

CONFIDENTIAL.

Government of
Bihar and Orissa.

1912

APPOINTMENT
DEPARTMENT.

APPOINTMENT.

AUGUST.

LC
File — A. Confdl.
12

Nos. 1 & 2.

Formation of the Legislative Council for the Province of Bihar and Orissa.

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

No. .

LIST OF PAPERS.

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1. Telegram from the Government of India, Home Department, No. 1842 Public Provincial, dated the 26th August 1912.—Stating that they are prepared to recommend all proposals of this Government to the Secretary of State subject to the condition that the total number of members to be 44 exclusive of the Lieutenant-Governor and the members of the Executive Council.
2. Letter to the Government of India, Home Department, No. 571, dated the 7th September 1912 (Confidential).—Stating how the Legislative Council will be formed and what will be the total strength of its members.

[Confidential.]

NOTES.

APPOINTMENT—A, AUGUST 1912.

Nos. 1 & 2.

LC
File — A. Confdl.
12

Formation of the Legislative Council for the Province of Bihar and Orissa.

[No. 1.] Telegram from the Government of India, Home Department, dated the 26th August 1912.

In accordance with His Honour's orders this case was taken up to Hon'ble Member and I make the following notes of points which were discussed.

2. The Council of the United Provinces consists of 46 members, those of Bombay and Madras 44, that proposed for Bihar and Orissa 39 or, with the expert, 40. The following figures are of importance, their bearing on the assumed necessity for increasing the numbers of the Council should be carefully examined :—

Province.	Population.	Literate.	Percentage.
1	2	3	4
Bihar and Orissa	34,490,084	1,419,138	4.11
Bombay	19,672,642	1,372,826	6.97
Madras	41,405,404	3,093,560	7.47
United Provinces	47,182,044	1,618,465	3.43
Bengal	45,483,077	3,522,044	7.74

The contention of Government in proposing a Council of 40 for Bihar and Orissa was based on the analogies with Eastern Bengal and Assam. These should be examined again. It should be noted that the United Provinces is at present the most populous province in all India.

2. Next comes the question of the additional seats proposed. [The one official is a colourless proposition: he might be a second expert?] The net result is to give three more non-officials against one official member. This point should be examined and the resulting percentage compared with the other Councils. Secondly, it should be considered that the Muhammadans are already fully represented. This point was fully dealt with in the letter to the Government of India. An addition to their number would certainly be keenly resented by Hindus and further it must be remembered that the Muhammadans have hitherto held the Municipal seat from the Patna Division and also at the last election that for the District Boards.

3. The proposed University electorate should be considered. Please extract from the Calendar :—

(a) a list of Bihari Fellows; and

(b) examine our list of Professors. How many of these are non-domiciled Bengalis? In addition it must be remembered that the professors in private colleges change about once a year.

The Home Department telegram should be copied and circulated confidentially to Hon'ble Members. The case will eventually be discussed in Council.

H. LEMESURIER--27-8-1912.

(4) A Muhammadan member.

23

20

1

44

(3) On the new constituencies.

Pages 2, 2A and 2B, Civil List.

the representation of important towns a purpose for which we do not want any at present in Bihar and Orissa, but for which we must keep a reserve. Bombay has also 176 Indian Civilians as against our 108, and with a headquarters like Bombay can more easily supply the requisite number of official members for so large a Council. In every way the real comparison for Bihar and Orissa should be the United Provinces (about which India are silent) and not Bombay and Madras. The United Provinces have a population of 47 millions and her percentage of literates is 3.43 (very similar to that of Bihar and Orissa). The United Provinces Council is 48 strong. Pursuing these analogies, Bihar and Orissa should have a Council of 35 or 36 at the utmost. The result is much the same if you compare her to Bengal, her neighbour on the east whose population is 45 millions and percentage of literates 7.74—the figure then working out at exactly 40; and I cannot see any reason for flying away to the other ends of India for analogies, when you have the best close at hand. The fact that the maximum strength of the Council has been fixed at 50 is no argument at all. It was fixed on *a priori* grounds—probably to make sure that no legislation should be required to increase it for some time to come. The maximum is the same for Bengal, Bombay, Madras and the United Provinces and was the same even for Eastern Bengal and Assam, in which the actual strength of the Council was only 42. The only real ground for increasing the number

already proposed by this Government would be that certain interests had not been adequately represented on it, that none of the seats already allotted could be spared for these interests, and therefore some new ones must be created. The best answer to any assertion of this kind would be to point to the constituencies suggested by India, which are obviously not designed to fill felt wants, so much as somehow to make up a minimum arrived at from a *a priori* considerations.

