CHAPTER – I

THE HISTORICAL BACKGROUND

The success of British rule in India in the creation of a strong unitary and centralised Government with the Governor-General-in-Council as the Keystone of the constitutional edifice marks the birth of modern India. The disintegrating forces that worked at the fall of the Mughal Empire\(^1\) signified anarchy, conflict and insecurity in the Indian sub-continent. The endless struggle among the Princes, the guerilla warfare waged by the petty Chiefs, and the exploitation of the people by Indian and European adventurers made the townsmen and the peasants alike to fall victims to the misery, strife, and Lawlessness. Thus British rule was preceded by a long period of disorder and disintegration. The despotic powers of the Mughal Empire lay scattered and it was the task of British Power to assemble, unite and revitalise the central authority. Unity was achieved for the first time in Indian History. This was remarkable for, India never achieved political homogeneity\(^2\) throughout her long and conquered history.

Thus between 1833 and 1853 the Punjab and Sind has been conquered and the policy of Lord Dalhousie resulted in the annexation of the States of those rulers, who died without issue and of Oudh on the grounds of maladministration by the then rulers. This had added considerably to the territories of the company.

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making the extent of British India what it remained ever since\(^3\). If unity of India is the highest award to any Indian, undoubtedly Dalhousie had a class for it which cannot be contested; and he can proudly be called the maker of Modern India.

**Political Unity, and Stability**

By transforming India into an unitary state, it created among Indians a sense of political unity. In fact, the atmosphere was congenial, for British rule created a new and stable polity, of course, not without the support and cooperation\(^4\) of Indians themselves\(^5\). Peace and order were re-established; the relations of the Indian states with one another and with the crown were finally determined.

**Building a Civilised Administrative Machinery**

The administrative machinery with its refinement and modernity which was built up in India was actuated by benevolent intentions, especially, the government of the Crown after mutiny, introduced by slow degrees various reforms and changes, which gradually broadened and liberalised the administration. The new system in its integrity and purity could well vie with that of any other civilised country in the world, while the security of life and


\(^5\) The help rendered by the princes and Indian troops were also responsible for the conquest of India. However the conquest of India by Britain was accidental, but this conferred on India everlasting benefits – Vide Swadeshabhimany Report on Tamil Newspapers ending with 13 No. 1886, pp. 4-5
property which it conferred was a boon of which any people might feel proud of\(^6\).

Of the many benefits of the new administrative machinery, the foremost among them was that it superseded the personal autocracy of kings and Emperors, and thus helped to revolutionise the concept of Government. British Government in India was not a personal Government. But a paper Government which in it is turn was Governed by rules and regulations. Eventually the Government was soft and the sword fell to the background. The general uniformity in the pattern of administration in British India and largely adopted in Princely States, provided an efficient and affective machinery for the peaceful and orderly conduct of Government throughout the country. Thus relief and progress were assured to the people.

**The Introduction of Rule of Law**

British Rule offered the rule of law to a people who were sundered into irreconcilable camps, by differences of caste, religion and custom which held men fast bound during their life time and the rigour of which was not abated even beyond the grave\(^7\). In the eye of law, all men become free and equal. Every native, high or low, rich or poor, could claim personal liberty and equality with his fellowmen as his birthright. It gave security to life and property. Thus, Indian law courts were all schools of primary political education and spread apidly among people the first principles of popular Government and the lawyer

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\(^7\) Lord Curson speeches in the House of Commons. 28-3-1892, p. 40.
became a very useful class of men as democratic educators though many of them were not conscious of this part of the work\textsuperscript{8}.

\textbf{Conquest of time and space}

The introduction of Railways, Telegraph and modern industry all revolutionised the society. It broke down the traditional barriers of villages, districts, Provinces and regions, thus bringing the remote parts of India together which created a feeling of oneness. This laid the foundations of modern India and provided an impetus to the growth of unity, by conquering time and space in the sub-continent.

\textbf{The impact of science and Technology}

British contact had brought into play the science and technology of the modern world at the approach of which the medieval and feudal institutions disintegrated beyond recognition. Their revolutionary affects were at great conflict with the superstitious belief, which held men enslaved. It was welcome, in that, the closed village life with the pathetic contentment of the masses, with a stereotyped village economy yielded, giving place to a wider sphere of human activity with the whole of India at their disposal. Thus British rule posed as one of the most civilising influences on Indian society, challenging many of her ancient and medieval institutions. It was an unconscious tool of History\textsuperscript{9} and proved capable of rebuilding a new India.

\textsuperscript{8} Vivekavartani, Weekly, Nov. 1886, Madras Newspaper Reports. pp.10-11.

\textsuperscript{9} Palme Dutt, V.R., \textit{India To-day}, People’s Publishing House Ltd. Bombay 1949, p. 89.
English as a potent force of National Integration

One of the mighty forces that helped in building the unity of India was indisputably the English Language, which widened the sphere of human comprehension. Its extensive employment in administration helped to overcome the prejudices of linguistic and regional barriers. Thus it had averted the catastrophe of making the country into an archipelago of linguistic islands in regard to education and administration. It produced an uniformity in the medium of instruction, the general pattern of education and the promotion of a psychology of oneness among the people of different parts of the country and the service it had rendered for the unity of the Indian nationalist movement deserves a special tribute. In other words, it was one of the most powerful factors of national integration.

Western Education and political inspirations

The English language created a Western scientific thought among Indians by imparting Western science and art through the medium of English in the Universities founded after the Western model. Thus under the impact of the powerful new forces created in society could be seen, against a background of unity, stability, peace, security and advancement in education, the faint beginning of a sense of nationalism struggling to transcend caste, religion, language and region. The influence of modern education had favoured the growth of a body of opinion inspired by two familiar British conceptions that good Government is not

enough without Self-Government, and the only form of self-Government worthy of the name is Responsible government\textsuperscript{12}.

**Evolution of a Political Democracy**

Apart from the high ideals of Self-Government and Responsible government which India had imbibed largely as a result of British rule, Britain herself experimented a democratic form of government in India. It was the British Parliamentary system of Government, which was the Indian aspiration, for which Britain endeavored for implementation, even though she realized and admitted that the conditions for a democratic government as in Britain never existed in India, for, the immutable divisions of caste was a denial of every democratic principle\textsuperscript{13}.

The evolution of a democratic system of Government, which was the declared policy of the Government ever since the assumption of power by the Crown, which ran throughout the constitutional history of India was the greatest contribution of British rule in India. This was a ‘colossal experiment’\textsuperscript{14}, attractive, but unknown to the constitutional history of India\textsuperscript{15}. The representative system of Government evolved from 1861 was foreign to Indian political thought before the advent of British rule. The only form of Government


\textsuperscript{15} Krishnaswamy Iyengar, S.S., *Evolution of Hindu Administrative Institutions in South India* (Sir William Meyars Lectures 1929-30, Published by University of Madras)
known to the people of India was despotism of kings and Emperors. It is true, the people of India were not quite unfamiliar with Republican types of Government\textsuperscript{16}, but it was only an exception which existed rarely among the many principalities into which India was divided and never worked on all India basis. Secondly, in a caste ridden society with a major portion of the people remaining untouchables it was obviously impossible except for a small aristocracy to do anything with matters of state. This applied equally to the village panchayat also. The attention of the Panchayat never went beyond the village level. Even in 1934, the Joint Parliamentary Committee in the introduction of reforms pointed out: “we could not recommend Parliament to approve an experiment, which we recognise to be not without risk and even danger”\textsuperscript{17}. It was their considered view. That without safeguards it was doubtful that such an experiment would succeed at all.

**Democracy a free gift of a free people**

In truth, the desire after Political responsibility has its source at the root of British connection with India\textsuperscript{18}. A democratic system of Government in India is indeed a free gift of a free people. The Duke of Connaught rightly observed in his address to the Indian Assembly on its inauguration in 1921 that in the annals of the world there was not an exact parallel for the constitutional change which that function initiated; there was certainly no parallel for the method of that...


