

CHAPTER XXXVIII.

Krishnaraja Wodeyar IV.

The Seal Committee Report on Constitutional Reforms.

The Committee over which Sir Brajendranath Seal presided, submitted its report to Government in March 1923 and it was published in April following, to elicit public opinion on the proposals contained in it. The report was widely discussed by public bodies and also at various conferences, and a large number of representations and suggestions were sent to Government. The report was unanimous on all important points except on the question of the representation of minorities. Careful and detailed consideration was given to this report as well as to all other views placed at the disposal of Government and the decisions arrived at were embodied in a Proclamation issued by the Maharaja on the 27th October 1923 as well as in the two Regulations, one relating to the Representative Assembly (XVIII of 1923) and the other to the Legislative Council (XIX of 1923), promulgated on the same date. These two Regulations did not pass through the Legislative Council but were issued by His Highness on his own authority, possessing as he did as between himself and his subjects undivided sovereign authority under the Mysore constitution as it stood, and it was therefore expressly provided in the Legislative Council Regulation itself that that Council had no authority to alter its own constitution nor that of the Representative Assembly. It is true that amendments to the Legislative Council Regulation of 1907 made in the years 1914, 1917 and 1919 were placed before and passed through the Legislative Council. But in doing so, it was subsequently realised that the constitutional aspect of the matter had been overlooked. Other matters taken out of the purview of the Legislative Council were—

1. All measures relating to or affecting the Ruling Family of Mysore;
2. the relations of His Highness the Maharaja with the Paramount Power or with foreign Princes or States;
- and 3. matters governed by treaties, conventions or agreements then in force or thereafter to be made by the Maharaja with the Paramount Power.

The Proclamation issued began by asserting that it was the constant desire of the Maharaja to provide for the increasing association of the people in the administration of the State, that the measures which had been introduced from time to time towards this end had met with a gratifying response from the people and from their chosen representatives, and that an announcement had already been made by the Dewan as to His Highness' resolve to take further substantial steps in the same direction. His Highness now ordained that the Representative Assembly established by his father by an executive order forty-two years ago was for the future to be placed on a statutory basis with enlarged functions. The Assembly was to have the privilege of being consulted on all proposals for the levy of new taxes and also, except in cases of urgency, on the general principles of all measures of legislation within the cognisance of the Legislative Council. The Assembly was also given the right of passing resolutions on all matters relating to public administration and on the general principles and policy underlying the annual State budget. The following however were placed outside the scope of the Assembly:—1. the Palace including the staff and household of His Highness the Maharaja. 2. the Military Forces. 3. the pensions of public servants. 4. Items of expenditure relating to or affecting:

(a) the relations of the Maharaja with the Paramount Power or with other States;

(b) matters governed by treaties or conventions or agreements then in force or thereafter to be made by the Maharaja with the Paramount Power.

5. Interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans.

6. Expenditure of which the amount is specified by or under any law.

The Assembly was to consist normally of 250 members, power being reserved to the Government to increase the number up to a maximum of 275 for the purpose of removing inequalities of representation if any and in order to provide for new interests and constituencies that might develop in the future.

The Proclamation also declared that the Legislative Council was to be enlarged and its constitution revised so as to increase the elected element and to ensure a statutory non-official majority as well as to provide for special interests and minorities. The Council was to have the power of voting on the annual State budget by major heads in respect of all items of expenditure save those specially excluded from its cognisance, with power however to Government to restore a provision wholly or partly disallowed by the Council, if they considered such restoration necessary for the carrying on of any department or for the discharge of Government's responsibility and also to authorise in cases of emergency such expenditure as might be necessary for the safety and tranquillity of the State notwithstanding the absence of provision therefor in the budget.

In order to increase and widen the electorate, representatives of the urban as well as the rural constituencies in the Legislative Council were to be returned by direct election and in the case of members to the Representative Assembly the existing property qualifications were to be reduced by one-half. The franchise was extended to all persons paying income-tax. The franchise was also extended to women possessing the qualifications prescribed for voters. In order to ensure that the Representative Assembly truly voiced the wishes and sentiments of the people, all members of the Assembly except those representing special interests and minorities were to be returned by direct election. To enable the representatives of the people to maintain close touch with and influence the everyday administration of the State, Standing Committees consisting of such number of members as might be prescribed, elected by the Representative Assembly and the Legislative Council were to be formed to help the Government in an advisory capacity. The Economic Development Boards dealing with the subjects of education, agriculture and industries and commerce were to be continued in close relationship with the Representative Assembly and the Legislative Council and reconstituted on new lines. The Proclamation also expressed the desire of His Highness that the constitution, powers and functions of the Municipal Councils, District and Taluk Boards and Village Panchayets were to be revised so as

