CHAPTER-VI

CONSTITUTIONAL REFORMS OF 1934-1939

In recommending the constitutional reforms the Seal Committee kept in view, in addition to abstract principles of political philosophy, as applicable to Mysore, the actualities and needs of the social and political institutions which dominated the form of polity in Mysore. These proposals initiated only the first instalment of the association of the people and their true representatives in the Government which was to be ever increasing. Such a move for the improvement of the association of more and more people was made after three years after the new regulations were introduced.

In the July session of the Legislative Council of 1934, Mr. Abbas Khan, elected from the Representative Assembly, tabled a resolution in the Council to reduce the property qualification of the voters and the candidates for the Legislative Council in the rural constituencies by fifty percent so as to bring them in uniformity with those fixed for voters and candidates for the Representative Assembly. 1

Again in 1935, at the October session of the Representative Assembly, Mr. Abbas Khan on behalf of himself and other two members of the Assembly moved a common

1 Legislative Council proceedings, Res.No.C, July 1934.
resolution to the same effect pleading that the preparation of two different lists of voters for the two bodies though the elections were held at one and the same place and at one and the same time led to confusion and the voters in the one case were dissatisfied at being held ineligible to vote in the other case. It was stated that if real representatives of the people should come into the constitutional bodies, franchise had to be substantially extended. After all, men paying an assessment of 25/- was no less anxious to serve the people and the country than one who paid 50/-. They were equally patriotic and responsible. Another anomaly pointed out in the existing qualification was that a man paying an assessment of 25/- could not stand for election to the Legislative Council; but he could be elected to the Representative Assembly from which body the same person could be elected to the Legislative Council. Further, that no such qualification was prescribed in the case of elections from the Associations. This resolution was accepted by the Government and given effect to the same and the qualifications of the candidates to the Council remaining unchanged.
Removal of sex disqualification:

In February, 1927 Mr. Abbas Khan moved a resolution stoutly supported by a good number of members in the Legislative Council for removing the disqualification on women standing for election to the Representative Assembly and the Legislative Council. Mr. Abbas Khan with great ability advocated this great privilege to women, on the ground that the government had recognised this principle in respect of local bodies, such as District Boards and University Senate. In the course of the discussion he drew the attention of the House to the example set by Madras Legislative Council where not only was a lady nominated as a candidate but was also unanimously elected as Deputy President of that august body. Even the Reel Committee thought of including it under its reforms but under the terms of reference it was outside their purview. After a prolonged but a lively debate in the Council, the resolution was finally accepted by the Council enabling women to stand for election to the Representative Assembly and the Legislative Council.²

On the recommendation of the Committee which was constituted in the year 1926, the franchise was extended to

³ Ibid.
title holders for both the Representative Assembly and the Legislative Council.

Re-distribution of seats:

Representations were made to the Government, after the reforms of 1923 were given effect to, for increase in number of seats, particularly in case of certain rural constituencies. A new taluk was constituted in Lyclare district with Kaddur as Headquarters and this was to be recognised as a rural constituency. This rendered necessary a revision of the seats allowed to the several constituencies and the various units and interests. As it stood the classification of taluks for the purpose of allocation of seats was made in 1919 on the basis of land revenue demand and secondarily on the ground of area, population and other considerations. Later, it was a question for consideration whether the classification cannot be made with population as the primary basis. A Committee appointed in 1932 to review the existing distribution of seats of Representative Assembly and to examine certain other questions referred to it, had

4. Representative Assembly Proceedings, 1934, June, p. 69.
proposed in its report that the number of seats to be given to a taluk or sub-taluk should depend upon its population, however consideration was to be shown to Malnad taluks on account of their remoteness. The Committee also proposed some re-adjustment in the number of seats allotted to special interests and recommended the increase of number of seats guaranteed to Muslims from 15 to 18 and those of depressed classes from six to ten, the seats for women to be increased from two to four.

The Committee proposed that taluks with a population of one lakh to be allotted three seats, those having a population between 50,000 and one lakh two seats and those having a population below 50,000 one seat. The Committee also recommended for the introduction of proportional representation by means of single transferable vote for election from Representative Assembly to Legislative Council and for the election of Representative Assembly members from the City constituencies of Bangalore and Mysore. All these proposals excepting that relating to the increase in the number of seats to be reserved
for the depressed classes, were accepted by the Government and given effect to by them. 5

Under the existing provisions, the Representative Assembly served as constituency to elect eight members to the Legislative Council. The two houses designed under the regulations were not to form part of a composite bicameral legislature, but were more or less independent bodies, with defined functions of their own. Representative Assembly by sending representatives to the Legislative Council, would more or less lose, to some extent its independent and original character and came under the leading strings of the Legislative Council. Further, the system of indirect election of members to the Legislative Council had not produced the results which was originally expected of it, viz., that it might reflect the various shades of opinion in the country. And that the results of the elections during the previous twelve years had disclosed that the two cities of Bangalore and Mysore got a representation of about six members out of eight members returned by Representative Assembly. The result was that the cities got a preponderance of

5. Representative Assembly Proceedings, October 1932, pp.40.
of seats under the system. With a view to remedy this anomaly, a Committee was appointed in 1935 to enquire inter-alia into the desirability of retaining the Representative Assembly as a constituency of returning members to the Legislative Council.

The Committee recommended that the Assembly should not any longer serve as an electorate for the Legislative Council and that the eight seats thus withdrawn from the Representative Assembly should be distributed among the eight districts of the State. The Committee further recognised that there were obvious advantages in restricting the membership of the representatives to one term only. This was in accordance with the practice of British India where no person could be member of both the Legislative Assembly and the Council of States or of the Provincial or Imperial bodies. The Committee were of the opinion that the experience had shown that the legislative business was impeded by the necessity to place a statement of the general principles of proposed bill before the Representative Assembly in the first instance. It was viewed that whenever it was found necessary by the Government, a bill might be first
introduced in the Legislative Council and its general principles placed before the Representative Assembly at the earliest opportunity but before the final passing of the Bill. These proposals were accepted by the Government and the necessary amendments were made in the Representative Assembly and the Legislative Council Regulations of 1923.

Reformed Houses at work:

The importance and the extent of influence exercised by the two houses on the government had been indicated in the working of the reformed constitutional regulations. In the field of legislation, 150 bills initiated by the Government since 1926 were passed into law up to the end of 1938. Of these the general principles of 139 were placed before the Assembly in the form of statements as required by the regulation and opinion of the Assembly thereon were ascertained before their introduction in the Legislative Council. As regards, the remaining 11 bills, owing to their urgency, the Government, in exercise of powers vested in them till 1936 of introducing the bill in such cases without previous consultation of the Assembly, introduced them
into the Legislative Council, and they were passed into law. Of the 139 bills on which the Assembly was consulted on the general principles, 16 were not approved by it, but the Government deemed it necessary to proceed with them further. They were therefore taken up to the Legislative Council and passed into law in due course. Among the bills thus thrown out by the Assembly and yet passed into law were bills to amend the Penal Code, the Criminal Procedure Code in regard to the suppression of the circulation of traffic in obscene publications, the Agriculturists' Relief Bill, the Contempt of Courts Bill, the Irrigation Bill, the Bills relating to the development of the Sugar Industry, the levy of Excise duty on Sugar, Road Traffic and Taxes and the removal of Religious and caste disabilities. The verdict of the Assembly in respect of 21 bills which were rejected by it, was accepted by the Government, with the result that the bills were not proceeded with further. The more important of these bills were those dealing with election offences and inquiries, and for preventing and controlling the spread of contagious diseases. All the 150 bills initiated by the Government were considered and passed by
the Legislative Council and no measure was rejected by the Council at any time.

Private Members' Bills:

Three private members' bills were brought up before the Legislative Council. The first was a bill for restraining the solemnisation of child marriages. The Council refused leave to introduce it. The other two bills were, one for suppression of immoral traffic in the State, and the other for the removal of legal obstacles to the marriage of Hindu widows. Both of them were approved by the Assembly, and later passed by the Legislative Council and became law.

Legislation on Resolutions passed:

The privilege of moving resolutions was often used by the members of the Assembly for urging the necessity of initiating legislation in respect of certain matters. In all twelve such resolutions were passed in the Assembly, and legislation was actually undertaken in pursuance of four of them. These were the Agriculturists' Relief Act, an Act for the removal of legal obstacles to the marriage
of Hindu widows, and an Act for the suppression of immoral traffic in the State. Two resolutions were passed for the prevention of Cow-slaughter by legislation. The question was examined by a Committee appointed by the Government in 1926. Further, a resolution of 1926 and subsequent resolutions on the subject of appointing a Committee for the reform of Hindu law led to the appointment by the Government in 1929 of a Committee to examine the question of improving the position of women under the Hindu law of Inheritance. Legislation was undertaken in the light of the Committee's recommendations and resulted in Act X of 1933. The prevention of begging in the State was the subject matter of a resolution in October session of 1928. But, the matter was not pursued further as the provisions of Section 56 of the Police Act penalising the importunate street begging was considered sufficient for the purpose. In respect of resolutions passed by the Assembly about the prohibition of the slaughter of animals during Jatana, the enabling of members of every community to take out processions in all public streets irrespective of custom, the abolition of untouchability in the State, and the empowering of the High Court to
no immediate action was considered necessary.

