SUMMARY
of
Constitutional Reforms
For India

Being
Proposals of Secretary of State Montagu
and
The Viceroy, Lord Chelmsford

With the Compliments of
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[University of Glasgow]

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Far-reaching changes in the principles and framework of the Government of India are recommended to His Majesty's Government in a Report signed jointly by Mr. Edwin Montagu, Secretary of State for India, and Lord Chelmsford, the Viceroy, at Simla on 22nd April, 1918, and now presented to Parliament (Cd. 9109). With appendices the Report covers 300 octavo pages. The proposals include a great extension of local self-government so as to train the extended electorates; a substantial measure of self-government in the provinces; developments for better representation of Indian needs and desires in the Government of India and the All-India legislature; machinery for fuller knowledge in Parliament; and means for continuously enlarging, in the light of experience and at regular stages, the element of responsibility to Indian electorates.

What is described in the first chapter as "the most momentous utterance ever made in India's chequered history" was the announcement in the
House of Commons on 20th August, 1917, of a definite policy of "the increasing association of Indians in every branch of the administration and the gradual development of self-governing institution with a view to the progressive realization of responsible government in India as an "integral part of the British Empire." With a view to substantial steps in this direction being taken as soon as possible, Mr. Montagu, accompanied by Lord Donoughmore, Mr. Charles Roberts, M.P., and others, went out to India in the autumn to pursue a thorough investigation in association with the Viceroy. The Report is based on six months' diligent inquiry, but a definite assurance is given that the energies of the Government of India were not diverted from the war by other considerations, however important.

The Report is published in pursuance of the pledge given on 20th August, 1917, that ample opportunity would be afforded for public discussion of the proposals. Mr. Montagu stated in answer to a question on 12th June, 1918, that, owing to their heavy preoccupation with the immediate work of the war, His Majesty's Government have not yet been able to consider the Report and to formulate their conclusions upon the proposals contained in it. In coming to their final decision the Government will "have the advantage of considering any suggestions to which "its publication may give rise." It should be noticed that the authors observe that their proposals "can only benefit by reasoned criticism both in England and India, official and non-official alike."

In writing of the gravity of the task they have attempted, the Secretary of State and the Viceroy observe that England may be proud of her record
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in India. Because the work already done has called forth in India a new life, we must found her Government on the co-operation of the people, and make such changes in the existing order as will meet the needs of the more spacious days to come; "not ignoring the difficulties nor under-estimating the risks, but going forward with "good courage in the faith that because our pur-pose is right it will be furthered by all that is "best in the people of all races in India" (para-graph 5). In a closing word, they observe that if anything could enhance their sense of responsibility it would be the knowledge that far greater issues were hanging in the balance on the battle-fields of France:—

"It is there and not in Delhi or Whitehall that the ultimate decision of India's future will be taken. The liberty of the world must be won before our deliberations over the liberalising of Indian political institutions can acquire any tangible meaning." (Paragraph 356.)

India and the World War.

Testimony to general recognition in India that the Allied effort and sacrifice are for justice and right is borne in the first chapter, which outlines recent events there. The people as a whole are in genuine sympathy with the cause of the Allies, and the educated classes have never faltered in their allegiance thereto. It is observed that the speeches of English and American statesmen, pro-claiming the liberalising aims of the Allies, have had much effect upon political opinion in India,
and have contributed to give new force and vitality to the demand for self-government, which was making itself more widely heard among the progressive section of the people.

After surveying the administrative and legislative system in India, the Report discusses the working and effect of the last of successive stages of political advance, known as the Morley-Minto reforms, effected in 1909. The conclusion is reached that they afford no full answer to Indian political problems. Narrow franchises and indirect elections have failed to encourage in members of the legislatures a sense of responsibility to the people. While Governments found themselves far more exposed to questions and criticism than hitherto, such attacks were uninformed by a real sense of responsibility, such as comes from the prospect of having to assume office in turn. Power remained with the Governments, always supported by the official bloc (which in the Vice-roy’s legislature constituted a majority), and the councils were left with no functions but criticism. The plan afforded no room for further advance along the same lines. The Morley-Minto reforms were the final outcome of the old conception which made the Indian Government a benevolent despotism (tempered by a remote and only occasionally vigilant democracy in England), which might as it saw fit for purposes of enlightenment consult the wishes of its subjects:

"Parliamentary usages have been initiated and adopted in the councils up to the point where they cause the maximum of friction, but short of that at which, by having a real sanction behind them, they begin
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to do good. We have at present in India neither the best of the old system nor the best of the new.” (Paragraph 81.)