\textsuperscript{17} Report of the Joint Select Committee on Indian Constitutional Reforms, Vol. I, Part II, Proceedings 1933-34, p.59

change. Political freedom had often been won by revolution, and tumult, by civil war, as the price of peace and public safety. It was rarely a free gift of one people to another in response to a growing wish for greater liberty, and to a growing evidence of fitness for its enjoyment\(^\text{19}\).

**Restraining the Extremists**

British aims and objectives ever since 1858 were made known through the various proclamations beginning with that of Queen Victoria. These declared aims and politics were embodied in the different Acts of Parliament commencing from the Indian Councils Act of 1861. The Acts of 1892, 1909, 1919 and 1935 conferred upon the people representation, self-government and Responsible government. But the significant point in the Acts was that in conferring new rights and responsibilities, it had endeavored to meet the Indian demand which it thought were legitimate in fostering Self-governing institutions. But it is of lasting significance that it restrained extremism in Indian Politics, suppressed anarchy and sedition and harnessed Indian genius to move through constitutional channels. The privileges granted by Government were given freely and of their own accord. They were not due to any agitation, sometimes, mischievous agitation\(^\text{20}\). The Indian councils Act and the before Acts of Parliament were so designed that they were rigid steel arches through which the whole of India was inevitably to pass through, to train themselves for the new responsibilities. It is these great Acts of Parliament which downed on the people a sense of self-

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realisation, a sense of responsibility and above all a sense of constitutionalism, which was primarily a pre-requisite for a democratic government. British rule created an urge, which Britain herself could not force on a people who could not fully appreciate it.

**Evolution of a social and religious democracy**

It was the genius of Britain that in working out the Acts of Parliament in India, it had taken pains to evolve a social democracy, which was essential to anticipate a democratic constitution to work without prolonged and often sanguinary internal conflict as in any other country. Britain rightly insisted in India upon a different solution; but if England for that reason changed or deflected the natural processes of historical evolution she had also assumed the responsibility of ensuring that the experiment was conducted with justice towards all and with malice towards non 21.

To hand over to India the administration of the country, no one did deny. But India was not one problem, it presented a whole series of problems 22. One of the astounding problem that weighed heavily with Indian patriots and British Statesmen was the condition of Indian society. The Indian population 23 was composed of a large number of distinct nationalities professing various religions speaking different languages while many of them were still further separated

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23 Minutes of Lord Dufferin, Indian constitutional Reform Report, Montague Chelmsford, Govt. of India Press, Simla, 1918, p. 69.
from one another by discordant prejudices, by conflicting sources of usages and even antagonistic material interests. The Indian population was broadly divided into two mighty political communities as distant from one another as poles asunder in their religious faith and historical antecedents, on the one hand the Hindus with their polytheistic beliefs, their temples adorned with images and idols, their veneration for the sacred cow, their elaborate caste distinction and their habits of submission to successive conquerors and the Muhammadans with their monotheism and social equality with a memory of their past glory on the other. There were varying degrees of civilisation in the various sections among these communities.

One of the most painful factors in Hinduism is the elaborate caste distinction. It had proved itself to be the greatest fissiparous force known to politics, splitting society into introspective and egocentric groups which found the same difficulty in adopting themselves to the general national life as did introspective individuals in adjusting themselves to society. It had contracted the sympathies of the people instead of expanding them; and the natural friendly relations between citizen and citizen as in other countries, are considerably circumscribed.

The undemocratic nature of Indian society

The inequalities of caste had made the Hindu social system the most aristocratic in the world. Within the caste structure, at the one extreme, there

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was the Brahmin aristocracy constituting only 3% of the entire population, who with their characteristic arrogance and pride, intense selfishness, tyrannical spirit and ambition coupled with their privileged position endeavoured to monopolise position in administration, judiciary and legislative councils and as the other extreme there were the Depressed Classes who constituted 17% of the entire population of India, but who considered no more than beasts or slaves and classified as outcastes. And in between them, there were the caste and non-caste Hindus divided into thousands of castes whose degree of touchability or untouchability differed according to the social gradation and possession of wealth; however graded by the omnipotent myth of caste rules and restrictions, who constituted 60% of the population. The Non-Castes were roughly calculated 30% of the Hindus.

On closer observation, viewed vertically the society is divided into high born and the low and horizontally into regional castes. This feature makes the caste system essentially undemocratic and authoritarian in the extreme, and untouchability an inhuman institution. Caste system is the steel frame of Hinduism. There are, as there were, 3,000 and odd regional sub castes which could be described as an extended Joint family. Beyond this, the Hindu, in

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27 Statements of individuals and Associations presented to the Reforms Committee 1918 not included in the programme on Franchise, The Government press, Madras, 1918, p. 98. Muslims 7%, Christians 3% Animist 1%.
practice recognised no society or community\textsuperscript{30}. It is this caste exclusiveness coupled with untouchability that made the Hindu social system undemocratic and the Hindu religion the most tyrannical form of religion in the world.

It is also true that the Hindu\textsuperscript{31} edifice is pyramidal in structure, on the top of which lies the highest caste and at the bottom lies the combination of all the backward and depressed classes. At the lowest depth, was the Sudra; but the position of the depressed was in fact, in the lowest deep a lower deep\textsuperscript{32}. This was the submerged mess of 53 million outcastes, 1/6\textsuperscript{th} of the entire population of India, deprived of all freedom and liberty, prohibited from roads, wells and all places of public entertainment, whose every right had been trodden under foot. Their indescribable poverty, ignorance and illiteracy and above all the great hatred with which they were arrogantly discriminated was an unedifying problem, which the British justice confronted. It is largely true that this was the root of all other problems in India. The discriminations to which the depressed were subjected to applied to other untouchable communities also.

Untouchability was not a Hindu problem, but India’s national problem, for it was practiced in regard to the Muslims and other religious followers except Christians. Christians being excepted on grounds of education, culture and Christianity the religion of the rulers.

\textsuperscript{30} Panikkar, K.M., Vide S. Harrison, \textit{India the most dangerous decades}, Princeton, 1960, p. 98.


Ever since the Mutiny, it was the declared policy of Britain to be neutral in religious matters, but its religious neutrality was the most dynamic. She had constantly endeavoured to vest the initiative of religious reforms to the Hindus, but in approving reforms, she was particularly careful that the reforms were thorough going as far as possible, as the circumstances ordained. Most of the attempts in the Madras Legislative Council till the justice party came to power may be grouped under one head, the attempt to reform the Brahminical society through the Brahmins, as could be seen in the Age of Consent Bill. Beyond the Brahminical society, the Brahmin sympathy never extended. It is very painful to note that they themselves had failed either in reforming themselves or the Hindu society, for the opposition of the orthodox sections among them made even their half-hearted attempts abortive. This was the position of the ‘educated classes’ in India and it had posed to be a specific problem that stared perpetually into the eyes of British Statesmen.

It is in this context that Britain became the great arbitrator and Parliament functioned as the High Court of Justice to devise reforms which in their working politically emancipated class after class, community after community, which made a faint beginning in 1892. The large scale emancipation of classes and communities commenced in 1909, which resulted in the emancipation of the Non-Brahmins, who were ready to shoulder the responsibilities of State in 1920, when the Montagu Chelmsford Reforms were implemented. It was the Justice party and the Non-Brahmins, whose rising in the political scale, as manifested in the

great democratic upheaval ever since the birth of the Justice party, which accounted for the working of dyarchy without any threat from any community.

The justice Party not only reformed\textsuperscript{34} the Hindu religion and society, but extended a helping hand in the organisation of the untouchables as a Politically conscious community, favouring them with representation in the District Boards and Municipalities and concurring with the government for their appointment in the legislative council. However, it was the Act of 1935, which conferred political representation for the Depressed Classes on a statutory basis, by the famous Communal Award, which was finally recognised and approved by almost all the Hindus, inspite of their initial criticism, as seen in the Poona pact\textsuperscript{35} and at the Bombay conference as a matter of justice. This great gift to 1/6\textsuperscript{th} of India’s population produced the greatest self-realisation among Brahmans and caste Hindus that they did promise not only temple entry and other social and religious rights, but were forced to come forward to implement them. Their conservative attitude still was evident in the limitations of and opposition to the Temple Entry Bill\textsuperscript{36} of Dr. Subbarayan in 1932. In the history of Madras under the 1935 Act, and for the first time in history there were 30 depressed classes representatives in the assembly and more spectacular was that V.I. Munuswamy Pillai, a member of the Depressed Class, was represented in the first Cabinet under the scheme of Provincial Autonomy. Thus elevated to a political privilege

\textsuperscript{34} Jawaharlal Nehru, Justice Year Book, The Justice Printing Works, Madras, 1929.

