of a chain of scholarships extending from the primary schools to the universities, and by the means adopted for the encouragement of certificated teachers to open schools on their own account. Measures of this nature are in discussion more or less, for the whole of India, while in Burma and Bengal they have already been adopted. . . .

4

THE PLACE OF PRIVATE ENTERPRISE IN EDUCATION,[1] 3 FEBRUARY 1882

9. While this is the main object to which the enquiries of the Commission should be directed, the Governor General in Council desires to impress upon it at the same time the fact, that it is not possible for the Government to find funds sufficient to meet the full requirements of the country in the matter of primary education, if those requirements are to be judged by any European standard, The resources at the disposal of Government, whether imperial, provincial or local, are, and must long remain, extremely limited in amount, and the result is, not only that progress must necessarily be gradual, but that if satisfactory progress is to be made at all, every available private agency must be called into action to relieve and assist the Public funds in connection with every branch of Public Instruction. It was in view of 'the impossibility of Government alone doing all that must be done to provide adequate means for the education of the Natives of India', that the grant-in-aid system was elaborated and developed by the Despatch of 1854; and it is to the wider extension of this system, especially in connection with high and middle education, that the Government looks to set free funds which may then be made applicable to the promotion of the education of the masses. 'The resources of the State ought,' as remarked by the Secretary of State in Despatch No. 13 of 25th April, 1864, 'to be so applied as to assist those who cannot be expected to help themselves and the richer classes of the people should gradually be induced to provide for their own education.'

10. In pursuance of this policy it is the desire of Government to offer every encouragement to Native gentlemen to come forward and aid, even more extensively than heretofore, in the establishment of schools upon the grant-in-aid system: and His Excellency in Council is the more anxious to see this brought about, because, apart altogether from the consequent pecuniary relief to Government, it is chiefly in this way that the Native community will be able to secure that freedom and variety of education which is an essential condition in any sound and complete educational system. It is not, in the opinion of the Governor General in Council, a healthy symptom that all the youth of the country should be cast, as it

[1] Resolution of the Government of India Appointing the Education Commission, 3 February 1882, *Report of the Education Commission 1882*, Appendix A, (1), pp. 379–80, 622–8.

were, in the same Government educational mould. Rather is it desirable that each section of the people should be in a position to secure that description of education which is most consonant to its feelings and suited to its wants. The Government is ready therefore to do all that it can to foster such a spirit of independence and self-help. It is willing to hand over any of its own colleges or schools in suitable cases to bodies of Native gentlemen who will undertake to manage them satisfactorily as aided institutions; all that the Government will insist upon, being that due provision is made for efficient management and extended usefulness. It will be for the Commission to consider in what mode effect can most fully be given to these views; and how the grant-in-aid system may best be shaped so as to stimulate such independent effort, and make the largest use of the available Government funds.

11. It is specially the wish of Government that municipal bodies should take a large and increasing share in the management of the public schools within the limits of their jurisdiction. The best way of securing this result should also be considered by the Commission.

. . . . . .

443. SUMMARY.—Our review appears to be sufficient to show that with free scope and cordial encouragement, private effort in education may everywhere produce beneficial and satisfactory results. In almost every Province it has done enough, in point of both quantity and quality, to prove its vitality and its capacity for constantly increasing usefulness. Even where least successful, the plan of aiding private effort to establish institutions for necessary and even higher instruction has by no means proved a failure. Still private effort has hitherto had important disadvantages almost everywhere to contend against. The departmental system was in most cases first in the field; and even where private enterprise has been most freely encouraged, departmental institutions, which were often originally established at headquarter stations or other large and populous centres, have continued to occupy the most favourable ground and have left to private enterprise the task of cultivating a poorer soil. We do not overlook the obligation imposed on the Department by the despatch of 1854 of opening schools and colleges of its own, whether as models or as the only means available at first of providing many localities with the facilities they required for advanced instruction; and we are sensible of the great advantages which the people of India have derived from such departmental institutions. Still it is plain that private effort has not yet been elicited on such a scale as to take the position in the general scheme of education which was contemplated in the Despatch of 1854. Nor in the circumstances is this surprising. Departmental institutions have absorbed a large part of admittedly insufficient funds, so that means have not been available for developing private enterprise to the full. Such enterprise has probably been checked in many cases by the manifest impossibility of its competing successfully with institutions backed by the resources of the State; and in some Provinces the steady development of the

departmental system has undoubtedly fostered in the native community a disposition to rely more and more on Government for the whole provision of the means of advanced instruction. In short, experience has shown that private effort cannot attain the development or produce the results anticipated in the Despatch of 1854, unless the action of Government is such as to lead the community at large to feel that most departmental institutions are chiefly intended to supply a temporary want, and that the people must themselves more largely provide the means of advanced instruction. This is no argument for the hasty or premature reduction of the departmental system, but only for cautious yet steadily progressive action in the direction of its withdrawal,—a subject, however, which is so important and yet so delicate that we propose to devote a section of the present Chapter to its further consideration.

5

WITHDRAWAL OF GOVERNMENT IN FAVOUR OF PRIVATE MANAGEMENT OF SECONDARY SCHOOLS,[1] 1887/8–1891/2

109. *The further extension of Secondary Education, and the withdrawal of Government in favour of private managers.*—The recommendations of the Education Commission on this subject met with the approval of the Government of India, and are to the effect that the Department should gradually withdraw from the direct management of secondary schools, and that the extension of secondary education should generally be left to the operation of the grant-in-aid system. In order to explain fully what has been done in each Province to give effect to this policy, it will be necessary to recapitulate a part of what has been said in the sections relating to the control of secondary schools.

Summary.—Taking all the provinces of India together, and making allowance for the nominal transfer of schools in the North-Western Provinces, the total number of secondary English Schools directly managed by Government has decreased during the five years from 236 to 220, and that of schools managed by local and municipal boards from 340 to 328, while the number of aided schools has increased from 1,267 to 1,381, and that of unaided schools from 395 to 536. In the case of vernacular schools the changes in the method of classification are so great that the totals do not even approximately indicate the nature of the changes that have taken place.

[1] *Second Quinquennial Review of the Progress of Education in India*, 1887–88 and 1891–92; Sec. 109, p. 135.

6

THE CONGRESS AND THE AGE OF CONSENT BILL,[1] 25 JANUARY 1891

Sir,—I desire to say a few words about the Age of Consent Bill, the more so that the *Englishman* appears to be hopelessly muddled as to the position of parties where this measure is concerned.

The *Englishman* practically announces, as if it were a novel discovery of his own, that people who are opposed to the raising of the age of consent, are unworthy to enjoy those privileges for which the Congress has been praying. But this is exactly what four-fifths of the Congress party throughout India have been saying, and, for my part, if I had not been able to satisfy myself that the great majority of the party, taking the empire as a whole, was favourable to the change, I would have resigned the General Secretaryship and washed my hands of the entire party. I will do anything and everything for India, serve her as the humblest servant, but it must be *per fas* and not *per nefas*.

As a fact the Congress party, as a party, are grieved that any wing of theirs, however small, should have placed itself in opposition to this much needed reform, for which we, *the great majority of the Congress party, memorialized Government from our Social Conference at Bombay only one year ago.*

In Calcutta certain most objectionable social customs obtain, which I defy any decent, educated Bengali gentleman to defend. This raising of the age of consent will interfere with these regrettable customs. . . .

Again, a few, who hate these customs, and will not tolerate them in their own houses, yet oppose the Bill because, say they, these are social and *quasi*-religious customs, with which the legislature should not interfere, but should leave to be dealt with by the growing good sense and good feeling of the community. Now *Suttee* and *Thuggee* were both social and *quasi*-religious customs, and by a parity of reasoning the legislature ought not to have interfered with *them.*

But, say they, these latter involved a palpable crime against the community, and it seems impossible to drive into their heads that the social custom that leads to the violation of girls under 12 years of age, premature conception, and degeneracy of offspring, is equally a palpable crime . . .

Besides these two small classes of respectable opponents of the measure, there is a considerable rabble, of more or less noisy denouncers of the Bill, who seek to pose as upholders of Hinduism, and make capital for themselves, out of antagonism to this measure. . . .

Lastly, I wish to make it clear that this opposition to the Bill is almost exclusively confined to Lower Bengal. Elsewhere for one man who would vote against it, ten would vote for it. No doubt the great majority of these are perfectly indifferent to the matter, because in all the best families, everywhere but in Lower Bengal, no

[1] A. O. Hume's letter of 25 January 1891 to *The Statesman and Friend of India*, 31 January 1891, Calcutta.

one ever dreams of allowing marriages to be *consummated* before the girls attain the age of 12 years *at least*;

. . . As it is, even in Calcutta, a memorial in favour of the Bill is in progress of signature, *and will be signed by all who respect themselves and really have at heart the credit of their nation*, and I can only recommend the respectable members of the opposition to look ahead, a little, and try and realise the comments that their own grandsons will make upon their conduct. . . .

A. O. Hume

P.S.—I write this, of course, in my private capacity, and not as General Secretary to the Congress.

7

LORD LANSDOWNE'S SPEECH ON THE AGE OF CONSENT BILL,[1] 19 MARCH 1891

. . . The opposition which it has encountered has proceeded from three quarters. There is, in the first place, the general suspicion which has been occasioned in the public mind from the fact that the Government of India has determined to legislate upon a subject which, although it does not immediately affect the marriage law of any section of the community, has an indirect bearing upon the social usages of one of those sections. To the more ignorant portion of the public, an appeal has been made upon the ground that its religion is threatened by the action of the Government of India; and this statement has probably been enough to cause uneasiness to many who are entirely unaware of the real scope of the Bill, who do not read the discussions which take place in Council, or even those which are to be found in the columns of the newspapers, and who are ready, upon the mere affirmation of the framers of hostile resolutions, or the conveners of public meetings, summoned under the circumstances so well described by the Hon'ble Mr. Nugent, to testify their alarm, and their conviction that their spiritual welfare is seriously threatened. Of the opposition which we have encountered from this quarter, all I have to say is that I hope and believe that it will be of a transient character, and that the Hindu community, and even the most unenlightened section of it, will in time find out that its religion is not endangered by what we are about to do. Although we cannot blame the credulous listeners who are led to believe assertions of this kind, made on apparently good authority, we have, I think, a right to complain of those who are reckless enough to disseminate such statements and, upon so slender a pretext, to fan the embers of a dangerous agitation. . . .

The main volume of the opposition with which the Bill has met has, however, originated not so much in sources of this kind as in the belief, apparently entertained by many devout Hindus, that the new law will involve a direct interference with a specific religious observance. We are told that the Hindu religion requires the consummation of marriage immediately upon the attainment of puberty by the

[1] *Proceedings of the Legislative Council*, April 1891, vol. 3951.

wife; that puberty is not unfrequently attained prior to the age of twelve; that, if in such cases the marriage is consummated, the person who so consummates it will find himself an offender against the Penal Code, owing to the performance of an act which his religion requires him not to leave unperformed. Such interference on the part of the British Government is, we are told, in direct opposition to the terms of the Queen's Proclamation; and this argument has been largely, and I must say most unscrupulously, used for the purpose of discrediting the Bill, and imputing a breach of faith to the Government which has introduced it. Now, with regard to this contention, let me say at once that no Government of India has yet admitted, and that no Government of India will, I hope, ever be found to admit, that the Queen's Proclamation, to which this appeal is made, is capable of any such interpretation as that which has been placed upon it by those who used this argument. If that interpretation is to cover the case now under discussion, we must read the Queen's Proclamation as a contract that, whenever the requirements of public morality, or of the public welfare, moral or material, are found to be in conflict with the alleged requirements of any of the various religions prevailing in this country, religion is to prevail, and considerations affecting public health, public morality, and the general comfort and convenience of the Queen's subjects are to become of no account. The contention is, on the face of it, a preposterous one. Such a contract would have been absolutely retrograde and out of place in the great charter issued in 1858 by one of the most humane and enlightened sovereigns who has ever ruled over the nations of the earth.

I will venture to say that, in the eyes of every reasonable man or woman, the pledges contained in the Queen's Proclamation must be read with a two-fold reservation, upon which the Government has always acted, and which was not specified in the letter of the contract simply because it had always been acted upon and was perfectly obvious and well understood. The first of these reservations is this, that, in all cases where demands preferred in the name of religion would lead to practices inconsistent with individual safety and the public peace, and condemned by every system of law and morality in the world, it is religion, and not morality, which must give way. It has already been pointed out that this reservation has been invariably insisted upon, and examples have been adduced in which, from time to time, the Government of India has intervened in order to prohibit certain acts, which unquestionably had the sanction of religion, upon the ground that those acts were opposed to the general interests of society. The precedents afforded by our legislation against infanticide, against the immolation of widows, and against the immunities enjoyed by Brahmins, have been appropriately cited in illustration of this argument. Every one of these enactments were, if we are to accept the narrow interpretation of the Queen's Proclamation, acts of 'interference with the religious belief or worship' of the Queen's subjects from which those in authority under the Queen were charged to abstain on pain of Her highest displeasure.

. . . What I have said seems to lead inevitably to the second of the two reservations

of which I spoke a moment ago. It is this: that in all cases where there is a conflict between the interests of morality and those of religion, the Legislature is bound to distinguish, if it can, between essentials and non-essentials, between the great fundamental principles of the religion concerned and the subsidiary beliefs and accretionary dogmas which have accidentally grown up around them. In the case of the Hindu religion, such a discrimination is especially needful, and one of the first questions which we have to ask ourselves is, assuming that the practice with which our proposed legislation will interfere is a practice supported by religious sanctions, whether those sanctions are of first-rate importance, and absolutely obligatory, or whether they are of minor importance, and binding only in a slight degree.

Now, I venture to affirm that the discussion which has taken place has established beyond controversy that the particular religious observance which we are urged to respect is, in the first place, a local observance, and one far from being universally recognized by those who profess the Hindu faith. It is a practice which is, in the main, peculiar to the Province of Bengal, and which is followed only in a portion of that Province and only by certain classes with that portion. It will not be contended that devout Hinduism is not to be found outside the restricted area, but the Hindus of other parts of India do not share the alarm with which this Bill is regarded in Bengal. In the next place, it is admitted that the religious sanctions, by which the practice is supported, are of the weakest kind. The elaborate statement recently published by Dr. Bhandarkar, of the Dekkhan College at Poona, who is admitted to be one of the highest extant authorities upon questions of Hindu religious law, makes it perfectly clear that the precepts upon which the practice in question rests may be regarded as permissive only. It is conceded on all hands that, under certain circumstances, the consummation of the marriage may lawfully be postponed, and that, even where it is not lawfully postponed, the omission of the necessary act is an offence which may be expiated by the slenderest and most insignificant penalties. It was stated a few days ago by Mr. Javerilal Umiashankar Yajnik, in the eloquent speech delivered by him at the meeting recently held at Bombay, that it might be said, without exaggeration, of the eighteen millions of the Hindu population to whom he was referring, that the bulk of them not only did not perform the *Garbhadhan* ceremony, but even the name of it is not known to them. Look, again, at the evidence which we have received from His Highness the Maharaja of Jeypore with regard to the manner in which these questions are regarded by the Chiefs and Sardars of Rajputana, who are well described in Rao Bahadur Kanti Chunder Mookerjee's admirable letter as 'rigid and orthodox Hindus', and far from likely to break the laws of their religion without compunction. Look, also, at the outspoken utterances of such men as our hon'ble colleague Mr. Nulkar, as Mr. Telang, as His Highness the Maharaja of Travancore, as His Highness the Maharaja of Vizianagram, as Mr. Justice Muttusami Aiyar of Madras, and, even in Bengal, of such men as His Highness the Maharaja of Bettiah, His Highness the Maharaja of Durbhanga, or, in Calcutta

itself, as Raja Durga Churn Law, lately our colleague in the Legislative Council, as Babu P. C. Mozoomdar, whose note upon the subject deserves the most attentive study, and as Dr. Rash Behary Ghose, the eminent pleader, who has stated that, within his knowledge, the *Garbhadhan* ceremony is admittedly not observed in many respectable Hindu families, and is not unfrequently more honoured in the breach than in the observance. I cannot, in the face of the evidence of such men as these, accept, without a protest, the statement of our hon'ble colleague Sir Romesh Chunder Mitter, whose absence from the Council I deeply regret, that we are 'forcing this reform upon an unwilling people.' To them, and to many more who have raised their voices in support of the measure, I desire to offer a public acknowledgment of the service which they have rendered. I feel convinced that the time is not far off when their fellow-citizens, without exception, will recognize that such men as these, rather than they who have so noisily, and so thoughtlessly, repeated the parrot cry 'our religion is in danger', are the true leaders of the public opinion in this country.

