THE REFORM ACTS AND THE INDIAN NATIONAL CONGRESS

Alan Octovian Hume, in helping to found the Indian National Congress in the year 1885 was guided by the following expressed intentions:

"To foster a wider altruism and a more genuine public spirit by concentrating the most strenuous efforts on great national problems, and diminishing the absorption in local or purely selfish interests - to educate all who took part in it, not merely in the arts of public speaking and debate, developing the faculty of thinking out clearly opinions and expressing them lucidly to others, but also in the practice to educate them into what has been described as a genuine parliamentary frame of mind - to familiarise the country with the methods and working of representation institutions on a large scale, and thus to demonstrate to the government and the people of England that India was already ripe for some measure of those institutions to which the entire intelligence of the country so earnestly aspires." 1

In this period Congress remained faithful to these intentions.

The pronouncement under which in 1885 the first session of the Indian National Congress was called clearly stated that one of the objects of the future assembly was:

"Indirectly, to form the germ of an Indian Parliament which if properly conducted will constitute in a few years an unanswerable reply to the assertion that India is still wholly unfit for any form of representative institutions." 1

Every year these views were reaffirmed from the Congress platform and in 1891 the Congress reasserted "the conclusion arrived at by all previous Congresses, viz. that India can never be well or justly governed nor her people prosperous or contented until they are allowed through their elected representatives a potential voice in the legislature of their own country." 2, and urged the people of Great Britain and Ireland "to permit no further delay in the concession of this just and necessary reform."

"The great words 'representative institutions'," said Surendra Nath Banerjee "were written in characters of gold in the banner that the Congress unfurled." 3

The Congress cry for reforms was enthusiastically supported by a considerable section of educated Indian opinion at that time. Memorials and resolutions adopted at public meetings at various places poured into the Home Department

of Government of India. In February, 1889, the Government of
India forwarded to the Secretary of State 100 such memorials.

The demand for representative Councils was the
basis of all these petitions. The Indian Association's
Memorial to the government of India was signed by no less
than 40,000 persons.

This memorial, while taking its stand on Congress
resolutions of 1885 and 1886, remarked that the reconstituted Councils would continue to be consultative in their cha-
acter, and reassured the government that the Executive
government would remain as before and indeed would be strengthened by the intelligent discussion of its measures by
partially representative assembly.

Much the same line of approach was taken by the
British Indian Association, the leading organisation of
landowners in Bengal.

In addressing a letter to the government of India
on the question of reforms on 27th December, 1887, Raja Peary
Mohum Mookerjee, the Secretary of the Association, asked

for an enlargement of the legislative Councils by including more non-official members, and an annual discussion of the Budget and the right of interpellation. While referring to a wider representation of popular views in the Councils, the letter claimed, "there has been for several years no prayer from the native public more eagerly or more widely and influentially submitted to government than the one for a reform of the Constitution and powers of the Legislative Councils." 1

In a letter, about a month later, the same suggestions were placed before the government by the Bengal National Chamber of Commerce. Asking for the right of interpellation they dwelt on the advantages that would follow from it both for the public and the government.

"It will afford the public an opportunity to hear the official and therefore authoritative explanation in a justification of a measure which in the absence of such explanation, might seem to them improper or unjust, and save the government the harsh and unworthy criticisms which are at times directed against them by the Press for want of sufficient information on the subject." 2

1. India public proceedings - April 1888 No.35
2. Ibid - April 1888 No.38.
Through the Press the Congress put forward its incessant cry; "representation is our motto; our watch-word, our battle-cry, the goal of our political redemption." 1

Before the creation of one central legislature for British India by the Charter Act of 1833, the government of Madras and Bombay, as well as the Governor-General in Council of Bengal, had powers to make laws and regulations for their respective territories and thus separate bodies of regulations had grown up in the three Presidencies. Legislative power was not distinguished from executive and the two were lodged in the same hands.

