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Is India Ready for Dominion Status in the British Commonwealth of Nations

Clarence Frederick Duncan

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IS INDIA READY FOR DOMINION STATUS IN THE BRITISH
COMMONWEALTH OF NATIONS

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A Thesis Submitted in Candidacy for
the Degree of Master of Arts

By
Clarence F. ^{Frederick} Duncan

University of North Dakota

June, 1933

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IS INDIA READY FOR DOMINION STATUS IN THE BRITISH
COMMONWEALTH OF NATIONS

INTRODUCTION

The basis upon which an intelligent opinion of the Anglo-Indian question can be formed must obviously be the nature of the information and data which is available. The quantity of information which is available on this subject is appalling. A survey of the periodical literature in the University of North Dakota library, excluding irrelevant material, reveals two hundred seventy one different articles in twenty-seven periodicals dealing with seventeen general topics written about Indian affairs since 1928. A specific phase of each general topic is discussed in each of the various articles. Similarly, books that have been written concerning India during this same period show a wide range of subject matter. There are sixty-four books, divided into six broad categories of subject matter listed in Public Affairs Information Service for the years 1928 to 1932 inclusive. Each book deals with a specific topic under the broader heading. This is but a fraction of the literature now extant concerning British rule in India. Nevertheless it is probably sufficient to illustrate the fact that in order to see secure a well-rounded opinion of the Indian question a reader is forced to peruse a vast amount of literature. Furthermore, much of this literature assumes that the reader has at least an

elementary knowledge of the fundamental facts in the whole complex problem. Because of this assumption it is extremely difficult for the reader to obtain a true perspective of the Indian question.

Further than this in regard to the quality of literature on India which is available in America, it has been said that:¹

"The British have become disturbed about the American attitude toward India, and quite rightly so. There is hardly any other question at present which constitutes a more serious threat to the friendly relations between the two powers.

"Two blanket charges are made: first, that American periodicals which present the Indian case are deliberately unfair to Britain; and second, that due to the false statements about India in American Journals and books, opinion in this country has been led astray, the inference being that were it not for these falsehoods, opinion here would favor the British cause."

These statements represent the British viewpoint on the question in hand. The Indian reaction on this question is stated by M.K.Gandhi. He says, "The ordinary literature you get (in America)^{*} is either exaggerated villification of India or exaggerated praise."²

If these statements are well founded, then, what is the truth about India? Is India ready for Home Rule and Dominion Status or are the people of India still in need of a supervising authority?

1. Editorial, "American Opinion and India", New Republic, 64:5-6, August 20, 1930

2. Mukerji, Dhan Gopal, A Son of Mother India Answers, p 77 Quoting Mr. Gandhi.

* Words in parenthesis are my own.

In order to understand and appreciate the literature now available on India as well as to evaluate it, there is need for a student of the Indian problem to have a perspective of India based on a knowledge of the fundamental organization of government, of the complexity of social conditions and of the Indian's exact position in the whole scheme of British institutions. Such information is not generally available. Therefore it is the purpose of this thesis to set forth such data and to draw some conclusions from them in regard to the progress the Indian has made toward proficiency in administering democratic institutions. If in this way a few more facts can be made available for students interested in British-Indian relations perhaps this work will be justified.

Statement of the Problem

Briefly, this thesis is an attempt to discover and set forth the basic facts in the following propositions:

1. The organization of the first British political system in India.
2. The Indian's status under this system
3. First steps to introduce the Indian into the government services
4. The set-up of the government under the Reforms of 1919
5. Indianization of the Government of India

6. Number of Indians now experienced in administering government
7. Indianization of the administrative services and judiciary
8. Indianization of the army
9. The relation of the Native States to the British System
10. The geography and political divisions of India
11. Nature of the population racially and culturally
12. The influence of religion on the life of the people
13. Population in rural districts
14. Urban centers a special problem
15. Evidence that Indians can manage "responsible" legislatures
16. The Indian in executive positions
17. Effectiveness of Indian police
18. The problem of the Indian Army

It is hoped that the data presented and the discussion of the above propositions will indicate the probable answer to our major problem, Is India Ready for Dominion Status in the British Commonwealth of Nations.

Delimitation of the Problem

Any attempt to arrive at a reasonable solution of the problem as stated in the title of this study necessitates a survey of Anglo-Indian relations and of the social and economic background in which the government of India must function. It is obvious from the above outline of this problem that space does not permit an elaborate treatment of each factor in a work of this kind. For this reason only those elements which are basic in character will be set forth.

This study is further limited to the field in which generalizations can be applied. This limitation is necessary because of the heterogeneous nature of the political divisions and of the population in India, and because the ultimate conclusions must be applicable to India as a whole. For this reason the facts set forth represent the general situation rather than specific and isolated cases. Where specific cases are cited they are selected as being typical of the general situation.

This study is limited still further by the nature of the data which are used. No attempt is here being made to either justify or to discredit the British rule in India. Neither is this an attempt to either defend or to disparage the claims of the Indians who are demanding "Home Rule" and "Dominion Status". All data selected are of a neutral character in so far as possible. That is, only facts which are recognized by both the British and the Indians as fundamental elements in the problem are used.

A further limitation of the problem in hand is necessitated by conflicts in the British and Indian opinion as regards the definition of terms. There is a decided difference of opinion in regard to the connotation of the term "Dominion Status". This difference is pointed out by the Round Table. We read, "In England it (Dominion Status) implies a constitution like that in Canada with every British official and the whole British army withdrawn, and a Viceroy who is no more than a figurehead. In India the emphasis seems to be far more on the word 'Status' than on the full implication of the term 'responsible government'." In this study the British definition is used as the criterion in drawing final conclusions.

Methods of Procedure

The principal methods used in the development of this study are historical and analytical. Statistics are freely used where such evidence has a bearing on the subject in hand. The steps in the general procedure may be listed as follows:

- I. The analysis of current literature on the general subject of British rule in India
- II. The selection of documentary sources of data
- III. The presentation of evidence of the Indian's experience in government services
- IV. The analysis of social and economic conditions in India
- V. The presentation of evidence in regard to the Indian's proficiency in administering government
- VI. The evaluation of data presented and conclusions

3. Round Table, A Quarterly Review of the Politics of the British Empire, Vol. 20, p 806-7

No attempt is made to weight the various items of evidence in this study. Such a procedure is unnecessary because of the fact that only such items as are vital to the problem are included, and if any of these items are found wanting the conclusion, must be modified accordingly. For example, the problem is to determine if possible whether India is ready for Dominion Status or not. But, this infers that India is ready for two preliminary steps, unification and federation. If the data set forth tend to show that India cannot be either unified or federated at the present time then the final conclusion in regard to our problem must be negative.

Sources of Material

A brief description of the sources from which the data for this study was gathered is as follows. The official documents used included: the Indian Statutory Commission Report; three volumes published in 1930, which contains a survey of conditions in India, the recommendations of the committee, and the reports of the committees appointed by the Provincial Legislative Councils to co-operate with the Commission: Memoranda Submitted by the several Provincial Governments and by the Government of India to the Statutory Commission, nine volumes: Report of the Indian Franchise Committee, 1928, one volume: East India (progress and conditions) 1927-28, 1928-29, 1929-30, three volumes containing a statement exhibiting their moral and material

progress and conditions of India during each year: Indian Round Table Conference Proceedings, first session November 12, 1930 to January 19, 1931: Indian Round Table Conference Proceedings, Second Session, September 7, 1931 to December 1, 1931: Same, Proceedings of the Federal Structure Committee: Government of India's Dispatch on Proposals for Constitutional Reform, 1930: Report of the Indian Central Committee, 1928-29, data submitted to Parliament presenting the Indian viewpoint: Report of the Federal Finance Committee, 1932; Report of the Indian States Inquiry Committee, 1932, makes recommendations regarding the financial relations between the States and the paramount power: Indian Yearbook, 1931, a statistical and historical annual of the Indian Empire with an explanation of the principal topics of the day: and the Report of the Joint Select Committee on the Government of India Bill.

Other sources of material used in this study are: some eight recent books on Indian topics written by persons having first hand knowledge of India and including both British and Indian viewpoints; also some thirty articles in current periodicals on Indian questions representing the different angles of the problem. For complete details concerning the above sources see the selected bibliography appended to this work.

CHAPTER I

THE INDIAN'S POSITION IN THE BRITISH POLITICAL SYSTEM IN
INDIA PRIOR TO THE REFORMS OF 1919

The Indian's first experience in assisting with the administration of a westernized form of government dates back only a short period in the history of the British political system in India. Prior to this time the Indian's experience with government was confined to the despotic rule of various princes, and to a similar rule which the British first established in India. In order to evaluate the opportunity the Indian has had to become acquainted with the political system established by the British in India at the present time, it is necessary that we review briefly the development of this system.

Eight years before the first permanent English settlement was established in America, Queen Elizabeth granted a charter to the, "Governor and Company of Merchants of London trading with the East Indies." The Company received this charter in December, 1599. It was this charter which established the first factories or commercial settlements in what is now British India. The charter resembled most of the colonial charters granted during this period with respect to the system of self-government which it created but it differed from these charters in that no authority was granted for the government of territory. The general provisions of the charter granted to the company in India were for, ".... a

1. Horne, E.A., The Political System of British India, Oxford
At The Clarendon Press, London, 1922, p 7

governor, a select executive council (the court of directors or of committees, as it was first called), and a legislative body consisting of all persons 'free of the company' (the general court); and was a constitution adapted to the transaction of both commercial and political business, the latter being chiefly concerned with the internal government, under such table by-laws, of the merchant marine of the Company and of its overseas settlements."²

Under this charter the Company established factories or trading ~~poste~~ depots at various places in India under the protection of the Mughal rulers. A depot was established at Masulipatam in eastern India in 1611 and at Surat in western India in 1612. The chief depots generally controlled sub-stations and were known as presidencies. The Madras presidency was established in 1653 and the depot at Surat became a presidency which was transferred to Bombay in 1687. The city of Calcutta founded in 1690 became a presidency in 1707.* This latter city became the seat of the supreme Government in India in 1774, a position which it held until 1912 at which time the seat of Government was moved to Delhi.³

The British policy in regard to territory as stated in the

² Ibid., p 7

³ Ibid., pp 8-9

* There are three provinces in India that are known as presidencies at the present time. These provinces are Bengal, Madras, and Bombay. See Chapter 8 of the Statutory Commission Report Vol. 1.

first charter to the Company continued in practice until the period of the Restoration (1661-87). At this time a new charter was issued to the Company which conferred powers that marked the transition of the Company from a purely commercial enterprise to territorial sovereignty, with civil and military authority.

The powers granted to the Company at this time eventually led to acquisition of territory on a rather grand scale. In ~~1752~~ 1752 Robert Clive assumed aggressive measures against the French in southern^{ly} India. Later, in 1757, Clive recovered Calcutta which had been taken by the Nawab of Bengal the previous year. Warren Hastings later established the British as rulers in Bengal in 1773 by discontinuing payment of tribute to the Mughal emperor, and by establishing a new administration in place of the native agency hitherto employed. This move received official British sanction in the following terms according to Horne. We quote; "In 1773 Parliament gave statutory sanction to the assumption of their new powers by the Company.... Thus, whereas previous statutes (dating from 1698 onwards) and the charters granted thereunder had provided for the government of the British settlements in India through civil and military powers conferred on the East India Company, the Act of 1773 provided

4 Ibid., pp 11-12

(albeit still through powers conferred on the Company) for the Government of the new and extensive territories comprising British India.⁵ The Act referred to by Horne is Lord North's Regulating Act of 1773 which also provided for a Governor-General and four councillorships to govern all the newly acquired territory. The first Governor-General under the provisions of this Act was Warren Hastings. He was granted authority over the minor presidencies in matters of general concern to British interests in India as a whole.

Lord Cornwallis of our own Revolutionary War fame succeeded Warren Hastings as Governor-General of Bengal. He insisted that he should have the constitutional right to overrule his council in matters which in his judgment vitally affected the safety and tranquility of British possessions in India. This power was granted by Act of Parliament in 1786 and, "in a slightly amended form is still preserved in Section (41(2)) of the Government of India Act."⁶ This was a decided step toward centralization of authority in the executive.

Up to the date of the Charter Act of 1833, the Governor-General and his Executive Council were authorized to make, "Rules, ordinances, and regulations for the good order and civil government" of Bengal.⁷ Thus both administrative and legislative functions were exercised by the same official group. In 1784 the

5 Ibid., pp 11-12

6. Indian Statutory Commission Report, Vol. 1, p 112 para. 128

7 Ibid., p 114 para. 131

number of members in the Executive Council was reduced to three but by the Act of 1833 a Law member was added bringing the number in the council back to four. The addition of the Law member was the beginning of a policy of gradual enlargement of the councils for legislative purposes. The Statutory Commission states that, ~~the~~ Law Member was at first not an Executive Councillor at all, but sat with the others for legislative business only.⁸

By the provisions of the Charter Act of 1833 the Governor-General of Bengal became the Governor-General of India. This Act also contained a statement of the status of His Majesty's Indian subjects. This is the most specific statement in regard to the position of the Indian under British rule that had been made up to this time. We quote;⁹

"No native of the said territories, nor any natural born subject of His Majesty/~~the~~ resident therein, shall, by reason only of his religion, place of birth, descent, color, or any of them be disabled from holding any place, office or employment under the company."

The next step in the constitutional development for India was the Act of 1853. The policy of increasing the size of the council for legislative purposes was extended by this Act. It provided that the Governor-General's Executive Council should

8 Ibid., p 114 para. 131

9 Round Table, A Quarterly Review of the Politics of the British Empire, Vol. 8, p 20 (Quoting clause 87 of the Charter Act of 1833)

be still further enlarged when transacting legislative business by the nomination of six additional members to sit with the Council. These additional members were, "the Chief Justice^C and another Judge of the Bengal Supreme Court, (which had been created at the time Warren Hastings reorganized the government),* and four officials appointed by the provincial Governments of Madras, Bombay, Bengal, and Agra. The governor-general presided and had a veto over legislative proposals."¹⁰ The Law member was made a full member of the Council by the provisions of this Act.

This policy of extending the Councils for legislative purposes probably was partly due to the need of greater co-ordination among the units of the now rather extensive British possessions in India. By the year 1857, the British held control over large areas in various parts of India. The extent of these areas is shown in Fig. 1.

Previous to 1858 Parliament regulated affairs in India through the charters granted to the East India Company. At this time Parliament assumed greater control of Indian affairs by taking over the administration formerly exercised by the Company. This was accomplished by special Act which constituted the Home Government for India on its present basis.

