

THE
HYDERABAD REFORMS

History of the Legislative Council.

The History of the Constitutional Reforms of Hyderabad is an old one. The present Legislative Council was inaugurated on 20th February 1893 and was composed entirely of the Government Officials but this body was empowered to call for public opinion on any matter under consideration if it deemed fit. As this Council could not be useful a Firman was issued on 19th January 1894 ordering that the Prime Minister should be the President of the Council and the body was constituted of 15 members, of whom the Chief Justice, the Judicial Secretary and the Legal Adviser were the Ex-Officio Members, six members were nominated by the Government and two Jagirdars two Vekils were elected non-official members and two other non-officials were nominated by the Government. Thus this council was composed of 15 members only and it was a purely Legislative body. Two more nominated members were added in 1899 and two extra-ordinary members were added in 1903, the Prime Minister having the power to appoint two extra ordinary members from among the retiring non-official members or from those who may have special knowledge of the subject of any bill under consideration. In 1911, 3 non-official members were added as an experimental measure for a period of six years, including one from the Hyderabad Municipality, and two from the Local Boards of the four Subas, a rotation. The period of six years elapsed in 1918 and the Hyderabad Municipality and the District Local

Boards ceased to send their representatives on the Legislative Council thereafter.

Firman directing Constitutional Reforms.

On 15th July 1913 a representative from the Sarf-i-Khas was included in the Council. In the year 1919 the Montagu-Chelmsford Reforms came into being under the Government of India Act of 1919 and it naturally attracted attention both of the Government and the public towards the provisions of these reforms. His Exalted Highness the Nizam who had a personal experience of the administration for a considerable length of time issued a Firman on 21. 11. 1919 appointing the present Executive Council holding that constitutional rule was better than personal rule and appointed Sir Ali Imam, a political veteran and a public worker as a President of the Executive Council. About a year later His Exalted Highness issued another Firman directing constitutional reforms and enlargement of the present Legislative Council, and the acceptance of its usefulness as an integral part of the Government machinery. He directed Sir Ali Imam to take immediate steps to collect data and all the necessary material and he expressed his desire (a) a substantial introduction of the elective element, (b) direct voting (c) representation of all important classes & interests (d) effective protection of minorities (e) conditions of franchise; (f) the official element (g) powers and functions

of the Council.

Late Rai Bal Mukund, the retired Judge of the High Court was appointed on 24. 2. 1920 to collect the necessary material and submitted his detailed report on 6. 9. 1921. Sir Ali Imam wrote a comprehensive note throwing light on the different aspects of the question, but before his proposals could be considered he retired from service and the matter rested there.

Appointment of a sub-committee

On 27th February 1924 a proposal was submitted to His Exalted Highness for the appointment of a Committee to reconsider the question of the extension of the Legislative Council and a Firman was issued thereon on 1st March 1924 appointing such a Committee. The members of this Committee could not come to an unanimous agreement. Another Sub-Committee considered this question in the year 1927 but it did not come to any final decision. This question of Constitutional reforms assumed some importance during the period when rendition of Berar was greatly agitated by the Nizam's Government. During this period His Exalted Highness was very much in favour to introduce these Reforms on an extensive scale as he had promised complete provincial autonomy to the people of Berar on the rendition and the following few lines will throw a good deal of light on the subject.

Autonomy to Berar.

“ Simultaneously with the Restoration of the Berars to the Nizam, His Exalted Highness has resolved to grant his subjects of that part of his Dominions a constitution for a responsible Government conferring upon them full control of their internal affairs and complete autonomy in administration except in matters relating to the British Government and his Army Department, under a constitutional Governor appointed by the Nizam as his representative. Thus the reforms introduced in the administration of British India will not only be fully adopted in the administration of the province, but under the rule of the Nizam, will be enlarged by the grant of autonomy; only military affairs, foreign relations and the appointment of the Governor of the Province and his establishment being reserved to His Exalted Highness. ”

The members of the Executive Council were pre-occupied with certain other important matters and the Round Table Conferences held in London and so the question of Reforms could not be proceeded with. On 21st December 1938 the Council resolved that the Secretary of the Executive Council and the Secretary of the Legislative Department should place before the council a note showing at what stage the question of the expansion of the Legislative Council stood which means that the Executive Council had almost forgotten all about it.

