
UNIT 17 CONSTITUTIONAL REFORMS: 1892-1920

Structure

- 17.0 Objectives
- 17.1 Introduction
- 17.2 Background
- 17.3 The Indian Councils Act, 1892
 - 17.3.1 Need for Constitutional Changes
 - 17.3.2 Main Provisions of the Act
- 17.4 Morley-Minto Reforms
 - 17.4.1 Need for Constitutional Changes
 - 17.4.2 Changes in the Composition of Legislative Bodies
 - 17.4.3 Changes in Functions
- 17.5 Montagu-Chelmsford Reforms
 - 17.5.1 Circumstances Leading to Montagu-Chelmsford Reforms
 - 17.5.2 Changes in the Central Government
 - 17.5.3 Changes in the Provincial Government
 - 17.5.4 Observations on the Montagu-Chelmsford Reforms
- 17.6 Let Us Sum Up
- 17.7 Key Words
- 17.8 Answers to Check Your Progress Exercises

17.0 OBJECTIVES

The purpose of this unit is to introduce you to the main stages in the evolution of legislative bodies in India between 1892 and 1919. After studying this unit you should be able to:

- trace the growth in size and functions of legislative bodies during this period,
- learn about the factors which prompted the British to introduce these changes, and
- appreciate the relationship between the struggle for freedom and growth of these bodies.

17.1 INTRODUCTION

The British introduced certain constitutional reforms. This Unit discusses the factors which led to the passing of the Indian Councils Act of 1892. The main provisions of the act as well as its achievements and limitations have been dealt with. It further refers to the background of the Morley-Minto (1909) and Montagu-Chelmsford (1919) Reforms and also discusses the changes these reforms introduced in the various organs of the Government. Finally the weaknesses and achievements of the reforms have been pointed out to enable you to arrive at an objective analysis.

17.2 BACKGROUND

Under the Charter Act of 1833 a fourth member, known as the Law Member, was added to the Executive Council of the Governor-General. He was entitled to sit and vote in the Council of the Governor-General only when it met for legislative purposes. Thus for the first time a separation was introduced between the Executive and legislative functions of the Central Government. Another change introduced by this Act was that the Presidency Governments were deprived of their independent legislative power.

Twenty years later, in 1853, another Charter Act was passed under which the Law Member was given full rank as a Member of the Council of the Governor-General. At the same

time, the distinction between the Council of the Governor-General as an Executive and as a Legislative body became more marked because the size of this Council for legislative purposes was increased by including six 'Additional Members'. They were all salaried officials, four represented the three Presidencies and the Government of the North-Western province (roughly Western half of present day U.P.) and two were judges. The Act styled such members as Legislative Councillors. The proposal to add non-official members, either European or Indian, was not accepted.

The Legislative Council had, in 1854, laid down an elaborate procedure for the transaction of business. In addition to making laws, it became a body for inquiring into various grievances. Moreover, the provincial governments resented the centralisation of the law making process. The Revolt of 1857, however, provided an urgent reason for British Government's desire to make further changes in the set-up. It was felt that a major cause of the revolt was lack of contact and understanding between Indians and the authorities. An Act known as the Indian Councils Act was passed in 1861 which reflected this thinking. For purposes of legislation, the Governor-General's Council was reinforced by Additional members, not less than six and not more than twelve in number to be nominated by the Governor-General and holding office for two years. An important innovation was introduced by providing that, of these Additional Members, not less than one half were to be non-officials, i.e. persons not in the Civil or military service of the Crown. Under this provision three Indians were usually nominated. Further, the functions of the Council for Legislative purposes were confined strictly to legislation. The Act also restored to the Governments of Bombay and Madras the power of legislation and provided for the establishment of Legislative Councils in other provinces. Such Councils were established in Bengal in 1862, Punjab in 1886 and the North Western Province in 1887.

For the first twenty years the power to nominate the non-official members was used as a means of distributing official patronage. Only Princes, their divans or big landholders were nominated and amongst these too, only those who had helped the British during the Revolt of 1857-58. Still the decision to nominate non-officials was significant. It amounted to a tacit recognition that Indian opinion was worth listening to, that the British officials were not the best interpreters of the wishes of Indians and that not even an authoritarian colonial government could work in complete seclusion.

17.3 THE INDIAN COUNCILS ACT, 1892

Now we will discuss the reasons which prompted the British to pass the Indian Councils Act of 1892, the chief characteristics of the Act, its shortcomings and achievements would also be analysed.

17.3.1 Need for Constitutional Changes

From the point of view of the Govt. the Act of 1861 worked satisfactorily. But the period which followed saw a remarkable growth of national consciousness in India. A feeling rapidly developed that the people inhabiting the country had common interests, aspirations and destiny. You have studied the factors leading to the rise and growth of this feeling in Block I Unit 3. You also know that in its very first session the Congress passed a resolution demanding expansion of Central and provincial Legislative Councils by addition of elected members and enlargement of their functions. These demands were reiterated in subsequent years.

Lord Dufferin was the Governor-General when the Indian National Congress was founded. During his tenure the Government of India vigorously pursued with the Govt. at London the question of enlarging the size and functions of the Central and provincial Legislative Councils. The question naturally arises: why should an autocratic or a despotic government think in terms of adding more Indians to the Legislative Councils and also of enlarging their functions? The question becomes all the more important in view of the fact that there was no pressure from the masses and there was no revolutionary movement aiming at the overthrow of the Raj. Moreover, the Government apparently viewed the demands of educated Indians with suspicion and denied that they in any way represented the people of India.

