



# Indian Round Table Conference

(SECOND SESSION)

7th September, 1931—1st December, 1931

PROCEEDINGS  
OF  
FEDERAL STRUCTURE COMMITTEE  
AND  
MINORITIES COMMITTEE

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## INTRODUCTORY NOTE.

Proceedings of the Second Session of the Indian Round Table Conference in Plenary Session will be published separately as a Command Paper, to which this volume is supplementary.

The Introductory Note to the Command Paper explains, briefly, the procedure adopted by the Conference at its Second Session.

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## CORRIGENDUM TO SUB-COMMITTEE PROCEEDINGS, VOL. I (FIRST SESSION).

In the proceedings of the Seventeenth Meeting of the Federal Structure sub-Committee, dated 8th Janu 1931, the following should be inserted at the conclusion of Sir Akbar Hydari's speech, on page 224 of published volume :—

" *Chairman* : I am sure we are all very much obliged to Sir Akbar Hydari for his speech. If he permit me to say so, I am sure I am voicing the opinion of the Committee if I use a classical expression say that, having regard to Sir Akbar's outlook and his experience, he is quite the Nestor of the Conferen

## NOTE.

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The following Heads for discussion were placed before the Committee by the Chairman :—

1. Strength and Composition of the Federal Legislature.
2. Questions connected with the Election of Members of the Federal Legislature.
3. Relations between the two Chambers of the Federal Legislature.
4. Distribution of Financial Resources between the Federation and its Units.
5. The Ministry and its Relations with the Legislature.
6. Distribution of Legislative Powers between the Federal and Provincial Legislatures, and Effect in the States of Legislation relating to Federal Subjects.
7. Administrative Relations between the Federal Government, the States and the Provinces.
8. The Federal Court.

It will be noted that: (a) the above Heads were not taken up by the Committee in numerical order; (b) Heads 5 and 6 were only partially discussed (c) no discussion on Head 7 has yet taken place.

Detailed points for discussion in connection with each Head were drafted by the Chairman. They are printed in this volume at the commencement of the proceedings under the respective Heads.

## APPENDIX I.

**THE CONGRESS SCHEME FOR A COMMUNAL SETTLEMENT.***(Circulated at the request of Mr. M. K. Gandhi.)*

However much it may have failed in the realisation, the Congress has, from its very inception, set up pure nationalism as its ideal. It has endeavoured to break down communal barriers. The following Lahore resolution was the culminating point in its advance towards nationalism :—

“ In view of the lapse of the Nehru Report it is unnecessary to declare the policy of the Congress regarding communal questions, the Congress believing that in an independent India communal questions can only be solved on strictly national lines. But as the Sikhs in particular, and the Muslims and the other minorities in general, have expressed dissatisfaction over the solution of communal questions proposed in the Nehru Report, this Congress assured the Sikhs, the Muslims and other minorities that no solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned.”

Hence, the Congress is precluded from setting forth any communal solution of the communal problem. But at this critical juncture in the history of the Nation, it is felt that the Working Committee should suggest for adoption by the country a solution though communal in appearance, yet as nearly national as possible and generally acceptable to the communities concerned. The Working Committee, therefore, after full and free discussion, unanimously passed the following scheme :—

1. (a) The article in the constitution relating to Fundamental Rights shall include a guarantee to the communities concerned of the protection of their cultures, languages, scripts, education, profession and practice of religion and religious endowments.

(b) Personal laws shall be protected by specific provisions to be embodied in the constitution.

(c) Protection of political and other rights of minority communities in the various Provinces shall be the concern and be within the jurisdiction of the Federal Government.

2. The franchise shall be extended to all adult men and women.

(Note A.—The Working Committee is committed to adult franchise by the Karachi resolution of the Congress and cannot entertain any alternative franchise. In view, however, of misapprehensions in some quarters, the Committee wishes to make it clear that in any event the franchise shall be uniform and so extensive as to reflect in the electoral roll the proportion in the population of every community.)

3. (a) Joint electorates shall form the basis of representation in the future constitution of India.

(Note B.—Wherever possible the electoral circles shall be so determined as to enable every community, if it so desires, to secure its proportionate share in the Legislature.)\*

(b) That for the Hindus in Sind, the Muslims in Assam and the Sikhs in the Punjab and N.W.F.P. and for Hindus and Muslims in any Province where they are less than 25 per cent. of the population, seats shall be reserved in the Federal and Provincial Legislatures on the basis of population with the right to contest additional seats.

4. Appointments shall be made by non-party Public Service Commissions which shall prescribe the minimum qualifications, and which shall have due regard to the efficiency of the Public Service as well as to the principle of equal opportunity to all communities for a fair share in the Public Services of the country.

5. In the formation of Federal and Provincial Cabinets interests of minority communities should be recognised by convention.

6. The N.W.F. Province and Baluchistan shall have the same form of government and administration as other Provinces.

7. Sind shall be constituted into a separate Province, provided that the people of Sind are prepared to bear the financial burden of the separated Province.

8. The future constitution of the country shall be federal. The residuary powers shall vest in the federating Units, unless, on further examination, it is found to be against the best interest of India.

The Working Committee has adopted the foregoing scheme as a compromise between the proposals based on undiluted communalism and undiluted nationalism. Whilst on the one hand the Working Committee hopes that the whole Nation will endorse the scheme, on the other, it assures those who take extreme views and cannot adopt it, that the Committee will gladly, as it is bound to by the Lahore resolution, accept without reservation any other scheme, if it commands the acceptance of all the parties concerned.

October 28th, 1931.

\* Note B is not part of the scheme but has been added by me as not being inconsistent with the scheme. (Intld.) M.K.G.

APPENDIX II.  
MEMORANDUM ON THE CONGRESS FORMULA OF COMMUNAL  
SETTLEMENT.

*By Dr. B. S. Moonje.*

On behalf of the Hindu Mahasabha, I, as its working president, hereby express my whole-hearted approval to the assurance given by the Congress, that "no solution thereof (*i.e.*, of communal question) in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned."

As for the details of the scheme, of the communal solution, I have to suggest amendments as follows :—

(1) In clause 1 (a) and (b) regarding the fundamental rights, the following should be added as (c) :—

"None shall be prejudiced by reason of his caste or creed in acquiring or enjoying civil and economic rights including the right of owning, purchasing or disposing of landed estates in the open market, and of freedom of choice of any profession or calling, and all laws existing at present, and acting prejudicially to the enjoyment of these rights should automatically lapse."

(2) In clause 2, note (a), the words "if possible" be added after the words "so extensive as to reflect." The object is to remove the ambiguity of the meaning of the note as it stands. It should clearly mean that in any event the franchise should be uniform, irrespective of the fact whether it reflects or does not reflect in the electoral roll the proportion in population of every community.

(3) The clause 3 (b) should be modified as follows :—

That in any scheme of minority protection by reservation of seats, no minority community in any Province should have reservation below its population strength and it must have the right to contest additional seats.

(4) The clause 4 be modified as follows :—

(a) That no person shall be under any disability for admission to any branch of Public Service merely by reason of his religion or caste.

(b) That in any Province and in connection with the Central Government, a Public Service Commission be appointed and recruitment to Public Services be made by such a Commission on considerations of highest efficiency and qualification available for any particular Service, thereby securing the twofold object of maintaining the Services on a high level of efficiency, and leaving open a fair field for competition to all communities to secure fair representation.

Minimum qualification will not make for efficiency. Public Services constitute the soul of Swarajya. We cannot afford to put up with less efficiency in our Swarajya than at least what prevails at present under British responsibility. But if we aspire, as we should, to have our Swarajya prospering in competition with that of Nations of Europe and America, we ought not to think lightly of efficiency even with the object of placating this or that so-called backward community. Considerations, therefore, of maintaining efficiency in administration at the highest possible standard makes it obligatory to demand the highest necessary qualification from those who offer themselves for recruitment to Public Services irrespective of considerations of caste or creed.

(c) That membership of any Community caste or creed should not prejudice any person for purposes of recruitment, or be a ground for promotion or supersession in any Public Service.

(5) The clause 5 be modified as follows :—

That as regards formation of Federal and Provincial Cabinets, political exigencies will inevitably lead to proper conventions, suitable to the conditions then existing in the different Legislatures. Therefore without interfering with the constitutional freedom of party leaders who have to form Cabinets, in the choice of their Ministers, representatives of minorities of considerable numbers should, as far as possible, be included in the formation of Central and Provincial Cabinets.

(6) The clause 7 be modified as follows :—

As is freely and unreservedly admitted by no less a person than Sir Shah Nawaz Bhutto, a most influential representative of the Sind Muslims in the Round Table Conference, in his interview published in the Times of India, August 1st, 1931, "question of separation of Sind is not the creation of outside politicians, nor is it a part of communal politics." Therefore the question should have no bearing whatsoever on what is known as the problem of communal settlement. It should be considered purely on merit, and it cannot be so considered unless the problem is entrusted for consideration to a Boundaries Commission of experts. If, however, the Government were to accept the separation of Sind, ignoring the opposition of the Hindus of Sind, who have not been given any representation on this Round Table Conference, and the Hindu Mahasabha, to placate the Muslims, it will then be impossible to resist the claim of Sikhs for accepting their scheme of the partition of the Punjab to satisfy the Sikhs.

(7) The clause 8 dealing with the question of residuary powers should be modified as follows :—

That the question of vesting the residuary powers in the federating Units or in the Central Government is in essence a purely constitutional problem, and thus the opinion of the constitutional experts should prevail. But broadly speaking, it shall be in the best interest of the country as a whole that they should be vested in the Central Government rather than in the federating Units. A strong Central Government is the only sure protective agent of the constitutional rights and liberties of the federating Units.

(8) As for the general question of joint versus separate electorates it should be noted that the scheme of separate electorates was devised for the protection of the minority community. A community which is in majority in any Province is not therefore legitimately entitled to demand separate electorates. But the Hindu Mahasabha has a fundamental objection to the system of separate electorates, and thus we cannot agree to it for reasons which have been so eloquently expressed by Sir Austen Chamberlain in the League of Nations in the following words :—

“ It was certainly not the intention of those who have devised the system of minority protection, to establish in the midst of a Nation a community which would remain permanently estranged from national life. The object of minorities treaties was to secure that measure of protection and justice for the minorities which would gradually prepare them to be merged in the national community to which they belong.”

It is well worth to quote here also what the Greek representative, Mr. Dendramis, in the Council of the League of Nations said :—“ The authors of the treaties (Minorities Treaties) had not intended to create a group of citizens who would collectively enjoy special rights and privileges ; they had intended to establish equality of treatment between all nationals of a State. If privileges were granted to the minority in any country, inequality would be created between this minority and the majority. The latter would be oppressed by the minority, and it would then be the majority which would have to engage the attention of the League of Nations.”

It is perhaps not generally known that the total number of the Muslims (about 20 millions) living in the Provinces with the Hindu majority is very much smaller than that of the Hindus (about 30 millions) who live in the Provinces with Muslim majority. But the Hindus have always felt the confidence of being able to hold their own in competition with their Muslim majorities without the adventitious aids of protection such as separate electorates, etc.

But if the Government were still to maintain separate electorates for the Majority community in any Province, it should confer on the minorities of that Province the privilege of demanding joint electorates with the majority. If a minority community in any Province were thus to elect for joint electorates, the constitution should provide for the establishment of joint electorates in that case irrespective of the fact whether the majority community does, or does not, consent.

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### APPENDIX III.

#### PROVISIONS FOR A SETTLEMENT OF THE COMMUNAL PROBLEM, PUT FORWARD JOINTLY BY MUSLIMS, DEPRESSED CLASSES, INDIAN CHRISTIANS,\* ANGLO-INDIANS AND EUROPEANS.

##### CLAIMS OF MINORITY COMMUNITIES.

1. No person shall by reason of his origin, religion, caste or creed, be prejudiced in any way in regard to public employment, office of power or honour, or with regard to enjoyment of his civic rights and the exercise of any trade or calling.

2. Statutory safeguards shall be incorporated in the constitution with a view to protect against enactments of the Legislature of discriminatory laws affecting any community.

3. Full religious liberty, that is, full liberty of belief, worship observances, propaganda, associations and education, shall be guaranteed to all communities subject to the maintenance of public order and morality.

No person shall merely by change of faith lose any civic right or privilege, or be subject to any penalty.

4. The right to establish, manage and control, at their own expense, charitable, religious and social institutions, schools and other educational establishments with the right to exercise their religion therein.

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\* See also note by Dr. S. K. Datta, Appendix XVIII, page 583.

5. The constitution shall embody adequate safeguards for the protection of religion, culture and personal law, and the promotion of education, language, charitable institutions of the minority communities and for their due share in grants-in-aid given by the State and by the self-governing bodies.

6. Enjoyment of civic rights by all citizens shall be guaranteed by making any act or omission calculated to prevent full enjoyment an offence punishable by law.

7. In the formation of Cabinets in the Central Government and Provincial Governments, so far as possible, members belonging to the Mussulman community and other minorities of considerable number shall be included by convention.

8. There shall be Statutory Departments under the Central and Provincial Governments to protect minority communities and to promote their welfare.

9. All communities at present enjoying representation in any Legislature through nomination or election shall have representation in all Legislatures through separate electorates and the minorities shall have not less than the proportion set forth in the Annexure but no majority shall be reduced to a minority or even an equality. Provided that after a lapse of ten years it will be open to Muslims in Punjab and Bengal and any minority communities in any other Provinces to accept joint electorates, or joint electorates with reservation of seats, by the consent of the community concerned. Similarly after the lapse of ten years it will be open to any minority in the Central Legislature to accept joint electorates with or without reservation of seats with the consent of the community concerned.

With regard to the Depressed Classes no change to joint electorates and reserved seats shall be made until after 20 years' experience of separate electorates and until direct adult suffrage for the community has been established.

10. In every Province and in connection with the Central Government a Public Services Commission shall be appointed, and the recruitment to the Public Services, except the proportion, if any reserved to be filled by nomination by the Governor-General and the Governors, shall be made through such Commission in such a way as to secure a fair representation to the various communities consistently with the considerations of efficiency and the possession of the necessary qualifications. Instructions to the Governor-General and the Governors in the Instrument of Instructions with regard to recruitment shall be embodied to give effect to this principle, and for that purpose—to review periodically the composition of the Services.

11. If a Bill is passed which, in the opinion of two-thirds of the members of any Legislature representing a particular community affects their religion or social practice based on religion, or in the case of fundamental rights of the subjects if one-third of the members object, it shall be open to such members to lodge their objection thereto, within a period of one month of the Bill being passed by the House, with the President of the House who shall forward the same to the Governor-General or the Governor, as the case may be, and he shall thereupon suspend the operation of that Bill for one year, upon the expiry of which period he shall remit the said Bill for further consideration by the Legislature. When such Bill has been further considered by the Legislature and the Legislature concerned has refused to revise or modify the Bill so as to meet the objection thereto, the Governor-General or the Governor, as the case may be, may give or withhold his assent to it in the exercise of his discretion, provided, further, that the validity of such Bill may be challenged in the Supreme Court by any two members of the denomination affected thereby on the grounds that it contravenes one of their fundamental rights.

#### SPECIAL CLAIMS OF MUSSULMANS.

A. The North-West Frontier Province shall be constituted a Governor's Province on the same footing as other Provinces with due regard to the necessary requirements for the security of the Frontier.

In the formation of the Provincial Legislature the nominations shall not exceed more than 10 per cent. of the whole.

B. Sind shall be separated from the Bombay Presidency and made a Governor's Province similar to and on the same footing as other Provinces in British India.

C. Mussulman representation in the Central Legislature shall be one-third of the total number of the House, and their representation in the Central Legislature shall not be less than the proportion set forth in the Annexure.

#### SPECIAL CLAIMS OF THE DEPRESSED CLASSES.

A. The constitution shall declare invalid any custom or usage by which any penalty or disadvantage or disability is imposed upon or any discrimination is made against any subject of the State in regard to the enjoyment of civic rights on account of Untouchability.

B. Generous treatment in the matter of recruitment to Public Service and the opening of enlistment in the Police and Military Service.

C. The Depressed Classes in the Punjab shall have the benefit of the Punjab Land Alienation Act extended to them.

D. Right of Appeal shall lie to the Governor or Governor-General for redress of prejudicial action or neglect of interest by any Executive Authority.

E. The Depressed Classes shall have representation not less than set forth in the Annexure.

#### SPECIAL CLAIMS OF THE ANGLO-INDIAN COMMUNITY.

A. Generous interpretation of the claims admitted by sub-Committee No. VIII (Services) to the effect that in recognition of the peculiar position of the community special consideration should be given to the claim for public employment, having regard to the maintenance of an adequate standard of living.

B. The right to administer and control its own educational institutions, i.e., European education, subject to the control of the Minister.

Provisions for generous and adequate grants-in-aid and scholarships on the basis of present grants.

C. Jury rights equal to those enjoyed by other communities in India unconditionally of proof of legitimacy and descent and the right of accused persons to claim trial by either a European or an Indian jury.

#### SPECIAL CLAIMS OF THE EUROPEAN COMMUNITY.

A. Equal rights and privileges to those enjoyed by Indian-born subjects in all industrial and commercial activities.

B. The maintenance of existing rights in regard to procedure of criminal trials, and any measure or bill to amend, alter, or modify such a procedure cannot be introduced except with the previous consent of the Governor-General.

Agreed by :—

HIS HIGHNESS THE AGA KHAN (Muslims),

DR. AMBEDKAR (Depressed Classes),

RAO BAHADUR PANNIR SELVAM (Indian Christians),

SIR HENRY GIDNEY (Anglo-Indians),

SIR HUBERT CARR (Europeans).

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**ANNEXURE.**

**REPRESENTATION IN LEGISLATURES.**

Figures in brackets = Population basis 1931 figures and depressed percentages as per Simon Report.

	Strength of Chamber	Hindu.			Muslims.	Christians.	Sikhs.	Anglo-Indians.	Tribal, etc.	Europeans.	
		Caste.	De-pressed.	Total.							
<i>Centre.</i> All India (1931) Upper ..	200	(47.5) 101	(19)* 20	(66.5) 121	(21.5) 67	1	6	1	—	4	* Represents percentage in Governor's Provinces of B.I.
Lower ..	300	123	45	168	100	7	10	3	—	12	
Assam ..	* 100	(48.9) 38	(13.4) 13	(62.3) 51	(34.8) 35	3	—	1	—	10	*Pop. figures exclude Tribal Areas.
Bengal ..	200	(18.3) 38	(24.7) 35	(43) 73	(54.9) 102	2	—	3	—	20	
Bihar and Orissa ..	100	(67.8) 51	(14.5) 14	(82.3) 65	(11.3) 25	1	—	1	3	5	
Bombay ..	200	(68) 88	(8) 28	(76) 116	(20) 66	2	—	3	—	13	On Sind being separated weightage Mussulmans in Bombay to be on the same footing as to the Hindus in the N.W.F.P.

## ANNEXURE.

## REPRESENTATION IN LEGISLATURES.

Figures in brackets = Population basis 1931 figures and depressed percentages as per Simon Report.

	Strength of Chamber	Hindu.			Muslims.	Christians.	Sikhs.	Anglo-Indians.	Tribal, etc.	Europeans.
		Caste.	De-pressed.	Total.						
C.P. .. ..	100	(63·1) 58	(23·7) 20	(86·8) 78	(44) 15	1	—	2	2	2
Madras .. ..	200	(71·3) 102	(15·4) 40	(86·7) 142	(7·1) 30	(3·7) 14	—	4	2	8
Punjab .. ..	100	(15·1) 14	(13·5) 10	(28·6) 24	(56·5) 51	1·5	(13) 20	1·5	—	2
U.P. .. ..	100	(58·1) 44	(26·4) 20	(84·5) 64	(14·8) 30	1	—	2	—	3
Sind and N.W.F.P.	Weightage similar to that enjoyed by the Mussulmans in the Provinces in which they constitute a minority of the population, shall be given to the Hindu minority in Sind and to the Hindu and Sikh minorities in the N.W.F.P.									

## EXPLANATORY MEMORANDUM TO APPENDIX III.

1. The suggested details for community representation have not been agreed by the Hindus or the Sikhs, but the full representation claimed by the latter in the Central Legislature is provided for.
2. The proposed distribution of seats for the different minorities constitutes a whole scheme and the detailed proposals cannot be separated one from another.
3. This distribution of seats follows the principle that in no case is the majority community to be reduced to the position of a minority or even equality.
4. No representation is provided for Commerce, Landlords, Industry, Labour, etc., it being assumed that these seats are ultimately communal and that communities desiring special representation for these interests may do so out of the communal quota.
5. The allowance of 33½ per cent. representation to Muslims in the Central Legislature is based on the assumption that 26 per cent. shall be from British India and at least 7 per cent. by convention out of the quota assigned to the Indian States.
6. In the Punjab the suggested common sacrifice by the Muslims, Caste Hindus and the Depressed Classes, would permit of a weightage of 54 per cent. being given to the Sikhs, giving them representation of 20 per cent. in the Legislature.
7. The proposals may be taken as being acceptable to well over 115 millions of people, or about 46 per cent. of the population of India.

## APPENDIX IV.\*

## SIKHS AND THE NEW CONSTITUTION FOR INDIA.

*Memorandum by Sardar Ujjal Singh and Sardar Sampuran Singh.*

The Sikhs are an important and distinct community, mainly concentrated in the Punjab, of which they were the rulers until 1849. Sikhism recognises no caste and strictly enjoins upon those who profess it to treat all human beings as equal. In religious ideals and social practices they are as different from the Hindus as the Muslims are.

The Simon Commission states: "Sikhism remained a pacific cult until the political tyranny of the Mussulmans and the social tyranny of the Hindus converted it into a military creed. It is a striking circumstance that this small community contributed no less than eighty thousand men" (actually, 89,000 combatant recruits, in addition to 30,000 already serving when war broke out) "to serve in the Great War—a larger proportion than any other community in India."

The Sikhs play a great part in the economic and civic life of the country. In the Punjab, with three million population (13 per cent. of the whole), the Sikhs pay 25 per cent. of the land revenue and 40 per cent. of the land revenue and water rates combined, the main source of the Provincial Exchequer. They maintain at their own expense over 400 schools and 3 colleges, open to all communities and classes without distinction. They have got a large number of holy shrines, which are the centres of Sikh culture and tradition.

The Sikhs claim that their interests should be adequately and effectively protected in the future constitution. On account of their unrivalled position in the Punjab—historical, political and economic—they claim 30 per cent. representation in the Provincial Legislature. This demand is not unreasonable when it is remembered that the Muslim minority in the United Provinces, with a corresponding population, are enjoying 31 per cent. At the last Round Table Conference, in a spirit of accommodation, we came down to 24 per cent. The Muslims, wherever they are a minority, claim weightage. In the Punjab they claim to have their majority ensured by Statute. The Simon Report observes: "It would be unfair that Muhammadans should retain the very considerable weightage they now enjoy in the six Provinces, and that there should at the same time be imposed, in face of Hindu and Sikh opposition a definite Muslim majority in the Punjab and in Bengal unalterable by any appeal to the electorate." Moreover, the Muslims' demand for this majority is made on a basis of separate electorates, which means that the other two communities could not even influence the permanent majority, chosen as it would be by constituents swayed by none but communal motives and aims. It is a denial of the fundamental rights of a community that it should be put in a position which allowed of no peaceful method of appeal against a government that proved itself incompetent or partisan, especially if that government was so constituted as to stereotype and perpetrate religious differences which go back to bitter memories. In view of the claim of the President of the last All-India Muslim Conference, we believe that to write the garrison Province of India into the constitution as an unalterably Muslim Province would be to make

\* See also Appendix XIX.

the dismemberment of India inevitable. That claim, it will be remembered, was that there should be a "consolidated North-West State, within or without the British Empire," consisting of the Punjab, North-West Frontier Province, Baluchistan and Sind. We cannot accept a constitution which relegates us for all time to the position of an ineffective opposition.

If the Muslims refuse to accept in this Province, where they are in a slight majority in population (56 per cent.), anything but their present demand of a reserved majority, we ask for a territorial re-arrangement which would take from the Punjab the Rawalpindi and Multan divisions (excluding Lyallpur and Montgomery districts). These divisions are overwhelmingly Muslim, as well as racially akin to the North-West Frontier Province; their inclusion in the Punjab is a recent thing, due to conquest by Ranjit Singh. These overwhelmingly Muslim districts, with a population of seven millions can either form a separate Province, which will give the Muslims another majority Province, or be amalgamated with North-West Frontier. This re-arrangement would leave a Punjab of about sixteen millions in which no single community would have an absolute majority and each community would be obliged to conciliate the others. If this solution also is unacceptable to our Muslim brethren we should prefer no change from the present constitution in the Punjab.

A counter proposal of partition of the Punjab has emanated from Sir Geoffrey Corbett, which is open to serious economic and racial objections and which is based upon an absolute misunderstanding of the Sikh position. The main object of any scheme of territorial redistribution should be to satisfy the conflicting claims of the Muslims and the Sikhs in the Punjab. But this scheme seeks to increase still further the Muslim majority by the separation of Ambala division from the Punjab and thereby places the Sikhs in a far worse position than any in which they would find themselves in the existing Punjab. It is therefore entirely unacceptable to the Sikhs.

We summarise below the unanimous demands of the Sikh community for which any scheme of new constitution should make provision before it can be accepted by the Sikhs.

#### *Punjab.*

1. The Sikhs are anxious to secure a National Government and are therefore opposed to any communal majority by Statute or any reservation of seats by law for a majority community.

2. The Sikhs occupy an unrivalled position in the Punjab as is reflected by their sacrifices in the defence of India, and in national movements and their stake in the Province, and therefore demand 30 per cent. representation in the Punjab Legislature and Administration.

3. In the Punjab Cabinet and the Public Service Commission the Sikh community should have a one-third share.

4. If no agreement is reached on the above basis, the boundaries of the Punjab may be so altered by transferring predominantly Muhammadan areas to the Frontier Province so as to produce a communal balance. In this reconstituted Punjab there should be joint electorates, with no reservation of seats.

5. If neither of the above alternatives is acceptable, the Punjab may be administered by the newly constituted responsible Central Government till mutual agreement on the communal question is arrived at.

6. Punjabi should be the official language of the Province. It should be optional with the Sikhs and others to use Gurmukhi script if they so desire.

#### *Central.*

7. The Sikhs should be given 5 per cent. of the total number of seats reserved for British India in each of the Upper and Lower Houses.

8. There should always be at least one Sikh in the Central Cabinet.

9. In case an Army Council is constituted the Sikhs should be adequately represented on it.

10. The Sikhs have always had a special connection with the Army and therefore the same proportion of Sikhs should be maintained in the Army as before the War.

11. The Sikhs should have effective representation in the all-India Services and should be represented on Central Public Service Commission.

12. All residuary powers should vest in the Central Government.

13. The Central Government should have special specified powers to protect minorities.

#### *Other Provinces.*

14. The Sikhs should have the same weightage in other Provinces as is accorded to other minorities.

*General.*

15. The Provincial and Central Government should declare religious neutrality and while maintaining existing religious endowments should not create new ones.

16. The State should provide for teaching of Gurmukhi script where a certain fixed number of scholars is forthcoming.

17. Any safeguards guaranteed in the constitution for the Sikhs should not be rescinded or modified without their express consent.

November 12th, 1931.

## APPENDIX V.

## CLAIMS OF THE HINDU MINORITY OF THE PUNJAB.

*Memorandum by Raja Navendra Nath.*

I enclose a Memorandum which sets forth the claims of the Hindu minority of the Punjab; but I believe that my views are shared by the Hindus of all Provinces in which they are in a minority. I may here mention that the number of Hindus in Provinces in which they are in a minority (assuming that Sind is separated) comes up to nearly 29 millions, and the number of Muslims in which they are in a minority (proceeding on the assumption of the separation of Sind) comes to only about 20 millions. In a Federal system of government in which the Provinces are autonomous, the question of Minorities in Provinces assumes very great importance. The Hindu minority point of view deserves as much, if not greater, consideration than the point of view of the Muslim minority. A disregard of Hindu interests will create resentment and discontent among a larger number of human beings than a disregard of the interests of the Muslim minorities so far as Provincial Governments are concerned. The political leaders of different Parties in England have declared more than once that the future of the constitution of India must create a feeling of security among the minorities. No such feeling of security will be produced among the Hindus if the claims put forward in the enclosed Memorandum are disregarded.

The Memorandum is brief, and therefore does not deal with reasons on which the claims are based.

1. The Hindus look upon separate electorates as prejudicial to the interests of a minority community. But if the constitution must begin with separate electorates, and it is not provided that they cease after five years, then the Hindus want the following clause to be inserted in the constitution:—

For election to all elected bodies—

(i) The voters of a minority community shall be brought on the same register with the voters of another minority community if the members of the elected body representing the two minority communities pass a resolution or make a requisition to the Head of Government supported by a majority of two-thirds of each community severally that the change be made.

(ii) The voters of a minority community shall be brought on the same register with the voters of a majority community when the members belonging to the minority community in that body pass a resolution or make a requisition to the Head of the Government supported by a majority of two-thirds that the change be made.

(iii) In either case the change shall be made in the election next following.

Although the Hindu minority is better educated than most of the other minorities, they object to any plan of referendum on this point to the Hindu minority. The proposing of the resolution or the making of the requisition referred to in the above clause must be left to the discretion of the representatives of the electorates in the elected bodies.

I may here mention that the fear of the Punjab Muslims that even in tracts in which Muslims are in a majority, the Hindu minority, on account of their intelligence and wealth, will swamp the elections, is unfounded and is not borne out by the result of elections to the District Board. In districts in which Muslims predominate, Hindus fail in elections to the Board.

The Hindus of the Punjab have no objection to separate electorates for the Europeans and Anglo-Indians or for Christians and Depressed Classes. I doubt, however, if all these classes in the Punjab want separate electorates. In July last a Conference of Hindus, Sikhs and Christians was held at Lahore, which I attended, and resolutions in support of joint electorates were passed. On the 11th September last, whilst passing through Delhi, an Address was presented to me by the Depressed Classes in which they protested against their being separated from the Hindus. However, if there has been a change in their attitude and they want separate electorates in the Punjab, I have no objection.

2. The Hindus of the Punjab want reservation of seats, both in the Provincial Council and the Federal Assembly, in proportion to their population. If special constituencies are retained, as I presume they will be, only such constituencies should be reckoned in making up this proportion as have a majority of Hindu voters.

I may here remark, with regard to the population figures of the Depressed Classes and their proportion in the population of each Province, given at page 40 of Vol. I of the Report of the Statutory Commission, that the figures no longer hold good for the Punjab. Enormous increase has taken place in the Sikh and Muslim population of the Punjab, the number of Sikhs having gone up from 2,294,207 in 1921 to 3,064,144 in 1931, and the number of Muslims from 11,444,321 to 13,332,460, which means an annual increase during the last ten years of nearly 76,000 in the case of the Sikhs, and of 188,000 in the case of the Muslims. This extraordinary increase in the case of both these communities has presumably taken place by the absorption of Depressed Classes within their ranks. On the other hand, a new religious community designated "Adi-Dharmis" is shown in the census figures for the first time in the Punjab. This presumably represents the number of Depressed Classes or at least those who want to be separated from other religious communities. Their number is 399,307 or 1.7 per cent. of the total population of the Province. The proportions given in the Simon Report, therefore, cannot be taken as a guide so far as the Punjab is concerned.

3. I understand that a claim about the services has been put forward by other minorities. They want that a minimum standard of education should be fixed with due regard to efficiency, and that each community should have a fair and adequate share. The Hindu minority think that a vague provision like this will be prejudicial to their interests. A minimum standard of education "with due regard to efficiency" alludes to two incompatible factors. If efficiency has to be borne in mind, why should the requisite standard of education be low? The Hindus want that the constitution should contain a direction indicated in para. 105 of Despatch No. 44 of the Court of Directors, dated 10th December, 1834—"But the meaning of the enactment we take to be that there shall be no governing caste in India and that whatever tests of qualifications may be adopted *distinction of race and religion shall not be of the number.*"

No one, on account of his caste or creed, should be prejudiced in any way for recruitment to Public Services or for promotion to any office, but a proportion, the maximum of which may now be found, may be reserved for a certain number of years to redress communal inequalities and to suit backward classes. There is no need for lowering the general standard of efficiency for all recruits. The Government of India have reserved 33 per cent. of the appointments to the Imperial Services for this purpose. The same rule should be adopted with regard to the Provincial and Subordinate Services. The fixation of proportions should not be left to the discretion of the Head of the Executive or of the Public Services Commission to be appointed by him.

4. The Prime Minister in his speech dated 19th July, 1931, said as follows:—

"In framing the constitution, His Majesty's Government considers it will be its duty to insert provisions guaranteeing to the various minorities, in addition to political representation, that differences of religion, race, sect or caste, shall not themselves constitute civic disabilities."

The clause defining fundamental rights is all right, but I suggest the addition of the following words:—

"and shall not prejudice anyone in the exercise and enjoyment of civic and economic rights."

(See para. 3 of the last Report of the Minorities sub-Committee.)

November 13th, 1931.

#### APPENDIX VI.

#### MEMORANDUM.

By Dr. B. S. Moonje.\*

The Hindu Mahasabha's opinion on the Muslim demands is as follows:—

1. The Hindu Mahasabha holds strongly the view that communal representation is fundamentally opposed to nationalism and gradually creates an increasing desire for the assertion of communal difference in various departments of public administration. The Sabha also thinks that this principle is unsuited to responsible Government in which preferences based on communal distinctions are out of place. In the working of responsible Government full freedom should be given for the growth of healthy adjustments satisfactory to the desire of minorities to take their proper place in the public life of the

\* This Memorandum was first submitted during the First Session of the Conference.

country. These adjustments, however, are born of experience and are the result of goodwill and understanding, which must have some time given to them to assert themselves. The Sabha, therefore, is of opinion that the future *Swaraj* in India should be laid on sound lines and no arrangements should be made here which will have the result, as experience shows, of increasing the communal tension, or of keeping the minorities in isolated compartments from one another or from the majority community. The Sabha, therefore, wishes to state that the following principles should be kept in view in framing any constitution for India :—

(a) That there shall be uniformity of franchise for all communities in each Province.

(b) That elections to all the elective bodies shall be by mixed electorates.

(c) That there shall be no reservations of seats on communal considerations on any of the elective bodies and educational institutions. But to start with, if a minority community in any Province were to demand a reservation of seats, such reservation may be granted only in the Legislatures for a short period.

(d) That the basis of representation of different communities shall be uniform, such as voting strength, taxation or adult population.

(e) That in no circumstances shall there be any reservation of seats in favour of any majority community in any Province.

(f) That the redistribution of Provinces in India, if and when necessary, shall be made on merits in the light of principles capable of a general application with due regard to administrative, financial and other similar considerations.

(g) That no new Provinces shall be created with the object of giving a majority therein to any particular community so that India may be evolved as one united nation, instead of being subdivided into Muslim India, Sikh India, Christian India and Hindu India.

2. Regarding the Muslim demand for separation of Sind, the Hindu Mahasabha, while agreeing to the principle of redistribution of Provinces as stated above in Section 1, sub-section 2, is opposed to it for the following reasons :—

(a) The creation of any new Provinces primarily or solely with a view to increase the number of Provinces in which a particular community shall be in majority is fraught with danger to the growth of sound patriotism in the country and will contribute to the growth of a sentiment favouring the division of India into different groups according to differences of religion.

(b) Redistribution of any Province without the consent and agreement of the two communities, Hindu and Muslim, is likely to increase the area of communal conflict and endanger the relations between the two communities not only in that Province, but throughout India. The Hindu community in Sind is against such separation.

(c) Separation of Sind will not only be financially a costly proposition, but would also arrest its economic development and its educational advancement. Besides, it will deprive the people of Sind of the many undeniable benefits of their association with the more advanced people of the Bombay Presidency in their economic as well as their political development.

(d) Sind, if separated, may not be able to bear the financial burden of carrying on a separate administration without help either from the Central or the Bombay Government.

(e) Bombay has invested large amounts of money, particularly in the Sukkur Barrage, and that alone will be a great impediment to separation, at any rate for some years to come.

3. Regarding the introduction of reforms in the North Western Frontier Provinces and Baluchistan on the same footing as the other Provinces, the Hindu Mahasabha has in principle no objection, but it considers it an impracticable proposition for the immediate future. The Hindu Mahasabha, therefore, proposes that immediate steps be taken to secure to the Province with as little delay as possible the benefits of a regular system of administration, both judicial and executive, so that the Province may be prepared for the reformed constitution.

4. As regards the demand for provision giving the Muslims an adequate share in the Public Services of the State, the Hindu Mahasabha holds that there shall be no communal representation in the Public Service, which must be open to all communities on the basis of merit and competency, ascertained through open competitive taste.

5. As regards the Muslim demand that no Cabinet, either Central or Provincial shall be formed without there being a proportion of Muslim Ministers, the Hindu Mahasabha cannot approve of the proposal, as it is a negation of the wholesome principle of joint responsibility of the Cabinet. In the future responsible Government the Cabinet will be formed by the Chief Minister selecting his own men, as in other self-governing countries. The Hindu Mahasabha, therefore, is of opinion that nothing shall be done to fetter his freedom to make his own selection of his colleagues on the Cabinet. He will naturally select such colleagues irrespective of their communities as will ensure strength and stability to the Cabinet.

6. As regards representation of minorities in the Legislatures, Central or Provincial, the Hindu Mahasabha stands for joint electorates, and a temporary provision for, say, the lifetime of the next two Legislatures, for reservation of seats for the minorities on the basis of their adult population or their voting strength, whichever shall be favourable to them. The system of reservation shall automatically disappear after the lapse of the period fixed.

7. Regarding the demand for vesting residuary powers in the Provincial Governments, the Hindu Mahasabha cannot agree to it, and stands for strong Central Government.

8. The Hindu Mahasabha stands for full religious liberty, *i.e.*, liberty of belief, worship, observance, propaganda, association and education to be guaranteed to all communities alike, provided these rights are not exercised in such a way as to be provocative, offensive or obstructive to others.

9. The Hindu Mahasabha believes in the potency of joint electorates to further the cause of evolution of India as one united nation, but if the Muslims believe that they cannot do without separate electorates the Hindu Mahasabha will be reluctantly obliged to agree to it, provided that the Muslims adhere to the Lucknow Pact, and its provisions are not contravened or exceeded. The Hindu Mahasabha is of the opinion that it would be unfair to allow the Muslims to take all the benefits given to them under that arrangement for separate electorates, and also to claim other concessions.

10. The above statement is without prejudice to the Hindu Mahasabha's contention that the Muslims in India, having regard to their numerical strength and other circumstances, are not a minority of such a nature as the League of Nations has in view when it considers the claims of minorities. The Muslims in India are a numerically strong, well organised, vigorous and potent body with great facilities for self-development. There are other minorities like the Depressed Classes, Christians, Parsees, etc., who are infinitely weaker than the Muslims in all material respects, and the Sabha thinks it would be difficult to resist the claims of these minorities to concessions similar to those demanded by the Muslims if these are granted to the Muslims. The Sabha is anxious that India should not be split up on the very threshold of a new constitution, besides the Sabha is and always has been willing that all minorities, including the Muslims, which require special protection in the matter of religion, education and culture, should have the fullest opportunities for self-development, self-expression and self-protection. On a perusal of the arrangements made by the League of Nations in the case of many minorities in new provinces formed in Europe after the War, it will be clear that in no case have any claims been allowed like those the Muslims are putting forward in India.

11. The Sabha is willing that the whole of the Hindu-Muslim problem should be referred to individuals, or to a body like the League of Nations, who have dealt with such questions in the past, and have experience of them in other countries. It is necessary that the Hindu-Muslim problem should be examined by impartial men, who have experience of such questions, and who will have the courage to solve them with impartiality.

12. The Hindu Mahasabha here feels the need of emphasising the point that the League of Nations, while providing for full legitimate protection to the minorities in matters concerning their religion, culture and social customs, has scrupulously refrained from discriminating the nationals of a State on the basis of their religions, cultures or languages, as is demanded by the Muslims of India in the public administration of the country, where, according to the League of Nations, principles of freedom and equality in the political, economic and legal spheres should prevail.

The Sabha concludes this statement by saying that in the solution of this communal question the caution must ever be borne in mind which was voiced by an expert of the League of Nations who was called upon to examine the minorities question, in his report as follows :—

"It seems to me obvious that those who conceived this system of protection (of minorities) did not dream of creating within certain States a group of inhabitants who would regard themselves as permanently foreign to the general organisation of the country. . . . We must avoid creating a State within a State, we must prevent the minority from transforming itself into a privileged class, and taking definite form as a foreign group instead of becoming fused in the society in which it lives. If we take the exaggerated conception of the autonomy of minorities to the last extreme, these minorities will become a disruptive element in the State and a source of national disorganisation."

#### SUPPLEMENTARY STATEMENT BY Dr. B. S. MOONJE.

##### FUNDAMENTAL RIGHTS.

1. The Hindu Mahasabha stands for making provision in the constitution for full protection of the different cultures, religions, languages, script and personal laws of the different minorities.

