



EAST INDIA (CONSTITUTIONAL REFORMS).

REPORT
OF THE
INDIAN CENTRAL COMMITTEE,
1928-29.

Cmd. 3451.

SUPPLEMENTARY NOTE

BY

DR. ABDULLAH AL-M'AMUN SUHRAWARDY, M.L.A.
(Member of the Indian Central Committee).

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to Parliament by Command of His Majesty.
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Letter, dated 18th February, 1930, from His Excellency the Governor General to Dr. A. Suhrawardy.

I write to acknowledge the receipt of your Supplementary Note which I understand was presented by you to the Secretariat of the Indian Central Committee in October, but was not printed as part of the Committee's Report. As the Committee is now dissolved, I propose to have your Note printed as a separate document, and will submit it to the Secretary of State for presentation to Parliament.

SUPPLEMENTARY NOTE

BY

Dr. Abdullah al-M'amun Suhrawardy, M.L.A.,
Barrister-at-Law.

(Member of the Indian Central Committee 1928-29.)

I.

THE PROBLEM OF THE MINORITIES IN INDIA.

"It needs on both sides, not only forgiveness, but generosity; and the general feeling of mankind will be that it is for the victors to be generous." (Professor Gilbert Murray in Mair's *Protection of Minorities*, p. ix.)

"I do not believe that the Mussalman is the natural enemy of the Hindu . . . I have no desire to obtain Swaraj even if it were possible, by the sacrifice of a single legitimate interest of a single Minority." (Mr. M. K. Gandhi in *Young India*, quoted in the Overseas Edition of the *Statesman*, September 19, 1929.)

"Universal suffrage in a country governed by a common faith is the expression of national will; but in a country deprived of a common belief, what can it be but the mere expression of the interest of those numerically the stronger to the oppression of all the rest?" (Joseph Mazzini.)

"It is an essential part of democracy that minorities should be adequately represented. No real democracy, nothing but a false show of democracy is possible without it." (John Stuart Mill.)

The Joint Free Conference, or to be more precise, the Indian Statutory Commission, appears to me somewhat in the position of the various Peace Conferences which followed the termination of the Great War, and the problems, with which it is confronted, are not unlike the problems which then called for solution and taxed the diplomacy and statesmanship of the best brains of Europe and America. The task of framing a constitution for India, with its multiplicity of races and tongues, its countless castes and creeds and the conflict and clash of interests, is by no means easier than the task of creating new States out of the ruins of the ancient and mighty empires of the Hapsburgs and the Hohenzollerns, the Ottomans and the Romanoffs, of the Kaiser and the Emperor, the Sultan and the Tsar. Amongst the problems with which the statesmen and diplomatists of Europe were confronted, not the least difficult was the problem of the minorities, influential and powerful, once lords and masters and now, in the position of serfs and slaves, whom the fortunes of war brought within the folds of a hostile majority population, alien in language, culture, race and religion. The dictates of humanity and the needs of practical statesmanship and policy alike demanded such adequate and

The
problem.

effective safeguards and provisions for the protection of the rights and interests of minorities as would make for a smooth and harmonious working of the constitutions of the newly-created States or enlarged kingdoms, and make for the safety, security and contentment of the minorities which would otherwise continue to be a sort of festering sore in the body politic of the States of Europe, and be a danger and standing menace to the peace of the world. A decade after the Treaty of Versailles, the world still hears of conferences and conventions to solve the questions and problems which have baffled hitherto all efforts at solution at the Hague, Geneva and Locarno, at Washington and New York. The Indian reforms, born in the throes of the Great War, and inaugurated shortly after, had also to take note of the problem of the minorities and to-day, after a decade, the framers of the future constitution for India have to take full note and cognisance of the rights and interests and position of the minority communities and carefully weigh and balance the pros and cons, before they decide and determine the pace and measure of further political advance for India and transference of power from the hands of the British bureaucracy to that of a majority which in practice would mean and resolve itself into a narrow and selfish oligarchy, cruel, hostile, tyrannical, arrogant, domineering, proud, haughty and unsympathetic to the hopes and aspirations of the minorities.

It has been rightly observed that the Great War was emphasised more and more "as a struggle between liberty and despotism, a struggle for the right of small nations and for the right of all people through their own destinies." If the war was really waged for the right of "small nations," the same principles of justice and equity demand the protection of the rights and interests of minorities in India, specially as they furnished magnificent proof of their loyalty and self-sacrifice by making the largest contribution of the flower of their manhood for the Allied cause in the hope and belief that they were fighting "to win the liberty of the world." It would be an irony of fate and a travesty of justice if the liberalising of Indian political institutions would mean their further enslavement and subjection to the despotism, tyranny and domination of a narrow, selfish oligarchy or an equally selfish majority despite their splendid endurance and self-sacrifice. Those who clamour for the right of self-determination for themselves must not be placed in a position to deny the same to the minority communities on whom they have imposed or propose to impose a state of slavery. Dominion status for themselves can hardly go hand in hand with the status of one of the worst forms of slavery and caste dominations known to history which divides humanity into demigods and pariah dogs. The problem of the minorities is to my mind the key problem of the situation in India on the satisfactory solution of which depends the further political advancement of India.

The problem of minorities the key problem.

Historically, numerically and from the point of view of chronology, political and historical importance, the minorities inhabiting India are : (1) The Depressed Classes, (2) the Muslims, (3) the Sikhs, (4) the Anglo-Indians, (5) the Indian Christians and, last though not least, the Europeans, leaving out of the account the Parsees and the Jews.

I propose to deal with the case of the Depressed Classes first as their case appears to me to be of the utmost importance and is indeed the rock on which the ship of Dominion Status, Democracy, or Independence captained or piloted by any priest or pundit, young or old, is likely to founder and be wrecked. I shall deal with the case of the Muslims next. The other minorities do not need my special advocacy. But I am in full sympathy with their reasonable claims, as I am with those of the Depressed Classes.

II.

DEPRESSED CLASSES.

The full meaning and significance of the expression, "Depressed Classes," cannot be understood without a brief statement and explanation of what is called the caste system. From time immemorial Hindu society has been divided broadly speaking into four principal divisions: (1) Brahmans, (2) Kshatriyas, (3) Vaisyas, (4) Sudras. The Greek Megasthenes, the Chinese Hiouen Tsang and the Arab al-Biruni alike give interesting details of the system and of the varieties of caste existing at the time of their visit to India in the days of Chandragupta in the 3rd century B.C. and on the eve of the numerous invasions of India by the celebrated Mahmud of Ghazni.

Humanity divided into demi-gods and pariah dogs.

Claiming supremacy above all as a sort of earthly god and deriving his claim from the injunctions of religion, "stands the Brahman, at the apex of the caste-pyramid." (Report of the Franchise Committee, Vol. I, p. 124.)

The four castes.

At its base stands the Sudra, doomed to be the slave and serf to render menial service to the three higher classes above him. But outside the four principal *varnas* ("colours") or castes enumerated above are those euphemistically called the *Panchamas*, the "*Fifth*," deemed to be outside the pale of humanity and called by various names, such as "Pariah," "Untouchables," "Depressed Classes," etc. The caste system is not to be confounded with the class distinctions which obtain in Western countries. There is a world of difference between the distinction of the higher and lower classes of Europe and the higher "Four Castes" and the lower "Fifth Outcaste" of Hindu India. In the Christian West and the Muslim East which recognise the dignity of labour the humblest labourer of to-day may rise to be the King or Prime Minister of to-morrow. In Hindu India the "institution of caste stereotypes and fixes unalterably the position of each individual in

The submerged outcast.

the social scale. A man born a Brahman cannot be other than Brahman, and a man born a Pariah cannot be other than a Pariah. . . . The barrier of caste not only prevents inter-marriage, it prevents eating and drinking together by persons of different castes." (*Ibid.*, p. 125.) It is said that originally this division of humanity into Touchables and Untouchables merely stereotyped the arrogance and contempt of the conquerors towards the conquered, examples of which are not wanted in modern times. The fair skinned Aryan conquerors, apprehensive and fearful of the submergence and deterioration of their civilisation and culture and their racial characteristics and peculiarities, devised by their ingenious and Machiavellian statecraft, the system of caste divisions forever forbidding intercourse of any kind between the Aryans and the original Dravidian inhabitants of Hindusthan. Born of the white man's lust for power and greed for domination over the darker Dravidian race, in course of time it has become one of the most terrible engines of tyranny and oppression which human ingenuity and selfishness can invent.

The hard lot
of the
oppressed
Hindus.

The picture of England after the Norman conquest (when the Anglo-Saxons, lords and tillers of the soil, were driven by fire and sword out of their hearths and homes and were compelled to eke out their miserable existence as swineherds and follow other degrading pursuits, while their Norman conquerors passed their days in comfort, luxury and revelry in the castles and domains wrested from the despised Anglo-Saxons), affords a partial parallel to the condition of the Dravidians in India in the early days of Aryan conquest. Whatever justification there might have been for a handful of conquerors to adopt means and measures in the past for the preservation of their identity and individuality, there is none whatever for the subsequent development and crystallisation of pride and prejudice by later framers of law like the author of the Code of Manu. The Adi Dravidas were once a great and powerful community. Archæology and philology afford ample proofs of their advanced culture and civilisation, which, according to the latest researches and discoveries, are connected with the ancient civilisation and culture of Assyria, Babylon and Sumeria. But to-day his shadow is pollution, and from the high estate once occupied by him, the Dravidian has been hurled headlong into the bottomless pit of perdition. Time and space do not permit me to cull from the archives and annals of the past, from the armoury and arsenal of arrogance and tyranny, the rules and laws for the subjection of this down-trodden section of humanity, and quote instances of insolence, insults, degradation and wrong, suffered by the depressed classes, under British rule in the pre-reform days, and under the reforms and even up to the moment of my writing these lines, when the air resounds with the cry of Independence, Freedom and Liberty for India, and the hearts of some British politicians palpitate and throb with zeal, enthusiasm and ardour

for the inauguration of the reign of Democracy in India. I shall content myself with making a passing reference to an eloquent passage in the speech of Lord Birkenhead, in the House of Lords (24 Nov. 1927), which will do him eternal honour, in which in noble words he graphically describes the disabilities of the Untouchables. To complete the picture, however, I give below the substance of a note by a well-informed high English official of Madras :—

“ Below the Brahmans and the non-Brahman caste Hindus, come the low castes Panchama (*‘The Fifth’*) or Pariah community. These people are regarded as carrying by their presence an actual pollution, which requires purificatory religious ceremonies. According to the *Imperial Gazetteer* (vol. I, p. 326), the Pariah pollutes at a distance of 64 feet. He must live in a separate village, and he may not enter a Brahman street, much less a Brahman house. Even the use of a public street in a municipal town is sometimes prohibited to the ‘polluting caste’ by public notices. The Pariah is commonly excluded from the schools used by the higher castes. The exclusion of the Pariah does not stop short at education. It extends even to religion, and he is excluded from temples, which sometimes have notice boards put up at the gate proclaiming the fact that no Pariah could be admitted into its sacred precincts. The position of the low castes prior to British occupation was avowedly one of slavery. In the 18th century, sale of deeds of land, after enumerating fields, waters, wells, homesteads, etc., often mentioned the slaves attached to the soil as items of the property transferred. In 1819 four low caste slaves were sold in public auction in satisfaction of revenue arrears. In 1843 the Government of India had to pass an act laying down that no right arising out of an alleged property in the person and services of another as a slave should be enforced in Company Courts. To this day the low caste labourer in some districts is referred to in current phrases as a slave. The Pariah is effectively kept in a servile position by the higher caste though no longer nominally a slave. The higher castes, by (a) setting up a claim to the ownership of the labourer’s house site and often of the hut in which he lives, and by (b) permanently advancing loans to these people, have kept them in a state of quasi-servitude. The advance continues from father to son and the labourer binds himself to work for the employer till the advance is paid off. His one remedy to escape from this quasi-servitude is to emigrate from India.” (*Report of the Franchise Committee*, Vol. I, pp. 124-126.)

That the wrongs and disabilities suffered by the “depressed Their classes” are real and genuine and loudly call for redress and wrongs. persist up to the present moment, no one can question. If anyone has the slightest doubt, let him read the proceedings of the Hindu Mahasabha of 1926, which were disfigured by demonstration against such social reformers as would soften the

rigours and harshness of the lot of the Untouchables, and let him ponder over the resolution enumerating the catalogue of wrongs suffered by them passed in favour of the Untouchables, at the session of the same Mahasabha, at Jubbulpore in April, 1928, when the searchlight of the Indian Statutory Commission was already directed to the dark nooks and corners of the social and political fabric of India.

I invite the special attention of British statesmen and politicians to the sorrows and sufferings of these unfortunate down-trodden Hindu victims of Hindu tyranny and oppression and to the appalling conditions under which they eke out their miserable existence—condemned to perpetual servitude and slavery, engulfed in the darkness of despondency and despair, without the slightest glimmer of Hope, emanating from the lamp of their Faith, to illuminate the dark and dreary path which they are to tread from existence to existence, with the burden of some nameless, awful sin on their doomed heads, driving them through all the cycles of evolution, from the form of a grub or an insect feeding on filth, to that of a Pariah in human form.⁽¹⁾ I appeal to them for those castaways for whom there is no Cross of Hope, no chance of redemption, or emancipation from the bondage and thralldom of the crushing yoke of birth and the inexorable law of *Karma*, so long as their belief in the Hindu religion remains unshaken. I earnestly trust that the countrymen of Buxton, Wilberforce and Clarke will not allow themselves to be hypnotised by the charms and siren songs of any ambassadress or the subtle sophistries of any pundits and priests from India to forget the claims of these people to special protection and safeguards.

It is urged that the disability and wrongs suffered by the Depressed Classes are religious and social, and therefore the British Parliament and the Royal Commission are helpless to remove the disability or redress the wrongs.

I do not ask for the removal of social and religious disabilities by Parliamentary enactments, though the abolition of the Sutte in the past and the interference to-day with such a cherished and sacred institution of the Hindus as marriage, unmistakably point to what can be achieved by bold legislation. All that I ask for is that the hapless, hopeless and helpless community called the "Depressed Classes," whose existence is at once a blot on the fair name of England and a challenge to the fitness of Hindus for full responsible government or provincial autonomy be not forgotten and their claims to special protective measures be not overlooked. I therefore make the following recommendation :—

Recommendations.

- (1) That statutory provisions be made for their effective and adequate representation (a) in the legislatures, and (b) in the local bodies.

(1) Cf. *Bhagavata purana*.

(2) That the amount of representation be as far as possible according to their population or voting strength, whichever is more favourable.

(3) At any rate, in the event of the abolition of the official *bloc*, reasonable weightage should be given to them, and the fact of the absence of the official *bloc* which used to lend strength to the claims of minorities by the weight of its numbers should be taken into consideration in determining the amount of representation of minorities.

(4) The system of separate communal representation be extended to the Depressed Classes. If the principle of communal representation through a separate electorate is not extended to the Depressed Classes, their representation, however large in amount, becomes unreal and unsubstantial, as the members returned would be the puppets and nominees and abject slaves of the high caste Hindu majority and their subservient tools and in no way truly representative of the community and would not have the strength and stamina to fight for the protection of the rights and interests of the community when they come into conflict with those of the high caste Hindus.

To give them representation, however large, in a joint electorate is to take away with the left hand what you give with the right. It is a political legerdemain and jugglery which may deceive the unsophisticated representative of the Depressed Classes into acquiescence, but will be easily seen through by the more alert.

Nomination by an impartial and neutral authority might have assured the appointment of persons truly representative of the Depressed Classes. But the rapid transference of power from the hands of the British bureaucracy to those of the high caste Hindus would make that almost impossible. There is no alternative, therefore, for the insurance of the representation of the Depressed Classes by men truly representative of those classes except through the door of separate electorates. The Committee, by a majority of votes, decided in favour of the extension of the system of separate electorates to the Depressed Classes in Madras. In matters like this, where the votes of the Committee are equally divided, recourse should not be had to a casting vote by the Chairman. The records should merely state that opinion in the Committee was equally divided. I have therefore no hesitation in arriving at the conclusion that by an equality of votes the Committee is in favour of the extension to the Depressed Classes of the system of separate electorates in Bengal also. The Committee, by a majority of votes, has decided against the extension of the system of separate electorates in other provinces. It is not to be expected that a Committee in which caste Hindus are dominant would do otherwise. As the case of Madras was taken up first and the claims of the Depressed Classes there to separate representation could not be easily resisted and the vote of the depressed member was of value in

dealing with the Muslims, a concession was made in their favour apparently in a generous spirit of give-and-take. But once the real object was achieved and the depressed detached from the Muslims, soon the old prejudice against the Depressed Classes asserted itself and the system of separate electorates conceded to them in Madras was deemed unthinkable elsewhere.

As I do not see any special reasons or strong arguments for such a differentiation as to the method of their election, I recommend that the system of separate electorates be extended to them throughout without which they will never succeed in returning a true and genuine representative of theirs to the legislatures and without which there will be no justification for according to them communal representation at all. The presence of a single true representative of the oppressed community in the legislature is more potent of good than that of a dozen puppets and pliant tools of the caste Hindu majority. The favourable attitude of the Hindu Mahasabha towards the Untouchables in 1928 when, as already stated, the search-light of the Indian Statutory Inquiry had begun to explore the dark nooks and corners of the social and political fabric of India, affords a remarkable and instructive contrast to that of the same Hindu Mahasabha in 1926. Politics, and not Philanthropy and Humanity, is often the mainspring, inspiration, and motive power of social reforms. The onus of proving India's fitness for further constitutional advance is a powerful lever for accelerating the pace of social reforms and ameliorating the hard lot of the Pariah, who as a member of the legislature may be "sitting after dining with them in the drawing-room of Nehrus and Saprus, if not in that of Chandarvarkars."⁽¹⁾

Dr. Ambedkar, a member of the English Bar, and of the Bombay Legislative Council, told the Joint Free Conference at Poona a pathetic tale of his own personal humiliation as an Untouchable: "The barber refuses to shave me even if I pay him a rupee." Yet he advocates a system of joint electorates. It is characteristic of the psychology and mentality of the depressed and oppressed for centuries that even an educated Untouchable should lack that independence of thought and judgment and assertiveness which distinguish a minority like the Muslims and the Sikhs, and be thankful for the crumbs that may fall from the table of the high caste Hindus. Apprehensive of losing the whole bread, if he covets the whole, he is inclined to accept even half a loaf as better than none, forgetful of the fact that the half loaf he gets is not bread but stone. Repressed by the dominant high caste majority, he is equally afraid of antagonising his British sympathisers who, blinded by their passion for the abstract principles of democracy, cannot see that, in the words of Dr. Ambedkar himself, so long as caste domination flourishes, "Democracy is unsuited to Indian conditions." (E. Bom. 510, pp. 14-15.) A victim of caste domination, and of

(¹) Compare *India—Stepmother*, p. 48.

the text-books of democracy alike, he is inclined to favour a system of joint electorates in the event of adult suffrage, but even he had to admit, in reply to a question put by me, that in view of the intense feelings of the high caste Hindus against the Untouchables, they would either refuse the Untouchables admission into a polling booth or boycott a polling booth "polluted" by the presence of an Untouchable. I shall not be astonished if some high caste Hindu candidates in the height of the "*nolle me tangere*" of Brahmanical pride, may deem themselves polluted if they solicit the votes of the despised Untouchables, or are returned by their suffrage. At any rate the high caste Hindu majority would either have their henchmen returned or decline to undergo the indignity of participating in the election of Untouchables. If such be the state of feelings subsisting between the two subdivisions of Hindus, and if the Untouchables are to be segregated in a separate polling booth, why annoy and irritate the high caste Hindus, and add insult to injury to the despised Untouchables by forcing them into a common electorate? It would be more statesmanlike to face the stern realities boldly, and extend to the Untouchables the system of separate electorates.

I cannot do better than to conclude my statement of the case of the Depressed Classes by quoting the words of the Rt. Hon. Syed Ameer Ali addressed to Lord Morley in 1909:—

"The tribes and communities, nominally Hindus for the purposes of census, have nothing in common with the real Hindu, to whom their touch, often their very shadow, is pollution. They can never rise out of the degraded state in which they live, and have lived for centuries. Save the British official, they have no representative or protector. Some of them have made desperate efforts to break the shackles that have bound them for ages, but they have been thrust back to their thralldom by, among other things, the judicial recognition of ancient usages. In the great reforms about to be introduced they will have no lot or place, nor are your Lordship's benevolent intentions ever likely to reach their ears. They have remained, and will remain for many decades, maybe many centuries, the degraded castes of India. But it would be disastrous if, by placing all power and influence in the hands of privileged classes, their emancipation should be made difficult in the future."

III.

THE MUSLIMS.

While the "Depressed Classes" are the descendants of the conquered Dravidians, the original inhabitants of Hindusthan, the Jews, of those who found refuge in India from the persecution of Christianity in the West, and the Parsees of the fugitives fleeing from the conquering arms of the Arabs, the Muslims claim descent from the conquerors who from the days of

Origin of
Indian
Muslims.

Muhammad bin Kasim to those of the last of the Moghuls founded nine dynasties and ruled over India for well nigh a thousand years, to whose departed glories the ruins of magnificent mosques and mausoleums, splendid forts and palaces, scattered all over India from one end of the land to the other, bear mournful testimony. In addition to the descendants of the conquerors, the Muslim population consists of a large number of descendants of Hindu converts. It is further reinforced by the constant and continuous infiltration and immigration into India of Afghans, Pathans, Turks, Persians and Arabs from the great reservoir of Muslim man-power in the heart of Asia. Besides, the process of proselytisation, acquiring fresh strength, vigour and stimulus with the fall of Muslim rule in India, goes on unabated and is ceaselessly at work. Islam claims every year converts from Hinduism by the thousands, and the new converts to Islam, along with the descendants of the earlier converts, are amongst its most zealous followers and adherents. For, escaping from the tyranny of caste and social customs of Hinduism and finding refuge in the broad bosom of the brotherhood of Islam, they are more antagonistic to the ideas and sentiments of the Hindus and further apart from them than even the original Muslims and their descendants. They flock by the thousands to Mecca, the centre and cradle of Islam, towards which the Faithful turn five times a day in prayer when alive, and towards which their faces are turned when dead, and, cast into the fiery furnace of the discipline of the annual pilgrimage they return to India purged and purified, and, adopting the manners and customs of Arabia, become as distinct from the Hindus as the Hindus are from the Chinese and the Jews.

Social boycott of non Hindus by Hinduism.

Hinduism is not only a house divided against itself by the barriers of castes, but its rigid rules and inflexible regulations raise an iron wall and forbid all social intercourse with non-Hindus. It proclaims and practises an eternal and perpetual social boycott against all non-Hindus. The fusion of Hindus with those born outside the pale of Hinduism as one nation and brotherhood is an ideal almost impossible of attainment.

Hindus and Muslims two different nations.

There are some well-intentioned Britishers who do not know India at first hand, and fondly imagine that India is England and that the principle on which English representation has been based should be the principle applicable to India. They are ignorant that "there is a psychological, social and historical attribute, constituting, perhaps, the principal differential characteristic" of Muslims and that they are "the product of struggles, going back for centuries . . . between certain nationalities through successive historic phases". (Protection of Linguistic, Racial or Religious minorities, by the League of Nations. Official No. : C. 24. M. 18, 1929. I, p. 32.) The following extracts from the writings and utterances of competent and well-informed observers who write or speak from

intimate personal knowledge will, I trust, help them to realise that Hindus and Muslims constitute two different nations:—

“ We have to legislate for different races, with different languages, religions, manners and customs, ranging from the bigoted Mahommedan, who considers that we have usurped his legitimate position as the ruler of India, to the timid Hindoo, who, though bowing to every conqueror, is bigotedly attached to his caste, his religion, his laws and his customs, which have descended to him uninterruptedly for countless generations.” (Sir Charles Wood, House of Commons, 6 June, 1861. Keith's *Speeches on Indian Policy*, Vol. II, p. 3.)

Sir Charles
Wood, 1861

“ The process of modifying the existing constitution of the Councils should proceed on a clear recognition and a firm grasp of the fact that India is a congeries of races, nationalities and creeds, widely differing, *inter se*, in a variety of ways.” (Mr. MacDonal'd, Home Secretary to Lord Dufferin's Government, quoted in the Proposals of the Government of India and Despatch of the Secretary of State. Darling & Son, Ltd., London, 1908, p. 8.)

A passage in Lord Dufferin's Minute annexed to the Government of India's despatch of the 6th November, 1888, describes the population of India as “ composed of a large number of distinct nationalities, professing various religions, practising diverse rites, speaking different languages, while many of them are still further separated from one another by discordant prejudices, by conflicting social usages, and even antagonistic material interests ”. (Proposals of the Government of India and Despatch of the Secretary of State. Darling & Son, Ltd., London, 1908, p. 8.)

Lord
Dufferin,
1888.

“ But perhaps the most patent characteristic of our Indian cosmos is its division into two mighty political communities, as distant from each other as the poles asunder in their religious faith, their historical antecedents, their social organization and their national aptitudes; on the one hand the Hindus, numbering 90 millions, with their polytheistic beliefs, their temples adorned with images and idols, their veneration for the sacred cow, their elaborate caste distinctions, and their habits of submission to successive conquerors—on the other hand, the Mahommedans, a nation of 50 millions, with their monotheism, their iconoclastic fanaticism, their animal sacrifices, their social equality, and their remembrance of the days when, enthroned at Delhi, they reigned supreme from the Himalayas to Cape Comorin. To these must be added a host of minor nationalities—most of them numbering millions—almost as widely differentiated from one another by ethnological or political distinctions as are the Hindus from the Mahommedans.” (Lord Dufferin in 1888. Report on Indian Constitutional Reforms, Montagu-Chelmsford, p. 117.)

Mr. Gladstone,
28 March,
1892.

Mr. Gladstone, in the House of Commons, referred to the difficulty of introducing the elective principle "In an Asiatic country like India, with its ancient civilisation, with its institutions so peculiar, with such diversities of races, religions and pursuits." ("Proposals of the Government of India and Despatch of the Secretary of State." Darling & Son, Ltd., London, 1908, p. 8.)

"Notwithstanding their formal protest against the principle of religious representation, the association (Bombay Presidency Association) doubtless realise that the Indian Muhammadans are much more than a religious body. They form, in fact, an absolutely separate community, distinct by marriage, food and custom, and claiming, in many cases, to belong to a different race from the Hindus." (*Ibid.* p. 14.)

Viscount Morley, 23
February,
1909.

"Only let us not forget that the difference between Mahomedanism and Hinduism is not a mere difference of articles of religious faith and dogma. It is a difference in life, in tradition, in history, in all the social things as well as articles of belief, that constitute a community. Do not let us forget what makes it interesting and even exciting. Do not let us forget that, in talking of Hindus and Mahomedans, we are dealing with, and are brought face to face with, vast historic issues. We are dealing with the very mightiest forces that through all the centuries and ages have moulded the fortunes of great States and the destinies of countless millions of mankind." (Viscount Morley's Indian Speeches, 1907-1909, pp. 126-127.)

