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R.F. 16th Meeting

INDIAN ROUND TABLE CONFERENCE 1932.  
(November - December)

Minutes of the Sixteenth Meeting of the  
Conference held at the House of Lords  
on Saturday 17th December, 1932 at 11 a.m.

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PRESENT.

BRITISH REPRESENTATIVES.

Government Delegates.

Sir S. Hoare (in the Chair)  
Lord Hailsham  
Sir J. Simon  
Mr. Davidson  
Mr. Butler

Non-Government Delegates.

Lord Winterton  
Lord Reading  
Lord Lothian

Also Present.

Sir F. Stewart  
Sir M. Gwyer  
Sir J. Dunnett  
Sir R. Glancy  
Lord Dufferin  
Lt.Col. Neale  
Sir E. Chamier  
Mr. Rumbold  
Mr. Turnbull  
Mr. Monteath

Secretaries.

Mr. Dawson  
Mr. Patrick

INDIAN STATES' REPRESENTATIVE

R.B. Raja Oudh Narain Bisar  
R.B. Krishname Chari  
Nawab Liaqat Hyat-Khan  
Mr. Wajahat Hussain  
Nawab Sir N. Akbar Hydari  
Sir Mirza Ismail  
Sir Manubhai N. Mehta  
R.B. Pandit Sir Sukdeo Prasad  
Rao Sahib J.A. Surve  
Mr. Rushbrook-Williams.

Also Present.

Mr. R.Z. Abbasy  
Sahibzada Mumtaz Ali Khan  
R.B. Pandit Amar Nath Atal  
Lt.Col. Sir R.Chenevix-Trexler  
Mr. C.G. Herbert  
Chief of Jath  
Nawab Mahdi Yar Jung  
Pandit Ramachandra Kak  
Mir Maqbul Muhmood  
Mr. K.C. Neogy  
Mr. G.P. Pillai  
Mr. Gureshi  
Mr. Madhava Rao  
Mr. B.H. Zaidi  
Mr. Scrabji

Secretaries.

Mr. Hydari  
Mr. Penikkar

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BRITISH INDIAN REPRESENTATIVES.

Dr. B.R. Ambedkar  
Sir H. Carr  
Pandit Nanak Chand  
Mr. A.H.Ghuznavi  
Lt.Col.Sir H. Sidney  
K.B. Hafiz Hidayat Husain  
Sir M. Iqbal  
Mr. M.R. Jayakar  
Sir C. Jehangir  
Mr. N.M. Joshi  
Mr. N.C. Kelkar  
Raja of Khallicote  
D.B. Ramaswami Madaliyar  
R.B. Sir A.P. Patro  
Sir T.B. Sapru  
Dr. Shafa'at Ahmad Khan  
Sardar Tara Singh  
Sir N.N. Sircar  
Sir Purshotamdas Thakurdas  
Mr. Zafrulla Khan.

Also Present.

Sayed Amjad Ali.  
Mr. Holme.

Secretaries.

Mr. Latifi  
Mr. Rama Rau.

SECRETARIAT-GENERAL.

Mr. Carter (Secretary-General)  
Mr. Anderson  
Mr. Roy  
Mr. Williams.

PUBLICITY OFFICERS.

Mr. MacGregor  
Mr. Joyce.

SUBJECTS G AND H OF CONFERENCE AGENDA.  
(See Document R.T.9.)

Fundamental Rights and  
Constituent Powers.

MR. BUTLER in opening the discussion said that he would in the main confine himself to posing the problems arising for discussion and for this purpose would follow the lines indicated by the Heads of Discussion. As to the first of the three main heads, the nature and extent of the limitations to be imposed by the Constitution on the general competence of the legislatures, it would perhaps be desirable to follow the plan suggested on pages 4 and 5 of the Heads of Discussion. As to the second head, that of special limitations or "fundamental rights", the conception of fundamental rights was perhaps alien to British political tradition, which on the whole preferred convention and usage to formal declaration. Many of these rights were included in English common law and much of this had been embodied in Indian law. The question was how far it was necessary to provide for such rights in the Constitution itself. They gave rise to this problem, that they either consisted of vague general assertions, or constituted a limitation upon the Executive or upon the Legislature. The Consultative Committee had agreed that it was desirable to confine the fundamental rights to practical matters capable of enforcement in a Court of Law. There were also further points to be considered. Were the fundamental rights to be suspended

at/

at a time of emergency? Were they covered by other constitutional provisions already agreed upon, e.g. by the special responsibility of the Governor-General and Governors for the protection of minorities? Were they to apply to the States, and, if not, was this lack of uniformity desirable?

As to the third main head, that of constituent powers, perhaps the best method of approach would be to consider specific matters in regard to which provision for amendment might be included in the constitution itself, as suggested by pages 12 to 14 of the Heads of Discussion. The main problem was to provide for the conditions under which such powers of amendment might be exercised, having regard to the consideration whether the various conflicting interests that might be affected by their exercise would adequately be safeguarded.

SIR TEJ SAPRU said that while he was fully aware that the doctrine of Fundamental Rights is opposed both to British tradition and British law, he felt that they were necessary in the peculiar conditions prevailing in India. There you have to satisfy large sections of the community that some form of protection would be accorded to their rights by the Constitution itself. Although it is true that some features of the English system of law are reproduced in the Indian legal system, this by itself is not enough and when a constitution of this character is being set up there should be no hesitation in setting forth clearly on the authority of Parliament certain commonly accepted principles.

He/

He was not one of those who considered a declaration of Fundamental Rights a mere enunciation of certain unenforceable moral maxims. It was true that some of these rights were not enforceable in Courts, but there were others which might be enforced under certain circumstances. In either case a declaration of these rights would be valuable. Under a Federal Constitution it should be possible when the rights of minorities were challenged to obtain a judicial decision where any section of the community felt aggrieved.

Sir Tej went on to discuss the items in the Heads of Discussion:-

I. "Limitations on the general competence of Indian Legislatures."

A. Indian Legislature.

He thought that the provision referred to in item (ii) should be retained. So should that in item (iii) subject to the remark that it was desirable to substitute something more precise for the words "whereon may depend in any degree the allegiance of any person to the Crown", for the interpretation of these words has been found to be difficult and has led to much controversy. He agreed to the principle of item (iv), subject to such modification as might be required by changes in the position of the Secretary of State for India and of his Council brought about by the Constitution Act. In this connection he stated that the position in regard to the trials of European British subjects which obtains at present should be maintained. As regards items (v) and (i), he thought that they would need considerable modification in view of the changes now proposed and that section 131 (2) of the Government of India Act would also require material  
modification/

modification. Turning to the solution proposed on pages 4 and 5 of the Heads of Discussion, he answered the queries in (1) (a), (b) and (c) in the affirmative. With regard to (a) of the note on page 5, he agreed to the assumption in (i) with regard to the Sovereign and his sovereignty, but as regards (ii) he wished before agreeing to it to understand what the position would be if (ii) were accepted, that is since the Indian Act was dependent on the British Acts, whether the Indian Legislature would be precluded in any serious degree from amending the Indian Act. He agreed with item (b) and so far as item 2 on page 6 was concerned he agreed, subject to his observations under A (iv).

## II. "Special Limitations."

He answered (3) in the affirmative, that is that the Fundamental Rights should be a limitation on the power of the Legislature. He went on to deal with the Fundamental Rights detailed on pages 7 - 11, and stated in regard to (a) that it was necessary to emphasise a proposition like this in the Constitution.

A discussion ensued as to whether this was meant to be a general maxim, or whether it would be a right enforceable before the Courts of Law.

SIR TEJ SAPRU seemed to think that discriminatory legislation would be a violation of this right, and if such legislation were passed the community affected might take the matter to the Federal Court.

MR. ZAFRULLA KHAN pointed out in the course of the discussion that while it is possible to make Fundamental Rights justiciable, it is necessary to define them very closely in order to make them so. If limitations are to be placed on the power of the Legislature, the scope of

such/



such limitations must be strictly narrowed. This, like discriminatory or class legislation, would probably be better left to the Governor to deal with under his special powers.

LORD READING pointed out, with regard to Fundamental Right (b) on page 7 of the Heads for Discussion that it would be very difficult to interpret the words "to the extent nature allows". Again, regarding (d) Habeas Corpus, the question arose as to what was the intention of this Fundamental Right.

SIR TEJ SAPRU explained that a declaration of this kind would guarantee a section like Section 491 of the Criminal Procedure Code, which is analogous to Habeas Corpus, and was enacted as late as 1923. In the absence of a declaration of this kind there was no security that the right conferred by Section 491 would not be taken away. He was not tied to the form in which the Right had been stated.

LORD HALLSHAM pointed out that what, in effect, this particular Fundamental Right meant was that a particular method of procedure for obtaining Habeas Corpus should be protected and to that extent the power of the Legislature should be limited.

SIR TEJ SAPRU then went through the remaining Fundamental Rights, (e) to (q) on pages 7-11 of the Heads for Discussion explaining briefly the reasons why they had been included.

SIR JOHN SIMON remarked that it was a perfectly true observation that in conditions obtaining in India a good deal of importance attaches to the declaration of general principles. But the difficulty

that/

that he and others felt in approaching this subject was that by the very nature of things declarations of Fundamental Rights must be made in very general terms. They could not cover all the various classes of cases against which protection was sought nor could they be made subject to precise exceptions. If then general declarations are embodied in a constitutional document one of two results might follow:-

- (a) because of their vagueness they might prove totally ineffective, or
- (b) because of their wideness they might tie the hands of the Legislature and hamper the Executive in difficult times.

It is true that some of the Continental countries have adopted the practice of including Fundamental Rights in their Constitutions but experience shows that whenever serious situations arose, these countries are in the habit of suspending the Constitutional guarantees. Therefore as a protection of rights they do not seem to help very much. To take the other case, namely, whether they will not prove a handicap by tying the hands of the Legislature, one might consider the Fundamental Right defined in (f) on page 7 of the Heads for Discussion whereby the right to free expression of opinion, the right to assemble peacefully and the right to form associations are guaranteed. Let it be assumed that the Constitution was being run by responsible Indian ministers through Indian agencies who fully understand their own places. Now supposing an emergency arose the Rights referred to might easily stand in the way of the Ministers managing that emergency successfully or of obtaining the necessary powers from the Legislature for so doing. He instanced the fact that even England during the War in supersession of the Habeas Corpus Act had to pass the Defence of the Realm Act in order to enable the Executive to take certain  
action/

action without trial against certain classes of people. It seemed therefore to be a very doubtful advantage to put into the Constitution declarations of this character which might easily tie the hands, of the Executive or the Legislature. If the Rights mentioned in (f) are to be a limitation of legislative power, you are setting the Courts an impossible task apart from tying the hands of the Executive. Then again, if it is contended that the Fundamental Rights were not intended to restrict legislative power, it is necessary to be careful that different sections of the people are not deceived by general propositions of this kind. In the last place, it had to be borne in mind that the States generally were not prepared to adopt the Fundamental Rights and these Rights would therefore apply primarily to British India. Now looking at it purely from the point of view of constitutional structure, the Constitutional document that imposes these rights in one part and not another would look somewhat odd and peculiar. Sir John Simon concluded by saying that these general considerations indicated the way in which British minds approached the question of Fundamental Rights and his one object in setting them forth was that they might be of some assistance to the Conference in coming to conclusions. But he thought that if Fundamental Rights were included they should be as few in number as possible and to the extent to which they went should be definitely a limitation of legislative power.

Secretariat-General,  
House of Lords,  
S. W. I.

17th December 1932.

.T. 17th Meeting.

INDIAN ROUND TABLE CONFERENCE, 1932.

(November - December)

Minutes of the Seventeenth Meeting of the  
Conference held at the House of Lords  
on Monday, 19th December 1932, at 2.30 p.m.

PRESENT.

BRITISH REPRESENTATIVES.

Government Delegates.

Lord Sankey (in the Chair)  
Lord Hailsham  
Lord Irwin  
Mr. Davidson  
Mr. Butler

Non-Government Delegates.

Lord Winterton  
Lord Reading  
Lord Lothian

Also Present.

Sir F. Stewart  
Sir M. Gwyer  
Sir C. Schuster  
Sir J. Dunnett  
Sir R. Glancy  
Sardar S.S. Uberoi  
Sir L. Kershaw  
Mr. Croft  
Sir E. Chamier  
Mr. Rumbold  
Mr. C.H. Patrick  
Mr. R. Law  
Mr. J.R. Martin  
Mr. Monteath

Secretaries.

Mr. Dawson  
Mr. Patrick

INDIAN STATES' REPRESENTATIVES.

Raja of Sarila  
R.B. Raja Oudh Narain Bisarya  
R.B. Krishnama Chari  
Nawab Liaqat Hyat-Khan  
Mr. Wajahat Hussain  
Nawab Sir N. Akbar Hydari  
Sir Mirza Ismail  
Sir Manubhai N. Mehta  
R.B. Pandit Sir Sukdeo Prasad  
Rao Sahib D.A. Surve  
Mr. Rushbrook Williams

Also Present.

Mr. R.Z. Abbasy  
Sahibzada Mumtaz Ali Khan  
R.B. Pandit Amar Nath Atal  
Lt. Col. Sir R. Chenevix-Trench  
Mr. C.L. Corfield  
Mr. C.G. Herbert  
Chief of Jath  
Pandit Ramachandra Kak  
Mir Maqbul Muhmood  
Mr. K.C. Neogy  
Pandit P.N. Pathak  
Mr. G.P. Pillai  
Mr. B.I. Powar  
Mr. Qureshi  
Mr. Madhava Rao  
Mr. C.N. Seddon  
Mr. J.W. Young  
Mr. B.H. Zaidi  
Mr. Sorabji

Secretary.

Mr. Panikkar

BRITISH INDIAN REPRESENTATIVES.

H.H. The Aga Khan  
Dr. B.R. Ambedkar  
Sir H. Carr  
Pandit Nanak Chand  
Mr. A.H. Ghuznavi  
Lt. Col. Sir H. Gidney  
K.B. Hafiz Hidayat Husain  
Sir M. Iqbal  
Mr. M.R. Jayakar  
Sir C. Jehangir  
Mr. N.M. Joshi  
Mr. N.C. Kelkar  
Raja of Khallicote  
D.B. Ramaswami Mudaliyar  
R.B. Sir A.P. Patro  
Sir T.E. Sapru  
Dr. Shafa'at Ahmad Khan  
Sardar Tara Singh  
Sir N.N. Sircar  
Sir Purshotamdas Thakurdas  
Mr. Zafrulla Khan

Also Present.

Sayed Amjad Ali  
Mr. Holme

Secretaries.

Mr. Latifi  
Mr. Rama Rau

SECRETARIAT-GENERAL.

Mr. Carter (Secretary-General)  
Mr. Anderson  
Mr. Roy  
Mr. Williams

PUBLICITY OFFICERS.

Mr. MacGregor  
Mr. Joyce

SUBJECT G AND H OF CONFERENCE AGENDA  
(See Document R.T. 9.)

Fundamental Rights.  
(Discussion continued)

SIR MANUBHAI MEHTA stated the objections to a declaration of Fundamental Rights from the point of view of Indian States. Several of these rights are really moral maxims and not rights properly so-called, since their infringement cannot be made justiciable. In the second place, many of them relate to matters affecting the internal sovereignty of the States, in regard to which the States are not federating. There is also a higher point of view which he had stated in the deliberations of the Consultative Committee at Simla, namely that many of these so-called Fundamental Rights are part of what is known as Rajadharma, or the duties of rulers. They are obligations on the rulers having a moral sanction which cannot be replaced by any statutory rights. There is, however, another sense in which the States do claim that there should be limitations on the competence of the Legislatures in definite spheres. The Legislatures should not have the power of modifying or in any way affecting the treaties between the Crown and the States. Secondly, they should not be competent to interfere in any way with the internal autonomy of the States. Thirdly, they should not have power to extend the limits of Federal subjects so as to encroach on the rights of the States. Fourthly, they should not be able to deal with the territorial limits of the States and lastly, they should not have power either to extend or to restrict Paramountcy. These limitations on the competence of the Legislature should be clearly laid down.

Mr./

MR. N.C.KELKAR was of opinion that Fundamental Rights should be stated in clear terms in the Constitution itself. He agreed with Sir John Simon that they should be few and should involve limitations on the competence of the Legislature. He agreed also that on occasions they might prove to be embarrassing, but in the interest of creating a feeling of security among Minorities, this difficulty had to be submitted to. He suggested, quoting certain clauses in the Nehru Constitution in support, that it should be possible to frame these Fundamental Rights in a manner which will not prove unduly embarrassing to the Executive. Referring to the objections of the States to a declaration of Rights, he said that it was imperative that the status of a Federal subject should be the same throughout India and therefore it was necessary that that status should be clearly defined in the Constitution. For the subjects of the States, a declaration of Fundamental Rights was not going to be merely an academic statement. He took the occasion also to denounce the use which has been made of the Foreigners Act for expelling State subjects from British India, and in some instances British subjects from Indian States. He thought the Act should be abolished.

SIR N.N.SIRCAR thought that the question might be viewed from two aspects, namely, first as a declaration of political aspirations and secondly as rights, the infraction of which could be remedied in a Court of Law. He had no objection at all to their inclusion as political maxims, but he thought there were great objections to their being made a part of the Constitution Act itself.

Referring to the argument that many post-war Constitutions had these declarations, he quoted Dr. Finer's  
remarks/

remarks in regard to similar clauses in the German Constitution. In practice they had been found to be so vague and so capable of multiple interpretations that they had no effect until they were interpreted. He illustrated his remarks by pointing out that the terms of Clause (f) of the Fundamental Rights were open to the same objections. If it was contended that it was necessary to have these Fundamental Rights as a safeguard against the Legislature passing legislation of a discriminatory character then it was difficult to understand the argument previously made that the safeguards in the Constitution should be as few as possible. The matter must be looked at from a wider standpoint.

PANDIT NANAK CHAND quoted the Prime Minister's speech to show that <sup>the</sup> Government recognised the duty of guaranteeing protection to Minorities. The Minorities feel that it should be possible when any discriminatory legislation is passed to take the matter to a Court of Law, and this is the object, as he understood it, of the Fundamental Rights. Taking the Rights in detail, he attached particular importance to (a), (b) and (k). He thought also that there should be no limitation on the right to acquire property.

SARDAR TARA SINGH referred to the fact that all the post-War constitutions have declarations of Fundamental Rights as prima facie evidence that such Declarations are required. It was all the more important to have these rights declared in a Constitution framed not on national but on communal lines, for then they would act as a barrier against fanatical action on the part of any community. He agreed that only such rights should be put into the Declaration as are of practical use and are justiciable. Even rights which are not justiciable, would, however, exercise a moral restraint on the Legislature, and the Governor General, whose duty it would be to intervene in order to protect Minorities.



Taking the rights in detail he thought:-

- (1) the note under Clause (f) should be transferred to Clause (e);
- (2) Clause (g) was important and an addition should be made to it to the effect that existing endowments should be maintained;
- (3) Clause (k) should be retained as well as the note attached to it;
- (4) he attached great importance to Clause (m) and (p).

DR. SHAFI'AT AHMAD KHAN thought that the number of Fundamental Rights should be few and these should be carefully drafted. Going through the list he thought:-

- (1) Clause (g) was unnecessary as it was covered by Act XXI of 1850;
- (2) Clause (h) was not desirable as it is applicable to only some;
- (3) Clause (i) was not necessary;
- (4) Clause (j) would involve administrative difficulties and might therefore be dropped;
- (5) Clause (k), which was controversial, might also be dropped;
- (6) Clause (l) should include recommendations of the Services sub-Committee and should be expanded accordingly;
- (7) Clauses (m) and (q) are vague but he agreed with the principles contained in them.

DR. AMBEDKAR, after reflecting on the arguments for and against having a declaration of Fundamental Rights, had come to the conclusion that in present circumstances in India it was on the whole better to have such a declaration. As to details he thought Clause (a) to be very important. He understood by it that the Constitution should not recognise any privileges or immunities based on birth or rank or family.

In India some such privileges or immunities were recognised by law. For example, at one time Brahmins could not be hanged, again certain classes were not liable to the payment of land revenue; and even under the present Government of India Act, Section 110 confers certain immunities on the members of the Executive Councils both in the Centre and in the Provinces, and on Ministers. For these reasons he thought that a proposition of this kind was essential. He attached very great importance also to Clause (j) in the form in which it stands. But this Clause by itself is not enough and he thought that an obligation should be imposed on the Legislature to give effect to this right by such legislation as it considers appropriate. There was precedent for this suggestion in Articles 13 and 14 of the U.S.A. Constitution where a definite obligation was laid on the Congress to effect the abolition of slavery by appropriate legislation. In regard to the note under Clause (k) he pointed out that while he had every sympathy with the principle of the Punjab Land Alienation Act namely, that the agriculturist should be protected from the moneylender the Local Government had defined the agriculturist in a communal way by notification so that in actual fact many real agriculturists and members of the Depressed Classes had been excluded from the category of agriculturists. This was objectionable and therefore he did not agree with the form of the note. Clause (l) should be retained with a slight modification to indicate that the public office related both to a civil and to a military Department. Clause (n) should be retained and likewise Clause (p) but the latter should be expanded to include the right of the Depressed Classes to adequate representation on all local self-governing bodies.

SIR HENRY GIDNEY urged that the peculiar circumstances of the Anglo-Indian community demanded special protection especially in the field of education. The rapid progress of Indianisation in recent years had been at the expense of that community, for every additional post given to an Indian was taken from a European or Anglo-Indian. Unemployment in the community had already reached grave proportions and, unless specially protected, within a decade or two the community would not be represented in any Government Service. This plea for special treatment deserved the more consideration in view of the valuable services rendered by the community in the past, which it had been promised on many occasions would never be forgotten by the British Government.

KHAN BAHADUR FAFIZ Hidayat Husain said that he had been greatly impressed by the argument of Sir John Simon that Fundamental Rights expressed in vague and general language would encourage litigation. He considered that Fundamental Rights should find a place in the Constitution; but they should be as few as possible, should be confined to a bare statement of elementary rights expressed in precise language, and might appropriately be embodied in the Instrument of Instructions to the Governor-General and Governors. He referred to item (p) in the list of rights reproduced in the Heads of Discussion as a right that might be included in the Instrument of Instructions.

Sir/

SIR HUBERT CARR said that, although a declaration of Fundamental Rights might appear unnecessary to some Delegates, it would undoubtedly give great satisfaction in India. He did not like the word "citizen" used in the draft Fundamental Rights. The phrase "His Majesty's subjects" was not only preferable generally but would also secure the position of Europeans. The word "subjects" would also be more suitable in the event of the States adopting the Fundamental Rights.

MR. JOSHI urged that as the Fundamental Rights are the rights of all Indian citizens, they should be adopted by all units of the Federation, including the States. For example, if the States do not accept clause (1) of the draft Fundamental Rights, there will be no equality as between the Federal units. The States could on the one hand refuse entry to workers from British India seeking work, and on the other hand prevent possible retaliatory legislation by British India in the Federal Legislature. The right of entry from one unit to another should be secured; or, alternatively, "Immigration and Emigration" could be made a Federal subject.

As regards other Fundamental Rights, their  
general/

general aim was that there should be no disability on account of creed, caste, or colour. Similarly "economic condition" should not be a ground of disability and should be included, e.g. in clauses (e) and (l).

Clause (n) was not clear because, as drafted, it suggested that majorities were not entitled to this right. The clause should be so amended as more precisely to express the intention that the minorities should suffer no disability in this respect.

