INTRODUCTION

The Madras Presidency, one of the three major presidencies of British India, was situated at the southern portion of the Indian peninsula. It comprised of Madras, Chengleput, South Arcot, Salem, Coimbatore, Nilgris, Thanjavur, Tiruchirapalli, Madurai, Ramanathapuram and Tirunelveli districts in their mother tongue being Tamil and Chittoor, Cudappa, Anantapur, Bellary, Kurnool, Nellore, Guntur, Krishna and Ganjam Districts with Telugu as their mother tongue and Malabar with Malayalam, and South Kanara which speaks Kanarese. The Madras Presidency had a total number of 26 districts. The Presidency was inhabited by a set of people who spoke different languages and followed different religions. Tamil was the common language of the districts, from a few miles north of Madras to the extreme south of the eastern division of the Peninsula. Telugu was commonly spoken by the people of the northern circars and in a portion of the Nizam’s Dominions, Kurnool, Cuddaph, part of North Arcot, Nellore and some parts of Bellary. Malayalam is the language of Travancore, Cochin and the Malabar districts. Tulu is spoken in a limited portion of the South Kannara district and Kannad in certain portions of the South Kanara, Coimbatore and Salem Districts. In addition to these diverge languages a section of the Muslims speak Urdu. Besides these, there was also a Maratha population at Tanjore who spoke Marathi. As in other parts of India, an Anglo-India population sprang up as a result of marriages between Europeans and Indians.

In 1639, Francis Day, an agent of English acquired a piece of land from a Hindu Raja of Chandragiri, a descent of the Raja of Vijayanagar. Etymologically the

---

3 Ibid., p.40-41.
term ‘Madras’ or ‘Madraspatinam’ is derived from Mandarazu, a Telugu chief. The local name ‘Chennapatnam’ is traced back to another Telugu chief Chennappa. In 1640 the famous Fort St. George was constructed by the East India Company. It was made the head quarters of the British on the Coramandal Coast in 1654. The town in which the Europeans lived was called ‘White Town’ and the place where the villagers lived was called ‘Black Town’. The Raja empowered the company to mint money and to govern the whole city of Madraspatanam. In course of time they acquired some areas in South India by wars, which were called in the beginning as the agency of Madras and later it was raised to the status of the presidency in 1665. In 1682 the British East India Company obtained Cuddalore from the Marathas of Jinji and built Fort St. David. They annexed Devakottai from the Marathas of Tanjore in 1749. In Malabar the company had its settlements in Tellicherry and Musulipatnam in Andhra. From these settlements the British established commercial contact with different parts of South India and also extended its influence. The internal situation in many parts of South India offered the opportunities for the British to gain territories. In such situations the British offered service to the allies and waged wars against hostile territories. In the course of Carnatic wars the East India Company took possession of Northern Circars, which was subsequently known as Coastal Andhra.

In the early period, the three presidencies, Madras, Bombay and Bengal maintained relations with Home government, independent of each other. The vast territorial extend of Bengal gave it a position of prominence among the British provinces. The Regulating Act of 1773 also recognised this status. It empowered the Governor-General of Fort William of Bengal to superintend and check the

---

presidencies of Madras and Bombay in relation with local powers. In times of emergencies, a subordinate presidency of Madras or Bombay could take measures without immediate reference to Bengal. Moreover, the Pitt’s India Act of 1784 further enlarged the authority of Bengal over other provinces. It authorised the supreme government to superintend, control and direct the other presidencies in all matters of war, peace and revenue. The Charter Act of 1793 further enhanced the powers of the Governor-General. This also gave authority to preside over the subordinate presidency council and also to transact public business.

British regime in India witnessed the emergence of western administrative systems in regional and national levels. Since the formation of the East India Company in 1600, the British Government controlled the affairs of the company when the company renewed its licence, by putting some conditions in the charters. When the company expanded its commercial activities, the British Government granted the company, the power of appointing civil servants. The charter of 1661 granted the power to appoint Governors and Councils in its settlement. A general judicial authority was given to the Governor and Council of each factory. The Charter of 1863 granted by Charles II authorised the company to mobilise military forces. The company gradually switched over to conquest by invading the Indian territories and carved out small territories around their factories. In 1686, the company permitted to extend constitutional Government in its Indian territories by the establishment of a Municipal Corporation and Mayor’s Court at Madras. Strictly speaking it was the beginning of acquisition of political sovereignty by the East India Company in the Indian soil. In 1698, William III, the King of England granted a charter to the company whereby certain changes were introduced in the existing rules to improve

---

the administration of the company. Accordingly, the charter created a Court of Directors for controlling the affairs of the company.