2. As for civic and economic rights none shall be prejudiced by reason of his caste or creed in acquiring or enjoying those rights which should expressly include the rights of owning, purchasing or disposing of landed properties in the open market without any restrictions of any kind whatsoever



and of freedom of choice of any profession or calling. All laws existing at present in India based on caste discriminations similar to those existing in Kenya based on colour prejudices, and are acting prejudicially to the enjoyment of these rights should automatically lapse.

That no person shall be under any disability for admission to any branch of public service merely by reasons of his religion or caste.

Membership of any community or caste or creed should not prejudice any person for purposes of recruitment to public services or be a ground for non-admission, promotion or supersession in any public service.

#### RECRUITMENT TO PUBLIC SERVICES.

3. As for the method of recruitment to public services, there should be appointed a Public Services Commission in every Province and in connection with the Central Government. The recruitment to public services should be made by such a Commission on considerations of highest efficiency and qualifications necessary and available for any particular service, by open competition, thereby securing the two-fold object of maintaining the services on a high level of efficiency and leaving open a fair field of competition to all communities to secure fair representation.

Minimum qualifications will not make for efficiency. The public services constitute the soul of self-Government. It will not be safe to have less efficiency in administration than at least what prevails at present under British responsibility; but if the aspiration be, as it should be, to have our self-government in India prospering in competition with that of the nations of Europe and America it will not do to think lightly of efficiency even with the object of placating this or that so-called backward community. Considerations therefore of maintaining efficiency in administration at the highest possible standard make it obligatory to demand the highest necessary qualifications from those who offer themselves for recruitment to public services, irrespective of caste or creed.

#### FRANCHISE.

4. As for Franchise, it may be made as extensive as possible but it should be uniform for all communities in each Province irrespective of the fact whether it does or does not reflect in the electoral roll the proportion in population of every community in the Province.

#### ELECTORATES, JOINT OR SEPARATE.

5. As for the general question of joint versus separate electorates it should be noted that the scheme of separate electorates was devised for the protection of a minority community. A community which is in majority in any Province is not therefore legitimately entitled to demand separate electorates. But the Hindu Mahasabha has a fundamental objection to the system of separate electorates and thus cannot agree to it for reasons which have been so eloquently given expression to by Sir Austen Chamberlain in the League of Nations in the following words:—

“It was certainly not the intention of those who have devised the system of the minorities protection to establish in the midst of a nation a community which would remain permanently estranged from national life. The object of the Minorities Treaty was to secure that measure of protection and justice for the minorities which would gradually prepare them to be merged in the national community to which they belong.”

In this connection it is well worth quoting what the Greek representative, Mr. Dendramis, in the Council of the League of Nations, has said:—

“The authors of the treaties (Minorities Treaties) had not intended to create a group of citizens who would collectively enjoy special rights and privileges. They had intended equality of treatment between all the nationals of a State. If privileges were granted to minorities in any country, inequality would be created between this minority and the majority. The latter would be oppressed by the minority and it would then be the majority which would have to engage the attention of the League of Nations.

This description will very appropriately apply to the situation in India that will arise if the Muslim demands are conceded. It is perhaps not generally known that the total number of Muslims (about twenty millions) living in the Provinces with Hindu majority is very much smaller than that of the Hindus (about thirty millions) who live in Provinces with Muslim majority. But the Hindus have always felt the confidence of being able to hold their own in competition with their Muslim majorities, without the adventitious aids of protection, such as separate electorates, reservation in services, etc.

The Constitutional difficulty that is created by the Moslem demand for separate electorates cannot be brought to light more vividly than in the following words of the Prime Minister in his speech in the House of Commons in January last:—

“If every constituency is to be ear-marked, as to community or interest, there will be no room left for the growth of what we consider to be purely political organisations which would comprehend all the communities, all creeds, all conditions of faith . . . . If India is going

to develop a robust political life, there must be room for national political parties based upon conceptions of India's interests and not upon the conceptions regarding the well-being of any field that is smaller or less comprehensive than the whole of India."

But if the Government were still to maintain separate electorates for the majority community in any Province, it should at least confer on the minorities of that Province the privilege of demanding joint electorates with the majority. If a minority community in any Province were thus to elect for joint electorates the constitution should provide for the establishment of joint electorates in that case irrespective of the consent thereto of the majority community.

#### PROTECTION OF MINORITIES.

6. The Hindu Mahasabha being fundamentally opposed to separate electorates, and to provision of protection by reservation of seats for a majority community in any Province, if any scheme of minority protection be devised by reservation of seats in the joint electorates, then no minority community in any Province should have reservation below its population strength, and it must also have the right to contest additional seats on equal terms with all others.

#### WEIGHTAGE IN REPRESENTATION.

7. As for the demand for weightage in representation, it is impossible to entertain the proposal in view of the entirely separatist mentality which has inspired the demands. The impracticability of the demand cannot be emphasised in better words than in those of no less a person than the Prime Minister himself who says in his speech in the House of Commons :—

"It is very difficult again to convince these very dear delightful people that if you give one community weightage, you cannot create weightage out of nothing. You have to take it from somebody else. When they discover that, they become confused indeed and find that they are up against a brick wall."

But if the principle of weightage be still maintained it would be only proper and just that uniformity be observed in fixing the proportion of weightage for all minorities.

#### FORMATION OF CABINETS.

8. As regards formation of Central, Federal and Provincial Cabinets, political exigencies will inevitably lead to proper conventions suitable to the conditions then existing in the different Legislatures. Therefore, without interfering with the constitutional freedom of the party leaders who are to form the Cabinets, in the choice of their Ministers, representatives of the minorities of considerable numbers should as far as possible be included in the formation of Central and Provincial Cabinets.

#### RESIDUARY POWERS.

9. As regards the question as to whether the residuary powers should be vested in the Federating units or in the Central Government, it is in essence a purely constitutional problem, where opinions of constitutional experts should prevail. But broadly speaking it will be in the best interests of the country as a whole that they should be vested in the Central Government rather than in the Federating units. A strong Central Government is the only sure protecting agent of the constitutional rights and liberties of the Federating units and also of the minorities in the Provinces.

#### SEPARATION OF SIND.

10. As for the question of separation of Sind, it is freely and unreservedly admitted by no less a person than Sir Shah Nawaz Bhutto, a most influential representative of the Sind Muslims on the Round Table Conference, in his interview published in the *Times of India* of August 1st, 1931, that "the question of the separation of Sind is not the creation of the outside politicians nor is it a part of the communal politics." Therefore the question should have no bearing whatsoever on what is known as the problem of communal settlement. It should be considered purely on merit and it cannot be so considered unless the problem is entrusted to a Boundaries Commission of experts.

In this connection it ought to be noted that there was no representative of the Sind Hindus on the Round Table Conference and its Sind sub-Committee. The decision of the Committee therefore is regarded by the Hindus of Sind as *ex parte*, and is repudiated by them and the Hindu Mahasabha as such. If, however, the Government were still to accept the separation of Sind, ignoring the protests of the Sind Hindus and the Hindu Mahasabha, simply to placate the Muslims, it would then be impossible to resist the claim of Sikhs for accepting their scheme of partition of the Punjab to satisfy the Sikhs.

## OUTLOOK ON PROBLEM OF MINORITIES.

11. In fact the whole question of minorities is being looked at from a most unnatural point of view under the plausible excuse of protection for minorities. As Edmund Burke has said :—

“Parliament is not a congress of Ambassadors from different and hostile interests, which interests each must maintain as an agent and advocate against other agents and advocates, but Parliament is a deliberative Assembly of one nation with one interest, that of the whole people ; where not local purposes, not local prejudices ought to guide, but the general good resulting from the general reason of the whole.”

16th November, 1931.

## APPENDIX VII.

## \*SUPPLEMENTARY MEMORANDUM ON THE CLAIMS OF THE DEPRESSED CLASSES FOR SPECIAL REPRESENTATION.

By Dr. Bhimrao R. Ambedkar and Rao Bahadur R. Srinivasan.

In the memorandum that was submitted by us last year dealing with the question of political safeguards for the protection of the Depressed Classes in the constitution for a self-governing India, and which forms Appendix III to the printed volume of Proceedings of the Minorities sub-Committee, we had demanded that special representation of the Depressed Classes must form one of such safeguards. But we did not then define the details of the special representation we claimed as being necessary for them. The reason was that the proceedings of the Minorities sub-Committee came to an end before the question was reached. We now propose to make good the omission by this supplementary memorandum so that the Minorities sub-Committee, if it comes to consider the question this year, should have the requisite details before it.

## I. EXTENT OF SPECIAL REPRESENTATION.

## A. Special Representation in Provincial Legislatures.

(i) In Bengal, Central Provinces, Assam, Bihar and Orissa, Punjab and the United Provinces, the Depressed Classes shall have representation in proportion to their population as estimated by the Simon Commission and the Indian Central Committee.

(ii) In Madras the Depressed Classes shall have twenty-two per cent. representation.

(iii) In Bombay :—

(a) In the event of Sind continuing to be a part of the Bombay Presidency the Depressed Classes shall have sixteen per cent. representation.

(b) In the event of Sind being separated from the Bombay Presidency the Depressed Classes shall enjoy the same degree of representation as the Presidency Muslims, both being equal in population.

## B. Special Representation in the Federal Legislature.

In both Houses of the Federal Legislature the Depressed Classes shall have representation in proportion of their *population in India*.

## Reservations.

We have fixed this proportion of representation in the Legislatures on the following assumptions :—

(1) We have assumed that the figures for the population of the Depressed Classes given by the Simon Commission (Vol. I, p. 40) and the Indian Central Committee (Report, p. 44) will be acceptable as sufficiently correct to form a basis for distributing seats.

(2) We have assumed that the Federal Legislature will comprise the whole of India, in which case the population of the Depressed Classes in Indian States, in Centrally Administered Areas, and in Excluded Territories, besides their population in Governor's Provinces, will form very properly an additional item in calculating the extent of representation of the Depressed Classes in the Federal Legislature.

(3) We have assumed that the administrative area of the Provinces of British India will continue to be what they are at present.

\* For previous memorandum see Appendix III to Proceedings of the Minorities sub-Committee of the First Session of the Conference.

But if these assumptions regarding figures of population are challenged, as some interested parties threaten to do, and if under a new census over which the Depressed Classes can have no control the population of the Depressed Classes shows a lower proportion, or if the administrative areas of the Provinces are altered, resulting in disturbing the existing balance of population, the Depressed Classes reserve their right to revise their proportion of representation and even to claim weightage. In the same way, if the all-India Federation does not come into being, they will be willing to submit to readjustment in their proportion of representation calculated on that basis in the Federal Legislature.

## II.—METHOD OF REPRESENTATION.

1. The Depressed Classes shall have the right to elect their representatives to the Provincial and Central Legislature through separate electorates of their voters.

For their representation in the Upper House of the Federal or Central Legislature, if it is decided to have indirect election by members of the Provincial Legislatures, the Depressed Classes will agree to abandon their right to separate electorates so far as their representation to the Upper House is concerned subject to this : that in any system of proportional representation arrangement shall be made to guarantee to them their quota of seats.

2. Separate electorates for the Depressed Classes shall not be liable to be replaced by a system of joint electorates and reserved seats, except when the following conditions are fulfilled :—

(a) A referendum of the voters held at the demand of a majority of their representatives in the Legislatures concerned and resulting in an absolute majority of the members of the Depressed Classes having the franchise.

(b) No such referendum shall be resorted to until after twenty years and until universal adult suffrage has been established.

## III.—NECESSITY OF DEFINING THE DEPRESSED CLASSES.

The representation of the Depressed Classes has been grossly abused in the past inasmuch as persons other than the Depressed Classes were nominated to represent them in the Provincial Legislatures, and cases are not wanting in which persons not belonging to the Depressed Classes got themselves nominated as representative of the Depressed Classes. This abuse was due to the fact that while the Governor was given the power to nominate persons to represent the Depressed Classes, he was not required to confine his nomination to persons belonging to the Depressed Classes. Since nomination is to be substituted by election under the new constitution, there will be no room for this abuse. But in order to leave no loophole for defeating the purpose of their special representation we claim—

(i) That the Depressed Classes shall not only have the right to their own separate electorates, but they shall also have the right to be represented by their own men.

(ii) That in each Province the Depressed Classes shall be strictly defined as meaning persons belonging to communities which are subjected to the system of untouchability of the sort prevalent therein and which are enumerated by name in a schedule prepared for electoral purposes.

## IV.—NOMENCLATURE.

In dealing with this part of the question we would like to point out that the existing nomenclature of Depressed Classes is objected to by members of the Depressed Classes who have given thought to it and also by outsiders who take interest in them. It is degrading and contemptuous, and advantage may be taken of this occasion for drafting the new constitution to alter for official purposes the existing nomenclature. We think that they should be called "Non-caste Hindus," "Protestant Hindus," or "Nonconformist Hindus," or some such designation, instead of "Depressed Classes." We have no authority to press for any particular nomenclature. We can only suggest them, and we believe that if properly explained the Depressed Classes will not hesitate to accept the one most suitable for them.

We have received a large number of telegrams from the Depressed Classes all over India supporting the demands contained in this Memorandum.

November 4th, 1931.

## APPENDIX VIII.

## MEMORANDUM ON THE CLAIMS OF INDIAN CHRISTIANS.

By Rao Bahadur A. T. Pannir Selvam.

Some of the statements made by the Congress representative and the attitude of the Indian National Congress towards the vital needs of the minority interests make it imperative that I should re-state my case on behalf of the Indian Christians.

Mr. Gandhi was reported to have said in last March as follows: "If instead of confining themselves to purely humanitarian work and material service to the poor, they (the foreign missionaries) limit their activities as they do at present, to proselytising by means of medical aid, education, etc., then I would certainly ask them to withdraw. Every nation's religion is as good as any other. Certainly India's religions are adequate for her own people. We need no converting spiritually." This provoked criticisms and aroused fears and suspicions all round.

Replying to "correspondents angry or curious," Mr. Gandhi characterised, in his *Young India* of April 23rd, the report as a travesty of his views, and explained: "If instead of confining themselves to purely humanitarian work such as education, medical services to the poor, and the like, they would use these activities of theirs for the purpose of proselytising, I would certainly like them to withdraw. Every nation considers its own faith to be as good as that of any other. Certainly India's religions are adequate for her people. India stands in no need of conversion from one faith to another . . ."

The rejoinder did not, however, improve the position.

Now, Mr. Gandhi undeniably occupies the unique position of leader, even dictator, of the strongest organised political body in India, which presumably is destined to be the ruling power in the event of *Swaraj*. One might, therefore, justifiably assume Mr. Gandhi's statement to be indicative of the policy of the future governing class towards all proselytising faiths. The Christian community has been selected for the first warning, probably because of their comparative numerical helplessness. Naturally enough, Mr. Gandhi's words have been received with a stir of genuine apprehension by the great majority of Indian Christians. Subsequently he had "no doubt that in India under *Swaraj* foreign missionaries will be at liberty to do this proselytising 'in the wrong way'".

Further, the Congress resolution on the question of fundamental rights was studiously silent on the question of proselytising or preaching religion, although Mr. George Joseph, one time lieutenant of Mr. Gandhi, had specially written on the subject to the Convener of the Subjects' Committee and had a reply to the effect that there would be no difficulty.

If the fears and anxieties of a minority community, such as mine, as to their right of freedom of conscience under a *Swaraj* Government, are to be allayed, I feel that there should be some statutory provision such as the following in the future constitution of the country:—

"1. Every person of whatever race, caste, creed, or sex shall have the right to freely and openly profess, practice, and preach his religion, subject to public order and morality. He shall also have the right to convert by peaceful, legitimate, and constitutional methods, others to his faith.

2. No person shall, merely by reason of his change of faith, lose any of his civil rights or privileges or be subject to any penalty.

3. Persons belonging to any religion shall have a right to establish, manage, and control, at their own expense, charitable, religious, and social institutions, schools, and other educational establishments, with the right to exercise their religion therein; and where specific sums of money from public funds, as set out in the State Budget or in the Budget of local or other public authorities, are to be devoted to education, religion, or philanthropy, a due share in the use and enjoyment of such sums shall be secured to these institutions as well."

Again, the attitude of the Congress spokesman to the representation of minorities in the legislative bodies has been peculiarly curious. If he had ruled out definitely all special representations, his position would have been intelligible. Having agreed to special representation of the Hindus, the Sikhs and the Muslims, how could the same privilege, in fairness, be denied to the other communities? Mr. Gandhi's "historical grounds" are hardly historical! Students of real history know that Christianity in India is at least centuries older than the Mussulman invasion of the country; and was flourishing in the land before the origins of Sikhism. Christians have played a very prominent part in the building up of the public weal, and are therefore entitled to the same consideration as the sister communities. Mr. Gandhi's "historical grounds," it would appear, have reference to the Lucknow and other Congress resolutions. The Christians as a community have never been a party to any of the pacts or resolutions of the Congress, and they should therefore not be denied with impunity their rights for adequate separate representation in the future Legislatures of their country.

The Christians are, after all, the third largest religious community in India, numerically much superior to the Sikhs. The social and economic condition of the Christians, and the fact that they are scattered about the country, make it essential that their representation should be through a separate electorate of their own. Reservation of seats in a joint electorate is impracticable in their case, and would hardly safeguard or serve their interests.

I claim, therefore, on behalf of the Indian Christian community, that, in addition to the elemental right to profess, practice, and act up to the teachings of their religion, they should be given the right of representation through a separate electorate in the various legislative bodies of the new constitution, and that they should be given such other privileges and rights as may be conceded to the other minority communities in India.

October 20th, 1931.

#### APPENDIX IX.

### FUNDAMENTAL RIGHTS TO BE INCORPORATED IN THE NEW CONSTITUTION FOR INDIA FOR THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY.

*Memorandum by Sir Henry Gidney.*

To give effect to the resolution passed in the Services sub-Committee, Clause 5 (4) of which reads :—

“The sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment and recommend that special consideration should be given to their claims for employment in the Services,” the Anglo-Indian community demands the inclusion of the following clauses in the Fundamental Rights.

(1) *Political rights as a community* with adequate representation in both Federal and Provincial Legislatures in proportion to their part in the life of the country and the right of electing their own representatives.

(2) *Employment in Services.*—It shall receive special employment on a living wage, based on their standard of living, in the Executive and Ministerial Services in every administrative department of the State.

(b) That the same number of Anglo-Indians and domiciled Europeans per centum of the total number of persons employed in such Services as are employed on the date on which the new constitution comes into force shall continue for 30 years after the operation of the new constitution ; subject only to the condition that a sufficient number of Anglo-Indians possessing the requisite qualifications is available.

(3) *Education.*—(a) Subject to the powers and control of the Executive Minister it shall be given the right to administer and control its own educational institution, *i.e.*, European education, and, if it so desires, it shall be permitted to levy an educational cess from its own members for the support of its education.

(c) European education shall be specially protected by

(1) the retention of the present grants-in-aid and the generous grant of an adequate number of scholarships ;

(2) the creation of an Education Trust Fund, the equivalent of the present total annual expenditure on European education, to which shall be added the funds of the Uncovenanted Service Family Pension Fund and of any other similar Funds created and maintained by members of the community for the moral, educational, or material benefit of Anglo-Indians whether already closed, or about to be closed, owing to the demise of the beneficiaries thereunder or for any reason whatever. The income accruing to the said Trust shall be utilised for the purpose of granting educational scholarships to the members of the community.

(4) *Jury rights.*—All racial discrimination shall be eliminated in jury trials and Anglo-Indians shall be given equal jury rights with other communities in India, by

(a) the demand of “by legitimate descent” now made of the Anglo-Indian alone being deleted from the provisions of the Criminal Procedure Code, Sec. 4, Clause (1), Sub-Clause (ii) ;

(b) the accused, whoever he be, being given the right of claiming trial by either a European or an Indian jury and the words “or European as he may desire” being added to Section 275, Clause (i), and Section 284 (a), Clause (i).

DECLARATION OF RIGHTS SUBMITTED BY COL. GIDNEY  
FOR ALL MINORITY COMMUNITIES TO BE INCORPORATED IN  
THE NEW CONSTITUTION FOR INDIA ON 19TH JANUARY, 1931.

1. *Definition*.—A community shall be classified as a minority community if it shall be notified as such in the Gazette of India.

2. *Fundamental Right*.—All subjects of the State in India are equal before the law and possess equal civic rights (U.S.A. Constitution Amendment XIV and Government of Ireland Act, 1920, 10 and 11, Geo. V., Ch. 67, sec. 5 (2)). Any existing enactment, regulation, order, custom or interpretation of law by which any penalty or disability is imposed upon or any discrimination is made against any subject of the State shall, as from the day on which this constitution comes into operation, cease to have any effect in India.

3. *Representation on Legislatures*.—Adequate representation on the Federal and Provincial Legislatures.

4. *Separate Electorates*.—All minority communities who so desire shall be given separate electorates which shall be retained till 75 per cent. of a community consent to forego the right, and desire otherwise.

5. *Public Service Commission*.—(a) In addition to the Public Service Commission already functioning under the Government of India, there shall be created a Public Service Commission in each Province charged with the duty of recruiting for the Public Services.

(b) Minority communities shall be collectively represented by not less than one of its members on each Provincial Commission and on the Commission already functioning under the Government of India. These representatives shall be nominated by the Governor-General or the Governor as the case may be.

(c) It shall be the duty of the Public Service Commission, subject to the test of efficiency as may be prescribed—

(1) To recruit for the Services in such a manner as shall secure due and adequate representation of all communities, and

(2) to regulate from time to time priority in employment in accordance with the existing extent of representation of the various communities in any particular service.

6. *Representation in Cabinets*.—(1) In the Federal Cabinet, one Minister and two Parliamentary Under-Secretaries shall be chosen from and be collectively representative of the minority communities.

(2) In each Provincial Cabinet one Minister and one Parliamentary Under-Secretary shall be chosen from and be collectively representative of the minority community.

(3) Such Ministers shall be nominated by the Governor-General or the Governor as the case may be and given a special portfolio with a special Statutory Department for the protection of minority interests.

*N.B.*—If No. 6 cannot be statutorily enacted it should be incorporated in the Instrument of Instructions to the Governor-General and Governors as a specific mandate to them, with powers to act in such matters independently of the views of their Ministry.

7. *Appeal*.—Should the Federal Government or any Provincial Governments fail to comply in any or all of the foregoing provisions an appeal shall lie in the case of an order of the Federal Government to the Secretary of State for India or any other higher tribunal, and in the case of the Provincial Government to the Federal Government in the first place, and from the order of the Federal Government to the Secretary of State for India or any other higher tribunal.

APPENDIX X.

**THE MARATHAS AND ALLIED COMMUNITIES.**

*Memorandum by Mr. B. V. Jadhav.*

When the Montagu-Chelmsford Reforms were under consideration the non-Brahmins of Madras and the Marathas of Bombay started an agitation to protect their interests from the dominant influence of the advanced communities. In the Government of India Act of 1919 their claims were recognised and some seats were reserved for them in multiple seat constituencies.

The non-Brahmin movement in Madras is co-extensive with the boundaries of that Province, and in all the four elections they have been able to secure more seats than were reserved to them, and hardly any occasion may have arisen when the concession of reserved seats came into operation. Nobody in Madras is therefore keen on preserving the right of reserved seats.

In the Bombay Presidency the conditions are different. There is, of course, the non-Brahmin movement there also, but it is confined to the Marathas and lingayets of the districts in which the Marathi and Canarese languages are spoken. In Sind and Gujerat the social conditions are vastly different, and there no Hindu community except the Depressed Classes asks for special protection. The Marathas and the allied communities, who have so far enjoyed protection under the reservation clause, are desirous that the concession should be continued for a further period.

It is to be noted that the Government of Bombay are of opinion that the concession is no longer necessary. This was probably due to the absence in the Government of anybody who knew the real condition of the people.

I urged that the concession should be continued.

Four elections were held since the passing of the Government of India Act in 1919. The first election of 1920 and the fourth of 1930 cannot be considered to be normal as the Congress in those years refused to take any part in them. In those years the elections were uncontested in many constituencies, and therefore the success of the Maratha candidates does not show that normally they are able to look after their own interests and do not require any protection. But the elections of 1923 and 1926 were hotly contested. The results of both these elections prove that in the City of Bombay no Maratha candidate would succeed if the right of a reserved seat was taken away. The same is proved by the fate of Maratha candidates in the Ahmednagar and Ratnagiri districts in 1926. Out of the six reserved seats, in three the right of reservation was claimed. The seventh reserved seat is not fixed, but is taken in turn by the districts of Sholapur, Kolaba and West Khandesh. In 1923 this seat was reserved in the Kolaba District but in the Sholapur and West Khandesh districts it was open to all communities without reservation. In this year no Maratha candidate was elected either in Sholapur or West Khandesh.

Similarly, in the following election the seat was reserved in West Khandesh but left open to all communities in Kolaba, and there again the Maratha candidate failed. This will show that the Maratha and allied communities have not yet become sufficiently organised and therefore require protection for a further period.

The principle of reservation works as a safety valve. In ordinary circumstances it does not operate at all but automatically comes into operation only when an emergency arises. It is therefore not necessary to take away the right of reservation. When no longer necessary it will remain unused.

I therefore submit that the right of reserved seats should be continued as under the present Act.

*November 13th, 1931.*

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#### APPENDIX XI.

##### LABOUR UNDER THE NEW CONSTITUTION.

*Circulated by Mr. N. M. Joshi, Mr. B. Shiva Rao and Mr. V. V. Giri.*

I am making this statement on the subject of Labour in the new constitution with the consent and approval of my two colleagues.

First, let me say a word as to the number of those who would come under the category of Labour. Precision is not possible in this matter, as the details of the Census Report of 1931 are not yet fully available. We include in the category of Labour all those who are wage-earners, whether in fields, plantations or factories. A memorandum was prepared in the India Office in 1921 and submitted to the Council of the League of Nations to urge the inclusion of India among the leading industrial states of the world. According to the figures mentioned in that memorandum, there were 27·8 million agricultural workers employed as farm servants and field labourers in India in 1911. This figure includes workers in the tea, coffee, rubber and indigo plantations, but does not include the much larger class of small holders and tenants who numbered at that time over 40 million. The estimate of workers in industries, mining and transport is given as approximately 20·2 million. The total number of workers in India would, therefore, be 48 million.

This was in 1911. During the last 20 years there has been an increase in general population by about 10 per cent. Cultivation has been extended and industries have been developed on a considerable scale. Our estimate of the total number of workers at the present moment is, therefore, between 55 and 60 million. Of these, an appreciable number is drawn from the Depressed Classes, whose representatives have put forward their special needs and claims, but what exact proportion they form is difficult to say without a proper enquiry. Nevertheless, it is safe to estimate that the rest of Labour, excluding for the moment those belonging to the Depressed Classes, would be about 35 million, or 10 per cent. of India's present population.



(1) *A Declaration of Rights.*—At a meeting of the Minorities sub-Committee last year, Mr. Shiva Rao read out the Declaration of Rights which, in our opinion, should be inserted in the constitution. It may be enlarged to suit the requirements of other minorities, but so far as Labour is concerned, these points should find mention :—

“Recognising that the well-being, physical, moral and intellectual, of the workers of India is of supreme importance in assuring the peace, progress and prosperity of the country, and recalling the solemn obligations of India as a Member of the League of Nations, and of the International Labour Organisation, to endeavour to secure and maintain fair and humane conditions of labour for men, women and children, and to collaborate in the international establishment of social justice, the Commonwealth declares the following principles to be accepted as fundamental principles of the constitution, and as regulating the exercise of the legislative, executive and judicial powers within the Commonwealth :—

(1) It is the duty of every citizen so to use his mental and bodily powers as to contribute to the welfare of the community, and correspondingly it is the duty of the community to secure, so far as lies in its power, that every citizen shall be given the training and opportunities necessary to enable him to maintain by his work a decent standard of living ;

(2) The Indian Parliament shall make suitable laws for the maintenance of health and fitness of work of all citizens; the securing of a living wage for every worker, and provision against the economic consequences of old age, infirmity and unemployment ;

(3) The protection of motherhood and the rearing of the rising generation to physical, mental and social efficiency are of special concern to the Commonwealth. Women, young persons and children shall, therefore, be protected against moral, spiritual or bodily injury or neglect and against exploitation and excessive or unsuitable employment.

(4) The welfare of those who labour shall be under the special protection of the Commonwealth and the conditions of Labour shall be regulated, from time to time as may be necessary, with a view to their progressive improvement ;

(5) The right of workers to express their opinions freely by speech, writing or other means, and to meet in peaceful assembly and to form associations for the consideration and furtherance of their interests, shall be granted by the Commonwealth. Laws regulating the exercises of this right shall not discriminate against any individual or class of citizens on the grounds of religious faith, political opinion or social position ;

(6) No breach of contract of service or abetment thereof shall be made a criminal offence ;

(7) The Commonwealth shall co-operate with other nations in action to secure the realisation of the principle of social justice throughout the world ;

(8) All citizens in the Commonwealth have the right to free elementary education without any distinction of caste or creed in the matter of admission into any educational institutions maintained or aided by the State and such right shall be enforceable as soon as due arrangements shall have been made by competent authority ;

(9) All citizens are equal before the law and possess equal civic rights ;

(10) All citizens have an equal right of access to and the use of public roads, public wells and all other places of public resort.”

(2) *Labour Legislation, a Federal Subject with concurrent powers to the Provincial Legislatures.*—Out next point is that labour legislation should be a federal subject, with power for the Provincial or State Legislatures also to legislate but not, as the Royal Commission on Labour observed in its Report issued a few months ago, “so as to impair or infringe the authority” of the Federal Legislature.

(3) *The Ratification of International Labour Conventions to be a concern of the Federal Government.*—We desire that the power to ratify International Labour Conventions should be vested in the Federal Government.

It is not necessary to elaborate either of these points, as they fall really within the scope of the discussions of the Federal Structure Committee, and I still hope I shall have an opportunity of raising them.

(4) *The Introduction of Adult Suffrage.*—For a similar reason I shall not do more than mention the point that the introduction of adult suffrage is vital from the workers' point of view. We found ourselves in a minority in advocating it in the Franchise sub-Committee last year ; but we are glad to see that Mr. Gandhi and the Congress are also in favour of it, and we hope that with his powerful assistance we shall secure adult suffrage.

We shall have no objection, if on detailed enquiry, it be found that universal adult suffrage would be impracticable as the next stage, to some qualification being made, such as raising the age limit to 25 years, provided that the restriction applies equally to all classes. But we do ask for immediate recognition of the principle of adult suffrage in the terms of reference of the Expert Franchise Committee that is hereafter to be appointed.

(5) *Joint Electorates.*—We are opposed to the continuance of separate electorates for communities divided according to religion or race. Our experience of the Indian Trade Union movement strengthens our conviction in the efficacy and soundness of not dividing the community on a religious or racial basis. Communal and racial feelings have had comparatively little influence on the movement and the workers are organised as an economic class, not as Hindus, Muslims or Untouchables. Our grave fear is that communal electorates, with the introduction of adult suffrage, will create a false division among the workers and break the solidarity of the working-class movement. If the workers are divided not on the basis of an economic class, but of religion or race into Hindus and Muslims and Christians, etc., their proportion of votes in every constituency will be considerably less than if they are allowed to vote together as an economic class, and they are bound to lose the effect and influence they would possess. The vast majority of the workers are illiterate and heavily in debt. Only a small number of the industrial workers is as yet organised, and so far as those engaged in agriculture and on the plantations are concerned, they have been practically untouched by the working-class movement. Under these circumstances it would be an intolerable handicap on the workers to force on them a system of electorates based on religion or race, the demand for which proceeds, not from them, but only from a small section of the educated classes. Moreover, this wrong division will throw a powerful barrier in the way of the development of the movement and prevent the organisation of political forces on an economic basis. The communal problem we hold is a problem of the past. The real problems of the future will be economic and social and it would be wrong to build the constitution in a manner which has no relation to the realities of tomorrow.

We would prefer a division of the electorates on an occupational rather than a communal or a territorial basis, in order to bring into the Legislatures elements which, because of their lack of organisation and influence, might fail to secure adequate representation. But the least we can do now is to oppose the extension of the principle of electorates based on religion or race to the workers as being detrimental to their interests.

Our position is that if adult suffrage is introduced on a basis of joint electorates, and no other special interests are recognised, Labour will not ask for a reservation of seats or the creation of special constituencies. But in the event of even one of these conditions failing to be fulfilled, Labour must have both.

So far as the total number of Labour seats is concerned, we ask for no weightage. But representation of Labour can and must be on the population basis; that is, ten per cent. in the Federal Legislature, and if the decision ultimately be in favour of a bicameral system, then in each House of the Legislature. With regard to the Provincial Legislatures also, the numbers will have to be ascertained in each Province, and the seats allotted in their proportion to the total population of the area.

I cannot do better than quote the following passage from the Report of the Royal Commission on Labour with which we entirely agree :—

The Whitley Commission's Report observes (p. 462)—

"There are several directions in which the adequate representation of Labour should benefit both itself and the community. In the first place, the presence of representatives able to voice the desires and aspirations of Labour and to translate these into concerted proposals is essential for the proper consideration of measures specially affecting Labour. But the welfare of Labour does not depend purely on what may be called labour measures; its good depends on the whole trend of policy and legislation. More adequate representation of Labour is necessary for its protection in this respect, and, if given the opportunity, organised Labour can make a valuable contribution to the wise government of the Commonwealth. Further, the proper representation of Labour is itself educative; the recognition of its claims as a part of the body politic will bring increased responsibility and a sense of unity with the community as a whole. Conversely, exclusion of Labour from a fair share in the councils of the nation will inevitably drive it to rely unduly on other means of making itself felt with injury to itself and to the nation. What we have stated is applicable to labour generally, both agricultural and industrial, and those who have to deal with the representation of labour in detail will no doubt have regard to the whole field."

The Commission has also recommended, it is to be noted, that the principle of election should be substituted for that of nomination, and registered trade Unions should form special constituencies for the purposes of election. We accept these suggestions and trust that they will commend themselves to the Conference.

As regards agricultural and plantation labour, some other method of election will have to be devised, as there are no trade Unions among the workers of these two classes. But we do not think it will be impossible for the Expert Franchise Committee to make concrete suggestions on the point. The question is worth considering whether *Kisan Sabhas*, or organisations

of agricultural workers, wherever they exist, may not be registered under a law analogous to the Trade Union Act and regarded as a special electorate. At all events, we ask the Conference to endorse, without qualification, the principle that these millions of workers are entitled to an adequate share in the government of their country.

November 13th, 1931.

## APPENDIX XII.

### MEMORANDUM FOR THE MINORITIES COMMITTEE.

*By Sir Chimanlal Setalvad.*

It is a thousand pities that the communal difficulties have not yet been solved by agreement of the parties concerned. It is essential for the smooth working of any self-government constitution for India that this matter should be settled by mutual goodwill and understanding and that a feeling of perfect security must be created in the minds of the minorities. But I am afraid that the present deadlock in the solution of the communal problem is being very much exaggerated and is being exploited in certain quarters for retarding the full constitutional advance which India demands.

A critical examination of the points of difference reveals that there is considerably more agreement than disagreement, and the controversial points are narrowed down to small proportions.

It is made to appear as if the Delegates belonging to the minority communities and the Delegates belonging to the majority communities are disagreed on almost every point. The fact is quite the contrary. There is really no difference of opinion on the question that proper safeguards must be provided for ensuring full religious liberty and protection of culture and personal laws of the minorities and that provision should be made against legislation affecting their religion, etc. Further, it is generally agreed that the minorities must be secured a proper share in the Services and, as far as practicable, in the Executive Government. In fact, formulas for these purposes were actually drafted and assented to by the representatives of the various communities last year and hardly anybody wants to go back upon them. The Services sub-Committee of the Conference last year in its Report recommended the text of the provisions to be made for securing to the minorities their proper share in the Services, etc.

As regards certain special demands of the Muslims, *e.g.*, the separation of Sindh and the status and constitution of the North-West Frontier Provinces, agreement was also reached to the satisfaction of the Muslims. As regards the Muslim claim for one-third representation in the Federal Legislature, there has been a general desire to agree to the same, and the question is merely one of method for securing the desired representation. Last year a formula was agreed to that the Muslims were to have one-third of the total number of elected members of British India and also one-third of any nominations of persons other than officials or members of any very small minority. The question of securing to the Muslims further seats so as to make up one-third of the total number of members was left for consideration in connection with the representation of the States. It should not be difficult to secure this by some convention with the States.

As regards the Muslim claim to be allowed the existing weightage in Provinces where they are in a minority there is not any appreciable opposition.

It will thus be seen that on all matters which are really vital and essential there is the largest measure of general agreement.

The disagreement extends to only two matters:—

1. Whether the Muslim and other minorities' representation is to be secured by means of separate electorates or by reservation of seats for them in joint electorates.
2. The allocation of seats in the local Legislatures of the Punjab and Bengal.

As regards the first question—namely, separate versus joint electorates—the question has been discussed threadbare both here and in India. It is obvious that in Provinces where the Muslims are in a minority their coming into the joint electorates is more in their interests and for their protection. Once effective safeguards are provided, as stated above, in the matter of religion, culture, personal laws, social practices, education, fair share in the public services, adequate representation in the Legislature, there is no clash or divergence of interest between the different communities, and it is really safer for the minorities to come into the joint electorates. For, unless the Muslim voters have a voice in the election of the majority community members, the former would have no hold on the latter. This has been recognised by important Muslim leaders such as H.H. The Aga Khan, Mr. Jinnah, and others, and if they are given reservation of seats they will be quite secure. But, whatever the real merits of this question may be, it is perfectly obvious that the Muslims cannot be forced against their wishes to come into the joint electorates.

If they want still to stick to separate electorates they must be allowed to have them. Keeping different communities in separate watertight compartments must inevitably prove a great obstacle in the evolution of national unity and national self-government, and will render very difficult in practice the joint responsibility of the Cabinet. It is therefore urged that separate electorates should not be extended farther than where they exist, and the other minorities should be secured their proper representation by reservation in joint electorates. What is hoped is that the Muslims and the Sikhs, after some experience of the new constitution of self-government for India, will see the advantage to themselves and the country of coming into joint electorates. It should therefore be provided that if at any time at least two-thirds of the Muslims' representatives in any Legislature decide in favour of joint electorates, thereafter joint electorates should be established for that Legislature. It is not therefore right to create at this juncture further separate compartments.

As regards the Depressed Classes, my sympathies and those of all right-thinking men are wholly with them. The treatment that they have received in the past and are suffering under even now reflects great discredit on the class Hindus who are responsible for the same; but it will not be patriotic for the Depressed Classes, because of their exasperation, to insist upon separate electorates. They should certainly be made secure by reservation of seats. The percentage of representation to be given to them must depend on various considerations—*e.g.*, the number of people available for the task—and not merely on the thumb rule of numerical proportion. At present in the Central Legislature they have only one seat, and that also by nomination. This is certainly wholly inadequate and unjust, and they should be given immediately a much larger number, to be progressively increased and brought up ultimately to their numerical proportion as by education and other means men fitted for this work become available.

The real and substantial points of disagreement are thus reduced only to the allocation of representation in the local Legislatures of the Punjab and Bengal. The discussions last year as well as this year show that Muslims may be satisfied if they are secured 51 per cent. representation in the Punjab and Bengal, which is less than their numerical proportion on population basis. The Hindus and Sikhs in the Punjab, and in Bengal the Hindus and Europeans (the latter community at present enjoys representation very much in excess of its numbers), must arrive at some adjustment. A question of a couple of seats here or there must not bar a settlement. If, however, communities concerned in these two Provinces are unable to reach agreement, surely their inability to arrive at an adjustment cannot be allowed to stand in the way of the country as a whole attaining self-government, when, as I have shown above, there is practically general agreement as regards all essential safeguards for minorities and there is no difficulty of allocation of representation in the Legislatures of all other Provinces. This particular and narrow issue should be left for decision by the Prime Minister and His Majesty's Government. There is no reason why the Muslims, Hindus, Sikhs, Depressed Classes and Europeans should not, without any hesitation, agree to abide by the decision of the Prime Minister. The Congress claims to be a non-communal body and to have a purely national outlook, and therefore it and its representative can have no objection to accepting any settlement which the communities concerned may arrive at by this method of decision by the Prime Minister. One tentative and rough-and-ready solution for allocation of seats in the Punjab and Bengal is to accept the Government of India's proposals about it with such variation as may be required in view of the latest census figures.

There is one aspect of joint and separate electorates which I earnestly wish to be considered. I believe there are among the Muslims an appreciable number who prefer joint electorates. There is no reason why those preferring to be in the joint electorates should be denied their liberty of thought and action because the majority of their community wish to have separate electorates. It should be made permissible for members of any community for whom separate electorates are provided to declare their desire to go into joint electorates and be allowed to do so. On such declaration they should be included in the joint register and should be allowed to vote and stand for election in the joint electorate; but such declaration, when made, must ever afterwards be final.