. . . I will pass for a moment to the third great objection which has been raised against the measure. It is the objection founded upon the anticipation that it will lead to inquisitorial action by the police, to prosecutions instituted from vindictive motives, and to criminal investigations into family matters of the most domestic and private character. Of this objection I will say that, whatever may be our opinions with regard to some of the arguments which have been brought forward against the Bill, there can be no doubt as to the perfect sincerity with which this argument has been urged upon us. The apprehension, considering the conditions under which a great part of the population of this country lead their lives, is a perfectly natural one: we should, if we were situated as they are, probably entertain a similar apprehension ourselves. I would, however, in the first place, entreat the public to be cautious how, in this or in any other case, it allows itself to be too much influenced by arguments founded upon the possibility that a new law is likely to be abused in this manner. If the Government of India had been deterred from legislating whenever it could be told that its legislation would place in the hands of the police, or of private persons, a weapon which they might use in an improper manner, many of our most useful enactments would never have found their way into the Code. Now, as far as bonà fide prosecutions are concerned the assumption that there will be frequent prosecutions under the new section is obviously based on the anticipation that the law will be frequently broken. I am sanguine enough to believe that this expectation will not be fulfilled. It is an expectation upon which the frequently expressed belief that the new law will be a dead letter is a somewhat remarkable commentary. Our proposals, moreover, already command a very large measure of public support, and I do not doubt that, in the end, Native opinion, which has always ended by supporting the law in cases of this kind, will end by supporting it in this instance also. When once it has become established that that which is, I believe, already regarded by a majority of the people of this country as a moral offence, and which our hon'ble colleague

Sir Romesh Chunder Mitter himself stigmatizes as a vice, and as a pernicious custom, is also an offence which will render those who commit it, or those who abet it, liable to penal consequences, the offence will, I venture to think, become one of rare occurrence. I may observe, in passing, that it was mainly in deference to the apprehensions of which I have spoken that we found ourselves unable to accept the well-intentioned proposal that we should insert in the Bill, as an alternative for the limit of age which we have adopted, the attainment of puberty by the girl. This proposal, which seemed to us open to objection upon other grounds was certainly open to criticism, for the reason that its adoption might have led to investigations far more inquisitorial, and far more repugnant to family sentiment, than any which are likely to take place under the Bill as it stands.

It is, however, contended that the tendency of the Bill will be to encourage proceedings which are not instituted bonâ fide, but from malicious motives, and in order to bring disgrace upon the family of the accursed, and a moving picture has been drawn of the anguish and humiliation which such proceedings will occasion, of the outrage to which an innocent woman might be exposed before the question of fact could be satisfactorily disposed of, and of the public scandal which would be created if things which usually *sub lodice reguntur* are allowed to be openly discussed in a public Court of Justice. The argument is one which I can assure the Council, the Government of India has most anxiously considered. We have, I think, shown our sense of the necessity of guarding against these risks by making the offence a non-cognizable one, and thereby increasing the difficulties in the way of vexatious prosecutions. We have also agreed to add to the measure a clause preventing all but District Magistrates from dealing with cases in which husband and wife are concerned, and precluding any police officer below the rank of Inspector from making, or taking part in, the investigation, when one has been directed by the Magistrate.

8

THE AGE OF CONSENT ACT,[1] 19 MARCH 1891

An Act to amend the Indian Penal Code and the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Indian Penal Code and the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

Indian Penal Code

1. In section 373 of the Indian Penal Code, in the clause marked Fifthly and in the Exception, the word 'twelve' shall be substituted for the word 'ten'.

Code of Criminal Procedure, 1882

2. After section 560 of the Code of Criminal Procedure, 1882, the following shall be added, namely:

[1] Act X of 1891. *Acts of the Legislative Council of India.*

'561. (1) Notwithstanding anything in this Code, no Magistrate except a Chief Presidency Magistrate or District Magistrate shall—

(a) take cognizance of the offence of rape where the sexual intercourse was by a man with his wife, or

(b) committ the man for trial for the offence;

(2) And, notwithstanding anything in this Code, if a Chief Presidency Magistrate or District Magistrate deems it necessary to direct an investigation by a Police-officer with respect to such an offence as is referred to in sub-section (1) of this section, no Police-officer of a rank below that of Police Inspector shall be employed either to make, or to take part in, the investigation.'

3. In Schedule II to the said Code, for the entry respecting section 376 of the Indian Penal Code, the following shall be substituted, namely:—

Column 1.	Column 2.	Column 3.	Column 4.
	Rape— If the sexual intercourse was by a man with his own wife.	Shall not arrest without warrant.	Summons.
	In any other case.	May arrest without warrant.	Warrant.

Column 5.	Column 6.	Column 7.	Column 8.
Rape— Bailable.	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
Not bailable.	Ditto.	Ditto.	Ditto.

9

LORD CURZON'S VIEWS ON EDUCATIONAL POLICY,[1] 2 SEPTEMBER 1901

EDUCATION PAST AND PRESENT

Before such an audience as this I need not enter into any critical examination of the steps by which education in India has reached its present stage. They may be summed up in the broad general statement that we have been occupied for 70 years in imparting an English education to an Asiatic people. I do not mean to

[1] Expressed at the educational conference, Simla, and quoted in *The Pioneer*, 6/7 September 1901.

imply that before this epoch commenced there was no education in the country. Education there was, but it was narrow in its range, exclusive and spasmodic in its application, religious rather than secular, theoretical rather than utilitarian, in character. Above all, it wholly lacked any scientific organisation, and it was confined to a single sex. The landmarks of the reaction against this old system which may now be said to have disappeared, and of the gradual and successful installation of its successor, have been Lord Macaulay's Minute of 1835, the Despatch of the Court of Directors of July 1854, the Report of the Education Commission of 1882–83, and a series of Resolutions of the Government of India, the last of which was that issued by the present Administration in October, 1899. In these may be traced the record of the struggles, the ambitions, the achievements, the errors, the hopes, of English education in India. We have now reached a stage at which it is possible for us at the opening of a new century to pass them in review, and incumbent upon us to determine in what manner we are to proceed in the future.

DEFECTS IN THE EXISTING SYSTEM

Some of these errors are very much on the surface. We started by a too slavish imitation of English models, and to this day we have never purged ourselves of the taint. For instance, we thought that we could provide India with all that it required in the shape of University education by simply copying the London University. In later times we have tried bodily to transplant smaller educational flora from the hot-houses of Europe. Then we opined that it was enough to teach English to Indian children before they had even mastered their Native tongues. Further, we assumed that because certain subjects were adapted to the Western intellect, they could be equally assimilated by the Eastern, and that because they were communicated in certain formulae and a recognised terminology to English boys, these would be equally intelligible to Indians. Finally, by making education the sole avenue to employment in the service of the State, we unconsciously made examination the sole test of education. Upon this point I must enlarge somewhat, seeing that it is at the root of the evil which we are convened to examine.

The late Dr. Thring, who was one of the greatest Educationalists that England has produced, once remarked that education is the transmission of life from the living through the living to the living. I am afraid that in India we have fallen somewhat from this ideal. The secret of life has been in our hands, and we have not stinted its outpouring; but about the instruments, the form, the methods, and the recipients of the gift we have been not too particular. Examinations are being carried to extremes in most civilised countries, and cramming which is their inevitable corollary, is now generally recognised as a universal danger. But in India we appear to have pushed the method to an excess greater than I have come across in any country, with the exception of China. We examine our boys from childhood to adolescence, and we put a pass before them as the *summum bonum* of life. When I contemplate the thousands of youths in our Indian Schools and Colleges, steadily grinding away in order to get their percentage of marks in an endless

series of examinations the spectacle does not seem to me less open to lament than that of the monks whom one sees in Tibet, and who by a never-ending mechanical revolution of the prayer-wheel, accompanied by the repetition of sounds which convey little meaning even to the suppliant, think that they are compassing eternal salvation. I am not speaking of the results of the examination system so much as I am of its effect upon its victims. That is the real issue. It is of no use to turn out respectable clerks or mansifs or vakils, if this is done at the expense of the intellect of the nation. A people cannot rise in the scale of intelligence by the cultivation of memory alone. Memory is not mind, though it is a faculty of the mind. And yet we go on sharpening the memory of our students, encouraging them to the application of purely mnemonic tests, stuffing their brains with the abracadabra of geometry and physics and algebra and logic, until after hundreds, nay thousands, have perished by the way, the residuum, who have survived the successive tests, emerge in the Elysian fields of the B.A. degree. Teachers get carried away by the same fundamental error as their pupils, and, instead of thinking only of the mental and moral development of the students committed to their care, are absorbed with percentages and passes and tabulated results. This is the furrow out of which we ought to lift Indian education if we can, before it has been finally dragged down and choked by the mire.

THE COST OF EDUCATION

There are other questions which I ask myself, and to which I cannot give the answer that I would like. I have remarked that we have been at work for 70 years. Even if we have done much, have we made the anticipated progress, and are we going ahead now? We are educating 4½ millions out of the total population of British India. Is this a satisfactory or an adequate proportion? We spent upon education in the last year from public funds a sum of £1,140,000, as compared with £1,360,000 from fees and endowments. Is the State's contribution sufficient? Ought it to be increased? Is there an educational policy of the Government of India at all? If so, is it observed, and what is the machinery by which it is carried out?

THE UNIVERSITY SYSTEM IN INDIA

With these preliminaries I pass to an examination of the different problems that lie before us. The first of these is the University system in India. The India Universities may be described as the first trusts of the broad and liberal policy of the Education Despatch of 1854. Founded upon the moral of the London University, they sprang into being at Calcutta, Madras, and Bombay. At a later date a somewhat different constitution, though a similar model, was adopted at Lahore and Allahabad. As time goes on, the list may perhaps be extended, though consolidation, rather than multiplication of academic institutions is the object that I should prefer for the present to hold in view.

Now the first reflection that strikes every observer of the Indian system, who is

familiar with the older English Universities, is the fundamental contrast both of character and conception. Oxford and Cambridge are incorporated institutions composed of Colleges which constitute, and are embodied, in the corporate whole. The two together make the University; the twain are one flesh. Each College has its own students and fellows and tutors, and its own local habitation, often hallowed by romance and venerable with age. The groups of Colleges combine for purposes of lectures. The University supervises and controls all by its examinations, its professorial lectures, its central government, and its administration of corporate funds. Above all, it sways the life of the College undergraduate by the memory of its past, by the influence of its public buildings, by its common institutions, and by the cosmopolitan field of interest and emulation which it offers.

How different is India. Here the University has no corporate existence in the same sense of the term, it is not a collection of buildings, it is scarcely even a site. It is a body that controls courses of study and sets examination papers to the pupils of affiliated Colleges. They are not part of it. They are frequently not in the same city, sometimes not in the same province. The affiliated Colleges of Calcutta University are scattered in regions as remote as Burma and Ceylon. Then look at the Colleges. They are not residential institutions, with a history, a tradition, a *genius loci*, a tutorial staff, of their own. They are for the most part collections of lecture rooms, and class rooms, and laboratories. They are bound to each other by no tie of common feeling, and to the University by no tie of filial reverence. On the contrary, each for the most part regards the others as rivals, and pursues its own path in self-centred, and sometimes jealous, isolation. The reproach has even been brought against them that their lecturers are not teachers, but are merely the purveyors of a certain article to a class of purchasers, that this article happens to be called education, and that the purveyor stands not behind a counter, but behind a desk. There may be exaggeration in this description, but there may also be a grain of truth. Even if the process may be termed education, it is not in the truest sense teaching; it may sharpen some facets of the mind, but it cannot properly develop the whole.

SECONDARY SCHOOLS

The first of these is the degree to which is being carried out the Government policy as laid down by the Education Commission of 1882–83 and by subsequent Resolutions viz., that private effort should be encouraged by every possible means, and that Government should gradually withdraw from the direct management of secondary schools. This seems to me to be a very difficult question, for while it cannot be doubted that the principles underlying this policy are sound, and while progress in that direction should be our aim, Secondary Education is not yet in most parts in a position to stand alone. The existence of a limited number of well-managed Government schools undoubtedly serves to keep up a high standard in aided schools; and their disappearance would probably be followed by a serious diminution in the quality of Secondary Education. My view is that a *pari passu*

development will probably for some time longer be found desirable, but that Government should be careful to regard its own institutions, not as competitors, but as models.

THE CLAIMS OF THE MASSES

The main obstacles which Primary Education has to contend with spring from the people themselves. As they rise in the social scale they wish their children to learn English. The zemindars encourage this tendency, and the District Boards and Municipalities do little to drag the pendulum back. Thus we find that in some provinces Primary Education is almost stationary, while in others it is only making slow speed. The question is really in the main one of money. If the means were forthcoming, I do not doubt that Local Governments would be ready to adopt a more generous policy. For my own part, I venture to think that when we have the resources at our disposal—as I hope that with a cycle of good seasons we shall have before long—one of the first claims upon its bounty that Government would do well to acknowledge will be the education of the masses. It cannot be a right thing that three out of every four country villages should be still without a school, and that not much more than 3,000,000 boys, or less than one-fifth of the total boys of school-going age, should be in receipt of primary education. I am not clear also that we might not do more by making passes in the higher vernacular examinations the test for subordinate Government posts, where the first requisite is familiarity with the language of the people.

10

THE SIMLA CONFERENCE ON TECHNICAL EDUCATION,[1] 1901

I.—GENERAL PRINCIPLES

1. That Technical Education may be here defined as—

(a) the study of the scientific methods and principles underlying the practice of any handicraft, industry, or profession;
(b) the application of those methods and principles to the practice of the handicraft, industry, or profession in question.

The first is the primary or technological aspect of the subject; the second is its subsequent and practical application.

2. That all technical instruction must rest upon the basis of some preliminary education of a simple but practical nature.

3. That this preliminary education is better communicated in existing schools and institutions, i.e., as a department of Primary or Secondary Instruction, than in Technical or Industrial Schools.

4. That it should, as a general rule, include such subjects in the Primary grades

[1] *Papers Relating to Technical Education in India*, 1886–1904, pp. 251–3.

as the free hand drawing, simple hand-work, and the elementary principles of natural science.

5. That where it is considered necessary or desirable to give this education to artisans in connection with Technical or Industrial Schools, it should be provided for by special classes attached to them; and that a clear differentiation should be made between (a) literary, and (b) scientific and technical courses.

6. That the functions and activity of the Education Departments, both of the Government of India and of the Local Governments, should be devoted to the promotion of Technical Instruction, rather than to the development of trade; in other words, that a clear line should be drawn between educational effort and commercial enterprise.

7. That the supply or development of the existing Indian markets, in so far as this is likely to result from Technical Instruction, is of superior importance to the creation of new export trades.

8. That in so far as the mercantile aspect of the question calls for separate organization or help, this should be provided for either by private enterprise or by special departments or officers distinct from the existing Educational staff.