The Indian Councils Act of 1861 once again reorganized the Legislative Council. Its membership was increased by the

¹⁰ Indian Statutory Commission Report, Vol. 1, p 112 para. 131
 * The words in parenthesis are my own. See Horne, E.A., op. cit.
 p 11

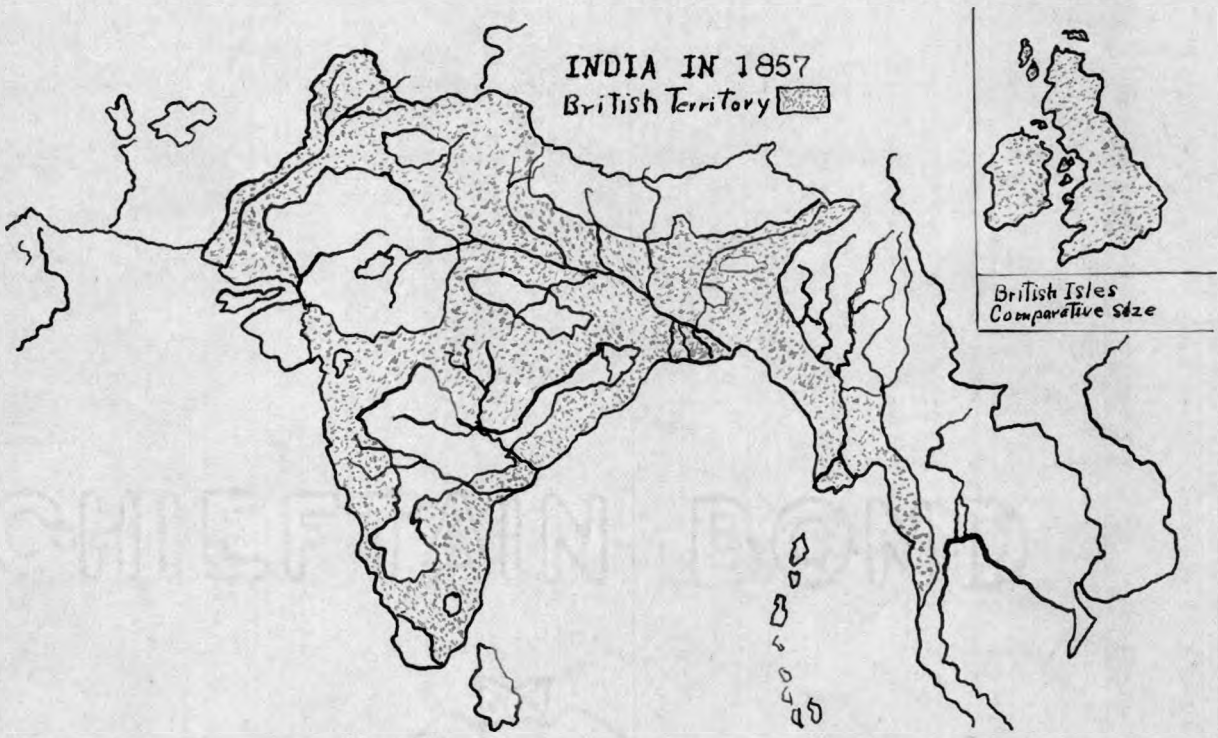


Fig. 1. Spheres of British Control in India in 1857 *

* Reproduced from map in; Robinson, Howard, The Development of the British Empire, Houghton Mifflin Co., Chicago, 1922, p 195

nomination of twelve additional members instead of only six. Half of the additional members were to be non-officials, which marked the beginning of a new policy. Non-officials are those who have no connection with the government or the civil services. This policy opened the way for some of the new seats to be filled by Indians. ^{This} ~~which~~ practice ~~which~~ was immediately adopted. Thus the Indian Councils Act of 1861 made it possible to introduce the first Indian element in the Government of India. The course of subsequent reforms has been to generally increase this element of Indian representation in the administration of Indian affairs. 11

The Indian Councils Act of 1861 also revised the government of the provinces in India. The exact status of the provinces by virtue of this revision is given in the Indian Statutory Commission Report. 12 We read;

"The Act restored to the Governments of Madras and Bombay the powers of legislation which the Act of 1833 had withdrawn, but with the difference that the Governor-General's previous sanction was needed for some classes of legislation, and his subsequent assent (as well as the Governor's) for all. The Governor-General was directed to establish a provincial council for Bengal and was empowered to set up similar councils for the North-west Provinces (i.e. Agra and Oudh) and the Punjab. This was actually done in 1886 and 1897 respectively. But the power of local legislation bestowed by the act of 1861 was not as previously exclusive: it was concurrent, so that while a provincial council might, with the Governor-General's approval legislate for its own area, the legislative power of the Governor-General

11 Ibid., p 115 para. 132

12 Ibid., p 115 para. 132

incouncil was unimpaired and extended for all purposes over the whole of the Indian territories under the British Crown. The concentration of authority at the Centre thus persisted. The other feature of the Act of 1861 which remains of contemporary importance is the power it gave to the Governor-General, in cases of emergency, to make ordinances having, for a period not exceeding six months, the force of law."

These ^{latter} provisions in revised form are still a part of the Government of India. *

It should be noted that the thought behind the Indian Councils Act of 1861 was not to create "responsible" legislative bodies but rather to increase the effectiveness of the executive in his legislative capacity through the assistance, advice, and publicity rendered by his councillors. On this point the Statutory Commission remarks; "It would be a mistake to think of the legislative councils established under the Act of 1861 as miniature parliaments or as containing the germ of responsible institutions."¹³

The first step taken toward some method of election for the councils in India was provided in the Indian Councils Act of 1892. The Statutory Commission writes, "The word 'election' was, however, never used in the statute; the process was described as nomination made on the recommendation of certain bodies" for the purpose of filling non-official seats.¹⁴ For the

13. Ibid., p 115 para. 133

14 Ibid., p 116 para. 134

* Footnote page 115 of the Statutory Commission's Report, Volume 1, refers to Section 72 of the Government of India Act which shows this revision.

central councils, recommendations were to be made by the non-official members of the provincial councils and one by the Calcutta Chamber of Commerce. Five members were added to the Legislative Council in this manner. In the provincial councils the majority of the non-official seats were to be filled by recommendations. Such recommendations were to be made by municipalities and district boards.¹⁵

Further provisions of the Act of 1892 extended the powers of the councils to include the discussion of the budget although they were not yet permitted to vote on it. There was still an official majority on the councils and there was no provision for the establishment of a parliamentary system of government. Lord Dufferin who first put forward the suggestions embodied in this Act is quoted by the Statutory Commission on the implications of its provisions.¹⁶ We read;

"Our scheme may be briefly described as a plan for the enlargement of our provincial councils for the enhancement of their status, the multiplication of their functions, the partial introduction into them of the elective principle, and the liberalization of their general character as political institutions. From this it might be concluded that we were contemplating an approach, at all events, as far as the provisions are concerned, to English parliamentary government and an English constitutional system. Such a conclusion would be very wide of the mark; and it would be wrong to leave either the India Office or the Indian public under so erroneous an impression."

15 Ibid., p 116 para. 134

16 Ibid., p 117 para. 134

It is worthy of note that from 1861 on through to the reforms of 1919, every extension of government to the Indians was fortified by statements that such extensions¹⁷⁵ were not to be interpreted as the beginning of parliamentary government in India.

The provisions of the Indian Councils Act of 1892 were extended by the statutory sanction of Parliament in 1909 as recommended by Lord Morley, Secretary of State for India, and Lord Minto, Viceroy (Governor-General) of India. The Morley-Minto Reforms replaced the nomination of members in both the Central and Provincial Councils by a form of election. The official majority in the provincial legislative councils was relinquished and the size of these bodies ~~to-a-maximum~~ increased to a maximum of fifty "additional" members in the larger provinces and to thirty in the smaller ones. The majority of these additional members were non-officials elected either by groups of local authorities, large landholders, trade associations, or by universities. In the Central Legislative Council the "additional" members were increased to sixty. Twenty-eight of these members were to be officials and twenty-seven were to be elected non-officials. Thirteen of the non-officials were to be elected by the non-official members of the provincial legislative councils, two by the chambers of Commerce of Calcutta and Bombay, six by the large landholders in the six large provinces

and six were Muhammadans elected by their own community. In this Central Council it will be observed that the Government continued to hold an official majority.¹⁷

The provision in the Reforms of 1909 concerning the representation of the Muhammadan community in the councils by vote of their own people established a precedent which opened an entirely new problem. This problem is that of communal representation based on the vote of a separate electoral roll. The Muhammadans maintained that due to a minority in numbers they were not able to command enough seats in the councils to protect their own interests. Therefore, so the Statutory Commission states, "The momentous conclusion was reached that the Muhammadan community as such should be specially represented (except in the Punjab, Burma, and the Central Provinces) by the addition of from two to five members to each council, chosen by the vote of a separate Moslem electorate."¹⁸ The subject of communal representation since that time has been a bone of bitter contention and has become a cardinal problem in every attempt to revise the electoral system.

With all these somewhat liberal changes in policy the Morley-Minto Reforms still avoided the establishment of a parliamentary system of Indian government. Lord Morley was

17 Statutory Commission Report, Vol. 1, pp 117-118 para. 135

18 Ibid., p 118 para. 135

quite emphatic in his statements against introducing such an element in the Reforms. He stated before the House of Lords that, "If it could be said that this chapter of reforms led directly or indirectly to the establishment of a parliamentary system in India, I, for one, would have nothing at all to do with it."¹⁹

Little needs to be said here in regard to the Government of India Act of 1915. It was essentially a consolidating Act, bringing together for the first time all the constitutional laws regarding India. No changes were made at this time with respect to either organization or policy in the Government of India.

The next change of policy which affected India in any measureable extent is the basis of the reforms instituted by the Government of India Act of 1919. These Reforms are in effect at the present time and will be discussed in connection with the reformed Government of India in 1938, which is the theme of Chapter II, of this thesis.

Before proceeding farther with this discussion let us recapitulate. The evolution of the Central Government in India has been traced from the organization provided in the early charters of the East India Company to the Reforms of 1919. The tendency in this section of the Government of India has been a definite but gradual strengthening of control at the Centre.

19 Ibid., pp 118-119 para. 136

The Provincial Governments have been developed by increasing the size of their legislatures and by defining their fields of jurisdiction. They have been held in a position of subordination since the establishment of the Central Government at the time Warren Hastings was made Governor-General of Bengal. Changes of policy have been traced from the simple regulation of the Company for purposes of trade, to the government of territory, through the period of expansion of territory, and finally to the adoption of the policy of extending to the Indian the right to participate in the government services. Two other significant bases of policy established concern communal representation and the refusal to institute a parliamentary system of government in India.

The development of the Home Government of India remains to be discussed. The Home Government had its inception in Lord North's Regulating Act of 1773. This Act left the original organization of the Court of Directors of the Company intact. These directors were elected and to some extent controlled by the Court of Proprietors, of which all the principal shareholders in the East India Company were members. This organization functioned as the Home Government of India in London for about
20
twelve years.

20 Horne, E.A., op. cit. , pp 62-63

Pitt's Act of 1784 made some substantial changes in the original organization of the Home Government. The authority formerly held by the Court of Proprietors over the Court of Directors was transferred to a Board of Control which represented Parliament. This Board received the name of the "Commissioners for the Affairs of India" and was composed of a president and five Privy Councillors. This established a sort of dual system of control. The Court of Directors functioned as formerly but under the control of Parliament.

The Charter Act of 1853 made another change in the organization of the Home Government. The Court of Directors was reduced from twenty-four to eighteen, of whom one-third were to be nominated by the Crown. This step prepared the way for the complete assumption of control of Indian affairs by Parliament, which was accomplished in 1858. At this time the government of India passed from the hands of the Company directly to the Crown by Act of Parliament. The Home Government was constituted on its present basis by this Act. A Secretary of State for India was provided to take the place of the President of the Board of Control; and a Council of fifteen members, which took the place of the Court of Directors was established. (The number of members in this council varies. At the present time it is composed of ten members).²¹

²¹ Ibid., pp 62-63

The Council thus established was granted certain special powers. These ^special powers concern the expenditure of votable revenues, the making of contracts for the purposes of the Government of India, and the appointments to the Civil Services. In these fields the Secretary of State is bound to abide by a majority vote of the Council. Indians are eligible for membership on this Council.

The responsibilities of the Secretary of State are outlined
22
by the Statutory Commission as follows:

"The Secretary of State for India, a member of the Cabinet, is the immediate agent of Parliament for the discharge of its responsibilities in Indian affairs, and the Government of India Act prescribes his powers.... The Secretary of State is authorized by the Act to superintend, direct and control all acts, operations and concerns which relate to the government or the revenues of India; and the Governor-General, and through him the provincial governments, are required to pay due obedience to the orders of the Secretary of State."

Thus ~~far-we-have-presented~~ the chain of constitutional responsibility, with the exceptions pointed out in the powers of the Council of India, centers in the Secretary of State for India.

Thus far we have presented the principal steps in the evolution of the present Government of India. This development can be summarized by pointing out the cardinal points of the system of government thus evolved prior to the Reforms of 1919. These points are outlined by the Statutory Commission

22 Statutory Commission Report, Vol. 1, p 180 para. 195

23

as follows:

- (1) The concentration of authority at the Centre
- (2) The control over legislative functions exercised by the executive
- (3) The ultimate responsibility of Parliament for the whole Indian Government

It is apparent from this review of the growth of the British political system in India that the Indian had been granted little opportunity to familiarize himself with responsible government prior to the Reforms of 1919. Although the number of Indians in the councils was materially increased from time to time, no element of responsibility had as yet been introduced. The function of the Indians in the councils was not materially changed after 1861 at which time they were supposed to merely increase the effectiveness of the executives in their legislative capacity through the discussion of proposed legislation, through rendering advice on certain questions, and through giving publicity to topics of legislation. The introduction of the elective principle, in as much as it was only a form of indirect election, was not particularly effective in developing an intelligent electorate until more direct methods were adopted in the Reforms of 1919.

CHAPTER II

INDIANIZATION OF THE REFORMED GOVERNMENT AND SERVICES
IN INDIA

The genesis of the reformed government in India is found in the pronouncement of Mr. E.S. Montagu, then Secretary of State for India, before the House of Commons on August 20, 1917. At this time Mr. Montagu set forth the principles of an entirely new policy to be followed by the British in India. The significance of his statement for India is pointed out by the authors of the Montagu-Chelmsford Report * in their first chapter. They declare this pronouncement to be, "The most momentous utterance ever made in India's chequered history." ¹

For this reason we quote Mr. Montagu in full.

"The policy of His Majesty's Government, with which the government of India are in complete accord, is that of increasing association of Indians in every branch of the administration and the gradual development of Self-governing institutions with a view to the progressive realization 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

1. Indian Statutory Commission Report, Vol. 1, Introduction, p 1
* This Report was made on the completion of the Survey of conditions in India in 1918 by Mr. Montagu and Lord Chelmsford, and on which the Reforms of 1919 were based.

the suggestions of representative bodies and others. "I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian people, must be judges of the time and measure of each advance, and they must be guided by the cooperation 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." 2

It appears from these statements that the ultimate goal of British policy in India at this time was Dominion Home Rule but not independence. Furthermore, it was made plain that such Home Rule could only be granted by instalments. Let us see how the Home Rule principle has been extended to the Indians.

The ~~the~~ scheme of government devised to carry into effect the provisions of this pronouncement was instituted by the Government of India Act of 1919. This Act has technically the form of an amending Act; its provisions being based on the Government of India Act of 1915, which consolidated all the previous constitutional law of India. The Government of India Act of 1919 provides the framework of India's present constitution and also facilitates the building up of the reformed system of government by means of rules supplementary to the Act. The Act of 1919, duly amended, is now known as the Government of India Act without any distinguishing date of enactment, and in it or the rules framed under it will be embodied, in the

2 Ibid., Introduction, p 2

form of amendments, all subsequent constitutional changes.³ The set-up of the Government of India as provided for in the Government of India Act is shown in Fig. 2.

It will be noted that in this set-up of the superstructure of the Government of India, all major officials are appointed by the Crown. The line of responsibility, however, does not follow directly to this same source of authority. The line of responsibility extends from the provincial executive through the central executive to the Secretary of State for India who is in turn responsible to Parliament as a member of the Cabinet. Thus, the source of authority appears to be directly from the Crown but the ultimate responsibility for the Government of India is in the hands of Parliament.

Analysing the set-up still farther it will be noted that the Council of India is appointed by the Secretary of State for India. The members of this Council can only be removed, however,⁴ by the Crown on an address of both Houses of Parliament. This is an exception to the general principle that the power to appoint carries with it the power to remove.

There was a new office created by the Reforms Act of 1919 that should be mentioned here because of its significance for India although it is not shown in the illustration, Fig. 2.

