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## THE FEDERATION OF INDIA

**I**N India the war has greatly strengthened the demand for democracy and self-governing institutions. It has also made it increasingly difficult for enlightened Englishmen at home to justify the continuance of the old autocratic British régime in India while fighting autocracy in Germany. What has been called "the most momentous utterance in India's checkered history" was the statement made in the House of Commons on August 20, 1917, by Mr. Montagu, Secretary of State for India, when he defined as the new aim of British policy "the progressive realization of responsible government in India, as an integral part of the British Empire." The result of the new policy was the mission of Mr. Montagu to India for the purpose of conducting an inquiry into its political and constitutional problems and of preparing in cooperation with the Government of India a plan of reform that would give effect to the announcement of August 20. This plan, known as the Montagu-Chelmsford Report, was published in 1918.

Even before the war the situation in India was rapidly becoming impossible, and nothing but the war and the restraints which that struggle for a time imposed upon all, have made possible the continuation of the old régime down to the present. Even the Government of India called out for a new policy and, we are assured, hailed its promulgation with relief. Within ten years the Morley-Minto reforms, issued with the announcement that they were all that India need expect for a generation, have broken down. The Montagu-Chelmsford Report sees three cardinal defects in their working. Municipalities and district boards still rest under official control; there is no financial freedom for the provinces; and Indians, in spite of promises, are debarred from the higher administrative posts. These defects are real, but no one who studies the report and who understands the India of today will doubt that they touch only the hem of the subject. They would not in themselves cause the

new councils, heralded with such hopes on the one side, and so many misgivings on the other, to be described as "a cynical and calculated sham". They fail to account for the continued agitation in India and for the persistent and now overwhelming demand for a new constitution. Such as they are, the Government of India cannot divest itself of a share of the blame for them; it cannot claim that it faced the new conditions in a broad and generous spirit. But the real cause of the failure of the Morley-Minto reforms is that they did not adequately meet the existing demand for self-determination and that they contemplated an India almost static as in the era of Company, not in movement as today. Instead of planning for the future, they provided for the past.

In the light of this experience it is obvious that, if the reforms proposed in the Montagu-Chelmsford Report are to offer more than a brief pause in the protracted and unworthy struggle between the government and the peoples of India, they must be adequate to the present situation and elastic as regards the future. Indian protest is not confined to a limited *intelligentsia*, as some would still vainly have us believe. There might have been an element of truth in that assertion twenty years ago; there is none today. Now it is a nation which moves. And its ideal is the ideal of self-government. You might as well try to thrust India back into the stone age as expect her to give up that ideal. True, the telegrams received by the English press do not convey this impression. They talk of "extremists", "agitators", "politicians" and all that jargon by which the enemies of national change are wont to decry the enthusiasm and belittle the importance of their opponents. India is pictured through purely European eyes and rather myopic ones at that. The actual situation, as will be evident to any one who takes the trouble to make himself acquainted with both sides of the case, is quite otherwise. Everywhere there is enthusiasm, everywhere the tide of national feeling flows more and more strongly. Soon it will cover the few spots of land as yet untouched. Even Dr. Nair may find himself engulfed. Nationalism is transforming India as completely as the revolution of 1789 transformed

France. Seeing that the report is, as internal evidence shows, largely influenced by the Government of India, it seems little likely that the reforms recommended may go too far. The peril is rather that they may fail, as the Morley-Minto scheme failed, through timidity and shortsightedness.

It is a commonplace with the foes of reform in India to argue that Indians, before being trusted with political power, must learn the art of local self-government in the municipalities and the district boards. The existing situation, as the report rightly states, places such a proposal quite outside practical politics. The very officials, indeed, who uphold this doctrine have not hesitated to limit the responsibilities of local boards and to maintain over them a minute official control. But the whole contention is false, for local self-government, though it teaches administration, leaves untouched the broad field of legislation and general policy. A man inspired by high ideals may be an excellent legislator on the subject of education, for example, though he may not shine in the everyday drudgery of municipal work. On the other hand, officials have made many boards highly efficient, but the educational record of officialdom is deplorable. Both administration and legislation are necessary for good government, but proficiency in the one does not imply proficiency in the other.

In perhaps their only touch of acerbity Mr. Montagu and Lord Chelmsford urge that there must be "no further hesitation or paltering about changes in local bodies." Probably they had in view the fate of previous orders on the subject. Lord Morley in paragraph 33 of his dispatch of 1908 made no doubt that the Government of India would act on Lord Ripon's resolution of 1882 and give the fullest possible liberty of action to local bodies.