to give them the largest possible measure of responsibility and autonomy in the administration of local affairs. The Government was to have power to make rules in regard to all matters of detail not provided for in the Proclamation or in the Representative Assembly or in the Legislative Council Regulations and to introduce such modifications as might be necessary or expedient in the future, but not so as to curtail in any manner the powers and privileges granted in the Proclamation. Finally, the Proclamation closed in these words: "My Government will take immediate steps to give effect to this Proclamation and to adopt such measures as may become necessary from time to time to carry out my intentions. I now invite my people to utilise the larger opportunities of public service and usefulness to the State which I am now conferring upon them and I have every confidence that they will respond to my call with the same loyalty and sense of responsibility as in the past and in a spirit of mutual toleration and goodwill. It is my earnest prayer that these measures now inaugurated may under Divine guidance promote the happiness and prosperity and ensure the progress of all classes of my subjects."

The Government in fixing the details found that the constitution of the Assembly as it existed at the time was defective in some respects. While the taluk representatives came in by direct election by the taluk voters, in the case of representatives of urban areas and the Kolar Gold Field Sanitary Board the election was secondary, the members representing them being returned not by the voters in these areas directly but by the Municipal Councils in the former case and the Sanitary Board in the latter. In the case of the members deputed by the District Boards the representation was even more remote, since these Boards included members returned by secondary election through the Municipal Councils and Taluk Boards. A mixed electorate consisting of direct and indirect constituencies caused many anomalies and failed to secure proper representation of the people. The recommendation of the Committee to have direct election for the Representative Assembly was therefore accepted by Government. The Government, however, differing in some respects from the conclusions of the Seal Committee decided that the two City Municipalities of

In the case of minorities, the Seal Committee recognised that the problem of their representation was one of great importance and that the demand for their protection was not unreasonable. But they rejected as unsuitable the devices of exclusive communal electorates and the reservation of seats for communal candidates in plural constituencies, which they considered would likely widen and perpetuate the cleavage between communities. The majority of the Committee recommended a system of 'facultative representation' of minorities through Associations or by nomination where it became necessary, such minorities being communities numbering not less than 20,000 persons as classified in the Census tables. As regards the Mahomedan community, the majority of the Committee were of opinion that between the general electorates and the Associations, the Mahomedan community had reasonable expectations of obtaining adequate representation in the Assembly. Regarding Panchamas and Animists, the Committee remarked that their literacy was extremely low and that vigorous efforts were necessary for the political education and the increased representation of these classes. Referring to Indian Christians, the Committee stated that having regard to the total strength of this community and the percentage of literacy which was more than that among the

Bangalore and Mysore were to be given the privilege of returning four members each, while the Town Municipalities were to return only one member each and all Municipalities with a population of 5000 or more were declared Town Municipalities. It was also prescribed that seats reserved for the representation of special interests and minorities were to be filled up by persons elected by recognised Associations as far as possible, and the special interests selected for representation were—the Mysore University, Legal interests, European planting interest, Indian planting interest, Gold Mining, Trade and Commerce, and Inamdars' interests. These constituencies were given the privilege of returning one member each, except the University which was to return two. Seats were also provided for the representation of such interests as Factory and Mining Labour, industries other than Gold Mining and the like when organisations were formed to develop these interests.

followers of the Hindu religion, its adequate representation was desirable.

The Government considered that the scheme proposed by the Committee for securing the adequate representation of the minorities through Associations was an extension of the scheme already in vogue and while providing for it, they thought it necessary to go farther than the Committee for the reason that certain communities which were distinct social groups might not under the new method of direct election through the general electorates succeed in securing proper representation of their interests. This could only be remedied by guaranteeing to them a certain number of seats in the Assembly fixed with reference to the percentage of their population, literacy, present representation and voting strength. The Government therefore decided that in the event of these communities not obtaining the required number of members through the general electorates, provision was to be made for the return of such number of members as might be required to make up the guaranteed number either through recognised Associations or by nomination if necessary. 15 seats were guaranteed for Mahomedans, 5 for Indian Christians and 3 for the Depressed Classes. The principle of separate communal electorates the Government rejected as inexpedient and unsuited to Mysore. The guarantee provided was only intended for securing adequate representation with the hope that in course of time the same would become unnecessary as education spread and political consciousness developed, leading to a homogeneity of interests in place of the present divergences. Ten seats were also kept in reserve for communities less than 20,000 in number who failed to secure representation through the general electorate. In the case of members returned through Associations representing minorities and registered under the Mysore Societies Regulation, the Associations, it was ruled, must have been formed for the furtherance of one or more specific interests of the community or for its general advancement. The number of members on the roll of any Association was not to be less than 100 members, except when Government for special reasons accepted a smaller number. Membership of the Assembly was restricted to non-officials, but as proposed by the Committee

the officers deputed by Government could sit in the Assembly and take part in the proceedings, without however any right to vote. Yelandur and Sringeri Jahagirs which hitherto had no place in the Assembly were now accorded representation.