³ Horne, E.A., op. cit., p 86

⁴ Indian Statutory Commission Report, Vol. 1, p 180 para. 196

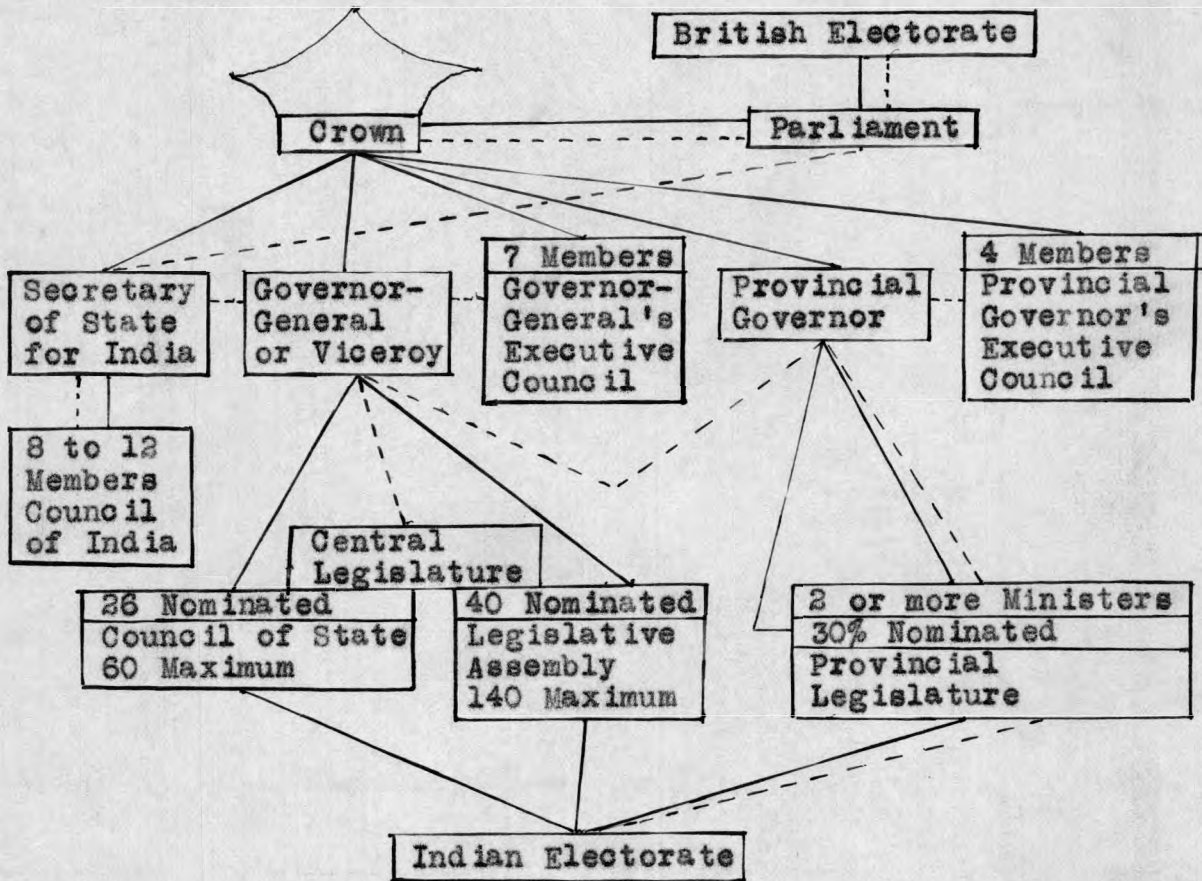


Fig. 2. ___ Set-up of the Government of India Under the Government of India Act *

* Data secured from the following sources:

1. Indian Statutory Commission Report, Vol. 1, Survey, pp 111-183 inclusive
2. Horne, E.A., The Political System of British India, pp 37-48 and pp 97-124 inclusive

This is the office of High Commissioner for India. The Commissioner, who is appointed by Order in Council, performs what are known as Agency functions. These functions previously were performed by the Secretary of State for India. The Commissioner is the accredited agent in London of the Government of India and he occupies a similar position to that of the accredited representatives of the British Dominion governments.⁵

The Indian legislatures are composed of nominated and elected members. The nominated members are selected in this manner for two purposes. In some cases nominations are made with a view to securing a spokesman for a class or community which would otherwise be unrepresented such as the Depressed Classes, Indian-Christians, Anglo-Indians, labour interests, Universities, and associated Chambers of Commerce. In other cases nominations are made to redress inequalities or to fill up an undesirable gap in the legislatures.⁶ These nominations are made from two sources, officials and non-officials. (Officials are those persons who are connected with the Government or Civil Services of India).

The electoral system established by the Reforms of 1919 has three distinctly separate divisions. One is strictly provincial and relates to electors for the provincial legislatures. The second is on the all-India basis and concerns the electorate

5 Horne, E.A., op. cit., p 124

6 Statutory Commission Report, Vol. 1, p 133 para. 146

of the Legislative Assembly, and the third which is also on the all-India basis provides the electorate for the Council of State. The qualifications for the electorate are chiefly on a property basis. The amount of property required for each of the three electorates varies. The provincial electorate has the lowest property qualification, the electorate for the Legislative Assembly a higher property qualification and the electorate for the Council of State the highest of all. Each of these three electoral divisions has two types of constituencies, a general constituency and a special constituency. The special constituency provides for communal and other minority group representation.

The franchise at the present time has been extended to relatively only a few. In 1926 the percentage of the population enfranchised was 2.8 per cent. * Provision has been made for the enfranchisement of women and in some provinces they now constitute a part of the electorate. Rule VII (1) of the Electoral Rules under the Government of India Act provides that, "Women (or any class of women), possessing the necessary qualifications otherwise, may be admitted to registration as electors by resolution of the legislative bodies concerned; but their admission to all-India electorates in any province is contingent on their

* These figures are exclusive of Burma where 17.4 per cent of the population are enfranchised. Burma constitutes a separate problem in dealing with Indian affairs due to its location, type of people, customs, and traditions. see Chapter III pages 49 and 55 for further discussion of this province.

admission to the provincial electorate."⁷

The average per cent of votes polled in recent elections in the eight provinces excluding Burma are given by the Statutory Commission. The Commission's Report shows that in 1920, 29 per cent of the eligible voters cast votes; in 1923, 39.9 per cent voted; and in 1926, 42.6 per cent cast votes.⁸

The proportion of voters who are illiterate has not been definitely determined. The variation in this respect is very great in the several provinces. It is estimated that in 1926 illiterates comprised from one-third to nine-tenths of the eligible voters in different sections.⁹

The characteristic feature of the reformed government is the policy pertaining to the devolution of authority. This policy only affects the nine major British provinces of Madras, Bombay, Bengal, the United Provinces, Assam, and Burma, the Punjab, Bihar and Orissa, and the Central Provinces. In contrast with the old system in which strict centralization of authority was adhered to, the new scheme provides for the devolution of authority according to four formulae as follows;

- (i) There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control.
- (ii) The provinces are the domain in which the earlier steps toward the progressive realization of responsible government should be taken. Some measure of responsibility should be given at once, and our aim

⁷ Horne, E.A., op. cit., p 108 footnote

⁸ Indian Statutory Commission Report, Vol. 1, p 197 para. 210

⁹ Ibid., p 192 para. 204

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.

- (iii) 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 opportunity of influencing Government increased.
- (iv) 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. 10

In conformity with the principles stated in these formulae, the superstructure of the Government of India contains two main divisions. One division, based on the electorate, provides the new democratic plan upon which the whole reformed system of government is laid. This division is intended to be permanently a part of the organization and is to be extended as rapidly as possible. The second division, which is ~~centr~~ controlled by the British official, is a part of the old autocratic plan and is intended to function only temporarily. However, at the present time the latter part of the scheme is more prominent than the first in that ultimate authority still

10 Ibid., pp 121-122 para. 139 (quotes Montagu-Chelmsford Report, para. 188-189-190-191)

rests in the hands of the British official, even in the provinces.

In order to expedite the extension of responsibility to the Indianⁱⁿ governmental affairs, and at the same time to guard against ill-advised legislation in regard to vital matters the present government provides for the extension of responsibility to begin in the provinces. For the same reason the subjects to be administered have been divided into two categories for purposes of legislation. One list contains those subjects over which the Central government has absolute jurisdiction, and the second list comprises certain subjects that have been designated as having primarily a local character and over which the provincial governments have jurisdiction. The most important subjects under the jurisdiction of the Central Government are as follows:

1. Defense (other than police)
2. External and foreign relations
3. Relations with Native States
4. Shipping and navigation
5. Major ports
6. Posts, telegraphs and telephones
7. Customs and cotton excise duties; income tax; salt
8. Currency and coinage
9. Public debt
10. Savings banks
11. Civil law
12. Commerce, including banking and insurance
13. Trading companies and associations
14. Control of cultivation and manufacture of opium, and sale of opium for export

11 Ibid., pp 126-127. para. 144

15. Mineral development as reserved to the regulation of the Governor-General in Council
16. Copyright
17. Criminal law
18. Central agencies and institutions for research
19. All-India services
20. Legislation in regard to certain provincial subjects
21. Territorial changes
22. Public service commission
23. All matters not included among provincial subjects under Part II of this schedule

The ultimate authority in the administration of these subjects still lies in the hands of the British official through the power granted to the Governor-General to over-ride the action of the Legislature in certain circumstances. This power is called "certification". The provisions of this device and the use that has been made of it up to the present time are explained by the Statutory Commission in the following statements.

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"The Governor-General may secure the enactment of a Bill whose passage in the form considered to be necessary is refused by the Indian Legislature, by certifying that the Bill is essential for the safety, tranquility, or interests of British India, or any part thereof. . . . This power of certification has, in fact, been used four times since the Reforms were put into force. . . .-This On all four occasions the Council of State approved the Bill. It is not without significance that no occasion has arisen during the last five years when the Governor-General's power of certification has been invoked. When the Governor-General feels himself compelled to 'certify', the Act has to be laid before both Houses of Parliament, and has no effect until it has subsequently received His Majesty's assent."

12 Ibid., p 171 para. 180

The subjects designated as strictly provincial were divided into two groups to further facilitate the establishment of a form of responsible government without endangering certain essential elements . It is in the administration of these groups of subjects that the unique constitutional device known as dyarchy* was instituted. This device removed certain subjects call the "transferred" subjects, from the purely official administration and placed them under the control of Indian Ministers. These Ministers are appointed by the Governor from the elected members of the legislature. The remaining subjects called the "reserved" subjects were left in the control of the Governor and his Executive Council. Section (45A (1) (d)) of the Government of India Act provides for the transfer of subjects from the "reserved" group to the "transferred" group when occasion warrants. This provisions anticipates the gradual relinquishing of control to the Indian as rapidly as he is fitted to assume the responsibility.

13 Ibid., pp 148-149 para. 157

* The footnote on page 148 of Vol. 1, of the Statutory Commission's Report explains the origin of this term as follows. "The word does not appear in the Act of 1919, or in the Rules made under it, or in the Montagu-Chelmsford Report. It had been employed by Mommsen to describe the dual system of government over the Roman provinces by the Emperor and the Senate, and had been previously used (with the spelling "diarchy") by Thirlwall in reference to the two Kings of Ancient Sparta. The use of the term in reference to Indian constitutional reform is due to Mr. Lionel Curtis, whose volume with this title gives a detailed account of the development of the idea and its embodiment in various schemes beginning with the Memorandum of Sir William Duke's Committee of 1915...."

At the present time the following are the most important of
 14
 the transferred subjects.

- (1) Local Self-Government, e.g., matters relating to the constitution and powers of municipal corporations and district boards.
- (2) Public Health, Sanitation and Medical Administration, including Hospitals and Asylums and provisions for Medical Education.
- (3) Education of Indians, excepting certain universities and similar institutions.
- (4) Public Works, including Roads, Bridges, and Municipal Tramways (not in Assam). "Public Works", in this connection does not include Irrigation, for this forms a separate head in the list of Provincial Subjects. It is noteworthy, therefore, that while Public Works is a transferred subject, Irrigation is reserved. Railways and Inland Waterways are, generally speaking, central subjects.
- (5) Agriculture and Fisheries.
- (6) Co-operative Societies.
- (7) Excise so far as alcoholic liquor and intoxicating drugs are concerned, but excluding, in the case of opium, control of cultivation, manufacture, and sale for export. (The effect of this is to make all Excise a transferred subject so far as it is a provincial subject at all.)
- (8) Forests in Bombay and Burma only.
- (9) Development of Industries, including Industrial Research and Technical Education.

In the reserved field the most important subjects are listed as being:
 15

- (1) Irrigation and Canals, Drainage and Embankments, Water Storage and Water Power.
- (2) Land Revenue Administration, including assessment and collection of Land Revenue, Land Improvement, and Agricultural Loans.
- (3) Famine Relief.

14 Ibid., p 149 para. 157

15 Ibid., pp 149-150 para. 157

- (4) Administration of Justice.
- (5) Police
- (6) Control of Newspapers, Books, and Printing Presses.
- (7) Prisons and Reformatories.
- (8) Borrowing money on the credit of the province.
- (9) Forests, except in Bombay and Burma.
- (10) Factory Inspection, Settlement of Labor Disputes, Industrial Insurance, and Housing.

The reserved and transferred subjects together make up the so-called "provincial" subjects. It will be noted that in this field, as in the Central Government, vital matters are largely reserved for administration by the British Officials. Furthermore, the Governor of a province has the same power of certification over the provincial legislature as the Governor-General has over the Central Legislature.

A few words more in regard to the functioning of the provincial legislature will serve to clarify the principle of dyarchy. The legislature, which is a unicameral body, is presided over by ministers and it has virtually the power of a sovereign parliament in relation to the transferred departments. It also has similar powers over the reserved subjects, including control over finance and legislation; but this power is limited by the Governor's rights of "certification".¹⁶ The Governor holds the same power over his Council. The principal distinction ~~the-reserved~~ between the reserved and transferred departments is found in the fact that

¹⁶ Horne, E.A., op. cit., p 44

the officials who are in charge of the reserved subjects are independent of popular control while the ministers in charge of the transferred subjects are themselves appointed from the elected members of the legislature, and furthermore, they must hold the support of the popularly controlled legislature in the administration of their assigned subjects.¹⁷

The number of Indians who have received training in "responsible" government since the Reforms went into effect in 1920 can be estimated from Table I, which shows the composition of the provincial legislatures in 1928 excluding Burma.

TABLE I
Composition of Eight Provincial
Councils in 1928 *

Province	Elected	Nominated Officials plus Executive Councillors		Non-Officials	Total
Madras	98	7	4	23	132
Bombay	86	15	4	9	114
Bengal	114	12	4	10	140
United Provinces	100	15	2	6	123
Punjab	71	13	2	8	94
Biher and Orissa	76	13	2	12	103
Central Provinces	55	8	2	8	73
Assam	39	5	2	7	53
Total	639	88	22	83	832

* Data secured from table in Indian Statutory Commission Report, Vol. 1, p 134 para. 146

17 Statutory Commission Report, Vol. 1, pp 151-152-154 para. 159- 163

The exact number of Indians represented in each category in Table I is not given. However, the average per cent of the total personnel of the legislatures who are Indians is 83.4 per cent.¹⁸ Computing 83.4 per cent of 832 we find that some 694-Indians were members of responsible legislatures in 1928.

We may estimate the total number of Indians who have had experience in these responsible legislative bodies roughly in the following manner. The normal life of a legislature is three years. There have been four legislatures since the reforms were established in 1920. No figures are available to show the average turnover in the legislatures each election but, if the turnover were 100 per cent, then some 2800 Indians have received training in these bodies. On the other hand, if the turnover were zero only 694 Indians have had this experience. On the basis of averages if the turnover is 50 per cent, then some 1700 Indians in all British India have served in responsible legislatures.

In the Legislative Assembly, (the central legislature), no element of responsible government in the British sense of the term has as yet been introduced. However, this Assembly is a very important body which has far reaching influence in political matters. For this reason the members of this body gain experience which will be valuable to them when India attains self-government. The number of Indians who have received training in this body is more difficult to estimate because it has functioned for one hundred years with various regulations regarding

18 Ibid., p 146 table (data combined and averaged)

the number of members. Table II shows the number of Indians represented in the Legislative Assembly in 1928.

TABLE II

Composition of the Two Houses of the Legislative Assembly in 1928 *

House	Indians	Europeans	Total
Council of State	44	16	60
Assembly	120	25	145

* Data secured from the Indian Statutory Commission Report, Vol. 1, p 224 para. 247 table

The life of each Assembly is three years and of the Council of State five years. At this rate, if the turnover is estimated in the same manner as was the turnover in the provincial legislatures, the average or 50 per cent turnover would indicate that some 300 Indians have received experience as Assemblymen since the reforms went into effect. Since there have been only three elections of members of the Council, on the same basis, there are 88 Indians who have served as Councilmen during this period.

In the various executive councils there is no way of estimating the number of Indians with experience in this capacity. However, it is the general practice that the executive councillors in the provinces are evenly divided between Indians and British officials. ¹⁹ This practice indicates that there are eleven Indians receiving valuable executive experience at the present time. In the Central Executive Council there are at the present time ¹⁹ Ibid., p 151 para. 159

three Indian members holding portfolios. The Executive Council-
 lors are also members of one or the other chamber of the Indian
 Legislature, which gives them additional experience in the
 administration of government.²⁰ In the Council of India repre-
 senting a section of the Home government in London, two of the
 ten members are Indians.²¹

These statements show that a considerable number of Indians
 have received a certain amount of training by actually partici-
 pating in responsible legislatures in the provinces. A smaller
 number of Indians have been exposed to the working of the Centre
 and have indeed played a very influential part in central legis-
 lation although not in a "responsible" capacity. A still small-
 er number of Indians have gained experience of an executive
 nature through service on the various executive councils.

Thus far our discussion has been confined to the executive
 and legislative departments of the government of India. Let
 us now examine another part of the organization, the administra-
 tive services. These services originated in the revenue collect-
 ing agencies of the early trading company. From this humble
 beginning the Civil Service gradually increased its range of
 activities until at the present time it includes specialized
 and new services such as public health, education, forestry,

20 Ibid., p 174 para. 184

21 Ibid., p 182 para. 200

irrigation, archaeology, and many more.