\textsuperscript{35} Fort Nightly Report, II Half of November and I Half of December, 1931.

extended to other minorities and interests\(^{37}\). No less glaring is the spectacle that under the leadership of a Brahmin Chief Minister, the Historic Temple Entry, Bill of 1939 was passed, which penalised any one who obstructed the untouchables from entering the temples\(^{38}\). In one word, the Act of 1935 emancipated the untouchables in general and the Depressed Classes in particular.

The technique that British genius devised was to obtain social salvation through the political door\(^{39}\). The fairness of British justice could be seen that the constitution of free India was written with Dr. Ambedkar as law member, a representative of the Depressed Classes. These revolutionary changes were possible through the device of Parliamentary Acts. The Acts of Parliament are rightly called the Reform Acts and indeed they reformed India in all here spheres. It is not so much for the political power they conferred on India that the Reform Acts are important, but the more vital part of it being the great evolution that had taken place in society for which parliament and the Acts are eternally to be respected. It is evident from the history of British rule in India that the selfishness with which, the privileged classes enslaved the millions of the Depressed classes and other untouchable communities, brought about their own enslavement. In redeeming again the Depressed Classes from the mechanisation of the higher castes, the British had salvaged the higher classes also.

The evolution of a democratic society, a pre-requisite for any democratic Government worth its name in India, which Britain adumbrated, was the

\(^{37}\) Ibid., 109

\(^{38}\) Ibid.,

crowning glory of British administration in India. The evolution was so swift and its effect so far reaching that it produced such marvels which even the bloodiest revolution sometimes failed to achieve. The Acts set the stage for the revolution in society by peaceful and constitutional means. It was the revolution in society which added colour to the democratic experiment. In the great struggle for freedom, Britain had taken sides with the less privileged and Depressed Classes, fought and won over the privileged.

India’s struggle for freedom was only a struggle against herself. Britain repeatedly pointed out the defects in the agitation. English administrators made the task at for freedom Movement easier, by performing what Indian Nationalists failed to perform. In tempering the rightist struggle, it had compelled them to take the masses with them ever since the days of Gokhale. The agitation of a few educated classes could not win India’s freedom and if they failed as in the days of Tilak and Beasant, it was not the fault of Britain. Their initial failure was indeed India’s ultimate success for freedom for all classes of people. Gandhiji’s greatness lies in realising the reactionary nature of the struggle in India and casting his lot with the masses of the people. Democracy or the Swaraj of the masses could not come through untruthful and violent means for, Democracy and violence would go ill together. The danger to India’s freedom and democratic advancement emanated mostly from the premature demand of the educated classes compared to the general condition of the Indian society, and who never opened their eyes to the discriminatory treatment meted out to their

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41 Ibid., p. 16.
own fellow beings. Britain applied patience to India’s impatience\textsuperscript{42} and exposed the limitations to their demands. She did not favour the Swaraj movement of Tilak or the Home Rule movement of Beasant but showed courtesy to the independence resolution of the congress of 1929 under the Presidentship of Jawaharlal Nehru.\textsuperscript{43} Though there was a lapse of time for implementing the wishes as embodied in the Independence Resolution of the Lahore congress of 1929. Britain was not for half measures and sectarian interests. She never failed to stand firm on here principles of freedom and democracy, with all their implications.

**The Mutiny and its Impact**

The Mutiny marks a significant epoch in the constitutional history of India. The outbreak of 1857 was feudal in origin and character. It was a premature, sentimental outburst of the Bengal Brahmins and the dispossessed Princes. The co-operation of the Madras sepoys and their distinguished service in Bengal were Largely responsible for the suppression of the Mutiny. The insolent assumption of superiority of the Bengalis during their services in Pegu and Burmah and offended Madras sepoys and they returned with feelings, which irritated them\textsuperscript{44}. Many units of the Madras Army volunteered for services in Bengal\textsuperscript{45}. The Mutiny was an abortive attempt against the attempts of Britain to unify the country and modernised the society. Viewed in this light, the outbreak of 1857 was anarchic and sectarian; one looks in vain to the Mutineers for a

\textsuperscript{42} The Statement of General Smuts, 10 July 1857.

\textsuperscript{43} The Statement of ‘Manchester Guardian’, 12 July 1857.

\textsuperscript{44} Military Consultations, 13 July 1857.

\textsuperscript{45} Military Dispatches to England, No. 116 of 1857.
progressive national cause or an alternate national schemes for the liberation of all classes of people in India. The part played by Madras was significant, insofar as it gained the confidence of the Government as it served the cause of a stable and civilised Government. The Mutiny obstructed the growth and development of unity in the country and arrested the social and religious progress by neutralising British initiative in those spheres.

The Democratic link

The Act of 1858 which created a constitutional and a democratic link between the people of England and the people of India through the mechanism of a Cabinet secretary directing Indian affairs. It was this new arrangement which was responsible for the fame of Morley, Montague, Hoare and others. It was Morley and Montague in Parliament who had guided India’s destiny.

The Historic Significance of the Proclamation

On the 1 of November 1858, the assumption of the Government of India by the crown was announced to the Princes, Chiefs, and the people of India by the Proclamation of Queen Victoria, and Canning was appointed as the first Viceroy and Governor General. The right, the dignity and honour of the princes were guaranteed; to abstain from all interference with the religious belief and to administer the Government for the benefit of all the People.

The most important part of the Proclamation, which promised to lead India to her destiny, was to carry out the same obligation and duty which bound here to the people of India as she was bound to all other subjects, which Britain should faithfully and conscientiously fulfill. “In their prosperity will be our
strength and in their gratitude our best reward. It was this declaration which formulated the basis of British Policy in India for more than 60 years, only replaced by another declaration in August 1917 announcing the establishment of responsible government in India as the declared goal of the British Government.

The loyalty and expression of admiration of the People

It was admitted in 1891 that if it were not for Her Majesty’s Proclamation of 1858, it was a matter of doubt whether India would have remained in the hands of British so long. It was not by the sword but by show of justice that Government held India in peace. The public in general expressed their appreciation of the establishment of legislative councils. The codification of laws, the institution of a regular system of judiciary, the gradual employment of Indians in the higher judicial and administrative offices. The freedom of the press and of free speech, the introduction of a system of local self-government, was improvement of the resources of the country through works of public easily, the diffusion of knowledge and the spread of education, religious toleration, the respect for the ancient rights, tradition and usage of the people. The people expressed their conviction that the continuance of the British Government was absolutely necessary to the progress and advancement of India.

46 Sethi, R.R., & Mahajan, V.D., Constitutional History of India. S. Chand and co, Delhi, 1958, p.48

47 The Hindu, 30 Dec 1891, Madras Newspaper Reports, p. 372.

48 The Address recognising with gratitude the numbers reforms under British Rule at the Jubilee celebration of the Royal proclamation day at Bellary on 22 Nov. 1909. Vice G.O.No. 81-82, Public Dept. Govt. of Madras, dt.22, Nov.1909.

49 Ibid.,
The proclamation of Queen Victoria moved the wheels of reform. It was on the high sentiments of this momentous document that Indian loyalty henceforward was built and it was on this loyalty, a lofty constitutional structure was erected. The aims embodied therein became the sin of Parliament and British Statesmen impartial and distinguished foreign observes had testified to the aim of parliament and British Statesmen.