*Sed aurae*

*Omnia discernunt et nubibus irrita donant.*

Why are these bodies still kept in leading strings? The answer is writ large in the resolutions of the Simla Government. In truth, human nature being what it is, centralized governments will always find a hundred excuses for clinging to power. There is no dishonesty in this. They have come to believe that they

alone can efficiently administer—*extra ecclesiam nulla salus*—and with this belief they will never willingly relax their control over local boards. To secure really popular control there is only one way. Inside control must be abolished and powers of interference from outside definitely restricted to certain specified acts of malfeasance or neglect. In every other respect local boards must be left free to work out their own salvation within the limits of the law.

It is common ground with both Europeans and natives that the provincial governments should be set free from their present irritating bonds, so that each may be master in its own house. Outside a narrow official clique the Government of India has few friends. Its interminable delays, its ignorant attempts to regulate details of provincial government, to enforce uniformity where variety is called for, its intense centralization and its aloofness from the toil and dust of daily life, especially of mercantile life, estrange it from all. As an able chief secretary once remarked to the writer, "The Government of India is always wrong." On all hands, then, the proposal of the report to confer a great measure of independence on the provincial governments will be heartily welcomed. But it is precisely here that the importance of a definite object, of defining the angle of vision, becomes manifest. Are the authors of the Montagu-Chelmsford Report merely stripping the central government of certain controls, acting in fact like a kind of glorified decentralization commission, or have they in view some definite polity? On this subject the report is silent. In one portion, indeed, the writers, stricken by "the-fear-of-giving-oneself-away disease", permit themselves to indulge in a vision of an India "with the external semblance of some form of federation." This vision, however, they are careful to relegate to the distant future. Elsewhere the possibility of federation is explicitly denied on the ground, forsooth, that, as the provinces have no powers to give up and the government is unitary, there can be no *foedus*. The last chance, it is averred, was in 1774, when Bombay and Madras had rights to surrender. That is sheer pedantry. The essential point in federation is that the component states should each possess a corporate life, common

interests, historic traditions of its own. Is this true of the Indian provinces? Undoubtedly, it is. Then they are fit subjects for federation. It is immaterial whether they come together as separate entities surrendering in a *foedus* certain individual rights, or whether they do so after control has been exercised over them by a central government at Simla. A proposal, ably supported, is now before Parliament to federate the British Isles, where, of course, the government is unitary. If the people agree that federation is expedient, they will certainly bring it to pass, *foedus* or no *foedus*.

If, then, the Indian provinces are suitable subjects for federation, is the federal form of government expedient for India? Is that the goal toward which we should set our steps? Surely so. India is a vast subcontinent containing various peoples differing in race, religion and civilization, yet with a common culture and outlook, whom it is desired to bind together in an organic whole, while preserving the priceless gifts of local life and local initiative. Here, if anywhere, is an ideal case for federation. In the broad view, is any other polity possible, even thinkable? Look around at the United States, at Canada, Australia, South Africa, at all peoples who in modern times have sought to combine the unity of the great nations with the initiative, the intense life and patriotism that flourish with small peoples. Everywhere we witness the principle of federation adopted and adopted with success. Not "the outward semblance of some form of federation," in the halting words of the report, but federation itself in the precise modern sense is beyond question the future form of Indian government. That, then, should be the end and object of Indian constitutional reform.

In the case of the provincial governments, the report recommends the single-chamber system, a proposal that should command general assent. True, some federations, for example, the United States, have bicameral legislatures in the states, but there seems no very good reason for their introduction into India, and Indian opinion, at any rate, is averse to it. The further proposal to divide all matters into two heads, the reserved, under the control of the governor's executive council,

the transferred, under that of the elected assembly, will give rise to heated discussion. Much, of course, will depend on the division finally recommended. And the division should take place, not by naming the subjects to be transferred, but by naming those reserved, *all others being under the control of the popular body*. This is important. With these provisoes, this proposal, which is indeed the key-stone of the report, certainly appears to be the best way out of a difficult situation and to provide the needed intermediate stage between bureaucratic control and democratic government.