There is one main division in the civil service field and a number of subdivisions. The first broad division is made between the Central and Provincial Services. The Central Services are under the direct control of the Central Government and include such matters as state railways, posts and telegraphs. The officials in the Central Services are appointed either by the Secretary of State or by the Government of India.

There are two main groups in the Provincial Services, the All-India Services and the Provincial Services. The appointments to the All-India Services are made by the Secretary of State from the widest possible field of recruitment and in practice as well as in principle they are the main agents of the provincial administration. In the Provincial Services the field of recruitment is usually confined to the one province concerned. ²²

The extent of Indianization of the Civil Services of India may be indicated by illustration. Table III shows some figures that indicate the extent of Indianization of several of the representative services.

²² Ibid., pp 264-265 para. 290

TABLE III
Indianization of the Civil Services in India *

Department	Indians	Europeans
General Administration ** -----	4,870	630
Police Service -----	178,600	1,400
Civil Medical Departments -----	1,800	200
Education -----	12,400	200
Forest Service -----	15,760	240
Engineering Department -----	7,000	500
Central Service, State Railways;		
Higher Staff -----	700	1,500
Intermediate Staff ---	7,000	2,000

* Indian Statutory Commission Report, Vol. 1, p 272 para. 299
(data computed from figures given)

** Footnote of citation states, in regard to the number of lower subordinates in the General Administrative Services who are not counted in the figures given, that "In the United Provinces alone they amount to about 28,500."

It appears from these figures that Indians are well represented in every branch of the services, including the "Higher Staff" of the State Railways.

The external defense and internal security of India depends upon the army. Let us examine some of the major facts relating to this branch of service.

The need of an adequate army in India for defense purposes is without parallel in any other of the self-governing colonies of Britain. The north-west frontier is a constant menace to
23
India. On this point the Statutory Commission remarks:

"It is noteworthy that, notwithstanding the teeming millions of India's population, comparatively small

bodies of invaders have often succeeded in overcoming all opposition and making their way through to the plains, where they have established themselves as conquerors. It is the difficult and necessary roll of the Army in India to guard against a repetition of these dangers. 60,000 British troops and 150,000 Indian troops (as well as 34,000 reservists) are organized into a field Army, into covering troops, and into a garrison for internal security with this task among others constantly in mind."

In peace times a body of troops is stationed in the north-west section of India to protect the inhabitants from raids by the independent tribes of the Afghan frontier. In the past 40-ye seventy years there has been on the average one such raid each year.

The question of the Indianization of the army in India is not based entirely on the Indian's ability or inability as a soldier. Indian troops during the World War made an enviable record for themselves. The problem of Indianization is due rather to the heterogeneous population from which recruits must be drawn. This condition makes it difficult to recruit an army which can be depended upon to function effectively in settling internal disorders. There is a demand for British troops who are neutral to quell such disturbances. For this reason, British troops allotted to this duty outnumber the Indian troops eight to seven.²⁴

It will be noted in the above quotation that over one half of the personnel of the army in India are Indians. A number of recent plans that have been proposed to further

24 Ibid., p 97 footnote and p 95 para. 115

Indianize the army deal chiefly with the provisions to increase the number of Indian officers in charge of army units. The Skeen Committee reported in 1926 and, "recommended an extension of the scope of employment of Indians in the officer ranks of the Indian Army by means of an initial doubling of vacancies allotted to Indians at Sandhurst, (military college), followed by further progressive increases until a Military College on the lines of Sandhurst is established in India -- a step which it considered should be taken in 1933. Under the scheme of the Committee, if all went well, half of the total cadre of officers²⁵ in the Indian Army would be Indians by 1952."

Let us now consider the judicial department of government in India. An efficient judicial system is an essential part of any modern government. This is especially true in India, according to the Statutory Commission Report. They say, "The readiness of many Indians to have recourse to courts of justice for the settlements of disputes has always struck Western observers and is deplored by many Indians to-day. Some idea of the volume of litigation may be gleaned from the fact, noted elsewhere, that in Bengal judicial stamps are a source of public revenue²⁶ to the provincial Government second only to land."

25 Ibid., p 103 para. 122

26 Ibid., p 292 para. 323

In the provinces both civil and criminal law are dealt with by the lowest and highest courts but in the intermediate courts these phases of law are dealt with in separate courts.

The lowest judicial authority in India is vested either in what is known as a "headman" or in an elected body called the "panchayat". The headman is a government official who generally holds office by hereditary right. The headman has judicial authority in a single village while the panchayat may have jurisdiction over several villages. In both instances only petty cases whether civil or criminal are dealt with.²⁷

In the next higher stage the courts for civil and criminal cases are divided and subdivided. The highest official in this stage is the District Magistrate, who is also Collector and District Officer. He exercises supervision over all magistrates in his District. The District Magistrates are appointed by the provincial Government and together with their subordinates have jurisdiction over criminal cases.

At this intermediate stage the civil law is administered by a separate court, the officials of which are selected in most cases by the High Court of the province.

The District and Sessions Judge exercises jurisdiction over both magistrates and civil judges of the District and has the highest original jurisdiction in the District in both civil

27 Ibid., p 292 para. 324

and criminal law. The selection and appointment of District and Sessions Judges is made by the Central authorities, although the recommendations of the High Court carry weight.

The High Court is the Supreme judicial tribunal of the province. Quoting the Statutory Commission on its powers we read, "It has appellate or revisional jurisdiction and powers of supervision over all judicial authorities in the province, and is in most cases the final court of appeal."²⁸ The Judges of the High Court are appointed by His Majesty and hold office during his pleasure. Appeals may be made from the High Court to the Privy Council. The Statutory Commission presents some figures for the province of Madras to illustrate the extent to which the judicial system has been Indianized.²⁹ These figures are reproduced in Table IV.

TABLE IV

Indianization of the Judiciary in India

Court	Number		
	Presiding Officers	Number Europeans	Number Indians
High Court Chief Justice	1	1	--
High Court Puisne Judges	13	7	6
District and Sessions Judge	26	9	17
District Magistrates Courts	26	21	5
Sub-divisional " "	111	12	99
Presidency " "	5	--	5
Subordinate and Judges "	44	--	44
Munsiffs Courts	179	---	179
Subordinate Magistrates	461	--	461

28 Ibid., p 294 para. 329

29 Ibid., p 296 para. 330

Table IV indicates that Indianization of the judiciary in India has been quite substantial. It will be noted that below the Sub-divisional Magistrates Courts all judicial officials are Indians. Also, the majority of District and Sessions Judges and Sub-divisional Magistrates are Indians. Even in the High Court approximately fifty per cent of the Puisne Judges are Indians.

The system of public finance in India is too complex to be dealt with at length in a work of this kind. However, it is pertinent that we examine the opportunities the Indian has had in administering this system.

Provisions for the present financial system of India are found in the second part of the Devolution Rules under the Government of India Act. These provisions were set forth in the Financial Relations Committee Report known as the Meston Report of 1920. Under the plan adopted, sources of revenue were divided under two heads, Central and Provincial. The principal sources of revenue and items of expenditure for the Central government are shown in Table V.

30 Ibid., p 358 para. 406

TABLE V

Sources of Revenue and Items of Expenditure in
the Central Government

Revenue Source	Expenditure
Customs	Army
Income tax	Debt charges
salt	Civil administration
Opium	(Loss on Posts Tele-
Railways, Posts and,	graphs & Irrigation
Telegraphs	(Other expenditures
Currency profits	(including pensions
Tribute from certain,	(and revenue collections
Indian States	

In the administration of these items the British official has retained the directing hand. The Legislative Assembly, however, as well as many Indian executive officials have assisted sufficiently with the administration of these subjects to become familiar with the problems involved.

The sources of provincial revenue and items of expenditure are listed in Table VI.

TABLE VI

Sources of Revenue and Items of Expenditure
in the Provincial Governments

Revenue Source	Expenditures	
	Reserved Subject	Transferred subject
Land Revenue	Land Revenue col-	Education
Excise and Stamps	lection and Gener-	Medical Relief and
Irrigation	al administration	public health
Forests	Police	Civil works
Other sources;	Jails and Justice	Other transferred
fees, cinemas,	Debt charges	expenditure
race-courses	Pensions	

It is evident from Table VI that Indians have had a relatively small share in the "responsible" administration of finance. Nevertheless, they have been exposed to the problems of administering finance in the provinces the same as in the central government.

A discussion of the Indian's experience in the government of India is not complete without mentioning the Native States although they have no direct constitutional connection with British India. These states must play a part in any future government that is provided for India.

According to Horne, "The Native States are technically defined as territories of any native prince or chief under the suzerainty of His Majesty, exercised through the Governor-General of India or officer subordinate to him." ³² In these states there is generally found a system of administration modeled after the system found in the British provinces. There is usually a Prime Minister in each state. There are also other ministers in charge of different departments, a supreme court of justice, and district officers. T.W. Holderness states that, "The ministers and judges are sometimes Indians borrowed from the public service of a British province, and such men bring with

32 Horne, E.A., op. cit., p 16

then the principles and methods of modern government.... Experiments in representative institutions have also here and there been made, though they are not allowed to go far.... The dominant note in the Native States is the absolutism of the ruler."³³

The relation between each of the Native States and the Crown are briefly states in the Statutory Commission Report as follows:³⁴

"The relations between each of them and the Paramount Power may be ascertained or deduced from Treaty, or or other written document, or usage and agreement; but however they may be, the Crown is, in each case, responsible for the State's external relations and for its territorial integrity. There are about 40 states, all of major importance, which have actual treaties with the Paramount Power. A larger number of States have some form of engagement or "Sanad", i.e., a concession or acknowledgement of authority or privilege, generally coupled with conditions, proceeding from the Paramount Power. The remainder enjoy, in some form or other, recognition of their status by the Crown."

A unifying force affecting the States is a Chamber of Princes which was established by Royal Proclamation in February 1921. The purpose of the Chamber of Princes is two-fold. First, it is hoped that it will bring the Native States into closer relation with the Government of India, and secondly, it will enable the Native States to deliberate on matters affecting their own welfare. Besides this Chamber, Government has

33 Holderness, T.W., Peoples and Problems of India, 1911, pp184-5

34 Indian Statutory Commission Report, Vol. 1, p 85 para. 103

provided for commissions of inquiry on which the Chamber of Princes will be represented and which will inquire into cases of misgovernment and mis-conduct on the part of a ruler of a Native State. The Government of India has also provided for courts of arbitration to deal with matters in dispute between two Native States or between a Native State and the Government itself.

In any plan evolved for the unification of India, the relation of the Native States to the Central Government will have to be remodeled. The plan proposed by the Statutory Commission for the purpose of uniting the various units in the political map of India provides for a federation of all such units. Under this plan the Native States would retain their identity as such and they would be represented in the Central Government on a population basis.

The set-up of the Government of India as it has been discussed in this chapter, or a modified form of this organization, is probably the organization which the people of India will fall heir to when and if Home Rule is established. It has been noted that the Indianization of the various departments both in the provinces and in the Central Government is quite substantial, except in the chief executive positions. Similarly,

35 Horne, E.A., op. cit., p 122

36 Indian Statutory Commission Report, Vol. II, p 120 para. 141

Indianization in the various other services including the judiciary, has progressed far. In the Indian Army, there are now approximately two and one half times as many Indian troops as British soldiers. Plans for the Indianization of the officer corps contemplate a fifty per cent Indian staff in the army in 1952.

CHAPTER III

THE SOCIAL AND ECONOMIC FACTORS IN THE PROBLEM OF
ADMINISTERING GOVERNMENT IN INDIA

India is described by T.W.Holderness as, "a great continent in which there are no nationalities. The population is an immense mixed multitude in different stages of material and moral growth, exhibiting an extraordinary variety of peoples, creeds and manners."¹ This statement presents a picture of the general situation in India as it is to-day. Nevertheless, specific data concerning each of the factors mentioned must be scrutinized before an adequate conception of the complexity of India can be fully appreciated. It is the purpose of this chapter to present such data.

India has been classified by many writers as a sub-continent because of its size and position. The Statutory Commission compares it with Europe in this respect. They say, "The central mass of Asia throws out to the west, beyond the Urals, the sub-continent which we call Europe, and to the south South, beyond the higher barrier of the Himalayas, the sub-continent which we call India."² The area of India is about 1,800,000 square miles, which is nearly twenty times the area of Great Britain. Compared with the size of Europe it is approximately the same size as continental Europe with Russia left out.³

1 Holderness, T.W., Peoples and Problems of India, p 66

2 Indian Statutory Commission Report, Vol.1, p 10 para. 15

3 Ibid., p 11 para. 17

The political divisions of India occupy areas of varied extent. The Indian States comprise about 700,000 square miles or nearly one third of the total area of India. There are approximately 600 of these states. They vary in size from Hyderabad, which is larger than England and Scotland, to small principalities consisting of only a few acres. The remainder of India consists of British provinces. There are nine Governor's Provinces. These are in order of size, Burma, which is larger than France; Madras and Bombay, each of which is larger than Italy; the Punjab, the United Provinces and the Central Provinces, each larger than Great Britain; Bihar and Orissa, which is about the size of England and Scotland together; Bengal, which is a little smaller than England and Scotland together; and Assam, which is about the size of England alone.⁴ There are six minor provinces under British rule. These are, the North-West Frontier Province, British Baluchistan, Ajmer-Merwara, Coorg, Andaman and Nicobar Islands, and Delhi. (Delhi was constituted an 'administrative enclave' under a chief commissioner in 1912, at the time the Imperial capital was moved to Delhi from Calcutta.)⁵ It is evident that these many and varied political divisions constitute a serious problem to be solved in any plan for the unification

4 Ibid., pp 11-12 para. 17

5 Horne, E.A., The Political System of British India, p 15

of India.

The province of Burma constitutes a special problem in Indian affairs due to several factors. It is isolated from the rest of India by mountainous and hilly barriers through which there is no means of communication. The only access to Burma from the rest of India is by sea. This isolation probably explains why the origin of races in Burma are different from that of India. The Indians are from Aryan stock and the Burmese are largely from Mongolian and Maylayan origin. Socially, the people of Burma are a striking contrast to the people of India. There are divisions among the people due to educational and economic status but there is no evident class antagonism. Similarly, racial antipathies exist but pride of race manifests itself in an attitude of tolerant superiority rather than by racial ostracism. Furthermore, Buddhist Buddhism, which is the principal religion ignores the social divisions of caste and sex. It has established universal equality with respect to sex. Burma leads all other provinces in India in the number of literates. The problem of defense against foreign powers is not a serious one due to the effective mountain barriers on all sides of Burma.

In recognition of these facts Burma has been an exception in the application of the Reforms of 1919, and special recommendations have been made for the separation of Burma from the rest

6 Indian Statutory Commission Report, Vol. II, p 11 para. 25

7 Ibid., p 21 para. 41-42

8 Ibid., p 22 para. 44

of India in the new reform plans proposed since 1928. *

Mention should be made here of the principal foreign possessions now held in India although they have no direct connection with the rest of India. The Portugese province of Goa on the west coast contains a population of some 500,000. The French settlement at Pondicherry has a population of about 250,000.⁹ These footholds might prove to be a menace to India if the British left prematurely.

The map Fig. 3 presents a clearer picture of the major political divisions of India.

If India can be rated a sub-continent in size it might well be rated as a whole continent in terms of population. The last available census of India, that of March 1921, shows the total population to be 318,942,000 which is about one fifth of the population of the whole world. Of the total population in India, 246,498,000 were enumerated in British India, 70,192,000 were classed as in the Native States, and 2,252,000 were listed in tribal areas.¹⁰

The significance of the vast territories of India and of its density of population to the administration of government can be visualized only after further analysis has been made.