Clause (q) he considered went too far; the closing words "only on payment of fair compensation" should be omitted.

The Fundamental Rights in general seek to protect all communities. But the working classes also need protection, the more so as they are not to be enfranchised. An essential Fundamental Right was the right to live and he would suggest the addition of the following clauses to the draft list:-

- (i) Every citizen is entitled to support from public funds if no work can be found for him.
- (ii) Every citizen is entitled to provision during sickness, infirmity or old age.

In/

In summing up, the LORD CHANCELLOR observed that, in view of the numerous expressions of opinion given to the Conference he thought it might be necessary to have some statement in the Constitution of some Fundamental Rights, but in his view the fewer such rights included in the Constitution the better. The discussion that afternoon had caused him much regret and much anxiety. He was as anxious as anybody to see a Federation successfully established in India, but it was not possible to have a Federation unless people federated. Federations were built on trust, not on apprehensions. Such a frame of mind must be dismissed if their work was to be successful. Shimmering through this desire for a discussion of Fundamental Rights, he saw a long history of fundamental wrongs. He wanted the Constitution to be well and solidly built and not a ramshackle structure. He quoted an old French constitutionalist, who wrote:- "We have guarded against the dangerous ambition of providing for everything." He would not say that the British Constitution was the best in the world, but such questions as Fundamental Rights were alien to our traditions. There had been a Magna Charta and a Bill of Rights many years ago, but it was to be noted that our Dominions' Constitutions contained no declarations of Fundamental Rights. If it was desired to have them, they should be reduced to the smallest possible number. The difficulties inherent in Fundamental Rights were that they restricted the power to legislate and hampered the actions of the Executive. It was asking for trouble and litigation.

He/

He urged the Delegates to keep the Constitution as simple and flexible as possible and warned them against crystallising their rights. Crystallisation now might prevent progress in future. Aspirations were all very well, but they did not find place in an Act of Parliament.

The Lord Chancellor concluded by begging the Delegates, firstly, not to tie themselves up too closely and, secondly, not to exhibit again the apprehension that they were not likely to get fair treatment from their own fellow subjects and citizens. It was essential for them to trust one another.

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Copy No. 38

R.T. 17th Meeting.

INDIAN ROUND TABLE CONFERENCE.  
(November - December, 1932)

Minutes of the Seventeenth Meeting of the Conference  
held at the House of Lords on Monday, 19th December,  
1932 at 2.30 p.m.

The accompanying pages form the second part of the above Minutes and should be attached to the first portion circulated yesterday.

Secretary-General,  
House of Lords,  
S. W. 1.

December, 1932.



Head H of the Conference Agenda.

(Part III of document R.T. 9)

Constituent Powers.

SIR TEJ SAPRU opening the discussion said that qualifications to the power of amending the constitution such as those given on page 13 of the Heads of Discussion appeared in the Constitutions of Canada, Australia and South Africa. The framers of those Constitutions had thus contemplated the need for amendment at some time or other. The idea of providing for amendment was sound; the question before the Conference was as to the conditions to be attached to such power of amendment. It was desirable, however, to provide that certain parts of the Constitution should not be touched for a stated period. A provision such as this existed in the South African Constitution. Other parts of the Constitution on the other hand might provide room for development more quickly than was now anticipated and in order to promote progress he would give the Legislature power to amend such parts of the Constitution, subject to defined conditions.

Sir Tej then dealt as follows with the various qualifications listed on page 13 of the Heads of Discussion:

(a)
(b)

 He considered these with particular reference to clauses (a) and (b) of paragraph 5 of the Heads for Discussion relating to the franchise for and size and composition of the Provincial Legislatures. It must be remembered that any alterations in these respects might

upset/

upset the communal balance or infringe the conditions upon which certain units had joined the Federation. Such alterations should be made only after a referendum and a general election. That is to say, items (a) and (b) in the list of qualifications on page 13 should go together.

If the electorate thus consulted favoured the amendment of the franchise or the size or composition of the Legislature, the amendment should still require something more than a bare majority of the Provincial Legislature before being passed into law. This was item (c) in the list of qualifications on page 13. He was open to conviction as to the exact nature of the majority to be prescribed.

Item (d). This qualification he thought would require very careful definition before it could be accepted.

Item (e). He was not in favour.

Item (f). He considered this a sound constitutional principle.

Item (g). As he had already indicated, he thought the less disturbance the better in certain parts of the constitution for a stated period of years, which should not be too long.

He agreed with the assumption in the Note below item (g).

Turning to paragraphs 7, 8, of the Heads for Discussion relating to the Federal Legislature, he said they must be careful to see that the basic principles now established were not lightly altered. Before any alteration was made every care should be taken to ascertain the views of those interested; for example, in the proportions of communal representation or the number of States' representatives. In addition to the consent of interested parties something more than a bare majority of the Legislature should be required for the sanction of any amendment.

In answer to Sir Akbar Hydari Sir Tej said he would not allow individual Provinces to vary the manner of election of their representatives to the Federal Assembly because this would affect the constitution of the Federal Assembly, any alteration in which should be left to that body alone.

Mr./

MR. ZAFRULLA KHAN. His answers to the different points in Part III "Constituent Powers" (of the heads of discussion) were as follows:

5 (a) Yes - After ten years from the introduction of the new Constitution each provincial legislature should be empowered to alter the franchise for its own members subject to the following conditions:

- (i) the franchise may be widened but not restricted,
- (ii) the change should be supported by a 2/3rds majority of the total membership of the House.

5 (b) Yes, with the consent of the communities to be ascertained as follows:

- (i) First stage: Resolution embodying the proposed change to be supported in the provincial legislature by a 3/4ths majority of total membership including in it a 3/4ths majority of each community affected by it,
- (ii) Second stage: After the issue has thus been clarified, the matter to await the next general election in which it should be made one of the issues.
- (iii) Third stage: The same resolution to be confirmed by the new House by the same majority as in stage (i). Such a

Resolution/

Resolution should be taken by His Majesty's Government as proof of the intention of the communities and of the Legislature.

7. (a): Yes, after 10 years subject to the same conditions viz. that the franchise may be extended and not restricted and alteration should have support of 2/3rds majority.

7. (b): Change to be effected by the same procedure as in 5 (b) i.e. 3/4ths majority, General Election, confirmed by a resolution of new house with similar majority.

7. (c): (i) When a provincial subject is to be made central this should be effected by a Resolution supported by 3/4ths of Provinces with a 2/3rds majority of total membership of each Legislature.

(ii) When a central subject is to be made provincial by a majority of 2/3rds of total membership in each chamber of Federal legislature.

SIR MANUBHAI MEHTA. Any amendment in future will have to be made either in the treaties of the Constitution Act. There should be a distinction between

(i) Formal constitutional amendments of an unimportant character. The States would agree to any method generally approved viz. a 2/3rds or 3/4ths majority.

(ii) Vital changes. It is difficult to make an exhaustive list of these but such questions as the quota of State representation, maximum votes given to a State, or the number of seats to be assigned, would all be vital.

These should not be subject to constitutional amendment. Essential modifications should be made when

required/

required in the treaties of the States and not the constitutional document itself. He suggested that if it was possible to make any provision in the constitution such as existed in the Irish treaty, that anything repugnant to the treaties would be void, such a provision would serve to guarantee the position of the States.

MR. JOSHI contended that instead of leaving the franchise to be extended by future legislatures, the constitution should make provision for extension at stated periods. No provision should be introduced making changes in franchise difficult.

DR. AMBEDKAR said that the Depressed Classes were vitally interested in any proposal for alteration of proportion of seats inter se. He agreed with the formulae proposed by Mr. Zafrulla Khan, but no resolution for a change of this character should be moved for fifteen years.

SARDAR TARA SINGH, on the other hand, thought that the local legislature should have power to change the electoral system by a simple majority.

LORD READING reminded the Conference that what it is seeking to do is to embody these provisions in a parliamentary bill. The changes are divisible into two categories - some were of minor importance and the Indian legislatures should be competent to deal with them, but in major matters it was better that they should not be touched. Parliament would look upon opportunities in the constitution for making large changes with some suspicion/

suspicion. In practice if the constitution worked well and if there was a clear desire for a change, there would be no difficulty in getting the change effected by Parliament.

THE LORD CHANCELLOR summed up as follows:

It is possible to classify future amendments under three heads: (i) In matters of detail involving only simpler constitutional machinery.

(ii) More important changes affecting relations between the various Federal elements.

(iii) Vital and fundamental amendments.

As to (i) there is not much difficulty. No full list can be made but questions such as that of payment of members, penalties for unqualified persons sitting and voting would come under this category. There is no objection to giving the legislatures power to make amendments on such questions.

As to (ii) and (iii) we may get into serious difficulties (a) with the States, (b) with the British Parliament and (c) with the communities in India.

The whole subject would require more detailed examination. The discussion has been valuable but it is not very profitable at present to consider the conditions under which the Indian legislatures should be able to make amendments. He reminded the Conference that in such matters the British Parliament does not make difficulties and mentioned that an amendment in the British North American Act of which he had

recollection/

recollection took a very short time both in the House of Commons and the House of Lords.

The Lord Chancellor announced that the constitution of the Commercial Safeguards Sub-Committee which would meet tomorrow at 12 was as follows:

Lord Reading (Chairman)  
Lord Irwin  
Lord Peel  
Mr. Butler  
Sir A. Hydari  
Sir M. Mehta  
Dr. Ambedkar  
Sir Purshotamdas Thakurdas  
Sir C. Jehangir  
Mr. Zafrulla Khan  
Mr. Hidayat Husain  
Sir Hubert Carr.

The Conference adjourned until such date (probably Wednesday) as will suit the work of the Committees.

Secretariat-General,  
House of Lords,

19th December 1932.



18th Meeting.

INDIAN ROUND TABLE CONFERENCE  
1932.

Minutes of the Eighteenth Meeting of the  
Conference held at the House of Lords  
on Wednesday, 21st December, 1932 at  
8.30 p.m.

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PRESENT.

BRITISH REPRESENTATIVES.

Government Delegates.

S. Hoare (in the Chair)  
Ed Irwin  
Davidson

Non-Government Delegates.

Ed Lothian

Also Present.

F. Stewart  
J. Dunnett  
R. Glancy  
Col. Neale  
Turnbull  
Captain Knatchbull  
Laithwaite

Secretaries.

Dawson  
Patrick

INDIAN STATES' REPRESENTATIVES.

R.B. Raja Gudh Narain Bisarya  
R.B. Krishnama Chari  
Newab Liaqat Hyat-Khan  
Mr. Wajahat Hussain  
Newab Sir N. Akbar Hydari  
Sir Manubhai N. Mehta  
R.B. Pandit Sir Sukdeo Prasad  
Rao Sahib J.A. Surve

Also Present.

Mr. C.L. Corfield  
Mr. K.V. Godbole  
Mr. C.G. Herbert  
Pandit Ramachandra Kak  
Mir Maqbul Muhammad  
Major Pande  
Mr. G.P. Pillai  
Mr. B.I. Powar

Secretaries.

Mr. Hydari  
Mr. Panikkar

BRITISH INDIAN REPRESENTATIVES.

H.H. The Aga Khan  
Dr. B.R.Ambedkar  
Sir H. Carr  
Pandit Nanak Chand  
Mr. A. H. Ghuznavi  
Lt. Col. Sir H. Gidney  
Sir M. Iqbal  
Mr. M.R. Jayakar  
Sir C. Jehangir  
Mr. N.M. Joshi  
Mr. N.C. Kelkar  
Raja of Khallicote  
D.B.Ramaswami Mudaliyar  
R.F. Sir A. P. Patro  
Sir T.B.Sapru  
Dr. Shafa'at Ahmad Khan  
Sir Purshotamdas Thakurdas  
Mr. Zafrulla Khan.

Also Present.

Sayed Amjad Ali.

Secretaries.

Mr. Latifi  
Mr. Rama Rau.

SECRETARIAT-GENERAL.

Mr. Carter (Secretary-General)  
Mr. Anderson  
Mr. Roy  
Mr. Williams.

PUBLICITY OFFICERS.

Mr. MacGregor  
Mr. Joyce.

SUBJECT H OF THE CONFERENCE AGENDA.

(For Heads for Discussion see document R.T.9).

Constituent Powers.

(Discussion continued).

Re-distribution of Provincial Boundaries.

MR. KELKAR pressed the demand of Berar to be constituted a separate Province or sub-Province and thus to become a separate federating unit. He maintained that history shows the individual character of Berar and that even now it is differentiated in certain matters from the rest of the Central Provinces. It has for example a different system of land revenue; and the Berar members of the Central Provinces Legislative Council constitute a separate Standing Committee which enjoys a quasi-legislative status. Financially a Berar province would be able to function independently and would not require a subvention from the Federal Government. Even now its administration provides a large annual surplus which is spent not on Berar but on other areas of the Central Provinces. It has a common language - Mahratti - while the rest of the Central Provinces speaks Hindi. The memorandum of the Government of the Central Provinces to the Simon Commission shows that union between Berar and the Central Provinces has not been entirely happy. The people of the Central Provinces are not opposed to the separation of Berar, while a plebiscite or any other test will show that the people of Berar genuinely desire separation.

As to the relations of Berar with H.E.H. the Nizam's Government, until Berar is constituted a separated province its people would ask for the continuance of the present arrangements, which are based on the Treaty of 1902.

They/

They are quite willing that H.E.H. should continue to enjoy the privileges secured by that Treaty, but the separation of Berar would be not detrimental to but in the best interests of Hyderabad.

SIR AKBAR HYDARI said that he would say no more there than that the matter was a question between H.E.H. the Nizam's Government and the British Government.

THE SECRETARY OF STATE FOR INDIA observed that there was no question that legally Berar formed part of H.E.H. the Nizam's dominions. The question that arose therefore - and it was a very difficult one - was on what terms Berar could enter the Federation. The whole question would be further and very carefully considered. He assured Mr. Kelkar that he realised that the future of Berar was closely bound up with that of the Federation.

THE RAJA OF KHALICOTE pressed the Oriya claim for the constitution of Orissa as a separate Province. The Oriyas are at present split up under four different administrations. This unhappy position has affected adversely both their language and their numbers. Unless something is done for them before the advent of the new constitution they will lose their identity and their national characteristics. The agitation for separation is now 40 years old, the Government's sympathy was first expressed in 1903, and since that date numerous official reports have acknowledged the justice of the Oriya claim. The Raja concluded by appealing to His Majesty's Government for an early declaration that Orissa will be made a separate Province.

THE SECRETARY OF STATE FOR INDIA drew attention to and asked for expressions of opinion on the very important question, viz. what was the best method of dealing with the revision  
of/

of boundaries and the inauguration of new Provinces under the new Constitution.

PANDIT NANAK CHAND drew attention to the very sound observations contained in the report of the Simon Commission on the question of the re-distribution of Provinces. He could not agree with Sir Tej Saprta that the new constitution should not be capable of alteration for a stated period of ten years. The lack of trust and goodwill among communities now manifest should not be perpetuated for so long. It should be remembered that the existing reforms were called into question within a very short time of their introduction. Under the new constitution provinces with neither a linguistic nor a religious basis would very soon find cause for discontent. If any period of inviolability is fixed it should not be longer than three or four years, within which period the results of the Federal experiment will surely be visible. He took strong exception to the proposed method for regulating constitutional changes put forward by the Muhammadan delegation. This meant, he in effect, that the initial system would be permanent, because any community could block any proposed change. The test should be whether there was any clear demand for change on the part of a community or section of a community. Such a demand would be manifested, for example, by the passing of a resolution in the Legislature by a bare majority; it would not need the three-fourths majority proposed by the Muhammadan delegation. The case of the Punjab deserves special attention. This Province consists of three well-defined tracts with no natural affinity, with a different religion and a different language, and with no tie except that of administrative convenience. If one of these/

these tracts required a change under the new Constitution it should be reasonably possible for that change to be secured.

SIR TEJ SAPRU urged that Federation should be regarded as a single whole and that its organic life should not be tampered with too lightly. It must not be made too easy for Provinces to sub-divide themselves. The demand for separation on a linguistic basis had admittedly become rather common in recent years, but separatist tendencies if allowed too much scope now would inevitably grow and develop and this would be bad for the Federation as a whole. He would concede that if a well-defined unit demanded separation and this demand were backed by a clear desire of the people of that unit, and it were further clear that separation would not place a financial burden upon or otherwise injuriously affect the interests of the Federation, such a demand might be favourably considered. But the wishes of the people of that unit should first be clearly expressed at an election and should be endorsed by a clear majority of the representatives returned at that election.

He concluded by pointing out that his proposal for a ten-year limit within which no changes should be made, which had been criticised by Pandit Nanak Chand, had no reference to the re-distribution of the Provinces and applied mainly to matters like the franchise and the size and composition of the Legislatures.

MR. ZAFRULLA KHAN said that the question of separation raised many issues. It was not possible at this stage to lay down the precise procedure by which a new province could automatically be constituted at some future date. He agreed generally with Sir Tej Sapru that the best provision that could be made now was some adaptation of Section 52A of the existing Government of India Act.

Replying to Pandit Nanak Chand's references to the proposals of the Muhammadan delegation regarding constitutional changes, he pointed out that the Prime Minister's award placed the matter in a special category so far as communal questions were concerned. The object of that award was to remove the apprehensions of the minorities. But the award itself provides that after 10 years machinery shall be set in motion for ascertaining the views of the communities on the question of revising electoral arrangements; and the proposals of the Muhammadan delegation were intended to suggest to His Majesty's Government a method by which the opinion of the communities might be suitably obtained. The wishes of a single community could not prevail; any change must be dependent upon the consent of all communities.

MR. JAYAKAR considered that it would be best to leave the whole question of the ratio of communal seats to His Majesty's Government who are more likely to take a dispassionate view. The difficulty in leaving the matter to the consent of the communities is that they naturally tend to ask for greater protection than is really required. He thought that the method proposed by Mr. Zafrulla Khan for effecting changes would be to render the position introduced by the Constitution, in practice, unalterable.

At a later stage Mr. Jayakar explained that his view was that the method of alteration should be decided by His Majesty's Government and laid down in the Act itself.

SIR A.P. PATRO found it difficult to support Mr. Jayakar's proposal to leave the matter to His Majesty's Government. The proposal was inconsistent with the principle of self-determination; and the Prime Minister's award on the communal question had been criticised in India. He agreed with Lord Reading that they should move very cautiously after their painful experience of the Montagu-Chelmsford reforms. If changes were made too easy there was great danger of change being forced upon the Government by persistent agitation. He supported the provision that any proposed change should be submitted to the electorate and should be supported by a three-fourths majority of the legislature so elected.

D.B. Mudaliyar/



D.B.MUDALIYAR thought that the subject of extension of the franchise should form part of the constituent powers. The Franchise Committee had rejected the suggestion for an automatic extension of the franchise but they had recommended that the provincial legislatures should be competent, after the first ten years, to alter the franchise. The period of 10 years had been suggested as a means of ensuring stability before the next change was made but there was a definite recommendation that the alteration of the franchise should be one of the constituent powers of Provincial and Federal legislatures.

As regards the communal award, it would be quite fair to say that an absolute majority for a change should require confirmation in a general election but a 3/4ths majority of the legislature and of the communities concerned followed by a general election and again a 3/4ths majority of both legislature and communities as proposed by Mr. Zafrulla would not only mean in practice a veto on all changes but would tie the hands of His Majesty's Government in regard to any changes considered necessary or desirable and might easily bring about a very difficult situation. If an absolute majority is not considered sufficient then it should be left to His Majesty's Government to discover the wishes of the communities in the manner they thought best suited to the purpose.

As regards redistribution of boundaries he agreed with Sir Tej that it would be neither fair to the provinces nor to the rest of India to extend the principle of setting up new provinces with subventions from the Centre. The Federation should of course have the power of adding units to the Federation.

Sir/

SIR MUHAMMAD IQBAL stated that Pandit Nanak Chand's argument came to this, that a homogeneous unit of a province should have the right to secede from it. If that was so it followed that provision should be made to enable a unit of the Federation to secede from the Federation.

DR. SHAFI'AT AHMAD KHAN stated that in regard to the communal award the practical question was whether facilities should be provided for making rapid changes in an award which had been made after many and prolonged efforts. It was a common feature of all Federal constitutions e.g. the Canadian Constitution, to hedge in changes affecting the position of communities with reservations.

As regards alteration in the franchise, the Franchise Committee had recommended that this power should vest in the legislatures after a certain period. He agreed with that view but as franchise changes involve redistribution of seats and are bound to affect the relation between communities it was necessary to make special provisions against rapid changes. The Muslim Delegation's formula was devised to secure stability in a matter likely to arouse strong passions.

MR. JOSHI wanted to know whether the Lothian Committee when it rejected the automatic extension of the franchise intended to impose restrictions on the power of the legislatures to do so. Self-government should not be limited only to the 36 millions whom it was intended to enfranchise. If serious restrictions are placed it would make the position of the unenfranchised very difficult. An ordinary majority should suffice for a change but if the alternative was Mr. Zafrulla's plan it would be far better to leave it entirely to His Majesty's Government to make changes when necessary.

LORD LOTHIAN intervened to explain the Franchise Committee's views. They had had a great deal of evidence in favour of automatic extension of the franchise leading to adult franchise but the Committee had found this proposal unacceptable owing to their view (1) that a further extension of the franchise should follow on a greater expansion of elementary education and (2) that the administrative difficulties in the way were really formidable. On the other hand the Committee took the view that after the lapse of a definite period the legislatures should be the best judges of whether and how further extensions should be made. If great difficulties were placed in the way of changes, they might encourage revolutionary agitation; on the other hand the changes should not be made too hastily.

In this connection he remarked that one of the secrets of the success of Federal constitutions is that constitutional amendments are difficult to make - where national opinion is plainly expressed however, the obstacles to a change should not be serious. Some provision might perhaps be made that in similar circumstances there should be consultation between the Federal legislature and Parliament.

SIR COWASJEE JEHANGIR reminded the Conference that there was a school of thought in India, not very well represented at the Conference, which regarded the tremendous increase in the electorate recommended by the Franchise Committee with grave misgivings. He thought that no change in the franchise qualifications should be allowed in the next 15 years.

PANDIT NANAK CHAND intervened to draw attention to the recommendation of the Simon Commission that necessary provincial readjustments should be made before the new Constitution was brought into force. He thought that this was a most important matter and had a special bearing on the communal problem in the Punjab.

DR. AMBEDKAR intervened to enquire whether it was not a fact that the Franchise Committee had thought that the qualification of residence in the constituency should not be insisted on in the case of candidates for election.

LORD LOTHIAN said there was general agreement in the Franchise Committee that a qualification of that kind operated to prevent good candidates from offering themselves for election. In regard to elections to the provincial legislatures, residence in the provinces concerned would, of course, have to be a requirement, but it was better not to require residence in the constituencies.

SIR TEJ SAPRU thought that this expressed the general feeling of the Conference also on this subject.

THE SECRETARY OF STATE FOR INDIA, in summing up, thought that there was general agreement that

- (1) we should be careful not to dig up the roots of the constitution too soon, and

(ii) we must contemplate powers in the Indian legislature to deal with certain questions e.g. the institution of new provinces. In regard to this he agreed with Sir Tej and his advice would be to go slow in this matter. It would have to be ascertained whether there was a clear and general demand for the creation of a new province and its creation should not compromise the financial position of the Federal Government or other Provinces. But subject to these considerations there should be power in the Federation to recommend the constitution of new provinces.

As regards franchise, he had always contemplated a power in the legislature to deal with franchise questions after a fixed period of years.