It was open to any member of the Representative Assembly to propose an amendment to the general principles of any measure but not to particular clauses in the Bill. The President might thereupon at his discretion obtain the opinion of the Assembly by taking votes. In the case of Bills brought forward by non-official members with the Dewan's previous consent, the general principles as sent in by the member were to be placed before the Representative Assembly at its next session before the Bill was introduced in the Legislative Council. In urgent cases Government reserved power to pass Bills through the Legislative Council and to submit them to His Highness, in which case there would be no consultation of the Assembly. Such Bills were, however, to be of such extreme urgency as to justify the Government to pass them at a single sitting of the Legislative Council by suspending the rules of business. As regards taxation, the Committee recommended that proposals for the levy of new taxes were to be laid before the Assembly for discussion and the opinion of the Assembly ascertained by votes, any modifications which might be suggested in the course of the discussion being also put to the vote at the discretion of the President. In the case of any new taxation involving legislation, the Representative Assembly was to be consulted before legislation was introduced in the Legislative Council. In accordance with the Committee's recommendation, new taxes were defined as taxes which required for their imposition the passing of a new Regulation or the amendment of an existing one.

The practice as to the annual State budget prior to the passing of the Representative Assembly Regulation was that it was placed before the Assembly for general discussion and the representations made by the members during these discussions were taken into consideration by the Government before the budget was finally passed. The Assembly was now given the right of moving

resolutions on the budget. But in keeping with the constitution and character of the Representative Assembly as a body voicing popular opinion on the general principles underlying the matters submitted to it without undertaking any detailed examination, the resolutions were to have reference only to the general principles and policy underlying the budget and not to any particular grants or appropriations.

The Assembly hitherto did not possess the right to divide in respect of any matter placed before it, although Government had frequently taken the opinion of the Assembly on specific questions by votes. The Committee recommended that the practice of presenting addresses to the President either sectional or by the whole House might be discontinued, but that addresses by the whole House to His Highness the Maharaja might be permitted and the Government agreed with the Committee in these matters.

Before the Representative Assembly was placed on a statutory basis, the following were eligible to stand as candidates and to vote at elections: 1. Persons paying land revenue to Government of not less than Rs. 50 per annum. 2. Kadim tenants paying an annual rent of not less than Rs. 50 to the holder of an alienated village to which certain of the provisions of the Land Revenue Code had been applied. 3. Those who paid annually Mohatarfa tax or Municipal tax of not less than Rs. 10 to a Municipal Council. 4. Every person who was the owner of one or more entire Inam villages with a total beriz of Rs. 250 per annum and who ordinarily resided in the constituency. 5. Every graduate of a University who ordinarily resided in the constituency. 6. Every person who was a retired or pensioned officer, whether commissioned or non-commissioned, of the Mysore State troops.

The Committee proposed that these qualifications should be modified so as to reduce the property qualifications of voters and candidates by 50 per cent and the Government accepted the recommendations. The Committee also recommended that all persons paying income-tax to Government should be qualified as voters and candidates and that sex disqualification should be

removed so as to render women eligible to vote at the elections to the Representative Assembly which also were accepted by Government. In cases of special interests and Associations representing minorities, the qualification of voters and candidates was to be the membership of the Association or other institution concerned, except that in the case of the Mysore University only fellows were to be eligible to stand as candidates for the Representative Assembly. In the case of general qualifications required for voters and candidates for the Representative Assembly, the Government agreed with the Committee that no special literacy qualification was to be prescribed as the language in which the proceedings of the Assembly were conducted was mainly Kanada. Government also agreed that to be a voter or a candidate, he was to be a subject of the Mysore State possessing certain residential qualifications, except in case of special interests where exemptions could be granted.