II.—HIGHER FORMS OF TECHNICAL EDUCATION

9. That Technical Education in India has hitherto been mainly directed to the higher forms of instruction required to train men—

(a) for the Government Service as engineers, mechanicians, electricians, overseers, surveyors, Land Revenue officers, and teachers in schools;
(b) for employment in railway workshops, cotton mills, mines, etc.

10. That the institutions which have been established for these purposes, such as the Engineering Colleges at Rurki, Sibpur and Madras, the College of Science at Poona, the Technical Institute at Bombay, the Engineering School at Jubbulpore, etc., the majority of which are affiliated to Universities, and train up to University courses, have done, and are doing, valuable work, and that their maintenance and further development are matters of first importance; but that the first call upon fresh Technical effort should preferably lie in other directions.

III.—SCHOOLS OF ART

11. That the true function of Indian Schools of Art is the encouragement of Indian Art and Art industries; and that in so far as they either fail to promote these arts or industries, or provide a training that is dissociated from their future practice, or are utilized as commercial ventures, they are conducted upon erroneous principles.

12. That the first duty of Indian Schools of Art should be to teach such arts or trades as the pupil intends to practise when he has left the school.

13. That these fall naturally into two classes—

(a) such arts, as designing in special reference to Indian arts and industries, drawing, painting, illumination, modelling, photography, engraving which may be taught either to those who intend to practise them professionally in the future, or to drawing masters in schools;

(b) such art industries as are capable of being practised in the locality, and in which improvement is capable of being introduced by instruction of the pupils or workmen by means of superior appliances, methods or designs.

14. That the practice of these arts or art industries should be directed to the improvement of the skill and capacity of the pupil or workman, and thereby to their expansion, and should not be pushed to the point of competing with local industries organised upon a caste or trade basis, or of doing within the school what can equally well be done outside, or of usurping the sphere of private enterprise.

15. That samples of the wares produced in Schools of Art may legitimately be kept for sale or for orders, and may profitably be exhibited in public museums, but that it is undesirable to convert the schools into shops, or for Government Educational officers to be responsible for extensive commercial transactions.

16. That it is desirable that a register of the workmen or pupils should be kept on their leaving the Schools of Art, with the object of enabling any orders that may be received to be placed to advantage.

17. That teaching in the Schools of Art should be in the hands of experts trained as a rule in Indian colleges, or in Art Schools.

18. That the specialisation of a limited number of arts and art industries in the several Schools of Art should be preferred to the simultaneous teaching of a large number.

19. That free admissions and scholarships should, as a general rule, be discouraged, and should gradually be replaced by payment of fees; but that this is compatible with the assistance of necessitous cases, and with the payment of wages to the pupil or workman as soon as his work becomes of value.

IV.—AGRICULTURAL COLLEGES AND SCHOOLS

20. That the existing Agricultural Colleges (Madras and Poona) have been organised upon a theoretical rather than a utilitarian basis, leading up to agricultural diplomas or degrees, and have been directed to the training of Government officials in the Land Revenue and cognate services, rather than to the teaching of practical agriculture to members of the land-owning class.

21. That the interest of both classes may be served by the institution of Agricultural Schools in which practical work is conducted on an experimental farm, *pari passu* with simple veterinary teaching, and, where required, with instruction in surveying, village accounts and records, Land Revenue law and procedure, and the principles of agricultural science; that there may be two departments in these schools, one conducted in English, and the other in the vernacular, and that the

vernacular department may conveniently be utilized for the instruction of village schoolmasters in the elements of agriculture.

22. That it is for consideration whether a School for the practical teaching of agriculture to land-holders might be instituted by Government.

V.—INDUSTRIAL SCHOOLS

23. That a survey of the existing Industrial Schools in India leads to the conclusion that they have been wanting in definiteness both of methods and objects, that there has been no clear differentiation between general and technical studies in the schools, that they have depended for initiation and support upon the volition of local bodies rather than upon any sustained policy of Local Governments, that they have been insufficiently co-ordinated with particular local industries or trades, and that the impression produced by them either upon industrial development, or upon industrial education, has been relatively small.

24. That the instruction given in such schools should be technical in preference to general, specialised instead of diffuse.

25. That the form of Industrial School recommended by the Conference for future adoption where practicable, or for encouragement by grants-in-aid where it already exists, is a Local Trade or Crafts School, directed to the furtherance or development of a local industry, which appears to be capable of expansion by the application of superior methods or implements.

26. That such schools may be either country or urban, according as the industry in question is practised in the country or in towns.

27. That in country districts such schools will best be devoted to the study and development of single indigenous products: in towns to the development of manufactures; and that in towns it may be possible to collect several industries in a single building, and to give instruction in diverse branches of industry or manufacture.

28. That such schools, whether country or urban, should be primarily educational, and not commercial institutions; that they should be, as far as possible, self-supporting, but should not compete with established private trades.

29. That only such pupils shall be admitted as will proceed to practise the industry taught.

30. That the levy of fees is a proper feature of Industrial schools, but that it is dependent upon the position and means of the pupil and the stability and popularity of the institution, and cannot everywhere be enforced in the early stages.

31. That it will be a necessary preliminary to the institution of such schools to ascertain what are the industries or manufactures to which they may be applied, in the light of the Industrial Surveys already made.

32. That, where it is considered possible to open new or extended markets for the produce of the industry or manufacture thus developed, it will probably be found desirable to connect them with Commercial Museums, both in and outside of India.

33. That for the present the best available teachers, overseers, and foremen for

these schools should be procured either in India or from abroad; but that in time it is hoped that they may be produced in larger numbers by institutions at suitable centres in India, where the investigations of products and industries can be carried on.

34. That in provinces where the suggested developments admit of wide or rapid growth, it should be for the consideration of the Local Governments whether a separate Technological Department of Government may in time be instituted, for their especial supervision and control.

VI.—STATE SCHOLARSHIPS

35. That it is desirable that the Government of India should institute a number of State technical scholarships, perhaps ten in number, with an approximate allowance of £100 a year, in addition to travelling expenses and fees, to be awarded annually in fixed proportions by the Local Governments, subject to the sanction of the Government of India, to selected candidates, who should be sent abroad to undertake definite courses of study in subjects connected with industrial science or research. That these scholarships might be held for an average duration of two years.

11

REPORT OF THE INDIAN UNIVERSITIES COMMISSION,[1] 1902

TEACHING UNIVERSITIES

21. It is generally agreed that the legal powers of the older Universities have been so narrowly drawn as to suggest that they are restricted to the function of holding examinations and conferring degrees. There is also a very general desire that the powers in question should be enlarged, and that all the Universities should be recognised as teaching bodies.

22. If the Universities of India admitted candidates to their examinations without regard to the previous training of such candidates, or to the places from which they come, they would properly be described as examining Universities and nothing more. They do in fact draw their candidates from a limited number of affiliated institutions, and by setting the standard of examination and prescribing courses of study they exercise an indirect control over the teaching in such institutions. This circumstance has led some witnesses to contend that the Indian Universities are already teaching Universities. But the phrase 'Teaching University' is usually taken to denote a University which makes direct provision for teaching by appointing its own Professors and lecturers.

23. The question whether and how far the Universities are able to make direct provision for teaching is one of considerable difficulty. There is no source from which the Universities can hope to obtain the funds which would be required for the entertainment of a staff of University Professors in every branch of learning.

[1] *Indian Universities Commission Report*, 1902, pp. 6–8.

The colleges affiliated to each University are scattered over a wide area, and it is not easy to see how their students can be brought together, to attend University lectures. And, inasmuch as the better colleges already make adequate provision for the courses of instruction leading up to the degree of Bachelor of Arts or Bachelor of Science, it does not appear that the intervention of the University at this stage would be attended by good results.

24. We think it expedient that undergraduate students should be left, in the main, to the colleges, but we suggest that the Universities may justify their existence as teaching bodies by making further and better provision for advanced courses of study. The University may appoint its own lecturers, and provide libraries and laboratories; it would also be proper that the University should see that residential quarters are provided for students from a distance. Colleges co-operating in such a scheme would, we assume, be willing to contribute, by means of scholarships or otherwise, to the maintenance of those students who take advantage of the University courses. In this way central Schools of advanced study may in time be formed. One advantage of the plan is that it can be worked out gradually, without the great initial expense which the creation of a complete professoriate would involve.

25. It has been suggested that the Government college at each centre might be created a University college, and enabled to make all necessary provision for courses of advanced study. We agree that every Government college should be so fully equipped as to set a high standard of efficiency, but we consider that in all colleges our first object should be to improve the courses leading to the ordinary degrees and we apprehend that difficulties will be encountered if we attempt to give to any college a monopoly of advanced teaching. The outlying colleges may hesitate if they are asked to pass on their best men to another college; there will be less hesitation if they are asked to send students to a central School, under the direct supervision of the University; for the students in such a School may retain their connection with their original colleges, and any distinction which they obtain will be placed to the credit of the institution from which they come.

26. Our plan has been met with an objection which demands careful consideration. If students are drawn from their own colleges to a central School it is said that teachers in colleges will be limited to the routine of the undergraduate classes and that their teaching will suffer in consequence. We sympathise entirely with the teachers who have placed this view of the matter before us; but we may point out that if the scheme we recommend restricts the opportunities of a college teacher in one direction, it may also open a wider field in another. In working a central School of Science, or Philosophy, or Literature, the University will naturally endeavour to utilise, as far as possible, the service of the best teachers in its own colleges. If a Professor has to part with some of his students when they begin their advanced work, he may cherish the hope of being appointed to deliver a course of University lectures, or in some other way to take part in the work of the central School. We do not forget that the staff of a college is usually not more than

equal to the work imposed upon it; but means may perhaps be found to relieve a Professor of part of his ordinary college duty, if he is required to give some portion of his time to advanced work elsewhere.

LOCAL LIMITS OF THE UNIVERSITIES

27. In a later part of this report, we shall make proposals regarding the supervision to be exercised by the University over affiliated institutions. Such supervision can hardly be made effective at a great distance from the centre, and we recommend that the local limits of each University should be more accurately defined than they now are.

In the cases of Madras and Bombay, no change in existing arrangements seems to be required. Calcutta may continue, as at present, to include Burma and Assam in its sphere of influence; but we consider that the Central Provinces and Central India may most conveniently be assigned to Allahabad, due provision being made for the representation of the colleges concerned on the Senate of the University. Steps should, we think, be taken to remove from the Calcutta list the affiliated colleges situated in the Central Provinces, the United Provinces, the Punjab, etc.; and the colleges in Ceylon which send in candidates for the Calcutta examinations may be transferred to Madras, unless the colonial authorities are prepared to make some more suitable provision for their needs. The Punjab University holds an examination for oriental titles at Lucknow; the arrangement is admitted to be inconvenient, and may with advantage be reconsidered.

28. If a college, situated within the local limits of a University, desires for any special reason to apply for affiliation in another University, we consider that its application should be addressed, in the first instance, to the local University, and that the application should not be granted unless with the consent of both Syndicates and the sanction of the Government of India.

PROPOSALS FOR NEW UNIVERSITIES

29. It has been represented to us that the burden of our examination system may be reduced, or at least more wisely distributed, by encouraging the multiplication of teaching Universities. In the course of our enquiry at Madras, the claims of Bangalore, Trichinopoly, and Trivandrum were placed before us in this connection. We are not satisfied that any of these proposed centres can be said to afford an adequate basis for a new University. We shall have to submit proposals for many changes in the constitution and working of existing Universities, and we recommend that the question of creating new Universities be postponed until those changes have been tested by experience.

30. The proposal to create a new University at Nagpur has received both official and popular support; but in this case also, we find ourselves unable to recommend immediate action. There are two first-grade colleges at Nagpur and one second-grade college; it is assumed that the college at Jubbulpore may be locally affiliated, and that the colleges of Indore and Rutlam may be included in

the scheme. It is further suggested that the Berars will before long desire to have a college of their own, and in this way a somewhat speculative total of eight or nine colleges is obtained. We have no desire to limit the aspirations of those who look forward to a great extension of higher education, but in the present Report we confine our attention to matters of immediate and practical interest.

31. The evidence we have obtained from Burma shows that the educational authorities of the province are not altogether satisfied with their present dependence on Calcutta. It is argued that if a University were established at Rangoon, new colleges would be founded for the study of Arts and Science, and that local colleges of Medicine and Engineering would free Burman students from the necessity of going to Calcutta or Madras for their professional training. The argument, so far as it goes, is perfectly sound, but, in view of the fact that Burma now possesses only two colleges, one first-grade and one second-grade, we are unable to submit any positive recommendation. At the same time we venture to hope that the project may continue to receive the attention of the Local Government, and of the wealthy and educated classes of the province.

32. In connection with the Muhammadan Anglo-Oriental College at Aligarh, proposals have been put forward from time to time for the creation of a Muhammadan University. It does not appear that these proposals have received the support which would be necessary to give the scheme a practical character. And even if resources, adequate to the formation of a complete University, were forthcoming, it is for Government to decide as to the expediency of creating a denominational University. In the present circumstances of India, we hold that while no obstacle should be placed in the way of denominational colleges, it is important to maintain the undenominational character of the Universities.

12

RESOLUTION OF THE GOVERNMENT OF INDIA ON EDUCATIONAL POLICY,[1] 11 MARCH 1904

MERITS AND DEFECTS OF PRESENT SYSTEM

8. It is almost universally admitted that substantial benefits have been conferred upon the people themselves by the advance which has been made in Indian education within the last fifty years; that knowledge has been spread abroad to an extent formerly undreamed of; that new avenues of employment have been opened in many directions; and that there has been a marked improvement in the character of the public servants now chosen from the ranks of educated natives, as compared with those of the days before schools and Universities had commenced to exercise their elevating influence. But is it also impossible to ignore the fact that criticisms from many quarters are directed at some of the features and results of the system as it exists at present, and that these criticisms proceed especially from friends and well-wishers of the cause of education. Its shortcomings in point of quantity need

[1] *Indian Education Policy*, 1904.

no demonstration. Four villages out of five are without a school; three boys out of four grow up without education, and only one girl in forty attends any kind of school. In point of quality the main charges brought against the system are to the general effect (1) that the higher education is pursued with too exclusive a view to entering Government service, that its scope is thus unduly narrowed, and that those who fail to obtain employment under Government are ill fitted for other pursuits; (2) that excessive prominence is given to examinations; (3) that the courses of study are too purely literary in character; (4) that the schools and colleges train the intelligence of the students too little, and their memory too much, so that mechanical repetition takes the place of sound learning; (5) that in the pursuit of English education the cultivation of the vernaculars is neglected, with the result that the hope expressed in the Despatch of 1854 that they would become the vehicle for diffusing Western knowledge among the masses is as far as ever from realization.

THE ABUSE OF EXAMINATIONS

12. Examinations, as now understood, are believed to have been unknown as an instrument of general education in ancient India, nor do they figure prominently in the Despatch of 1854. In recent years they have grown to extravagant dimensions, and their influence has been allowed to dominate the whole system of education in India, with the result that instruction is confined within the rigid framework of prescribed courses, that all forms of training which do not admit of being tested by written examinations are liable to be neglected, and that both teachers and pupils are tempted to concentrate their energies not so much upon genuine study as upon the questions likely to be set by the examiners. These demoralizing tendencies have been encouraged by the practice of assessing grants to aided schools upon the results shown by examination. This system, adopted in the first instance on the strength of English precedents, has now been finally condemned in England, while experience in India has proved that, to whatever grade of schools it is applied, it is disastrous in its influence on education and uncertain in its financial effects. It will now be replaced by more equitable tests of efficiency, depending on the number of scholars in attendance, the buildings provided for their accommodation, the circumstances of the locality, the qualifications of the teachers, the nature of the instruction given, and the outlay from other sources, such as fees and private endowments or subscriptions.

. . . . .

