CHAPTER III

The Development of the Legislative Council

With the assumption of direct administration of the state by Sri Krishnaraja Wadiyar, a new scheme of administration and a new form of representative institution came into existence. Whatever might have been the intentions of the original framers of the Mysore constitution in 1881, the position of the affairs, as stated by Sir K. Seshadri Iyer, was that the Minister was responsible to the Maharaja for the executive administration of the country, that the Minister and the Councillors were jointly responsible to the Maharaja, for the advice they tendered in regard to the general measures of administration specified in the rules and that the Councillors were responsible to the Dewan and the latter to the Maharaja for the proper discharge of the administrative duties delegated by the Dewan to the Councillors. In 1895, when the Regency administration was created, it was felt that the Council had failed as a corporate body to assume that position in the administration, when it was intended to occupy and deemed it expedient that it should take an active and not a mere nominal share in the business of the state.

Mysore Representative Assembly Proceedings, 1903, p. 32.
To make the Council a real executive body, three full time Councillors with defined responsibilities were appointed and they were enjoined to share with the Dewan, at their head, the executive administration of the State. The Regency Council was in operation for a period of eight years and during which time the Council functioned more or less as an executive body. Lord Curzon, the Viceroy, felt that an undue share of authority had passed into the hands of the Dewan during the period of regency. Since the Maharaja was solely responsible for maintaining amicable relations with that power and for the efficient administration of his State, the Maharaja ought to be the actual ruler of his people and master in the State. Thus with the end of regency, the Executive Council was reverted to its old character of being a consultative Council. It was called the Council of His Highness the Maharaja of Mysore, comprising the Dewan and two other Councillors whose duty was to advise His Highness in all important matters. The Dewan was the ex-officio President of the Council. He was the Chief Minister of the Maharaja in the administration of the State. Rules were also framed for the conduct of the business in the Consultative
Council. * The main purpose of this device was to preserve the efficiency of the Council and enlist the active interest and co-operation of the Councillors in all measures of Government consistent with the position of His Highness as sole deciding authority in all matters of importance. The Dewan was responsible to the Maharaja for the efficient conduct of the administration in its various branches, and he was the channel of communication with His Highness on all matters of State business. At the same time, he ensured the continuity of knowledge and interest in the working of the various departments of the State. The Councillors hold charge of certain departments with power to record their opinions on all matters relating to those departments coming up before the Government. This charge entailed great share of work by the Maharaja embracing all important cases in every branch of the administration of considerable variety and range.

Sir K.Seshadri Iyer having retired in March, 1901, Sir F.N.Krishna Murthy, grand son of Purniya and a member of State Council was appointed Dewan and continued as Dewan under Sri Krishnaraja Wadiyar in the new scheme with V.P.Sadhava Rao and Sri G.Srinivasa

* Notification No.36, Mysore Administration report 1902-3 p.4-5.
Iyengar as Councillors. The Representative Assembly, which could not meet in the year 1902 owing to wide spread prevalence of Plague in the State met on 5th October, 1903. Addressing the opening session of the Assembly, Sri Krishnaraja Wadiyar stated, "I am glad to find, speak highly of the moderation, the intelligence, and the practical good sense, that have characterized your discussions in the past, and one of the conspicuous of this Assembly has been the consolidation of the sense of common interest between the Government and the people. If the deliberations of this Assembly succeed in providing a ready means whereby my people can make their requirements, aspirations and grievances known, and in affording my government an opportunity for stating what has been accomplished during the past year and what is intended next; and further, if these meetings enable us to understand each other better, and thereby remove all possible grounds for misconception regarding the measures of government, then I entertain no doubt that this yearly gathering will prove a valuable adjunct to the administration and will thereby promote the contentment and well being of my subjects which are so dear to my heart."
As long as the institution fulfills these aims and objects, you may rest assured it will receive my hearty support and encouragement. I trust the membership of this Assembly, which I understand has already come to be regarded as a privilege, will, by your moderation, and wise counsel, receive enhanced value at your hands and the hands of your successors in the years to come.

The measures of legislation passed during this year were the Weights and Measures Regulation, law amending Excise Regulation, amendment to the law of Evidence and Registration Regulations. The revision of Penal and Criminal Procedure Codes and Shipping Act embodying all the improvement contained in the British Codes which were applicable to Mysore. An amendment to the Mysore Chief Courts Regulation was also prepared for the consideration of the assembly. The rules under Local Board Regulation underwent a thorough revision providing for the constitution of Unions in the place of the non-regulation municipalities, the establishment of District Board for each revenue district, a Taluk Board for each taluk and sub-taluk and a Panchayet for each Union, with defined powers and duties.

In 1904, Mr. V. Venkatakrishnan forcefully pleaded in the Representative Assembly for the establishment of a Legislative Council in the following terms.

"There are Legislative Councils in the British provinces and there is one in Travancore. In Mysore we have the Representative Assembly, but it holds its session only annually for a few days. On the other hand, the Legislative Council will meet more often and the members of the Representative Assembly who may be in the Council will thus have frequent opportunities of representing the wants of the people. The subject was brought forward in 1892 by Mr. Srinivasa Rao, but while replying to that there was no need for one, the late Dewan at the same time suggested for formation of a Standing Committee. As remarked by Sri Pengacharlu, political education can only be gradual. If we are to wait until all the people are educated to the requisite standard, we may have to wait for ever. If a Legislative Council cannot be immediately established it is desirable that at least a Standing Committee should be recognised."

At the opening session of the Representative Assembly in 1905, Mr. M.C. Penga Iyengar and others submitted a memorandum to Sir P.N. Krishnaswamy, Dewan, pleading that in this progressive State with the advance of

learning and development of industries new interests are coming into existence and demand special legislation. The legislative branch of the Government, important as generally is in the special circumstances of this State, has now become a matter of paramount importance. The establishment of a Legislative Council will secure to the subjects of His Highness the Maharaja, the advantages which are being enjoyed by their neighbours in the British territories, Memorialists prayed that a Legislative Council may be graciously established and that permission may be vouchsafed to the Representative Assembly to elect at least eight members and submit their names for the approval of His Highness the Maharaja.\(^4\)

Representing the Law Association, Bengalore, Mr. J. G. S. Lawrence suggested for introduction of the Hindu Wills Act, the Probate and Administration Act, the Negotiable Instrument Act, certain portions of the Transfer of Property Act, and Guardian and Ward Act. The members also asked for the introduction of the Gambling Act with a view to prevent the evil effects of gambling by which many persons were being ruined.\(^5\)

One member wanted a regulation to prohibit slaughtering Cows and bullocks for beef and hides. Another important

1. R.A. Proceedings, 1908, Sub.No.1, P-I.
2. Ibid 1905, App. P-16B.
subject discussed in the Assembly and passed into law was the Co-operative Societies Regulation, having the objects the promotion of thrift and providence among the members; the attraction of the capital and grant of credit to the members; supply to them raw materials, seeds or manure, the sale of agricultural produce or of manufactured goods and other objects for which co-operatives can be formed.