As you have learnt in Block II, Unit 8, though the Government of India had initially recognised the Indian National Congress, it soon withdrew its patronage. The Government

had perhaps realised that the growth of nationalism was inimical to the interests of British rule. Basically the demand of these nationalist leaders was that India should be ruled in the interest of Indian people. On the other hand, the primary objective of the Government of India was to safeguard and further British imperial interests. In this situation, the British needed to enlarge the basis for their support in India and they could do this by satisfying the aspirations of those Indians who were ready to confine their demands within a narrow constitutional framework. By introducing changes in the constitutional structure dissatisfaction of educated Indians could be obviated without adversely affecting Government's all-embracing autocracy. It was with this objective that a new Indian Councils Act was passed in 1892.

17.3.2 Main Provisions of the Act

The Indian Councils Act of 1892 was an amending Act. Consequently the basic constitutional provisions remained the same as under the Act of 1861. Mainly two types of changes were introduced:

- i) Changes in the composition of legislative bodies
- ii) Enlargement of functions

The number of Additional Members of the Central Executive Council was increased to not less than ten nor more than sixteen of whom, as under the Act of 1861, not less than half were to be non-officials. There was some hope that elections might be introduced. But ultimately the Governor-General was empowered to invite different bodies in India to elect, select or delegate their representatives and to make regulations for their nomination.

Under the Regulations finally adopted, the Central Legislative Council was to consist of nine ex-officio members (the Governor-General, six members of the Executive Council, the Commander-in-Chief and the head of the province in which the Council met, i.e. Lieutenant Governor of Bengal or Punjab), six official Additional Members and ten non-official members of the Legislative Councils of Bengal, Bombay, Madras and the North-Western Province.

When Legislative Councils were created in Punjab and Burma one member each was returned from there also. One member was appointed on the recommendation of the Calcutta Chamber of Commerce. In practice these bodies elected their representatives and forwarded the names. These names were always accepted by the Government. Thus the members were in fact elected representatives though this elective principle was introduced with great caution. The idea behind adopting this procedure was to underline that the members occupied seats on the Legislative Council not as representatives of specific bodies but as nominees of the Governor-General. The rest were nominated non-official members. The official members together with the ex-officio members constituted an official majority.

Similar changes were introduced in the composition of provincial Legislative Councils. In all the provinces official majority was maintained.

So far as the functions were concerned, besides discussing legislative proposals, the members were allowed to discuss the annual Financial Statement presented by the Govt. However, the Financial Statement was presented as an unalterable document. Members could only present their observations which could have influence on the budget in subsequent years, not on the budget of the year under consideration. In the case of provinces the discussion was limited to those branches of revenue and expenditure which were under the control of Provincial Governments. The members were also allowed to put questions on internal matters. Supplementary questions were not allowed. In spite of this limitation it was a significant innovation because even in the British House of Commons till that time Question Hour had not fully evolved.

This Act was criticised at the 1892 and 1893 sessions of the Indian National Congress mainly because principle of direct-election had not been introduced. But the regulations proved liberal enough to enable many of the nationalist leaders like Gopal Krishna Gokhale, Lalmohan Ghosh, W.C. Banerji, Surendranath Banerjee and Pherozesiah Mehta to enter the legislations. The non-official members gave a good account of themselves in respect of their debating skills and their ability as legislators and took advantage of each opportunity to put forward the Indian point of view. On the whole it seems that the provisions of the Act satisfied the aspirations of the nationalist leaders

because between 1894 & 1900 the general for Council reform were not very prominent in the agenda of the Congress Sessions. However the effect was short-lived because the same years saw the first stirrings of Extremism and by 1904 the Congress as a whole was again demanding a further big dose of legislative reform.

Check Your Progress

- 1 Which of the following statements are Correct (✓) or Wrong (×).
 - i) The Government introduced constitutional 'reforms' because it wanted to give training to Indians in the art of administration.
 - ii) The government wanted to strengthen its position by enlarging the basis of social support amongst Indians.
 - iii) The non-official seats were filled in by direct elections.

- 2 Discuss the background against which the Indian Councils Act of 1892 was passed. Write in about five lines.

.....
.....
.....
.....
.....

- 3 What were the main provisions of the Act of 1892? Write in about 100 words.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

17.4 MORLEY-MINTO REFORMS

The promulgation of the Morley-Minto Reform of 1909 is to be seen in the background of a phase of turmoil and militant activities that followed the Indian Council Act of 1892.

17.4.1 Need for Constitutional Changes

Outside the Congress the one and a half decade following 1892 saw growing impatience with the goal and methods of the Congress itself. During 1885-1906 the number of students passing the matriculation in India increased from 1286 to 8211. Though by today's standards the number appears ridiculously small, this amounted to an almost sevenfold increase in terms of numbers. The number of newspapers and journals published and their total circulation also shows a similar trend. This does indicate that the number of those Indians who were likely to be conscious of their rights as citizens and of the duties of a government, and also of those who had begun to understand the disadvantages of being under alien rule increased substantially. These years also saw the beginning of what has been described as 'extremist' and revolutionary streams of the Indian National Movement to which, among other things, Curzon's policies substantially contributed.