PRIMARY EDUCATION

14. The Government of India fully accept the proposition that the active extension of primary education is one of the most important duties of the State. They undertake this responsibility, not merely on general grounds, but because, as Lord Lawrence observed in 1868, 'among all the sources of difficulty in our administration and of possible danger to the stability of our Government, there are few so

serious as the ignorance of the people'. To the people themselves, moreover, the lack of education is now a more serious disadvantage than it was in more primitive days. By the extension of railways the economic side of agriculture in India has been greatly developed, and the cultivator has been brought into contact with the commercial world, and has been involved in transactions in which an illiterate man is at a great disadvantage. The material benefits attaching to education have at the same time increased with the development of schemes for introducing improved agricultural methods, for opening agricultural banks, for strengthening the legal position of the cultivator, and for generally improving the conditions of rural life. Such schemes depend largely for their success upon the influence of education permeating the masses and rendering them accessible to ideas other than those sanctioned by tradition.

SECONDARY EDUCATION

22. The growth of secondary instruction is one of the most striking features in the history of education in India. The number of secondary schools has risen in the last twenty years from 3,916 to 5,493 and that of their pupils from 214,077 to 558,378. In all provinces there is considerable eagerness among parents to afford their sons an English education, and the provision and maintenance of a high school are common objects of liberality among all sections of the community. Whether these schools are managed by public authority or by private persons, and whether they receive aid from public funds or not, the Government is bound in the interest of the community to see that the education provided in them is sound. It must, for example, satisfy itself in each case that a secondary school is actually wanted; that its financial stability is assured; that its managing body, where there is one, is properly constituted; that it teaches the proper subjects up to a proper standard; that due provision has been made for the instruction, health, recreation, and discipline of the pupils; that the teachers are suitable as regards character, number, and qualifications; and that the fees to be paid will not involve such competition with any existing school as will be unfair and injurious to the interests of education. Such are the conditions upon which alone schools should be eligible to receive grants-in-aid or to send up pupils to compete for or receive pupils in enjoyment of Government scholarships; and schools complying with them will be ranked as 'recognized' schools. But this is not sufficient. It is further essential that no institution which fails to conform to the elementary principles of sound education should be permitted to present pupils for the University examinations; and in future admission to the Universities should be restricted to *bona fide* private candidates and to candidates from recognized schools. In this way the schools which enjoy the valuable privilege of recognition will in return give guarantees of efficiency in its wider sense; and the public will be assisted in their choice of schools for their children by knowing that a school which is 'recognized' is one which complies with certain definite conditions.

ETHICS OF EDUCATION

25. The remark has often been made that the extension in India of an education modelled upon European principles, and, so far as Government institutions are concerned, purely secular in its character, has stimulated tendencies unfavourable to discipline, and has encouraged the growth of a spirit of irreverence in the rising generation. If any schools or colleges produce this result, they fail to realize the object with which they are established—of promoting the moral no less than the intellectual and physical well-being of their students. It is the settled policy of Government to abstain from interfering with the religious instruction given in aided schools. Many of these maintained by native managers or by missionary bodies in various parts of the Empire, supply religious and ethical instruction to complete the educational training of their scholars. In Government institutions the instruction is, and must continue to be, exclusively secular. In such cases the remedy for the evil tendencies noticed above is to be sought, not so much in any formal methods of teaching conduct by means of moral textbooks or primers of personal ethics, as in the influence of carefully selected and trained teachers, the maintenance of a high standard of discipline, the institution of well-managed hostels, the proper selection of text-books, such as biographies, which teach by example, and above all in the association of teachers and pupils in the common interests of their daily life. Experience has further shown that discipline and conduct are sure to decline when the competition between schools is carried so far as to allow scholars to migrate from one school to another without inquiry being made as to their conduct at their previous school and their reasons for leaving it. Rules have accordingly been framed regulating the admission of scholars to Government and aided schools and their promotion on transfer from one school to another so as to secure that a record of their conduct shall be maintained and that irregularities and breaches of discipline shall not pass unnoticed. These rules will now be extended to all unaided schools which desire to enjoy the benefits of recognition.

LANGUAGES IN SCHOOLS

26. Except in certain of the larger towns of Madras, where, like Urdu in Northern India, it serves to some extent the purpose of a *lingua franca*, English has no place, and should have no place, in the scheme of primary education. It has never been part of the policy of Government to substitute the English language for the vernacular dialects of the country. It is true that the commercial value which a knowledge of English commands, and the fact that the final examinations of the high schools are conducted in English, cause the secondary schools to be subjected to a certain pressure to introduce prematurely both the teaching of English as a language and its use as the medium of instruction; while for the same reasons the study of the vernacular in these schools is liable to be thrust into the back-ground. This tendency however, requires to be corrected in the interest of sound education. As a general rule a child should not be allowed to learn English as a language

until he has made some progress in the primary stages of instruction and has received a thorough grounding in his mother tongue. It is equally important that when the teaching of English has begun, it should not be prematurely employed as the medium of instruction in other subjects. Much of the practice, too prevalent in Indian schools, of committing to memory ill-understood phrases and extracts from text-books or notes, may be traced to the scholars having received instruction through the medium of English before their knowledge of the language was sufficient to enable them to understand what they were taught. The line of division between the use of the vernacular and of English as a medium of instruction should, broadly speaking, be drawn at a minimum age of 13. No scholar in a secondary school should, even then, be allowed to abandon the study of his vernacular, which should be kept up until the end of the school course. If the educated classes neglect the cultivation of their own languages, these will assuredly sink to the level of mere colloquial dialects possessing no literature worthy of the name, and no progress will be possible in giving effect to the principle, affirmed in the Despatch of 1854, that European knowledge should gradually be brought, by means of the Indian vernaculars, within the reach of all classes of the people.

FEMALE EDUCATION

27. In their efforts to promote female education the Government have always encountered peculiar difficulties arising from the social customs of the people; but they have acted on the view that through female education a 'far greater proportional impulse is imparted to the educational and moral tone of the people than by the education of men', and have accordingly treated this branch of education liberally in respect of scholarships and fees. Nevertheless though some advance has been made, female education as a whole is still in a very backward condition. The number of female scholars in public schools in the year 1901–02 was 444,470, or less than a ninth of the number of male scholars. The percentage of girls in public schools to the total female population of school-going age has risen from 1·58 in the year 1886–87 to 2·49 in 1901–02. This rate of progress is slow. The education Commission made recommendations for the extension of female education, and the Government of India hope that with the increase of the funds assigned in aid of education their proposals may be more fully carried out. The measures which are now being taken for further advance include the establishment in important centres of model primary girls' schools, an increase in the number of training schools, with more liberal assistance to those already in existence, and a strengthening of the staff of inspectresses. The direct action of Government will be exerted in cases where that of the municipalities and local boards does not suffice. Nearly one-half of the girls in public schools are in mixed boys'–girls' schools. Their attendance along with boys is often beneficial to them especially in village schools, and nothing in the report of the Commission of 1882 need be taken as indicating that such attendance ought to be discouraged. Great assistance is rendered to the cause of female education generally by missionary

effort, and in the higher grades especially by zenana teaching. The Government of India desire that such teaching shall be encouraged by grants-in-aid.

TRAINING COLLEGES

38. If the teaching in secondary schools is to be raised to a higher level,—if the pupils are to be cured of their tendency to rely upon learning notes and text-books by heart, if, in a word, European knowledge is to be diffused by the methods proper to it,—then it is most necessary that the teachers should themselves be trained in the art of teaching. Even in England divided counsels have till recent times prevented due progress from being made with this most essential condition of the reform of secondary education. The Indian Education Commission referred to the conflict of opinion upon this fundamental principle, and to the diversity of practice which prevailed; and while hesitating to lay down a general rule requiring secondary teachers to be trained, recommended 'as an inadequate, but the only practicable alternative', that an examination in the principles and practice of teaching should be instituted, success in which should hereafter be made a condition of permanent employment as a teacher in any secondary school. Other and larger views of the subject are now in the ascendant, and the Government of India are glad to know that the principle of providing training institutions for secondary teachers meets with universal acceptance among the Local Governments and Administrations. There already exist at Madras, Kurseong, Allahabad, Lahore, and Jubbulpore, institutions in which students are trained for service as teachers in the highest classes of secondary schools. Such students have either passed the Entrance or the Intermediate Examination of the University or are graduates. These institutions have done good work, and the time has come to extend the system to the provinces where it does not exist, notably Bombay, and to endeavour to create a supply of trained teachers which shall be adequate to the needs of the secondary schools throughout the country. Not only must the supply be increased, but the quality of the training given must be improved.

13

THE SADLER COMMISSION ON UNITARY UNIVERSITIES,[1] 1917–18

Turning from these great issues, on which we believe there can be no serious differences of opinion, we come to three main features in which the University of Dacca was to differ from universities of the type existing in 1912:—

(1) The University was to be a unitary as opposed to a federal or affiliating university; it was, like the older universities of England, and the modern universities of Manchester, Liverpool and Birmingham to be associated with a particular city.

[1] *Report of the Calcutta University Commission*, 1917–18, part II, vol. IV, pp. 133–4.

(2) The University was to be a teaching and residential university. Speaking broadly we emphatically endorse these two main features of the scheme.

(3) The University was to be a Government Institution. Here we differ from the proposal of the Dacca University Committee. We have elsewhere expressed the view that while in our judgement the State ought to remain ultimately responsible for the inspection and supervision of higher education there are many drawbacks to the system of direct and detailed State control. We propose for the University of Dacca an organisation corresponding in its chief features with that which we propose for the University of Calcutta but simpler in structure because of the simpler functions it will fulfil.

In two other points our scheme also differs from that proposed by the Dacca University Committee:—

(a) . . . we regard intermediate classes as belonging properly to school and not to university education, and we think to the interest alike of the students and of the university that these classes should be conducted in special institutions which we have called intermediate colleges. A certain number of these colleges should be created in Dacca without delay.

(b) The second point is connected with the first. The college under the Dacca Committee scheme, was to be wholly responsible for the intermediate teaching, but only partially responsible for the pass teaching for the degree, which was to be organised on an inter-collegiate system; and it was not to be responsible at all for honours or for any science teaching, which was to be conducted by the University. Under the terms of the Draft Bill prepared for the University the responsibility for post-intermediate teaching was to be transferred entirely to the University, an arrangement which seems to us to be based on sound reasons of economy and policy. By the removal of the burden of the intermediate classes from the University and under the arrangement proposed the college will, if our proposals are adopted, play a different part from that contemplated in the original scheme, though it will retain functions of vital importance in a residential university like Dacca. In order to avoid confusion of ideas we propose that the change (or partial change) of functions should be accompanied by a change in terminology and suggest that in the Dacca scheme the term 'hall' be substituted for the term 'college'. . . .

We shall in the first place discuss the criticism aimed at the proposal to make Dacca a unitary as opposed to an affiliating or a federal university, a matter in which we agree with the Dacca University Committee. While we adhere to the view of the Government of India that the University of Dacca should be a teaching and residential and not an affiliating university, we cannot overlook the fact that since the Dacca Committee reported, a new type of university which is both teaching and affiliating has been founded at Patna. The Patna model has been advocated by some of our witnesses for two reasons, the first a desire to relieve the examinational congestion of Calcutta, the second, the presumed interest of other colleges in

Eastern Bengal. With one exception, to which we shall draw attention, the proposals for making Dacca an affiliating university do not claim to have been made in the interests of Dacca.

14

CHILD MARRIAGE RESTRAINT ACT,[1] 1 OCTOBER 1928

AN ACT TO RESTRAIN THE SOLEMNISATION OF CHILD MARRIAGES

Whereas it is expedient to restrain the solemnisation of child marriages; It is hereby enacted as follows:—

1. (1) This Act may be called the Child Marriage Restraint Act, 1928.
   (2) It extends to the whole of British India, including British Baluchistan and the Sonthal Paraganas.
   (3) It shall come into force on the 1st day of April, 1930.
2. In this Act, unless there is anything repugnant in the subject or context,—
   (a) 'child' means a person who, if a male, is under eighteen years of age, and if a female, is under fourteen years of age;
   (b) 'child marriage' means a marriage to which either of the contracting parties is a child.
   (c) 'contracting party' to a marriage means either of the parties whose marriage is thereby solemnised; and
   (d) 'minor' means a person of either sex who is under eighteen years of age.
3. Whoever, being a male above eighteen years of age and below twenty-one, contracts a child marriage shall be punishable with fine which may extend to one thousand rupees.
4. Whoever, being a male above twenty-one years of age, contracts a child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.
5. Whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both, unless he proves that he had reason to believe that the marriage was not a child marriage.
6. (1) Where a minor contracts a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both: Provided that no woman shall be punishable with imprisonment.

[1] *Collection of the Acts of the Indian Legislature*, 1929.

(2) For the purposes of this section, it shall be presumed unless and until the contrary is proved, that where a minor has contracted a child marriage, the person having charge of such minor has negligently failed to prevent the marriage from being solemnised.

15

OBJECTIONS TO THE LAW OF CONSENT AND TO A LAW OF MARRIAGE,[1] 1928–29

229. Grounds of objection.—The opposition to any Law of Consent or an increase in the age of Consent and to a Law of Marriage has proceeded mainly on the following grounds.

(1) That no law should encroach upon matters of domestic and social nature and that the proposed reform should be left to the community concerned, to be dealt with by means of social propaganda or otherwise. Resort to legislation would only be justifiable on a demand by the community affected.

(2) That the Government, being foreign, is neither competent nor entitled to force such a law on persons of a different race and religion, and that such an interference would mean a violation of the pledge about neutrality in matters of religion referred to in the Queen's Proclamation.

(3) That the existing Legislature is not representative of the people of India.

(4) That the Legislature being composed of different communities, no legislation affecting the social rights or religious customs of any particular community ought to be undertaken by a body of that description.

(5) That the proposed increase in the age of Consent within marital relations, as also a law fixing a minimum age of Marriage, would interfere with the religious laws, rights and customs both of Hindus and Muslims; that among Brahmins and some other castes, post-puberty marriage is a sin and that the non-consummation of marriage within 16 days of the wife's first menses is also a sin; that Government would not be justified in putting people of these castes in a position where they may have to transgress either the religious custom or the Laws of Consent and Marriage.

(6) That puberty is a natural indication of a girl's fitness for cohabitation and maternity; that maternity soon after puberty has so far not been productive of any evil to mothers or their progeny and that maternal and infantile mortality is due to economic and other causes.

(7) That consummation soon after puberty is necessary to satisfy the sexual craving in girls; if the same is not satisfied, girls may be led to abnormal methods of satisfaction. The morality of boys and girls may thus suffer,

[1] *Report of the Age of Consent Committee*, 1928–29, pp. 99–102.

as is shown by examples from foreign countries described by Judge Lindsay of Denver and others.

(8) That interference by Government with religious customs would create dissatisfaction amongst the people.

(9) That early marriage secures the girl's unadulterated love towards the husband and the other members of his family and preserves the Joint Family.

(10) That legislation fixing the age of Consent derogates from the rights conferred upon the husband by marriage.

(11) That no law is necessary, as the age of marriage and consummation is gradually rising as a result of conscious effort or by force of economic circumstances.

(12) The law has been amended in 1925 and no circumstances exist to justify an advance so soon thereafter.

(13) That the law is liable to be abused.

(14) That the Law of Consent has so far been a dead letter in marital cases and would continue to be so, even if the age be raised, and that such a futile law should not encumber the statute book.