As regards procedure for amending that part of the constitution covered by the "communal award" he would prefer not to be too specific. Two proposals had been made for dealing with it; first, that the kind of agreement that would be required from a community should be set out in detail; second, that His Majesty's Government should settle in the Act the method of alteration. Both these proposals required very careful consideration. He urged caution as regards provision to enable amendment of the "communal award". The whole object of that award had been to reassure the communities and so remove one of the chief obstacles in the way of constitutional advance.

Turning to Fundamental Rights he said there was great difficulty in including a substantial number of these Rights in the Act of Parliament. He realised, however,

that/

that many delegates attached great importance to some of these rights. He wondered whether it would not suffice to include in the Act only those Rights which are susceptible of legislative treatment and to include others in some kind of important pronouncement such, for example, as the Proclamation which might be issued when the new constitution is brought into force.

Secretariat-General,  
House of Lords,  
S.W.1.

22nd December 1932.

CONFIDENTIAL.

Copy No.

19th Meeting.

INDIAN ROUND TABLE CONFERENCE 1932.

(November - December)

MINUTES of the Nineteenth Meeting of the  
Conference held at the House of Lords on Thursday,  
22nd December 1932 at 8.30 p.m.

PRESENT.

BRITISH REPRESENTATIVES.

Government Delegates.

Sankey (in the Chair)  
S. Hoare  
Irwin  
Davidson  
Butler

Non-Government Delegates.

Winterton  
Lothian

Also Present.

F. Stewart  
J. Dunnett  
R. Glancy  
Col. Neale  
E. Chamier  
Turnbull  
John Knatchbull

Secretaries.

Dawson  
Patrick

INDIAN STATES' REPRESENTATIVES.

Raja of Sarila  
R.B. Raja Qudh Narain Bisarya  
R.B. Krishnama Chari  
Nawab Liaqat Eyat-Khan  
Mr. Wajahat Hussain  
Nawab Sir N. Akbar Hydari  
Sir Mirza Ismail  
Sir Manubhai N. Mehta  
R.B. Pandit Sir Sukdeo Prasad  
Rao Sahib D.A. Surve  
Mr. Rushbrook Williams

Also Present.

Mr. R.Z. Abbasy  
Sahibzada Muntaz Ali Khan  
R.B. Pandit Amar Nath Atal  
Lt. Col. Sir R. Chenevix-  
Trench

Mr. C.L. Corfield  
Mr. K.V. Godbole  
Mr. C.G. Herbert  
Chief of Jath  
Nawab Mahdi Yar Jung  
K.S.D. Sinhji of Limbdi  
Mr. K.C. Neogy  
Major Pande  
Pandit P.N. Pathak  
Mr. G.P. Pillai  
Mr. Qureshi  
Mr. Madhava Rao  
Mr. C.N. Seddon  
Mr. Ramadive

Secretaries.

Mr. Hydari  
Mr. Panikkar

2.

BRITISH INDIAN REPRESENTATIVES.

H.H. The Aga Khan  
Dr. B.R. Ambedkar  
Sir H. Carr  
Pandit Nansuk Chand  
Mr. A.H. Ghaznavi  
Lt. Col. Sir H. Gidney  
Mr. M.R. Jayskar  
Sir C. Jehangir  
Mr. N.M. Joshi  
Mr. N.C. Kelkar  
Raja of Kharlicote  
D.B. Ramaswami Mudaliyar  
R.B. Sir A.P. Patro  
Sir T.B. Sapru  
Dr. Shafa'at Ahmad Khan  
Sardar Tara Singh  
Sir Purshotamdas Thakurdas  
Mr. Zafrulla Khan

Also Present.

Sayed Anjad Ali  
Mr. Holme  
Mr. Lawson

Secretaries.

Mr. Latifi  
Mr. Rama Rau

SECRETARIAT-GENERAL.

Mr. Carter (Secretary-General)  
Mr. Anderson  
Mr. Roy  
Mr. Williams

PUBLICITY OFFICERS.

Mr. MacGregor  
Mr. Joyce



The Conference met at 8.30 p.m. and discussed the Secretariat Reports on the following heads of the Agenda:-

Head A. Report of the Indian Franchise Committee.  
Method of election to and size of the two Federal Chambers.

Head B (b) Relations between the Federal Centre and the Units.

(b) Administrative.

{ Head G Fundamental Rights.

{ Head H. "Constituent Powers" and powers of Indian Legislatures vis-a-vis Parliament.

The Report was also discussed on -

Head I. Form of States Instruments of Accession.

The points raised in these discussions will be dealt with when the final version of the Reports is circulated.

Secretariat-General,  
House of Lords,  
S. W. 1.

24th December 1932.

R.T. 20th Meeting.

INDIAN ROUND TABLE CONFERENCE 1932.

(November - December).

MINUTES of the Twentieth Meeting of the  
Conference held at the House of Lords on Friday,  
23rd December, 1932 at 11.30 a.m., 4 p.m., and  
8.30 p.m.

PRESENT.

BRITISH REPRESENTATIVES.

Government Delegates.

Lord Sankey (in the Chair)  
Sir S. Hoare  
Lord Irwin  
Mr. Davidson  
Mr. Butler

Non-Government Delegates.

Lord Peel  
Lord Winterton  
Lord Reading  
Lord Lothian.

Also Present.

Sir F. Stewart  
Sir M. Gwyer  
Sir C. Schuster  
Sir J. Dunnett  
Sir R. Glancy  
Sir L. Kershaw  
Lord Dufferin  
Major-General Muspratt  
Mr. S.K. Brown  
Mr. Monteath  
Mr. Col. Neale  
Sir B. Chamier  
Mr. Rumbold  
Mr. Turnbull  
Mr. C.M. Patrick  
Mr. R. Low  
Captain Knatchbull  
Mr. J.R. Martin.

Secretaries.

Mr. Dawson  
Mr. P.J. Patrick.

INDIAN STATES' REPRESENTATIVES.

Raja of Sarila  
R.B. Raja Gudh Narain Bisarya  
R.B. Krishnama Chari  
Nawab Liaqat Hyat-Khan  
Mr. Wajahat Hussain  
Nawab Sir N. Akbar Hydari  
Sir Mirza Ismail  
Sir Manubhai N. Mehta  
R.B. Pandit Sir Sukdeo Prasad  
Rao Sahib J.A. Surve  
Mr. Rushbrook-Williams.

Also Present.

Mr. R.Z. Abbasy  
Sahibzada Mumtaz Ali Khan  
R.B. Pandit Amar Nath Atal  
Lt. Col. Sir R. Chenevix-Trench  
Mr. C.L. Corfield  
Mr. K.V. Godbole  
Mr. C.G. Herbert  
Chief of Jath  
Nawab Mahdi Yar Jung  
Pandit Ramachandra Kak  
K.S.D. Sinhi of Limbdi  
Mir Maqbul Muhammad  
Mr. K.C. Neogy  
Major Pande  
Pandit P.N. Pathak  
Sir Prabhashankar Pattani  
Mr. G.P. Pillai  
Mr. Qureshi  
Mr. Madhava Rao  
Mr. C.N. Seddon  
Mr. B. H. Zaidi  
Mr. Sorabji  
Mr. Ranadive

Secretaries.

Mr. Hydari.

BRITISH INDIAN REPRESENTATIVES.

H.H. The Aga Khan  
Dr. B.R. Ambedkar  
Sir H. Carr  
Fandit Nanak Chand  
Mr. A. H. Ghaznavi  
Lt. Col. Sir H. Gidney  
K.B. Hafiz Hidayat Husain  
Sir M. Iqbal  
Mr. H. R. Jayakar  
Sir C. Jehangir  
Mr. H.M. Joshi  
Mr. N.C. Kelkar  
Raja of Khaliicote  
D.B. Ramaswami Mudaliyar  
R.B. Sir A. F. Petro  
Sir T. B. Sapru  
Dr. Shafa'at Ahmad Khan  
Sardar Tara Singh  
Sir N. N. Sircar  
Sir Furshotamdas Thakurdas  
Mr. Zafullia Khan.

Also Present.

Sayed Anjad Ali  
Mr. Holme  
Mr. Lawson.

Secretaries.

Mr. Latifi  
Mr. Rama Rau.

SECRETARIAT-GENERAL.

Mr. Carter (Secretary-General)  
Mr. Anderson  
Mr. Roy  
Mr. Williams.

PUBLICITY OFFICERS.

Mr. McGregor  
Mr. Joyce.

The Conference met at 11.30 a.m., 4 p.m. and  
8.30 p.m. and discussed -

- (1) the Report of the Committee on Commercial Safeguards.
- (2) the Report of the Committee on Federal Finance.
- (3) the Report of the Committee on Financial Safeguards.
- (4) the Secretariat Reports on the following Heads of the Agenda:-
  - Head C. Special Powers and Responsibilities of the Governor-General and Governors.
  - Head E. Defence (Finance and connected questions).
  - Heads {
    - G. Fundamental Rights.
    - H. "Constituent Powers" and powers of Indian Legislatures vis-a-vis Parliament. (Discussion continued).

The points raised in these discussions will  
be dealt with when the final version of the Reports  
is circulated.

Secretary-General,  
House of Lords,  
S. W. I.

14th December 1932.

CONFIDENTIAL.

Copy No. \_\_\_\_\_

.T. 21st Meeting.

INDIAN ROUND TABLE CONFERENCE 1932.

(November - December)

STENOGRAPHIC NOTES of the Twenty-first Meeting of the  
Conference held at the House of Lords on Friday,  
23rd December, 1932 at 9.20 p.m.

PRESENT.

ISH REPRESENTATIVES.

Government Delegates.

S. Hoare (in the Chair)  
Irwin  
Davidson  
Butler

Government Delegates.

Peel  
Winterton  
Reading  
Lothian

Present.

F. Stewart  
J. Dunnett  
R. Glancy  
Cl. Neale  
Rumbold  
Turnbull  
R. Law  
J.R. Martin

Secretaries.

Dawson  
Patrick

INDIAN STATES' REPRESENTATIVES.

Raja of Sarila  
R.B. Raja Oudh Narain Bisarya  
R.B. Krishnama Chari  
Nawab Liaqat Hyat-Khan  
Mr. Wajahat Hussain  
Nawab Sir N. Akbar Hydari  
Sir Mirza Ismail  
Sir Manubhai N. Mehta  
R.B. Pandit Sir Sukdeo Prasad  
Rao Sahib J.A. Surve  
Mr. Rushbrook-Williams.

Also Present.

Mr. R.Z. Abbasy  
Sahibzada Mumtaz Ali Khan  
R.B. Pandit Amar Nath Atal  
Lt.Col. Sir R.Chenevix-Trench  
Mr. K.V. Godbole  
Chief of Jath  
Pandit Ramachandra Kak  
K.S.D.Sinhji of Limbdi  
Mir Maqbul Muhmood  
Major Pande  
Sir Prabhshankar Pattani  
Mr. G.P. Pillai  
Mr. Gureshi  
Mr. Madhava Rao  
Mr. B.H. Zaidi  
Mr. Sorabji  
Mr. Ranadive

Secretaries

Mr. Hydari

BRITISH INDIAN REPRESENTATIVES.

H.H. The Aga Khan  
Mr. B.R. Ambedkar  
Sir E. Carr  
Pandit Nanak Chand  
Mr. A.H. Ghuznavi  
Lt.Col. Sir H. Gidney  
K.B. Hafiz Hidayat Husain  
Mr. M.R. Jayakar  
Sir C. Jehangir  
Mr. N.M. Joshi  
Raja of Khallicote  
D.B. Ramaswami Mudaliyer  
R.B. Sir A.F. Estro  
Sir T.B. Sapru  
Dr. Shafa'at Ahmad Khan  
Sardar Tara Singh  
Sir N.N. Sircor  
Sir Furshotamdas Thakurdas  
Mr. Zafrullah Khan

Also Present.

Sayed Anjad Ali  
Mr. Holme  
Mr. Lawson

Secretaries.

Mr. Latifi  
Mr. Rama Rau

SECRETARIAT-GENERAL.

Mr. Carter (Secretary-General)  
Mr. Anderson  
Mr. Roy  
Mr. Williams

PUBLICITY OFFICERS.

Mr. MacGregor  
Mr. Joyce.

GENERAL DISCUSSION.

SIR SAMUEL HOARE: I suggest that now we should proceed at once to a general discussion before the proceedings of the Conference are wound up. I do not know whether Sir Tej Bahadur Sapru would be inclined to begin the discussion; if he would, I think we should be very glad.

SIR TEJ SAPRU: Mr. Secretary of State, My Lords and Gentlemen, I would begin by expressing our deep sense of obligation to the members of the Staff of the India Office. I associate with that expression of opinion the names of Sir Findlater Stewart, Mr. Carter and Mr. Dawson, and indeed every other officer who, as we have noticed with a remarkable degree of appreciation, have been working at all hours of the night and day. If we are destined to have a Secretariat of our own in the future over which we shall exercise any control, we shall bear this example in mind.

Now, Secretary of State, I feel a very heavy sense of responsibility - much heavier than I can say - in speaking on this occasion. It was in 1929 that Lord Irwin paid a visit to England. If His Lordship will allow me to divulge a secret, which I may do on this occasion, before he came to England I had a long conversation with him, the substance of which I have preserved. From distant India we were watching the progress of events here, and watching with great interest his activities here. In fact I do not mind now making a public confession, that the proposal of the Round Table Conference went from us to Lord Irwin.

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To that proposal men like the late Pandit Motilal Nehru and the late Sir Ali Iman - I regret deeply the death of both these leaders - were parties. We decided to put forward that suggestion with the full concurrence of these two distinguished leaders of India. We put it before Lord Irwin and when Lord Irwin came to India I at any rate looked upon him as an ambassador of peace between England and India. When he came back he invited some of us to meet him. It has always seemed to me a matter of tragic significance that on that fateful day, 23rd December 1929, the conversations which took place in the privacy of the Viceroy's study broke down. The subsequent events are known to you and to everyone and I will not refer to them in detail. Nevertheless in 1930 when the situation in India was of a critical nature causing anxiety both to you and to us some of us decided in the midst of great public opprobrium to come and see whether we could not explore every avenue for the settlement of an issue which seemed to us to be growing more and more acute every day. Lord Irwin will bear me out - his Lordship was then the Viceroy of India - when I say that we did not come to England in the midst of the blessings of our people. We came to England in the midst of the curses, of the jibes and of the ridicule of our own countrymen. Those of us who believe in constitutional methods took the great risk and we thought that upon the success of this Conference or the failure of this Conference would depend the success or failure of constitutional methods. Reviewing as I do the events of the last three years I feel, and I feel very sincerely,



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that we were right in coming at that time. Our experience in 1930 was certainly encouraging. When I remember that the one criticism which was then made of the Round Table Conference of 1930 was that men had assembled at that Table who possessed no goods to deliver, that the men who possessed goods to deliver were behind prison bars and had not come here, and when I remember that after our return to India the men who had goods to deliver and the men who had no goods to deliver according to popular estimate combined together in bringing about a different atmosphere of peace to which Lord Irwin made his greatest contribution in my opinion - well I do not feel inclined to agree with the criticism that we acted wrongly in coming here in 1930.

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Unfortunately when we came here last year, accompanied by men who could "deliver the goods", we met with difficulties of an extraordinary character, mostly of a domestic nature. We failed, except in one important respect, and I would beg you all to recognise the importance of that. Although we might not have achieved agreement in questions which divided us, we achieved success - and distinct success - in one direction and that was this - that His Majesty's Government of the year 1931, which was different from His Majesty's Government of 1930, then stood committed to the policy of the Round Table Conference and to the policy announced by the Prime Minister.

Now although it so happens that at the present moment you have the National Government - I do not pretend to interpret your politics - yet it so happens that in that National Government the dominant party is the Conservative Party, and I am entitled to hold the Conservative Party of England fast to that policy which was enunciated by the Prime Minister and which was endorsed by Lord Reading in the House of Parliament. Without suggesting that Lord Peel and Lord Winterton are diehards.

LORD PEEL: I am afraid we are not considered so!

SIR TEJ SAPRU: At any rate I am prepared to say that you have proved much better than your reputation! Without suggesting that either Lord Peel or Lord Winterton is a die-hard I beg them to remember that we, the British Indians, hold the Conservative Party as much in honour bound to deliver those goods which they have promised to deliver us as we hold any other party, Liberal or Labour, in this country. Therefore, although in other aspects we may have failed to achieve any success last year, we did achieve this success, that we have now got the pledge of all three parties in this country. Now we have come this time, after having that obstacle in our way removed by the word of the Prime Minister, which to my mind must hold the field unless it is replaced by agreement between the different communities, to ask you to deliver the goods which you possess, and I do sincerely hope and trust that you are going to deliver those goods.

I confess that during the six weeks that we have <sup>been</sup> working here there have been moments of great depression, there have been times when it seemed to me at any rate that the prospect was very gloomy. I make that personal confession. Those moments have alternated with moments of hope, and now the time has come when we should review our work and ask ourselves what it is that we have been able to achieve during the few weeks that we have been in your great country.

So far as the picture is concerned - I say it in no carping spirit - it has yet to be completed. I think it will be completed when we see your White Paper, and it will be then for us coolly and dispassionately to ask ourselves what is the sum total of our gain. Subject to any opinion which may be formed by myself or my colleagues or my countrymen at the time when we see the completed picture in the White Paper which I hope will be presented soon, I will say that there are certain broad questions on which there has been agreement, although it would be wrong to say that there has been agreement on every question.

The big issue in which we are all interested is the issue of Federation, and here, if I may say so, without raising any controversial issue, so far as I am concerned my whole interest lies in Federation. I have not come all this distance with the feeling that all that we could achieve was merely provincial autonomy divorced from responsibility at the Centre. Ever since the days that I had the honour of being a member of Lord Reading's Government I have held the conviction that if India is to get any Constitution it must be a Constitution which gives responsibility at the Centre.

Our political ideas with regard to the Federation were not very clear in 1921 and 1922, but as events progressed

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and as difficulties were felt and realised in regard to Central responsibility, some of us - I confess I was one of them - were forced to the conclusion that the future of India lay in Federation. That has been my deep conviction for the last five years. And I may say that the idea of an all-India Federation - however far away it might have been - began to develop in 1927 or 1928. I am disclosing no secret when I say that on an important occasion when the late Lord Sinha and I were invited by His Highness the Maharajah of Patiala to discuss high political issues, both of us advised the Princes that they must come into our Legislature and must look upon themselves as part and parcel of a big whole.

It is since then that our ideas began to get more and more clear; and I at any rate have felt all along these years that it is worth trying to bring into existence a greater India than mere British India: to remove these conflicts which do at times arise between British India and the Indian States, to harmonise the two together so that our life may be greater and richer and more harmonious in every respect.

Now when we came here in 1930, their Highnesses made a very generous and patriotic response to our invitation to join this Federation; and I put it to Their Highnesses representatives - I regret very much the absence of Their Highnesses on this occasion - that the time has come when they or their Sovereign masters should finally make up their mind and definitely and without any doubt or misgiving say that they are ready to join the Federation provided their special interests are safeguarded. Only this morning I ventured to interrupt Sir Manubhai Mehta and some others and asked them whether they had made up their minds on the question of the size of the Legislature or on the question of the proportion. I am bound to say that so far as Their Highnesses are concerned the position does not seem to me to be clear; that is to say, one group holds one opinion with regard to the size and the quota that they claim, another group holds another opinion. All that I am entitled to assume is that if those differences between themselves are removed - and we are not interested very much in those differences - I assume that they would be ready to come into the Federation; and I do hope that before this Conference concludes some definite statement might be made on their behalf.

My conception of an All-India Federation is a Federation of British India and Indian States in which

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the Indian States will be very honoured partners; but I will repeat what I said yesterday in the course of my remarks on the Report of the Financial Safeguards Committee, that while I should welcome them as honoured partners with every right under Treaty or under Agreement or Convention effectively safeguarded, I should not like British India to be treated as a dependency of Indian States. Therefore I am entitled to call upon the representatives of the Indian States in the course of their speeches to make the position somewhat more clear than it seems to be at the present moment.

But here, Mr. Secretary of State, I would venture to make one observation. We agreed to the All-India Federation in the hope and belief that the fruition of our ambition and of our ideals would be possible within the next few years.

If we wanted to get on with provincial autonomy the Simon Commission's Report gave us an opportunity. But we did not want provincial autonomy. Therefore from this point of view the question of the date of the Federation is to my mind of the most vital importance. With regard to that I wish to state the position of some of us as clearly as it is possible for me to do. Our position is that you must fix a date for the inauguration of the Federation as was done in the case of the Dominions of Canada, Australia and South Africa. But before you fix that date I hope you will also fix the date on which the Indian States must formally and authoritatively notify their willingness to come into the Federation. I suggest that the date should not be longer removed than twelve months from the date on which the Act is passed by Parliament. If I am confronted with the position that that date may arrive and the Princes may not have made up their minds by that time to come into the Federation or that things may not be in such complete order as to justify the inauguration of the Federation, then my answer to that is that the Federation must be framed to function all the same leaving it open to Their Highnesses to come as and when they please. I am quite alive to the danger of fixing a date, but surely it <sup>not</sup> should be beyond British statecraft to devise a formula to meet a contingency of that character. And so I suggest that if you find that there are any valid reasons which may prevent you from giving effect to that proposal and bringing the Federation into operation on that particular date you should reserve to yourselves



the power of extending that date, provided of course that the extension is not too prolonged. Frankly I visualise the Federation coming into operation in working order in 1935 at the latest. I am not looking upon the Federation as a possibility or a probability in 1938 or 1940. That is my view with regard to it, but if you should find that this is impossible then speaking for myself - and I hope I am speaking for everyone on this side - I say that it would a most dangerous thing for you to start the new constitution in the Provinces and leave the Centre unaltered. I say that because on constitutional and administrative grounds I hold that it would be impossible for the responsible Provinces to work in harmony with an autocratic central government. Besides I suggest to you that ~~the~~ constitution<sup>s</sup> of the Provinces have a direct relation to the new constitution which you are contemplating at the Centre and that they will not fit in with the constitution of the Centre as it is at the present moment. That was the vital condition which you imposed upon responsibility in British India in 1930 and which you repeated in 1931. To-day as Mr. Jayakar was good enough to point out a little while ago we find another condition imposed; that condition is that the Federation must come into existence<sup>simultaneously</sup> with or after the establishment of the Reserve Bank. I wish to explain my position and the position of many of us with regard to the Reserve Bank.

Our quarrel is not with the Reserve Bank. As a layman, I am assuming that sound expert opinion is to the effect that a Reserve Bank is necessary. If that opinion has got to be contested, I leave it to be contested by those who claim to be experts. I am therefore proceeding on the assumption that that opinion is a sound one.

Now, so far as the Reserve Bank is concerned, so far as its composition is concerned, and so far as the conditions which are to be attached to its constitution are concerned, they were mentioned by my friend Sir Purshotamdas Thakurdas, who is entitled to speak on this question with greater authority, in a memorandum. I understand that with regard to those conditions there is not going to be any serious difference of opinion. Very well. If there is going to be no serious difference of opinion on the conditions on which the Reserve Bank should be established, then we feel that the position still continues to be somewhat obscure, because, while on the one hand your experts are not able to give us a precise date on which they expect the Reserve Bank to be established, on the other hand there are others who hold the opinion that it may take us many more years than we imagine before the Reserve Bank is formed.