Mr. Asquith,
2 April, 1908.

"The distinction between Muslim and Hindu is not merely religious, but it cuts deep down into the traditions of the historic past and is also differentiated by the habits and social customs of the community." (Mr. Asquith in the House of Commons, 2 April, 1909.)

The Public Services
Commission,
1915.

"Even amongst the educated, the conflicting traditions of Hindus and Muhammadans are still constantly reflected in their respective attitudes towards social and political questions of the first order, whilst, in addition to this main line of religious cleavage, there are other important communities such as Sikhs, Parsis, Buddhists (chiefly in Burma), and Indian Christians, who are all more or less widely separated from the bulk of the population, either Hindu or Muhammadan. Nor does religion constitute the only line of cleavage. Geographical and climatic as well as social conditions have also helped to preserve down to our own times differences originally imported into India by successive waves of conquest and migration." (The Public Services Commission—Indian Constitutional Reforms, Montagu-Chelmsford, p. 118.)

Sir Theodore
Morison,
1928(?).

"Your unequivocal support of separate electorates in the same article will be read with deep satisfaction by the Mussulmans in India; they are very seriously apprehensive that the British Parliament may, by a change in the constitution, deny them the

right of choosing their own representatives and leave them to the mercy of a Hindu majority. All Englishmen who know India at first hand will share their apprehension. Within the frontiers of India live two nations, the Moslem and the Hindu, which entertain for each other the same feelings as do for instance, French and Germans, and who differ from one another more profoundly than any two nations in Europe." (Sir Theodore Morison, formerly Member, India Council, in the "Morning Post," quoted in *The Indian Moslems* by an Indian Mahomedan, p. 189).

IV.

WRONGS OF THE INDIAN MUSLIMS.

The Musalmans are, and have been for many years, a source of chronic danger to the British Power in India.—Hunter's *The Indian Musalmans*.

We have to legislate for different races, ranging from the bigoted Mahomedan, who considers that we have usurped his legitimate position as the ruler of India, to the timid Hindoo.—Sir Charles Wood.

In order to explain the spirit of unrest prevailing among the Musalmans of India and their feeling of resentment and anxiety, it is necessary, in the interest of truth, to give an unvarnished statement of the wrongs and injuries, and the sorrows and sufferings of the Indian Musalmans under British Rule.

Wrongs of the Indian Muslims in 1871.

For the purpose in view, I cannot do better than to reproduce the language of an impartial and observant British official, Sir William Hunter:—

"The Bengal Muhammadans are again in a strange state. For years a Rebel Colony has threatened our Frontier, from time to time sending forth fanatic swarms, who have attacked our camps, burned our villages, murdered our subjects, and involved our troops in three costly Wars. Month by month, this hostile Settlement across the border has been systematically recruited from the heart of Bengal. Successive State Trials prove that a network of conspiracy has spread itself over our Provinces, and that the bleak mountains which rise beyond the Panjab are united by an unbroken chain of treason depots with the tropical swamps through which the Ganges merges into the sea.

Bengal Muslims in ferment.

"The Indian Musalmans, however, are bound by their own law to live peaceably under our Rule. But the obligation continues only so long as we perform our share of the contract, and respect their rights and spiritual privileges. Once let us interfere with their civil and religious status, so as to prevent the fulfilment of the ordinances of their Faith, and their duty to us ceases. We may enforce submission, but we can no

The legal position of allegiance and protection.

longer claim obedience. It is the glory of the English in India, however, that they have substituted for the military occupation of all former conquerors, a Civil Government adapted to the wants and supported by the goodwill of the people. Any serious wrong done to the Muhammadans would render such a Government impossible. Even minor grievances attain in their case the gravity of political blunders—blunders of which the cumulative effect, according to the law of Islam, would be to entirely change the relation of the Musalmans to the ruling power, to free them from their duty as subjects, and bind them over to treason and Holy War.

Political
blunders.

“Of such blunders the Indian Government has, in my humble opinion, been more than once guilty.

“But while firm towards disaffection, we are bound to see that no just cause exists for discontent. Such an inquiry would with more dignity have been conducted before pressure had been brought to bear from without. Concessions made when confronted by a great conspiracy, have small pretension to generosity or gracefulness. But if in any matter we have hitherto done injustice to the Muhammadans, it would be mischievous vanity to allow considerations of this sort to delay our doing justice now. The British Government of India is strong enough to be spared the fear of being thought weak. It can shut up the traitors in its jails, but it can segregate the whole party of sedition in a nobler way—by detaching from it the sympathies of the general Muhammadan community. This however, it can do only by removing that chronic sense of wrong which has grown up in the hearts of the Musalmans under British Rule. For there is no use shutting our ears to the fact that the Indian Muhammadans arraign us on a list of charges as serious as have ever been brought against a Government. They accuse us of having closed every honourable walk of life to professors of their creed. They accuse us of having introduced a system of education which leaves their whole community unprovided for, and which has landed it in contempt and beggary. They accuse us of having brought misery into thousands of families, by abolishing their Law Officers, who gave the sanction of religion to the marriage tie, and who from time immemorial have been the depositaries and administrators of the Domestic Law of Islam. They accuse us of imperilling their souls, by denying them the means of performing the duties of their faith. Above all, they charge us with deliberate malversation of their religious foundations, and with misappropriation on the largest scale of their educational funds. Besides these specific counts, which they believe susceptible of proof, they have a host of sentimental grievances, perhaps of little weight with the unimaginative British mind, but which not less in India than in Ireland keep the popular heart in a state of soreness to their Rulers. They declare that we, who obtained our footing in Bengal as the servants of a Muhammadan Empire,

The list of
charges
against
Government:

have shown no pity in the time of our triumph, and with the insolence of upstarts have trodden our former masters into the mire. In a word, the Indian Musalmans arraign the British Government for its want of sympathy, for its want of magnanimity, for its mean malversation of their funds, and for great public wrongs spread over a period of one hundred years.

"But, indeed, from the highest official to the lowest (and no one has penetrated into the wrongs of the Musalmans more deeply than the present Viceroy), there is now a firm conviction that we have failed in our duty to the Muhammadan subjects of the Queen. A great section of the Indian population, some thirty millions in number, finds itself decaying under British Rule. They complain that they, who but yesterday were the conquerors and governors of the land, can find no subsistence in it to-day. Any answer based on their own degeneracy is a "petitio principii," for their degeneracy is but one of the results of our political ignorance and neglect. Before the country passed under our rule, the Musalmans professed the same faith, ate the same food, and in all essentials lived the same lives, as they do now. To this day they exhibit at intervals their old intense feeling of nationality and capability of warlike enterprise; but in all other respects they are a race ruined under British rule.

Failure of duty to Muslim subjects of the Queen.

"It is not that they have ceased to retain the entire State Patronage, but that they are gradually being excluded from it altogether. It is not that they must now take an equal chance with the Hindus in the race of life, but that, at least in Bengal, they have ceased to have a chance at all. In short, it is a people with great traditions and without a career. When such a people number thirty millions of men, it becomes a question of not less importance to their rulers than to themselves to know what to do with them.

"... In every District the descendant of some line of princes sullenly and proudly eats his heart out among roofless palaces and weed-choked tanks. Of such families I have personally known several. Their houses swarm with grown-up sons and daughters, with grandchildren and nephews and nieces, and not one of the hungry crowd has a chance of doing anything for himself in life. They drag on a listless existence in patched-up verandahs or leaky outhouses, sinking deeper and deeper into a hopeless abyss of debt, till the neighbouring Hindu moneylender fixes a quarrel on them, and then in a moment a host of mortgages foreclose, and the ancient Musalman family is suddenly swallowed up and disappears for ever.

"If any statesman wishes to make a sensation in the House of Commons, he has only to truly narrate the history of one of these Muhammadan families of Bengal. A hundred and seventy years ago it was almost impossible for a well-born Musalman in Bengal to become poor; at present it is almost impossible for him to continue rich."

Catalogue of wrongs since 1871

The history of the reforms is the history of Muslim anxiety.

To the catalogue of wrongs enumerated in the graphic pages of *the Indian Mussalmans*, may be added the annulment of the partition of Bengal and the manner of that annulment which still rankles in the breasts of Muslims. It broke the stout heart of Nawab Sir Khajeh Salimolla of Dacca, the great Muslim leader and bulwark of British rule in Bengal, and made him describe, in the agony of his distressed soul, the ribbon of the G.C.I.E., conferred on him on the very day of the announcement of the undoing of the Muslim cause, "as a bait, a bribe and a halter of disgrace round his neck." The Turko-Italian and the Balkan wars, followed by the Great War and the "Khilafat Wrongs," were other disturbing factors. Nor should I forget to mention, in this connection, the Mopla Rebellion and the cruel, inhuman treatment in 1922, of the Muslim Mopla prisoners which surpassed in horror the myth of the Black Hole of Calcutta and sent a thrill of indignation throughout the length and breadth of India. But the reforms themselves, from 1906 onwards, had been amongst the most irritating causes of Muslim unrest and discontent. For, the history of the reforms is the history of Muslim anxieties and suspense, Muslim apprehensions and suspicions and Muslim doubts and fears. I give below an extract from my speech in the Bengal Legislative Council in 1918 (Proceedings, Vol. 27, p. 965), which voices the feelings and sentiments of the Muslims of India as truly to-day as it did on the eve of the Montagu-Chelmsford Reforms.

"I rise to support the resolution before the House. I have no hesitation in declaring that the reforms constitute a distinct advance upon existing conditions and mark a substantial step towards the progressive realisation of the goal of responsible government. But I cannot lend my wholehearted support to the resolution without inviting your Excellency's attention to the keen sense of disappointment, dissatisfaction and dismay with which the Reforms are received by Muslims of all shades of opinion. I cannot sit down without placing before Your Excellency the principal modifications which the Muslims demand and without which the Reforms lose their significance for them.

The Muslim demands.

"The Muslim demands have been placed before Government in forcible terms by the All-India Muslim Association, and the Central National Muhammadan Association and I need not repeat them here. All that I need say is to declare my full concurrence with the views expressed by these two important Muslim Associations. But I shall, with Your Excellency's permission, dwell on one of the main demands in order to show that the Muslims are not an unreasonable people, that they have no desire to retard the progress and arrest the growth of national sentiment in India, but that they have a just cause for alarm and discontent. That demand is the demand for the adequate representation of Muslims through communal electorates. Let me briefly recount the history of this demand. It was in

October, 1906, that the first sign of awakening of Muslim political consciousness became distinctly visible. It was in that year that the memorable Muslim deputation headed by His Highness the Aga Khan waited upon His Excellency Lord Minto and obtained from him those words of assurance of the protection of Muslim political rights and interests as a community that are justly regarded by them as the Magna Charta of the political rights and liberties of minorities. The assurance given by Lord Minto was confirmed by Lord Morley in the House of Commons in the following words :—

The Muslim deputation, 1906.

Lord Minto's assurance.

Lord Morley's promise.

'The Muhammadans demand three things. I had the pleasure of receiving a deputation from them and I know very well what is in their minds. They demand the election of their own representatives to these Councils in all the stages just as in Cyprus, where, I think, the Muhammadans vote by themselves . . . Secondly, they want a number of seats in excess of their numerical strength. These two demands we are quite ready, and intend, to meet in full.'

"Your Excellency is well aware that in spite of the assurance thus given in clear and unmistakable terms, statements were made by persons in authority both in India and in England which 'created a suspicion in Muslim minds that these promises were liable to violation, that the Government in England were deliberately trying to find a way out of redeeming the express pledges they had given to various Muhammadan deputations which attended upon the Viceroy and the Secretary of State.' However, the Morley-Minto Reforms came and our own Council is a standing testimony to the way in which pledges given to Muslims were redeemed. In a province which may well be described a Muhammadan province, we are only given five seats through communal electorates and we are given the very remote and distant chance of returning as many Muslims as we can through mixed electorates. The result is that there are only six elected Muslim members in the Council to-day against seventeen Hindu and five European elected members. It is thus that the Muslim demands have been met in full by Lord Morley. Far from assuring us a number of seats in excess of our numerical strength he has allotted us a number of seats far below it. Yet the Muslims acquiesced in the arrangement and accepted the Morley-Minto Reforms without murmur.

Muslim suspicions.

Muslim disappointment.

"The Muslim attitude continued acquiescent till the fateful 12th of December, 1911—a day which is the starting point of that strong current of Muslim dissatisfaction and discontent which culminated in the Congress-League Concordat of December, 1916. The annulment of the Partition of Bengal came as a severe shock to the faith of the Muslims in the Government. Whether the revelation of the dangerous secret that the pledges of a Governor-General or a Secretary of State can be broken by his successor, whether this breach of faith has inspired others with

The Muslim attitude till 12 December, 1911.

Causes of Muslim discontent.

greater trust and confidence in the words of Ministers and Viceroys, I do not care to ascertain. But this unsettling of a settled fact has undoubtedly shattered the implicit faith of Muslims in Government and has made them extremely suspicious of Government promises. Then came the world-wide war which has, happily, just terminated in the unqualified triumph of the principles for which England arrayed herself on the side of the Allies—the principles of justice and humanity, the defence of the rights of small, weak nations and the sanctity of pledges and promises. The participation of Turkey in the war followed and with it there has grown a feeling among Muslims that now Government is less mindful of their interests than in the past. In the appointment of only one Muslim out of three Indians in the Secretary of State's Council, the absence of a Muslim representative from the War Cabinets and the Peace Conference, although the future of the sacred places of Islam—Mecca, Medina, Baghdad, Kerbela and Jerusalem—is involved, the absence of a Muslim in the India Council to-day in the place of Sahibzada Aftab Ahmad—these, amongst others, are regarded as indications of Governments's change of attitude towards Muslim.

“ The Indian Muslim Association in its address to the Secretary of State and His Excellency the Viceroy expressed itself as follows : —

The basis of
Muslim
claims.

‘ In conclusion, we venture to express the hope that you will redeem in full the promise Lord Morley had given us and recognise the just claims of our community. We do not rest our claims on any concession or favour granted by the Great Moguls to the East India Company. We do not base our demands on any Sanad or Firman of Shah Jahan, Alamgir or Shah Alam—faded and forgotten parchments, grown musty with the march of time. But we do base and rest our claims and demands on the assurances given and accorded to us by responsible ministers of the Crown and representatives of His Majesty the King-Emperor whose utterances are fresh in the memory of living men. In considering our claims we beg of you to remember that they rest not only on the numerical strength of the followers of Islam, great as it is in India, and greater still in the British Empire; not only on their historic and political importance, great as it is in this country, and greater still in the history of three different continents, but also on our profound, continued and proved loyalty to the person and throne of the King-Emperor, a loyalty which has stood the severest of tests on many an occasion in peace and war.’

“ But to their great disappointment the Muslims find their loyalty strangely rewarded. They find a homily preached to them on the evils of communal representation.

“ Now, I ask the House, have not the Muslims just cause for alarm and discontent? My Lord, I cannot do better than to

conclude by quoting the words quoted by Your Excellency in the House of Commons.

‘ I can safely state that the general state of feeling amongst the Muhammadans at the present moment in regard to the question of their rights and privileges under the Reform Scheme, but specially in regard to the matter of a separate electorates, is one of utter confusion. They fear, however, that a great wrong is about to be inflicted upon them; that they are to be treated with an injustice wholly undeserved by them and undreamed of, and they are deeply disappointed. They are not politicians, they do not understand the language of diplomacy, they are a patient, loyal, God-fearing people, who have trusted in solemn pledge given to them by their rulers and who ask for a sign that that pledge is about to be fulfilled.’

Utter confusion of Muslim feeling.

“ My Lord, on behalf of the Muslim community I urge that the Muslim demands be satisfied to the fullest extent possible, and that assurance be given to them in clear and unmistakable terms that this will be done. Otherwise, I am afraid, with a sullen and discontented Muslim population the bold experiment of responsible government upon which we are about to embark is doomed to failure. I yield to none in my desire to see the dawn of responsible government in India. But I know and realise that the path to responsible Government is long and weary and full of dangers and pitfalls. The Reforms, undoubtedly, mark a substantial step towards the goal of responsible government. But it is long, long way to Delhi and one is liable to go astray. Let us not deviate from the path of right and justice, lest the words of the Persian poet come true—

Reforms doomed to failure.

‘ I am afraid thou shalt never reach the Mecca of thy destination, O Bedouin, for the way thou weapest leads, not to Mecca, but to Turkestan.’ ”

However the fears and anxieties among Muslims aroused by certain paragraphs of the Montagu-Chelmsford Report were allayed by a speech of Lord Chelmsford in September, 1918, at the opening of the Imperial Legislative Council. Lord Olivier's letter to Mr. Satymurti, M.L.C., of Madras, condemning the system of communal electorates once more aroused Muslim apprehension and alarm and led to a debate in the House of Lords on the 3rd June, 1924. Throughout 1926, an agitation against communal electorates, which was started by Hindus, began to gather increased weight. This movement almost synchronised with the terrible Calcutta communal riots. (See E-Ind. 209, p. 57.) Naturally there was renewed Muslim anxiety and fears were entertained that Government might yield to the agitation which had been started for the abolition of separate electorates. Once more H.E. the Viceroy, in his speech at the Chelmsford Club in August, 1926, publicly gave an assurance to the Muslims that Government did not intend to take any steps either to curtail or extend the system in advance of the enquiry of the Indian

Fears and anxieties allayed in 1918 by Lord Chelmsford.

Lord Olivier's indiscretion and Muslim alarm, 1924. Muslim apprehension, 1926.

Lord Irwin's speech, 1926.

Statutory Commission. (E-Ind. 209, p. 57.) The resolution in the Council of State for the abolition of separate electorates moved on the 10th of March, 1927, by the Honourable Sir Sankaran Nair was the cause of some resentment amongst Muslims, especially as no such resolution was ever moved in the Assembly. In the meanwhile, Hindu opposition to separate electorates went on gathering force and found expression in various resolutions passed by various Hindu political organisations, e.g., The C.P. and Berar Hindu Sabha, August 6, 1927, under the presidency of Sir Sankaran Nair, the Delhi Session of the All-India Hindu Mahasabha, February 8, 1928, and the All-Parties' Conference at Delhi in February and March, 1928.

Muslim
uneasiness
and excite-
ment caused
by reports of
alleged
intentions of
Labour
Government.

The advent of the Labour Government and the unauthorised reports of their plans and policies regarding India have fed the flame and ferment of false rumours, "excursions and alarms", and kept the Muslims in a state of nervous excitement and uneasiness. Can Muslims rely, as in the past, on the pledges, promises, and assurances of British statesmen and administrators? (See Appendix 1) or are pledges and promises wrung during the storm and stress of war, and the turmoil and trouble of unrest and discontent to be forgotten during times of peace and tranquillity and to be treated as scraps of paper? Do British statesmen and politicians of to-day understand the dangers of broken promises and unredeemed pledges?—"There is nothing which would damage British power in Asia more than the feeling that you could not trust the British word. That is the danger. It would be a fatal reputation for us." (Mr. Lloyd George.) Do British statesmen and politicians remember the wise warning of Viscount Morley?—"And if we turn from Washington to Eastern Europe, I know very well that any injustice, any suspicion that we were capable of being unjust to Mahomedans in India, would certainly provoke a severe and injurious reaction in Constantinople." (Indian Speeches, p. 101.) Do they realise that, though the Caliph of Constantinople no longer reigns on the banks of the Bosphorus, and though Cabul is in the throes of a civil war and its rulers fugitives in foreign lands, the vast confraternity of Islam subsists and stretches from the Pillars of Hercules to the Great Wall of China, and injustice done to Muslims in India is bound to have injurious repercussion and violent reaction in the disillusioned world of Islam?

Dilemma of
Muslims.

"If we go forward we die, if we go backward we die." Does safety lie in sitting still and marking time and not disturbing further "the pathetic, placid, contentment" of the people? Is "Simon go back" a mere mimicry of Egypt or the real cry of the clamorous, and the true voice, in a different sense, of the vast and countless millions of the silent, voiceless India? And is there a Simon, endowed with "the vision and faculty divine," bold enough, strong enough to strike out a new path.

and resist the irresistible drift into the beaten track? These are some of the problems which constitute the dilemma of Muslim India and rack the brains of the enquirer. These are some of the questions which are agitating and disturbing the peace and contentment of the Muslims who feel that they are "fallen on evil days and are with darkness and with dangers compassed round." It is not in the exuberance of thoughtless youth alone, but in the calm deliberations of age and experience also, that I discern the same note of despondency and despair and ominous foreboding. That Grand Old Man of Islam, the Right Honourable Syed Ameer Ali, distinguished alike for his learning and well-balanced judgment, concludes what may be fitly described as his last political will and testament as follows:—

"Speaking for the 70 millions of Mohammedans, who acknowledge allegiance to the King, I consider it would be an unhappy day for India if the demand for the abolition of the separate electorates is conceded by His Majesty's Government. The country would be plunged into internecine conflict and the fair name of England for equal justice would be tarnished. Joint electorates would, I have no doubt, only perpetuate the present disorders and strife."

Rt. Hon. Syed Ameer Ali's warning: his last political testament.

He penned the above weighty words of wisdom and warning on the 8th June and passed away on the 3rd of August, 1928. I invite the attention of all thoughtful Britishers interested in the welfare of India to this remarkable document. (Appendix III.)

Bewildered by conflicting theories and precepts, perplexed by divergent practice and examples, distracted by the wavering and vacillating policy of Viceroys and Secretaries of State reflecting the changing policy of His Majesty's Government, divided and torn between the staid, Tory socialism of England and the advanced, if not radical and revolutionary, Continental doctrines of Karl Marx, the Muslim is at bay and does not know how and where to turn. It is only British justice and British statesmanship which alone can prevent him from taking a false step and lending a willing ear to the poisonous preachings of the emissaries of Moscow who seek, in one common ruin, to bring down to a dead level and sweep away at one stroke the iniquitous inequalities of the Brahmans and the Depressed and the pretensions alike of Hindus and Muslims.

Muslims at bay.

The Muslim may be a fanatic. No doubt he is passionately devoted to his religion and his heart certainly throbs wildly to the echoes of "Allah-u-Akbar"—"God is Great". But none the less his heart vibrates equally to the strains of "God save the King." Believing, as he does, in the democracy of his religion and the imperialism of humanity, the Muslim sees, in the British Commonwealth of nations, a partial realisation of that distant dream. Unless driven to desperation, he is anxious

Muslims staunch supporters of British connection.

to remain to the end one of the staunchest supporters of the British connection, and to declare himself, with pride, as the citizen of an empire wider and vaster than that of the Romans and say "Civis Britannicus sum."

V.

THE MUSLIM DEMAND.

History of Muslim representation in the legislatures.

For the proper appreciation and understanding of the Muslim demand it is necessary to give a rapid historic sketch of Muslim representation in the legislatures of India.

Representation inadequate and unsatisfactory under Indian Councils Act of 1892.

Lord Kimberley, when speaking on the 1892 Bill in the House of Lords, had emphasised the need of "finding some mode in India of seeing that minorities such as the important body of Muslims are fully represented." But the reforms of 1892 failed in practice to secure the adequate representation of Muslims.

Prior to the Morley-Minto Reforms, no Mussalman ever got into the Imperial or Provincial Councils by election except in the rarest of instances. Even eminent Muslims, whose enlightenment, culture and attainments would have done honour to any country or community, like Sir Syed Ahmad Khan, the great founder of the Muslim College (now, University) at Aligarh, the Right Honourable Syed Ameer Ali, Nawab Sir Khajeh Ahsanolla of Dacca and His Highness the Aga Khan had to enter the Council of the Governor-General by the back-door of nomination.

The All-India Muslim Deputation, Oct. 1906, headed by H.H. the Aga Khan.

In August, 1906, Lord Minto appointed a Committee of his Executive Council to examine certain proposals for the enlargement of the existing Legislative Councils. Dissatisfied and discontented with their lot under the Indian Councils Act of 1892, the Muslims organized an All-India Muslim deputation. "It was in October, 1906, that the first sign of the awakening of Muslim political consciousness became distinctly visible. It was in that year that the memorable Muslim deputation headed by His Highness the Aga Khan waited upon His Excellency Lord Minto and obtained from him those words of assurance of the protection of Muslim political rights and interests as a community that are justly regarded by them as the Magna Charta of the political rights and liberties of minorities."

Muslims claim separate representation for the first time. Muslim claims admitted by Lord Minto, 1906.

It was in the address presented to Lord Minto in which the grievances of Muslims were recounted that the claim to separate Muslim representation was first made and it was in the sympathetic reply of Lord Minto that this claim was admitted. The assurance given by Lord Minto was confirmed by Lord Morley in reply to a deputation of the London Branch of the All-India Muslim League, led by the Right Honourable Syed Ameer Ali, which waited upon him at the India Office in January.

1909, in order to represent to him the views of the Mussalmans of India on the projected Indian Reforms (Morley's Indian Speeches, p. 98) and subsequently repeated in the House of Commons. Confirmed by Lord Morley, 1909.

The ultimate result of the Morley-Minto Reforms was :—

(1) The introduction of special Muslim electorates.

(2) The recognition by Lord Morley of the political and historic importance of the Muslims in addition to their numerical strength as a factor in determining the amount of their representation. The benefit of special constituencies for Muslims, however, were not extended to the Punjab and the Central Provinces, as they were imagined to be sufficiently numerous in the former and insignificant and negligible in the latter. (E-Ind. 209.)

As my political career began with the Morley-Minto reforms and I have uninterrupted experience of elections in Bengal from the date of the first election under the Morley-Minto Reforms up to the present day, I take the case of Bengal, with which I may fairly claim first hand acquaintance, for the purpose of illustration and elucidation. The Presidency of Bengal is divided into five divisions, each under a Commissioner. Under the Morley-Minto Reforms, each Commissionership constituted a separate constituency or electorate for Muslims and returned one member by a system of direct election. The franchise was comparatively low, but at the first election higher qualifications were required of the candidates. In view of the scattered nature and wide extent of the electorate ballot papers were sent to the electors by registered post. Except in the case of the separate communal electorates of the Muslims and the special electorates of interests, election to the Council was indirect and through District Boards and Municipalities. Muslims under the Morley-Minto Reforms.

In his speech in the House of Lords on the second reading of the Indian Councils Bill, Lord Morley had declared that he was quite ready and intended to meet in full the two demands of the Muslims, namely, (1) the demand for the election of their own representatives to the Councils in all the stages voting by themselves, and (2) that for a number of seats somewhat in excess of their numerical strength. The allotment of one seat each to each Commissionership in Bengal constituting it into a separate Muslim electorate or constituency, was apparently intended to assure to the Muslims of Bengal the return of five Muslim members to the Council in pursuance of Lord Morley's promise to give them "a number of seats somewhat in excess of their numerical strength." Lord Morley had apparently hoped that the Muslims, who formed the majority of the population in Bengal, would capture a number of seats commensurate with their numerical strength in the general joint electorate and that by reserving five seats for them in the separate Muslim

electorate he was fulfilling his promise of giving them " a number of seats somewhat in excess of their numerical strength."