The population of India has come largely from the same Aryan stock as the peoples of Europe. The migration of these peoples




⁹ Horne, E.A., op. cit., p 18

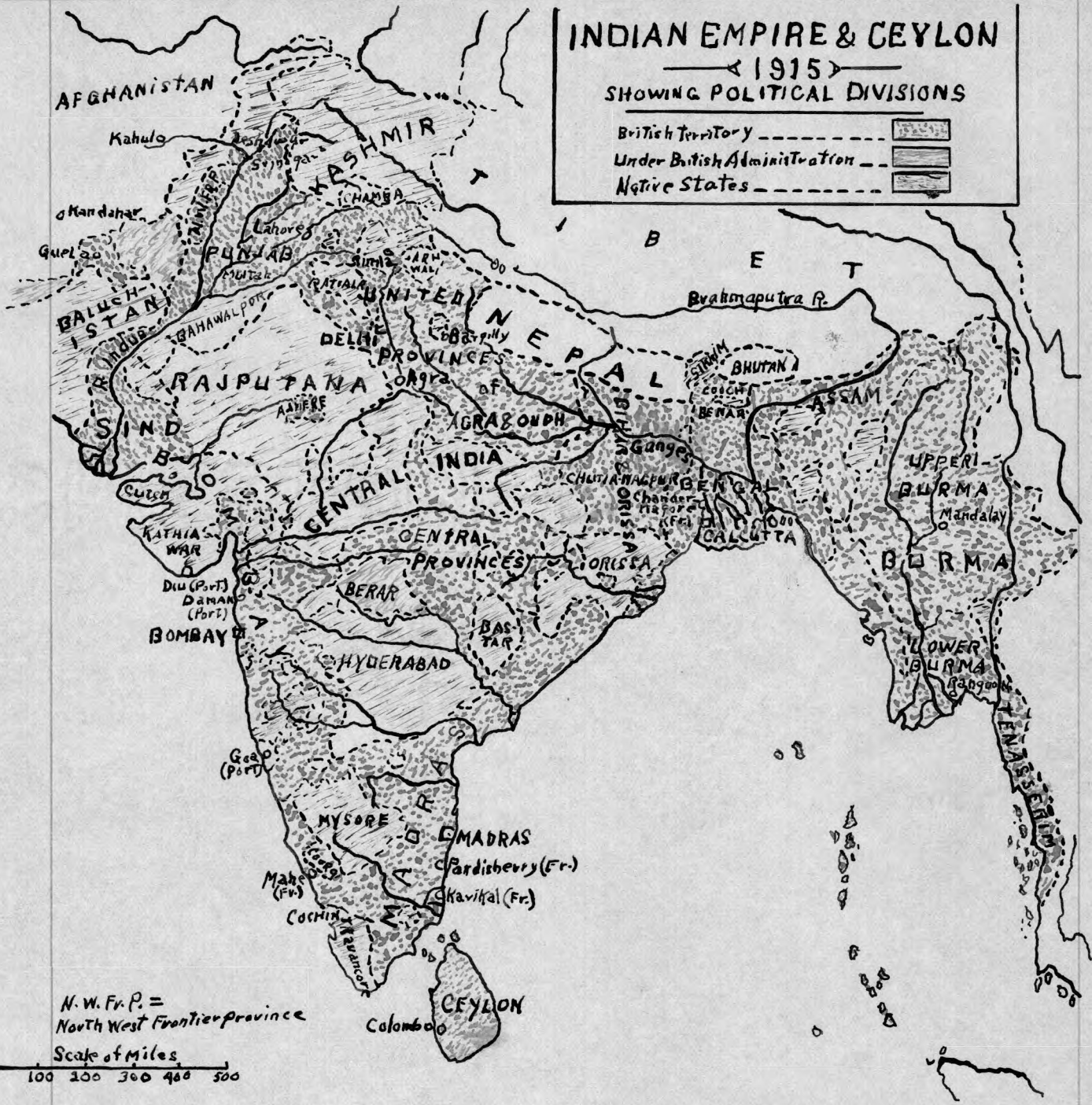
¹⁰ Statutory Commission Report, Vol. 1, p 108 Appendix

* These plans were proposed by the Statutory Commission and modifications were suggested at the Round Table Conferences and by the Government of India.

INDIAN EMPIRE & CEYLON

1915
SHOWING POLITICAL DIVISIONS

British Territory 
 Under British Administration 
 Native States 



to India, their intermixture with the natives in some instances, and their failure to amalgamate in other cases, together with infiltrations from other sources have contributed to what is now a very complex social and racial condition. This situation is partially shown by the complication of languages in India. Among the educated minority, English is now the common language for all purposes throughout India. But the last census figures show that only 2,500,000 Indians are literate in English to-day. The language used most widely by the general population is Hindustani, which has two forms and scripts, "Urdu" and "Hindi". A few of the other principal vernaculars used in various parts of the country are Gengali, Sindhi, Marathi, Punjabi, Rajasthani, Telugu, Tamil, Kanarese, Malayalam, and another distinct linguistic group in Burma and the Assam hills. Altogether the census enumerates 222 vernaculars spoken in India.

It is hoped to make the English language more universal in India. This movement had its beginning at the time the East India Company was governing India. William Wilberforce and other influential men induced Parliament to insert a clause in

11 Ibid., pp 12-13 para. 19

the East India Company's Act of 1813 which provided that the Governor-General in Council should set aside, "a sum of not less than one lac of rupees * in each year" for the encouragement of education in British India. A controversy followed as to what language should be used in the schools thus provided for. The conclusion of the controversy is stated by the Statutory Commission as follows:

"It is commonly (but quite erroneously) supposed that Macaulay's Minute of 1835 was the sole cause of the decision to take the latter course, (to teach English)**. In fact forces were already at work represented by the Indian reformer Ram Mohun Roy, by David Hare, and by missionaries such as Alexander Duff, as the result of which the teaching of Western subjects through the medium of English (called in India "English Education") was adopted and encouraged by Government, with a view to its being developed alongside the vernacular schools..... Sir Charles Wood's Education Dispatch of 1854 opened a new chapter; it determined the whole subsequent course of Indian educational development by imposing upon the Government of India the duty of creating a properly articulated system of education from the primary school through the university, and the years following witnessed the establishment of Departments of Public Instruction in all the provinces, and the founding of the Universities of Calcutta, Madras and Bombay."

The system of education outlined in this quotation has been extended to the present time. Due to general conditions of travel, traditions, customs, and economic conditions the institutions of higher learning have seemed to receive greater patronage and emphasis than have the elementary schools. These

12 Ibid., p 380 para. 435

13 Round Table, Vol. 8, p 22

* One lac of ~~rupees~~ rupees equals 7,500 English pounds

** The words in parenthesis are my own.

facts are of importance to our problem because the education provided by this set-up has not infiltrated to the masses in India. Furthermore, many obstacles to mass education have arisen from other unusual conditions such as cast and communal feeling. In view of these conditions it has been said that in India, "the creation... of an educated peasantry, constitute one of the most tremendous problems which educationists have ever had to face."¹⁴

Closely allied to the problem of education is the question of literacy* in India. The available statistics on literacy are not up to date, the latest being the census of 1931. Therefore, figures showing the extent of literacy that can be quoted are probably not very reliable. However, the figures set in the 1931 report give us some indication of the general condition of literacy in India to-day. With these limitations in mind let us examine some figures given by the Statutory Commission which show the per cent of literacy for males and females in British India as compared with three of the most progressive Native States and also as compared with three of the remaining Native States.¹⁵ These figures are reproduced in Table VII.

14 Statutory Commission Report, Vol. I, p 381 para. 436

15 Ibid., p 382 para. 438

TABLE VII

Illustration of Literacy in India 1921

Province or State	Literates per 100 males 5 and over	Literates per 100 females 5 and over
Travancore State	38.0	17.3
Cochin State	31.7	11.5
Baroda State	24.0	4.7
British India	14.4	2.0
All India	13.9	2.1
Mysore	14.3	2.2
Hyderabad	5.7	0.8
Rajputana Agency	6.8	0.5
Kashmir State	4.6	0.3

Burma is excluded from this table because in the matter of literacy this province is outstanding. The figures on literacy in Burma are: male 51 per cent and female 11.2 per cent. Adult literacy in India as a whole is shown to be 17 out of 100 males and 2 out of 100 females.

The small number of literate adults in India constitutes a serious problem in the development of a desirable electorate as evaluated from a western viewpoint. Illiteracy also handicaps the betterment of social standards.

In addition to the division of the population into the linguistic groups mentioned above, there are two other important divisions along racial lines that tend to complicate the administration of government. The first of these groups is the Anglo-Indian community. This community is composed of persons of mixed blood, English and Indians. It had its beginning in the days

of the East India Company. Children from mixed marriages have increased in numbers since that time until at the present time their welfare must be considered in any program of reforms. The census of 1921 records 113,090 Anglo-Indians in all India. The Statutory Commission remarks, "The figure is probably not very precise, for some who might have been included get classed as Europeans, while there is a tendency for some Indian-Christians who have adopted British names to seek inclusion in the Anglo-¹⁶ Indian category." Many of these Anglo-Indians have been educated in England and have held important positions in India. The Anglo-Indian community is relatively poor. It tries to maintain a fairly high standard of living, which is an additional hardship for its members to bear. The precise status of the Anglo-Indians under the present government is rather ambiguous. This status was outlined by the Under-Secretary of State for India in the House¹⁷ of Commons in December 1925. We read:

"For purposes of employment under the government and inclusion in schemes of Indianization, members of the Anglo-Indian and Domesticated European Community are statutory natives of India. For the purposes of education and internal security, their status, in so far as it admits of definition approximates to that of European British Subjects."

The second of these groups under consideration are the Europeans in India. According to the 1921 census the total European population in India was 156,637, of whom 45,000 were

16 Ibid., p 42 para. 60

17 Parliamentary Debates, Commons, Fifth Series, Vol, 189
p 1925

women. The adult male Europeans in government service numbered 21,780. There are about 60,000 British troops in India including both officers and enlisted men in the regular British regiments and also commissioned officers in charge of purely Indian units. The remainder of the European element is composed of business men, women engaged in medical and other social work, retired officials, army officers and planters who have retired, and missionaries. Europeans thus constitute only a very small percentage of the total population. However, their influence is greater than their numbers would indicate. The Statutory Commission says, "The noteworthy fact is that, over areas so vast and amid populations so immense and diverse, the importance of the small European community, by whatever standards this may be measured, is out of all proportion with its size."¹⁸

Under British rule both the Anglo-Indians and Europeans are protected as are all minority communities. They have representatives in the legislatures who are nominated for this purpose and they are otherwise protected. The question is, what will be the status of these communities when self-government is established in India? This is a problem that has not yet been solved.

The religions of India are generally supposed to form one of the greatest stumbling blocks to the adoption of Western ideas and to the amalgamation of peoples in India. This situation is due to both the nature and number of the various sects. It is not within the scope of this thesis to elaborate upon the various religious philosophies now extant in India. However, a brief summary of the principal sects and a few outstanding features of the major

¹⁸ Statutory Commission Report, Vol. I, pp 12-13 para. 19

religions are relevant to our theme.

The most influential religion in India in point of number of followers as well as in social influence is Hinduism.* It would be difficult to summarize the principal features of Hinduism more briefly than has been done by the Statutory Commission in its
19
Report. Therefore, we quote the Commission on this point.

"We shall make no attempt to analyse the refinements of difference which from the metaphysical, or doctrinal, or ceremonial point of view may separate those who, for the purpose in hand, are grouped together in a single category. Hinduism counts as its adherents more than two thirds (216 millions)**of the inhabitants of India and within its comprehensive embrace includes much that might seem to outside observers to be contradictory. 'Except perhaps to the few who understand its philosophical meaning, Hinduism has no one distinguishing central concept. Superimposed on a heterogeneous people differing widely from one another in race, language, and political and social traditions and interests, the vagueness and elasticity of its system, and the protean form of its mythology, its ceremonies, and its ordinances, have enabled it to absorb and overlap the various animistic systems which it encountered'.*** The learned and subtle Brahmin of Benares may seem to have nothing in common with the 'untouchables' of Dravidian stock living in the parishes of Madras City, who are nevertheless included within the fold of Hinduism while being denied access to its shrines. The sophisticated and Westernized Hindu graduate may seem a being of an entirely different order both from the contemplative devotee living in abstraction from material things, and from the mob of excited worshippers thronging the temples of Shiva or Kali. But all alike are caught up in this marvelous system so ancient and so persistent, which is the bedrock of indigenous India. It is a religion which touches ordinary acts of daily life at nearly every point, and a philosophy of existence which provides an outlet fundamentally different from that of the creeds of the West."

19 Ibid., p 24 para. 35

* Hinduism is also the oldest religion in India. See Holderness, T.W., op. cit., pp 36-37

** These words are my own. Two thirds of 318 millions are 216 mil.

*** Quoted from census Report, 1921, by Statutory Commission, p 108

The second major religion in point of numbers and influence in India is Muhammadanism. There are approximately 70,000,000 followers of this faith in all India. The origin of this sect in India dates back to a series of invasions in early historic times from the North and West. The greatest monuments left by the Muhammadans while in authority in India are those of the period of Mogul rule.²⁰

During the period of Muhammadan domination, Hinduism still survived and after the British began to extend their authority over India, Hindu-Moslem differences became a very serious problem. Three of the major factors in this problem are, differences in race, in system of law, and the absence of inter-marriage. The Statutory Commission states that the problem is, "...basic opposition manifesting itself at every turn in social custom and economic competition as well as in mutual religious antipathy."²¹

Specific causes of trouble between the Muhammedans and Hindus²² are:

"The devout Hindu regards the cow as an object of great veneration, while the ceremonial sacrifice of cows or other animals is a feature of the annual Muhammadan festival known as Baqu'Id. Hindu music played through the streets on the occasion of the procession of an idol, or in connection with a marriage celebration, may take place at a time when the Muhammadans of the town are at worship in an adjoining Mosque, and hence arises an outbreak of resentment which is apt to degenerate into a serious quarrel. The religious anniversaries observed by Moslems are fixed by reference to a lunar year which does not correspond with the adjusted Hindu calendar, and consequently it occasionally

20 Ibid., p 24 para. 36

21 Ibid., p 25 para. 36

22 Ibid., pp 26-27 para. 39-40

happens that dates of special importance in the two religions coincide - as, for instance, when an anniversary of Moslem mourning synchronizes with a day of Hindu rejoicing - and the authorities responsible for the maintenance of law and order are then faced with a time of special anxiety."

In regard to the seriousness of the riots that have occurred between Moslem and Hindu the Statutory Commission continues:

"In the five years 1923 to 1927 approximately 450 lives have been lost and 5,000 persons have been injured in communal riots; these figures include some disturbances in which Sikhs were involved. A statement laid on the table of the Legislative Assembly showed that from September, 1927 to June, 1928 there had been 19 serious Hindu-Muhammadian riots which had affected every province except Madras."

The Buddhists in India number about 11,500,000 in round numbers. Although Gautama the Buddha was born in northern India and the places associated with his life are chiefly within what is now Bihar and the United Provinces, over 96 per cent of the Buddhists in India are now found in Burma.²³

Indian Christians now number approximately 4,500,000 in round numbers. The Christian church has existed in India for over 1500 years. Exceptionally rapid growth has been made in the last fifty years. About 1,750,000 are Roman Catholics and 2,750,000 are comprised in other denominations. The Christian missionaries were among the pioneers of education for the illiterate in India. They now maintain medical institutions

23 Ibid., p 30 para. 44

and their work among women, children and the depressed classes is very important. It is interesting to note that when a member of the depressed classes is converted to Christianity, the census no longer counts him as included in the former category. ²⁴

The Sikhs of India live almost entirely in the Punjab Province and in states adjoining that area. The Statutory Commission quotes the Census Report for 1921, which includes a terse statement concerning the Sikhs. It records that, "Sikhism was an attempt to reconcile Hindu beliefs with a purer creed, which rejected polytheism, image worship and pilgrimages. It remained a pacific cult till the political tyranny of the Mussalmans and the social tyranny of the Hindus converted it into a military creed." ²⁵

Two other religious sects worthy of note here are the Jains and Parsis. The Jains number 1,500,000 and are found chiefly in the Bombay States and in Rajputana. The Parsis number approximately 100,000 and follow the religion of Zoroaster, which originated in Persia. The Parsis are found for the most part in Bombay.

Aside from the religions mentioned above there are various other cults and tribal religions with a following of some ²⁶ 9,750,000.

24 Statutory Commission Report, Vol. 1, pp 31-32 para. 45

25 Ibid., p 31 para. 44

26 Ibid., pp 30-31 para. 44

The significance of the various religions to government is suggested by T.W.Holderness. He states that, "Religions in the East take the place of nationalities."²⁷ This would seem to indicate that the process of amalgamating the peoples of India into a unified state consists of harmonizing deep rooted spiritual convictions rather than by merely altering material and patriotic affiliations.

Closely allied with the problem of religions in India is the caste* system. This system is a Hindu institution and therefore affects approximately two thirds of the population. "This system", the Statutory Commission states, "has been described as 'the foundation of the Indian social fabric,' at any rate so far as Hindu society is concerned."²⁸

The origin of caste is rather obscure but it is supposed to have had its beginning in the desire of the fairer Aryan people who migrated into India, to prevent the intermixture of their own people with the darker skinned natives.