Lord Curzon, the Governor-General from 1898-1905, exuded the confidence which had resulted from Britain's strong international position. His policy of centralisation, his unconcealed contempt for the aspirations of educated Indians and the Indian National

Congress and, above all, this move relating to the Partition of Bengal, brought resentment of the people to the surface. Ever since the partition plan was announced in December 1903, the people of Bengal had started expressing their dissatisfaction in clear and unmistakable terms. Various alternative plans were also suggested, still the partition plan was carried out. This unpopular decision became a symbol of the total disregard of the wishes of the governed on the part of the rulers. The Congress leaders began to think in terms of reconsidering the ultimate goal of their organization and, more particularly, the method of putting pressure on the British. Embittered opposition to British rule generated by the partition move found expression in demonstrations in Calcutta and other places and slogans of *Swadeshi*, boycott and national education were raised.

Some of the Moderate leaders, especially in Bengal, came out openly in support of the *boycott* and *Swadeshi* programme of the Extremists. But they soon retreated and returned to the method of appeals and petitions. They wanted the government to make some liberal gesture. In his presidential address at the Congress session held at Benaras in 1905 G.K. Gokhale said: 'The goal of the Congress is that India should be governed in the interests of the Indians themselves'. Among the immediate demands he emphasised reform of Legislative Councils and appointment of at least three Indians to the Secretary of State's Council. The Moderate leaders became more hopeful when at the end of 1905 the Liberals came to power in Britain and John Morley, a man known for his Liberal views, became the Secretary of State for India. A little earlier a conservative, Lord Minto had succeeded Curzon as Governor-General. The names of Morley and Minto became associated with the changes introduced under the Indian Councils Act of 1909 which, together with some other changes, became known as Morley-Minto Reforms:

Morley and Minto were very different in their backgrounds, reputations and practical experiences. But as regards the policy in India they had similar views. Both recognised that the partition of Bengal was a grave blunder and had hardened anti-government feeling in the country. They also showed the fear that this feeling was extending to the Muslims. These feelings were openly expressed in official as well as unofficial correspondence. For example, in a public despatch the Government of India wrote:

"We seem to be gradually losing our hold on the English speaking classes and there are indications that the thinly veiled animosity felt by a considerable section of these classes is filtering down to a lower stratum of the populations, who do not understand the causes at work, but who do see that the English official no longer holds the commanding position that he did. A new departure is badly needed."

The 'new departure' they thought of was the introduction of changes in the composition and functions of the legislative bodies. This way they could rally the Moderates to the Empire because this was one of the primary demands they had been making. The British rulers however, were aware that the basic demand of Moderates that India should be ruled for the benefit of Indians could not be accommodated within an imperialist framework. To work for awakening national consciousness and at the same time profess loyal acceptance of British rule was in the ultimate terms impossible. Therefore, in addition to making an attempt to win over this section of the people, the British raised other pillars of support for their regime in India. Soon after his arrival, Lord Minto had written: 'I have been thinking a good deal lately of possible counterpoise to Congress aims'. First the officials thought of establishing a separate Council of 'notables' which could consist of rulers of Indian States, Zamindars, etc. who were loyal to the British. But later they decided to give representation to the landholders on the Imperial Legislative Council itself.

In the meanwhile, as you shall see in Unit 22, a deputation of some Muslim leaders met the Viceroy at Simla in October 1906. They demanded that the position accorded to the Muslims in any kind of representation should be commensurate with the numerical strength and political importance of their community. The British saw in these demands a promising alternative. They could create a counterpoise to the increasing demands of the Congress leaders by patronising this section of Muslims. As we shall see, Muslims got weightage as well as separate electorates. The nationalist leaders argued that this deputation had been stage-managed by the British. Mohammad Ali described it as 'a command performance'. Admirers of the Muslim League have denounced this charge and have argued that the followers of Sir Syed Ahmed Khan had been demanding nomination of Muslims to represent Muslim interests ever since the 1880s and that when the prospect of introduction of elections emerged, a demand for more seats and separate electorates was directed by the logic of events. It cannot, however, be denied that the British encouraged communal separatism as a means of continuing their rule. This is the reason why, with a comparatively weak organization and through the method of prayer and petition which

Congress had been pursuing for more than two decades, the League achieved notable success within a short time after its foundation.

The first suggestion for introducing constitutional changes was made in the summer of 1906 and the Indian Council act was passed in May 1909 after long and painstaking deliberations.

Along side this policy of conciliation reflected in the move for legislative reforms, the Government adopted a policy of outright repression for those who continued to oppose and condemn the Government. During 1907-08 the Prevention of Seditious Meetings Act banning meetings in specific areas. The Newspapers (Incitement and Offences) Act enabling seizure of presses and The Indian Criminal Law Amendment Act imposing a ban on the samitis in Bengal were passed.

One important demand of Indian leaders was fulfilled even before the Act was passed and without introducing any statutory change. This was the appointment of two Indians to the Council of the Secretary of state for Indian and of the Governor-General and Provincial Governors. This step was taken not with the aim of increasing administrative efficiency but with the express purpose of creating a stake for qualified Indians in the then existing structure. Under this provision comparatively unimportant portfolios like those of law or education were given to Indians. Yet the step was important because it amounted to an implicit acceptance of two facts: first, that Indians were fit to be appointed to the highest position, second, that Indians were better interpreters of the wishes of their countrymen than British officials.

Like the earlier Indian Council Act of 1892, the Act of 1909 was also an amending Act. Like its predecessor, it also introduced changes in the size and functions of the Councils of the Governor-General and Governors for the purpose of making Laws and Regulations.