Lord Morley's pledge, how redeemed.

But experience proved otherwise. With the one rare exception of a very powerful Muslim landlord, the first and foremost man of his district, the Muslims never succeeded in capturing a single seat in the joint electorates and the pledge of Lord Morley was redeemed in Bengal by the Muslims securing only five seats in the reformed Council of Bengal. The experience of Bengal was repeated in other provinces. In the light of the lesson of bitter experience it was natural for the Muslims to press for the retention of separate electorates for themselves when they heard the reverberations of the thunders of the coming reforms. The second stage in the history of communal representation was reached on the eve of the fateful declaration of 20th August, 1917.

The Lucknow Pact, 1916, the second stage in history of communal representation.

The annulment of the Partition of Bengal and the unsettling of that " settled fact " on the 12th December, 1911, had shaken the faith of the Muslims in the pledges and promises of British statesmen. The dubious attitude and policy during the Turko-Italian and Balkan Wars, of England, the traditional friend and old ally of Turkey, had also distracted and disturbed the Muslim mind. This drove the younger men of the Muslim League into the arms of the Congress and the resolutions passed by the League in 1913 bear unmistakable traces of Congress influence. Then came the Great War in which the forces of the Caliph were ranged on the side of the enemies of the Empire, and sorely tried and strained the loyalty of the Muslims to the British Throne. There was a great unrest and ferment in the whole Muslim world. Astute Congress politicians were not slow to discern their opportunity in the misfortune of Islam and they offered the unsophisticated Muslims the olive branch of the Lucknow Pact which was readily accepted. " We put faith," said the inexperienced younger Muslim politicians, in exasperation and despair, " in the words of our British rulers, and we were cruelly betrayed and let down. Why not try and put faith in the word of our Hindu brethren?" Thus was concluded what is commonly known as the Lucknow Pact. This remarkable document is not an index and charter of Hindu-Muslim unity. It is in reality the measure of Muslim discontent and dissatisfaction with the anti-Islamic policy of England which Mr. Gandhi subsequently developed into what he styled the " Khilafat Wrong." Disillusionment followed soon and the Muslims of Bengal and the Punjab bitterly rue to this day this Pact which some Muslims were led to accept for the sake of what they imagined to be service to their faith and country.

The Lucknow Pact not an index of Hindu-Muslim unity.

Its effects : Bengal and the Punjab disillusioned.

For, in reality, it gave the Muslims nothing substantial. By a clever gesture of peace and good will the astute Congress politicians succeeded in securing the acquiescence of the handful of young and inexperienced politicians of the Muslim League to

the relegation and subjection of Muslims to the position of a minority in every province in India including the provinces of Bengal and the Punjab where they constitute a majority.

The Government of India in para. 21 of their despatch to the Secretary of State for India—No. 4 (Home Department), dated Simla, April 23, 1919, pointed out that "the results of the Lucknow compact were defective." The Honourable Sir W. H. Vincent "considered that it gave the Mohammedans of two provinces (Bengal and the Punjab) too little" (*vide* paras. 22 and 24 of the despatch quoted in Appendix I and the Minute of Dissent by Sir W. H. Vincent, p. 18 of the despatch). But the greatest harm which the Lucknow Pact has done to the cause of Hindu-Muslim co-operation is to deprive the Muslims of the right of contesting seats in a general electorate which they had under the Morley-Minto Reforms. As already pointed out, in practice it meant very little. No mixed constituency, where the Muslims were in a minority, ever returned a Muslim except in the rarest of instances or when, by a fluke, (e.g., the rejection of the nomination paper of his non-Moslim rival), he found himself unopposed. Yet it afforded the Muslims a wider field of choice than the closed constituencies of the special electorates offer to test the *bona fides* of the professions of their Hindu brethren and an opportunity of ascertaining, by the test of experience, whether the time is yet for dispensing with the safeguard of separate electorates. The experience of an isolated mixed constituency like that of Delhi points to the contrary conclusion. Delhi is represented in the Legislative Assembly by a single member elected by a general constituency. All the efforts of the Hindu Swarajist leaders to return a Muslim Barrister (who has illustrated in his person, by deed and example, his love for Hindu-Muslim unity) against a young Hindu pleader ended in failure. "Normally," writes the Chief Commissioner of Delhi, "under existing conditions, a Hindu would always be returned". (E. Delhi 1060, No. 2000 Home, p. 1.)

Fifth
Reforms
Despatch of
Government
of India,
1919.

Leaving the Lucknow Pact and its aftermath to the judgment of the unbiassed and the impartial, I now proceed to bring to a close this brief sketch of the history of Muslim demand

An abortive attempt was made in March, 1927, to rush Muslims into a sort of agreement with the leading Congress politicians. But the "Delhi proposals" of March, 1927, the paternity of which, as a matter of presumption, was ascribed to Mr. M. A. Jinnah but the maternity of which was unknown, were repudiated by the Muslims as a foundling of doubtful parentage and the suspected natural step sister of the Lucknow Pact. Even Mr. Jinnah issued a statement to the press in which he said that the Muslim proposals must be accepted or rejected *in toto*.

The Delhi
proposals,
March, 1927

All-India Muslim League, Lahore, December, 1927.

The resolution of the Lahore Session of the All-India Muslim League, 31st December, 1927, contains the statement that "the idea of joint electorates with or without a specified number of seats being unacceptable to Indian Muslims on the ground of its being a fruitful source of discord and disunion and also as being wholly inadequate to achieve the object of the effective representation of various communal groups, the representation of Indian Muslims shall continue to be by means of separate electorates as at present, provided that it shall be open to any community at any time to abandon its separate electorates in favour of joint electorates. Attention is also drawn to the provisions in the resolution on the subject of the proportion of Muslim representatives." (E. Ind. 209, p. 61.)

All-India Muslim League, Calcutta, January, 1928.

The rival resolution on the subject of the Calcutta Session of the All-India Muslim League, 1st January, 1928, states that "in the present circumstances the representation of Muslims in the legislatures by separate electorates is inevitable, and Muslims will not accept any scheme involving the surrender of this valuable right unless and until Sind is actually constituted a separate autonomous province and reforms are actually introduced in the North-West Frontier Province and Baluchistan. When their requirements are fully satisfied Muslims will be prepared to abandon a separate in favour of a joint electorate with reservation of seats fixed on the basis of the population of the different communities, subject to certain stipulations contained in the resolution." (*Ibid.*, p. 61.)

H.H. the Aga Khan and the All-India Muslim Conference, Delhi, December, 1928.

The Muslim demand formulated at the All-India Muslim Conference at Delhi in December, 1928, under the presidentship of H.H. the Aga Khan is already set out in full in our Joint Note and need not be reproduced here. But I may state that, up to the moment of my writing these lines, we have been in receipt of telegrams and letters from prominent Muslims like Sir Muhammad Iqbal, M.L.C. (Punjab), Secretary, All-India Muslim League, Nawab Khajeh Habibolla, M.L.C., of Dacca, Mr. A. H. Ghuznavi, M.L.A. (Bengal), the Honourable Sir E. Haroon Jaffer, M.C.S. (Bombay), Mir. Mazharuddin, President, Muslim Conference, Madras, Dr. Shafa'at Ahmad Khan (U.P.) and others, to the effect that the Muslims stand by the demand formulated in Delhi last December. I cannot do better than to conclude with the following extract from a note on Separate Electorates (E. Pun. 734) by the Hon. Malik Feroz Khan Noon :—

Representative Muslims stand by H.H. the Aga Khan.

Representative Muslim organisations repeat and reiterate demand for separate electorates.

"Separate Electorates or Communal representation, as it is sometimes called, recognised as necessary by Lord Dufferin in 1888, by Lord Lansdowne in 1892, promised by Lord Minto in 1906, granted in the reforms of 1909 to Muslims, accepted by Hindus in the Lucknow pact in 1916, continued by the Montagu-Chelmsford Reforms of 1919, are no doubt to be examined by the Simon Commission with a view to decide the desirability of their continuance. The Hindus are

all for their abolition and the Muslims for their continuance. It is time the matter were examined thoroughly from all points of view."

"The All-India Muslim League at a meeting at Lahore on May 25th, 1924, passed a resolution moved by (Sir) Sheikh Abdul Quadir under the presidency of Mr. Jinnah claiming separate electorates for Muslims in the future constitution of India. A similar resolution was passed by the All-India Muslim League at Aligarh on December 31st, 1925, the resolution being moved by Sir Ali Imam. Again at the annual session of the All-India Muslim League on the 31st December, 1926, at Delhi, under the presidency of Sir Abdul Quadir, Mr. Jinnah moved a strongly worded resolution in favour of separate electorates, the resolution being carried amidst cheers . . .". [Mr. Jinnah said " . . . There is no escaping from the fact that communalism does exist in the country. By mere time and sentiment it could not be removed. Nationalism could not be created by having a mixed electorate" (E. Ind. 209, p. 57)]. Even the Jinnah Muslim League at Calcutta on January 1st, 1928, worded its resolution thus: "That in the present circumstances the representation of Muslims in the different legislatures of the country through separate Muslim electorates is inevitable and that the Muslims will not accept any scheme involving the surrender of this valued right unless and until Sind is actually separated, etc., etc." (E. Pun. 734).

VI.

RECOMMENDATIONS.

I am indebted to the kindness and courtesy of Sir Arthur Froom for the opportunity accorded to me to read his minute of dissent. As I am in substantial agreement with his views and conclusions I am relieved from the necessity of formulating mine in detail and elaborating myself afresh the arguments in their support.

As the intentions of the various resolutions discussed and passed at the meetings of the Indian Central Committee can be properly understood and correctly appraised and appreciated only in the light of the minutes of its proceedings I recommend that H.E. the Viceroy, and the other authorities concerned be supplied with copies of the minutes of the proceedings of the Indian Central Committee.

INDEPENDENCE VERSUS DOMINION STATUS.

The declaration of 1917 must be understood and interpreted as ultimately culminating in a declaration of Dominion Status for India. But like varying degrees of Sovereignty and Independence

such as that of Egypt and Iraq there are various stages of Dominion Status.

Muslim
acceptance
of reforms
conditional
on effective
and adequate
safeguard of
Muslim
rights.

The acceptability of any constitutional advance by the Muslims of India is conditioned on the provision of effective and adequate safeguards of their interests and rights (*vide* Resolution, All-India Muslim League, quoted by the Minority of the Reforms Enquiry Committee in their Report, pp. 178-79).

Any constitutional advance without the safeguard of communal representation by separate electorates is thoroughly unacceptable to Muslims. The reply of Nawab Sir Umar Hayat Khan to a question put by me is significant :—

“ *Dr. Suhrawardy.*—Only one question on the personal memorandum, on page 5 (c) of which I find this :—‘ The communal interests of minorities could never be safeguarded unless they had separate electorates as at present in the case of Muhammadans and Sikhs, based on the proportion to their numerical strength.’

Answer.—Yes.

Question.—We heard yesterday a very influential Hindu deputation, the spokesman of which declared he would rather have no constitutional advance if the principle of communal representation was retained in any province in any shape or form. What is your view? Would you say that if the principle of communal representation is abolished you would prefer to have no constitutional advance, or would you like to have the fullest measures of constitutional advance even beyond Dominion Status?

Answer.—Instead of being fettered as we are now, we would rather have the whole Government given to India, and then we will have our share at once : now we are fettered by law.

Question.—What do you mean by the whole Government?

Answer.—If the whole Government is handed over, then those who have some power will get anything they want, but not those who clamour.”

Our friends are fond of raising a cloud of dust and confusing the issues by numerous quotations from publications of the League of Nations. “ The Moors in Spain, the Turks in Eastern Europe and in Egypt, the Moslem invaders of India—all these were examples of the truth that the minority with a strong arm has no need to seek protective legislation for itself.” (Overseas Edition of the “ Statesman,” July 25, 1929.)

The appeal to the League of Nations will be effective and its decisions applicable to the Muslim minority in India when the majority are the victors and the Muslims the vanquished. That dream of the majority has yet to be realised. In the meanwhile the theory of “ counting heads ” does not appeal to Muslims so long as it is repudiated in practice by the “ strong arms ” of a small minority inhabiting a small island, which not

only rules India but a wide and vast empire embracing countless millions of men.

Independence, open and declared, is preferred by Muslims to Independence disguised and camouflaged as Dominion Status or full responsible government supported by British bayonets—the naked blade to the steel concealed in the velvet scabbard of Democracy.

If the safeguards acceptable to Muslims are not guaranteed to them they would rather join hands with the Hindu extremists and demand Independence which would give the natural laws of the struggle for existence and the survival of the fittest a chance to find a lasting and abiding solution. The Hindu threat of civil disobedience may be met by Muslim military aggression. A new Ahmad Shah Abdali may arise, and find sanction for a Holy War in the dominance of polytheism over Islam and fight in the fateful field of Panipat the fourth battle for the throne of Delhi. Anarchy, chaos and bloodshed might ensue. Independence, however, and complete severance of the British connection, for divers and opposing reasons, is at once the demand of the disloyal and irreconcilable extremists and of the loyal and reconcilable Muslims. If, however, adequate safeguards for minorities are guaranteed in the new constitution, Muslims are not opposed to a declaration that the ultimate goal of the declared policy of 1917 is "a federal system of government with complete autonomy and residuary powers vested in the constituent States," or, Dominion Status. The attainment of full Dominion Status may be by gradual stages. But with the grant of practically full provincial autonomy, India may be deemed to have reached the first stage on the road to Dominion Status, and may be classed with the Dominions as Egypt and the mandated State of Iraq are reckoned amongst the sovereign and independent States of the world.

Independence the demand alike of certain class of Hindus and Muslims.

THE CENTRAL GOVERNMENT.

There should not be simultaneous experimentation at the centre and the circumference. The centre should be further strengthened if there is going to be further relaxation of control and transference of power at the circumference. There must be a tightening and winding up of the clock backwards in order to make it go forward. The centre can be strengthened by changing the composition and character of the Legislature. I am of opinion that Dyarchy, which is condemned as an evil, should not be introduced at the centre. But an element of responsibility should be introduced by the Viceroy appointing half the members of his Executive Council from amongst the members of the Assembly in the manner already indicated in the Joint Note.

THE SUPREME COURT.

The proposal that the Supreme Court should always have judges proficient in Hindu and Muslim law was unanimously accepted by the Committee and should not be lost sight of.

THE HIGH COURT.

As in the Supreme Court, there should always be in the High Courts of India, judges well versed and proficient in Hindu law and Muslim law. Misinterpretation of the personal laws of the Muslims and Hindus have, not infrequently, resulted in grave miscarriage of justice. The Waqf Validating Act of 1913 is a standing testimony to the fallibility of the Judicial Committee of the Privy Council on questions of Muslim law.

THE PRESIDENTS AND DEPUTY PRESIDENTS.

The President and Deputy President of the Assembly and Provincial Councils.

The President and Deputy President of the Assembly should be appointed by the Viceroy from a panel of four or six members elected by single transferable votes by the members of the Assembly. Similarly the President and Deputy President of a Provincial Council should be appointed by the Governor from a panel of four or six members elected by single transferable votes by the members of the Council.

PROVINCIAL GOVERNMENT.

Whether the same form of Government should be recommended for all the provinces, the pace of the fleet being determined by that of the slowest ship, or whether each province should have a form of government suited to its peculiar conditions, is a question which does not admit of an easy answer. But it does not appear to be politic to add to the fire of the present ferment and discontent the fuel of inter-provincial jealousy. I therefore recommend that, as in Bengal, law and order should remain a reserved subject in all the provinces including Madras. In Madras, the United Provinces and Assam, law and order have been in charge of Indian members. The objection, therefore, is not to the retention of the portfolio of law and order by non-official Indians, but to its retention by persons subject to the control of the Legislature. In times of communal disorder and popular excitement, the pressure brought to bear on a Minister, whether Indian or European, would be almost irresistible. The insistent cry and the annually repeated demand of the Assam Legislative Council for the dismissal of a Muslim Sub-Inspector of Police, who had offended and outraged Muslim religious susceptibilities by his careless handling of a volume of the Holy Koran, inadvertently it is alleged, in the course of the execution of his duty, could not be resisted for a single moment by the Mussulman member in charge of law and order in Assam had he been a Minister responsible to the Legislature for the tenure

of his office. Nor would it have been possible for Sir Hugh Stephenson (now Governor of Bihar and Orissa) who was in charge of law and order in Bengal during the Calcutta riots of 1926, to order the supersession, resulting in retirement, of an experienced and high Brahman police officer by a European officer. The incident of what is known as the "Pir burial" furnishes a curious example of the irresistible influence of votes on the policy of the executive. (Sir Surendranath Bannerjea's "A Nation in Making," p. 364.) A Muslim Saint happened to die within the precincts of the Calcutta Municipal Market. His Muslim followers demanded that he should be buried in the very spot where he died. The authorities of the Calcutta Corporation, to whom the market belongs, hesitated to accede to this demand. In an instant a huge crowd of Muslims gathered round the body of the dead Saint determined to carry out their intention by persuasion if possible, by force if necessary. The Swarajist Chief Executive Officer yielded to the demand conveyed to him by the Muslim Deputy Mayor. Not only was it impossible for him to invoke the aid and authority of the Satanic Government, but it was feared that the crown of leadership of Mr. C. R. Das in the Bengal Legislative Council, which derived its lustre and value from the weight of Muslim votes, would fall to pieces if Muslims were not placated by compliance with their demands. The necessity of killing Dyarchy outweighed the undesirability of turning the great Municipal Market into a graveyard. Had Mr. C. R. Das been the Minister in charge of law and order, as he was the Mayor of the Calcutta Corporation, it would be bold to presume that he would have shattered the ranks of his Muslim following by ordering the police to prevent the burial and disperse the swelling and surging Muslim crowd. All the resolutions of the Calcutta Corporation that followed, condemning the action of the authorities and urging the disinterment of the body of the Saint, failed to have any effect during the lifetime of Mr. C. R. Das, and all the efforts and appeals, since his death, of Mahatma Gandhi for its removal have hitherto proved ineffectual. The Saint still lies buried in the spot where he died. Defying Hindu and European sentiment, the Muslim PIR is forever enshrined in the market with R.I.P. as his epitaph.

STRENGTH OF THE CABINET.

I do not see any special reason why the Cabinet in Madras should consist of eight Ministers and that in Bengal (where the Cabinet, including the Governor, normally consists of eight—three Ministers and four Members of the Executive Council) should consist of five only. Sometimes it may be necessary to appoint a minister without a portfolio, and the amount of work to be disposed of need not necessarily determine the number of the Cabinet. I, therefore, am of opinion that it should be left to the Governor or the local Legislature to determine the strength of the Cabinet.

The Governor should appoint the Ministers in consultation with the chief Minister.

In order to protect and safeguard the interests of minority communities, statutory provision should be made for the appointment of a minister for the protection of minorities, whose duties would be analogous to those of the Protector of Minorities in Madras, and who should be a member of one of the minority communities. Although the difference between the numerical strength of the Muslim majority and the Non-Muslim minority in Bengal and the Punjab is not so great as that between the numerical strength of the Hindu majority and the Muslim minority in other provinces, and although in the Legislatures of Bengal and the Punjab the Muslims are in a minority in the ratio of 60 : 40 in Bengal and of 44 : 34 in the Punjab, the Chairman had urged in his proposals for the Punjab and Bengal that statutory provision should be made for the appointment of ministers belonging to various communities in the following way :—

“ The Executive Government should consist of (1) the Governor; (2) a Cabinet of five Members, two of whom shall be Hindus and two Muslims. If, however, seven, as proposed by the Local Government are considered essential, three of them would be Hindus and three Muslims. The Governor may appoint one other Member who shall be neither a Hindu nor a Muslim, but who may be an official.”

Similarly for the Punjab he proposes a Cabinet of four, of which one shall be a Hindu, one a Muslim, one a Sikh and the fourth shall be neither a Muslim nor a Hindu, but may be a Sikh or a Christian.

It is natural therefore that Nawab Sir Zulfiqar Ali Khan and I should urge that statutory provision should be made for the inclusion of one Muslim Minister in the Cabinet in provinces where Muslims are in a minority. Such a provision becomes all the more necessary in view of the impending transference of a larger measure of power from the hands of an impartial and neutral Governor to that of a hostile majority. Experience shows that, in the absence of statutory provision, the Mussalmans have been the sufferers, even where they are entitled by virtue of the weight of numbers to a larger share in the Cabinet. In 1921, the Bengal ministry consisted of three ministers, two Hindus, and one Mussalman. In 1923, as owing to the formation of the Swaraj Party in the Council and its refusal to accept office, the Muslim supporters of dyarchy were nearly double the number of its Hindu supporters, Lord Lytton appointed two Muslim ministers and one Hindu minister. But he soon departed from the practice and after the overthrow of the first ministry Lord Lytton appointed one Hindu and one Muslim minister, which also met with the same fate. In 1926, he again appointed one Hindu and one Muslim minister, although owing to the increased Hindu strength of the Swaraj Party in the Council,

which consisted, with the exception of one Muslim, exclusively of Hindus, the Hindu minister could hardly command the following of even half a dozen members. The same precedent was followed by the present Governor of Bengal. Thus, in Bengal, regardless of the strength of his following, the Cabinet invariably contained a Hindu minister. But in the Central Provinces, the Muslim minority has not been so fortunate as either to have a Muslim member of the Executive Council or a Muslim minister. It is strange that the provisions of the Criminal Procedure Code which entitle Europeans to claim trial by European judges and magistrates are not deemed dangerous or subversive of any beneficial principle, but the demand for administration of departments dealing with religious and quasi-religious matters by persons belonging to the religious persuasions concerned and naturally conversant with the requirements and mentality of Hindus and Muslims respectively should be regarded as preposterous. I am deliberately of opinion that it is highly desirable that statutory provision should be made for the appointment of a Hindu and a Muslim in the Cabinet, who should be in charge of Hindu and Muslim pious foundations respectively, and matters connected with pilgrimages and other cognate religious matters. For an example of the maladministration, mismanagement, bordering on misappropriation, of a Muslim pious foundation by a Non-Muslim government, I need only refer to the case of the Great Muslim endowment of Hoogly, a full account of the malversation of the fund of which is given by Sir William Hunter in his book, *The Indian Mussalmans*, pp. 184-186, from which I give a few short extracts:—

“ We may imagine, then, the burst of indignation with which the Mohammedans learned that the English Government was about to misappropriate the funds to the erection of an English college. This, however, it did. It devoted an estate, left expressly for the pious uses of Islam, to founding an institution, subversive in its very nature of the principles of Islam, and from which the Mohammedans were practically excluded. . . . It is painful to dwell on this charge of misappropriation, because it is impossible to rebut it. . . . ‘ I believe it is difficult,’ writes a civilian, who has studied the matter deeply, ‘ to over-estimate the odium, not to say the contempt, which the British Government has incurred by its action in this case.’ ”

In Madras there has been no Muslim minister up till now owing to the small number of seats allotted to Muslims in the Madras Legislative Council, but the absence of a Muslim minister was balanced by the appointment of a Muslim to the Executive Council of the Governor. In view of the further reduction of the representation of Muslims in the provinces where they form a minority of the population, recommended by four members of the Committee in opposition to the views of four other members belonging to the minority communities, I cannot understand how,

as suggested in the report, "the exigencies of the parliamentary situation will make the inclusion of a Muslim minister in the Cabinet virtually certain in most provinces."

I have not the slightest doubt that the "position accorded to the Muslim community in respect of the inclusion of a Muslim member in the Cabinet, during the past ten years," will be completely "ignored in the formation of future ministries," unless statutory provision for the appointment of a Muslim minister is made; or Muslims are given an adequate, effective, and, in view of the suggested removal of the official *bloc*, an increased representation, through separate electorates, larger than the existing representation they enjoy at present.

The supporters of this view never suggested that there should be "a statutory provision for the appointment of a Mohammedan irrespective of his capacity and the parliamentary support he is able to command." All that is urged is that a statutory provision should be made for the appointment of a Muslim minister, and it be left to the Governor and the chief minister to select the Muslim member who possesses the capacity and commands the necessary parliamentary support.

STABILITY OF MINISTRY.

In view of the recommendations of the Committee for giving a reasonable security of tenure to Ministries, I am of opinion that the Governor should be invested with the power of dismissal of a Ministry, or of an individual Minister. We must guard against the possibility of an undesirable, or unpopular, Minister, clinging to office and forcing, by his conduct, the resignation or dismissal of the whole Cabinet.

SALARIES OF MINISTERS.

I am of opinion that the salaries of Ministers should not be less than that at present fixed for the members of the Governor's Executive Council. I am also in favour of the Ministers being given a pension of Rs.100/- a month for each year of completed service, as recommended by the Government of Assam. The Lord Chancellor, as a member of the British Cabinet, is entitled to a substantial allowance for life, and there is nothing unusual in the suggestion of a grant of a small pension to successful and popular Ministers. As it is, in view of the attractions offered by other walks of life, first-rate men are not forthcoming to accept office. I am, therefore, of opinion that the thorny and rugged path of public life should not be rendered less smooth by the reduction of salaries of Ministers and by the refusal of pensions to them.

EXTENSION OF THE FRANCHISE.

The franchise is sufficiently low. In 1921, the first reformed Council of Bengal had an illiterate Hindu cobbler (Charmakar)

and an illiterate Muslim carter as members, and the Imperial Delhi had the honour of having for its representative in the Indian Assembly a sweetmeat seller or a confectioner. Any further lowering of the franchise could not, in my opinion, make the electorate more illiterate than it is. It is a matter of indifference to me, therefore, whether the franchise is raised or lowered, but to prevent the return to the legislatures of illiterate candidates and men of straw no one should be eligible as a candidate unless he possessed some property or educational qualification or a combination of both as was the case in the first election for Muslims in Bengal under the Morley-Minto Reforms. The keenness evinced and interest taken by the electorate in the elections are no safe guides as to the awakening of any sense of its political consciousness or power. They constitute, not infrequently, an index to the activities of the canvassers, agents, and political brokers of the candidates, and the apparent keenness and interest taken by the electorate are merely the keenness and interest for sale and barter of votes like any other commodity at the weekly village mart or fair. The extent of the franchise and the size of the electorates may, however, have to be determined with reference to practical difficulties as to the adequacy of the machinery which Government could provide for the proper conduct of elections. As it is, the practice of appointing overworked and heavily-burdened District Officers who may have, during the excitement and passion aroused during elections, to maintain law and order and prevent breach of peace, as returning officers is highly unsatisfactory and has, in Bengal at least, entailed serious consequences to the candidates and even to Government. The overthrow of Dyarchy in Bengal is largely due to the careless rejection by the returning officer of a nomination paper of the rival of a prospective Minister with disastrous consequences to the latter. On the eve of elections candidates present the spectacle of lost souls hovering about the court of a police magistrate, who exalted sits high on a throne of magisterial estate too busy dispensing justice to notice the anxious candidates eager to catch his eyes and put in their nomination papers within the brief prescribed time (11 a.m. to 3 p.m.) for doing so, and excitement grows all the more when the sands of time run fast and the magisterial clock nears the stroke of three. Generally the returning officer delegates his power to his Registrar or Peshkar, and in practice in the Mofussil some petty pushful clerk rules the roost. Special officers, as far as possible belonging to a neutral community, not in any way interested in the result of the election, should be appointed as returning officers, presiding officers, polling officers, agents, etc. Hammond's standard work on Indian election cases is replete with instances of the idiosyncracies of officers responsible for conducting the elections which have caused great injustice and wrong to candidates.