Such a provision will demonstrate the strength of the opinion of those who believe in joint electorates, and will also afford an avenue for ultimately absorbing everybody into joint electorates as the strength of opinion in favour of joint electorates progressively grows.

For the views put forward and the suggestions made by me I beg my brother Delegates' unprejudiced consideration. They are capable of further adjustment wherever necessary, and I implore all to put their heads together for a solution. I have no communal bias and I belong to no communal organisation.

November 9th, 1931.

## APPENDIX XIII.

## REPRESENTATION OF WOMEN IN THE INDIAN LEGISLATURE.

*Memorandum by Mrs. Subbarayan.*

The framing of a new constitution for India offers an opportunity for considering fully the question of the representation of women on the Indian Legislatures of the future. It is obviously desirable that the ordinary channels of election should be open to women; but the question arises as to whether there is any likelihood of their securing election through the ordinary poll. Even in Western countries, where it has long been the custom for women to take part in public affairs, very few of them even now secure election to the Legislatures. In India they have only recently begun to emerge into public life, and, moreover, they are in a peculiar position owing to the social disabilities to which they have long been subject. Consequently there is bound to be strong prejudice on the part of both men and women against their coming into the Councils. There are also almost insurmountable practical difficulties to their candidature, such as that few women have sufficient means to stand, that—in our vast electoral areas—it would be extremely difficult for them to tour, to get into touch with voters, etc. It seems obvious that, for a considerable time, until the public becomes sufficiently educated, it is extremely unlikely that women will be returned in India through the ordinary poll. And yet, especially during the first vital and formative years of the new constitution, when the foundations of our social and educational policy (which affect women so closely) and indeed of our policy in all matters, are laid, it will be most important to have women on the Legislatures. They should be there in particular to impress on the Legislatures the necessity for social legislation, which is so urgently required. But besides that contribution to public life, their presence on the Legislatures should be a means of educating the public and of cultivating in women a due sense of responsibility and administration. Mahatma Gandhi, whose knowledge of political conditions in India is unsurpassed, during his speech at the Federal Structure Committee on September 17th, visualised the possibility of women not being elected to the Legislatures, and indicated his belief that some arrangement should be made to meet this eventuality. If some special provision for securing their presence is not made, it is possible—indeed likely—that their claims will recede further and further into the background. It will have a great effect if, from the start, it is shown in practice as well as in theory, that the co-operation of women on the Legislatures is normal and desirable.

There is considerable support in India for the view that some special provision is necessary. I have received large numbers of letters from women doing important social and educational work in many parts of India, asking me not to fail to press this view on the Conference, otherwise I should have been slow to put it forward. Delegates have no doubt also received a Memorandum opposing it from three women's organisations in India—organisations whose views I sought last year, but was not fortunate enough to secure. Their opposition is apparently based on the belief that, if equality of civic rights is granted to women in India, equality of opportunity in civic service will automatically follow, and that, owing to the part played by women in the recent political struggle, women now realise their strength and do not require special provision. These theories seem to me to be far removed from the realities of the situation. These three women's organisations are associations of importance, but I cannot admit that they speak for the entire womanhood of India. While welcoming the fact that the political struggle has brought many thousands of women out into public life, I feel it essential to acquire a true perspective of the whole picture, and to realise that there remain over a hundred and twenty million women and girls in India, who are still in a state of civic inertia, and who have not yet attained self-confidence or political consciousness. It is for the sake of this overwhelming majority of women that I believe special provision to be necessary. I am convinced that one practical step forward, which will ensure the presence of women on the Legislatures, working side by side with men as a normal feature of our political life, will do more for them than any theories of equality.

The opposition to special provision for women in this Memorandum is also based on the assumption that Adult Suffrage will come into existence. Even if Adult Suffrage is secured, I think the above arguments hold good. If, however, Adult Suffrage is not achieved, or only gradually achieved, then special provision will be all the more necessary.

I have given much anxious thought to the form which such special provision should take. Nomination is obviously unsuitable. The ordinary reservation of seats, involving separate electorates, appropriation of a share of existing seats, and a permanent claim to them, is equally undesirable. The solution which the Women's Delegation advanced last year (*see* Minorities sub-Committee proceedings, page 80)—namely, that the Legislatures themselves, after their own election, should for a temporary period elect a fixed proportion of women to the Legislatures—still seems to me the most suitable. The suggestion then also made—that the proportion of women to be elected should be five per cent. of the elected Legislature, that the temporary period should be for three elections, and that the election of women should be made by proportional representation so as to avoid the complications of the communal question, also seem to me still to be the best fitted to the circumstances.

I would, however, now—in order to meet the divergence of views among Indian women on this matter—make a further suggestion, namely, that such a scheme might be *optional* on all Legislatures, Central or Provincial, to adopt or not as they think fit.

It may well be that some other proposal better than the above outlined scheme—one that would attain the same end—may be devised, and in that case I would willingly accept it. In this matter, I regard myself as a member of no party, community or class, but simply as voicing the views of an educated and intelligent section of women's opinion in India, which believes special provision for women to be in the best interests of women in general and in those of the nation at large (which must inevitably be closely identified with women's interests). It does not seem to us that it is in the least derogatory to ask for such special provision to meet existing facts; nor can it be considered either a privilege or a favour. Indeed, membership of a Legislature, in our opinion, is a heavy responsibility and a duty rather than a privilege or a favour. If we are told that there is no analogy for such a proposal in the constitutions of other countries, I would urge that in this matter we should not be entirely guided by outside precedents. Indeed, the experience of women in other countries suggests that Indian women will be wise in taking steps to strengthen their political status from the very beginning of the new constitution. If such a special measure as has been suggested above for the initial and transitional period could be made, I feel that the position of women in the India of the future would be made secure.

November 11th, 1931.

#### APPENDIX XIV.

#### MEMORANDUM REPRESENTING THE VIEWS OF A NUMBER OF INDIAN WOMEN'S ORGANISATIONS.

*Presented to the Conference by Mrs. Naidu and Begum Shah Nawaz.*

We herewith beg to submit the official Memorandum jointly issued on the status of Indian women in the proposed new Constitution by the All India Women's Conference on Education and Social Reform, the Women's Indian Association and the Central Committee of the National Council of Women in India. These three premier Organisations include the great majority of progressive and influential women of all communities, creeds and ranks who are interested in social, educational, civic or political activities, and are accredited leaders of organised public opinion amongst women.

This Manifesto, signed by the principal office bearers of these important bodies, may be regarded as an authoritative statement of representative opinion, duly considered and widely endorsed, on the case and claim of Indian women.

We have been entrusted with the task of presenting to the Round Table Conference their demand for a complete and immediate recognition of their equal political status, in theory and practice, by the grant of full adult franchise, or an effective and acceptable alternative, based on the conception of adult suffrage.

We are further enjoined to resist any plea that may be advanced by small individual groups of people, either in India or in this country, for any kind of temporary concessions or adventitious methods of securing the adequate representation of women in the Legislatures in the shape of reservation of seats, nomination or co-option, whether by Statute, Convention, or at the discretion of the Provincial and Central Governments. To seek any form of preferential treatment would be to violate the integrity of the universal demand of Indian women for absolute equality of political status.

We are confident that no untoward difficulties will intervene in the way of women of the right quality, capacity, political equipment and record of public service in seeking the suffrages of the nation to be returned as its representatives in the various Legislatures of the country.

We ask that there should be no sex discrimination either against or in favour of women under the new constitution.

Will you be so good as to treat our covering letter as part of the official document submitted to you on behalf of our Organisations.

November 16th, 1931.

#### MEMORANDUM ON THE STATUS OF INDIAN WOMEN IN THE PROPOSED NEW CONSTITUTION OF INDIA.

The All-India Women's Conference, The Women's Indian Association and The Central Executive Committee of the National Council of Women in India welcome and endorse the Declaration of the fundamental rights of citizenship in India under the future constitution drawn up by the accredited leaders of the Nation, namely:—

“Equal rights and obligations of all citizens, without any bar on account of sex.

No disability to attach to any citizen by reason of his or her religion, caste, creed or sex in regard to public employment, office, power or honour and in the exercise of any trade or calling.”

## OBJECT OF THE PRESENT MEMORANDUM.

This Declaration of the fundamental rights of citizenship in India having been made, the recognition of women's equal citizenship in all matters relating to franchise, representation, or employment has become an accepted principle. The present Memorandum is, therefore, concerned only with the methods by which women may be enabled to exercise to the full their legitimate rights.

The women of India on the basis of their admitted and declared equality, demand that in actual practice no disqualifications or conditions shall be laid down which may hamper them in any way from the fullest exercise of the right of voting at public elections or offering themselves as candidates for seats on Legislative or Administrative institutions. Similarly, no impediments should be placed in their way in the matter of the holding of public office or employment which might, in effect, bar women from taking their full and equal share in civic rights and obligations.

## FRANCHISE.

*Present Conditions and the Necessity for the Demand.*

The experience of women under the existing constitution makes the foregoing demand imperative. In spite of equality in theory, they suffer in practice from a grave inequality owing to the right of voting being conditioned by property-holding or other similar qualification, ordinarily inaccessible to women in India. Though the resolution of the Indian National Congress declares for an immediate acceptance of the principle of adult suffrage, it may be argued nevertheless, that the first step towards the adoption of that principle might require, for its successful practice, the conditioning of the exercise of the right by some qualification of the type above mentioned. However, we cannot but point out that, though the theoretical equality of men and women citizens might conceivably be maintained under such a practice, the position of women will inevitably be rendered wholly unequal under the existing social systems, it being generally recognized that very few women hold or own property in their own name or right.

Again, even if the property qualification for voting or candidature is made nominal, women are likely to suffer as long as our social systems remain as they are.

As compared with men, very few women would have even nominal property in their own names and right, and since a very considerable proportion of the adult women of India is either married or widowed, the voting rights of all such would, on a property basis of any kind have to follow the corresponding rights of their husbands.

There is yet another difficulty to be considered in this connection. Even if the franchise system permits a wife or widow to enjoy the same voting rights as the husband, this position will not commend itself to the educated and thinking women of India, inasmuch as it makes the citizenship of woman contingent on her relationship—past or present—to a man, for a very large proportion of women. We are strongly of opinion *that the Elementary Rights of Women as human beings should not be based on an extraneous factor like Marriage.*

If a literacy test of any kind is introduced as a condition precedent for the exercise of civic rights, women will be placed at a still greater disadvantage, for the obvious reason that there are many more literate men than women.

Moreover, if as is likely and necessary, some age limit is fixed for the exercise of such rights, the handicap on women will be still further increased, for relatively speaking there are fewer literate women above the voting age than below it.

Therefore, the conditioning of the right of franchise, either by property or literacy qualifications, would be *fundamentally inconsistent with the Declaration of Rights above quoted.*

In these circumstances, the All-India Women's Conference, the Women's Indian Association and the Central Executive Committee of the National Council of Women in India, consider the immediate, unqualified and unconditional adoption of the principle of *Adult Franchise* to be the best and most acceptable mode of assuring and securing political equality between the men and women of this country. They unhesitatingly consider all conditions or qualifications or tests for the exercise of this right, whether based on property or literacy, to be needless impediments in the way of the enjoyment by women of civic equality.

Accordingly they recommend that :—

*Every man or woman of the age of 21 should be entitled to vote and to offer himself or herself as a candidate at any election to an Administrative or Legislative Institution.*

## REPRESENTATION.

We are confident that, if this practical equality is secured for women in the matter of Franchise, they will be able to find their way into the Legislative and Administrative Institutions of the country through the open door of ordinary election.

No special expedients for securing the presence of women on these bodies, such as reservation, nomination or co-option would then be necessary.

*The Women of India have no desire to seek any specially favoured treatment for themselves, provided that their full and equal citizenship is recognized in practice as it is in theory.*

## PUBLIC SERVICES AND EMPLOYMENT.

It is but a corollary to this practical equality between men and women that women should be eligible, in the same way as men and on the same conditions, for all grades and branches of the Public Services, as they are entitled, under the Declaration of Rights, to equality in the exercise of all trades, professions and employment.

## DISQUALIFICATIONS.

As distinguished from the qualifications, etc., for voting, in which the women of India demand an absolute and effective equality, the disqualifications for the exercise of civic rights should be based on purely personal grounds.

Thus, the fact of a woman's relationship to a man or the disqualification, if any, attaching to her male relative of any degree, should in no way prevent her from exercising to the full her legitimate rights.

August, 1931.

## APPENDIX XV.

## COMMUNAL REPRESENTATION.

*Memorandum by Sir Provash Chunder Mitter.*

As the Minorities Committee will meet soon, I think that as the sole Hindu representative from Bengal on that Committee, I ought to place the position with regard to Bengal before my fellow Delegates.

The claims on behalf of the different minorities have been put forward as follows:—

In the first two cases I am ignoring decimals—	Per cent.
Muslims .. .. .	55
Backward Classes .. .. .	25
European Communal .. .. .	5
Indian-Christians .. .. .	3
Anglo-Indians .. .. .	2
Total .. .. .	90

Since then I have seen it stated in the Press that Mahatma Gandhi offered 51 per cent., instead of 55 per cent., to the Muslims. The above claims do not take into account the claims for class seats. So far as I am aware the claims for class seats are:—

	Per cent.
British (at present they have 11 in a House with 114 elected members) .. .. .	10
Labour (a number of seats, but I am not aware of the actual percentage claimed) .. .. .	5
Indian Trade and Commerce .. .. .	7½
Landlords .. .. .	2
Universities .. .. .	2
Total .. .. .	24½

It will appear from the above that if all these claims are admitted or accepted, the total is considerably over 100 per cent., and that the Hindus (other than the Backward Classes) whose population runs into many millions, will not have any seats from the general electorate.

This position, of course, is untenable, and a mere statement of facts will show what the position is.

Although I am the sole Hindu representative from Bengal on the Minorities Committee, no offer has yet been made to me, nor even was the question discussed either with me or with any of my Hindu fellow Delegates from Bengal who are not on this Committee, by the Muslim group. I was, however, told a few days ago by one of the Muslim representatives from Bengal that the Muslim delegation is of the opinion that the question should be settled on an all-India basis.

November 11th, 1931.



**SUPPLEMENTARY MEMORANDUM BY SIR PROVASH CHUNDER MITTER.**

With reference to the claim of the Muslims regarding a statutory majority of the whole House on the basis of communal electorates, I desire to put on record that before I left India I consulted Hindu-elected members of the Bengal Legislative Council, members of the Executive Committee of the Indian Association (an important and old-established association founded by the late Sir Surendra Nath Banerjea and other leaders in 1875), and the Executive Committee of the British Indian Association (the oldest political association in Bengal, being established in 1851). I also consulted some prominent Congressmen with whom I could get into touch. I found that Hindu public opinion was strongly against acceptance of the claim of the Muslims for a statutory majority of the whole House.

I also consulted Hindu public opinion in Bengal as regards joint electorates with reservation of seats, and I found that, generally speaking, Hindu public opinion was strongly in favour of joint electorates with such reservation. I understand, however, that the Muslim Delegation, who are organised as a party on an all-India basis under the leadership of H.H. the Aga Khan, are not prepared to deviate from the claim for communal representation, so I refrain from placing the details of Bengal Hindu opinion regarding adjustment of the communal question on the basis of joint electorates with reservation of seats. I may mention in this connection that although I am the sole Hindu representative from Bengal on the Minorities Sub-Committee, I was never asked by the Muslim Delegation to discuss the Bengal communal question with them; I may add that I tried to convey the information that I was quite willing to discuss the matter.

I will next refer to the claims of the different minorities and class interests. These claims, as originally put forward, were as follows :—

	<i>Per cent.</i>
In both these cases I am ignoring decimals—	
Muslims .. .. .	55
Backward Classes .. .. .	25
European Communal .. .. .	5
Indian-Christians .. .. .	3
Anglo-Indians .. .. .	2
Total .. .. .	90

In the claims so put forward, the claims for class seats were not specifically discussed, but so far as I am aware the claims for class seats are :—

	<i>Per cent.</i>
British (at present they have 11 in a House of 114 elected members, over and above 5 communal seats) .. .. .	10
Labour (a number of seats, but I am not aware of the actual percentage claimed) .. .. .	—
Indian Trade and Commerce .. .. .	5
Landlords .. .. .	7½
Universities .. .. .	2
	24½ (excluding Labour).

It will appear from the above that if all these claims are admitted or accepted the total is considerably over 100 per cent., and that the Hindus (other than the Backward Classes), whose population runs into many millions, will not have any seats from the general electorate. This position is, of course, untenable, and a mere statement of the facts will show what the position is.

Since these claims were put forward, a joint Note has been circulated over the signatures of H.H. The Aga Khan on behalf of the Muslims, Dr. Ambedkar on behalf of the Depressed Classes, Rao Bahadur Pannir Selvan on behalf of the Indian Christians, Sir Henry Gidney on behalf of the Anglo-Indians, and Sir Hubert Carr on behalf of the Europeans. The arrangement for division of seats put forward in this joint Note is totally unacceptable to the Hindus of Bengal. My personal opinion is, and I say this from my 37 years' experience of the public life of my Province, that if this scheme is accepted then the consequences will be disastrous. It will mean the increase of direct action, and more physical conflict between the two communities. I have stated my views on the point in a short speech before the Federal Structure Committee on November 18th, 1931. I do not, for the sake of peace which I value so much, desire to elaborate the reasons which induced me to come to the conclusion mentioned above. I may add that I do not belong to the Hindu Mahasabha movement, and I genuinely believe that adjustment of the Hindu-Muslim question on some workable basis is a *sine qua non* of political progress in India.

As the Hindus, Muslims and Sikhs have not been able to come to an agreed decision, we have to consider and advise His Majesty's Government as to what is to be done. I still adhere to the opinion I expressed in my short speech to the Federal Structure Committee on November 18th, that the best course will be to send out a small Commission to find out the facts. That Commission should have Indians associated with it, and may well consist of three British statesmen and two Indian judges, one a Muslim judge and the other a Hindu judge. The Indian representatives should not

be political people, because every politician has his own views on the matter. As, however, an objection has been taken by an eminent Indian to associate judges with Commission, I am quite willing to accept a slight modification of my original suggestion, by putting forward a further suggestion that, instead of having judges actually holding office, we may have judges who have retired from office, but without intending any disrespect to the political men of India, I do insist that the inclusion of political men will go a long way to defeat the object I have in view. I have already explained in my speech that sending out a Commission of the nature indicated should not hold up the announcement, nor the drafting of the Act, nor any other relevant work in connection with constitutional advance.

I would conclude this Memorandum by suggesting certain general considerations of an important character, which should be taken into consideration in case His Majesty's Government are disinclined to send out a Commission of the nature indicated.

So far, four important schemes were before the public, namely, the Congress scheme, the Communal Muslim scheme, the Nationalist Muslim scheme and the Hindu Mahasabha scheme. The unfortunate part is that the Hindus do not agree to the Communal Muslim scheme, and the Muslims do not agree to accept any of the other three schemes. Further, on the Hindu side there is a difference of opinion with regard to the Congress scheme and the Hindu Mahasabha scheme. The net result is that the two communities have been unable to come to an agreed decision. Further, there is to my mind a common defect in all the four schemes, namely, that if any of these schemes are accepted it will mean that in some Provinces there will be a Hindu majority, in others a Muslim majority (perhaps on account of the disposition of the population this is inevitable), but no practical suggestion has been made in any of these schemes by which the minority in any Province—to whichever community that minority may belong—will be in a position to effectually influence the members of the Legislature who may be returned on the votes of the majority community. For that reason I submit that some new method had better be explored. One such method which, in my opinion, may well be worth considering, although I realise that unless the two communities agree to explore the method for the sake of peace it will serve no useful purpose to press this method, is as follows:—

1. In constituencies where less than 10 per cent. of the total number of voters belong to the Hindu or the Muslim community, in the counting of votes each vote of the minority community will count as two, both with regard to the election of the Hindu or of the Muslim candidate.

2. In constituencies where 10 per cent. but not more than 30 per cent. of the total number of voters belong to the Hindu or the Muslim community, in the counting of votes the votes of the minority community will be increased by 50 per cent. (that is to say, each vote will count as  $1\frac{1}{2}$  votes) both with regard to the election of the Hindu or of the Muslim candidate.

Another suggestion that I venture to put forward is that this baffling problem will be easier of solution if, instead of attempting to solve it on an all-India basis, we try to solve it Province by Province. Not only will such a line be more consonant with realities, but we are likely to meet with less difficulty if we try to solve the problem Province by Province. In support of my suggestion regarding the settlement of the problem Province by Province, I would point out that the real difficulty to-day is about the Provinces. The difference between the two communities as regards the all-India Legislatures is neither so great nor so determined as that with regard to some of the Provinces.

Another objection that I have to the four schemes mentioned above is that as under those schemes in a number of Provinces one community will be in a majority, without the minority community being in a position to more effectually influence the members who are returned to the Legislature by the majority community, it is extremely likely that pressure will be brought to bear on Ministers who will depend on the support of the majority community. Such pressure may lead to the oppression of the minority community, or if not actual oppression, the minority community may work itself up to the belief that it is oppressed. If such a state of things arises in one Province where one particular community may be in a majority, it is extremely likely that we shall have the reaction of such a position in other Provinces where the other community is in a majority. If such a contingency arises, then the whole of India may be brought into the vortex of communal passion and communal conflict.

I therefore suggest that the best course will be to appoint a small Commission of the nature of the one I have indicated above. Such a Commission will not only be in a better position to ascertain materials which are lacking to-day, but they will also be in a better position to find out how the larger number of representatives who will be available in India will accept a particular kind of electoral arrangement. After all, none of us should forget that the question before us is not a question of the division of a purse or a property belonging to an individual, but the question before us is how the masses belonging to two great communities will agree to work the electoral arrangements in order to evolve a system of responsible government based on persuasion and discussion, and not on coercion or physical conflicts.

In conclusion, I would make a further suggestion, namely, that whatever decision may be arrived at, it should be on the basis of the seats reserved for general constituencies, and should not be on the basis of a percentage of

the whole House. The Simon Commission, as well as the Government of India, proceeded on this basis. Many of the difficulties will be avoided if we give up the idea of a majority or a minority of the whole House. Further, what we are discussing really appertains to the general constituency seats, and not to special or class seats. In this connection there is another point which should be mentioned, namely, that seats for Europeans, Anglo-Indians and Indian-Christians, should, in every Province come from the majority community and not from the minority community. As regards other class seats like Labour, Landlords, Indian Trade and Commerce (but not British Trade and Commerce), the seats may well come from both the communities, although in point of fact at a particular stage of the development of a particular Province one community may have an advantage over the other. There is no reason, however, why—given the necessary self-help without which no real political progress is possible—such an advantage should be of more than a temporary nature.

20th November, 1931.

#### APPENDIX XVI.

### THE COMMUNAL PROBLEM IN THE PUNJAB.

*Memorandum by Sir Geoffrey Corbett  
(circulated at the request of Mr. M. K. Gandhi).*

The communal problem in the Punjab may be stated as follows:—

A. The Muslims, being a majority of the population, claim to have a majority in the Legislature. For this they consider separate electorates to be necessary, because their numerical majority is not sufficient to outweigh the greater wealth and influence of other communities, to which the Muslim ryots are stated to be heavily indebted.

B. The Sikhs would prefer joint electorates. But if the Muslims have separate electorates, the Sikhs claim—

(a) that Muslim representation by separate electorates must be less than 50 per cent. of the whole Legislature;

(b) that the Sikhs must also have separate electorates with substantial weightage, as claimed by Muslims in Provinces where they are a minority.

C. The Hindus desire joint electorates, but they are willing to accept any compromise which satisfies the following principles:—

(a) There must be no reservation of seats for a majority community which would give it a "statutory majority" in the Legislature;

(b) The reservation of seats for a minority community must not be less than its population basis, that is, weightage must not be conceded to other communities at the expense of a minority community.

2. It cannot be said that any one of these claims is unreasonable, or should properly be abandoned. The fact is that in the Punjab as now constituted the communities are so distributed that their legitimate claims are irreconcilable. There is no margin for allowances, and a solution becomes mathematically impossible. Further, a solution that is dependent on population percentages can have no finality, but must be subject to revision at each ensuing census. The problem has indeed been substantially affected even since the last Session of the Conference by the publication of the recent census figures.

3. If then a solution is practically impossible in the Punjab as now constituted, the logical remedy would be to re-adjust the boundaries of the Punjab. It would be unwise and unjustifiable to "jerrymander" provincial boundaries for communal purposes. There is, however, a demand for a general redistribution of Provinces. To quote Chapter IV of the Nehru Committee's Report, "the present distribution of Provinces in India has no rational basis. It is merely due to accident and the circumstances attending the growth of the British power in India." The resultant Provinces, though possibly convenient for the purposes of British rule, are not necessarily suitable units for responsible self-government. Redistribution should be considered on the following grounds:—

(a) linguistic, ethnical and historical;

(b) economic, geographical and administrative.

I propose now to approach the Punjab problem from this point of view, without regard to communal considerations.

4. Historically the Ambala Division is part of Hindustan; its inclusion in the Province of the Punjab was an incident of British rule. Its language is Hindustani, not Punjabi; and its people are akin to the people of the adjoining Meerut and Agra Divisions of the United Provinces rather than to the people of the Punjab.

Economically, the most important factor in the life of an agricultural people is irrigation. It is administratively desirable that an irrigation system should be controlled by a single provincial Government. Otherwise there will inevitably be disputes about the distribution of water, involving perhaps a permanent inter-provincial Irrigation Commission or the intervention of the Federal Government. The Ambala Division is not irrigated from the Five Rivers, but from the Jumna system, on which the adjoining districts of the United Provinces also depend. But the Simla district and the north-west corner of the Ambala district, which are watered by the Sutlej, and contain the head-works of the Sirhind canal, should remain in the Punjab.

5. It is fair to assume, therefore, that in any rational scheme for the redistribution of Provinces the Ambala Division, less the Simla district and the north-west corner of the Ambala district, would be separated from the Punjab. The unwieldy United Provinces might also be divided into a western Province of Agra, which would include the Ambala Division, and an eastern Province of Oudh; but this is a matter which is beyond the scope of this memorandum. It remains to be considered how such a reconstitution of the Punjab would affect the communal problem.

6. The population of the new Punjab would compare with the population of the existing Punjab as follows :—

	(Figures in thousands).		<i>Without Ambala Division (less Simla).</i>	
	<i>As now constituted.</i>	Per cent.		Per cent.
Muslims .. .. .	11,444	55·3	10,445	61·8
Hindus .. .. .	6,579	31·8	3,997	23·6
Sikhs .. .. .	2,294	11·1	2,137	12·6
Others .. .. .	367	1·8	324	2·0
	<u>20,685</u>		<u>16,903</u>	

The figures of the 1921 census have been taken, because the district communal figures of the 1931 census are not yet available. The figures of the 1931 census for the Province as now constituted are as follows :—

	(Figures in thousands).	Per cent.
Muslims .. .. .	13,332	56·5
Hindus .. .. .	6,728	28·6
Sikhs .. .. .	3,064	13·0
Others.. .. .	467	1·9
	<u>23,581</u>	

It follows that the total population of the new Punjab would be about 19 millions, and the percentages of Muslims and Sikhs would be somewhat higher than the 1921 percentages.

7. To what extent, then, would it be possible in the reconstituted Province to satisfy the claims of each community, as stated at the beginning of this memorandum?

A. The Muslims, being 62 per cent. of the total population, would be sure of a majority in the Legislature through territorial constituencies with joint electorates, without reservation of seats, provided that the qualifications for the franchise were so determined as to reflect their numerical strength in the electoral roll.

The Franchise sub-Committee and the scheme of the Congress Working Committee have already recommended that the franchise should reflect in the electoral roll the proportion in the population of every community.

The basis of territorial constituencies with joint electorates would naturally be the existing administrative districts. The western districts of the Punjab are predominantly Muslim and the eastern districts are predominantly Sikh and Hindu. Excluding Simla, which has a population of only 45,000, and may be grouped for electoral purposes with the adjoining hill district of Kangra, there are now 28 districts in the Punjab; and in 15, or 53 per cent., of them, the Muslims are more than 60 per cent. of the population. Without the Ambala Division, there would be 23 districts; and in 15, or 65 per cent., of them, the Muslims would be more than 60 per cent. of the population.

B. The Sikhs would have the joint electorates which they prefer, and through which they feel that they can best exercise their influence. They would no longer require separate electorates or weightage. Further their numerical strength would be relatively increased from 11·1 per cent. of the population in the province as now constituted, to 12·6 per cent. according to the figures of 1921, and about 15 per cent. according to the figures of 1931.

C. The solution satisfies the two principles within which the Hindus are willing to compromise; there would be no "statutory majority" by reservation of seats, and no weightage at the expense of a minority community. The Hindu proportion of the population would be substantially diminished, but they would have the joint electorates which they desire, and through which, in their view, a minority community is best able to exercise its influence.

October 12th, 1931.

## PUNJAB—1921 CENSUS.

(Population in thousands.)

Districts.	Hindus.	Per cent.	Muslims.	Per cent.	Sikhs.	Per cent.	Others (Mostly Christian).	Per cent.	Total.
<i>Rawalpindi Division.</i>	309	8.9	2,973	86.1	153	4.4	26	0.7	3,461
(1) Gujrat ..	63	7.7	710	86.3	49	5.9	2	—	824
(2) Shahpur ..	82	11.4	596	82.8	30	4.2	12	1.6	720
(3) Jhelum ..	35	7.3	423	88.7	19	4.0	—	—	477
(4) Rawalpindi	57	10.0	470	82.6	32	5.6	10	1.8	569
(5) Attock ..	26	5.1	466	91.0	20	3.9	—	—	512
(6) Mianwali ..	46	12.8	309	86.4	3	0.8	—	—	358
<i>Multan Division.</i>	622	14.8	3,246	76.9	290	6.9	60	1.4	4,218
(7) Montgomery	95	13.3	513	71.8	96	13.5	10	1.4	714
(8) Lyallpur ..	181	18.5	595	60.7	161	16.5	42	4.3	979
(9) Jhang ..	85	14.9	475	83.3	9	1.6	1	0.2	570
(10) Multan ..	134	15.1	732	82.2	18	2.0	6	0.7	890
(11) Muzaffargarh	70	12.3	493	86.8	5	0.9	—	—	568
(12) Dera Ghaza Khan.	57	12.2	411	87.6	1	0.2	—	—	469
Biloch Trans-Frontier Tract.	—	—	27	—	—	—	—	—	27
<i>Lahore Division.</i>	1,124	22.4	2,849	57.1	813	16.3	211	4.2	4,997
(13) Lahore ..	256	22.6	648	57.4	180	15.9	47	4.1	1,131
(14) Amritsar ..	204	22.0	424	45.6	287	30.9	14	1.5	929
(15) Gurdaspur	259	30.4	423	49.6	138	16.2	32	3.8	852
(16) Sialkot ..	218	23.2	581	62.0	75	8.0	64	6.8	938
(17) Gujranwala	102	16.4	443	71.0	51	8.2	28	4.4	624
(18) Sheikhpura	86	16.5	331	63.3	83	15.9	23	4.3	523
<i>Jullundur Division (+ Simla).</i>	1,942	45.9	1,377	32.7	881	20.8	27	0.6	4,227
(19) Kangra and Simla.	755	93.1	45	5.6	3	0.4	8	0.9	811
(20) Hoshiarpur	500	54.0	289	31.2	133	14.3	5	0.5	927
(21) Jullundur..	245	29.8	367	44.6	206	25.0	5	0.6	823
(22) Ludhiana ..	136	24.0	193	34.0	236	41.5	3	0.5	568
(23) Ferozepore	306	27.9	483	44.0	303	27.6	6	0.5	1,098
<i>Ambala Division (less Simla).</i>	2,582	68.3	999	26.4	157	4.2	44	1.1	3,782
(24) Hissar ..	548	67.1	216	26.4	46	5.6	7	0.9	817
(25) Rehtak ..	630	81.6	125	16.2	1	0.1	16	2.1	772
(26) Gurgaon ..	460	67.5	217	31.8	1	0.1	4	0.6	682
(27) Karnal ..	573	69.1	236	28.5	12	1.4	8	1.0	829
(28) Ambala ..	370	54.2	206	30.2	98	14.4	8	1.2	682
Punjab (Total) ..	6,579	31.8	11,444	55.3	2,294	11.1	368	1.8	20,685

## APPENDIX XVIA.

## NOTE ON THE REDISTRIBUTION OF THE PUNJAB.

By Raja Narendra Nath.

Sir Geoffrey Corbett's scheme of the separation of Ambala Division from the Province as at present constituted, is unacceptable to me for the reason for which the Sikh scheme of partition is unacceptable to the Muslims. The Sikh scheme reduces the Muslim population from 56 per cent. at present to 44 per cent. in the new Province. Sir Geoffrey's scheme reduces the Hindu population from 29 per cent. to 23 per cent.

I have not been able to ascertain the views of the Hindus in various parts of the Punjab. I do not know what the Hindus of the Western Punjab may have to say to their being joined on to N.W.F.P. But if the new Province is formed as proposed by the Sikhs, reservation of seats for the Hindu minority on the basis of population will be absolutely necessary.

I find that Sir Geoffrey Corbett's scheme which appeared to have been received with delight by the Muslims here, is unacceptable to the Muslims of U.P. On the whole I think that partition of Punjab will afford no solution of the Communal problem. All partition schemes should in my opinion be shelved.

November 13th, 1931.

APPENDIX XVII. *See p. 555*

## A SCHEME OF REDISTRIBUTION OF THE PUNJAB.

*Memorandum by Sardar Ujjal Singh.*

According to 1921 census, the Punjab has a total population of 20,685,024. The Muslim and Sikh population in the five divisions into which Punjab is divided for administrative purposes is as follows :—

	Muslim.		Sikh.	
	Population.	Per cent.	Population.	Per cent.
Ambala Division .. ..	1,006,000	26·3	158,000	4·2
Jullundur Division .. ..	1,370,000	32·8	886,000	21·0
Lahore Division .. ..	2,849,000	57·0	813,000	16·2
Multan Division .. ..	3,246,000	76·9	290,000	6·9
Rawalpindi Division .. ..	2,973,000	86·0	183,000	4·9

It is clear from the above table that Rawalpindi and Multan Divisions are overwhelmingly Muslim divisions. There are two districts, however, in Multan Division, namely, Lyallpur and Montgomery, which are colony districts. A considerable population of the central Punjab has settled down there. The Sikhs being good colonists have settled in fairly large numbers in those two districts, as they constitute 13·4 per cent. of the population in Montgomery district and 16·4 per cent. in Lyallpur District. The Muslim population in these two districts is 71 and 60 per cent. respectively. A great portion of the Muslim population in these two districts also has migrated from the Central Punjab.

A glance at the map of the Punjab and N.W.F.P. will clearly show that all the districts excepting Lyallpur and Montgomery, which are more centrally situated in the two divisions of Rawalpindi and Multan, run along the N.W.F. Province and Baluchistan. In some of these districts people speak language which is almost similar to the language of the adjoining Frontier district. Dera Ghazi Khan district is inhabited by people who have common language, custom and religion with the population in Baluchistan. Campbellpur, Mianwali and Muzaffargarh districts have little if any difference from the people of the adjoining Frontier district of Dera Ismail Khan. Punjab Province as we find it to-day was never one Province consisting of all these districts prior to its annexation by the British. Some of these Western districts were conquered and brought under the then Lahore Government by Marahaja Ranjit Singh.

It is suggested therefore that the two Western divisions of Rawalpindi and Multan, minus the Lyallpur and Montgomery districts, be detached from the Punjab and amalgamated with N.W.F.P.

Such a redistribution of the Punjab will serve a double purpose. It will in the first instance give the Sikhs such a proportion of population as will provide for them a protection without claiming any weightage or reservation. The population of the Province after excluding these two Western divisions will be more evenly distributed among the three communities. The Mussalmans will be 43·3 per cent., Hindus 42·3 per cent., and Sikh 14·4 per cent. In such proportions parties on other than communal lines will find ample scope for development. The Sikhs in that case will claim no weightage nor any reservation of seats, and at the same time will not grudge any weightage to be given to Muslim minorities in other Provinces. Of course an equivalent weightage will be allowed to the Hindu and Sikh minorities in the N.W.F.P. and Sind, if separated.

It will be seen that in such a redistribution the Sikhs will not be gainers so far as the amount of their representation goes. The Muslims will still be the strongest individual group. But Sikhs do not want any gain or domination. What they want is that their representation should be such as to enable them to make an effective appeal to the other community if any one of these groups tries to tyrannise over them.

The second advantage of this redistribution would be that N.W.F.P. by the addition of ten districts with a population of 6 millions, will become a fairly large province, fully entitled to the status of a Governor's Province. The total population of this enlarged Frontier Province will be over 8 millions, with Muslims forming 87 per cent. of the population. It will be able to bear its burden of expenditure which provincial self-Government will necessitate and which the existing N.W.F.P. cannot possibly meet. If, however, the amalgamation with N.W.F.P. be not acceptable, these Western districts can form a separate Province.

All sections of the Sikh community are unanimously of the opinion that they will in no case agree to the domination of a single community in the Punjab, if it is not reconstituted on the above lines. Their population has risen from 11 to 13 per cent., which corresponds approximately to the Muslim population in U.P. Whereas the Muslims of U.P. are enjoying over 31 per cent. representation, the Sikhs have had to put up with an 18 per cent. representation on the Punjab Council. The Sikhs have been rightly claiming 30 per cent. representation. Their claim has been strengthened by the rise in their population. The Mussalmans should not in justice deny to the Sikhs the same rights which they are enjoying in their minority Provinces and are trying to strengthen further in India as a whole by other proposals.

The Sikhs have suggested an alternative and give the choice to the Muslim brethren. Either weightage to an extent of 30 per cent. with no single community in majority or the redistribution of the Punjab.

If neither of the two solutions is acceptable the Sikhs will not accept any constitutional advance in the Punjab. Let the rest of India go ahead and let the Punjab be administered by the Central Government. This is the considered opinion of the entire Sikh community whether Nationalists, Moderates or Loyalists.

These sentiments were expressed to Mahatma Gandhi in Delhi and were conveyed to the Viceroy in the address presented to His Excellency by the Sikhs in July last.

1921 CENSUS FIGURES.

	Total Population.
Multan Division .. .. .	4,218,360
Rawalpindi .. .. .	3,460,710
Multan Division, minus Lyallpur and Montgomery 979,963 + 713,786	2,525,111
<u>1,693,249</u>	<u>5,985,821</u>

PUNJAB WHEN RECONSTITUTED.

	Total Population.	Muslims.	Sikhs.	Hindus and Others.
Ambala Division .. .. .	3,826,615	1,006,159	158,208	—
Jullundur Division .. .. .	4,181,898	1,369,648	879,653	—
Lahore Division .. .. .	4,997,441	2,848,800	813,310	—
Lyallpur District .. .. .	979,463	594,917	160,821	—
Montgomery District .. .. .	713,786	513,055	95,520	—
	<u>14,699,203</u>	<u>6,332,579</u>	<u>2,107,512</u>	<u>—</u>
		43.3%	14.4%	42.3%

N.W.F. PROVINCE ENLARGED.

	Total Population.	Muslims.	Sikhs.	Hindus and Others.
Existing N.W.F.P. .. .. .	2,471,527	2,250,389	47,935	173,203
			Total 221,138	9%
Rawalpindi Division .. .. .	3,460,710	2,973,371	152,956	334,383
Multan Division, minus Lyallpur and Mont- gomery Districts .. .. .	2,525,111	2,138,371	33,639	353,101
Total .. .. .	<u>8,457,348</u>	<u>7,362,131</u>	<u>234,530</u>	<u>860,687</u>
		Total 1,095,217	13%	

October 8th, 1931.

APPENDIX XVIII.

MEMORANDUM ON THE "PROVISION FOR THE SETTLEMENT OF THE COMMUNAL PROBLEM" (APPENDIX III).

By Dr. S. K. Datta.

This morning brought me a copy of the document entitled "Provision for a settlement of the communal problem put forward jointly by Muslims, Depressed Classes, Indian Christians, Anglo-Indians and Europeans." The signatories are five in number, and they assert that the proposals made by them may be taken as being acceptable to well over a hundred and fifteen millions of people. No claim to the support of a unanimity so wide in its scope has yet been made by any other group of persons at the Conference. As a member and a representative of one of the communities whose consent has apparently been given, I feel it incumbent upon me to make it clear why I am unable to support the provisions as a whole.