In March of 1906, Sir P.K. Krishnamurthy laid down the office of Dewan and he was succeeded by Sri V.P. Madhava Pao who was till then, Dewan of Travancore. Earlier when Mr. V.P. Madhava Pao was in Coysore service had taken interest and watched the growth, development and progress of the Representative Assembly. Addressing the Assembly he stated, "Representative Assembly has now become a time honoured and a historic institution, flourishing in its full vitality here, affording a model for other native States to fashion their own popular Assemblies."5

Another useful change introduced in 1906 was the rise in the status of the State Councillors. The modified rules of 1906 invested the Councillors with certain measure of administrative responsibility, the lack of

5 S. Dewan's Address to P.A., 1906, p-335.
which had been felt to the main reason when the new Consultative Council of 1902 had failed to fulfil the objects with which it was constituted. The Councillors were empowered in their respective departments to pass final orders in the name of the Government, instead of merely recording their opinion, on all ordinary matters which were not sufficient importance to require references to the Dewan and to the Council, as a body. And also the Office of the Revenue Commissioner which was constituted in the year 1902 to exercise effective supervision and control over the revenue administration had shown certain weakness owing to the reservation to the Government of certain powers which should have been assigned to the Revenue Commissioner. For instance, Revenue Commissioner had no jurisdiction in matters relating to the collection of revenue and the proceedings taken for its recovery, and also control over certain class of revenue officials. To remove these defects, the land revenue code was amended so as to make the Revenue Commissioner the Chief Controlling Revenue Authority subject, of course, to Government, and making his position correspond to that of a Commissioner in Bombay. In addition, amendment to Military Regulations, Merchandize Marks Regulation, Excise and Civil Procedure Regulations

were passed. Rules under Co-operative Societies Regulation and under Arms Regulations were also issued. For securing greater efficiency in administration, the revival of competitive examination for civil service, rules for selection of men for appointment as Assistant and Deputy Assistant, modification in the rules relating to the recruitment of Sheikhs and Revenue Inspectors, and revised rules for regulating the appointment and promotion of ministerial Officers in the Revenue Department, were adopted.

The establishment of Legislative Council which formally came into existence on 22nd June, 1907, was a measure of considerable importance on the development of legislative body in Mysore. If the policy of associating the people with the administration of the State was manifested in the Representative Assembly, it was with an objective to associate with the Government a certain number of non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements to assist government in making laws and regulations, the Legislative Council was established. In the past, on many occasions, members of the Legislative Assembly pressed for the establishment of a Legislative Council. The members said that the interest of the public would
be better served by associating a certain number of non-officials in the process of law making and urged for allowing the Representative Assembly to elect one or two members to the Council of His Highness the Maharaja.\(^6\)

But, at that time, a separate council for law making was considered unnecessary as all changes in the laws which were in force at the time of rendition could only be made in consultation with the Government of India and that too, after their approval. According to the Instrument of Transfer, the Maharaja was not permitted to repeal or modify such laws or pass any laws or rules.\(^7\) Replying to the members of the Representative Assembly, Dewan Sir K. Seshadri Iyer said, "Non-official members will doubtless be very useful in a Legislative Council; but the legislative work which now remains to be done is so little, and what laws we pass are so much on the lines of British Indian legislation with such modification only as are called for by the local circumstances that it may be somewhat ostentatious to constitute a regular council for Mysore."\(^10\) However, he accepted the fact that such a proposal was an encouraging sign and he promised to

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10. Ibid
place the matter before His Highness the Maharaja who would be glad to hear of this additional proof of the growing interest the members took in public affairs.

Again in 1894, members pleaded for a Legislative Council on the lines of a Legislative Council which was functioning in the State of Travancore.\(^\text{11}\)

Mr. E. Venkatakrishnan, a veteran member of the assembly observed that the necessity for a Council of some kind had been recognised at the time of rendition and the existing Council of the Maharaja was then formed. It was a Legislative Council as then constituted, but it had since become an Executive Council in its functions and was also deficient in the number originally fixed.\(^\text{12}\) A Legislative Chamber would be useful advisors of Government, more useful than Secretaries and Heads of Departments who did not move much among the people and were not in close touch with them. A member even went to the extent of suggesting for the constitution of a Legislative Assembly, and remarked that in such an assembly all regulations could be discussed and adopted to the requirements of the various classes of the community. Dewan appreciating the suggestion

\(^{11}\) P.A. Proceedings, 1890, p.33 and 34.
\(^{12}\) Ibid 1894, p.35.
stated that "When the necessity arises for constituting a Legislative Council we will, of course, form one and in doing so take into consideration the various suggestions which have been made to-day. The Planters have been asking for certain legislative measures and have not yet got them, not because the burbar are unwilling or there is not a Planter on His Highness council, the measure they want have to emanate from the British legislature."13

Under the instrument of transfer all the laws that were in force and rules having the force of law were to be maintained and efficiently administered. No change in the laws were allowed except with the permission of the Governor General. Subject to the control of the paramount power, His Highness the Maharaja was considered to be the source of all law in the State. The elaboration of all legislative measures was entrusted to the Executive Council.14 Thus hither to, legislation was entirely in the hands of the Government who in their discretion consulted the Representative Assembly on such measures as were considered by them to be of sufficient importance to be placed before the Assembly for its views. However, the Government were not bound to consult the assembly on all measures of legislation, much less to accept

and act in conformity with its decision.