Legislation on excluded subjects:

In respect of legislation on subjects excluded from the purview of the two Houses, two measures affecting the Constitution were passed into law in 1936. They were the Acts XI and XII on 1936 amending the Representative Assembly and the Legislative Council Regulations XVIII and XIV of 1923 respectively, and were intended to give effect to the constitutional changes recommended by the committee appointed in 1935.

Emergent legislation:

The powers vested in the Government to frame provisional emergent acts were exercised in respect of four measures. The first was Act I of 1936, the Cotton Excise Duty Suspension Act, which was akin to the corresponding British Indian Statute passed in that year and was intended to bring Assam in line with British India in respect of abolition of the cotton excise duty. The second was the Italian Loans and
Credits Prohibition Act II of 1936, and the other two were the Match Excise Duty Act VII of 1927, which were designed to give effect to the agreement with the Government of India in respect of those two duties. All the four emergent acts were later passed by the Legislative Council and placed permanently on the Statute book. The most significant fact to reckon with was that the special powers of the Maharaja to reserve to himself any class of subjects by withdrawing them from the purview of the council, and also his prerogative to make laws independently of the Council in matters falling within the purview of the Council were not at any time exercised since the inception of the Council.

*Interpellations:*

The methods provided in the Regulations to exercise control over the Government by the two houses were also of immense use. The right of asking questions in the form of interpellations was freely exercised by the members in an increasing measure to elicit information with regard to matters relating to the administration of the State. The total number of interpellations in
the year 1924 was 93 in the Representative Assembly and 104 in the Legislative Council and they stood in 1930 at 141 and 181 respectively.

Resolutions:

Passing of resolutions was a popular method of influencing the Government on the floor of the House. During the period under review, the total number of resolutions discussed in the Assembly was 362, out of which 181 were withdrawn after discussion. Of the remainder one hundred were passed, sixty one were accepted by the Government and twenty were rejected by the Assembly.

In the Legislative Council, one hundred seventy eight resolutions came up before the Council, of which one hundred thirty were withdrawn with or without discussion, twenty two were accepted by the Government, thirteen with and nine without modifications. Of the twenty six divisions in the Council, nineteen were in favour of the Government and seven were against it. The subject matter of the resolutions in both the Houses ranged over the entire sphere of the administration.
and social activities in the State. The largest number of resolutions on any single subject dealt with by the Assembly related to education. Next in order come resolutions relating to salaries and services, criminal representation in services, land revenue, irrigation, medical relief and local-self government. Topics of special importance dealt in the resolutions in the Legislative Council were introduction of Kannada as the medium of instruction in all high schools, an enquiry into the economic conditions of all classes of people, the compulsory levy of education cess, the construction of electric trams in Bangalore, the employment of local talent in all appointments of trust and responsibility in State Railways, the introduction of legislation to oblige industrial concerns with a capital of 50 lakhs and above to give training to Graduates, the increasing of the number of primary schools by 5,000 on a five year programme, the empowering of the local bodies to launch criminal prosecution for non-payment of taxes due to them, the enhancement of the grant for the scholarships to the students of the backward and depressed classes, and the abolition of the
Central Recruitment Board, and representation of Anglo-Indian and domiciled communities in the Representative Assembly.

Representations:

Representations were a characteristic and distinctive feature of the Assembly. Since 1924, the number of representations sent up from the sessions of the Assembly ranged between 200 and 300. The total number of representations that came up for discussion in the Assembly was 1594. Action was taken by the Government wherever practicable. A report of the action taken by the Government was circulated to the members of the Assembly after each session.

Financial Powers:

With regard to financial powers, the Representative Assembly freely made use of its powers of passing resolutions on the budget and most of them, wherever possible and practicable, were accepted by the Government and given effect to. No motion moved in the Legislative Council to cut or reduce any grant or item in a grant was carried.
Cut motions are normally moved to raise a discussion on the policy of a department or to draw the attention of the Government to any matter related to the object of the grant. The number of cut-motions tabled were 2469, which were either not moved or were withdrawn after discussion, with the exception of a very few motions which were pressed to a division and lost. On occasion arose calling for the exercise of the special powers vested in the Government for restoring a rejected or a reduced demand.

Standing Advisory Committees:

To bring about a close rapport between the Government and the people, a few advisory committees - one in connection with the railways, electrical and public works departments, another for the local self-government, department of medicine, sanitation and public health, and third one in connection with finance and taxation, were constituted to aid the administration as well as legislation. Each of the standing committees consisted of six members, of whom four were members of Representative Assembly and remaining two were drawn from the Legislative Council, elected by the non-official members.
The members of the Executive Council in charge of the departments to which the Committee related were the Chairman of each Committee. The functions of the Committees were purely advisory and their proceedings were confidential. These Committees served a useful purpose, not only in providing a training for selected members of the two Houses by giving them an insight into the details of actual working of administration, but also by making their knowledge and experience available to the Government. The Committee on Public Accounts supervised and scrutinised the expenditure of the State and submitted its observations to the Legislative Council.

Local-self Government:

The devolution in respect of local-self government was also extensive. The District Boards, as reconstituted by the Act of 1926, were given the privilege of electing their own presidents. The local bodies were given the power to administer the primary education as local education authorities. In actual working of Taluk Boards which were established in 1923, were found to possess no adequate resources to do any useful work. On the
recommendation of the Local-Self Government conference, the Taluk Boards were abolished in 1927. A Village Panchayat for each village or group of villages was established with separate resources for meeting their vital needs. The local administration was revitalised in reviving the Panchayats by the Act of 1926. There were 11,043 village Panchayats with a membership of 66,901. Out of these as many as 5,75 had elected Chairmen. Selected Panchayats were entrusted with powers under the Village Courts and the Panchayat Regulation. To enable Panchayats to function efficiently they were given powers to levy certain taxes. Thus these local bodies contributed in a large measure to the process of rural reconstruction.

The period that intervened between the constitutional changes of 1923 and the constitution of a committee to examine further reforms in 1930, was marked by a slow but a steady progress of political advancement in the State. The Assembly and the council under regulations of 1923 provided a framework within which leaders could gather on a regular basis for airing the grievances of the people to the Government. It offered an arena within
which the urban and rural leading men could develop friendship with their counterparts and eventually a sense of fellowship based on similar interests and sentiments. The significance of the Assembly in the political evolution of Mysore was that the leaders from the districts and taluks had begun to establish a sense of participation in the statewide arena of politics. If the period between 1916-1926 witnessed the emergence of intense consciousness among lumberjacks, the decade that passed between 1926-1936 saw the gradual decline of communal forces facilitating their merger in the national main stream.

Sir Albein Rajkumar Senorjee retired as Dewan in 1926, and was succeeded by Sir Mirza Ismail who continued in office for nearly fifteen years with distinction. He was instrumental in achieving commendable progress in administration and development of the state. But in political matters he became controversial and which resulted in agitations now and then. The appointment of Mirza Ismail was to seal the administration off from outside influences. In his personal dealing with those outside the bureaucracy, Mirza Ismail ceased
to have cleverly disguised this with fulsome assurance of his sympathy for the non-brahmin cause. The Saharaja and the Dewan began to work on several progressive measures in the interest of the State and welfare of the people. Dewan's troubles started in the year 1926 with Bangalore disturbances. Most politically conscious Brahmins in Mysore harboured resentment over the iller Committee concession to non-brahmins in State services and education. This dissatisfaction had not found expression in overt political action until the appointment of Mirza Ismail. The ill-feeling of many Brahmins was coloured by anti-muslim feelings and it was in this form that Mirza Ismail's difficulties arose.