(2) India's proposals are open to the gravest objections under this head: The balance of the Councils in other provinces was or is as follows:—

(a) *Old Bengal*—

					Proportion of A to B.
(i) Elected	...	26	A.—Non-Officials	31	1·8 : 1
(ii) Nominated (limit 17 officials)	...	22	B.—Officials	17	
(iii) Experts	...	2	C.—Experts	2	
		50			

(b) *Bombay*—

(i) Elected	...	21	A.—Non-officials	28	2 : 1
(ii) Nominated (limit 14 officials)	...	21	B.—Officials	14	
(iii) Experts	...	2	C.—Experts	2	
		44			

(c) *Madras*—

(i) Elected	...	19	A.—Non-officials	26	1·6 : 1
(ii) Nominated (limit 16 officials)	...	23	B.—Officials	16	
(iii) Experts	...	2	C.—Experts	2	
		44			

(d) *United Provinces*—

(i) Elected	...	20	A.—Non-officials	29	1·7 : 1
(ii) Nominated (limit 17 officials)	...	26	B.—Officials	17	
(iii) Experts	...	2	C.—Experts	2	
		48			

(e) *Bihar and Orissa (as proposed by us)*—

(i) Elected	...	20	A.—Non-officials	24	1·6 : 1
(ii) Nominated (limit 15 officials)	...	19	B.—Officials	15	
(iii) Experts	...	1	C.—Experts	1	
		40			

As modified by India—

(i) Elected	...	23	A.—Non-officials	27	1·7 : 1
(ii) Nominated (limit 16 officials)	...	20	B.—Officials	16	
(iii) Experts	...	1	C.—Experts	1	
		44			

The first thing that strikes one as strange is that having gone all across India for analogies as to strength, India immediately desert them, when the question of the balance of the Council is to be determined, and wish to model our Council exactly on the lines of old Bengal. They have done this in face of paragraph 7 of our letter which shows clearly that we have gone as far we can at present. Indeed I think it not exaggerated to say that the Council we proposed was really as liberal as the old Bengal Council, although nominally old Bengal could show more elected members. The real criterion is not the proportion of non-officials, to officials, or even that of elected members to the nominated, but the character of the constituencies. The result of India's proposals would be that we should have out of a non-official majority of 27 (as against 16 officials and 3 members of the Executive Council and 1 expert =

20) only two elected members on whom we could generally rely.* This would leave us in a minority of three with always two members to be won over. In Bengal, as was pointed out in our letter, the situation was really better though the Council looked more liberal, as out of a non-official majority of 31 (as against 17 officials and 3 members of Council and 2 experts = 22), Government could practically always depend on 2 members for the Chamber of Commerce, 1 member for the Trades Association, 1 planting member = 4. They were thus only in a minority of one, which the Lieutenant-Governor could by his own vote counteract, while they could often depend on the Corporation member, and had the adventitious aid of the Tirhut District Board member, on which it would be rash for us to count as a permanency. Added to this it must be borne in mind that it will be difficult for us always to arrange for all our official members to be present. We have therefore every right to resist the experiment which is being thrust on us, and to stipulate that if the strength of the Council must be increased the balance should be left untouched, i.e., if the analogy of Madras and Bombay is to be pursued, it must be pursued in its entirety.