The Act of 1861 Mr. Disraeli asked in the debate, when the Bill of 1958 was considered by Parliament, as to ‘who was the Government of India.’ This great inconsistency was removed by the Act of 1858, when the crown assumed the responsibility and the powers vested in the Secretary of State assisted by the Council. But what was the Government of India; it remained an autocracy, unassociated with the representatives of the people of India. The English in India was not a permanent body; what was significant, the feeling of distrust, as a result of the Mutiny increased to the difficulty of English position in India. Sir. Charles wood pointed to the need to make the earliest endeavour to put our institutions on the soundest possible foundations. He admitted the difficulty of requesting with the feeling and opinion of Indians. The extensive areas of the Indian Sub-continent and the existence of the various classes made representation in the European sense and obvious impossibility. It the some time, he cautioned against over-representation of European interest in any Legislative Body. It was against this background that the Act of 1861 was passed.

50 Speeches of Sir Chales Wood, House of Commons, 6 June 1861,
According to the Act of 1861, the power of legislation was to rest entirely on the executive; but there should be a consultative body\(^{52}\), after the fashion of the oriental monarchs consulting selected individuals. This was only to ascertain the opinion of the people and it was not binding on the executive; the executive remained as the sole authority to decide its policy. But, for purpose of legislation, the Governor General was empowered to nominate additional members not less than six nor more than 12 in number for the purpose of making laws and regulations only\(^{53}\). One half of the persons so nominated should be non-officials. In an emergency, the Governor General had the power to issue ordinances. The council had the power to pass laws and regulations affecting the whole of India and had concurrent powers over minor legislative bodies established in the presidencies under the same act the power of making laws and regulations on local subjects were restored to the Governor is council of the Presidencies of Madras, Bombay and Bengal with provision for the nomination of not less than and nor more than eight additional members, European or native and one half of whom should not be office holders\(^{54}\).

**The Councils of 1861 the nucleus for the Parliamentary Institution**

The Councils Act of 1861 was the first but decisive Parliamentary Acts in devising a legislative machinery to suit the altered circumstances. It showed the constitutional path along which India had to march forward. In the development

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\(^{53}\) Clause 10, Indian councils Act of 1861.

of the legislative and representation both in the provinces and in the centre, it was the number of the additional members who were increased by successive acts. As election and representation gained importance, the non-official elements gained predominance and was further classified as nominated non-officials and elected members. As India advanced towards responsible Government, and more especially in 1935, there was the progressive realisation of one house being completely elected by the people. Thus the councils constituted in 1861 formed the basis for further development and growth.

**Ripon’s generosity to train the people**

With Lord Ripon a new chapter opens in the history of local self-government. To him belongs the credit of conceiving local institutions as instruments of political education. His idea was, as expressed in his memorandum to the Secretary of State in 1882, to utilise the new born spirit of progress in the people and not to suppress it which might become a serious political danger. The resolution of May, 1882, expressed his desire to extend the elective principles to train the best and intelligent men in the community to take and interest and an active part in the management of their local affairs, and to reduce the official element to an absolute minimum. The Indian Public opinion was very laudable to the objects of lord Ripon and it was rightly commented that the local self-government scheme was to create amongst the people of India the ability to govern and to give them a share in the administration of the country.


The Powers to be transferred to local bodies

In their resolution on provincial decentralisation arrangements, the Government of India suggested that considerable revenue and expenditure, provincial and local, retained in the hands of provincial Governments might be transferred to local management and directed a scrutiny of provincial and local accounts to ascertained how far this could be done.

Financial allocation to local bodies

On the 10 October, 1881, in reference to this resolution, the Government of India addressed the Government of Madras stating that education, medical services and public works were the most suitable services for transfer and that the details of these service heads and also minor department should be separately considered. Municipal bodies should be relieved of the charges of an equal amount of expenditure and as such control as possible being transferred under education, medical, charity and public works of local interest. No additional burden should be laid on local bodies, the receipt from pound and assessed taxes and receipts pertaining to services transferred, should be made over to meet the deficiency.

Administrative viability

The Government of India expressed their desire that Municipal legislation should be reviewed with a view to its improvement. As regards district committees they advocated single committees for each district with the collector

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as Chairman and Ancillary Committees in each sub-division presided over by the
to be made for inspection and control, and
powers of Government and local bodies were to be defined by statute. This
broad and liberal basis on which Ripon wanted to proceed with the
scheme of local self-government.

**Government of Madras and its response**

It was evident from the reply of the Government of Madras that Madras
was in advance of other parts of India, in respect of the organisation of local
bodies and the amount and variety of work done by them and that the influence of
Collector and Divisional Officers as Presidents and Vice-Presidents were
admitted by the people to be beneficial. The Board of Revenue in Madras, in
their report to Government remarked that official restraint and control of the local
bodies which were still in their infancy, was an absolute necessity in the interest
of the rate payers. According to them, the members, half of whom were non-officials. They were selected by the different sub-divisions and interests of the
districts. They were fairly represented and their claims properly weighed by the
Board and that the multiplication of committees was impossible owing to the lack
of suitable persons and would entail disconnected action and waste. They
considered that local bodies could not undertake increased responsibility in
connection with education and that the transfer would lead to inferior inspecting

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58 Report of the Committee on local Self Government in Madras, Govt. of Madras, 9 February, 1882, 1883, No. 217, p.3.
agency. All other transfer expedient was already made except stamping of weights and measures.

Evidently, the reply of the Government of Madras was a strong defence of the existing arrangements in regard to local self-Government and their hesitation to undertake any further steps. But the Government of India was not satisfied with the report. They observed that very little was said about the actual working and commented that the powers of the local boards were extremely limited in character. The official element was preponderant and the area of jurisdiction unduly large. They suggested that sub-collectorates and Taluks in charge of might be made local fund circles and that Government Schools, Primary, Middle and Higher should be transferred to local management under suitable arrangements. They requested the Government of Madras to reconsider the subject in the light of the resolution of Government of India, 18 May, No. 17, which stipulated a Taluk or Tahasil as the maximum are entrusted to a local board, so as to secure local interest and knowledge with a large majority of not less than two thirds of the members being non-officials, and if possible elected and that Government should control the local bodies from without rather than from within and revise and check their acts rather than dictate them. In questions relating to religion or public peace, Government should have power either to set aside the proceedings of local bodies in particular cases. The function of Executive officers of Government should be to watch the proceedings of the local bodies, call their attention to matters requiring it, and remonstrate if they exceed their powers but the chairman of the local boards should be non-officials and if

59 Ibid.,
possible elected. It should have power over revenue and expenditure. To the
revenue from license and assessment collected must be added the provincial
expenditure, to an equal amount. It favoured joint establishment for the
execution of public works, provincial and local.

The Committee on local self Government

The Committee in Madras, which had gone into the whole question,
expressed their disbelief in the fitness of the people to receive a real extension of
local self-Government. It pointed to the dangers likely to arise from the Collector
Magistrate ceasing to be the president of the Municipal Commission. The
Committee was reluctant to invest any real power to the local bodies the power
over the purse. Mr. S. Subramaniam\textsuperscript{60} in his dissenting minute referred to the
opinion of the Committee in regard to fitness and said it was ‘unwarranted’. He
described the dangers if officials ceased to be president as exaggerated and
wanted control of the purse by the representatives.

The Devastam Episode

One of the primary difficulties pointed out by the committee in
transferring power and purse to the local boards was the ‘Devastam episode’.
The enormous corruption, the intrigues, the endless civil suits and the dishonest
ways of members of the Brahmin Committee in handling public affairs which
reflected on their fitness to manage their affairs local or ‘municipal’. If a people,
who were supposed to be very religious and pious fail to manage temple trusts

\textsuperscript{60} Ibid., p. 122.
and charitable endowments, it was difficult, if not impossible, to believe their honesty. Corruption happened to be an evil which pervaded the Hindu Society. The state-wide enquiry of the Torture Commission\(^\text{61}\) in Madras at early as 1854 had revealed the existence of widespread corruption in society. Sir Thomas Monro\(^\text{62}\) and Harris\(^\text{63}\), Governor of Madras, had painted out to the evil operating throughout the society. Corruption existed only in a corrupt society\(^\text{64}\). With this corruption, it was impossible for any administration to endow fresh powers on the people without safeguards to administer the local institution.