The actual composition of the Legislative Council as last constituted in 1919 was—nominated members (official and non-official) 5, elected members by District Constituencies 8, by the Representative Assembly 4, and by the Mysore University 1, total 13. The Committee recommended that exclusive of the ex-officio members, the strength of the Legislative Council should be fixed at 50, that not less than 50 per cent of this total strength was to consist of non-official members and that not more than one-third of the non-official members were to be nominated, the other non-official members being elected representatives of the various constituencies. The Committee also recommended that in addition to the strength of 50 members as fixed above, not more than two persons having special knowledge or experience of the subject matter of any particular Bill might be temporarily nominated to this Council for the purposes of such a Bill. The above recommendations were accepted by the Government with the modification that the proportion of non-official members was to be not less than 60 per cent instead of 50 per cent as proposed by the Committee so as to ensure a decided non-official majority. As regards the constituencies representing special interests, the Mysore University was to consist of the fellows of the University. The member to represent

Commerce and Trade was for the time being to be returned by the Chamber of Commerce. The member representing the Planting Interest was to be elected by a constituency consisting of owners of estates of not less than 50 acres under coffee, tea, cardamom or rubber. If the member returned by this constituency did not represent European planting interest, one of the eight seats reserved for the nomination of non-official members was to be given to the representative of the European Planters' Association in the State. Labour was to be represented by one member who pending the formation of a proper electorate was to be nominated by Government. The members deputed to this Council by the Representative Assembly were to be voted without any restriction as to the candidates representing particular districts or divisions. As regards the 8 seats reserved for nomination of non-official members, Government agreed with the Committee's proposal that these nominations were to be made with a view to secure the representation of the Depressed Classes, Child and Woman welfare, Minorities, Education and such others. Two seats on this Council were guaranteed to the Mahomedan community. But when two Mahomedans secured seats through the general electorates, there were to be no nominations. The same principle applied to the Indian Christian community except that only one seat was guaranteed to them. Similarly one seat was guaranteed to the Depressed Classes.

As regards the powers of the Legislative Council, no legislative measure of any description could be introduced into the Council without the previous sanction in writing of the Dewan and the leave of the Council duly obtained. It was also not competent to the Council to pass any measure affecting the Ruling Family of Mysore and other specified matters as might be reserved by the Maharaja from time to time including extradition of criminals, European vagrants, European British subjects, the Post Office, Telegraphs and Railways. In the case of subjects excluded from the purview of this Council, it was open to Government to frame any Regulation that might be required and any such Regulation when assented to by the Maharaja was to come into operation. In cases not excluded from the purview of this Council in which legislation was

urgently required, Government had power to frame emergent Regulations which if assented to by the Maharaja were to have the same force as a Regulation passed through the Council for a period of six months from the date of their promulgation in the official Gazette. The Legislative Council Regulation and the Representative Assembly Regulation were excluded from the purview of this Council and thus the constitution, powers and functions of the Legislative Council and of the Representative Assembly were outside the cognisance of the Legislative Council. Changes in the constitution were therefore possible only by means of Proclamations or Regulations promulgated by the Maharaja independently of the Council.

As regards the annual State budget, the power of the Legislative Council hitherto extended only to a general discussion of the budget and the Council had no power to submit or propose any resolutions on it. The grant of the power now to vote on the State budget was a measure of far-reaching importance and significance. While the resolutions adopted by the Council had effect only as recommendations, voting or refusing had under the terms of the announcement a binding effect on the Government which could only be annulled for a specified reason. Further, voting by major heads imposed an important limitation on the Government's powers of re-appropriation of sanctioned expenditure. Since the grant was to be sanctioned by the Council under major heads, re-appropriations by the Government from one major head to another was no longer permissible. It was thus made possible for the Legislative Council with its statutory non-official majority to exercise a large measure of control over the financial policy of the Government. The Government did not consider it necessary or desirable to exclude the salaries of any class of public servants from the vote of the Council, as the result would have been a considerable curtailment of the control over financial policy and administration which it was proposed to vest in the Council.

As regards the qualifications of voters in the rural constituencies, the following were deemed eligible to vote:—1. All persons paying land revenue of not less than Rs. 50 per annum to Government;

similarly Kadim tenants paying an annual rent of not less than Rs. 50 per annum to the holders of alienated villages and those who paid annually Mohatarfa or Municipal tax of not less than Rs. 10 to a Municipal Council. 2. All persons who owned one or more entire Inam villages with a total beriz or assessment of Rs. 250 per annum and who ordinarily resided in the district. 3. All graduates of a University who ordinarily resided in the constituency. 4. All persons who were retired or pensioned officers (whether commissioned or non-commissioned) of the Mysore State troops. 5. All persons who paid income-tax to Government.