Certain of the matters on which an agreement has been arrived at would be acceptable to me, such as the provisions assuring religious liberty and the protection of Minorities against discrimination in the matter of civic rights. On such fundamental principles there can be no doubt of the support of the entire Christian community, but on the other highly controversial points brought forward, it is impossible to conceive of a unanimity of support. The Indian Christian community, which numbers nearly six millions, including those in the Indian States, is scattered throughout India, a substantial number being included in the population of the Madras Presidency. Now the vast majority of these Christians belong to the class of landless agricultural

labour, and their kinsfolk are still included among the Depressed Classes of India whose interests have not been wholly overlooked at this Conference. From personal knowledge I would assert that the majority of them, because of poverty and the comparatively high franchise qualifications have little or no knowledge of the electorate and are incapable of judging the merits of communal and general electorates. Thus in the Madras Presidency, out of 1,726,000 Indian Christians, a number of 26,000 only are included on the voters' roll to-day. My duty as I see it is to accept only such proposals as I conceive to be in the best interests of all.

This document has been signed by what are termed Minorities, but it is not yet clear upon what the Minority grouping is based. It would seem to be accepted that the basis of a community is the profession of a particular religion. If this were true then it would follow that Indian Christians, Europeans and Anglo-Indians should be classed together as one community, but any attempt to unite them would immediately be resented. This would seem to indicate a second possible basis for a community, namely, race, since the Christian community is to be sub-divided again on the basis of race, each sub-division demanding special, if not specific, protection. The Depressed Classes have their own basis of classification; they profess the Hindu religion but assert that they are the victims of its social tyranny. Hence, while professing the same religion, they ask for protection against the majority of their co-religionists. As the result of these demands the fragmentation of India is proceeding apace.

But if we accept the present grouping of the Minority communities, the Memorandum has yet failed to consider fully the fundamental problem of what the minorities really desire to protect, and of how they may best protect these interests. If the signatories and their supporters had discussed these matters more fundamentally it might possibly have been shown that the interests it was desired to protect might best have been protected not by the separate electorate but by some other method. In the matter of electorates alone it might be considered whether if the minorities, say in the Madras Presidency, desired to protect themselves against Hindu domination they would not have better results by combining themselves into an electorate consisting of Muslims, Christians, Europeans, Anglo-Indians and Depressed Classes. You would then have in the Legislature a bloc of members who could effectively deal with the Hindu majority. In the Punjab it might be otherwise, where Hindus, Sikhs, Christians and Europeans, as well as Depressed Classes, might be elected from a common register, thus effectively creating an opposition to the Muslim majority. Apart from the question of electorates, too, is it not possible that the best interests of the Depressed Classes might be best served by statutory provision making liberal financial grants for education purposes, administered by a trust incorporated by legislative measure?

At the time of the Morley-Minto Reforms special electorates were created for certain groups of Muslims. They were small in number and limited in scope. Under the Government of India Act of 1919 the special electorate was extended to the Muslims and to certain other communities, Anglo-Indians, Europeans, Indian Christians and Sikhs. The scope with regard to the Indian Christians was limited to the Madras Presidency. Under the aegis of the Muslim community it is now proposed to extend the application of the principle over a wider area, and to increase the number of candidates elected by this method.

Some of my colleagues, including one of the signatories of this document, have made it evident that they hope this regime of communal electorates is only transitory, but necessary to ensure the peace in which the great constitutional changes which are envisaged, will be carried out. I do not share their optimism. It will be remembered that the religious social law in India received by a curious mischance the support of British courts both in India and without. Thus the present religious law has been defined and given a conservative mould by the decisions of the Privy Council. It is altogether a baseless fear which conceives of the possibility of the Indian constitution stereotyping for many generations to come the conception of the communities as against the idea of the people of India as a whole?

One of the most serious failures of the Memorandum is its failure to provide for some internal means whereby, by a process of evolution, the communal idea will gradually pass away, and in its place the conception of the community, as a whole will emerge. The method for the relinquishment of the communal electorates which the Memorandum proposes will, I believe, prove ineffective. The present constitution provides for the representation of economic interests. Why cannot this principle be extended? Let Labour constituencies be formed on a non-communal basis and extended to the rural areas and agricultural labour.

The weightage assigned to themselves by these communities in the Memorandum are in some cases fantastic, and it cannot but strike the impartial observer that these devices are specifically designed to frustrate the will of certain other communities. As a result of these weightages the construction of the legislature on the basis of fairness to all communities becomes an impossibility.

In considering these grave objections to the Memorandum I recall the words of Sir Henry Gidney this morning, when he asserted that I had given my consent to these negotiations. I may say that Sir Henry has completely misapprehended my conversations with him and my contributions to the proceedings of the Informal Minorities Committee held in October. What I



did say was that the main problem demanded a settlement of the Hindu-Muslim question and that the smaller Minorities and the real Minorities like the Christians, Europeans and Anglo-Indians could only come in after that main question had been settled. Now what does this Memorandum reveal? Simply this, that the smaller communities have united with the substantial community of the Muslims in order to make the position of the majority communities difficult. It would be disastrous for the Christian community if it were to throw its support on the side of one or other of the great contending parties of India.

If it is true that the Christian community needs protection against the Hindu majority in Madras, it is equally true that it will need it against the Muslim majority in Bengal and the Punjab. I had hoped that as far as my community was concerned it would need neither, but that a common Hindu-Muslim agreement would emerge in which the real minorities would find a place. The circumstances under which this agreement has been drawn up will undoubtedly be interpreted as an attempt to impose on the Hindus a regime to which their consent has not been obtained. In such coercion I trust that the community which I represent will have no share.

In conclusion, I may add that on lines such as are proposed in this Memorandum I see little chance of an agreed solution, but what is even more important, I am unconvinced that on this system of legislative representation which might have had a place as long as the executive was irresponsible can be built a government which feels itself responsible to all. The views expressed in this letter are shared by a substantial number of Indian Christians in India.

November 14th, 1931.

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#### APPENDIX XIX.

##### NOTE ON APPENDIX IV.

*By Maulvi Muhammad Shafi Daoodi.*

In this note I only deal with the following passage appearing in the "Memorandum on the Sikhs and the new constitution for India" circulated to the Conference by Sardars Ujjal Singh and Sampuran Singh on the 12th November. The Sardars say:—

"In view of the claim of the President of the last All-India Muslim Conference, we believe that to write the garrison Province of India into the constitution as an unalterably Muslim Province would be to make the dismemberment of India inevitable. That claim, it will be remembered, was that there should be a 'consolidated North-West State, within or without the British Empire,' consisting of the Punjab, North-West Frontier Province, Baluchistan and Sind."

The President of the last All-India Muslim League (*not All-India Muslim Conference as incorrectly stated above*) was Dr. Sir Muhammad Iqbal who wrote as follows in the "Times" of 12th October, 1931, with reference to his words as cited in the above quotation:—

"May I tell . . . that in this passage I do not put forward a 'demand' for a Muslim State outside the British Empire, but only a guess at the possible outcome in the dim future of the mighty forces now shaping the destiny of the Indian subcontinent. No Indian Muslim with any pretence to sanity contemplates a Muslim State or series of States in North-West India *outside* the British Commonwealth of Nations as a plan of practical politics.

"Although I would oppose the creation of another cockpit of communal strife in the Central Punjab, as suggested by some enthusiasts, I am all for a redistribution of India into Provinces with effective majorities of one community or another on lines advocated both by the Nehru and the Simon Reports. Indeed, my suggestion regarding Muslim Provinces merely carries forward this idea."

Dr. Iqbal concludes his letter with a pithy statement of the Muslim position and says—

"A series of contented and well-organised Muslim Provinces on the North-West Frontier of India would be the bulwark of India and of the British Empire against the hungry generations of the Asiatic highlands." As regards the rest of the claims advanced by the Sardars, I shall have occasion to say something later.

November 14th, 1931.

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## APPENDIX XX.

## MEMORANDUM ON APPENDIX III.

(By Raja Narendra Nath.)

The pact between certain minorities, from which the Hindu minorities of the Punjab and Bengal have been excluded, and which was placed before the Minorities Committee on the 13th November, was received by me late on the previous night. I had no time to consider it before I went to the Minorities Committee.

In connection with it, and as a criticism of the proposals made therein, I send this note, which I hope will receive careful consideration and will be placed side by side with the so-called compromise.

I invite attention to Appendix "A" attached to the pact, of which it forms an essential part. Hindus are presumed to be a majority community in the Federal Legislature, and in six out of nine Provincial Legislatures; but the presumption does not stand when it is sought to separate the Depressed Classes from the Hindus. The figures in the Appendix will show that the Hindus are reduced to a minority in almost all Legislatures, whilst not only the weightage of Muslims is maintained, but they are given absolute majority in the Punjab and Bengal.

The problem of the Depressed Classes is not rightly understood by British politicians. Even out of those who have been to India, few have had opportunities of thoroughly examining the question. In the first place, conditions in Northern India are quite different from those in Madras and parts of Bombay. In Northern India itself, conditions vary in different Provinces. There are, however, certain general principles applicable to all. The twofold division of the Hindu population, into depressed classes and caste Hindus, is not correct. The so-called "Depressed Classes" are themselves divided into castes. Each is as strictly endogamous as the higher caste of Hindus. There is a very large section amongst them which is regarded as untouchable by all. If caste Hindus cannot represent the Depressed Classes, owing to their being untouchable, how can a member of the Depressed Classes, belonging to a certain caste and regarding others as untouchable, be representative of all Depressed Classes? Separate representation will be carried to absurd lengths if small differences justify separate electorates. Corporate civic life, already difficult under the separatist policy followed so far, will become impossible.

Untouchability is due to educational and economical backwardness, and the nature of the occupations which these classes follow. Those among them who take to the liberal professions or are appointed to Government posts, cease to be regarded as untouchable. I understand that gentlemen belonging to the Depressed Classes whose clan was regarded as untouchable, rose to the position of judges of the High Courts and sat on the same Bench with the most orthodox Brahmin Judges. All "Depressed Classes" will in course of time, and by utilising opportunities for education, cease to be regarded as depressed or backward. Their separation or isolation from the Hindus is not a course which ought to be followed, in their own interest. All that is needed is that the future constitution should provide that on account of caste and creed none should be prejudiced in the acquisition and enjoyment of civic rights and the right to public employment.

The difficulty of giving a definition of the Depressed Classes which shall apply to all Provinces has been adverted to in paragraph 58 of Volume I of the Report of the Statutory Commission. In the Punjab, as pointed out in the memorandum submitted by me, the process of reclamation is going on very rapidly. Islam and Sikhism are not the only proselytising religions. The Arya Samaj, which is a Hindu body, also falls into that category. This reformed religious society conducts several educational institutions for the education of the Depressed Classes, who are brought up in the tenets of the Arya Samaj. According to this advanced body of religious reform, all who come within its fold are entitled to wear the Brahminical thread and to recite the Gayatri. Members of the Depressed Classes who embrace the religion of the Arya Samaj are given this privilege. It is therefore not right to assume that these men would like to be dissociated from the Hindus, and would insist upon special representation and separate electorates. In this connection the remarks made in paragraph 79 of Volume II of the Report of the Commission are pertinent, and I cannot help reproducing them *in extenso* :—

"Our object, therefore, is to make a beginning which will bring the depressed classes within the circle of elected representation. How is this to be done? Most of the depressed class associations which appeared before us favoured separate electorates, with seats allocated on the basis of population, though one or two still wished to retain nomination. Separate electorates would no doubt be the safest method of securing the return of an adequate number of persons who enjoy the confidence of the depressed classes, but we are averse from stereotyping the differences between the depressed classes and the remainder of the Hindus by such a step, which we consider would introduce a new and serious bar to their ultimate political amalgamation with others. Such a course would be all the more difficult to justify in those provinces where the breaking down of barriers has advanced furthest. If separate

electorates have to be secured them, that is no reason for bringing other cases within this mode of treatment, if it can be avoided. A separate electorate for depressed classes means, as a preliminary, a precise definition of all who are covered by the term, and the boundary would be in some cases difficult to draw. It means stigmatising each individual voter in the list, and militates against the process which is already beginning, and which needs to be in every way encouraged—that of helping those who are depressed to rise in the social and economic scale."

The representation of these classes, even if seats are specially reserved for them, will depend on what the franchise is going to be, and how many of them will come on the electoral roll. In the Punjab, as perhaps in some other Provinces, it may be impossible to frame a constituency on the franchise fixed, and to introduce any system of separate electorates for the Depressed Classes. (Please see the recommendations of various local governments on this point and the remarks of the Government of India in paragraph 35 of their Despatch.)

In Bengal there are tracts in which there is a compact population of the Depressed Classes, and they secure election without separate electorates. In the Bengal Council more than ten members out of the forty-six Hindus returned from general constituencies belong to the Depressed Classes.

On the scale of representation recommended in Appendix "A," the proportion of caste Hindus in the Punjab and Bengal is reduced to 14 and 18 per cent. respectively. There would be a very strong case for weightage to the Hindus of these Provinces if the scale recommended was to receive serious consideration. The Hindus of these two Provinces would in that case claim weightage at the highest rate allowed to the Muslims in Provinces in which they are in a minority.

## ANNEXURE 1.

## TERRITORIAL REDISTRIBUTION OF PROVINCIAL AREAS IN INDIA.

*By Diwan Bahadur M. Ramachandra Rao.*

I desire to invite the attention of the Members of the Conference to a matter of fundamental importance to which the Report of the Federal Structure Committee does not make any reference, namely, the need for making provision in the new constitution for the redistribution of provincial areas in British India where such redistribution becomes necessary. Under the Government of India Act, 1919, this power is vested in the Governor-General in Council. Section 52A lays down that "the Governor-General in Council may, after obtaining an expression of opinion from the Local Government and the Local Legislature affected, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new Governor's Province, or place part of a Governor's Province under the administration of a Deputy-Governor to be appointed by the Governor-General . . ." The Report of the Federal Structure Committee does not make any specific reference to this matter and it is a matter for consideration whether provision should not be made under the new constitution for vesting this power in the Governor-General, acting with his Ministers. So long as India has a unitary constitution, the final decision in a matter of this kind is very properly left in the hands of the Governor-General in Council acting under the directions of the Secretary of State in Council. What should be the position in respect of this matter when a Federal Government and a Federal Legislature comes into existence? I venture to think that suitable provisions will have to be thought out and incorporated in the Statute on the subject.

2. It is true that, in making a start with the Federal Constitution, we can only proceed on the basis that the boundaries of the British Provinces are what they at present are, but it has to be fully borne in mind that the demand for a redistribution of areas and readjustment of boundaries of the Provinces in India is a very real one, and is likely to arise for solution almost immediately after the new constitution is set up. Many administrators in India have felt in the past that the existing provincial boundaries "embrace areas and peoples of no natural affinity and sometimes separate those who might be more naturally united." Sir Thomas Holderness observes that "with the exception of Burma, no Province represents a natural unit; that is to say, that the Provinces do not stand for differences of race, language or geographical distribution. They are purely administrative divisions of territory." Sir Bamfylde Fuller wrote that "It would have been well for the country had its divisions into Provinces for purposes of government followed the lines marked by race and language so as to reinforce the sympathy which arises by similarity, by feelings of pride in the local government. The existing administrative divisions are heterogeneous as to have a directly contrary effect." Apart from the opinions of administrators, popular sentiment in recent years is in favour of such redistribution. The authors of the Nehru Report discussed the whole subject of linguistic Provinces in considerable detail, and important political organisations in India have passed resolutions favouring the redistribution of Provinces on linguistic lines. Attention is invited to my memorandum presented to the Joint Parliamentary Committee in 1919 (vide pages 109 to 115 of the Report of the Joint Select Committee on the Government of India Bill, Vol. III) and to the series of memoranda presented to the Indian Statutory Commission by the Government of India containing the history of the agitation for an Oriya Province, an Andhra Province, a Karnataka Province and a Tamil Province (vide pages 509 and the following pages of Vol. IV, Simon Commission Report). The Simon Commission referred to this matter at some length and expressed the opinion that "as the time is coming when each Province will have its own provincial government and its provincial resources it is extremely important that the adjustment of provincial boundaries and the creation of proper provincial areas should take place before the new process has gone too far. Once the mould has set, any mal-administration will be still more difficult to correct." They therefore recommended the constitution of a Boundaries Commission and regard the appointment of such a Commission as a matter of urgent importance (page 26, Vol. II, of the Report of the Indian Statutory Commission).

3. Some proposals for redistribution of provincial areas were brought forward at the First Session of this Conference. The Rajah of Parlakimdi advocated the constitution of an Oriya Province. The separation of Sind was agreed to in principle, and the constitution of the Orissa and contiguous Oriya speaking tracts into a separate Province is now under examination. During the present Session memoranda urging the formation of an Andhra Province have been circulated by the Raja of Bobbili and Mr. V. V. Giri. Mr. B. Shiva Rao has urged in another memorandum the formation of a Karnataka Province. Khan Bahadur Hafiz Hidayat Husain has urged the separation of Agra from Oudh. Sir Geoffrey Corbett has put forward a proposal for the separation of the Amballa Division from the Punjab and Sardar Ujjal Singh has put forward another scheme for the purpose of separating another area from the Province.

4. In these circumstances there can be no doubt whatever that the question of redistribution of provincial areas will become a matter of great importance with which the Federal Government and the Federal Legislature under the new constitution will have to deal. I think, therefore, the legal and constitutional position in regard to this matter will have to be examined carefully, and the necessary provisions have to be enacted. The existing British Provinces will, on the establishment of the new constitution, become Units in an all-India Federation, and the question as to the method and manner in which any of the federating Units of British India should be redistributed, and as to how new Provinces should be created and admitted into the Federation, requires very careful consideration. A redistribution must necessarily affect the legislative and executive organs of government of all the provincial areas involved in the redistribution, and many questions are likely to arise in which the Central Government may have to be the final deciding authority in the matter. My point is that while the redistribution will only be based on the largest measure of general agreement on the changes proposed both on the side of the area that is gaining and on the side of the area that is losing territory, the Constitutional Authority for giving legal sanction to such redistribution, and the conditions under which such a redistribution can be accomplished, have to be clearly laid down.

5. The subject of the redistribution of Provinces in British India is a matter in which British India alone is interested, and the Indian States coming into the Federation will have nothing to do with it. If any matter of territorial redistribution has to be dealt with by the Federal Legislature, the representatives of the Indian States will have no voice in the discussion of the subject. In the list of Central Subjects appended to the Second Report of the Federal Structure sub-Committee, it is stated that "Territorial changes—other than interprovincial and declaration of laws in connection therewith," should be classified as a Central Subject, (vide page 216 of Vol. I of the Proceedings of the Round Table Conference.) Attention is, however, invited to the remark opposite this item, that "it (territorial changes) has already been decided to be a matter to be dealt with under amendments to the constitution." If territorial changes

involving the redistribution of British Indian Provinces can only be effected by a process of amending the constitution, this method is likely to cause inordinate delays and would make it too difficult to have essential territorial changes in the boundaries of Provinces which have been urged for many years. I feel, therefore, strongly that a more flexible method should be devised. Perhaps the best way of providing for it would be by discussion of the subject in the Legislatures of the Provinces affected by the territorial redistribution and also in the Federal Legislature, and after such discussion the Governor-General acting with the advice of his Ministers should be empowered to take steps for such redistribution. The necessary provisions will have to be incorporated in the Bill. Any redistribution of territory and the creation of new Provinces will necessarily involve the revision of the strength of the Legislatures concerned and the establishment of new Provincial Legislatures and wide powers to effectually carry out schemes of redistribution will have to be conferred on the co-ordinating authority, namely, the Government of India.

November 23rd, 1931.

### ANNEXURE 2.

#### MEMORANDUM REGARDING THE FORMATION OF A SEPARATE ANDHRA PROVINCE IN SOUTHERN INDIA.

*By the Raja of Bobbili.*

In recent years there has been a persistent demand in India for the creation of new Provinces for the purpose of guaranteeing really cohesive and intelligent units of administration. Thus, the people of Sindh have been urging for separation from the Presidency of Bombay, and the creation of a distinct separate unit which could be formed into a new Sindh Province; likewise, the Canarese people living in the southern districts of the Bombay Presidency, western districts of the Madras Presidency, and on the borders of the Mysore State, have been demanding their rights to be grouped together into a separate Karnatic Province; and the Oriyas living in the three distant Presidencies of Bihar and Orissa, Bengal, Madras, and the Central Provinces have also been demanding the creation of a new Oriya Province for themselves; and this demand was conceded at the first Round Table Conference, and the Government of India have already taken steps by appointing an Orissa Committee last month. But perhaps more insistent than the demands of any of these groups has been that of the Telugu-speaking people now living in the twelve districts of the Madras Presidency for the creation of a separate Andhra Province.

(Andhra is an alternative name for Telugu. And it may be of interest to remember that the present Andhra districts in the Madras Presidency bear out a very interesting historical story. Thus, the four Andhra coast districts, commonly known as the Northern Circars, were acquired by grant from the Emperor of Delhi in 1765; then in 1792, after the Mysore wars, and in 1799, after the abdication of the Raja of Tanjore, new territory was acquired and this forms the southern apex of the present Andhra area; and in 1800, the Nizam of Hyderabad ceded a good bit of territory, which now forms the ceded districts in the Madras Presidency.)

This claim has been based on the existence of these twelve contiguous districts where the same language is spoken, the same culture predominates, and where common historical traditions bind the people together.

Moreover, the area where the Andhras are spread over is easily 85,481 square miles; and the Andhra population, according to last census report, is 17,253,361. These two facts alone have been regarded as weighty enough, even from the standpoint of administrative convenience, for the creation of a new Province. But to these must be added the fact that the income from land revenue derived from the Andhra districts is nearly half of the total revenues of the Madras Presidency. On these grounds alone the claim for a separate Province for the Andhras is thoroughly justified.

But the contention on behalf of the formation of a new Andhra Province is based on other arguments too. It is, in the first place, essential to remember that in the present Madras Presidency the bulk of the population, barring the Malayalis and the Kanarese, is made up of roughly half Tamilians and half Andhras. These two peoples have the most marked differences of culture and traditions. And the Andhras have all along felt that they cannot develop and emphasise the special qualities of their culture except by being a separate political and administrative unit. Such development of the Andhra culture could only be possible by education being imparted through the medium of the Telugu language and also by public business being conducted in that language.

That the force behind the above contention has made itself felt even by the Government is illustrated by the creation of the Andhra University. And the present occasion is the best opportunity to satisfy the legitimate aspirations of the Andhras for their own separate Province.

Apart from these reasons, the Andhra people have all along felt that unless a separate Province is created for them, their interests would never be really looked after. Thus Madras, the capital city, being located in the Tamil area, the Andhras feel that their representation in Services is far below the population ratio. Moreover, the Andhras being very poorly represented in the higher Services, there is a strong feeling that the Andhra districts are being neglected regarding new irrigation and hydro-electric schemes. By way of illustration it could be pointed out that for the last thirty or forty years no large irrigation scheme has been taken up in the Andhra districts, while the Madras Government has been lavishly spending large sums of money on Mettur and Pykara schemes, which benefit only the Tamil districts. But a project like the Kistna-Tungabhadra, for which the ceded districts have been clamouring for the last twenty years, is neglected by the Government. Again, it must be remembered that the finances of the Madras Government, neglected by the Government. Again, it must be remembered that the finances of the Madras Government, owing to the Mettur and Pykara schemes, have been mortgaged for years, and until those schemes are completed no money will be available for the Government for undertaking any new work in the Andhra districts. The Labour and Industries Department, to mention only a few departments, have so far been concentrating

their attention and their activities only in the Tamil area. In short, the Andhras strongly feel that the revenues which are being realised from the Andhra districts are not being spent for the benefit and betterment of the Andhras.

Even as regards the cost of forming a new Province, it can be pointed out that financially such a proposition need not be prohibitive. For instance, in a large number of departments the officers at the head may be, without difficulty, rearranged into officers of two Provinces. As an illustration, the High Court may be split up into two halves; the Director of Public Instruction and his two deputies may be replaced by two Directors for the two Provinces; and likewise other Services can easily be split up without entailing any additional expenditure.

Another important factor in connection with the demand for an Andhra Province is that such a demand is not quite an accidental or recent one. Indeed, since 1913, when the Andhra Conference was held in Guntur district, the demand for a separate Andhra Province has been urged at various unofficial political gatherings. And on the 14th March, 1927, the Madras Legislative Council passed a resolution in favour of the formation of the contiguous Telugu-speaking areas of the Presidency into a separate Andhra Province. Again, on the 19th March, 1928, the Madras Council, on a token cut during the budget debate, expressed itself in favour of a separate Andhra Province.

Besides, it was quite significant that in the debate initiated by a member of the Council of State on the 16th February, 1927, the Home Secretary of the Government of India took pains to clearly emphasise that the Government of India were in no sense hostile to the underlying principle of the establishment of Provinces on a linguistic basis, and that in such matters the policy of the Government was that it should not act in advance of, or in opposition to, public opinion. Of course, it is needless to remind anyone that the demand for a separate Andhra Province is in no sense "in advance of or in opposition to public opinion." Indeed, the weight behind the facts that have been narrated above compelled the Simon Commission to observe "The demand for the formation of an Andhra or Telugu Province which was put forward 17 years ago at a Conference of Telugu-speaking districts has been persistent for many years, and has now become an important political issue. It has on two occasions during recent years become the subject of a formal debate in the Madras Legislature, which has, by fairly large majorities, endorsed the proposal for the constitution of a separate Andhra Province."

These factors must be weighty enough to convince anyone that the entire public opinion in the northern half of the Madras Presidency strongly supports the creation, and that too at the earliest, of a separate Province for the Andhras.

I have now only to hope that my colleagues on this Conference will carefully consider the claims of the Andhras for being grouped into a new Province, and after being convinced of those claims, give those of us who, like myself, have been working for its creation, their entire sympathy and support. I would also wish to take this opportunity of requesting the British Government to review the entire question, and do the best by the people who are demanding what is only their mere right.

In asking this I do not for a moment suggest that the time of this Conference should be spent on working out the entire details of the scheme for an Andhra Province. Indeed, I have no desire either to side-track the work of the Conference or in any way unnecessarily delay its proceedings. If the Conference discusses this question and accepts the principle of separation for the Andhras, then the Government of India could take their own time for working out the necessary details which need not, in any way, trouble my colleagues on this Conference."

### ANNEXURE 3.

#### MEMORANDUM REGARDING THE FORMATION OF A SEPARATE ANDHRA PROVINCE IN INDIA.

By Mr. V. V. Giri.

1. The subject of a separate Province for the Andhras has long been before the public and the Government. The principle for the formation of such a Province has been recognised by eminent statesmen. His Majesty the King-Emperor approved of it on the ground that it would be the greatest bond of union for a component race. Viceroys of India such as the late Lord Curzon and Lord Hardinge and administrators like Sir Bamfylde Fuller were in favour of it. The Government of India was not hostile to the underlying principle.

2. That there has been a strong popular demand for the formation of a separate Province is abundantly clear from the following facts. The agitation for a separate Province was begun about twenty years ago by the Andhra Mahasabha—the mouthpiece of the Andhras in India. Their claims for a Province were placed before the Viceroy and the Secretary of State in the year 1917. The subject was mentioned in a debate in the old Imperial Legislative Council in February, 1918, in connection with a resolution moved by Sir (then Mr.) B. N. Sarma, recommending the redistribution of Provinces on a linguistic basis. A deputation waited on Lord Chelmsford and Mr. Montagu—the then Viceroy and Secretary of State for India in Council—about this matter. The subject was again brought forward before the Joint Parliamentary Committee (*vide* the memorandum presented by Diwan Bahadur Mr. M. Ramachandra Rao and published in a Blue Book). Andhra Conferences, held every year since 1913 and attended by large numbers of Andhras, passed resolutions urging the necessity for formation of an Andhra Province. The Indian National Congress passed resolutions approving of the principle and advocating division of Provinces on linguistic basis. In 1928 the Nehru Report recommended the formation of a separate Province for the Andhras.

3. Coming now to the Legislatures in the year 1922, a resolution was moved by Mr. J. Ramayya Puntulu in the Legislative Assembly urging the need for a separate Province and again in September, 1927, Mr. V. V. Jogiah, a member of the Assembly, gave notice to move a resolution on the same subject but had to withdraw the same as it was considered undesirable to bring it forward in view of the controversy about the formation

of separate Province for Sind regarding which there were given conflicting notices of Amendments. In February, 1927, the Legislative Assembly approved of the principle in connection with a resolution moved by Pandit Nilakantadoss for the formation of a separate Province for the Oriyas. Again, in the same month of the same year Honorable (now Mr.) V. Ramadoss Puntulu moved a resolution in the Council of State on this subject and another member of the Council of State, Mr. G. Narayenaswami Chetty, gave notice of a similar resolution this year.

4. In reply to this claim made by the representatives of the people from time to time, the Government of India, while accepting the underlying principle for the re-distribution of Provinces on linguistic basis, stated as follows in para. 8, pages 513 and 514, Vol. IV of the memoranda submitted to the Indian Statutory Commission by the Government of India :—

“ . . . the Government of India were in no sense hostile to the underlying principle of the establishment of Provinces on a linguistic basis, but their view was that any proposal of that kind required very careful examination; in fact, their attitude was one of neutrality. While the principle itself was attractive, there were certain obvious limitations on its practical application, and the first condition in dealing with proposals of this kind was that the Government should not act in advance of or in opposition to public opinion. For that reason the Government of India had laid down very clearly that before they can consider any such proposal, they must be satisfied that there is a real popular demand and that if that popular demand exists they may expect to find it voiced in the local Legislative Council. This condition has not been fulfilled in the case of the resolution before the House . . . The Home Secretary suggested to the mover that if he wished his proposal to be considered his best course was first to obtain what he had not yet established, that is to say, unequivocal local support. When that has been done, he would be in a position to approach the body which alone could give a decision in the matter, and that was the Statutory Commission.”

Since this expression of opinion on behalf of the Government of India a resolution was moved on the 14th March, 1927, in the Madras Legislative Council by Mr. Anjaneyulu and was carried; and subsequently again on the 19th March, 1928, the question was raised by means of a token cut in the discussion on the Budget Estimates for 1928-29 and the formation of a separate Andhra Province was accepted by the Council.

Thus, the limitation on the practical application of the principle foreshadowed by the Government of India has since been satisfied.

5. Further, the formation of a separate Province is in consonance with the ideal of Provincial autonomy, as set forth in the Despatch of the Government and generally approved of by the Administrations in India and Great Britain, and of the proposed constitution for a Federal Government for India. The first Round Table Conference has given effect to the principle by approving of the formation of separate Provinces for Oriyas and Sindhis. The Report of the Simon Commission under the head “Need for Provincial Redistribution” in para. 38, pages 24 and 25 of Vol. II, of its Report has given certain tests for claiming readjustment of boundaries and redistribution of areas. It may be stated, in this connection, that there is no area in India which satisfies these tests better than Andhra. It may be asserted, without fear of contradiction, that viewed from any standpoint, the claims of the Andhras for a separate Province are unquestionable. If an Andhra Province be formed, it will have 11 contiguous districts inhabited by people speaking the same language forming a compact and self-contained area of over 85,000 square miles with a population of over 17 millions and paying a land revenue of thirty and half millions or 3½ crores of rupees. The income of the Province is as shown in the debate on the subject of the formation of an Andhra Province in the Legislative Council Madras above said will be sufficient to support the existence of a separate Province. There are in the Andhra part of the Madras Presidency large irrigational projects and centres of commercial business and also a separate University, a harbour and a Medical College, and other Arts Colleges. Among others the only other important institutions it requires for the formation of a Province is a High Court of Judicature and a Governor in Council and a Board of Revenue with a capital in some important centre. As shown by the mover of the resolution in the Madras Legislative Council in his speech the income of the Province will be sufficient to meet this expenditure and the creation of a Province will create facilities for increased revenue. A statement of the land revenue and population of a few Provinces already formed and those in contemplation are given hereunder comparing the same with those of the Andhra Province if formed.

## REVENUE.

<i>Provinces.</i>	<i>Income.</i>
(a) Bihar and Orissa . . . . .	One crore and 55 lakhs of rupees.
(b) Central Provinces and Berar . . . . .	Two crores and 45 lakhs of rupees.
(c) Assam . . . . .	One crore and 13 lakhs of rupees.
(d) Sind proposed to be newly formed into a Province . . . . .	74 lakhs of rupees.
(e) Orissa proposed to be newly formed into a Province . . . . .	Under 80 lakhs of rupees.
(f) Andhra Province if formed . . . . .	About 3 crores and 50 lakhs rupees or 3½ millions of rupees.

## POPULATION.

Proposed Sind Province . . . . .	About 40 lakhs.
Proposed Orissa Province . . . . .	About 1 crore.
Andhra Province if formed . . . . .	1 crore and 70 lakhs.

In the matter of area also, Andhra Province, if formed, will be far larger in extent than the proposed Provinces of Sind and Orissa and a few other Provinces in India.

It may therefore be submitted that Andhra's claim for a separate Province, to say the least, is most reasonable and practicable from every point of view.

6. There are various other considerations of an equally important character which justify their claim for a separate Province. Andhras belong to a very ancient race and have as brilliant a past as any other nation in the world. They distinguished themselves both in war and peace. There were among them distinguished soldiers and great heroes. Their Kings ruled over extensive territories. Once their kingdom extended from the Arabian Sea to the Bay of Bengal including Magadha in the North of India. They produced great masters in literature. Their arts and industries were once the objects of much praise in both Europe and Asia. Their skill in architecture and fine arts is well known. History bears testimony to their high culture, great political sagacity and sound statesmanship. They have not as yet forgotten their historic



individuality, and they feel a certain unity and distinct entity—and with this sense of separate entity they live amidst a number of other races in the Madras Presidency. This union of heterogeneous races whose language, customs, habits, tradition and sentiments differ a good deal from theirs is injurious to the free and unhampered growth of the race. The Andhras, at present, are scattered in different places, in different groups and under different Governments. There is in fact no apparent identity of interest in them. The feeling that the interests of all the Andhras are identical can be felt only by the existence of a common Province. There is no doubt that the creation of an Andhra Province would give a powerful impetus to the growing public spirit of the Andhras and the rapid development of the Andhra country in all directions.

7. It may be mentioned in this connection that the principle of formation of separate Provinces on linguistic basis was conceded by the First Round Table Conference in connection with Orissa and Sind and a Boundary Commission was appointed by the Government of India to fix the boundaries of Orissa. This Commission has necessarily to determine, *inter alia*, the boundary to the north of Andhradesa in the Presidency of Madras, which will be the southern boundary of Orissa to be formed. It would be, therefore, not only most convenient and opportune, but also just and equitable that the claims of the Andhras for a separate Province should be recognised and a Boundary Commission be immediately appointed to work in conjunction with the Oriya Boundary Commission so as to settle the common boundary between the Andhra and Oriya Provinces.

8. In the light of the above facts, it is requested that the principle accepted in the case of Orissa and Sind be extended to the Andhras in the Presidency of Madras and an Andhra Province be immediately recommended and formed.

10th November, 1931.

#### ANNEXURE 4.

##### A PROVINCE FOR KARNATAKA.

*Memorandum by Mr. B. Shiva Rao.*

Although the problem of the redistribution of the existing Provinces of British India has not been taken up in a general form by the Round Table Conference, it has received a considerable amount of attention in so far as it relates to the two cases of Sindh and Orissa. If the scheme for the separation of Ambala Division from the Punjab and its fusion with the United Provinces be accepted—I express no opinion on the merits of the proposal—the question is bound to arise whether it would not be advisable to divide the United Provinces into two administrative units. Public opinion in India is being directed to consider the redistribution of the Provinces so as to facilitate the administration of autonomous units in a self-governing India.

The separation of Sindh from the Bombay Presidency, with regard to which an official Committee has made a Report, has been urged by the Muslim Community on two grounds :—

(1) Sindh as a separate Province will be a predominantly Muslim area ;

(2) The great distance between Sindh and the rest of the Bombay Presidency prevents adequate attention being paid to the needs of the people of Sindh.

The case of Orissa being made a separate Province for the Oriya-speaking people was put forward by the Raja of Parlakimedi at the last Session of the Round Table Conference. His main argument was that Orissa is an area with a single language and definite historical and cultural associations and should be under one administration instead of being parcelled out (as it now is) between four British Indian Provinces—Bihar and Orissa, Bengal, the Central Provinces and Madras.

The position of Karnataka is, in some respects, similar to that of Orissa. This linguistic area (which comprises the Dharwar, Belgaum, Bijapur and North Canara Districts and a portion of Sholapur Taluka in the Bombay Presidency ; South Canara, Bellary and the Nilgiris Districts, with portions of the Salem, Coimbatore and Anantapur Districts in the Madras Presidency) is divided between the two southern Provinces. Together with Coorg, which also is part of the area, it will cover over 35,000 square miles, and have a population of over 7,000,000. (*Note* : According to the Census Report of 1921, there was a population of over 6,000,000 and the general increase in the population during the decade averages 10 per cent.)

It is not necessary to argue in general the case for a redistribution of the Provinces, on a linguistic, or some other recognised basis. Even in 1919, this problem was present before the Secretary of State for India and the Viceroy.

The Montagu-Chelmsford Report has the following passage on the subject of creating new Provinces :—

“ . . . We are impressed with the artificial and often inconvenient character of existing administrative units. We have seen how historical reasons brought them about. We cannot doubt that the business of Government would be simplified if administrative units were both smaller and more homogeneous ; and when we bear in mind the prospects of the immense burdens of Government in India being transferred to comparatively inexperienced hands, such considerations acquire additional weight. It is also a strong argument in favour of linguistic or racial units of Government that, by making it possible to conduct the business of legislation in the vernacular, they would contribute to draw into the arena of public affairs men who were not unacquainted with English . . .

We are bound to indicate our clear opinion that wherever such distributions are necessary and can be effected by process of consent, the attempt to do so should be made ; and therefore we desire that it should be recognised as one of the earliest duties incumbent upon all the reformed provincial governments to test provincial opinion upon schemes directed to this end.”

It is to be regretted that the Government has taken no action in the direction suggested by the Montagu-Chelmsford Report. On the other hand, resolutions moved by non-official Members of the Bombay and Madras Legislative Councils and of the Council of State for the appointment of a Committee to bring about a unification of the Karnataka were opposed by the Government. In 1926 and 1928, Dr. Rama Rau, a Member of the Council of State, moved a resolution for the appointment of such a Committee ; but it was rejected by



the Council because of Government opposition. The Madras Legislative Council adopted a resolution in August, 1929, moved by Mr. P. Siva Rao (Member for Bellary) asking for urgent steps to be taken for the formation of a Karnataka Province, comprising the Kanarese-speaking tracts of the Madras and Bombay Presidencies and Coorg. The resolution was passed by the Council, notwithstanding official opposition. A similar resolution was brought at the same time by Mr. Jog in the Bombay Legislative Council, but failed to secure passage through the House in spite of general non-official support.

It may be useful in this connection, to quote the Nehru Report, who made the following observations on the claims of Karnataka for being made a separate Province :—

“The case for the Karnataka was placed before us by a representative of the Karnataka Unification Sangha, and the Karnataka Provincial Congress Committee. It had been ably prepared with a wealth of information, historical, cultural and statistical. All our questions were answered satisfactorily and, in our opinion, a strong *prima facie* case for unification and the formation of Karnataka as a separate Province was made. . . . Parts of the Karnataka lie in Indian States, notably Mysore, and there are obvious practical difficulties in the way of uniting these with the rest. It might also not be convenient to unite the small islands of the Karnataka on the other side of Mysore Territory as these would be cut off from Karnataka proper by Mysore. But even so, a sufficiently large area remains . . . financially the position of the Karnataka is very strong, and even at present there is a considerable surplus in the British part of the Karnataka.”

Finally, they recommended that—“Parts of Karnataka except the small islands on the other side of Mysore territory should be separated from the Provinces in which they are at present included and formed into a single separate Province.”

It should also be added that at the All-Parties Conference at Lucknow, recommended in 1929 in adopting the Nehru Report that—“A Committee may be appointed to take all necessary steps to constitute Karnataka, and into separate Provinces.”

The six All-Karnataka Political Conferences held since 1920, and the three Karnataka Unification Conferences since 1924 have passed unification resolutions unanimously. Besides these, the Veershaiva Mahasabha held in Bangalore in December, 1927, the Merchants' Conference, held in August last in Bagalkot, have demanded unification. The Local Boards of all the Bombay Karnataka Districts, and of Mangalore, many Taluka Local Boards as well as a number of municipalities, have passed such resolutions and sent them to the Government. A general manifesto signed by 34 leaders of Karnataka, representing all districts, all castes, creeds, interests, and all political opinions, was issued in 1927 to the public, asking them to sign a declaration to the effect that they desired unification.

A questionnaire issued to about 200 gentlemen in Karnataka brought 125 replies, only one being against unification.

The following bodies have adopted resolutions within the last few months urging the creation of a separate Province for the Karnataka :—

- (1) The Karnataka Chamber of Commerce.
- (2) The Veershaiva Tarauna Sangha, Bagalkot.
- (3) The Cotton Market Association, Bagalkot.
- (4) The Cloth Merchants' Association, Bagalkot.
- (5) The Hubli Municipal Borough.
- (6) The Karnataka Unification Association, Sholapur City.
- (7) Sirsi Municipality (North Kanara District, Bombay Pres.).
- (8) The Basaweshwar Vidya-Vardhaka Sangha, Bagalkot.
- (9) Ilkal Municipality.
- (10) Dharwar District Local Board.

