

# A CHAPTER IN THE HISTORY OF INDIA

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IN these days it is becoming increasingly common to think of India as one country and of Indians as one people. Though this may be a "consummation devoutly to be wished," the assumption that the desirable goal has already been reached will render it almost impossible to understand the present Indian situation. It is much nearer the truth to think of India as a sub-continent containing many countries, for its population is composed of races more diverse in their physique, their language and their customs than any to be found within the boundaries of Europe. Eleven distinct languages are spoken, and there are hundreds of dialects.\* Generations of hostility, resulting from differences of creed, have further split up the population into apparently irreconcilable sections. The Moplah rising in 1921 is but one case of many which show that this hostility is still alive and terribly real. In the first reformed Indian Legislature, under the heading "Religion" the members were thus classified; seventy Hindus, forty-two Mohammedans, thirteen Christians, five Parsees, four Sikhs, two Buddhists.

Again, in Europe it is usually safe to assume that—potentially at least—the population in any given country has reached approximately a single stage in human development. Such an assumption in India would be very wide of the mark. While in many parts of the jungle are still to be found savages who use bows and arrows, and weapons even more primitive, the cities are inhabited by people accustomed to all the advantages of modern civilized life. In the same province, sometimes in the same district, the authorities are called upon to deal on the one hand with the depredations of criminal and backward tribes, and on the other with the dangers that result from reckless motoring. Every link in the long chain of evolution connecting these two extremes can be illustrated from the population. In the highly

\* *India in 1921-22.*

industrialized urban centres are reproduced all those great social problems so well known to the West since the Industrial Revolution, and their solution seems more difficult in India as they appear tricked out in Oriental garb.

Modern India has become familiar with all the catchwords of Democracy—free speech, individual liberty, the rights of small nations, national self-determination—though it understands them even less than do the people of England. Often the same men who proclaim these doctrines most loudly are themselves rigid observers of immemorial custom and caste privilege. The politically-minded Brahmin of Madras, for example, feels no inconsistency, while mouthing the shibboleths of Democracy, in still regarding the Panchamas who constitute one-fifth of the population of India as so vile that not only are they untouchable and unshadowable, but they are also unseeable. Mr. Gandhi himself, while condemning all western civilization as Satanic, and while adjuring his followers to flee from it as from an unclean thing, throughout his whole campaign made full use of the press, the telegraph and the motor car. Yet it would be unjust to conclude that because of these apparent inconsistencies Mr. Gandhi and his followers were insincere. On the contrary they were probably perfectly honest. It is simply that a veneer of western civilization has been thinly spread over a very ancient fabric, which—if it is not “unchanging”—is far less changeful than it appears. These profound differences in physique, race, language and religion, social and intellectual development have made India the ethnological museum we know it to-day, and no one who wishes to understand the present political ferment can afford either to forget or to neglect them.

Since our present concern is with the existing political situation there, little need here be said of ancient Indian history. It is well to remember however, in passing, that while our ancestors still painted their skins and lived the life of untamed savages, India could already boast of an ancient civilization and a profound philosophy. Down to the foundation of the Mogul Empire, roughly the beginning of the sixteenth century, her history is concerned largely with the fortunes and influences of successive hordes of barbarians who poured into the peninsula through the north-west passages of the Himalayas from central Asia, with occasional invasions from the north-east as well. In the eighteenth century the Mogul Empire rapidly disintegrated, and left behind it a swarm of soldiers of fortune and robber chieftains to prey upon the hapless people. It was at this time much against its will, as the documents prove, that the English East India Company was drawn into the

cauldron of Indian politics. In less than fifty years, by a series of steps that it could not avoid, provided it proposed to remain in the country, this comparatively obscure trading company had become the greatest political power in the peninsula. Already by 1800 the foundations of one of the most efficient paternal governments of modern times had been laid, and by 1856 India stood politically united within her natural frontiers, the Himalayas and the sea.