A sulky protest came from a section of the people which resulted in emotion when Saharaja permitted Dewan to sit along with him in the Nizamat during the Dasara procession at Mysore in October, 1927. This incident sparked off bitter feelings between Hindus and Muslims which served as prelude to the Mysore disturbances popularly known as Ganesha disturbances. A section of the people who harboured ill-will against Mirza Ismail, 6. Political Change in an Indian State, J.Lauer, p.62. 7. Ibid.
were waiting to take full advantage of this volatile atmosphere in an attempt to make Mirza Ismail unpopular in the eyes of the people. Thus, in July, 1928 clamorous ceremonies were organised among the school boys in honour of Ganapathi in the Sultnampet Middle School yard, opposite the house of Mr. Abbas Khan, a prominent Muslim leader who was also then the President of the Bangalore Municipal Council and who was considered to be a close associate of Mirza Ismail. It was assumed that Mr. Abbas Khan seemed to have used his influence on the Government to have the idol of Ganesha removed from the school premises. This ill-considered act was advertised by some interested people as an insult to Hindus as the Ganesha festival was considered not only a common religious function for all Hindus but had acquired some national and patriotic sentiments in western parts of India. Student processions were taken out through the main streets of Bangalore protesting against the incident. The arrest of some persons on 29th July, 1928 inflamed the situation. On 30th July, a mob of several thousand, mainly students, surrounded the Central Jail and the Lewan’s residence which was nearby. Lewan agreed to meet the
crowd to explain the facts in the nearby park, but on the way to this meeting his car was stoned and seriously damaged. When the Police proved ineffective to control the mob, the Mysore Cavalry was called out. Then followed an indescribable scene, batches of horses tearing down at full speed upon surging, seething sea of shouting young boys and students ... some of the wounded were small boys bleeding profusely and the sight was very tragic. This incident marred the harmony between Hindus and Muslims particularly the informal alliance between Muslims and non-Brahmin Hindu politicians.

From now onwards Dowan became alert and began to play safe either in dealing with non-Brahmin political leaders or Brahmin zealots. The non-Brahmin leaders began to realize that Cannanore disturbances had frightened Dowan so much that he was no longer prepared to deal fairly with them to give effect to the policy laid down under Miller Committee Report. Hereafter, non-Brahmins began to think of organizing themselves on a wider range than the petitioning style of Praja Mitra andali for political action. It was in this background that a
non-brahmin Conference was organised to form a new Political Party with liberal outlook and to bring about a healthy change in the body politic of Mysore. The Bangalore disturbances had a damaging effect on the popularity of Mirza Ismail. A section of the public even demanded his resignation from Lenonsip. To restore confidence among the people, Government appointed a Committee with Sir M. Visvesvaraya as Chairman to enquire into the circumstances of disturbances and also to make suitable recommendations to prevent the occurrence of such incidents in future.

The political situation that prevailed in Mysore on the eve of the disturbances was indicated in the report. The Committee grouped the causes behind the disturbances under three heads: (i) Communal differences, (ii) unemployment, (iii) Political discontent. As regards political discontent they stated, that it was a reflex of events in British India and fluid situation in Mysore. On account of the facilities of rapid communication and interchange of thoughts the people of the State are easily affected by the political movements in British India. The strike and the satyagraha
of the boys of Sullhanpet school were but reflex of the
ساتي سافروبا which was in progress on a large scale in
the Bardoli taluk of Bombay province, during the whole
of time the student agitation was carried on in Bangalore.
The remedy for molestation, the Committee stated,
'Either the State should have the Government of the
Mussolini type, keeping the people intensely engaged
in building up business and property or a regular
constitutional monarchy approaching the British model
in which the responsibility for the amelioration of the
people is thrown for the most part on the people them-
selves. It will not be possible to maintain the first
named type of Government at a high level of efficiency
for any length of time, or to have a Mussolini at the
head of affairs. The safer and more common alternative
is to introduce a party system of Government and divide
the politicians representing the constituencies into
two classes such as conservatives and progressives
instead of the present classification of Brahmins and
Non-Brahmins.'

Along the side of British India, political stir

9. Bangalore Disturbances Enquiry Committee Report,
1928, pp.138.
also started in Mysore. In early 1928, the Simon Commission visited India to enquire into the working of the Government of India Act 1919 and to report on the feasibility of further political concessions. People of British India protested and boycotted the Commission. It had an echo in Mysore. Resolutions were passed condemning the Commission, public meetings were held to criticise composition of the commission. Friday the 3rd February, 1928 was observed as a national Hartal on account of the landing of the Simon Commission in Bombay.

Another incident which is indicative of the discontent among the people of Mysore was the walk out staged by S.K. Kalilepae in the Representative Assembly. K.S. Kalilepae, a respected leader of the non-Brahmin group confronted the Government with some supplementary questions and demanded the replies as his right, for which the Government was stubborn. In protest he staged a walk out followed by several members without distinction of their affiliation as the incident

10. P.P. Ramaya, Mysore’s Political Evolution, pp.42.
involved the right of the members of the Assembly. For the first time both Brahmins and Non-Brahmins found a common cause in open on the floor of the Representative Assembly.\(^1\) The Bangalore disturbances was an indication of the popular agitation spreading around along with the increase of national ideas among the people of Mysore.

The reaction of the Government to the report of the Bangalore disturbances Enquiry Committee was not favourable. On the question of constitutional reform, Lachen's attitude was that 'the Government did not stand still and there had been no question of wringing reforms from an unwilling Government.'\(^1\) In the meanwhile, changes in the political field were fast moving with currents and cross currents across the border. The people of the Native States began to hold periodical conferences from the year 1927 onwards to give expression to their desires in political matters. All India States People's Conference was organised to safeguard the interest and desires of the Princely India, and to work in close co-operation with the Congress in the freedom struggle.\(^1\)

\(^1\) Representative Assembly Proceedings, June 1922, p. 55.
\(^1\) Ramaiah, P.R., op. cit., p. 42
Simultaneously, the South Indian States subjects Conference was held in December, 1928 at Trivandrum under the Presidentship of M. Visvesvaraya. This Conference was attended by a large number of public men from Mysore. One of the main subjects discussed at the Conference was opposing the bifurcation of India into Indian States and British India which coincided with the appointment of Sir Harcourt Butler committee by the Government of India to study the relation between Indian States and Government of India. The All India States Peoples' Conference was held at Bangalore in 1930 under the Chairmanship of Abhaya Kumar and this was on the eve of the First Round Table Conference held in London to which Sir Mirza Ismail was a delegate of South Indian States, supporting fully the All India Federal Plan, and when the Congress was engaged in Civil Disobedience Movement.

In March, 1930 Gandhiji launched his famous Salt March to break salt laws. People supported the agitation spontaneously. The Congress Committee in Mysore contributed its quota in terms of money and volunteers under the leadership of K.T. Bhoskhypur.
The Congress flag played an interesting role in inspiring and shaping the political movement in Mysore. Ever since the inception of the Bangalore Congress Committee, the Congress flag used to be hoisted at all meetings. On the call given by the Indian National Congress, the Bangalore Congress Committee used to observe the 26th January of every year as 'Purna Swaraj Day' with the hoisting of the flag which symbolised the patriotic pride in every Congressman. The Independence Resolution at the Lahore session of the All India Congress Committee gave fillip to the popular movement in Mysore.

Mysore Congress decided to have a permanent flag pole fixed at Dhomambudi tank (Subhas Nagar Maidan). In 1931, Jawaharlal Nehru accompanied by his wife and daughter paid a visit to Bangalore. He was given a Civic Address by the Bangalore City Municipal Council. To mark the visit of the national leader, the proposed permanent flag staff was fixed. Nehru hoisted a flag on this huge iron pole on 2nd June, 1931. From this day onwards the flag issue assumed greater importance and the Congress activities increased. The flag became a symbol to propagate the political creed. The people of Bangalore looked upon this high flying flag with
great honour. The Government, fearing the growing
influence of the Congress, pulled out this flag staff
and banned the hoisting of the Congress flag on any
public building. Nehru referring to this incident
says, 'In Bangalore, in Mysore State, I had hoisted
at a great gathering a national flag on an enormous
iron pole. Not long after my departure this pole was
broken into bits and the Mysore Government made the
display of the flag an offence. This ill-treatment
and insult of the flag I had hoisted pained me greatly.'
This outrage on the flag and hauling down the flag
brought forth strong protests all over the State.
Meetings were held to condemn the ban on the Congress
flag. The grounds for banning the flag by the Government
were stated to be that it was likely to disturb the
peace and was taken to be derogatory to the flag of
Mysore.

The Executive Committee of All India States'
peoples Conference protested against the actions of the
Government of Mysore in banning the hoisting of the
national flag in any public place in Bangalore.

13. All India States Peoples Conference, Bombay, 2-7-1931.
In spite of these protests and remonstrations, the policy of the Government continued and bon orders were extended to other districts by renewing the order every six months. This policy of Government was resorted to as well by the non-brahmin leaders. These leaders, once considered as loyalist, were no longer in that line of thinking when they were convinced that those who were running the administration were not prepared to share political power with them. The nationalistic ideas made deep impression on the educated non-brahmin young leaders. They were gradually sliding away from the Government camp to come closer to the Congress which once was not considered by them as a credible political force.

