

I N T R O D U C T I O N

The British came to India as humble suppliants for trade hoping, at best, for some measure of equality in power; two centuries later they had gained in strength which enabled them to overrun India by exploiting cleavages among the Indians themselves.

The first reaction of the people was that of hostility to the alien intruder, motivated by the desire of an xenophobic defense of the existing order. Like several similar efforts on the part of the old society to reject change i.e., the rising of Mahdi in Sudan or the Boxer Rebellion in China, representing essentially an old and anachronistic world, the Indian Mutiny proved a futile effort.¹

The second phase, as evident in the advent of liberal leadership in India was characterised by an acceptance of alien superiority.² The third phase, in the fashion of the Hegelian dialectics, was a nationalist synthesis in which there was an assertion or reassertion of a community with pride in itself and in its past but still looking, at least as far as its leaders were concerned, in the direction of Westernization and modernization.³ Imperialism, which spread into the colonies the

1. Rupert Emerson, From Empire to Nation (Beacon Press, Boston, 1966), p. 17.

2. A.R. Desai, Social Background of Indian Nationalism, (Popular Prakashan, Bombay, 1966), pp. 321-322.

3. Rupert Emerson, op.cit., p. 11.; also see I.R. Sinai, The Challenge of Modernisation - The West's Impact on the Un-Western World (Chatto and Windus, London, 1964); and C.E. Black, The Dynamics of Modernization - A Study in Comparative History (New York, Harper and Row, 1967), pp. 130-134.

ideas, techniques and institutions accomplished through many centuries of European history, fulfilled the historic but inadvertent function of communicating enough dynamism into the colonial people to spell the doom of imperialism itself.¹ It was the turning of the tools and weapons, the ideas, instruments and the institutions, of the west against itself which swung the balance against imperialism and enabled the Indian National Congress under Gandhiji to achieve independence for India. In its initial phase the Indian National Congress which had been created to ensure 'encapsulation'² of native discontent and agitation, did not prove much effective owing to its isolation under elite liberal leadership.³ Ironically when it developed a capacity of popular identification, it shed-off its pro-British role. From the point of view of the British government, therefore, the Indian National Congress, a handiwork of the British, remained useless in its earlier phase and turned dangerous after the exit of the liberals.

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1. S. A. H. Haqqi, The Colonial Policy of Labour Government (1945-51), (Aligarh Muslim University Press, Aligarh, 1960), p. 17.
 2. Encapsulation has been defined as a process modifying conflicts in such a way that they become limited by rules and thus exclude modes of conflict practised earlier; Amital Etzioni, On Self-encapsulating Conflicts, Journal of Conflict Resolution, Vol. VIII, No. 3, 1964, p. 242.
 3. Lord Curzon's Despatch to Wedderburn, 31st Oct. 1900. See B. L. Grover, A Documentary Study of British Policy Towards Indian Nationalism 1885-1909 (National Publications, Delhi, 1967), pp. 219-20.

The inevitable spread of modernization resulting from the 'upward progress of its various indices' - increase in literacy, urbanization, industrialization etc.¹ — accelerated the conversion of the 'non-participant traditional Indian society' into a 'modern participant society'.² Recruitment of new elite leadership³ which led to the passing of the Swarja Resolution in 1906,⁴ ultimately resulted into the replacement of leadership in the Congress when in 1918 the oldguard left the Congress to form 'their own cosy Liberal Federation'.⁵

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1. "Virtually all the indices of modernization progress steadily upward on the charts." For elaboration of this statement see Samuel P. Huntington's article, "Political Development and Political Decay", World Politics, April 1965.
 2. Daniel Lerner, The Passing of Traditional Society (Glencoe, New York, 1958), pp. 48-50. Also see Gabriel A. Almond and James S. Coleman (eds.), The Politics of Developing Areas (Princeton, Princeton University Press, 1960), pp. 532-576; & Lucian W. Pye, Aspects of Political Development (Boston, Little, Brown and Company, 1966), Chapter 2.
 3. For an interesting and pertinent discussion of the theories of elite replacement and circulation of elites and their application to the process of political development in three colonies - India, Indonesia and Ghana - see Fatma Mansur, Process of Independence (Routledge & Kegan Paul, London, 1962), pp. 60-98.
 4. Resolution IX of the Twenty Second Congress, Report of the 22nd Indian National Congress, 1906, pp. 11-111; also see C. Y. Chintamani, Indian Politics since Mutiny (G. Allen & Urwin, London, 1940), pp. 80-81.
 5. H. Mukerjee, Indias Struggle For Freedom (National Book Agency, Calcutta, 1962), p. 114.