**Opinion of the Muslims**

Government of India allowed a full discussion of the measures of Government by the press which was one voice which the Government did not disregard. The opinion of Muslim newspapers\(^\text{65}\) was guarded. According to them, though the scheme was commendable the result depended on the virtue of its promoters. They expressed their belief that there should not be any caste prejudices in the committees. To avoid caste feelings, they wanted Hindus, Muhammadans and Kurasians to be properly represented. They warned that if a proper method was not possible, the whole scheme should be abandoned and the status quo maintained. They did not hide their fear of Hindu domination, because of the wealth and population of the latter. They desired that representation and

\^61\ The Report of the Commissioners for the investigations of alleged cases of Torture in Madras Presidency, The Fort St. George Gazette Press, Madras, 1855.

\^62\ Munro’s Report, 10 April 1806, p. 55.

\^63\ Public Consultation, 12 June 1855.

\^64\ G.O. No. 363, Ordinary, Public Department, dt. 05.05.1923.

\^65\ Jaride-i-Rongar, Native Newspaper Report, 6 Jan, 1883, p. 6.
election should be fair to represent all. They wanted a fair election to speak of their fitness.

**The partial introduction of the elective principle in Madras**

The Press in Madras was in favour of election in all local boards and municipalities. But the Government of Madras decided in favour of introducing the elective principle only in some of the selected local boards and municipalities. The Government also reserved to themselves the power of directing the officials to assume the presidency of any local organisation.

However, opinions were not wanting which revealed that the benevolent scheme of Ripon created a sense of self-realisation in the public. Every individual was requested to reform himself and the society; as it was the want of certain essential qualifications in the formation of a national character which had so long deprived India of her freedom. The people were requested to shed their indolence, cowardice and greed; and to become patriotic, to care more for the advancement of the nation. It was clarion call when the press declared, that the splendid opportunity offered by the scheme of reform should not be lost, and if lost, could not be easily regained under the successors of Ripon. The idea was reinforced in the minds of the public that the object of the scheme was national welfare. The plea was made, asking them to rise above social prejudices, to work with perseverance and restraint, to guard their liberty. A section of the press in Madras unfailingly pointed to the heterogeneous nature of the society, because of

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cartelism, and the want of education of the masses in southern India\textsuperscript{68} which was essential to overcome social prejudices for the successful functioning of democratic institutions.

**Working of local Self Government**

In the working of Ripon’s Self-Government, the collector remained the president of the local board. The criticism that only rich people were members pointed in fact to the stable element in society\textsuperscript{69} lack of general enthusiasm of the people and their efficiency to work popular institutions was manifest in the insanitary condition of villages and towns. It was observed that sanitation in India was a deplorable failure and, if sanitation was any test to local self-government, it was not successfully worked out in India. In general this reflected on the fitness of the people for greater responsibilities and to discharge their duties with care and public interest.

There was widespread complaint that Ripon’s scheme was not given a fair trial. A section of the people thought that local Self-government was thought an exotic in the Indian soil and as such it could hardly be expected to flourish\textsuperscript{70}. But the deficiencies and defects that came to the lime light in working out these reforms only pointed the limitations in India for any greater measure of political or administrative advancement so suddenly, as might be wished for. However, British administrators were generous and the principles of 1882 were siterated in

\textsuperscript{68} Yatavivechini – Report on Tamil Newspapers, 19 April, 1884, p. 3.

\textsuperscript{69} Kerala Patrika, Export on Malayalam Newspaper, March 1886, p. 9.

\textsuperscript{70} The Hindu, 25 Dec. 1908, , p. 922.
Morley’s Despatches and embodied in the proposals of intagus as seen in his advocacy of his famous “Three Reads.”

**The indifference of Congress to social reforms**

The Secretary of State in 1894 rightly pointed out that the Hindus were unable to govern as they were influenced by caste prejudices. Social prejudices were so vehement that in Travancore it was the order of the day that the Pariyas, the Cherumars, the Pulayars and the Shanars, and the Ezhavas were prohibited from passing by public roads. In Malabar and Travancore, the low castes were prohibited from wearing clean clothes or slippers, in case of violation they were liable to be severely handled by high castes. Added to this was the religious question in which worship in temples to a predominant section of the community was denied. This was the position of the depressed classes everywhere in India. Congress closed its eyes to all these social evils which beset the Hindu edifice. This was logical as the congress was constituted of the educated sections of the highest classes in society, who had nothing to do with the hard labour of the unprivileged who provided manual labour for agriculture and in domestic life. To them the pariyars were slaves and no more than beasts of burden, by making them to draw carts laden with heavy goods for small wages, to cultivate the land and should be content with dead cats and small huts. They were transferred from one hand to another along with the land.

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71 *The Pariyan*, 22 September, 1894, 368.
72 *Ibid.*,
73 *Ibid.*,
The general outlook of the educated classes for offices and the sick name to congress

It was a trite remark, that the vacancy of a remunerative appointment in any Department of Government excited among the leaders of society greater interest than any matter affecting large numbers of the common people. Love of ostentation, a barren literary pursuit, squandering money on marriages and funerals, child marriage, an insatiable thirst in pursuit of office with a tenacity to cling to it leaving the mute and voiceless millions to eternal ignorance and servitude. This was true also of the educated classes in the congress, who inspired by English civilisation, had imbibed the social and political illness of the West. They were influential because they were associated with the administration, whom Government could not afford to ignore. Apart from this, they had no permanent stake in the country and they had no command or respect over the messes.  

The congress and conferences had sprung up only at the initiative of these classes. The one evil effect born out of this position was that neither the congress would have any lively interest in any social reform, nor would they allow Government to take up reclamation work. In an effort to explain why Harding was popular with the educated classes, ‘The Statesmen’ explained, to care for the poor, for the toiling messes in India was a sure means of earning the ill-will of the educated classes. Government was caught in a dilemma. It could neither push aside this stumbling bloc and go to the people which would be earning their ill-

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74 Kistha Patrika, May 1, 1915, p. 869.

75 The New India, April 11, 1916, p. 630.
will, nor could fail rendering justice to the backward and depressed classes. This was the great tangle that held back the onward march of India to progress and freedom and it became the primary concern of the Government to care for the emancipation of the less privileged classes and congress remained the India National farce.76

Muslims

Mussalmans refrained from joining congress, criticising it as Hungal congress77 and more aptly as Hindu congress and congress as a meeting of Hindu travellers78. They had the legitimate fear that Hindus would dominate the congress and would dominate them in case of responsible Government79. At a meeting held at Banaras of some influential men, Maharaja Dhuraj, particularly objected the word delegate and said they were certainly not delegated by any one. The religious riot breaking out every year over cow killing and conflict arising from processions passing before Temple or Mosques, all constituted a social ill-will, and mutual bitterness was on the increase. However, they conceded whether Mussalmans joined congress or not there was nothing wrong in congress demanding political rights, for, education naturally had given them political consciousness80. However, the Muslim community of Bombay resolved to hold

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76 The Hindu, dated Dec 24, 1914, p. 117.
78 The Hindu, dated 25 August 1888, p.15.
aloof from congress\textsuperscript{81}. The desire of congress to have all privileges for itself to be wrested from Government was thought improper,\textsuperscript{82} and wanted a separate Muhammadan conference. Congress was criticized as manipulating to subvert English rule, which was looked upon as standing for social and political justice and the general advancement of all classes of people\textsuperscript{83}.

Against this background emerged the united Indian Patriotic Association in 1888, to which the Nisam contributed Rs.4,000/-\textsuperscript{84} with Syed Ahmed Khan as its architect. But when the rift widened, congressmen appealed to cultivators, mirasdars and others to join congress to move congress from the criticism that it was not a body elected by the common consent of the people\textsuperscript{85}. Muhammadans and Christians were requests to join it and not to discredit it.

Except during the Khilafat agitation when Gandhiji was popular with the Muslims and called upon even to preside over the Khilafat conference, the gulf between Hindus and Muslims remained unbridged. On the question of representation in the legislative councils, Muslims widely differed in their approach with the Congress. Their backwardness is education and their consequent struggle with the more advanced sections of the Hindu community always pushed them forward for agitation. They demanded age relaxation and communal representation in services. Muhammadans remained loyal to British

\textsuperscript{81} Keralsmitram, September, 1888, p. 209.