It is pointed out by T.W.Holderness that, "according to Manu (a Hindu book similar to Leviticus in our Bible) there were three sacred or "twice-born" castes. The Brahmin issued from the head of Brahma, the soul of the universe; the Kshatriya or warrior, from the arms; the Vaisya, or husbandman, from his

27 Holderness, T.W., op. cit., p 127

28 Statutory Commission Report, Vol. 1, p 34 para. 48

* The original meaning of the Sanskrit word "caste" means color. Holderness says, "The word itself is of Portugese origin, and and is derived from the Latin word "castus" which signifies purity of blood." See p 38 and also p 86 Holderness, op. cit.

thighs. There was a fourth or Sudra caste which was not admitted to the sacrifices or to the reading of the Vedas, and whose sole function was to serve the twice-born. Below the Sudra came a multitude of lower castes, the off-spring of mixed or irregular marriages or of a father who neglected the ceremonial worship: and lowest of all, there were the outcastes. ²⁹ A paragraph from the Statutory Commission Report throws still more light on the division of castes. We read, "By degrees this four-fold division of Hindu society was developed by the process of further subdivision: new castes and sub-castes were evolved, each with its strong bond of internal union and discipline, till in the census of thirty years ago (when for the first time a systematic classification was attempted) a list of no less than 2,300 different castes were drawn up. It is noteworthy that in the lowest stratum of all, the process of sub-division persists; there are gradations of caste even among the out-³⁰castes."

The dominating influence in the caste system is Brahminism. the Brahmins are a priest class although all Brahmins are not priests. The Brahmins have held a claim to a monopoly of knowledge and have representatives in various positions of influence in India such as in the legislatures, in the courts and in the administrative services. The importance of the Brahmin in

29 Holderness, T.W., op. cit. p 88

30 Statutory Commission Report, Vol. 1, p 36 para. 50

influential positions is well stated by the Statutory Commission. They say, "The ability of the Brahmin Pandit is everywhere acknowledged, and it is amazing to reflect how widely the seven or eight million males who are all that belong to the Brahmin class, though everywhere in a small minority, are represented in the public life of India." Some Brahmins, however, follow humbler professions. We quote once again from the same source; "In the United Provinces . . . a large number of Brahmins are cooks, many of them in non-Brahmin homes. The Brahmin community also contributes a regiment to the Indian Army. Again on the west coast, there are definite classes of Brahmins who are petty traders and hereditary cultivators."³¹

The significant feature of the caste system is its rigidity. Every Hindu belongs to the caste of his parents and he must forever remain in this caste. No amount of wealth, personal talents or accomplishments can change his status. Marriage outside of one's caste is prohibited in so far as possible. The application of the rule of caste has a similar effect to that of occupational guilds. Each particular trade or occupation has its caste so that the factor of caste seems to determine in a large measure the means of livelihood open to any individual. However, the industrialization of India together with the growth of ideas of democracy are tending to relieve the strictness of

31 Ibid., p 35 para. 49

32

caste feeling considerably.

It is obvious from the facts just related that the problem of caste in India affects unification in a similar manner to that of religion. That is, the foundations of caste are deeply rooted in traditions and metaphysical philosophy which are extremely difficult elements to deal with.

The social customs affecting women in India are also a handicap to the establishment of Western ideas and institutions. The practices of purdah and child marriage provide the chief basis of the social position of women in India. A few facts concerning these institutions are germane to our subject.

Purdah is originally a Muhammadan institution but is now practiced by Hindus also. A description of purdah and its effects on women and children by an Indian, Dr. Rukhmabai, M.D., is quoted by the Statutory Commission. ³³ We read:

"From the time they attain puberty, numbers of young girls, Hindu and Muhammadan, often just children in instinct and feeling, retire into seclusion. They see no men except those of their own household; they go out veiled or in closed and curtained conveyances when they go out at all; and even this degree of liberty is denied them under the stricter Purdah conditions.....
 "Purdah differs very much in the degree of seclusion ~~p~~ practiced in various parts of the country. At its best and especially among the poorer classes women can move ~~z~~ about on the public road and go about their outdoor work with a veil over their faces. If rich, they can use curtained conveyances, and social intercourse of a restricted kind is not denied them. Even under such conditions the system is an infliction on the natural dignity of womanhood, and, on the purely physical side, results

32 Ibid., p 36 para. 51

33 Ibid., p 51 footnote

still in a deplorable lack of air and exercise that will lead to the physical deterioration of the race. On the other hand, Purdah may be so rigid that a woman may, among the poor, be confined to a small house, practically windowless or with openings high up in the walls, and she may not leave the house even to fetch water for household purposes. However poor the household, she can take no share in the work, except for the cooking she can do indoors. It has been said that a Rajputani may not leave her house to fetch water though the house may be in a jungle and the well in front of it. The experience of doctors working among Purdah hashin women is a tragic revelation of numberless cases of tuberculosis, stunted growth, and disease, both among the women themselves and their children."

It is obvious that the conditions pictured in the above quotation must present serious problems in the administration of health and educational programs.

The practice of child marriage is also widely observed by both Muhammadans and Hindus. The Age of Consent Committee, consisting of nine Indians and one European member, estimated that approximately half of the girls of India are married before they are fifteen years old. The census of 1921 shows that over 2,000,000 Indian girls were married and 100,000 were widows, before the age of ten. ³⁴ This statement is of further significance in view of the facts that widows are not permitted to remarry, although polygamy is practiced and there are fewer females ³⁵ in India than males.

The effect of the practice of child marriage upon the welfare of India as a country is reflected in terms of education,

34 Ibid., pp 52-53 para. 70-71

35 The Indian Yearbook and Who's Who, The Times of India Press, Bombay, 1931, p 25

health and vigor of the citizenry. These facts are being recognized by Indians to-day and there are movements toward betterment of conditions. But as stated by the Statutory Commission, "It is not too much to say that India cannot reach the position to which it aspires in the world until its women play their due part as educated citizens."³⁶

The bases of India's economic system are worth scrutinizing in connection with our present theme.

The population of India is essentially rural in character. The Statutory Commission estimates that, 226,000,000 out of 244,000,000 people in British India live in villages having less than 10,000 inhabitants.³⁷ (Practically all the rural people live in small villages and till the land round about). We quote figures for the proportion of Indians in various occupations in India directly from the same source; "India gives out of every hundred, 71 to agriculture or pasture; 12 to industry, 5 to trade, 2 to domestic service, $1\frac{1}{2}$ to the professions, and $1\frac{1}{2}$ to Government service or the Army. In the whole of India the soil supports 226 out of 315 millions, and 208 millions of them get their living directly by, or depend directly upon, the cultivation of their own field or others' fields."³⁸

The lives of the rural people are generally confined to

36 Statutory Commission Report, Vol.1, pp 52-53 para. 70-71

37 Ibid., p 14 para. 21 Quoting M/C Report para. 133

38 Ibid., p 14 para. 21 " " " " "

a very small sphere. The cultivators live in the villages and take care of their adjacent farms. These farms consist of about five acres on the average in the south and east and not more than half the farms in other districts exceed this acreage. Very few of the 500,000 villages are accessible by rail. There are very few post-offices, and telegraphs are still fewer. Each village is more or less self-sufficient, producing what it uses and having access to little more. The Statutory Commission quotes the Montagu-Chelmsford Report regarding life in the rural districts as still typical of to-day. They state:

39

"What concerns them is mainly the rainfall or the irrigation supply from wells or canals, the price of grain and cloth, the payment of rent to the landlord or revenue to the State, the repayment of advances to the village banker, the observance of religious festivals, the education of their sons, the marriage of their daughters, their health and that of their cattle. They visit the local town on bazaar days and the subdivisional or district centre rarely on business or litigation. They are not concerned with district boards or municipal boards; many of them know of no executive power above the district officer, and of Parliament or even of the legislative councils they have never heard. In one province it is stated that 93 per cent of the people live and die in the place where they were born."

From these statements it appears that the problem of governing the so-called "masses" has two elements. First, the traditional indifference to government tends to make the development

39 Ibid., p 14 para. 21 (Quoting the M/C Report para. 133

of an intelligent electorate extremely difficult. Second, the passivity of the masses tends to make their exploitation by the unscrupulous relatively easy. This statement refers to exploitation by money-lenders and in connection with religious customs as well as by the politicians.*

The constitutional problem of the urban centers** is revealed by scrutinizing the census report of 1921. According to this census the urban population was approximately 32,500,000 which is only 10.2 per cent of the whole population. The distribution of this urban population varies from 23 per cent in the British areas in Bombay Presidency to 3 per cent in Assam. The number of large towns in India is extremely small. Calcutta and Bombay each have over 1,000,000 inhabitants and Madras with its cantonment contains a little over 500,000. In all of India there are only 33 towns having a population of over 100,000. The largest town in any Indian state is Hyderabad which with its cantonment contains 404,000 people.

The striking feature of the industrial centers is that the majority of their population have only temporary residence in them. The Statutory Commission states that, "The number of permanent residents of Calcutta who look upon the city as their

40 Ibid., p 20 para. 29

* The Statutory Commission refers to the evils of the "money-lender" and "religious customs" in their Report Vol. 1, pp 175-6 para. 303.

** The urban centers are defined as cities having over 10,000 population.

home is probably not more than 25 per cent." ⁴¹ Further than this the same source states, "The census found that there were more than twice as many males in the city as females; in Bombay the disparity is almost equally striking. The explanation is that enormous numbers who work in the industrial towns of India still not regard themselves as permanent town dwellers; they come from the countryside, where they have left their families in their village homes." ⁴²

The conditions under which the industrial workers live and work are problems of great concern to social reformers. These conditions are tersely stated as follows: ⁴³

"The Indian peasant who goes to some busy centre of activity to supplement his income, often lives there under conditions which are almost unimaginable to the British workingman. Climate renders possible, and habit makes natural, a state of things which Indian social reformers, working for the improvement of the poorest of their fellow-citizens, are bound to take most seriously to heart. When the census of 1921 was taken, 70 per cent of the tenements in Bombay were classified as consisting of only one room, and the average number of persons in this one room tenement was ascertained to be 4.03
The immigrant to the city preserves his village standards of life; conditions which may pass muster in rural areas cannot be observed in a crowded town without creating a slum."

The problems of administration presented by the conditions as described in this paragraph call for unified effort. It is apparent that such conditions complicate police and health

41 Ibid., p 20 para. 30

42 Ibid., p 20 para. 30

43 Ibid., p 21 para. 31

administration as well as other social problems.

In contrast with the conditions described in the last few paragraphs, there are Indians who have great wealth and power. The great landlords form a nobility, and they hold a rank not unlike the feudal chiefs of medieval Europe. They have great prestige and authority in their communities and many of them have had honorary titles conferred on them by the British King. They live amid their great possessions in rural seclusion among their tenants and their retainers.

A second group of Indians of wealth are the great merchant princes of India. More and more, industrial enterprise is falling into the hands of these Indian entrepreneurs.⁴³

There is little evidence to show that either the great landlords or the merchant princes constitute any serious problem in the administration of government at the present time.

In this brief survey of the basic factors in the social and economic life of India and their effect on the administration of government, no attempt has been made to deal with each topic exhaustively. Only enough pertinent facts on each topic have been presented to indicate the nature and extent of the problem thus existing. It will be recognized that some of the Institutions mentioned are positive forces while others have negative influences for the advancement of the Indian toward Home Rule. The positive

43 Ibid., p 23 para. 34

forces might be pointed out as:

1. Christianity with its influence for social betterment.
2. The European element in the population should aid the adoption of democratic institutions, although the status of this minority under Indian rule would be problematical.
3. Increasing industrialization in urban centers tends to break down the rigidity of the caste system.

The negative forces in the institutions discussed can be listed as follows:

1. The size of the territory to be governed and lack of adequate communication isolates much of the population.
2. The number and nature of the various political divisions make unification into a solidified state extremely difficult.
3. An immense mixed population of which only a small per cent are literate handicaps social reform and the development of political consciousness in the masses.
4. Many and diverse religions which serve as nationalities have developed a serious communal problem that makes the solution of the question of unification doubtful.
5. The rigid caste system and the position of women handicap education of the masses, create serious health problems and prevent economic advancement.
6. An immense rural population handicaps education, encourages indifference to government, and makes the extension of modern methods to agriculture a big problem.

None of the factors set forth is a distinctly separate problem. There is an interrelation and overlapping of the various elements. Yet, for the administration of government, each topic mentioned aggravates the situation in its own peculiar manner.

For instance, the ~~immense-size-~~ immense size of India makes possible a greater isolation in the rural districts, which in turn affects literacy on which the future electorate depends to a very great extent to qualify for Dominion Status. Or again, starting with religion it might be pointed out that Hinduism adheres to the caste system which segregates the population into innumerable classes some of which, such as the outcastes, together with the institutions of child marriage and purdah seriously handicap education thus affecting literacy and so on. Or we might start with the political divisions which, with their differences in size, wealth, and their heterogeneous population affect rural life causing some inhabitants to drift into industrial centers creating slums, fostering crime, and degrading the standards of living in these places while other rural people through poor facilities for transportation and communication, have little opportunity to become sufficiently interested in matters of government to learn even the fundamentals of its organization. Other illustrations could be given in a similar manner by tracing relationships between each factor and every other one but enough has been said to illustrate the complexity of the problem of administering government under such circumstances.

CHAPTER IV

EVIDENCE OF THE INDIAN'S PROGRESS TOWARD THE
DESIRED GOAL

In accordance with the provision of 84A of the Government of India Act, a Royal Warrant was issued on November 26, 1927, creating a Commission under the chairmanship of Sir John Allsebrook Simon, "...for the purpose of inquiring into the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and should report as to whether and to what extent it is desirable to establish 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." ¹ The Commission so created became known as the Indian Statutory Commission. This Commission, in order to facilitate the collection of evidence, ² were given the power to:

".... call for information in writing; to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever, including the appointment by the Commission with the sanction of our Secretary of State for India, of any person or persons to make subordinate inquiries and to report the result to the Commission."

1 Indian Statutory Commission Report, Vol. 1, p xiii

2 Ibid., p xiv

In accordance with the powers thus granted to the Commission a number of sub-committees were appointed in India to co-operate with the Commission. A committee was appointed for this purpose by the Government of India and another one was appointed by the Legislative Council. Other committees were appointed including one from each of the Provincial Governments and also one from each of the Provincial Legislatures making some twenty such committees in all.

The data submitted to the Statutory Commission by these sub-committees together with the data gathered from other sources were used as bases of the Statutory Commission's Report. It is from these data that the evidence set forth in this chapter are drawn. It is found upon examination of the material in these sources that relatively few specific examples of the Indian's efficiency or inefficiency are given. In general the various committees have submitted their data in the form of conclusions and generalizations. For this reason the data set forth in this chapter will be largely a compilation of such generalizations with specific illustrations wherever these are available.

The first evidence to be examined concerns the Indian's ability to administer "responsible" government successfully. In other words, was "dyarchy" a success in the provinces? The various committees which reported to the Statutory Commission agree that dyarchy was not an unqualified success. There was a difference of opinion as to the particular fault of the system. This of course

was to be expected in view of the wide variation in conditions under which the system was first instituted in the various provinces. We quote excerpts from each of the provincial reports to illustrate this point.³

In Madras; "There has been considerable co-operation of the reserved and transferred halves of the Government and the inherent difficulties of dyarchy were minimized by the tact and good sense of the Executive Councillors and the Ministers under the guidance of the Governor. But the strain on co-operation under such difficult conditions and depending unduly on the personnel of the Government has been such that nobody from either half of the Government is in favor of continuing the system any longer."

In Bombay; "The system of government introduced by the Reforms has, in our opinion, worked well in this Presidency. There has from the first been a genuine desire both on the part of the Government and of the Legislative Council to work the new system in a spirit of harmony and co-operation.But while it may legitimately be said that the new system has been worked successfully, it has not worked in the way in which it was intended to. The absence of any well organized parties and the presence of the official bloc have been, in our opinion, largely responsible for the fact that the ministers have never relied on their followers for support and have not really been responsible to the elected portion of the Council."

In Bengal; "During the first three years after its introduction, dyarchy worked in Bengal; and making allowance for the inexperience of the people in the representative system of government it may be said that it worked with satisfactory results....(in the second term a political deadlock was created and)* the Governor had to assume charge of the Transferred Departments for about a year. (The third term also saw internal political dissention which overthrew the Ministry at every turn)** Thus it cannot be denied that dyarchy has not been given an unmolested trial for full three terms in Bengal. But at the same time it must be said that people did not find in it any intrinsic merits, nor did they appreciate it as a practical system."