230. Is legislation the proper remedy?—Ordinarily, it may be correct to say that in evils of domestic and social concern, especially those involving socio-religious customs of large communities, the remedy for the evils should be left to propaganda, appealing to the good sense of the communities concerned. It is impossible however to lay down that legislation in such matters may never be resorted to for eradicating such evils. The laws of Sati[1] and widow remarriage, the removal of the ban on inheritance by converts and the law of civil marriage, are some of the instances in which there has been legislation and in all these cases the new legislation has trenched on custom, and religious injunctions. The first was undertaken on grounds of humanity and others in furtherance of social justice. It is true that some of these laws were only permissive; it must be recognized, however, that there are many others which positively override provisions sanctioned by the Hindu or Muslim law. The Committee accept the argument that the fact of the law having trenched on such practices on so many other occasions is, by itself, no justification for further inroads on Law and Custom; but we note the fact that the Legislature has, in fact, in cases considered suitable, interfered by legislation and that several changes have been made in the personal law of the Hindus and Muslims by the Legislature from time to time—the last of these being the Hindu Inheritance Amendment Act of 1920. Although it is true that the proposed legislation touches a very delicate chord regarding the most personal and intimate relations between human beings, that fact does not exempt it from interference by the Legislature on a proper case being made out, either to prevent a shocking evil or to further social justice. It may be remarked that in every civilised country, legislation has been used as a remedy to remove social injustice and other evils of

[1] See glossary.

that character. In matters affecting Marriage and Consent in particular, legislation has been resorted to in several countries, notably in Egypt and Turkey. In several Indian States also, such as Baroda and Indore, such laws have been enacted and have already been in force for some years.

232. It has been shown in paragraphs 358 and 368 of our Report that early maternity is an evil and an evil of great magnitude. It contributes very largely to maternal and infantile mortality, in many cases wrecks the physical system of the girl and generally leads to degeneracy in the physique of the race. Let us compare the case of Sati which was prevented by legislation with the case of early maternity. Satis were few and far between. They compelled attention by the enormity of the evil in individual cases, by the intense agony of the burning widow and the terrible shock they gave to humane feelings. But after all, they were cases only of individual suffering; the agony ended with the martyr and the incident had some compensation in the martyr being almost deified as an ideal Hindu 'Pativrata', a devoted wife, the subject of adoration after death. In the case of early maternity, however, the evil is wide-spread and effects such a large number of women, both amongst Hindus and Muslims, as to necessitate redress. It is so extensive as to affect the whole framework of society. After going through the ordeal, if a woman survives to the age of 30, she is in many cases an old woman, almost a shadow of her former self. Her life is a long lingering misery and she is a sacrifice at the altar of custom. The evil is so insidious in all the manifold aspects of social life that people have ceased to think of its shocking effects on the entire social fabric. In the case of Sati, the utter hideousness of the incident shocked the conscience; in this case the familiarity of the evil blinds us to its ghastly results. If legislation was justified for preventing Sati, there is ample justification for legislation to prevent early maternity, both on the grounds of humanity and in furtherance of social justice.

16

THE NEW OUTLOOK OF INDIAN WOMEN,[1] 1928–29

350. During the last few years, a new consciousness has dawned on the women of this country as regards their status and the role they have to perform in life. This is embodied in the central idea of service to their sex and society in the various phases of national activity. So long as women in India were content to confine themselves to home and household duties and so long as they looked upon the husband as the supreme authority, their ambitions were confined to domestic affairs and they were indifferent to acquiring qualifications which would fit them for the service they now desire to render. Women are now members of local Corporations, and Provincial Councils and as education is advancing amongst them, they are gradually entering the learned professions. They are seeking equal opportunities with men, and men on their side are generally responsive to the efforts women

[1] *Report of the Age of Consent Committee*, 1928–29, pp. 157–8.

are making to raise their status. Women are no longer content to remain stationary and the change of outlook on their lives is a fact of very great significance in considering, among others, the question of advance in the age of marriage. The movement for the emancipation of women largely depends upon this one question, and no wonder the women in this country who came as witnesses before our Committee have with one voice insisted on an advance.

351. Conflict between views old and new.—This explains the attitude taken up in their evidence before this Committee by progressive men and women on the one hand and by the conservative group, which is wedded to views about women that have been current so far, on the other. The progressives want to give more opportunities and more latitude to women to enlarge the scope of their activities and would grant them facilities to realize their aspirations. The older group, accustomed to older views and methods, deny the capacity or right of women to advance beyond the routine so far permissible. In this latter group is included a large number of orthodox ladies whose environment has habituated them to the present limitations of their sex. That women should try to set up new ideals is something which passes their comprehension. A parallel is to be found in women's opposition to the Woman's Suffrage movement in England. In Progressive England their ideal was reached after tremendous opposition; here in Conservative India, the chances of women winning their way through, easily and speedily, appear almost certain with the progress of education.

17

THE GOVERNMENT OF INDIA'S POLICY TOWARDS SOCIAL LEGISLATION,[1] 4 SEPTEMBER 1929

. . . The real truth, Sir, with regard to the attitude of Government in this matter, as in other matters of social legislation, is one which I think I may state in a few words. It occupies, I frankly admit, a middle course. I suggest, indeed I most strenuously contend, that in the extreme of rash, hasty and intemperate legislation and the opposite extreme of obscurantism and purblind conversation the dangers which lie are hardly distinguishable in their magnitude. What I have always contended for is that, if important projects of social legislation are to be undertaken as they must be undertaken, it should be after a careful and deliberate examination of the evils which you are endeavouring to correct, and after the fullest ventilation and consultation of public opinion; and that in matters of that kind we should make every possible endeavour to ensure that, behind such measures as we undertake, we should have that degree of public support which is in fact essential to the effective administration of any legislation in such matters. . . .

. . . The first and the most reasonable conclusion, the inevitable conclusion in reference to the particular contents of this Bill, is that there exists a great and a

[1] *Indian Legislative Assembly Debates*, 1929, vol. IV, pp. 272–5. Speech of Sir James Crerar (Home Member) on the 'Hindu Child Marriage Bill'.

corroding evil in this country which is clamorous for a remedy. That evil, Sir, is one which afflicts, in the first instance, the most defenceless, innocent section of the community, those who have the greatest claims for our protection. The evil is not only limited to that. It is not merely the large number of young girls who year by year either die or sustain serious bodily injury, but those who are acquainted with the case, those who have studied the evidence, those more particularly who have come into contact with the practical facts and the practical consequences, cannot contemplate them without—I put it no higher than this—the most serious searchings of mind, heart and conscience. It is not merely that generation after generation of young girls should be exposed to or suffer from these evils, but there are dangers to the future generations of the country from which, if the country is not willing to adopt a remedy, it will undoubtedly suffer in its most vital and important interests.

Well, Sir, when I have said so much, I do not desire it to be understood that I in any way under-estimate or depreciate the earnestness and the sincerity of the opposition of this Bill. I do so fully and frankly, and I do feel this, that any measure which modifies the law in a social matter, any measure which it is anticipated will disturb the customs and habits of long duration, is one which for a time will naturally provoke a large measure of opposition. But I hope myself, Sir, that the improvements in these matters which we have reason to hope will result from this Bill will in course of time—and I hope in no long time—reconcile to the principle of this Bill and to its practical application even the most stringent opposition with which the measure is at present confronted. At any rate, Sir, I wish to make my position, the position of Government, perfectly clear beyond any shadow of doubt. It is this. We are convinced that this evil exists; we are convinced that the measure of Rai Sahib Harbilas Sarda is, at any rate, a first step in the direction of seeking a practical remedy. Where we find so great an evil and where we find a promising remedy, we feel that we must support that we think to be right. I trust, Sir, the great majority of this House will concur in that view. I trust they will concur in the view that this measure is a measure in the right direction and that it is their duty to support it with their suffrage. (Applause).

18

REPORT ON VOCATIONAL EDUCATION IN INDIA,[1] 1937

A dilemma

2. Industry in India is usually carried on in small undertakings, the volume of large-scale industry being very small considering the immensity of the population. The number of great industrial undertakings is, in fact, not yet sufficient to make

[1] *Report on Vocational Education in India*, by A. Abbott, formerly H.M. Chief Inspector of Technical Schools, Board of Education, England, and S. H. Wood, Director of Intelligence, Board of Education, England, pp. 37–41.

full use of the natural resources of the country for the good of the nation as a whole. Although we are not directly concerned with economic questions in this inquiry, it is relevant for us to point out a serious difficulty which confronts the various provinces in planning their industrial development.

No country can initiate and carry on industries on a large scale, unless it has an adequate supply of men specially trained for the direction and management of large industrial concerns, as well as of others specially qualified for the minor, but very important, supervisory posts in them. On the other hand, it cannot be expected that capable and ambitious men will devote themselves in acquiring this special knowledge and skill, unless they see a reasonable prospect of exercising it and gaining a decent livelihood thereby. While many men will face an adventure, comparatively few will join a forlorn hope, on whose success or failure their whole fortunes and those of their wives and children are directly dependent.

The need for the cautious expansion of vocational education

3. It is for this reason that we are of opinion that the expansion of vocational education in India should be begun with caution and with full regard to the development of organised industry. It would be a great misfortune if a large body of men received a prolonged technical training, and on its completion found that they had no opportunities of using the knowledge they had acquired.

The importance of flexibility

4. If, however, vocational education aims at producing a corps of workers whose minds are flexible, and whose knowledge is capable of wide application, the risks are far less than if it attempts to train a number of persons with narrow outlook and a limited range of skill. Accordingly, vocational education should not be extremely specialised in character, except in its advanced stages, but should aim at imparting a sound knowledge of fundamental principles which are applicable to different tasks, and as high a degree as possible of skill in thus applying it.

If vocational education is broadly based, and if it is successful in developing in the students certain personal qualities, which are as much normal as intellectual, that is, uprightness, diligence, accuracy, self-reliance, resourcefulness and the habit of co-operating with others, we have little fear of the failure of industry and commerce to absorb, in one way or another, a somewhat larger number of trained men than an exact calculation of their existing needs would appear to justify.

The Unity of General and Vocational Education

10. It might be supposed, from our constant insistence on the essential unity of the educational process, whatever the age of the pupils or their educational aims, that we should recommend that general and vocational education might therefore be given in the same school. Our experience and knowledge of various other countries, in which technical education has reached a high stage of development,

have shown us that it is unwise to have in the same school pupils who have not yet made up their minds—or had the decision taken for them—which career they will follow, and, at the same time, other pupils for whom the decision to enter upon a particular career in life has already been made. The former are still economically dependent. So are the latter but they are now definitely on the way to economic independence; and the two groups of pupils, working with diverse aims, do not readily merge into each other and form that single coherent society which every good school constitutes.

11. The question naturally arises as to whether a school preparing pupils for industrial callings can be carried on in the same premises as one whose pupils intend to occupy posts in commerce. There is no doubt that it can, though there are two conditions for the success of the arrangement. The first is that the principal of the school shall not favour one department at the expense of another: the second is that the rooms devoted to the practical work of one department shall always be at its disposal and not liable to be trespassed upon by another department.

19

REPORT ON BASIC NATIONAL EDUCATION,[1] 1937

SECTION I

BASIC PRINCIPLES

The Existing Educational System

Indian opinion is practically unanimous in condemning the existing system of education in the country. In the past it has failed to meet the most urgent and pressing needs of national life, and to organize and direct its forces and tendencies into proper channels. To-day, when quick and far-reaching changes are reshaping both national and international life and making new demands on the citizens, it continues to function listlessly and apart from the real currents of life, unable to adapt itself to the changed circumstances. It is neither responsive, to the realistic elements of the present situation, nor inspired by any life-giving and creative ideal. It does not train individuals to become useful productive members of society, able to pull their own weight and participate effectively in its work. It has no conception of the new co-operative social order which education must help to bring into existence, to replace the present competitive and inhuman regime based on exploitation and violent force. There is, therefore, a demand from all sides for the replacement of the present system of education by a more constructive and human system, which will be better integrated with the needs and ideals of national life, and better able to meet its pressing demands.

Any scheme of education designed for Indian children will in some respects radically differ from that adopted in the West. For, unlike the West, in India the

[1] *Report of the Zakir Husain Committee*, 1937, pp. 7–15.

nation has adopted non-violence, as the method of peace, for achieving all-round freedom. Our children will therefore need to be taught the superiority of non-violence over violence.

Mahatma Gandhi's Leadership

In this field, as in so many others, far-sighted leadership has come at this critical juncture from Mahatma Gandhi, who has thrown himself whole-heartedly and devotedly into the question of evolving a system of education which will be in harmony with the genius of the Indian people, and solve the problem of mass education in a practicable way and within as short a time as possible. The basic idea of his scheme, as expounded by him in his articles in HARIJAN and at the Wardha Educational Conference is that education, if sound in its principles, should be imparted through some craft or productive work, which should provide the nucleus of all the other instruction provided in the school. This craft, if taught efficiently and thoroughly, should enable the school to pay towards the cost of its teaching staff. According to him, this would also help the State to introduce immediately the scheme of free and compulsory basic education. Failing this, in the existing political and financial condition of the country, the cost of this education would be prohibitive.

Craft Work in Schools

Modern educational thought is practically unanimous in commending the idea of educating children through some suitable form of productive work. This method is considered to be the most effective approach to the problem of providing an integral all-sided education.

Psychologically, it is desirable, because it relieves the child from the tyranny of a purely academic and theoretical instruction against which its active nature is always making a healthy protest. It balances the intellectual and practical elements of experience, and may be made an instrument of educating the body and the mind in co-ordination. The child acquires not the superficial literacy which implies, often without warrant, a capacity to read the printed page, but the far more important capacity of using hand and intelligence for some constructive purpose. This, if we may be permitted to use the expression, is the 'literacy of the whole personality'.

Socially considered, the introduction of such practical productive work in education, to be participated in by all the children of the nation, will tend to break down the existing barriers of prejudice between manual and intellectual workers, harmful alike for both. It will also cultivate in the only possible way a true sense of the dignity of labour and of human solidarity—an ethical and moral gain of incalculable significance.

Economically considered, carried out intelligently and efficiently, the scheme will increase the productive capacity of our workers, and will also enable them to utilize their leisure advantageously.

From the strictly educational point of view, greater concreteness and reality can be given to the knowledge acquired by children by making some significant craft the basis of education. Knowledge will thus become related to life, and its various aspects will be correlated with one another.

Two Necessary Conditions

In order to secure these advantages it is essential that two conditions should be carefully observed. First, the craft or productive work chosen should be rich in educative possibilities. It should find natural points of correlation with important human activities and interests and should extend into the whole content of the school curriculum. Later in the report, in making our recommendations on the choice of basic crafts, we have given special attention to this point, and we would urge all who are in any way concerned with this scheme to bear this important consideration in mind. The object of this new educational scheme is NOT primarily the production of craftsmen able to practise some craft mechanically, but rather the exploitation for educative purposes of the resources implicit in craft work. This demands that productive work should not only form a part of the school curriculum—its craft side—but should also inspire the method of teaching all other subjects. Stress should be laid on the principles of co-operative activity, planning, accuracy, initiative and individual responsibility in learning. This is what Mahatma Gandhi means when he says: 'Every handicraft has to be taught not merely mechanically as is done to-day, but scientifically. That is to say, the child should learn the why and wherefore of every process'—of course through personal observation and experience. By merely adding to the curriculum one other subject—weaving, spinning, or carpentry—while all the other subjects are still taught in the traditional way we shall, we are convinced, encourage passive assimilation and the division of knowledge into unintelligible water-tight compartments, and thus defeat the real purpose and spirit of this scheme.

The Ideal of Citizenship Implicit in the Scheme

We are also anxious that teachers and educationists who undertake this new educational venture should clearly realize the ideal of citizenship inherent in it. In modern India, citizenship is destined to become increasingly democratic in the social, political, economic and cultural life of the country. The new generation must at least have an opportunity of understanding its own problems and rights and obligations. A completely new system is necessary to secure the minimum of education for the intelligent exercise of the rights and duties of citizens. Secondly, in modern times, the intelligent citizen must be an active member of society, able to repay in the form of some useful service what he owes to it as a member of an organized civilized community. An education which produces drags and parasites—whether rich or poor—stands condemned. It not only impairs the productive capacity and efficiency of society but also engenders a dangerous and immoral mentality. This scheme is designed to produce workers, who will look upon all

kinds of useful work—including manual labour, even scavenging—as honourable, and who will be both able and willing to stand on their own feet.