THE OFFICIAL BLOC.

I support the recommendation of the Bengal Provincial Committee, with which the Government of Bengal is in accord, for the retention of the official *bloc* reduced in strength.

NOMINATED NON-OFFICIALS.

As it may still be necessary "to remedy the defects of election and secure the representation of communities and interests which would fail to obtain representation" through election, the Governor should have the power of nominating a limited number of non-officials in special circumstances, as in the case of experts, which he would not ordinarily exercise.

PUBLIC SERVICES.

I had voted in the Committee for the provincialisation of the All-India Security Services like the Police and the Indian Civil Service, but on reconsideration and reflection, and in the light of later and fuller information and knowledge, I am of opinion that at least the Police and the Indian Civil Service should continue to be All-India Services.

The increasing association of Indians in every branch of the administration does not necessarily imply the elimination of the British element. "It is notorious that if a member of one of these castes (Hindu castes—Brahman and non-Brahman) attains to a position of influence, he fills the offices in his gift with his fellow-caste men. The standing orders of the Government recognise this tendency and contain directions to counteract it." (Report of the Franchise Committee, Vol. 1, p. 125.) Nepotism is repugnant to the Western conception of duty and of "a law higher than that of personal ambition or clan-advantage." It is a virtue according to the Hindu conception of duty. With the Hindu, "Charity begins at home," and not infrequently the spring of action for the demand of increasing self-government is the desire and opportunity for the advancement, and power, and patronage of the self. The monopoly of services by a particular caste or community or undue preponderance of one community therein, is not only morally wrong, but a danger to the State. This fact was brought home to many of us by the painful revelations during the terrible communal riots in Calcutta in 1926 and the recent Kharagpore riots when the police were alleged to have taken sides. The sudden supersession, when the riots were at their height, of an experienced and popular Brahman Deputy Commissioner of Police by an European officer, remains a mystery, but it is significant that the authorities deemed it necessary to take such a drastic step, whatever be the reasons for their action.

Nepotism.

There are certain sections and chapters of the Criminal Procedure Code which provide for the trial of Europeans by European judges and magistrates. So long as these provisions remain,

the necessity for an element of strong and independent European officials remains. Under section 526 of the Criminal Procedure Code, cases are transferred from the file of a magistrate if the accused has reasonable apprehension that he will not have a fair trial before the magistrate. Applications for such transfer from the file of a Hindu magistrate when the accused is a Mussalman, charged with an offence against a Hindu or repugnant to Hindu sentiment and vice-versa, are not uncommon.

I may be permitted to give the following extract from a letter dated 19th August, 1929, from Perojapore, Bakerganj, which speaks for itself :—

“ A Namasudra woman having been enticed away by a Mussalman, there has been trouble here between the two communities. On the 17th August, about 5,000 men on each side gathered together for a pitched battle and they had to be dispersed with armed force. At Barisal Town a 14-year-old daughter of a Hindu pleader was abducted by a Moslem student—a brother-in-law of a local Deputy Collector. He has been placed on trial before a Hindu magistrate. I find in the papers that a petition has been filed for transfer of the case to the file of some other magistrate. The accused, perhaps, wants to be tried either by a Mussalman or a European magistrate. Where shall we get a European magistrate when the Indians will get Swaraj? The Hindus have no faith in Mussalmans and Mussalmans do not trust the Hindus. Will the reform remove this state of feeling? ”

The following extract from the minority report of the members of the Bihar and Orissa Provincial Committee bears even a more explicit and emphatic testimony to the need of the retention of the European element in the All-India Services in the proportion recommended by the Lee Commission (E.B. 661A) :—

“ 15. In the present state of communal feeling bias has inevitably appeared in the Courts of Justice and we would invite attention to a finding of the Hon'ble Mr. Justice Macpherson of the Patna High Court, recorded in a recent case tried in a court in the capital of this province by a senior Hindu Magistrate. The Hon'ble Judge of the High Court states :—“ . . . specially deplorable is it that owing to the fact that the accused was of one community and the Gazetted Officer and the Head Clerk were of another, a communal flavour was recklessly imparted to the case; and thereupon so many Government clerks and peons, all belonging to the community of the accused, concertedly perjured themselves without scruple in support of the egregiously false and cruel defence evolved that the embezzler had made over the money to the Head Clerk (a Muslim) . . . and the (Hindu) Magistrate had not only rejected the simple and straightforward case of the Crown . . . and accepted the transparently concocted

case of the defence, but should have written a judgment not only intemperate and unbalanced, but so biased that Counsel for the accused could only throw it over as impossible to support'.

"It is documentary material such as this which compels us to ask that the Constitution should contain safeguards as the only means of maintaining in public life the Muhammadan heritage of culture and valuable traditions."

If the Security Services are provincialised, it will be difficult to secure the right type of Englishmen. At any rate in a position of subordination and subjection to the newly created local authorities, it would be difficult for Englishmen to maintain the high tradition of neutrality, impartiality, integrity, and independence of their service. For the sake of India, and not for the sake of England, the British character of the administration must be maintained. The retention of the British element in the services sufficiently numerous to inspire them with the high tradition which had characterised them in the past is, to my mind, a moral and political necessity. I see no special reason why in Madras alone the Security Services should continue to be All-India Services, unless the Committee desired to counterbalance, by this, the full measure of provincial autonomy recommended by it for Madras.

British
element a
moral and
political
necessity.

The need for a body of neutral and impartial officials, for the purpose of conducting the elections for a decade, at any rate, must be apparent to all familiar with the atmosphere of excitement, passion, and mistrust, which obtains during elections in a country like India. The need for such a body of officials for the forthcoming census in 1931, when each community will strive to magnify its numerical strength and minimise that of its rival, is obvious and requires no argument.

Public
Service
Commission
in every
province.

In order to counteract the evils of nepotism, and the danger of undue preponderance in the services of a particular community, a Public Service Commission should be established in all the provinces on which qualified members of all the minority communities should be represented.

It is admitted on all hands that the considerations for the rapid Indianisation of the Services are other than those of efficiency. The principle of Indianisation of Services is accepted even at the sacrifice of efficiency. The considerations and arguments for the Indianisation of Services, support with equal force, the principle of assuring the minorities by statutory provisions a fair and adequate share in them.

MUSLIM REPRESENTATION.

"I am only one of four or five members of the Committee, and all that is said is that the Committee by a majority has carried this whatever it may be. When it comes to a show of hands, India cannot be anywhere, because there are only

three Indians out of the eleven or twelve members of the Council."

The above statement pathetically voices the sense of helplessness with which a member of a minority community on the Indian Central Committee is overwhelmed when he has to fight single-handed for the just cause of his community and the protection of the rights of minorities from the tyranny of a triumphant majority.

Tyranny of majority.

It is not correct to state that the Committee by a majority of votes decided against the retention of separate electorates for Muslims unless the Chairman is invested with weightage on the ground of his being a member of the majority community. It is quite a different thing for the Chairman to have a casting vote when opinion is equally divided in a matter of procedure as to the conduct of business. But where the Committee is equally divided on a particular issue or resolution, it is submitted that the opinion of the Chair does not convey and carry with it a double weight and his casting vote wrongly exercised is ineffectual and a nullity.

At a later stage of the proceedings of the Committee in the event of equality of votes, the Chairman withheld his casting vote and declared the amendment or resolution lost on the ground that it proposed or sought to make a new departure and disturb established facts. Following his own ruling, he should have declared that in view of equality of votes on the question of the retention of Muslim separate electorates the *status quo* is maintained.

A brief history and analysis of the voting in the Committee on this momentous question is necessary in order to enable one to appraise at its true value the decision forced upon the Muslim minority.

Resolution and Amendments.

At the meeting of 20th July, 1929, at which all the members were present, one of the members moved the following resolution:—"That while recognising that joint electorates for Muslims in provincial Councils is an object to be aimed at, for the present the system of separate electorates should be continued."

To this resolution another member moved the following amendment:—"That the separate electorates at present in vogue were only a part of a compromise, known as the Lucknow Pact, and that part of that compromise cannot be considered without consideration of the whole; and that therefore the question of separate electorates can only be considered conjointly with the allocation of seats, which is an integral part of the Lucknow Pact." He suggested that the Committee should consider whether it should extend the operation of the Lucknow Pact indefinitely, or for any length of time, and whether the time had not come for reconsidering the whole question in the light of experience gained. He moved that the Lucknow Pact should be regarded as having spent its force and that the time had now

come for the introduction of joint electorates at once, with reservation of seats for Mahommedans and Sikhs.

Thereupon I and Nawab Sir Zulfiqar Ali Khan moved the following amendments respectively :—

That representation in all provinces should be according to population subject to the following provisos :—

- (1) That a reasonable weightage is given to all minorities.
- (2) That the weightage given to minorities does not convert the representation based on population into a minority.
- (3) That in determining the amount of weightage regard shall be had to the historical and political importance of the minority concerned, and to the measure of responsibility granted to the province.
- (4) The representation of Muslims should be by separate electorates.

Personally I was prepared to give up separate electorates after the life of three Councils provided that, in order to create a sense of dependence of the majority community on Muslim votes and to develop a spirit of nationalism, Muslims were allowed to vote, but not to contest seats, in general electorates during the life of the three reformed councils, at the end of which they would contest seats in the joint electorates, with reservation of seats in the following manner :—That the candidates shall be selected by a college of electorates consisting of past and present Muslim Members of the local legislature, and no candidate shall be declared duly elected unless he secures a reasonable percentage of Muslim votes.

Nawab Sir Zulfiqar Ali Khan stated that in view of the unanimous demand of the Mahommedans in all the provinces of India for separate electorates it was his opinion that (1) this demand, based as it is on the will of the people and on established facts conceded and recognised by Government, should remain as the right of the Mahommedans of India.

(2) The right of the Mahommedans to enhanced representation in the Legislative Councils in the provinces in which they are in a minority was due to their importance, historical as well as political, and therefore must remain as at present.

(3) In those provinces in which the Mahommedans are in a majority they must not be reduced to equality, much less to a minority. . . . The representation of the Mahommedan in the majority provinces must be on the population basis.

(4) If in the future the Mahommedans of India, or the Mahommedans of any province, so desired, they should have the right of self-determination in the matter of joint electorates.

Contrary to established practice the original motion was put first. It, however, resulted in an equality of votes, four voting for it and four against it, and one member abstaining from voting. The Chairman gave his casting vote and declared it lost.

Thereafter the Chairman put the first amendment to the vote. Four members voted for, and three against, the motion and two members did not vote.

After declaring the first amendment carried, the Chairman declared that he would treat the amendments moved by Sir Zulfiqar Ali Khan and myself as independent motions, and ruled that "the resolutions of Dr. Suhrawardy and Sir Zulfiqar Ali Khan in so far as they asked for the retention of separate electorates fell to the ground, but that they could move part of their resolutions—that relating to the extent of representation."

Thereupon Nawab Sir Zulfiqar Ali Khan and myself declined to move any part of our amendments ("resolutions"?) unless we were allowed to move them as a whole. Thus not only was the original motion of one of our colleagues wrongly declared to be lost by the casting vote of the Chair, but the amendments put forward by us were deprived of the opportunity of ascertaining what measure of support they were likely to receive from our colleagues. It is a matter for deep regret that on a momentous issue like this, no regard was paid to the overwhelming weight of evidence which we received during our tour, and the views of local Governments and of the Provincial Committees.

No Mussalman, I believe, had more emphatically declared himself against communal electorates than myself in the debate on the Calcutta Municipal Bill of Sir Surendranath Banerjea.

Though the precept and example of Sir Surendranath Banerjea and Mr. C. R. Das have left me wiser, in the innermost recesses of my mind I still perceive the sway of the pernicious influences and ideas imbibed by me as a student of the London School of Economics. But my conception of my duty as a member of the Committee does not permit me to make my own individual predilections appear as if they have the support of "mass and influential opinion." For there is no denying the fact that the "mass and influential opinion" of Islam is the other way about. If we are to decide according to our prejudices and preconceived notions, well, I at any rate would rather not have been a member of the Committee. No Muslim need have been a member of the Committee at all. For, being in the minority against a hostile majority, the submergence and defeat of peculiarly Muslim views on every question was a foregone conclusion. There is no wonder a Muslim member is tempted to non-co-operate and decline "to function."

It may be urged that there is a Muslim member (Raja Nawab Ali) who is not experiencing "the sense of being entirely overwhelmed"—and has voted with the Chairman against the retention of Muslim separate electorate. Yes, that may be so, but it is an instance like this, when a Muslim departs and deviates from the mandate of United Islam, that makes the Muslim community as a whole intensely suspicious of the device of joint electorates and cling to separate electorates all the more.

▲ "Shoneen"
Muslim.

It is the "shoneen" Muslim, to borrow an expressive phrase of Lord Morley, who by his action makes the chances of abolition of separate electorates impossible or more remote.

Mirror of
mind of
majority.

That Muslim member has no electorate to which he owes any responsibility. He is a nominated member and probably represents the interests of the landholders on the Central Legislature and owes allegiance to the interests of his class. He may deem himself as discharging his duty by fighting the battle of the landlords and securing special separate electorates for them. He owes his seat on the Central Legislature to the nomination of his Government, but he owes his seat on the Indian Central Committee to the mixed electorate of the Central Legislature in which the Muslims constitute a small minority. Surely the Indian Central Committee, in its composition and character, reflects the conditions of India. It is a microcosm and mirror in which the mind of the majority community is truly reflected.

I shall now proceed to deal with the criticisms levelled against the system of separate electorates and its advantages and disadvantages from the Muslim point of view. I may be pardoned if in this connection I resort to frequent quotations from my own public utterances. In the course of the debate on the Calcutta Municipal Bill, I tried to make out a strong case against the system of separate electorates and pointed out the advantages which might accrue to Muslims by the substitution for it of a system of joint electorates with reservation of seats and the right of contesting seats in a general electorate which the Bill provided. The following extracts from my speech speak for themselves :—

Advantages
of a joint
electorate.

"I respectfully submit to the House that it should appraise the speeches at their true worth and value and not take seriously the unconsidered judgment, the wild utterances of those whose first acquaintance with public life is only through the door of communal representation. Naturally they cling to it as a new-born babe to its mother . . . Sir, I have carefully examined the advantages and disadvantages of the proposed method of Muhammadan representation, and have weighed calmly and dispassionately its pros and cons and I am satisfied that the balance of advantage is in favour of the Muhammadans. We are given 13 seats specially reserved for us where we had none. We are given the right of voting in the general electorate and contesting any seat in any ward in the general electorate and our voting strength in the general electorate will be increased considerably in excess of that of the Hindus. The Muhammadans will thus be in a position to turn the scale in favour of any candidate, Hindu or Muhammadan. They will thus hold the 'balance of power.' to use the phrase of a newly-discovered Hindu friend of Muhammadans in this Council. God save us from such a friend! New members of the Council may be deluded and deceived by his

championship of Moslem cause to-day. . . . That this advantage of 'balance of power' which the Kumar Siva would, on no account, give to the Muhammadans, is real, substantial and genuine, needs no demonstration, and it should outweigh all minor considerations and set all imaginary forebodings and fears . . . Insinuations are opposed to facts, theories and imaginary grievances to actual realities. It is said that a mixed electorate debars 'real Moslems' and paves the way for the success of 'renegades.' Gentlemen who have lightly indulged in such language have not taken the trouble to define or explain the expressions 'real Muslims' and 'renegades.' What is a 'real Moslem,' I ask? . . . I change my question and ask, what is a 'renegade'? Is he a Moslem who has committed the crime of enjoying the confidence of Hindus and Moslems alike, who has the misfortune of being elected by the votes of Hindu and Moslem electors? . . . I strongly oppose and emphatically repudiate and denounce the innovation and heresy of elevating and exalting the principle of communal representation into the shibboleth of my faith and the creed of my religion, and I venture to place before my Moslem brethren a lesson learnt by the reading of history and its philosophy. Society is not composed of fossils embedded in the rocks of retrogression and decay but of living forces which must advance and go forward with the march of time . . . I cannot understand this unseemly and irrelevant interruption by an elderly gentleman; but I must assure the Honourable Member that the reference to 'fossils,' is not intended to be personal. Communities, like individuals and nations, which do not move with the times and adapt themselves to the changing circumstances of the day, are doomed to destruction. Let us not cling to an ancient saw. Let us not allow ourselves to be mastered by a modern name. Let communal interests and not communal representation be our watchword. Let us not cling for ever to the door of communal representation by which we have entered the Council, unaware of the fact that there is a wider and broader gate beyond, leading to the Hall of Freedom and Fraternity. Shall we for ever stand at the door with the tiler, or shall we enter the Valhalla of the World and take our seat by the side of free nations?

" . . . 'If Hindus command the confidence of Moslems, why reserve a number of seats for Muhammadans at all?' questions the honourable Maulvi.

" The answer is simple, plain and clear. To give them popular and political education, to awaken in them interest in their civic rights, arouse them from somnolence and lethargy to a sense of their civic duties and responsibilities. The history and experience of the past tell us that Muhammadans seldom offered themselves for election to the Corporation.

" Lulled into slumber by the false security of nomination, they avoided the heat and dust of a contest. In 1921, no Muhammadan candidate offered himself for election to the Corporation. . . . The same story is repeated and retold if we go back a decade or a quarter of a century. . . . An Honourable Member insinuates that Hindu-Moslem unity is a sham, Hindu-Moslem friendship and fellowship a farce. . . . Sir, whatever Hindu-Moslem unity might have meant in the past, now it is real, it is earnest and it is indissoluble; and whoever desires to disturb it in the slightest degree is a renegade and a traitor, false to his religion and false to his country. Hindu leaders now realise that the safety of India lies in the unity of Hindus and Moslems; and Muhammadans recognise that in the strength of united India lies the salvation of Islam." (Bengal Legislative Council Proceedings, Vol. 5, pages 530 to 534, December 1, 1921.)

But, mark, what followed. I failed to convince my Muslim colleagues and carry them with me and that farseeing and sagacious statesman, Sir Surendranath Banerjea, the Father of Indian Nationalism, finding the Muslims almost to a man opposed to the Bill, unless and until it contained the safeguard of separate electorates for them and realizing that it was unwise, impolitic, inexpedient and dangerous to force the decision on the unwilling Muslims against their wishes, effected a compromise and accepted the principle of separate electorates for the sake of harmony and goodwill, and, in his own words, sacrificed " the ideal for the real and the practical." Shortly after, the great founder of the Swaraj party in India, Desbandhu C. R. Das, by his Bengal Pact, 1923, set the seal and imprimatur of his sanction and support to the same principle and thereby secured to his banner in the Legislative Council of Bengal the faithful allegiance and following of more than 20 Muslims who never wavered or hesitated to cast their vote against the purely Muslim Ministry of Sir Abdelkerim Ghuznavi and Mr. Fazlul Haq, regardless of the ties of religion and the bonds of kinship.

OBJECTIONS TO COMMUNAL ELECTORATES ANSWERED.

1. " *It is against the teachings of history.*"

2. " *It perpetuates class divisions.*"—I quote from myself once more to answer the above two objections to separate electorate:—

" They (Muslims) find a homily preached to them on the evils of communal representation. ' It is against the teachings of history.' The history of what nation, what country, one naturally asks? With due respects to the authors of the Report, I submit that their conclusions are due to a misreading of the teachings of history. If one goes to history for assistance one stands upon dangerous grounds.

In the history of what nation, and of what country, have we got an example of the system of government which is offered under the reform scheme? We cannot find a historic precedent and example anywhere. The only reasonable reply to a demand for historic example would be that the conditions and circumstances of India are unique and unprecedented. It is on these unique and unprecedented conditions and circumstances peculiar to India that the Muslims base their claims for communal representation. 'It perpetuates class divisions.' This proposition provokes the smile of every student of Indian history. Class and caste divisions stereotyped in the adamant mould of immemorial custom going back to the days of Asoka and Chandragupta and beyond, do not, for their perpetuation, stand in need of a council election every three or five years, which touches only the barest fringe of the vast population of India." (Bengal Legislative Council Proceedings, 1918, Vol. 27.)

3. *It is responsible for communal riots.*—The perennial cause of communal riots, if the truth is to be told, is the intolerance of the communities concerned and their lack of mutual forbearance and self-restraint, and the weak and vacillating policy of the authorities. While the Hindu Pantheon, with its myriad gods, affords its worshippers countless feasts and festivals, the austere and stern discipline of Islam offers a very limited choice of feasts and fasts to its votaries. The three principal feasts of Islam are : (1) the 'Id, the feast following the severe fast extending over thirty days during the hot month of Ramadan when no food or drink touch the lips of the Faithful from sunrise to sunset. (2) The Baqr'Id, when the Muslims perform the arduous pilgrimage to Mecca where the Faithful from all parts of the Muslim world assemble in hundreds of thousands and offer sacrifice of sheep or camels in celebration of the anniversary of the sacrifice by Abraham of his beloved son. In India the event is celebrated by the sacrifice of cows, sheep and goats. (3) The Muharram, fitly described as the "Festival of Tears," when Muslims celebrate the anniversary of the martyrdom of the grandsons of the Prophet and give themselves up to lamentations and mourning for forty days.

Long before the inauguration of the Reforms, Morley-Minto or Montagu-Chelmsford, long, long before the birth of separate electorates, the bigotry and intolerance of the followers of the rival creeds converted almost each of the three principal feasts of Islam into a veritable feast of tears and sorrow and an occasion for wailing and the knocking of breasts. The Baqr'Id and Muharram have always been the source of annual anxiety to all concerned and the cause of disturbing the friendly relations which normally subsist between Hindus and Muslims. To this has lately been added the provocation of what is called "Music before Mosques." Let not the uninformed Britisher be led astray by the dulcet sound of music which soothes the soul

Causes of
communal
riots.

and elevates the spirit. Let him only listen to the noise of Hindu religious music and he will understand its provocation to Muslims during their prayers of five times a day. The Hindus claim their civic right of using the King's highway and of playing music as they like but they deny at the same time the use of the King's highway to the despised Untouchables and challenge the Muslim's right of leading along the same highway their sacrificial cows to the places consecrated for sacrifice. Slaughter houses are threatened with extinction and the opening of new ones sought to be restrained by subtle clauses of Municipal Bills or resolutions. The Government have even gone to the length of prohibiting in some places the sacrifice of cows by Muslims which is not only a lawful act but deemed a religious duty by them. How difficult it is to reconcile the holocaust of Kalighat with the Hindu horror of the Muslim's animal sacrifice at whose altar countless Hindus and Muslims are immolated every year! The unprejudiced observer will be convinced that there is no connection whatever between communal electorates and communal riots and that the causes of these troubles are of old standing and rooted in the difference of manners and customs of Hinduism and Islam. It is true that these riots have, in recent years, become more frequent and liable to break out on a larger scale. But the reasons for these are to be found in the disregard for law and order and defiance of authority into which the recruits, Hindus and Muslims, have been drilled and dragooned by the Field Marshal of Non-co-operation, who did not hesitate to engineer a gratuitous insult even to the future Emperor of India. As we sow, so we must reap, and it does not lie in the mouth of the masters who have taught Muslims the art of agitation, now to complain of Muslim fanaticism and of Muslim defiance of law and order. The following extracts speak for themselves :—

“ It must be admitted that there has been considerable ill-feeling between the Hindus and Muhammadans of the province in the last four years, and it is possible to argue that the separate representation has been a contributory cause. It is equally arguable that the Hindu-Muhammadan bitterness is merely a manifestation of the general struggle for power, which the Reforms have opened, and that, without the safeguards they have got, the Muhammadans would have been still more antagonistic to the community, which is numerically far the most powerful in the province. The loss of influence in the district boards, which the lack of such safeguards has permitted, has certainly been one of the grievances that have embittered relations between the two communities.” (Memorandum for the Indian Statutory Commission on Minority Communities in Bihar and Orissa, E—B. & O. 116c, page 3.)

As rightly pointed out by Lala Lajpat Rai, one of the main causes of the present communal troubles is the existing economic distress and unemployment, the conflict of capital and labour

and the clash of the interests of landlords and tenants. Usury, the soul of modern Western industrialism, is forbidden by Islam as a mortal sin and the moneylender is detested by the Faithful as a moral and social leper. When to the prohibition of his religion is added the fact that the wretched Muslim peasant finds himself bound hand and foot by the chains and shackles of the moneylenders who are mostly Hindus, his hatred of his oppressors can be well imagined, and it is but natural that the slightest provocation affords him an excuse and opportunity for wreaking his vengeance on members of the community which has reduced him to beggary.

In his speech in the House of Lords on July 28, 1926, Lord Birkenhead expressed the opinion that it was a grossly inadequate explanation to attribute the present Hindu-Muslim tension either to the existence of reforms or to their nature. As far as tangible cause of tension could be assigned, it was to be found in the general post-war unsettlement which gave a final quietus to the system of paternal government and allowed component elements of the Indian population to take stock of their new position and insist increasingly and vehemently on their own rights. It was doubtless true, said Lord Birkenhead, that the system of communal representation tends to stereotype cleavage, but there is not the slightest ground for an assertion that, had Parliament insisted in the teeth of violent opposition in carrying reforms in 1919, which embodied such representation, Hindu-Muslim relations would have become more amicable than lately they have been. On the other hand it was almost certain that they would have become very much more violent and embittered. (Lord Birkenhead's speech in the House of Lords, July 28, 1926, E—Ind.—209, page 58.)

The fact that elections to the district boards, municipalities and other local bodies are generally through joint electorates throughout India, and that these elections affect the masses more than those to the legislatures is generally lost sight of. The existence of the wide network of joint electorates going down deeper into the lives of the rural and urban population has not prevented communal riots. On the other hand, it may be argued that the existence of the joint electorates in the local bodies is the real cause of communal tension and friction which have been relieved where separate electorates have been introduced. The Hindu Mayor of the Calcutta Corporation secures and retains his chair with the support of Muslim votes. (Cf. Mr. Chintamani's evidence before the Reforms Enquiry Committee quoted in Appendix II.)