3 Ibid., Vol. III, pp 10-35-165-205-422-531-603-592

* The words in parenthesis are my own

** " " " " " " "

In the United Provinces; "It has been the experience of Government that support was less readily accorded to measures promoted by the Reserved side, and frequently the Governor in Council has found himself in a minority in his own Legislature..... In respect of the Transferred departments the influence of the Legislature has been a still greater source of weakness to the Governor in Council."

In the Punjab; "We are emphatically of the opinion that dyarchy must be replaced immediately by a unitary form of Government in the province. The Punjab is perhaps the only province where dyarchy has been worked with uniform success during the last eight years. It should not, however, be concluded from this that the achievement is due to any merits inherent in the system itself."

In Bihar and Orissa; "Whatever may have been the conditions prevailing in other provinces during the last ten years, it cannot be denied that in Bihar and Orissa full advantage has been taken of the constitution, and in spite of its various drawbacks it has been worked in the spirit and letter in which it was conceived..... The success was achieved in spite of the very meagre resources placed at their disposal."

In Assam; "We agree with the Government of Assam that dyarchy should go and all subjects, including Police in the future be administered by Ministers responsible to the legislature." (They state on a previous page)* "It may be hoped that with the introduction of full responsible government all the energy that is now devoted to the task of destroying dyarchy will be diverted to constructive work."

The Burma legislative committee failed to mention the working of the Reformed government in that province. The Indian Central Committee remarks concerning dyarchy:

"In spite of defects inherent in the system and of difficulties arising from circumstances beyond control

4 Report of the Indian Central Committee, p 13

* The words in parenthesis are my own.

a surprising amount of success may be claimed for the new system of government. In all the provinces, save the Central Provinces and, to a lesser extent, in Bengal, men of goodwill have been found prepared to give dyarchy a fair trial, however short it may have fallen of their aspirations. Inside the legislative councils the forms and conventions of parliamentary procedure have been readily adopted. Debates have, as a rule, been conducted at a high level both of eloquence and of decorum."

The quotations noted above are taken from the reports of the committees which were appointed by the provincial legislative legislatures and the last one from the conclusions arrived at by the Central Committee. These statements therefore represent a cross section of the Indian's opinion as to the success of responsible government. Let us now see how ~~all~~ well these opinions coincide with the conclusions of the Statutory Commission. We
5
now quote the Commission.

"Everywhere the conduct of the business of the legislatures has been carried on with keenness, there has been much good debating, and Government has been exposed to considerable challenge and comment from its opponents among the elected members. It would be impossible to say that opposition to Government has always shown itself to be restrained or reasonable, but we are convinced that much of the irresponsible spirit is due to those effects of dyarchy which we have described in paragraph 235 above. Moreover, members of legislative councils have been engaged in working a copy of parliamentary institutions under conditions which often tend to reproduce the form rather than the substance of the original. It is much to the credit of many of India's public men that they should so rapidly have adapted themselves to these new methods, and we are strongly of opinion that the prominence which is given in the press to proceedings

5 Indian Statutory Commission Report, Vol. 1, p 219 para. 242

in the Central Legislature have tended to obscure to British eyes the very general measure of success which has been attained by most of the provincial councils and their real importance."

It would appear from these statements that dyarchy in the provinces served its purpose very well as a training school for developing a knowledge of legislative procedure.

Let us next examine the evidence regarding the effectiveness of the Indian's administration of the Transferred subjects. We quote once again from the Reports of the Committees Appointed
6
by the Legislative Councils.

In Madras; "There has been considerable progress in the working of local self-government. District and Taluk Boards and Municipal Councils have been almost completely democratized and deofficialized. There has been a considerable growth of Village Panchayats elected under adult franchise. All these bodies have been given increased powers of taxation and expenditure. Local bodies have not been slow in tapping new sources of revenue and their revenues have generally kept pace with growing expenditure. The percentage of voters who have participated in elections has steadily risen. There has been steady progress in the domains of education, public health, sanitation and medical relief. Communications - particularly rural communications - have been extended. Fresh schemes of water supply have been introduced. Free and compulsory education has been introduced in several areas. Adult schools and circulating libraries have largely increased. Special encouragement has been given to the depressed classes in regard to education, housing schemes and water-supply."

6 Indian Statutory Commission Report, Vol. III, pp 11-33-34-163-164-165-221-222-223-531

In Bombay; "During the period of eight years which has elapsed since the introduction of the Reformed system of Government, and to a considerable extent in consequence of the transfer of the control of local self-government to ministers, rapid progress has been made in the extension of local self-government in all directions. Local self-government in villages was practically non-existent in this Presidency prior to 1920.... In municipal areas excluding Bombay City the franchise has been considerably lowered and the electorate increased from 167,000 in 1919 to over 505,000 in 1926.... Women have been granted the franchise and have been made eligible for election both as municipal councillors and as members of district local boards.... The control of primary education has been transferred almost entirely to the hands of municipalities and local boards, and much wider powers of taxation have been given to these bodies."

A word of explanation is necessary before presenting the facts set forth in the Bengal Committee's report. This is one of the provinces where the non-co-operation and obstructionist movements were most pronounced. Further than this the Committee set forth figures to show that the revenues of this province have not been on a par with that of the other provinces, which fact has been a further handicap to the ministers in charge of the Transferred subjects in Bengal.

In Bengal; "We therefore maintain that no political reform is worth having unless and until this financial question is satisfactorily settled. Bengal can scarcely find 1.33 crores to spend on education for a population of 46 millions and only 24 lakhs on public health. While preventable diseases, such as malaria, kala-azar and cholera, are carrying away hundreds of thousands of our population yearly, the local administration is powerless to take proper and adequate steps to stop the ravages of these fell diseases, in order to save the lives of millions

committed to its charge."

In the United Provinces; "The interest of the Council has reacted on the work of the department (agriculture) which is now said to be in closer touch with the needs of the province than at any other period.

.....
It has been recognized that on the whole the Council has dealt with the problems of the department (excise) in a practical manner, and has realised the need for ordered progress.....

Important developments in the department (industries) such as the institution of the Stores Purchase Department, the industrial survey and the opening of new schools, owe their inception to the ministry and the Council. During the Reforms period economies have been effected in the department, and new developments have been initiated.....

There is no doubt that since the Reforms 'education has been more in the public eye than previously,' and that 'the Council has reinforced the claims of the department of public funds'. We refrain at this stage from discussing the activities of this department at any length as we have heard no evidence in regard to it.....

The Medical Department has had rather a chequered career during the period of the Reforms. There has been conflict of public and scientific interest on the question of the encouragement of the indigenous systems of medicine. There has also been conflict of service interests in the matter of appointments and the conflict of racial interests in the matter of medical attendance. There has been deterioration of medical administration under District Boards."

In Bihar and Orissa; "In spite of being handicapped by the unfortunate financial position resulting from the apportionment of revenues under the Meston Settlement,* we claim that considerable progress has been made in the development of the nation-building departments, particularly education, and the transference of responsibility in the field of Local Self-Government has been attended with success. The success was achieved in spite of the very meagre resources placed at their disposal."

* The Financial Relations Committee under the chairmanship of Lord Meston was appointed, primarily, to devise a scheme of provincial contributions to the central government. The report was made in 1920. It is known as the Meston Settlement.

The committees that were appointed by the legislative councils in the provinces of the Punjab, Burma, and Assam made no mention of the success or failure of the administration of the Transferred subjects in these provinces. However, the statements that have been quoted from the reports of the committees from the other provinces are probably sufficient to illustrate the general conditions. Furthermore, these statements are in general so vague that they seem to express a hope as much as a reliable statement of fact. Let us now examine the Statutory Commission's conclusions in regard to these matters.⁷

"Ministers, mostly new to administration, suffered greatly from having to devote much of the time and energy needed for their duties to the tasks of attempting to keep the support of a precarious following in the legislature and of meeting attacks - whether by way of votes of censure, motions for reduction of their salaries or other less direct methods - often inspired by motives only connected remotely, if at all, with disapproval of their policy or administration..... These conditions have constituted a severe handicap, and the results which Ministers have achieved are, in most provinces, greater than might have been expected under such drawbacks. Much is no doubt due - as Ministers themselves have acknowledged - to the devoted service of officials, and much to the help and guidance of Governors. Ministers have shown themselves notably energetic in several of the spheres of administration committed to their charge. In some provinces they have made interesting experiments on which a bureaucratic government might have hesitated to embark. The results may not always have been successful, but a quickened public interest has certainly been achieved..... Ministers have worked together with far less friction than might have been expected in circumstances in which they were more often than not, drawn from different groups or communities, and in which the taking of office has seldom been conditioned by any understanding that the principle of joint responsibility would be observed."

7 Indian Statutory Commission Report, Vol. 1, p 211-212 para.230

The Statutory Commission treats the specific case of education more fully. The Commission appointed an Auxiliary Committee, presided over by Sir Philip Hartog, which included in its membership both British and Indians to make a survey of the progress made in education since the Reforms went into effect. The Statutory Commission's conclusions are based on the report of this Committee. We quote:

"It is only fair to Ministers to say quite plainly that in our opinion the system which they inherited was far from satisfactory, and that no fair estimate of their achievement can be made unless large allowance is made for this initial handicap.....
So far as mere quantitative increase in the numbers under instruction is concerned, there has indeed been a phenomenal advance since the inception of the Reforms. In 1917 the total school-going population of British India attending primary classes numbered 6,404,200. In 1922 it had risen to 6,894,147, and the latest figure available is 9,247,617 for the year 1927.

"The figures of expenditure on primary education show an equally remarkable increase since the Reforms....

"Were statistics of quantitative expansion a trustworthy indication of educational advance, these might be held to furnish striking evidence of post-reform development. But the closer scrutiny to which they have been subjected by our Auxiliary Committee reveals the danger of accepting figures of increasing school provision or enrolment or expenditure as conclusive evidence of a proportionate or indeed a substantial increase of literacy.

"The two important factors vitiating the promise of these figures are what our Education Committee refers to as 'stagnation' and 'wastage'. Children who do not for one reason or another advance from one class to another a higher and consequently 'stagnate', or who, after a year or two of instruction, forsake the school altogether for the traditional duty of Indian childhood, the tending of the family flocks and herds, are not likely to swell the ranks of the literates.....

8 Indian Statutory Commission Report, Vol. 1, pp 381-383-384-385-386

"For British India, taking boys and girls together, out of every hundred pupils who were in Class I in 1922-23, only 19 were reading in Class IV in 1925-26. We are inevitably driven to the conclusion that the efforts of the past few years have resulted in much less real advance towards the attainment of the goal of a literate population in British India than the gross total of numbers under instruction might suggest, and that, if these efforts are continued on the same lines, they afford little promise for the future.....

"Acting under the continued pressure of public opinion and assisted by legislatures which readily voted progressively increasing grants for education in their desire to remove the national reproach of illiteracy, they (Ministers) embarked almost everywhere on large schemes of quantitative expansion without securing to themselves any adequate power of control and direction. In some cases, indeed, they actually abandoned much of the power which they had inherited, holding apparently that some sort of school and some sort of instruction, however, inefficient, were better than no school or instruction at all.....

"They succeeded to a heritage by no means inspiring and, if in their almost feverish anxiety to improve it they have in many cases made impetuous advances which may have to be retraced, the generous spirit of their endeavors is by no means without significance for the prospect of future progress. Nor should we, in registering our conclusions which must inevitably be somewhat general in character, be regarded as failing in appreciation of the notable improvement that has attended the well-directed efforts of individual provinces like the Punjab."

It is apparent from these paragraphs that, in the estimation of the Commission, education has not progressed satisfactorily. Nevertheless, they evidently consider the root cause of ~~the evil~~ such failure to be the nature of the organization of the educational system rather than the lack of effort or activity of Ministers. There is also evidence in the statements of the Commission that public opinion in regard to education is growing. Everything considered we gather the impression that the

administration of education since the Reforms promises well for the future.

In reviewing the administration of the Transferred subjects in general since the Reforms, the evidence tends to show that these departments have been handled surprisingly well.

Following on through the set-up of the Government of India under the Reforms, our next department to examine is the Central Legislature. The working of this body is probably more in the public eye, as was pointed out above (pp 78-9), than the working of the provincial legislatures although no "responsibility" has as yet been extended to this body. In selecting the evidence concerning the functioning of the Central Legislature, two chief sources are used. First the Indian's point of view is taken from the Report of the Indian Central Committee, and second, the conclusions presented in the Indian Statutory Commission Report,⁹ are set forth. We first quote the Indian Central Committee.

"The Government of India is technically responsible only to the Secretary of State; but its immediate juxtaposition with an elected majority in its Legislative Assembly necessarily rendered it extremely sensitive to the expression of opinion in that Assembly. Its constitutional responsibility to an outside authority, however, made any consistent accord between it and the Assembly impossible; while its natural desire to carry the Assembly with it in its proposals, coupled with the fact that it could not count on its stable support, made its own action uncertain and hesitating. Nor was the position redeemed by any compensating advantage in the shape of responsibility in the

⁹ Report of the Indian Central Committee, 1928-29, p 62 para. 121 p 63 para. 121

Assembly. The elected majority, unable to bend the Executive to its will and finding its decisions liable to be nullified by statutory powers vested in the Executive, naturally became restive and at times reckless. The irresponsibility in the Executive thus bred irresponsibility in the Assembly."

This Committee quotes an ex-member* of the Assembly to further describe the relation of the Legislative Assembly to the Executive, as they have functioned since the Reforms. They quote:

"The position of the Executive vis-avis the Legislature, is far from comfortable or enviable.... The Government are therefore obliged to resort to all possible arts of conciliation, or exploitation of the differences between the different parties and sections. Opposition has to be overcome by coaxing and cajolery, or bought off by favors or concessions. From the point of view of the opposition, it may perhaps be considered desirable that the government should be kept in a dependent condition and a pliant mood."

The Statutory Commission gives more of the details of the working of the Central Legislature than the Indian Central Committee gave. They make the following pertinent remarks on
11
this point.

"An Indian member, therefore, whether of the Legislative Assembly or of the Council of State has not so continuous a call upon his attendance as a British member of Parliament. Even so, it appears to be difficult to keep Indian members in full attendance throughout the session, though on important occasions the proportion of those present is extremely high.

.....
"The Assembly, as the popular body, receives a preponderating measure of notice in political circles and in the Press, and a large proportion of the leaders of political opinion in the country are members. Its general atmosphere differs greatly from that of the

11 Indian Statutory Commission Report, Vol.1, pp 224-225-226-227-228

* Central Committee Report, op. cit. p 63, quote P.S.Sivaswamy Aiyer

Council of State. Antagonisms are sharper, debates more acrimonious, and work generally more strenuous.

"The Council of State represents the more conservative elements in the country and in particular, sections of society which have most to lose by hasty and ill-considered legislation. It is not surprising, therefore, that it has taken a different view on many questions from the Assembly, which regards itself as representative of progressive political opinion. Between 1921 and 1928, on no less than five occasions, the two Chambers reached, at any rate in the first instance, different conclusions on the Government's Finance Bills. On nine other occasions, the Houses have been at variance on legislative measures. The relations between them have discouraged attempts to make them act together, though statutory provisions for such joint action exist. On 18 occasions only, have Joint Committees been appointed, and there has never been a joint sitting of the two houses.

.....

"There is nothing in the Indian Legislature which corresponds to the working of a party system, as that expression is understood in Britain. In view of the methods by which the Legislature is constituted, nothing else could be expected. Parties in the Lower House are predominantly communal groups. The aim of the Swarajists has been to create an inclusive political party, formed on national lines, and not in terms of religion, sect, or community. This attempt, however, has left the traditional religious cleavage of Indian society in the main untouched, and this cleavage constantly shows itself in debate and voting. The Swarajists are predominantly Hindu. The Nationalist Party is entirely drawn from the Hindu community. The Central Moslem Party is entirely Muhammedan, and we believe that the Independent Party is now predominantly so.

.....

"Up to 1928, no less than 199 Government legislative measures were passed by the Assembly, five were either rejected or withdrawn and were not considered of sufficient importance to call for the exercise of the Governor-General's overriding powers, while only four (two being the Finance Acts of 1923 and 1924) which were rejected, had to be certified. No Bill has been certified since 1925.

"The bulk of the measures passed referred to amendments of the Civil Law, and were of subsidiary interest, but important financial, industrial, commercial, labour, currency and banking legislation was also passed. It was chiefly in the field of Criminal Law that the Assembly showed itself definitely antagonistic.