Another factor which kindled the patriotic spirit among the people of Mysore was the Communal Award. The Second Round Table Conference appointed a consultative Committee to arrive at a solution on communal and other issues. When the Committee failed to arrive at a solution, British Prime Minister, Ramsay Macdonald arbitrated and announced the notorious Communal Award, which created separate electoral districts for the Muslims, Anglo-Indians.
Indian Christians, Sikhs and depressed classes. This compelled Gandhiji to begin a Fast unto death. The people of Mysore condemned the Award. It may be recalled that the Committee on constitutional reform in Mysore had expressed itself against the communal electorate as early as 1923. Gandhiji ended his fast on the conclusion of Poona Pact which brought about a compromise by providing for joint electorate with special guarantees to depressed classes.

Yet another important event was the passing of the Government of India Act, 1935 which generated a great deal of political activities in Mysore. Under this Act a new political status was conferred on the British Indian provinces by way of Provincial Autonomy. That the Governors' provinces of the future are to be responsibly governed units, enjoying the greatest possible measure of freedom from outside interference and dictation in carrying out their own policies in their own sphere.14 The success of the Congress party in Provincial elections and the formation of popular ministries in as many as nine provinces encouraged

14. Ramesy MacDonald -RTG concluding speech.
the people of Mysore to organise themselves into strong political parties to assert their civil liberties and responsible Government. Though there has been a certain amount of demand for Responsible Government in the State for some time, the agitation of it has become intensified of late through the activities of the Congress. It is significant that its campanaun has coincided with the inauguration of what is popularly called 'Provincial Autonomy' in British India and the advent into power of the Indian National Congress, in the majority of the Provinces.* It was but one more indication of the fact that "no well ordered Indian State can hope to remain in isolation uninfluenced by what was going on outside in the rest of India." 

In this background, the predominantly Brahmin Congress and non-Brahmin dominated Peoples Federation were coming closer to join the national main stream which offered great opportunities for political patronage in future. Although Mysore Congress could not develop into a political force in the past two decades, it became broad based and influential with

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15. Constitutional Reforms in Mysore, Ch.11, p.52.
the entry of the Non-Brahmin leaders. The new party, owing allegiance to the Indian National Congress emerged under the name of Mysore Congress, started considerable amount of agitation and organised propaganda under its banner and with external aid. In some cases Congressmen defied the legally constituted authority. The Government took action against some persons whose speeches were deemed to be seditious. The very first act of the newly formed Congress party was to stage a walk out in the Representative Assembly on a protest against what they considered the repressive policy of the Government. In the same session, Lachlan made a special appeal to the members for harmony and co-operation in these terms. "The Government are not ins appreciative of the influence which the political changes on the other side of the border are likely to have on public opinion within the state. It has ever been the desire of His Highness the Maharaja to widen, according to the favourable developments of circumstances, the opportunities afforded to his subjects of sharing in the responsible task of Government." Ever, Lachlan indicated the willingness on the part of the government to grant further reforms stating 'that His Highness has
been watching with keen appreciation the growth of public spirit and patriotic zeal among his subjects and that their aspirations for larger opportunities to serve the state will meet with due response at the proper moment.\(^{16}\)

In the same session, Mr. Anupam Chakravorty, through an adjournment motion stated that the Police are trying to put down Congress party activities inside and outside the legislature. He cited the order served on T. Siddalingaiah prohibiting him from asking public speech or convening public meetings or hoisting the Congress flag within the limits of Channagiri taluk for a period of two months commencing from 19th September, 1937 without the permission of a competent Police Officer.\(^{17}\) Even when the discussion was taking place, events, however rapidly took a turn for the worse and there were disturbances of public peace in the city of Bangalore and in other places of the State. To control the situation Government had to issue prohibitory orders as a precaution against apprehended breaches of the peace.

As a protest against these prohibitory orders, some

\(^{16}\) Representative Assembly Proceedings, October 1937, pp.1.

\(^{17}\) Ibid.,p.24.
members of the Legislative Council resigned their seats in the Council just prior to the January of 1936.

When the agitation of Congress was in progress side by side the members of the Representative Assembly and the Legislative Council were urging for reforms and responsible Government by making use of the floor on the Houses. B.C. Mallappa, President of the newly established Praja Pakshe in 1931, through a cut motion in the Legislative council raised the issue of establishing responsible Government in Mysore early. The motion was disallowed by the President - Dewan on the ground of impropriety by pointing out that a discussion cannot be allowed in the guise of a cut motion of a matter which would not have been allowed if it had been brought up as a resolution or an interpellation. The same issue was brought up again in 1934 requesting for the grant of further constitutional reforms in the State.

In January 1933, three resolutions were brought up for discussion in the Legislative Council. P. Subbaraya Setty moved a resolution "that this Council recommends

to the Government of His Highness the Maharaja that they be pleased to appoint a Committee consisting of officials and non-officials to consider and recommend to Government further installment of political reforms to be introduced in the State at an early date. The strength of the arguments in favour of reforms were on these lines. The Representative Assembly which was 56 years old and the legislative council 30 years, were functioning satisfactorily in their allotted sphere. The elected elements in legislative councils of some of the Indian States like Travancore and Cochin favourably compare with that of British Indian Provinces. The reforms in Mysore, compared with British Indian Provinces in terms of Provincial Autonomy were twenty years behind times. The main deficiency in both the Houses is that the resolution passed by them were not binding on the Government. Out of eighty eight resolutions passed by the Assembly since 1923 only twenty one have been given effect to. The most peculiar feature of both Houses was that the Dewan and members of the Executive Council were Presidents and Vice-Presidents respectively. In no other Constitution

20. J.C. Proceedings, January 1933, Resolution No. 4, p.141.
the Executive Heads of administration preside over the deliberations of consultative or advisory body whose decisions are binding on the Government. Further, it was stated that 'during the past fifteen years, events have moved with great rapidity all over India. New ideas, new aims and new ambitions have stirred the minds of our people along with those of the rest of India. The establishment of responsible Government in all the British Indian Provinces has spurred the people of Mysore for similar Government in Mysore and making it possible to associate non-official gentlemen with the administration in a larger measure than is being done at present.'

In the light of experience gained in working the 1923 Regulations, changes may be contemplated with due regard to modern conditions. The question of two houses, non-official elected majority, the non-official President and other issues may be referred to a committee of experienced and able men, both officials and non-officials who can approach this question with an open and unprejudiced mind.

22. Ibid, p.146.
The Government accepted the proposal from the members in principle and expressed their intention of taking up the question of Constitutional reforms in the State. In the meanwhile, the A.I.C.C. Resolution passed in February 1936, at Haripura Session re-defining the policy of the Congress of non-interference in the affairs of the Indian States gave a hint to the Mysore Congress to follow their own independent policy when it stated that 'the Congress stood for the responsible Government in the States, but it would not directly take part in the movements inside the States.' It had, however, no objection for individual congressmen to render in their personal capacities assistance to Indian States people in their work. The effect of this resolution was that Mysore State Congress became autonomous in its freedom of action without antagonizing the A.I.C.C. In view of the ensuing Legislative Council by-elections, Mysore State Congress party launched its agitational and electioneering activities. The Government was also prepared for the challenge. Referring to the recent attempts of the Congress to create unrest, the Dewan stated, 'I am wondering whether

23. Ramaya, P.R., Mysore Political Evolution, p.63.
these persons in the State who are accusing the government of policy of repression really believe what they say. It is repression to use the ordinary law of the land against the law breakers; they seem to fancy that by calling themselves Congressmen they make themselves immune from the operation of the law and the odium that should belong to subversive propaganda.  

Further, in course of his speech the Dewan characterised the agitation as one started by a handful of disgruntled elements. When agitation was being intensified by the Congress, the Government came forward with an announcement for reform. 

In pursuance of the undertaking given by the Government to the Legislative Council in January 1938, an order was issued appointing a Special Committee comprising of two officials and seventeen non-official members with K. P. Srinivasa Iyengar as Chairman for the purpose of examining the working of the representative institutions in the State and formulating comprehensive proposals as to the further changes which were desirable in order to secure the steady and harmonious constitutional

24. Ramayya, P.R., op. cit., p.55.
progress of the State. (Notes No.2691-2751-C P. 165-37-1 dated 1-4-1936 and 26-4-1936). Immediately before the first meeting of the Committee Government nominated S.G. Malliah, a member of the Representative Assembly to the Committee. The personnel of the Committee was further enlarged raising the strength to twenty six including the Chairman.