It is interesting to note that there was not even a legislative section in the Secretariat till 1866. For the first time a Legislative Department was organised in 1886 as separate section under the superintendence of an Officer designated 'Legislative Secretary' and later it became a branch of the Secretariat. The elaboration of all legislative measures was a part of the duties of the Executive Council which promulgated such measures as were required by it with the sanction of the Maharaja.

In the year 1905, Mr. M.C. Bhangaryan and others submitted a memorandum to Dewan P. N. Krishna Murthy that in this progressive State with advance of learning and development of industries new interests are coming into existence which demand special legislation. The establishment of a Legislative Council will secure the advantages which are being enjoyed by their neighbours in the British territories and in the native States of Travancore and Hyderabad similar councils have been established. We are fully convinced that under the benign rule of His Highness the Maharaja, this model State will in no respect be allowed to lag behind the other native States.
in a matter so useful and necessary as the formation of a Legislative Council on a sound and practical basis. They wanted that Representative Assembly to elect at least eight members to the Council from its composition. 15

The subject of creating a Council was brought forward again in 1906 and it was urged by the members of the Assembly that the powers and functions to be vested in the Council should be such as not to interfere with the utility and importance of the Representative Assembly. As time passed the requirement of a progressive administration necessitated the enactment of new laws and modifications to the existing ones from time to time. In the meanwhile, with the spread of education there had come into being a fairly large body of educated and intelligent men from whom a sufficient number of people fit to take a useful part in the discussions of legislative measures might be as non-official members to serve in a Legislative Council. In doubt, all these years legislative measures had received full consideration and attention at the hands of successive Dewana and Councillors. It was felt the character and the composition of the Council, the smallness of its members and the want

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of publicity in its proceedings did not permit of legislative measures being considered as fully and from as many points of view as was desirable.

Under these circumstances, it was considered expedient by His Highness the Maharaja to establish a Legislative Council in order to associate a certain number of non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements in the actual process of law making. With this object in view the Legislative Council Act of 1907 was promulgated on 6th March, 1907, for the constitution of a regular Legislative Council for the making of the laws and regulations for Mysore. When the proposal was referred to the Government of India, it was looked upon with a 'qualified enthusiasm,' and while they saw no sufficient reason for advising His Highness to desist from the proposed experiment, they expressed the opinion that 'No special necessity existed for it in Mysore.' However, in conveying their approval to the proposal, the Government of India made it clear that 'whatever the legislative machinery employed, the ultimate responsibility for all legislation in Mysore remained absolutely with His Highness the Maharaja and that the

control over such legislation vested in the Governor General in Council by the Instrument of Transfer of 1861 was unimpaired. To safeguard the existing system of control by the Government of India over the legislation in Mysore the Government Order, promulgating the Act, made it clear that the introduction of legislative council was not "intended in any way to affect or diminish the responsibility which in legislation as in all matters connected with the administration, rested ultimately with His Highness himself." But that it was intended "solely to enable him and his government to ascertain correctly the needs, wishes and feelings of the people and to ensure that the laws enacted by him as the ruler of the State were in all cases well adopted to serve the ends in view."\(^\text{17}\)

The Mysore Legislative Council like the Council in British India began to function as a nominated body. According to Regulation I of 1907, passed on March 1907, the Legislative Council was to consist of the Dewan as President and the members of the Council as ex-officio member and not less than ten, and not more than 15 additional members, nominated by the Government for a period of two years, of whom not less than 2/5 were to be non-officials and their term of office was fixed at

\(^{17}\) Constitutional Reform in Mysore, 1939, Chapter-11 p.22.
two years. The Government retained the power to frame rules as to the conditions under which all or any of the non-official members might be selected prior to nomination by the Government. The business to be transacted at its meetings was confined to the consideration and passing of the measures which in practice were introduced by the Government. The previous sanction of the Dewan was made a condition for the introduction of any measure in the Council. The enactment of every measure required the assent of the Maharaja. Power was also reserved to the Government to frame temporary emergent measures for a period of six months, as also permanent measures affecting matters specially excluded from the purview of the Council and submit them to the assent of the Maharaja.

The Legislative Council was formally inaugurated on 22nd June, 1907. The main objects for which the Council was established as stated by Dewan were: 1) to enable the people to place their wants and wishes before the Government through members qualified to represent them.

ii) To give to legislative measures the benefit of personal discussion by a large number of competent persons,

18. Constitutional Reforms in Mysore-1939, Ch.11, p.23.
both official and non-official than is possible under the ordinary Executive Council of three members and from more varied stand points;

iii) To obtain the assistance from the gentlemen qualified by practical experience and knowledge of the people, to give advice in making laws and regulations;

iv) To facilitate and ensure the consideration of details of every measure by requiring the reference to and examination by a Select Committee.

v) More than all, to provide that degree of publicity which is necessary to ensure the free and independent discussion of legislative measures from all point of view.

The functions of the Council were strictly limited to the consideration of measures which were brought before the Council for enactment. It was expressly forbidden to entertain any motion other than a motion to leave to introduce a bill or having reference to a bill actually introduced. The members had no powers of asking questions or of calling for papers or of receiving and discussing petitions. Even in matters of legislation their powers were circumscribed. Some.

subjects were kept completely outside the jurisdiction of the Council. They were:

a) Matters concerning the Royal Family of Mysore;
b) Extradition of criminals;
c) Matters governed by treaties;
d) European vagrants;
e) European British subjects;
f) Post Offices, Telegraphs and Railways;
g) Mysore Military Forces;
h) The relation of His Highness the Maharaja with the paramount power and with foreign Princes or States; or matters governed by treaties, conventions or agreements then in force; or thereafter to be made by His Highness with paramount power; or
i) Such other matters as might from time to time be reserved by His Highness the Maharaja for consideration of the Government.\(^{20}\)

By all these measures the Legislative Council was more a mouthpiece of the Government than a real house of legislature. The description given about the Council in British India in early stages by Lord Macdonnell was equally applicable to the Council thus constituted in Mysore. "It was a Committee for the purpose of making laws, a Committee by means of which the Executive Government obtained advice and assistance in their legislation, and the public desired the advantage of full publicity being ensured at every stage of law making process.... The Council was not a deliberative body with respect to any subject but that of the immediate legislation before it. It could not enquire into grievances, call for

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\(^{20}\) Legislative Council Act of 1907, Ch xii, Sec. 2.
information or examine the conduct of the Executive. The acts of administration could not be impugned nor could they be properly defended in such assembly, except with reference to the particular measure under discussion.  

