

UNIT II

Important Events (1861-1909)

Social and Religious Movements

Towards the end of 19th century social, religious and political conditions in India were changing which resulted in national awakening of Indians. Many factors influenced national awakening. The social and religious movements led by Raja Rammohan Roy, Swami Dayanand Saraswati, Ram Krishna Parmahansa, Swami Vivekanada, etc. generated a feeling of national awakening. These leaders played a very important role in eradicating social evils. They tried to liberate the society from the ill-founded beliefs like casteism, sati pratha, child marriage, marriage of widows, etc. They also revived a feeling of pride in ancient culture and heritage. This in turn gave strength to Indians and generated confidence.

Effects of British Rule

The alien Rule which was indifferent to the sentiments of the people also contributed to intensify the forces of freedom. The Indians were being discriminated in every sphere of life. The Indians were deliberately kept out of offices and were denied active participation in public affairs. No respect was paid to Indian national leaders.

Influence of Western Education

Another factor which played a significant role in the growth of national awakening was the spread of western education. English education brought the people in touch with the philosophies of western thinkers who advocated nationalism and democracy. Indians studied the political systems of various nations and were moved by the aspirations for self-government and for representative institutions. It proved both boon and a bane. Its effect was seen on the minds of those educated Indians who drifted away from their own culture and wore the stamp of English culture and civilisation.

Birth of Indian National Congress.

Before 1885, the political movement was unorganised. It was only in 1884 that a retired a civil servant A O Hume conceived the idea to bring leading Indian leaders together to deliberate upon their social and political problems. On December 28, 1885 Congress, under the president ship of W C Banerjee was founded. The first session of the Congress opened in Bombay in 1885 which was followed by various other sessions (between 1885 and 1905) at different venues and passed various resolutions demanding:

1. That the Governor General's and Governors' Executive Councils should be enlarged and made to have more Indians and representative element in them;
2. That the defence budget should be reduced and English officers be replaced by Indian officers;
3. That the local bodies may be given more powers and a degree of autonomy in local affairs;
4. That the burden of tax and rent on land be reduced;
5. That the press may be guaranteed freedom of expression;
6. That the Indians may not be excluded from higher ranks of services;
7. That the economic condition of the people be improved;

For the period of two decades 1885-1905, the leadership of the Congress was held by the moderates who had a firm faith in the British sense of justice and fairness. They were sure that the government would sooner or later accept their demands. They had faith in the fact that the British rule was in the interest of the people. Till 1906, the political goal of the Congress was not independence but only greater share in the administration of the country. The British government gave a code reception to Congress demands. This appointed Congressmen and they proposed a change in their programme. Dadabai Naoroji, in his Presidential address at Calcutta session of the Congress, in 1906, declared that self-government or Swaraj for India was the goal of Congress activities.\

Partition of Bengal.

Lord Curzon committed a great mistake when he partitioned Bengal. The partition announcement made Indian leaders sad. "Partition announcement fell like a bombshell", writes S N Banerjee, "we felt we have been insulted, humiliated and tricked..." Although it was done for

administrative convenience yet it had the sinister motive of creating a Muslim majority province and thereby creating a rift between Hindus and Muslims.

Birth of Muslim League.

With the partition of Bengal creating a communal divide, On December 30, 1906, Muslim league was formed under the leadership of *Aga Khan, the Nawab of Dhaka* and *Nawab Mohsin-ul-Mulk* with a view to safeguard the rights of Indian Muslims. At the Amritsar session of the League, in 1908, under the presidentship of *Sir Syed Ali Imam*, arose the demand for a separate electorate for the Muslims which was later on conceded by the *Morley-Minto Reforms* in 1909. The primary objectives of the league were:

- To create among Muslims the feelings of loyalty towards the British Government.
- To safeguard the political rights of the Muslims and to convey the same to the government.
- To prevent the rise of any prejudice among the Muslims against other communities.

Morley-Minto Reforms.