The Evolution of Democracy in India.

The British Government having decided on the new policy of marching by successive stages, as fitness develops, to Indian self-government within the Empire, the Secretary of State and the Viceroy candidly review the conditions of the problems of the first steps, and explain its inherent difficulties. But these do not deter them; they believe profoundly that the time has come when the sheltered existence we have given India cannot be prolonged without damage to her national life; that nationhood within the Empire represents something better than anything India has hitherto attained; that the placid, pathetic contentment of the masses is not the soil on which such Indian nationhood will grow, and that in deliberately disturbing it “we are working for her highest good” (paragraph 144). The task of calling forth capacity and self reliance in the place of helplessness; nationhood in place of caste or communal feeling, is a great and worthy one and it calls for effort and self-sacrifice from every element in the community.

To begin with, in learning to rise to his new responsibilities the Indian peasant voter will need all the help that other people, officials and non-officials alike, can give him. Appeals are made to the landed aristocracy to take a more active part in public affairs; to the smaller gentry to advise on the great mass of rural questions which will
come before the provincial legislatures; to the educated classes to promote the advancement of the peasant and labouring population; and to all to set their faces against the small knot of revolutionaries and unrestrained agitation, and to discourage religious animosities: —

"We call upon all those who claim to be leaders to condemn with us, and to support us in dealing with methods of agitation which drives schoolboys to crime and lead to religious and agrarian disturbance . . . . Many prominent Indians dislike and fear such methods. A new opportunity is now being offered to combat them; and we expect them to take it. Disorder must be prejudicial to the cause of progress, and especially disorder as a political weapon. But we have no hesitation in recommending that the Government must maintain power to prevent the disastrous consequences if in any case law and order are jeopardized. Outbreaks of anarchy cannot be tolerated." (Paragraph 150.)

Before Mr. Montague went out to India the most notable scheme of reconstruction put forward was that jointly sponsored by the Indian National Congress and the All-India Moslem League, constituting "the most complete and most authoritative presentation of the claims of the leading Indian political organizations." The essence of that scheme is described, after detailed analysis, as that of an executive theoretically re-
sponsible to the Secretary of State, but practically divided, a legislature responsible to the electorate, and a distribution of power which enables the legislature to paralyse the executive without having power to remove it. Mr. Montagu and Lord Chelmsford hold that the scheme starts with a wrong conception—that of the legislature and the executive deriving their power from, and being responsible to, different authorities. They believe that the inherent defects of the machine would make its working impossible. But even if it were otherwise, the success of the plan would be the negation of the ultimate aim, viz., responsible government. Indians could not remain content with the suggested executive, and therefore their policy naturally, and from their standpoint justifiably, must be to weaken and discredit it.

A Resumé of the Proposed Reform

After a comprehensive survey of conditions constituting the first half of the Report, Mr. Montagu and Lord Chelmsford come to their own proposals for starting India on the road leading to responsible government. The first of the four guiding formulae they lay down is:

"There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control." (Paragraph 188.)

The methods of attaining this end are discussed, and it is shown that the Government of India have drawn up detailed schemes which will shortly be published. It is suggested that the reformed and representative district boards of the
future could and should be utilised by the district officer for the purposes of advice and consultation. The Report emphatically rejects the argument, that since local self-government has not hitherto been made a reality in most parts of India "we should content ourselves with such "reforms as will give it reality, and should await "their result before attempting anything more "ambitious." It is pointed out that Indian hopes and aspirations have been aroused to such a pitch that it is idle to imagine that they will now be appeased by merely making over to them the management of urban and rural boards. Moreover the development of the country has reached a stage at which the conditions justify and advance in the wider sphere of government; and at which, indeed, government without the co-operation of the people will become increasingly difficult. This is also one of the main grounds for rejecting a scheme for establishing councils for the divisions into which, except in the Madras Presidency, the districts (collectorates) are grouped.