Terms of Reference:

The Committee was requested to formulate, taking into consideration, the existing state of education and public spirit, the growing political consciousness of the people and other relevant factors, comprehensive proposals as to the further changes which might be desirable in order to secure the steady and harmonious constitutional progress of the State, from the point of view of all the interests concerned. The Committee was requested to deal specifically with the following questions:

1) The composition, functions and powers of the Representative Assembly and the Legislative Council, respectively, having special regard among other matters,
to the possibility of the extension of the franchise
and to the representation of the special interests and
minorities which have developed since 1926.

i) The relation of the two Houses to each other
and to the Executive authority of the State;

iii) Their Sessions, duration and dissolution;
iv) Their Presidents and other functionaries.

v) Allowances and honoraria payable to their
members and officers.

vi) Their privileges and the privileges of their
members, and remedies in case of breach of privilege.

vii) Their power to appoint committees and to
delegate authority to such committees.

viii) The safeguards necessary for minorities,
special interests and emergencies.

ix) The method of appointment of representatives
of the State to the two Houses of the proposed federal
legislature, and their relation with the Government
and the legislative bodies in the State.
x) The Committee was vested with power to inquire fully into the above and all cognate questions and to make recommendations on all matters pertaining to the development of the constitution, the object in view being to promote the contentment and well-being of all classes of His Highness's subjects, and to increase the scope for their exercise of the duties and privileges of citizenship. 25

The Special Committee headed by SRI M. BRINIVASA IYENGAR had only four Congressmen among the seventeen non-official members and a majority of them were considered as Government loyalists. The Congress Party felt that with meagre representation of four it cannot be effective in the Committee to bring about any radical change in the proposed reforms, and directed the Congressmen to refrain from co-operating with deliberations of the Committee, till the following demands of the Congress were conceded. Congress President placed before the Seion the following demands:

1) The recognition of the Mysore State Congress Party.

ii) Increase of a substantial number of Congressmen on the Reforms Committee.

Then Denan refused to accept any of the Congress demands, the Congress party which was well set for a full scale agitation came to the brink to achieve the goal. Before launching this move, Congressmen sought the advice of Gandhiji, who in turn advised them to extend their co-operation with the Reforms Committee if the Government were to give an assurance to discuss the issue of Responsible Government, and suggested to the delegation of Congressmen to meet the Losen with the proposal. Congress President, T. Siddalingiah, met the Denan in the first week of April, 1930 without any fruitful result. Then on, the Congress party decided not only to non-cooperate with the Reforms Committee but also launched the struggle in the form of Flag Caythagrana. The first session of the newly formed Mysore State Congress was held, in the shadow of tension, at Sivapura near Maddur Railway Station. It was a largely attended Congress Party Convention in Mysore State where they wanted to hoist the Congress flag. But a dead lock ensued when the Government
decided to ban the hoisting of the Congress flag in any public place. Mysore District Magistrate promulgated an order under Section 39 of the Mysore Police Regulations prohibiting the hoisting of the Congress flag in and around vicinity of Sivaguru. The Congress Party decided to go ahead with the schedule of flag hoisting program. Many Congress leaders courted arrest on 11th April, 1930 by disobeying the ban order. The Flag Sathyagraha spread to other parts of the State resulting in imprisonment of hundreds of people. The Dewan was anxious to avoid a protracted confrontation in view of the marriage of Prince Jayachamaraja Wadiyar which was scheduled for May 1936, moving for a compromise through some top leaders of the Congress outside Mysore State. Meanwhile the confrontation between the Government and the Congress workers resulted in a tragic incident at Viduraswatha. On 25th April, 1930, the Congress workers organised a rally, as a part of flag Sathyagraha, at Viduraswatha, a pilgrim center near Gowribidiman in Molar District, where a three-day cattle fair was in progress. A crowd of ten thousand had gathered at a meeting which was to be addressed by the Congress
leaders. The district officials along with a police force went there to enforce the ban and declared the meeting unlawful and asked the people to disperse. When the people refused to move out, a lathi charge was ordered and scuffles followed in which the small number of police force was cornered and stoned. The panicked officers ordered the police to fire. Nearly one hundred rounds were fired into the mob killing more than thirty people and wounding several people.26

The Vidunaswam tragedy came as a shock to the people in Mysore and outside. The firing incident was condemned in different parts of the country. Gandhi expressed his deep concern to the lennon on the tragic incident. In reply to Gandhi, the,lenmon stated that the Press Reports about the casualties rather exaggerated and the recent restlessness in Mysore was 'more a manifestation of hooliganism than a political awakening.' By this time several leaders met Gandhi and impressed on him the situation arising out of the Vidunaswam tragedy. Government issued a press note on the firing incident expressing sympathy for the bereaved family but justified the action as a measure of self-defence.

which became absolutely necessary to control the furious mob. The repressive policy of the Government continued. The prohibitory orders were extended to other parts of the State, and several hundreds of people were arrested for defying the prohibitory orders, and even the vernacular press was suppressed. Then the situation was becoming tense day by day, to place all the facts about the incident before the public, a Committee was appointed by the Government with Sir Vepa Rameshwar, Retired Judge of the High Court of Madras, as Chairman to inquire into the circumstances relating to the Vidurasmatha disturbances. Noticing the good posture of the Government and also in view of Dewan's approach to him before the incident for a compromise, Gomaji deputed Sardar Vallabhai Patel and S.B. Shripalani to Mysore to negotiate between the Mysore Government and Congress Party. By the efforts of these leaders a compromise was reached between Mysore and Mysore Congress, on the following points. The misunderstandings that had arisen between the Dewan and the congress members were to be sorted out. The Government viewed with deep regret the tragic happenings at Vidurasmatha and
expressed sympathy which they deeply felt for any innocent sufferers, and for the relations or dependents of all the sufferers in that unhappy incident, and assured that the eminent men in the enquiry committee investigate impartially, the causes of the occurrence and sequence of the events and bring the whole matter to light. The Government sought the co-operation of the people in the work of the Government which required the sustained and devoted labour of all who are anxious to promote the welfare of the State.

The Government to recognise the Udaya State Congress as a political party on the understanding that the Udaya State Congress would co-operate with the Government in the task of constitutional reforms and that they would act as a political party formed within the state and composed of subjects of His Highness, and carry on their work in a peaceful and constitutional manner with its aim to be the attainment of responsible Government under the aegis of His Highness the Maharaja. To provide fullest opportunity to all political organisation, for making constructive proposals in the Committee on Constitutional Reforms,
three more new members selected by the Mysore State Congress were to be added to the Committee, and it was kept open to the Committee to discuss and recommend any plan for constitutional reform including
a plan for responsible Government under the aegis of the Mysore State. The Flag issue was to be settled on the basis of Gandhiji's advice that the Mysore flag and the flag of the Indian National Congress together to be hoisted on all ceremonial occasions, and the Congress flag alone at purely party meetings only.
Civil disobedience and no-tax campaign were to be withdrawn by the Congress Party. With the clearing of clouds upon the political life of the State, the Government must order the release of all political prisoners and all prohibitory orders to be withdrawn.
This compromise seemed to end the era of suspicion between the Congress and the Government. At a public address in Bangalore, Patel advised the Mysore Congress leaders to accept the compromise plan.
On the assurance of co-operation from the Mysore State Congress Party, the Government passed orders

27. The Hindu, 9th May, 1936.
on the compromise principles by increasing the members of the Congress Party from four to seven and widening the terms of reference of the Committee so as to include the scheme of responsible Government. 28

The Committee commenced its work on 26th April, 1938, and held preliminary discussions regarding procedure. The Committee desired to know opinions from the various sections of the public and invited the members of the Legislative Council and the Representative Assembly as well as other prominent persons and associations in the State to send in their considered views on the subject. More than a thousand communications were sent out appealing to the public to send their views. The response was very satisfactory. As many as four hundred and forty communications were received by the committee of which 190 were memoranda on constitutional reforms, offering suggestions either in general or particular items. The Committee also took the oral evidence of selected representatives of the public and examined thirty one witnesses. Thus the Committee had the

29. Constitutional Reforms in detail, Appendix-V.
advantage of having different shades of public opinion before arriving at sound conclusions. Practically, the Committee represented all schools of thought. In addition to the existing members, (and again in accordance with the compromise plan) three more Congress nominees - K.T. Phashyur Ayengar, P. Chenniappasami and S.C. Desappa representing Congress Party and other two prominent public men H.B. Gundepa Gowda and Mahomed Hencat were added making the composition of the Committee.

