CHAPTER 2.
"The Government of India is too wooden, too iron, too inelastic, too anti-diluvian to be of any use for the modern purpose we have in view."

Edwin S. Montagu

The inadequacy of the Government of India under the Minto-Horley Reforms was in no uncertain terms condemned by the under-Secretary of State for India, when he told the House of Commons that the statutory organisation of the India office produced an apotheosis of circumlocution and red-tape beyond the dreams of any ordinary citizen. Certain events in India and above all the great war of (1914-18), fraught as it was with incalculable consequences, rendered a change in the method of governing India imperative.

ANNOUNCEMENT IN THE PARLIAMENT:

The above conditional fact was acknowledged and accordingly on August 20, 1917 when the war was just taking a turn in favour of the Allies, the Secretary of State for India made a memorable announcement in the House of Commons laying down the policy of His Majesty's government regarding the future governance of India:

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire.

1 The Indian Annual Register -1919- page IX.
They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at Home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India, to discuss these matters with the Viceroy and the Government of India to consider with the Viceroy the views of the local Governments, and to receive with him the suggestions of representative bodies and others."

"I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility. Ample opportunity will be afforded for public discussion of the proposals which will be submitted in due course to Parliament." Accordingly, the Secretary of State for India came to India and after lengthy discussions with the Viceroy, and after having ascertained the views of the important leaders of public opinion, public bodies and local governments, the Montagu-Chelmsford Report on Indian Constitutional Reforms was published on 8th July 1919.

GENESIS OF THE PRONOUNCEMENT:

We cannot expect to obtain access to the confidential
correspondence between the Government of India and the Secretary of State. Failing that, we must fall back upon the authoritative statement made by Lord Curzon of Kedleston in the House of Lords on October 24, 1918. His Lordship, explained the genesis of the 'pronouncement' in these words.

'That announcement was the result of prolonged correspondence with the Government of India, of close and repeated examination at home and of an amount of labour which must have rarely been expended upon a public announcement. I imagine that as much care was devoted to the declaration, perhaps more than to the famous declaration of Her Majesty Queen Victoria in 1858— a declaration and which if I remember rightly was framed by Lord Derby and corrected and amended by Her Majesty's own hand.

'Without claiming for a moment that this announcement was therefore invested with a pontifical character, it had a seriousness and intended weight which your lordships would not dispute.

'Lord Crewe has said that the declaration no doubt sprang from the circumstances of the war. I can quite believe that had the war not occurred the declaration would not have been either in that particular form or at that particular time. The war has altered the whole atmosphere of life, and it is inconceivable that it would have passed through its tragic course without leaving much more than a ripple upon the surface of the Indian nation and without profoundly stirring its depths.'

2 Debates on Indian Affairs in House of Lords Session 1918-- pp. 380--381.
Lord Curzon's exposition is elucidated by a passage in the Report (Paragraph 237), which records that

'meanwhile the difficulties of administration in India were rapidly increasing. Lord Chelmsford's Government felt that without the declaration of policy for which they were pressing it was impossible for them to act effectively on a directed course. The announcement of August, 20 cleared the situation, and was hailed with almost as much relief by the authorities as satisfaction by the politicians.'

The matter has been carried somewhat further by the joint declaration of the Prime Minister and Mr. Bonar Law published on November 22, 1918 that

'the Cabinet has already defined in unmistakable language the goal of British policy in India to be the development of responsible government by gradual stages. To the general terms of that declaration we adhere and propose to give effect.'

By putting together all the official statements we learn that the 'Pronouncement' originates in the administrative difficulties of the Government of India during the war; that it was intended to afford satisfaction to the politicians, that its phraseology was decided after prolonged correspondence with India and repeated consultations in London; that the substance of the declaration, although not invested with a 'pontifical character' is a serious programme of Cabinet policy, accepted in its general terms and that the Cabinet now in office which is likely to remain in power intends to give effect to its declared policy. Lord Curzon's language while somewhat modifying Mr. Montagu's rhetoric, cannot have much effect in sobering the
extravagant hopes raised by previous overstatement of the intentions and sins of the Government. The terms self-government and responsible government were not defined in the course of the debate in the House of Lords.