The first meeting of the newly formed Legislative Council with five non-officials and five officials besides two members of the Executive Council, was held on 24th July, 1907 under the Presidentship of Dewan P. Radhava Ico. Welcoming the members of the newly formed Council, the Dewan stated "We are today on the threshold of our important constitutional experiment, the second of its kind that has been undertaken in the State since the rendition. The inauguration of the Representative Assembly, more than a quarter century ago, has been fully justified by the useful work it has done in its own sphere, whereby it has secured a definite place in the scheme of the Government. We are now, for the second time, broadening the basis of administration by inviting the co-operation of a number of official and non-official gentle...er in discharge of one of the most important functions of the government, viz., that of legislation."  

The establishment of the Legislative Council was,

by and large, welcomed by the people of Mysore. At the  
first session of the Council, Sir V. N. Narasinghe Iyengar, a non-official member, stated "We look upon the council as the recognition and fruition of the grand central principle that the interest of the sovereign and his subjects are identical and that it is indispensable in the cause of good and progressive Government that the ruler should be constantly in sympathetic touch with the people and should take into his mature consideration their ideals, sentiments and aspirations in every measure of legislation undertaken for their benefit." He further said, "We hope that after this council has been in practical working for some time and when the results so far achieved will justify it, His Highness the Maharaja's progressive government will be pleased, in the fullness of time, to enlarge the constitution and powers of the Legislative Council, so that it may become truly representative and may be allowed to take a share with the Government in the administration of the country."²³

But there were some people who questioned the practical utility of the Council. As admitted by the Dewan himself, certain section of the people questioned the practical value of the measure, on the ground that in constituting the Council, the Government proceeded with

²³ The Megora Gazette, 25-7-1907, p.4.
unnecessary caution; that certain privileges conferred on the British Indian Councils such as the power of interpolation and the discussion of the budget were withheld and that the selection of non-official members was kept entirely in the hands of the Government. Some of the members of the Representative Assembly pressed for the recognition of elective principle in the selection of the members, for the increase of non-official element, and the granting of additional privileges and powers to the Council. The Benen, making observations on the several points raised, stated, "I failed to see any meaning in the antithesis so often set up between official and non-official views of a question or the views entertained by the people. The Government here is all centered in the Maharaja, and you know that I am indulging in no expression of exaggeration when I say that, so far as our Maharaja is concerned, he has, in governmental matters, no interest apart from those of his subjects." 24

Thus the elective principle in constituting the composition of non-official members to the Council was not recognised. Nor was the Representative Assembly given the privilege of electing members to the Council. The members of the Representative Assembly expressed a strong desire in 1907 that that body should be given the

privilege of electing some members to the Council.

Speaking at the Representative Assembly, Dewan assured 'I am aware that there is a strong feeling that the elective principle should have been recognised in the selection of non-official members for the Legislative Council and that the Representative Assembly, which has been in existence for over twenty-five years, should have been given the privilege of electing members to the Council. I can assure you that this will not be long in coming and that the same spirit of generosity in which His Highness has spontaneously instituted, a Legislative Council will prompt him to give you this valued privilege in due time.*25

The very next year this demand was granted by rules framed by Government, the assembly was allowed to elect two persons from among its own members, one to represent the Eastern and the other Western districts of the State, and recommend them for nomination by Government. At the same time, the Government reserved the right to reject a candidate duly elected by the Representative Assembly. This power of veto was intended to secure safe members and avoid inconvenient members to the Council. In the year 1908 at the election held among the Representative Assembly members Sri M.Venkatakrishnach of Mysore and

Sri D. Venkataramanach of Bangalore having secured the highest number of votes were recommended for nomination to the Council by the Government. But the Government disapproved the recommendations made by the Assembly and directed a fresh election. Giving reasons for the rejection of the recommended names, the Beast stated, "that the members did not sufficiently consider the importance of the privilege they propose to confer by their votes, the members should not lose sight of the fact that we are living in a native State, that we are, as it were, experimenting with regard to introducing the elective principle for nominations to the Legislative Council and that the persons selected should unexceptionable as regards their ability to represent the true interests of the country and their character and loyalty and such as would be fit recipients of the honours and privileges which His Highness the Maharaja has been graciously pleased to confer on the non-official members of the Council." 26

The use of veto by the Government for rejecting the members designated, clearly indicated that the Government was not interested in men of independent outlook to the Council and they wanted only men who were loyal and obedient to them and also to the paramount power. The members of the Representative Assembly resented the
action of the Government for vetoing the names and urged for the amendment of the regulations with regard to the provisions relating to the election of members by that body to the Legislative Council. At that stage, the Government could not also turn down the request of the members and it was assured in the year 1911 that the candidates who secured the largest number of votes of the members of the Assembly would be nominated by the Government as members of the Legislative Council. The Legislative Council started its work in right earnest and the opportunities afforded therein by the presence of non-officials were fully utilised by the Government in bringing out a series of well considered measures and passing them into law in conformity with the public opinion as expressed in the Council. The Council in a span of a little over a year met seven times and important measures such as the Village Offices Bill, the Police Bill, the Newspaper Bill, the Bill to amend the Court Fees and Stamp Regulations and the Civil Procedure Code formed the subject of discussion in the Council and the Newspaper Regulation and the Regulation to amend the Court fees and Stamp Regulations were passed into law. Other important measures initiated by the Council such as Village Tank Panchayat Bill, Treasure Trove Bill and Prisons Bill were in the process of law. The first bill to be considered by the Council was the Village Offices
Bill, a measure of utmost importance affecting the welfare of the rural public in general. The law on this subject till then been scattered over a large body of rules and executive orders, many of them not known or easily accessible to the public. This bill which had the object of removal of many anomalies and misconceptions which had till then existed in respect of this important subject was considered by the Council at three successive sittings and passed into law in October, 1906. His Highness the Maharaja congratulated the members of the Council on the satisfactory manner in which this important and contentious measure had been dealt with and stated, 'the discussions were full and informing and now that the members, both official and non-officials fully appreciate their responsibility and are prepared to bestow ungrudgingly their time and thought on measures submitted to them, I should be glad if the bill becomes the law, to express my appreciation of the services rendered by the non-official members in particular.'