\textsuperscript{82} Madhavi Yasin, \textit{Indian Administration}, New Delhi, 1979, p. 345.

\textsuperscript{83} Swadesamitran, October, 1888, p. 228.


\textsuperscript{85} Hindu Janabhooshany, 1 Dec. 1888, p. 274.
rule, and had only gained a Kingdom for themselves. It was the orthodox Hindus who practiced untouchability crowded the congress, demanding co-operation from the Muslims. Leaving co-operation to the exigencies of times, it was impossible in the beginning to have any mutual trust.

The Non-Brahmins and the congress

To the Non-Brahmins, congress was not a democratic organisation\textsuperscript{86}. It was despotic in regard to its composition, deliberations and its ultimate aims. They pleaded for the widening of the scope of work\textsuperscript{87}. Congress was advised that its objects could not be achieved by an annual field day without any contact with the different sections of the society. They warned converting congress into a close preserve for the self-glorification and self-advertisement of a handful of people whose leadership was questioned. Several veteran congressmen openly protested against the Brahminisation of the inner circles of the congress. Patriotic men were sent out, for the fault of being Non-Brahmins congress for this reason was considered to be a lamentable failure. All appointments in the higher branches of the services were monopolised by the Brahmins. Except for a few Non-Brahmins, only Brahmins were generally entitled to become representatives from all constituencies, whether municipal or Land-holders. It was against this injustice, with a view to secure justice to all communities including untouchables that the justice party was formed. The historic importance of the justice party in Madras was to help the transition of power to all the communities and to provide training especially to the depressed classes. They did achieve what the congress

\textsuperscript{86} Andhra Patrika, Jan. 15, 1915, p. 228.
\textsuperscript{87} West Coast Spectator, December 30, 1914, p. 91.
failed to achieve till 1916. Yet a large section of the people were living an
isolated life away from the Indian aristocracy. The loyalty of the congress, often
expressed towards the Government was founded on self-interest.

Referring to the demands of the congress for Indian civil service
Examination simultaneously to be held in India as seen in their demand in 1894,
Diwan Bahadur S. Subramonia Aiyar rightly said, it would be a long time, before
it would be reasonable to grant the Hindus the concessions they asked for and
that the people of India would acquire the ability to administer justice when
British Government would itself grant her prayers and would leave the country in
Indian possession, when Indians divested themselves of all prejudices relating to
religion, caste and so forth, and try to work as the people of one common country
with feeling of brotherhood, having as their object the public weal. This
condition applied to other demands of the congress as well.

**The congress and the Depressed classes**

It became the work of the British Government to take up the salvation of
the Depressed. The Depressed class Federation was established in Bombay in
1907 and the Madras branch came about in 1909 with the object of educating the
Depressed classes. Sir George, the Governor of Bombay, who met the Depressed
class deputation rightly said, until the cause of these lowly and Depressed people
triumphed, there could be nothing worthy to be called and Indian nation.

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Madras, successive Governor had presided over the Annual Meetings of the Depressed Class Federation. No doubt, there were Indians, who realised the vital need for elevating the Depressed, Sir, N.G. Chandravarkar pointed out in elevating the Depressed, Indians were elevating themselves. But many of these aspirations remained as a more wish. No doubt, the congress was forced to take up the work of their uplift at a later stage. But this was born out of the initiative of the Government when the Hindus failed.

**The failures of the congress**

The congress from the very nature of its composition inherited a weakness which the Hindu society had suffered over thousand of years. This explained the failures in their attempt to establish Swaraj in the first decade, Home Rule in the second decade and Independence in the third decade of the 20th century. Government deflected the course of events avoiding the evils of a class struggle and assumed the responsibility to emancipate the different sections of the people. The history of congress is an history of sectarian interest, premature demands, abortive attempts and flagrant failures.

**The success of the Government to perform Justice**

It is significant that where the congress failed, the British government succeeded in evolving a social democracy to make its democratic experiment a success. In 1900, referring to the demand of R.C. Dutt, for a share in the control of the administration, George Nesilton, the secretary of state remarked “that it was contented that the government of India should be conducted by the people
and not for the people as it is now\textsuperscript{90}. Swaraj or Home Rule would not have been Government based on equality of her people. Freedom and democracy has any meaning only when Government is conducted for the benefit of all the people. The regeneration of India must be worked out in the character and moral fibres of the people; and if they were ever to face the sections with dignity, they should first strike off with their own hands the paralysing fetters of ignorance, immorality and superstition in which for centuries they had unprotestingly bound themselves\textsuperscript{91}.

In spite of all the limitations of the congress and the wish of the Government on the lines on which congress should have developed, by throwing broad hints which generally fell on deaf ears in its early history, Government had unfailingly endeavoured to meet those demand of the congress which it thought legitimate and if worked out with modification, if not in its crude form, might benefit the people. No political demand of the congress had been overlooked by the Government, if not immediately and completely obliged, whether in regard to the enlargement of the legislative councils or the powers to be entrusted to them. Within three years after the inception of the congress, by 1889, the Bradlaughs Bill was discussed in Parliament. Even though this Bill was abandoned, the Act of 1892, enlarged the councils and gave them more powers.

**Indian Councils Act of 1892**  
**The demand for the enlargement of the legislative councils**

Ever since the councils Act of 1861, the idea of enlarging the legislative councils had been frequently discussed in India. The Parliamentary system in

\textsuperscript{90} *The London Times*, dated Jan, 22, 1900, p. 4.  
\textsuperscript{91} *Ibid.*,
vogue in England had been their ideal. But the great limiting factor in the demand was their lack of understanding of the principles underlying representation. In 1876, one Indian Newspaper wrote about the want of a representative system, the Indian legislative council was not composed of men, appointed by the people as Parliament in England\textsuperscript{92}. The word ‘appointment’ is significant for it is difficult to know whether the commentator realised the nature of the constitution of Parliament. In general, the question of the constituencies and the qualification of the electorate was never touched upon.

**Demand for control of the purse**

By 1883, the demand became more specific. The demand was for increasing the representation of the legislative councils and wanted a legislative council of 50 in Madras, and each Municipal council to be empowered to return two or three members to the legislative council. According to this scheme, the expenditure of the country should be under their control\textsuperscript{93}. But the question was whether the people had efficiently advanced to take up such responsibilities. It was admitted that they had not the requisite qualification for being entrusted with the management of administrative matters so early. The working of the Municipal councils, the want to broad understanding, the envy and the want of unity among the representatives which had been taken as a proof of the general

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\textsuperscript{92} *Swadesi - Report on Telugu Newspapers for the month of May*, 1876.

\textsuperscript{93} Indian National Congress, Annual Reports, Printed from 1885-1914, Madras, 1915, p.31.
backwardness which made them unfit to bear heavier responsibilities. The demands, however, never emanated from any organised association or group.

**The demand of congress to consult Representatives in legislation exaction and expenditure**

But ever since the inception of the congress, it passed resolutions embodying their opinion that the Indian councils Act of 1861 should be so amended as to admit representatives of the people into the existing legislative councils and the annual financial statement of receipts and expenditure should be discussed in the council. These demands were qualified, by explaining that the object of the congress was not that the English should abdicate India or that all the powers of Government should be vested in the hands of the Indians, for which they were totally unfit, but that Government should be, in the first instance take the opinion of the representatives of the people while enacting laws or imposing taxes or spending money for war.

Muhammadans opposed the enlargement of the legislative councils on the grounds, first they feared that any sudden enlargement of the legislative councils would enhance the interest of congress which was predominantly a Brahmin oligarchy thereby making the legislative councils a pseudo Assembly of Brahmins. Secondly, in devising any system of Representation, they were eager

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95 Rule No.4, Rules under clause 2 of the Act of 1892. Public Despatch from India, No.75, 24 Dec, 1889.

to secure weightage to their interest by nomination and were opposed to
election\(^97\).