Now, as a layman, I do not pretend to judge between those two opinions, but what I would say is this. Without committing myself to the four conditions with regard to the establishment of the Reserve Bank which are mentioned on page 4 of the Report, namely, "that the Indian budgetary position should be assured, that the existing short-term debt both in London and in India should be substantially reduced, that adequate reserves should have been accumulated and that India's normal export surplus should have been assured," I do suggest that I should not like to be a party to any scheme

which contemplate that, if there is to be no Reserve Bank, there is to be no responsibility at the Centre in India. Therefore I should not agree to any system of provincial autonomy which resulted from your non-compliance with this pre-requisite, namely, the establishment of the Federation. It is perfectly true that the Report safeguards that position in the last paragraph on page 5. I will venture to read that and make just a few comments on it: "It is on the basis of this assurance by the Secretary of State that some members of the Committee have been able to accept this part of the Report, and they reserve their right to reconsider their whole position should delay in the establishment of the Bank seem likely to result in postponement of the inauguration of the Federation". I wish it to be clearly understood that my position is - and I believe it is the position of many on this side - that, if you should find, after making the best efforts which you propose to make - and I accept your assurance, Sir, on that matter - that it is impossible for you to inaugurate the Federation, with responsibility at the Centre, you must not assume that we then agree to provincial autonomy or to any change in the constitution at the Centre. We reserve to ourselves then the liberty of making any such demand with regard to responsibility at the Centre in British India as we may be advised to make at that time.

I therefore in the friendliest spirit wish to tell you that that is our position.

I will pass on now to another item of our programme. I am dealing with what are known as the Financial Safeguards. I do not propose to go into every item of that subject. I will leave to other friends of mine the task of dealing with those which I may omit. But I would like to make my position and the position of several others as plain as I possibly can. So far as Finance is concerned we note with pleasure and with satisfaction that there is no truth in the rumours which were prevalent at one time that it was the intention of H.M. Government to reserve Finance. I note with gratification that H.M. Government do intend to transfer Finance to popular control. So far I am satisfied, but when coming to the Safeguards I have one or two observations to make. We have agreed and I think we were honourably bound to agree - that there should be every possible guarantee given to the members of the Services that their salaries, emoluments, and pensions - that is to say, their rights which are guaranteed by statute - should be preserved and maintained intact. We have agreed that there should be a Statutory charge for debt services. Now, I approach the whole question from the point of view of a lawyer who has to deal with the claims of debtors and creditors every day of his life. I do not pretend to express any opinion on the mysteries of finance. I leave that to be done by others. But what I do say is that undoubtedly a creditor is entitled to get back his money, and not only to get back his money, but to see that the security on which he has advanced that money shall not be impaired until he gets it back. That is not only a sound legal principle, but an equally sound moral one.

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So far as that is concerned I wish to declare that it is not our intention that the security of the British investor, either with regard to short-credit loans or other loans, should be impaired in any degree or measure; and if it is thought to be impaired by the Finance Minister of the future or by the Legislature, I recognise that it would be a legitimate case for the Viceroy to step in for the protection of that security. It is for that reason that I decided, lest there might be misunderstanding, or, what is worse, misrepresentation of my position in my own country or your country, to submit two propositions to Sir Samuel Hoare and the Financial Safeguards Committee.

The first proposition which I gave in my written memorandum is this: I recognise the validity of the claim that the British investor's or for the matter of that, any investor's security should not be impaired, and the Governor-General may be vested with power to secure the maintenance of that security unimpaired.

The second proposition is this: my objection is not to the Governor-General being vested during the transitional period with power effectively to secure the discharge of the obligations in regard to Reserved Departments and Services; but to a general phrase the content of which seems to me to be too elastic and indefinite.

That has reference to those words which find a place in the Report, namely, financial stability and credit. My position at the Committee was, and is that if you can show me what are your apprehensions in regard to that security being impaired or to the manner in which that security is going to be impaired, I should consider it my duty as far as possible to remove your legitimate apprehensions; but if I am asked to put my signature to a phrase which may mean anything or which may mean nothing in practice, then I do hesitate to put my signature to a document like this. Supposing in an ordinary I.O.U. a creditor insists on the debtor saying that he will pay interest at the rate of "five per cent. etc."; I do not think any debtor would be justified in putting his signature to a document of that character. Therefore my objection is that the words are too elastic. They may mean something to financiers. I do not pretend to be a financier; I am a layman and a lawyer. Therefore until the thing is made clear to me - I hope the position will not be necessary - I cannot make up my mind to

agree to a general phraseology of that character. Sir, I will say no more with regard to that matter. But there is one aspect of the question which I would like to present to you and through you to your countrymen in the City and to every British investor. India is not a foreign country to you; India has not been a foreign country to you during the last 150 years; and I refuse to believe that the British investor is as bad or is as suspicious as he is sometimes represented to be. I think the British investor is a man of courage, and, as every investor takes courage to make his profit, so does he. He deals with countries which do not owe any allegiance to the King-Emperor; he makes his profit, he loses too. Look at your investments in South America. Look at your investments in other parts of the world. You could afford to deal with Persia, and you know what is the issue now. You could afford to deal with some men of your race and of your colour and of your religion across the channel and you know what is the position now.

Well, personally speaking I think you will not be justified in bringing up against me the misdeeds of others who have disappointed you. You are certainly entitled to bring up the misdeeds of my own countrymen against me; you can certainly say: there are some men who have indulged in wild talk in my country, who have talked of repudiation of debt and things of that kind. I am not one of those men who believe in repudiation. It may be said that there are a few thousand men, although that is not literally true; literally it is true only of a few men. They may have talked of repudiation, but there are hundreds of millions of men in my country who are prepared to honour their obligations.

Therefore I ask you to proceed in a more trustful spirit with us. Do not treat us as if we were absolutely strangers to you, or as if we had nothing to do with you in history. Why this nervousness. What is the cause of this nervousness? We are willing to meet all your legal claims and obligations, but humanly it is impossible for us to satisfy your whims, your suspicions, your spirit of distrust.

I therefore make a very earnest appeal to the British investor not to lose his courage in relation to a country which owes common allegiance to the King Emperor, and which has been a member of the British Empire during the last hundred years, and which will remain a member of the British Empire if you once establish your political relations with India on a sounder footing. Once you do it you will advance the credit of India. If you fail to satisfy the political aspirations of India - (and let me tell you that they are very live political aspirations, not confined to the intellectual classes any longer) - the credit of India will go down.

I do not wish to enter into financial jugglery, I do not understand how the ratio, or the exchange, or that kind of thing, can demolish the credit of a country; but as a politician I do say that it is on the political side that you can secure the credit of India. That must be your first duty and last duty now.

I will try to bring my speech to a conclusion as soon as possible, but there are just one or two remarks more that I will venture to offer. First of all, one of the questions which has been raised is whether there should be



a Financial Adviser appointed in India. The position that I took before the Finance Committee was this: I am not a financier; I am unable to say whether, on financial & grounds, there is need of a Financial Adviser; but as a constitutional lawyer who has been taking some interest in these matters for the last few years, and as one who has had some experience of the working of the Government of India, I have every sympathy with the Governor-General of the future. You are making his task more onerous than anybody else's at the present moment. Although it might be that we should have a Reading or an Irwin in future in India, yet I should doubt whether even men of that calibre would feel perfectly happy in their isolation when they were called upon from day to day to exercise their discretion without advice. It is for that reason that I think it may very well be that the Viceroy of the future may require an independent advisor, but when you talk of a Financial Adviser ~~xxx~~ let me tell you what I understand that Financial Adviser to be. I do not understand him to be the representative of any interests either in England or in my country; certainly not of any financial interest either in the City or in Bombay or in Calcutta. That is my description of a Financial Adviser.

/ I maintain that he should be appointed by the Governor-General in consultation with his Ministers; that his position should ~~approx~~ approximate as nearly as may be to that of the Auditor General; that he should

be above party politics; and not connected with any party either in India or in England. Further, I should take every precaution that human language is ~~susceptible~~ susceptible of providing, that this Financial Adviser will not be a rival Finance Minister. I am fully aware of the position of the Financial Adviser in Egypt, and I do not want the Egyptian experience to be repeated in India. I tell you that frankly. It would be a perfectly legitimate thing for the Financial Adviser on questions of international finance or any other question to give advice to the Government of the day or to the Governor-General. There his function ends, and his opinion, in my view, must be brought to the notice of the Legislature too, because whatever else you may think of the Legislature I do think that if the Legislature is dealt with properly you will find it will give the utmost possible consideration to the advice of an expert in regard to whom it feels assured that there are no political motives behind his advice. That is my view of the financial Adviser. I will now pass on to another subject.

I would also say that you must indicate that this is not going to be compulsorily a permanent feature of the constitution. Either you must fix a time limit or you must leave it open to the Legislature to exercise its constitutional pressure on the Viceroy in regard to the continuance or discontinuance of this feature of the constitution. I say only constitutional influence and nothing more than that.

I will pass on now to another feature of the Constitution which is bound to attract considerable notice in India. Mr. Jayakar was, in my humble judgment, quite right in saying that your Constitution is going to be judged in India by two tests. The first is: Does it give India a substantial amount of financial independence? The second is: What is the position of India going to be in regard to Defence? After the discussion that took place in open Conference, some of us ventured to address the Secretary of State, and the Secretary of State was good enough to invite us to attend a kind of informal meeting at the India Office. We explained our position to him carefully on that occasion, and we have embodied our opinions in a letter to him. I will briefly tell you what our position is. We accept, although I am sure that this is not the opinion of everybody in India, that the control of the Army during the period of transition should be in the hands of the Governor-General, and we do not look upon the period of transition as a very long one. We also agree that, so far as the Army budget is concerned, it shall be independent of the vote of the Legislature, but we have a few suggestions to make on this matter. Our first suggestion is that, so far as supply is concerned, it should be left originally to a Committee consisting of the representatives of the Governor-General, the Army Member - it may be the Commander-in-Chief or both;

it is for the Governor-General to decide - the Federal Finance Minister, the Federal Prime Minister and also other Ministers who may be appointed in that behalf. Whether this Committee will be appointed by Statute or by an Instrument of Instruction is a question which I can only answer if I know whether you are going to place your Instrument of Instruction on a statutory basis. The second point that we take with regard to this is that the Army Member in future should be a man to be selected from the members of the Legislature who represent either British India or Indian States, and we say this because we think that such a member will be a bridge between the Governor-General and the Army and the Legislature.

He will be able to interpret the views of the one to the other, and he will in our humble judgment carry far greater influence than any other person whom you may appoint to that office. Then we say that, so far as the Indianisation of the Army is concerned, you should introduce or reproduce the passage in the Thomas Committee's Report to the effect that the Defence of India will be the increasing concern of India and not of Great Britain alone. If your experts feel that preambles are out of fashion at the moment, or that you can add a clause to that effect in this statute, you can introduce it somewhere or other in the Instrument of Instruction, provided only that the Instrument has a statutory basis. Otherwise we should ask you to introduce a clause to that effect somewhere in this Statute.

Then again we say that statutory obligation should devolve upon the Governor General to take every possible step to Indianise the Army within the shortest possible time compatible with the safety of the country and the efficiency of the Army. Frankly I am one of those who have always stood by the recommendations of Lord Rawlinson's Committee, and I believe I am representing the general feeling of many of my countrymen who have taken an interest in this subject when I say that the Report of the recent Committee which was appointed in consequence of the recommendations of the Thomas Committee Report has failed to afford satisfaction in India.

SIR HENRY GIDNEY: "Question".

SIR TEF SAPRU: Well, it may have afforded some persons satisfaction after they / <sup>had retired</sup> but it has not afforded satisfaction to the young men who wanted to enter the Army! Therefore it seems necessary that the

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Governor General should have a programme of his own prepared by military experts. We also claim that the Indian Legislature should have the responsibility given to it of maintaining and expanding military education in India and the institutions established for that purpose. I will not refer to what you, Sir Samuel, said the other day in regard to the reduction of British troops, as I understand that the question is under the consideration of H.M. Government; we can afford to wait. But in regard to military expenditure there is and has been a very strong feeling, voiced by men who have studied the question and are competent to speak on it authoritatively, that there is considerable room for economies in army expenditure. We are not so unreasonable as to ask you to agree to any particular figure at the present moment, but we do think that there should be at least a committee of independent Indians and British experts appointed to investigate the problems, to explore further avenues for the reduction of army expenditure, so that the expenditure may be brought as soon as circumstances permit to near the pre-War level.

I am not committing myself or anybody to any definite figure, but we at least want the problem to be explored.

And lastly, Sir, we say that those distinctions in the matter of recruitment which have prevented certain classes from adopting the Army as their career should be done away with. In this respect I would unreservedly associate myself with the demands of my friend, Dr. Ambedkar.

That is all that I wish to say with regard to these specific items which we have brought to the notice of the Secretary of State. I do suggest to you, Sir, in all humility that if you fail to afford satisfaction on this part of our work, you will have failed in a very large degree. Therefore a definite pronouncement from you on this part of our work which I invite you to make in all sincerity will considerably help the reception of the Constitution in my country.

I will now pass on to one other matter and then come to a conclusion. With regard to the powers of the Governor-General and the Governor, we all recognise that so far as the Governor-General is concerned he must have a reserve of power to fall back upon in case of grave emergency or in case of breakdown, and that power will be useful to him on occasions of a gravely critical character. But we have considerable doubts as to whether you should duplicate that machinery by giving a power of that character to the Governor as well. I will not take any further time in dealing with the other specific items of the programme which we have been discussing.

Now, Secretary of State, howsoever good the Constitution may be, ultimately the question which arises is: Is that Constitution going to be acceptable to the people of India? There was nothing wiser than the remark made by the Prime Minister in his speech that

a Constitution of an agreed character has a greater chance of success than a Constitution which is imposed upon a country. Those of us who may agree to this Constitution realise the difficulties in our own country. We feel that it is not merely our duty but it is also your duty to mobilise public opinion in favour of that Constitution in my country. And I do suggest, Sir, that unless we are able to convince the political classes which have been taking deep interest in these matters - classes who have been a source of trouble to you and of trouble to some of us - unless we are able to convince them, the chances of the Constitution making a wide appeal to the country are of a very limited character. May I say in all sincerity that there are some matters on which I very radically differ and have differed from the Congress in my country. But with all my difference from the Congressmen, I hold that so far as Mr. Gandhi is concerned, he sums up in his personality the highest degree of self-respect of India and the highest degree of patriotism in the country.



I do say this to you that the present state of things in my country cannot be allowed to continue very much longer without causing serious prejudice to the work which we have been doing in the midst of so much unpopularity. I am not one of those men who would like to keep the Congress men out of the constitution and I make a confession to you that I should consider it my duty to persuade every single Congress man whom I could influence to come inside the constitution and to work it. I do not wish them to be treated as outlaws. If we are to discuss these things with whom are we to discuss them? - with men who are behind prison bars or with men who are free? I know that so far as Mr. Gandhi is concerned, he will simply refuse to discuss any political question with me or with Mr. Jayakar or with anyone else inside jail. He is far too honourable to break any rule of the jail. I know that I had immense difficulties in persuading him to discuss these things with me when I saw him two years ago and that was when I went with the permission of Lord Irwin, not as his emissary as I was represented at that time by my critics to have gone, but because Mr. Jayakar and I felt that it was necessary for us to intervene at that time. On your own showing - I do not wish to discuss your policy - the situation in India has improved. That is the statement which I read this morning and similar statements have been made on previous occasions within the last few weeks. If the situation has improved to this extent do you think that you are improving the chances of constitutional methods and of this constitution

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being accepted in my country by keeping 15,000 or 16,000, I do not know the exact number of men in jail, men who may be thoroughly wrong - and I believe they were wrong - in the methods they adopted, but who nevertheless have gone to jail because of their opinions and because of certain activities? Can you keep Mr. Gandhi any longer in jail? Give us a chance to discuss with our own countrymen these high problems which we have been discussing with you. Why should you be nervous of the future? You have recently taken ample powers which should enable you to cope with any grave situation which may arise. I am making an earnest appeal to you to consider the situation and I tell you that I have never known in my thirty years' experience as a public man so much bitterness, so much hostile feeling in Indian homes as I have witnessed during the last few months.

I should like to correct that impression which prevails here. If we are to discuss these things, if we are to mobilise the opinion of our own countrymen, if you want to carry the largest possible amount of opinion in our country, give us a free chance. Whether the Conference will agree to our proposals or whether they will reject them I cannot say. If they agree, nothing better can happen. If they refuse to agree, that will be their responsibility. We shall have done our duty and you will have done your duty, and I therefore ask you, Sir, at this time - I do not want to take advantage of the soft feelings in every English heart during Christmas -; I am putting it on a practical business basis - whether you can afford to go on with this Constitution without taking the largest possible measure of opinion with you in the country. Sir, I contend - and I am borne out in this by my reading of English history - the situation in India, grave as it may have been according to opinion here, has not been unknown in English history in other countries. You have had to deal with situations similar to this in Ireland and in other parts of the world, and there has always come a time when your policy has been revised. You have had to revise your policy in other parts of your Empire, and I ask you to revise your policy now, so that you may inspire a spirit of hopefulness in our country, so that people may feel that now the prospect before them is brighter and all the distrust and all the misapprehensions in the country may disappear, as your fog and mist sometimes disappear here. I have nothing more to say.

SIR SAMUEL HOARE: I am going to ask Lord Peel, the head of the unofficial Conservative delegation, to speak, and, after him, Lord Reading.

LORD PEEL: Sir Samuel, I certainly do not propose to follow Sir Tej Sapru in his very eloquent and comprehensive review of the whole situation both in principle and in detail. - Indeed, I think a great many of the questions will no doubt be dealt with by you tomorrow and I am well aware that a great many others wish to speak and are not desirous of an all-night sitting. Therefore I shall make one or two very general observations.

I must first of all disclaim altogether the suggestion Sir Tej Sapru that I belong to the honourable persuasion of the die-hards. Certainly Mr. Churchill would repulse me with indignation if that was suggested. Again, may I say that I do not desire to disclose any secrets, because recently a debate in the House of Lords has shown the terrible consequences and penalties that are attached to any such performance? I speak therefore with reserve and caution.

SIR TEJ SAPRU: Cannot you defy those threats?

LORD PEEL: Not in the House to which I belong! They were directed, I agree, at the other House.

Sir Tej Sapru referred to the question of the establishment of provincial responsibility. Of course, I was one of those who were very anxious that that question should be taken up at once and that provincial responsibility should be established, and I thought that possibly, when you had got those provinces with their now sense of responsibility, you might have built up on that a Federation more informed perhaps by the knowledge and experience of the provinces.

I have never been quite persuaded that, for a time at least, Provincial responsibility of that kind was incompatible with the present form of Government, and I felt that the strong objection to the establishment of responsibility was very largely due to some fear or suspicion, if you like, that the changes might rest there, and that the Government might be content with the establishment of that Provincial responsibility alone.

But I was not moved by that argument, because I naturally trust the declarations of my own countrymen.

May I just say one word about this Conference as compared with others, because one has a standard of comparison as a member of two previous Conferences. I certainly think this Conference has been more practical and perhaps less rhetorical than the others. We have got a good deal , closer to the facts and realities of things, and the structure we have been trying to build up is far more definite in its outlines and far more filled up in detail than anything at the two previous Conferences. Nevertheless we owe those Conferences some debt of gratitude because they had to grapple with the raw material of the matter. They did a great deal to define the problems, and that, after all, is a large first step towards their settlement.

I must allude on a final occasion like this to the very dramatic event which took place at St. James's Palace when we heard the epoch-making declaration of the Princes that they were going to enter the Federal system. That very solemn pronouncement on their part, of course, made the whole difference to the situation. It turned the whole business in a new direction at a time when we were discussing whether there would be a unitary or federal system for India, and it most profoundly affected public opinion in this country and made it turn far more readily towards a federal solution. Indeed I regard Federation without the Princes coming in as really an impossible business. I believe they are an essential part of a united India.

I was a little sorry to hear Sir Tej Saprú talking about set dates for these different periods. I feel that

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with the enormous changes and movements that are going on, a definite date is very difficult to settle, and I am content with the declaration of the Government that anyhow they will do all they can to press on the matter with all their efforts. Indeed, I know that during the months that have elapsed since the last Conference an enormous amount of work has been done on these different problems in India and certainly here.

Now, the proposed Constitutional changes follow on and are really a natural consequence of the development that has already taken place. In fact, I may say that they arise naturally from the different pledges, undertakings, and pronouncements that have been made by different governments - I go back further perhaps than the year 1917 - and these have led to a reconsideration of the whole problem of Indian Government. They have resulted in this Conference itself, not merely in the proposals for the transfer of agreed spheres of activity to purely Indian influence and authority, but have done a great deal in the laborious marking out of the limits and divisions between the authority which is retained through the Governor General in the hands of this country and that which is handed over to the Indian Ministers.

Now that has been, of course, a gigantic task, and there have been great differences of opinion on that. Perhaps some of our Indian colleagues have been rather too ready, in my view, to rely too much upon definitions - those exact definitions with which we try to tie the complexity of public affairs. Sometimes we have rather relied upon general statements which we thought were more suited to a flexible system, and are certainly more in accord with our ideas in this country where we prefer Constitutions to grow rather than to be made, and where our experience of elaborate written Constitutions is not perhaps so very great. But while we have been dwelling upon these reservations, discussing them in great detail and carefully inspecting them, I think perhaps, very naturally, we have forgotten to look or were not looking so much at the very real and great transfer of authority which on the other side is taking place and being handed over to Indian Ministers. When you specify certain things and place all the others in a general statement, the things which you reserve are apt to loom I think - anyhow on paper - rather larger than that which is embraced in these more general words.

I should like to say just one word about the attitude of some, anyhow, of my countrymen towards what are considered to be safeguards, why they lay stress upon them and why they want them to be within their limits real and operative. I do not think, first of all, that they arise from any mere desire to retain power and authority. I think they arise from what is really a very deep sentiment of obligation and responsibility which they felt, and their ancestors before them, to India for say 150 years; and before



desiring to lift some of that responsibility from their own shoulders I think they are really and sincerely anxious that these new responsibilities shall be properly carried out by those to whom they are transferred.

And again - because this has been referred to by Sir Tej Sapru - no doubt many of those very violent statements that have been made in India by persons of considerable standing in that country have done a great deal to alarm and disturb large sections of public opinion. I do not at all doubt what Sir Tej said, that he and his friends and thousands and thousands of people in India for instance with regard to the payment of debts, are just as responsible and just as determined to see justice done as any other people in the world. But of course these statements are largely made in the newspapers. They have some reverberation here, and I only mention it in order to get one's Indian colleagues to realise, as they do realise, that these statements do considerable harm and affect public opinion in this country.

The other feeling as regards this state of things is I think that many here feel that where the whole world system as it were has been shaken and where these terrible economic disturbances have taken place, many of which have been alluded to by Sir Tej Sapru in his speech, we do feel I think, some of us, rather more anxiety than we otherwise should feel about the setting up of a new financial and economic system in India and our responsibility for it.