There can thus be no question either as to the necessity for undertaking the reconstitution of the existing Provinces into smaller and homogeneous units, or, in particular, as to the trend of opinion in the different parts of the Karnataka on the subject of their unification. If the principle of self-determination were to be applied, an overwhelming majority of the people of Karnataka would be found to be whole-heartedly in favour of such a step.

The only other consideration that may possibly be urged by critics of the scheme is whether the people of the Karnataka would be in a position to bear the financial burden of a separate administration. But if Assam can be an autonomous Province with a revenue of Rs.260 lakhs, there is no reason why Karnataka, which, under the existing division of revenues as between the Central and Provincial Governments, would have an income of Rs.233 lakhs from the provincial sources alone, cannot face a similar responsibility. Moreover, it may safely be said that, with adequate opportunities for development, Karnataka, with its long coast line, and rich natural resources, would rapidly increase its prosperity, and become capable of the comparatively heavier burdens that would be involved in autonomous administration.

The complaint of the people is that the present division of Karnataka leaves them in a position of helpless minorities, both in the Bombay and Madras Presidencies, where they form 19 and 6 per cent. respectively of their total population.

A further handicap is furnished by the fact that whereas the people speaking other languages, such as Gujerati and Mahrathi, in Bombay, and Tamil and Taluga, in Madras, live in contiguous areas, the Kanarese people are scattered over a wide area with Mysore State in the centre. Communications are not easy in many parts of the area on account of hills and forests and rivers. The consequence has been a neglect by the two Provincial Governments of such essential needs of the people as education, health, forests, roads, irrigation and harbour development.

It is estimated that the people of Karnataka contribute to the Governments (both Central and Provincial) Rs.48 lakhs more than is spent on them. For a High Court and a University the people have to go as far as Bombay and Madras in their respective Presidencies; there cannot be the least doubt that the present anomalous division constitutes a serious grievance and stands in the way of the cultural and economic development of the people.

## Appendix A.

## AREA AND POPULATION OF THE PROPOSED KARNATAKA PROVINCE.

(As per Census Reports of 1921.)

## 8 Districts.

Name of District.	Area in square miles.	No. of		Total population.
		Towns.	Villages.	
1. Belgaum .. .. .	4,611	7	1,062	952,996
2. Bijapur .. .. .	5,707	8	1,120	796,877
3. Dharwar .. .. .	4,606	17	1,260	1,036,924
4. North Kanara .. .. .	3,946	7	1,257	401,727
5. South Kanara .. .. .	4,021	7	798	1,247,368
6. Bellary .. .. .	5,713	10	911	862,370
7. Coorg (Kodagu) .. .. .	1,582	2	377	163,838
8. Nilgiris .. .. .	982	3	54	126,519
8 Districts .. .. .	31,168	61	6,839	5,588,618

## 5 Outlying Districts.

1. Madagsira (Dist. Anantpur) .. .. .	443	1	57	85,595
2. Hosur (Dist. Salem) .. .. .	1,217	1	437	186,430
3. Krishangiri (Dist. Salem) .. .. .	656	2	183	167,302
4. Kollegal (Dist. Coimbatore) .. .. .	1,076	1	48	35,356
5. Sholapur (Dist. Sholapur) .. .. .	848	1	150	234,461
5 Talukas .. .. .	4,240	6	911	769,144
Grand Total .. .. .	35,408	67	7,750	6,357,762

## ANNEXURE 5.

## SEPARATION OF OUDH FROM THE AGRA PROVINCE.

*Memorandum by Khan Bahadur Hafiz Hidayat Husain.*

In this note I draw attention to the administrative necessity of separating the Agra Province from the Province of Oudh. The United Provinces of India stretch from the plains of Bihar on the East to the plains of the Punjab on the West, and from the low mountain ranges of Central India on the South to the immense barriers which divide British India from Tibet, and Nepal on the North. They include four distinct tracts of country. The area of the United Provinces from which I am excluding the feudatory States of Ranpur, Tehri and Benares is 106,000 square miles or just slightly less than that of the British Isles.

2. The Province of Agra originally formed part of the Presidency of Fort William. It received individual status in 1834 as the Province of Agra. The Province of Oudh was annexed in 1856 and became a Chief Commissionership with a separate administration. The two Provinces were first brought together in 1877 under the Lieutenant-Governor of the North Western Provinces and Chief Commissioner of Oudh, and in 1902 were finally amalgamated in a single Lieutenant-Governorship and became known as the United Provinces of Agra and Oudh. In 1921, the Lieutenant-Governor was given the designation of Governor.

3. The Province which is divided into 48 districts has, according to the Census of 1931, a population of close upon 48½ millions. It is notoriously too heavy a charge for a single administration and should therefore be split up. Both the Provinces of Agra and Oudh suffer from lack of reality in the administration. The progress of both under one system of administration is retarded and neither has the opportunity to develop on natural lines. Small homogeneous areas autonomous in their character ought to be the aim of the future United States of India. It is already on the cards that the Central Provinces are going to be split up, the Hindi-speaking districts may be attached to the Agra Province and the Mahrathi-speaking districts may go to Bombay. It would, therefore, be in the fitness of things that Oudh should be separated from Agra Province.

4. The Taluqdari system of Oudh and its special laws of primogenitive adoption, etc., are unique in the history of India. Oudh is well able to bear its own financial burden. Even now it has its own highest Court of Appeal both Civil and Criminal. It has a separate cadre of judicial officers. It has its own rent and revenue laws. It has its own University.

Oudh, rightly styled "The Garden of India," has an area of 24,000 square miles and a population of 13 millions of people. For generations past it formed a separate State ruled by its own Nawabs or Kings.

The unique position of the Taluqdars of Oudh, their peculiar status in the land under them, their hold on their tenantry, their patriotism, and above all, their unflinching loyalty to the Government of Great Britain entitles them to their recognition as partners of the Government in the administration of their Province, to the maintenance of their rights and privileges granted to them under Sanads, indeed to the final redemption of all those engagements and promises held out to them from time to time. This the Taluqdars fear is impossible unless the Province of Oudh is made a unit of administration by itself.

5 The Zemindari system of the Province of Agra resembles in many respects the Malgazari system of the Hindi-speaking districts of the Central Provinces. The status of the tenants is correspondingly similar. The soil of Bundelkhand in the Agra Province resembles that of the Jubbulpore Division of the Central Provinces. The Zemindars of the Agra Province are by law recognised as owners of every inch of land within the ambit of their Zemindari. In common with the Taluqdars of Oudh, they desire that their status in the land be recognised as one of the fundamental rights in the new constitution, and that there be no fear of confiscation and expropriation of their properties, which should remain immune from duties or taxes, other than the land revenue, which they are pledged to pay to the Government of the day.

6. It is, in my opinion, impossible to reach the tenantry and improve their condition till the Provinces are separated and the charge for administrative work is reduced. In proposing this scheme, I have duly taken into consideration homogeneity in area, administrative convenience, linguistic and racial unity. Oudh, unlike Agra Province, speaks that dialect of Hindustani which was termed Eastern Hindi in the Census report of 1921. Perhaps there is no other part of India that can undertake its own autonomous administration with so little disturbance of the present arrangements as Oudh.

November 16th, 1931.

#### ANNEXURE 6.

#### MEMORANDUM ON THE REPRESENTATION OF LAND HOLDERS' INTERESTS IN THE LEGISLATURES.

*By Dr. Narendra Nath Law, M.A., Ph.D.*

The question of special representation of certain interests, Labour, Commerce, Depressed Classes, Landlords and the like, came up before the Federal Structure sub-Committee of the last Session of the Round Table Conference in connection with the distribution of seats in the Federal Legislature. The conclusion of this sub-Committee on the subject, recorded in paragraph 34 of their Second Report, was that, "subject to any report of the Minorities sub-Committee, provision should be made for the representation, possibly in both Chambers and certainly in the Lower Chamber, of certain special interests, namely, the Depressed Classes, Indian Christians, Europeans, Anglo-Indians, Landlords, Commerce (European and Indian), and Labour." Both Mr. Sastri and Sir Tej Bahadur Sapru made sympathetic reference to the need of the special representation of these classes when the question was raised by the Chairman of the Federal Structure sub-Committee. The Minorities sub-Committee did not come to any definite conclusions on the subject, that is to say, on the question of special seats for these interests in the Legislatures, but there is nothing to warrant the view that the sub-Committee had no sympathy for the claims of these interests for special representation. On the other hand, the conclusions arrived at so far are distinctly favourable to such claims being recognised definitely in the composition of the Legislatures in the future.

It is, however, desirable that the position should be cleared up by those members of the Conference who would be vitally affected by its decisions relating to the special interests. Speaking for myself as a Landholder, I would like to press upon you particularly the claims of the landholding interests in India for special representation on a proper and adequate scale. I am sure I can count upon a sympathetic consideration of our case. With your permission, therefore, I venture to put forward a few suggestions which, I hope, will receive that earnest attention which the weight of the subject deserves.

I may recall for a moment that a Statutory Commission rejected our claim for special representation in the Legislature though retaining special seats for Commerce and Universities. The reasons given were neither substantial nor conclusive, but roused our utmost anxieties as being indicative of a certain frame of mind in responsible quarters which, if not challenged at the outset, might have far-reaching effects on our future interests and status. Our hope, however, lay in the fact that this view contradicted the findings not only of the Indian Central Committee but also of every Provincial Government except the Government of Assam where there is no special representation of Landholders' interests. It is not for us to reiterate that Mr. Montagu and Lord Chelmsford had in their Joint Report on Indian Constitutional Reforms observed that the landed aristocracy of India are recognised as her "natural and acknowledged leaders." In the United Provinces and the Punjab, the great Landholders occupy a unique position in society. In Bengal, too, round the Zemindars at the centre, has grown up an intricate system of rights and duties which it would not be possible to ignore. The Statutory Commission took some pains in drawing up a table supporting their contention that the landholding interests have been sufficiently represented on the various Provincial Councils even without the special representation accorded to them. This shows incidentally, the important part the Landholders still play in the public life of the country and the trust and respect which they command. But the Statutory Commission used the figures to prove that the claim of the Zemindars for special seats was superfluous. It is strange that it did not occur to them that the Landholders had their own special interests to represent and protect, and a Landholder who was sent up by a general constituency might often, quite conceivably, find himself in the most unhappy position of either having to sacrifice the interests of his own class or those of a constituency which he represents in a case of conflict of interests. Such conflicts are by no means likely to be rare, nor are they unforeseen. Thus, for instance, on all matters of tenancy legislation, taxation of incomes, payment of land revenues and the like, the interests of the Landowners require to be specially represented. It is very difficult to postulate identity of interest among the different

classes in such cases. We are fortified in our contention by the findings of the Government of India in their Despatch on Proposals for Constitutional Reform. I take the liberty of quoting the relevant extract from their Report :—

“ We have ourselves no hesitation in holding that this form of special representation should continue. Both the arguments and the statistics used by the Commission might, to our mind, have been used with special effect to destroy the special representation either of Commerce, or of the Universities both of which the Commission retain. . . . Such questions as tenancy and land revenue measures may be expected to occupy more prominently the attention of the Provincial Legislatures in the near future, and in the controversies likely to ensue, the landlords can reasonably claim that they should not be deprived of their special representation at a time when the extension of the franchise may well increase the difficulty of their securing representation on a general register.”  
(Para. 39.)

With regard to the last point, it may be observed that we claim special representation not because of the possibility of our failure to be returned on a general register. Even if we are returned from a general constituency, we claim it, for reasons given above, all the same. It is not a correct reading of the situation to suggest that with political progress, the Landholders will necessarily have a diminishing influence in the public life of the country. The distinguished roll of public servants drawn from the landholding classes in our country is by no means negligible and in spite of cases of atrophy here and there, the general conclusion is by no means inevitable that the landowning interests of a country will be a back number in the Free State of India. Our interests and connections, ties and affinities, are too vast to permit us to occupy a position of second-rate importance in the India of the future. May I mention, as an illustration of this point, that the total revenue paid by the Landholders in India exceeds even the yield of the income tax ? That fact alone establishes our supreme interest in the constitutional arrangements of the future.

I may reiterate, however, what one of my distinguished colleagues said in the Provincial Constitution sub-Committee that in pleading for special representation for ourselves, we do not intend to encroach upon the rights of other communities for representation. On the other hand, I stand for the representation and protection of every special interest in the State ; but its importance must be considerable and there is no denying as to the weight of the Landholder's claim for special representation. If I may be allowed to digress here for a moment, I will take the liberty of mentioning that a tendency of modern political thought is the increasing recognition of the importance of special social and economic interests and groups, and that much of the economic, political and social unrest of to-day is due to the failure of the mechanism of the modern State to adjust itself to the diversification and specialisation of these group interests. It is felt that the safety of democracy lies in the perfection of group life and its representation in responsible Legislatures. I make bold, with your permission, to refer to this new orientation of political thought and practice in order to remove the misconception that to ask for special representation is necessarily against national interest.

As to the number of seats to be allotted to us, in view of the importance of our interests and stake in the country, and of the comparative smallness of our number, we are entitled to claim an adequate basis of representation other than population. The need for it is all the more clear since it is obvious that in future the Legislatures are going to be largely increased in size. The claim of the landholding interests in Assam for representation should be recognised. As an illustration and nothing more than an illustration, I may be permitted here to refer to the insistent representations of the landholders of Goalpara as to the hardships they have been labouring under on account of the absence of their representation in the Legislature. It is needless to add that we claim proper and adequate representation, for reasons which I have already discussed, in both the Chambers of the Federal Legislature and the Provincial Legislatures.

As regards the *method* of representation, whether it should be direct or indirect, the procedure will be determined by the manner in which the two Houses of the Federal Legislature and the Provincial Legislature, will be constituted. The Federal Structure sub-Committee was “almost unanimously” agreed that the Upper Chamber of the Federal Legislature should be elected by the Provincial Legislatures on the single transferable vote. Whether this view is accepted by the full Conference or not, there is no doubt that the Landholders are eminently suited for membership of the Upper House of the Legislature. But this should be in addition to their representation in the Lower House, which in any case must be direct. If a Second Chamber is agreed for the Provincial Legislatures also, we have no doubt that the Landholders will be specially represented there. I have not intentionally raised the question of the number of seats that we want in each case for the reason that this may be left to future discussion and negotiation.

It is needless for me to emphasise, in conclusion, that the contentment of the Zemindars is a national asset of no mean value. On return from England after the adjournment of the last Session of the Conference, I have been struck by the anxiety with which my fellow Zemindars have been following the deliberations of the Conference. I have had the opportunity and honour of consulting their opinion, and I have tried to place their views, as I read them, in this Memorandum with as much moderation as possible. I take the liberty of appealing to my fellow delegates to realise the importance and justice of our claim and recognise definitely the need of adequate and proper representation of our interests in the Legislatures of our country.

22nd September, 1931.

#### ANNEXURE 7.

#### MEMORANDUM ON THE POSITION OF LANDHOLDERS (i.e., ZAMINDARS AND PROPRIETORS OF PERMANENTLY SETTLED ESTATES) IN THE NEW CONSTITUTION.

*By the Maharaja of Darbhanga and the Raja of Bobbili.*

The position of the big Landholders of India in any new constitution requires to be carefully considered by the Delegates, British and Indian, of the Round Table Conference. In the claims that large communities are putting forward for safeguards, the case of a section, which is small in numbers, is apt to be overlooked. But, if the importance of this small section is realised, if the stake of the Landholders in the country is adequately appreciated and if the part they have so far played in steadying and sobering public opinion is understood, there will be no hesitation in conceding to them their rightful position in the new order.

It has to be regretfully stated that at the first Session of the Conference, the case of the Landholders has not received that attention which it deserved. Sub-Committee No. III (Minorities) of the Conference which was expected to consider the question, devoted itself almost entirely to the claims of minority communities. It did not deal, with the single exception of the British commercial interests, with any of the *interests* which are in a minority as distinguished from communities. This result was perhaps inevitable as the big landholders, the representatives of the class on the Conference, the Maharajadiraja of Darbhanga, the Raja of Parlakimedi, were not members of the Committee. It is our earnest hope that this grave defect will be rectified before the Minorities Committee meets again.

Nor did sub-Committee No. VI (Franchise) deal with the question. That sub-Committee quite naturally felt that the nature and number of special constituencies should be first settled before it can deal with the nature of the franchise for such constituencies. That the problem was present in the minds of the members of the sub-Committee is obvious from the Report. The Franchise sub-Committee states: "we are of opinion that the franchise qualifications for special constituencies depend essentially on the nature of those constituencies. We are not empowered to consider the latter point, nor are we in possession of information as to what special constituencies are contemplated. The question requires examination by a competent body."

The only Committee that, in spite of lack of representation on that body, considered the position of Landholders, is sub-Committee No. I (Federal Structure). In the course of the Report, it says: "opinion was unanimous in the sub-Committee that, subject to any report of the Minorities sub-Committee, provision should be made for the representation, possibly in both Chambers, and certainly in the Lower Chamber, of certain special interests, namely, the Depressed Classes, Indian Christians, Europeans, Anglo-Indians, *Landlords*, Commerce and Labour." It is noteworthy that there was unanimity of opinion as regards the need for special representation of Landlords in the Federal Parliament. How much more necessary it is to secure their representation by special constituencies in Provincial Legislatures, will be obvious to anyone who has appreciated the scheme of the Provincial sub-Committee. It has also to be noticed that the Federal Structure Committee expected the Minorities Committee to deal with and report on the claims of the Landlords for special representation.

It is under these circumstances that it has become imperatively necessary to present the case of the Landlords to the members of the Conference.

#### *Status of Landlords.*

The term Landlords, as used in connection with the demand for special representation in any constitution, is not clearly understood. It is apt to be confused with the owners of large areas of landed property under what is termed ryotwari tenure. The term has a specific connotation in Indian politics. It has been understood to apply to the class of owners who are termed Zamindars and who are proprietors of land and not mere lessees from Government, of land. It is also sometimes thought that Zamindars were mere farmers of revenue under old assignments of Moghul Emperors. Some were of that character, but most of the Zamindars and in particular almost all the Zamindars of Southern India, and the Taluqdars of Oudh do not belong to this class. Their family history dates back to several centuries. Their ancestors were chieftains and rulers of vast areas. The houses of Darbhanga, Balrampur, Murshidabad, Burdwan, Venkatagiri, Bobbili, Jeypore, Pithapuram, to mention only a few, have historic traditions, not second to some of the important Indian States. Over a century back they entered into arrangements with the British power whereby in lieu of protection against invasion they undertook to pay a certain subsidy. These sanads or treaties are in their eyes, and must be regarded by the Paramount Power as sacrosanct . . . as sacred as the treaties with present-day Ruling Princes. In essence there is hardly any difference between the sanads granted to these ancient Zamindars and the Treaties entered into with Ruling Chiefs. This historical perspective is necessary to appreciate and understand the position of the Landlords, and the claim they now put forward.

The Zamindars, holding a large stake in the country and to a certain extent conservative by tradition and instinct, have no desire to arrest progress or to thwart the legitimate ambitions of their countrymen. They are a part of the nation and are bound to take note of the surging tide of nationalism, and the unanimous desire for Dominion Status for India. But they will be false to their principles and untrue to their Order if they do not desire to preserve the inherited rights of their class and secure legitimate guarantees in the new order of things.

#### *Landholders' Claims.*

They claim that the Zamindars should have special representation in the Legislatures Provincial and Central as hitherto, and urge respectfully that this representation is more necessary now than hitherto.

(2) Realising that no reasonable amount of special representation can by itself be an adequate safeguard, they urge that in all Provinces there should be established bi-cameral Legislatures, the Upper House being a steadying influence on the occasional impetuosity of the popular Chamber.

(3) Lastly, in view of the sanctity which they attach to the agreements entered into with them and the sanads granted to them by the paramount power, they urge for the inclusion in the fundamental rights of a clause securing the inviolability of the terms of such agreements and sanads. These clauses will be elaborated in this and succeeding papers; the present memorandum will deal with the question of special representation.

#### *Special Representation of Landlords.*

Ever since the inauguration of representative Legislatures in India, this class of Landholders has had a right by special representation of membership of these bodies.

In the Minto-Morley reforms this was conceded, and they formed a fourth of the strength of the elected members. In addition a considerable number of Landlords were nominated. This right was recognised and confirmed by the Montagu-Chelmsford scheme of reforms. Attention is invited to the very cogent reasons given in the Report on constitutional reforms of Mr. Montagu and Lord Chelmsford for the special representation of this class. It has to be remembered that the interests peculiarly affecting this class are still under the control of Executive councillors and not popularly elected Ministers, and that they form a reserved subject. If it is further remembered that there is a considerable official bloc in the councils which is expected to hold the balance even between conflicting interests—it will be clear how much more necessary it is, under the proposed scheme of provincial autonomy, to give adequate representation to Landlords.

*The Simon Report.*

An unfortunate recommendation of the Simon Commission that this representation may be abolished has led to the question being re-opened and has created the most widespread and genuine alarm among the Landlords. It can with perfect accuracy be stated that no recommendation of the Commission has been more severely and unanimously criticised than the one advocating the abolition of special representation to Landlords. The basis of the Report and its reasoning are alike incorrect and fallacious. The Commission was incorrect in its estimate of the number of Landlord representatives and wholly misappreciated the need for their representation by special constituencies.

It would perhaps be better if the Provincial Governments and the Government of India were left to deal with these recommendations. They, at least could not be charged with motives of self-interest or with a desire to indulge in special pleading for their own Order.

*The Provincial Governments' Criticism.**(1) Madras.*

The Government of Madras in its Despatch dated 11th August, 1930, says "The Government of Madras consider that the Commission was acting on a wrong assumption when it considered that Landholders would necessarily exert such influence that their return would be assured and that, therefore, there was no necessity for a separate electorate. The signs of the times tend to the other direction, and it is extremely doubtful if, in the future, Landholders will be able to exercise the same interest as at present. There is a danger that Landholders, if they are sure of obtaining a certain number of seats by nomination, will not take the trouble to stand for election, and rather than run the risk of a council in which Landholders are represented by nominated members alone, the Government would prefer to continue their special electorates, as they originally suggested."

The Bombay Government is equally emphatic, and would, indeed, extend their representation. In its Despatch No. 1/161, dated 13th August, 1930, the Bombay Government states: "The Government of Bombay are unable to accept the recommendation regarding the special representation of Landholders, and adhere to their proposals submitted to the Indian Statutory Commission that, besides continuing the present representation of the Landholders, an additional constituency for them should be created for the southern division of the Presidency and one seat allotted to it. The argument that by virtue of standing and influence they have opportunities of being returned in the general constituencies applies to an equal extent to the commercial communities also, which, under the Commission's recommendation, are to have special electorates provided for them. The Government of Bombay, therefore, are of the opinion that in view of the importance of the Landholders and the steady influence, which they are likely to exercise in the councils, the privilege of special representation now held by them should be continued, and that, as Landholders in the southern division owing to the smaller number of electors in it, have, as a rule, had very little chance in the election against candidates in the central division, a separate seat should be allotted to them in the southern division as suggested above."

*Bengal.*

The Government of Bengal takes the strongest objection to the extraordinary recommendation of the Commission, and in its Despatch No. 219 A.C., dated 15th August, 1930, says, "To the recommendations of the Commission on the subject of the Landholders' constituencies, the strongest objection is taken by several members of the Government. They urge that *the Landholders who are returned by general constituencies do not represent the Landholders' interests in the Legislative Council, but are governed by the views of the people in their constituencies and of the political party which has supported them in their elections.*"

"A further argument used is, that the interest of the Landholders' representatives in stabilising the constitution is valuable, and, as it is considered important to introduce into the council every possible stabilising element, there is general agreement that the separate Landholder constituencies should be retained. There is some difference of opinion on the question whether their number should be increased proportionately to the increase in the number of members in the council, the majority being in favour of giving the Landholders the same proportion as in the present council. But the actual number must depend on the decision about a Second Chamber." The Bengal Government's memorandum is important in two respects. It shows the futility, from the Landholders' point of view, of the argument that they can be returned by general electorates, and it correctly lays down that the principle of special representation is unaffected by the constitution of a Second Chamber.

*The United Provinces.*

In view of the present agrarian situation in the United Provinces, the views of the Government of that Province must carry special weight. In its Despatch No. 4949 C, dated August 23rd, 1930, it says, "The great Landholders of this Province have special electorates which return six members of the Legislative council. Can the ground that their standing and reputation, and the influence which they exert in their own localities have enabled them to share a large number of seats in the general constituencies, and are therefore such as to render special protection unnecessary, the commission have, subject to a certain safeguard to secure them their present representation, recommended the withdrawal of their respective special representation. This Government are unable to endorse the Commission's recommendation. Government hold that the representation which the great Landholders have been able to secure has not been disproportionate to their political importance in present conditions. It is almost inevitable that as the electorate gains political experience, it will tend to prefer representatives drawn from sources other than the great landed families and *the need for special representation is likely to increase rather than decrease.* This Government are unanimously and strongly in favour of the retention of the great landholders at the existing ratio and the Governor-in-Council desires to repeat the recommendation placed before the Commission. I am also to add that the Ministers consider that similar bodies of equal status (to the Agra Province Zamindars' Association) in other Provinces should also return their own representatives by separate electorates to both Chambers of the Provincial Councils and also to the Federal Assembly and the Council of State."

*Bihar and Orissa.*

The Government of Bihar and Orissa is not a whit behind the other Governments in this behalf and in their Despatch No. 4368 A.R., dated 23rd August, 1930, say, "The proposal to abolish special representation for the great Landholders has been strongly resented by the Landholders of this, as of other Provinces. Due weight must be given to their representations. The Commission appears to have been influenced unduly by the fact that the great Landholders have succeeded in all the Provinces taken together in being



returned for four times as many seats as were specially reserved for them. It is to be noted, however, that in Bihar and Orissa, where the position and influence of the Landholders is as great as, or greater than in other parts of India, the Landholders have not come off so well; they have only secured election in ten of the general constituencies in addition to the five reserved seats, and even these members, though possessing the qualification needed for the Landholders' constituency, *are not elected in that interest*. "Though prophecy is not easy and knowledge is impossible," there appears full justification for their apprehension that, with a larger number of voters, but with constituencies smaller in area, the Landlords will have greater difficulty in securing election and will not enjoy as favourable a position as at present. The Local Government attach great importance to the due representation of this class, not *qua* Landlords, but as stake-holders in the country, who can be trusted to add a sound element of responsibility to the councils, which may, under the democratic constitution now proposed, consist largely of persons who have little to lose by ill-considered legislation or ill-advised executive action. The presence of such an element in the council will be the more necessary when the official bloc is removed and the number of nominated members is reduced. His Excellency in Council and his Ministers consider that the arguments in favour of special representation completely outweigh the single argument put forward for its removal, and urge strongly that reserved constituencies should be kept for the Landholders in no smaller proportion than at present."

#### *Punjab.*

The Punjab Government in its Despatch No. 4766-8, dated 14th August, 1930, says: "We are impressed by the fact that, with the extension of the franchise to a portion of the tenantry and a lowering of the rural property qualifications, Landholders of the class which stood for the special constituencies may have difficulties in securing representation. We consider them an important interest in the Province, and as we do not propose to have a Second Chamber, we would retain special representation for them in the Council."

This striking unanimity of official opinion cannot be ignored and must be given due weight. Nor, till the Report of the Simon Commission was published, was there any difference in non-official opinion on the subject. All the provincial committees which were associated in the enquiry of the Indian Statutory Commission recommended the retention of special representation for Landlords. The Indian Central Committee also urged its retention.

#### *The View of the Government of India.*

The picture will be incomplete without the views of the Government of India on the subject. In their Despatch No. 1 of 1930, dated 20th September, 1930, the Government of India state: "The recommendation of the Statutory Commission conflicts with the view expressed by the Indian Central Committee that this class of special representation should be retained. Every Provincial Government except the Government of Assam, where there is no special representation of Landlords, agrees with the Indian Central Committee, and considers that the special representation of the great Landholders is still needed in view both of the position of the class in the country and of the steadying effect which it is likely to have in the new Legislatures. The suggested abolition of their special representation has been received with feelings of resentment and dismay by the great Landholders themselves, and one of the first steps which they took on learning of the proposal was to form a representative delegation to present to His Excellency the Viceroy an address containing a weighty protest against the withdrawal of their present privilege. Particular objection has been taken by the Landlords themselves to the suggestion made by the Commission that, in the event of their failing to secure representation equivalent to the present number of their special constituencies, their representation should be obtained by nomination."

It may be emphasised here that the Government of India have rightly gauged the feeling of the Zamindars and Landholders on the proposals of the Simon Commission. The resort to nomination is a reactionary suggestion and cannot be offered to a class of people who have hitherto enjoyed the right of election. It is further open to grave doubt whether any section at the Conference would agree to the principle of nomination for any interest since such principle is fundamentally opposed to the scheme of provincial autonomy. Is the Governor of the Province to nominate and if so, is he to do so on the recommendation of the Ministry which will thereby augment its own strength and position in the Council?

The views of the Government of India are unequivocal on the need for the continuance of special representation for Landlords. The Despatch says: "We have ourselves no hesitation in holding that this form of special representation should continue. The success in general constituencies of persons possessing the special landlord qualification can rightly be regarded as a healthy sign of a greater readiness on the part of a conservative class to recognise their obligations and take up political responsibilities under an increasingly popular system of government. But prejudices still survive, and unless special constituencies are retained many leaders of this important class may still be unwilling to expose themselves to the hazards of election by general constituencies; and those Landholders who are elected by general constituencies may prove to be unrepresentative of the landholding interest. Such questions as tenancy and land revenue measures can be expected to occupy more prominently the attention of the Provincial Legislatures in the near future, and in the controversies likely to ensue the Landlords can reasonably claim that they should not be deprived of their special representation at a time when the extension of the Franchise may well increase the difficulty of their securing representation on a general register. The Government of India thus conclude their final and considered recommendation. "On the broad issue whether or not there should be special constituencies for the representation of the great Landholders we have no hesitation in accepting the view of the Indian Central Committee and of the Provincial Governments that they should be retained both in the Central and in the Provincial Legislatures."

In spite of the strong support of the Provincial Governments and the Government of India, the Landholders are disquieted as the proceedings of the Round Table Conference have not so far allayed their apprehensions or guaranteed their rights. This feeling was reflected in a resolution moved by a Landholder member in the Council of State so recently as September 23rd, 1931, whereby he urged that adequate representation should be given to Landholders in the future constitution of India with a view to protect their interests. The spokesman of the Government of India quite legitimately pointed out that the Government had supported the claim and suggested that the Delegates to the Round Table Conference may now be addressed on the subject.

The Landholders' delegation at the Conference, therefore, urge on their colleagues the justice of their claims and the need to meet them. They wish to point out that their stake in the country requires that they should be heard in vindication of their rights in the popular Houses of Legislature both Provincial and Central. They respectfully point out that if Landholders are returned through general electorates they will necessarily feel bound by the mandates of such electorates and that in those very vital issues where their class has to be represented, their obligations to the electorates will conflict with their duty to their order. They further feel that even as candidates in general constituencies with the most liberal intentions

towards their tenantry, they will be exposed to merciless and unscrupulous attacks of those who desire to fight them in the election by exploiting the passions and class prejudices of their tenantry. They are emphatically of opinion that resort to nomination to secure their proper place in the Legislature is a humiliating device, and that, further, there is no section of the Conference which will accept such a device.

Landholders, therefore, claim that they should be granted special representation through special constituencies in the same ratio to the total elected strength of the House as at present, in both the Provincial and Central Legislatures.

In another memorandum the question of Second Chambers and the claims of Landholders with reference to such chambers will be dealt with.

### ANNEXURE 8.

#### I.

#### STATEMENT ON BEHALF OF THE SARDARS' AND INAMDARS' CENTRAL ASSOCIATION OF THE BOMBAY PRESIDENCY.

*Circulated by the Raja of Bobbili.*

18th October, 1931.

1. On behalf of the Sardars' and Inamdars' Central Association of the Bombay Presidency representing the landed aristocracy and gentry of the Bombay Presidency who are commonly styled as "Landholders," we have the honour to present their case to His Majesty's Government and to the members of the Indian Round Table Conference.

2. The class of the "Landholders" is composed of Sardars, Inamdars, Jahagirdars, Saranjamdars, Talukdars and Watandars, each of which tenure has some specialities peculiar to it. The term "Inamdar" is more or less generic and has been used so as to include all the various tenures.

3. The landed aristocracy of the Bombay Presidency is an important part of polity from times immemorial. It founded empires, led armies, and was principally responsible for the civil administration, army and defence. It formerly wielded and still wields a great influence in society. It is in no way inferior to any other class in respect of education and culture, and has not been slow to move with the changing times. This class has the special advantage of coming into direct contact with the villages, for the development of which no class is better fitted. In paragraph 147 of the Montagu-Chelmsford Report it is said:—

"The natural and acknowledged leaders in country areas are the landed aristocracy. They generally represent ancient and well-born families and their estates are often the result of conquest or grants from some mediæval monarch. By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so, and our aim must be to call many more of them out into the political lists."

This quotation is given to bring prominently to notice that the framers of the Report intended to lay down as a matter of policy that this class should be given proper facilities to play their part in the new order of things.

4. The interests of this class are extensive. In the Bombay Presidency proper (exclusive of Sind) this class holds 2,076½ villages as alienated, the total number of villages being 20,834½. The *net* revenue of the alienated villages and lands is Rs.1,07,13,995, the land revenue of the Government villages being Rs.4,30,15,007. Thus it can be roughly said that Sardars and Inamdars hold one-tenth of the number of Government villages, and hold one-fourth of its land-revenue.

5. The tenures, culture and political education of Sind being entirely distinct from that of the Presidency proper, our Association has restricted its activities to the aristocracy of the Presidency proper, and we are not going to offer any remarks about Sind and Sind Landholders.

6. Having described the interests of our class and their extent we proceed to trace the history of representation accorded to this class in the Legislature.

7. Since 1861, one person from our class was being nominated in the Bombay Legislative Council till the year 1892, when there was a change in the constitution of the Legislatures. Elective principle came in, and one seat was reserved to be elected by the Deccan Sardars only for the Bombay Council. The Order of Sardars of the Deccan is a creation of the Political Department of the Bombay Government, and the inclusion of any person in the list of Sardars depends exclusively on the sweet will of the Bombay Government. Thus the Inamdars, many of whom have interests much larger than those of many of the Sardars, remained unrepresented. The Order of the Sardars of Guzerath was created about the year 1908 and the Morley-Minto Reforms provided one more seat for them in the local council, the Inamdars who constitute the main bulk of the landed aristocracy remaining unenfranchised. Reforms of 1909 went further and the Landholders of the Bombay Presidency were given a seat in the Central Legislature, which was alternately shared by the landholders of Sind and Sardars of Guzerath, and landholders of Sind and the Sardars of the Deccan, the Inamdars being without votes.



8. The Sardars and Inamdars pressed their claims for special and adequate representation when the Rt. Hon. Mr. Montagu came to India in 1917, and waited upon him and His Excellency Lord Chelmsford in deputation. Our Association painfully notes that for no ostensible reason the Government of Bombay opposed the claim of Inamdars, and the Government of India saw no reason to interfere. Thereupon, our Association placed their case before the Joint Parliamentary Committee when it was formed, and being convinced of the justice of our cause, they reported that :—

“ The special representation of the Landholders in the Provinces should be reconsidered by the Government of India in consultation with the local Governments.”

As a result of this, such Inamdars as *solely held a whole village as alienated* were included in the list of the voters for the seats for Sardars without increasing the number of seats for the Landholders.

9. We strongly complain that in spite of the expansion of the Bombay Council in 1892, in 1909, and in 1920 the Deccan Sardars and Inamdars are just in the same place as they were in 1861 when the Councils came into existence with respect to the number of their seats in it. However, we note that the claim of Inamdars for special representation at last found recognition at the hands of the Government.

10. We are not satisfied with this recognition merely. We claim *adequate representation*. Our claim for the greater number of seats does not rest merely on the extent of our interests. We are the only cultured class that come into direct contact with the village, and shall be of great use to the development of the country if proper facilities are afforded to us. The Montagu-Chelmsford Report says, “ The natural and acknowledged leaders in the country areas are the landed aristocracy”, and they further observe in para. 148, “ No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the Provincial Legislatures.”

11. Our class has a large stake in the country, and by tradition we are endowed with a sense of responsibility and appreciate the difficulties of administration. The management of our estates brings us into contact with almost every department of the Government, and the presence of this class in adequate numbers will serve as a healthy check on hasty and ill-considered legislation.

12. We have persons of all castes, creeds and religions in our class, which, combined with our culture and social position, keeps us above the narrow feelings of communalism. At a time when the evil of communalism is rampant, our presence in adequate numbers will serve as check to it.

13. Wider powers have to be given to the Legislatures to cope with the strong demand from the public for the same, and they should be so constituted as to progress on proper lines. We record it as our considered opinion that this can be best achieved by giving the special interests so much representation as would effectively influence the deliberations and decisions of the Legislatures. We have confidence that representatives of the special interests like Landholders, Commerce and University will be persons of balanced views, and their voting will be guided by reason and responsibility. As the popular Chamber will have real power and control over the purse, great care has to be taken of its constitution ; we advocate the policy of *effective representation of the special interests in it*.

14. With due weight to these considerations and without exaggerating our claim in any way, we modestly ask for twelve seats in the Bombay Council, and three in the Assembly, and one in the Council of State, if it is to be retained.

#### *Second Chamber for Provinces.*

15. It is the considered opinion of this Association that a Second Chamber consisting of the representatives of important interests like the Landholders, Commerce, University, and men of experience is a necessity in the interests of the people of the Bombay Presidency during the initial period of the introduction of autonomy until the Legislatures are accustomed to use the new powers with which they will be invested, and the voters fully learn by experience the importance of the right to vote. After an experience of twenty years, the Provinces should decide whether the Second Chamber should be continued or done away with. Our Association unhesitatingly states that the Simon Commission have put the cart before the horse in recommending that the Provincial Legislature should be unicameral at the outset and should afterwards decide whether to establish a Second Chamber.

16. It may be pointed out that this Association had waited in deputation on His Excellency Lord Chelmsford and the Right Honourable Mr. Montagu in 1917, and had submitted a scheme for a Second Chamber even then.

17. This Association recommends that the Second Chamber should be so constituted as to be above any tinge of communalism which can be secured by an electorate with high franchise and without communal basis. We think that a Second Chamber so constituted will be an effective preventive to the evils of communalism in the Lower House.

#### *Guarantees.*

18. While advocating full autonomy for India, we make it clear that specific provisions be incorporated in the new constitution for respecting the pledges and solemn engagements made by the previous Governments, and by the British Government.

19. As observed in paragraph 147 of the Montagu-Chelmsford Report, “ the estates of the Landholders are the result of conquests or grants from some mediæval monarch.” In pre-British times many of the Ruling Princes and many of the “ Landholders ” stood practically on the same level. After the introduction of the British Government, “ Landholders ” having extensive territories were constituted into Ruling Princes by entering into Treaties with them. Such of the old magnates as did not then possess extensive estates were not invested with territorial powers and these now constitute the class styled as the “ Landholders ” of the Bombay Presidency. Solemn pledges were given and Sanads were issued to them on behalf of the Secretary of State for India as representing His Majesty’s Government that their estates would be continued to them without any further increase in land tax or succession duty. Our Association urges that the Indian or Provincial Legislatures should not be given any power to impose any tax on Inams and Saranjams in contravention to the terms of the Sanads and pledges, nor should they have any power to attach, abrogate or curtail an Inam or Saranjam in any way either directly or indirectly.

20. As stated above, the Landholders and the Ruling Princes stood on the same level in pre-British times, the only difference being the extent of their estates and their political importance. While it is unanimously agreed that Treaties made with the Princes shall be respected, our claim for statutory provision for respecting the Sanads and pledges given by His Majesty’s Government is just, modest and reasonable.

21. In conclusion, we have the honour to request the Right Honourable the President and the Members of the Round Table Conference on behalf of our Association to give their favourable consideration to the statement and to our prayers.

A brief note on the aims and extent of the interest of the Landholders of the Bombay Presidency :—

The term "Landholders" includes only holders of alienated land, such as Talukdars, Sardars, Saranjamdars, Inamdars and Watandars, and not the holders of ordinary ryotwari lands. The tenures of such Landholders are of a special nature and have a special history. In several cases the grants of the Inams are from the Vijayanagar and still more ancient kings, in some from the Adilshahi and other dynasties, in others from later pre-British Governments. In several cases, *i.e.*, the Desais and Deshpandes, the watans have been existing time out of mind and have been continued by successive Governments. The grants were for distinguished military service and some other useful service both to the Government and the people. These Landholders took an active part in both the Civil and Military Government of the pre-British period and acted as a reliable link between the people and the Government. The British Government, too, has after a careful enquiry guaranteed to continue the Inams by the issue of express orders and Sanads which have the same sanctity as Treaties and engagements. One of the main conditions of the Sanad is that the Inam would be continued for ever without increase of land-tax, if any, imposed thereon. These Sanads form the basis of the agreement between the Inamdars and the Government, and ought to be, as they have been hitherto, scrupulously respected. In the early part of the British Government when everything was in an unsettled state, the watandars have been of immense help both to the Government and the people. It was the watandars who, till the advent of the British Government, maintained intact the self-contained and self-sufficient village administration. Their utility has been since greatly diminished owing to the enforced commutation of the service.