By that year many parts of India had already enjoyed a period of peace under the company's rule such as they had seldom known. Now for the first time in his history, no matter who his opponent might be, the Ryot could expect even-handed justice in the courts of law. The prophecy of Warren Hastings had been amply borne out:—"I will venture to foretell from the knowledge which I have of the general habits and manners of your servants that you will hear of as few instances of licentiousness among them as among the members of any community of the British Empire."\* Even to-day, when judgments are likely to be clouded and opinions biased, few among the critics of the British in India will question the zeal and integrity with which the British civil servant has discharged his task. Britain gave to that country none but the best of her sons. They made their mistakes, they had their limitations, but they gave their lives to the services of the land of their adoption; and the work which they did, and still do, will remain a fitting monument to their unstinted devotion.

At least one of these British officials in the first quarter of the nineteenth century looked forward to the time when India would be able to govern herself. That man was Sir Thomas Munro, Governor of Madras, a man who suffered greatly for India, and whom Indians should never forget. Two quotations from him will best illustrate the sort of man he was and the sort of things for which he stood:

It is surely a point of the utmost importance to our natural character and to the future good government of India that our young servants should be early impressed with favourable sentiments of the Indian people. If we are sincere in our wish to protect and render them justice, we ought to believe that they deserve it.

There is here no sign of that unfortunate racial arrogance which, since Munro's time, has done so much harm. Again, in a Minute in 1824, he wrote:—

\* Ramsay Muir, *Making of British India*. Letter from Warren Hastings to Court of Directors, Nov. 11th, 1773.

It ought undoubtedly to be our aim to raise the minds of the natives, and to take care that whenever our connection with India might cease, it did not appear that the only fruit of our dominion there had been to leave the people more abject and less able to govern themselves than when we found them. . . . Various measures might be suggested, which might all probably be more or less useful; but no one appears to me so well calculated to insure success as that of endeavouring to give them a higher opinion of themselves, by placing more confidence in them, by employing them in important positions, and perhaps by rendering them eligible to almost every office under government. . . . We should look upon India, not as a temporary possession, but as one which is to be maintained permanently, until the natives shall in some future age have abandoned most of their superstitions and prejudices, and become sufficiently enlightened to frame a regular government for themselves, and to conduct and preserve it. Whenever such a time shall arrive, it will probably be best for both countries that the British control over India should be gradually withdrawn. That the desirable change contemplated may in some future age be effected in India, there is no cause to despair. . . . We shall see no reason to doubt that, if we pursue steadily the proper measures, we shall in time so far improve the character of our Indian subjects as to enable them to govern and protect themselves.

This remarkable Minute was written almost a century ago, and it is safe to assume that then and since that time there have been many British civilians in India who shared Munro's opinions. An examination of Indian constitutional history under British rule would seem to show that he here enunciated a principle which has been implicit in our rule in India ever since the time of Warren Hastings.

North's *Regulating Act* of 1773, in addition to putting an end to many abuses, set up a Governor-General and Council of Bengal possessing certain powers over the other Presidencies. This was the first really effective assertion by parliament of its interest in Indian affairs, since Townshend's Act of 1767 was concerned merely with the moneys to be paid by the company into the Exchequer. Eleven years later another step in the same direction was taken by the creation of a new department of State, the Board of Control. The Act of 1823 abolished the company's trading monopoly, and ten years later it was forbidden to engage in trade of any kind. At the same time a fourth or legal member was added to the Council of the Governor-General, now styled the Governor-General of India. The duties of this new legal member were stated to be the codifying of the Indian law, due regard being paid to the "right feeling and secular usages of the people." Article

87 of this Act is worthy of particular notice here. "No native of the said territories, nor any natural-born subject of His Majesty, resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them be disabled from holding any Place, Office, or Employment under the said Company.\* Twenty years later by the addition of certain nominated members representing the Judiciary and the other Provinces to his Executive Council, Lord Dalhousie created the first Legislative Council in India, which was also the first germ of representative government. At the same time a Lieutenant-Governor of Bengal was appointed, and the Governor-General was then enabled to confine his attention to the wider problems of the government of India.