The weakening of the native ruling families in India and mutual rivalry among them gave ample opportunities to the East India Company to acquire more territories in the form of conquest as well as gifts. Towards the close of the 18 century a major part of the Indian Territory fell into the hands of the company which began to concentrate its attention on conquest and consolidation. Their commercial interest was replaced by revenue collection from the acquired and conquered territories. The company became very powerful in the sphere of money and military.

The three Carnatic Wars in 1746, 1749 and 1756 in South Indian Territory added another strength to the Madras factory. The East India Company was declared purely as trading company. The battle of Plassey in 1757\(^6\) and Bauxer in 1764 were other feathers in the caps of the East India Company’s victory which laid the foundation for the establishment of British Empire in India. In 1765 Robert Clive accepted, in the name of the company, the Diwani of Bengal, Bihar and Orissa from the Mughal emperor Shah Alam.

The British Government followed a remote control system from England in the affairs of the East India Company in India by granting charters with precision for the administration of the territory acquired. The enactment of the Regulating Act in 1773 by the British England in the Parliament opened a new chapter in the annals of constitutional experiments in the national and regional levels in India. Since 1773, the British Government and the Parliament directly involved in the administration of

---

the East India Company in India which had a great impact on the life of the people who were subjected to the rules and regulations of the British government.

Though mal-administration of the company was attributed to the enactment of the Act, the real cause was that the British Government wanted to act as a guardian of the company’s territory in India. In order to establish their footings in India, the British government put some restrictions on the revenue policy of the company. The Act provided a federal set up in the administration of the British Indian territories by allotting separate provisions in the Act enumerating the powers and functions of the Governors in the presidencies of Madras and Bombay. The federating units of Madras and Bombay later emerged as big presidencies which contributed a major share for the constitutional growth in regional and national levels.

The Regulating Act of 1773 regulated and legalised the occupation of the Indian soil by the British traders. ‘Until 1773, there was no such thing as Central Government, so far as British empire was concerned’\(^7\). The act created the office of Governor-General and a council to issue ordinance and regulations for good order and civil government of the trading company’s territories. The functions of the council and the number of its members was progressively enlarged. The Governor at Calcutta was designated as Governor-General and with that began the tension between the Centre and Provinces.

The Act of 1813 did away with the company’s trade monopoly. The Legislative Council at Madras was further extended. The Governor-in-Council empowered by an Act passed, imposed duties and taxes with in the towns of Madras,

\(^7\) Bomb Wall, K.R. *The Foundation of Indian Federalism*, Bombay, 1967, p.68.
and punished those who did not pay them. This act also enabled the local government to make articles of war for the order and discipline of Indian officers and soldiers in their respective services and the administration of justice by Court Marshall.\(^8\) Added to this, power to alter the revenue and impose new taxes was exercised with in the province. In this manner from time to time the law-making power of the council at Madras were developed and in persuasion of those powers, laws and regulations were enacted by it till 1834.\(^9\) The Act of 1833 is India’s first rudimentary legislature.\(^10\)

This act took away the law making power hither to vested with the hands of the provincial at Madras and vested with the Governor-General at Calcutta. According to section 39 of the Act of 1833, the superintendence, direction and control of the whole civil and military Government of territories and revenues were vested with the Governor-General and councillors. Centralization of power at the centre for the first time in India under British rule began. The provincial governments expressed their dissent to the British Government for the way they were treated by the Governor-General and his councillors. They could not tolerate the concentration of power at Calcutta and were often critical in their expressions. In fact the policy of extreme centralization depressed and discouraged the provincial governments. The ablest provincial administrators continually smarted under the excessive control of Government of India and their very helplessness intensified their sense of bitterness.\(^11\)

The Act did not restrict the power of legislation that belonged to the Governor and his council, but made the control of the Central Government. By this enactment,