With the way thus cleared the authors come to the second great line of advance, summed up in the formula:—

"The provinces are the domain in which the earlier steps toward the progressive realisation of responsible government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislative, administra-
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tive and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities.” (Paragraph 189.)

The detailed recommendations with this end in view apply to all the major provinces, with the exception of Burma. The reasons for the exclusion are that Burma is not India; its people belong to another race in another stage of political development, and its problems are altogether different. For reasons of strategy, the North-West Frontier Province and Baluchistan must remain entirely in the hands of the Government of India. The smaller tracts of British India, like Delhi and Coorg, are to remain under a Chief Commissioner, to be assisted by some form of advisory council. Throughout the country the backward areas, where the people are primitive, and there is yet no material on which to found political institutions, will be administered on the lines of the Scheduled Districts Act, 1874, by the Head of the province in which they are situated.

The Report sets aside the idea embodied in the Joint Address of European and Indian gentlemen, promoted by Mr. Lionel Curtis, of establishing in the provinces subordinate legislatures provided with their own executives for the administration of certain classes of business. This scheme, in fact, contemplates the sub-division of provinces for the constitution of “provincial states” to exercise authority in “transferred” matters. The Report holds that the disadvantages of such dualism would far outweigh the advantages. The Superior Government would be regarded as official, the other or others as Indian; and acute differ-
ences must ensue over the division of financial resources and other matters.

The Basis of the New Government.

The substantive proposal of the Report is that in each province the executive Government should be a composite authority. One element in it would comprise the head of the province (to be known as Governor, though this common designation would not imply any equality of emoluments or status, both of which would continue to be regulated by the existing distinction), and an executive council of two members. One of these would in practice be a European qualified by long official experience, and the other would be an Indian. The Governor in Council would have charge of "reserved subjects." Another element in the Government would consist of the Governor and of one member, or more than one member, according to the number of importance of the "transferred subjects," chosen by the Governor from the elected members of the legislative council. They would be known as ministers, and would be members of the executive Government, but not members of the executive council; and they would be appointed for the life-time of the legislative council. Since the Governor may be unfamiliar with Indian conditions, he is to have the power to appoint an additional member or members from among his senior officials for purposes of consultation and advice.

The Government thus constituted would deliberate generally as a whole, but the Governor would have power to summon any member or members of his Government to deliberate with
him separately. Decisions on reserved subjects, and on the supply for them in the provisional budget, would rest with the Governor and his executive council; decisions on transferred subjects and the supply for them, with the Governor and the ministers. The aim in view is the devolution of responsibility for transferred subjects, and then, by gradually increasing this devolution by successive stages, to ultimately reach complete responsibility. The guiding principle of transfer would be to give responsibility in those departments "which afford most opportunity for local knowledge and social service, those in which Indians have shown themselves to be keenly interested, those in which mistakes which might "occur though serious, would not be irremediable, "and those which stand most in need of develop-"ment." (Paragraph 238.)

The enlarged provincial legislatures will differ in size and composition from province to province; but each will possess a substantial elected majority, sent there by direct election on a broad franchise, with such communal and special representation as may be necessary. The franchise and the composition of the legislatures is to be determined by regulations to be made on the advice of a committee, consisting of a chairman appointed from England, two officials and two Indian non-officials, the draft regulations to be laid before Parliament. Another committee, consisting of a chairman appointed from England, an official and an Indian non-official will advise on the question of the separation of All-Indian from provincial functions, and will recommend which of the functions assigned to each province should be transferred subjects.
While regarding the system of communal electorates as a very serious hindrance to the development of the self-governing principle, the Report recognises that the privilege cannot be taken from the Mahomedans, in provinces where they are in a minority, having regard to the pledges in accordance with which they were given separate representation nine years ago. Any general extension of the communal system, it is observed, would be fatal to the development of representation upon a national basis. It is therefore to be extended only to the Sikhs in the Punjab, who are a distinct and important people, supplying a gallant and valuable element to the Indian Army; but who are everywhere in a minority, and go virtually unrepresented. For the representation of other minorities nomination is preferred, largely because it can be more easily abolished than the communal system when the necessity for it ceases. The number of special electorates should be as restricted as possible, though it is recognised that where the great landowners form a distinct class in any province there will be a case for giving them an electorate of their own.