Some of us feel also that quite apart from these difficulties, economic and social, you are really being plunged in India into the work of government and into the organisation of an immense number of problems which have never been faced at any time in the world's history by any federal government that has been set up. You have got not only to deal with relations between the Centre and the Provinces, not only with relations between that central government and the Government here, but between the Centre and the States with all their different traditions and organisation and between the States and the Provinces. Those problems together constitute so large an area of new business that I think with our own experience of Government we feel you are really faced with a gigantic task. Again you are developing self-government in India at the very time when in many countries of the world popular government, responsible government, has not got perhaps quite the same reputation as it had forty or fifty years ago. With this system not so much in favour you are to start with an unexampled area of problems to deal with. I hope of course that this new system which we are trying to set up and that all our efforts here will bear the richest fruit. I was very glad to hear Sir Tej Sapru say that he and his friends would do their utmost in India to bring the largest section of Congress into their new activities and into the working of the Federation. But it must be clear that unless they succeed in their effort - and I am sure their efforts will be genuine and energetic - with all the inherent difficulties there are in these problems it will be extremely difficult for this new federal system

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to work with success. If they do succeed in those efforts they will not only have deserved well of their country but I think they will have shown themselves very remarkable and very successful statesmen. I do not wish to detain you longer this evening. I can only express the hope that the old historic union of Indians and Englishmen, changed indeed into forms unsuspected by our ancestors, will continue and that a new association built on the strong basis of co-operation and good will will be the great contribution - perhaps the greatest contribution - made in this our generation to world history and to world achievement.

SIR SAMUEL HOARE: I will now call upon Lord Reading to address us and in doing so I should like to thank him for the very great help he has given us throughout the proceedings of this Conference.

LORD READING: I associate myself entirely with what has just fallen from Lord Peel. I do not intend at this time of night and with the list of speakers that I have just seen to take up time in discussing details.

I do wish, sitting as we are here together for the last time discussing this subject at this Conference, just to emphasise the change that has come over the relations between British Indians and ourselves since the Round Table Conference first started. - I will recall the doubts that there were in the minds of many. I am glad that, as regards the political parties in this country, there was in substance no difference of opinion, although perhaps in one party there was a little more hesitation about entering into Conferences. But we have travelled a long way since we first met, and, in particular, I should like to draw attention to the fact - without intending in the slightest degree to go into any details with regard to any difficulties which have arisen - that we have a Secretary of State who is a Cabinet Minister in the Conservative party and who has devoted untold efforts not only during these weeks but during the whole time he has been entrusted with the position of Secretary of State for India, and I should like, on behalf of the Parliamentary party I represent, to tender him a tribute of gratitude and, let me add, of admiration for the way in which he has carried out his work. We can all appreciate the demands made upon his time and, may I add, his patience, which I believe to be one of the first attributes of a Statesman. Seeing, as we have, Sir Samuel in this position, with all the difficulties that he has had to encounter and young as he is, if I may be permitted to refer to his age, I may say that he has already shown that he has all those qualities of experience and wisdom which come to the man who is entrusted with public affairs and realises the tremendous

responsibility which is placed upon his shoulders.

May I add also a most cordial endorsement of what Sir Tej Sapru so happily said with regard to the Civil Servants? I would include, if I may, not only those here but those in India and those from this country who went out either at the head of Commissions or as members of Commissions, who have all given the best of their attention to the problems that confront us.

I can only add that all of us who have had to consult those responsible at the India Office cannot have failed to admire the promptness with which they have seized the points which are put to them and the marvellous rapidity with which they manage to translate them, sometimes even while we are still talking, into edition which we can carry away.

Now, I will pass on to the more general question. My own view of these conferences is that we gain an advantage by discussion and examination of all the various problems in order to arrive at results and agreements, but in the main I would say that the greatest gain of these conferences is the greater spirit of trust and confidence that is brought about between us both. The relations between British India and ourselves in this country have greatly improved since we have had the opportunity of attending these conferences, and since those of our country who were unacquainted with the men of intellect, character, capacity, sagacity and wisdom, to be found in India, have had the advantage of learning to know them. I think myself that is a great point.

May I in this respect only just recall, as did Lord Peel, that we should acknowledge the debt we owe to the Princes of India for the part they played in this matter, for the spontaneous action at the beginning of the Conference which changed the whole situation. I am a profound believer in the Federation of all-India, and I believe it is by these means that they we are laying sure foundations for the stability of government in India for more years than even some of you much younger than I will ever see.

I realise also that during these discussions we have been confronted with very serious problems. This Federation must really stand by itself. There is no history of the creation of Federations which can even approach the stupendous character of this Federation. It is not to be wondered at that we have had difficulties. I think we are to be congratulated on the amount of agreement which we have reached. If you look back to the early days it will perhaps surprise some of you to think how far we have progressed and how great a distance we have travelled in agreement, particularly because of this last Conference. I rejoice very much that you, Mr. Secretary of State, in the eventual disposition you made with regard to the Conference, enabled us to meet all our friends from India so that we have been able to investigate and discuss these problems in the best spirit and with a desire on both sides to try to reach a solution acceptable to both.

I have had the greatest sympathy with what has been advanced by Sir Tej Saprú, Mr. Jayakar, and all our British Indian friends, as also by the representatives of the Princes. There have been differences, but let us realise this now that we are at the end of the Conference that the differences between us are not so great as they

at all differences of principle. They are mainly differences in the method of carrying out principles to which we have agreed. I am very struck, by considering as I did this evening between the Committee and coming here, with the number of principles upon which we have produced agreement. If we recall the early stages, particularly in the Conference at the beginning of 1931, we remember that many matters were left undiscussed because there was not time, but we did agree upon certain vital principles. I remember discussions between Sir Tej Sapru and a number of British Indian representatives and myself and others with regard to these points. The matters were left open for further consideration when we came to fill in all the details of the Constitution. So far as I know there is no single point upon which we then came to an expression of view in which there is any difference of substantial principle between, let us say, Sir Tej Sapru and others who have spoken on this subject and ourselves. We have progressed to some extent, and particularly in this that a Government of totally different complexion, but nevertheless embodying the political parties of the day, are agreed upon the policy to be pursued and have given the best proof of it by the action of the Secretary of State.

All I would ask of those who are now going back to India is to remember, whenever they are confronted with difficulties there, as no doubt they will be, that the position of difficulty is not entirely confined to them. We have our difficulties; we have had them for a long period; most of them are known to you. What we have to do is to seek to arrive at a solution between us of these problems in a way which will be agreeable not only to British India but also of course to the Princes and to ourselves in this country, so that we can when the Bill is introduced into Parliament present a picture to them which the British public will be ready to accept. We have travelled a very long way in this direction. I was delighted to hear what Lord Peel said. He is always interesting and generally also amusing. This at any rate stands clear that we are agreed as to what we want to put forward; that you are agreed with us as to the main principles upon which the Constitution will be built. The differences between us are differences rather of methods in carrying out the principles to which we have agreed. When you consider this and when you have to explain this in India I will ask you in particular to remember one most important feature. Perhaps the greatest difficulty that we have had during this Conference, as no doubt most of us foresaw, was in relation to Finance. I will only add that, save in one respect, everything that has originally been said with regard to Finance is being carried out by the agreements which we have already reached. There is one respect, no doubt, in which it is right to say that there is a variation. That is in regard to the measures that it was hoped might be devised for the purpose of enabling a transfer before the



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Reserve Bank was brought into proper existence and effectiveness, by which the transfer of Finance could be made. I have myself tried again and again to reach a solution of this. I have definitely stated my own view with regard to it. I was anxious that we should be able to find some means of facilitating this transfer. But unfortunately it has been found to be impossible. We have tried every way which perhaps might be of use, but it has been found to be impossible. If they bear in mind that simultaneously with that proposal you have to create your Reserve Bank with all that it means, those who are more familiar with Finance perhaps than we ourselves will realise how difficult and indeed how impossible it became. That is the only variation that I have been able to find in anything that was originally discussed, and which was eventually put forward by the Prime Minister in January of 1931, and what we are discussing now. But do remember this that those difficulties are not of our creation; they are not of the Government's creation; they have really nothing to do with our position here; they are entirely due to the world conditions.

When we began to discuss this question no one imagined that at the end of 1932 we should be in the position in which we find ourselves at the present moment. Difficulties might arise we knew, but we thought that they would be more easily surmounted. The point I wish to impress upon you - and I am sure that those who have been attending the Committee dealing with Financial Safeguards will readily appreciate it - is that all these obstacles in the way of making the transfer arise from the present condition of the world and not from any want of desire to carry out any promises that were made by Government. Let me now in a few sentences refer to some of the observations of Sir Tej Bahadur Sapru on finance. I am not going into detail because the Report shows what is the situation between us. I do not myself detect any general difference of opinion in principle between what Sir Tej Bahadur Sapru told us in his speech and what fell in the main from our British Indian colleagues at the Committee on Financial Safeguards. The difficulty that has arisen is how to carry out this principle. We have tried all kinds of ways and have not been able to meet exactly on common ground but I think that our Indian colleagues will agree that the Government has done its utmost to meet them and has met them wherever it was found possible. Wherever it has not been found possible it is because of conditions in this country. Sir Tej Bahadur Sapru placed his argument in the main upon security for the British investor. He said he had no fault to find with the

proposition that the investor must be secure. But I cannot help thinking that he rather left out of account the fact that it is not merely the financial assets to which a lender looks. He also thinks of those who are going to handle those financial assets. There is no want of trust at all but you have to remember when you make your transfer of financial responsibility/<sup>that</sup> you transfer not only the assets but you put in quite a different position those who have invested money. You must have some general provision in order to give the same feeling of security to the investor in the future that he has to-day. Of course as the Federal Government develops and the administration of finance by the minister is seen to be of a prudent and wise character that feeling of security will grow. But at the present moment you have to bear in mind that you are making a change and in making that change you must take care that there is a safeguard given not only to the present investor but/<sup>to</sup> the future investor because you will require to borrow money in this country again and again. I will not go into details with regard to the Reserve Bank, but I should like to refer to one observation made about that by Mr. Jayakar. I quite understand that he has not had much time to consider the Report and it is very difficult to deal with a Report such as this at short notice. I think that the suggestion he made that Federation was to be postponed because of this arose from the fact that the position as we have understood it has always been that it was not desired to have provincial autonomy until there was responsibility at the Centre.

Consequently the two things must be brought about, if not exactly simultaneously, at approximately the same time. I do not think that we need be unduly pessimistic. I quite understood Sir Purshotamdas Thakurdas when he asked the question "How long?". It may of course be three years or five years or even six years. Everything depends on the future of the world. If we are going, as I hope we may, to get a better condition of world affairs within the next year or two that would get rid of some of the difficulties which have been present to all our minds. I do hope it will be realised that the situation is not of our making but that <sup>it</sup> is the result of this great economic stress and financial trouble in the world. In conclusion let me express the fervent hope that as the result of these Conferences we are now getting near to the birth of the new constitution by means of the introduction of the Bill that is to come.

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We have to accustom ourselves to the new state of things in our thoughts of the future and not to rely too much on the past. I could not help thinking, in listening to some of the arguments to-day, that we so constantly get back to the condition of affairs that exists now, in which the Government is of a very different character from that which we are seeking to set up. We have to realise that what we are seeking to do now is to work in a partnership between India and this country. What we are attempting to do is to build up so that there shall be real co-operation and good-will between us, and I do believe that that will continue so long as we work in the same spirit and with the trust which has been engendered between us, with the greater knowledge that we have of each other, with the greater understanding of our own difficulties, with the greater realisation that we are, on the Indian side and on the British, determined so far as it is humanly possible to bring this Constitution into existence, and not only that but to carry it on, to work it, in the future, so that it will grow in strength and in trust and in confidence throughout the world and that the work that we have been doing will be regarded in the future, many years ahead, as one of the greatest achievements accomplished in the world's history.

RAJA OF SARILAI: As we are near the completion of our work I beg leave to make a few observations of a general character and to indicate very briefly the point of view of those States which I have the honour to represent. I must first of all express my grateful thanks to the Government for according me an opportunity

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of taking part in the proceedings of this conference,  
which I take it is an acknowledgement that the so-called  
small States have some special contribution <sup>to make</sup> /to the  
future Constitution of India, and as such, deserve  
to be heard through their special representatives.

Permit me to say that when further stages of constitution making are gone through similar opportunities should be afforded. I may be permitted to mention in passing that the States for which I claim to speak represent about 13 per cent. of the total area and about 12 per cent. of the total Indian States' population. In the aggregate, therefore, this class of States would not constitute an insignificant factor in the future constitutional development of India. Our hopes and fears of the new Constitution are in the main of the same character as those of the larger States. I do not therefore desire to repeat what has been said by the spokesmen of the other States on the points of common interest. I would, however, emphasise very strongly that no discrimination of any fundamental character should be made between States and States on the ground of size, population, or revenue, in the institutions of the Federal Constitution. If there is any matter in which I and those I represent feel more strongly than on others it is with regard to the process of distribution of seats among the States. We are anxious that no discrimination should be made against us. I had occasion to express our opinion on this point at some length at last year's Conference, and have no desire to repeat them to-day. It is our earnest hope that H.M. Government will give very sympathetic consideration to this point. It must frankly be stated that the Princes have failed to come to an agreed conclusion as regards the principle on which allocation of seats to Indian States should be made. Indeed, there is no hope of any agreement being reached among them in this respect. H.M. Government will therefore have to give an award on this question, and speaking on behalf of the

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smaller States I desire to say that they are content to leave the decision on this highly controversial question entirely to the sense of justice and equity of H.M. Government.

The other point on which I should like to touch is with regard to the contributions of a tributary character made by our States. I referred to this question before when the Committee's Report came before us, and only desire on this occasion to point out that these contributions in many cases operate as a real hardship to States whose resources are limited as compared with others.



The smaller the resources of a State, the more does the contribution hamper the administrative machinery though its amount may not represent 5 per cent. or any other given percentage of its resources. As my State does not pay any Tribute, I have no personal interest in the matter, but I would all the same plead most earnestly for early abolition of the Tributes.

I would make a few observations as regards the exercise of the jurisdiction of the Federal Court within the territorial limits of these smaller States in respect of Federal matters. Here again I hope that there will be no distinction of any essential character between large States and small, but that all States which are at present in the enjoyment of jurisdictional rights should be enabled to invest their Judicial Courts with equal authority to judge Federal issues, subject of course to an appeal to the Federal Court. I trust that there will be no difficulty experienced in giving effect to this idea.

Before I conclude I desire to place on record the deliberate opinion of the States for whom I speak that they will give their wholehearted co-operation in promoting the Federal idea and in giving their loyal adherence to the new Constitution when it is set up. They recognise that the Federation of British India along with the Indian States under the aegis of the British Crown is the only sure way to the realisation of our common hopes and aspirations. There is, however, one supreme condition: that these smaller States must insist upon/they can seriously think of entering Federation. That is that the place assigned to them in the Constitution must be quite as honourable as in the case of larger States, and that no treatment of an invidious character will be accorded to them in any respect whatsoever.

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SIR SAMUEL HOARE: Thank you very much. Sir Akbar Hydari, I think you had a few observations to make?

SIR AKBAR HYDARI: Sir, I have very little to say, and at this late hour I should not say even that little, but for some remarks that have been made in the course of this evening. There has been a feeling so far as the Indian States are concerned that when we come down to what have been called "brass tacks" the urge towards Federation would diminish and gradually disappear. On the contrary, Sir, during this Conference as we of the Indian States have come up against difficulties, in the same proportion have we shown our desire to overcome them and to attain the goal. I may remind some of those who are present how a very highly respected member of this Conference in the very first session was at one time deeply depressed about the future course of this Conference, and how we tried to buoy him up with the hope that nothing was lost.

I, for one, then gave up a deep seated conviction about a uni-cameral legislature and agreed to a bicameral legislature just in order to meet the position on the other side. During this session also there was a great idea that the Indian States would break the Federation on the rock of finance. But have we not shown our anxiety to try our utmost not to allow such a catastrophe to happen? Have we not shown courage in accepting a tax which was very odious to the Indian States and agreeing that that tax should be made a Federal source of revenue? What I desire to say most emphatically is that the Indian States have not retired from the position that they have taken up from the very first. There has been also another party under suspicion as regards its attitude towards Federation. Is it not a fact that the Secretary of State and His Majesty's Government have slowly but surely pressed us into the Federation? No one who has watched the Secretary of State and his colleagues relentlessly holding us to it can doubt that it is an all-India Federation that they want and no lesser substitute. As a man from the Indian States I would like to make an appeal for a better understanding of our position. Our friends from British India speak of their constituencies. They seem at times inclined to forget that we have our constituencies and that they are Conservative constituencies. Have not the Princes and we their ministers really shown you by our acts our desire to join with you in a truly national Government of India? They have tried and we their advisers have tried to adapt ourselves so as to meet your wishes to the utmost limits possible. I have not worried myself about safeguards, for after all if we work central

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responsibility and provincial autonomy in the manner in which we all affirm that we shall - and being reasonable men I have no doubt we shall - then there will be no occasion for the exercise of these safeguards. The safeguards appear to me to have been so designed that they are <sup>as much</sup> a protection to all of us whether from British India or from the Indian States who stand for progress, but progress with stability, as they are in the interests of anyone else.

I think everyone of us round this table can visualise conditions - I hope they will never occur, but as practical men we must face the possibility of their occurring when <sup>nine</sup> / Indians out of ten would be glad of some restraining power.

Sir, Lord Sankey has been unavoidably absent from some of our discussions, and, great though that loss has been, I think that every one of us will agree that the gap - if I may say so most respectfully - has been magnificently filled by you. You have shown yourself to a pastmaster in the art <sup>not only</sup> / of exposition but of conciliation. You have summed up the issues clearly. You have been always willing to meet different points of view as far as it was possible for you to do so. I have spoken about the difficulties of British Indians and the difficulties of us, the representatives of the Indian States. We must not forget also the difficulties of the Secretary of State and his colleagues.

We have all taken risks with our respective constituencies, but they have been no more, I think, than the risks that the Secretary of State and his colleagues have taken with theirs, and I think you, Sir, have quite sufficiently shown that in you India has found not only an advocate in the matters under discussion with the British Medical Council but an advocate for everything which stable Indian opinion demands in the way of constitutional reform.

To-morrow, Sir, is the eve of the birth of One who preached honour and good will to all men. To-day is auspicious, and I pray that, as it sees the conclusion of labours spread over the last three years, it may herald an era of peace for my country and of goodwill between her and Great Britain.

**SARDAR TARA SINGH:** Sir, I should like to join in the expression of thanks to the Secretary of State. Apparently we are approaching the close of our deliberations; but, in my opinion, our real task begins with the publication of the report. That task will be more responsible, more difficult, on a larger scale and covering a wider area. The British Government will have to take stock of the situation from day-to-day. I hope all the members of the conference present here will agree with me when I say that the foundation upon which this constitution has been built is sound. It may be that it has been forced upon us and that is why at every stage an attempt has been made from various quarters to ask for safeguards. If the foundation has been rightly laid all these demands for safeguards may be unnecessary. I may say that the circumstance of every Province are different, and some sort of adjustment will be required.

In my opinion, so far as I have been able to realise it, the working of this Constitution on these lines in the Punjab will become impossible from the Government point of view, and the same thing is true with regard to the agreements with the Minority communities. It is both in the interests of the Government and the Minority communities that this evil should be remedied and the sooner it is remedied the better. One speaker the other day suggested the idea of maintaining this award for ten years. We have to remember, however, that the seed sown by the Montagu Scheme has sprung up into a plant, and given seed itself, and will give more seed in the future. It will be impossible under these proposals to think of ourselves as Indians as a separate community.

I would appeal to the British Government to relieve the Punjab of this difficulty, and it is really not difficult to find a solution. The British Government will be already aware that attempts are being made to solve this communal tangle, and if the Government will lend its own weight to the solution of the problem, most of the difficulties in the Punjab and in India in this respect will be solved.

I therefore strongly appeal to the Government to evolve such a scheme or proposal as will enable this system of award to be retained when there is a consensus of opinion that that should be done, and I would suggest that that consensus of opinion can best be expressed by the passing of a resolution to that effect by a simple majority in the local legislature.

But I cannot stop there because unless this scheme is evolved to make sure that the Government will not make a distinction with regard to the case of the Punjab, it will be felt that this is going to be inflicted upon us inspite of what is allowed us by the present Constitution. That is why I again say that the interests of minorities should be adequately protected. It was suggested, and it is a part of the proceedings that no measures which pertain to religion or social usage should be allowed to be introduced without the sanction of the Governor and the Governor-General. Sir, I have gone further and made a proposal that not only in the case of religious measures but in the case of any measure which adversely affects the interests of a minority community, its introduction should be made dependent upon the sanction of the Governor and the Governor-General. I appeal to the Secretary of State to give due consideration to this proposal of mine because if this security is granted to the minority communities, it will inspire confidence in them and will to some extent relieve the present tension, because they will be sure that no measure will be introduced in the Council which affects their religious interest if the Governor-General does not allow it. It is therefore a very modest proposal, and I again repeat it: that the introduction of any measure which adversely affects a minority should be made dependent for its introduction on the sanction of the Governor and the Governor-General.

And, Sir, with your permission I will make another proposal: that in the case of a measure of this character the sanction or the consent of a certain number of members of that community should be obtained: that is to say that a measure of this



character should depend for its passage upon the consent of a certain number of members of the community concerned. This would be another safety measure to inspire confidence in the minorities. If these two safeguards are granted to the minority communities, I think really we shall be able to rally a large number of people in support of this Constitution, because in my opinion it goes a long way to remove certain apprehensions so far as this is concerned.

I also want to put forward a suggestion for the protection of minorities from an administrative point of view. We claim that the minorities should have an adequate share in the administration of the Province, right away from membership of the Provincial Cabinet, upon the Public Service Commission and down to certain Services in the local bodies. The minority community should be guaranteed a certain adequate share of representation. As regards their share of representation in the Cabinet, I strongly appeal to the Secretary of State that this should form part of the Instrument of Instruction to the Governor. If I may say so, I think it has been already agreed by the communities affected that as a matter of practical policy minorities should be represented on the Cabinet, and it is in view of the recommendation of the Committee that I again draw the attention of the Government to the advisability of making it a part of the Instrument of Instruction to appoint a member of the minorities community on the Cabinet.

I may also point out that it is of the utmost importance because the Outposts Commission has to recruit candidates in the whole Province. It is only right to claim that that Commission should contain a member of my community also. These two safeguards which I have proposed apply to provincial government but I make a similar appeal with regard to central government. Before I proceed further may I strongly urge the Government to refute the idea which seems to have got about that the strength of the Sikhs in the Army is to be reduced. I should like to draw attention to the question of Sind. Sind is to be constituted as a separate Province. My humble opinion is that the Sikh population in Sind is sufficiently large to entitle us to request that the Sikhs should be given as much representation in Sind as has been granted to the Muslim community in other Provinces where they are in a minority. With regard to reserved powers, those powers in my opinion should be vested in the Central Government. Another point that I want to make is that provincial autonomy should not be put into operation unless the central government is functioning. Arguments have been given you already about that, but I want to say in addition that a strong central government would be a sort of check on provincial government. I therefore strongly urge that the operation of provincial autonomy should be made dependent upon the date of Federation and if no date for the functioning of Federation can be given I strongly urge that the operation of provincial autonomy should be held in abeyance. On the matter of finance I do not want to say

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anything except that I share the views of Sir Purshotamdas Thakurdas. In all matters pertaining to the central constitution I largely agree with what has been said by Sir Tej Bahadur Sapru and Mr. Jayakar.

Before I close I want to associate myself with Sir Tej Sapru that we should start the New Year with a clean slate and full happiness. If we can do so it will have a tremendous effect on the sentimental minds of the Indian people, and I can assure you that any action on the part of the Government which will facilitate this happy event will go a long way to ensuring the smooth working of the new Constitution.

SIR SAMUEL HOARE: Thank you very much. I now call on Nawab Liaqat Hyat-Khan.