But the scheme, in the form in which it is advocated, is marred by a vital defect. The minister or ministers in charge of the transferred portfolios, though selected by the governor from the assembly, will hold office during its lifetime. They will be no more removable by it than the German chancellor was removable by the Reichstag. That is not education in responsible government, and it is mere sophistry to describe it as such. Moreover, it would prove in practice unworkable. There would be no identity of will. Suppose, as will quite probably happen, that the minister does not command the confidence of the assembly in his policy touching the transferred subjects. What will happen? He cannot be removed during the lifetime of the assembly, nor will the latter assent to his proposals. Result, a deadlock. On every ground, then, the minister should vacate office when he ceases to command a majority in the assembly. In this view the further proposal that a minister should continue in office if reëlected by his constituents—which would make the government of a whole province subservient to the vote of a random electorate—will also fall to the ground.

The disappearance of the official *bloc* in the provincial assemblies will be hailed with relief both by officials and by the people. This system, which degraded high officials to the level of supers in a theatre, has availed nothing to soften the bitterness called forth by the consistent rejection of all non-official measures. It has all the disadvantages of the simple veto, with others of its own superadded. The system of grand committees for reserved measures, though not ideal, should mark a

distinct improvement. So too should the power of popular control over the budget, after allotments shall have been made for the Government of India and for reserved heads. But there must be full powers of taxation, outside the heads reserved to the central government, and of borrowing. Better, far better, that the provinces should pay a slightly enhanced rate of interest on their loans than that their rate of progress should be hampered and their sense of responsibility undermined by meticulous control from Simla. The men behind the new governments will not be exactly babes and may be trusted to look after provincial interests in money matters.

As with reserved and transferred heads in the councils, so with heads of provincial taxation and legislation, it is of first importance that those allotted to the higher power—in this case the Government of India—should be scheduled and not those of the inferior. This is the rule with most federations—Canada is an exception—and the reason is obvious. Whereas the inferior can scarcely encroach on the domain of the superior, the latter may, and probably will usurp functions of the inferior. “*D'interprétation en interprétation*,” a writer has acutely remarked, “*le gouvernement central irait toujours absorbant, envahissant et réduisant les attributions des états.*” And if this provision has been found necessary in countries accustomed to full or partial popular control, how much more is it called for here, where there is in question a supreme government saturated with intense centralizing and bureaucratic traditions?

For most Indians and not a few Europeans the most disappointing portion of the Montagu-Chelmsford Report will be that dealing with the Government of India. This is left practically unreformed. True, the official *bloc* disappears from the Imperial Legislative Assembly, which will have a large popular majority. But the Assembly is shorn of all power by the creation of a second or nominated chamber, to be called the Council of State, created avowedly to serve the purposes of the former *bloc*. Nor is the reason for this far to seek. Unlike the famous report of Lord Durham, the Montagu-Chelmsford Report has been influenced by supporters of the existing

régime. It is signed jointly by the Viceroy, who is and has always been very much in the hands of the Simla officials, while the tour of the Secretary of State in India was "conducted" by the same persons. Is it surprising, then, that the report bristles with excuses for the failures, both administrative and political, of the Government of India, or that again and again it harps on the need of maintaining the responsibility of Simla to Parliament? Responsibility to Parliament! What does this mean in practice but absence of all real control, liberty to rule in accordance with bureaucratic traditions. Did this responsibility avail to prevent the Mesopotamia muddle or ten years of agitation and of gathering thunder-clouds under the Morley-Minto constitution? Though that constitution was, as already stated, foredoomed to failure, its collapse had not been so complete but for the attitude of the Government of India. Imagine an auditor charged to inquire into the affairs of a bank which was going badly. If his report were signed jointly by himself and the chairman, would it not call up a smile to read that while the branch establishments needed reform, the directorate and head office, being responsible to the shareholders, must remain unchanged?

The Government of India is charged by Indians with being the head and front of offending; they see in it the soul of that bureaucracy which is choking their life and destroying their self-respect. The keystone of all good government is the self-respect of the individual, but against that ideal Simla has warred and will ever war. No scheme which leaves the Government of India practically untouched can command even temporary assent, nor, looking to the history of the Morley-Minto constitution, will Indians believe that under it any reforms, however well designed, can have a fair chance of success. *There can be no real reform in India without reform of the Government of India.* The addition of another Indian to the executive council is quite insufficient. Nor is a bureaucracy which has turned a deaf ear to the elected members of the present council, likely to be influenced by the votes of the proposed legislative assembly or, what it really amounts to, advisory council. The least measure that offers any hope of

satisfaction to Indian aspirations and of reform in the central government, would be the division of the portfolios into reserved and transferred, the latter, as in the provinces, in charge of a minister or ministers having the confidence of the assembly. Elected, as that body will be, on a restricted suffrage, there need be no fear of wildcat resolutions or revolutionary legislation. The debates in the existing council show the innate moderation of Indian statesmen and the sobriety of their views; they compare not unfavorably with the proceedings of the Imperial Parliament. Such a measure would do more to quell any "anarchy" or "sedition"—the Indian Government makes play with these words exactly as did Napoleon III with *le Spectre Rouge*—than the recommendations of fifty Rowlatt Commissions with their truly Prussian outlook. It would signalize to Indians that England was indeed in earnest in the desire to place them on the road to self-government and that she did not cherish one ideal for the rest of the world and another for India. At present educated Indians charge the British with hypocrisy. It is a stigma that may require some living down.