17.4.2 Changes in the Composition of Legislative Bodies

This Act increased the strength of the Central as well as Provincial Councils. The number of additional members in the Central Council was increased to sixty while the number of additional members in Provincial Councils was to be between thirty and fifty. This number does not include the ex-officio members. The additional members were to be of two kinds—official and non-official. At the Centre, the official members (including ex-officio members) were to be in a majority. In the provincial legislatures non-official majorities were conceded. This was done because of the understanding that the non-official members would represent such diverse interests and classes that it would be difficult for them to take a joint stand. Moreover, if the eventuality of their passing an undesirable bill did come up, these bills could conveniently be vetoed.

In the Central or Imperial Legislative Council there were 37 official (9 ex-officio + 28 additional official members) and 32 non-official members. The Act of 1909 became a landmark because of the manner in which non-official seats were distributed and filled. Of these 32 non-official seats 5 were filled by nomination by the Government. The remaining 27 seats were distributed as follows:

1 By non-official members of the Provincial Legislative Councils	13
2 By landholders of six provinces	6
3 By Muslims of five provinces	5
4 Alternately by Muslim landholders of U.P. or of Bengal	1
5 Chambers of Commerce of Calcutta and Bombay	2

Similar provisions were made for forming Provincial Legislative Councils with variations depending on their peculiar conditions. The Muslims and landholders were given weightage not with reference to any advantages verified by actual practice but in anticipation of them.

These seats were to be filled in by elections. For thirteen 'open seats' doubly indirect system of elections was introduced. The tax-paying citizens in a town or village elected representatives for municipal committees or local boards and they, in turn, elected representatives for provincial Legislative Councils. These non-official members of the Provincial Councils, in their turn, elected representatives to the Supreme Legislative Council. Thus some 200 non-official members of Provincial Legislative Councils filled 13 unreserved seats. This size was ludicrously small and criticized even in the

Montagu-Chelmsford Report. The representatives of landholders and Muslim were elected directly even to the Central legislature. This made the discrimination between Muslims and non-Muslims seem all the more invidious and unjust. While Muslim landlords, rich traders, graduates and professional men got a right to vote directly for election to the Provincial and even Central Legislatures, non-Muslims, howsoever rich or qualified, had no such right unless they were members of municipal committees or district boards. This distinction hurt.

Further, Muslims were to be elected by separate electorates, that is to say, the electorates consisting of Muslims only. Separate registers were prepared containing the names of Muslim voters only. Muslims were also given weightage i.e. more seats were given to them than the number warranted by their proportion in the local population. They were also given the right to compete on equal terms with the other communities in the general electorates. In the elections for the Central Legislative Council held in 1909 Muslims were able to win four seats which were open to others too and so had in all 11 out of 30 non-official seats (two seats assigned to Chambers of Commerce which were filled by non-Indians have been excluded here). It should, however, be noted that though both officials and Muslim leaders always talked in terms of entire Muslim community, in practise, only some specific elite groups like landlords, government servants etc. were preferred.

The aim of the Government in giving preferential treatment to the Muslims was not to correct imbalances in Indian society but to bind some Muslim leaders to the Government with 'silken chains of gratitude'.

However, the election regulations proved liberal enough to enable prominent political leaders of this period, who believed in the method of constitutional agitation, to enter the legislative bodies. The members of the Central Legislative Council included: Nawab Saiyid Muhammad Bahadur, Srinivasa Shastri, G.K. Gokhale, D.E. Wacha, Bhupendranath Basu, Surendranath Banerjee, Madan Mohan Malaviya, Tej Bahadur Sapru, Mahomed Ali Jinnah, Raja of Mahmudabad and Mazharul Haque.

17.4.3 Changes in Functions

The Act did not make any alteration in the legislative powers of these Councils. It simply extended their functions. The members of the Legislative Councils were given the right to move resolutions on matters of general public interest subject to certain limitations. These resolutions were to be in the form of recommendations to the Government which the latter might or might not adopt. Elaborate rules were laid down for discussing the Financial Statement presented in the house by the Finance member. Opportunity for discussing the statement and moving resolutions was given before the budget in its final form was presented. The right to ask questions was extended by giving the member, who asked the original question, a right to put supplementary questions also.

From the above discussion it is clear that the Government had two aims in introducing the so-called Constitutional Reforms:

- i) to strengthen the Raj by rallying the moderates to the empire
- ii) to encourage divisions amongst politically active Hindus and Muslims or in other words, it was designed as a milestone in the 'divide and rule' strategy.

It soon became obvious that the Government of India was not able to achieve either of these objectives. Initially the Moderate leaders were satisfied and set themselves to work enthusiastically. Earlier they had captured the Congress at Surat in 1907; yet the fact remains that within the Congress their role became steadily less important. The proceedings of the Congress became dreary. After the pact between the Moderates and the Extremists in 1916, the Moderates steadily moved to the fringes of the freedom struggle and ceased to play a central role.

The Government also did not succeed in keeping the politically active Hindus and Muslims apart although on this there are differences of opinion among historians. The immediate results of the introduction of the principle of weightage and separate electorates for the Muslims belied the expectations of the Government. In a body where different groups had been meticulously assorted with the declared purpose of acting as counterweights to each other, it was natural that some members would support the Government. But what stands out in the legislative behaviour of the members is that there was hardly any issue on which they took the stand in line with the aims of the framers of the Act. They tended to vote together, especially on issues on which a national debate had been going on for sometime. This

happened in the cases of issues like fiscal autonomy for India, state control of railways, abolition of cotton excise duties, abolition of emigration under indenture and demand for more expenditure on education. In fact debates on these issues brought up the identity of interests of the subject people vis-a-vis a foreign Government. It is true that the Government could turn down these proposals because it had an official majority at the centre and even in the provinces it could count on the support of some nominated non-official members. Yet the debates in the legislature served an important purpose. In the debates on bills and resolutions, members produced logically incontrovertible arguments which often placed the official members in an embarrassing situation. The arguments reverberated in the press throughout the length and breadth of the country. The debates thus helped in eroding the moral foundations of the Raj.