*The bulk of their interests involved.*—Out of a total of 22,905 villages in the Presidency proper, 2,372, *i.e.* nearly 10 per cent. are Inam villages, and nearly 25 per cent. of the gross revenue of the Presidency proper is alienated.

All principal castes, including the Muslim and Depressed Classes in the country, are included in this class of Landholders.

*Condition of loyalty imposed on the Sanads.*—As the loyalty clause in the Sanad might be stretched to any length by the Executive Government, our class is always shy of putting forth a hard front even to support its own rights and privileges, for fear of losing the holding itself, with the result that their prestige both with the Government and the people is being slowly undermined. Landholders have all along been sincerely supporting all popular movements. Consistently with their relations with Government, they have been helping the popular cause as far as it lies in their power. They are for full Dominion Status and will try to attain it.

The only anxiety of these Landholders is that the legitimate rights and privileges enjoyed by them time out of mind from generation to generation should be continued in future; and whatever form the future Government will take, it should have no power to encroach on the rights secured by express orders and Sanads and time-honoured and well recognised practices. In the ordinary course they should have no fear in that respect. But, unfortunately, we see latterly occasional signs of tenants being set up against Landlords, with the result of agrarian disputes tending to unsettle the established order of things. If nationalisation of all lands is to come after all, no one, not even the Landholders, can stop it. It is, however, extremely doubtful and a disputed point if such a course is desirable in the interests of the country at large. For the good of the country in general, it is submitted that the rights of property enjoyed for a considerable time should be respected. So some necessary safeguards ought to be introduced.

*Special representation in Councils.*—So long as seats are to be allotted on the basis of special interests, the Landholders too have a right to have special and adequate seats provided for them. The special nature of their tenures and their historic importance as representing ancient aristocratic families deserve to be taken into special consideration as distinguished from the holders of ordinary occupancy lands. Just as trade, industry, education, etc., are to be allotted special seats, so Landholders should also be given special and adequate representation both in the Provincial and Central Legislatures.

*Second Chamber.*—The Second Chamber, which is mainly brought into existence to assure stability and exert a steady influence will avert precipitous legislation, which the present political atmosphere indicates. There is a real necessity for such Second Chambers both in the Provincial and Central Legislatures—at any rate in the present stage of development.

In conclusion we wish to quote with approval the apt remarks of Rajah Sir Vasudev, Rajah of Kollengode, a very rich Jenmi of Malabar and sometimes a Member of the Madras Governor's Executive Council. "In future the differences of communities and religions will not look so large in the business of legislation as the differences are based on economic status. Even in the last few years questions of land-tenure have taken up much of the attention of the Legislative Councils and it has been regrettable to notice that the tendency of the Councils has been to undermine the position of the Landholders in relation to tenants. With the large extension of the franchise that is now proposed this tendency is likely to be further emphasised in the future, and we, Landholders, cannot look with equanimity to that future unless we are given sufficient safeguards, of which one must necessarily be separate and adequate representation in the future Council."

*Copy of some of the resolutions passed by the third Conference of the Sirdars, Inamdars and Talukdars of the Bombay Presidency, held at Dharwar on 30th and 31st May, 1931, under the Presidentship of Rao Bahadur Sardar M. V. Kibe.*

*Resolution No. 1.*

(a) This conference records its keen disappointment and strong protest that no representative of the Bombay Sirdars and Inamdars' Class was invited to participate in the deliberations of the Round Table Conference in spite of the repeated requests from this class.

(b) This conference brings to the notice of Government once more the history, traditions, the vast extent and the special nature of the interests of this class in this Presidency, which, being entirely distinct from those of the Landholders in other Presidencies, makes it impossible for a representative of the Landholders in other parts to represent the views of this class, and requests Government to invite representatives of this class from this Presidency for the deliberations of the Round Table Conference.

(c) This conference notes with disappointment that the views of the Landholders of India in general, and of the Bombay Presidency in particular were not put forward before, nor did they receive proper consideration at the hands of the Round Table Conference, in spite of the fact that a special Committee for the minority interests was appointed by the Round Table Conference.

(d) This conference considers that unless the class of Sirdars and Inamdars which forms the greatest special interest of Bombay Presidency is adequately represented, the Round Table Conference cannot be said to be really representative.

Proposed by SARDAR V. N. MUTALIK.  
 Seconded by SARDAR G. N. MUJUMDAR, M.L.A.  
 Supported by MR. H. R. DESAI, M.L.C.  
 Supported by HON. SARDAR JAGANNATH MAHARAJ.  
 Supported by SARDAR S. A. SARDESAI, RAKASGI.

*Resolution No. 2.*

This conference urges the Government of India and the Government of Bombay to recommend to His Majesty's Government and the Round Table Conference and requests His Majesty's Government and the Round Table Conference to take steps to incorporate statutory guarantees in the new Government of India Act for undisturbed continuance of alienations without any diminution. This conference expressly points out that alienations are not liable to any interference or diminution.

Proposed by SHRI. NANASAHEB MUTALIK.  
 Seconded by SARDAR G. M. MUJUMDAR, M.L.A.

*Resolution No. 3.*

Having regard to the conditions in the Presidency the conference considers that a Second Chamber is a necessity for the Presidency.

Proposed by SARDAR DAJISAHEB PATWARDHAR.  
 Seconded by SHRI. NANASAHEB MUTALIK.

*Resolution No. 4.*

This conference disapproves of the policy of the Bombay Government regarding the forfeiture of properties held under Sanads without getting any decision of a Civil Court and recommends Government that the properties so forfeited without obtaining any decree should be restored.

Proposed by SHRI. L. M. DESHPANDE.  
 Seconded by SHRI. NANASAHEB MUTALIK.  
 Supported by SHRI. JAIRAMDAS DESAI and P. K. SHIRALKAR.

*Resolution No. 5.*

In view of the policy as adumbrated in the Government of India Act 1919 and in the recent speeches of the Prime Minister representing the British Government, this conference is of opinion that Sardars, Inamdars and Watandars, in their own interest as well as in the interests of the country should work actively to achieve full Dominion Status for India by all constitutional means.

Proposed by SHRI. L. M. DESHPANDE.  
 Seconded by SHRI. J. B. DESAI.  
 Supported by SHRI. GOPALRAE DESHPANDE.

*Resolution No. 6.*

This conference considers it necessary that the class should co-operate with all the leading political parties in India with a view to shape and help the future constitution and progress of the country and so self-guard its own interests.

Proposed by SHRI. G. R. JAHIGIRDAR.  
 Seconded by G. T. DESHPANDE.

*Resolution No. 7.*

In view of the policy pursued even under former Governments and in view of the understanding arrived at the time of the Settlement of the Watandars of the District Hereditary Officers, this conference requests Government to follow a liberal policy in granting permission to adopt outsiders by levy of Nazrana where there are no persons in the Watan Family existing with a view to preserve ancient Watandar Families.

Proposed by SHRI. H. R. DESAI.  
 Seconded by SARDAR BABASAHEB BULLAPA DESAI.

**ANNEXURE 9.**

**MEMORANDUM ON SECOND CHAMBERS IN PROVINCES.**

*By the Maharaja of Darbhanga and the Raja of Bobbili.*

We desire that in the Provinces there should be established an Upper House or a Second Chamber which will function as most such Chambers do, as a revising authority in legislative matters. We do not desire to go into any details as to the functions of such Chambers and their relations with the Lower House. These matters could be adjusted once the principle of the establishment of Second Chambers is generally agreed upon.

At the last Session of the Round Table Conference, this question was considered by sub-Committee No. 11 (Provincial Constitution) and the recommendation of that sub-Committee was as follows:—

"The existing Provincial Legislatures are unicameral. The sub-Committee recognise that conditions in some Provinces may make it desirable that the Provincial Legislatures should be bicameral, but the decision to incorporate a Second Chamber in the new constitution of any Province other than Bengal, the United Provinces and Bihar and Orissa where opinion in favour of a Second Chamber has already been expressed, should not be taken until opinion in the Province definitely favours this course."

Two questions which arise for consideration on a perusal of this recommendation are: Whether the Provinces mentioned therein are the only Provinces which have expressed in favour of Second Chambers, and whether the principle of obtaining the opinion of each Province on so fundamental an issue can be adopted. If it is considered that the course suggested by the Committee should be pursued, a further question of an ancillary nature, but by no means of secondary importance, arises, as to how and when provincial opinion should be obtained on the subject.

We are clearly of opinion that the establishment of Second Chambers is so fundamental an issue, not merely in regard to vested rights and interests, but to the proper working of the constitution, that we cannot contemplate with equanimity the differential treatment of Provinces in this behalf. The Provinces of India cannot be compared with the States of any of the well-known Federations. In Canada and Australia, the units making the Federation are comparatively small in area and population. In the United States the Federating units are in some instances not much larger than the biggest district of a Province. It has been possible, therefore, and even desirable in dealing with such small units of a federation to give a certain degree of latitude and not to enforce a uniform system of bicameral Legislature in all the Federating units.

The size and population of the provincial units of the Indian Federation afford the best argument against the proposal of the sub-Committee. The population in some of the provinces left out of consideration by the Committee varies from 20 millions to 45 millions. It is inconceivable that at the threshold of a new era of a great constitutional reform, the affairs of such vast areas and populations should be left to the untrammelled control of a single Chamber. No expedient of a power of veto or other extraordinary powers vested in a governor will be in practice effective. The check for over-hasty or panicky legislation must be found from within and cannot either effectively, or for long, be imposed from without. We, therefore, strongly urge for the establishment of a bicameral system of Legislature in all the Provinces.

Indeed, it is hardly necessary to point out that the expedient of a Second Chamber is in fact a better method than the vesting of extraordinary powers in a Governor to secure the democratic character of the constitution. While in the initial stages of development such Second Chambers will necessarily play a considerable part in securing the careful and adequate consideration of all legislation, the growing experience of the Lower House would naturally tend to make the occasions of interference by a Second Chamber fewer and fewer. It is obvious, therefore, that while a governor's veto may be a dead wall arresting progress, the system of bicameral Legislature contains within itself elements which will make for the healthy and vigorous growth of democracy.

The Simon Commission in their Report first suggested the desirability of establishing Second Chambers only in some Provinces. The Government of India in their Despatch have followed up the suggestion and have limited the recommendation to those Provinces where Provincial Governments have agreed to the establishment of such Second Chambers. It would be unfair, however, both to the Provincial Governments concerned, and to the Government of India, to conclude from this recommendation that they are not in favour of Second Chambers. The fact cannot be overlooked—and this has a very great bearing on the consideration of the question at issue—that the various Provincial Governments in their Despatches were not contemplating the constitution which is now emerging from the deliberations of the Round Table Conference. The ideal of "a federation of all-India is still a distant ideal" according to the Government of India. They, no doubt, contemplated a sort of federation of Indian provinces, but even this was severely limited by various considerations arising out of the present system of unitary control. And in their Despatch the Government of India stated "We require a vigorous central authority capable of sustaining the heavy burdens that necessarily fall upon it . . . It should be in a position to mobilise the experience, talent, and resources of all India for the more efficient pursuit of such objects as agriculture, medical or economic research. It must also possess powers of intervention if developments in any Province are such as affect any other part of India, or the administration of any central subjects."

It is not unnatural that under such a scheme the constitution of bicameral Legislatures in the Provinces was not considered an urgent necessity, and the Government proposed to leave the question to be decided by Provinces. But, with the emergence of the idea of an all-India Federation; with the desire expressed by States of entering into such a federation, the position has entirely changed. One result of the acceptance of an all-India Federation as the immediate objective, has been an appreciation in the position of British India Provinces. These Provinces are no longer content to be in the subordinate position and under the leading strings of a Central Government, which they have hitherto been. In fact, the claim is put forward by British Indians that Provinces should practically be sovereign States not much inferior in status to Indian States in relation to the new Federal Government. The States themselves have made it clear that they will not tolerate any process of levelling down, but that the natural corollary of the acceptance of the idea of federation should be the levelling up of Indian Provinces to the status of Indian States.

It cannot, therefore, be denied that either directly on the formation of an all-India Federation, or very soon after, Indian Provinces will have greatly enhanced powers and will be comparatively free from centralised control, supervision or even advice. This process of levelling up is bound to grow at an accelerated pace until the Provinces become sovereign units in the new federation. Is it then possible to take the same "indifferent" interest in the creation of bicameral legislatures in Provinces under such vastly changed circumstances and when these units have virtually full powers within their jurisdiction? There can only be one answer to the problem, that in the new constitution every Province must have a bicameral Legislature, the Upper House acting as a wholesome restraint always on the Lower House.

In supporting the proposal for a strong Second Chamber, at the Centre, in addition to the extraordinary powers vested in the Governor-General, the Government of India very cogently argue that though "the Governor-General will continue to be charged with the duty of securing those purposes which will be the concern of Parliament, it is desirable that, as far as possible, those powers should not be brought into play in opposition to the wishes of the Assembly, until the decisions of that body have been reviewed by the calmer judgment of the Council of State." It is obvious that this argument applies with equal force to the provincial administrations and to the powers proposed to be vested in provincial Governors.

Even with reference to those Provinces in which the Government of India do not immediately contemplate the establishment of a Second Chamber, they do not appear to be certain that a single Chamber will be always safe or effective. They state: "Future circumstances may create a demand for a Second Chamber. We accordingly accept the suggestion of the Government of Madras that the subject should be included among those matters on which after ten years a 'constitutional resolution' may be passed, and would apply the provision to all Provinces, leaving it open to a Provincial Council to recommend the creation of a Second Chamber, where none exists, or the abolition of one that has been set up. We do not take it as certain that no Provincial Council will pass a resolution to substitute for a unicameral, a bicameral system. We would suggest that a resolution dealing with the creation or abolition of a Second Chamber should require to be supported by not less than three-fourths of the votes of the Legislature instead of the proportion of two-thirds suggested by the Simon Commission for other matters."

This recommendation of the Government is so extraordinary that it requires some consideration. The optimism of the Government that they do not think it is certain that "no Provincial Council would recommend the creation of a Second Chamber" is as striking as it is ill-founded. It is difficult to find an example of a State with a single Chamber afterwards resolving to saddle itself with a Second Chamber, to revise or suspend the decisions of the first Chamber. History affords no such instance of self-abnegation on the part of a popularly elected Chamber. Further, when it is remembered that the Government of India seriously suggest that a three-fourths majority of the popularly elected Chamber should vote for the creation of a second Chamber which will check the vagaries of the first Chamber, the suggestion becomes fanciful. Is it conceivable under any circumstances, in any country, that three-fourths of the number of elected members of a popular House will have so little faith in their own wisdom and fair-mindedness as to suggest that their judgment should be revised by a Second Chamber?

The truth is that the Government of India have reversed the position and have therefore landed themselves in a sort of awkward blind alley. Their line of reasoning ought to have led them to recommend the constitution in each one of the Provinces of a bicameral Legislature. Power should then have been taken to alter the constitution at the end of ten years by a constitutional amendment adopted at a joint session of both Houses by a three-fourths majority. This is the only practical and constitutional method of working the newly enlarged provincial administrations. The need for a Second Chamber is greatest at the initial stages and not after a period of ten years, when popularly elected Chambers learn by experience to restrain their impetuosity and get accustomed to the use of power.

We therefore strongly urge the establishment of bicameral Legislatures in all Provinces, and we are prepared to consider the incorporation of a provision for a constitutional amendment such as outlined by the Government of India for the abolition of Second Chambers at the end of ten years.

In asking this much we feel we are doing nothing unreasonable, because once it is admitted—and it has been admitted by everyone without any reservation—that the consensus of public opinion is for the retention of residual powers in the Provinces, it logically follows that there should be created Second Chambers in the Provinces.

It may be asked why, among others, Landlords require a Second Chamber in the Provinces, when they have already demanded special representation in the popularly elected Chamber. The reason is obvious. Because the claim for special representation in the popular Chamber arises out of a desire on their part, not indeed to affect by their own vote the decisions of that House, but to have their case properly presented for consideration by the members of that body. The Landlords realise that they cannot have by special representation in the popularly elected Chamber such number of members as can in any way influence the actual voting on matters in which they are interested. Also, before a question comes up before the Second Chamber it is highly essential that every effort should be made for the Lower Chamber to appreciate the special point of view of Landlords. If that point of view is ignored or brushed aside by the Lower Chamber, then one real safeguard can only consist in the revising or suspensory powers of the Second Chamber. It must, moreover, be clearly realised that Second Chambers are claimed by, and are intended, for, not merely Landlords, but other large interests as well.

In this connection it has to be specially explained that Second Chambers in the Provinces do not help the interests of the Landlords only. They serve to an equal extent all those special interests like the Universities, Labour, and Commerce. And thus the Second Chambers tend to ensure the rights and privileges of the important minorities. Again in this connection it has to be pointed out that the Madras Presidency, more than any other Province, richly deserves a Second Chamber, because the Madras Presidency contains the largest number of ancient and large Zamindars than any other Province.

There remains the minor question as to how, and when, if at all, provincial opinion should be obtained as to whether a Second Chamber is required in any Province. It is obvious that in the Provinces referred to in the Report of sub-Committee II such opinions have been obtained from the Legislatures constituted under the present Act. It would be grossly unfair if, with respect to other Provinces, this ascertainment of opinion should be postponed till councils are constituted under the new Act, when perhaps members would have been returned with a mandate to oppose the creation of Second Chambers. Parity of conditions require that the same procedure should be followed in all Provinces and that the existing Legislatures should be invited to express an opinion should it still be considered necessary to get such opinions.

In this connection, it has to be noted that the Madras Legislature has already expressed itself in favour of the creation of a Second Chamber. The Provincial Committee elected by the Council to co-operate with the Statutory Commission recommended in its Report that a Second Chamber was necessary for the Provinces. This Report was discussed and was adopted by the Madras Legislative Council in a resolution passed on the 12th of August, 1929. It is, therefore, submitted that in any event Madras should be included in the Provinces for which a recommendation for the creation of Second Chambers has been adopted by the Provincial Constitution sub-Committee of the Conference.

We strongly urge, therefore, on our colleagues of the Round Table Conference the need for the establishment of Second Chambers in all Provinces. Without such a revising chamber, we are bound respectfully to point out that we do not feel that provincial administrations can run smoothly or efficiently.

November 23rd, 1931.

#### ANNEXURE 10.

#### MEMORANDUM REGARDING DEFENCE.

By Mr. B. V. Jadhav.

A sub-Committee of the Round Table Conference was constituted last year to consider questions of Defence, and they recommended:—

- (a) "That immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, having regard to all relevant considerations, such as the maintenance of the requisite standard of efficiency.

(b) That in order to give effect to (a) a training college in India be established at the earliest possible moment, in order to train candidates for commissions in all arms of the Indian Defence Services. This college would also train prospective officers of the Indian State forces. Indian cadets should, however, continue to be eligible for admission as at present to Sandhurst, Woolwich and Cranwell.

(c) That in order to avoid delay the Government of India be instructed to set up a committee of experts, both British and Indian (including representatives of the Indian States) to work out the details of the establishment of such a college."

The Government of India accordingly set up a committee under the Chairmanship of General Sir Philip Chetwode, the Commander-in-Chief of India, who submitted their Report to the Government of India.

Copies of this Report have been supplied to the members of the Round Table Conference.

I beg to submit that it is very desirable to convene a meeting of the Defence Committee of the Round Table Conference to consider the recommendations made by the Expert Committee and thus afford the members of the Defence Committee to place their views before the Round Table Conference. But if the Government do not see the necessity of calling a meeting I take this opportunity of placing my views before the members of the Conference with a hope that the authorities here and in India will give due consideration to them.

The proceedings of the Committee of Experts were opened at Simla on the 25th of May, when the Chairman, the Commander-in-Chief, informed the Committee of the Government's proposals for an immediate extension of the field of Indianisation in the Army to a force equivalent to a complete division of all arms and a cavalry brigade, with proportionate provision for ancillary services, staff, etc. These proposals involve an output of about "60 Indian King's Commissioned Officers a year." The Committee's task was stated to be "to draw up a scheme for a military college capable of producing this output."

I must state here that I am among those who do not approve of this method of Indianisation by dividing the Indian Army into two groups, Indianised and un-Indianised. I think that Indianisation should proceed from the bottom in all the units of the Indian Army.

In paragraph 14 of the Report reference is made to a decision of the Government "gradually to reorganise the officer establishments of Indianising units on the British pattern, consisting of 28 commissioned officers in a battalion, as compared with the existing establishments of 12 King's Commissioned and 18 or 19 Viceroy's Commissioned Officers. This decision involves the eventual elimination of the Viceroy's Commissioned Officer, no less than the British officer, from Indianising units."

I have to raise a voice of protest against this decision of the Government of India which they took three years ago and managed to keep it as a secret. It was casually alluded to in the speeches by the Commander-in-Chief and the Secretary, Military Department in the two Houses of the Indian Legislature. But the words used were so cleverly enigmatic that none of the non-official members were able to realise their full implications. The decision of the Government of India thus remained a close secret.

The rank and file of the unfortunate division condemned to Indianisation under the scheme have no idea what is in store for them. Their chances of promotion for efficiency and meritorious service are completely blocked. They will not get any promotion as Viceroy's Commissioned Officers like their brethren in the un-Indianised divisions. The prospects of promotion in the two units will thus be vastly different and this fact when known will certainly have a bad effect on the recruitment and morale of the Indianised division.

The advent of the Indian officers who will replace the British officers will at the same time stop the promotions of the rank and file and the latter are bound to look upon them as inimical to their interests. A feeling of hatred is likely to be engendered against them and it is feared that discipline will materially suffer. If the fears are realised the Indian officers will be exposed to the charge of incompetence and this may ultimately lead to the condemnation of Indianisation.

The Civil Service and officers of the civil side of Government are treated with great consideration. Whenever any new change is introduced care is taken to see that it does not prejudice the interests of those who were enlisted before the introduction of the change. They are given an opportunity to place their case, compensation is provided for any loss that may befall them and everything is done so that there should be no discontent. The most glaring instance of this policy that occurs to me is the sudden increase in the number of Executive Councillors in Bengal, Bombay and Madras in 1921. Up to that year the work was done by three Executive Councillors of whom one was an Indian. Civil Servants had in prospect two Executive Councillorships and care was taken that their prospects should not suffer. So although half the work was transferred to the newly appointed Ministers and there was not sufficient work for two Executive Councillors their number was raised to four so that under the provisions of the Government of India Act the number of Executive Councillorships open to the Indian Civil Service should remain at two as before. This has entailed unnecessary heavy expenditure and at the same time made the administration top heavy. But it was looked upon as justifiable to keep the service contented.

But in the Indian Army, Government has decided to do great injustice to the rank and file of the Indianised division only. I am not aware of any compensation that is intended for them.

I submit that this step is sure to affect recruitment and discipline in the unit selected. The Government of India have exposed themselves to the charge of breaking their promise to the privates and non-commissioned officers already in service. They joined with prospects of getting Viceroy's commissions in due course if found fit and under the new scheme their advancement is wholly blocked. The distinction between the Indianised and un-Indianised divisions is invidious. The latter have every chance of promotion, the former have none and this for no fault of theirs.

Another objection to this decision is that it adds unnecessarily to the cost without in any way increasing efficiency. Sixteen King's Commissioned Officers in each battalion are to replace 18 or 19 Viceroy's Commissioned Officers. The cost will increase nearly fourfold in salaries alone. The leave allowances, travelling expenses and other charges will also increase the cost.

The Viceroy's Commissioned Officers have done very good service and no officer of note has ever branded them as inefficient. The change is not called for and I submit that the Government of India should consider its decision.

The strongest objection from my point of view is that the change will materially retard the rate of Indianisation. If every battalion is to absorb 28 officers instead of 12 as at present, it is clear that if Indianisation under the old scheme would have taken ( $n$ ) years, under the new scheme as put forth in the Government of India's decision Indianisation will surely take ( $\frac{7}{3}n$ ) years.

The minutes of dissent have put forth other objections which I think are worth considering.



The Defence sub-Committee of the Round Table Conference recommended that Indian Cadets should be eligible for admission to Sandhurst, Woolwich and Cranwell. The Committee in their majority report have rejected the recommendation. I am of opinion that the Chetwode (Expert) Committee had no right to revise the decisions of the Round Table Conference. I am in general agreement with the arguments that have been advanced in the dissenting minutes on this point.

I strongly urge that the college should be opened as early as possible and not later than November, 1932.

16th November, 1931.

## ANNEXURE 11.

### THE PROBLEM OF THE ARMY IN INDIA.

*By Diwan Bahadur M. Ramachandra Rao.*

1. The discussions in the Federal Structure sub-Committee on the Army question were mainly directed to the constitutional problem in relation to the defence of India. While I am in general agreement with the scheme proposed by Sir Tej Bahadur Sapru and others during the discussions in the sub-Committee in regard to the future control of military policy and administration during the period of transition, I am of opinion that several questions relating to the size, functions and organisation of the Army in India have not received yet adequate attention from the sub-Committee or of the Conference as a whole. The meetings of the Defence sub-Committee were held during the closing days of the Conference in January last with very restricted terms of reference, and the general conclusions reached in that Committee did not cover the whole ground of the problem of the defence of India in all its aspects. The Prime Minister's declaration on the 19th January last has made it clear that the responsibility for the affairs of India is to be placed on Indian shoulders. Whatever be the measure of constitutional advance that may result from the labours of this Conference, a self-governing India must be eventually in a position to provide itself with armed forces commanded by Indians and fit to undertake the defence of the country. The only position compatible with responsible self-government in India similar to that prevailing in the Dominions, is an Army officered and controlled by Indian officers and responsible to a Federal Government in India. This aspect of the question was fully recognised by the Defence sub-Committee of this Conference in its Resolution No. 1, which was to the effect that "the sub-Committee consider that with the development of the new political structure in India, the defence of India must, to an increasing extent, be the concern of the Indian people, and not of the British Government alone." In order to give practical effect to this principle, they recognised "the great importance attached by Indian Courts to the reduction in the number of British troops in India to the lowest possible figure," and recommended that the question should form the subject of early expert investigation. They also recommended that immediate steps should be taken to "increase substantially the rate of Indianisation in the Indian Army, to make it commensurate with the main object in view, having regard to all relevant considerations, such as the maintenance of the requisite standard of efficiency." They agreed that a training college in India should be established at the earliest possible moment, and suggested the appointment of a committee of experts to work out the details of the establishment of such a college.

2. It was generally expected that the Reports of the two Committees suggested by the Defence sub-Committee would be ready and be made available to the members of the Conference during the present Session. In regard to the early expert investigation concerning the reduction of British troops in India, suggested by the Defence sub-Committee, it is understood that the Government of India have, in consultation with the Secretary of State for India, appointed in May last a committee of military experts to go into the question, but its composition and terms of reference are not known. It is believed, however, that the Committee is wholly composed of military officers. It was expected that when this Conference resumed its labours during the current session, the Report of this Committee would be placed before the Conference. In answer to an inquiry by me, I was, however, informed that the expert investigation which was started early in December was still proceeding, and that the India Office has stated that "it is too early as yet to say at what stage the results of this Committee will be available." It is clear, therefore, that during the present sittings of the Conference, this report will not be made available, and it is not known whether this report will be published. It is unfortunate that so representative a gathering as this Conference should terminate its proceedings without expressing its considered views on the vital problem of the defence of India, with special reference to the reduction of the British garrison, in the light of the expert investigation suggested by the Defence Committee.

#### *Strength of the British Troops in India.*

3. For several years Indian political opinion has expressed itself in no uncertain terms on the subject of the reduction of British troops in India, both on political grounds and also as a measure of economy. It is unnecessary now to dwell on either aspect of the question at any length. The arguments are well known to every member of this Conference and have been elaborated almost every year in the Indian Legislative Assembly and also at the annual meetings of all important political organisations in India.

4. On the eve of the Indian Mutiny, the Indian troops in India outnumbered the British by eight to one. The total strength of the European troops serving in India about the year 1857 was 6,170 European officers, 38,502 non-commissioned officers, rank and file, and 465 European veterans, making a total of 45,107. Before the mutiny campaigns were over, the British Garrison in India was raised to over 70,000 men and the Army Commissions which sat since the Mutiny, laid down fixed proportions of British to Indian troops, which were accepted as matters of high policy. In consequence of this, these proportions were only slightly varied, and the strength of the British Army in India, as determined almost immediately after the Mutiny, has been maintained more or less at the same level. In 1885, on account of the supposed danger of a Russian invasion, 10,000 British and 20,000 Indian soldiers were added to the Army, and the total strength of the Army in India, as it stood in 1887-88 was 74,000 British and 145,000 Indian soldiers. The actual strength of combatant troops of the Army in India in 1903 was 77,075 British and 142,087 Indian ranks.

During the Great War, there was a great expansion of the Indian ranks, but on 1st September, 1923, the strength of the British Army in India was 75,924, and the Indian Army was 124,507. Corresponding figures on the 1st April, 1931, are 58,558 and 132,977. It will be seen from the above summary that the proportion of the British to Indian troops before the Government of India was taken over by the Crown was 1 to 8, and after that event this proportion was generally 1 to 2. In 1879, the Peel Commission fixed this proportion at 1 to 2 for the Bengal Army, and 1 to 3 for the Madras and Bombay Armies. This was subsequently changed to the general ratio of 1 to 2.5, and the ratio is practically the same at the present day.

*The Purpose of the Army in India.*

5. Various reasons have been assigned from time to time for the maintenance of this large British Garrison in India, and I should not have referred to these reasons but for the "assurances" said to have been given to the Indian Statutory Commission on this matter. The Statutory Commission say that "they have been assured the Army is not artificially enlarged with a view to making some portions of it available for service elsewhere or for the purpose of keeping on Indian soil a reserve not needed in India at the expense of the Indian taxpayer. Its strength is not more than is calculated to be necessary for meeting the emergencies of internal disorder and the possibilities of external attack." (Page 172, Vol. II.) The Report does not state the persons and authorities who had given these assurances. These assurances are opposed to the statements made by responsible authorities from time to time, to which it is necessary to invite attention. Though it was laid down by one of the Commissions that the purpose of the Army in India was "to prevent and repel foreign aggression, to prevent armed rebellion within British India and to overawe the armies of feudatory native States," the military policy of Great Britain was not solely dictated to meet the actual requirements for the purpose of internal and external security of India. The whole subject of the organisation of the Army in India was reviewed by the Peel Commission in 1858 and by the Eden Commission in 1879. The recommendations of these bodies linked up India with the general scheme of Imperial Defence of the British Empire, and the Indian Army as now constituted is not confined to meeting the legitimate domestic requirements of India, but is also intended to meet the requirements of British Imperial policy. These facts cannot be denied.

*The Marquis of Lansdowne.*

6. The late Marquis of Lansdowne, who was Secretary of State for War at the time of the Welby Commission, stated in his evidence that if India were isolated from the United Kingdom, it would be certainly not necessary to maintain a force such as is borrowed from the United Kingdom, and in the same degree of efficiency. He said that the Indian Army was organised with a view to the possibility of its employment upon operations which have nothing to do either with the internal policy of the country, or with the mere repression of tribal disorders upon the frontier. In his answers to further questions, His Lordship remarked that the present system was really in a great measure contrived to serve the two-fold requirements of Britain on the one hand and India on the other, and that millions of money had been spent on increasing the Army in India to provide for the security of India, not against domestic enemies or to prevent the incursions of the war-like peoples of adjoining countries, but to maintain the supremacy of the British power in the East.

*Lord Curzon.*

7. In his introduction to *The Indian Corps in France*, another Viceroy, Lord Curzon, observed that "The Indian Army in fact has always possessed and has been proud of possessing a triple function; the preservation of internal peace in India itself; the defence of the Indian frontiers; and preparedness to embark at a moment's notice for Imperial service in other parts of the globe. In this third aspect, India has for long been one of the most important units in the scheme of British Imperial Defence, providing the British Government with a striking force always ready, of admirable efficiency and assured valour." Attention is also invited to the Report of the Esher Committee on the Army in India, who stated that the Committee could not consider the administration of the Army in India otherwise than as part of the total armed forces of the Empire. The Committee were requested in considering their recommendations to avoid, if possible, framing them in such a manner as might hereafter prove inconsistent with the gradual approach of India towards Dominion status. But the Committee stated that for the purpose of the Report they accepted the relations of India to Great Britain and to the Empire as they stood on the date of the Report in November, 1919. It is unnecessary to refer in detail to these recommendations, but the point is that while the armies of self-governing dominions are organised and maintained to meet their own requirements, the Indian Army is part of the British Imperial system and the Esher Committee proceeded to make their recommendations on this basis. In the first session in 1921 the Indian Legislative Assembly emphatically repudiated the assumptions underlying the Report of the Esher Committee that the Army in India could not be considered otherwise than as part of the armed forces of the Empire, and that the military resources of India should be developed in a manner suited to Imperial necessities.

*Mr. MacDonald.*

8. Finally, I might also refer to the observations made by the present Prime Minister, Mr. MacDonald, in his book on the Government of India. He says: "What is the proper charge for India to bear for this occupation? A large part of the army in India—*certainly one-half*—is an Imperial Army which we require for other than purely Indian purposes, and its cost, therefore, should be met from Imperial, and not Indian funds. When we stationed troops in other parts of the Empire, we did not charge them upon the Colonies, but in India we have the influence of the dead hand. . . . A self-governing India would no doubt insist upon bearing some definite share in defence, but like the Dominions it would settle how much it ought to bear: it would adjust the cost to its means, and it would decide in what form it was to make its contribution—*perhaps an Indian recruited army*. In any event, the present plan, by which India pays for the Imperial army stationed there, without in any way determining policy, is as bad as it can be. If the existing system of military defence is to last, the whole cost of the British army stationed in India should be borne by the Imperial Exchequer."

I have referred to the statements of these high authorities, as it was also suggested at a recent conference held at the India Office that the Army in India at the present time is organised and maintained solely for the defence of India. This is not a fact. On the face of the admissions referred to above, it is clear that the British Garrison in India is maintained at least partly for carrying out British policy in the East.

*Indianisation of the Indian Army.*

9. I shall now refer to the scheme of Indianisation of the officers' ranks of the Indian Army. During the discussions of the Defence sub-Committee, it was strongly urged by several members that, subject to the requirements of efficiency and the availability of suitable candidates as officers, some definite indication



should be given as to the rate of Indianisation or that some period should be fixed within which the Indianisation should be completed. The majority of the members considered it impossible, for practical reasons, to lay down any definite rate of Indianisation, and recommended that immediate steps should be taken to increase *substantially* the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, viz. the increase of the responsibility of the people of India for the defence of their country. It is a legitimate inference from the proceedings and resolutions of the Defence sub-Committee that the principles as to the pace and method of Indianisation would be discussed by the Committee appointed under resolution 2 (c) of the Defence sub-Committee, which was directed to take into consideration the reports of all the committees hitherto appointed in regard to this matter. Nevertheless, the Government of India, in contravention of the intentions of the members of the Defence sub-Committee, decided the question relating to the pace of Indianisation. The Commander-in-Chief in India, who presided over the deliberations of the Indian Military College Committee, gave a ruling that the question of what should be regarded as a substantial increase in the rate of Indianisation commensurate with the main object of resolution No. 1 of the Defence sub-Committee was not within the competence of the Committee. The work of the Military College Committee was, therefore, practically restricted to a consideration of the educational and financial details relating to the establishment of the college. The question of the pace of Indianisation has not, therefore, been hitherto discussed either in the Defence sub-Committee or at this Conference, or by the Indian Military College Committee set up in accordance with the resolutions of this Conference. This question should not be left wholly to the Government of India or the Secretary of State, and I venture to think that this Conference should express its views definitely on the subject of the pace and method of Indianisation.

*New Orientation of Military Organisation.*

Moreover, in view of the political status of India now foreshadowed in the Prime Minister's declaration, a new orientation of the policy of military organisation in India is absolutely necessary.

10. In this connection I should like to invite the attention of this Conference to the able and exhaustive dissenting minute of Sir P. S. Sivaswamy Aiyer, K.C.S.I., C.I.E., and of Major-General Raja Ganpat Rao Raghunath Rajwade, C.B.E., appended to the Report of the Indian Military College Committee, 1931, and to the various topics dealt with in that Report. They have given considerable attention for years to the whole subject of military organisation in India and their views are entitled to very careful consideration at this Conference. They observe that "till the inauguration of the Montague-Chelmsford reforms, the authorities gave no thought to the question of defence from a national point of view. The Esher Committee on the organisation of the army in India paid no attention to the national aspect of the question. The only committee which at all approached the problem from the national point of view was the Auxiliary and Territorial Forces Committee presided over by Sir John Shea. But it dealt only with the organisation of the non-regular forces and its recommendations have not been carried out except in the most half-hearted manner. The appointment of a committee to examine the military organisation of India from a national point of view is one of the most urgent measures to be undertaken by a responsible, or even a semi-responsible Government of India. Such a committee must be charged with the duty of devising measures for uplifting the martial capacity of all Provinces creating a national army imbued with a sense of patriotism and responsibility for the defence of the motherland, and preventing the domination of one area by another or of the civil population by the soldiery. Public opinion will refuse to accept the dilemma posed by the Simon Commission that for the purpose of defence India must remain for generations either under the heel of Britain or under the heel of the enlisted classes."

*Main Features of the Scheme.*

11. The three main features of the scheme of Indianisation which has been put forward by His Excellency the Commander-in-Chief, and accepted by the majority of the members of the Indian Military College Committee are:—

- (1) The annual output of cadets from the College should be about sixty in number, and that the Indian King's commissioned officers should be posted only to the units selected for Indianisation.
- (2) That the units should be organised on the pattern of the British Army and that the Viceroy's commissioned officers should be eliminated.
- (3) That the pace of Indianisation of the officers' ranks should be limited for the present to the output of the proposed College.

In regard to the first point, the present proposal is to continue the eight units scheme and to extend it to the whole fighting formation. This scheme was universally condemned by all the Commanding Officers of the Indianised units, by the Indian cadets, and by almost every witness that appeared before the Indian Sandhurst Committee presided over by Sir John Shea. Among the military men of the highest rank who condemned the scheme may be mentioned Lieut-General Sir John Shea, Adjutant-General in India, who stated that, from his own point of view, as an officer responsible for providing efficient personnel to the army, he would far sooner see in the intermediate stage Indian cadets mixed throughout the Indian units with British officers, and he expressed the opinion "that we shall have a far more efficient army if a mixture of Indian and British boys in the same unit is permitted than by totally Indianising certain units." After a review of the whole evidence, the Sandhurst Committee came to the conclusion that "both for psychological and practical reasons, the continuance of the scheme can, in their opinion, only conduce to failure." They said: "With Indianisation proceeding in the army in any measure, the only means of ensuring successful Indianisation and, concomitantly, the maximum degree attainable of military efficiency, is to allow Indian Officers to serve shoulder to shoulder with British Officers, each learning from the other in every unit of the Indian Army. This was the original plan and, as we believe, the correct one. There is one other practical consideration to which we attach importance. The Indian King's commissioned officer is still a new element in the Indian Army to which that most conservative body of men, the Indian rank and file, have not yet become fully accustomed. By the method which we advocate, this new element can be absorbed with the least degree of questioning and the least derangement of the existing system of the Indian Army taken as a whole." Notwithstanding this weighty opinion of the Committee based upon most important evidence, the decision to continue the eight units scheme was a serious blow to all chances of successful Indianisation. It cannot be a matter of surprise if uncharitable people draw the inference that those responsible for this decision did not want to give the Indian cadets all fair chances of success. The present proposal is to extend the scheme to 16 units, that is, to one whole fighting formation. This step has been taken by the Government of India and the Secretary of State, notwithstanding the criticisms raised against the eight units scheme during the last six or seven years.