Joint electorates in local bodies cause communal tension.

4. "It encourages a minority to settle down into a feeling of satisfied security."—A sense of satisfied security, indeed! The history of the reforms is a history of Muslim discontent and dissatisfaction and the air is rent with the cry of Muslims for a larger share of political power. Even the Hindu politicians will

not deny that the Muslims are not suffering from or overwhelmed by a sense of satisfied security and that they are more and more insistent and clamorous and assertive of their rights and interests.

5. "*It hinders the growth of Party system.*"—It is well-known that the Swaraj Party all over India derived its main strength from the support of its Muslim members. In Bengal its success and triumph were entirely due to the support of more than 20 Muslim members who joined the party under the leadership of Mr. C. R. Das. Even to-day Pandit Motilal Nehru, the successor of Mr. C. R. Das, has a number of Muslim members of the Legislative Assembly as members of his Party who follow him faithfully as any Hindu, and Mr. Jinnah's Independent Party has a Hindu member as its Deputy Leader. It is only the so-called Nationalist Party of the Assembly, dominated by the leading lights of the Hindu Mahashabha, that has no members other than Hindus. So long as there is a community of interests, the Hindus and Muslims work hand in hand together. It is only when there is a conflict that they drift apart. The conflict is often the conflict between the interests of those who have and those who have not. The remedy lies in the reconciliation of conflicting and clashing interests, and not in the stifling of the cry of the weak by the strong.

Nationhood
not built on
words and
phrases.

6. "*It hinders the growth of nationalism.*"—As already observed, Hinduism is a house divided against itself and its myriad castes, sects and sub-sects and social customs are greater obstacles to the growth of nationalism than any method of election devised for the protection of minorities or for a community wholly distinct and apart from that of the Hindus. First destroy the barriers of caste and prove by deeds that Hinduism is not a negation of the principles of democracy and then it will be time to think of welding the Hindus and Muslims into one nation. Far-sighted statesmen and experienced administrators should be content with the co-operation and goodwill of the two great peoples inhabiting India, living side by side and voluntarily working together for the common good. Any attempt, by the artificial and ineffectual means of a method of election, to force them into one fold is doomed to failure and the defeat of its object. You cannot create a nation by simply calling them one brotherhood. Nations are not built on the froth and foam of words and phrases but on the foundations of justice, equity and noble deeds of self-abnegation and self-restraint and regard for the helpless and the weak.

Objections
to joint
electorates.

Objections to joint electorates.—The Muslim objection to joint electorates was well expressed by Lord Morley and deserves reproduction. "But the Mahomedans protested that the Hindus would elect a pro-Hindu upon it, just as I suppose in a mixed college of say seventy-five Catholics and twenty-five Protestants voting together, the Protestants might suspect that the Catholics

voting for the Protestant would choose what is called a Romanising Protestant, and as little of a Protestant as they could find. Suppose the other way. In Ireland there is an expression, a 'shoneen' Catholic—that is to say, a Catholic who, though a Catholic, is too friendly with English Conservatism and other influences which the Nationalists dislike. And it might be said, if there were seventy-five Protestants against twenty-five Catholics, that the Protestants when giving a vote in the way of Catholic representation, would return 'shoneens'." (*Indian Speeches, 1907-1909*, p. 125.) Lord Morley had clearly grasped the situation; for that is the greatest objection Muslims have to joint electorates. In every province the Muslim votes are in a minority, and however low you may make the franchise, they will remain so everywhere. Even if you reach the bed-rock of adult suffrage, unless the suffrage is confined to male adults, the Muslims will never be an effective majority of electors. The Muslim women voters would never care to submit themselves to the heat and dust and hustle of the hustings. Apart from that, the influence of the Hindu landlord, lawyer and moneylender, which plays an important part in the elections and is brought to bear even upon the separate electorate, would be irresistible in a joint electorate. The influence of these classes upon Muslim members of the Assembly representing provinces where the Muslims are in a minority is discernible in the division lists. One has only to take up and study and analyse the division lists of the Assembly on the momentous question of the Indian Statutory Commission to admit the truth of my statement.

That the moneylender in India is not the ordinary moneylender of other countries, but can, and does, influence freedom of voting deserves due consideration. The tyranny of the law of usury, the helplessness of the poor debtor, and the tremendous power that the moneylender wields, may be seen from the report of a recent case, which unfolds a terrible tale. (See "Statesman," June 28, 1928, as quoted by Sir Abdelkerim Ghuznavi in E. Ben. 253, p. 36). The plaintiff was a Hindu moneylender, claiming Rs. 26,00,700 as principal and interest on a loan of Rs. 22, advanced thirteen years ago to the Muslim debtor.

Joint electorates with reservation of seats may serve a useful purpose for "securing the representation of a race or class where there is a large majority belonging to the race or class, but where there is doubt that the majority will be able to secure adequate representation as in the case of Non-Brahmans in Madras and Maharattas in Bombay. But any scheme of reserved seats for Muslims who are in the minority everywhere would place the selection of the representation of the minority (Muslim) in the hands of the voters belonging to the remaining races (Hindus, Sikhs, etc.)." (Cf. E—Ind—209, pp. 41-42.)

For other cogent arguments for the retention of separate electorates and the refutation of criticisms levelled against it, I specially invite attention to E. Pun. 734—a note prepared by the Honourable Malik Firoz Khan Noon, and to the evidence of Sir Mian Muhammad Shafi before the Joint Conference, November 5, 1928.

Genesis of
objection to
communal
electorates.

It should be borne in mind that the objection to communal electorates is of recent growth and was first formally put forward by the Hindu Mahasabha in 1924, as the result of the open encouragement afforded by the indiscretion of the same Secretary of State for India (Lord Olivier), who showed his depth of knowledge of Indian conditions by his description of Mr. C. R. Das as "next in saintliness only to Mr. Gandhi." Measured by the standard of the saintliness of Mr. C. R. Das, what degree of saintliness was attained by Mr. Gandhi, India did not care to enquire. But all India had a good laugh at the wonderful discovery of the Socialist Secretary of State.

ALTERNATIVE PROPOSALS.

Let it not be imagined that the Muslims have not given careful and anxious consideration to any alternative proposal or substitute for separate electorates. All thoughtful Muslims realise that the system of separate electorates is a means to an end, not an end in itself. But after careful and anxious consideration Muslims have failed to find any satisfactory substitute for the simple safeguard of separate electorates which commends itself to the masses and is easily intelligible to the unsophisticated Muslim electors.

PROPORTIONAL REPRESENTATION.

The alternative proposal of proportional representation has been repeatedly considered and rejected. It is too complex and complicated. It is not understood even by many European officials (cf. Whyte Committee's Report, Para. 20). In the words of Lord Morley, "With regard to schemes of proportional representation, as Calvin said of another study, 'Excessive study of the Apocalypse either finds a man mad or makes him so.'" (*Indian Speeches*, p. 125.)

ANOTHER ALTERNATIVE REJECTED.

The following proposal put forward by me found no support from my Hindu colleagues, who, while welcoming the curb sought to be put on the alleged Muslim communalism by the draft resolution, declined to reciprocate and accept para. 2 of the resolution.

1. That the Muslim seats be filled in a joint electorate by provision being made that no candidate shall be deemed to have been duly elected unless he secures a majority of the Muslim

votes polled, and that not less than one-tenth of the total votes polled for him are recorded by Hindu voters.

2. That, to ensure mutuality and create a sense of interdependence, it shall be provided that no Hindu candidate shall be declared to have been duly elected unless at least ten per cent. of the votes polled by him are recorded by Muslim voters.

3. That if, as a result of the election, no candidate shall have fulfilled the requirements of this rule, the returning officer shall declare the person who is found to have fulfilled the requirements of the rule, as far as may be, to have been duly elected; but if this be impracticable the returning officer shall have discretion to decide the question by the casting of lots.

Provided that the requirements of securing a fixed percentage of the votes of the other community shall not apply to constituencies where the population of the other community does not constitute a considerable fraction. The meaning and interpretation of "considerable fraction" shall be defined and determined by the local government.

RESUMÉ OF ARGUMENTS.

"The Muhammadans regard separate representation and communal electorates as their only adequate safeguards. But apart from a pledge which we must honour until we are released from it, we are bound to see that the community secures proper representation in the new councils. How can we say to them that we regard the decision of 1909 as mistaken, that its retention is incompatible with progress towards responsible government, that its reversal will eventually be to their benefit; and that for these reasons we have decided to go back on it?"—(Mr. Montagu and Lord Chelmsford in the Report on Indian Constitutional Reform).

The demand for separate electorates is universal and unanimous. Muslims of all shades of political opinion demand it in some shape or form. The All-India Muslim Conference at Delhi in 1929, under the presidency of H.H. the Aga Khan, has voiced Muslim feeling on the subject in no uncertain terms. The safeguard of separate electorates for the Muslims is regarded by them as "the cornerstone of the reforms." Without it the reforms are to them a hollow name and a signal for strife. The insistence of the Hindu community for the immediate abolition of separate electorates in the teeth of Muslim opposition has aroused Muslim suspicions and reasonable apprehensions in their minds as to the sinister motive behind this agitation. It does not lie in the mouth of caste-ridden Hindus, who treat nearly 60 million human beings of their own faith as worse than pariah dogs, to talk glibly of democracy and of democratic ideals. It is an illustration of the mockery of words and tyranny of phrases

for a high caste Hindu to use the catchwords of democracy. Modern Hinduism is a negation and denial of the principles of democracy.

The fault of the Muslims is their outspokenness and frankness. They openly demand separate electorates. Others pretend that the system of separate electorates is an evil and yet they demand for themselves the evil. They say that it is poison and yet they must have a dose of it lest their beloved Muslim brethren alone should have the deadly poison and they themselves the elixir of life. Others want Muslims to pull their chestnuts from the fire and then argue that, as the Muslims are provided with separate electorates, they should have it also. The voice of the minorities everywhere is the same. They all distrust the majority. They all want safeguards in some shape or form. Hindus in Sind and the N.W.F. Provinces, Brahmans in Madras and Indians in Burma, demand it in some shape or form. There are not only special electorates for class interests, but there is communalism in trade and commerce and seats are reserved in separate electorates for Hindu commerce and European commerce. Communalism is enshrined in the sections of the Criminal Procedure Code and enthroned in Kenya and finds solution only in the dismemberment of Ireland into the Irish Free State and Northern Ireland. Let us have Sind, Baluchistan and N.W.F. Provinces as reformed provinces, and let us see how the Hindus feel about separate electorates.

The arguments in favour of separate electorates for the other minorities apply to the case of Muslims with greater force and the grant of separate electorates to others and its denial to the Muslims, only confirms them in their suspicions as to the motives of Hindu politicians. Reference to Albania, Czecho-Slovakia, to the Continent and even to Great Britain and the Dominions beyond the seas is irrelevant and misleading. It only raises a cloud of dust and confuses the issue. The authors of the Donoughmore Report and other similar reports are bred on the pure milk of the same school of thought. Like professional preachers they preach the same sermon from different pulpits; deliver the same speech from different platforms, and like chorus singers, they sing the same song from the stages of different theatres in different cities and towns. The repetition of the same song, sermon or speech from the stages of different theatres, pulpits or platforms may multiply the sound and increase its volume, but not its sense. Besides, the wisdom of the recommendations of the Donoughmore Report is yet to be tested by time and experience. The non-Muslims in Ceylon are largely Buddhists and they are not exclusive like the Hindus. Muslims have not cheerfully accepted the recommendations of the Committee as yet. I am afraid the pious hope of the Committee will result in grave injustice to Muslims in Ceylon. At any rate "the increased powers suggested for the Governor in another part of

the Report, which would be available to prevent injustice to Muslims" (Report, p. 94) are not provided for in the contemplated constitutional advance for India. The following extracts from letters dated Colombo, 7 and 10 September last, respectively, from Ceylon Muslims speak for themselves:—

"The Simon Commission's recommendations through your labours are awaited with the keenest interest both in India and in Ceylon, as the latter is also placed under a similar problem by the changes proposed in the Report just issued by the Donoughmore Commission. Apart from some of the sweeping changes, the Muslims of Ceylon are confronted with the question of the abolition of communal representation. According to the existing Order-in-Council Muslims are recognised as a separate political entity and they are granted three representatives on an electoral basis. And they also have a voice in the territorial electorates which number about 37. Altogether 50 members, both official and unofficial, with a clear unofficial majority constitute the present Legislative Council. Not being satisfied with this Council all sections of the Ceylonese agitated for a greater share of administrative responsibilities and the result was the appointment of the Special Commission with Lord Donoughmore as Chairman and the Report contemplates a novel constitution nowhere to be found except in some features of the League of Nations' constitution. The Muslims pressed their claim. The Muslims of Ceylon are Moors who number about 300,000 and Malays who number about 15,000. These Malays not all of them wanted separate representation and the few Moors also did the same, with the result no representation was granted to any. One of the present Muslim members in Council is a Malay by race and yet he strongly advocates the retention of Muslim representation and not Moorish or Malay representation which has no political ground to stand on in view of the number in comparison to 4 millions of non-Muslims. It is the intention of some of us to fight hard for the retention of communal representation for Muslims in spite of the recommendation against it by the Donoughmore Commission."

"Perhaps you may be aware of the impending political changes that are likely to occur in Ceylon as a result of the recommendations of the Donoughmore Commission and at this stage we are badly in need of men of ripe experience and political sagacity to guide us in this matter where the Muslims are to be affected. The abolition of communal representation and manhood suffrage among other changes will indeed sweep the Muslims off the board and their position would be quite helpless."

The Donoughmore Report is based on the conditions of Ceylon, and Ceylon is not India. India must be judged by the conditions of India, and not by those of Ceylon or England. The passage in the Montagu-Chelmsford Report on the evils of communal

representation, read in the light of the conclusions reached by the authors of the Report, furnishes a strong argument in favour of the retention of separate electorates for Muslims: "We are convinced that so far as the Mussalmans, at all events, are concerned the present system must be maintained until conditions alter, even at the cost of a slower progress towards the realisation of a common citizenship." (The Report, para. 231.)

Conditions have not altered. Statesmen are guided by facts and not theories. Gokhale, in his last political testament (1915), and C. R. Das, in his Bengal Pact (1923), fully recognised the system. Mr. Chintamani admitted that separate electorates for the Muslims "lessened the friction between them and the Hindus." (Reforms Enquiry Committee's Report, 1924, Appendix 6, Oral Evidence, part I, p. 316.) Surendranath Bannerjee and Pandit Jagat Narayan went a step further. The former introduced the principle of separate electorates in the Calcutta Corporation (1923) and the latter in the local bodies in the United Provinces.

The Muslim demand as to the extent of representation in the Central and Provincial legislatures has been criticised as being illogical. My amendment enunciates a formula which I venture to think is not open to the above objection and is of universal application. I was prepared to limit the operation of the system of separate electorates to a period of not less than the life of three reformed Councils subject to the safeguards mentioned in my amendment. If Muslim minorities are allowed merely to vote (but not to contest seats) in the general electorates they will in no way succeed in having a dummy or puppet Hindu nominee of theirs elected, but their participation in the general electorate will gradually dissipate the mistrust of Hindus, promote mutual goodwill, and foster a sense of common citizenship.

MUSLIM REPRESENTATION.

Muslims should have representation in all the provinces according to their numerical strength: Provided that Muslims and other minorities in provinces where they form a minority of less than 20 per cent. of the population, should be given weightage in excess of their numerical strength according to their historical and political importance and influence and the measure of transference of political power from a benevolent neutrality to a hostile majority, and that the weightage given to the Muslims and other minorities does not convert the majority into a minority, or even to an equality. Provided, further, that the representation of Muslims should be by means of separate electorates.

A joint electorate with reservation of seats may result in the return of a "shoneen" Muslim, who fails to secure even a single Muslim vote, with the help of the overwhelming majority of Hindu votes. If it is "beyond question that the majority of the Muslims throughout India desire to obtain separate electorates"

and claim that in the provinces in which they are in a minority the pledges of Lord Minto and Lord Morley be honoured and that they should be granted representation in excess of their numerical strength on the ground of their historic and political importance, I fail to understand why, blinded by their preconceived notions and personal prejudices, some of the members of the Committee have disregarded the overwhelming weight of united Muslim opinion. I maintain that the Committee has not decided by "a majority of votes" that separate electorates for the Muslims should be abolished. No one, however highly placed, can claim a double weightage for his vote. As there was an equality of votes on this issue resulting in a stalemate, the *status quo* should be maintained and the separate electorates enjoyed by the Muslims for the last 20 years should not be abolished.

The formula, "Population basis or voting strength, whichever is more favourable," invented for the purpose of securing representation to the Sikhs in Madras (who exist in that Presidency in any "considerable fraction" only in the imagination of astute politicians) is nothing but a jugglery of words and phrases. (Minutes of Indian Central Committee, August 2, 1929.) The principle of this formula was rejected in the case of the Depressed Classes and departed from in the case of Muslims where they form a majority of the population. There is no reasonable foundation for the belief entertained by some members of the Committee that in any province the result of the system of joint electorates will be "to place the Muslims in at least as favourable a position as they now are under a system of separate electorates." Nor is there the slightest foundation for the hope that the system advocated by them will promote "the growth of a better feeling between the two communities." The test of time and experience tells a different tale. (*Vide* the evidence of Sir Mian Muhammad Shafi, as the spokesman of the All-India Muslim League at Lahore, November 5, 1928.)

Since the days of the Morley-Minto Reforms not even from a single mixed electorate in which the Muslims are in a minority, whether it is a closed benighted constituency of moneylenders or the cultured and enlightened constituency of any temple of learning, has a Muslim ever been returned to any legislature unless by a fluke or accident. (*Vide* evidence of Sir Muhammad Shafi.) As for the likelihood of the growth of a better feeling between the two communities, a system of joint electorates with reservation of seats will be a signal for strife and the puppet "*shoncen*" Muslim candidate set up by Hindu politicians and helped by Hindu usurers, landlords, and professional men will be violently opposed as a traitor and renegade by the Muslim electors, who will be further embittered against Hindus by their failure to return their candidate and the success of the henchman of the Hindus—a carter or a sweetmeat seller, a *khan-samah* or a *kitmatgar*—who may be returned without the aid of

a single Muslim vote and pose as the representative and spokesman of the Muslims. Similarly, a "shoneen" Hindu—a cobbler, a gomasta or a goala—may be put up by a powerful Muslim landlord to harass, insult and annoy the Hindu candidate set up by the Hindus. Even if the cobbler is not returned, as the Muslim electors can never command a majority anywhere in any constituency, he will at least secure Muslim votes and, far from bringing about a better feeling between Hindus and Muslims, Hindu-Muslim relations will be strained and Hindu-Muslim feelings embittered.

The fire of resentment and anger kindled in the breasts of educated Muslims at any suggestion or hint or thought of the abandonment or abolition of separate electorates is an index to the fierce flame which will burst forth in the hearts of the illiterate when they hear of any deviation from or alteration of the simple system with which they are familiar for the last 20 years. The Muslims of Bengal are deprived even of the camouflage of reservation of seats. It is true that Muslims in Bengal are in a "clear majority," yet they could secure but one seat in a general joint electorate during the ten years of the Morley-Minto reforms, and they have failed to secure through any special electorate a single seat during the last twenty years of the Morley-Minto and Montagu-Chelmsford reforms, if I except from my calculation and count the constituency of the Dacca University in 1923, which went to a Muslim, thanks to the efforts and activities of the Swarjists, and the policy pursued by their leader, Mr. C. R. Das.

Though in a "clear majority" the Mussulmans of Bengal had to be content with only forty per cent. of the seats in the Bengal Council under the Lucknow Pact and the Montagu-Chelmsford Reforms, and accept the position of a minority for ten years. How can my honourable colleagues forget that, in spite of their overwhelming majority of numbers and community of religious and social customs, the non-Brahman high caste Hindus in Madras and the Mahrattas in Bombay had to be given the safeguard of special protection? I agree that the Hindus of Bengal are sufficiently numerous and sufficiently influential to take care of their own interests. I go further. They can also take care of the interests of the Muslims, and sometimes even those of Hindus from Madras and Malabar.

The same remarks apply to the Muslims of the Punjab. The test of time and experience repeats the same tale in the Punjab. During the ten years of the Morley-Minto Reforms the Muslims in the mixed general electorates—there was no separate electorate for the Muslims in the Punjab under the Morley-Minto scheme—could never secure more than six seats in the Legislative Council, and during the last twenty years, and since the foundation of the Punjab University, could never return a Muslim through the mixed constituency of that seat of learning except once by a fluke, thanks to the rejection by the Returning Officer of the

nomination paper of the candidate opposed to the Muslim candidate. It is a mere jugglery of words and tyranny of phrases to say that under the scheme of election proposed by some members "the Muslims in the Punjab will then be placed on the same footing as the Hindus in all the provinces save Bengal and Burma." A comparison of the Muslim population with that of the Hindu in all the existing provinces will show at a glance that nowhere can the Hindus be placed as a minority on the same footing as the Muslims. The spokesman of the Hindu deputation at Lahore (Dr. Nanak Chand) exclaimed in despair that, in view of the continuous *bloc* of Muslim population from Constantinople to Peshawar pressing upon the Punjab, he grew nervous at the thought of Swaraj. If in the Punjab, where the Muslims at best command a narrow and doubtful majority of the population, an educated spokesman of the valiant Hindus, who can always count upon the aid and assistance of the warlike Sikhs, (see E. Punj. 80, Revised, Vol. I, P. 1, p. 63, line 16, from the bottom) could give expression to such apprehensions, imagine the depth of despair and the sense of helplessness of the Muslims of Southern India and the Central Provinces (with their merely seven and three per cent. of the population respectively) upon whose stout hearts and broad breasts the dead weight of Hindu population is pressing like a black nightmare from the mountain chains and ranges of the Vindhya to Cape Comorin!

It is said that "Hindu opinion throughout India is definitely opposed to the principle of special protection for particular communities, save in very exceptional circumstances." It would be nearer the truth to say that Hindu opinion throughout India, though camouflaged in the guise of opposition, is definitely in favour of the principle of special protection for all communities, classes, and interests—the Europeans, the Anglo-Indians, the Indian Christians, the Indians in Burma, the Sikhs, the landlords, the women, commerce and industry, trade and commerce (with its sub-division of Indian and European commerce), mining industry, labour, and the Universities—save and except in the very exceptional circumstances of the Muslims whom it is most anxious to enfold within its fraternal embrace as forming one nation and brotherhood like the deadly embrace of Sivaji and Afzal Khan. Well may the Muslim exclaim, "Can causticity go further? Hindu opinion! Thou canst swallow a camel, but strainest at a gnat!

Muslims must be made the scapegoat, and get the odium of championing the system of separate electorates, but Muslims should have no special protection in Bengal as expressly recommended, and in other provinces, by implication, as separate electorates with reservation of seats are worse than no special protection. Naked truth, however bitter, is better than sugared falsehood camouflaged in the garb and semblance of truth.

It is stated that "it is beyond question that the majority of Muslims throughout India desire to retain separate electorates,"

and it is alleged that "Hindu opinion throughout India is definitely opposed to the principle of special protection for particular communities." Naturally Hindu members of the Committee give preference to Hindu opinion over Muslim opinion. Muslim opinion may carry no weight in the scales of prejudice, but it may still have some weight and value in the balance of British statesmanship.

The strongest argument for separate electorates.

The simplest and strongest argument in favour of the retention of separate electorates for Muslims is that based on common sense. Whatever be the sins of omission and commission of the Muslims, they are not absolutely devoid of reason and common sense. If the Muslims could perceive the least balance of advantage in favour of the system of election advocated by Hindu politicians, they would welcome and accept it with alacrity. Nor could any impartial observer and careful student of the Indian situation be persuaded to believe that the hearts of the hard-headed Hindu politicians are breaking with superabundance of sympathy and overflow of the milk of human kindness for their Muslim brethren, that they are advocating a system of election advantageous to Muslims and disadvantageous to Hindus.

DEPRESSED CLASSES.

I am in favour of a system of separate electorates for the Depressed Classes in all the provinces. The practical difficulty of conducting the elections for a widely scattered community can be overcome by sending out ballot papers by post, as used to be the case with regard to Muslim elections during the period of the Morley-Minto reforms, and as is the case even now with regard to elections by the University and other special constituencies, and in the case of elections to the Council of State.

INDIAN CHRISTIANS.

If, as alleged, the Indian Christians are really prepared to abandon separate electorates, and if they really realise that it is a distinct disadvantage for them to be shut off politically from the bulk of their countrymen, I see no reason why any special protection should be accorded to them simply because other communities are to get separate electorates, which they do not look upon as an evil or a distinct disadvantage, but as a safeguard and a special protection. As I am throughout opposed to joint electorates with reservation of seats, the Indian Christians, in my opinion, should have either representation by separate electorates or no representation at all. No representation is better than representation by the puppets and henchmen of the non-Christian majority, who generally look down upon Indian Christians as renegades or descendants of renegades from the religion of their birth.

EUROPEANS.

The inability of the European to speak the language sufficiently fluently to address a general constituency in the vernacular is no argument for the retention of separate electorates for them. How many Indian candidates ever address a general constituency? Speaking at meetings and addressing constituencies do not form yet a prominent feature of the elections in India. Besides, there are Europeans, missionaries, merchants and others, who are as familiar with the vernacular as any Indian. At any rate, election manifestos in the vernacular can be easily composed by, or for, European candidates and broadcast by election agents and canvassers as in the case of Indian candidates. In the elections by the special constituencies of the Universities, English is the language of the manifestos issued by the candidates and not the vernacular. The truth is that Europeans must be given separate electorates, because they are Europeans and they demand special protection. The principle of communalism is sanctified in the sections and enshrined in the chapters of the Indian Criminal Procedure Code. So long as the powerful European minority require the protection of special provisions of law and special privileges for their protection, how can British statesmen hold up their hands in horror, and deny the Muslims the protection which they claim and enforce for their own kith and kin?

ANGLO-INDIANS.

For reasons already advanced by me against representation by reservation of seats in joint electorates, I recommend that Anglo-Indians, who form a distinct and separate community by themselves, should be given representation by separate electorates in all the provinces. The provision that "in order that the members elected may be really representative of the Anglo-Indian community, in the case of joint electorates, candidates should either be selected from a panel put forward by recognised Anglo-Indian Associations or that election should be conditional on obtaining a certain percentage of the votes, not only of the other electors in the constituency but of the Anglo-Indians themselves," is a partial recognition of the force of my argument against joint electorates with reservation of seats advocated by some members of the Committee.

Admission of force of argument against joint electorates.

MUSLIMS IN BURMA.