As per the momentous announcement in the Parliament the Secretary of State for India came to India and after lengthy discussion with the viceroy, and after having ascertained the views of the important leaders of public opinion, public bodies and local governments, the Montagu-Chelmsford Report was published on 8th July 1918. "It is evident," the authors of the report said "that the present machinery of government no longer meets the needs of the time; it works slowly, and it produces irritation, there is a widespread demand on the part of educated India opinion for its alteration; and the need for advance is recognised by official opinion also.\(^3\) The Report suggested the introduction of western methods of government, and with that end in view, laid down four formulas:

(a) There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control.\(^4\)

(b) The Provinces are the domain in which the earlier steps towards the progressive realisation of responsible government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility

\(^3\) Report on Indian Constitutional Reforms (1918) p-117.
\(^4\) --do-- p-123.
as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislature, administrative and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities.⁵

(c) The Government of India must remain wholly responsible to Parliament and saving such responsibility, its authority in essential matters must remain indispensible, pending experience of the effect of changes now to be introduced in the Provinces. In the meantime the Indian Legislative Council should be enlarged and made more representative and its opportunities of influencing government increased.⁶

(d) In proportion as the foregoing charges take effect, the control of Parliament and the Secretary of State over the Government of India and Provincial governments must be relaxed.⁷

PROPOSALS RELATING TO THE LEGISLATURE

Main Recommendations of the Committee regarding the Legislature:

1. To replace the existing Legislative Council of the Governor-General by a Council of State and a Legislative Assembly.

2. The Council of State to consist of 50 members (exclusive of the Governor-General, who will be President, with power to nominate a Vice-President). Of the members 21 to be elected and 29 nominated by the Governor-General of the nominated members 4 to be non-officials and not more than 25 (including the members of the Executive Council) to be Officials.

6. Ibid.
7. Ibid. p.125.
3. The Life of each Council of State to be 5 years.
4. The Governor-General-in-Council to frame regulations as to the qualifications for membership of the Council of State.
5. The Legislative Assembly to consist of about 100 members, of whom two-thirds to be elected and one-third nominated. Of the nominated members not less than one-third to be non-officials.
6. The President of the Assembly to be nominated by the Governor-General.
7. Official members of the Council of State to be eligible also for nomination to the Legislative Assembly.
8. The Governor-General to have the power to dissolve either the Council of State or the Legislative Assembly.
9. The following procedure was to be adopted for legislation:

A. Government Bills: Ordinarily to be introduced and carried through the usual stages in the assembly, and if passed by the assembly to be sent to the Council of State. If the Council of State amended the Bill in a manner which was unacceptable to the assembly, the Bill was to be submitted to a Joint session of both Houses, unless the Governor-General-in-Council was prepared to certify that the amendments introduced by the Council were essential to the interests of peace and order or good government (including in this term sound financial administration) in which case the assembly would not have power to reject or modify such amendments. But in the event of leave to introduce being refused or the Bill being thrown out at any stage the Governor-General-in-Council would have the power,
on certifying that the Bill was within the formula cited above, to refer it de novo, to the Council of State. The Governor-General-in-Council also was to have the power in cases of emergency so certified, to introduce the Bill in the first instance in, and to pass it through, the Council of State, merely reporting it to the assembly.

B.) PRIVATE BILLS: to be introduced in the chamber of which the mover was a member and on being passed by that chamber to be submitted to the other House. Differences of opinion between the chambers were to be settled by means of joint sessions. If, however, a Bill emerged from the assembly in a form which the Government considered prejudicial to good administration, the Governor-General-in-Council would have the power to certify it in the terms already cited and to submit or to resubmit it to the Council of State, the Bill only to become law in the form given it by the Council.

MONTFORD REPORT—PROPOSALS FOR SETTING UP A COUNCIL OF STATE.