The changes brought about by the Acts of 1858 and 1861 which followed on the Mutiny may be taken together. Parliament stepped into the place of the East India Company, while the Court of Directors, the Court of Proprietors, and the Board of Control yielded place to the lineal descendant of the latter body, the newly created India Office. This new department of State was presided over by the Secretary of State for India assisted by the Council of India, a body composed partly of men who had been resident in the country for a period of years. The supreme official in India was the Governor-General, assisted by his Executive Council. This latter body was reconstituted in 1858 by Lord Canning so as to contain, in addition to the Governor-General and Commander-in-Chief, five members each of whom presided over a separate department of State. The Legislative Council was increased in numbers from six to twelve, and the judges were replaced by unofficial members representing the Indian and European interests. Legislative Councils were also set up in the Provinces containing similar representative elements, and thus another step in the direction of the establishment of representative institutions had been taken.

In the meantime, in 1858, Queen Victoria had issued her great proclamation to the people of India, a proclamation which the latter have since regarded as their Magna Charta:—"It is our further will that, so far as may be, our subjects of whatever race or creed be freely and impartially admitted to office in our service, the duties of which they may be qualified by their education, ability and integrity duly to discharge."† After 1861 two opposed parties grew up in India: on the one hand, the politically-minded Indians, basing their opinion on Article 87 of the Act of 1833, on the proclamation of the Queen and on the progress so far made, have

\**Minute of Sir Thomas Munro*, 31st Dec., 1824.

†*The Making of India*, Ramsay Muir, page 304.

tended to regard the Councils as embryo parliaments, and to strive for further instalments of representative institutions. On the other hand the official view—or perhaps it would be truer to say, the view of some of the officials—has been to consider the Councils as mere pocket legislatures which had been unwisely set up by an over generous British government. So far as the constitution is concerned, Indian history since that date has centred mainly round three questions;

1. The increase of the unofficial element on the Councils, both Imperial and Provincial.
2. The introduction of the elective principle.
3. The assumption of responsibility for the good government of their country by Indians themselves.

During the second half of the nineteenth century and up to the present time, India has been flooded with an ever-increasing stream of western ideas, both good and bad. In an incredibly short space the country has passed through revolutions, political, social and industrial, as profound as any that we have known in our whole history, and the wonder is that the results have not been more chaotic than they are. The number of Indians interested in public affairs has gone on increasing. Many of these have been graduates of British universities, and familiar with British constitutional history and political principles. It should be no matter for surprise if sometimes the minds of these men have been captured by the false analogy between their own position and that of Pym and Hampden. To the sober minded Englishman many of their speeches seem unduly exaggerated and flamboyant, but it is doubtful if they are much worse in this respect than those of Louis Papineau and William Lyon Mackenzie, the leaders of Canadian democracy a century ago.

In 1886 a delegate meeting of Indians, mainly educated in Europe, met at Bombay to form the All India National Congress. The object of this organization was to protect and further Indian interests everywhere, and more particularly to act as the mouth-piece of Indian political aspirations. Since that time it has continued to meet annually; but until about ten years ago its procedure tended to be stereotyped, the same resolutions being passed from year to year, and the same set speeches delivered. During the war, however, a split took place in this body between the irreconcilable enemies of government and the Liberals or Moderates, who were prepared to give the new Councils a fair trial.