The Indian Councils Act 1909 was an Act of the British Parliament that introduced a few reforms in the legislative councils and increased the involvement of Indians (though limited) in the governance of British India. It was more commonly called the *Morley-Minto Reforms* after the Secretary of State for India John Morley and the Viceroy of India, the 4th Earl of Minto.

- The legislative councils at the Centre and the provinces increased in size with the Central Legislative Council – from 16 to 60 members, the Legislative Councils of Bengal, Madras, Bombay and United Provinces – 50 members each and the Legislative Councils of Punjab, Burma and Assam – 30 members each.
- The legislative councils at the Centre and the provinces were to have four categories of members as follows.
 - Ex officio members: Governor-General and members of the executive council.

- Nominated official members: Government officials who were nominated by the Governor-General.
 - Nominated non-official members: nominated by the Governor-General but were not government officials.
 - Elected members: elected by different categories of Indians.
- The elected members were elected indirectly. The local bodies elected an electoral college who would elect members of the provincial legislative councils. These members would, in turn, elect the members of the Central legislative council.
 - The elected members were from the local bodies, the chambers of commerce, landlords, universities, traders' communities and Muslims.
 - In the provincial councils, non-official members were in the majority. However, since some of the non-official members were nominated, in total, a non-elected majority was there.
 - Indians were given membership to the Imperial Legislative Council for the first time.
 - It introduced separate electorates for the Muslims. Some constituencies were earmarked for Muslims and only Muslims could vote their representatives.
 - The members could discuss the budget and move resolutions. They could also discuss matters of public interest.
 - They could also ask supplementary questions.
 - No discussions on foreign policy or on relations with the princely states were permitted.
 - Lord Minto appointed (on much persuasion by Morley) Satyendra P Sinha as the first Indian member of the Viceroy's Executive Council.
 - Two Indians were nominated to the Council of the Secretary of State for Indian affairs.

The reforms established Indian dominance in the Provincial but failed to do so in Central legislative bodies. Elections, mainly indirect, were affirmed for all levels of society. Special seats were also created to represent provincial landowners, tea plantations, various regional merchants, etc. Electoral rolls were drawn up requiring substantial property qualifications or otherwise

honours or degrees from universities or public service. The elected Indians were also enabled to debate budgetary and complementary matters and table resolutions. The British executive, however, retained an absolute veto over all legislations. Councillors also were granted very limited powers to request information from the government. Despite the reforms, the members still reeled over electoral apportionment. The provinces were delegated electoral allocations, and administrative changes hindered harmful moves against the British rule. The separate electorates proved to be a major hindrance to coalitions.

(1909-1919)

[The reforms of 1909 failed in their object, if that was to check the propaganda for self-government. But they had the merit of securing improvement in legislative measures, not so much through actual proposals by Indian members as through the circulation of Bills for suggestions and the use of committees to examine in detail their proposals. The passing of resolutions was often fruitful; it is reckoned that of 168 resolutions passed to the end of 1917 in the imperial legislature 73 produced definite action, and the provinces showed analogous results. In the meantime, however, the government of India and the Home Government had decided on a far-reaching step, the removal of the capital of India to Delhi. No doubt, if a change were to be made, on geographical, political, and historical grounds Delhi offered the only alternative. The just demand for a larger share in the government of the country must be met by increasing the limits of provincial autonomy and retaining the government of India, with its absolute control of the legislature, as the authority to deal with matters of imperial concern, while empowered to intervene in case of misgovernment. This involved the separation of the central government from close connexion with any province, a step which would encourage the growth of local self-government while it would follow the precedents of the United States, Canada, and Australia. It was impossible indeed to select a capital where the government could be housed all the year, but Delhi could be used from October to April, and its greater proximity to Simla would reduce the cost of transfer thither. It would be more convenient for control of the railways, posts, and telegraphs to be centrally situated, and the commerce and industry department would be in closer touch with Bombay and Karachi, and less open to the influence of Calcutta. It was admitted that the European community of Calcutta would suffer loss, and that the Bengalis might resent the transfer, but other changes would compensate the latter. It was believed that it was desirable to conciliate the Bengali resentment over the partition of Bengal, by reuniting the province, so far as this could be done