In the long run, however, the introduction of weightage and separate electorates for Muslims proved to be the master stroke of imperialist strategy. Once religion was inserted as a political factor, pursuance of interests along religious lines became the accepted norm necessitating appeal to religious sentiments to get seats and to retain them.

Check Your Progress 2

1 What were the two aims of the Government in introducing the so-called Constitutional Reforms of 1909?

.....
.....
.....
.....
.....

2 Discuss the circumstances leading to the Morley-Minto 'Reforms'? Write in about five lines.

.....
.....
.....
.....
.....

3 What were the main features of the Morley-Minto 'Reforms'? Write in about ten lines.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

17.5 MONTAGU-CHELMSFORD REFORMS

By 1916 all parties in India as well as Britain began to think that some changes in the structure of government were necessary. The aspirations of the Indians had also increased during this period. As a response to the political pressure in India during the war years and to buy support of Indians the Montagu-Chelmsford scheme was introduced by the British.

17.5.1 Circumstances Leading to Montagu-Chelmsford Reforms

Morley and Minto could hardly have imagined that the scheme of constitutional 'Reforms' which they had evolved after three and a half years of painstaking consultations at different levels would cease to satisfy barely seven years later. By 1916 all parties in India as well as Britain, began to think that some changes in the structure of the Government of India were necessary. This was largely the result of the conditions produced by the outbreak of the World War in August, 1914. The war did not pose any immediate threat to India. But being part of the British Empire, India became automatically involved. Thereafter, India made ungrudging contribution to the war effort and supplied manpower, money and material. Because of the help given on a crucial occasion, expectations of Indians increased. It was not that they wanted reward for having served the rulers. Actually fighting shoulder to shoulder with European soldiers had given new self-confidence to the Indians. They wanted a recognition of their ability to rule themselves. This aspiration was reinforced by the ideas generated during the war. The American President, Woodrow Wilson had said that the war was being fought to make the world safe for democracy. A hope emerged that this would at least mean that India would be put on the road to self-government.

In this background of raised expectations, many schemes of constitutional changes were suggested. Indians themselves put forward a number of schemes. The most significant one, however, was the scheme that was worked out and adopted at Lucknow. To understand its significance it is necessary to go back a little. As already said, after the Morley-Minto Reforms, Muslims did not become supporters of the Government. In fact the gulf between the Muslims and the government became steadily wider. Many factors were responsible for this. In December, 1911 Partition of Bengal was revoked. This step alienated the Muslim political elite. In 1912 Lord Harding's government rejected the proposal relating to the establishment of the University of Aligarh. In 1913 there were riots in Kanpur when a platform adjoining a mosque was demolished. Outside India Britain had refused to help Turkey in Italian and Balkan Wars (1911-13). Gradually, under the dynamic and liberal leadership of men like Muhammad Ali, Shaukat Ali, Hasrat Mohani and Fazlul Haq the Muslim League accepted the goal of self-government for India suited to its conditions. The Muslims could not remain uninfluenced by the aspirations generated by the World War. The Muslim League decided to enter into negotiations with the Congress to formulate a scheme for the future Government of India. Around the same time Mrs. Annie Besant, who till then had confined her activities only to religious matters, started a Home Rule League. Tilak had been released from Jail in 1914. He started another Home Rule League at Pune. These Leagues worked with great enthusiasm and carried on intense propaganda in favour of Home Rule or self-government for India after the War by means of discussion groups, lecture tours and mass sale of pamphlets. Activities of the League caused great concern in official circles. It is interesting to note that in the telegram in which Governor-General Chelmsford asked the Secretary of State to make a general statement of policy, he made a reference to the Home Rule agitation as also to the possible impact on India of the overthrow of Tsarist autocracy in Russia. In the meanwhile, at Lucknow, the Moderates and the Extremists, as also the Home Rulers and the Muslim League, came together and unanimously adopted the agreement known as the Lucknow Pact (Dec. 1916). They also jointly prepared a scheme of constitutional reforms. Amongst the British, an influential group which called itself the 'Round Table' discussed the question of structure for the Govt. of India. Its members (Lionel Curtis, Williams Duke and others) felt that any extension of elected majorities without giving some kind of executive responsibility would only create permanent opposition in the Legislative bodies. Therefore, they came forward with the idea of introducing dyarchy in the provinces. The term 'dyarchy' is Greek and its dictionary meaning is a form of government in which two persons, states or bodies are jointly vested with supreme power.

In this background when the Government of India was asked to make a contribution of one million pounds to the war fund, it was felt that some steps would have to be taken to assuage public opinion. The Government desperately needed additional revenues for its own use. Ultimately it was allowed to impose tariff duty on imports. A 7½ per cent imports duty was imposed on cotton while the excise duty was retained at 3½ per cent. The chief consideration behind this duty was purely financial. But it also provided some protection to Indian cotton industry and thus met, to some extent, this long standing demand of Indian leaders. It was decided that the British Government should also make a statement about its eventual goal in India. Piece-meal and supposedly evolutionary

schemes, it was felt, would no longer be acceptable to Indians. Only by seizing the initiative could the British control the situation.

