

## APPENDIX II.

### *Draft Instrument of Instructions.*

The Governor is responsible to Parliament for doing his utmost, consistently with the general purpose of the Government of India Act, 1952, to maintain the standards of good administration and to further all changes tending to make India fitted for self-government. He is required to encourage religious toleration, co-operation and good-will among all creeds and classes, to protect the interests of all minorities, to maintain the standards of conduct of the public service and the probity of public finance, and to promote all measures making for the moral, social and industrial welfare of the people and tending to fit all classes of the population without distinction to take their due share in the public life and government of the country.

In particular and without prejudice to the generality of the foregoing:—

- I. The Governor is responsible for maintaining the safety and tranquillity of his province and for using his influence to compose religious and racial animosities, and to prevent religious and racial conflicts;
- II. The Governor has a general responsibility for seeing that the administration of the transferred subjects by ministers is properly conducted. He will assist his ministers by all the means in his power with information and advice. He will restrict the exercise of the power to act in opposition to his ministers' advice, which is vested in him under section 175 of the Government of India Act, 1952 to cases in which he considers that the consequences of acquiescence would be serious, bearing specially in mind his responsibility for the reserved subjects and the responsibilities laid upon him in clauses I, IV and VII to XII of these instructions.
- III. The Governor is required to advise his ministers in regard to their relations with the provincial legislative council, to support them generally in difficulties so far as possible, and in the event of an adverse vote in the legislative council to require the resignation of a minister only when it seems to him that the minister has lost the confidence of the council.
- IV. The Governor is responsible for the due compliance with any orders affecting the administration of transferred subjects which may be issued by the Secretary of State or the Government of India.
- V. The Governor is responsible for bringing to the notice of the minister concerned any observations on the administration of a transferred subject which may be communicated to him by the Government of India.

- VI. In the case of any provincial Bill which appears to the Governor likely to affect any matter hereby specially committed to his charge, or any all-India subject, or any general principles laid down by the Secretary of State or the Government of India for the administration of a reserved subject, the Governor shall, before assenting to such Bill, consider whether he should reserve it for the consideration of the Governor General.
- VII. The Governor is required to see that no monopoly or special privilege which is inconsistent with the public interest is granted to any private undertaking and that no unfair discrimination in matters affecting commercial or industrial interests is permitted.
- VIII. The Governor is responsible for the safeguarding of the legitimate interests of the European and Anglo-Indian community.
- IX. The Governor is responsible for the protection of all members of the public services in the legitimate exercise of their functions, and in the enjoyment of all recognised rights and privileges.
- X. The Governor is required to secure that in all extensions of educational facilities adequate provision is made for the special needs of the Muslim and any other minority community.
- XI. The Governor is required to secure that the interests of existing educational institutions maintained or controlled by religious bodies are duly protected in the event of any changes of educational policy affecting them adversely.
- XII. The Governor is required to secure that due provision is made for the advancement and social protection of depressed and backward classes and aboriginal tribes.

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### APPENDIX III.

(*Vide para. 10th of despatch.*)

*Extract A.*

“We have in India already many illustrations of the way in which popular control works in educational institutions. I do not hesitate to say that the only institutions that I know in India which are efficient are those which are under Government management, which are for that reason relatively free from the illegitimate external pressure which all other institutions have to undergo. In particular, it is significant that teachers prefer, if possible, to be employed in Government institutions, even at lower salaries. The main reason for this preference is that they have security and some protection against the kind of pressure I have described.

“It is in the maintenance of discipline, and the relations between teachers and their pupils both in Colleges and in high schools that this kind of illegitimate influence is most unhappily

displayed. In every dispute between teachers and students, what is known as 'public opinion,' and in particular all the influence of the politicians, is invariably arrayed on the side of the students, who are always assumed to be in the right; the teachers who try to maintain order, peace and discipline always find themselves even in private colleges, abused and condemned as Government agents. If education is placed under popular control, no teacher will dare to maintain discipline, or to oppose the wishes of his students.