The regulations to amend the Stamp and Court Fees, were framed with a view to remedy certain hardships caused by the previous law, which were brought into notice of the Government, on several occasions by the members of
the Representative Assembly.

The newspaper regulations gave a legislative shape to the inherent powers of His Highness the Maharaja for regulating the criticism in the public press in the interest of the State or in the cause of public morality.

Replying to the objections raised by some members that the press under the new regulations will be exposed to the petty tyranny of officials dressed in brief authority. The Laxen stated, 'I have already assured the public that the Government would always be glad to have their acts criticised with as much freedom as the critics liked, provided only that the criticism stopped short of disseminating absolute falsehood and deliberate prevarication of facts, likely to be prejudicial to the interest of the State. The Government of His Highness neither shirk from giving full publicity to their acts and the opening of the Press Room and the public discussion of questions in this very assembly, than which there is not a body in the whole of India better representing the people of a State, will convince you that such is their attitude. 28

Besides these laws passed by the Legislative Council,

a bill to amend the Military Regulations was passed by
the government under the powers reserved under the
Legislative Council Regulations. Of the other new
measures of legislation before the Council, the Village
Tank Panchayat Bill contained the germ of self-govern-
ment in the rural areas. This was considered a first step
towards real local-self Government.

Though the Council was started at first with limited
functions and with nominated members, no time was lost in
enlarging its powers and functions and widening its basis.
The members of the Representative Assembly were not
content with the granting of the right of electing two
members to the Council. They persistently represented
that they should be given the right of electing four to
eight members, and also they made several representations
that the Legislative Council should be vested with right
of interpellantion, of discussing the budget and of moving
resolutions. The non-official members of the Legislative
Council also complained that they were not in a position
to do anything for the public and pressed for an increase
in powers of the Council. Mr.G.Srinivasa Iyengar, a
non-official member, giving expression to this feelings
about the working of the Council observed, that "no
efforts will be wanting on our part to render what little
assistance we are able to render in launching many important legislative enactments, that are likely to come up before this Council. Our only regret is that we have been able to do so little for the public in the past. I hope, however,........that the scope of our usefulness will be perceptibly enhanced. 39

By and large, the discussions in the Council were conducted as testified to later by Bowen, "In a spirit of mutual concession and toleration within six years of its establishment, the Council had to its credit nearly thirty enactments placed on the Statute book, with a view either to help in the administration of law or to promote the economic well-being of the people." 30

As already stated the members of the Representative Assembly were not satisfied with the privilege of deputing two of its members to the Council. They continued to represent for granting of privilege of sending more members and according more powers to the Legislative Council. It was prayed that three members to be elected from among representatives to the Council and one member to represent each of the three civil divisions of the State - Moolchery, Ashtagrama and Nager. One member

30. Ibid p. 47
suggested that out of two deputed members one must be preferably a Mahamadan as Muslims were not as advanced as the Hindus. Another member suggested that a Sanskrit Pandith, well-versed in Dharma Sutras and Politics, to be nominated as member to the Council. Members also wanted that no legislative act should be passed by the Legislative Council, until it is discussed in the Representative Assembly. One member alleged misapprehension by the Government that the Representative Assembly was trying to place itself in the position of an 'Upper House' as compared with the Legislative Council.

It was suggested for the grant of the right of interpellation as this privilege was being exercised by the members of the British Indian Legislative Councils. The Legislative Council meets frequently and the privilege, if granted, would be exercised with satisfactory results. Mr. Subha Rao, from Hole Narasipur pleaded for issuing orders granting to the members of the Legislative Council the right of discussion of the State budget.31.

Mr. Venkataramaiysh wanted four members to be elected instead of the two members. Of these four one for each of the three divisions and the fourth member to represent

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the Malnad Taluks. The members particularly from Mysore urged for the bestowal of additional powers as those of Councils in British India. The increase of non-official element in the Legislative Council by elections of eight members from the Representative Assembly, one from each district for a period of three years. They also demanded the right of interpellation, the right to discuss and pass resolutions and discussion of the budget in the Council. The members pleaded that it is essential to the Government to be in touch with various matters which do not come to their notice officially and in view of the fact that an independent press does not exist, the right of interpellation in the Legislative Council was of much practical utility and a great boon to the people of Mysore.32.

In response to these demands of the Representative Assembly members and after an experience of the working of the Legislative Council for about eight years, it was found by the Government to introduce certain improvements in the composition and powers of the Legislative Council. The Legislative Council in Mysore was designed on the model of the British Indian Council Act of 1861. Though this Act was revised two times, one in 1909 and

32. R.A. Proceedings, 1911, Sub-No. 3&3, p. 41.
another in 1911, the Council in Mysore continued to work on its old lines. In order to improve the representative character, the Government made certain modifications to the Mysore Legislative Council Regulations on 11th October, 1913. According to these reforms the strength of the additional members of the Mysore Legislative Council was raised from a minimum of 10 and maximum of 15 to a minimum of 15 and a maximum of 21, by Regulation 1 of 1914, and also a kind of indirect election was introduced for filling up some of the seats vacant for non-official members. The number of seats allotted for recommendation by the Representative Assembly was increased from two to four. Of these four seats, two were thrown open for election by the members of the Representative Assembly. Four more seats were kept open for election by the territorial representation from the districts. For the purpose of this election, the eight districts were divided into four groups of two districts each, and the local bodies and the electorate for the representative assembly in each group were to elect one member. Thus the Council had eight elected members who, though technically nominated by the Government, were actually chosen by their Representative Electorate. The total number of

electorate in all the groupings was about 11,250. Out of these members of the Legislative Council, ten were officials and six were nominated by the Government. The process of nomination by the Government was only a formality.