Means for securing the affirmative power of legislation:

The Committee began with the fundamental proposition that the capacity of the Government of India to obtain its will in all essential matters must be unimpaired. The thought that the institution of assembly with a large elected majority would confront them with the problem, as in the case of the provinces, of enabling the Executive Government, to secure its essential legislation and its supplies. They examined several possible expedients. They ruled out the possibility of any legislation by a superior authority. The only superior authority was
Parliament and that institution was too far off and notoriously too pre-occupied and not suitably constituted to pass laws for the domestic needs of India. The Governor-General of course had the power of making temporary ordinances for certain emergent purposes, and they proposed that, that power should be retained. Normally it was to be used only in rare emergencies, and that would not be suitable for the purpose the Committee had in view.

"What we seek" the committee said "is some means for use on some special occasions, of placing on the Statute Book, after full publicity and discussion, permanent measures to which the majority of members of the Legislative Assembly may be unwilling to consent," and added "We seek deliberately, when propose justifies us to depart from popular methods of legislation." 8

For that purpose the Committee came to the conclusion that they should employ the method then familiar to Indian Institutions of maintaining such a number of votes, upon which the Government could in all circumstances rely as to ensure the passage of the Legislation that it required. "It was here alone, and only for use in cases where it is obviously necessary," They declared, "that we propose to perpetuate the Official BLOC."

The Council of State: The Committee considered the question of instituting grand committees to which the Government's essential bills might be referred, as was proposed for the Provinces. But the conditions of Indian Legislation were more

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different from those of Provincial. Matters were more important, the Government's responsibility to Parliament was closer, and the affirmative power had to be used more decisively. Hence the Committee expressed, "We feel also that there are advantages, both direct and incidental, in setting up a separate constitutional body, in which Government will be able to command a majority." It hastened to add, "We do not propose to institute a complete bicameral system, but to create a second chamber, known as the Council of State, which shall take its part in ordinary legislative business and shall be the final legislative authority in matters which the Government regards as essential."

COMPOSITION: The Council of State was to be composed of 50 members, exclusive of the Governor-General who would be President with power to appoint a vice-president, who would normally take his place; not more than 25 will be officials including the members of the Executive Council and 4 would be non-officials nominated by the Governor-General. Official members would be eligible for nomination to both the Legislative Assembly and the Council of State. There would be 21 elected members of whom 15 will be returned by the non-official members of the Provincial legislative Councils each Council returning two members, other than those of Burma, the Central Provinces and Assam, which will return one member each. Elected members returned to the Council of State would vacate any seats they occupied on the Provincial Council or the Legislative Assembly. The remaining six elected members were intended to supplement

the representation which the Muhammedans and the landed classes would otherwise secure; and also to provide for the representation of chambers of Commerce. Each of these three interests should, they suggested, return two members directly to the Council of State. Bearing in mind the fact that among the members of the Provincial Councils would elect to the 15 seats there would be a proportion of Muhammedans, and assuming that in each of the bigger provinces each elector would be able as now to give both his votes to one candidate, they estimated that the composition of the Council of State should comprise at least six Muhammedans whether sitting by direct or indirect election or by the Governor-General's nomination. Moreover, it was desirable that the four seats to be filled by direct election should be used so as to ensure that the Muhammedan and landed members should as far as possible be representative of the whole of India. Deficiencies may occur in this respect in any one Council but they should be corrected in elections to the subsequent Council. For this reason the regulations for elections to the four seats should be framed by the Governor-General-in-Council in such a way as to enable him to decide, after consideration of the results of the indirect elections, from what part of India, or possibly in what manner from India, generally the seats should be filled.

**QUALIFICATIONS FOR MEMBERSHIP:** In as much as the Council of State would be the supreme legislative authority of India on all crucial questions, and also the revising authority upon all Indian legislation, the committee desired to attract to it the services of the best men available in the country. "We desire that the Council of State should develop something of the experience and dignity of a body of Elder Statesmen." 10

the Committee emphasised and added, "and we suggest therefore that the Governor-General-in-Council should make regulations as to the qualifications of candidates for election to that body which will ensure that their status and position and record of services will give to the Council a Senatorial character, and the qualities usually regarded as appropriate to a revising chamber."