"It is true that the teaching profession to-day, because of its poor pay and low status, does not attract the best men. But under a system wherein they will be exposed to perpetual criticism, and brought under the control of lawyer-politicians always subject to public pressure, the calling will sink into yet greater disesteem. The lawyer's jurisdiction over the teacher will lead to unhappy results because the kind of material and records upon which the teacher has to base his disciplinary decisions are wholly different from those to which the lawyer is accustomed and the decision of a non-educationist lawyer will nearly always go against the teacher.

"The vital fact of the whole situation in India, indeed, lies in the fact that it is upon the body of half educated students that what is called public opinion mainly depends. Students form the overwhelming majority at all public meetings. They are the agents principally employed in every kind of propaganda. The public esteem and popularity which make the reputations of politicians are mainly conferred by students. No popularly elected minister dare defy their opinions however ill-founded. And the result will be that educational policy will be guided mainly by untrained student-opinion not by expert knowledge and judgment. This is specially the case in regard to the standards of attainments represented by various examinations. The minister who used his power to lower and degrade these standards would be acclaimed; the minister who was identified with any attempt to raise them would lose his popularity.

"The efficiency of primary education where the aim is only to give a knowledge of the rudiments can be easily ascertained. It is very easy to see whether the boys can or cannot read and write. At the higher stages it is harder to form a sound judgment; and, therefore, public opinion is tempted to judge only by the number of "passed" in examinations, and to think that all is well if most of the candidates pass; nor will they realise deterioration until it is too late to remedy the defects. Nothing could be more dangerous to the development of a sound educational system than that this notion should be established and enforced upon the supreme authority, as it would inevitably be if that authority were a popularly elected ministry."

#### *Extract B:*

"The success of the reforms scheme, and indeed the progress of the country, are dependent to an extent, it would be difficult to overestimate, on the policy pursued in regard to secondary and

university education. It is from the secondary schools and the universities that the men will be drawn who will fill the legislature, the public services, and the local bodies. At present, in these provinces, the standard is lamentably low; politically and industrially its improvement is probably the most vital problem with which the administration is faced. Even in England, the home of individualism, the importance of a sound system of national education is at last realized; and it is certain that in future no effort will be spared to make up the leeway of the past. In this country, unfortunately, the influence of an ill-instructed public opinion is all the other way. In the legislature, in the press and public meetings, demands are continually being made for changes which admittedly would involve the lowering of the existing standard such as this is. In part those demands are inspired by distrust of the motives of the Government, which is suspected of desiring to restrict educational facilities; in part by a not unnatural sympathy with struggling parents (in the present dearth of industrial and commercial openings the university is almost the only avenue open to boys on leaving the high schools), and in part by sheer ignorance. The fact, however, remains that such is the popular attitude on the subject of higher education; and there are at present no indications that it is likely to alter for the better in the near future. If past experience is any guide, the course of educational policy under popular control is likely to be steadily downwards for a period the length of which cannot be foreseen."

*Extract C.*

"Primary education is a complete educational unit. It has been developed along sound lines in the part of India that I know best, and, aside from the inadequacy of its diffusion, it is most successful branch of the whole educational system. By all means let this department be entrusted to the provincial council. In the extension of primary education over the entire population Indian politicians will have a task sufficiently large for their utmost energies, and a task that will be congenial too; for the spread of primary education is a cherished aim among many of the ablest of them. But let us keep secondary education, the foundation of the whole system of English education, the key to India's intellectual advance along Western lines, meanwhile, under the authority which now controls it. In this view I have the support of all the men experienced in Indian education with whom I have discussed this question since your report appeared. These include one who stands foremost amongst Indian educators who gives his most emphatic support to the view which I have advocated, *viz.*, that secondary education must, at all costs, be excluded at this early stage of the new constitutional experiment from the list of the transferred subjects..... With all earnestness therefore I would urge that even in a tentative list secondary education be not included among the transferred subjects."

#### APPENDIX IV.

*Note by the Railway Board in connection with para. 15 (2) of the functions committee's report and item 6 (a) of the list of all-India subjects in part 3 of that report.*

(1) The Railway Board understand from the proposals of the subjects committee that, in the event of a local authority or other authorized body desiring to introduce a Bill for the construction of a light or feeder railway, it will in the first case merely be necessary for the promoters to give the Railway Board notice of the intention to introduce such a Bill and that it will thereafter rest with the Railway Board to make representations before a select committee to be nominated by the provincial council concerned, should they desire to oppose the Bill, or to secure special safeguards to existing interests.