(3) If India's proposals are objectionable on other scores, they are still more open to criticism on that of their proposed electorates. I propose to examine the four new seats first individually and then collectively :--

(a) it must be conceded that if the Council is to be increased to 44 one at least of the new members must be a nominated official, but as we have pointed out to India, it will be very inconvenient for us to provide him, and we shall probably be driven to nominate some very minor official,

(b) we have already shown, as noted by Chief Secretary above, that the Muhammadans are fully represented, *vide* paragraph 4 of our letter. They are numerically a small section of the population and it is manifestly unfair for instance that they should return more members than the Uriyas, who number five millions (or including the Tributary States 7 millions) as against their 3½. (Both communities would now return 3 members*).

* Orissa—

Zamindars ...	...	1
District Boards ...	...	1
Municipalities ...	...	1
Total ...	...	3

H. LEMESURIER—29-8-1912.

As Chief Secretary has pointed out they may well hope to secure and have in the past secured extra representation in the general constituencies, while the Uriyas have no strength of the Council is slightly increased, they would still get proportionally the same representation that they got in old Bengal Council, although their numbers are much smaller in proportion to the total population. If, therefore, any section of the community is to have an extra representative, it should, as pointed out below, be the Uriyas.

(c) The proposed University and Collegiate member is as we told India already quite impracticable. According to the University Calendar for 1912 there are less than 10 members of the Senate (of which the total strength seems to be about

Hundred is the fixed number.

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* The figures judging from names in the 1911 Calendar are—

Biharis	12	} 16
Uriyas	4	
Europeans ...	...	9	} 50
Bengalis ...	...	41	

Actuals from Patna B. N. College, Taj Narayan and Saint Columbus are :—

Biharis ...	...	12	} 19
Domiciled Bengalis ...	...	7	
Europeans ...	...	7	} 34
Bengalis (non-domiciled) ...	...	27	

couraging the professors to take part in politics in direct opposition to the policy

of the Risley Circular. Also the proposal to disfranchise the professors when the University is formed will rouse discontent.

- (d) The fourth suggestion is that there should be an extra member for the Municipalities. The table in the collection below shows the relative importance of the various Municipalities according to gross income. There is nothing to distinguish between the three Bihar Divisions. Tirhut is rather less important than the other two, but there is no ground for giving any of them one member more than the others and to divide an extra member between Patna and Bhagalpur is

* India apparently intend to approve this as between Presidency and Burdwan in Bengal.

a clumsy* arrangement. Judged by the income test Monghyr is far the most important Municipality, but

it would be quite absurd to give it a member of its own. Equally so Patna cannot have one at present as we have explained to India. The proposal is also open to general objection as explained below. The general objection to India's proposed members (over and above the fact of proposing extra elected members at all) is as Chief Secretary pointed out that they tend still further to mass representation in the north of the province and leave Chota Nagpur and Orissa

* Four Colleges on Bihar, 1 in Chota Nagpur and 1 in Orissa.

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out in the cold. A University member must be a Bihari,* and so would the Muhammadan, while extra Muni-

cipal representation must on the figures go to Bihar. Out of 18 (leaving out of account the planting and mining members) elected members, there are already 11 who come from Bihar and with the addition of 3 more there would be 14 out of 21. If we are eventually compelled to increase our numbers, we should insist on one at least of the new members going to Orissa, though exactly how he should be assigned it is very difficult to say. Neither can I suggest at all how to make up the necessary numbers in a satisfactory way, unless we have recourse to new electorates. Our present constituencies are territorial and it seems in every way better that they should remain so. We might of course allow an extra member to be elected alternately by the Municipalities of Orissa and Chota Nagpur and another by those of the three Bihar Divisions in turn. But this is a clumsy method and is really quite unnecessary, and I do not see why we should upset the whole Council merely to arrive at a strength fixed irrespective of our actual needs.

We should, I think therefore, reply to India pointing out that the analogy of Madras and Bombay is quite fallacious. We have no large and outstanding capital city, no Chamber of Commerce, no Trades Association, no University and no Corporation. Some of these will come in due course, and then will be the time to enlarge the Council, when extra members will be needed to represent these important interests. To do so at present as we have already pointed out will only be to hamper ourselves in the future, and it is quite unnecessary. Further, we should object strongly to the balance of the Council being destroyed, and reiterate and amplify the arguments in paragraph 7 of our previous letter. Finally, we should point out how impossible their proposed constituencies are, and ask that if in spite of our protests, they still wish to insist on a larger Council, that some senior officer or member of Government may be allowed to proceed to Simla and represent the case further, before we are overruled.