The designation "Honourable", the Committee thought should be enjoyed by the members of the Council of State during their tenure of office. As was the case with second chambers elsewhere, they recommended that the lifetime of the Council of State should be longer than that of the Assembly and assuming that the lifetime of the latter would be three years, the Committee recommended 5 years as the normal duration of each Council of State.

**Legislative Procedure:**

**Government Bills:** Under the proposed constitution, a government bill would ordinarily be introduced and carried through all the usual stages in the Legislative assembly. It would then go in the ordinary course to the Council of State and if there amended in any way which the assembly was not willing to accept, it would be submitted to Joint session of both Houses, by whose decision its ultimate fate would be decided. That would be the ordinary course of legislation. But it might well happen that amendments made by the Council of State were such as to be essential in the view of the Government if the purpose with which the Bill was originally introduced was to be

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11. Report on Indian Constitutional Reforms (1918)
achieved, and in that case the Governor-General-in-Council would certify that the amendments were essential to the interests of Peace, order or good government. The assembly would then not have power to reject or modify these amendments nor would they be open to revision in a joint session.

Cases might occur in which the Legislative Assembly might refuse leave to the introduction of a Bill, or throw out a bill which the Government regarded as necessary. "For such a contingency," the Committee said, "we would provide that if leave to introduce a Government Bill is refused, or if the Bill is thrown out at any stage, the Government should have the power, on the certificate of the Governor-General-in-Council that the Bill is essential to the interests of peace, order or good government, to refer it DE NOVO to the Council of State: and if the Bill, after being taken in all its stages through the Council of State, was passed by that body, it would become law without further reference to the assembly." Further there may be cases when the consideration of a measure by both chambers would take too long if the emergency which called for the measure was to be met. Such a contingency should rarely arise, they said and advised that, in cases of emergency, so certified by the Governor-General-in-Council it should be open to the Government to introduce a Bill in the Council of State and upon its being passed there merely report it to the assembly.

PRIVATE MEMBERS' BILLS:

As the non-official members' Bills they would be introduced in whichever of the two chambers the mover sat and, on being carried there, would be taken to the other chamber and carried through that. In the case of a difference of opinion between the two bodies the Bill would be submitted to

a joint session of both and would either be finally rejected, or
would be submitted for assent in the form in which it was
passed there. It might, however occur that a non-official member's
bill emerged from the assembly, whether originally introduced
there or not, in a form in which the Government thought
prejudicial to peace, order or good government. In that case
also if the Governor-General-in-Council were prepared to give
a certificate in the terms already stated, the Bill would go or
go back to the Council of State and could only become law in
the form there finally given to it.

ADVANTAGES OF NEW PROCEDURE:

The object of the new proposals was where possible to
make assent by both bodies the normal condition of legislation,
but to establish the principle that in the case of certificated
legislation the will of Council of State should prevail and in
other legislation the will, of the non-official members of both
chambers taken together should prevail.

"In time to come", the Committee added, if and when
the procedure by certification becomes unnecessary, the
Council of State will become, as in other countries, a purely
revising chamber and differences between the chambers will be
adjusted by joint sessions.13

PUBLIC OPINION ON THE REPORT ON INDIAN CONSTITUTIONAL REFORMS (1918)

The authors of the Report on Indian Constitutional
Reforms (1918) insisted that 'full and public discussion was

necessary and asked that their proposals might be allowed 'to benefit by reasoned criticism both in England and India, official and non-official alike.'\(^\text{14}\) The announcement of August 20, 1917 had already created once again a division in the ranks of Indian nationalism. The Moderates welcomed the declaration as the "Magna Charta of India." The extremists, on the other hand, regarded the announcement as unsatisfactory both in language and substance.\(^\text{15}\) Keen interest was evinced on the 'grave':