The demand of the Muslims of Burma for representation by separate electorates, as under the Morley-Minto reforms, should be satisfied, in view of the contemplated constitutional advance involving a large measure of transference of power to popular control. The arguments in support of the continuance of the representation of Karens by separate electorates apply with equal force to the case of Muslims. The amount of representation may be left to the local Government to determine.

Burma Muslims on same footing as Karens.

COMMERCE AND INDUSTRY.

Communa-
lism in trade,
in commerce,
labour and
industry.

Extension
of "The
vicious
principle of
separate
electorates
and
communal
representa-
tion."

While agreeing that few Europeans, if any, can ever hope to be elected by general constituency in India, I fail to see why it follows that if Chambers of Commerce and Trade Associations, like the Bengal Chamber of Commerce and the Calcutta Trades Association in which Europeans form a majority of membership should have special electorates, that special representation should be retained for Indian Commerce. If the principle of communalism is maintained in Commerce, Trade and Industry, I further fail to see why there should not be special representation for Muslim Commerce also, as Indian Commerce in practice means Hindu Commerce. If, in the case of the moneylenders of Madras (the Nata Katu Chettis), the moneylenders of Bengal (the Bengal Mahajana Sabha), the Marwaris, and the Bengali Hindus (Bengal National Chamber of Commerce) justification can be found for giving them special representation, I fail to see why there should be no special representation for the Muslim hide merchants whose interests are peculiar and distinct from those of other branches of trade and commerce.

The same principle of communalism in trade and commerce prevails in the distribution and allotment of seats to the various Chambers of Commerce and Trades Associations in Burma. Planters and the mining industry are also given separate representation.

When Labour is in office and the hopes of Indian politicians run high, it is natural to make a show of solicitude and concern for Indian labour, and give some evidence of practical sympathy by recommending special separate electorates for labour in total disregard of the theoretical objection to the "vicious principle of separate electorate and communal representation."

THE MARTIAL RACES AND THE SOLDIERS.

One of the grounds urged for further constitutional advance is India's service to the Empire during the Great War. It would be an irony of fate and travesty of justice that pundits and priests should vicariously enjoy the fruits of the splendid services and sacrifices of Indian soldiers and those who actually shed their blood in defence of the Empire should be denied the protection of special representation and special electorates. I therefore recommend that special electorates and special representation be accorded to the Indian soldiers and officers, at any rate, in the Punjab. (Evidence of Nawab Sir Umar Hayat Khan, E. Pun., 196.)

WOMEN.

Practical
difficulties
in the way
of elections

On reflection and reconsideration, I feel that the reservation of 5 per cent. of the total seats in every provincial legislature for women is excessive and there are practical difficulties in the

way of resorting to election for their representation. I therefore recommend that the amount and method of representation for women be left to the local Government to determine.

UNIVERSITIES.

I am of opinion that there is no justification for allotting seats to the Universities unless the electors justify such reservation of seats for them, as in the pre-reform days, by returning men of high academic attainments as their representatives. I agree, however, that in order to secure a more adequate representation of learning, the University electorate should consist of members of the Senate or of the Court of the University concerned. As in the case of the Universities in other provinces, the Universities of Calcutta and Dacca should form one electorate returning two members, one of the two seats being reserved for Muslims. In making this recommendation I am merely following the precedent established by the Committee in the case of Punjab landholders where they recommend the formation of a joint electorate for the four landholders' seats, reserving one seat in this constituency for a Hindu, one for a Sikh, and two for Muslim landholders.

Reservation of seats for Muslims in University and other mixed special constituencies.

Reasons for such reservation.

Indeed, I recommend that in every mixed special electorate a seat should be reserved for Muslims so that they may have an opportunity of testing the wisdom and value of the much-lauded system of joint electorates with reservations of seats and the chances and possibilities of returning truly representative Muslims by such electorates.

Elections by all special electorates and constituencies should be held in advance of elections by the general, Muslim and non-Muslim, constituencies, and seats secured by Hindus and Muslims in these electorates should be counted as Hindu and Muslim seats respectively and determine the proportions or ratio of Hindu and Muslim seats to be contested in the general, Muslim and non-Muslim, constituencies.

Seats secured by Hindus or Muslims in mixed special electorates should be deemed Hindu or Muslim seats.

SECOND CHAMBER.

I am not opposed to the creation of a Second Chamber for any province where local conditions require such a Chamber. In agreement with the recommendations of the Bengal Provincial Committee and of the local Government, I recommend a Second Chamber for Bengal, the composition, character and functions of which may be determined and defined by a local committee appointed by Government.

SIND.

Sind should constitute a separate province. The separation of Sind from Bombay proper will considerably reduce the Muslim minority in the latter, but the Muslims of Bombay

proper are willing to make this sacrifice so that, as the Dominion of Canada is constantly invoked by Indian politicians as an example to be followed, by creating an effective Muslim majority in one province and an effective Hindu majority in another, Canadian conditions may be produced and the analogy made more approximately applicable to Indian conditions.

N.W.F. PROVINCE.

For the same and other cogent reasons the reforms should be introduced into the North-West Frontier Province on the same terms as in other provinces of India. The military arguments and strategic reasons advanced by some members of the Committee against the introduction of reforms are reasons for the maintenance of the military strength of the army at a high level of efficiency and not for the refusal to grant reforms. The existence of full provincial autonomy or an approach thereto in the South and that of the semblance of a republic (though in reality a thinly disguised despotism) imminent in the North will make it impossible to stop the infiltration and impact and the ferment of new ideas and political ideals.

BALUCHISTAN.

For the reasons stated above the same measure of constitutional reforms should be introduced in Baluchistan. The Nehru Report gives Sind and Baluchistan to the Muslims in exchange for the safeguard of separate electorates and communal representation. Though Pandit Motilal Nehru's readiness to do so is reminiscent of the immortal bard of Persia, who in the exuberance of his love and poetic ecstasy wished to barter away the kingdoms of Samarkand and Bukhara (of which he was not the lord and master) for the Hindu (black) mole in the cheek of his sweetheart, his present of the province of Sind and Baluchistan to his beloved Muslims may be as much the result of a dramatic generous gesture as that of faith in the strategic and financial reasons of "the Satanic Government," ever the target of blame from all dissatisfied quarters.

Preliminary
steps to a
federal
system of
government.

The existence of provinces in which Muslims would form a majority would not only give Muslims an opportunity of testing the *bonâ fides* of Hindu politicians by ascertaining whether the Hindu minority in these provinces would dispense with the safeguards required by the Muslim minorities elsewhere or demand similar protection for themselves, which the Muslim majority are willing and ready to concede to them, but also create the conditions of Canada and be a distinct step forward on the road to the goal of a federal system of government leading to Dominion Status.

THE INDIAN STATES.

I regret to find underlying the treatment of the Indian States precisely the same kind of disregard of the rights of minority and weaker communities, regarding which I have already protested.

Disregard of rights of the weak underlies treatment of Indian States.

The sections of Sir Hari Singh Gour's note which deal with the Indian States comprise paragraphs 30-46, and 223-244, besides a number of incidental references.

In my judgment, the tone of these sections is not likely to induce that sense of confidence among the rulers and peoples of the Indian States which is necessary if their co-operation with British India in the achievement of Dominion Status is to be attained.

I am surprised that it has escaped the attention of my colleague, Sir Hari Singh Gour, that in his treatment of the problem of the Indian States he has shown traces of the same disposition which characterises the dealing of the present Government of India with British India. Since it has been the purpose of our Committee to clear the way for the realisation of British Indian aspirations by pointing out the wrongful character of the rule of one people by another, it surely does not befit us in our dealings with the Indian States, the smaller and weaker part of India, to display that attitude of mind of which we are ourselves complaining. In particular, it seems to me that we are guilty of a grave inconsistency, if, on the one hand, we refuse to accept what we regard as the interested judgment of British officials upon our own capacity to rule and upon the feasibility of attaining Dominion Status, while, on the other hand, we accept as gospel the not less interested statements of these same officials regarding the powers and privileges which they are entitled to exercise over the Indian States. Our friends among the politically advanced classes in India rejected Sir Malcolm Hailey's attempt to differentiate between self-government and Dominion Status. They refused to accept the dictum of Lord Peel, when he was Secretary of State for India, to the effect that the Government of India Act contained within itself sufficient potentialities for expansion without requiring the intervention of Parliament. And yet my learned colleague, Sir Hari Singh Gour, is apparently prepared to accept without any question a number of obviously one-sided findings, proceeding from precisely similar authorities, regarding the power which they believe themselves entitled to exercise over the Indian Princes and their people. It has apparently escaped the notice of my colleague that the precise character of the relationship between the Indian States and the Paramount Power has never been authoritatively investigated. I agree with the reasoning of Dr. Gour's note in paragraphs 223-225, to the effect that at the present moment the relations between the Indian States and the Crown are managed by the statutory machinery set up by the Crown for the purpose, namely, the Governor-General in Council and the Secretary of State for India. But I do not regard the precise content of this relationship as having

Grave inconsistency of acceptance and rejection of interested judgment on similar questions.

Relationship between the Crown and the States not adequately settled by Lord Reading's letter to the Nizam.

been adequately settled by Lord Reading's letter to the Nizam of Hyderabad upon the question of the Berars. While Lord Reading, both as an eminent lawyer and as then Viceroy of India, was entitled to express views which deserve the most serious consideration, I fail to see how these views can be dissociated from his capacity as head of the Indian Executive. In other words, weighty as Lord Reading's statement must be reckoned, it is impossible that it should be considered an impartial finding. The legal maxim that no one can be judge in his own case applies as forcibly to Viceroys, and even to Secretaries of State, as to ordinary individuals.

Butler Committee not a judicial tribunal.

Nor does it seem to me that the investigations of the Committee presided over by Sir Harcourt Butler, interesting and suggestive as they may be, have any greater claim to be considered the findings of an impartial body. Confessedly, the Butler Committee did not sit as a judicial tribunal. Sir Harcourt Butler himself is an experienced Political Officer, whose life has been spent in the service of the Government of India. His two colleagues were strangers to India, and were expected in the space of a few short months to familiarise themselves with conditions whose complexity is barely to be grasped after a lifetime of study. The Committee itself sat under the aegis, and was influenced by the trained acumen of, the Political Department, the very organisation against whose methods and powers the Princes themselves were vigorously protesting. In such circumstances it seems to me that the findings of the Butler Committee upon the position and the powers of the Indian Princes are entitled to precisely the same weight, no more and no less, than the findings of a Hindu majority upon the rights of a Muslim minority.

Indian States an elusive element in future policy of India

The essence of the present position seems to me to reside in the vagueness and uncertainty which surrounds the whole problem of the mutual rights and duties of the Paramount Power and the Indian States. Until this question is authoritatively cleared up, not by mere executive pronouncements delivered after the consideration of conflicting claims, but by the painstaking and impartial investigation of both sides of the case by an authoritative legal tribunal, giving full weight to the evidence which can be adduced on either side, it seems to me that the Indian States must remain an indeterminate and elusive element in the future polity of India.

Privy Council and Supreme Court in India solution of problem.

I am strengthened in these convictions by my general agreement with the suggestions put forward in Sir Hari Singh Gour's note, regarding the necessity for the erection of a Privy Council and of a Supreme Court in India. It seems to me that in these two institutions there may be found the solution of one of the greatest problems which now confront us; namely, the harmonious reconciliation of the interests of both sides of India, and the subordination of each separate interest, not to the other interest, but to the interest of the larger whole. But it seems to me that until we have determined upon a correct

legal basis the rights and duties of the States *vis-a-vis* the Paramount Power; until we have eliminated that arbitrary and discretionary element which may at any time, according to the finding of the Butler Committee, dominate and control the relationship, we cannot hope to allot to the Indian States that just and determinate place in the future polity of India which their importance, no less than the interest of the country as a whole, so clearly demands.

I agree with Sir Hari Singh Gour in his criticisms of many of the positive recommendations of the Butler Committee; but it does not seem to me that his summary of the findings of that Committee accurately conveys the tone of the Report. His naturally precise legal mind has invested with a somewhat misleading clarity the studiously vague, and in parts self-contradictory, recommendations of what is in effect a very skilful but hardly convincing attempt to skate over ice of the thinnest description.

Summary of findings of Butler Committee misleading.

It seems to me that justice demands that I should in this place put upon detailed record the Resolutions passed at the Bombay Conference in which many of the Rulers and representatives of the Indian States expressed their general opinion upon the Report; while at the same time I associate myself with Sir Hari Singh Gour's unanswerable criticism of that recommendation of the Butler Committee which is dealt with in Paragraph 1 (d) of the Resolutions.

Conference of rulers and representatives of States, Bombay, 25-27 June, 1929.

" Without prejudice to the final expression of views of the Indian States on the Report of the Indian States Committee, and to such future action as may be deemed advisable by the Indian States :—

Resolutions passed at the Conference.

(1) This Informal Conference of the Indian States records its satisfaction at the Indian States Committee's recognition, in certain important respects, of the correct position of the States as instanced by their findings :—

(a) That the Treaties, Engagements and Sanads have been made with the Crown, and that the relationship of the States to the Paramount Power is a relationship to the Crown;

(b) That these Treaties, Engagements and Sanads are of continuing and binding force as between the States which made them and the Crown;

(c) That it is not correct to say that the Treaties with the Indian States must be read as a whole;

(d) That the Viceroy, and not the Governor-General in Council, should in future be the Agent for the Crown in all dealings with the Indian States.

(2) Whilst welcoming the attainment by British India of her due place among the British Dominions under the

ægis of the British Crown, this Conference expresses its gratification at the Indian States Committee's recognition—a corollary of the true constitutional position of the States—that the relationship between the Paramount Power and the Princes should not be transferred without the agreement of the Princes to any third party, which recognition leaves the door open for negotiation between the States and British India with a view to arriving at an equitable and satisfactory arrangement on terms fair and honourable alike to British India and the Indian States.

(3) This Conference expresses its appreciation of the recognition of some of the claims of the States to relief from existing financial arrangements which adversely affect the States and their people in a variety of directions; and expresses its hope that the personnel and procedure of the independent Expert Committee which it is proposed should explore the financial and fiscal problems shall be settled in consultation between all the parties concerned.

(4) This Conference expresses its disappointment at certain unsatisfactory aspects of the Report which are prejudicial to the interests of the States, and of India as a whole, as well as of the Empire, such as:—

(a) The failure of the Committee, after its admission that Sovereignty is divided between the Crown and the States, to draw any such dividing line as would place the rights of the Crown in regard to the States upon a definite, as opposed to a discretionary, basis;

(b) The assertion of the Committee that intervention on the part of the Paramount Power, which is not justified by the spirit and letter of the subsisting engagements, may be justified on the score of Imperial necessities and the shifting circumstances of time;

(c) The omission of the Committee to recommend that the existing machinery be made satisfactory and effective for the purpose of adjudicating upon matters affecting subsisting engagements, such as the internal autonomy of the States and disputes between the States and the British Government or British India or between States *inter se*;

(d) The contention of the Committee that usage and sufferance, without the free consent of the States, and executive decisions are capable of themselves of modifying and impairing rights solemnly guaranteed by Treaties and Engagements and reaffirmed by successive Royal Proclamations;

(e) The failure of the Committee to distinguish between Sanads that are in the nature of agreements with and those that were imposed upon the States;

(f) The implied opinion of the Committee that usage based upon the cases of individual States is a source of paramountcy applicable to the States as a whole, despite their admission that the Treaties cannot be read as a whole; and

(g) The failure of the Committee to provide effective means of securing to the States their rights in matters of common concern to India as a whole.

(5) This Conference believes that these and other questions now at issue between the British authorities and the States, and between the States and British India, can at the present stage best be solved in personal discussion with His Excellency the Viceroy and by recourse to frank and friendly negotiations; and authorizes the Standing Committee of the Chamber of Princes to take such necessary action between the present date and the meeting of the Chamber of Princes in February, 1930 as would facilitate this task.

(6) This Conference authorizes the Princes on the Standing Committee to communicate informally to His Excellency the Viceroy, at the meeting to be held at Poona on June 28, its tentative views regarding the various findings and recommendations of the Indian States Committee.

(7) This Conference reaffirms the resolution of the Princes to devote to the moral and material progress of the subjects of the States the advantages resulting from the removal of those inequitable financial burdens under which the States at present labour.

(8) This Conference, while appreciating the response already made in certain directions, invites the attention of States' Governments to the Resolution regarding essential Reforms passed in the Chamber of Princes on February 23, 1928, and emphasizes once again the supreme importance of giving full effect to it."

It is perfectly plain that we have here an issue capable of being resolved impartially only by an appropriate tribunal, between the *ipse dixit* of the executive Government of India, as expressed in Lord Reading's letter and as emphasized in the Butler Report, and the view taken by the States Governments regarding their own position.

Imperative
need of an
impartial
Tribunal.

INDIA COUNCIL.

In the event of the abolition of the India Council and the appointment of two Indian Under-Secretaries of State for India, one of them should be a Muslim, in accordance with the precedent established by Lord Morley when appointing two Indians as members of his Council. In the event, however, of the retention of the India Council, the

India
Council.
Two Indian
Under-
Secretaries
or increase in
the Indian
element.

element should be increased so as to enable the Secretary of State to have an equal number of Hindus and Muslims and also representatives of other minorities.

CONCLUSION.

In conclusion, I desire to dissociate myself with the views expressed in the Report regarding the effect of the boycott of the Commission in India. While it is true to state that throughout our tour in India, the views of the articulate and clamorous section of Indian opinion, professing deliberately to boycott the Commission were prominently brought to our notice by the timely publication of the Nehru Report and other methods of propaganda peculiar to the boycotting group, the spectacular boycott of the Commission did not, in anyway, prevent the Joint Free Conference from having ample opportunities of acquainting themselves with the sentiments of that group. I am, however, bound to state that our English colleagues can have had few opportunities of acquainting themselves directly with the feelings and sentiments of the vast and countless millions of the silent and voiceless India, who do not desire their placid, pathetic contentment to be disturbed by any violent, cataclysmic changes.

No one is more conscious than myself of the imperfections of this hurriedly written note. Recent bereavements, ill-health, domestic worries and troubles and anxieties due to prolonged absence from home, are amongst the contributory causes of the defects which characterise this note. Nevertheless, it contains and embodies my views and impressions frankly and fearlessly expressed with the sole object of serving the cause of India and England, of truth and humanity. What I have written, I have written in the interests of truth, justice and equity, the triumph of which alone can establish lasting peace and abiding harmony between the races and peoples inhabiting India. I have striven to overcome the bias of birth and environment, of patriotism and religion. I have looked upon the problem as that of minorities and majorities, of conflicting cultures and civilisations and not that of Hindus and Muslims, or of Indians and Englishmen. If in doing so I have hurt in the slightest degree the feelings of anyone, I express my sincerest regret.

I have been the recipient of personal kindness at the hands of Brahmans and non-Brahmans like the great Sir Surendranath Bannerjea and Sir Asutosh Mookerjee, Lord Sinha and Mr. C. R. Das, whose memory I shall always cherish with respect and reverence. I have countless Hindu friends whose friendship has stood the test of time and experience during the dark days of the Calcutta communal riots of 1926. But truth is truth, and so long as the rules of caste and social custom raise an iron

wall between Hindus and Muslims, they will continue to constitute two different nations, though inhabiting the same country and even speaking the same language.

While co-operation, friendly and cordial, can subsist and yield beneficial results, any attempt at fusion of the two by force or artificial aids or at welding them by force into one nation will only result in discord and violent reaction and disturb the harmony which voluntary co-operation alone can achieve.

There is a small matter which I would like to mention. I would myself have exercised greater discrimination in the award of praise to the staff of the Committee. Some I would not have included in the Report, but others included in the general description of " staff " I would have mentioned by name.

A. SUHRAWARDY.

London :

15th October, 1929.

APPENDIX I.

- Pledges, promises, assurances, &c., of British Statesmen to Muslims.
- Pledges, promises and assurances embodied in documents, Government resolutions and the speeches and utterances of British statesmen and administrators given to Muslims and minority communities regarding the adequate and effective protection of their rights and interests :—
- The Government of India's Resolution, 1885.
1. The Government of India's Resolution of March, 1885, which recognised the rights of the Mohammedan people to a proper share in the public service, and of equal facilities in every department.
- Lord Kimberley, 1892.
2. " It has been found in this country not very easy to protect the interests of minorities by any contrivance that can be devised ; but there must be found some mode in India of seeing that minorities such as the important body of Muhammadans, who are frequently in a minority in parts of that country, are fully represented." (Lord Kimberley in the House of Lords speaking on the Indian Councils Bill, 1892.)
- Lord Minto 1906.
3. " The pith of your address, as I understand it, is a claim that under any system of representation, whether it affects a municipality or a district board or a legislative council, in which it is proposed to introduce or increase an electoral organisation, the Muslim community should be represented as a community. You may point out that in many cases electoral bodies as now constituted cannot be expected to return a Muslim candidate, and that if by chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his community whom he would in no way represent ; and you justly claim that your position should be estimated, not only on your numerical strength, but in respect to the political importance of your community and the service it has rendered to the Empire. I am entirely in accord with you. Please do not misunderstand me. I make no attempt to indicate by what means the representation of communities can be obtained, but I am as firmly convinced as I believe you to be that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent." (Lord Minto's reply to the All-Indian Muslim Deputation of October, 1906.)
- The Government of India, 1907.
4. The letter of the Government of India, No. 2310-17, dated 24th August, 1907, addressed to local Governments, in which the reply of Lord Minto to the Muslim Deputation of 1st October, 1906, was affirmed.
- Viscount Morley's reply to Muslim deputation 1909.
5. " You say, ' That for the purpose of electing members to the Provincial Councils, electoral colleges should be constituted on lines suggested by his Lordship, composed exclusively of Mahomedans whose numbers and mode of grouping should be fixed by executive authority.' This comes within the principle

of my despatch, and we shall see—I hope very speedily—whether the Government of India discover objections to its practicability. Mark, electoral colleges constituted on lines ‘composed exclusively of Mahomedans whose numbers and mode of grouping should be fixed by executive authority’—that is a proposition which is not outside the despatch, but whether practicable or not is a matter for discussion between us here and the Government in India. The aim of the Government and yours is identical—that there shall be (to quote Mr. Ameer Ali’s words) ‘adequate, real, and genuine Mahomedan representation.’ Now, where is the difference between us? The machinery we commended, you do not think possible. What machinery? Mixed electoral colleges. Well, as I have told you, the language of the despatch does not insist upon a mixed electoral college. It would be no departure in substance from the purpose of our suggestion that there should be a separate Mahomedan electorate—an electorate exclusively Mahomedan These, you see, are four different expedients which well deserve consideration for attaining our end, having a more or less direct vote, and an exclusively Mohammedan voice in returning Mohammedan representatives.” (Lord Morley’s reply to the deputation of the London Branch of the All-India Muslim League which waited on him on 27th January, 1909.) (Cf. Morley’s Indian Speeches, 1907-1909, pp. 104-106.)

6. “The Muslims demand three things. I had the pleasure of receiving a deputation from them and I know very well what is in their minds. They demand the election of their own representatives to these councils in all the stages, just as in Cyprus, where I think, the Muslims vote by themselves. They have nine votes and the non-Muslims have three or the other way about. So in Bohemia, where the Germans vote alone and have their own register. Therefore we are not without a precedent and a parallel for the idea of a separate register. Secondly, they want a number of seats somewhat in excess of their numerical strength. Those two demands we are quite ready and intend to meet in full.” (Lord Morley’s speech in the House of Lords on February 23, 1909, on the Second Reading of the Indian Councils Bill, *Ibid.*, p. 126.)

Viscount
Morley in
the House of
Lords, 1909.

7. “Undoubtedly there will be a separate register for Muslims. To us here at first sight it looks an objectionable thing because it discriminates between people and segregates them into classes on the basis of religious creed. I do not think that is a very formidable objection. The distinction between Muslim and Hindu is not merely religious, but it cuts deep down into the traditions of the historic past and is also differentiated by the habits and social customs of the community.” (Mr. Asquith on the Second Reading of the Indian Councils Bill in the House of Commons, April 2, 1909.)

Mr. Asquith
in the House
of Commons,
1909.

Statement
of Mr.
Hobhouse,
1909.

8. "The Secretary of State adheres in its fulness and completeness to what he had said—that the representation of Muslims was to be not merely sufficient, but in excess of their actual numerical right . . . In a telegram received from the Viceroy as recently as the 12th April speaking of this representation and the methods of securing it to Muslims the Viceroy remarked—The method proposed is simply that in general electorates, all sects and classes including Muslims will vote together; by this means some but not sufficient representation will be obtained for Muslims; in addition a certain number of seats will be reserved for Muslims, and no one but Muslims will have a voice in filling them." (Statement of Mr. Hobhouse on April 19, 1909. in reply to Earl Percy at the Committee stage of the Bill.)

Montagu-
Chelmsford
Report, 1913.

9. The Muhammadans regard separate representation and communal electorates as their only adequate safeguards. But apart from a pledge which we must honour until we are released from it, we are bound to see that the community secures proper representation in the new councils. How can we say to them that we regard the decision of 1909 as mistaken, that its retention is incompatible with progress towards responsible government, that its reversal will eventually be to their benefit; and that for these reasons we have decided to go back on it? Much as we regret the necessity, we are convinced that so far as the Muhammadans at all events are concerned the present system must be maintained until conditions alter, even at the price of slower progress towards the realization of a common citizenship. But we can see no reason to set up communal representation for Muhammadans in any province where they form a majority of the voters. (Montagu-Chelmsford Report, para. 231.)

Lord
Chelmsford,
1918.

10. "Honourable Members will probably expect something from me on the vexed question of communal representation. I cannot help thinking that much more has been read into our proposals than they were intended to convey. We wished indeed to make it clear that in our opinion communal electorates were to be deprecated for the reasons set out in our report. But it was in the main to the method of securing communal representation by communal electorates that we took exception, and not to communal representation itself. The careful reader of the report will see that we regard this as inevitable in India and that we clearly contemplate the representation of those communities and classes and interests who prove their case before the Committee shortly to be appointed to examine the question. I am most anxious that the fullest representation should be secured to the various classes and communities in India; but I am frankly doubtful myself whether the best method for securing that representation is through a system of separate electorates. However, I am content to leave the unravelling of this important question in the hands of the Committee, who will have the fullest evidence placed before them and will be free to

make such recommendations as they think right, unfettered by our Report." (Lord Chelmsford's speech at the opening of the Imperial Legislative Council, September, 1918.)

11. The Joint Report (paragraphs 231 and 232) recognises the necessity for the communal representation of Muhammadans in provinces where they do not form a majority of electors. The evidence received by us and the opinions of local governments concerned were almost unanimous in favour of this course. In all provinces, except Bengal and the Punjab, Muhammadans are in a minority as regards both population and electors. In Bengal and the Punjab, where Muhammadans form a majority of the population, our rough estimates show that they form a minority of electors. There was very general agreement in favour of communal representation for Muhammadans in those provinces as well as in the rest of India, and the local governments urged the same step. Both Hindus and Muhammadans are thus in substantial agreement that the latter should everywhere enjoy communal electorates, and we have no hesitation in recommending that effect should be given to this common desire. (Franchise Committee's Report, Vol. I, para. 15.)