---


the executive of Governor-General adopted a fourth member for purely legislative purposes, called law-maker. The first appoint made for this office being Thomas Babington Macaulay.\textsuperscript{12} The fourth member was to be a man of legal attainments from England.\textsuperscript{13} The Act of 1833, was an attempt of centralization and uniformity. This concentration of all legislative powers in the Governor-General-in-Council and the expansion of the same for legislative purposes continued upto 1909. For a period of twenty seven years, all legislative authority was exclusively concentrated in the Governor-General-in-Council. However considerable changes were effected in the character, structure and constitution of the Governor-General-in-Council by the Act of 1853.\textsuperscript{14} According to the Act of 1853, provinces were allowed to send one representative each to the Central Legislative Council.\textsuperscript{15} (Governor-General-Council, six law-members four from provinces, Chief Justice, one Judge). In consequence to these changes, discussion in the council became oral instead of writing, Bills were referred to the Select Committees instead of a single member and the legislative business was conducted in public and its proceedings were officially published.\textsuperscript{16} For the first time, legislative business of India was conducted in public. Legislation was for the first time treated as a special function of government requiring special machinery and special process.\textsuperscript{17} Lord Canning after discussing various proposals for reform suggested the establishment of Local Legislative Council.\textsuperscript{18} He pointed out

\textsuperscript{12} Statute 16 and 17 Victoria, Cap.95, p.22.
\textsuperscript{13} Statute 3 and 4 William iv cap.85, p.1003.
\textsuperscript{14} Statue 16 and 17 Victoria, cap.95, p.22.
\textsuperscript{15} Manik Lal Gupta, \textit{Constitutional Development of India}, New Delhi, 1983, pp.11-12.
\textsuperscript{16} Statute 16 and 17 Victoria,Cap.95, p.24.
\textsuperscript{17} Montague Chelmsford Report Reform Proposal, 1918, pp.37-38.
\textsuperscript{18} Despatch of Lord Canning, 9 December, 1859 Quoted by H.Comwell in Lecture V, p.76.
what he considered to be the chief defects of the existing councils. Accordingly, when the Government of India Act was passed in 1858,19 transferring power from the East India Company to the British Crown, that opportunity was used for a fresh look at the work of legislatures. It was decided to empower subordinate or Provincial Governments to frame and pass all minor acts required for the administration of the local affairs. The supreme council was empowered to supervise their work. It framed and passed all measures of imperial importance applicable to the empire in general. The Legislative councils were incapable of legislative council of the Governor-General and transacted business like the British House of Commons. It rapidly assumed the character of a petty Parliament or a debating society which was contrary to the intentions of the authorities in England.20

Review of Literature

The present study is one of the least trodden and investigated areas in the history of south India. A series of studies have been undertaken on the history of freedom movement. However, the authors have not bestowed much attention to the Democratic experiments and hence a comprehensive and critical study on the Democratic Experiments in the Madras Presidency is found necessary. The period under study was one of political importance because the country witnessed two major World Wars, repressive measures of the British against the freedom fighters and the legislative reforms.


---

19 Statue 21, and 22 vic, cap.106.

The primary sources for the study are collected from the Tamil Nadu Archives Chennai, the National Archives of India, New Delhi and the Kerala State Archives, Thiruvanthapuram. They comprised of both manuscripts and printed documents. The original data are supplemented by secondary data gathered from published books and journals.

The contemporary documents which I consulted from the National Archives of India, New Delhi furnish a variety of rare information. Some private papers supplement the primary sources. The contemporary news papers abstracted in the form of News Paper Report, and other news papers and periodicals also be useful for this study. The native papers and Sundry Correspondence available in the National Archives of India, New Delhi, helped me to connect certain missing links related to the passing of Acts. The Foreign Secret Consultation Proceedings and Foreign Political Consultation Proceedings Collected from National Archives furnish a fund of information about the Democratic experiments in the Madras Presidency.

The constitutional reform papers, confidential report, private papers especially Birhen head papers, Erskine papers, Willington papers from National Archives of India, New Delhi provided a plethora of materials of early legislation and legislatures
of the Madras Presidency. These reports contained the government orders, the numerous letters of correspondence between the viceroy and the Secretary of State, Governor and the Secretary of State, Secretary of State and the British Parliament. These letters and orders reveal the measures taken by the British Government on the Indian people when they implemented the constitutional reforms.


The English newspapers and periodicals like, The Times, The Hindu, New India, Desabhaktan, Prapanchamitran, Swarajya, the Indian Express, Hindu Nesan, The Wast Coast Andhra Basha Grammavarthamani, Andhra Patrika, the Al-Ameen, Swadesamitran and Indian Review furnish valuable information about the response and reactions of the people and the political parties, whenever the reforms were introduced by the British in the Madras Presidency.