Whereas in 1861 men said "We had better hear what a few Indians of our choosing have to say about our laws," they said in 1889 "Our laws have positively benefitted by the Indian advice and criticism. Let us have more of it, and if possible let the people choose men they send to advise us."\*

In 1892 an attempt was made in Lord Cross's Act to find a working compromise between the two opposed views of the Councils. In the Imperial Legislative Council the number of additional members was raised to not fewer than ten and not more than sixteen, of whom not more than six were to hold official positions. Five were appointed by the Governor-General on the recommendation of the non-official members of the four Provincial Councils, and the Calcutta Chamber of Commerce. The provincial Legislative Councils were at the same time increased by additional members appointed on the nomination of a few large cities, groups of municipalities, and district boards, by Chambers of Commerce, by universities, and—after the change introduced in 1897 in Bengal—by one member nominated by the large Zamindars. Members were permitted to discuss the annual financial statement in both the Imperial and Provincial Councils, and to ask questions, but the right to submit or propose a resolution, or to divide the House on the budget or on any question was denied.

Finally, to quote the Chelmsford-Montagu Report, the term "election" was sedulously eschewed; but inasmuch as the nominations by recommending bodies came to be accepted as a matter of course, the fact of election to an appreciable proportion of the new official seats was firmly established. This measure, like so many of its predecessors, was intended by its authors to be final, and to mark the furthest limit to which representative institutions could be extended in India. Things being as they were, however, with the ideals of the West constantly increasing their influence upon the people, it was impossible that this state of unstable equilibrium could be permanently maintained.

Since 1892 the spirit of change has been more active in India than ever. The meteoric rise of Japan to a first place among the nations, and still more her dramatic victory over Russia, acted as a stimulus on the political consciousness of the whole of the East, especially on that of India. If, Indians argued, Japan can do these things, surely our country which is much greater and more prosperous can do likewise. Consequently, in 1906, the All India National Congress passed a resolution demanding that the system of government which existed in the self-governing British Dominions should be

\**The Making of India*, Ramsay Muir.

extended to India. About this time the leaders of Mohammedan opinion formed the All Mussulman League, which has tended to be the Mohammedan branch of the Congress.

In answer to this growing demand for Councils that should be more representative, the so-called "Morley-Minto Reforms" were introduced in 1909. Instead of nomination by government, a modified form of election was introduced for a large number of seats on the Provincial and Imperial Councils, the Mohammedans being given—thanks to their new League—a special community representation. On the Provincial Councils the official majority was abandoned, though still retained in the Imperial Council. Members were given greatly increased rights of discussion and interpolation, and the size of all the Councils was trebled. In the face of a good deal of hostile criticism, Lord Morley appointed Indians both to the Council of India, which advises the Secretary of State, and to the Viceroy's Executive Council. At the time, these reforms were considered very generous, and it was hoped that all the substantial elements in the country would rally round the government to make the Councils work. Lord Morley and many others, in 1909, like their predecessors in 1892, believed that no further extension of representative institutions could be expected, and that India could never look forward to complete responsible government. In fact, it seems the air of finality which surrounded these new Councils went far to achieve their own undoing.

It was soon clear that there were many defects in the new system. Although the elective principle had been introduced, it was so limited in its application and so hedged about with restrictions as to make it a mere shadow of its real self. The Indians had been given just enough of parliamentary government to whet their appetite for more. Further, the right of interpolation and criticism had been extended to members, but the concession had not been accompanied by any corresponding burden of responsibility. Since the opponents of government in the Councils knew perfectly well that they would never be called upon themselves to form a Government, a permanent Opposition was created which felt perfectly free to indulge in the most violent and unreasoning speeches imaginable. In the words of the Chelmsford-Montagu Report: "The Morley-Minto Reforms initiated and adopted parliamentary usages up to the point where they cause the maximum of friction, but short of that at which, by giving a real sanction, they begin to do good."