B. A. COLLINS—28-8-1912.

HON'BLE MEMBER (MR. GAIT)—

I have nothing to add to Mr. Collins' excellent note. It will be seen it was written after discussion with me. I certainly concur and I would only urge that the officer to go to Simla should be either an Honble Member or Mr. Walsh and that Mr. Collins should accompany him.

His Honour should see.

H. LEMESURIER—29-8-1912.

I ENTIRELY agree with the above remarks. We may reply fully by letter, sending in the meanwhile a telegram in which the argument might be compressed somewhat as follows:—
"The strength of the Council should be fixed not on *a priori* grounds but with reference to the interests to be represented. Our conditions are analogous to those of the defunct province

*On examination I find 40 ordinary and two experts = 42 in all.

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of Eastern Bengal and Assam which had forty Members* and are widely different from those prevailing in Bombay and Madras, with their big capital cities, Chamber of Commerce, Trades Association, University and Corporation. The Council as we proposed to constitute it

provided for the fair representation of all classes and localities. The additions now proposed would upset the balance. In particular they would reduce the relative voting strength of Orissa and Chota Nagpur and unduly strengthen the special Muhammadan representation. There is no justification for adding a fourth member for the Muhammadans who number only only, 3½ millions, while the Uriyas with seven millions have only three members. It must be remembered moreover that Muhammadans will often be elected for ordinary constituencies. Nor is there any reason for giving an additional Member to Municipalities. We proposed one for each Division. This is ample in proportion to the total number of Members; and it would be inconvenient to make a sixth constituency. Still less would it be advisable to form a constituency of Bihari members of the Senate and professors of the Provincial Colleges. There are less than ten local members of the Senate and the professors number less than seventy, the great majority of them being Bengalis and Europeans. Apart from the unduly small size of such a constituency there are strong objections on principle to giving a member to a particular class of graduates. If any such constituency were formed it should consist of all M. A.'s domiciled in the Province. Lastly, with a comparatively small Headquarters staff, it will be difficult in this Province to provide for regular attendance of all official members. Under the constitution previously proposed it would have been possible sometimes to dispense with the attendance of official members when their ordinary duties called them elsewhere, but with a larger Council this would no longer be feasible. The Lieutenant-Governor in Council would strongly deprecate any alteration in the constitution of the Legislative Council already proposed by him, but if he is overruled on the analogy of Madras and Bombay, he would urge that the proportion existing in those Provinces between elected and nominated Members be maintained and that the only change made be to add three to the number of nominated Members of whom one would be an official. The objections to an elected majority are stronger here than in any other province as there will be less diversity of interests amongst the elected members."

Ind'a ask how we would propose to arrange for the sixth Municipal constituency. We need not, I think, answer their question pending their decision on our protest.

I do not think that any useful purpose would be served by asking India to let us send a representative to discuss the matter.

E. A. GAIT—29-8-1912.

HIS HONOUR—

(Received unsigned from the Hon'ble Mr. Gait. In view of the urgency I submit it without waiting).

H. LEMESURIER—29-8-1912.

I AM disposed to agree in the view taken by the Hon'ble Member and Chief Secretary, but I am altogether averse to telegraphing. The Government of India have taken two months to answer our letter and cannot expect us to dispose of a matter of this importance offhand. Please circulate urgently. I shall be very much obliged if Hon'ble Members will deal with the case in time to allow of its discussion on Monday.

C. S. BAYLEY—29-8-1912.

ORDER IN COUNCIL :

THAT Council agree to reply on the lines indicated in the notes and that the draft reply be at once prepared and circulated.

C. S. BAYLEY—1-8-1912.

CHIEF SECRETARY—

Draft to India below. It may issue in type to save time, perhaps. I have ventured to suggest a compromise in the last two sentences, but this might perhaps better go as a demi-official accompanying the official letter, as it might seem to detract from the value of our arguments.