A high property or educational qualification was prescribed for the candidates for election. Persons paying a land revenue of rupees three hundred or a monatharfa tax of Rs.25/- or inamdaras owning Inam villages with a bene of Rs.500/- and with a sufficient knowledge of English education were qualified to be candidates for the Legislative Council. Graduates of Indian or English Universities of ten years standing were also made eligible to be candidates. At the same time, the functions of the Council were further enlarged and made more than mere legislative, as there has been a persistent demand for making the Council more effective. The members of the Council were given the right of asking questions on matters of public interest or importance. The privilege of discussing the budget of the State, subject to certain conditions, was given to the Council. This privilege extended only to a general discussion of the budget and the Council had no power to vote or propose any resolutions on it. The right of interpellation on matters of public
interest and importance was also granted to the council. The number of interpellations was limited to twelve question at each session. The maximum number of questions that could be sent up by any member was fixed at three. The nature of questions to be admitted depended mostly, among other considerations, on the measure of support accorded them by the non-official members of the Council. The regulation also provided for framing suitable rules for the purpose of giving effect to these measures.

However, these changes did not bring about a marked change in the character of the constitution of the State as the responsibility for the good government in the province vested with the Maharaja as determined by the provisions of the 'Instrument of Transfer'. In re-forming the Council there was a keen desire on the part of the Government to associate the representatives of the people in the Council to bring to bear their influence on the policy and the activities of the Government. In explaining this the Dean stated, "That it will be the endeavour of His Highness's Government to utilise this Council and the Representative Assembly in an ever increasing degree to ascertain the views, wishes and sentiments of His Highness's subjects on matters intimately affecting their welfare."34

34. Dean's Speech at L.G., 4-4-1913, Timeswaraya, P.79.
Immediately after giving effect to these reforms, Sri C.N. Palakrishna Rao, an elected member of the council, urged that the privilege of moving resolutions on administrative matters should also be conferred on the council. He was supported by a good number of elected members. Appreciating the anxiety of the member, the council stated, 'Considering, the Council itself came into existence so recently you will agree that, with the instalment of reform now, conceded, the development of the Council may be regarded as fairly rapid. In future, the Council will be concerned not only with the work of legislation but also with the matters connected with general administration as well as the preparation of the Budget.'

In the year 1914, at the session of the Representative Assembly, the members asked among other things, for granting to the non-official members of the Legislative Council, of the privilege of asking supplementary questions in connection with the powers of interpallation which they were enjoying. In response to this request, further privileges were granted to the Legislative Council. In 1915, the right to ask supplementary questions was conferred on the council subject to the same rules as

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35. Sri C.N. Palakrishna Rao, 3-2-1914, p.132.

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are applicable to the Legislative Council in British India. A member who had asked a question was eligible to put a supplementary one for the purpose of further elucidating any matter of fact regarding which a request for information was made in his original question. The same year representations were made in the Assembly that the number of questions to be answered in the council should be raised, and accordingly it was increased from twelve to twenty during the single sitting. In 1916 the members expressed the view that each district must elect one member to the Council in the place of the existing arrangement. One member pleaded that the newly established Mysore University may have to be given power to elect one member. Representative Assembly also recommended for the extension of the term of Legislative Council from existing two years to three years, like the British Indian Legislative Councils. The Government saw the intrinsic merit in this demand for extension of the duration and accepted the suggestion and the same was given effect to in 1917.36

A suggestion was put forward in the Assembly for the formation of a Standing Committee of Finance of the Representative Assembly to consider the proposals for the increase of revenue, imposition of taxes, retrenchment of expenditure and also to assist in the preparation

of the State budget. The Government promised to consider the question of constituting a Joint Finance Committee to discuss the financial statement on the lines of similar institutions in British India. Representations were made in the Assembly for the grant of right of moving resolutions and the right of division in the Council on the budget. Without these powers the object of interpellation and discussion of the budget would not be attained. It was pointed out that even in representation one member from each district should be elected instead of four from the entire Assembly, to the Council. By means of an interpellation, Karnik Krishnamurthy Rao pressed the need for the introduction of several reforms contained in the Minto-Morley Reforms of 1909, like widening the basis of popular representation in the Legislative Council, the removal of existing restrictions on the member’s power of interpellation, the right of moving resolutions and the right of full discussion of the budget and the appointment to the Executive Council of non-official members equal in strength to official members.

This spirit of political consciousness of the people of Mysore received great impetus under the enlightened

37 Ibid: 1917, Sub-No.73.
38 Abstract Proceedings of L.C., C.No.4, dt.28-3-1916.
administration of Sir M. Visvesvaraya. Being alive to the political aspiration of the people, he generally followed a policy of conciliation. The State witnessed all round progress under his benevolent rule and practically laid the foundation for every aspect of the future development of Mysore State. Under the Instrument of Transfer the relation between Paramount power and Mysore State were regulated. The conditions defined in the Instrument of Transfer were in the nature of a unilateral imposition of conditions. But in other States the relations were governed by bilateral treaties.

This apparent difference was somewhat irksome to the Maharaja and the subjects of the State, and the Maharaja was anxious to see that the State's future relations were regulated by a treaty. Lord Edwin Montagu, the then Under Secretary of State and who was considered as a good friend of India, visited Mysore in 1913. Taking advantage of his visit, Visvesvaraya discussed the question with him and got his sympathies for a new treaty embodying suitable terms. The final drafting of the treaty was done later at Karapur when Lord Hordingley, the Viceroy, was on a visit to Mysore for Kedda operation. The new treaty conferred full powers on the Maharaja in internal administration and increased his powers and status, subject only to
general supremacy and Paramountcy of British Government.

On the basis of this treaty, Visvesvaraya was able to secure more rights to the people and widen the scope of the people's association with administration. By this treaty the Maharaja was assured of greater autonomy and powers of internal administration. In appreciation of Visvesvaraya's sustained efforts for accomplishing this task, Maharaja made a generous reference, 'I cannot sufficiently thank you for the great service you have rendered to me and my State and which I shall always remember with feelings of deep gratitude. It is a source of great pleasure to me that within a short period of four years or so that you have been here, you should have won not only this lasting honour for Mysore, but accomplished so much for the State in several other directions.'