Such a close relationship of the work done at school to the work of the community will also enable the children to carry the outlook and attitudes acquired in the school environment into the wider world outside. Thus the new scheme which we are advocating will aim at giving the citizens of the future a keen sense of personal worth, dignity and efficiency, and will strengthen in them the desire for self-improvement and social service in a co-operative community.

In fine, the scheme envisages the idea of a co-operative community, in which the motive of social service will dominate all the activities of children during the plastic years of childhood and youth. Even during the period of school education, they will feel that they are directly and personally co-operating in the great experiment of national education.

The Self-supporting Basis of the Scheme

It seems necessary to make a few remarks about the 'self-supporting' aspect of the scheme, as this has occasioned considerable misunderstanding. We wish to make it quite clear that we consider the scheme of basic education outlined by the Wardha Conference and here elaborated, to be sound in itself. Even if it is not 'self-supporting' in any sense, it should be accepted as a matter of sound educational policy and as an urgent measure of national reconstruction. It is fortunate, however, that this good education will also incidentally cover the major portion of its running expenses. We hope to show presently that within the scope prescribed by the Wardha Conference, it can do so to a considerable extent (see the detailed syllabus of spinning and weaving). The syllabus gives the figures of the contribution to be made towards its own current expenditure by a school with the basic craft of spinning and weaving.

So far as this craft was concerned we had little difficulty in making these calculations, as expert work in this line has been going on for the last seventeen years under Mahatma Gandhi's guidance. The wages in this case have been calculated on the basis of the standard fixed by the All-India Spinners' Association in Maharashtra. In the case of other crafts, calculations may be made on the basis of the prevailing market rates. Mahatmaji has definitely suggested that the State should guarantee to take over, at prices calculated as above, the product of the work done by its future citizens in school, a view which we heartily endorse; '. . . every school can be made self-supporting, the condition being that the State takes over the manufacture of these schools.'

Apart from its financial implications, we are of opinion that a measurable check will be useful in ensuring thoroughness and efficiency in teaching, and in the work of the students. Without some such check, there is great danger of work becoming slack and losing all educative value. This is only too obvious from the experience of educationists who from time to time have introduced 'manual training' or other 'practical activities' in their schools.

But here we must sound a necessary note of warning. There is an obvious danger that in the working of this scheme the economic aspect may be stressed at the sacrifice of the cultural and educational objectives. Teachers may devote most of their attention and energy to extracting the maximum amount of labour from children, while neglecting the intellectual, social and moral implications and possibilities of craft training. This point must be constantly kept in mind in the training of teachers as well as in the direction of the work of the supervisory staff and must colour all educational activity.

20

REPORT ON THE WARDHA EDUCATION SCHEME,[1] 1939

47. *Conclusions.* The following is a summary of the main conclusions reached at the meeting of the Committee:—

(1) The scheme of 'basic' education should first be introduced in rural areas.
(2) The age range for compulsion should be 6 to 14 years, but children can be admitted to the 'basic' school at the age of 5.
(3) Diversion of students from the 'basic' school to other kinds of school should be allowed after the 5th class or about the age of 11 plus.
(4) The medium of instruction should be the vernacular of the pupils.
(5) A common language for India is desirable. This should be Hindustani with both the Urdu and Hindi scripts. Option should be given to children to choose the script and provision should be made for teaching them in that script. Every teacher should know both scripts, viz., Urdu and Hindi. Some members of the Committee suggest that the adoption of Roman script might prove a solution to the language difficulty and greatly minimise the work of both scholar and teacher.
(6) The Wardha scheme of basic education is in full agreement with the recommendations made in the Wood–Abbott Report so far as the principle of learning by doing is concerned. This activity should be of many kinds in the lower classes and later should lead to a basic craft the produce from which should be saleable and the proceeds applied to the upkeep of the school.
(7) Certain elements of cultural subjects, which cannot be correlated with the basic craft, must be taught independently.
(8) The training of teachers should be reorganised and their status raised.
(9) No teacher should receive less than Rs. 20 per mensem.
(10) Efforts should be made to recruit more women teachers and to persuade girls of good education to take up teaching.
(11) Basic schools should be started only when suitable trained teachers are available.

[1] *Report of the Committee of the Central Advisory Board of Education*, 1939.

(12) The curriculum will need revision in the light of experience.
(13) English should not be introduced as an optional subject in basic schools.
(14) The State should provide facilities as at present for every community to give religious teaching, when so desired but not at the cost of the State.
(15) No external examinations need be held. At the end of the basic school course a leaving certificate based on an internal examination should be given.
(16) Pupils wishing to join other schools at the end of the 5th class (age 11 plus) should also be granted a leaving certificate.
(17) Promotion from class to class will be determined by the school, though the results of the internal examinations should be subject to the supervisors' inspection.

21

NATIONAL EDUCATIONAL POLICY,[1] JANUARY 1944

NATIONAL SYSTEM OF EDUCATION

3. It may also be advisable to clear the ground for an impartial consideration of the proposals in this report by attempting to anticipate other possible misconceptions. The first is that greater liberality on the part of Governments rather than any radical change in the method of approach is all that is needed. It is certainly not the Board's desire either to exaggerate existing defects or to overlook what has been achieved in the face of grave difficulties at certain times and places but in their considered opinion it is inconceivable that within a reasonable period a really national system could be developed or evolved from what now exists or by the methods hitherto followed. Apart from the extremely slow progress which had been made before the war, the present system does not provide the foundations on which an effective structure could be erected; in fact much of the present rambling edifice will have to be scrapped in order that something better may be substituted. A second possible misconception is that some half-way house of a less expensive type can be found between what now is and what this report advocates. The answer to this is that the minimum provision which could be accepted as constituting a national system postulates that all children must receive enough education to prepare them to earn a living as well as to fulfil themselves as individuals and discharge their duties as citizens. It also requires that those with the requisite capacity should be further trained to fill positions of responsibility in all walks of life. It has been suggested by some of those who shrink from the financial implications of going the whole way, that education might be limited to all the children in some places or some of the children everywhere or some of the children in some places only. Even if such a differentiation could be regarded as compatible with the claims of social justice, it is difficult to see how the selection involved could be fairly made. If there is to be anything like equality of opportunity, it is impossible to justify providing facilities for some of the nation's children and

[1] *Report of the Committee of the Central Advisory Board of Education*, 1944, pp. 2–3, 26–7, 32.

not for others. In the first place, therefore, a national system can hardly be other than universal. Secondly it must also be compulsory, if the grave wastage which exists to-day under a voluntary system is not to be perpetuated and even aggravated. And thirdly, if education is to be universal and compulsory, equity requires that it should be free and common-sense demands that it should last long enough to secure its fundamental objective.

. . . . .

UNIVERSITY EDUCATION

3. There are several respects in which the present state of affairs in Indian Universities give cause for concern. The gravest of these is their failure to relate their activities sufficiently closely to the practical needs of the community as a whole. The Sapru Committee's report, published in 1935, showed the alarming extent of unemployment among University graduates. Even for minor posts in Government services before the war there were often as many as 60 to 70 applicants with University degrees. The economic system of the country may be mainly to blame for this situation, but the Universities cannot disclaim all responsibilities. For apart from one or two recent attempts to set up Appointments Boards there is little evidence of any systematic attempt on their part to adjust their output to the capacity of the employment market to absorb it. Hundreds of young men, who have received a purely literary education, go about knocking at every office door without any clear idea as to where their proper vocation lies. In the competition for employment, the jobs for which boys with an ordinary High School Education would be adequately suited are taken by University graduates. If a careful statistical survey were made of unemployment among University graduates, perhaps not more than 20 per cent. would be found absolutely unemployed, but the numbers of those inadequately or unsuitably employed would probably exceed 50 per cent. This means that only 30 per cent. of the University products can be said to have secured employment of a type which is in keeping with their attainments or commensurate with the time and money which have been spent on their education.

Only a brief reference need be made to other defects to which attention has been called over a number of years. There can be no doubt that a great deal too much importance is attached to examinations and that the examinations themselves put a premium on book learning of a narrow kind at the expense of original thinking and real scholarship. It is not less true that over-crowded lecture rooms and over-worked lecturers are not conducive to that personal contact between students and teachers from which the greatest benefits of a university life may often be derived. The tutorial system is in a very embryonic stage in most Indian Universities. Nor do Colleges and Universities as a rule excite the same spirit of loyalty and obligations as is usual in other countries; the conception of a place of learning as an alma mater in the real sense is limited to comparatively few. While in many universities and many faculties, notably science, work of first class stan-

dard is being done, it cannot be said on the whole that Indian Universities are yet producing either in quality or quantity the leaders and experts in all phases of national life whom this country is likely to need urgently in the near future.

The real trouble in these and other respects lies in the fact that neither private benefactions nor grants from public funds have yet been on such a scale as to place universities in a position of financial stability. So long as they remain largely dependent on student and examination fees, they can hardly be expected to put such restrictions on admissions as would allow high standards to be maintained and the risks of educated unemployment to be minimised. Nor for the same reason are they able to finance new developments which might open up fresh avenues of profitable employment. There has been a general lack of planning in University education, and both Central and Provincial Governments have yielded to popular pressure in bringing Universities into existence without providing the necessary resources to enable them to function on sound lines. It has yet to be appreciated in many quarters that to run education on the cheap is the falsest of false economies. Moreover, Universities have been gravely handicapped by the fact that the education given in most high schools has been a very inadequate preparation for a University career. In the absence of any proper selection beyond what is provided by an admittedly easy matriculation examination, they have opened their doors to many students whom a more searching test would have debarred from entry. The position is further complicated by the absence of any general and liberal arrangements for assisting students of real ability who are prevented by poverty from seeking admission to Universities. Most Universities, beyond offering a few free places or scholarships to needy students, have no system of maintenance grants to enable such students to participate fully in university life.

An examination of the distribution of students in the principal faculties of the Universities for 1941–42 (see Appendix—Table D)[1] reveals that out of a total of 43,742 undergraduates in the B.A. and B.Sc. classes, 32,972 are in the arts group, and less than one-third are in science faculties. Among the professional subjects, Law appears to attract many more than can expect to make a decent living by its practice. Universities have for many years followed the policy of unlimited admissions to courses of studies, especially in the case of arts, where an increased number of students has meant very little extension of financial responsibility.

12. *Summary of the main conclusions in this chapter*

(a) Indian Universities, as they exist to-day, despite many admirable features do not fully satisfy the requirements of a national system of education.

(b) In order to raise standards all round, the conditions for admission must be revised with the object of ensuring that all students are capable of taking full advantage of a University Course. The proposed re-organization of the High School system will facilitate this. Adequate financial assistance must be provided for poor students.

[1] Omitted.

(c) The present Intermediate course should be abolished. Ultimately the whole of this course should be covered in the High School but as an immediate step the first year of the course should be transferred to High Schools and the second to Universities.

(d) The minimum length of a University degree course should be three years.

(e) The tutorial system should be widely extended and closer personal contacts established between teachers and students.

(f) The importance of establishing a high standard in post-graduate studies and particularly in pure and applied research should be emphasised.

(g) Steps should be taken to improve the conditions of service, including remuneration, of University and College teachers where those now in operation are not attracting men and women of the requisite calibre.

(h) An Indian University Grants Committee should be constituted for the purposes and with the terms of reference set out in this chapter.

(i) To provide for the increased number of able and well-prepared students which a national system of High Schools may be expected to produce, approximately 2,40,000 places, or double the existing number, should be available in Universities.

(j) The estimated total net annual cost of the scheme for University Education set out in this chapter when in full operation is Rs. 6,72 lakhs.

SELECT GLOSSARY

(For a fuller glossary of Indo-Pakistani terms see
Handbook of Oriental History, ed. C. H. Philips, 1951)

ABWAB. Taxes which were imposed under the Muhammadan governments in addition to the regular assessment on the land.

ADALAT. A court of justice.

AHIMSA. The Hindu doctrine of non-violence; particularly linked in political use with Mahatma Gandhi.

AKHBAR. News, intelligence, a newspaper.

AMIR. A Muhammadan of high rank.

ASHRAM. Hermitage.

BABU. Properly a title of respect attached to a name as 'Mr.' or 'Esq.' and formerly applied to persons of distinction. Now often used disparagingly; sometimes signifying a native clerk who writes English.

BANDE MATARAM. 'Hail to thee, Mother', a song composed by Bankim Chandra Chatterji shortly after the Indian Mutiny. It gained acceptance in the early twentieth century as an Indian national anthem and is sung at Congress functions.

BANIA (BANYA). A Hindu of the trading caste.

BARGA. An agreement by which the cultivator engages to pay the landlord half the produce, the latter providing half the seed, and paying the whole revenue.

BEGUM. A princess, a Muslim lady of rank. Now used in the sense of Mrs.

BHADRALOK (BHADRALOG). Respectable, well-to-do people.

BHATA (BATTA). Additional pay or allowance to public servants or soldiers employed on special duties.

BIGHA. A measure of land, varying in extent in different parts of India. In the north-west the standard bigha is equal to five-eighths of an acre; in Bengal to one-third of an acre.

BRAHMA. One of the chief Hindu deities; the creator.

BRAHMAN. A man of the first rank of priestly caste of Hindus.

CHAIT, corruptly CHEIT. A month of the Hindu year (March–April).

CHAMAR. A man of low caste, whose business is working in hides and leather, a currier, a tanner, a shoemaker, a harness-maker, and the like.

CHAUKIDAR. A watchman, police or customs peon.

CHAUPAL (CHOWPAL). A shed in which the village community assemble for public business.

CHAUR corruptly, CHOWREE. An extensive tract of low land (Eastern U.P.). A large open space in a forest (Rohilkhand).

CIRCARS. The territory to the north of the Coromandel coast.

CRORE. A hundred lakhs, or ten million.

DARBAR (DURBAR). A court, an audience or levee: or executive government of an Indian State.

DAROGHA. Under the Company's police system the Darogha was a head constable.

DIWAN. A royal court, a council of state, a tribunal of revenue or justice. A minister or chief officer of state.

DUBASHE (DUBASI). One who speaks two languages; an interpreter.

DURGA. A goddess especially popular in Bengal; destroyer of evil beings and oppressors; wife of one of the Hindu dieties, Siva.

FASLI, corruptly, FASSILY, FUSLY. The harvest year—a mode of computing time prevailing throughout India, and one of the forms used in giving a date to all public orders and regulations. This era was introduced by emperor Akbar as a new mode of computing time.

FAUJDAR. Under the Mughal Government, an officer who was head of the police and also a magistrate; under the British Government, the head police officer of a city or taluka; in some places a village constable.

FAUJDARI ADALAT. Until 1862 a criminal court under the East India Company at Madras and Bombay, usually called Nizamat Adalat in Bengal.

GADI. The seat of rank or royalty.

GARBHADHANA. A ceremony performed on the first indications of pregnancy; one of the Sanskaras, or essential rites of the Hindus.

GHATWAL. A ferryman; a member of a class of landholders in Birbhum, holding lands under a peculiar tenure.

HARIJAN. A term (People of God) coined by Mahatma Gandhi for 'untouchables'.

HARTAL. Strike.

HAVALADAR (HAVILDAR). Under the British a sepoy non-commissioned officer corresponding to sergeant.

IZZAT. Honour, credit, reputation, character.

JAGIR. A village or district assigned to any person for the internal government and enjoyment of the revenue thereof. But these distinctions have ceased, and existing jagirs are hereditary and free of service.

JAGIRDAR. The holder of a jagir.