B. A. COLLINS—3-9-1912.

HON'BLE MEMBER (MR. GAIT)—

Draft submitted. I have cut out the suggestion alluded to but leave for orders that side lined at paragraph 3.

Page 8 of draft.

H. LEMESURIER—4-9-1912.

MAY be submitted to His Honour.

E. A. GAIT—5-9-1912.

HIS HONOUR—

H. LEMESURIER—5-9-1912.

PLEASE retype and put up as early as possible.

C. S. BAYLEY—6-9-1912.

H. LEMESURIER—6-9-1912.

B. A. COLLINS—6-9-1912.

HIS HONOUR—

H. LEMESURIER—7-9-1912.

ISSUE very urgently please: all the Hon'ble Members have seen the draft.

C. S. BAYLEY—7-9-1912.

H. LEMESURIER—7-9-1912.

B. A. COLLINS—7-9-1912.

ISSUED.

[No. 2.] Letter to the Government of India, Home Department, No. 3701A., dated the 7th September 1912.

बिहार सरकार

मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य जलियल डिपार निदेशालय)

Formation of the Legislative Council for the Province of Bihar and Orissa.

LC

[File — A. Confdl.]

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[No. 1].

Telegram No. 1842 Pub. Prov., Legislative Council, dated Simla, the 26th August 1912.

From—The Government of India, Home Department,

To—The Government of Bihar and Orissa.

Your letter No. 2463A(?), dated 26th June. Government of India are prepared to recommend all proposals of the Local Government, to the Secretary of State, but are averse to constituting smaller Council than in Madras and Bombay and propose total membership of 44 exclusive of Lieutenant-Governor and Members of the Executive Council. Four additional seats they would find as follows :—

Firstly, nominated officials—one.

Secondly, elected by the Muhammadan Community—one.

Thirdly, elected by the Bihari members of the Calcutta University Senate, and by the Professors of the Provincial Colleges jointly as one constituency—one member,—though this seat will be superseded hereafter by University representation, should such a body ever be constituted.

It is proposed, in absence of University, as the equivalent of that franchise elsewhere;

Fourthly, elected by Municipalities—one.

Opinion of your Government requested urgently, regarding the manner in which last seat should be arranged for.

For instance, in Bengal, proposed that Municipalities of Burdwan and Presidency, which outweigh others in importance, should get two members instead of one, at alternate elections.

Possibly, greater importance of Municipalities in Patna, Tirhut and Bhagalpur, in comparison with those in Chota Nagpur and Orissa, might be recognized by some similar arrangement, but recommendation awaited.

[No. 2.]

No. 3701A., dated the 7th September 1912.

From—H. LEMESURIER, Esq., C.S.I., C.I.E., I.C.S., Chief Secretary to the Government of Bihar and Orissa,

To—The Secretary to the Government of India.

I am directed to refer to your telegram No. 1842-Public in which it is stated that the Government of India are prepared to recommend to the Secretary of State all the proposals made by the Local Government for the formation of a Legislative Council for this province, but are averse to constituting a smaller Council than those granted to Madras and Bombay. They therefore propose that the strength of the Council should be increased from 40 to 44 and that the four additional members should be :—

- (1) a nominated official,
- (2) a member to be elected by the Muhammadan community, in addition to the three already proposed,
- (3) a member to be elected, for the present, by the Bihari members of the Senate of the Calcutta University and the Professors of the colleges of Bihar and Orissa, and subsequently by the local University, should a University be constituted in this province, and

- (4) a member to be elected by a Municipal electorate, over and above the five already proposed.