There is indeed a lion in the path, though he does not live in India. If, as should be the case, the imperial budget were placed under the control of the assembly, the latter would, in all probability, impose protective duties. As the report truly states, there exists in India a general and strong feeling on this subject. Such a possibility will rouse the hostility of Lancashire and, we may assume, of the Indo-British Association. But is it right, is it just, is it in accordance with British traditions of fair play to bind India in economic thralldom to the United Kingdom? Why should there be one law for the colonies and another for India? There is no plea for such a policy except the shameful one of self-interest. Even those who have forgotten the lesson of the tea chests in Boston harbor might have some regard for the fair name and the reputation of England among a fifth of the human race. She has dared to overrule Lancashire in the matter of the cotton duties. Does she not dare to set aside the whole evil fabric and allow Indians to regulate their finances according to their own wishes? Will a nation that has not shrunk from a death grapple for the

sake of liberty fear, at the bidding of interested men, to grant a boon for the sake of justice and honor?

Unhappy as is the scheme with respect to the powers of the Indian Legislative Assembly, it is not less so as regards the constitution of the Council of State. The *raison d'être* of the council is frankly to serve the purposes of the defunct official *bloc*. Surely that is a rather short-sighted view. Assuming, as we ought to assume, that the goal of Indian government is federation, the upper chamber should be designed to represent the provincial governments, at first perhaps with a strong official tinge in the membership, but still to represent these governments. In most federations the object of the first chamber is to reflect the views of the governments of the states, that of the second, of the people as a whole. One stands for local autonomy, the other for unification in the great essentials. Together they ensure the full development of national life, while preserving what is equally precious, the local life and independent being of the component states. This, and not the saving of official face, should be the general idea underlying any scheme for a reformed central government. Remember, the Simla Government is no organic part of Indian national life, born of the soil and endeared to the people by a thousand ancient traditions. It is an artificial domination imposed from outside. There is, then, no question of amending it continuously, piece by piece, so as to conserve its life and spirit. The bureaucratic spirit is precisely what we want to get rid of. The better course seems to be to bear steadily in mind the future federation of India—a future which may be much closer than many now suppose—and to frame reforms so as to facilitate the introduction of such a polity.

The report concludes with some excellent recommendations on the British aspects of Indian government. The reform of the Secretary of State's Council so as to make it, not as now a citadel of bureaucracy, but a body really conversant with the conditions of a changing India, the placing of the Secretary of State's salary on the British budget and the appointment of a select committee in the Commons, are all steps in the right direction. They will inform Parliament's control and stimulate

its interest. So, too, is the revival of the rule that prevailed in the days of the East India Company, that of a periodical commission of inquiry into Indian affairs. But the period proposed—ten or twelve years—seems much too long. Things in India march quickly nowadays. There are more changes now in five years than there were in twenty under the company. It will probably be found that after the lapse of five years there will be ample grounds for the issue of a parliamentary commission.

The problems raised by the memorable report of Mr. Montagu and Lord Chelmsford are indeed worthy of all the statesmanship, all the genius of Parliament and the nation. Their settlement has admittedly been too long delayed. Though Orientals are proverbially patient, there may be limits even to their self-restraint. The gravity of the situation in India is still quite unrealized in England, but that it is grave, any false step inspired by reactionary counsels will quickly make manifest. It will not do to belittle, to ignore or to despise Indian nationalism. We are face to face with a gigantic movement, the greatest save one in human history. But yesterday it was feeble; today it is strong, it electrifies all the confines of India; tomorrow it will be overwhelming. Can we set bounds to the march of three hundred million souls or bind with cords the swelling forces of an empire? The only way to success, the only way compatible with statesmanship and with the fair name of England, lies, not in listening to the prattle of ex-officials, dreaming of a dead past, or to the sophistries of a government that clutches at departing power, but in honestly joining hands with India and helping her forward.

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