Visvesvaraya as President of the Representative Assembly and the Legislative Council extended courtesy and practised great patience when members spoke in the houses. He took criticism in right spirit. It was his burning desire to democratise further the Assembly and the Council and enable the people to evince greater interest in the administration of the State. Although

the Representative Assembly was brought into existence in 1861, by that far-sighted and patriotic Statesman, Lewan Fergasharlu, the powers of the Assembly were limited to making representation to Government as a petitioning body. Upto the time Sri Visvesvaraya took over the office, the powers of the Assembly had not made any appreciable advance. Visvesvaraya thought it was desirable to give the Assembly some real powers. Addressing the Assembly he addressed the members in the following terms: "It may be advantageous, at this session, to consider questions pertaining to the composition of the assembly, the method of electing members thereto, its function and the system of transacting business. If the members discuss these questions and make known their views, the same will be submitted to His Highness for his gracious consideration." As a result of the decisions that followed, the Assembly was given the privilege of discussing the State budget. For this purpose, an abstract budget prepared in Kannada was printed and circulated to members.

In accordance with modern democratic tendencies and in tune with the spirit of the times he brought about a change in the name of the Assembly. The official name of the Assembly, in the beginning was "The Assembly of

\[\text{[Source: R.A.F., 1913, P.26.]}\]
Representative Cotes and Merchants from all the Taluks of the Province of Mysore." In the year 1914, the name of the Assembly was designated as "The Representative Assembly of Mysore." Further, to bring the members of the Royal family in close touch with the day to day administration, Visvesvaraya induced the Yuvaraja to evince greater interest in the affairs of the State by making him an extraordinary member of the Yuvaraja's Council in 1914. Till 1917, there was only one session of the Assembly during the Dasara in the months of September and October. With the granting of the privilege of discussion on the budget, Visvesvaraya thought it appropriate to give the members an opportunity of discussing the budget before it was passed and sanctioned an auxiliary or second session of the Assembly. The Assembly was also given the privilege of interrogation and the right to elect four members to the Legislative Council instead of only two. Towards the end of the term of his office, the franchise of the Assembly was further enlarged by lowering the qualifications for membership and voting.

An important change introduced in the field of administration was the separation of the Judicial and Executive functions. There was a long drawn controversy
in British India on this subject, but Visvesvaraya thought the separation as a measure essential to the people's liberty. The necessary arrangement for bringing this system into force in two districts as a first step was made by him and the actual operation on 1st January, 1919. Similarly, the question of liberalising the constitution and powers of the local bodies and improvement of their financial resources were effected through a scheme of reorganization. The elected members in the local bodies were increased and the right of electing Presidents in selected Municipalities like the City of Bangalore and Vice-Presidents in a large number of Municipalities was granted.

Another popular cause on which Visvesvaraya took a liberal view was the Press Regulations of 1908. It required the previous permission of the Government to start a newspaper and the grant of permission was not regulated by any rules. The penalties prescribed were withdrawal of the licence and, in case of disobedience, forfeiture of the printing press and the deportation of the Editor. No indication was given in the regulation as to the kind and nature of objectionable matter which subject a newspaper to the penalty. There was no remedy provided by way of an appeal against arbitrary decisions.

41. Visvesvaraya, op. cit. p.61.
and the orders of the Government were absolute and final.
The provisions of the regulation had come under heavy
public criticism ever since its promulgation. Repeal
or modification of these provisions was urged by the
members of the Representative Assembly and the Press.
The complaint was that, while corresponding British Indian
enactment, i.e., the Press Act of 1910 provided for a
Judicial determination of cases coming within its purview,
the Mysore Regulation vested the matter completely in the
hands of Executive discretion. Dewan Visvesvaraya
considered it just to provide for some sort of enquiry
before action was taken against any newspaper. He wanted
that enquiry to be conducted by a Judge of the Chief
Court and a non-official gentleman of standing who may,
ordinarily be a retired officer of Government of the status
of a Head of a Department. Even this limited concession
recommended by Dewan was not acceptable to the Durbar.
The private secretary to the Maharaja wrote back stating
that "His Highness is very doubtful as to how far this
concession that you propose will be appreciated by the
public. He would prefer to leave matters as they are
for the present."* In spite of the reluctance of the
Maharaja, he continued his efforts to convince the
Maharaja of the justness of his proposal and even to

* D.O.No.284, as cited in Bommiah,N., Responsible Government
in the Native State of Mysore, p.164.
modify some of the proposals suggested that "if there is any objection to a non-official gentleman being associated with the enquiry, that portion of the proposal might be dropped as it is not of the essence of the change. It is quite sufficient if the enquiry is held, say, by a Judge of the Chief Court." The modified proposal was accepted by the Maharaja and quasi-judicial enquiry by a Judge of the Chief Court was incorporated in the regulation.

Sir Visvesvaraya knew the principal need of the country and categorised them under three heads:

i) Increasing production and raising the standard of earning and living among the people;

ii) Extending education and enlightenment among all classes of the population; and,

iii) Training the people and encouraging self-help, co-operative effort, initiative and enterprise among them.

These three main objects were steadily pursued on the whole with gratifying results. Impressed by his travels abroad, he was convinced that unsatisfactory economic conditions in Mysore was due chiefly to neglect of education. Japanese leaders created a deep impression on him in this respect by their code of education, the object of which was thus explained therein, "All knowledge

42. Visvesvaraya, Opp.Cit., p.65.
from that necessary for daily life to that higher knowledge necessary to prepare officers, farmers, merchants, artisans, physicians, etc., for their respective vocations is acquired by learning. It is intended that henceforth education shall be so diffused that there may not be a village with an ignorant family nor a family with an ignorant member.  

Inspired by these ideas, Visvesvaraya launched a vigorous drive in the field of elementary, secondary, female, technical and even higher education. Legislation was passed introducing compulsory primary education. Special grants were made available for the education of backward classes and depressed communities. As a result of these and other measures, the number of public and private institutions in the State rose from 4586 in 1911-12 to 11,294. The number of children attending the schools rose from 138,153 to 366,856. For encouraging higher education in the State, two eminent educationists, Dr. C.R. Reddy and Mr. Thomas Denham, were deputed to study the working of the Universities in England, America, Japan and Australia, and to submit a useful report for establishing a University in Mysore. A scheme for the establishment of a University was submitted for the consideration of the Government of India in February 1916. Permission was