2. The Lieutenant-Governor has considered this case very carefully in Council and he and his colleagues are unanimously of opinion that it is not desirable at present to assimilate the strength of the Legislative Council for Bihar and Orissa to that of the Madras and Bombay Councils. It seems to them that the strength of the Councils in each province ought to be determined mainly by a consideration of the different interests to be represented. In this respect the conditions in Bihar and Orissa, where such interests are comparatively few, differ entirely, they venture respectfully to submit, from those existing in Madras and Bombay. Each of these Presidencies has for its capital a large commercial and historic city with a Chamber of Commerce, a Trades' Association, a University, and a Corporation. A leading feature of each is a great trading port to which converge several of the main railways of India, while Bombay has in Karachi a second port which already serves as the main outlet for the produce of Upper India and of which the hitherto rapid growth will be further accelerated by the choice of Delhi—the Capital of the Empire. In the Bombay Presidency the cities of Bombay and Karachi alone return no less than six members to the Provincial Council. In Madras the capital has four representatives. In this Province University, Chamber of Commerce, Trades' Association, and Corporation are alike wanting. No seaport worthy of the name exists and there is no town of outstanding importance. In time a local University will no doubt be established, and Patna City will, it may be hoped, qualify itself for separate representation. Other special interests demanding representation will also probably establish their claims. For the present the Lieutenant-Governor in Council cannot but deprecate any increase beyond the forty members, who appear to him to afford ample representation for every important class and locality in a province which in many respects is still in its infancy. In His Honour's opinion and that of his colleagues the question of the size of the Council should be decided entirely on its merits apart from analogies which are necessarily misleading. If, however, any standard of comparison is taken, it would, they consider, be more appropriately found in the United Provinces, where with a population of 47 millions the Council consists of 48 members, inclusive of the representatives of the Allahabad University and the Upper India Chamber of Commerce. A Council for Bihar and Orissa based on a similar numerical proportion would consist of only 35 members as against the forty proposed.

3. The Lieutenant-Governor in Council trusts therefore that his original proposals may yet be approved. Should, however, the Government of India still feel themselves unable to accept his opinion on this point he can only ask that the manner in which the additions are to be made by the nomination of one and the election of three extra members may be reconsidered. The question of the proportion of elected to nominated members was discussed at length in paragraph 7 of my letter No. 2463-A., dated the 26th June 1912, and I am to repeat the contention there put forward that the constitution of the Council already proposed is really more liberal than that of Bengal, or indeed of any other in India. If the strength of the Legislative Council of this Province is to be fixed on the analogy of those of Madras and Bombay, the proportion of elected and nominated members should at least be determined on the principles adopted in those Presidencies, where, notwithstanding the more advanced condition of the people only 21 and 19 members, respectively, out of 44 are chosen by election, while in both cases provision is made for two experts, who, if appointed, would usually be officials. In the Council proposed by the

23 elected members + 3 non-official nominees =	26
(16 officials -) - 3 members of Executive Council -) - 1 expert =	20
	<hr/> 6

Government of India, the official element, even with the expert, will be in a permanent minority of six; and, as not more than two of the elected members can be relied on for constant support, it would be necessary that two out of the three nomi-

nated members should be pledged in some way to side with Government. With the few nominations left in the Lieutenant-Governor's hands and the various interests described in paragraph 5 of my previous letter all of which have

claims to representation, this arrangement would not only be highly inconvenient, but would frequently prevent the selection of the best available candidate. Further, as pointed out in my letter of the 26th June, the cadre of the Indian Civil Service is so small (108 as against 176 in Bombay and 236 in the United Provinces) that a nucleus of even 15 officials can only be provided with such difficulty that it was hoped that, except that when highly contentious business was in hand, one or two of the nominated officials would be able to absent themselves when, it must not infrequently be the case, their ordinary duties rendered their attendance inconvenient. In a Council constituted as the Government of India propose, not only would one more official have to be found, but it would be necessary for every officer nominated to remain within easy call. If therefore the strength of the Council must be increased, the Lieutenant-Governor in Council trusts very earnestly that its balance may be disturbed as little as possible. All the extra members should be nominated; and they should comprise one official and two non-officials, and, when necessity arises, a second expert. The Council would then be constituted thus:—

A.—Elected Members	...	...	...	...	20
B.—Nominated Members (of whom not more than 16 might be officials)	...	...	...	...	22
C.—Experts	...	...	...	...	2
					—
				Total	44
					—