In the Councils themselves, in the All India National Congress, in the All Mussulman League, and throughout the country, vigorous



political propaganda against the new system was carried on. The Indian leaders regarded it as a very meagre and ungenerous partial recognition of their rights. The Conservative element believed that things had gone too far, and that the new Councils marked an unjustifiable concession made by a feeble government to political agitators. It is difficult to see how, once the initial step of setting up a Legislative Council in 1853 had been taken, the later progress could have been prevented. As in England in 1832, when the first Reform Bill became law, it was inevitable that further instalments of political enfranchisement should follow, so in India once the Legislative Councils had been established in 1853, the Representative Councils in 1862, further developments of the system of representation were inevitable. Contrary to expectation, the political ferment in India after 1909 increased. The assassin, who had already made his appearance before that date, now raised hand against the Viceroy himself. Everywhere throughout the country, before 1914, were signs of seething discontent; though, one might justly remark in passing, the very fact that the sedition and discontent existed is in a sense proof of the honesty with which the British had attempted to grapple with the political education of the Indian peoples.

This then was the position at the outbreak of war, and the catchwords of the Allies still further aggravated the trouble. For a time indeed there was a lull, but it was only a lull. Indians were told they were fighting for the rights of oppressed nations, that every nation had the right to self-determination, and so on. The wish that India should itself be a nation was father to the belief that it was already one, and it was the most natural thing in the world for Indian politicians to apply these catchwords to the existing situation in India. If, they argued, India is fit to fight for these high ideals and to pour out her blood and treasure in their defence, then surely she has the right to enjoy their blessings. We must remember that India played her part in the struggle, made great sacrifices for the common cause, and contributed her considerable share to the attainment of victory.

As the war went on, Indians naturally began to think that because of their country's great effort she had a right to a better status in the British Commonwealth of Nations than she then enjoyed. In 1915 a non-official member of the Indian Legislative Council moved a resolution that representations should be made to His Majesty's government requesting that India in future should be officially represented in the Imperial Conferences. As a result, Indian representatives were admitted to the important Conferences

of 1917 and 1918; Indian representatives went with the British Empire delegation to Paris in 1919; India's signature appears on the Peace Treaty, and India is a member of the League of Nations.

Long before the signing of peace, however, a change perhaps even more fundamental than representation in the Imperial Conference had been adumbrated. On August 20th, 1917, Mr. Montagu—then Secretary of State for India—made his famous announcement in parliament: “The policy of His Majesty's government, with which the government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire.” Thus the attempt at blending the principle of autocracy derived from Mogul emperors and Hindu kings with the principle of constitutionalism derived from the British Crown and parliament was abandoned, and India by successive instalments was to be given the same government which Britain had worked out for herself in many centuries. This may turn out to have been the greatest blunder we have ever made; for who can say that the sort of government which is suited to the people of British stock, the sort of government which is the political expression of their national character and the result of their history—the result, one might almost say, of the accidents of their history—will be suited to the needs of the myriads of Indians with all their traditions, customs and beliefs behind them? But whether it fails or whether it succeeds, one thing is clear—that Britain is trying according to her lights to deal justly with India. Well may Indians repeat the words spoken long ago by the old Anglo-Saxon king when he first heard Augustine preaching the Gospel of Christ: “Fair are the words which you speak and the promises which you make, for you desire to share with us that which you hold to be best and truest.”

Immediately after making this great announcement Mr. Montagu set out for India and there, during the next ten months with the Viceroy, Lord Chelmsford, he made a thorough survey of the field. On July 8th of the following year, 1918, appeared the famous report which bears their names, and on Dec. 23rd, 1919, the Government of India Act received the royal signature. During 1920 officials were fully engaged in India preparing the electorate and carrying through the elections. This was by no means a simple task, as so large a portion of the population was quite illiterate, and various devices had to be used to make the peasants understand what they were doing. “In the case of Bombay for example, it was

decided to adopt the coloured box or symbol system. There was a separate box at each polling station, to which was allotted the colour or symbol given to a particular candidate. Where the number of candidates was five or fewer, the boxes were coloured white, black, yellow, red and green. When the number of candidates was greater than five, to each was assigned a symbol such as a horse, cart, or sword, or some other universally recognizable article, for it was found that country voters could not be trusted to recognize with certainty more than the five colours mentioned.”\*

In the beginning of 1921 the Duke of Connaught, as he said himself, paid his last visit to the India he loved, to open the new Councils at Delhi and to ask all sections of the community to “bury along with the dead past the mistakes and misunderstandings of the past, to forgive where you have to forgive, and to join hands and work together to realize the hopes that arise from to-day.”†

Thus, perhaps more rapidly than he expected, in less than a century after Munro’s time his countrymen had carried India many stages along the path which he had hoped she would follow. It now remains very briefly to summarize the changes introduced by the Act of 1919.