without leaving, as before the partition, an unmanageable area to govern. The new policy was duly announced by the King at the durbar which marked his visit to India, and unquestionably this mode of procedure was curiously unconstitutional for a Liberal government, since it precluded the exercise by the House of Lords and the opposition in the Commons of the right of criticism of so far-reaching a change in policy. It was made effective by a series of notifications and proclamations resting on miscellaneous earlier power. Thus the creation of the governorship of Bengal by the secretary of state in council was based on the Government of India Act, 1853, the constitution of a new province on the Indian Councils Act, 1861, of the chief commissionership of Assam on the Government of India Act, 1854, while the delimitation of the boundaries of Bengal was carried out under the Indian Councils Act, 1861, and the Government of India Act, 1865. Certain further steps which were necessary were taken by the Government of India Act, 1912. It conferred on the governor of Bengal those powers which since 1833 had been added to the functions of the governors of Madras and Bombay, reserving, however, to the governor-general in council control of the high court. It made the advocate-general's membership of the legislative council optional, as he might not conveniently be available. It provided an executive council forthwith for Bihar and Orissa, and the grant of legislative councils to provinces under chief commissionerships, Assam receiving a council on November 14th 1912 and the Central Provinces on November 10th 1913. Minor enactments included the fixing of the strength of the legislatures of Bengal and Bihar and Orissa and the recognition of the right of the governor of Bengal to succeed equally with those of Madras and Bombay according to seniority to the office of governor-general in the case of a temporary vacancy. It was also made clear that transfer of territory was possible from or to a chief commissionership. A change of wider importance removed the rule of 1793 under which promotion was restricted to officers serving in the same presidency. The changes of 1912 necessitated consequential alterations in the regulations regarding the constitution of the legislatures under the Act of 1909, and these were duly made in 1912. Under the authority of the Government of India Act, 1854, there was effected in September 1912 the transfer of Delhi from the lieutenant-governorship of the Punjab to the direct control of the governor-general, to be exercised through a chief commissioner, who exercises the functions of the commissioner of a division, financial commissioner, registrar of births, etc., and of joint-stock companies, inspector-general of registration and of police. Other functions are carried out by Punjab officials. The powers of government are regulated by the Delhi Laws Act XIII of 1912, which allot some

functions to the governor-general in council, some to the lieutenant-governor of the Punjab. With an area of 673 square miles, it forms a sort of enclave, similar to the District of Columbia and Washington in the United States. Finally, there should be mentioned the Indian High Courts Act, 1911, which raised to a maximum of twenty the number of judges of the High Courts, permitted the creation of further such courts-the power accorded in 1861 being thought to have been exhausted by the creation of the court at Allahabad -and permitted the appointment for a period not exceeding two years of temporary additional judges to any high court.]¹

On the other hand, the First World War substantially changed Indian expectations for representation owing to the reason that India providing substantial support for the British war effort in the form of men, materiel, money and other logistic support. The political demands emerging from India's sacrifice led Indian Secretary Edwin Montagu to announce further constitutional reforms towards responsible government in 1917, leading to the Montagu–Chelmsford reforms (also known as Montford Reforms) followed by the Government of India Act 1919.

The Government of India Act 1919

The Government of India Act 1919 was an act of the British Parliament which aimed at increasing the participation of Indians in the administration of their country. The Act was based on the recommendations of a report by Edwin Montagu, the then Secretary of State for India, and Lord Chelmsford, India's Viceroy (between 1916 and 1921). Hence the constitutional reforms set forth by this act are known as **Montagu-Chelmsford reforms** or shortly Montford reforms.

Principal Features of Government of India Act 1919

I. Provincial Government

Executive:

- Dyarchy was introduced, i.e., there were two classes of administrators – Executive councillors and ministers. It introduced the concept of federal structure with a unitary bias.
- The Governor was the executive head of the province.
- The subjects were divided into two lists – reserved and transferred.

¹ Excerpts from “A CONSTITUTIONAL HISTORY OF INDIA: 1600-1935” by Arthur Berriedale Keith.