NAWAB LIAQAT HYAT KHAN: I am grateful to you for giving me the opportunity to make a few observations. I happen, luckily, to be an optimist and I therefore take this opportunity of giving expression to my own satisfaction with regard to what we have achieved at the Conference. I believe that a great deal of substantial work has been done at the Conference, which has taken us very much nearer constructive Federation than ever before, and although I confess that all of us here, representing three different parties as we do - British India, the British Delegation and the Indian States - cannot say that we have got all we wanted, the fact remains that there are many points on which we are agreed, and none of us can complain that either of the parties has hesitated to meet the other party more than half way. That to my mind augurs well for the future. It has been a necessity for all of us to arrange something on the principle of give-and-take in these matters.

I think that in that respect the States delegation has not lagged behind. I very fully associate myself with the remarks made by my learned colleague with regard to the attitude of the States. Lord Peel, I think, mentioned that the Princes at the first conference gave a solemn pledge that they would enter Federation and thereby make it possible for British India to reach the goal that they are so anxious to reach. I think this is a very suitable opportunity for me, for the second and third time, to make it very clear that, so far as the Princes are concerned, they adhere to that pledge, and nothing has happened since then to make <sup>at any rate</sup> a very large number of them change their minds at all. Difficulties have arisen not merely for the Princes but for all sides concerned, and, if the Princes have taken time to consider those difficulties and to overcome those difficulties, not only for the sake of themselves but for the sake of British India, for the sake of India as a whole and for the sake of the Empire, I do not think it is justifiable to blame them or to insinuate that the Princes have either changed their mind or are now luke-warm about Federation. I make the emphatic declaration that the Princes as a whole are at this <sup>moment</sup> as prepared to enter Federation as they were when they made that solemn pledge, and I am sure that none on this side would question that declaration.

It is a declaration which comes on behalf of the Princes generally, and I hope you will take it as such. That we have achieved a great deal of success at this conference I attribute to certain obvious reasons. One of those reasons, if I may be permitted to say so, is the goodwill that has prevailed throughout the conference, and another very important reason, which has impressed me very much and which has impressed almost every member of the conference here, is the most excellent manner in which the Secretary of State has conducted these proceedings, the whole-hearted manner in which he has met us and in which he has tried to meet our difficulties. His transparent sympathy for British Indian aspirations, not only for one section but for all classes, has made a deep impression upon us.

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I honestly feel that if we succeed, as I hope we will, in setting up a Federation, Sir Samuel Hoare will have a name in Indian history which will be most enviable. He has made history for himself and for the nation to which he belongs. We have also received the same sympathy from the entire British Delegation. I am one of those who believe that their position also is not free from difficulties, but they have not hesitated to appreciate our difficulties, and I think very serious attempts have been made to meet them. Personally I have not the slightest doubt that as a result of the good feeling which has prevailed, we are likely to achieve the object in view in a shorter time than some prophets predicted.

There was one remark that Sir Tej Sapru made in a previous speech to which I was most anxious to give an answer. He referred to the difference of opinion with regard to the Princes' representation in the Federal Legislature. There were some of us who favoured the proportions forty - sixty in the Upper House and  $33\frac{1}{3}$  -  $66\frac{2}{3}$  in the Lower House; there were others who, subject to a mandate, could not possibly give that undertaking at the moment. Sir Tej Sapru expressed the opinion that British India had gone as far as it could possibly go in that matter.

It is not in my province at the moment to tell British India what the Princes are going to do, but I give this solemn undertaking, that what has been said on behalf of British India will be faithfully represented to the Princes, and I have not the slightest doubt in my mind that, anxious as they are to help British India in the matter of Federation, the suggestions

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will receive their very careful consideration. More than that I cannot say.

There is another point on which I should like to say a word to the representatives of British India, or, rather, perhaps, to the British Delegation, because the British Delegation does believe that the Indian States want to come in, but may have been impressed by certain talk, which I should deprecate, on the British Indian side. The trouble is that if any member puts forward an opinion which gives the impression that the States are now becoming lukewarm, there is a tendency at once to jump to the conclusion that the States want to get out of it.



I do appeal to them to believe once and for all that they are as anxious to enter upon Federation as British India. That assurance is given to you and also to His Majesty's Government whom also we desire to help.

My Lord, I have nothing more to say except to pay my humble tribute also to the staff of the India Office who have done extraordinarily well, the kind of work which you would not expect any body of men to do in such a short time and in such an efficient manner. They have given us a lesson, and, as somebody remarked, if we were lucky enough to have a Secretariat of our own we would take a lesson from their work here. I am most anxious to say that. That is all I want to say.

CHAIRMAN (LORD IRWIN):

Sir Purshotamdas, the Secretary of State is only away for a few minutes and he wondered whether you would make your speech now. He will be back directly.

SIR PURSHOTAMDAS THAKURDAS: My Lord, my colleagues and you yourself will realise that this debate is taking place during the last hour of a day, and, if I may say so almost of a week, which has been more crowded than many of us have foreseen. If one addresses the Conference at this stage one is expected to review ever so briefly the work done by the Conference this year. In view of the fact that some of the Reports which were prepared by the various Committees were only presented to the Conference to-day and passed, perhaps it is not possible usefully to take any view of the work done by the Committees, which has been practically the main work of the Conference. I do not propose, therefore, to undertake that task, but I submit that it is not easy/<sup>even</sup>for a person who may have most closely studied all the Reports. effectively

to review the work done by us during the three weeks we have been here, for the simple reason that there are many loose ends and there are necessarily blanks left in the picture which require either to be tied or to be filled before one can take any review of the work done. I will therefore leave that part for those who will judge us both here and in my country. As far as I am concerned, where I found that I could not see eye to eye with my colleagues on the three important Committees with which I have worked, after full discussion with my colleagues, I frankly and honestly expressed my dissent and had it recorded. It is not my purpose to take advantage of this opportunity to elaborate on those dissents; neither is it my purpose to try and justify them. The reasoning for it may be found in the appropriate places in those Reports. But I do think that it would not be wrong if I said that we cannot claim that we are all satisfied even to the smallest degree regarding the special subjects in which we hold different views.

I feel that few Indians would be satisfied until they get what has been set down in the phrase "Dominion status for India". Until that status is reached an Indian will always feel that whatever may be the result of this Conference or of other consultations he has still to look forward to much more. I will therefore leave this point with the remark that whether we are satisfied with what has been done at this Round Table Conference or not and however small or large may be the degree of our satisfaction there is even for the most dissatisfied member here one ray of hope. That ray of hope is to my mind clearly the spirit with which the British Delegation headed by the Secretary of State has worked with us and the assurances which he has given us both in Committee and in the full Conference meetings. We came here to tell the British Delegation what we felt was the right thing to do or the necessary thing to do. I think that has been imparted sufficiently clearly to our colleagues on the British Delegation and I do not think it need be repeated. We have put our views very frankly and perhaps even with a degree of frankness which demanded a very large amount of patience from them. I only hope that that point of view will be fully considered and will not be brushed aside. What is the next thing that we look forward to? We want to see how those assurances of which I have spoken are going to be translated into action. We have been told that there is a certain section in Parliament who hold very strong views about certain matters. We have been told that it is not possible to get these people to take a

broader view. I submit that that difficulty is a difficulty common both to the British Delegation and the Indian Delegations. If there are members of the British Parliament who will only go up to a certain point there are members in my country who also have very great aspirations in the other direction. I do not think therefore that any member from the British Indian Delegation can usefully help members of the British Delegation regarding their difficulties. What we have to do is to see what is the right thing to do, what is the correct solution of the present position in India and then try to do that to the best of our ability. These consultations will be judged by three acid tests in the very near future by India. The new constitution may take some months or perhaps a few years to begin to work. In the meantime the spirit that we have seen here requires to be translated into action.

That spirit and that acid test is, I have said, in three directions. The first, to my mind, is: Are the Government of India prepared substantially to reduce the military expenditure of India? I know I am repeating something that I have said before, but I do not think that I can repeat this too often at any time before a conference of this nature. I have only got to refer you, Sir, to the very excellent report of Sir Walter Layton which is contained in the Simon Commission Report. A perusal of para. 248 of that Report will assure anyone that there is no justification left for our military expenditure being at the figure which it is at to-day, namely, 47 crores plus another 3 crores. I very strongly feel that India will want substantial reductions in this expenditure without much delay, and, if those reductions are now forthcoming, India will begin to feel that after all the remarks made by Sir Walter Layton are remarks which His Majesty's Government is prepared to consider favourably.

The second direction in which my countrymen will expect relief without any great delay is in the direction of the action of the Secretary of State in connection with the gold export from India. Very nearly 100 crores of gold have left the shores of India. Reference has been made at the conference to-day to the necessity of reserves being accumulated for a Reserve Bank. I will not be dogmatic. I do not propose to put my opinion before this conference at all.

I dare say there may be differences of opinion, but I do feel this as a matter of conviction, that the

Government of India owes it to the people of India that the Finance Member there shall forthwith consult representative men in India, both commercial men and politicians, with a view to examining the feasibility of retaining the gold of India for the purpose of India's reserves. It is conceivable that, after going into the matter, they may come to the conclusion that they need not interfere with the present position, or that they cannot interfere with it for sound reasons in the interests of India, but there has been no pronouncement either by the Finance Minister or by anybody else, and I will tell you quite frankly, Mr. Secretary of State, that the public of India feel very strongly that the gold of India is being allowed to leave India unnecessarily. I very strongly impress upon you that it is necessary to have some sort of consultation in India and either to assure the public of India that what they suggest is not feasible or to try and take some action in the direction indicated.

Regarding the third part of the acid test which I have mentioned, I feel that a good deal has been said by the Financial Safeguards Committee regarding the credit of India. The credit of India is not a thing which I believe anybody could define accurately.

The credit of any country is a thing which is more easily understood than defined, but there is no doubt about this, that

the credit of India at the moment would depend primarily, irrespective of any safeguards that there may be in the Constitution, on the contentment of the masses of India, and the masses of India resorting to their ordinary work to earn their living by the sweat of their brow and not resorting to other methods.

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I feel strongly that I would like to end my remarks by putting before you with all the earnestness I can command what I would have stated had I been present on the first day of this Conference. The people of India are looking forward forthwith to the release of Mahatma Gandhi. Such a release would impress them, and make it plain that the assurances you have given us with regard to the future of India belong to a spirit which is animating you even now before the proposals mature. I do not wish to go into the why and wherefore of the action taken by the Government of India during the last year, but I do wish to impress upon you that whatever you may do with regard to Constitution making, so long as you have Gandhi in gaol you will find that the people of India will not seriously consider Constitution making. The Constitution making in which we have been engaged at this Conference has many shortcomings and defects, partly necessary ones, and partly arising from the difference between what you are now prepared to offer us and what some of us expected. But in political matters when you are dealing with a country like India and with a country like England there must be necessarily some differences of opinion. The question now is whether you are prepared to take such action as will reconcile the people of India to consider the work now done in the spirit in which you want it to be considered. I will conclude with the most earnest appeal that you seriously consider proving by your action that the spirit in which you have worked here with us is the spirit in which you will work right through until the new Constitution is started.

SIR SAMUEL HOARE: We have still three or four names on our list of speakers, and some of our colleagues



to spare our patience at this late hour - although we are always glad to hear them - have kindly consented to send in their remarks in writing and they will be embodied in the formal report. These include Mr. Joshi, Sir Hubert Carr, Sir Henry Gidney, and one or two more.

SIR TEJ SAPRU: Do you intend to publish the proceedings of this evening?

SIR SAMUEL HOARE: Yes, we have taken a verbatim report and are giving it to the Press. It may be too late for the morning's papers, but we will take every step to have the speeches fully reported.

LORD WINTERTON: Late as the hour is, I think it is appropriate that I should say a few words as the only unofficial member of the House of Commons present. My colleagues both from India and this country will realise that, great and important as are the members of the Government and of the House of Lords in our polity, the members of the House of Commons, and especially the 400 Conservative supporters of the Government, are very important in respect both to India and to many other matters.

In fact the existence of His Majesty's Government depends upon the goodwill of the 400 members of the House of Commons who belong to the Conservative Party.

SIR TEJ SAPRU: Have they got any safeguards?

LORD WINTERTON: Sir Tej asks me that. I would not like to go into it, but I think their safeguards are perhaps not quite as strong as they sometimes appear to be in public. I would like to say at the outset that I feel privileged to follow Sir Purshotandas Thakurdas, because, however much I may differ from some of the things he said, I would like to say how much I appreciate the spirit and form of the speech which he has just made. It is really typical of the spirit of personal friendliness which has, I think, been displayed by all the members of the Conference from India.

I would like further to say this about the Conference generally. I am a new member of the Conference. Most of my colleagues both Indian and British have been members of former Conferences.

LORD IRWIN: I am, too.

LORD WINTERTON: Lord Irwin and I are in the same position. I am greatly impressed by the great contribution which this and former sessions of this Conference have made to what I hope will be a permanent solution of the problem which I assure you, our colleagues in India, is regarded in this country as one of the most important, and perhaps the most important question to-day; that is the future Government of India.

I wish to avoid being effusive, but I feel bound to say that the brilliant advocacy, and the fair and clear exposition of their points of view which has been put

forward by our Indian colleagues has evoked not only my admiration but my gratitude, because it has enabled me to see those points of view and the difficulties and problems which have to be overcome, and may I in that connection echo what has been said by every member of the Conference, I am sure with complete sincerity and from the heart, about the Secretary of State. We owe him a debt which we cannot repay for his tact, his knowledge and his savoir faire. I think also we ought to recognise the great services which the Lord Chancellor has rendered.

Now, Sir, I spoke a moment ago about Parliament and its attitude. I would observe that of course attacks have been made on our body in this country, just as they have been made in India. I think it would be fair to say that they have proceeded from the left in India and from the right in this country. We have had charges made here against us just as my colleagues from India have had charges made against them - that we are unrepresentative and that we are suffering from a common self-delusion. In my political career I have always believed in meeting attacks by counter-attacks. I pledge myself, so far as my humble capacity goes, to meet criticisms of our deliberations and proposals in Parliament with all the vigour and energy which I can command. I feel certain that our Indian colleagues will also defend their position as delegates with the courage which their record in the last few troublous years has shown us that we can expect from them. I venture with respect to say that it is extremely important that in both countries

these of us who have been colleagues and sat round this table should defend the position which this Conference has occupied.

In regard to the position of the Conservative Party I will not conceal from you, - because it would be foolish to do so - the facts are known - that there have been differences of opinion in that Party on the subject of India and on the subject of the policy both past, present and future in India. But I would like to make this observation, which I believe to be well-founded, that the great bulk of unofficial members of the Conservative Party is willing and ready to consider and adopt the Federal solution of the Indian problem. I would like to add further that I do not believe that that bulk of opinion is either obstructionist or reactionary, but that it does demand safeguards under this new Constitution, alike for the security of India itself and also for its fixation as a permanent part of the confederacy of self-governing nations of the British Empire. It has in mind both ideas. That opinion will naturally be influenced by the deliberations of this Conference; and I may say, and I think this will evoke some sympathy, that just as we of the British

unofficial delegation recognise that representative Gentlemen from India who are sitting round this table have to consider the effect on the public opinion of those they represent of what they may do here, so do we in this country have to consider the effect on the public opinion of those we represent.

Secretary of State, I do not want to trouble you further except to say that in my judgment in all recent political events in this country and political policy

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there has never been a bigger conception or a  
greater ideal than that of all-India Federation.

I was immensely struck, if you will allow me to  
say so, by what Sir Tej Sapru said in the course of  
his speech. I understood him to say that long ago  
he formed the opinion in his own mind that along  
those lines a solution could be obtained.

I can speak with more freedom than any member of the Government in this connection because I do not occupy the responsible position that they do, and I say with all the earnestness that I can command that I do most earnestly hope that gentlemen representing British India and gentlemen representing the <sup>Indian</sup> States will be able to compose such differences as exist between them still, in order that this Federation may be brought into operation with the utmost goodwill and unanimity; and the good wishes of all responsible people in this country will go out to them in that endeavour.

That is all I have to say, except to add my tribute also to what has been done by our permanent staff. I have worked with Civil Servants on and off for a very long time, but I have never seen any body of Civil Servants both British and Indian work harder than those who have been attached to this Conference.

S IR MENUBHAI MEHTA: I am grateful to you for giving me this opportunity of speaking on behalf of our section of the Prince's Chamber, because it gives me the opportunity of removing certain misapprehensions in the minds of our British Indian friends and which have been raised by Sir Tej Sapru with regard to the attitude of the Princes, which might cause delay in the realisation of the ideal that British India has placed before us. In this connection I am glad Sir Tej Sapru has reminded me that for the last 15 years we have worked together. He referred to 1918 as being his first visit to Patiala.

SIR TEJ SAPRU: 1928.

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SIR MANUBHAI MEHTA: I am talking of 1918 when Lord Sinha and Sir Ali Jinnah were present at Patiala. It is often pictured that the idea of federation has sprung up in the minds of the Princes like a mushroom - that it is only of yesterday's growth, but let me remind you (and it is not giving away any secrets) that it was in 1913

His Highness the Maharaja of Bikaner, in response to Lord Chelmsford's request as to what were the lines on which future plans <sup>should</sup> go forward, said that the future of India and the good of the Indian ~~xxx~~ States lay in federation. That was in 1918, and that idea is still on the archives of the Government of India. Since 1918 the Princes have consistently worked on this theory. In the Montagu-Chelmsford Report the scheme of federation was pictured but for ten years no steps were taken to give effect to this idea of federation by which the Princes were to be given some share in the management of questions of joint concern, such as customs, railways, salt and so on, which are now considered to be federal. Sir Tej Saprú paid a deserved tribute to Lord Irwin for being the father of this idea of a Round Table Conference. Let me on behalf of the Princes also say that the Princes were pleased at the calling ~~xxx~~ of this Round Table Conference.

Sir John Simon in his letter to the Prime Minister referred to the relations of the Princes as one vital problem to be solved in the question of new reforms, and the Princes could be consulted only in a Round Table Conference. That was how the idea of a Round Table Conference came into being. I am merely saying this in order to show that the Princes have been consistently taking a sustained interest in the idea of the development of federation since 1918. When, therefore, in 1930 you were pleased to call the Princes and the British Indians together in a Round Table Conference, and when a generous <sup>suggestion</sup> / came from the British Indians - that the Princes should unite in a common federation with the Princes, His Highness the Maharajah of Bikaner, on behalf of the Princes, gladly accepted the idea, and welcomed the idea of federation as being ~~the~~ in the best interests of his mother country. The Princes then declared that they were proud to be Indians first and Princes afterwards. They took an interest in the well-being of their own country, and, for the good of their country, they were prepared to concede part of their sovereignty in order to advance the interests of their own countrymen. In this way, Sir, the Princes made it clear, at the time when they were asked to join in federation, that they would gladly enter federation, with two provisos. First, they wanted to know whether they stood on terra firma or whether they were standing on what the Maharajah of Bikaner called the shifting sands of expediency. He wanted to know what the rights of the Princes were



The Princes naturally wanted to know where they stood, and therefore he wanted to clear up the question of Paramountcy. He wanted to know how far Paramountcy extended because, after the declaration of the Butler Committee that Paramountcy must ever remain Paramountcy, the doctrine of the ultimate powers of the Government became rather over-bearing. <sup>It was said</sup> that the powers of Government meant the residuary powers, anything undefined, and naturally the Princes became a little frightened. They wanted some definition to be given of the doctrine of Paramountcy, and I am glad to inform my British Indian colleagues that this will not stand in the way of <sup>the</sup> realisation of Federation, because the Secretary of State and the present Viceroy have been doing their level best to satisfy the Princes in their demand for a satisfactory solution of the Paramountcy question. Therefore, when the question of Paramountcy is settled, the Princes will naturally carry out their promise of entering into Federation.

The second proviso made by the Princes was with regard to their safeguards. They wanted a clear picture; they wanted the picture to be completed before they were asked to come into federation. We are about to complete the picture. We are met for the third year in order to complete the picture, and, I am told, the completed picture in the form of a White Paper will be placed in the hands of the Princes

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in the month of February or March, and the Princes will then be expected to make up their minds and to say whether they are prepared to come into Federation or not. As my friend here has said, he is quite certain that the Princes will come into federation, and I share the same hope, the same confidence, because we have faith in the justice of His Majesty's Government and we have faith in the good-will of our brethren, the British Indians.

With co-operation from both sides I do not anticipate any difficulty. There was one minor difficulty to which I must refer. There were sections amongst the Princes who believed that in order to safeguard their own position and rights they must join another body as a confederate body, not separate individually, but those who preferred it might join first in a confederation before they entered the Indian federation. This difficulty has also been satisfactorily settled, and with these differences settled amongst the Princes, the hopes of our realising the aspiration or the dream of the Princes fully entering into Federation becomes much nearer fulfilment than was the case two years ago.

The Princes naturally desire that their treaty rights should be safeguarded, that their internal sovereignty should be safeguarded, and, as we have seen in our deliberations, the British Indians and H.M. Government are equally anxious that their treaty position and internal sovereignty should be safeguarded. These obstacles, therefore, are removed, and I do not anticipate any difficulty in the way of Federation.

But the picture has to be placed in their hands, and you have seen that there are other reasons which might delay the transfer of full responsibility for some time. Let it not be said, however, that the fault for this delay lies at the door of the Princes. Two months time is nothing, and after March you can well expect the Princes to come into the Federation, and we have every confidence that they will do so.

In conclusion may I express gratification at the results of this Conference. We are returning to our country with a feeling of hope. But let me not

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over-enthusiasm myself. I return to my country with a feeling that there is yet more to be done. What we have achieved is very little in comparison with what remains to be done, and for the realisation of that further hope I look to you, Sir, and H.M. Government that they may help us in the realisation of our full aspirations.

If these foundations of a future prosperous Empire are to be laid they must be laid in a spirit of goodwill. As Lord Peel remarked, Constitutions are not made, they grow. They are organic growths. We have called them pictures, we have called them structures, the result of architecture, but I do not believe that architectural structures or pictures adequately represents what they are. They must be real organic growths, and in order that they should grow well the seed must be well sown and the ground must be congenial.

The seed may be very good, but if the ground is not well prepared, is not well cultivated, is not well manured the seed will go to rot. Prepare the country well. At present it is sad to think that the state of the country is alarming. There is bitterness at the very core of the people. It is very well to say: But the situation of the country has improved. All I can say, Sir, is in the words of Shakespeare's Hamlet, All is not well in the State of Denmark. Therefore my request, Sir, is: give them with good grace, give them with open hands - give them freedom. I am pleading on behalf of British India even though I come from an Indian State, because I am self-interested. Geographical demarcations and boundary field marks do not prevent the spirit of unrest from coming over the boundaries and coming into our Indian States. As long as this spirit of unrest, this bitterness, this antipathy to Government, is allowed to remain unremedied in British India, we have a standing menace. Therefore I appeal to you, Sir, to remove that menace by giving solid satisfaction to the people. And I have to request you to do it soon. Delays will only lead to further and further bitterness. The other thing I wanted to remark, Sir, was that whatever you give must lead to a real responsibility at the Centre. The Princes have also made it very clear - I read it out one day - that they are prepared to enter into Federation with a self-governing India, with a responsible India. They were asked whether they were prepared to come into Federation with a Government that was not responsible to the people. They said they were not prepared to come into Federation with an irresponsible

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Centre. Just as it is remarked that the entry of the Princes into the Federation made it easy to confer responsibility on the Centre, so responsibility at the Centre is not possible without the Federation of the Princes. There cannot be any Federation of the Princes unless there is full responsibility at the Centre. These two things act and react upon each other.