Under the new extremist leadership began in India the effective process of political development by way of 'traditionalization' and 'institutionalisation' — internalising in terms of values and modes of the indigenous social system and its processes of learning and socialization — of the new consensus generated by the modernization process. This new phase of the Indian politics was characterised by agglomeration of traditional and modern practices, structures, styles and affiliations and resulting institutionalisation of consensus and dissensus. 'Mix' of tradition and modernity, growth of new traditional and a new consensual framework, and development of social communication ensured permeation of institutions and symbols from the centre to the periphery.¹

The announcement made by Mr. Montagu, the Secretary of State for India on 20th August 1917, in the British House of Commons specifying, "increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to progressive realization of responsible government in India" as the cardinal principles of British policy, as such, in addition to factors

1. For elaboration see Rajni Kothari's, Process of Political Modernization a working paper circulated among the participants to a seminar on Political Theory held at Bangalore in May 1967. Also see Wilcoxon-Wybe's article, Politicians Bureaucrats, and Development in India in The Annals of the American Academy of Political and Social Science, Volume, 368, March 1965, pp. 114-22.

resulting from the First World War, was necessitated by the internal political changes taking place in India.¹ The British faith in the suitability of the concept of 'benevolent despotism' deriving its theoretical inspiration from the writings of J.S.Mill,² prompting Lord Minto in 1906 to voice the caution that "the Government of India should not be put in a position of appearing to have its hands forced by agitation in this country or by pressure from home,"³ and Lord Morley in 1907 that the reforms in India were not meant to lead directly or indirectly to the establishment of a parliamentary system in India,⁴ had given way to an explicit recognition by the British to the suitability of 'self-governing institutions' and 'responsible government' for India.

1. S.A.H.Haqqi, op.cit., pp. 17-18.

2. In his, Considerations on Representative Government published in 1861 (Forum Books London), J.S.Mill laid down three conditions for successful working of a form of government and the British politicians and officials had the conviction that conditions necessary for representative form of government did not exist in India. See Ibid., p.6. Also M.Venkatarangaiya, The Early British and the Indian Nationalist Views on the Suitability of Democracy in India in Dilemmas of Democratic Politics in India, G.S.Halappa (ed.), (Mankatalas, Bombay, 1966), pp. 1-19.

3. Mont-Ford Report, para 72.

4. Ibid., para 79.

The changed British policy since the 1st World War can generally be described as a combination of responses - in the form of concessions and reforms - and repressions.¹ Unable to deny the constitutional reforms any further, the British evolved a colonial policy in which reforms were reconciled to imperial interests and purposes. By tempering their policy of 'repression' of the nationalist movement, particularly the extremist elements, with responses in the form of concessions, reforms etc., the British minimized the chances of a whole sale rebellion in India. To weaken the national movement with a view to sterilizing it and rendering it ineffective in pursuance of its demand for freedom, the British not only resorted to direct measures of repression² and suppression but also introduced and/or patronised the development of disintegrating factional and feudal elements in Indian politics. The official attitude and policy in the context of minorities, schedule castes and Indian princes, as such, was primarily motivated with a desire to checkmate the process of national-integration in India.³

1. Michael Edwardes used the expression, 'an iron hand in a velvet glove to hide its nakedness' to explain the nature of British Colonial policy since first world war. See Michael Edwardes, The Last Years of British India (Cox and Wyman Ltd., London, 1963), p. 51.
2. Valuable facts and figures regarding the repression of national movement were collected by a delegation of the India League. The report was entitled Condition of India (London, 1933).
3. National integration connotes the process of bringing together culturally and socially discreet groups into a single territorial unit and the establishment of a national identity --- a sense of territorial nationality overshadowing or eliminating subordinate parochial loyalties. See Rupert Emerson, From Empire to Empire (Boston, Beacon Press, 1960), Part 2 --- The Anatomy of the Nation; Karl W. Deutsch

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The 'reforms' were not only employed as a counter-acting device to 'repression' but were also utilized by placating the moderates to ensure that the national movement proceeded along a peaceful and non-violent course. Concession and, reforms and conciliatory gestures from the government, served to prove the efficacy of the non-violent - satyagraha - strategy of the Indian National Movement, and strengthened the conviction of the Nation in the Gandhian creed. The efficacy of the 'reforms' to drive a wedge within the Congress ranks between the 'supporters' and 'boycotters' of the 'reform schemes' was an additional advantage. After 1917, therefore, an intrinsic relationship came to be established between the National Movement and the constitutional reforms, in terms of their pace and contents.