- The governor was in charge of the reserved list along with his executive councillors. The subjects under this list were law and order, irrigation, finance, land revenue, etc.
- The ministers were in charge of subjects under the transferred list. The subjects included were education, local government, health, excise, industry, public works, religious endowments, etc.
- The ministers were responsible to the people who elected them through the legislature.
- These ministers were nominated from among the elected members of the legislative council.
- The executive councillors were not responsible to the legislature, unlike the ministers.
- The Secretary of State and the Governor-General could interfere in matters under the reserved list but this interference was restricted for the transferred list.

Legislature:

- The size of the provincial legislative assemblies was increased. Now about 70% of the members were elected.
- There were communal and class electorates.
- Some women could also vote and this change was introduced for the first time.
- The governor's assent was required to pass any bill. He also had veto power and could issue ordinances also.

II. Central Government

Executive:

- The chief executive authority was the Governor-General.
- There were two lists for administration – central and provincial.
- The provincial list was under the provinces while the centre took care of the central list.

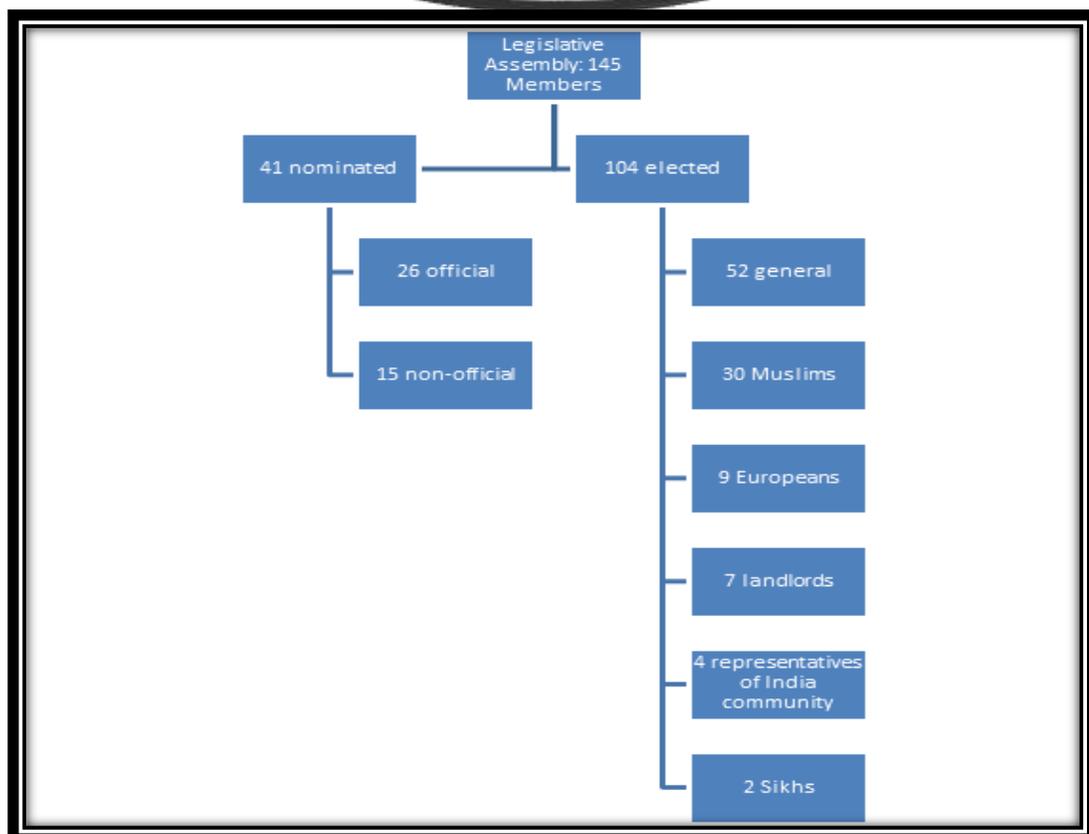
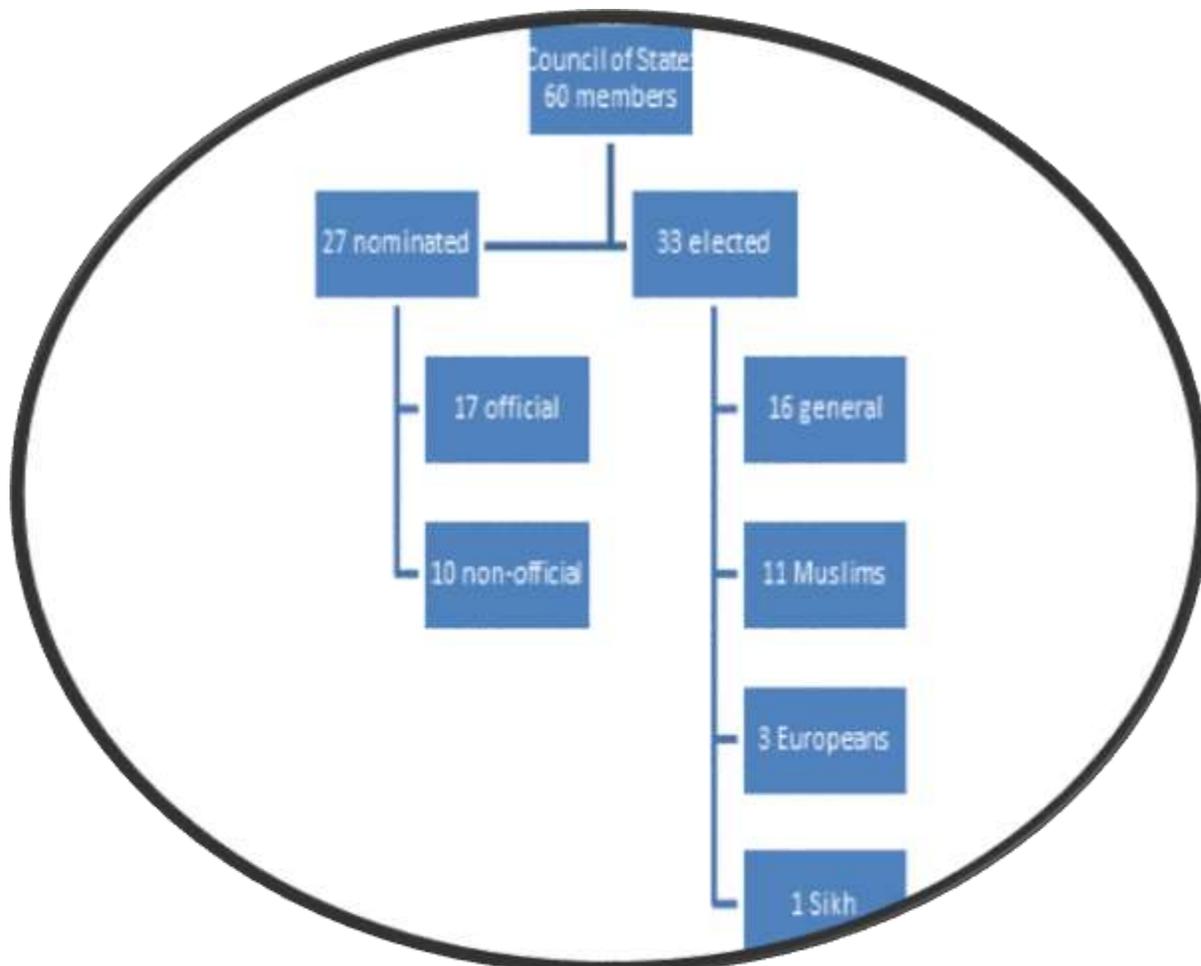
- Out of the 6 members of the Viceroy's executive council, 3 were to be Indian members.
- The governor-general could issue ordinances also.
- He could also certify bills that were rejected by the central legislature.