Franchise
Committee
Report, 1919

12. If we were writing on a clean slate, we should greatly desire to establish a ratio of Muhammadan seats which would bear a closer relation with their strength as a community while amply fulfilling our undertakings to safeguard them as a minority. In determining that ratio in the various provinces, we should have to start with certain established data. In the first place, the Muhammadans have been definitely promised some electoral advantage on the ground of their political importance. We should have to measure that advantage and to fulfil that promise. Secondly, the Muhammadans are the poorer community, and therefore any property qualification common to them and the Hindus will make the Muhammadan electorate smaller in proportion to the Muhammadan census than will be the case with the Hindus. In the third place, the census strength of the Muhammadans by no means corresponds to their political strength. In Bengal and Assam the Muslims are politically weaker than their numbers would indicate, while in the United Provinces, with 14 per cent. of the population, they are incomparably stronger than in Bihar and Orissa with 10.5 per cent. Past history and the presence of Muhammadan centres count for much. Fourthly, it might be argued that inasmuch as a majority can always impose its will upon a minority, it does not greatly matter whether the Muhammadans in places where they are in a conspicuous minority are awarded, for example, 15 or 20 per cent. of the seats. But we think it a valid answer to observe that the effectiveness of a minority depends upon its being large enough to have the sense of not being entirely overwhelmed. (Views of the Government of India upon the Reports of Lord Southborough's Committees, Vol. III, para. 22, otherwise

Fifth
Reforms
Despatch,
1919.

described as The Government of India's Fifth Reforms Despatch No. 4, dated the 23rd April, 1919.)

We accept, therefore, the conclusions of the Committee except in one respect. The Muhammadan representation which they propose for Bengal is manifestly insufficient. It is questionable whether the claims of the Muhammadan population of Eastern Bengal were adequately pressed when the Congress-League compact was in the making. They are conspicuously a backward and impoverished community. The repartition of the presidency in 1912 came as a severe disappointment to them, and we should be very loath to fail in seeing that their interests are now generously secured. In order to give the Bengal Muslims a representation proportionate to their numbers, and no more, we should allot them 44 instead of 34 seats; and we accordingly propose to add 10 seats to those which the Committee have advised on their behalf. (*Ibid* para. 24.)

Joint Select
Committee
of
Parliament,
1919.

13. The Report of the Joint Select Committee of Parliament accepted "the recommendations of the Franchise Committee in respect of the proportionate representations of Mohammedans, based on the Lucknow compact" and recommended the provision of separate representation by means of the reservation of seats for the non-Brahmans in Madras and Mahrattas in Bombay. (Report, page 7.)

13a. "You will find in Parliament every desire to help and to complete the task which this Bill attempts, if you devote yourselves to use with wisdom, with self-restraint, with respect for minorities, the great opportunities with which Parliament is entrusting you." (Debates, 5th June, 1919, Reprint pp. 26, 27.)

Mr.
Montagu in
the House of
Commons
1919.

Mr. Montagu's speech in the House of Commons on the 3rd December, 1919, when Colonel Wedgwood's amendment against separate communal representation was negatived without a division.

Lord Sinha
in the House
of Lords,
1919.

14. In the course of a debate in the House of Lords on the Government of India Bill, when Lord Amphilil moved an amendment to insert statutory provision to secure communal electorates for Muslims, Sikhs, Europeans and Sudras, Lord Sinha observed "that if in the opinion of the Government of India there were any communities which required separate representation of seats or otherwise, neither the Bill nor the Joint Select Committee's Report precluded them from giving it".

Whyte
Committee's
Report, 1922

15. Communal representation for Europeans and Anglo-Indians and reservation of seats for Karens and Indians in Burma were recommended by the Whyte Committee (Report, p. 12). Mr. (now Sir) Ginwalla added the following note dated 14th December, 1921:—"I feel that my community has put forward, and in my opinion established on the evidence, an overwhelming case for communal representation, pure and simple." (*Ibid* p. 24.)

16. Communal electorates were finally approved by Parliament for Indians and for Karens, Anglo-Indians and Europeans in Burma.

Communal electorates approved by Parliament for Indians, &c. in Burma, 1922.

17. The majority of the Reforms Enquiry Committee considered "that the abolition of any special communal electorates was quite impracticable. The objections of the communities concerned are, in our opinion, far too deep-rooted to enable us to justify any recommendation in this respect." They stated "that they were not prepared either to recommend even the substitution in whole or in part of reserved seats for separate electorates."

The Reforms Enquiry Committee, 1924.

The minority quote the resolution of the Muslim League, which enumerates the retention of communal electorates as one of the basic and fundamental principles in any scheme of a constitution for India. Clause (d) of the Resolution runs as follows:— "The idea of joint electorates with a specified number of seats being unacceptable to Indian Muslims, on the ground of its being a fruitful source of discord and disunion and also as being wholly inadequate to achieve the object of effective representation of various communal groups, the representation of the latter shall continue to be by means of separate electorates as at present, provided that it shall be open to any community at any time to abandon its separate electorates in favour of joint electorates." They remark "that if the *conditions* mentioned in the resolution of the Muslim League are fulfilled and no majority is reduced to a minority in any province, they (the Muslims) will agree to political advance" . . . They further remark:—"We think that in the present conditions it is unavoidable that due regard must be paid to communal interests and that they should be adequately safeguarded by provisions in the constitution." (Report, pp. 178-179.)

18. In the debate in the House of Lords on the 3rd June, 1924, regarding a letter written by Lord Olivier condemning the communal system, Lord Curzon pointed out "that although the Secretary of State (Lord Olivier) had expressed certain abstract views of his own, he had stated with even greater clearness that the Government, of which he was a member, had no intention of abolishing the communal system."

Debate in the House of Lords, 1924.

19. "The question of communal representation about which you have expressed anxiety is of great complexity. . . . This spirit (mutual toleration and restraint), if it may but grow, will be found to be a better and more lasting solvent for the present discords than any artificial methods of representation, but until we can reach this state communal representation in some form is likely to be necessary and it is probable that a substantial modification of it must largely depend upon the general consent of all communities." (H.E. Lord Irwin's reply to an address presented by Muslims at Poona, 1926.)

H.E. Lord Irwin, 1926.

APPENDIX II.

The recognition and acceptance of a special Muslim electorate by Hindu statesmen and politicians.

Bombay
Presidency
Association,
1908.

1. "Some Hindus, however, recognise the expediency of giving special representation to the Muslim community and the Bombay Presidency Association, make provision in their scheme of a council for the election of two members by the Muslim community." (The Government of India despatch No. 21, dated October 1, 1908.)

Mr. G. K.
Gokhale,
1909.

2. Mr. Gokhale was in substantial agreement with the views of the Government of India on the question of Muslim representation:—"I think the most reasonable plan is first to throw open a substantial minimum of seats to election on a territorial basis in which all qualified to vote should take part without distinction of race or creed. And then supplementary elections should be held for minorities which numerically or otherwise are important enough to need special representation, and these should be confined to members of minorities only." (Gokhale's speech in the Imperial Legislative Council, March 29, 1909.)

His political
testament,
1915.

3. "Then there would be the special representation of Mohammedans, and here and there a member may have to be given to communities like the Lingayats, where they are strong." (Gokhale's Political Testament 1915, quoted in Keith's Speeches on Indian Policy, Vol. II, p. 112.)

Memoran-
dum of 19
elected
members
of the
Imperial
Legislative
Council,
1916.

4. "The Franchise should be broadened and extended directly to the people, Mohammedans or Hindus, wherever they are in a minority, being given proper and adequate representation, having regard to their numerical strength and position." (Memorandum of 19 elected members of the Indian Legislative Council, October, 1916.)

The Con-
gress
League
Scheme,
1916.

5. "Adequate provision should be made for the representation of important minorities by election and that the Mohammedans should be represented through special electorates." (Schemes of Reforms passed at the thirty-first session of the Indian National Congress held at Lucknow on the 29th December, 1916.)

Lord Sinha,
1917.

6. "The system of communal electorate was recognised by Lord Sinha and finds place in his Calcutta Municipal Bill of 1917." (A Nation in Making, by Surendranath Banerjea, p. 360.)

Pundit
Jagat
Narayan,
1922.

7. The United Provinces' District Board Act, 1922, gives Muslim ratepayers a separate electorate with a fair amount of weighting where their percentage is low. The author of this Act was Pundit Jagat Narayan, Minister in charge of Local Self-Government. The Calcutta Municipal Act, 1923, provided for

communal electorates for Muslims for the first time. The Act was a handiwork of the late Sir Surendranath Banerjea, the father of Indian Nationalism. In the course of the debate on the Calcutta Municipal Bill, Kumar Shib Shekhareswar Ray, subsequently the President of the Bengal Legislative Council, observed: "Personally, Sir, I am in favour of special electorates for important minorities, and I heartily support the suggestion for a communal electorate for the Muhammadan minorities in Calcutta. It is not that I have adopted this attitude by any exuberance of feeling for the Muhammadans, but because I am one of those who sincerely and honestly believe that the principle of communal electorate is based on the doctrine of self-defence; it is the protection that the minority needs when pitted against a majority differing widely from it in intellectual and economic development." (Bengal Legislative Council Proceedings, Vol. XI—No. 2, p. 241, 19 February, 1923.)

Kumar Shi
Shekhares-
war Ray,
1923.

Sir Surendranath Banerjea in replying to the debate and explaining his reasons for supporting the provision for communal electorates said: "Sir, all administrative issues are more or less arithmetical problems. As between two conflicting issues, wherein lies the balance? That is the question of questions with which the administrator is faced at every stage. I hold, and the Government hold, that the balance of advantage lies in acceptance of this compromise." (*Ibid.* p. 271.)

Sir Suren-
dranath
Banerjea,
1923.

8. Assam Municipal Act, 1923, makes provision for rules to establish communal representation on Municipal Boards.

The
Minister in
charge of
Local Self-
Government
Assam, 1923.

9. In 1923 Mr. C. R. Das entered into what is known as the "Bengal Pact" with the object of settling Hindu and Muslim differences. This Pact was ratified at the ensuing sessions of the Bengal Provincial Conference and provided for communal representation in the Bengal Council and in local bodies in the proportion of 60 to 40 accordingly as either community was in a majority of population, and for the grant of 55 per cent. of Government appointments to Muslims (E. Ind. 209, p. 54.)

The Bengal
Pact of Mr.
C. R. Das,
1923.

10. In his evidence before the Reforms Enquiry Committee, Mr. Chintamani expressed himself in favour of the retention of communal electorate for Muslims, as follows:—

Mr.
Chintamani,
1924.

Q. "I believe you had something to do with the granting of separate electorates to the Muhammadans in the District Boards?"

A. Yes.

Q. This state of things may also partly be due to the very fact that the Muhammadans having been satisfied in the

demand that they were putting forward for a separate electorate, there is now less friction between the Hindus and Muhammadans.

A. Yes, one cause of friction has been removed.

Q. You are not opposed to separate electorates being continued?

A. No.

Q. As a journalist and a politician, having intimate knowledge of the actually existing conditions, you are aware of the fact that the generality of Muhammadans want at present to be represented through their own separate electorates?

A. Yes.

Q. Would you force mixed electorates upon them against their wish?

A. No, I would not."

(Reforms Enquiry Committee, 1924, Appendix to the Report. Oral Evidence, Part I, p. 316.)

Bombay
Municipal
Act, 1925.

11. The Bombay Municipal Act, 1925, contains provisions for communal electorates.

It is noteworthy that in the reformed Legislative Councils of all the four provinces referred to above, which have accepted the principle of communal representation for local bodies, the Muslims are in a minority and without the help, support and acquiescence of Hindu Ministers and members the provision for Muslim separate electorates could never have been passed.

APPENDIX III.

Political
testament of
Rt. Hon.
Syed Ameer
Ali, June,
1928.

1. The letter dated 8th June, 1928, from The RT. HON. SYED AMEER ALI to the Secretaries, Indian Statutory Commission.

Constitu-
tional
advance
must not
yield to
clamour and
overlook
rights and
interests of
the silent.

I respectfully submit that in a country like India constitutional advance, which is not the result of national evolution but is granted by the suzerain power, should keep in view the rights and interests of all people inhabiting the soil. This principle, within recent years, has been overlooked; and many concessions have been made in response to demands enforced by threats or clamour of sections of the people claiming to represent the whole.

2.—In 1906 His Highness the Aga Khan took to Lord Minto, then Viceroy of India, a deputation of leading Mohammedans to represent the difficulties under which their community laboured with regard to the public services and the apprehension they felt of being swamped if no provision was made for their separate representation on the new councils and other electoral bodies.

H.H. the
Aga Khan's
deputation
to Lord
Minto, 1906.

3.—Lord Minto appreciated the difficulties and said in reply to the Deputation as follows :—

Lord Minto's
reply.

“ As your Viceroy I am proud of the recognition you express of the benefits conferred by British rule on the diverse races of many creeds who go to form the population of this huge continent. You yourselves, the descendants of a conquering and ruling race, have told me to-day of your gratitude for the personal freedom, the liberty of worship, the general peace, and the hopeful future which British administration has secured for India.

“ The pith of your Address, as I understand it, is a claim that, in any system of representation whether it affects a Municipality, a District Board, or a Legislative Council, in which it is proposed to introduce or increase an electoral organisation, the Mohammedan community should be represented as a community. You point out that in many cases electoral bodies as now constituted cannot be expected to return a Mohammedan candidate, and that if by chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his own community, whom he would in no way represent, and you justly claim that your position should be estimated not merely on your numerical strength but in respect to the political importance of your community and the service it has rendered to the Empire. I am entirely in accord with you. Please do not misunderstand me; I make no attempt to indicate by what means the representation of communities can be obtained; but I am as firmly convinced, as I believe you to be, that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this Continent. The great mass of the people of India have no knowledge of representative institutions.”

The pith of
Muslim
Address.

4.—The political and economic depression of the Mohammedans is a matter of historical interest, and illustrates, in some degree, the wavering policy of Government. Up to the year 1865 the Government maintained a fair balance between the Moslems and the Brahmanical people. A sharp digression took place then and the Moslems found themselves gradually ousted from the public services by their more adaptive compatriots.

The wavering
policy of
Government
since 1865.

'A cry from Indian Mussulmans," 1882, and representation to Lord Ripon.

5.—In 1882 the position had become most acute and I ventured to draw public attention to the subject in the June number of the "Nineteenth Century." This was followed by a representation to Lord Ripon, then Viceroy of India, from the Central National Mohammedan Association.

Government Resolution, 1885, a dead letter.

6.—In 1885 the Government of India issued a Resolution which recognised the rights of the Mohammedan people to a proper share in the public services, and equal facilities in every department. The Government of India's Resolution of March, 1885, accepted the principle, but in practice the rule has become a dead letter.

Suggested remedy.

7.—In order to meet the objection that Mohammedan candidates for the public services had not passed the same number of examinations as their rivals belonging to other nationalities, I suggested, and still venture to suggest, that separate rosters should be created for the candidates belonging to both communities, so that they should not be conjoined for purposes of selection.

Deputation to Lord Morley, 1909.

8.—In 1908 and 1909, owing to the avowed intention of Lord Morley to abolish the separate representation of the Mohammedan people on the councils and other public bodies, the situation became most acute. There was great ferment among the Moslems and I was requested by the leaders to represent to the Right Honourable the Secretary of State the necessity for maintaining a balance between the two communities. I saw Lord Morley and at his suggestion introduced a Deputation to place the whole matter before him. In the result the separate electorates were maintained. I beg to enclose herein a copy of the Proceedings.

Maintenance of Muslim share in benefits of *Pax Britannica* necessary.

9.—As a measure of public policy I submit that the Mohammedans should be maintained in the full possession of their rights in the benefits of the *Pax Britannica*. Adequate representation in the public services is as necessary to the progress and prosperity of the community as an equal share in the representation on public bodies. Nothing should be allowed which might hinder the free election of their own representatives, otherwise constitutional development would become in their case a farce.

Expectation of Brahman dominance over non-Brahmanic peoples.

10.—I do not need to dwell on the fact that India is not a homogenous country. It is a vast continent composed of numbers of communities differing from each other in ideals, traditions, religion and language. What is suited for one is not suited for the other. The Brahmanical people are better equipped and better organised and possess more means than the others. Naturally they expect from the concessions the British Government proposes to make to India, practical dominance over the non-Brahmanical peoples.

11.—One of their chief demands is the abolition of the separate electorates which the Mohammedans have enjoyed since Lord Morley's recognition of the principle. As many competent observers have recognised, the communal feuds which are now rampant all over India owe their rise in a large measure to the desire of one community for predominance over the others.

Demand for abolition of separate electorates.

12.—In view of the diversity that exists between the two elements, equalisation of seats on a joint electorate will never answer and will always lead to bickering and disputes.

Joint electorates a perennial source of discord.

13.—The following statement in Sir Walter Lawrence's book, "The India we Served," illustrates the gulf which still divides the two peoples, and shows conclusively the need for separate constituencies, and the separation of the lists for the selection of Mohammedans for the public services. The passage in page 209 of that book is illuminating. He writes with enthusiasm of the late Maharajah Sir Pertab Singh of Idar, but adds as follows :—

Depths of Hindu hatred of Muslims : an instance.

"Tolerant as he was, he hated Moslems. But I never realised the depths of his hatred till I was leaving India. Sir Pertab had come up to Simla to be present at a farewell dinner Lord Curzon gave to my wife and myself the night before we left, and after dinner Sir Pertab and I sat up till two in the morning, talking of his hopes and ambitions, and one of his ambitions was to annihilate the Moslem people in India. I deprecated this prejudice and mentioned Moslem friends known to both of us. 'Yes,' he said, 'I liking them, too, but very much liking them dead.' I have often thought of this conversation. One may know Indians for years and suddenly a time comes and they open their hearts and reveal what is in them. Sir Pertab, good Hindu and Rajput as he was, had travelled and had rubbed shoulders with men of all countries. He knew the English well; he had met many nationalities—he had a kind of cosmopolitan civilisation. But down in his generous heart there dwelt this ineradicable hatred of the Moslems."

14.—Having regard to the facts as they stand, the Commission could hardly recommend either a joint electorate or a joint list for the public services.

15.—Speaking for the seventy millions of Mohammedans who acknowledge allegiance to the King, I consider it would be an unhappy day for India if the demand for the abolition of the separate electorates is conceded by His Majesty's Government. The country would be plunged into internecine conflict and the fair name of England for equal justice would be tarnished. Joint electorates would, I have no doubt, only perpetuate the present disorders and strife.

Abolition of separate electorates a signal for strife.

THE ALL-INDIA MOSLEM LEAGUE.

DEPUTATION TO THE SECRETARY OF STATE.

In the Council Room of the India Office on January 27, 1909, the Right Hon. Viscount Morley received a deputation of the All-India Moslem League, London Branch, to represent to him the views of the Mussulmans of India on the projected Indian Reforms.

Viscount Morley was accompanied by Sir Arthur Godley, Permanent Under-Secretary of State, Mr. T. R. Buchanan, Parliamentary Under-Secretary, and Sir Charles Lyall, Secretary of the Public and Judicial Department.

In introducing the deputation,

Rt. Hon.
Syed Ameer
Ali's speech,
1909.

Mr. Ameer Ali said: We are extremely obliged to your Lordship for granting us this opportunity to place before you the views of the Moslems of India on the question of the important reforms which, under your Lordship's auspices, are to be introduced in India. We come, not only on behalf of the League in London, but also in India, for we have been authorised to represent their case before your Lordship. They deemed it advisable to send delegates over to co-operate with us in this matter, but, considering the difficulty and the delay it involved, they decided at present to leave the representation of their case in our hands. We are conscious of the responsibility that has been imposed on us, and we only hope, my Lord, that we shall be able to do our duty satisfactorily to our people, and also to be of some assistance to your Lordship. Before proceeding to state our views on specific points, I shall ask permission to make one or two preliminary remarks. We welcome most cordially, most heartily, the extension of political privileges to His Majesty's Indian subjects. But to make the projected reforms a real success our co-operation with the servants of the Crown and our fellow-subjects is as much needed as it is in all matters concerning the progress and welfare of the country. My Lord, whilst we welcome these reforms, we welcome them in the conviction that, in their practical application, our status and interests will be kept in view. We do not wish, and cannot consent, to be placed in a disadvantageous position. We are anxious that whatever boons are conferred on, whatever political concessions are made to, the people of India, we should have our legitimate share in those concessions. We ask for nothing in derogation of the just rights of any other people. We seek no special privileges; we want only our legitimate share in political rights and political privileges, and nothing more. If, in the language of the Royal Message to the princes and peoples of India, new avenues are opened out for the participation of educated Indians in the government of the country, our people wish that their share should be kept in view. If new elements are to be introduced

Reforms
welcomed by
Muslims but
welcome
conditional
on safe-
guards for
them.

into any of the great Departments of State, we expect in fairness and justice, that they should be equally balanced; and if any important departure is made in administrative policy, we want that the interests of the two great communities in India should be so co-ordinated that neither the one nor the other should be in a position to say its interests were sacrificed or subordinated to the interests of the other. That is the position we take up.

The foundation of British rule in India rests upon the conviction among the people that equal justice is the chief policy of the British Government in its dealings with the varied races of that Continent. Speaking with the full consciousness of the responsibility imposed upon me, I say it would be an evil day for India if any class or any community comes to think that the interests of one community are in any way subordinated to the interests of the other. It has been said that the Mohammedans form a minority among the population of India. True, they do not equal in numbers the other great community which inhabits India, but they are seventy million souls, fifty-three of whom are under British rule. They have common ideals, and by traditions of race and religion form a nationality quite apart from all other people in India. To call them a minority is a misapplication of the term, and to regard them in that light would be an injustice to the Mussulman people. We form a nationality as important as any other, and our wishes, sentiments and interests should, we conceive, form as important factors in the consideration of policy and measures as those of any other. If the vast masses of low caste people who are nominally Hindus were excluded from the Hindu figures, certainly the disparity which now appears between the Hindu and Mohammedan populations would not strike as so great or so disproportionate. These tribes and communities, nominally Hindu for the purposes of census, have nothing in common with the real Hindu, to whom their touch, often their very shadow, is pollution. They can never rise out of the degraded state in which they live, and have lived for centuries. Save the British official, they have no representative or protector. Some of them have made desperate efforts to break the shackles that have bound them for ages, but they have been thrust back to their thralldom by, among other things, the judicial recognition of ancient usages. In the great reforms about to be introduced they will have no lot or place, nor are your Lordship's benevolent intentions ever likely to reach their ears. They have remained, and will remain for many decades, may be centuries, the degraded castes of India. But it would be disastrous if by placing all power and influence in the hands of privileged classes their emancipation should be made difficult in the future. To include these communities, however, in the Hindu population, and then to compare it with the Mohammedan population, does not appear to us just.

Equal justice the foundation of British rule in India. Domination of one community over another an evil day for India.

Seventy million Muslims a nationality apart and not a mere minority.

Disparity of Hindu and Muslim population not really striking, if the Untouchables excluded.

The hard lot of the Untouchables.

Specific points: joint electorates v. separate electorates.

Sharp cleavage and Hindu-Muslim divergencies.

The deputation of 1906 to the Viceroy.

The meagre Muslim representation on local bodies illustrates the detrimental effect of joint electorates and foreshadows the future.

Proportional representation fatal to Muslim interests and unsuited to India.

I now come to the specific points which we wish to place before your Lordship for consideration. The first is the question of joint electorates. We feel that to confide the election of our representatives to mixed electorates would be most detrimental to the Mussulman people. Your Lordship is aware of the sharp cleavage that has taken place recently between the political conceptions of the Mohammedan people and some sections of the other communities. You are also aware of the other divergencies which exist between the Mohammedans and the non-Moslem people in India, divergencies which ramify in all directions. It might perhaps startle people in England if they were told of the trifling incidents which often inflame passions on both sides. I do not wish to dwell particularly on the character of these incidents. I only refer to them to show the gulf which still separates the rank and file of the two communities, and which the administrator must always keep in view and the statesman take into consideration, when dealing with general questions affecting both the races. Having these divergencies in view and the cleavage which has recently taken place the Mussulmans of India consider it extremely important that their representation should not be dependent on the goodwill of any other people. The important deputation that waited upon the Viceroy in 1906 emphatically urged upon His Excellency that the separate representation of the Mohammedans should begin from the lowest rung of the ladder and go up to the highest, namely, the Viceregal Council. In that way alone will they get any benefit from the concessions which you are so generously going to inaugurate in India. It is admitted that Mohammedan representation has been most meagre under the present system on rural and district boards and municipal corporations. They serve as practical illustrations of what will happen if the system of joint electorates for the Councils introduced. The Government of India has admitted that Mohammedan representation has been most unsatisfactory so far, and for that reason proposes a supplemental addition of Mohammedan members elected by Mohammedans. If it be admitted that the nominees of another body, not altogether in agreement with Mohammedan opinions, cannot really or effectively represent Mohammedan wishes and feelings, in that case the matter does not require further discussion.

We say, further, that the principle of proportional representation would be fatal to our interests. The Government of India recognises, if I am not mistaken, the difficulty of meeting the requirements of the Mussulman people, if its representation is to be based on a consideration of numbers. Whatever may be the value of the system of proportional representation in countries where the people are in the main homogeneous, we submit it is wholly unsuited to India. Save and except in the Punjab, where the Mussulmans preponderate in numbers, there is hardly any approximation between the two races. The Mohammedans say, if proportional representation happen to be introduced into India

their representation would be completely swamped. In answer to this, it is said the Government can hardly take into consideration the political and historical importance of any community in judging of the question of representation, and the Mohammedan position is compared to that of the Sikhs and the Parsees. We submit respectfully, but emphatically, that the position of the Mussulman people has no analogy to that of the minor communities of India. Neither in importance nor in numbers are they in any way analogous to them. We share the burden of defending the Empire to the same extent as our fellow countrymen, and we probably supply to the Indian Army a larger number of soldiers than most others. It is easy to say, if representation is to be conceded to Mohammedans on considerations of political and historical importance, the Sikhs should also be taken into account. That is a false analogy. In the first place, the Sikhs are accounted as Hindus, and in the second place, they number not more than two million souls. The Mohammedans stand on a totally different footing, and we submit that their position should be considered on a totally different basis. That other elements besides mere numbers must enter into consideration in determining the number of representatives from each community is clear from the case of Eastern Bengal. Here the Mohammedans are in overwhelming majority. Supposing they were to ask that Mohammedan representation should be preponderant, they would be met with the answer: Look at the pleaders and lawyers, spread all over the country, who dominate the counsels of Government, they are Hindus and come from Eastern Bengal; look at the merchants, traders, landlords, who have taken the place of the Mohammedan Zemindars and see how important they are. And the relative positions of the two communities would justly be taken into account in fixing their representation. If that argument is good for one people in Eastern Bengal, it applies with equal force in the United Provinces and Provinces similarly circumstanced to the case of the other. In the United Provinces, the Mohammedans are 14 per cent. of the population, whilst the Hindus are said to be 86 per cent., although if the degraded castes were eliminated from these figures the disparity would not be so great. Considering the admitted importance of the Mohammedans in the social economy of the Province, they ought to have far greater representation than is proposed to be conceded to them. We say, therefore, that the principle of proportional representation is not applicable to India and, if introduced, would be most prejudicial to the interests of the Mohammedan community. We submit that the ratio of representation should be left to the executive authority, to be determined upon considerations of Imperial policy and local conditions and circumstances. Our representation, we beg to urge, should be not only adequate, but substantial in order to give us an effective voice in the deliberations of the various assemblies. Having in view the fact that under these reforms the privileges

The position of Muslims unique and has no analogy to that of other minorities in India.