Therefore, Sir, my request is: if the Reforms are to be given, give them freely and give them soon.

In the Province from which I come, which is Gujerat, there is a proverb which will amuse you, Sir. We have castes; we have banias, merchants; there are some Brahmins and there are Muslims among us. Of our national characteristics it is said that the Bania is a calculator and far-seeing; he calculates from beforehand what will be the consequences. The Brahmin is wise after the event. I am a Brahmin myself.

It is only a life of lost opportunities and regrets. The Mussulman is quick witted. He strikes at once. Last year I remarked that the nation of Englishmen is regarded as the nation of shopkeepers, merchants, calculators. Even this year you have paid the greatest attention to finance. Financial safeguards have been the crux of the whole situation. I ask you to calculate beforehand what would be the consequences of further delay. The British nation is a great Empire builder, but greater than the power to build an empire is the power to retain an empire. I wish for the British nation that they will retain the Empire by their wise action.

R.B. RAJA BISARYA: I should not like to take up much of the time of the Conference at this late hour, but I should <sup>like</sup> to be allowed to refer to one remark made by Sir Tej Sapru who has contributed so greatly to the work of this Conference. He made the observation - maybe he felt himself constrained to make the observation - that he did not want British India to be a dependency of the Indian States. Let me hasten to assure him and my British Indian friends if assurance is needed that the fear expressed by him can have no foundation in fact. There is nothing further from the minds of the States than to exploit the situation in India to secure unreasonable or selfish advantages for themselves. The Princes do not approach the question of Federation in any spirit of bargaining. To them it is matter of a duty which they owe to the Empire, to the country of their birth.

and to their own States. As Sir Akbar Hydari has already said long before the idea of Federation took concrete shape the Princes had expressed their sympathy with the aspirations of British India for an honourable and equal position in the British Commonwealth of Nations. In 1930 when the first Round Table Conference was held the Princes wholeheartedly welcomed the idea of an all-India Federation. I will not take up time by quoting from the speeches on that occasion. Those who were present will remember the speech of His Highness the Ruler of Bhopal, whom I have the honour to represent, and the Maharaja of Bikaner and the Maharaja of Patiala were equally clear. The views expressed then were confirmed at the second Round Table Conference and the attitude of the Princes remains firm and unshaken. If anything they are more convinced than before that an all-India Federation based upon recognition of the various interests concerned, a Federation designed to safeguard the just and legitimate rights of all will be in the best interests of the Empire, of British India and the Indian States. In that firm belief we want the happy confirmation of the establishment of an all-India Federation to take place at the earliest possible time. But whilst we have every sympathy with the aspirations of our friends from British India, they will understand our hesitation to sign a document without ascertaining its terms. They will understand our anxiety not to commit ourselves to a constitution without making sure that our own rights and interests are safeguarded in that constitution. That can only be done when we have the complete document before us and when we are in a position to ascertain the definite details of the scheme



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as it is finally decided to embody it in the form of a  
Bill to be placed by the Government before Parliament.

As His Majesty's Government has already assured us, the White Paper will be in the hands of the Princes and the Chamber of Princes to be examined by them, and then they will make up their minds finally. But, as my colleagues have assured you, there is nothing in the minds of the Princes to make them disinclined to enter the Federation which they have always expressed a keen desire to enter.

SIR SAMUEL HOARE: Thank you very much. I am now going to ask His Highness the Aga Khan to speak.

H.H. the AGA KHAN: Mr. Secretary of State, My Lords and Gentlemen, now that we have come to the close of this third session of the Round Table Conference we may congratulate ourselves upon the fact that a great step forwards has been taken towards our goal, than which none more difficult or more splendid has ever been envisaged by statesmen. I am confident I speak the general mind when I say that we have come closer together. The three main groups of which the Conference is composed, British public men, representatives of the Princes, and British Indian delegates, have been working on the whole in a businesslike and matter of fact way, a fine example indeed of inter-Imperial co-operation in the achievement of a great end. I was going to join my friend, Sir Tej Saprú, in making an appeal to the representatives of the Princes, and, through them, to the Princes, for an early decision, but the happy speeches made by

Sir Akbar Hydari, Sir Manubhai Mehta, Nawab Liaqat Hyat-Khan and Raja Oudh Narain Bisarya have made that unnecessary. In our discussions there have been differences of opinion, but always, in all sections of the Conference/<sup>and,</sup> I am glad to say, including all the British delegates, the good of India as a whole has been the dominant consideration. Some matters of importance, such as the distribution among various sections of representation in the Central Legislature, and other similar questions remain unsettled and must be decided by His Majesty's Government before placing their scheme before the Joint Select Committee. It is our earnest hope that, by such decisions and by the formulation of broad agreements, the remaining differences will be settled and that those who may be called upon to co-operate with the Joint Committee will be united, irrespective of whether they are British, British Indian or States representatives. I should like to see a Round Table Party, a party consisting of all of us who have worked together here, to meet the Joint Select Committee of the two Houses of Parliament. Unity is needed for giving the final touches to the great work of which the foundation stone was laid when Lord Irwin, with the full consent of the Prime Minister, made his historic declaration in respect of Dominion status.

I have heard it said - and I think this point ought to be cleared up once for all - that that declaration of Lord Irwin's was the result of the announcement of 1917. Such an interpretation is a very wrong and misleading reading of history. The declaration of Lord Irwin was inevitable the moment that destiny brought England and India together in the seventeenth and eighteenth centuries. In view of the historic character of the English people and the peoples of India, without some such development their association would be historically meaningless. We find the very seeds of this declaration already in the speeches and writings and thought of Burke and Fox and all the leading statesmen of the late eighteenth century. In India already in the nineties men like Gokhale and Mehta and others with my humble self, were speaking and writing on this subject. Before the first durbar some of us represented this to Lord Curzon as a happy occasion on which to give an indication of the ideal that should unite the two peoples.

I hope you will pardon me for going into these questions of the past, but I feel that it is necessary to make it clear that this was not a sudden departure from past history. May I say in this connection that while we deeply regret the absence of the Prime Minister, we well understand how pressing and continuous are the demands upon him, particularly in the midst of his great work for world recovery. I am convinced that if he succeeds in his great ambition of helping forward disarmament, peace, and world economic recovery, that will be the shortest cut to bring about the happiest results desired for the general welfare and prosperity of India.

We have had the continued good fortune of the Chairmanship of the Lord Chancellor, to whose courteous patience, sympathy and friendliness in guiding our proceedings we owe no small measure of the harmony that has prevailed. We are fortunate also, most fortunate indeed, in the fact that so large a share in deciding H.M. Government's policy has fallen to the present Secretary of State for India. Sir Samuel Hoare has impressed us deeply by his unswerving loyalty to the Federal idea and to the creation of true Federal units in the autonomous Provinces and in co-operation with the great self-governing States.

I have no doubt that when the Constitution has been framed we shall then consider how to give effect to it. I have also no doubt that the living forces of India will find reasonable and satisfactory methods of procedure. It is as well in politics, while we should always have the goal and object in view, to get over obstacles as we meet them and as we go along, and not unnecessarily tie our own hands in advance. I cannot possibly finish this evening without first of all thanking the English people for all the hospitality which for three consecutive sessions they have shown us. I must also thank the British Secretariat, the India Office staff, the various people associated with the work of this Conference as well as the British Indian Secretariat which has helped us on every occasion, whose work under difficult circumstances I admire and for which I feel most grateful.

We have come now to the close of this stage in the gratifying assurance that we have after all made an advance under the guidance of the Secretary of State towards India's attainment of full political status, and to sincere and devoted co-operation as a partner in the commonwealth of nations of which His Majesty the King-Emperor is the Sovereign.

Secretary of State, may I now move the following Resolution:

"The delegates to the Indian Round Table Conference with their humble duty desire to assure Your Majesty on the eve of the termination of their deliberations of their grateful sense of the honour so signally done to them by the gracious act which has placed the King's Robing Room at their disposal. In this matter and in other matters Your Majesties have once more manifested that consideration for the Princes

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and the people of India which has kindled with affection their traditional loyalty to their Sovereign. We recognise that much remains still to do before the task on which we have been engaged can be brought to a conclusion, but we are confident that Your Majesty will share the hopes and satisfaction which have been engendered in the minds of all of us by the spirit of mutual understanding and goodwill which has throughout inspired our consultations."

I beg to move this Resolution.

SIR SAMUEL HOARE: I am going to ask Sir Tej Bahadur Sapru to second the Resolution.

SIR TEJ SAPRU: Sir, a Resolution of this character hardly requires any seconding. Nevertheless I wish to associate myself with it in all sincerity and unreservedly. We are under a deep debt of obligation to Their Majesties for having been graciously pleased to place this room at our disposal. I am sure that it will be recognised that the utmost boundary of political controversy and political differences does not extend to the King-Emperor. The King stands above all party politics.

Therefore I unhesitatingly associate myself and those who come from British India with this resolution. I understand, Secretary of State, that tomorrow morning you will be addressing us. Before that occasion arises I would like to express on my behalf and on behalf of my friends in this Conference our very genuine and deep sense of obligation to the members of the Government and other members of the British Delegation for the manner in which they have worked during these strenuous weeks. I would like to take this opportunity of conveying our thanks to Sir Samuel Hoare for the unsparing efforts he has made during the last few weeks in promoting the cause which has brought us here. I will only say that whatever differences may divide us you have at any rate succeeded in convincing us that you are in great earnest about Federation. We believe that even a Secretary of State is capable of being educated and without going further I would say that it was necessary that the Secretary of State's outlook on this question should be placed beyond all doubt, because it must have great moral effect on British India and may I say on the Indian States also. For that reason I wish to convey to you our sincere thanks.

His Highness the Aga Khan has spoken of British hospitality. Every one of us feels that he has been overwhelmed with that hospitality. We all feel that whatever differences divide us - and you cannot reasonably expect that on big questions affecting the fortunes of 350 million people there should be no differences - our social relations have been of the most cordial character. Lastly I would like to mention our efficient Secretaries, Dr. Latifi and Mr. Rama Rau, who have given us conscientious



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and invaluable help, who have shared with us our anxieties, our fears and our hopes and I would also convey our thanks to the members of their staff as well.

SIR MANUBHAI MEHTA: On behalf of the Indian States I claim the privilege of supporting this message of homage to His Majesty the King.

SIR SAMUEL HOARE: I will put it to the Conference and I think we ought to be standing to carry it.

(Delegates all stood to signify their approval.)

The Conference adjourned at 1.5 a.m. on December 24th to 11.30 a.m. on December 24th.

1. 32nd Meeting.

INDIAN ROUND TABLE CONFERENCE 1932.  
(November - December)

STENOGRAPHIC NOTES of the Twenty-second Meeting of  
the Conference held at the House of Lords on  
Saturday, 24th December 1932, at 11.30 a.m.

PRESENT.

BRITISH REPRESENTATIVES.

Government Delegates.

- rd Sankey (in the Chair)
- r S. Hoare
- rd Irwin
- . Davidson
- . Butler

Non-Government Delegates.

- rd Peel
- rd Winterton
- rd Reading
- rd Lothian

Also Present.

- r F. Stewart
- r M. Gwyer
- r C. Schuster
- r J. Dunnett
- r R. Glancy
- r R. Mant
- r L. Kershaw
- r C. Kisch
- . Croft
- . Col. Neale
- . Rumbold
- . Turnbull
- . C.M. Patrick
- . R. Law
- . J.R. Martin

Secretaries.

- . Dawson
- . P.J. Patrick

INDIAN STATES REPRESENTATIVES.

- Raja of Sarila
- R.B. Raja Oudh Narain
- Bisarya
- R.B. Krishnara Chari
- Nawab Liaqat Hyat-Khan
- Mr. Wajahat Hussain
- Nawab Sir N. Akbar Hydari
- Sir Mirza Ismail
- Sir Manubhai N. Mehta
- R.B. Pandit Sir Sukdeo
- Frasad
- Rao Sahib D.A. Surve
- Mr. Rusbrook Williams

Also Present.

- Mr. R.Z. Abbasy
- Sahibzada Murtaz Ali Khan
- R.B. Pandit Amar Nath Atal
- Mr. K.V. Godbole
- Chief of Jath
- Pandit Ramachandra Kak
- K.S.D. Sinhji of Limbdi
- Mir Meqbul Muhmood
- Mr. K.C. Neogy
- Pandit P.N. Pathak
- Sir Prabheshankar Pattani
- Mr. G.F. Pillai
- Mr. Qureshi
- Mr. Madhava Rao
- Mr. Ramadive
- Mr. Sorabji
- Mr. B.H. Zaidi

Secretary.

Mr. Hydari

TISH INDIAN REPRESENTATIVES.

H.H. The Aga Khan  
 Dr. B.R. Ambedkar  
 Sir H. Carr  
 Pandit Nanak Chand  
 Mr. A.H. Ghuznevi  
 Lt. Col. Sir H. Gidney  
 K.B. Hafiz Hidayat Husain  
 Sir M. Iqbal  
 Mr. M.R. Jayakar  
 Sir C. Jehangir  
 Mr. M.M. Joshi  
 Mr. R.C. Kelkar  
 Raja of Khallicote  
 D.B. Ramaswami Mudaliyar  
 R.B. Sir A.P. Patro  
 Sir T.B. Sapru  
 Dr. Shafiqat Ahmad Khan  
 Sir N.N. Sircar  
 Sir Furshotandas Thakurdas  
 Mr. Zafrulla Khan

Also Present.

Sayed Amjad Ali  
 Mr. Holme  
 Mr. Lawson

Secretaries.

Mr. Latifi  
 Mr. Rama Rau

SECRETARIAT-GENERAL.

Mr. Carter (Secretary-General)  
 Mr. Anderson  
 Mr. Roy  
 Mr. Williams

PUBLICITY OFFICERS.

Mr. MacGregor  
 Mr. Joyce

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LORD SANKEY (in the Chair): Members of the Conference, the following reply to the message of the King Emperor from the Delegates of the Round Table Conference has been received from His Majesty.

(The Delegates and all present stood during the reading of the message).

"Delegates of the Round Table Conference, I thank you sincerely for the loyal words which you addressed to me at the conclusion of your Conference. I know how complex the problem before you has, under closer scrutiny, proved to be, and I shall study with deep interest the Report of your deliberations. It is gratifying to learn that the spirit of goodwill which is uppermost in men's hearts at this season has prevailed throughout your Meetings, and I am confident that your labours will prove to have fortified a partnership whose strength and endurance are of such consequence to all My people.

I bid you God speed, with my best wishes for peace and prosperity in the New Year."

SIR SAMUEL HOARE: Lord Chancellor, today we are attempting to finish our endeavour to recreate the fellowship of the Round-Table in modern conditions - the fellowship founded by King Arthur and depicted upon the opposite wall of this Royal Robing Room.

Lord Chancellor, we have not been unsuccessful in our attempt. Already others wish to follow our example. Only a few weeks ago a distinguished American came to see me to ask me for details as to our procedure. Evidently he was contemplating the experiment of a Round-Table Conference for the Philippines. Lord Chancellor, imitation

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is the surest form of flattery, and that shows that the experiment upon which we have been engaged has been watched with the closest and most sympathetic attention in every part of the world.

Today we are looking back at our past work. Tomorrow we shall be looking forward to the next step. As to the past, we have not been working in an empty void. We have not been attempting to create a situation in the air. We have not been, like Abbe Siccyès in the years of the French Revolution, creating paper constitutions.

From start to finish we have been circumscribed by the hard facts of the world as we find it. We have been confronted with the problem of reconciling the claims of three partners who have for many generations been united in an undertaking of far-reaching ramifications; Great Britain on the one hand, British India on the other, and Indian India on the other. The old Articles of Association were getting out of date; a new bond of union had to be found.

Lord Chancellor, the great achievement of the first Round Table Conference was to establish the fact for the first and, I believe, for all time that the new bond must be the bond of an All-India Federation with the rights of each of the three parties effectively safeguarded. I believe that historians will say that this decision was a turning point in the course of the British Empire.

To-day let us with gratitude remember those Members who took so prominent a part in bringing this ideal into the realm of practical politics. Let us remember in particular His Highness the Maharaja of Bikaner, who I think was the first of the Princes to press his view in this respect upon the Conference. Let us also remember Sir Tej Bahadur Sapru. Sir Tej Bahadur Sapru, if I may say so, was the first member of the Conference who fully realised the implications of this great ideal and who in those early days was much more conversant with the details of Federation than I think any other member of the Conference. Lord Chancellor, let us throw our minds back to those days. Scarcely any of us, having lived under a unitary form of government, really understood the implications of a Federation. I am told that at that time the booksellers of London did a roaring trade in the sale of manuals about Federations. I am told that there was a positive run upon the London Library by the various

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Government Departments concerned in order to get any text books that bore upon that difficult subject. Sir, if I may say so, it was of the greatest value to all our subsequent proceedings that we had from the very start the expert and technical advice of Sir Tej Bahadur Sapru upon all those very difficult constitutional questions. The Federal idea then was the great idea that emerged from the first meetings of the Conference.

The second Conference met in the face of very great difficulties. On the one hand we were in the throes of a world economic crisis; on the other we were faced with a change of Government and an impending General Election. Those factors in themselves placed great difficulties in the way of our deliberations.

But there was a third difficulty. There was the difficulty of the communal question. There we found with the best will in the world at every stage last year we were brought up against the barrier of the communal difficulty. I think the real achievement of the Conference last year was to start on foot the whole series of enquiries, most important of which were the detailed enquiries that led to the Government's Communal Award and included amongst which were the invaluable Reports of the Committees that went to India in the new year - Lord Lothian's Committee, Mr. Davidson's Committee and Lord Justice Percy's Committee, and I am quite sure that without the work done by those Committees and without the Communal Award, that reluctantly but none the less/the inevitably Government had to make, our deliberations this year would have been rendered impossible and infructuous.

I now come, Lord Chancellor, to the work of this Conference and I would venture to sum up the results in two sentences. I would say first of all we have clearly delimited the field upon which the future constitution is going to be built. In a much more detailed manner than in the last two years we have delimited the spheres of activity of the various parts of the constitution. Secondly, and I regard this result as much more important than even that important first result, we have I believe created an esprit de corps amongst all of us that is determined to see the building that is going to be reared upon the field that we marked out both complete in itself and completed at the earliest possible date. Lord Chancellor, I said that we had



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marked out the ground. Let me explain by a few examples what I mean by that assertion. I take the various parts of the constitutional structure in order. I begin with the part that Indian India, the India of the States, is to play in the Federation. There we have made it quite clear that there is no risk in any respect to the treaties or to the obligations into which they and we have entered. I hope that I have made it quite clear that all questions governed by that general term "paramountcy" do not enter into the Federal scheme at all. I think also I may say that we made some progress in the enquiry over which Lord Irwin presided one day this week into the methods by which the States will accede to the Federation.

Let me say in passing - for I think it may help our future discussions both here and in India - that we have always regarded an effective Federation as meaning the accession of a reasonable number of States and, as at present advised, we should regard something like not less than half the States seats and not less than half the population as the kind of definition that we have in mind.

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Next I come/and the Units. Here again I think we have made great progress in delimiting the field between the Centre on the one hand and the Provincial and States Units on the other. We have been very carefully through the lists of Federal and non-Federal activities, and we have got much nearer to agreement than we have ever reached before. It is now quite clear that there will be a definite delimitation of the activities of each of these three parts of the federal structure. To-day I need not go into detail, for the Report of the Distribution of Powers Committee will show, both to you and to the world outside, the progress that we have made in that direction.

Next there is the very difficult question of Federal Finance, one of the most vital questions in the whole field of Federal activities. Unfortunately we were discussing that question at a time of great difficulty. We have been discussing it at a time when no Government in the world has sufficient money for its needs. But I think I can claim that there again we have made some substantial progress. I fully admit that there are differences still to be recognised and to be reconciled. I do not think it could be otherwise in any question of this kind, but I should like to say to Lord Peel, who, so far as the Conference is concerned, is the father of Federal Finance - at present it is a rather difficult offspring, but I think

as it grows up it will become easier to manage - how much indebted we are both to him and his Committee for having made the progress that they have achieved. I think I can say that the work that they have done will very materially help the Government in coming to a decision, in consultation with the Central Government and the Provincial Governments in India, at an early date.

Then, Lord Chancellor, there are those difficult questions that we have always had with us in connection with the federal institutions, the questions about the size of the Chambers and about the allocation of seats. I say quite frankly that, as regards the size of the Chambers, I had hoped that we should have reached a greater measure of agreement than we have found possible during these last weeks. It has been made clear that there still are differences to be reconciled, not only differences between British India and the States but differences between the bigger States and the smaller States, differences even between some members of the Chamber of Princes and other members of the Chamber of Princes.

I wish that we could have reached further agreement upon this difficult question. I am quite sure that we have got to come to a decision upon it in the early future. Today I would venture to say that, so far as the Government is concerned, we have come to the view that whatever may be the numbers of the Second Chamber, some system of grouping will have to be adopted. I would say further that we must await further discussions that are going to take place in India in, I hope, the comparatively near future, about the size of the Chambers. I hope they will succeed, but I would like to emphasise the fact that, whether by the parties directly concerned, or whether, if they prefer it, by the British Government, a decision must be reached upon this point in the comparatively near future unless a great part of our future discussions is to be gravely impeded.

Then there was the question of the representation of the communities in the Centre, particularly of the Moslem Community. There I think I can say definitely - I think I have said it indirectly very often before - that the Government consider that the Moslem Community should have a representation of  $33\frac{1}{3}$  per cent. in the Federal Centre so far as British India is concerned. So far as Indian India is concerned, that must be a matter for arrangement between the communities affected and the India of the Princes. But so far as the British Government has any part in the question, we will at any time give our good offices to making it as easy as possible for an arrangement between those parties in regard to future allocation of seats. There again I venture to say that definitely today, because I am anxious that that factor in the problem should not in any way impede the future progress in elaborating the further stages of the Constitution.

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Now, with all these Federal questions, I can see that there is a grave anxiety in the minds of many members of the Conference - and I can sympathise with that anxiety - lest the various complications of which I have just given you certain instances should take too long to settle, and that the Federation itself will drift into the dim distance and will cease to be a reality in practical politics.

Feeling that anxiety, Sir Tej Bahadur Sapru asked last night that a definite date should be placed in the Bill at which time the Federation should come into being. He qualified his request - and qualified it, no doubt, quite rightly - with the reservation that if the conditions were not fulfilled, Parliament must have some means at its disposal for postponing the date of the Federation.

Now I agree with him that the last thing in the world that we wish is to see the Federation drift back into being simply an idea and not an integral part of the Indian Constitution. But-I think I ought to say that I do find a difficulty in agreeing - if indeed this is the time to agree or disagree - to anything in the nature of a definite date in the proposals of the Act. The difficulties that are in my mind are twofold. I am not quite sure - and here I am speaking very candidly in the presence of representatives of the States - what reaction something that might appear to be rather in the nature of an ultimatum might have on the Indian States themselves.

Again, I find this difficulty, I feel that the machinery of the Constitution will be of an extremely complicated nature, and I think that Parliament if it were confronted with a definite date might be much more cautious in the delay and the provisions of caution that it might demand than it would be without a date. After all, the machinery for bringing the Act into operation is going to be of a very complicated nature. I have always contemplated that some such method as a Parliamentary Resolution would be adopted for bringing the Federation into operation, and that that method would be adopted at the earliest possible opportunity.