This state of legislative confusion was terminated by the Act of 1833 which vested the legislative power of the Indian government exclusively in the Governor-General's council and at the same time was increased by the addition of a fourth ordinary member who had no power to sit or vote except at meetings for the purpose of making laws. The laws made by this council were subject to their being not disallowed by the Court of Directors. A clear distinction was recognised for the first time and the Act of 1833 was regarded as the first landmark in the history of the Indian Legislative Councils. 2

2. Indian Constitutional Documents - P. Mukherjee.
The second landmark was the Charter Act of 1853 by which the fourth or the additional legislative member of the Governor-General's Council was placed on the same footing with the ordinary members of the Council by being given a right to sit and vote at executive meetings. The Council was at the same time enlarged for legislative purposes by the addition of six members. The Governor-General's Council thus enlarged for the purpose of legislation had in this way twelve members: the Governor-General, the Commander-in-chief, four ordinary members of the Council, the chief-justice of Bengal, a puisne judge and four representative members from the four provinces. The sittings of the legislative Council were made public and their proceedings were officially published.

But Indian opinion had no share in these deliberations of the council even when legislative measures were being discussed. This had many serious consequences. Sir Syed Ahmed in his book "The Causes of the Indian Mutiny" wrote:

"The original cause of the outbreak was the non-admission of a native as a member into the legislative Council. He went on, "most men, I believe, agree in thinking that it is highly conducive to the welfare and prosperity of government; indeed it is essential to its stability that the people should have a voice in its councils. The voice of the people..."
alone can check errors in the bud and warn us of the dangers before they burst open and destroy us .......

In the light of the Mutiny the urgent necessity for a reform of the Indian Councils was evident. By the Indian Councils Act of 1861, the power of legislation was restored to the Presidencies of Madras and Bombay and a Legislative Council was appointed for Bengal, while the Governor-General in Council retained legislative authority over the whole of India. It enacted: for the better exercise of the power of making laws and regulations vested in the Governor-General in Council, the Governor-General shall nominate in addition to the ordinary and extraordinary members, not less than six nor more than twelve in number, as to him may seem expedient.

Sir Charles Wood, speaking in the House of Commons on June 6, 1861 in explaining the provisions of the Bill said:

"I believe greater advantages will result from admitting the native chiefs to co-operate with us for legislative purposes; they will no longer feel as they have hitherto done that they are excluded from the management of affairs in their own country."

1. Indian Constitutional Documents Vol III, by A.C.Benerjee
In the Congress of 1886 Pandit Madan Mohan Malaviya deeply regretted that the nomination of non-official members had not been made by the government with the best interests of the people in view. He insisted on the point that "no taxation without representation should be our motto as it was the first commandment in the Englishman's political Bible." He put the necessity for reform on the following broad principle of expediency at the Congress of 1887: "Placed as we are in this country under a foreign Govt., explained Madan Mohan Malaviya, "however benevolent and generous its motives - we stand in the greatest need of our own representatives in the Legislative Councils".

In January 1888, the Bengal Chamber of Commerce addressed the Home Department asserting that the nominated members "cannot be said properly and adequately to represent the varied interests of the country".

In the Presidential address at the Calcutta Congress of 1906 Dadabhai Naoroji said - "Our demand is the improvement and enlargement of the Legislative Councils and introduction into them of an elective element ..... It is time that we have some of our own people in Councils. But we have no

2. India Public proceedings, April 1888, No.38.
right to demand any explanation, even from them, they are not our representatives." 1

The British government proposed to meet the situation in a bill of 1890. Curzon, later Lord Curzon, in explaining the provisions of the Bill in the House of Commons observed that the object was: "to widen the basis and expand the functions of the government of India, to give further opportunities than at present existed to the non-official and native element in Indian society to take part in the work of Government and in that way to lend official recognition to the remarkable development both in political interest and capacity which had been visible among the higher classes of Indian society." 2 The Bill, however, did not get beyond the first reading.

The changes which the Bill proposed were, broadly speaking, three in number:

The first, was the concession of the privilege of financial criticism in both the supreme and provincial Councils; the second was the concession of the privilege of interpellations; the third and the most vital one was the introduction of elective elements into the legislative Councils.

2. Indian Parliamentary Debates, 1892. P-125.
The Bill came up in 1892 and mainly with Gladstone's support it passed.

Surendra Nath Banerjee wrote in his autobiography, "A Nation in Making", how the Congress delegation to England helped to influence the opinions of Gladstone and other members of Parliament, who voiced their demands. Three M.P.'s, Ellis, Mecheri and Smith, were largely influenced by the ideals of the Indian National Congress. In discussion, Schwazz praised the Congress. He assented that "India has a national voice" and identified it with the Congress. Samuel Smith likewise extolled the Congress and felt proud of this organisation, which to him was the logical culmination of British influence in India.