The devolution of increased political power and responsibility on the Indians was simply a response to political pressure in India. It was a device to buy support of Indians.

It was in these circumstances that on 20 August 1917 Lord Montagu, the Secretary of State for India, made the following statement in the British Parliament:

The policy of His Majesty's Government ... is that of increasing association of Indians in every branch of 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.

In this declaration it was also made clear that progress in the realisation of this goal was to be made by successive stages and substantial steps in this direction were to be undertaken immediately. The time and manner of each advance was to be decided by the British Parliament. The action of Parliament in such matters would be determined in the light of the performance of Indians. Montagu decided to visit India himself and prepare a scheme of constitutional changes.

In November 1917, Lord Montagu visited India and conferred with Lord Chelmsford, the Viceroy, the officials of the central and provincial governments and Indian leaders. On the basis of these deliberations the Report on Indian Constitutional Reforms, which came to be known as Montagu-Chelmsford Report or simply as Montford Report was published in July 1918. The Declaration of August 1917 had on the whole been welcomed in India. But the scheme put forward in this Report fell far short of the expectations of Indian leaders except some Moderate leaders. Annie Besant denounced its provision relating to gradual transfer of power as 'unworthy to be offered by England or to be accepted by India.'

In August 1918 a special session of the Congress was called at Bombay to consider this report. In this session a resolution was passed by the Congress condemning the scheme as 'inadequate, unsatisfactory and disappointing.'

The Moderate leaders, on the other hand, were convinced that the proposals marked a substantial advance upon the then existing conditions and that there should be sincere appreciation of the good faith shown therein. Montagu who had been looking around for support during the time noted in his diary: 'A new organisation of Indians to be created, assisted in every possible way by the Government, for propaganda on behalf of our proposals, and to send a delegation to England to assist us'. The Moderates abstained from attending the Congress session at Bombay and in November 1918, they assembled in a separate All India Conference in the same city. In his presidential address Surendranath Banerjee defined his party as 'the friends of reform and the enemies of revolution'. In May 1919 Banerjee led a deputation of the moderates to England in order to give evidence before the Joint Parliamentary Committee. It was on the basis of the Montford Report that the Government of India Bill was drafted and introduced in the British Parliament. It became an Act in December 1919. The Preamble of this Act was based on August 1917 Declaration.

17.5.2 Changes in the Central Government

The chief executive authority remained vested in the Governor-General who remained responsible to the British Parliament through the Secretary of State and not to the Indian Legislature. The constitution of Governor-General's executive Council was slightly modified while substantial changes were made in the composition of the Indian Legislature. But it was made clear that the aim was not to increase its powers but merely to make it more representative and increase opportunities of influencing the Government.

To implement the policy of increasing association of Indians in every branch of administration, it was provided that, of the six members of the Executive Council of the Governor-General, three would be Indians. It should however be noted that these members were given portfolios of lesser significance like Law, Education, Labour, Health or Industry. They were accountable to the Governor-General and through him to the Secretary of State and not to the Legislature.

The Act provided for a bi-cameral legislature at the centre. The two Houses were the Council of State and the Legislative Assembly. The Council of State was to consist of 60

members of whom at least 33 were elected members. Not more than 20 nominated members could be officials. The Legislative Assembly was to consist of 145 members of whom 104 were to be elected members. Of these 52 were to be returned by general constituencies, 30 by Muslims, 2 by Sikhs, 7 by landholders, 9 by Europeans and 4 by the Indian Commercial Community. The communal electorates were extended to include the Sikhs also. It should be noted that these seats were distributed amongst the Provinces not on the basis of their population but their so-called importance. The life of the Assembly was to be three years. But it could be extended by the Governor-General.

The powers and functions of this legislature continued more or less as before. The only significant change was that it became necessary to obtain the previous sanction of the Governor-General before introducing any bill relating to matters enumerated in the provincial list. The power of the Governor-General was extended. In addition to the power to veto any bill, the Governor-General was given the power of certification also, i.e. he could secure the enactment of a bill whose passage in the form considered to be necessary was refused by the legislature. He could do so by certifying that the bill was essential for the safety, tranquility or interests of British India or any part thereof. The scope of interrogative functions was enlarged by extending the right to put supplementary questions to all the members.

Under the Montford scheme partial responsible government was introduced in the provinces. Because of this, demarcation between the spheres of Central and Provincial governments became necessary. Hence two lists were drawn up. This division was created on the principle that matters concerning the whole of India or more than one province should be placed in the Central list while those concerning the provinces should be placed in the provincial list. The central subjects included foreign and political relations, the public debt, tariff and customs, patents, currency, communications etc. The subjects in the provincial list were local self-government, health, sanitation, education, public works, agriculture, forests, law and order, etc. The residual powers were vested in the Governor-General in Council.

It was felt that even partial transfer of power to Indians could be meaningful only if the provinces were not dependent on the Indian government for the means of provincial development. Hence the Act provided for complete separation of the sources of revenue between the central and provincial governments.