The proceedings of the Madras Legislative Councils and the Madras Assembly Debates give a detailed account relating to the sphere of influence of the Indian ministers and the representatives of the people. The proceedings include memorandums, recommendations, adoptions, orders, resolutions and letters dealing with day to day affairs of the council and its officials. The public consultations are the earliest ones. The military, revenue, judicial and other spheres are grouped separately. The military consultation contain sporadic information regarding the formation of the Madras Presidency.
The proceedings of the Round Table Conferences, the Simon Commission Report, Central Committee Report, Joint Select Committee Report, Franchise Committee Report, which I collected from the National Archives Delhi, through lights on the provincial autonomy in the Madras Presidency. The under secretary’s safe file, home poll file, secret document file, reforms file, All India Congress Committee file, helped me in reconstructing the proposed study.

The original documents collected through the process of heuristicism were subjected to a rigorous scrutiny. Before the synthetic operation the sources underwent the process of internal and external criticisms. After a thorough checking of the veracity and originality of the primary data, it was further supplemented by secondary sources which were published in the course of the last two centuries.

**Hypothesis:**

The following question will form as hypothesis in the study.

i. What was the condition of the people in the Madras Presidency since the beginning of the 17th Century?

ii. What was the attitude of the East India Company on the native people and what were the measures taken by them to administer the native people?

iii. What were the measures taken by the British Government to take over the administration of India from the East India Company and how did the Madras Government responded it?

iv. How for the legislative measures of the British Government in England affect the administration of the Madras Presidency?
v. What were the measures taken by the Madras Government to implement the constitutional laws passed by the British Parliament for the Indian administration?

vi. How for the Indians in the Madras Presidency responded to the constitutional measures of the British Government?

vii. What was the reaction of the people in Madras Presidency when the democratic experiments were made?

Methodology:

The present effort is an attempt to trace the Democratic exercises and experiments conducted in the Madras Presidency and how the present constitution was evolved out of the experiments. The study is based on the systematic observations of the day to day activities of the Legislators of the presidency method of elections, mode of participation, response of the people and other similar activities. An analysis of the content of the laws and resolutions passed by the legislature also fall in the purview of critical examination. It involves descriptive analysis based on the documents.

Limitations:

The National Movement and the evolvement of the constitution by way of the varied democratic experiment took place simultaneously on the national arena. A series of studies have been undertaken on the history of freedom movement. However, the authors have not bestowed much attention to the Democratic experiments and hence a comprehensive and critical study on the Democratic experiments in the Madras Presidency was found necessary. Democratic experiment took place in all the three presidencies in India. Elaborate study was not showered on
all these aspects. But due focus was given only on the experiments in Madras Presidency.

Scope:

The deep root of the Indian democracy has proved vigorous and tenacious. There is no denying fact that British rule in India gave administrative unity to such a vast country and brought about political integration which had been denied to it until that time. The political aspect of struggle for freedom has been a subject of study and discussions till date. The Democratic aspect of Indian administration had so far remained in the darker side. This doctoral thesis intends to throw light on this unexplored area.

Chapterization:

The present study has been broadly divided into six chapters, besides an introduction and conclusion. An attempt is made in the introduction to trace the importance and hypothesis of the study at its proper perspective. Proper attention is paid to focus the background of the Madras Presidency and its people. Analysis of source material for the present study too becomes a part of the introduction.

The first chapter entitled, ‘The Historic background’ deals with the Sepoy mutiny and its impact, The Historic significance of the Queen proclamation of 1858, Indian council Act of 1861 and 1892. The Indian council Act of 1861 empowered the Governor of Madras presidency to nominate some non-official Indians as additional members of his council. The Indians who nominated as additional members of the Madras Governor’s council were mostly Zamindars and large Ryotwari land owners. Only towards the closing years of operation of this Act were some professional men like lawyers allowed to sit in the council. Indians had no right of asking questions. If
they passed any suggestions to particular Bill, the government dismissed their suggestions. Indians were to move their own Bill are to speak and vote on the Bill which were placed on the Bill – which were placed on the council. Exercising their right, some Indian members moved in the council some of other own Bills. The legislative councils created under the Act were in no sense of the term of parliamentary bodies. They were deliberative bodies with limited scope.