26. On 16th November, 1931 Justice P. Khadevaya, retired Chief Justice of Mysore was appointed as a member of the Committee in the place of official member Mr. P. Ananthappa Panem who resigned the membership of the Committee on his elevation to the Executive Council. All the members extended their co-operation in right earnest hoping to evolve a good constitution, although they differed in their appraisal of existing political realities and limitations. The schemes for constitutional reforms prepared by the Mysore Congress Party as well as several memoranda and resolutions from individual members and bodies representing different schools of thought was before the Committee.
The Congress Scheme:

The Congress Scheme aimed at the establishment of a system of constitutional, parliamentary and hereditary monarchy.

1) It sought to define the powers and the privileges of the Maharaja and to regulate the succession to the throne and the institution of a regency in case of necessity.

2) It indicated for the institution of a council of Ministers who in turn were to be collectively responsible to the Legislature.

3) The legislature to consist of a single chamber of two hundred and fifty members elected on the basis of Universal adult suffrage.

4) It suggested for the declaration and guarantee of fundamental rights of the citizens.

5) Suggested for an independent Controller and Auditor-General for audit of accounts and control of the execution of the budget.
vi) It suggested for the institution of a Public Service Commission to deal with recruitment and control of Public Services.

vii) The Status of High Court to be in par with High Courts of British India in regard to its constitution, powers and functions, so as to ensure the independence of Judiciary.

viii) The Scheme contained the provision for amendment of the Constitution.

ix) Its attitude towards All India Federation suggested to make provision for the mode of election of representatives of the State to the Federal Legislature.

The Congress Party scheme for reforms seemed not only radical but vitiated primarily by its failure to recognise the actual political status of Mysore and its Ruler. In Mysore, the Ruler is the source of all power, jurisdiction and authority. Further, the powers of the Ruler is itself circumscribed by his

[30. Congress Scheme, A.E.C.C., K.G. Badly, at 5-6-1935.]
responsibility to the Paramount Power. Thus the scheme had no relation to the realities of the situation in Mysore.

At that stage of political development entrusting the task of legislation to a single house of legislature with 250 members chosen by adult franchise was not possible. Moreover, the existing two houses were performing highly useful functions and were an integral part of the political life of the State. The mood of the people was not for sudden dispensing with either of the Houses. So also the change from the existing Executive Council to a fully responsible Ministry on lines of parliamentary system of Government in the absence of well organised Political Parties in the State was fraught with serious consequences. The Congress scheme was politically inadequate as it did not provide for effective reserve powers in the hands of the Ruler either to satisfy the treaty obligations, to ensure safety and good Government in the event of the breakdown of the Constitutional machinery, or to safeguard the interests of the minorities against the possible excesses of majority. In the scheme, the 31. Constitutional Reforms in Mysore, Appendix—VII.
Ruler's freedom in the choice of his Ministry was completely fettered. The so-called Royal prerogatives would be exercisable only at the bidding of the Ministry, and the power of veto over legislation would not be exercisable at all. In the existing nature of polity, the constitutional reforms in Mysore can proceed only by devolution from the Ruler. On the other hand, the scheme proposed by the Congress instead of being a system of responsible government under the aegis of the Maharaja, it would be under whose aegis the Ruler will be allowed a nominal and precarious existence. 32

In contrast to these radical proposals, a predominantly conservative viewpoint was expressed in a memorandum signed by a Municipal Councillor of Kundavai town and 1035 other residents of that town and other surrounding places which stated - 'the present system of Government is quite satisfactory and best suited for the conditions of Mysore. We are happy under the benign rule of His Highness the Maharaja, and no material reforms are necessary. We do not need any

32. Constitutional Reforms in Mysore, 1936, Ch.171, Sec.11, p.63.
drastic changes, such as responsible Government, as we fear that they are likely to lead to disastrous consequences in the circumstances obtaining in Mysore.  

Similarly the Central Maimmeden Association, Bangalore, in a memorandum stated, 'The Musalmans of Mysore have reason to believe, nay, they are convinced beyond the shadow of doubt, that those who are agitating for responsible Government are anything but rationalists. ... Unless those who are now administering Local Bodies, such as Panchayats, Municipalities, District Boards, etc. give proof of their capacity for self-government and shed their communalism, there should be no further advance in the system of Government and no new powers should be conferred on them. There is ample scope, under the existing Constitution, based as it is on the triple principle of consultation, representation and responsibility, to work for the well-being and happiness of the people at large.'  

The Mysore State Muslim League emphatically stated that 'the grant of responsible government in Mysore State by the transfer-ence of sovereign power in favour of the people of

33. Constitutional reforms in Mysore, 1936, ch.111, pp.66.
34. Ibid, para-93, pp.65.
Mysore, even to any small extent and in any respect whatsoever, would be disastrous to the interests of the country which has progressed in all directions remarkably well under the present constitution and earned a high reputation all over the world for its efficient administration. 35

The Catholic and European Associations of Mysore stated that the existing constitution as a whole offers all reasonable scope for the people of the State to take part in its administration and to promote its development, and that they do not consider therefore, that it would serve any useful purpose to enter into any purely theoretical discussions or to make any specific demands on merely hypothetical considerations. 36

The Mysore Planters' Association representing an important special interest took the view—"To look upon the present constitution in Mysore as entirely satisfactory and needing no alteration. It is an example of a happy blend of autocracy and democracy.

35. Constitutional Reforms in Mysore, 1938, Ch.11. 36. Ibid, para-94.
It is more efficient and effective than any complete democracy can hope to be, yet it is not tyrannous nor restrictive of personal liberty. In practice, it works as a particularly good form of government. There is no reason why the example of other countries or parts of India should be followed simply for the sake of following them, if Mysore has some thing better as in our opinion it has .... you will have seen we are not in favour of changes. The Government of the State is far too serious and vital a matter to the lives and happiness of the people of the State to be a subject of experiment or drastic changes. The present form of government works, and works well. 37

One of the memoranda, representing the moderate school of thought of reform, stated - 'considering the political advancement in our neighbouring British Indian Provinces, the constant and silent percolation of ideas of our neighbouring British Indians into ours and the political awakening of the masses in recent years, it is no longer possible or right to resist the aspirations of the people of Mysore for responsible

37. Constitutional Reforms in Mysore, 1932, Ch.11, para-95.
Government. Hence, the constitutional advancement of Mysore must result in responsible Government under the aegis of His Highness the Maharaja. But, it is not possible to reach this goal of full responsible Government immediately. Though the political consciousness of the people is roused, there is yet lack of general education and much less of political education among the masses. Fabulous and hazy notions and ideas require clarification and crystallisation. The ground for granting full responsible government must be prepared. Association of the people and their representatives in the government of the State is a necessary first step by which the people can gain experience and knowledge. It is, therefore, desirable that as a step towards the realisation of full responsible government some reforms be first introduced, and after studying the working of such reforms for a period of about five years, the advisability of introducing full responsible government may be considered. Thus the above view conforms to the position held in 1924 in the words of His Highness the Maharaja, as one 'sufficiently flexible

38. Constitutional Reforms in Mysore, Ch. III, para-96.
to expend with the expanding political consciousness of the people. The tremendous changes inside and outside the State, the growing political consciousness of the people of Mysore and experience gained in the past fifteen years in working, the existing institutions have indicated a measure of further constitutional advance. The Committee felt, in taking the advance, due consideration must be given to the political status of Mysore and the need for stability and good government and to ensure the largest values of support of the reasonable and enlightened public opinion in the country.

The main considerations:

The Committee had to keep in view certain basic factors before proceeding to formulate a suitable scheme of reform. In addition to general considerations mentioned already, two important factors were - one external and another internal. The external factor relates to the Paramount Power which demands imperative recognition of the limitations imposed by the political status of Mysore, and the transgressing of which would lead to grave complications. The internal factor
necessitates a careful examination of the constitutional position of the sovereign in Mysore. As regards the relation of the Ruler with Paramount power, the Instrument of Transfer of 1881 states - 'the Chief authority and the ultimate governmental responsibility in all cases rests actually as well as nominally with the Ruler.' For discharging the obligations, the treaty stipulates that 'no material change in the system of administration now in force shall be made without the consent of the Governor-General in Council.' 40 It was a common knowledge that the reforms of 1923 were inaugurated only after the approval of Paramount power. But merely this wide powers are vested in the Governor-General to intervene over the entire range of internal administration in case of necessity or to take precautionary or remedial action as circumstances may, at any time, appear to render necessary to provide adequately for the good government of the people of Mysore or for the security of the British rights and interests within the State. 41 It was argued that the Governor-General may not intervene in the ordinary day to day administration.

41. Ibid, Art. 21.
in a progressive state like Mysore. But, such interference had in the past been exercised on occasions, and it cannot be ruled out of account in dealing with the future.