*Elimination of Viceroy's Commissioned Officers.*

12. In regard to the elimination of the Viceroy's commissioned officers and the reorganisation of the Indianised units on the pattern of the British Army, I would again invite the attention of the Conference to the observations made by Major-General Raja Ganpat Rao Raghunath Rajwade, C.B.E., and Sir P. S. Sivaswamy Aiyer, K.C.S.I., C.I.E. They say: "The present organisation of the Indian Army has existed for a long time and there has been no complaint that it was defective or inefficient. On the other hand, it has been repeatedly acknowledged that the Viceroy's commissioned officer is the backbone of the army, just as the permanent non-commissioned officers in the British Army, who come midway between the King's commissioned officer and the men in the ranks, are said to form a wonderful body. It lies upon those who wish to introduce a radical change in the *status quo* to make out a strong case in favour of the change. The mere fact that the British Army is organised on a different basis is not a sufficient reason for departure from the existing organisation. There is no reason to assume that the British pattern is a model of perfection and should be slavishly imitated elsewhere. Even supposing that the existence of an intermediate link between the King's commissioned officer and the rank is unnecessary it would furnish no argument for a change, unless it could be shown that the existing system has produced any evil results." The organisation of the army in every country is adapted to its own necessities and requirements, and there is no reason for the adoption of the pattern of any other country without regard to its own administrative necessities and other conditions. Moreover, the Indian Military College Committee have never considered the financial aspect of their proposals. The substitution of the Viceroy's commissioned officers by the King's commissioned officers will add enormously to the cost of the maintenance of the army in India. Under any circumstances this matter does not seem to be a problem for immediate consideration. I venture to draw the attention of the members of the Conference to the arguments on both sides which have been fully set out in the dissenting minute above referred to. There is no doubt that it will indefinitely prolong the period taken to completely Indianise the officers' ranks of the division of the brigade selected for the purpose, not to speak of the Indianisation of the whole army. This is one of those questions in which a decision might be left to the future Government of India, after all the Indian units have been completely Indianised on the present basis. "The zeal for imitation of the British pattern is liable to be ascribed, and not without a show of reason, to the sinister object of retarding the process of Indianisation as much as possible and not to the love of ideal perfection." The argument that the interests and prospects of the Viceroy's commissioned officers form a valuable element in the army may be conceded at once. There can be no objection that in the case of the exceptional few men in the ranks who may possess sufficient ability and education, they may be given opportunity of securing appointment to King's commission to the Military College. The Sandhurst Committee presided over by Sir Andrew Skeen made ample provision for meeting the claim of the Viceroy's commissioned officers to King's commission. It is obvious that the abolition of the class of Viceroy's commissioned officers would remove all prospects of promotion from other ranks, and would have a very detrimental effect upon recruitment of the other ranks. The proposal, if accepted, will retard the Indianisation of the officers' ranks, and attention is invited to the views expressed in the Dissenting Minute above referred to.

*Pace of Indianisation.*

13. In regard to the third important feature, namely, the pace of Indianisation, it has been pointed out in the Defence sub-Committee that if British recruitment is stopped from today it would take thirty-five years from the date of stoppage for the disappearance of the last British officer from the Indian Army. The Indianisation of one division and one brigade now proposed is not a substantial increase in the rate of Indianisation, as contemplated by the Defence sub-Committee. In coming to a conclusion upon this question reference may be made to the proposals of the Government of India in 1922. The period suggested by the Skeen Committee was forty-two years, but the revised programme accepted by the Government of India reduced the period to thirty years, which again was subsequently reduced to twenty-eight years. The scheme now proposed is so indefinite that it is impossible to say what length of time would be required to Indianise the whole army, making all the necessary assumptions as regards the availability of the candidates. His Excellency no doubt stated at the Indian Military College Committee that his proposals were not of a static or rigid character, and that after a period of fourteen years, commencing from 1924, it would be possible to form a definite opinion as to the success of the experiment, and that it may not be necessary to wait for a further period of seven years before deciding to carry the experiment further. These statements are not assuring.

*Competition and Nomination.*

14. The last point that I should like to refer to is the proportion of vacancies to be filled by competition and nomination. The Indian Military College Committee have, by a majority, recommended that fifty per cent. of the vacancies should be set apart for recruitment from the Viceroy's commissioned officers. In every country a certain number of commissions are given to men from the ranks and the number of such commissions is limited, and the proportion of vacancies filled up by nomination to those filled by competition is very small. The importance of general education among the qualifications of officers is now more and more recognised. The arguments against the present scheme are fully set out in the dissenting minute above referred to, and I am in entire agreement with the dissenting members that to admit such a large proportion of the Viceroy's commissioned officers to King's commissions would be to court the failure of the whole scheme. The admission of officers who are below the general educational qualifications required would seriously interfere with the success of Indianisation. I am therefore of opinion that the whole scheme put forward by His Excellency the Commander-in-Chief and embodied in the Report of the Indian Military College Committee requires reconsideration.

In conclusion, India demands a change in the present policy of concentrating the defensive forces of the country in the hands of the British, and to transfer the burden as rapidly as possible, consistently with efficiency, to Indian shoulders. In view of the Prime Minister's declaration last year, this policy will be altogether indefensible. Our inability to defend ourselves is often cast in our teeth as a serious impediment to the attainment of the status of a fully self-governing Dominion, though the past policy of Great Britain is the main cause of this impediment. The formulation of a new military policy *vis-à-vis* the people of the country and the transfer of the defence of the country to their shoulders is a necessary concomitant of the new status of India referred to in the declaration of the Prime Minister. The sincerity of Great Britain to constitute India into a self-governing Dominion will be tested by the adequacy or otherwise of steps taken for transferring to Indian shoulders as rapidly as possible the defence of India.

## ANNEXURE 12.

## MEMORANDUM ON THE QUESTION OF SAFEGUARDING BRITISH COMMERCIAL RIGHTS.

By Dr. Narendra Nath Law, M.A., Ph.D.

## I.

*Need for Re-examining Clause 14.*

In this Memorandum I propose to have the question of the safeguarding of British trading rights reconsidered and the implications of Clause 14 of the Report of the Minorities sub-Committee, as amended by the whole Conference at their meeting on the 19th January, 1931, taken up for fresh examination. For reasons stated hereafter it is now imperative to reconsider the issues involved in the question. I need hardly emphasise that the deliberations of the last Session of the Conference on this problem of vital importance were not considered as conclusive in their bearing on the same.

*Prime Minister's Declaration.*

Furthermore, the suggestion for a reconsideration of the question is supported by the declaration, made by the Prime Minister on behalf of His Majesty's Government while adjourning the last Session of the Conference, that the conclusions arrived at were all subject to review in the light of their reactions on the public mind both of India and of Great Britain. And then the view that the deliberations of the last Conference on the particular subject were of a provisional character is also borne out by the fact that very little time could be spared at the last Session either in the sub-Committee or the Committee of the Whole Conference for the discussion of this particular subject. In fact in the sub-Committee it was scarcely discussed at all. The point was specifically "urged" by Sir Hubert Carr, and Lord Reading thought that the clause ought not to be put in as "agreed." That was on the 16th January, the same day on which the Committee of the Whole Conference sat to consider the Report of the Minorities sub-Committee. In the interval, however, the clause as passed by the sub-Committee was redrafted at an informal conference consisting of Sir Hubert Carr, Mr. Chintamani and a few others and the new draft as an amendment of the original came up for discussion before the Committee of the Whole Conference.

*Hasty Proceedings in the sub-Committee and the Committee of the Whole Conference.*

The whole thing was done in a hurry and the members of the Conference had practically no time to study the implications of the amended draft. Mr. Mody, in his speech on the proposed amendment, introduced an important qualification which was supported by me. Mr. Jayakar, also in the same Committee, voiced the general feeling when he complained that he had not had the time nor the opportunity of considering in detail the wording of the clause. Lord Reading pointed out that the phraseology had been changed only "within the last few moments." Sir Hubert Carr also referred to the "amazing hurry" with which the alteration was to go to be made. Ultimately the Committee of the Whole Conference allowed some of the members to discuss the matter informally and come to an agreement. Without referring now to the substance of the speeches made when the Committee reassembled, it is sufficient to stress the point that though there was a great hurry to arrive at an "agreement," no real agreement as a matter of fact could be reached. When the Committee of the Whole Conference met, however, on the 19th January which, be it remembered, was the last day of the plenary Conference, it was announced, that an agreement had been reached and the amended draft was noted.

The point that I want to make from the above references to the proceedings is that not only should Clause 14 as amended be considered as a provisional agreement subject to review and reconsideration, but that the agreement reached was more or less unreal on account of the haste with which the proceedings were concluded. While the spirit of public service which must have animated Lord Reading and his colleagues when they met on the intervening Saturday to explore all means to arrive at an agreed conclusion must be deeply appreciated, I regret here to record and to bring home to members of the Conference the fact that the necessity of arriving at an agreement was allowed to overshadow the great importance of the principle involved in the clause. The period of eight months which have elapsed since the Conference finally adjourned on the 19th January last has given every one of us sufficient time and opportunity to re-examine that clause with that patience and scrutiny which it so fully deserves and to consult responsible opinion on the subject.

*Vagueness in the Wording of the Clause.*

The discussions which have been provoked by the amended clause have revealed that the succinct form finally assumed by it has imparted a sort of vagueness to the clause impelling critics to misconstrue it according to their own predilections. For instance, the European commercial community in India has interpreted the clause in an extremely conservative manner because to all intents and purposes they seek to emphasise that the provisions of the clause should make it impossible for the future Government of India to exercise any right of discrimination against the prevailing commercial rights of the British traders and industrialists in India. The persistence with which such views have been stressed has greatly stirred the Nationalist opinion in India and the feeling of uncertainty which has developed as a consequence justly demands that the clause should be purged of all ambiguities by the necessary elaboration. Personally speaking, it has been my conviction that the clause does not bear any interpretation calculated not to allow the Government of India any powers of discrimination in utter disregard of the necessities involved. In addressing a meeting of the Bengal National Chamber of Commerce in May last, I dwelt at length on this clause to explain that the clause was sufficiently elastic to allow the necessary degree of control in the interest of national economy. It is on this presumption alone that the clause seemed to have won the general support of the members of the Conference. The extreme view taken by the European commercial community could hardly be countenanced by the clause, as in that case the logical consequence of the acceptance of the clause would be not only to put a clog on the economic advancement of India but also to impose an irredeemable mortgage on the commercial interests of the country which in effect would render all improvement of political status envisaged by the Conference completely nugatory. It is a significant fact that may be noted in this connection that even the liberal interpretation put upon the clause by me failed to satisfy the members of the Chamber. In fact, there is a widespread discontent among the public in India against the clause.

The brevity of the clause is a striking feature of the agreement, and I recognise that without it the agreement might, perhaps, not have been reached at all. While agreement on the subject-matter of this clause is essential and indispensable, the interests of the nation and of the British commercial community alike cannot be allowed to be mystified by interested interpretations which alike claiming support from the clause have made the latter a fruitful source of controversy and acrimony.

*Indian Opposition and Claim.*

Regarding the manner in which the implications of the clause should be amplified to place them beyond all doubts, Indian opinion is emphatic in suggesting that in any case these should convey a definite assurance of being designed primarily in the interest of India. I recognise that the best safeguard for commercial prosperity is good will and I am glad to find that Sir Hubert Carr recognises this also. But there must be an active manifestation of good will in order that there might be a real settlement, and this is an important obligation imposed not only on the British commercial community but also on those who represent the interests of India. It is necessary for us to assure the British trading interests in India that there is absolutely no fear of the spoliation of their just and fairly earned interests in India. We recognise the part they have played in the development of the country's trade and commerce and in the growth of her resources. If, however, for advancing the economic interests of the country, the future Government of India be constrained to extend certain privileges to national concerns alone to the exclusion of others, or if in pursuance of the same principle, they are compelled to reserve certain spheres of economic activity to the children of the soil quite in consonance with the accepted principles of international conventions, that would certainly involve a course of action to which the non-nationals in India can hardly object. Beyond, however, giving such special impetus to indigenous enterprise in certain spheres of economic activity, there will be absolute equality of treatment as between the British and Indian trading interests whenever it is found that the present relative positions of the two interests are based on free and equal opportunities. But at the same time difficulties must be realised and faced and I am aware that most of the trouble is due to the existing inequalities between British and Indian trade and commerce which the Indian nation can ill afford to be perpetuated under the terms of equality of rights.

All these points lead to the conclusion that it is essential for the Conference to address itself to the re-examination of Clause 14 of the Report of the Minorities sub-Committee.

## II.

*Clause 14 of the Report of the Minorities sub-Committee inspired by want of confidence which is unfounded.*

In the first part of my Memorandum I have argued that Clause 14 of the Report of the Minorities sub-Committee, even as amended, is open to review and reconsideration, without examining the clause itself, either in form or in substance. I propose to do it now, to show that the clause has neither the authority of a precedent as a constitutional device nor the weight of cogent reasons in its favour. The spirit that informs it is, not only on the showing of European spokesmen on the subject but also of the Government of India Despatch on the proposals of the Statutory Commission, that of want of confidence in the possible attitude of Indian politicians and statesmen in the future, if India were to get complete and unrestricted freedom in determining her own economic and commercial destiny. The start is thus made at the wrong point, even if the case of a mutual understanding or convention, whether based on reciprocity or not, was considered to have been established. If the representatives of the British commercial interests display a real spirit of accommodation and good will towards Indian aspirations, there is no reason why there should be any discrimination except that which is dictated solely by the national interests of India.

*The Right of Discrimination is not an Arbitrary Right.*

It is not difficult to conceive what the national interests of our country could possibly be, and it is proper that I should start with an attempt to define what this expression might mean. It does not mean, in the first place, that India claims for herself any arbitrary right to deal with non-Indians as she pleases. Apart from the obvious infringement of the principles of natural justice which such a course would involve, it would be clearly against national interest to pursue an arbitrary, and high-handed policy of discrimination even though it were practicable. The traditional culture of India has not been achieved by a policy of exclusion rearing itself in a maze of conflicting antipathies. It has been based essentially on sympathy, forbearance and toleration. India understands now more than ever that in the period of national reconstruction on a gigantic scale that will face her in consequence of the devolution of complete political authority on her, she will stand in need of the co-operation, help and sympathy of the world. There is thus absolutely no reason to fear that India should ever attempt to confiscate the just and legitimate rights of any non-nationals doing business in India. The patriotic Indians, however, seek, in national interest, to reserve the right of calling into question any rights or privileges which appear *prima facie* to have a doubtful basis. Anyone who would argue that all the rights and privileges enjoyed by the British commercial community in India have been fairly and legitimately earned should understand that India has also a case which is contrary to this claim and the issue that the rights of the British commercial community doing business in India are to be guaranteed for all time to come is open to discussion for reasons stated hereafter.

*Authoritative Recognition of the necessity of reserving certain Spheres of Economic Activity.*

In the second place, it has been authoritatively recognised that every State has in national interest the right of reserving certain spheres of economic activity to the nationals of the State and also the power of regulating or restricting the conditions of admission to, or pursuit of, certain callings and professions, especially those which involve a devolution of the authority of the State or entail special responsibilities. In this connection, I may refer to a very important document prepared by the Economic Committee of the League of Nations and adopted by the International Conference on the Treatment of Foreigners held at Paris in the year 1929.

*The British Attitude. The Draft Convention put up before the Paris Conference on the Treatment of Non-nationals, 1929.*

The document is a Draft Convention "to embody in a common statute the civil, legal, fiscal, and economic safeguards which are indispensable for nationals of any contracting party who have been allowed to establish themselves in the territory of other parties in order to carry on their business or occupation therein, and to prevent any differential or unfair treatment which might in their own territory impede the trade of nationals of other countries." It is necessary to study this convention in some detail so as to follow the nature of the attitude taken up by the British commercial delegation in the matter of the safeguarding of what they describe as their rights. There is no doubt that the analogy between the two cases is tenable in so far as the purpose of the Paris Convention was the same as that of the one suggested by the British commercial community. If there is any departure from the analogy, it consists in the fact that the British community in India is at present, commercially and politically, in a position of privilege and advantage while the High Contracting Parties who were asked to subscribe to the League Convention on the Treatment of Foreigners were all free and independent political entities with the usual exception of India. Another point of departure from the analogy consists, probably in the fact that the problem in India is not one

between the nationals of different countries independent of each other but between the subjects of the same Crown. Barring these two possible points of departure from the analogy between the League convention and the proposed convention for India, the League convention, I submit, offers us a useful guide in the matter of finding a solution for the conflict of interests in India. The wealth of experience and knowledge and the weight of authority that were brought to bear upon the discussions of these questions of conflict in the Paris Conference invest their findings with an importance that cannot be exaggerated. The draft of the Convention was drawn up by M. Richard Riedl, Chairman of the Economic Committee of the Council of the League of Nations and representative of the International Chamber of Commerce which has among its adherents more than a thousand economic organisations, Chambers of Commerce, industrial and commercial federations and banking associations.

*The Significance of the "Reservations" made by the Draft Convention.*

A reference to the preamble of this convention quoted above shows that since the object of the Conference was to secure equality of treatment between the nationals of a country and the foreigners allowed to establish themselves in that country, nothing but the barest minimum of reservations was to be allowed for the protection of the national interests of each such State. As a matter of fact, in the Committee of the Conference which discussed the economic and commercial provisions of the Draft Convention, the tendency was all but too apparent of giving the nationals of one country the utmost freedom and scope in the others which subscribed to the convention. The following clauses of the Convention as accepted in the Committee must therefore be understood from two aspects: as a matter of general practice followed by most of the countries in the world, and as laying down the minimum of reservations in the matter of trading and other economic rights in the interests of the nation.

*Article 7 (as amended).*

*Main Principle.*

"1. In the territories of each of the High Contracting Parties, and subject to the observance of their laws and regulations, nationals of the other High Contracting Parties allowed to establish themselves therein, . . . . shall be placed on terms of complete equality *de jure* and *de facto*, with nationals as regards:

"(a) The conduct of all commercial, industrial and financial activities, and, in general, any activities of an economic character, without any distinction being drawn in this connection between undertakings operating independently and those which operate as branches, subsidiary undertakings situated in the territory of the above-mentioned High Contracting Parties;

"(b) The exercise of occupations which the laws of the said High Contracting Parties allow their nationals to carry on freely, or, in the case of professions for which special titles or guarantees are required, the exercise of these professions, subject to the submission of the same titles or guarantees, as are required of nationals or are recognised as being equivalent, if necessary subject to reciprocity, by the High Contracting Party concerned.

*Reservations.*

"2. The provisions of the previous paragraph shall not apply to the exercise, in the territory of any of the High Contracting Parties, of the professions, occupations, industries and trades hereinafter specified:

"(a) Public functions, charges or offices (of a judicial, administrative, military or other nature) which involve a devolution of authority of the State or a mission entrusted by the State, or the holders of which are chosen either by the State or by the administrations under the authority of the State; even if these are endowed with juridical personality and irrespective of whether or not they possess a territorial character, either general or local;

"(b) Professions such as those of barrister, solicitor, notary, authorised broker, and professions or offices which, according to the national laws by which they are governed, entail special responsibilities in view of the public interests;

"(c) Industries or trades forming the subject of a State monopoly or monopolies exercised under State control;

"(d) State undertakings;

"(e) Hawking and peddling;

"(f) Fishing in territorial and inland waters, and the exploitation of the riches of such waters, the coasting trade, pilotage and the internal services of ports;

"(g) Service in vessels or aircraft flying the national flag;

"(h) The exploitation of minerals and hydraulic power;

"(i) The operation of public services and of industries forming the subject of concessions;

"(j) The manufacture of arms and munitions of war;

"(k) Direct and indirect insurance operations carried out by individual underwriters."

The Economic Committee in their enumeration of the professions, occupations, industries and trades, the exercise of which may be reserved to nationals or made subject to differential provisions in the Draft Convention, took care to mention that it was "intended to be illustrative, not exhaustive." They noted further that "a large number of States, even among those which habitually accord liberal treatment to established foreigners, prefer to retain the right to make a distinction between their own nationals and these foreigners by granting only the most favoured nation clause; while at the same time a large number of existing treaties in practice grant national treatment to foreigners admitted to the territory of the contracting parties, subject to certain duly specified exceptions." At the same time it would be fair to recognize that Art. 19 of the convention as amended laid the High Contracting Parties under the obligation "not to avail themselves of rights reserved to them under the provisions of the present convention in a manner unfriendly towards the nationals of one or more of the High Contracting Parties."

*Article 20 (as amended).*

*Encouragement of National Industries, the Paramount Consideration.*

"Without prejudice to the stipulations of laws relating to the encouragement of national industries, or to the award of contracts concluded by public authorities by way of tender, the High Contracting Parties undertake not to prejudice the guarantees of equality between national and foreign undertakings as laid down in the preceding articles by means of exemption of taxes or duties or by differential regulations affecting production, trade or the level of prices."



I have taken the liberty of quoting the above extracts somewhat in detail to show what a competent body with the distinct idea of promoting equality of trading and commercial rights as between the nationals of different countries considered to be absolutely essential for the protection of national interests of the country. How much stronger is the case of India where the national interests of the country have been for a century and a half subordinated to Imperial interests, so much so, that without the impetus of a great national urge and a drastic equation of opportunities and resources, she might not find sufficient elbow room for any national progress at all. The present situation is that not even in one of the professions, trades or occupations recommended for being reserved for the nationals of a country in Article 7, paragraph 2, of the Paris Convention has India any manner of authority in regulating such professions, trades and occupations. All of these are under the effective control of non-Indian interests.

*Is Discrimination against British Subjects possible ?*

The question may now be raised that a convention which has been deemed to be applicable to the nationals of two independent countries cannot apply to the determination of the economic relations between England and India. It is needless to say that I read the claims advanced by the British commercial community in India as a part of this larger question of the future relations between Great Britain and India. It may be argued that India cannot consistently discriminate between the rights of Indians and Britons, who are both British subjects so long as India remains part of the Empire. In reply to this contention I will enquire first if it is an implication of remaining under the same Crown that India should be unable to preserve the national interests of the country, for that is what discrimination, if we must use this word, is meant for. If the answer is in the affirmative, I would only regret it, and say that it will not satisfy our country. On the other hand, I have as my text a section of an Act of Parliament, which lays down :—

*Section 26 (1) of the Imperial Nationality Act.*

" Nothing in this Act shall take away or abridge any power vested in, or exercisable by, the Legislature or Government of any British possession, or affect the operation of any law at present in force which has been passed in exercise of such a power, or prevent any such Legislature or Government from treating differently different classes of British subjects." Section 26 (1) of British Nationality and Status of Aliens Act, 1914 (as amended). The wording of this section is sufficiently explicit, but to make it more clear I may refer to two important pronouncements relevant to this issue. At the Imperial Conference of 1923, General Smuts, then Prime Minister of South Africa, the home of discriminatory legislation against Indians, stated in a Memorandum submitted to that Conference :—

*General Smuts in 1923.*

" There is no equality of British citizenship throughout the Empire. On the contrary, there is every imaginable difference. There is no common equal British citizenship in the Empire, and it is quite wrong for a British subject to claim equality of rights in any part of the Empire to which he has migrated or where he happens to be living . . .

" The common Kingship is the binding link between the parts of the Empire ; it is not a source from which private citizens will derive their rights. They will derive their rights simply and solely from the authority of the State in which they live."

*Earl Crewe in 1911.*

It was in pursuance of what General Smuts conceived to be the " newer conception of the British Empire " that justified the principle of South African discriminatory laws against Indians settled or wanting to settle in the Union. A similar view was expressed earlier—at the Imperial Conference of 1911—on behalf of His Majesty's Government by the Earl of Crewe, who was then the Secretary of State for India, who said :

" Nobody can attempt to dispute the rights of the self-governing Dominions to decide for themselves whom in each case they will admit as citizens of their respective Dominions."

Now, are the instances of such differentiation between the different classes of British subjects in the Dominions at all rare or infrequent ? As a matter of fact, the question of British subjecthood, as one writer remarks (Pittius, *Nationality within the British Commonwealth of Nations*, p. 163), has hardly been taken into consideration at all in the process of discrimination. Restrictions have been imposed in the matter of immigration, including imprisonment or deportation of undesirables, and even in the matter of social and political rights. Even in England, where there is no legal distinction between British subjects hailing from various parts of the Empire, there are some regulations, as for example, those against coloured persons joining certain regiments. In the Irish Free State, British insurance companies are allowed to operate only after depositing a heavy security as a local reserve operating as a discrimination in favour of Irish companies.

*The British claim for Equal Citizenship is thus tenable neither in Law nor in Constitutional Practice.*

All these facts go unmistakably to prove that the claim that the British subject has an inherent right to equality of treatment in all parts of the Empire along with the nationals of those parts is tenable neither in law nor in constitutional practice. The recent constitutional tendency on the other hand points to the creation of a new kind of national status by several Dominions adopting a form of Dominion nationality, independent of its adoption of the Imperial Nationality Act, of 1914. These laws, however, are of restricted application and useful only as an index of the recent lines of the evolution of Dominion Status. The lesson for India is obvious. A self-governing India, equal in status with the Dominions, should have every constitutional right, not only to pass restrictive legislation upon any class of British subjects she desires in pursuance of national interest, but also might evolve an Indian citizenship which, in the fulness of the conception, as hinted above, will enable her to lay down conditions for the exercise of full civil and political rights.

III.

*Political Development depends fundamentally on Economic Development.*

It should be clear from what has been discussed in the previous paragraphs that, if India is compelled to discriminate against any class of British subjects in the national interest, it would be consistent with the existing constitutional practice. As to the question, if India is going to exercise the right and to what extent, I have already endeavoured to offer some suggestions. The freedom of determining one's own economic future is the inalienable part of the devolution of political authority, and India is so backward in industrial and commercial enterprise, that I have no hesitation in stating my belief that the initial period after the grant of political freedom, will inevitably be taken up with the reconstruction and rehabilitation of her economic system that is now labouring under serious handicaps. My appreciation of the Indian view

enables me to emphasise that India does not want to ignore the just and reasonable rights of any commercial community doing business in India and hit them summarily and without justice. The backwardness of Indian commerce and industry compels us to examine all such rights or privileges and to see whether they are blocking the promotion and development of Indian commercial enterprise, by creating and perpetuating monopolies or by otherwise restricting fair competition, or by the possession of discriminatory privileges of whatever nature operating against the interests of the children of the soil. The mere re-examination of such rights or privileges does not mean their forfeiture or even repudiation, if the problem is approached in a spirit of goodwill, mutual understanding and accommodation. I do not see any reason why such examination should mean any harm to anybody unless the interests themselves be thriving upon discriminatory advantages. If the rights and privileges at present enjoyed by the British commercial community are fair and proper, and if the people of India have a genuine grievance that these, or at any rate some of them, are not so, I do not find any reason why the former should at all resist the Indian proposal to refer all such disputed cases to arbitration by an impartial and representative Board, meeting in an atmosphere of reason and helpfulness.

*The Recognition of the Right of Discrimination as a matter of Principle does not preclude Mutual Adjustments.*

Before I proceed further, one thing should be made clear. Certain industries, trades, callings, and professions must be reserved to the nationals of the country, whatever may be the rights of any commercial community incidental thereto. In these spheres, the interest of the nation is absolute, and this right should be recognised as a matter of principle. The Paris Conference regarding the treatment of non-nationals has made a list that is meant to be illustrative. It need hardly be emphasised that the list should be interpreted to mean that there are certain spheres of activity in which the interest of the nation must have precedence over all other interests. Subject to the recognition of the above principle, I am sure that an equitable re-adjustment may be arrived at on many of the existing points of conflict. It is relevant to point out in this connection that the principle of protective duties to encourage indigenous industries has never been challenged in India or in any other country. The policy of the Government of India not to grant concessions such as bounties to industrial concerns unless the company, firm or persons provide facilities for training Indian apprentices, and in the case of a company, unless it has been formed and registered in India, and has a rupee share capital and a reasonable proportion of Indian directors\* was, so far as I know, never criticised on the ground that it involved an undue interference with, or forfeiture of, the existing rights of foreigners doing business in the country. Again, the necessity of discrimination has been recognised in the stores purchase policy of the Government. The reason why no outcry was raised against these, which are undeniably discriminatory in a sense, was possibly due to the fact that these were considered to be necessary in the interest of India.

*Discrimination in favour of National Interest, but not against the British Community as such.*

After all, India looks at the problem of commercial safeguard from two broad standpoints. One is that the British commercial community is a part of the larger body of non-national interests that are doing business in India at the present moment, and that India proposes to exercise her right of discrimination not against the British commercial community as such, but as a part of the whole of the non-national interests existing in India. Nobody can question the right of India to discriminate against one who is not a national, and for all practical purposes, the British industrialist, as he is to-day, has not identified himself with the interests of the nation. The British commercial community is now entrenched in a position of advantage, and this position is the result of certain circumstances over which India on account of her backward condition has had neither any influence nor any control. If this position is allowed to be made a permanent feature of our economic system, it would mean that the Indian would for ever remain in a position of absolute inferiority. India requires safeguarding against that eventuality, for she is weaker as compared with the wealth and resources of Great Britain.

That the present commercial superiority of Britain in India has been due to a practical neglect of Indian interests in many directions and the exclusion of the people of India from many advantages and concessions will appear from the data given below. In claiming equality of trading rights, the British commercial community is really demanding the perpetuation of these inequalities and discriminatory privileges while India expects the removal of these inequalities as the first step towards the rehabilitation of her own industrial life.

*How British Commercial Superiority has grown up.*

In tracing the history of the superiority of British enterprise in India, I need hardly mention the importance of the social approaches to the realisation of patronage and power enjoyed by the European community in this country. In India, for over a century and a half, the sources of that patronage and power have been under the command and disposal of the representatives of the British community in India.

*A.—Social Approaches.*

If, as a result of that, the lucrative contracts and tenders go to European firms, if leases and concessions are granted to European companies, if municipal monopolistic franchise has been issued to European corporations, we have nothing but the political atmosphere under which we live to blame. This political atmosphere has made it impossible for the influence of Indian public opinion to bear upon the control of the main lines of public policy. It is for this reason that, for years past, Indians have been insistently clamouring for self-government, and this agitation has now taken a determined form in India.

*B.—The Cotton Industry.*

I may here refer to some concrete measures adopted by the Government of India for the promotion of British commerce and industry, among which none has been so inequitable as the cotton excise duty repealed only in 1926. The majority Report of the Indian Fiscal Commission had laid down "that the existing cotton excise duty should, in view of its past history and associations, be unreservedly condemned." The Minute of Dissent considered it necessary to point out "that the cotton excise duty was not imposed for revenue purposes, that it was levied purely to propitiate Lancashire." "The Indian cotton excise duty has always been politically, economically, and, above all, morally indefensible," wrote the London *Times* in commenting upon the agitation of 1917-18. The discrimination involved in the excise levy is clearly borne out by the Report of the British Mission to the Far East which shows that an industry thriving upon inequality of trading rights cannot prosper where competition is free and open.

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\* This extract is quoted from the Secretary of State for India's letter to the Secretary General of the League of Nations, No. E. & O. 7954/28. An instance of this may be found in the Steel Industry Protection Act of 1924.

*C.—The Shipping Industry.*

I may refer again to the shipping industry. It may be remembered that it was Mr. Haji's Coastal Traffic Bill that started the hare of "Safeguards" for the British commercial community, and it was instanced as an illustration of discriminating legislation in the communication addressed by the Associated Chambers of Commerce to the Statutory Commission in July, 1929. I need hardly point out that the Associated Chambers of Commerce chose a very unfortunate example to launch their campaign because the reservation of coastal traffic is regarded as a national duty in almost all the countries of the world, and there could be no dispute on the principle of the Bill. I have already referred to the draft convention prepared by the Economic Committee of the Paris Conference regarding the treatment of non-nationals (1929) laying down that the coasting trade, pilotage and the internal services of ports are subjects in which discrimination might, in national interest, be made between the nationals of one country and those of another. The question was really whether Mr. Haji's Bill amounted to any unjust or unfair discrimination, because we cannot accept the position implied in the agitation of the British mercantile community against the Bill that India shall in the future be debarred from exercising her inherent right of differentiating between national and non-national interests in cases where the interest of the nation as a whole demands it. Incidentally it may be pointed out in this connection that the success of British shipping industry has not been attained by the pursuance of a *laissez faire* policy. The history of the ruin of Indian shipping is well-known to all publicists and readers of the economic history of India. To that I need not refer in detail now and rouse vain regrets. But the following points which have been taken from a recent article in the *Young India* will be of interest:—

(1) The employment of Indian-built and Indian-manned ships in the trade between England and India was prohibited on account of the agitation of British shipbuilders, shipwrights and seamen.

(2) British shipping industry was assisted in its initial stage through Government subsidy. Mail subventions are also given by the Government to British shipping companies, not only foreign-going but also coastal and inland, though there are efficient Indian companies working. These non-Indian companies do not employ Indians in their higher staff, either afloat or ashore, as dock officers, engineers, or wireless operators. After the establishment of the *Dufferin* a conference of shipowners trading with India was held in London at the instance of the Shipping Federation in 1927 where it was emphasised that "it was unfair to British Dock Officers to have a training ship in India which should look to Indian shipping companies only and not to British shipping companies for employment."

(3) British shipping companies operating in Indian waters were till recently (1923) exempt from the payment of the Indian income tax.

(4) In the matter of shipping insurance also, ships with Lloyd's A.1 certificate which are regarded irrespective of Indian ownership as first class risks by experts in London have been graded second class by the insurance agents in India solely on the ground of their Indian ownership.

The above points are illustrative, not exhaustive. Many more instances in addition to the above could be cited to show that there are agreements in force which practically preclude Indian shipping companies from getting the custom of European shippers and all sorts of devices such as under-cutting of freights,\* refusal of the insurance companies to insure, except at a higher rate, goods carried by Indian vessels and so on, are adopted to kill Indian competition. The Government have done nothing and yet Sir William Clarke had declared from his place in the Government of India in 1916 that "the building up of industries where the capital, control and management should be in the hands of Indians is the special object we all have in view."

*D.—The Coal Industry.*

I may next pass on to the example of the British owned and British managed collieries in India which have thrived not by free and fair competition but under special advantages, e.g. the patronage of the European owned collieries by the Railways which are the largest purchaser of coal in India. (*Vide* evidence of the Indian Mining Federation before the Indian Railways Committee and their recent statement to the Working Committee of the Indian National Congress.)

It is needless to pile up instances of the discriminating advantages under which some of the biggest examples of commercial enterprise have flourished in India and discrimination which they themselves have practised towards Indians while doing business in this country.

*The Devolution of Political Authority will remove some of the existing Inequalities. The consequent Alarm of the Europeans.*

We hope that with the attainment of self-government, many advantages that the European commercial community enjoy on account of the government being in the hands of their kinsmen would disappear, and that we would be able to recover the ground lost in the matter of economic and industrial development. The European commercial community seems to have been alarmed at this quite natural and reasonable expectation of the Indians, and their apprehensions to be dislodged from their entrenched position have prompted them to raise the plea of too comprehensive "safeguards" as the condition for their agreeing to the grant of self-government which means, that all their rights and privileges of whatever manner or description must be made into a permanent feature of Indo-British commercial relations. In other words, the factors which account for the industrial and commercial inferiority of India would operate in perpetuity. We cannot agree to such a position. On the other hand it is fair to point out that even though the devolution of political power will lead to the removal of some of the existing inequalities, certain others will remain and these ought to be liable to re-examination in India's interest. If it is found that any of these inequalities is definitely retarding the development of Indian industrial enterprise or operating against India's interest, India should then be free to decide upon the necessary safeguards.

The opinion expressed by Sir Hubert Carr that "our commercial rights are not open to negotiation" was a frank advocacy of the views of the European community in the most extreme form. As a matter of fact, there is ample evidence to show that Indians are anxious to meet the claims of the European community with reason and good will. Being a commercial man myself, I recognise the importance of vested rights in commerce and industry. Even if it were possible to withdraw all such rights it would in many cases be undesirable to do so. But in that case the Britishers should evince their goodwill and equal fellowship with India. Unfortunately their attitude, at present, in commerce and industry, is one of aloofness and exclusion and this has removed all points of sympathetic contact between the European and Indian mercantile communities. The point needs to be clearly emphasised that it is not England but India which requires safeguarding—safeguarding against the unequal competition that she has now to face from powerful

\* See *Economics of Shipping* by S. N. Haji, pp. 153-54.



non-national rivals. Otherwise, India will never be able to get out of the rut into which she has fallen. By safeguarding I do not mean safeguarding any and every industry. I want to safeguard the key industries of India like iron and steel, coal and other industries that might be decided by the Legislature as key industries ; the industries of transport—land, water and air—those which involve a devolution of the authority of the State, e.g. high appointments in public service including the military, those which control special responsibilities like credit or insurance institutions ; the mineral resources of the country ; fishing and forestry rights ; public utility services and industries, specially infant industries, forming the subject of concessions and special privileges ; State monopolies or monopolies exercised under State control. This list is suggestive and may be altered, amended or added to by the Conference. But what I want to emphasise is that the principle of keeping the interests of India always in the foreground of our public policy should be recognised, and once this principle is recognised I have no objection to a Conference being called at a later date to work out the implications of this policy in detail. I cannot emphasise too much that a true perspective of the problem can be gained only by a realisation of the advantages of common fellowship of the two great nations, British and Indian. The Round Table Conference has provided India with a momentous occasion and opportunity of meeting the representatives of the British nation in whose innate sense of justice she has full confidence. India requires their aid and co-operation. I hope that this Conference will enable us to arrive at a decision that will speed India along the path of contentment, well-being and prosperity.

### ANNEXURE 13.

#### MEMORANDUM FOR THE ESTABLISHMENT OF AN INTER-PROVINCIAL COMMISSION FOR INTER-PROVINCIAL ECONOMIC SAFEGUARDS.

By Dr. Narendra Nath Law, M.A., Ph.D.

Of the various problems that have been raised by the scheme of a Federal Constitution for India, the question of inter-provincial safeguards is very important. So far as Bengal is concerned, I may say that public feeling is undoubtedly in favour of providing for some sort of inter-provincial safeguards. Rightly or wrongly, the view is held in Bengal that unless her interests are safeguarded, they will not be adequately looked after by the Federal Legislature as it will be constituted by the representatives of Provinces at widely different stages of industrial and commercial development. Some of the recent measures adopted by the present Indian Legislature, notably the Salt Import Duty Act, have been definitely labelled as anti-Bengal and the belief is now shared by a substantial section of the people of Bengal that unless there are adequate safeguards, the interests of Bengal are not likely to receive proper and adequate care. This belief has its basis in certain tendencies in fact. These indicate, in the first place, a definitely provincial bias exhibited by certain Provinces in many matters ; secondly, there is the gradual dispossession of the Bengalees from the fields of trade and commerce in their own Province by non-Bengalee interests. For this state of affairs, the responsibility primarily attaches to the Bengalees themselves who for generations have preferred intellectual pursuits to trade and industry. But this is the very reason why the Bengalees ought to be made to follow trade and commerce, and to that end, they should be assisted by means of a vigorous public policy.

The problem has been intensified by the question of middle-class unemployment. It is a question which is peculiar to Bengal and on which Bengal feels very keenly. The belief is now shared by a large section of the people of Bengal that one of the principal causes of this gradual deterioration of the economic position of the middle class is due to the passing of practically all the industrial and commercial interests of the Province out of their hands. Moreover, the 1921 survey of industries in the Census Report gives us the figures that in the three industries, jute, coal, metal and machinery, only 1,00,000 labourers were returned as men and women born in the Province (Bengal) against 2,50,000 men or women born in other Provinces. In other words, in these industries, for ten Bengalee employees there are twenty-five non-Bengalee employees. The position has certainly grown worse in the intervening decade. As for minor industries, in them also the Bengalee is being slowly but surely displaced.

The cause for this backwardness of the Bengalee in his own Province is due, no doubt in a large measure, to deficiencies for which the Bengalee himself is responsible. It is proper that these defects should be recognised for the reason that it would spur our young men to develop a more practical outlook on business and industry and shake off their inordinate devotion to the gentle professions which are already overcrowded. But at the same time it should be recognised that even if the Bengalees were to shake off their prejudices against industrial or commercial pursuits, there would still be great obstacles created by the powerful influx of capital and interests exploiting the resources of the Province. Besides, it is always a question how far the inertia of the Bengalee mind for commerce and industry has not itself been generated by the continued divorce of the people of this Province from these interests on account of the circumstances over which they have had no control.

What is needed in these circumstances is a forward policy for Bengal. Provincial patriotism is not a bad thing if its aim is to promote the well-being of the people of the Province without any detriment to the national interests. A well-contented healthy provincial life is the *sine qua non* of a prosperous federation. To that extent it is necessary to strike at the root of all discontent. A forward policy for Bengal is calculated to achieve that end, but for that purpose resources are necessary.

The Meston settlement and the action taken thereon have left Bengal in a sorry plight from the financial point of view. The following table summarises the position of Bengal as compared with other Provinces.