As regards urban constituencies, the qualifications of voters were to be the same as those of voters in the rural constituencies, except that in respect of property qualifications, the qualifications laid down for voters at municipal elections were to be accepted in lieu of those prescribed for voters in rural constituencies of the Legislative Council. No distinction was made in the property qualifications of voters and candidates to the Legislative Council.

Regarding Standing Committees, Government decided that there were to be, to begin with, three Standing Committees, one in connection with the Railway, Electrical and Public Works Departments, one in connection with Local Self-Government and the Departments of Medicine, Sanitation and Public Health and the third in connection with Finance and Taxation, the Government reserving discretion to appoint committees for other departments or to add other departments to the above committees. In view of the formation of a Standing Committee of Finance and Taxation, the Budget Committee that then existed was abolished. As separate Boards existed for Education, Agriculture and Industries and Commerce, no separate Standing Committees were appointed for them. In order that the Legislative Council might be in a position to know to what extent its wishes as expressed in its grant of demands had been complied with, the formation of a committee of the Legislative Council which would scrutinise the audit and appropriation reports of the Audit Department of Government and bring to the notice of the Council all deviations from its intentions was sanctioned.

In July 1919 the Economic Conference which had undergone several improvements in its working during its existence of eight years was made a permanent adjunct to the administration with a strong and compact organisation consisting of—(1) a Central Economic Development Board for organising and co-ordinating the work of all agencies, (2) three provincial Boards dealing with Education, Agriculture, and Industries and Commerce, and (3) a Board of Scientific Research and Advice. As regards work in the districts, economic development work was made an integral part of the functions of the local self-governing bodies. All the Boards were re-constituted so as to provide for the adequate representation of the Representative Assembly as well as of the agencies working in the districts and of semi-official and private bodies devoted to economic work of any importance and of special interests.

In accordance with the announcement contained in His Highness' Proclamation, the advisory Boards of Education, Agriculture and Industries and Commerce connected with the economic development work were re-constituted and continued in close relationship with the Representative Assembly and the Legislative Council. The Board of Scientific Advice was abolished as a separate entity and its work was assigned to a sub-committee of the Industries and Commerce Board and such scientific experts from outside as might be co-opted by them.

The main features of the constitutional changes introduced may for the sake of convenience be thus summarised—Property qualifications of voters was reduced by one-half. A large number of urban constituencies was created. The disqualification of women on the ground of sex from exercising the franchise was removed. By these changes the total strength of the electorate increased from 28,000 to over 1,00,000. The unscientific combination of direct and indirect elections was done away with. The representation of special interests was systematised and Labour was recognised as one of the special interests to be represented both in the Representative Assembly and in the Legislative Council. Adequate provision was made for the representation of

minorities under a scheme that sought to avoid the widening and perpetuation of the cleavage between communities. Communities which formed distinct social groups and were not likely to obtain their due share of representation were afforded special protection by the guarantee of a fixed number of seats both in the Representative Assembly and in the Legislative Council. The Representative Assembly was given a definite place in the constitution and its position as a popular body placing before the Government the wants and wishes of the people and voicing public opinion in respect of legislation, taxation, finance and administrative measures generally was recognised by statute. The strength of the Legislative Council was substantially raised and it was given an increased elected element with a statutory non-official majority. By its power of voting on the State budget it secured an effective voice in determining the financial policy of the Government. The association of the representatives of the people in the everyday administration of the principal departments of Government was obtained by the formation of Standing Committees consisting of members of both Houses. The Development Boards for the promotion of the economic interests of the State already in existence were reconstituted so as to work in close relationship with the Representative Assembly and the Legislative Council.

Lord Ronaldshay, now Marquis of Zetland and Secretary of State for India, it may interest the readers to know has in a book written by him and known as "The Heart of Aryavartha" expressed the following views on the constitution as visualised in in the Seal Committee Report:—"The Committee while not ignoring the present-day tendencies, based its proposals on Indian rather than Western theory and gave expression to Indian rather than to European ideals. The basic fact of such a constitution was the assumption that the head of the State was the supreme executive authority as well as the source and sanction of law. The sovereign of an Indian State was regarded as representing the people directly and primarily in his person..... and as standing in a more direct and vital relationship to them than the members of any representative body. He might seek the advice of individuals

or of corporations; he might delegate his functions to individuals or to chambers, but he remained the head of the body politic, such other limbs as might evolve or be created being but subordinate members—organs of one Will centred in the head wherein rested the permanent reservoir of law-making power. While this was the recognised position of the head of the State, the object of the introduction into the constitution of other bodies was in the main to provide machinery for perfecting the process by which effect was given in the domain of legislation and of administration to the one undivided Will of the State.”