Indian problem both in the House of Commons and House of Lords. Speaking about the proposed constitutional reforms Mr. Ramsay Macdonald said "The Morley Reforms were rather the last chapter in an old order. This Report is the first chapter in a new order. The Morley reforms ....... we have to close it, put it on our bookshelves, and open a new one and the Report we are discussing this afternoon is the first chapter in that new volume.\(^\text{16}\) Mr. Macdonald hoped that the publication of the Report and the Debate that day would mark the closing up of all ranks, would be a call to all men of goodwill to come together to help India to a better and freer state of self-existence, and to add to the honour dignity of the race to which he belonged.\(^\text{17}\)

Sir Edward Parrote considered the proposals as the harbinger of India's true greatness\(^\text{18}\) While Colonel Wedgwood felt that in the Report was combined not only the caution of a Statesman, but also the fine ideals of Liberalism throughout the ages,


\(^{15}\) India in 1917-18 Ed. by Coatman.

\(^{16}\) Debates on Indian affairs - House of Commons 1918 -p.104.

\(^{17}\) Ibid. p. 118

\(^{18}\) Ibid. p. 168
that it was an historical document of the first importance and put it was "Lord Durham's Report upon the Government of Canada combined with the constitution of the Abbe 'Sieyes's'.

Mr. Montagu on the need for a Second Chamber:

Speaking on the Report on Indian Constitutional Reforms Mr. Montagu, the Secretary of State for India said in the House of Commons that since it was suggested that the Legislative Council should be enlarged and that the Government was enabled to enforce its will when it so wished, they were inevitably led to the consideration of a Second chamber.

It was therefore proposed that there should be a legislative Council of 100 members, with a large elective majority, and an upper chamber, half official and half non-official, working normally by means of joint sessions, but that, where the Government of India desired to enforce its will it should certify that the legislation, was in its opinion, essential, and that then the upper chamber should have the last word. The advantage of that machinery, he said, was that it would make the Legislative Council far more representative and would ensure representative criticism. It could in course of time easily be developed into the ordinary bi-cameral legislative machinery. It had another advantage. When a Federation was forced, the Secretary of State added, the Princes of India who were then rather isolated in the constitution, might join the upper house for joint deliberation of common affairs, and only for common affairs.

19 Ibid. p. 155
20 Debates on Indian affairs in House of Commons, 1918. p. 96.
21 Ibid. p. 97
22 -do-
DISCUSSION IN THE HOUSE OF LORDS:

In the House of Lords, Lord Sydenham referred to the procedure suggested in the report consequent to the establishment of an upper house and said that government measures were ordinarily to be introduced in the Lower chamber and passed on to the upper House. If the Houses disagreed as they frequently would, then unless the Governor-General certified the necessity of the Amendment of the Upper House and considered it essential for the discharge of his responsibility, the two Houses sit together and five nominated members or of a few abstentions, might have the effect of defeating the Government of India. If a Bill was refused by the Lower House, or if the Bill was rejected by the Lower House, then the Governor-General might certify it and send it to the other House which must pass it and report it only to the Lower House. That seemed to him to be a government by certification and veto. He concluded by saying that he could not conceive any government more likely to be unpopular than the form of government in India or any other place. The general effect of this very complicated scheme must be long delays of public business, frequent conflict between the two houses.

GOVERNMENT OF INDIA'S VIEWS ON THE MONTFORD REPORT:

The Government of India expressed their views on the proposed reforms in their despatch No. 1 of 1919 dated 5th March 1919.

24. Ibid.
COMPOSITION OF THE COUNCIL OF STATE:

The composition of the Council of State does not come within the terms of the Franchise Committee's reference, but it is so closely bound up with the composition of the Assembly that, as we have said, we must consider the two questions together. In the present despatch we can do no more than give some indication of the general reception accorded to the proposal that a Council of State should be created. Opinion on this subject is very much divided. Official opinion and the more conservative section of Indian opinion is generally favourable to the principle of such a body, but there are many suggestions for modifications in detail.