The new system of government is properly known as Dyarchy, because it is a blending of the two rules, autocratic and democratic. Unlike the Morley-Minto scheme, however, it is not a permanent blending, since the aim is ultimately to substitute the democratic for the autocratic principle entirely. The most interesting innovations have been made in the sphere of provincial government. Each of the Governor’s provinces now has a Legislative Council containing at least 70% elected members, and not more than 20% official; or to put it in another way, the total of nominated members official and non-official must not exceed 30%. The Councils vary greatly in size according to the population and size of the provinces, from Assam with 53 members to 125 in Bengal.

The Act distinguishes two classes of subjects administered by the provincial government, known respectively as “transferred” and “reserved”. The “transferred” subjects are administered by the Governor acting on the advice of Ministers, and up to this extent responsible government has already been introduced. In order to ensure that the government will not be brought to a standstill the Act provides that under very special circumstances the Governor may require action to be taken contrary to the advice of his Ministers. But this power is to be used only on rare occasions

\*India, Rushbrooke-Williams.

†India in 1920, p. 71.

in cases of utmost necessity. "Transferred" powers include Local Government, Education, Public Health and Sanitation, Industrial Development, Public Works, Fisheries, Forestry, and Agricultural Co-operation. The Ministers who have charge of all these important functions of government must be themselves chosen from among the elected members of the Council, and it can no longer be said therefore that only a shadow of the principle of election and Cabinet responsibility has been introduced.

"Reserved" subjects remain in the hands of the Governor-in-Council; for these the Governor is responsible to the Viceroy, and through him to the Secretary of State for India and to parliament. These subjects include Administration of Justice (subject to certain limitations) Police, Prisons, Sources of Provincial Revenue, Revenue Administration and Famine Relief. At the end of ten years from the passing of the Act a Statutory Commission will proceed to India to examine the work done during the intervening period and to make recommendations. If it is discovered that in any or in all of the provinces satisfactory progress has been made and that Ministers have shown themselves thoroughly competent to deal with the subjects already transferred, the number of these subjects will be increased. This increase in the sphere of responsible government will be continued until no reserved powers remain, and in the sphere of provincial government India will have attained to full responsibility.

In addition to the changes in the present Councils, the Act of 1919 set up a bicameral legislature for the whole of India. The Upper House or Council of State consists of not fewer than sixty members, nominated and elected, of whom not more than twenty may be official. The Lower House, or Legislative Assembly, has a minimum membership of 140 to be elected and 40 nominated, 26 of whom are officials. Thus it is clear that everything possible is being done in a transitory phase like the present to ensure the preponderating influence of the elected and non-official members. The Viceroy in his own sphere, like the Governor of the province in his, provided a serious emergency arises, may certify that a measure thrown out by either or both Houses of the Legislature is necessary for the carrying on of the government. This, however, should be done only after every method of conciliation and persuasion has failed, and every measure so certified must within a specified period of time come before parliament for discussion. The Commission provided for in the statute, in addition to examining the work done by the provinces, will report on the progress made in the central legislature. Here again, provided satisfactory

progress has been made, the powers of the legislature will be increased, while that of the Secretary of State in parliament, over Indian affairs, will be relaxed. This will continue until India receives complete responsible government and will occupy precisely the same position in the British Commonwealth as the great self-governing Dominions.

Thus it is clear that "Dyarchy" means not only a breach with the past and a departure from ancient traditions, but also education in new ways of thought and the establishment of new institutions.