On 1st May 1935, the Executive Council ordered a note to be submitted dealing with all the matters requiring official consideration. On 22nd July 1935 the question of Reforms was entrusted to the consideration of the External Relations Committee. Mr. K. S. Vaidya, the then member of the Legislative Council submitted certain amendments in the existing Legislative Act and requested that permission may be granted to him to move those amendments to the Act for the consideration of the members of the Legislative Council. The public of Hyderabad was agitating for Constitutional Reforms from the year 1920 and in spite of restrictions placed on public men and ban against the political questions being discussed in public meetings, resolutions were passed from several platforms, meetings and Conferences that Constitutional Reforms should be granted in view of the advance of times. They had also held a conference at Akola in the year 1931, as they were not allowed to hold a political Conference within the State limits and passed resolutions demanding Responsible Government under the aegis of His Exalted Highness and the Asafia Dynasty and a scheme of Reforms leading towards that goal. Mr. Vaidya's amendments were published in local papers which created a great enthusiasm in the public and the question of Reforms began to be openly discussed. The Rt Hon'ble Sir Akbar Hydari who had then recently assumed the office of the President of the Executive Council, began to tackle this question seriously. About

this time great agitation was going on regarding the India Act of 1935 and the question of Reforms naturally assumed a magnitude which could not be over looked by the Government.

Reforms Committee

On 22nd September 1937, the Rt. Hon'ble Sir Akbar Hydari delivered an address to the Legislative Council in which he acquainted the members of the Legislative Council with the Firman of His Exalted Highness appointing a Committee under the Chairmanship of Dewan Bahadur S. Aravamudu Aiyangar, generally known as the Aiyangar Committee, which submitted its report on 31st August 1938. This Report was under the consideration of the Government for about a year and the Executive Council submitted its recommendations regarding the Reforms to His Exalted Highness on 15th July 1939 which were sanctioned by His Exalted Highness on 17th July 1939 and published in the Official Gazette on the same day for the information of the public.

State Congress and Satyagraha

Just about the time when the Aiyangar Committee submitted its Report, the Government made Regulations regarding public meetings more stringent than before and the Safety Regulations were passed under the

sanction of His Exalted Highness. The people proposed to form an Association under the name of the Hyderabad State Congress but it was banned before its formation, on the ground that it was communal one, although the Organisers had declared more than once that their Organisation was based on purely national lines. The several limitations put by the Government on the Civil Liberties of the people forced the Organisers to offer Satyagraha which continued from 24th October 1938 to 23rd December 1938 during which time 16 batches went to Jail. About this time, Arya Samajists also started satyagraha for religious liberties and an Association named Hindu Civil Liberties Union was also started, working on the lines of the Hindu Maha Sabha, which started Satyagraha for vindicating the right of going in procession. Thousands of people went to Jail in connection with these Satyagraha movements and although the Hyderabad State Congress stopped Satyagraha on 23rd December 1938, the other Satyagrahas were continued till the announcement of the Reforms, upon which both the Satyagrahas of the Arya Samaj and the Hindu Civil Liberties Union were discontinued

Muslim Demands

In the meantime it is worthwhile to note that the Muslims of Hyderabad who had previously formed an Association having Responsible Government as its ideal, began to oppose it now, and the Ittehad-ul-Musalmin, in

their memorial to the Government in the last week of March 1939, insisted that, if for any reason, Constitutional Reforms were deemed necessary in the State, they must have statutory majority in the Legislative Council as well as in the Local Self-Government bodies. They further urged that proportionate communal representation in the public services should not be granted and that they should never be deprived of the privileges enjoyed by them in the services. They also wanted that Urdu should be made a State language in the State.