BENGAL GOVERNMENT'S VIEW:

The Government of Bengal consider that the composition of the council as proposed in the report is unnecessarily intricate, and not since an official majority is avowedly necessary, it should not be restricted to the narrowest possible limit. They also remark on the difficulty of securing members who will be representative of Muslim and landed interests in India as a whole. This particular point is one which the Franchise Committee have examined, and we shall therefore have the assistance of their views in dealing with it. The difficulty has been fully realised by the interests concerned, and it has been urged that the special representation proposed in the Report is inadequate and will not satisfy these communities concerned. Connected with the same point is the Sikh claim for special representation, which has been pressed by the principal
Sikh organisation as well as by the Punjab Government and various individuals. Again the proportion of elected members is not considered adequate by a section of the Indian Supporters of the Council, who urge that at least half the members should be elected. The proposed association of ruling chiefs with the Council of State has given rise to some misunderstanding and has been misconstrued as meaning that chiefs would be eligible for membership of the Council. The inclusion of the chiefs would clearly be unpopular and was never contemplated by the authors of the Report. Those who oppose the Council belong to two very different schools of thought, and base their opposition on entirely different grounds. There are first the non-official Europeans who generally feel that any change in the Government of India is to be deprecated. They would agree to a small increase in the Legislative Council in order to make it more representative, but they are opposed to the proposal that a separate Council should be created to secure to the Government powers which (as they hold unwisely) it has surrendered in the Assembly, and they are not entirely satisfied that the composition of this Council is such that it will sufficiently secure these powers:

The other opponents of the Council are the advanced Indian politicians. Their position is that it is useless to give an elected majority in the Assembly, and at the same time to create an upper chamber which will in some measure supersede the Assembly. They allege that the Council of State will take away all that an elected majority in the Assembly might secure. What they desire is a single legislature chamber with a large elected majority; they would have the Governor-General-in-Council rely for his affirmative power of legislation on reserved subjects by means of regulations which would be in force for one year
unless renewed by a vote of 40% of the members present. If a Council of State is created they urged that at least half its members should be elected. In regard to these claims it is only necessary to say that we stand by the Principle laid down in the Report that the Government of India must remain wholly responsible to Parliament and, that saving such responsibility, its authority in essential matters must remain indisputable.

We wholly dissent and the view that the Council of State will reduce the Assembly to a negligible quantity. We believe that with the two chambers constituted as proposed in the Report the Assembly with its large popular majority will be able to make its wishes felt in a wide range of subjects. This leads us to our next point, namely, the powers of the two chambers. (Para 69)

**LEGISLATIVE ARRANGEMENTS:**

Upper Houses: In para 258 of the Report is discussed the question of establishing upper houses in the Provincial legislatures.

The view taken by the authors is that while the idea had some theoretical advantages, the practical objection was serious. It was thought that most provinces would be unable to provide suitable members for two chambers; and upper chamber largely composed of the representatives of landed and moneyed interest might prove too conservative; landed proprietors might be discouraged from seeking the votes of electorates, and the delays attendant on legislation in two houses would be troublesome. Yet it was recognised that, when provincial councils approached
nearer to parliamentary form the need for revising chambers might be the more felt, for which reason it was suggested that the statutory commission should examine the question further. These suggestions have attracted comparatively liable notice in the opinions received. Some of the landowners associations have urged the establishment of Second chambers in which their interests would be strongly represented. Progressive opinion on the other hand inclines to regard a S.C. as an inconvenient incumbrance. It is apparent that a bicameral system would throw additional burdens on the local governments and complicate the business of administration, which may partly account for the lack of interest shown by local governments in the idea. It is, however, fairly clear to us that at the present stage the proposal is not a practical one; and the only point for consideration is whether, as two local governments have suggested powers should be taken from the outset of the reforms to establish S.C.'s at some future date when the need for them has become clear. It is argued that sooner or later the necessity must arise, and that unless provision is made for it from the beginning any subsequent attempt to do so will excite opposition. It seems to us probable, however, that the constitutional development of India may hereafter necessitate legislation by Parliament, at all events after the report of the first Statutory Commission. We have at present very little ground for saying that second houses will be required for the provinces. We do not think that in omitting to provide for their establishment now we are foregoing any material safeguard.
MINUTE OF DISSERT BY SRI C. SANKARAN MAIR.
(d. March 5, 1919.)