The Congress, he said, was "our own creation ....... It is indeed an exact copy of ourselves in Indian form." 2

But not all the expectations were actually realised in the Act.

G.K. Gokhale in the Congress of 1893 at Lahore made a severe criticism of it: "In regard to the rules I will not say that they have been deliberately so framed as to defeat the object of the Act of 1892 but I will say this, that ....

1. Indian Parliamentary Debates, 1892 p.136.
2. Ibid.
if the officer who drafted them had been asked to sit down with the deliberate purpose of framing a scheme to defeat that object, he could not have done better.

The rights of interpellation and of discussion of the Budget were granted but the elective principle was not introduced.

Along with its criticisms the Congress went on passing their claims every year. In 1898, the Congress adopted a resolution for increasing the number of executive councillors of Bombay and Madras from two to three, one of whom, they wanted to be an Indian. This resolution was repeated next year.

The resolutions of 1899 prayed for the inclusion of an Indian in each of the executive Councils of Bombay and Madras. In his presidential address in that year Romesh Chandra Dutt suggested enlarging the Governor-General's executive Council as well by appointing three Indians to that body. He also suggested the constitution of executive councils in the North-West Provinces and Oudh, Bengal, the Punjab and the Central Provinces with one Indian member in each.

The Congress's resolutions of the subsequent years on this subject, went further and in 1904 a resolution urged the

1. Report of Indian National Congress, 1898—Resolution XIV
2. Indian National Congress 1899—Presidential speech
appointment of Indians to the Governor-General's Executive Council, and the Executive Council of Bombay and Madras. The same was proposed for the Secretary of State's Council, in London. This was elaborated in 1905 by asking for *not less than three Indian gentlemen of proved ability and experience as members of the Secretary of State's Council,* and the appointment of two Indians on the Governor-General's Executive Council and one each on the other two Executive Councils, was suggested.

In the Congress of 1905, it was declared that the goal of the Congress was to attain a form of Government "similar to what exists in the self-governing Colonies of the British Empire." Though the ideal was self-government, the Congress admitted that it could only be attained by gradual advances, by passing through "a brief course of apprenticeship" at each stage. It was necessary for Indians to acquire "through political training and experiment" the responsibility for the proper exercise of the political institutions of the west.

This time, perhaps because of the pressure of the

2. Ibid. — Resolution IV.
terrorist movement and the restlessness of public opinion
the appeal was answered. "We," said Lord Minto in his
minute of August 1906, "the Government of India cannot shut
our eyes to present conditions. The political atmosphere is
full of change, questions are before us which we cannot afford
to ignore and which we must attempt to answer." 1

"The new aspirations," said he in the same account,
"were stirring in the hearts of the people, that they were
part of a larger movement common to the whole East and that
it was necessary to satisfy them to a reasonable extent by
giving a larger share in the administration of the affairs." 2

In the important despatch to the Secretary of State,
of 1st. October 1908, which formed the true genesis of the
Minto-Morley reforms, Lord Minto's government urged:

"We have every hope that the confidence we are willing
to place in the intelligence and public spirit of the non-
official members will be justified, and that increased respon-
sibility will bring with it the requisite forbearance...." 3

Lord Morley, the Secretary of State for India, replied

1. Indian Constitutional documents (1773-1915).
2. Indian Constitutional documents by P. Mukherjee, p. 208.
3. Minto, Countess of India Minto and Morley (1905-10).
in November 1908: "the principle to be borne in kind is that election by the wishes of the people is the ultimate object to be secured, whatever may be the actual machinery adopted for giving effect to it. " The Reforms Act was passed in 1909.

Gopal Krishna Gokhale in opening the Legislative assembly proceedings said: "There was no doubt that the Reform regulations had been received with deep disappointment throughout the country except in Mahomedan circles. It was not merely that a large representation had been given to the Mahomedans than could be justified on any fair or reasonable basis, but the difference made in the treatment of the two communities, in regard to the franchise and the qualifications for candidates was quite marked and entirely unnecessary."'

In the next Congress sitting, Surendra Nath Banerjee protested the terms of the newly introduced measures of constitutional reforms, as were being embodied in the Indian Council Act of 1909. He deemed it necessary for the Congress to place on record its trenchant sense of disapproval of the creation of separate electorates.