Jinnah Assures Muslims

When the Reforms were declared the Muslims staged several demonstrations protesting against the Reforms and the Rt. Hon'ble Sir Akbar Hydari was greeted with black flags. The Majlis Ittehad-ul Musalmin passed a Resolution, on 5th September 1939, directing its Standing Committee to continue negotiations with the Government and threatened that they would adopt direct action if no satisfactory solution regarding their demands was arrived at. It is a happy concomitance that Mr. M. A. Jinnah left Hyderabad, on 30th September 1939, giving a message on the day of departure saying that he was leaving Hyderabad with the impression that the suspicions of the Muslims

scheme of the Reforms announced would be removed and such an assurance would also be given by the Government. This satisfied the Muslims. On the 4th October 1939, the Working Committee of the Itihad-ul Musalmin passed a Resolution to the effect that their fears and doubts had been dispelled as the necessary assurance had been given to them by the Government and they, therefore, decided that the direct action under the circumstances was unnecessary.

Reforms Condemned

The Hyderabad State Congress which had not become defunct then expressed its views that the Reforms were unsatisfactory and re-actionary. The three Provincial Conferences, viz. 1. The Andhra, 2. Maharashtra, and 3. Carnatak rejected these Reforms holding that they were inadequate, unsatisfactory and reactionary.

Proposed Reforms

Now let us examine the Reforms on their own merits :-

Legislative Assembly :- The Legislative Assembly

will consist of 88 members as follows :-

1. Members of the Executive Council	10
2. „ nominated by the Government	28
3. „ elected by the people	42

4.	„	nominated from Sarf-i-Khas	3
5.	„	nominated from 3 Paigaha	3
6.	„	from Salar Jung Bahadur's Estate	1
7.	„	from Peshkar's Estate.	1
Total			88

Government Introduces Communal Representation.

The proportion in the elected members of the Hindus and Muslims is 50:50. It must be noted here that the Aiyangar Committee had never recommended separate representation either for Hindus or for Muslims. The Government has taken the sole responsibility of introducing this communal representation not only in the Legislative Assembly but in all the representative institutions such as the Local Self-Government and Panchayats. The majority community is eight times more in population than the other, but this act of the Government has reduced the status of the majority community to a minority community. This is a great injustice to the majority community and no democratic institution can countenance such a great disparity. The introduction of this communal representation in the Assembly has deprived the other communities the privilege of entering the Legislative Assembly or any other representative institution as an elected member. There is no reason why they should be deprived of this right.

Functional Representation

The election to the legislative assembly as well as the institution of Local Self-Government and Panchayats is on the basis of functional interests. Mr. K. S. Vaidya, who was a member of the Aiyangar Committee, had strongly opposed the functional basis of election saying that it strikes at the root of a representative Government and denies one the exercise of that precious privilege whereby every good citizen consents in the larger interests of the country to forego every attachment he may have for any particular class or creed or profession. The usefulness of the legislature diminishes as the number of the interest it represents rises. This system accentuates the separatist tendencies already in existence and reduces the possibility of returning to the legislature person endowed with vision and broad mindedness and also the talent to hold the scales even between divergent interests. Tiny minorities will be over-represented and the constituencies will become unwieldy. The voting will be indirect and a legislature so elected will prove no better than a debating society. The main argument in favour of functional representation is that it would avoid the necessity of communal representation but this has also fallen to the ground by the Government's introduction of 50% ratio of Hindus and Muslims in the elected members. By the introduction of this ratio it may be safely said that communalism

has been perpetuated and a condition that a candidate should obtain 40% of the votes of his community as cast in each interest, has made it still rigid. The benefit of joint electorate has been taken away by this condition and the bigots of each community stand the chance of being elected. This ratio has been adopted on the supposition that the two major communities are communally minded, and if that be true, the logical consequence is that only such persons will be favoured by the community who are popular on account of their over-enthusiasm for their co-religionists. This ratio has been carried too far by its application to the institutions of Local Government and even the Panchayat systems, where it would be very difficult to find sufficient number of capable Muslims to represent we know that Muslims have their population more in urban areas than in villages. Besides, the Reforms have deprived all the communities in the State except the Hindus and the Muslims, a right of electing their representative to the Legislature.