The Secretary of State and the Viceroy hold that there are good and sufficient reasons for not dispensing entirely with the official element in the legislative councils. Once the official bloc is swept away the main objection to the presence of officials disappears, and their membership will tend to steady discussion and keep it to practical issues. But this element, appointed by the Governor, should be no larger than is considered necessary for the transaction of business. The offi-
cials should be given freedom of speech and vote, except on occasions when the Government thinks it necessary to require their support.

Devolution of Powers.

For the purpose of aiding the provincial Government to get through its legislation on reserved subjects, the head of the Government should have power to certify that a Bill is essential to the discharge of his responsibility for the peace or tranquility of the province or of any part thereof, or for the discharge of his responsibility for the reserved subjects. The Bill would thereupon be introduced and read in the legislature, and, after discussion on the general principles, be referred to a grand committee. But the legislature may require the Governor to refer to the Government of India, whose decision shall be final, the question whether he has rightly decided that the certified Bill is concerned with a reserved subject. The grand committee, comprising from 40 to 50 per cent. of the legislature, is to be set up ad hoc, partly by election by ballot, and partly by nomination. The Governor is to have power to nominate a bare majority, in addition to himself, but not more than two-thirds of the nominated members to be officials. The Bill as passed in grand committee is to be reported to the legislature, which may again discuss it generally, but may not amend it, except on the motion of a member of the executive council, or reject it. After such discussion the Bill passes automatically. Conditions are laid down under which certification may apply to a clause, or an amendment, instead of to the whole measure. The existing veto of the
Summary of Governor is to include power of return for amendment, and the Governor-General is to have power to reserve provincial Acts for the decision of the Crown.

Finance.

In the important sphere of finance the system of "divided heads" is to disappear, in order to effect a complete separation between Indian and provincial heads of revenue. Resources required to meet the balance of expenditure for the upkeep and development of the services which clearly appertain to the All-Indian sphere are to be secured by making contributions to the Government of India the first charge on provisional revenues. The rest of the provincial revenues will be administered by the local Governments, which will thenceforth be held wholly responsible for the development of all provincial services. The provincial Governments are to be given certain powers of taxation and borrowing hitherto withheld. The Budget is to be laid before the legislature. If acceptance of proposals for reserved subjects is refused, the Governor in Council is to have power to restore the whole or any part of the original allotment, on the Governor certifying that, for reasons to be stated, such restoration is, in his opinion, essential to the discharge of his responsibilities. Except in so far as he exercises this power, the budget is to be altered so as to give effect to resolutions of the legislature.

The Organization of the New Government.

The third main proposition of the Report is:—
“The Government of India must remain wholly responsible to Parliament, and, saving such responsibility, its authority in essential matters must remain indisputable, pending experience of the effect of the changes now to be introduced in the provinces. In the meantime the Indian legislative council should be enlarged and made more representative, and its opportunities of influencing Government increased.” (Paragraph 190.)

The first substantive proposal on these lines is that of the abolition of existing statutory restrictions in respect to the appointment of members of the Viceroy’s executive, so as to give greater elasticity both as to the size of the Government and the distribution of work. It is also proposed to increase the Indian element in the executive, and the appointment of another Indian member “as soon as may be” is suggested.

In order to be far more truly representative of British India, the central legislature is to be bifurcated. The existing body is to be known in future as the Legislative Assembly of India, and to be raised to a total strength of about 100 members. Two-thirds of this total should be elected, and of the third to be nominated by the Viceroy not less than a third again should be non-officials selected with the object of representing minority or special interests. To the committee for drawing up electoral schemes already referred to will be committed the task of submitting proposals for determining the electorates and constituencies. It is recognised that there must be some special repre-
sentation, as for European and Indian commerce, and also for the large landlords.