17.5.3 Changes in the provincial Government

Under the Government of India Act of 1919 responsibility for certain functions of the Government in the provinces was transferred while control over others was reserved in British hands. Under this division the subjects were divided into two halves called 'Reserved' and 'Transferred'. Accordingly the provincial government was also to consist of two halves. The Governor and the members of his Executive Council were to administer the reserved subjects. The transferred subjects were to be administered by the Governor acting with ministers. This novel distribution of executive powers in the provinces came to be known as 'dyarchy'. Each side of the Government was clearly differentiated from the other in its composition and its constitutional relations with the Governor and the Legislative Council.

Broadly speaking four heads i.e. local self-government, health, education and some departments relating to agriculture were included amongst transferred subjects. All other subjects were reserved subjects. These included police, justice, control over printing presses, irrigation, land revenue, factories etc.

The Governor and the members of the Executive Council were appointed by the British Government and were jointly responsible to the Governor-General and the Secretary of State for India. The number of Executive Councillors was not to exceed four. The Ministers who were entrusted with the Transferred subjects were appointed by the Governor. He generally chose ministers from amongst the leading elected members of the Legislature. In practice there were two or three ministers in each province. According to the letter of the law, the ministers held office during the pleasure of the Governor. But, in practice, they were allowed to continue as long as they retained the confidence of the legislature. The basis of relations between the provincial governors and ministers was laid down in the Instrument of Instructions which was issued to Governor which stated:

'In considering a minister's advice and deciding whether or not there is sufficient cause to dissent from his opinion, you shall have due regard to his relations with the Legislative Council and to the wishes of the people of the province as expressed by their representatives therein'.

This Instrument of Instructions also defined special responsibilities of the Governor which gave him wide powers to override the decisions of his ministers. The idea that the ministers should be jointly responsible for their actions was discussed at that time. But finally the observance of this principle was not made binding.

The Government of India Act was applied originally to eight provinces — Madras, Bombay, Bengal, United Provinces, Punjab, Bihar and Orissa, Central Provinces and Assam. In 1923 its provisions were extended to Burma and sometime later to North Western Frontier Province.

In each of these provinces a unicameral legislature, called the Legislative Council, was created. It was to consist of the Governor's Executive Council, elected members and nominated members. It was further provided that at least 70 per cent of the members of a Council should be elected members and not more than 20 per cent could be official members. The size of these legislative bodies was considerably increased. It varied from province to province. The maximum number was 140 for Bengal and minimum was 53 for Assam.

The elected members were to be elected by direct election, i.e. the primary voters elected the member. Franchise was based primarily on property qualifications. In 1920 out of a total population of 241.7 millions, only 5.3 millions got the right to vote which amounts to less than five percent. Women were not given the right to vote or to stand in elections. In Britain women got the right to vote only in 1918.

After examining the question of separate electorates the authors of the Montagu-Chelmsford Report concluded that they were 'a very serious hindrance to the development of self-governing principle'. They also described these as contrary to the teachings of history and added that these perpetuated class divisions and stereotyped existing relations. Still they did not recommend that these should be given up. They extended these to the Sikhs in Punjab. Later the demand of the Justice Party for reservation of seats for non-Brahmans was accepted. Separate electorates were also provided for Indian Christians, Anglo-Indians and Europeans.

17.5.4 Observations on the Montagu-Chelmsford Reforms

The whole conception of dyarchy was based on a faulty principle. It is very difficult to divide the functions of a state into water-tight compartments. The problem was confounded by the illogical division. While agriculture was a transferred subject, land revenue and irrigation were reserved subjects. C.V. Chintamani who was a minister in the United Provinces cited an interesting case. In 1921 an enquiry was started in the department of agriculture on the question of fragmentation of holdings. When the report was submitted in 1922 it was felt that the question should have been taken up by the Revenue Department and hence the Governor asked this reserved Department to take up the case. In 1924 it was again discovered that part of the work should have been done in the Co-operative Department. Similarly, European and Anglo-Indian education was outside the purview of the Education Minister.

A system like this could work if there was basic trust between the two halves. While ministers were there to further the interests of their countrymen, the members of the Executive Council and generally of the civil service were there to safeguard British imperial interests. Ministers had no control over civil servants even in the 'transferred' departments. The secretaries of departments had direct access to the Governor which placed the members in a disagreeable position. Further, the minister had to serve two masters. He was appointed by the Governor and could be dismissed by him. But he was accountable to the legislature. Above all, the so-called nation-building departments were entrusted to ministers who could show results only if money was available. The ministers complained that the reserved departments got all the money they wanted before requirements of transferred departments were considered.

The conditions in India were not conducive to favourable reception of the 'Reforms' Scheme. The year 1918-19 saw a bad monsoon, trade depression consequent discontent

amongst the people. One of the Rowlatt Bills become an Act in March 1919 in spite of unanimous opposition from the Indians. On 6 April Gandhiji gave a call for *hartal* which was a great success. On 13 April 1919 came the Jallianwala tragedy which together with the events put the relations between the Government and the people under a great strain. Gradually, objections to the 'Reform' scheme hardened into rejection. Muslims were disappointed by the hostile attitude of the British towards their Khalifa, the Turk ruler. They launched the Khilafat movement under the leadership of Mahatma Gandhi. On August 1, 1920 the Congress decided to adopt the policy of progressive, non-violent non-cooperation. With this came the boycott of elections which were to be held in November 1920. The new constitution suffered a severe blow when it was boycotted by the Congress.