JAMA (JAMMA). Amount, aggregate, total in general, but applied especially to the debit or receipt side of an account, and to the rental of an estate, also to the total amount of revenue payable by a cultivator or a zamindar.

JAMA-BANDI. Settlement of the amount of revenue assessed upon an estate, a village, or district.

JATRA. A pilgrimage to a place of reputed sanctity; in the south, a festival in honour of a divinity.

JETH. The second month of the Hindu year.

KABULIYAT. A written agreement; especially one signifying assent, as the counterpart of a revenue lease, or a document in which a payer of revenue expresses his consent to pay the amount assessed upon his land.

KACHHERI (CUTCHERRY). A court hall; an office where any public business is transacted.

KANUNGO. SEE QANUNGO.

KHADDAR (KHADI). Hand-spun and hand-woven cloth.

KHAMAR (KHOMAR) RAIYAT. A cultivator who pays his rent in kind.

KHAN. A prince, a chief. Also a common adjunct to Afghan or Pathan names.

KHOT. A farmer of land revenue.

KISAN. Peasant.

KOS (COSS). A measure of distance varying in different parts of India from one to two miles.

KOTWAL. City governor; chief officer of police; commander of a fort.

KULINA (COOLIN). Of a good family; it is applied in Bengal especially to designate a class of Brahmans who take precedence over all other Brahmans, and to whom the latter are anxious to wed their daughters.

KUMBI (KUNBI). The name of the chief agricultural caste in central, western, and southern India, whence it sometimes means a husbandman, a peasant, or cultivator in general.

LAKH. One hundred thousand.

LAKSHMI. The wife of the diety, Vishnu, and goddess of wealth and prosperity.

LAMBARDAR. In Bengal—the cultivator who, either on his own account or as the representative of other members of the village, paid the government dues and was registered in the collector's roll according to his number. In the Punjab and North-West Provinces it denotes the head of a village.

LAMBARDARI. The office or duty of a Lambardar.

MADRASA. A college, an academy.

MAKTAB. A Muhammadan school; applied now only to indigenous schools.

MALKACHAHRI (MALCUTCHERRY). A revenue court, hall, or office.

MAMLATDAR. The head revenue native officer of a district.

MARWARI. A native of Marwar in Rajputana, often settled in other parts of India and usually following the business of banker, broker, and merchant.

MASNAD. A cushion or any padded seat against which a person reclines. The seat of rank or royalty.

MAULANA. The title of a person of learning or respectability; teacher, doctor.

MAULAVI. A learned Muslim, a doctor of law, a teacher of Arabic.

MEER (MIR). A chief, a head or leader.

MITTA. Subdivision of a district; a revenue estate created in the Madras territories under the permanent settlement.

MITTADAR. The holder or proprietor of an estate forming the subdivision of a district.

MUFASSAL (MOFUSSIL). The country as opposed to the principal town.

MUFASSAL ADALAT. A provincial court of justice.

MUHTARAFA. A tax on trades and professions, or on artificers.

MUKHTAR (MUKHTEEAR). An agent, a representative, an attorney; employed in legal affairs but not allowed in general to plead like a *vakil.*

MUNSIF. A judge, applied under the Company to a native civil judge of the lowest rank. Later, a summary civil court of first instance.

NAIB. A deputy, a representative, a viceroy, a sub- or deputy-collector.

NAWAB (NABOB). A viceroy or chief governor under the Mughals. From this use it became a title of rank conferred on Muhammadan gentlemen of rank.

NIJ-JOT, corruptly NEAJJOTE. Lands cultivated by the proprietors or revenue payers by themselves, and for their own benefit.

NIZAMAT ADALAT. A criminal court of the East India Company.

PANDIT. One learned in Sanskrit lore. Today the term is used as an honorific and bestowed on distinguished Hindus of the highest caste.

PANCHAYAT. A native court of arbitration (properly of five persons), chosen by the parties themselves or by the officers of government for the determination of petty disputes.

PARGANA. A subdivision of a district comprising numerous villages.

PARWANA. An order, a written precept, or command from one in authority to a dependant.

PATWARI. A village accountant, whose duty it was to keep and produce, when required by government officers, all accounts relating to lands.

PESHKASH (PESHCUSH). Tax, tribute paid to government, especially on first receiving an appointment.

POLIGAR. A class of semi-feudal petty chieftains in south India.

POTTAH (PATTA). A document specifying the condition on which lands are held; a lease or other documents securing rights in land or house property.

PURANA. A Hindu sacred book of later composition than the Vedas.

PURNA SWARAJ. Complete independence.

QANUNGO. An expounder of the laws, but applied in India especially to village and district revenue-officers.

QAZI. A Muslim judge appointed under Muslim Governments to administer civil and criminal law, chiefly in towns. Under the East India Company these judicial capacities ceased, and, excepting for their employment as legal advisers on Muslim law in the courts, their duties were confined to the preparation and attestation of deeds of conveyance and other legal documents and the general superintendence and legalization of the ceremonies of marriage, funerals, and other Muslim domestic occurrences.

QURAN. Literally 'the reading'. The name of the sacred book of the Muslims.

RAIYAT (RAYAT, RYOT). A cultivator, a peasant.

RAIYATWARI. A system under which the revenue-settlement was made by government officers with each actual cultivator of the soil for a given term, without the intervention of a third party.

RAJ. A kingdom, a rule, sovereignty.

RAJA. A king, prince. A title given by Indian Governments to Hindus of rank.

RISHI. An inspired sage, the author or teacher of sacred works; in ordinary use it is applied to any Hindu ascetic of superior sanctity.

SABHA. An assembly, or hall of audience. In ancient India also the circle of advisers round the emperor or raja.

SADHU. A religious ascetic; applied also to a person leading a pious life.

SADR-DIWANI-ADALAT. The chief civil court.

SADR-FAUJDARI or NIZAMAT-ADALAT. The chief criminal court.

SAHIB. A master: a respectable European's designation like Mr., Sir.

SAHUKAR. A banker.

SANAD (SUNNUD). A grant, a charter. A document conveying to an individual emoluments, titles, privileges, offices, or the rights to revenue from land.

SANGHATAN. Unity.

SANNYASI. The Hindu of the fourth order, who has renounced the world and lives by mendicancy.

SARDAR, incorrectly SIRDAR. A chief, a headman, a commander.

SASTRA. A scripture, a work of authority, especially one attributed to an inspired writer; thus, a *Dharma-Sastra* may imply the code of Manu.

SATI. The rite of widow-burning practised especially among the Rajput: a Hindu wife who consummated a life of duty by burning herself on the funeral pile of her husband. The rite was forbidden by the East India Company in 1829.

SATYAGRAHA. (Literally, 'insistence on truth'.) Non-violent resistance.

SAUKAR. See SAHUKAR.

SENAPATI. A general, a commander-in-chief.

SHOROFF (SHROFF). A money-changer. Also, an expert employed in banks and treasuries to examine money.

SIKKA (SICCA). A coining die, a stamp, royal signet; a stamped coin, especially of the kings of Delhi, adopted also by the East India Company.

SIR. A name applied to the lands in a village which were cultivated by the hereditary proprietors of village zamindars themselves as their own special share.

SOWKAR. See SAHUKAR.

SWADESHI. ('Of one's own country.') Made in India. The name given to the political movement, first beginning in Bengal in 1905, to boycott foreign goods.

SWARAJ. Self-government; the share of a revenue claimed by the Marathas from any conquered country.

TAKAVI. See TAQAVI.

TALUKDAR. The holder of a taluk or estate. The talukdars of upper India, following the settlement made after the mutiny, corresponded to the zamindars of Bengal.

TANGAL. A small natural pond or reservoir.

TANGALI. A seller of betel leaves.

TAQAVI. An advance of money made by government to a cultivator at the time of sowing, to be repaid at the time of harvest.

THAGI (THUGI). The practice of strangling and robbing.

TOLA. In Bengali, the suburb of a town or village: in Hindi, a certain weight, especially of silver, containing a varying number of *mashas*.

VAKIL. See WAKIL.

VEDA. The name of the chief scriptural authorities of the Hindus: the sacred books of the Brahmans.

VISHNU. The second of the three principal deities of the Hindus, the preserving power personified.

WAKIL. In the thirteenth and fourteenth centuries the highest ceremonial officer at the Delhi court. Under the Mughals, he was the prime minister. By the nineteenth century the term meant an authorized public pleader in a court of justice.

WILAYATI (WILLAYUTEE). Foreign: the name of an era current in Orissa.

ZAGIRDAR See JAGIRDAR.

ZAMINDAR (ZEMINDAR) Literally, 'a landholder', without necessarily implying a particular claim or title. Under the Mughal power treated as the collector of revenues, removable at will. The East India Company in Bengal, Bihar, and Orissa in 1793 by the Permanent Settlement accepted all recognized zamindars and independent taluqdars as actual proprietors of the land in return for a fixed annual payment. In the northwest there exists a zamindari tenure whereby a number of proprietors or tenants hold the land in common and one of them—termed the zamindar—represents all in accepting responsibility for paying the government revenue.

ZILA (ZILLAH). A division, a district. Under the British the area under the jurisdiction of a collector, or of a collector and magistrate combined, or in the Punjab of a deputy commissioner.

INDEX

Abbott, A., 764 n.
Acharjya, Maharaja Surhyakanta, 150
Acts of the Indian Legislature: Age of Consent, 740–1; Bengal Tenancy, 145, 624–7; Child Marriage Restraint, 759–60; Co-operative Credit, 658–9; Defence of India, 211; High Court, 46; Press and Registration of Books, 169–70; Punjab Alienation of Land, 649–52; Rowlatt, 222; Vernacular Press, 29, 110–13, 116–17, 170
Acts of Parliament: Indian Councils, 12–13, 35–9, 41, 66–7, 88–90, 92; Indian Independence, 407–11; Government of India, 5–9, 202, 273–82, 320–34, 371, 377, 391, 410. Madras and Bombay Armies, 517
Afghanistan, 485–6, 491–2
Afzul, Md., 441
Age of Consent Bill, 735–40
Ahmad, Muzaffar, 259
Aitchison, C. U., 60 n.
Aiyar, Muttusami, 738
Aiyar, P. S. Sivaswamy, 285 n.
Ajudhia, Maharaja of, 132
Ali, Ameer, 137
Ali, Mohamed, 219–21
Ali, Sher, 441–2, 448–51
Ali, Shaukat, 217
All-India Hindu Mahasabha (*see under* Hindu Mahasabha)
All-India Muslim League (*see under* Muslim League)
Allison, G., 261
Ambedkar, Dr. B. R., 294–8, 301
Anderson, Captain, G. S., 103
Anderson, Sir J., 404
Andrews, C. F., 217
Anusilan Samiti, 208
Argyll, Duke of, 3, 12, 549
Aryanayakam, 338
Arya Samaj, 203
Asmar, 463
Assam, 359, 379, 400
Attlee, C. R., 318–20, 379, 391–3, 403–6
Auchinleck, General, 503, 534 n.
Azad, Abul Kalam, 244
Azim, Md., 441

Bagehot, Walter, 312
Bahadur, Maharaja Chamrajendra Wadiar, 418, 420
Bahadur, Maharaja Jagadindra Nath, 681 n.
Bahadur, Maharaja Sir Jung, 449 n, 511
Balfour, Lord, 22
Baluchistan, 239, 291, 307, 357, 359, 379, 400, 408; Khan of, 452
Banarji, Upendra Nath, 207
Banerjea, S. N., 132–3, 148, 165–6, 168, 682 n.
Banerji, Kali Charan, 133
Barbour, Sir David, 594–5, 612
Baroda, 421; Maharaja of, 148, 416, 683
Barrow, Sir Edmund, 524
Bayley, C. S., 147–9
Bayley, E. C., 44–7, 49
Beach, Sir Michael Hicks, 22
Bengal, 40, 68, 125, 156–7, 159, 169, 171, 181, 186, 196, 206, 241, 357, 359, 379–80, 398–9, 401–2, 408, 411, 638–43, 677, 679–80
Bentinck, Lord William, 105, 622
Berar, 181, 183, 428–30
Besant, Annie, 266
Bettiah, Maharaja of, 738
Bevan, Stuart, 431 n.
Bhandarkar, Dr. R. G., 738
Bhattacharji, Abinash, 207
Bhaunagar, Maharajah of, 148
Bhave, Vinoba, 338
Bhopal, 422
Bhutan, 440–1
Biddulph, Colonel John, 148
Bihar, 171
Bikaner, Maharaja of, 433–4
Blunt, Wilfrid, 167–8
Bokhara, 422–3
Bolton, C. W., 149–50
Bombay, 70–71, 155, 160, 171, 181
Bonnerjee, W. C., 132, 138, 148
Borden, Sir Robert, 499
Bose, Aanand Mohan, 133
Bourdillon, James, 127
Bradley, Benjamin Francis, 259, 261
Bray, Denys, 495–6
Brayne, F. L., 662–4
Bright, John, 92
Broderick, John, 480 n.
Broomfield, C. N., 222–4
Brown, Morgan, 147
Brunyate, J. B., 522–3
Bryce, Lord, 284, 309
Buckingham, Duke of, 50
Burdwan, Maharaja of, 729
Burke, Edmund, 403

Burma, 291, 456–60, 503–4
Burne, Owen, 105

Calcutta Madrassa, 183
Campbell-Bannerman, Sir Henry, 403, 462
Canning, Lord, 10–11, 27, 31, 40–2, 156, 421–2, 426, 507
Carr, Sir Hubert, 301
Cavour, C. B., 78
Central Provinces, 171, 181, 183
Chaman, 463
Chamberlain, Joseph, 22
Chariar, Veraraghava, 142
Charin, P. Ananda, 132
Chatterjee, Sir A., 501
Chatterji, Bankin Chandra, 117 n., 118
Chaudhri, Yotindra Nath, 150
Chelmsford, Lord, 222, 265
Chesney, George, 60 n.
Chetty, R. K. Shanmukham, 598 n.
Chin, Ivan, 487
Chitral, 464–5
Christie, J., 452
Churchill, Lord Randolph, 316
Churchill, Sir Winston, 314–17
Citrine, Walter, 259–60
Clan-na-Gael, 79
Clemenceau, G. E. B., 78
Coimbatore, 645
Conway-Gordon, Major L., 703
Coorg, 183
Cornwallis, Lord, 22, 631, 639
Cranbrook Lord, 16, 49, 509, 549 n, 554
Crerar, Sir James, 763 n.
Crew, Lord, 91–5
Cripps, Sir Stafford, 341, 371, 373, 393–7
Cromer, Lord, 77–9
Cross, Lord, 22
Cuningham, W. J., 424
Cunningham, Sir H. S., 644
Currie, Sir F., 12
Curzon, Lord, 18–24, 27, 70–4, 91–4, 147, 150–1, 156, 206, 423–6, 465, 477–9, 518–21, 564, 606, 647–9, 659–60, 707, 741–5

Dalhousie, Lord, 22, 35
Daly, Captain H., 21
Dange, Sripad Amrit, 259
Darbhanga, Maharaja of, 148, 150, 738
Darling, M. L., 660–2
Das, C. R., 226–7
Das, Hem Chandra, 207
Das, Modhu Sudan, 133
Datta, Bhupendra Nath, 207
Datta, K. L., 135 n
Datta, S. K., 298 n.
Datta, Ullaskar, 207
Davidson, J. C. C., 302
Dayanand, Swami, 120
Deane, Colonel, H. A., 21
Deb, Raja Binoi Krishna, 150
Delhi, 422
Derby, Lord, 10, 552
Desai, Ambalal S., 165
Desai, Bhulabhai, 369
Devi, Asha, 338
Din, Mahomed Shah, 79
Dorje, Lonchen Ga-den Shatra Pal-jor (Dalai Lama of Tibet), 487, 490
Duff, Sir Beauchamp, 524
Dufferin, Lord, 60 n., 64–5, 80, 138–9, 143, 564
Durand Line, 495
Durand, Sir M., 468, 471, 474–5
Dutt, C. P., 261
Dyer, General, 213–15, 224