Thus the two cordial points, representation and election, remained a tone
of contention in India. In 1890, when Lord Cross’s India councils Bill came in
for discussion in the House of commons, memorials praying for the introduction
of the elective principle in the Bill were sent by congress\(^98\). The Muhammadan
sent an address to Parliament that the existing system of nominating members
should be maintained on the elective system would work against their interest\(^99\).

Whatever might have been the failings and shortcomings on the Indian
side in regard to the various aspects for an enlarged legislature, Government of
India made prompt measures to review the whole constitutional question. Lord
Dufferin set up a committee in 1888 with Sir George Chessney as President to
consider the question of reform. Dufferin is his minute wrote that the time had
come to take another step in the development of the same liberal policy to
associate such Indians to assist with their council\(^100\). He described the scheme of
Government as a plan for the enlargement of the Provincial councils, for the
announcement of their status, the multiplications of their functions, the partial
introduction into them of the elective principle and the liberalisation of their
genral character as political institutions is far as the principles involved they.


\(^98\) Indian National Congress, Annual Reports, Printer from 1885-1914, Madras, 1915, p. 31.

\(^99\) *Karnataka Prakasika*, 14 April, 1890, p. 80.

\(^100\) Minute of Lord Dufferin. *The Constitutional Reform Report*, Montagu Chelmsford, 1918,
p. 68.
Looked as if Dufferin was contemplating a Parliamentary system of Government. But he denied any such attributes, for, in India an executive remained responsible only to the British Parliament and not to any local authority. According to him this arrangement had to continue as long as Britain remained the paramount power. So Shifting of responsibility in the existing arrangement was thought impossible and an adverse vote in the legislative council could never mean change of government. But it appears that these arguments were directed against the congress demand of control over the purse and the implications of it.

The position was that whatever might be the degree of liberalisation, the Provincial Governments were not to be given the ultimate decision, Hence the nominated members were to outnumber the elected members and Governor empowered to over-rule the council when called for. The circumstances were such that it was logical to argue in favour of the continued existence of the powers of Government so as to rule over a vast variety of nationalities, most of them in a very backward state of civilisation and enlightenment. But the government felt the necessity to associate with them in council, in very considerable number, such Indians as per their acquirement, experience and ability, to assist and enlighten them in the discharge of their difficult duties. But it was generally agreed to endow the members with ample and unrestricted powers of criticism, suggestion, remonstrance and enquiry, so as to exercise a very useful influence over the conduct of the principal and local public business, which was clone proposed to be entrusted to them.
British administrators welcomed criticism of Government, not from self-constituted, self-nominated and thereby untrustworthy channels, but from those who would be the legally constituted representatives of various interests and classes, and who would feel themselves in whatever they do or say, responsible to enlightened and increasing section of their countrymen. It was clear, in India, it was a problem to represent the various nationalities, religion, language, and caste. The proposals of Dufferin meant, the time necessary for the complete attainment of responsible Government, where a great majority of the people did not ask for it. According to Montague even in 1917, those who made such demands constituted only 5% the population.

**The principle of election**

The most controversial point on which curson\textsuperscript{101} grew eloquent in the discussion of the Bill was over the amendment of Mr. Schumans that no reform of the Indian councils which did not employ the elective principle would be satisfactory to the Indian people or would be compatible with the good Government of India. Curson in unfailing learns described the people of India as the voiceless millions, the ryots and peasants living without any political aspiration, living in poverty and ignorance. The plans and policy of the congress party would leave this amorphous residium absolutely untouched. The congress itself represented nothing more than 3 or 4% of educated classes, who were profited by English education and European ideas. He assailed the inapplicability of election in a country which was wrapped up in the mists of early morning, but

\textsuperscript{101} Speeches of Lord Curson in the House of Commons, 28 March, 1892.
a few of whose top-most peaks had been touched by the morning sun\textsuperscript{102}. It was premature and unwise to introduce an elaborate system of representation with election.

To the under - Secretary of State, representative institutions could not be extended in India abruptly as the idea of representation was aliens to Indian mind. Britain herself evolved that system by centuries of conflicts. In a society which had no instinctive sense of political equality, election or representation was an impossibility. The great fluctuation in the proposals of Bradlsugh between his first and second Bill explains the premature and experimental character of any reform.

However, Lord Salisbury\textsuperscript{103}, warned that before an elective principle was designed, they should make up their mind as to how to frame the constituencies, to represent the various interest before they consigned themselves to the change. One should not slip into that innovation by an accident. He was particular that the machinery provided would effect the purpose of giving representation, not to accidentally constituted bodies, not to small sections of the people here and there, but to the living strength and vital forces of the whole community of India. There was a sense of satisfaction that the Government had by and large, followed the opinion of the congress.\textsuperscript{104} In 1893, all the nominations of the chamber of commerce, the Madras Municipal commission, the senate of the Madras

\textsuperscript{102} \textit{Ibid.},

\textsuperscript{103} Letter from Lord Salisbury to Government of India Home Dept. Public, the Chief Secretary to the Govt. of Madras, 15 August 1892, No. 1805 appointed to G.O.No.48, Leg. dated 3, Sept, 1892.

\textsuperscript{104} \textit{Kerala Patrika}, 5 Nov 1892, p. 264.
University and the different groups of Municipalities were accepted by Government.\textsuperscript{105} Half the additional members were nominated by Government.\textsuperscript{106}

The response of Government pleased even congress; there was good enthusiasm among the people. They wanted congress to work with seal for reformation and not to stand for distinction.\textsuperscript{107} There was a desire to make congress of permanent institution.\textsuperscript{108} The services rendered by the British congress committee were acknowledged.\textsuperscript{6} However, most of the members nominated by the Municipalities were Brahmins and there was such rejoicing among them and considered the legislative councils as very useful institutions.\textsuperscript{109}

The growing importance of Municipalities

With the growing importance of the Municipalities in nominating members to the legislative councils, these institutions attracted the attention of the educated classes.\textsuperscript{110} The nominations to the Taluk Boards and District Boards were criticised. By 1895, there was demand to limit the right of voting in the election of candidates to the legislative councils to the elected members only.

Press and Public Opinion

One of the powerful factors that helped to build up public opinion and the dissemination of knowledge and to help in the formation of nationalist feelings in

\begin{footnotes}
\item[105] G.O. No.32, Leg. 12 Apr 1893.
\item[106] G.O. No.49, Legislative, 3 Sept 1892 on the procedure to be adopted for the conduct of election.
\item[107] Kerala Patrika, 6 August 1894, p. 277.
\item[108] The Arya Jana Priyan, 8 August, 1894, p. 302.
\item[109] Swadesamitran, 12 Feb 1984, p. 54.
\item[110] Rajayogi, 20 March, 1894, p.8.
\end{footnotes}
India was the introduction of the Free Press in India. The press forms the Fourth Estate in democracy and the proclamation of the freedom of the press in India in 1835 marks its inauguration in India. The Free Press in India was the first of its kind in Asiatic Society. According to R. Palme Dutt, this is one of the great gifts of British administration wherein Karl Marx saw the regeneration of India.  

Encouragement by British Statesmen for impartial criticism

The Press in India offered a very enviable opportunity for the expression of the free will of the people. The press had worked as a very powerful medium in educating the people and to create a sense of political awareness. In the absence of an organised constitutional opposition in India which could represent the whole country, the importance of the press became all the more greater. Viceroy’s like Ripon, invited free Impartial Criticism of the various reforms envisaged by government and was largely guided by it. There was considered for the press throughout British rule.

The appreciation of the press for the benefits obtained under British Rule

The English newspapers, some of them, run by Anglo-Indian, were generally unfailingly to convey the beneficial results of the English Rule.  

The vernacular newspapers never lagged behind to appreciate the liberty of thought and expression enjoyed, but often used very inflammatory language, adding to the sentiments of the people, no doubt very provocative rather than responsible. They lacked that restraint in dealing with the masses of

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the people which accounted for a series of press Acts to control the tone of the press. However the vernacular press did not fail to realise the benefits of British rule. In 1874, the Sajivani Association\textsuperscript{113} set 16 questions and requested the people to answer them consistent with reason, as on the question of equality of treatment meted out to all castes without distinction, the new university education, responsible position offered to the Hindus, the several new departments created, the Parliamentary control established, the security to the people, the new courts of law, civilised criminal administration ryotwari system etc. These useful discussions enlarged the horizon of understanding of the common man. In 1878, Vetticodiyon declared that India reaped numerous benefits from British rule like security to property, the flourishing condition of trade and the freedom of the press.