44. Visvesvaraya, Opp. cit., p. 66.
given subject to certain conditions respecting the future
relations of the new university with the Madras University,
which, till then, was granting affiliation to and
exercising control over the institutions in Mysore State.
A meeting was held at Coiy in June, 1916 for exchange of
views between the members of the Syndicate of the Madras
University and Sir M.Visvesvaraya representing the Govern-
ment of Mysore. The representatives of the Madras University
Syndicate were opposed to Mysore setting up a separate
University. When Visvesvaraya pleaded that a mother
should welcome the efforts of a grown-up daughter to set
up a house of her own, the reply was that they did not see
any obligation on their part to encourage a runaway
daughter. Eventually the differences were composed and
the Mysore University was established in 1st July, 1916.
The credit of establishing a University, in a Princely
State, for the first time, in the entire country, goes to
Sri Visvesvaraya. In appreciation of this achievement
and expressing his gratitude on the occasion of the first
Convocation, His Highness the Maharaja stated "I feel that
I should acknowledge on this public occasion a debt of
gratitude from myself and my people to Sir M.Visvesvaraya,
the Dewan of my State. It is chiefly his patriotism, his
enthusiasm, and his unflinching advocacy which converted,

what was once little more than a dream of the future into a living creation, and his name will always be remembered, above all others, as the man to whom our University owes its being."

Very soon, the University became a centre to promote higher education with learned luminaries to light a torch that would dispel the gloom of ignorance from the remotest corner of the country and to develop the intellectual ability and executive power of citizens and to afford training necessary to prepare men and women in different fields for the work of the country. The reforms in the representative institutions, the establishment of a centre for higher learning, farsighted and courageous, economic, industrial and commercial policies initiated by Sri Visvesvaraya act in unison to awaken the people of Mysore for political advancement.

In the wake of Non-Brahmin agitation in Madras against Brahmin community in view of the preponderant position they enjoyed in Government service, which had an impact in Mysore, indirectly influenced Sir M.Visvesvaraya to take a voluntary retirement from his Dewanship, in December, 1918. The members of the Representative Assembly deeply felt his exit from the high office, 'The retirement

from service of our patriotic Dewan Sir M. Visvesvaraya needs mention as his labours have awakened progressive ideas, quickened thoughts even in remote corners of the province. We have every reason to be thankful to him for having democratized the administration and allowing people's representatives to have a larger share in the administration. Many public men in Mysore who watched the great progress made in Mysore during the time of Visvesvaraya paid glowing tributes to his administration. Mr. Settlur, retired Judge of High Court, wrote: "Sir M. Visvesvaraya's administration has leavened the Mysore society with a democratic spirit to a degree never dreamt of before. Mr. Rangacharlu organised the State on a democratic basis at the top but Sir M. Visvesvaraya attempted the more daring task of building up from the bottom on the same lines." 

By this time the Minto-Morley Reforms having failed to satisfy the aspirations of nationalists in India as the final decision on all question was retained in the executive, the home rule movement was started throughout the Country. In response to the popular demand in the British Indian Provinces, the Secretary of State for India made his famous declaration on 20th August, 1917.

on the policy of increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to progressive realization of responsible Government in India as an integral part of the British Empire. In the background of Montague's statement on the impending constitutional changes in British India, the demands in Mysore were minimum reforms in the Legislative Council. The Government reacting to these demands stated that the constitution of the representative bodies in Mysore was not an all fours with the Minto-Morley scheme and found no necessity for further changes.

However, within a short period, the necessity for increasing association of the non-official opinion in the administration of the State became pressing and imminent. Admitting this fact Dewan stated, 'As the administration is growing in complexity and questions of finance involving additional taxation are coming into prominence, His Highness considers it necessary that in future non-official opinion should be even more fully utilised in the task of administration. He accordingly decided that the Legislative Council should be enlarged and that each district, and not each group of two districts, should be able to send

a representative to the Council. This is a reform which has been frequently asked for in this assembly and it gives His Highness much pleasure to be able to meet your wishes. Other changes in the Legislative Council include the creation of a seat for the Mysore University and four seats to be filled up by nomination. In the result, the Legislative Council which now consists of twenty-one members will, in future, have a strength of thirty members.\(^5\)

The scheme announced by the Dewan was promptly implemented in 1919 by the Legislative Council Act XI of 1919. Under this Act the maximum strength of Council was raised to thirty, comprising of seventeen nominated members and thirteen elected members. Among the seventeen nominated, twelve were officials and five were non-officials. Out of thirteen elected, eight were elected by the districts and four were elected by the Representative Assembly, and one by the Mysore University. Thus the Legislative Council Act of 1919 gave the Council a clear non-official majority. Above all, the system of indirect election by the local Bodies which was in vogue was abandoned and the voters for the Representative Assembly in a district were constituted into an electorate and declared entitled to vote for a

\(^{5}\) Address of the Dewan to M.A., 6-10-1919, p.14.
member to the Council from that district. By this change in the electorate, the qualifications of voters to the Legislative Council were made identical with those of voters to the Representative Assembly. In practice, it was noticed that high property qualifications had placed the landed class at a disadvantage as few capable men possessing those qualifications and competent to serve on the Legislative Council were to be found among them, with the result that the members of the legal profession, some of whom possessed only academic qualifications, had more or less monopolised all the seats allotted to the districts. Therefore, the property qualification of the candidates for election were reduced to the payment of a land revenue of Rupees 100/- or a non-beneficial tax of Rupees 15/- or in case of Inam villages, a heriz valuation of Rupees 150/-. Simultaneously the powers of the Council were also increased. The privilege of moving resolutions on matters of general public importance was granted for the first time to the members of the Council by Regulation VI of 1919, but the right was subject to certain restrictions and conditions. A member could normally move not more than one resolution at any session of the Council and not more than twelve resolutions in all could be moved in any one session. The matters excluded from the purview of the Council and
the budget were not to form the subject of a resolution. Further, the House had retained the right to disallow any resolution without giving any reason other than that in his opinion, it could not be moved, consistently with the public interest.52 The powers and functions of the Council were gradually enlarged from time to time to meet the wishes and demands of the people.

In a limited way, the Council served to establish a close and intimate link between the people and the administration but still its powers were most ineffective and it had no influence in shaping the policy of the Government. Its constitutional position was far from being that of a first chamber of the legislature. It continued to remain an independent and detached element of the constitutional system, having no relationship with the representative assembly. In brief, the Legislative Council and the Representative Assembly did not correspond to the two chambers of a bicameral legislature.