(2) The conditions governing railway questions in India differ very widely from those prevailing in England and are complicated in this country by the existence of contracts between each owning or working administration and the Secretary of State for India. The Railway Board are of opinion that a committee of a provincial council would not be a proper body to adjudicate upon questions arising out of these contracts, nor would they be in a position to judge as to whether the proposals were in accordance with the Government of India's railway policy. Even if this were not the case, the proposed procedure offers no advantage over that now existing. Under it the Railway Board themselves carry out the functions of the proposed committee and are in a much better position to do so from their special knowledge of the circumstances attending each case.

(3) Apparently the chief objection to the present system is the delay which occurs between the submission of an application to construct a light or branch railway, and final sanction to commence construction. Some delay is unavoidable, as not only have local conditions to be closely examined and rival interests given consideration to, but terms for the construction and working of the feeder line have also to be arranged with promoters and the working agency proposed. The delay will not be lessened by reversing the currents in the direction proposed by the functions committee. It is on the contrary more likely to be increased owing to the necessity of submitting the scheme, after approval by the local council, to the Government of India who may find themselves unable to accept the proposal as submitted. It would create an awkward position, if a scheme which the Railway Board had opposed but which thereafter received the approval of a local Government, were to be rejected by the Governor-General on the advice of the Railway Board.

(4) The present system is roughly as follows:

In the Madras Presidency most of the promoters are district boards and make their applications to the local Government. The local Government (i) institutes enquiries into the necessity for the line, the ability of the district board or other promoter to finance its construction, the particular alignment it should follow in order

best to serve local interests, and (ii) consult the Agents of existing railways (if any) whose interests might be affected. In these latter cases reference has usually to be made by the local Agent of a railway to his Board of Directors in England. On completion of the preliminary enquiries, the local Government submits the scheme to the Railway Board with a request for sanction to the necessary surveys. The Railway Board, if satisfied that the scheme is a promising one, and does not conflict with their general railway policy, take steps to have the alignment surveyed and careful estimates of the probable cost, amount of traffic, etc., prepared. If these prove favourable, the local Government proceeds to arrange the final terms for the construction, and working of the branch line with the administration of the parent line concerned. In certain cases, the local Government finds it necessary to call in the assistance of the Railway Board in the settlement of terms with the main line administration; but in the majority of cases when the scheme proposed does not adversely affect the interests of the main line, there has, in the past, been no difficulty in arranging reasonable terms.

When these terms have been settled, a formal application, embodying the terms settled, for the grant of a concession, is submitted by the local Government to the Railway Board, who, if satisfied with the proposals in regard to the grant of a guarantee or rebate, etc., and with the arrangements proposed for financing construction, approve the scheme and accord sanction to construction.

In provinces other than Madras, promoters make their applications either to the local Governments or to the Railway Board direct, but in any case the Railway Board, before reaching the stage of sanctioning a survey, consult the local Governments as to the merits of the application, and simultaneously make a reference to main line administrations affected by the proposal. Subsequently to the sanctioning of a survey, the Board enter into negotiations with the working agency proposed in regard to terms for construction and working; on the settlement of which they grant a concession for the construction of the line.

(5) The scheme proposed by the functions committee would necessitate the same amount of enquiry and would not in any way secure additional regard to local demands. On the other hand, the functions committee fails to take into account the fact that it is the Railway Board who are responsible for the terms of the concession, whether of guarantee, period of tenure, or terms of foreclosure by the Government of India on the determination of the lease. Moreover, in some cases, in particular where a line short circuits existing systems, the proposal has generally to be referred for the sanction of the Secretary of State. There are also cases where railways belonging to native States are affected. The machinery proposed by the functions committee would be altogether unsuitable for dealing with these.

(6) Under existing circumstances the Railway Board feel themselves compelled to advise the rejection of the committee's proposals.