The scheme of constitutional changes introduced in 1919 became so unpopular that it became fashionable to deride it. Yet it has its own significance in the evolution of parliamentary democracy in India. It should be noted that the changes introduced in 1919 went far beyond the schemes suggested in 1916. Moreover, the Government had made a declaration of the aim of constitutional changes. Henceforth it would become impolitic to go back on that promise. In other words, this declaration made further concessions inevitable. This Act created elected Legislative bodies at the centre and in the provinces. In these bodies Indian opinion was constantly and articulately expressed. These debates tended to further weaken the ideological defences of the **Raj** and intensify the rapidly growing anti-imperialist feeling. At the same time the holding of elections and debates familiarised Indians with parliamentary phraseology and institutions and have thus contributed to the successful functioning of parliamentary democracy here.

The years that followed saw the extension of the national movement and involvement of fairly large sections of the peasantry, business groups and industrial labour. This was partly the result of Post-war economic pressures and partly an expression the world-wide upsurge, which had an anti-capitalist character in developed countries and an anti-imperialist thrust in the colonies. This produced a combination of grievances and expectations which if properly channelized could provide a new impetus to the national movement and take it to a higher stage of development. The elements of emotion and anger aroused by the Khilafat and Punjab issues were to intensify and accelerate this phenomenon. Some historians have related the 1919 reforms to the twin imperial requirements of financial devolution and need for a wider circle of Indian collaborators. Much more controversial, however, is the direct cause-effect relationship which the historians sometimes seek to establish between the Reforms and the emergence of mass policies. The Act of 1919 broadened the Electorates it is argued and therefore politicians were forced to cultivate a more democratic style. Sumit Sarkar, however, does not agree with this view. According to him it may well explain certain type of politics and politicians but hardly the basic fact of the tremendous post-war mass awakening exemplified admirably by the boycott of elections and massive anti-imperialist upsurge of 1919-22.

Check Your Progress 3

1 What prompted the government to make the Declaration in August 1917? Write in about five lines.

.....
.....
.....
.....
.....

2 What were the basic features of the Montagu-Chelmsford Scheme? Write in about 10 lines.

.....
.....
.....

**Nationalism: The Inter War
Years-I**

.....
.....
.....
.....
.....
.....
.....

3 What were the problems in the working of dyarchy? Write in about five lines.

.....
.....
.....
.....
.....

17.6 LET US SUM UP

In this unit we have discussed the constitutional changes introduced by the British in India between 1892-1920. The British realised that in order to defend British rule in India it was important to satisfy the aspirations of those Indians who were prepared to confine their demands within the narrow constitutional framework. Keeping this in view the Indian Council Act of 1892 was passed by which councils were enlarged, (but the officials' majority remained) elective principle was introduced (though indirect) and councils were given the right to discuss the budget.

Between 1885-1906 various factors contributed to the growth of feeling of dissatisfaction with British government. Against this background Morley-Minto 'Reforms' were introduced by which the number of indirectly elected members of the councils was increased and a system of separate electorates of Hindus and Muslims was introduced which in the long run encouraged separatist tendencies. Conditions produced by the outbreak of World War I provided the background to the passing of the Government of India Act of 1919 known as Montagu-Chelmsford 'Reforms'. The most important change it introduced was the system of Dyarchy under which the provincial governments were given more power but Governor retained complete control over finances while the ministers in charge of public health, education etc. were responsible to the legislature. Central government had unrestricted control over the provincial governments and the right to vote was severely restricted. These Periodic reform schemes were just an expression to conciliate and suppress the anti-imperialist movement which had become a perennial feature of India.

17.7 KEY WORDS

Executive body: Organ of government concerned with carrying out decisions or orders.

Legislative body: Organ of government concerned with making and passing laws.

Parliamentary Democracy: A political system in which the elected representatives sitting in the Parliament represent the highest law making authority. These representatives are elected by mass adult franchise.

Separate Electorates: A system in which the enfranchised citizens are divided on the basis of community or religion for representation purposes.

17.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1 i) ×
ii) ✓
iii) ×
- 2 Your answer should include the following points: The growing demand for administrative (constitutional) reforms among the nationalists. The government policy of pacifying the nationalists through constitutional 'reform' etc. See Sub-sec. 17.3.1.
- 3 Your answer should include the following points: Councils were enlarged, elective principle was introduced and councils were given the right to discuss the budget. See Sub-sec. 17.3.2.

Check Your Progress 2

- 1 i) to strengthen the Raj by rallying the moderates to the empire.
ii) to divide the Hindus and Muslims.
- 2 Your answer should include the following points: The British wanted to rally the moderates to the Empire and therefore they wanted to accept the moderates demand for constitutional reforms. British wanted to rally Muslims by introducing separate electorates through the 1909 reforms. See Sub-sec. 17.4.1.
- 3 Your answer should include the following points: The number of indirectly elected members of councils was increased and a system of separate electorates for Muslims was introduced etc. See Sub-sec. 17.4.2 and 17.4.3.

Check Your Progress 3

- 1 Your answer should include the following points: British had alienated Muslims by revoking the Partition. Realignment of Hindus and Muslims after Lucknow Pact. These factors disturbed the British. British wished to buy the support of Indians in war effort. See Sub-sec. 17.5.1.
- 2 Your answer should include the following points: Introduction of Dyarchy under which provincial governments were given more power but it proved unworkable. Central government had unrestricted control over provincial governments. See Sub-sec. 17.5.2. and 17.5.3
- 3 Your answer should include the following points: The division of functions of state into water tight compartments under Dyarchy proved ineffective because there was no trust between the Ministers and members of Executive council whose interests often clashed. See Sub-sec. 17.5.4.