Eastwick, Captain, W. J., 12
Eden, Sir Ashley, 21, 112, 512 n.
Elgin, James, 8th Earl, 41–2, 507
Elgin, Victor Alexander, ninth Earl, 20, 69, 464–6, 606
Elliot, C. A., 644 n.
Elphinstone, Mountstuart, 404
Engineer, N. P., 385
Evans, G. H. P., 111

Faisal, King Emir, 220
Fatiha, Mahomedan, 21
Fell, G. B. H., 523–4
Finlay, J. F., 72
Fitzpatrick, Sir Dennis, 21, 111
Fowler, Sir Henry, 22, 69–70, 465
Frederick the Great, 508
Frere, Bartle, 40–1
Furreeduddeen, Moulvi, 142

Gambetta, L., 78
Gandhi, M. K., 210, 212, 215–16, 222–3, 225–6, 228, 237, 241–6, 251, 337–42, 351, 355–60, 369, 389, 567, 678, 767, 769
Garibaldi, G., 78, 208
Garth, Sir Richard, 156
George, Lloyd, 219
Ghosh, Barindra Kumar, 206–7
Ghosh, Dr. Rash Behary, 165, 739
Gibbs, J., 124
Gidney, Sir Henry, 301
Girdlestone, C., 449
Glading, Percy, 261
Gladstone, W. E., 69, 545, 572, 601
Godley, Sir Arthur, 19, 194
Gokhale, G. K., 74, 77–8, 156–9, 163–8
Gondal, Thakur of, 148

Government of India, Resolutions, 180, 185, 218, 535–9, 732–4, 752–7
Grange, H. W., 133 n.
Greene, Wilfrid, 431 n.
Griffin, Lepel, 455–6
Gwalior, Maharaja of, 76, 520
Gyal-Tsen, Lo Sang, 481

Hailey, Sir Malcolm, 229–31, 241
Haileybury, 543–4, 546
Hamilton, Lord George, 18–19, 22–3, 70–1, 73, 147, 150, 425, 466–7, 477–80, 564, 585, 606
Hardinge, Lord, 22, 26, 92, 93, 222, 565
Hartington, Lord, 579, 631 n.
Hastings, Warren, 20
Hayah, H. M., 219
Herat, 450–1, 454
Hindu Mahasabha, 201, 253, 263–4, 361–4, 369
Hoare, Sir Samuel, 301, 313, 315
Hobart, Lord, 186
Holloway, General, 523
Holmes, Valentine, 431 n.
Horton, R. A., 258
Hossain, Syud, 219
House of Commons, Resolution, 563, 600
Hume, A. O., 78, 138–9, 141, 149, 162, 735–6
Hunter, Sir William, 175
Husain, Dr. Zakir, 338, 766 n.
Huskisson, William, 70
Hutchinson, H. L., 260
Hyderabad, 430; Nizam of, 421, 428–9

Ibbetson, D. C. J., 72, 73
Idar, Maharaja of, 20
Ilbert Bill, 29, 59, 120–2, 124, 137
Ilbert, C. P., 120–1
Indian Communist Party, 201, 253, 361, 364–9
Indian Legislative Assembly, Resolution, 528–9
Indian National Conference, 136–8
Indian National Congress, 29, 136–8, 141, 143, 146–7, 149–56, 158–62, 164–8, 171, 187–8, 201–2, 210, 216, 243, 252, 336–42, 358, 373–4, 382–4, 386–7, 391, 404, 535, 681, 683–4, 735–6
Innes, Major, 610
Inverarity, 104
Iqbal, Muhammad, 239–41
Irving, Miles, 215
Irwin, Lord, 241–2, 255–6, 286, 302, 316
Islam, Seraj-ul, 132
Iyengar, Bhashyam, 132
Iyer, Sir Sivaswamy, 230

Jack, Major, 640
Jackson, Sir Charles, 610
Jaipore, Maharaja of, 738
Jajoo, Krishna Das, 338
Jallianwala Bagh, 210–15, 222
Jan, Abdullah, 448, 451
Jhallawar, Rana of, 20
Jinnah, M. A., 235, 285 n., 347–62, 385, 389, 438
Joshi, P. C., 366 n., 368–9

Kabul, 443, 445, 447, 450–2
Kalelkar, Kakasahab, 338
Kandhar, 445, 455, 479
Karakhan, M., 254–5
Kashmir, 465; Maharaja of, 520
Kaufman, General, 442
Kelkar, N. C., 165
Keynes, J. M., 613 n.
Khan, Abdur Rahman, 455
Khan, Aga, 190 n, 235 n., 301
Khan, Amir Amunulla, 491–2
Khan, Fateh, 214
Khan, Ibrahim, 455
Khan, Liaquat Ali, 385, 389
Khan, Muhammad Yakub, 456
Khan, Nawab Mohammed Isamil, 385
Khan, Saleh Muhammad, 492
Khan, Syed Ahmed, 27, 29, 30, 173, 178–80 185, 187
Khelat, 447
Khilafat, 213, 219–21, 223
Khiva, 442
Kidwai, Raji Ahmad, 244
Kimberley, Lord, 461–3, 465, 563 n.
Kitchener, Lord, 167
Kitchlew, Dr. S., 210
Klishko, Nikolai, 254
Knight, Robert, 105
Kohima, 441
Kokand, 442
Kuch Behar, Maharaja of, 520
Kumarappa, J. C., 338

Lal, Jagat Narayan, 358
Lansdowne, Lord, 22, 67–9, 92, 130, 461–3, 606, 736–40
Law, Raja Durga Churn, 739
Law, Sir E. F., 72
Lawes, Sir J., 657
Lawrence, Lord, 12, 416–17, 441–2, 453, 461–2, 465, 509–12, 535, 579–80, 584, 753
Lawrence, Sir Henry, 518, 623
Layard, Sir H., 451 n.
League of Nations, 499–502
Lee Warner, Sir William, 148, 477
Lasha, 440

Liddell, Dr., 552
Lindsay, Judge, 761
Linlithgow, Lord, 334–5
Listowel, Lord, 406–7
Lothian, Lord, 302
Lyall, Sir Alfred, 22
Lytton, Edward Robert, first Earl, 16–17, 49, 110–13, 183, 417, 446 n., 449–55, 465, 535, 545–7, 554, 585–6, 669–70

Macaulay, Lord, 552–3, 742
MacDonnell, Sir Antony, 22, 564
Maclean, Sir Francis William, 79, 193
Madras, 70–1, 125, 155, 160, 171, 181
Mahatab, H. K., 385
Maine, Sir H., 580
Malaviya, M. M., 165
Malmesbury, Lord, 10
Maloney, T., 693
Manchester, 604
Mandlik, Visnarain, 137
Manipur, 423, 458
Manu, 576
Marshall, Dr. A., 135
Marsham, 622
Martin, W., 623
Mashruwala, Kishorilal, 338
Massey, W. N., 580
Matthai, Dr. John, 385
Mayo, Lord, 29, 180, 583–4, 586
Mazumdar, P. C., 739
Mazzini, G., 78, 208
McMahon Line, 487–90
McMahon, Sir Arthur Henry, 194, 487, 490
Meerut Communist Conspiracy Case, 201, 258–63
Mehta, P. M., 132
Mehta, Sir Pherozeshah, 164, 166
Melville, Maxwell, 610
Meston Award, 285
Meston, Sir James, 203, 499
Metcalf, Sir Charles, Lord, 112, 621–2
Milton, John, 416
Minto, Lord, 28, 74–80, 86, 164, 168, 190, 193–4, 426–7
Mitter, Rai, Ishan Chunder, 133
Mitter, Sir Romesh Chundler, 739–40
Mittra, Nagendra Nath, 150
Mittra, Raja Digamber, 150
Montagu, Edwin, 93–4, 265–6, 405, 502
Mookerjee, Shyma Prasad, 369
Morgan, E. C., 112
Morley, Lord, 3, 28, 74–7, 79 n., 80, 85–6, 92, 162, 166–9, 193–4
Mountbatten, Lord, 415, 437–9
Muddiman, Sir Alexander, 282 n.
Muhummud, Dost, 441
Muir, Sir William, 609–11
Mukerjee, Kanti Chunder, 738
Mukerjee, Sir Asutosh, 208
Munro, Sir Thomas, 403, 628–9
Muslim League, 29, 171, 173, 194, 201, 239, 336, 347, 353–5, 360, 375–6, 384–5
Mysore, 183, 416, 418, 421

Nadavi, Syed Sulaiman, 219
Nagpur, 164, 166
Nandi, Maharaja Monendra Chandra, 150
Naoroji, Dadabhai, 78, 139, 148, 161
Napier, Sir Robert, Lord, 584–5
Nath, Bissumbhur, 132
Nath, Manmath, 150
National Muhammadan Association, 185–6
Nazimuddin, Khwaja, 385
Nehru, Jawaharlal, 246–52, 259–60, 336, 343–6, 348–50, 367–8, 385, 387–90
Nehru, Motilal, 226–8, 235
Nejd, 445
Nevinson, H., 165
Nicholson, F.A., 645
Nishtar, Abdur Rab, 385
Northbrook, Lord, 22, 106, 110, 112, 451, 606
Northcote, Sir Stafford, 17–18, 416–17, 441, 537 n
North-West Provinces, 34, 39, 41, 151, 181, 183, 239, 291, 300, 357, 359, 379, 399, 408
Norton, Eardly, 132
Nugent, J., 736
Nulkar, K. L., 738

O'Connell, Dan, 165
Olivier, Lord, 224
Oudh, 151, 181, 183; Rent Bill, 145

Pal, Bepin Chandra, 78
Palanpur, Nawab of, 422
Panna, Maharaja of, 20
Pant, Gouind Ballabh, 244
Paranjpye, R. P., 285 n.
Parnell, Charles Stewart, 165
Patel, Vallabhbhai, 244, 385, 436–8
Paul, Gregory C., 111
Peel, Jonathan, 506 n.
Peel, Sir Robert, 576
Peile, Sir James, 22
Percy, Lord, 302
Persia, 467–76, 483–4
Phipps, Henry, 656–7
Plomer, R. C. A., 214
Porter, Sir Leslie, 98
Prasad, Dr. Rajendra, 385
Prendergast, General, 459–60
Prinsep, H. T., 12

Punjab, 34, 39, 151, 171, 181, 183, 239, 241, 357, 359, 379–80, 398–9, 401–2, 408–9, 411, 662, 677–8, 680–1

Quetta, 451–2

Radcliffe, Sir Cyril, 680 n
Raghavaiyangar, S. Srinivasa, 102 n., 109 n., 125 n.
Rahman, Ameer Abdur, 485
Rai, Lala Lajpat, 167–8, 217
Rajagopalachari, C., 355–6, 358, 385
Ram, Jagjivan, 385
Ram Krishna Mission, 206
Rambuksh, 142
Ramnad, Raja of, 148
Ranade, M. G., 157
Ranadive, B. T., 675
Raskolnikov, 253–5
Rawlinson, General Lord, 529–30
Rawlinson, Sir H. C., 442–4
Reading, Lord, 428–31
Reed, Sir S., 405
Rendel, A. M., 702
Revaz, C. M., 72, 646 n.
Ripon, Lord, 70, 123, 156, 457, 518, 552–4, 606
Risley, Sir Herbert, 169–71
Roberts, General, 462, 466–7, 516
Robertson, Thomas, 703 n.
Rose, Sir H., 507–8
Rosebery, Lord, 464
Ross, H. M., 617–8
Rowlatt Bills, 211–13
Roy, M. N., 261
Roy, Maharaja Jagadindranath, 132, 150
Roy, Raja Sashishikaseshwar, 150
Russell, Sir John, 639

Sadler, Sir M. E., 757
Salisbury, Lord, 3, 14 n., 17, 18, 22, 112, 313–14, 473, 475, 545, 552–3
Samarkand, 442
Sandeman, Sir R. G., 495
Sandhurst, 528–32
Saood, Mir, 446
Sapru, T. B., 285 n., 303, 772
Sarda, Harbilas, 764
Sassoon, Sir Victor, 713
Sastri, Srinivasa, 240
Satyapal, Dr., 210
Savarkar, V. D., 263 n., 361–4
Sayani, R. M., 132
Scott, Leslie, 431 n.
Segowlie, treaty of, 497
Seistan, 471
Selvan, Pannir, 301
Sen, Guru Prasad, 133
Sen, Jatra Mohan, 133
Sen, Narendra Nath, 133
Seshaiyar, Prof., 128
Shah, K. T., 338, 684
Shah, Syed Nur Mahomed, 451
Shah, Syud Lall, 452
Sharnamayi, Maharani, 150
Shumiatsky, M., 253
Sikkim, 440, 460–1, 477, 481, 490
Simon, Sir John, 287, 290, 532
Sind, 186, 237, 239, 300, 357, 359, 379, 399, 408
Singh, Raja Deonarain, 729–30
Singh, Maharja Sir Lakshmiswar, 132
Singh, Saligram, 133
Singh, Sardar Baldev, 385, 389–90
Singh, Sir Harnam, 646
Singh, Sir Pratap, 520
Sinha, Sir S. P., 499
Sipassi (Khushi Muhammad), 261
Siyuddin, K. G., 338
Skrine, F. H. B., 124 n.
Smith, Baird, 628
Smith, Dunlop, 79
Smuts, General, 403
Sokolnikov, M., 255
Somervill, Donald, 431 n.
Spratt, Philip, 259, 261
Stalin, J. V., 366
Stanley, Lord, 4–5
Stein, Dr., 21
Stephen, Sir James Fitzjames, 27, 56–60, 79, 193
Strachey, General, 702
Strachey, J., 668
Suez Canal, 440
Sylhet, 408–9

Tagore, Debendra Nath, 150
Tagore, Maharaja Jotendra Mohan, 112, 150
Tagore, Rabindranath, 251
Tagore, Sir Surendra Mohan, 150
Tata, J. N., 687
Tata, J. R. D., 697 n.
Tata, Sir Dorab, 148, 204–5
Telang, Kashinath Trembuck, 138, 738
Temple, Sir Richard, 49
Thakurdas, Sir Purshotamdas, 697 n., 712 n.
Theebaw, King, 457–9
Thengdi, Dhondi Raj, 262
Theosophical Society, 203
Thompson, Sir Rivers, 634, 636
Thring, Dr., 742
Tibet, 460–1, 477–8, 481–3, 486–90
Tilak, B. G., 29, 78, 129, 146, 161–3, 165, 224, 266
Touche, La, 644–5

Travancore, Maharaja of, 738
Trevelyan, Sir Charles, 572–7, 579–80
Tucker, Henry St. G., 609
Tupp, A. C., 553

Udaipur, 432
United Provinces, 171
Usmani, Shaukat, 259

Victoria, Queen, 3, 10
Vivekananda, Swami, 127, 203, 206, 208
Vizianagram, Maharaja of, 148, 738
Voeleker, Dr. J. A., 645 n., 656

Wahabi, 28
Wattal, P. K., 675
Wavell, Lord, 376–8, 503
Waziristan, 461–2
Wedderburn, Sir William, 77, 145, 147, 150, 164
Wellesley, Lord, 22
Wellington, Duke of, 70, 515
Westland, James, 60 n., 603–5, 703
White, Sir G., 465
Willoughby, J.P., 12
Wilson, James, 569–74, 605
Wingate, Sir G., 103
Winterton, Lord, 405
Wodehouse, Sir P., 50
Wood, S. H., 764 n.
Wood, Sir Charles, 11–12, 27, 31, 35, 40–43, 507–8, 579–80

Yajnik, Javerilal Umaishankar, 738
Yorke, R. L., 260 n.
Younghusband, Colonel, F. E., 481

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