What I can say to Sir Tej Bahadur Sapru is that we are going to do our utmost to remove every obstacle in the way of Federation and to remove it at the earliest possible date. Let me also say to him, we do not intend to inaugurate any kind of provincial autonomy under conditions which might leave Federation to follow on as a mere contingency in the future. We shall, as I say,

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between now and the passage of the Bill do everything in our power - here I am speaking I think not only for the British Government but for the British delegation as a whole - to remove any obstacles that may at present stand in the way of the Federation coming into being at as early a date as possible.

Lastly, let me say a word upon another side of this part of our discussions. For the last two years we have discussed the question of certain new Provinces. We have discussed the question of Sind from the very opening of our deliberations two years ago. Last year we discussed in detail for the first time the question of Orissa. Since those discussions we have had expert enquiries into both questions.

Basing our views upon the Reports of those enquiries, basing our views still more on what appears to be a very general agreement both in India and in Great Britain, we have come definitely to the conclusion that Sind and Orissa should both be separate Provinces. No doubt there will be details of machinery to settle and some of them of a rather complicated kind. For instance, there are questions connected with the boundary of Orissa that have not yet been fully considered. But it is the definite intention of the Government that in any all-India Federation both those great territories should enter as distinct Provinces. Lord Chancellor, I have now dealt with the more prominent of the features of our discussions that emerge upon the more directly constitutional side of the Federation itself. Let me now come to the other series of problems that in some cases affect more directly Great Britain and in other cases affect certain communities and certain interests in India itself. I mean by that all that chapter of questions that by a rough and ready phrase we have described as "safeguards". Lord Chancellor, let me say at the outset of my observations that I regard the safeguards not as a stone wall that blocks a road but as the hedges on each side that no good driver ever touches but that prevent people on a dark night falling into the ditch. They are not intended to obstruct a real transfer of responsible power. They are not intended to impede the day to day administration of any Indian Federal Minister. They are rather ultimate controls that we hope will never need to be exercised for



the greater reassurance of the world outside both in India itself and in Great Britain. Let me take the two instances that have been most prominent in this part of our discussions. Let me take the most difficult question of all, the difficulty of a transfer of financial responsibility. There, Lord Chancellor, I am not disclosing any secret when I say that during the last twelve months the British Government have fully accepted the fact that there can be no effective transfer of responsibility unless there is an effective transfer of financial responsibility. We have fully accepted that fact and we have done our best in the very difficult circumstances that have faced us to reconcile the legitimate demand of every Indian politician for financial control with the legitimate demand of every one who is interested in finance, not only for stability, but for a situation in which there would not even be a suggestion that stability could be questioned, for in the field of finance it is not only the fact itself that matters, but it is what people say about that fact.

Now our difficulties have arisen from two sources. In the first place, there is the fact that, as things are at present, a large part of the Indian revenue has to be devoted to meeting the obligations that have grown up during these years of partnership between India and Great Britain. That in itself - and I am sure no one would question the justice of the point of view - makes people here, investors who invested their money in Indian securities, men and women whose families are interested in the meeting of the old obligations, extremely nervous of any change. Secondly, there is the fact that we are passing through, I suppose, the most difficult financial crisis that has faced Asia and Europe for many generations. In the case of India there is a peculiar difficulty, namely, that a large body of short-term loans, raised under the name of the Secretary of State in London, fall due for payment in the next six years. That means that, if the Federation is to start with a good name, if its solvency is to be assured, some means must be found for meeting these short-term maturities without impairing the future of Indian credit.

Lord Chancellor, those are the hard facts that have faced the Government during the last twelve months. Those are the hard facts that we discussed in great detail and with great good will at the Financial Safeguards Committee. The British Government, the British Delegation, and sections of the conference, came to the view that in those conditions certain safeguards were absolutely necessary if we were to keep the confidence of the world outside and if we were to make it possible in the future f a Federal Government to raise money upon reasonable terms. That, Gentlemen, in a few sentences is the history of the safeguards. That, in particular, is the

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history of the safeguard that has loomed very largely in our discussions this year, the history of the Reserve Bank. We feel that, if confidence is to be maintained in the financial stability and credit of India, a Reserve Bank must be in effective operation. Now our trouble has been - and it has been a very real trouble; it has been just as much a trouble for us as it has been for those members of the Conference who have been doubtful about this safeguard - that it is impossible to say exactly when a Reserve Bank of the kind that we all agree should be set up can come into effective operation.

What I can say - and I said it to the Committee, and I say it again to this Conference - <sup>is</sup> that we will take every step within our control to make the setting up of a Reserve Bank of this kind and its successful operation effective as early as possible. We will devote all our energies to that end. If events over which we have no control - namely, events connected with the world economic depression - are too strong for us, then I gave a pledge to the Committee, and I give it again to the Conference, that we will meet representative Indians and will discuss with them what is the best step to meet that situation. I hope the situation will not arise. If it does arise, we will take Indian opinion freely into our confidence, and we will discuss with them what is the best step to be taken.

I come now to the question of Defence, a question that again has loomed very large, and rightly so, in our discussions. We had first of all, as you all remember, a debate in full Conference - a debate in which I think I may claim that there was complete unanimity that Defence, until it can be transferred into Indian hands, remains the sole responsibility of the Crown. It was, however, clear to me in the course of the discussions, and afterwards in an informal talk that I was able to have with certain leading members of the Conference, that there were differences of opinion as to the methods by which Indian political opinion might be consulted in the administration of the Reserved subject.

Sir Tej Sapru reverted to these questions in his speech last night. Well, Gentlemen, I think that I can say that the British Government can go at any rate some way - I myself believe a considerable way - towards removing some of the anxieties that he and his friends feel.

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Let me take in order two or three of the principal points to which he and his friends attached importance in these discussions. First of all, there was the question of the discussion of the Defence Budget. We were all agreed that it should be non-votable. In the nature of things, I think that was inevitable, but we are quite prepared to take the necessary steps to see that the Budget should be put, as he and his friends wish, in blocks, not in a perfunctory manner simply to be discussed as a whole.

Next he was anxious about the employment of Indian troops outside India without the approval of the Federal Government or the Federal Legislature. There I think he and his friends were agreed that where it was actually a case of the defence of India, in which no Imperial considerations entered at all, the Defence say, of the Frontier of India itself, there the responsibility - the sole responsibility - of the Crown should remain undiluted.

More difficult questions arose in cases where Indian troops might be employed for purposes other than directly Indian purposes. Now in those cases I can say to him I would prefer not to be precise as to the exact method. I myself feel sure that a means will be found to leave the decision in some manner to the Federal Ministry and to the Federal Legislature.

Next, there was an important series of questions connected, first of all, with the Indianisation of the Army, that is to say, the greater participation of Indians themselves in the defence of India and, secondly, as to the bringing into consultation as much as possible the two sides of the Government. He and his friends were anxious that statutory provision should be made in some way for both these objects.

Lord Chancellor, the British Government still take the view, and we feel we must maintain it, that

statutory provision is too inelastic, if you define statutory provision in the narrow sense. But I think I can meet him and his friends effectively by including directions to the Governor-General in both these respects in the Instructions.

Now he said, quite rightly, that his attitude towards that proposal would depend very much upon the Instructions themselves. As regards the Instructions we intend first of all to allude to them in the body of the Statute. And then we intend to ask Parliament to agree to a novel procedure, but a procedure that I believe is well fitted to the conditions with which we are faced, namely, that before certain of them are submitted to His Majesty, both Houses of Parliament should have the opportunity of expressing their views upon them. The effect of that would be to give the Instructions a Statutory

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framework by the allusion in the Act itself, and to give them a Parliamentary framework by the Resolutions that would be passed approving of them before they are submitted for His Majesty's approval.

As to the other proposals that Sir Tej made in the matter of Defence, we still feel that the Governor-General should have an unfettered power in selecting his Defence Minister; but we will make it quite clear in the Instructions that we wish the two sides of the Government to work in the closest co-operation, and that we do definitely contemplate - I would ask his attention to this point, and we will make an allusion to it in the Instructions - that before the Estimates are actually put to the Federal Assembly the Finance Minister and no doubt the Prime Minister should have an opportunity of seeing them and giving to the Governor-General their views upon them.

I hope that I have said enough to show that if I have not been able to meet in the exact letter the wishes of Sir Tej and his friends, we have been able to go some way and I believe myself that in actual practice we shall find the result will be very much the result that he and his friends desire, namely, that although the question of Defence is a reserved question with the sole responsibility for it imposed upon the Governor-General and the Crown, in actual practice there will be the closest co-operation between the two sides of the Government. I am afraid that I have taken up a very long time at our last meeting but I hope I have said enough to show not only to the Conference, but to the world outside the general outlines of the scheme that we intend to propose to the Joint Select Committee. But it is something more than a scheme upon which we have been engaged.

We have been planning a scheme and a very complicated scheme, but we have also been trying to create a spirit of co-operation. Several members of the Conference were very kind to me last night when they said that I had played some small part in helping to foster this spirit of co-operation during the last few weeks. I thank them for what they said but I say that their kind words were really undeserved. The spirit of co-operation is due to much greater events and to much greater people than any with whom I am connected or any that I could ever hope to emulate. This



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spirit of co-operation is not the result of the last few weeks. It is not the result even of the last two years of meetings of the Conference. It goes back to all the many prominent men both here and in India who, each in his own way, have attempted to make better relations between our two countries - Indians as well as British men, British men of the right of politics as well as of the left. Do not let us forget even when we disagree with their views of the future the great work that some of these more conservative administrators have done for India in the past. Do not let us forget the great men who have gone from these shores to India in recent years. We have been doubly fortunate in the Conference of this year in having two of the most distinguished ex-Viceroy's to help us who have ever carried out those most responsible duties of any in the whole Empire.

We have had the invaluable help of Lord Reading, not only this year but from the very opening of our discussions, and in the first year of the Conference it was to a great extent Lord Reading's help that concentrated British public opinion upon the all important question of an All-India Federation.

This year in particular we have had the great advantage of Lord Irwin's help. Lord Irwin, if I may so say, has <sup>put,</sup> /in the help that he has given us during the last five weeks, the coping stone on the great work that he did in India.

Let us not forget also, in the company of the great men who have gone from these shores to India, the invaluable work done by Sir John Simon and his colleagues. Let us set aside all the minor questions of controversy that may have surrounded the work of that Royal Commission, and let us to-day remember only that, without that work, which is unique in the Parliamentary annals of Great Britain, it would have been impossible for us British members ~~and~~ of the Government and of the British Delegation, and, I believe, for many Indian members of this Conference also, to bring to bear the instructed mind that the great complexity of these Federal problems demands at every stage.

Last night Sir Tej Bahadur Sapru made an eloquent appeal for a chapter of renewed co-operation between every section of Indian opinion and ourselves. Lord Chancellor, let me say that there is nothing that I should desire more myself. I want to see no empty chairs at the Round Table Conference of the Joint Select Committee. I will give to the words that Sir Tej Sapru uttered last night the full consideration that they demand. He will

not expect me this morning to give a definite answer, either in the affirmative or in the negative, but I can assure him that I am fully conscious of the expressions of good will of which we have had evidences in India itself during the last few months and of which we have had many evidences during the course of our deliberations in this Conference. I can tell him that, whatever we may decide, the thing that we wish above all others is that he and his friends shall go back to India and tell every section of Indian opinion that there is opportunity for their help and that we need their help, just as we shall go out into Great Britain and tell our friends that, after the discussions of the last two years and particularly after the deliberations of the last four weeks, we believe that we can produce before the High Court of Parliament a scheme on the lines that we have been discussing that will do credit both to British and to Indian statesmanship.

LORD SANKEY: Members of the Conference, before I make a few final remarks I am asked to read this notice:

"Delegates are reminded that Memoranda for annex to the Reports of the Conference should be received in the Secretariat-General not later than midday on Tuesday, 27th December next. Copies of the Reports amended as a result of the Conference discussions will be sent by the Air Mail on Friday, 30th December to those Delegates returning to India before that date if they will notify the Secretariat-General of the address to which they should be sent".

Members of the Round-Table Conference, it falls to my lot to say a few closing words at this Conference. I should first of all like to say how much we all regret - for I am sure that you share my regret - that the Prime Minister is not with us today. The Prime Minister has been one of the best friends India has ever had in this country, and the Prime Minister remains your friend and intends to do everything possible to implement your discussions.

Now let me endeavour very briefly, not so much for your purposes as for other purposes, to sum up the history of these Round-Table Conferences. The Round-Table Conference first met on November 17th, 1930. It met again on September 7th 1931, and yet a third time on November 21st 1932. On each of these occasions the Round-Table Conference resolved itself into committees, and, dealing with the committees and the Conference, this makes the 160th meeting we have had.

The first Conference was memorable for the Declaration of the Princes in favour of an all-India Federation. That Declaration went out as it were with the ripple of an irresistible tide. It spread over the whole of India, the

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whole of England, and then over the whole of the Empire. The idea penetrated into men's minds, it raised their hopes, and justified their aspirations, and that idea of an all-India Federation will prove to be the solution of most of our difficulties.

That Declaration still holds the field.

There is no need to be despondent, there is no need to falter, no need to fail. The event is beyond doubt. But I would make an appeal to the representatives of the Princes at the beginning of my speech. I know your difficulties, I know that you are acting on instructions, but I should like to say to you that there is only one thing which can dim the lustre of the wise and patriotic statesmanship of the Princes, and that one thing is delay.

The Maharaja of Bikaner in a recent speech said: "I have humbly endeavoured in all earnestness to live up to the ancient Hindu ideal of Kingship. Etymologically a Raja is only he who pleases the people and keeps them well content." Gentlemen of the States, India is thirsting, India is calling, you have put the cup to her lips, do not delay her drinking it. There is an old Latin proverb which says that he who gives quickly gives twice. Therefore I would beg you to convey to Their Highnesses this message, that they should endeavour to make up their minds as soon as possible about their entry into the Federation. You have excited the hopes of India. Hope deferred makes the heart sick; and I very much hope that when the States appear in London at the Select Committee as I hope in March or April - as soon as possible, - you or your Rulers will be able to give us some definite assurance that you will enter into the Federation, that you are going to enter into the Federation; and, although perhaps it is not possible to arrange all the terms by then, it will assist everybody, it will gratify the ambitions and the aspirations of India, if we can have your positive assurance that, come what, come may, your entry into the Federation is a certain fact.

Next let me turn to the achievements of the Conference. I do not object to critics, and I have seen a great deal of helpful criticism during the last few weeks. But it appears to me that the critics have asked two questions. Some of them have said: "What do you know about India?" And the next have said: - "What has the Conference done?" I propose to try and answer both those critics.

If the first question is this, "What do you know about India", my answer would be: "Come into this room and look

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round. What do you know about India?" We have had here the representatives of the Indian Princes, great and small - not, if I may be allowed to say so, mere theorists. Anybody can draw up a paper Constitution provided he gets enough books and copies out enough Sections. But we have had here, making suggestions and arguing, men engaged for years in the administration of public affairs in India. That is my answer to people who say: What does the Conference know about India?

I must be permitted to mention a few but very few names. I would like if I may be allowed to mention the name of a man whom I regard as the Nestor of this Conference, Sir Akbar Hydari, true as steel. I would like to mention another name, Sir Mirza Ismail, to whose <sup>thanks</sup> wise administration his State is not only a pattern to India, but a pattern to the world. Then there is Sir Manubhai Mehta and others over there whose name I need not mention. And may I add that great man among

Indian public men, the Aga Khan. If he will allow me to say so in my opinion his triumph as a negotiator and at this Conference are greater than his triumphs on the race course. What do you know about India? say our critics. Let me say a few words about ~~our~~ representatives of British India. What

about my friend sitting next to me? He has been Law Member of the Viceroy's Council. What does he know about law? I was going to mention my old friend, but I think I had better <sup>say</sup> my old young friend, Zafrulla Khan, and I am not sure that I have not left until the last the best of the three, Mr. Jayakar. His name will go down as a great conciliator. Time forbids me to mention great financiers and great business men. We have Sir Cowasji Jehangir, we have men who have served upon the Council of State, men who have served in the Legislative Assembly, members of the Provincial Legislatures, like Diwan Bahadur Ramaswami Mudaliyar, and Sir A.P. Patro. What do they know about India? We have here the champions of many of the minorities of India and let me say that no



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cause has ever been better championed than the causes of those minorities have been championed at last year's and this year's Conference. There sits one who has championed the cause of the Depressed Classes, there one who has championed the cause of Labour, there one who has championed the cause of the Hindus in Bengal, another who has championed the cause of the Anglo-Indians and another who has championed the cause of the Europeans. I feel a difficulty and it is this. So well have these gentlemen championed these causes that if ever I get into trouble I shall find great difficulty in selecting the one whom I should employ to champion my cause. But our English side has not been wanting. What do the Conference know about India, We have had on the English side three Secretaries of State for India, Lord Peel, Mr. Wedgwood Benn and Sir Samuel Hoare.

About Lord Peel and Mr. Benn I do not desire to say more, but I do want to say a word about Sir Samuel Hoare. I have had the pleasure - I go further; I have had the honour - of working with him throughout the whole of this year. I know his manifold difficulties and his manifold anxieties and, above all, I know his hard work. Overtime does not exist for him. I believe Sir Samuel Hoare's name will go down to history as the great Secretary of State during whose tenure of the office India realised, in the lifetime of a single Parliament, nearly all her ambitions. One final sentence about Sir Samuel Hoare. At times he has had to say Yes; anybody can say Yes. At times he has had to say No. But, whether he has had to say Yes or whether he has had to say No, Sir Samuel has always acted with courtesy and with courage.

But sometimes Secretaries of State have to rely a great deal upon their assistants.

SIR SAMUEL HOARE: Always.

LORD SANKEY: Sir Samuel Hoare says always. I thought that only applied to a Lord Chancellor! But we have had three Under Secretaries of State here, Lord Winterton, Lord Lothian, and Mr. Butler. You all know what you owe to Lord Lothian. You all <sup>know</sup> what you owe to the distinguished father of the youngest Under Secretary of State who has ever held office.

I have left perhaps, like the man in the Bible, the best till last, but they have been already mentioned. I say without fear of contradiction that we have had the assistance at this Round Table Conference of two of the greatest Viceroys that India has ever had. Enough has been said about them already. The work of Lord Reading and

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Lord Irwin for India will never be forgotten, either in your country or in mine.

I said yesterday how much all of us owe to the officials, and I will not name them again, but the way the officials have worked has been beyond all praise.

One thing I regret. I have mentioned those who have helped us. I regret that one great political party in England and one great political party in India have not seen their way to help us on this occasion. I believe - I am sure - that, when we come to the next and the final stage of our deliberations, both those parties will come over and give us their assistance.

I want to send a message to them, and I send it in the words of one of the most famous of Eastern books translated into our language and which we use nearly every day. I would say to those two great political parties: "My brothers, we are labouring for peace; do not make yourselves ready for battle".

Let me deal for a few minutes with the second question. The critics say: "And what have you done?". I can put it in a sentence immediately. We have blazed the trail for Federation. We have prepared the way for the future Federal Constitution of India. We have examined here the Federal Constitutions of every country in the world. My position is well known, but I have purposely held my tongue on these last few days, in order that others might state their views, and I tell the critics without fear of contradiction that there is much more agreement in the Conference than there is disagreement.

What have we done? We have discussed and agreed upon many most important subjects. The Indian franchise, thanks to the labours of Lord Lothian and his Committee, is practically settled. We have discussed the relations between the Federal Centres and the Units both on the legislative and administrative sides. Let me draw your attention to two of the most important documents that have been framed in this Conference. The first is the document on Federal Finance which we dealt with last night, and the other is the document on the Special Powers and Responsibilities of the Governor General and Governors. Those are the key documents of the future Constitution of India, and they are worthy not only of reading but of committing to heart.

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What else have we done? We have placed the position of women in India upon a new, a better, and an ascending plane. I regret that we have not the advantage of the presence of the Begum Shah Nawaz, but I had a letter from her last night which I propose to read to the Conference. The letter from the Begum Shah Nawaz, dated yesterday, is as follows:

"Dear Lord Chancellor,

"As you are aware, I have been laid up in bed with influenza and bronchitis, and have not been able to attend to my work. As one of the doctors said today, my impatience to be back in the Conference Hall is perhaps retarding my progress. Let me assure you that you have all had my prayers.

"Last August, when the Communal Award was being condemned by my countrymen all round, I issued a statement requesting them to accept it. However, many of them may go on disliking it, it is because of the communal award that so many of the obstacles in our way have been removed, and that we have seen Sir Tej Bahadur Sapru, Mr. Zafrulla Khan, Mr. Jayakar, and Dr. Shafa'at Ahmad Khan many times supporting each other and following each other in the same strain.

"Just before leaving for England I went to pay my respects to His Excellency the Viceroy, and the first thing that His Excellency told me was the names of the members of the British Delegation to the Round-Table Conference. I said to His Excellency that, like one who is no more amongst us today, I have always been a born optimist".

I stop there a moment: "and, like one who is no more amongst us to-day" I regret - and everyone of you regrets the passing of our dear friend Sir Muhammad Shafi. I like to think that he may some day know of the successful conclusions of the work in which he took such a prominent part on the last occasion. Let me add also our regrets at the passing of Sir Ali Imam and Maulana Muhammad Ali, both of whom in their lives did their best for their country according to their lights.

One more word from the Begum's letter: "Lord Chancellor, this is the third Conference I have attended, and every time I have come full of hopes and have gone back full of assurances." On many points I tell our critics we have reached agreement. Upon a few we have failed to reach agreement.

But what is the most important point of all? You may have Constitutions with dozens of sections, dozens of appendices and dozens of communal awards; you may put them all in the waste paper basket if you do not have a union of hearts. To my mind the value of this Conference has been that Indians and Englishmen have got to know each other as they never knew each other before and have got to trust each other as they never trusted each other before. Federation is founded on trust, not on fear, on compromise and not on selfishness. To me the chief value of the Conference has been that I have made, I hope, many personal friends. Some in the ordinary course of events I may not see again, but there is not one that I shall ever forget.

But what about the future? Again a Latin motto

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which somewhat appeals to me and which I have always endeavoured to act upon - at a great distance. It was said of the greatest of Roman statesmen and soldiers that he thought nothing done if anything remained to be done. We are finishing a chapter; we must get on to the next chapter. It has been hard work and we are all tired; but this day week I want you all to begin and to think of what you are going to say and what you are going to do when we have the Joint Select Committee.

These are my final words. I apologise, but I want, if you will permit me, to give you one piece of advice and to ask you to take on my behalf one message back to India. My piece of advice is this: Where many great Constitution-builders have failed the reason is because of their inability to distinguish between the ideally perfect and the practically possible.

My advice to you - it may be my last advice - is always to strive for the ideally perfect but accept as an instalment the practically possible. It is the practically possible that you are going to get. You are going to get a constitution that if tended will grow and increase and gather strength and through the means of accepting the practically possible you will eventually gain the ideally perfect. Now for my message.

Sitting round this Table I see men of many races, of many tongues and of many creeds. Those races, those creeds and those tongues all have a glorious chapter in the history of the world. They have ruled great empires, they have produced great men in peace, in war, in the arts, in science and in literature. They have all made individual efforts. Now I want something more than an individual effort. I want a joint effort. To-day is a good omen. The sun is shining on us and the message I want to send back to India is this. We are on the eve of one of our great national festivals. I am glad that this Conference is ending on Christmas Eve because we can all enter into the spirit of Christmas. You know it as well as I do and I am glad that we are all here together to remember that spirit and that you should take back my message to India. It is this. Peace on earth and goodwill towards men.

The Conference ended at 1.8 p.m.