The attitude of the Paramount Power towards the Indian States was indicated in several pronouncements both inside and outside the British Parliament. Earl Winterton stated on the floor of the Parliament that it was not the policy of the Paramount Power to intervene in ordinary circumstances in the internal administration of full-powered States. The Paramount power certainly would not obstruct proposals for constitutional advance initiated by the Princes. The consent of the Paramount Power had not been required before approval of such advance by the various Princes, nor had it been sought in such matters. The Paramount power would ordinarily confine itself to tendering advice when consulted.

A similar view was expressed by Colonel Mond in the Parliament. A little later, amplifying the view expressed in Earl Winterton’s statement, Lord Zetland, Secretary of State, said that the time had come when

42 Constitutional Reforms in Mysore, 1939, p.71.
the paramount power should intervene a little more effectively than it had in the past, not with a view to derogating from the sovereignty of the Princes, but for giving them advice with the object of raising the standard of their administration. Further, he stated - 'though we are under a promise to protect the Princes against aggression from without, it is only reasonable that we see that the legitimate grievances of their Highnesses' subjects should be carefully considered by them and where possible a remedy should be applied. That does not mean that we are justified in bringing pressure to bear on the Princes to bring about a radical change in the form of their government. I have always said that that is a matter for Princes themselves. We should do what we can do to raise the standard of administration and see that the subjects of their Highnesses get a fair deal, but let us not forget to consider the views of the Princes or endeavour to impose a form of Government which in many cases will be quite unsuited to the conditions that exist.'

At a subsequent clarificatory note regarding the Rulers obligations to the Paramount power, Colonel Muirhead said - 'the policy indicated in my reply is not to be taken as implying that the Paramount power would recognise a Ruler as having endowed any constitutional body, which he may create with a greater degree of authority than that which he himself is recognised as possessing. No State would be regarded as relieved of its obligations to the Paramount Power by the fact that the Ruler has divested himself of the control necessary to discharge them, and the Paramount power would remain free to take such steps as might be required to ensure their fulfilment.' Reading from the above mentioned views Earl Winterton's statement was regarded by some as a radical change in the policy of Paramount Power. But, some critics observed that it did not represent the existing position correctly.

On this issue the considered opinion by a former Dewan, A.R. Banerji was that the revision of the treaties would be involved if what has been said by Earl Winterton in the parliament was to be considered as tantamount to introducing in practice a new and important chapter.

in the history of mutual relations between the paramount power and the Indian States. 45

According to the protagonists for establishment of responsible government, such a move affecting in any way the responsibilities of the Ruler to the Paramount Power, the responsible Government must necessarily be good Government, that peace and order would always be maintained in a State where the government has the backing of the people, and that responsible authorities would take due care to see that the treaty obligations are satisfied. On the other hand, they contended that if a demand for responsible government with the backing of the people was not satisfied, the Ruler may be placed in the awkward position of having to seek the support of the paramount power as against his own people.

There were those who maintained that the satisfactory discharge of the obligations to the Paramount Power would be impossible under any system of Popular Government.

After taking all these views into consideration,

The committee was in a position to give it its own candid thought over the issue. The committee was of the view that the difficulties in the way of full responsible government presented by the existence of Paramountcy cannot be ignored although there is no need to exaggerate them. Colonel Fairhead's statement left no room for any ambiguity. No Ruler could divest himself of his treaty obligations and ask the Paramount power to deal with a popular government of his choice or his own creation, but not responsible to him in the first instance. If the Ruler has a responsibility to the Paramount power then he must necessarily retain effective power for that purpose and he must have also the means of enforcing them. Ruler by allowing himself exposed to the danger and seeking the help of Paramount power to set things right, would be most unwise.

The committee further was of the view on the argument equating responsible government with good government begged the question and took too much for granted. In a country where people are not fully ripe for the grant of complete responsibility, the form of responsible government may create complications which
could be obviated by a more cautious advance. The existence of political aspirations was not always a sufficient guide to the solution of constitutional problem. Mysore being a unitary State and the head of the State and Executive Head of the Government as well as the source and sanction of law was the Ruler who was sovereign symbolising Divine or law. Such a Ruler was not only not opposed to democratic ideals in any way but fully consistent with them. Whatever the position as regards theory and application of sovereignty to the Indian States, the general fact was that in Mysore all power, jurisdiction, and authority were derived from the Raja and were exercised in his name and that any scheme of constitutional reform could, therefore, only be introduced by means of a devolution of power from the sovereign.

In its working democracy invariably construed as majority rule. Legislation is determined by collective will, which, if ascertained on the democratic principle, will be the will of majority. At the same time, it is also considered not sacrosanct. Like all political

47. Report of the Seal Committee, para-1.
institutions it is founded on average human nature. Majority rule is accepted because it possesses power, power of numbers and has on its side the inclination of average person to follow the line of least resistance. There is also danger in the tendency of the majority and its constituent to assume that its judgements are not merely expedient, but also right. This approximates to might being equated with right. It is true without a majority, democratic government cannot function and without a stable majority it cannot function well. At the same time, mere 'majority rule' would not satisfy the demand for political freedom. There is no more hopeless and crushing form of tyranny of a majority.

According to the Committee's view, the sure protection against the possible tyranny of numbers is in the tradition of the hereditary monarch ruling according to Dharma. In the evolution of the State, the very raison d'être for the existence of the King was declared to be the protection of weak against the strong. At present such a protection was required not between man and man but between organised groups.

48. H. Finer — Theory & Practice of Modern Government, p. 81
one trying to dominate the other. Particularly in India those groups are mainly organised on communal lines. This fact makes the protection of minorities a more urgent and enduring one, because where the groups are based on political opinion there is a chance of the balance of numbers being shifted but as between communities and caste there is no such hope. 'Government without safeguards for minorities is the negation of liberty; The representations received by the committee from the minorities particularly, Muslims, Christians and other organization were unanimous that the safeguarding of their interests could only be done by the Sovereign and that he must therefore retain real and effective powers in this behalf. Hence, there was no better corrective for the fissiporous and disintegrating tendencies which were released in working democracies, than the stabilising influence of a wise ruler, above all party differences, to whom all classes, communities and religions will look up with affection and confidence. 50

The Committee also considered the need for the declaration of the goal in terms of responsible government.

Although the increasing association of the people with the Government in the administration of the State was all along the declared policy of the Ruler of Oueen and although responsible government was nothing more than the optimum limit of such association. Some members of the Committee urged that a declaration in terms of responsible government would help to give the quietus to unnecessary and avoidable political agitation and would set the people to work out their political salvation on a settled plan, while permitting the Ruler to put forth his best efforts to assist the people to attain the goal. It was further felt by the Committee that a declaration would help to prevent unscrupulous propaganda and positively help since the recommendations of the Committee were in essence based on the idea of the development of popular responsibility. After a careful consideration of pros and cons of the issue, the Committee stated - 'the goal to be kept in view in all constitutional reforms in Oueen should be establishment of a system of responsible government under the authority and protection of the sovereign, i.e., a system in which the administration is carried
on by a cabinet of ministers enjoying the support and confidence of His Highness and the legislature; the powers of His Highness to ensure peace, order and good government, to safeguard the interests of all classes of His Highness's subjects including the minorities, as well as to satisfy the terms of the treaty with the British Government, remaining unaffected and supreme in all circumstances, and the stages of progress towards the goal being determined by His Highness according to the measures of success attending the working of each stage.51

It was true that this formula was nothing more than a restatement of well-considered policy in general. But this declaration was to help to align and harmonise the political aspirations and to educate public opinion on the right lines.

The Proposals of the Committee:

The Committee recommended for the continuance of both the Representative Assembly and the Legislative Council in the proposed new polity with such enlarged

51. E.V. Candoppe's proposal - Constitutional reforms in Agra, para-121.
powers and functions as were recommended by the Committee without affecting their form and character keeping in tune with the historical continuity and traditions of the State.

Legislation:

Whenever any legislative measure was intended, the Assembly should invariably be consulted before the bill was introduced in the Legislative Council and further in addition to the statement of general principles underlying the bill a copy of the bill itself had to be placed before the Assembly and its opinion ascertained. The Assembly was entitled to propose amendments thereto when the principles of the bill or any of its provisions are opposed or amended by a majority of not less than two-thirds of the total strength of the Assembly; the decision of the Assembly to be accepted provided that it was open to them to introduce the bill into the Legislative Council with such modifications as may be deemed by them to be desirable in the public interest or for ensuring the safety and good government. In such a case, a statement
giving reasons for their decision and a copy of it
to be forwarded by the Government to the members of
the Representative Assembly as well as of the Legislative Council. This meant that after a bill was passed
in the Assembly, it would be introduced into the
Legislative Council with or without the modifications
proposed by the Assembly and when the bill was
finally passed by the Council, it need not be placed
again before the Assembly but may be submitted to
His Highness the Maharaja for assent together with a
statement of the opinions expressed by the Assembly
thereon.