The observation of Rupert Emerson that, "in the years between the Wars (the two world wars), the imperial powers could manage to hold on only by a series of concessions and rearguard battles"¹ aptly applies to India. Between the two

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Nationalism and Social Communication (New York, John Wiley and Sons, 1953); Karl W. Deutsch and William J. Foltz (eds.), Nation Building (New York, Atherton Press, 1963).

1. Rupert Emerson, From Empire to Nation, p. 4.

World Wars the British ingenuity was fully engaged in devising schemes of constitutional reforms for India which sought to reconcile the contradictory objectives of safeguarding the imperial interests and pacifying the nationalist demands.¹

Three important 'manoeuvres' were used to accomplish this evidently difficult task. Firstly, the process of reforms was extended by introducing the principle of 'phasing the reforms along the time dimension. Secondly, the scope of reforms was limited by safeguarding and minimizing, crucial and vital governmental powers and spheres under irresponsible chief executives, from the purview of representative bodies created by the reforms. Thirdly, the reforms were territorially confined by the pronouncement of the principle that Provinces were the areas wherein the process of reform — responsible government — would be initiated.² In a nutshell, the British

1. Professor Haqqi has referred to the caution characterising the British approach to colonial issues during the inter war period; op.cit., p. 19.

2. Mont-Ford Report, para 139. The policy of 'responsible-government by successive stages' in local territories, "within some rather ill defined limits" found favour with the colonial office in England. Hence the large number of federal constitutions in the Commonwealth countries. See William S. Livingston; Federalism in the Commonwealth, (Cassell and Company Ltd., London, 1953), pp. xi-xii.

Professor A.B.Keith observed, "It is difficult to deny justice of the contention that federation was largely evoked by the desire to evade the issue of extending responsible government to the central government of British India. Moreover, the withholding of defence and external affairs from federal control, inevitable as the course is, renders the alleged concession of the responsibility, all but meaningless." A.B.Keith, A Constitutional History of India 1600-1935, (London, Methuen, 1936), p.474.

after 1917 attempted to preserve their domination in India, by prolonging, containing and confining the process of constitutional reforms.

In as much as the Provinces were to be areas wherein the reforms and the resulting process of democratization was to be initiated, the structural device of 'division of power between the Centre and the Provinces' in the 'reform enactments' assumed far reaching significance. The 'the division of power' was to be the structural instrumentality through which the ideal of 'responsible government' was to be initiated and implemented in the Provinces. A detailed study of the 'division of power' would, therefore, be a sound and reliable way of locating the constitutional manoeuvrings and assessing the constitutional development in India. It will also reveal the emergence and the 'institutionalization' of federal concept in India. It is in the above context that the present dissertation seeks to study the 'division of power between the Centre and the Provinces under the Acts of 1919 and 1935'.¹

In view of the more or less causal relationship between the

1. Referring to the immense importance of the 'division of powers' under the Act of 1935 Alan Gledhill found it, 'probably the most important survival from the 1935 Act' in 1954. See Alan Gledhill, The Republic of India (London, Stevens & Sons Ltd., 1954), p. 34.

reforms and the national movement,¹ the present study has been pursued in the context of the various political changes and developments obtaining in India between the two World Wars.

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1. The British employed the device of reforms and decentralisation to meet the challenge posed by the rise of articulate and organised nationalism demanding self-government. While the decentralisation was 'welcomed by Indian patriots as evidently democratic, the British found in it a useful instrument for partly neutralising the force of Indian nationalism by allowing it to spend itself in the relatively safe field of provincial politics'. R.K. Bombwall, Imperatives of Indian Federalism, Political Science Review, Vol.4, No.2, Oct. 1965 (University of Rajasthan, Jaipur), pp. 12-13.