Strength of Hindus and Muslims in the Assembly.

Now let us look to the position of the major community in the Legislative Assembly. Although the parity of the two communities is advocated by the Executive Council the practical result will be that the Muslims will have the majority in the Council with the consequence that the minority will grow into majority.

Intelligentia Barred

In order to eschew the intellectual and competent element from entering the Legislative Assembly it is laid down that in order that an interest may be truly represented it is essential that only those engaged in them should be entitled to vote and stand if they like, which means that an actual labourer or an actual agriculturist can enter as an elected member.

How far members will serve the country

Now let us see how far the members representing the different interests are likely to side with the public view. Out of the 42 elected members 4 would represent Samsthans and two Mashdars whose interest would jointly conflict with that of the commoners. Four members representing the industries and commerce are not expected to side with the people because they represent vested interests. Two members of the banking interest will also sail in the same boat with industries and commerce. Sixteen members will represent the interest of agriculturists, (8 pattedars and 8 tenants) and as there is a condition that only those engaged in the profession should be entitled to stand for election it is not expected that these members will be able to understand thoroughly the proceedings of the legislature, the technical questions etc. The two labour members will be in the same position.

It is of course expected that the two members of the legal profession and the two graduates are expected to be sufficiently intelligent and courageous enough to represent the public opinion actually and completely. Two members from medical profession if elected from the old school of Ayurvedic and Unani systems may not be very useful but it all depends upon the individuals elected. Now six members would be elected from the District Municipalities, District Boards and Hyderabad Municipality. A correct estimate of the persons representing these interests cannot be made in advance but the public in general is not very hopeful about them. From the above testimony it becomes apparent that not more than half a dozen persons out of 42 will be able to represent the public view in the Legislative Assembly and fight for the people's rights.

Members a Decoration

Now let us see how far the members will be able to influence the Assembly. Out of the 21 elected members, we have seen, not even half of the members will be able to do effective service to the community or the country. Most of them will not be able to follow the proceedings of the legislature and not knowing the procedure of the Assembly and not being acquainted with the technic of representative bodies, such members will not serve any other purpose but

decorating the assembly hall. Thus one would not be wrong if he says that this so-called assembly will not serve any purpose of the public. It may no doubt afford convenient plea to the Government to say that there is a Legislative Assembly, comprising of 88 members, in the State and thus it has an appearance of a modern State.

Assembly, a recommendatory body

The election on functional basis has been adopted in the Fascist countries and the arguments advanced by the Government in support of the system are not feasible. It is an attempt of the Government not to part with any of its powers and assign to the Legislative Assembly a mere status of a recommendatory body.

Functions

Now let us look to the functions of the Assembly. The subjects have been divided into three lists. The first list contains matters regarding which no bill, or motion or resolution or interpellation or other proceedings respecting them shall be introduced. They are 17 in number.

No. 6 being the Executive Council.

7 „ the Police Force.

- No. 13 being the State Language.
- „ 14 „ the Salaries and allowances, pensions and gratuities, sinking fund and the public debt, State charges or donations and religious endowments
- „ 15 „ inquiries and statistics for the purpose, on any of the above matters.

The amendment of any of the provisions of this Act and the above inter alia are kept absolutely out of the per view of legislature, although they vitally affect the interests of the public.

There is another list of 14 subjects on which no Bill can be introduced except by the Government or any member thereof. Such as:—

- No. 1. Carriage of passengers or goods by
 „ 2 rail or air
- „ 3 Public order ;
- „ 5 Constitution and organisation of all Codes whether Civil, Criminal or Revenue, the jurisdiction and powers of the Judicial Committee and the High Court.
- No. 9 Administration of the Public Services.
- „ 12 Taxation including local taxation, land revenue and settlement fees or duties or expenditure with respect to any class or matter.