.....
"In the Council of State, Government has been able to rely on support on all crucial questions. Except for a small Swarajists group, the Council of State has no political parties comparable to those in the Assembly, and purely partisan considerations bulk less largely in its consideration of measures. Government has often been able to rely on the Upper Chamber to redress the effects of precipitate decisions taken in the Lower House."

The functioning of the Central Legislature as it has been described in the last few paragraphs seems to indicate that although there has been considerable strife and turmoil in dealing with legislation much constructive work has also been done. The few times it has been necessary for the Governor-General to use his powers of certification would indicate that mistakes have been rare and that probably this department of government fills its purpose satisfactorily.

The various executive councils in India are largely controlled by the British officials. It is true that there is a considerable representation of Indians in these councils and that their influence is a real force, but such officials are obligated to the British executives for their appointments which fact may influence their activities in office. This statement holds true for the nominated members in the legislative councils as well. The Statutory Commission states on this point that, "There is a natural tendency for nominated members to support the Government which has selected them for membership of the Legislature..."

..But our own impression is that nominated members have as a rule, exercised a free judgment and have endeavored faithfully to represent the interests committed to their charge. " ¹²

No specific data is available on the activities of the Indian members in the various executive councils. For this reason the effectiveness of the Indians in these executive positions cannot be evaluated.

The number of Indians represented in the administrative services* speaks well for the Indian's effectiveness in this work. Nevertheless, the quality of such services should be scrutinized more carefully to insure a reliable estimate of the Indian's success in this field. The Indian's part in the administration of the Civil Services will now be presented. The following excerpts taken from the Statutory Commission's Report shed ¹³ considerable light on this question.

"We have dealt with a few departments among many, not because we regard them as more remarkable than others, but because, by their contrasts, they illustrate the wide range of the work of the public officials of India.

.....
 "The heads of Forest Departments in their evidence stressed the need for the maintenance of the European element in the Service and we were the most impressed by their view because the life of a forest officer, which has many attractions for young Englishmen, makes less appeal to the educated Indian than a career in any other service.

12 Ibid., p 227 para. 254

13 Ibid., pp 279 para. 307-306-305; pp 276-277 para. 304

"Nothing impressed us more in the course of our journeys through India than the need, in all but the best hospitals, for the raising of the standards of medical treatment, and especially in such matters as equipment and nursing. We gladly recognise the enthusiasm of Indian public men for the improvement of medical facilities. But enthusiasm without adequate standards has its dangers: and the loss of contact with the standards and progress of Western medicine, which would be entailed by a failure of recruitment for the Indian Medical Service, would, we are convinced, be disastrous for the future of the public health of India.

.....

"The Police Department..... is the target of much political attack in its work to secure the essential conditions for the enjoyment of all the advantages of citizenship, but if the question arises of removing a police station, the outcry which immediately follows proves that the value of police protection is recognized. The Indian peasant is normally law abiding, but he is capable under excitement, and in particular under religious excitement, of serious violence. Small store is then set on life and limb. Even peaceful Madras ryots will beat each other savagely over disputes about water rights. Moreover, there are whole communities which are criminal by caste - theft is their recognized and only means of subsistence from birth to death. Even more dangerous, there are in some parts of India considerable elements in the population, which on the relaxation of police control, or any suspicion of it turn to organized and violent crime on a wide scale. The interval which separates order from anarchy in India is narrow, as the non-co-operation movement showed.... For the whole of the Governor's Provinces and a total force of about 187,000 men, there are roughly, 1,000 officers, taken together the Indian Police Service and the higher grades of the Provincial Police Service.....

"It will be natural to ask how such a force as this, recruited from various communities and often operating in times of tension, is affected in its duties by religious divisions. We have been assured that the record of the force in this respect is extremely good. A distinguished officer, who was in charge of an area notorious for the frequency and violence of its communal riots, told us that the Muhammadan constables in his force could be trusted to escort a Hindu procession playing music before mosques, and the Brahmin constables to perform the same service for a Muhammadan procession leading cows to slaughter. We put on record this very remarkable evidence of the loyalty and discipline of the rank and file."

The brief generalizations just quoted, while acknowledging the integrity of the Indians in the various services, tend to show that there is still a real need for an experienced supervisory element upon which these services can rely. In the case of the police service, it might be inferred from the statements of the Statutory Commission that Indian police officers have succeeded in overcoming communal differences. Let us examine some further evidence pertaining to the whole question of "Law and Order" and see if it bears out this inference. We quote from the Reports of the Committees Appointed by the Provincial Legislative Councils.

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In Madras; "The evidence before us conclusively proves that in this Province the immediate constitutional change to be made is the change to full responsible government. It has, however, been urged that, in order to meet the special conditions of a few provinces who would like to wait some time before transferring Law and Order, all subjects except Law and Order may be statutorily transferred and that Law and Order may be transferred in a province if the Legislative Council by a stated majority votes in favor of it and the resolution is sanctioned by the Governor-General."

In Bombay; "We think the time is now ripe for a further transfer of responsibility, and recommend that all subjects with the exception of Law and Order should now be transferred to the control of ministers. With regard to Law and Order, we think that for some years this subject should continue to remain reserved. The existence of serious communal disorders between the two major communities in the Presidency and elsewhere in India makes the immediate transfer of this subject to the control of a newly elected Council difficult and dangerous. Such transfer may have a very serious and prejudicial effect on the efficiency and impartiality of the police and of the magistracy."

In Bengal; "There has been difference of opinion between the members of the Committee with regard to the transfer of Law and Order. Some of us held that Law and Order should be excluded and should be placed under the direct charge of the Governor. Others held that Law and Order should equally, along with other subjects, be transferred."

In United Provinces; "The Nawab Sahib himself has had experience as a non-official member in the Reformed Council, and since 1923 has been a respected member of Government, for the first three years as a Minister and subsequently for the last three years as a member of the Governor's Executive Council. In the last-named capacity, he has been in charge of the Police, Judicial and Jail departments, which go to make up the subject of "Law and Order". It is in regard to the transfer of this subject that so many conflicting opinions are held. It is interesting to note that Nawab Sahib's recommendations to defer the transfer of certain departments makes it clear that statutory provision could be made now to enable the Government of India to review after five years the question of transferring the remaining departments to the control of the Legislature. He regard the communal tension as a passing phase and is very sure that a change in feeling between the two communities will soon come about. We are equally hopeful, but we differ from the Nawab Sahib inasmuch as we feel that even though communal tension may be the stumbling block in our way at present, yet it does not constitute sufficient reason for withholding from the province an advance which it has earned and for which it has otherwise shown its fitness. "

In Bihar and Orissa; "Under our conception of provincial autonomy, all subjects classed as "provincial" will be under the control of a Cabinet, responsible to a bicameral legislature. No particular safeguards are necessary for Law and Order."

In Assam; "The most important change that we have suggested is the introduction of full responsible government in the province. All the subjects now classed as provincial, including Police, should in the future be administered by ministers responsible to the legislature."

The committees from the provinces of Burma and the Punjab failed to make any specific statement with regard to Law and Order in their reports. However, the statements just quoted are probably sufficient for us to suspect that there is a question as to the advisability of transferring Law and Order to the hands of Indians in all provinces. The Statutory Commission recognized this condition but concludes that, "...it is extremely undesirable that the new statute should make different provisions for different provinces, not only because this will lead to jealousy and heart burning, but because such a mode of treatment makes inevitable a repetition of inquiries at close intervals in order to see whether the situation has again changed and what further modifications are called for.... We propose, therefore, that the rigid division into reserved and transferred subjects should disappear. All alike will be in the common category of provincial subjects." ¹⁵ In view of these statements the question, ought the administration of Law and Order be granted to the Indians in the provinces, probably should be decided in the affirmative.

The central department most nearly related to Law and Order is that of the defense of India under the charge of the Commander-in-Chief, who is a member of the Governor-General's Council. The problems of this department have been dealt with partially in connection with the Indianization of the army in

15 Indian Statutory Commission Report, Vol. II, p 31 para. 44 and p 33 para. 46

in India, (pp37-38). In order to present both the Indian and British viewpoint on the transfer of this department of government to the Indians, it is necessary to develop this topic more fully. The Indian's point of view is stated by the Indian Central Committee in their Report. They say:

"We regard the suggestions which have been made to us to revert to the pre-reform Legislature, with an official majority, as wholly impracticable. Considerations of justice as well as political expediency forbid such a course. The only line open to us seems to be to introduce an element of responsibility in the Central Government so as to broad-base it on the support of the Legislature.

"In making this recommendation we are not oblivious of the difficulties which stand in the way of establishing complete responsibility in the Central Government at the present day. We therefore propose to proceed in the first instance by the transfer of all subjects, except the defense of India and its relations with foreign and the Indian States, to the control of ministers responsible to the Legislature."

This recommendation for the reservation of the control of defense and foreign relations by the British contemplates only a temporary organization of this kind. Nevertheless, the fact that such reservation is proposed by this committee would seem to indicate that there is need of British control of this department for some time at least. The Indian Statutory Commission remarks on this point:

"It is impossible to relinquish control over an Army containing this (British) element to Ministers responsible to any elected legislature. Such a transfer could only take place when no part of the Army consists of British officers or troops recruited by the Imperial Government. When this will come about we cannot say, but we see no prospect of its happening for very many years."

¹⁶ Report of the Indian Central Committee, p 63 para. 123

¹⁷ Indian Statutory Commission Report, p 168 para. 197

The Commission further enlarges on this same point in stating two major propositions that must be faced in dealing with
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this question. We quote:

"First, control of an Indian Army including a British element cannot be made over to an Indian Legislature. Secondly, so far as it is possible to forecast the future, the evolution of an entirely Indian military force, capable of undertaking unaided the tasks now discharged by the Army in India, must be a very slow process indeed."

The chief difficulties of developing an all-Indian army have been mentioned in our discussion of the Indianization of this branch of service. These difficulties can be briefly summarized by repeating the words of the Commission. They say:
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"The plain fact is that the formation of an Indian national Army drawn from India as a whole, in which every member will recognize 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 confidence, is a task of the greatest possible difficulty."

It would seem from these statements that the social, religious and racial differences were the principal handicaps to the establishment of an all-Indian army. Furthermore, the ~~institution~~^{establishment} of complete self-government is conditioned on the development of an all-Indian army. Proposals have been set forth for adjusting the difficulties presented by the existing situation but we are concerned here only with the present state of things.

18 Indian Statutory Commission Report, Vol. II, p 170 para. 200
19 Ibid., Vol. I, p 97 para. 116

The evidence set forth in this chapter has indicated the proficiency of the India in the various branches of government administration. The institution of "dyarchy" has not been an unqualified success in all provinces but where it was applied in good faith results were generally satisfactory. Dyarchy probably served its purpose as a training school for the Indians in learning to manage responsible government. Ministers in charge of transferred subjects performed their responsibilities very well considering the obstructions which they had to overcome. There has been considerable strife in the Central Legislature, but on the whole its record of accomplishment speaks well for the future of this body. However, there is some evidence to show that the influence of the British officials in this body is still desirable due chiefly to the absence of any well defined party lines. There is very little evidence of any kind relative to the efficiency of the Indian on executive councils.

The evidence available concerning the Indians' participation in the administration of the various services in India shows that such participation has been extensive and generally effective. However, the facts seem to indicate that there is still a need for an experienced supervisory element upon which these services can rely for guidance.

There is a difference of opinion in regard to transferring the control of Law and Order to the hands of the Indians but the Statutory Commission concludes that this should be done in the provinces.

It is generally agreed by both the British and Indians according to the evidence available that India is not yet ready to assume responsibility for the general defense and internal security of India due to the present personnel of the army. The social, religious, and racial differences in the population from which recruits must be drawn seems to be the chief handicap to the establishment of an all-Indian army. The Statutory Commission maintains that the institution establishment of complete self-government in India is conditioned upon the development of such an all-Indian army.

CHAPTER V

SUMMARY AND CONCLUSIONS

The early history of the British political system in India shows a tendency toward the development of a constitution for India based upon three major principles. These principles were the concentration of authority at the Centre, the control of legislative functions exercised by the executive, and the ultimate responsibility of Parliament for the whole Indian Government. Due to this general policy, the Indian had been granted little opportunity to familiarize himself with responsible government prior to the Reforms of 1919.

The Reforms of 1919 established some new principles in regard to British policy in India. In contrast with the old system in which strict centralization of authority was the key note, the new scheme provided for the devolution of authority to the Indian as rapidly as he became qualified to assume responsibility. The ultimate goal of this policy which is still in effect is Dominion Status for India.

The extent of Indianization in the various branches of the government services under the reformed government has been quite substantial. It is roughly estimated that some 1,700 Indians have received training in the "responsible" provincial legislatures since the Reforms went into effect. Likewise a rough estimate of the number of Indians having served in the

Central Legislature during this period is probably about 388. Similarly, a substantial number of Indians have received training in the various executive councils. Indians are well represented in every branch of the civil services in India, although the British officials are generally found to occupy the highest positions. In the Indian army there are now about two and one half times as many Indian troops as British enlisted men. The officer corps, however, is largely composed of British officers particularly in the higher ranks. The judiciary has been Indianized almost completely in the lower courts and very substantially in the higher courts. Thus it may be concluded that progress toward the desired goal with respect to the Indianization of the government services in general has been relatively rapid.

The chief difficulty to be overcome in extending authority to the Indian is the unification of India. The principal difficulties in the process of unification are the immense population in various stages of material and moral growth, the absence of a distinct nationality, the prevalence of a great number of creeds and manners, the large number of persons who are illiterate, the difficulties of establishing adequate educational facilities, and the size and nature of the various political divisions.

Certain forces in the social and economic conditions in India are positive with respect to their influence toward the betterment of conditions. Among these forces are Christianity,

the European element in the population, and the progress of the industrialization process.

The major forces in the social and economic conditions tend to be negative with respect to general improvements. These forces may be listed as follows:

1. The size of the territory and lack of adequate facilities for communication isolates much of the population.
2. The number and nature of the various political divisions make unification extremely difficult.
3. The immense mixed population of which only a small per cent are literate handicaps social reform and the development of political consciousness in the masses.
4. Many and diverse religions have caused a serious communal problem which must be ~~seelved~~ solved before unification can be achieved.
5. The rigid caste system and the position of women handicaps the education of the masses, and prevents economic advancement.
6. An immense rural population handicaps education, encourages indifference to government, and makes the extension of modern methods to agriculture a big problem.

No one of these factors constitutes a separate problem. They are all interrelated, yet each one aggravates the situation in its own peculiar manner.

The introduction of the Indian to the administration of government in its complex social setting has met with varied success. In the provinces the plan of dyarchy served its purpose as a training school to introduce the Indian into the working of representative legislatures. Ministers in charge of transferred subjects performed their duties in general very

successfully. Although there is some question as to the advisability of transferring the department of Law and Order to the charge of an Indian minister, the Statutory Commission recommends that this department should be so transferred along with all other provincial subjects.

The functioning of the Central Legislature has been generally satisfactory. The evidence available tends to show that the extent to which this body can be made "responsible" at the present time with safety for the welfare of India as a whole is questionable. The Indian Central Committee recommends that this body be made responsible except for matters of defense, foreign relations, and relations with the Native States. The Statutory Commission maintains that this proposition cannot be granted, due to the present British personnel in the army which could not be subjected to the control of an Indian minister. Consequently the question of extending authority to the Indians at the Centre depends upon the solution of the army problem.

The development of an all-Indian army has progressed far in point of numbers. Nevertheless, there are certain differences of a social, religious, and racial nature which must be harmonized before an army can be developed which is capable of assuming the responsibility for both the national defense and internal securing of India. The evidence tends to show that it will be many years before such an army can be developed in India.

Indians in the administrative services have in general demonstrated their ability to manage such services effectively except in the higher offices where the British official has held

control. The evidence tends to show, however, that in some services such as in the Medical Service, there seems to be a need for an experienced supervisory authority to insure desirable progress in these fields.

The evidence set forth in this thesis seems to justify the following major conclusions:

1. The provinces of British India are probably ready for autonomy with the possible exception of the maintenance of Law and Order in some instances.
2. The danger of internal disorder due to deep rooted social problems prevents any generous extension of responsible government in the Central Legislature at the present time although this Legislature is probably capable of handling all of the ordinary functions of such a body.
3. Finally, the evidence tends to show that there are too many disintegrating factors in the social and economic life of the people to warrant the extension of Dominion Status to India at the present time.

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