4. Apart from the above arguments against any increase in the number of members, and especially in that of elected members, the objections to the constituencies suggested by the Government of India appears very strong indeed. His Honour in Council is most anxious to give full representation to Muhammadans but it seems to him impossible to justify the addition of a fourth Muhammadan member. The Musalman community number only $3\frac{1}{2}$ millions, or about 10 per cent. of the population of the Province; and even with three members they would enjoy the same representation as the seven millions of Uriyas. In this connection too, it must be remembered that Muhammadans will often be elected in one or more of the open constituencies, whereas the Uriyas can never hope to win any seat outside their own division. Further, it is impossible to overlook the fact that the relations between Hindus and Muhammadans in Bihar are not at present altogether friendly; and the Hindus would be certain to resent any increase in the special Muhammadan electorate, whose very existence many of them still regard as a grievance.

5. Equally strong objections apply to the proposed election of a member by the Bihari members of the Calcutta University Senate and the Professors of the provincial colleges. The Senate of the Calcutta University as now constituted does not contain more than twelve Fellows who represent Bihar and Orissa (and of these several are Europeans), while of the 89 professors in the various colleges of the province only 15 are Biharis and 2 Uriyas. Ten of these are Europeans and 62 foreigners, nearly all Bengalis, of whom only 12 are domiciled in Bihar and Orissa. Apart from the extremely small number of natives of the province which such a constituency would contain, it would, I am to submit, be unfair to give to a handful of persons connected with education, many of whom are of no particular importance or social standing, a privilege which is denied to the professional classes as a whole. If any educational constituency is to be formed at present, the Lieutenant-Governor in Council would much prefer to give the franchise to all the graduates domiciled in the Province.

6. The addition of a sixth Municipal member is also open to several objections. In the Municipal, as well as the District Boards and Landholders' constituencies, it was originally proposed that each division should return one member, and the Lieutenant-Governor in Council attaches great importance to this territorial basis in a province which is neither homogeneous nor compact. In the original scheme, although care was taken to give the fairest possible representation to all classes and localities, the preponderating influence of the three Bihar Divisions was already very marked. This was unavoidable, but

the addition of a sixth Municipal member in the manner suggested, would, like the other changes, increase this preponderance, and could not fail to arouse discontent in the rest of the province, especially in Orissa. Again, the Municipalities of the three Bihar divisions present no striking differences, in number or income; and to assign an additional seat to those of the Patna and Bhagalpur divisions would be regarded as an injustice in Tirhut where considerable jealousy already exists of what is felt to be the undue influence of South Bihar. Even admitting that an increase in the number of elected members would in the abstract be popular, the Lieutenant-Governor in Council cannot doubt that any scheme to give effect to it would in the existing state of the province provoke more acrimonious discussion than a limitation of members, and that in this respect the modification suggested by the Government of India would be especially open to criticism.

6. To sum up—

- (1) The Lieutenant-Governor in Council is opposed to any increase in the strength of the Council, as being at present unnecessary, as leaving too little margin for future development, and as making too great a demand on the official element. As circumstances change the Local Government have every intention and desire gradually to increase the number of elected members and to accord representation wherever the need for it appears. At the present time there is, I am to submit no case for a larger Council than that already proposed.
- (2) If, however, the Government of India decide to raise the number of members to 44 or to some number in excess of 40, the Lieutenant-Governor in Council feels it his duty to record an emphatic warning against any disturbance of the present balance of interests. As explained in my previous letter there is at present no suitable constituency other than those for which provision has already been made. To give further representation to any of these without increasing the official representatives in proportion will be to render the position of Government insecure, while an augmentation of the official element is on administrative grounds highly inexpedient and difficult.
- (3) The three elected seats proposed by the Government of India are all open to objection both in themselves and on the general ground that they would disturb the balance of representation between the sub-provinces no less than between the most important religious communities of Bihar and Orissa. If four extra members are considered essential, then one of them should be an official, two should be nominated non-officials and one an expert. While deprecating any change the Lieutenant-Governor in Council is of opinion that expansion on these lines would be less harmful than on any other, as an increase in the number of nominees would admit of at least one additional representative being given to Chota Nagpur and Orissa.