Sympathising with the dissatisfaction of the educated classes, a section of the vernacular press pointed out, that the English had made the people to think, but forbid them in the exercise of their thought. But this was only in particular reference to the general demand for increasing the employment of Indians in the services and in the Army.\textsuperscript{114} An answer to this criticism could be read in another section of the press, which admitted that in ancient times, the conquerors of India were the masters and the conquered were treated as slaves, but there was

\textsuperscript{113}Andhrbhagha Sanjivani, Reports on Telugu Newspaper for November 1874, p. 9.

\textsuperscript{114}Vetticodiyan, 1 June 1878 Reports on Tamil Newspaper for the Weekending 8 June, 1878, Madras Newspaper Reports, p.1.
no such difference under British rule. British Government gave liberty to Indians and tried to bring them on an equal footing.\(^{115}\)

**The Press and the social conditions**

The Press also pointed out the lack of unity and patriotism in the people, who were dominated by sectarian passions.\(^{116}\) But they themselves were not above sectarian interest. Instead of suggesting remedies, they tried to conceal the deficiency. An instance in 1892, a Madras vernacular Daily\(^{117}\) Stated that no room should be given to the taunt that Hindus were a lot of ignorant men who could hardly rise above the narrow concerns of self and family and who did not care much about the general weal or public interest. The chief defects in the Brahminical press wars (1) A hesitation to admit the social condition of the people, (2) a head-long criticism of the Government when political demands were made and (3) the propagation of sectional interests. As a result of these shortcomings, many of the criticisms of the Government became unrealistic, ostentations and seditious. They discussed political ideals with great heat which made the orderly evolution of society difficult. As Sir George Chesney rightly said in 1894 that the matters contained in these newspapers were productive of disaffection and were always aimed at speaking ill of the Government.\(^{118}\)

**What prevented the growth of patriotism among the people**

There was liberty for the Press. Instead of placing priority for wresting concessions from Government, for which the Government never failed to accede,

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\(^{115}\) *Panchima Taraka and Kerala Taraka, Report on Malayalam Newspaper, 1 Aug 1876, para 1.*

\(^{116}\) *Swadesamitran, 1 Sept. 1888*

\(^{117}\) *Swadesamitran, 22 Jan 1892, p. 23.*

\(^{118}\) *The Swadesamitran, March 1894, p. 225*
if ever they had made an attack on the social and religious evils, it would have well stirred the patriotic feelings of the people and would have ensured progressive development at an earlier stage. Speaking about liberty and patriotism at the anniversary meeting of the Primrose league Madras Standard said in 1900, the people of India had practically as much of the first of these conditions essential to all national well-being, but the second, though theoretically there was nothing to prevent the people from cultivating this noble quality, still so many restrictions surrounded the national spirit among the people, that the scopes for exercise of patriotism, which could be learnt only from constant exercise was extremely limited. But fundamentally it was the antagonism among the various castes and untouchability that made the cultivation of patriotism impossible for which the government could not be blamed.

**British endeavour in the evolution of democratic and free Press**

The work of British Government was to create a healthy and democratic tone in the evolution and development of the press. This accounted for the restraint put on the press in advancing premature political ideals, may of them reflecting faithfully the politically conscious educated classes. No doubt, there were a few papers like ‘Pariyan’ which ceaselessly brought to the notice of the public and Government the sufferings of the Depressed Classes. But the whole question of the Non-Brahmin and the Depressed Classes was largely discussed only after the formation of the Justice Party with its weapon the ‘justice’ and the Non-Brahmin’.

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Press Legislations to prevent anarchy

Legislation to control the press began with Lytton in 1773. The Vernacular Press Act of 1878 and the official Secrets Acts thereafter were passed not with a view to suppress the freedom of the press but to divert the criticism of the press to run through orderly and peaceful channels, thus avoiding disorder and anarchy resulting from an uncontrolled and free press. The liberty of the press which was considered a safeguard to the nation remained unaffected.

The Vernacular Press Act of 1878 was aimed at controlling the vernacular papers which were either hostile or productive of disloyalty.120 The Act provided that, nothing should be published in the vernacular papers which was either unfriendly to the Government or was it likely to cause disaffection towards the Government. Printers and publishers had to enter into a bond and the violation of which was punishable. But the act did not apply to the Madras presidency. It applied only to the Presidencies of Bombay and Bengal. It was evident that Madras Press was not doubt held high in the estimation of the Government.121 It praised the Government and Sir Charles Metcalfe who granted to Indian subjects the freedom to express their opinions on the proceedings of the Government. It was admitted that there were newspapers noted for their intemperance and radicalism in their writings till at last they had commenced to write about the Government in a most improper style and had been reckless, inserting inflammatory and seditious articles.


The tone of the Press after the inception of the congress

After the formation of the congress, the Indian press grew more and more critical of the government. They did not spar to introduce revolutionary language which was nothing less than a threat. In 1888, the Amrita Bassar Patrika said that the Government period itself on the loyalty of the people but in reality know no more of their the through and feelings than in 1857. When Government believed that the people were loyal, nevertheless the Mutiny broke out.\textsuperscript{122} What the Patrike meant was, that till Government granted every wish of the people, they would not be loyal. The terms the wish of the people appeared only to mean the wish of the Bengal Congress.

The constitutional struggle in England, between the King and Parliament, had been freely quoted and the idea was disseminated that the privileges to India could not be obtained without a struggle.\textsuperscript{123} But the struggle for social regeneration had not caught the imagination of many. In 1989 the Amrita Bazaar Patrika published the Gilgit Memorandum, a confidential document concerning Kashmir.\textsuperscript{124} To avoid such contingencies in future, the Government passed the official Secrete Act.

The vernacular press and the advocacy for the formation of sabhas

The vernacular Press and the advocated the need for the formation of sabhas for discussing the wants of the people. The object was that such Sabhas would be

\textsuperscript{122} Sultan – Ul – Akbar, 19 April, 1888, p. 100.
\textsuperscript{123} Swadesamitran, Nov 8, 1888, p. 252.
\textsuperscript{124} Miscellaneous, VI, Godandegitran, 3 May 1888, p. 61.
a means for inducing the authorities to attend to the welfare of the public. But a few Sabhas with the educated classes as their member, could never create a public opinion in the absence of the participation of all sections of the people. India is a vast country, inhabited by a great variety of people, speaking different languages and lived without any intercourse with one another.

The vanity of the Hindus and their general bent of mind had led to the condemnation of any exchange of trade to that of their caste, irrespective of the profit that might occur to a changeover. Choice of the fresh trade was thought derogatory to their status. Their inaptitude and their intransigence to stick to old ways had been proverbial. The vanity of the Hindus had resulted in the negligence of industries which would have helped the society also. Hence, it was thought that in any scheme of reform, it was inevitable that the Hindu should learn the techniques of the industrial world rather than send representatives to the National Assembly for purposes of politics. It was unerringly pointed out that many rich families had been reduced to poverty by whore mongering. If ever this money had been spent on machines and mills in the production of useful manufactures, India would not have been so poor. Hindus wasted their money on jewellery than in nation building activities.

However, there was a general change in the attitude of the press towards the social problems after 1917. From the days of the simon commission, there was a strong nationalist sentiment. The idea of social reformation in the thirties went too far in the creation of communal tension between the Brahmins and the Non-

125 Ibid.,
Brahmins. The press was carefully guided and controlled without disturbance to public peace and no opportunity was given for the growth of communism, wherever the self Respect Movement, sometimes did the spade work.

**The ebb and flow of the Nationalist struggle and the deflected course of the Indian struggle**

In the nationalist movement in India there had been a perennial ebb and flow which was characteristic of Indian politics. The social condition and the extremism of the aristocracy by the government on the other between 1909 and 1935 would tell this truth more vividly.