Private Member's Bills:

Any member of the Assembly may place a bill
before the Assembly after obtaining the permission of
the House. If a bill is thrown out by a majority of
the members present and voting, it was not proceeded
with. The same procedure was applied to any private
member's bill proposed to be introduced into the
Legislative Council and placed before the Assembly to
ascertain its opinion.
Tho subsets like the relations of the chamaraj with the paramount power, measures affecting the ruling family of Mysore were excluded from the purview of the two Houses. The exclusion of matters relating to changes in the constitution of the two houses were to be confined to legislation only and should not extend to discussion, resolutions and representations. The prevailing restriction which precluded each house from suggesting modification of the constitution of the other was to be removed. Resolutions were to be moved with the previous sanction of the Dewan in either house proposing amendments to the constitution of one or the other of the two houses.

Emergency legislation:

Under the provisions of Section 9(2) of the existing Representative Assembly Act, Government may in cases of extreme urgency place a measure on the statute book permanently without consulting the Assembly. The Committee recommended for prior consultation of the Assembly in all cases where it proposed to place a legislative measure permanently on the Statute
book. In future, emergent situations were to be met by the exercise of power of framing temporary regulations having the force of law for a period of six months which may be extended by a further period of six months, if necessary. The committee further recommended that with a view to safeguarding religious rights or usages particularly of the minorities, previous sanction of His Highness the Maharaja or of the Dewan was made a condition precedent for introduction in either of the houses of any measure affecting the religion, religious rights or usages of any class of subjects.

**Taxation:**

The Assembly had already enjoyed the right that no new tax should be levied nor any existing tax enhanced without its consultation. The committee, for enlarging the powers of the Assembly in respect of the budget and conferring on it the right of passing resolutions on any major heads in the budget, provided that such resolutions do not have reference to particular grants or appropriations. This provision enabled the
Assembly to raise specific issues relating to the expenditure of the several departments. No proposal for imposition of taxation or for the appropriation of public revenues should be made except on the recommendation of the Executive. The existing list of heads of expenditure excluded from discussion were to be so modified as to permit discussion regarding the military forces of His Highness the Maharaja, although no resolution or voting thereon might be permitted. The other items continued to be excluded as at present.

Resolutions:

On the right of moving resolutions, the committee recommended, in addition to the existing privilege, that not more than one resolution concerning any minority or special interest may be sent up by any member representing such interest, subject to the usual restrictions. The proposed abolition of the method by which the resolutions, representations, and interpellations were selected at a meeting held at the District headquarters under the Presidentship
of the deputy commissioner as this system was considered prejudicial to minority parties and members were to be allowed to send their resolutions direct to the Government. The district-wise restrictions for sending questions was considered unnecessary and each member must be free to send one question for each session and supplementary questions were to be allowed at the discretion of the President. Similarly each member must be free to send resolution on one subject. Letters falling within the competence of a local body or officer was not ordinarily to be made a subject of representation. The existing convention of Government consulting the Assembly was to be formalised and with a view to establish a closer nexus between the people and the administration, all important legislative, financial and administrative measures under contemplation of Government must be referred to the Assembly before taking a final decision.

Composition of the Houses:

The strength of the Assembly to be fixed at 300 with power vesting in Government to increase this.
number by 10 or 15 more to provide for the representation of any new interests or constituencies that may be developed in future, and the seats being distributed among the rural, urban constituencies in addition to giving representation to minorities and special interests. All the members of the Assembly, except those representing Europeans and special interests, were to be elected directly from the territorial constituencies. The system of reservation for ensuring minority representation was to continue but on the lines of practice in British India only in favour of religious and racial minorities like Indian Christians, Europeans and Muslims and economically and socially backward classes who needed special protection. In filling the seats, though the majority of the members of the Committee favoured joint electorate or some qualified system, the Muslim members of the Committee were emphatically in favour of separate communal electorate. Similar method of election was to be applied to the reserved seats of Indian Christians and seats allotted to Europeans and Anglo-Indians were filled by election by their respective associations. In view of the
nature and functions of the Assembly, the Lewan and the members of the Executive Council were to continue as President and Vice-Presidents respectively. The term of both Representative Assembly and the Legislative Council was increased to four years in each case, and the Houses to meet at least in two sessions every year.

Legislative council was to continue to exercise its power of legislation subject to the condition that every bill should in the first instance, be invariably placed before the Representative Assembly. Among the excluded subjects the matters relating to the expenditure on the military forces of His Highness the Emir were to come under the discussion of the council although no resolution or voting thereon was permitted. To make the legislative council an effective democratic instrument, the committee recommended for a decisive elected majority in its composition. To secure the co-operation and services of men of experience and eminence among officials and non-officials a measure of nomination was also proposed. Legislative council was to consist of 68 members with 44 elected and 24 nominated officials.
and non-officials. The President and Deputy President were to be elected from among non-officials members. The terms of office of the President was to be co-terminous with that of the Council unless removed earlier.

Responsive Cabinet:

The most interesting innovation of the recommendation was that the Executive was to consist of Ministers some of whom were chosen from among the elected members of the legislature. The Ministers were jointly responsible to the Ruler but at the same time made answerable for their actions to the legislature although no vote of confidence was permitted. This system proved a nucleus for developing into full responsible government in course of time. The Minister who was appointed by the Ruler for a period of 5 years was President of the Ministry. Among the Ministers not less than two should be non-officials selected from among the elected members of the Representative Assembly and the Legislative Council one at least from each body. Although no provision was made for representation of minorities in the Ministry it was to be guided by convention to give
at least one seat to them. All the ministers were
the ex-officio members of the Legislative Council.

Franchise:

As regards franchise the Committee recommended
for the retention of the existing qualification of
voters for the Legislative Council except that of
educational qualification for women voters to be
reduced to the possession of B.S.I. Certificate. In
the case of Representative Assembly, the qualification
based on taxation in the rural voters was reduced
from Rs.25/- to Rs.10/-; and the payment of taxes under
the Panchayat, mines and municipal Acts from Rs.5/- to
Rs.4/-; similarly, B.B.B. in Inam villages was reduced
to Rs.100/- and Inamars required to reside in their
constituency was also removed.

Candidates:

The minimum age limit was raised from 21 years
to 25 years for those standing as candidates for
Representative Assembly and in the absence of other
required qualifications a University Graduate was
made eligible. The minimum age limit for candidates
to legislative council was to be raised from 25 to 30 years. Payment of Income Tax on the qualification for Legislative Council candidates was to be raised from Rs. 200/- to Rs. 50/- and the lot from Rs. 250/- to Rs. 100/- in case of Insiders.

The Committee recommended for making provision in the Constitution for freedom of speech in each House on the lines of Section 7(1) of the Government of India Act, 1935 and also to immunise the members of both houses from arrest under civil process during the sittings of any meetings of the House.

Fundamental rights:

In order to set standards and prescribing limits for the legislature, executive and for the administration of justice the Committee recommended for the adoption of the list of following rights:

1) No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law.

2) Subject to public order or morality, all persons are guaranteed freedom of conscience, freedom of profession and practice of religion.
iii) Subject to law, public order and morality, right of free expression of opinion, right of assembling peaceably and without arms and to form associations and unions, is guaranteed.

iv) All citizens, not excluding the so called untouchables, are equal before the law and possess equal rights.

v) There shall be no penal laws, whether substantive or procedural, of a discriminative nature.

vi) No person shall be punished for any act which was not punishable under the law at the time it was committed.

vii) No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.

viii) No person shall by merely change of faith lose any civic right or privilege or subject to any penalty.

ix) Subject to the maintenance of public peace and order all citizens have an equal right of access to, and use of public roads, wells and tanks and all other places of public resort.

x) Freedom of combination and association for maintenance and improvement of labour and economic conditions is guaranteed to every one of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.

xi) Men and women shall have equal rights as citizens.

xii) The protection of their culture, language, script and education will be guaranteed to all minority communities.

The recommendations made by the Committee were not generalizations of uncertain validity.
solutions suggested were modest and were to meet the problems pertaining to the State in the light of Indian public opinion. The nature of reforms suggested were largely, if not solely, on the lines of local conditions. These proposals were not permanent, and final but only for a period of transition particularly at a time when the rapid changes were taking place around and no one would foresee the trend of political actualities. It was true, it did not favour a full responsible Government, but the ultimate objective that was envisaged in the report was the same goal. The Committee took precaution to ensure the prospects of good government in the anxiety for reform and change.