Legislature:

- A bicameral legislature was set up with two houses – Legislative Assembly (which became the precursor for the later *Lok Sabha*) and the Council of State (which became the precursor for the later *Rajya Sabha*).
- Legislative Assembly (Lower House)
- Members of the Legislative Assembly:
 - The nominated members were nominated by the governor-general from Anglo-Indians and Indian Christians.
 - The members had a tenure of 3 years.

Council of States (Upper House)

- Only male members with a tenure of 5 years.
- Members of the Council of State
- The legislators could ask questions and also vote a part of the budget.
- Only 25% of the budget was subject to vote.
- Rest was non-votable.
- A bill had to be passed in both houses before it became a law.
- There were three measures to resolve any deadlock between both the houses – joint committees, joint conferences and joint sittings



Governor-General

- The governor-general's assent was required for any bill to become law even if both houses have passed it.
- He could also enact a bill without the legislature's consent.
- He could prevent a bill from becoming law if he deems it as detrimental to the peace of the country.
- He could disallow any question, adjournment motion or debate in the house.

Who could vote?

- The franchise was restricted and there was no universal adult suffrage.
- Voters should have had paid a land revenue of Rs.3000 or have a property with rental value or have taxable income.
- They should possess previous experience in the legislative council.
- They should be members of a university senate.
- They should hold certain offices in the local bodies.
- They should hold some specific titles.
- All this narrowed the number of people who could vote to an abysmal number.

Indian Council

- There were to be at least 8 and a maximum of 12 members in the council.
- Half of the members should have ten years of experience in public service in India.
- Their tenure was to be 5 years.
- Their salaries were increased from £1000 to £1200.
- There were to be 3 Indian members in the Council.
- This act provided for the first time, the establishment of a public service commission in India.
- The act also provided that after 10 years, a statutory commission would be set up to study the working of the government. This resulted in the Simon Commission of 1927.
- It also created an office of the High Commissioner for India in London.

Salient features of the Act can be summed up as follows:

1. This Act had a separate Preamble which declared that the objective of the British Government was the gradual introduction of responsible government in India.

2. Diarchy was introduced at the Provincial Level. Diarchy means a dual set of governments; one is accountable, the other is not accountable. Subjects of the provincial government were divided into two groups. One group was reserved, and the other group was transferred. The reserved subjects were controlled by the British Governor of the province; the transferred subjects were given to the Indian ministers of the province.^[3]
3. The Government of India Act of 1919, made a provision for classification of the central and provincial subjects. The Act kept the Income Tax as a source of revenue to the Central Government. However, for Bengal and Bombay, to meet their objections, a provision to assign them 25% of the income tax was made.
4. No bill of the legislature could be deemed to have been passed unless assented to by the Viceroy. The latter could, however, enact a bill without the assent of the legislature.
5. This Act made the central legislature bicameral. The lower house was the Legislative Assembly, with 145 members serving three-year terms (the model for today's *Lok Sabha*); the upper house was the Council of States with 60 members serving five-year terms (the model for today's *Rajya Sabha*).
6. The Act provided for the establishment of a Public Service Commission in India for the first time.
7. This act also made a provision that a statutory commission would be set up at the end of 10 years after the act was passed which shall inquire into the working system of the government. The Simon commission of 1927 was an outcome of this provision.
8. The communal representation was extended and Sikhs, Europeans and Anglo-Indians were included. The Franchise (Right of voting) was granted to the limited number of only those who paid a certain minimum "Tax" to the government.
9. The seats were distributed among the provinces not upon the basis of the population but upon the basis of their importance in the eyes of the government, on the basis of communities, and the property was one of the main basis to determine a franchisee. Those people who had property, taxable income & paid land revenue of Rs. 3000 were entitled to vote.
10. The financial powers of the central legislature were also very much limited. The budget was to be divided into two categories, votable and non-votable. The votable items covered only one-third of the total expenditure. Even in this sphere, the Governor-General was

empowered to restore any grant refused or reduced by the legislature if in his opinion the demand was essential for the discharge of his responsibilities. Thus the Government of India Act provided for partial transfer of power to the electorate through the system of diarchy. It also prepared the ground for Indian federalism, as it identified the provinces as units of fiscal and general administration.