The second chapter entitled ‘Reform and Repercussions’ is the field of a study. The Reform act enlarged the size and function of the council. Under its provisions, the council was expanded by increasing the number of members. The official majoring was not expected to be maintained. By granting a separate electorate for the Mohammadeans and incorporating Non-Brahmins in the provinces of Madras. Communal representation was introduced for the first time. The functions of the Legislative councils were also enlarged. The power of asking supplementary questions was granted. The council was given the right to more resolution and of recording their votes there on. A greater non-official influenced over the budget was also conceded. Resolutions were allowing to be moved and votes taken on the heads of expenditure as well as revenue. The reforms introduced a more representative government, rather than responsible government.

The ‘Montague Chelmsford Reforms and Democratic upheavals’ forms the basis of the Third chapter. The growing popularity of the Home Rule Movement which under the leadership of Annie Beasant, demanded self government for India. The Montague Chelmsford Reforms Act in Madras, separate electorate were provided for mohammadeans, Indian Christians, Europeans and Anglo-Indians. The other constituencies, were generally named Non-Mohammadeans, all of them pertaining to
constituencies for the Hindus. In the Non-Mohammedan constituencies 28 seats were reserved for Non-Brahmins in a House of 124, with 96 elected members. The first election under the Dyarchy system was held in November 1920, Congress boycotted the election and hence a portion of the electorate did not exercise their franchise, in spite of the Brahmins versus Non-Brahmin content. The justice party secured a fair majority of seats. The first Democratic ministry was formed he Justice party under the leadership of A. Subbarayalu Reddiar. The Democratic changes under the Justice Ministry was to achieve equality in service between Brahmins and Non-Brahmins in the Secretariat either officer or as clerk. In 1921, Diwan Bahadur, Mr. Krishnan Nair moved a resolution to recommended to government that sex disqualification under the electoral rules of women should be removed. The resolution was admitted. The resolution gave the women right to vote but not the right to be a candidate in the election. However, franchise to them was a gift. It was evident, that emancipation of women was a prime requisite to India.

‘Demand for provincial autonomy’ forms the basis of the fourth chapter. It deals with Genesis of the Act of 1935, white paper report, Reactions of the political parties, press and Madras Legislative Councils. The Act created an all Indian Federation and responsible Government with safe guards. The Act gave separate representation of communal and other groups. For the first time provinces was invested with a separate legal authority similar to that of Central Government. The entire provincial administration was placed under the charge of popular Ministers who were appointed by Governor on the advice of the Chief Minister. Separate representation in the both houses were given in different communities and sections properly qualifications which formed the basis for the Franchise in the Act of 1919 was retained but to this were added educational qualifications. The Act emancipated
the depressed classes in Legislative and Administrative Offices. In Madras they were given 30 seats in a Legislative of 215 seats. The system of Representation was by mutual agreement between various communities.

‘Instrument of Democracy’ forms the fifth chapter. It deals with the development of Local Self Governing Institutions and its fairness of elections. These two are the primary instrument of democracy. The Morley-Minto Reform would not have said in 1907 that if Indians were granted Swaraj, they would not rule on behalf of the country even for a week. They were mainly concerned with securing positions for them in the different fields of human activity. Consequently, to begin with, training to the poor and ignorant villages was thought of, in the Local Self governing institutions. Unfortunately, when no community was representative of the other, either working of the Local Self Government institutions or in the Legislative, nomination of members from respective communities was the only practical means, till such time when elected members could take their proper place in them. Government did not favour open elections. In 1912 there had been a cry for elected representations in the Local Board and Municipalities. But election always remained an instrument of aristocracy and selection of nomination was democratic this might appear a paradox but a fact in Indian constitutional History. The growth of municipal administration from the time of Ripon, to make it representative cell communities and interests so that, it might in the first place because really representative in character of the people, and secondly, the interests of no community suffered in municipal affairs.

The sixth chapter ‘Impact of Caste in the evolution of Democracy’ brings to light the caste system and its anarchy and caste tyranny. Caste system had produced the greatest anarchy and confusion in the political camp. Instead of arraying against
foreign rule, they had turned against each other the high caste were condemned as arrogant and selfish and the low costs as accursed, even though they belonged to the same religious entity. The freedom struggle had pointed out that the Hindu religion is the most disorganised than being called as unorganised religion in the world. British effort was no break down the great in equality and the undemocratic features that caste system presented. British rule salved the untouchable and made it impossible any longer, to any community to tyrannise over the other. The British wanted to prevent the caste prejudices and achieved it. As the Indian statutory commission pointed out, by racial, religion, provincial and finally caste interests. The commission warned them and relinquished such irregularities in the society.

In the concluding part, a critical analysis of the study is presented.