The second chamber, to be known as the Council of State, is to take its part in ordinary legislative business, and to be the final legislative authority in matters which the Government regards as essential. It should consist of 50 members, exclusive of the Governor-General, 21 to be elected and 29 nominated. Of the latter four must be non-officials. The life of each Council of State is to be quinquennial, but the Governor-General is to have power to dissolve either legislature.

Assent by both bodies will be the normal condition of legislation. Ordinarily a Government measure, if passed by the Assembly, will be sent to the Council of State. If the latter amends the Bill in a manner unacceptable to the Assembly, it will be submitted to a joint session of both Houses, unless the Governor-General in Council certifies that the amendments introduced by the second chamber are essential to the interests of peace and order or good government, in which case the Assembly cannot reject or modify such amendments. But in the event of leave to introduce being refused or the Bill being thrown out at any stage, the Governor-General in Council will have the power, on similar certificate, to refer it de novo to the Council of State. In cases of emergency so certified the Bill in the first instance may be introduced in and passed through the Council of State, merely reporting to the Assembly. Somewhat similar powers are reserved in respect to private Bills.

Joint standing committees of the Council of State and the Assembly are to be associated with
as many Departments of Government as possible. The head of the department concerned is to decide what matters shall be referred to the standing committee linked with it. Two-thirds of each standing committee will be elected by ballot by the non-official members of the two legislatures, and one-third will be nominated by the Governor-General in Council. In the provinces there are to be similar standing committees, each for a department or for a group of departments. While the functions of the standing committees are to be advisory only, and it will be open to the Government to refuse information inconsistent with the public interest, the general object in view is that they should see, discuss, and record for the consideration of Government their opinions upon questions of policy and new schemes involving large expenditure. In all the legislatures (except provincially on the budget) resolutions, as at present, are to have effect only as recommendations. In all of them the limitation of the right to put supplementary questions to the original interrogator is to be removed. Another advance common to the central and provincial legislatures is the power it is proposed to confer on Government to appoint a limited number of members of the legislature to positions analogous to that of Parliamentary Under Secretaries in this country.

Two New Councils.

Two new bodies of great dignity and importance are proposed. One is an Indian Privy Council, to which appointments would be made by the King-Emperor for life, being confined to those who had won real distinction, or had held or were
holding the highest offices. It would advise the Governor-General when he saw fit to consult it on questions of policy and administration. It is the hope of the authors that for one purpose or another committees of the council, comparable to those of the Privy Council here, which have done valuable work in connection with industrial and scientific research, &c., will be set up.

The other new body would be a Council of Princes, replacing the conferences held in recent years at the invitation of the Viceroy. It would be a permanent consultative body to consider questions affecting the Native States generally, and other questions which are of concern either to the Empire as a whole or to British India and the Native States in common, and there would be a standing committee. The Viceroy should appoint a commission at his discretion, composed of a High Court Judge and one nominee of each of the parties, to advise in case of disputes between States, or between a State and Government. All Native States possessing full internal powers, and not five only as at present, are to have direct relations to the Government of India instead of the Local Governments, and relations with Native States are to be expressly excluded from transfer to the control of provincial legislatures. Joint deliberation on matters of common interest between the Council of Princes and the Council of State are suggested.

Prospective Home-Rule.

The fourth and final main proposition on which the Report is based is:—

"In proportion as the foregoing changes take
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effect, the control of Parliament and the Secretary of State over the Government of India and provincial Governments must be relaxed." (Paragraph 191.)