Numbers not the only consideration in determining representation.

The ratio of representation should be determined upon considerations of Imperial policy, local conditions and circumstances.

Muslim representation should be sufficiently large to exercise some weight and influence.

Representation should be so balanced that in case of conflict of interests no party should be in a position to overwhelm the just rights of a less powerful party.

A standard of adequate representation suggested.

Maintenance of a just and equitable balance expected at this critical stage in the national existence of Indian Muslims.

of the non-official members will be considerably extended, it is extremely important that our community should be represented in sufficient numbers to be able to exercise some weight, some influence on the Councils. My people will not be content with any representation which is less than adequate and substantial. On general questions racial and religious differences will probably not enter into competition, but contingencies are certain to arise in which the interests or the views of the two communities do not coincide. On these occasions it would be necessary to take into account the balance of parties. We submit that in the constitution of the Councils it should be the aim of His Majesty's Government, and of the Government of India, to have them so balanced that not only the administrative machinery should run smoothly, but also that no party should be able to outvote the just claims of a less powerful party. We, therefore, submit as a standard of adequate representation that the number of Mohammedan members on the several Councils should be so fixed that if the Mohammedans were to join a certain number of what may be called non-partisan members, or to receive their support on any particular question the issue may be decided accordingly. Unless some standard of that kind is adopted, and our position sufficiently assured on the reformed Councils, our representation will be anomalous, and our representatives will exercise little influence or weight. One other matter we wish to lay before your Lordship, which is embodied in paragraph 21 of our Representation:—"The Committee further submit that as in the opinion of His Majesty's Government the time has arrived for the introduction of the Indian element into the Executive Councils, in the interests of the Empire, both the great communities should be represented. They consider that the introduction of a member from one community only will be regarded as seriously prejudicing the rights and interests of the other." Our people believe, my Lord, that representatives from both communities as advisers to the Government of India—whatever may be the designation given to them—would be of great assistance in the administration of that country. But they consider it would give rise to serious difficulties if one community was represented and the other left out. We thank your Lordship for the patience with which you have listened to me. I know that the task you have undertaken is one of the most stupendous character which any Minister of the Crown in your position has undertaken, but our people feel sure that at this stage, which we consider to be the turning point in our national existence, the balance will be maintained fairly and equitably, and our interests will not be subordinated to that of any other community.

APPENDIX IV.

NOTE ON COMMUNAL ELECTORATES.

One of the most difficult and at the same time most pressing of the problems with which we have to deal is that of communal electorates. Throughout our tour in India the Joint Free Conference was confronted by insistent demands for the recognition of the special importance of particular communities, as such, and arguments were put forward to support the plea that only by separate electorates or special representation, not only in the legislatures, but also in local self-governing bodies, can the different interests of each community be safeguarded. These demands came not only from the major communities, Moslems, Sikhs, Europeans, Anglo-Indians, Indian Christians, which already have been granted the privilege of separate electorates, while non-Brahmins in Madras and Mahrattas in Bombay have had their interests safeguarded by reservation of seats, and which claim to retain their privileges or put forward demands for further safeguards along the same lines. But the Depressed Classes also are clamorously insistent that their political influence should be made more commensurate with their population numbers than at present, and other communities of lesser importance have put forward similar claims. We have had placed before us ample evidence which, if taken at its face value, demonstrates the existence of a widespread feeling that an extension of the reforms will create a situation fraught with danger to the peculiar interests of many of the communities which make up India's population, which can only be guarded against by the continuance of separate electorates.

To tabulate the demands for separate representation which have come before us would be a simple task, but accurately to weigh the strength of feeling behind the demands of each community, to forecast the consequences, immediate or eventual, of retaining or abolishing separate electorates, to assess the value of the many imponderable factors which regulate the mutual relations of the different communities and to decide which community shall and which shall not stand politically outside the general electorate of the country, this is, indeed, a task of almost superhuman difficulty. In truth, the application of no single principle can help us to a decision, and we are reduced to considering the questions from the point of view of expediency rather than of principle. Before, therefore, we can attempt to put forward a solution of the problem it is essential to set down the case as it now stands, to see how far the principle of separate electorates has hitherto been conceded and on what grounds, and to consider the arguments for and against in the light of past experience and present opinion.

The present position of communal representation.

At present the position is that Muslims have separate electorates in eight major provinces while in Burma they are included in a separate Joint Electorate with all other Indian voters. The Sikhs in the Punjab alone have their own electorate, as have Europeans in Madras, Bombay, Bengal, United Provinces, Bihar and Orissa, and Burma, Anglo-Indians in Madras, Bengal and Burma, Indian Christians in Madras and Karens in Burma. In Madras non-Brahmans, a majority community, are protected by the reservation of seats as are the Mahrattas in Bombay. Except in the cases mentioned above the interests of particular communities are safeguarded by the nomination of representatives to the legislature.

NOTE ON MUSLIM REPRESENTATION IN THE LEGISLATIVE BODIES.

The attached statement shows in a tabular form the existing representation of Muslims and its variation from the Lucknow Pact together with the demands that have been made by different representative bodies for the extent of representation of Muslims in supersession or modification of the Lucknow Pact.

Brief history of communal representation : Lord Dufferin, 1888 ; Lord Lansdowne, 1892.

The history of communal representation may be briefly traced. There has always been an important consensus of official opinion in India to the effect that the only practicable form of representation is by *interests*. Lord Dufferin held this view and in 1892 Lord Lansdowne's Government wrote that "the representation of such a community upon such a scale as the Act permits can only be secured by providing that each important class shall have the opportunity of making its views known in Council by the mouth of some member specially acquainted with them". When the Morley-Minto Reforms were under discussion, Muslims opinion was practically unanimous in regarding separate representation and communal electorates as their only safeguards, and Lord Minto in conceding the demand was merely following the predominant opinion. But in 1916 Hindu opinion acquiesced in the principle by the acceptance by the Indian National Congress at Lucknow of a Resolution which laid down the actual percentage of Muslims representation in each of the Provincial Councils. It is only necessary to quote the relevant extract from a comprehensive Resolution in regard to Reforms which relates to this point :—

The Morley-Minto Reforms, 1909.

The Lucknow Pact, 1916.

"Adequate provision should be made for the representation of important minorities by election, and the Muhammadans should be represented through special electorates on the Provincial Legislative Council in the following proportions :—

Punjab.—One-half of the elected Indian Members.

United Provinces.—30 per cent. of the elected Indian Members.

Bengal.—40 per cent. of the elected Indian Members.
Bihar and Orissa.—25 per cent. of the elected Indian Members.

Central Provinces.—15 per cent. of the elected Indian Members.

Madras.—15 per cent. of the elected Indian Members.

Bombay.—One-third of the elected Indian Members.

Provided that no Muhammadan shall participate in any of the other elections to the Imperial or Provincial Legislative Councils, save and except those by electorates representing special interests.

Provided further that no bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the Bill or any clause thereof or the Resolution".

In paragraph 15 of the Franchise Committee's Report of 1919 it was recommended that separate electorates should be created for Hindus and Muslims in view of the general agreement in favour of communal representation for Muslims. In allocating the proportion of Muslim and non-Muslim seats the Committee followed in general the agreement reached at the joint session of the Congress of the All-India Muslim League at Lucknow in December, 1916 (commonly known as the Lucknow Pact), and considered that any departure from its terms would revive in an aggravated form a controversy which it had done much to compose. This recommendation was accepted by the Government of India in paragraph 18 of the 4th Despatch on Reforms dated the 23rd April, 1919. The result of the percentage of seats arrived at on this basis was that Bengal Muslims got only three-quarters and the Punjab Muslims nine-tenths of what they would have received upon a population basis.

Franchise
Committee's
Report, 1919.

Fourth
Despatch of
Government
of India on
Reforms,
23 April,
1919.

The Government of India in their fifth despatch on Indian Constitutional Reforms, dated the 23rd April, 1919, while admitting the theoretical disadvantages of separate electorates, agreed with the Southborough Committee that practical considerations rendered their establishment inevitable in the present state of political development in India and accepted the Southborough Committee's proposals for the representation of Muslims, with one important exception. They considered the seats proposed to be allotted to the Muslims in Bengal insufficient and proposed to give them ten more seats than that recommended by the Southborough Committee. It is interesting, however, to observe that Sir William Vincent appended a note of dissent in which he recommended that the details of the Lucknow settlement should not be followed but that the representation of

Fifth
Despatch,
23 April,
1919.

Sir William
Vincent's
note of
dissent, 23
April, 1919.

Pledges of
Lords Minto
and
Hardinge.

A sliding
scale of
weighting
recom-
mended.

Muslims should be dealt with in a manner considered by Government to be the fairest, and in accordance with the pledges given by Lords Minto and Hardinge that the position of Muhammadans should be estimated not merely on their numerical strength but with respect to their political importance. He wrote as follows :—

“ What is wanted is a sliding scale in which the weighting given to Muhammadans increases as their numerical weakness does. We have, as the despatch says, to measure the advantage to be given to them. To do so some arbitrary assumptions must obviously be made. The fewer and simpler these are the better. Where the Muhammadans are in a census majority, let them get representation in that proportion. Where they are at their weakest let us double that proportion. Between these extremes let us multiply the census ratio of Muhammadans by a factor greater than 1 and less than 2 ”.

and he proceeded to state his final proposals as follows :—

Percentage
of seats pro-
posed.

	Population	Proposed	Percent-
	Percentage.	age of	Seats.
Punjab	54·8		56
Bengal	52·6		53
Bombay	20·4		28
United Provinces	14		24
Bihar and Orissa	10·5		20
Madras	6·5		12
Central Provinces	4·3		9

For the Assembly Sir William Vincent proposed that Muhammadans should be given 30 per cent. of the general and communal seats.

Calcutta
Muslim
League, 1928

Within the last three years Muslim opinion has changed considerably with respect to the Congress-League Pact of 1916, but it has crystallised into a united demand at the All-India Muslim Conference at Delhi. The Calcutta Muslim League favour* reservation of seats for Muslims in the Punjab and Bengal on the population basis if adult suffrage is *not* given, but have no definite scheme in respect of Muslim representation in provinces in which they are in a minority. In regard to the Central Legislature they advocate that 33½ per cent. of the seats should be reserved for Muslims. The All-India Muslim Conference at Delhi, which was represented by all sections of Muslim opinion, has, on the other hand, recommended† that in Bengal and the Punjab where Muslims are in a majority they should have representation according to their population, while

All-India
Muslim
Conference,
Delhi, 1929.

* Cf., Extract from proposals put forward by the All-India Muslim League at the meeting of the All Parties Conference, held in Calcutta, in December, 1923, as reported in the “ Statesman,” dated the 29th December, 1923, and in the “ Tribune,” dated the 1st January, 1929. (Appendix A.)

† Cf. Extract from a resolution as reported in the “ Statesman” (Calcutta), dated the 3rd January, 1929. (Appendix B.)

in provinces where they are in a minority their representation must not be less than that enjoyed by them at present. In other words, they appear to accept the Lucknow Pact in regard to all provinces except the Punjab and Bengal. They recommended 33½ per cent. Muslim representation in the Central Legislature. A third view is that taken by the All-Parties Muslim Conference of Bengal, viz., that in no province must Muslim representation be less than one-third of the total and subject to this reservation the representation of Muslims and Non-Muslims should be on the population basis.†

The present position, therefore is an *impasse*. On the one hand, there are Hindus who definitely attribute the increase of communal tension to communal electorates and advocate their replacement by joint electorates, with or without reservation of seats. The Muslims, on the other hand, cling tenaciously to the principle of separate electorates and differ among themselves only in respect of proportions. The hope of the framers of the joint Report that it may be possible at no distant date to merge all communities in one general electorate seems as far from realisation as it ever was.

The present *impasse* and the conflict of Hindu and Muslim opinion.

† Cf. Extract from a resolution as reported in the "Amrita Bazar Patrika" (Calcutta), dated the 25th December, 1928. (Appendix C).

Name of Province.	Population.		Voters.		Muslim representation.						Claims to Muslim representation and recommendation of the Local Government.
	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	At present.	As it should be under Lucknow Pact.	According to present voting strength	On the basis of population.	According to Calcutta Muslim League.	According to Delhi All-India Muslim Conference under the chairmanship of the Aga Khan, 1928.	
1. Madras ...	2,840,488	39,478,497	63,575	1,313,891	13/98 (13.2)	15 p.c.	5	7	The League elected 23 delegates in December, 1928, to negotiate with the All Parties Convention under the leadership of Mr. Jinnah and they made the following demands:—	In Provinces in which Muslims are in a majority they shall have representation according to the population, and in Provinces where they are in a minority their representation must not be less than that enjoyed by them under the existing law.	
2. Bengal ...	25,210,802	21,484,734	529,995	623,217	39/113 (34.5)	40 p.c.	52	61			
3. Bombay ...	3,775,098	15,616,621	136,417	641,904	27/86 (31.3)	33.3 p.c.	15	17	(1) 1/3 representation in the Central Legislature.	They should have 33.3 per cent. of representation in the legislatures of the Central Government.	30 per cent. of elected seats. (United Provinces.)
4. United Provinces.	6,481,032	38,894,755	229,258	1,379,754	29/100 (29)	30 p.c.	14	14	(2) In Punjab and Bengal there should be reservation of seats for Muslims on the population basis in case adult suffrage is not given.		
5. Punjab ...	11,444,321	9,210,703	305,103	398,725	34/71 (47.8)	50 p.c.	31	39	Both the demands rejected and the Muslim League dispersed <i>sine die</i> .	—	20 per cent. of elected seats. (Bihar and Orissa.)
6. Bihar and Orissa.	3,690,182	30,312,007	40,794	334,018	18/76 (23.6)	25 p.c.	8	8	—	—	15 in a house of 60 or 25 per cent. (Assam.)
7. Burma ...	500,592	12,668,507	—	—	—	—	—	3	—	—	
8. Central Provinces	563,574	13,349,186	—	—	7/55 (12.7)	15 p.c.	—	2	—	—	
9. Assam ...	2,202,460	5,403,770	—	—	12/39 (30.7)	—	—	11	—	—	

N.B.—At a Conference of All Muslim Parties of Bengal on the 24th December, 1928, it was resolved that in no Province should the representation of *Muslim* or *Non-Muslim* minorities be less than one-third of the total number in the Council. Subject to this, representation of these two divisions in the provincial legislatures to be in proportion to the respective populations.

APPENDIX A.

Extract from the proposals put forward by the All-India Muslim League at the meeting of the All-Parties Convention, as reported in the "Statesman" dated the 29th December, 1928, and in the "Tribune" dated the 1st January, 1929.

(1) One-third of the members of the Central Legislature should be Muslims;

(2) that residuary powers should be left to the provinces and not rest in the Central Legislature as suggested in the Nehru Report, and

(3) that in the Punjab and in Bengal there should be reservation of seats for the Muslims on the population basis in case adult suffrage was not adopted.

APPENDIX B.

Extract from a Resolution passed by the All-India Muslim Conference held at New Delhi on 31st December, 1928, as reported in the "Statesman" (Calcutta), dated the 3rd January, 1929.

* * *

"Whereas it is essential that the representation of the Mussalmans in the various legislatures and other statutory self-governing bodies should be based on a plan whereby the Muslim majority in those provinces where the Mussalmans constitute a majority of the population shall in no way be affected, and in the provinces in which the Mussulmans constitute a minority they shall have a representation in no case less than that enjoyed by them under the existing law. . . ."

APPENDIX C.

Extract from a Resolution passed by the All-Parties Bengal Muslim Conference as reported in the "Amrita Bazar Patrika", Calcutta, dated the 25th December, 1928.

(9) That in order to secure proper and smooth working of full responsible government in the provinces and the participation of both the communities in the administration it is necessary and expedient that in no province the representation of the non-Muslim or Muslim minorities should be less than one-third of the total number in the Council; subject to this the representation of these two divisions in the provincial legislatures shall be in proportion to their respective population. Further that the same proportion of representation should be observed in the elected Local Bodies.

The Nehru Report.

Brief summary of its recommendations regarding communal representation.

No consideration of this question of communal electorates would be complete without a reference to the Nehru Report, a large portion of which is taken up in dealing with this difficult question. Briefly, the Nehru Report would abolish communal electorates with the provision that at the end of ten years the questions should be open to reconsideration if desired by particular communities. Reservation of seats for majorities is opposed. As regards the question of part reservation for majorities, this device is not opposed but considered unnecessary on the ground that the Muslims in Bengal and the Punjab will capture a sufficient number of seats in a joint electorate. For minorities reservation of seats on a population basis is proposed for a fixed period of ten years with the provision that the question may be re-considered if desired by minority communities at the end of this period.

The Nehru Report representative of merely a section of Indian opinion. All-India Muslim Conference, Delhi, 1 January, 1929, representative of bulk of Muslim opinion.

It is thus seen that the effect of the Nehru Report is to go back on the Lucknow Pact. The authors of the Nehru Report apparently considered that these proposals would be acceptable to the Muslims and they remark that the controversy as to the reservation of seats for majorities is dead. It is to be feared that this is no more than a pious aspiration. The views of the All-India Muslim Conference at Delhi in December, 1928, have already been referred to and it may be accepted as representative of the bulk of Moslem opinion throughout India. We cannot, therefore, accept the Nehru proposals on communal representation as representing the views of anything but a section, however important, of Indian opinion. Even if we accept the detailed facts and arguments set forth so fully in the Nehru Report as showing that, with joint electorates, the Muslims would secure the majority of the seats in the Punjab and Bengal we are not disposed to recommend that joint electorates should be forced on the Muslims against the weight of opinion of this community. We recognise that if separate electorates for Muslims are to be abolished this must be done by the free will of the Muslims themselves.

Evidence before the Joint Free Conference. Unanimous demand for communal electorates.

Turning now to a consideration of the evidence placed before the Joint Free Conference, we have received from the Muslims throughout India a practically unanimous demand for communal electorates not only for the Legislatures but also for local self-governing bodies. There is, further, widespread evidence of a demand that in provinces in which Muslims are in a minority they should have representation on the present basis, while in the Punjab and Bengal seats should be reserved for them on a population basis. Official opinion, as set forth in the Government Memoranda and official evidence, generally supports the Muslim claims on the broad ground that to deprive the Muslims of a privilege which they now enjoy and to which they cling would antagonise the community to such a degree as to jeopardise the successful work of the reformed constitution and render a breakdown probable. The disadvantage of communal electorates

Official opinion and official evidence support Muslim claims.

are not overlooked but they are accepted as the lesser evil. It is true that some individual members of Provincial Governments have expressed themselves in favour of the abolition of communal electorates but the general effect of the views put before us is as stated.

To belittle the importance of the communal problem in its reactions on the actual working of a system of popular government in India is to ignore the teachings of history. To quote but two recent instances, communal tension was responsible for the setting up of two separate Governments in Ireland and for the struggle between the Croats and Serbs in Yugo-Slavia, which threatened to break up that newly-formed kingdom and lead to a suspension of the constitution. It is of interest to note the immediate cause in each case of the development of a period of acute communal tension. The proposal to transfer power from the Parliament in Westminster to a Parliament in Dublin was the signal for preparation for civil war between Protestants and Roman Catholics in Ireland. In Yugo-Slavia the Croats, newly freed from the dominion of the Austro-Hungarian Empire and united to men of kindred race, found the interests of their own community neglected by the Serbs who formed a majority. Where communal tension can produce results so deplorable in the comparatively well-educated and advanced communities of Europe it is patent that the communal question in India demands the deepest consideration and the most careful handling.

To belittle importance of communal problem is to ignore teachings of history.

Communal tension in Ireland and Yugo-Slavia.

Proposal to transfer power from Westminster to Dublin signal for civil war.

In its essence the state of feeling which is generally spoken of as communal tension can be traced to similar causes in countries and in races widely separated. Communal tension tends to be acute where a majority, or at any rate, a large and influential portion of a particular community, believe that some vital interest of their own is likely to be prejudiced by the action of some other community—that freedom of religious observances may in practice be denied to them, that their children may not receive exactly the form of education which would be approved were their own community in power, or that the chances of obtaining employment and preferment under Government may be worse than that of members of another community; in a word, that political power may be used for the communal rather than the public good and that under a system of representative government a minority community may have no hope of redress to the end of all time. How, then, are we to arrange our constitution? What devices are we to include in it so as to remove from the minds of members of the various communities this element of fear or suspicion, or craving for some advantage wrongfully, as they consider, withheld, which may have such baneful effects? On what principle are we to classify our communities? Can we divide them into two divisions placing in separate compartments those whose claims must be conceded, whose interests must be safeguarded if we are to avoid risk of serious communal

Causes of communal tension.

clash, and those communities which must depend on the goodwill of the majority, on the give and take of political life inherent in such systems of government for the securing of the benefits of self-government? Are there any communities for which we recommend separate representation on ground other than the expediency of avoiding communal tension? We may here state that we are fully aware of the many alleged disadvantages of separate electorates and would limit them as far as may be found expedient. In deciding as to whether separate electorates should or should not be granted to any particular community the general criterion which we would apply is one of practical expediency. Will the refusal of separate representation endanger the orderly operation of the system of government? Will its grant tend to allay communal suspicion and pave the way for the establishment of happier relations between the communities?

The criterion of practical expediency.

Arguments for and against joint electorates.

On the general question as above stated we find sharp divergence of opinion. On the one hand it is argued that communal electorates stereotype existing divisions, prevent the growth of a feeling of common citizenship, and are actually responsible for the growth of communal tension. Exponents of the other point of view would have it that communal electorates, by the removal of an important ground of fear and suspicion, tend to minimise communal feeling and prevent the growth and spread of communal tension. It is argued that in a joint electorate a candidate may be driven to appeal to the worst communal feelings of the members of his own community in order to prevent them from voting for a member of the rival community. Those who hold this opinion will quote the case of Ireland before the establishment of the Free State, where, in joint electorates, rival candidates stirred their supporters to an intensity of communal feeling and where the sick and aged were taken from their beds to the polling booths in the defence of their religion. No conclusive arguments can be adduced either on the one side or the other. But there is ample evidence to show that acute communal tension can and does co-exist either with joint or separate electorates.

The case of Ireland.

Acute communal tension can and does co-exist with joint or separate electorates.

Alternative devices and substitutes for separate electorates :

Before setting forth our conclusions we may refer to some of the devices that have been proposed with the object of minimising the sharpness of the division between communities which communal electorates render so marked.

(1) Reservation of seats in joint electorates not recommended.

1. *Reservation of seats in Joint Electorates for a community, with liberty to contest other seats in the General Electorates.*— This device was embodied in the electoral rules in the Madras Presidency in order to safeguard the interests of the non-Brahmans. This community is numerically in an overwhelming majority and in every election since the institution of the Montagu-Chelmsford Reforms has won a large majority of the total seats in general constituencies. The experience of the Southern Presidency, therefore, affords little guide as to what would be likely to happen under different conditions. The main

consideration which would attract us to this method of election is, that it brings both communities together in a single electorate, and, if satisfactory in its operation, may pave the way for the eventual abolition of separate electorates. In view, however, of the preference of the Muslims for communal electorates, we do not recommend this method.

2. *Communal Electorates with, in addition, the right to contest seats in the General Electorate.*—In this respect the experience of Ceylon is instructive. In the Reforms of 1923 it was decided that, "the organisation of society in Ceylon being communal, representation must, for an indefinite period of time, in effect be communal whatever the arrangements of constituencies may be." (Secretary of State's Despatch of 11th January, 1923.) Nevertheless the principle was adopted that all persons, irrespective of race, resident in any electorate otherwise qualified, be entitled to vote for the election of a member, or members, to represent such electorate. The Governor recommended this suggestion as "a most important suggestion which, I trust, may, in the course of time, produce that feeling of solidarity amongst members of the different communities which is so essential for the proper working of Parliamentary institutions." (Despatch of 1st March, 1922.) Lord Donoughmore's Commission, which has recently reported on Ceylon Constitutional Reforms, and recommended the abolition of communal electorates, say, in regard to this system—"In the last revision of the constitution, a step in the right direction was taken by giving communities a territorial as well as a communal vote. This may have involved an apparent unfairness in giving members of minorities two or more votes, but it has succeeded in paving the way for the elimination of communal representation altogether by giving communal electorates the opportunity of realising the interest which they possess . . . in the divisions in which they reside." (Page 100 of the Report.)

(2) Communal electorates with right to contest in the general electorates commendable.

We feel that possibly a similar device might be tried with beneficial results in India, but only by agreement among the concerned communities themselves. We do not now make any recommendation for its adoption.

3. *Proportional Representation.*—The majority of the Committee responsible for the drawing up of the Nehru Report express themselves in favour of proportional representation. They remark, "there is a place in it for every minority and an automatic adjustment takes the place of rival interests. We have no doubt that proportional representation will, in the future, be the solution of our problem." There can be no doubt that the method of proportional representation can afford a place to a number of minority groups which otherwise would go unrepresented, and if the representation of every section of opinion, however minute, in the Indian Legislatures of the future were an object to be desired we might be tempted to recommend the

(3) Proportional representation rejected.

trial of this system. We have, however, been impressed with the dangerous lack of stability which the presence of too many groups is apt to produce in a popularly elected Government. France, with a Ministry dependent upon the favour of groups rather than on that of large well-defined parties, has seen a change of Government, on an average, every six or eight months from the date of the establishment of the Republic in 1871 up to the present day. While it is true that for the present we would admit representation of particular interests or communities we would deprecate the introduction of any principle which would have the effect of still further increasing the number of sectional groups in the legislatures. For this reason we are not in favour of the introduction of proportional representation.

Separate
electorates
for Muslims
recom-
mended as
the safest
course.

Our conclusions, then, are that separate electorates for Muslims should be retained until the Muslims themselves are more inclined to surrender what they now consider as a valuable privilege.