List No. 3 contains 53 subjects which are said to be within the perview of the Assembly, but innumerable limitations are placed on these subjects also, with the result that the members have practically no opportunity to serve the public. No 12 is education, save as regards the determination of medium of instruction in higher education and as regards the vesting of the control and supervision of education.

- No 35 Transfer of property other than agricultural land.
- No. 37 Trusts and trustees save trusts controlled by the Government.
- No. 38 Contracts but not including contracts relating to agricultural land or to contracts undertaken by the Government.
- No. 45 Court fees save rates of Court Fees
- No. 48 Stamp duties, cheques, bills of exchange, promissory notes and other like (allied) instruments save rates of stamp duties.

Education, transfer of properties, contracts are the most important questions affecting the subjects but no opportunity is given to the Assembly to frame any acts regarding them. No further comment is necessary to prove how these Reforms are useless from the public point of view.

Budget

Two out of the three non-official members have proposed that the Assembly should have the power

to move Resolutions and vote on demands for grants and the Government has recommended that the Budget statement should be presented to the assembly, indicating the major as well as minor heads. The assembly has been empowered to move specific resolutions relating to the major and minor heads provided that the expenditure relating to matters expressly excluded from the purview of the legislature should be deemed as excluded. The resolution passed by the assembly should be considered by the Government and the official budget, then to be published, together with a note, showing the extent to which the Government has been able to give effect to the resolutions so passed. Thus it is clear that the resolutions of the assembly will not be binding on the Government and its adoption or otherwise is left to the sweet will and pleasure of the executive.

Reforms to be remodelled

This, in short, is the nature of Reforms intended to be introduced in 1946. The World War II is over and Fascism and Nazism are crushed and democracy has gloriously come out victorious. Will the Hyderabad Government introduce the Functional Basis of Election, a Fascist System? The Government should take into consideration the onward march of time and introduce a scheme of Reforms, which would fit in with the principle accepted on all hands, that a

country should be governed according to the wishes of the people. The Reforms, if introduced as announced, will not justify the Speeches made by H. E. the President and other Hon'ble Members of the Executive Council, very recently and they will badly reflect on the progressive views of the Hon'ble Members of the Executive Council. The Reforms should be shelved as they are out of date. A constitution, at least, modelled on the lines of the constitution granted to the provinces of British India under the Government of India Act, 1935, be introduced in the State.

Civic Rights

It is high time, that the limitations imposed by the Government on the Civil Liberties of the people should be withdrawn and Freedom of Speech, Freedom of Association, Freedom of Press and Freedom of Religion should be granted forthwith. The war is over and there can be no justification for maintaining those limitations hereafter. The Rules regarding Public Meetings should be repealed as there are sufficient provisions in the ordinary Penal Law of the land to punish those, who bring into hatred or contempt the Government or promote feelings of enmity or hatred between the different communities in the State. The absence of such rules, which put limitations on the Civic Rights of the people is the only feature

which distinguishes an administration from the Fascist or Nazi systems.

Franchise

The Franchise Rules, recently published by the Government, do not give a right of vote even to one per cent of the population. The demand in the adjoining provinces is of adult franchise. It is necessary that the right of vote should be given to, at least, fifty per cent of the adult population of the State.

Conclusion

The Government should reconsider and recast the Reforms by introducing

- (i) Territorial representation,
- (ii) Franchise to, at least, fifty per cent of the adult population of the State,
- (iii) Responsibility of the Cabinet to the Legislature.

and (iv) Granting full powers to the Legislature, and assuring the people of their fundamental rights, namely, Freedom of Speech, Freedom of Association, Freedom of Press and Freedom of Religion. The Reforms, remodelled on these lines, will be in conformity with the changed times and will be befitting the high prestige and dignity of a Premier State like Hyderabad.