It is proposed that in respect to all matters in which responsibility is entrusted to representative bodies in India, Parliament should forgo the power of control exercised through the Secretary of State, and that this process should continue pari passu with the development of responsible government in the provinces and eventually in the Government of India. As regards reserved subjects, there should be such delegation of financial and administrative authority as will leave the Government of India free, and enable them to leave the provincial Governments free to work with the expedition that is desirable. The appointment of a committee to examine and report on the present constitution of the Council of India and on the India Office establishments, with a view to adaptation to changed conditions, is proposed. Not only is there acceptance of the old Indian plea that the salary for the Secretary of State for India should be transferred to the Home Estimates, to be annually voted by Parliament; but a better informed and more sustained interest in India by the ultimate authority is sought by the proposed appointment, at the beginning of each session, of a House of Commons Select Committee on Indian affairs. The Secretary of State would appear before it to answer questions about those aspects of Indian administration in which he continued to exercise the right to interfere.

Machinery is proposed whereby the "substan-
tial steps" in the direction of responsible govern-
ment in India adumbrated in the Report may be carried further in course of time. Five years after the meeting of the new provincial councils, the Government of India are to consider any applications from a provincial Government or a provincial legislature for modification of the list of reserved and transferred subjects. In such cases the Government of India, with the sanction of the Secretary of State, is to have power to transfer any reserved subject, or in case of serious maladministration, to remove to the reserved list any subjects already transferred. When hearing such applications the Government of India may direct that the ministers' salaries, instead of any longer being treated as a reserved subject, should be specifically voted each year by the legislature; or failing such direction it should be open to the councils at that time, or subsequently to demand by resolution, that the salaries should be so voted.

Emphasizing the provisional character of the scheme, the authors hold it to be essential that there should from time to time come into being some outside authority charged with the duty of re-surveying the political situation in India and of readjusting the machinery to the new requirements. It is therefore, proposed that a commission should be appointed ten years after the first meeting of the new legislative bodies to review the position. The names of the commissioners should be submitted for the approval of Parliament. Similar commissions would thereafter be appointed at intervals of not more than 12 years. Among the many duties with which the commission would be charged would be consideration of the working of the franchise and the constitution of electorates. On this part of its functions the Report observes:—
"We regard the development of a broad franchise as the arch on which the edifice of self-government must be raised; for we have no intention that our reforms should result merely in the transfer of powers from a bureaucracy to an oligarchy."

(Paragraph 262.)

"The approximation to complete responsibility must depend, among other things, on the growth of the electorate, and on the measure in which they give evidence of an active and intelligent use of the franchise. We wish to attain complete responsibility where we can and as early as we can, and we intend that its attainment should depend upon the efforts of the Indian people themselves. It would not be fair to give it to them till they fulfil the necessary conditions."

(Paragraph 264.)

Racial Discrimination Abolished.

In respect to the pledge of increasing association of Indians in every branch of the administration given on 20th August, 1917, the principle is laid down eliminating from the regulations the few remaining distinctions that are based on race, thus making appointments to all branches of the public service without racial discrimination. But the authors express their conviction that the English members of the Services will continue to be as necessary as ever to India. Indeed, with the new political and economic development on which she is entering there will be new opportunities for
helping her with the services of men who have known the problems of government in other parts of the Empire, or who have special knowledge of technical science. With respect to the grant of British commissions to Indian officers, to which the door was opened on 20th August, it is urged that the principle then laid down must be more fully acted on. The services of the Indian Army in the war and the great increase in its numbers make it necessary that a considerable number of commissions should now be given.

The United States of India.

Mr. Montagu and Lord Chelmsford state their conception of the eventual future of India to be a sisterhood of States, self-governing in all matters of purely provincial interest, and presided over by a central Government, increasingly representative of, and responsible to, the people of all of them, dealing with matters, both internal and external, of common interest to the whole of India. They deem it possible that the Native States will wish to be associated for certain purposes with the organisation of British India, in such a way as to dedicate their peculiar qualities to the common service, without loss of individuality. (Paragraph 349.)

Attached to the Report are three supplementary papers expressing the general assent of Mr. Montagu's colleagues in his inquiry (Lord Donoughmore, Sir William Duke, Mr. B. N. Basu, and Mr. Charles Roberts), the Government of India, and the Council of India, with reservations in the case of the two latter as to details of the scheme though they support its general policy.