THE COUNCIL OF STATE:

The next important question refers to the Council of State. I have very strong objections to the power given to the Executive Government to pass laws through the Council of State without a previous discussion in the Legislative Assembly. The Governor-General can exercise his power of issuing ordinances which will operate for six months. If any discussion is necessary, he can introduce the Bill into the Legislative Council to ascertain the popular view.

Second Chamber

A Council of State as a S.G. representing interests not properly represented in the Imperial Assembly, I understood, and I raise no objection to it. A Council of State for the purpose of securing delay and for greater deliberation of subjects also might be unnecessary and I would not raise any objection to such a council either. But this council of state is constituted for neither of these purposes. Its avowed purpose is to carry out the will of the executive government when they cannot carry it out on account of the opposition of the legislative assembly. It is, in fact, an unreal Council. Rather than constitute such a council, it is much better to lay on the executive council itself directly the obligation to pass the law. It will not then be exercised so frequently as it would now be with the State Council to give the measure that it passes an unreal appearance of popular support. Little the importance of the Legislative Assembly and thus create an antagonism between it and the State Council and the executive Government.

... I am clearly of opinion that the powers of the Council of State, if it is not to be dropped, should be curtailed.

(p. 110 of the Report)
Paragraph 258, Upper Houses:

The Lt. Governor (Punjab) agrees that the need for a S.C. may make itself felt as time goes on. The establishment of such a chamber would however be at any time a controversial measure bound to excite the opposition of the advanced party. He thinks therefore that it would be advisable for Government to take power at the present time to create a S.C. in any province when it is deemed desirable. If this power is taken in the legislation necessary to give effect to the reforms the risk of agitation at the time, when, if ever, it is decided to act on it would be appreciably diminished. (p. 246 of the Report)

Paragraph 277. The Council of State.

The Lt. Governor is not yet in a position to state his views finally on the composition of the Punjab element in the Council of State, but his present view is that one of the two members selected by the Provincial Council should always be a Muhammedan. The Sikhs will no doubt claim that one of the two seats should be assigned to them and two solutions are possible. They might be given one of the six seats which it is proposed to reserve for special constituencies or it might be left to the Governor-General-in-Council to nominate a sikh. No ordinary community which numbered less than 1 per cent of the total population could demand the first, but the sikhs are not ordinary community, and the Lt. Governor thinks that it would be a suitable recognition of their political and military importance to assign them a special seat in the Council of State.
Para.: 36

.....the local Government regard the Scheme for a Council of State as an essential safeguard, at least during the period of transition element, which will make for stability in the future development of the Constitution. They agree that the personal qualifications of members should be of a character appropriate to the dignity of the body, that they should enjoy the title of 'Honourable' and that the life-time of the Council should be five years. They approve of the composition of the Council proposed in paragraph 277, and the procedure explained in paragraphs 279 to 281. (p.302 of the Report)

Para.: 36

It is understood that, under the proposals in paragraphs 284, the Council of State will have no say whatever in the Budget and that the Legislative Assembly will merely be able to pass resolutions, which will be advisory in character. On this understanding the Local Government accepts the proposal. A fortiori resolutions of either House on subjects other than financial must be devoid of any mandatory character. (p.303 of the Report)

NOTE BY THE CHIEF COMMISSIONER, CENTRAL PROVINCES.

(On Constitutional Reforms)

22. UPPER CHAMBER:

When the further stage is reached, I am of opinion that with it should come too the establishment of a Second Chamber. This is a development which must come sooner or latter, and when we
start on responsibility let us make the start completed.  

(Note on Indian Constitutional Reforms with Special Reference to 

Assam.)

Para 40: As re 'Upper Houses' in Provincial Legislative Councils I am in agreement with paragraph 258 of the Report. They are premature and need not be considered.

(P. 345 of the Despatch of Government of India 1919)

Para 47: ....I dislike the whole scheme of a 'Council of State.' On the other hand I am attracted by the proposal for a privy council (para 287). In any case the ultimate responsibility will be his own. The members of the proposed Council of State, have been described as "Elder Statesmen." I would rather apply the title to the privy Councillors.

(P. 347 of the Despatch of Government of India 1919.)

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