Expenditure per capita per annum according to Budget estimates for 1929-30 :—							
							Rs.
Bombay	..	..	..	..	..	..	8.291
Punjab	..	..	..	..	..	..	5.549
Madras	..	..	..	..	..	..	4.188
Assam	..	..	..	..	..	..	3.920
C.P.	..	..	..	..	..	..	3.792
U.P.	..	..	..	..	..	..	2.729
Bengal	..	..	..	..	..	..	2.554
Bihar and Orissa	..	..	..	..	..	..	1.800

The expenditure per capita on nation-building services is still more instructive. Taking the Budget accounts of 1928-29, we find that in that year Bengal spent Rs. 0.58 per capita as against Rs. 1.59 in Bombay, Rs. 1 in Madras, Rs. 1.40 in the Punjab, Re. 0.77 in C.P., Re. 0.76 in Assam, Re. 0.65 in the U.P., and Re. 0.42 in Bihar and Orissa. These figures show that Bengal has not resources enough to develop her nation-building services, and in this respect she is behind all the major Provinces of India with the exception of Bihar and Orissa. It is thus necessary that this deficiency of Bengal should be removed at the next financial settlement and adequate funds placed at her disposal to undertake all those schemes of development that are likely to benefit the people of the Province. As it is, Bengal's total contributions to Imperial revenues are incommensurate with the resources which she has got under the existing scheme. That this grievance is justified is proved by the fact that Bengal's contribution of Rs. 63 lakhs under the Provincial Contributions Scheme was remitted from the very first of the operation of the Reforms.

Apart from the benefits likely to accrue from better financial readjustments, Bengal requires certain industrial and commercial safeguards—safeguards against the undue neglect of her interests by other Provinces. I recognise that it is not a practical proposition to attempt to lay down elaborate constitutional measures for safeguarding the economic interests of any particular Province. Nor do I want it. What I aim at is some general provision for the safeguarding of the interests of a Province as against undue interference or exploitation by any other Province. I therefore propose the setting up of a standing Inter-Provincial Commission under the constitution to investigate all causes of conflict and recommend measures for relief to the Federal Government. The necessity of setting up the Commission under a constitutional guarantee arises from the fact that in that case it will not be with the Federal Government to evade or ignore the issues under pressure from any of the provincial interests when in conflict with those of any other, especially if the former are strong and powerful as compared with the latter. It is not unlikely, and is in fact conceivable, that the Federal Legislature may happen to be dominated by the representation of two or more Provinces and may refuse to entertain the grievances of any particular Province in respect of any legislation or any administrative measure. It may even refuse to set up a Board of Enquiry if it was optional for it to do so in the interests of those Provinces. If, on the other hand, an Inter-Provincial Commission be established under the constitution on the lines of the Tariff Board or the Railway Rates Tribunal with extensive powers of investigation but with advisory functions, it would have the advantage of directing public opinion to the existence of genuine grievances with the consequent necessity of removing them together with the advantage that its decisions will evoke no suspicion or resentment on the part of any Province; and at the same time, since it will only have advisory powers, the authority of the Federal Legislature, or of the Provincial Legislature as the case may be, acting in their specific jurisdictions, will not be impaired. This last point is to be carefully borne in mind since many of the decisions of the Commission would involve the taking of steps which it would be competent for the appropriate Legislature alone to take. Otherwise, Central Responsibility or Provincial Autonomy would be reduced to nullity. An Inter-Provincial Commission may be a small body of three or four persons of acknowledged probity as members with a Chairman enjoying the status of a High Court Judge assisted if necessary by one or more assessors. The Commission will report their recommendations to the Federal Prime Minister or the Provincial Chief Minister, as the case may be, who will place them before the Federal Legislature or the Provincial Legislature for necessary action.

In order to provide against the presentation of any frivolous grievance to the Commission by a snap vote, it may be further laid down that the resolution for the reference of any matter for the decision of the Commission must be supported either by an absolute majority of votes in the Legislature or even by a higher majority, so that it will only be matters on which a Province might feel keenly that a decision of the Commission would be sought. Such a provision would thus meet effectively the charge of provincial narrowness and that may be advanced against the theory of inter-provincial safeguards.

This is only one of the suggestions put forward and I am aware that other alternative suggestions may be made. Federation implies a Supreme Court, and a Committee of the Supreme Court may with the help of assessors decide the cases instead of a separate Commission. I realise, however, and I repeat that the best safeguard for the interests of any Province is the growth of a strong and healthy public opinion reflecting upon public policy from a broad and catholic standpoint. My object is to bring to the notice of the Delegates of the Round Table Conference the worsening plight of the people of Bengal in the economic struggle and provide some means for relief in so far as that plight is due to the operation of economic forces detrimental to the interests of the Province. I hope I will get their full support for the proposal which I have formulated, particularly as it does not injure the interests of any Province in the future constitution of India.

#### ANNEXURE 14.

##### MEMORANDUM REGARDING THE POSITION OF ASSAM.

*By Srijut Chandradhar Barooah.*

##### *Communal Problem and the Minorities Agreement Document.*

There is no communal problem in Assam. Practically, we have only two communities, the Hindus and the Muhammadans. We have no Depressed Classes; and the small number of the people who belong to the lower castes of the Hindu community have very much better place in Assam than in any other Province in India. They are not untouchables; they are not pressed down by the higher castes and they have their representation in the Legislative Council, the Local Bodies and in the Public Services. I am therefore very much pained to find that the minorities in this Conference, perhaps unwittingly, are going to create a dissension among us by allotting 13 seats for the so-called Depressed Classes, in our future Legislative Council and proposing a separate electorate for them.

Nowhere in India the Hindus and the Muhammadans have ever lived in better peace and amity. Both these communities in Assam are practical enough to realise the principle of "give and take." Of the two Ministers and two Executive Councillors in Assam, three are Indians; and out of these three, two have always been Muhammadans, although the Muhammadan population of the province would not justify this. But yet nobody has ever heard the slightest protest against this from the major community. Neither

the Hindus nor the Muhammadans in Assam object to give each other a little more than what is justly due. But when one pretends to hold the scale of justice in one's hand and dictate terms the matter is quite different. Looking from this point of view, I fail to understand why in the Minorities Agreement Document there should be allotted as much as 35 seats to the Muhammadans out of 100 in the future legislative body of Assam when their population strength does not come up to even 32 per cent. of the aggregate. This is the second point on which I cannot agree with the minorities agreement.

The third point of objection is to the number of seats allotted to the Europeans in the Assam Legislative Council. The entire Christian population in Assam is 202,586 which forms only a little over 2 per cent. of the population of the Province. The Europeans must have been included in this figure; for I could not find them separately shown in the Census papers in the India House. And yet the framers of the Minorities Agreement Document thought it fit to allot 10 seats to the Europeans in Assam besides 3 to the Christians, and 1 to the Anglo-Indians.

The document prescribes separate electorates for the present. But I am afraid that the large majority of my people will not approve of this. Excepting only one section of the Muhammadans who would like to have separate electorates for the first few years, the people of Assam in general are in favour of joint electorates. The "Assam Muslim Association," which enlists as its members a very considerable portion of the educated and influential Muhammadans in Assam and which is the only organised Muhammadan political body in the Province, by a unanimous resolution, has asked me to place the claims of the Muhammadans not for separate electorates but for reservation of seats. The Association also claims weightage, if the Muhammadan population of the Province is reduced by the reason of the transfer of the district of Sylhet from Assam to Bengal for which there is an agitation in the country; and the Hindu community will gladly consent to the required weightage in the event of such a transfer.

Under these circumstances, I cannot accept the Minorities Agreement Document. The motto of Assam is joint electorates with reservation of seats on population basis.

#### *Territorial Redistribution.*

Since the last Session of this Conference, there has been an agitation in Assam for the transfer of the districts of Sylhet, Cachar and Goalpara from Assam to Bengal. None can dispute the right of Sylhet to be transferred to Bengal. The people of Sylhet are Bengalees. Their district was joined to Assam only for convenience of administration of the Province of Assam at a time when Assam alone was too small for separate administration. Since then circumstances have changed. The agitation for the transfer of this district has been going on for a long time. The Bengal Legislative Council is in favour of the transfer; and so was the Legislative Council of Assam some time ago. In public meetings all over Assam and Bengal resolutions are being passed unanimously in favour of the transfer. Sylhet is also a deficit district; its revenues cannot expand, and the rest of Assam has to find no less than about eight lakhs of rupees, more or less, every year for the administration of Sylhet. For these reasons, the people of Assam proper do not object to the transfer of Sylhet to Bengal, provided only that the political status of the Province is not lowered by reason of any such transfer—and for this, there is not the slightest justification whatever; for Assam, without Sylhet, with her increasing population, with her hill areas and her vast resources, will form not only a self-supporting but a more prosperous and homogeneous Province, almost as large as Bengal in area, but of far greater potentialities. I may mention here that as far back as the year 1925, the Government of Assam in their letter No. 1573-Pol-D/11th August, stated that in the event of the transfer of Sylhet to Bengal, "the maintenance of the existing system of administration will be a lighter burden on the reduced Province of Assam," and that "it would be perfectly feasible to maintain Assam as a major Province." I hope I shall not be misunderstood. I never ask Sylhet to go away. All that I mean is that if Sylhet wants to go, the demand is only just and proper, the transfer will be of advantage to the Sylheties and the Assamese alike, and that the rest of Assam does not feel justified to stand in the way.

The case of Cachar and Goalpara is very different from that of Sylhet. Unlike Sylhet, in both these districts the agitation is being carried not by the real and permanent inhabitants, but by some people from Bengal who want to take them away to their own Province. These people are residing in these areas only for business or professional purposes, without being really domiciled, and can have, therefore, no voice in the matter. In Cachar, the original and permanent inhabitants, the only people whose voice ought to count, are unfortunately too inarticulate to make themselves heard. Nevertheless, they do not and they cannot want to go to Bengal; for they have their kith and kin not in Bengal but in Assam, and their association and their history are connected not with Bengal but with Assam. The transfer of Cachar, unlike that of Sylhet, will also create great administrative difficulties in Assam.

The transfer of Goalpara cannot be effected without causing very serious discontent, both in that area and the rest of Assam, and doing the greatest injustice to the people of both. It is an integral and most indispensable part of Assam proper. In language, in religion, in history, in manners and customs and above all, in flesh and blood, it is pre-eminently Assamese and has nothing common whatever with Bengal. "The District Association of Goalpara," the only political body, composed of the indigenous population of the district, have asked me to oppose strenuously any proposal for the transfer of their district and to press their right and determination before this Conference to be always retained in Assam, where alone they can find proper scope for their development.

There are a few Zemindars in Goalpara whose lands are permanently settled, unlike any other lands in Assam, except those of Sylhet. They think that they have no proper representation in the Legislative Council of Assam. While in Bengal, where the Zemindars form a very influential body, their interests will be much better served; although I may remark that the Zemindars of Sylhet, who have so long put up with the same disadvantage, have never been heard to complain on this score. This demand seems rather to be for special representation than for the splitting up of the Province. In fact, excepting these few Zemindars, whose number is only five or six, there is not one single Assamese in Goalpara who does not oppose the transfer of the district to Bengal. And any attempt at such a transfer is bound to give rise to a very strong agitation and great discontent in my Province.

#### *Hill Tracts.*

The hill areas of Assam inhabited by various tribes of aboriginals are in different stages of advancement. Some are sufficiently educated and advanced to be included in the new constitution of the Province, while in the case of others it is too premature to think of it. The people of the plains urge that no part of the hill areas should be separated from the Province for which there are historical, economical, linguistic, racial and other weighty reasons. The Government of Assam, therefore, propose to include the advanced portions of these areas in the new constitution and leave the backward portions, viz. :—the Naga and the Lushai Hills to be administered by the Governor under the control of the Governor-General. In their letter of July, 1931, to the Government of India, the Assam Government rightly observed—"the solution must of course provide not only for the protection of the plains from molestation, but, on the one hand for a guarantee to

the people of Assam of their legitimate claim on the natural resources and freedom of trade, and on the other, for due regard to the interests of the aboriginal inhabitants. . . . The Province of Assam should still be able to have its share in such mineral wealth as may be discovered in the hills." I beg to support this proposal of the Government of Assam and to share these views. But I beg to add that an earnest attempt should be made to befit these backward tracts for full representative Government and they should be included in the Constitution of Assam as soon as they are tolerably advanced. I also add that in the meantime "the interest of the aboriginal inhabitants" and "the legitimate claims" of the people of Assam on the "resources" and the "mineral wealth" of these hills should be scrupulously guarded.

*Central Government and Provincial Autonomy.*

The people of Assam are unanimous in their demand for responsibility in the Central Government, and for full autonomy for their Province. They are of opinion that it is idle to speak about the freedom of India, so long as the Government of India is not responsible to the chosen representatives of the people. As for provincial autonomy, no other Province has a better claim to it than Assam. We were an independent people not very long ago. There are no communal troubles in Assam. The relations between the Hindus and the Muhammadans have nowhere been more satisfactory. In social matters, we are much ahead of many of the advanced Provinces in India. In education, Assam is one of the foremost Provinces in British India. And lastly the Reforms of 1919 have nowhere been more successfully worked than in Assam. I therefore beg to submit that nothing less than a first class autonomous government will satisfy the people of my Province.

*Committees and Commissions.*

Lastly, I beg to ask that the Boundary, the Franchise and the other Committees or Commissions that may hereafter be appointed may contain a full representation of the Province of Assam.

November 16th, 1931.

**ANNEXURE 15.**

**MEMORANDUM ON THE COMMUNAL PROBLEM IN BENGAL.**

*By Mr. J. N. Basu.*

The Hindus constitute nearly 44 per cent. of the population of Bengal. In addition, 2 per cent. of the population (including a small fraction of such proportion consisting of Anglo-Indians, whose home is in India, and of Europeans not permanently settled in India), consist of Jains, Buddhists, and people of primitive faiths who are closely akin to Hindus, and are now placed on a common electoral roll with the Hindus.

Apart from widespread education amongst the Hindus and the very important position they have occupied for centuries in the organisation of credit both for internal and external business and trade, in the conduct of such trade and in the distribution of commodities, in the organisation and management, with a few exceptions, of nearly all non-state institutions for education and other objects of public welfare (of which there is a very large number, far exceeding the number of State Institutions), the importance of the Hindus in Bengal was recognised when the Lucknow Communal Pact was arrived at in 1917, after protracted discussions by accredited representatives, both Hindu and Muslim, of the most important organisations in India, political and communal. The Lucknow Pact, by willing assent of both communities, allowed to the Hindu Community of Bengal 60 per cent. of the elected seats in the Provincial Legislature.

The Governments of England and India adjusted the Communal question under the Government of India Act, 1919, on the basis of the Lucknow Pact.

The conditions of life in Bengal do not require a further accentuation of the communal cleavage in the electorates and in the Legislatures, as a change in that direction is likely to affect seriously whatever progressive tendencies there are in the administration in matters of general welfare and in the conduct of trade, internal and external.

The entire Hindu community of Bengal is convinced that there is no justification for the establishment in Bengal of communal electorates and of reservation of seats for a majority community. Such a system is not only unjust to the minorities, but experience shows that it is uncalled for. Amongst the various considerations which make reservation of seats and separate communal electorates for a majority community undesirable, attention is invited to the following points:—

1. In Bengal, local bodies consist mostly of elected members. There are no communal electorates or reservation of seats in any of the very large number of local bodies in Bengal, except the Municipal Corporation of Calcutta. In localities where the land-owning classes, the traders, and money-lenders are mostly Hindus, and the electors are mostly Muslims, recent elections have shown that the majority of elected representatives on local bodies has consisted of Muslims.

2. The division of the electorates into separate compartments according to creeds with the right to each compartment to send communal representatives has led to the formation in the Legislature of Bengal of communal parties, and not of parties constituted on the basis of policies of general public welfare. This has seriously impeded the progress of the Province since the establishment of communal electorates and communal representation. The Ministers in the Departments, in which the responsibility rests with the Legislature, are attached to communal groups. Measures emanating from Ministers, belonging to communal parties, have been received with suspicion and have been opposed on account of distrust generated by the present grouping of parties due to separate communal electorates sending communal representatives.

3. By a majority community being limited to sending to a Legislature its separate representatives, the minorities, however important they may be, are deprived of the privilege of requiring such representatives to consider and support the minority point of view. It is almost an incitement to religious strife when a candidate for election to the Legislatures has to base his appeal to the voters not on a

policy of general welfare, but on a policy of communal exclusiveness and aggrandisement. A system of communal electorates deprives the country of some of the best workers who naturally object to basing their political action on differences in the personal religious faith of individuals and communities. It should be remembered that the State in India has nothing to do with the religion of Church, either of the Hindus or the Muslims.

4. It should also be borne in mind that the basis upon which the British connection with India was founded and worked until recently has been the professed policy of the open door without distinction of class or creed as regards political authority or State preferment. After a century and a half of Britain's connection, no occasion has arisen for disturbance of those foundations and of regulating political status in India according to differences in religious beliefs.

5. While all progressive elements in Indian life, encouraged by the impulse of British culture, have been striving with considerable success to shatter the undesirable distinctions of caste, a serious attempt is being made to introduce a new caste system amongst the people of India in the region of politics, leading to mutual untouchability in political life and propaganda. The adoption of this policy will undo the great work that has been accomplished in India largely with the help of British administrators and teachers.

6. As pointed out by the Sikh Delegates, the investment of a majority community with the power to have a reserved majority in the legislature elected by a separate communal electorate, amounts to a perpetual domination by that community over the minorities, however important and capable they may be. The separatist schemes urged before the Committees of the Conference take no note of possible fluctuations in numerical proportions.

7. In Bengal, there has been greater amity between the Hindu and Muslim communities than elsewhere in India. There was no general demand or agitation on the part of Muslims in Bengal for separate communal electorates prior to the division of the electorates in 1909. When political parties were so divided, the protagonists of that policy stated that the need for it would disappear in a few years. The result has been different. If special privileges are once conceded to a community, it is futile to expect that community to surrender those privileges of its own free will. The basis of the constitution should, therefore, be even for all. While political doctrines and the rules of logic may be disregarded in framing constitutions, the rules of even-handed justice should be adhered to.

8. There is no problem of the Depressed Classes in Bengal in the same sense as the problem presents itself in Madras and in parts of the Bombay Presidency. Many classes that have never been, and many classes that are not at the present moment, untouchable are now putting forward a claim to be classed as "depressed" in order to obtain special political privileges. The fact that untouchability has broken up, never to come back again, will appear from the circumstances that amongst those who now choose to call themselves untouchables there are judges, legislators, professional men, and men in the Public Services.

In framing constitutions, it is easy to be misled by unreal difficulties. But if below the froth, the everyday life of the people is carefully looked into, these difficulties will disappear from view, and the problems facing the Conference will be found easy of solution. There is no need for dividing the Hindus into "touchables" and "untouchables."

9. The reservation of seats for the majority community and for certain minorities other than Hindus, and the allocation of the remaining seats in Bengal to the Hindu community will lead to a grave political injustice, for the Hindus of Bengal will then not only lose the weightage which they now have, but will receive a far smaller proportion of seats than they should have by reason of their number and importance.

#### ANNEXURE 16.

#### MEMORANDUM ON THE MINORITIES QUESTION.

*By Sir Prabhashankar Pattani.*

There is a sense in which the question of safeguards for minorities under the proposed new constitution has attracted an excessive amount of attention. Far too much has been heard of differences on details of minor importance, and too little of the broad general principles which must be applied if there is to be any satisfactory solution of this perplexing problem. Hence, I feel called upon as a member of the Round Table Conference to indicate the principles which, in my view, may be followed with advantage in reaching conclusions on the subject.

A primary consideration is that humanity is above nationality and nationality above community. A nation must make a national sacrifice if it is needed in the interest of humanity. That is the principle on which the League of Nations is founded.

Similarly, a community must make a communal sacrifice if this is asked in a reasonable spirit in the larger interest of a country. A divided nation is no nation, just as a divided community is no community. If India claims to be a nation suited to rule her own destiny, she will have first to evolve her nationhood. No section among us disputes the broad conclusion that our several communities will have to merge themselves into the Indian nation. The fact is that all Indians—Hindus, Muhammadans, Sikhs, etc.—must be Indians first and communalists afterwards. Politically, we must be only one Indian community. Socially, we may have our separate clubs, religiously, we may have our distinct faiths, culturally, we may still hold on to our time-worn ideas. But in the conditions of today we must breathe the air that is all about us. India is not going to have an atmosphere all her own in disregard of the democratic atmosphere of our time. Those who wish to live as human beings unenslaved by others, will have to keep pace with the progress of the human mind. There is no place today for the really conservative Brahmin; equally, no Mussulman can retain the idea that all are Kafirs who do not follow the teaching of the Kuran. The most orthodox upholders of their faith have to recognize that their different deities are only different names for the one Creator; that hidden under different colours of skin and myriad names we are all human beings.



In this spirit all sections of India will have to work together if they are to taste the fruits of independence. To be independent, one has first to acknowledge the independence of others. The man who would control others is only forging fetters for himself. It must be remembered that a community that wishes to get the better of other communities, soon comes to be divided into sub-communities, for at the root of all communal strife is self-interest, and that spirit will spread from the community to the individuals composing it. While self-interest divides, the spirit of renunciation unites. Those who give up share. Those that keep and monopolise create opposition; a fight ensues which results in loss to both sides.

Who then should make the first move towards reconciliation? The present day perverted idea is that the weak should go begging to the strong. That is not the way to peace. A grant grudgingly or unavoidably bestowed never reconciles, it only leaves a scar to be remembered and resented. For a true reconciliation, the strong should of their own accord propose generous terms to the smaller party. A sacrifice so made in securing friendship which is dear is no sacrifice in reality. Human comradeship is a possession which should be prized higher than any temporal sacrifices made in securing it. The Hindus, therefore, being the majority party, must first make approaches to the Muhammadans. Today the Hindus are politically divided into many sub-communities. It was not so until recent years. The Muslims ruled our country for 800 years without communalism, as is shown by the fact that over 70 per cent. of the population is Hindu. Today, the obtainment of control of affairs by a community arises from the expectation of pushing forward communal interests, with the result that the sub-castes wish to share the spoil. In trying to share by communal division they injure the commonwealth. Only an interest that can be obtained by common effort can be shared in common. In the endeavour to divide it into different portions we may lose its realisation as a whole.

A majority community should therefore first be united amongst themselves and then offer to the other communities a substantial share in the nationhood of India. A nation has its responsibilities as well as its rights. Rights are privileges; responsibilities are the price paid for them. The responsibilities and rights should counter-balance. The Mussulmans should have a fair share of both. Let them make their claim and then examine where the demands are exorbitant and where fair. Give them what is fair—or even a little more than what is fair, and resist the unfair. The price of peace has to be given. The majority can always afford to be generous. A sense of gratitude is a better bond than the reception of concrete benefits.

Politics is a vague science, but it is a vast one. It pertains to every activity of human existence. Domestic affairs are domestic politics, all economic questions are a part of political economy. Everything that is indeterminate connected with human affairs is politics. Therefore, the main function of organised society, which is the consummation of the happy living together of mankind, is given the name of "politics." The government of peoples is not an easy task, for people are a conglomeration of temperaments, and to devise a system of rule that will satisfy every member of the society is an impossible task. For a nation or a community to live fairly well together, they will have to achieve a common mentality. For a country to be successful in self-rule, a common political mentality higher than any individual mentality must develop. The collective mentality, if formed on the appreciation of the common good of the people as a whole, makes for a state of peace. This results in acquiescence in the formation of a constitution by which every individual in the higher interest of all will adapt his outlook to the common mind of the populace. India, to have a peaceful existence, freed from subordination to an alien power, will have to develop such a common political mentality. This pre-supposes a common alacrity for sacrifice. If, therefore, the communal differences are to be adjusted, all parties must be prepared to make reasonable sacrifices. Let us now examine what those sacrifices should be.

The most difficult problem is that of Hindu-Muslim relations. A good code of law and order, a constitution that will work without friction, the necessary measures of defence, freedom of individual vocation, non-interference with religious conscience—these and such other matters that are indisputably for the general welfare together, can be well provided for without the Hindu or Muslim having to make any real self-sacrifice.

If for nothing else, simply for the purpose of removing the fear, whether rightly or wrongly entertained, from the minds of the minority community, the majority community will have to accept some such solution.

Having proposed a constitution on these lines, we must consider in more detail in what special measure minority communities may desire to be specially protected from dominance by a majority community.

- (a) The Law Courts to do equal justice to all, irrespective of community. Law is no respecter of persons.
- (b) The army to defend the country.
- (c) Each man to be free to follow what calling or profession he desires.
- (d) Every man to be free to worship according to his conscience.
- (e) Taxes to apply to all communities without discrimination.
- (f) Medical relief and educational facilities to be open to all citizens.
- (g) Equal opportunities of public service and state benefit to be guaranteed.
- (h) Social customs and the respective culture of communities not to be interfered with by other communities.

These and such other principles are at the root of all democratic constitutions. But it is one thing to lay down principles and quite another for them to be worked up to in practice. Democracy is majority rule. Democracy decides by majority votes and, therefore, decisions may disregard even accepted principles. It is necessary, therefore, that fair treatment should be ensured to minorities on lines I now suggest.

(1) In any Bill bearing on a matter of religion or custom, a community by a two-thirds majority may claim and obtain exemption from the application of the Bill. When such minority community exercises the right it should not have the power to continue to take part in discussion of, or vote on, the measure.

(2) The Muhammadan community will have reserved for them one-third of the seats in the Central Legislature.

(3) The elections will be by joint electorate. This will promote better knowledge and appreciation of each other by the two communities.

(4) The provision of reserved seats should not be laid down in the constitution but should be agreed to between the two communities by way of a convention. The Hindus should bind themselves to see that the result of the Muhammadan elections bear out the agreed proportion. If the required number of Muhammadans are not returned the Hindus with the least votes will make room for the Muhammadans to the extent of their agreed number. Under this arrangement the majority community will awake to the necessity of meeting their Muhammadan brethren in a spirit of compromise. Failing an automatic adjustment of the elections in the right proportion, provision

should be made for a stipulation to the same effect to be added to the constitution after an interval of five years from its inauguration. This is the effective way to turn the two communities into a democratic frame of mind. The responsibility placed on the Hindus by this scheme is great. The Muhammadans are only asked to trust the majority party. The majority party on the other hand will be on its trial as to the sincerity of its intentions in this regard. If it fails to keep its engagement, a constitutional provision in favour of the Muhammadans should be made.

(5) This reservation of seats for the Muhammadans need not preclude them from standing for other seats, and eventually if the Hindus accept the right kind of Muhammadan patriots, it is possible to hope that reservation of communal seats may disappear entirely. At the same time, it would be well if the Muhammadans can be persuaded to allow facilities for the election of some non-Muhammadans for Muhammadan reserved seats. After all the Muhammadan is not elected because he is a Muslim but because of his advocacy of the Muhammadan interest. The same principle would apply to a Muhammadan standing for a non-Muhammadan seat, or to a Hindu standing for a Muslim seat. The great object in view is to bring the two communities so close together politically that out of this contact there may arise a mutual trust which may bring about a common Indian nationality free from all religious or communal aloofness.

(6) The public services will go by merit. Competitive examinations should be introduced for every branch of service, using that term in a wide sense to include civil services, subordinate departmental services, municipal and local board appointments, engineering, medical and military services. All communities must compete for them and the posts will go by the number of marks.

(7) It must be admitted, however, that a backward community with limited resources for the education of its members cannot compete on equal terms with communities possessing ampler resources and better equipped by the fact of their past constant use of educational and other developing facilities. Backward communities must, therefore, be provided with wider and more special facilities for education. This can be done by larger grants to their schools where they are at any disadvantage, stipends for higher education, scholarships for special branches of education such as medical, electrical, and engineering courses, etc.

(8) Yet in spite of the facilities mentioned in (7) above, the backward community candidates may fail to enter the service in proportion to their number in the population and naturally they would prefer to have some special provision made at least for the first few years. It may, therefore, be provided that a certain percentage in the service be fixed for the minority community. But to deserve appointment the candidate must have passed the competitive examination required for that service, although he may not have obtained sufficiently high marks to bring him amongst the successful candidates. For example, suppose there are twenty vacancies in a department, and the percentage fixed for the minority community is one-third (viz. 6) and that amongst the first twenty of highest marks there are only three Muhammadans. The remaining three should then be taken from Muhammadan candidates next below the successful candidates. It should at the same time be provided in the interest of efficiency, that no candidate who has failed to secure at least one-third of the total number of marks or such other total as may be fixed by a Public Service Commission should be considered fit for appointment. Thus will be ensured (1) a proper representation in the service of the minority community and (2) efficiency of the service. On the latter depends the good government of the country and surely the interests of the country as a whole must have precedence over the interest of any individual community.

All outstanding needs of a community can thus be met by special concessions; but so far as possible, these concessions should be temporary. I do not mean thereby that the community for whom these concessions are made is to be deprived of them at the end of a fixed period, but that methods should be devised to raise the community within a fixed period to come up to the standard of equipment and efficiency of the majority community. The process should be that of levelling up the backward, not of levelling down the advanced, communities.

It should be clearly understood that a caste or sub-section is not taken in anything I have written as a community. The Hindu community, for example, comprises many castes—Brahmins, Banias, non-Brahmins, Untouchables, etc. Castes and sub-sections are the bane of India. Most English writers have denounced the caste system and yet curiously enough, the Simon Commission wished in effect, by the method of separate electorates, to perpetuate politically in the constitution the caste system! The facts, no doubt, have to be faced but the measures devised for that purpose should be such as to mould facts into harmony and not to perpetuate objectionable features, thereby aggravating difficulties in the way of welding together an undivided nation, which alone can make for successful democratic government. By all means provide for the partially developed communities, but let the provision be such as will raise them to the stature of grown-up communities, and not such as would keep them for ever in the position of mere pupillage.

Neither do religions always make communities. The Hindu conglomeration is all-embracing. The Vaishnavites, Shaivites, the Shaktas, the Jains have varied religious conceptions, but are all classed as Hindus. The political mentality of the Hindu of these and other sub-sections is identical. These elements in their own interest and in the greater interest of the country, would do well to combine to make one all-embracing Hindu community for national purposes.

The Muslims are a distinct people. Their religion, culture, customs, temperament, outlook on life, and outlook on self and others is different from that of the Hindu. Thus the Hindu and his national brother, the Mussulman, are distinct communities. It follows that they will have to make reciprocal concessions to come together for national ends. I have made in this paper suggestions for such a *rapprochement*. Any constructive criticism of this scheme and alternative suggestions on these lines will be welcome, for my aim is to find a way of accommodation and peace, in pursuit of the great ideal of the eventual unification of the Indian people.

The foregoing proposals apply to the Central Government Constitution. The following are my suggestions for meeting the claims of minorities in respect to the Provinces :—

- (a) Reserved seats in proportion to population.
- (b) Competitive examinations for services with provisions similar to those in the Central Government.
- (c) Representation in services in proportion to population.
- (d) A majority community cannot reasonably claim reserved seats, for it has the means of securing at least its requisite number.
- (e) The fight between the sub-communities of the main community is not a national fight and should not be provided for in the constitution.

As the Hindu religion is one and yet the castes are many, so is the Muhammadan religion one and yet there are many tribes among the Muslims—Shias, Sunnis, Borahs, Pathans, Memons, Khojas, etc. It is conceivable that these several denominations may, on the analogy of the Hindu separatists of recent growth, ask for separate electorates. It behoves the Hindus to wipe out the exclusive attitude of caste and it equally behoves the Muhammadans to ask only for temporary concessions which should automatically disappear with the growth of true nationality.

The religious distinctions will remain, a certain individuality in culture and customs will persist, and differences of temperament will continue. Yet there is no reason why the two great communities of India should not bring a common purpose to the affairs of the country as a whole. India cannot stand outside the world of to-day; for good or evil the world is in the grip of democracy, and India cannot be an exception. It may be that dictatorship will follow as it has under various disguises in some countries of the West. But our present concern is with the world at large on the common platform of democratic principle.

The Muhammadans think that they have a good opportunity for a bargain. The Hindus must make a fair compromise if they are to attain a comradeship which may promote the ultimate object of the combined nationality that alone can make for self-government. If the compromise is really inimical to such a chance it would be better to refuse to come to terms and suffer the consequences of rupture, for that might induce the Muhammadans to realize, at a later stage at least, the disadvantage of a divided house. After all, Muhammadans always tell us that they share the Hindu desire for a self-governed India.

Difficulties are to be met, confronted, and overcome. They should not be used as an excuse for keeping India from the path of advancement. In search for a temporary or momentary advantage, one may lose the substance. It is better to wait and hope than to surrender a principle and accept a doubtful benefit. He gathers ripe fruits who waits for the season.

November 9th, 1931.

#### ANNEXURE 17.

#### MEMORANDUM ON HEADS OF DISCUSSION, Nos. V, VI, VII, AND VIII.

By Sir Prubhashankar Pattani.

#### HEAD V.

#### THE MINISTRY AND ITS RELATIONS WITH THE LEGISLATURE.

(i) *Proceeding on the basis (see paragraph 9 of this sub-Committee's Second Report), that Executive power and authority will vest in the Crown represented by the Governor-General, how are the Governor-General's Ministers to be appointed? Is there necessarily to be a Prime Minister, and if so, is the selection and appointment of the other Ministers to be made invariably, and as a constitutional necessity, through him?*

The Executive Power and authority will vest in the Crown represented by the Governor-General. There will be a Ministry to advise the Governor-General, headed by the Prime Minister, through whom other Ministers will be appointed by the Governor-General as a constitutional necessity.

(ii) *What is to be the number of the Federal Ministers, or if no number is to be prescribed by the constitution, by what authority is the number in practice to be determined and modified?*

Ordinarily, there should be no number of the Federal Ministry prescribed by the constitution; but as we are now starting with a new constitution, it would be well to lay down the number as necessitated by the convenient grouping of subjects within the orbit of Federal functions. The list of subjects provisionally drawn up last year would suggest the following portfolios:—

- (1) Army and Foreign Relations.
- (2) Finance.
- (3) Commerce and Industry (including Communications).
- (4) Law (including Legislative Department).
- (5) General Departments.

The number of Federal Ministers may be modified in the light of future needs, and the authority for additions and alterations will ordinarily be the Ministry, guided as it should be by the Legislature that will have to sanction the cost of the same.

(iii) *Is provision to be made for the representation in the Council of Ministers of:—*

- (a) *the States and British India respectively, and/or*
- (b) *of different classes, communities or interests; if so, of what classes, communities or interests?*

The constitution should make no provision of a distinguishing character, for the purpose of inclusion in the Federal Ministry, of the representatives of particular interests—the States, British India, or any classes or communities, as the insertion of any such statutory clause, apart from the impracticability of satisfying all varieties of separate interests as at present known, will make little for the unity, vigour and cohesion—so essential in all Executive Bodies. In practice, however, as every formation of the Ministry will be based on the administrative talents of the respective Members of the Ministry as well as on their qualities of leadership as illustrated in the following they can command in the Legislature, the majority at the Head of Government at any time will include in the Ministry a sufficient representation of interests harmonizing with the policy of the day. It is only by this means that the country can move healthily in the direction of democratic national government, as distinguished from government of stereotyped interests and communities.

(iv) *If there are to be such representative Ministers, are their respective numbers to be prescribed either in the constitution itself or by instructions to the Governor-General?*

This question does not arise in view of the opinion expressed in (iii) above.

(v) (a) *In what sense are Ministers to be responsible to the Legislature?*

(b) *Is this responsibility to be collective? And if so,*

(c) *Is such collective responsibility to be recognised and expressed in the constitution?*



(a) Ministers will be responsible to the Legislature in the same way as at Westminster, subject to the provision of a no-confidence vote, as detailed in Section 7 (b) below. Fundamentally they owe their existence in office to the support of the majority of the Legislature. The relationship between the Ministry and the Legislature is of a reciprocal character. The Ministers will guide the Legislature and will, in turn, allow themselves to be guided by the sense of the Legislature. From their position of authority and intimate knowledge of the working of the machinery of Government, they will give a lead to the country and their day-to-day contact with the Legislature will enable them to appreciate how far the Legislature can respond to their measures.

(b) and (c). The responsibility of the Ministry to the Legislature is to be collective, and this collective nature of the responsibility should be recognized and expressed in the constitution. Unless responsibility is collective, the Ministry cannot govern as a united body. Collective responsibility alone will make for unity and steady enforcement of policy. Collective responsibility also involves collective fall, and it is the recognition of this fact that lends stability to the Ministry, for collective dismissal of the Ministry is not likely to be lightly conceived by the Legislature. It is easy to break an individual Minister; it is not so easy to defeat a whole Ministry.

(vi) *What is to be the relationship of the persons appointed by the Governor-General to assist him in the administration of the "reserved" portfolios to—*

(a) *the legislature?—Are they, e.g., to be or become members of one or other Chamber with the usual rights as such to speak and vote, or are they merely to have the right to speak in either Chamber, with no power to vote?*

(b) *The Council of Ministers?—Are they, e.g., to attend all Meetings of Ministers or only when directed to do so by the Governor-General?*

(a) The relationship of the persons appointed by the Governor-General to assist him in the administration of the "Reserved" portfolios to the Legislature will be similar to the relationship of any other Ministers; that is, they will have the usual right, as Members of either House, to speak and vote.

(b) There should be no separate Council of Ministers of "Reserved" Departments as distinct from other Ministers of the Cabinet. They will be in charge of the special "Reserved" portfolios, but they will attend all meetings of the Cabinet. Similarly, the whole Cabinet will have an advisory voice in the consideration of matters connected with the "Reserved" Departments, the final decision of which may, however, lie with the Governor-General. The coalescing of the two parts of the administration will be the toughest problem of the Federal Government, the solution of which can be had only in the frequent coming together for consultation of all Ministers—"Reserved" and others—under the Presidency of the Prime Minister, as is the case in any unitary Cabinet. Routine matters will, of course, be dealt with by the Member in charge of each Department.

(vii) *Could the constitution itself, as distinct from constitutional usage and practice, appropriately purport to prescribe and define—*

(a) *The circumstances in which a Ministry is to be held to retain or to have lost the confidence of the Legislature, and in which it is justified or not justified in retaining office?*

(b) *The circumstances in which "in the interests of stability an adverse vote should not necessarily involve the resignation of a Ministry" (Second Report of Federal Structure sub-Committee—Section 35)—having regard to the fact that, in general, in Parliamentary systems of Government an adverse vote does not necessarily involve a Ministry's resignation?*

(c) *Whether or not a Ministry would be justified in retaining office if on any given matter they are accorded the support of one Chamber but denied that of the other?*

(a) This must be left to the discretion of the Ministry, and the Ministry in special circumstances may do well to be guided by the Governor-General.

(b) An adverse vote should not necessarily involve the resignation of a Ministry. The constitution should provide for a distinct clause to the effect that a direct vote of no-confidence in the Ministry alone will force the resignation of the Ministry. It must be recognised at the same time that although the requisite percentage of votes in favour of a no-confidence motion may not be available, frequent adverse votes by bare majority should induce resignation because of the fact that constant hindrances may vitiate the smooth working of the Government, and it would be in the interest both of the country and the Ministry that there should be a change. Where a Ministry insists upon remaining in power in spite of constant defeats, the Governor-General will have the power, under the Instrument of Instructions, to advise the Ministry to resign or to dissolve the House on the advice of the Prime Minister as circumstances may demand.

(c) In the circumstance, the vote of a joint session of both Houses should be invited; and in the event of a direct vote of censure not maturing, the question whether or not a Ministry would be justified in retaining office, if on any given matter the joint session refuses to support the Ministry, should be left to the Cabinet as detailed in (b) above.

(viii) *Would stability be secured in practice by an express provision in the constitution that a vote of no-confidence in the Ministry is not effective unless it is carried by a vote of not less than two-thirds (or some other arbitrarily fixed proportion) of the members present and voting (or of the total membership of one or both Chambers)?*

Yes. Stability will be ensured if it is provided that a vote of no-confidence in the Ministry will not be effective unless it is carried by a vote of not less than two-thirds of the Members of the Legislature present, both houses voting together.

(ix) *Is it possible to secure, without impairing the unity of the Legislature, the expressed desire of the States that their representatives should take no part in the discussion of British-Indian affairs?*

If so, would this be satisfactorily effected by providing in the constitution that all purely British-Indian matters should stand referred to a Committee consisting of all the British-Indian representatives or to a standing committee of them?

Would it be possible to exclude the representatives of the States from voting on any such British-Indian matter which the Ministry, having experienced or anticipating an adverse decision from the British-Indian representatives, decided to bring before the Legislature as a whole as a matter of confidence?

Yes. The express desire of the States that their representatives should take no part in the discussion of British-Indian affairs should be expressly provided for in the constitution. Interference in the internal affairs of the States could only be prevented thus. All purely British-Indian matters should stand referred to a Committee consisting of all the British-Indian representatives. This provision will apply to both the Chambers. The representatives of the States cannot, however, be excluded from voting when a direct motion of no-confidence is to be brought forward for the reason that they have an influence in the formation of the Ministry; but they should not take part in matters of exclusively British-Indian concern on the anticipation that from the discussion may arise the question of want of confidence. The "no-confidence" resolution should be a definite motion, separately brought forward.

#### HEAD VI.

### DISTRIBUTION OF LEGISLATIVE POWERS BETWEEN THE FEDERAL AND PROVINCIAL LEGISLATURES: EFFECT IN THE STATES OF LEGISLATION RELATING TO FEDERAL SUBJECTS.

(i) *Is the constitution to declare in terms that the legislative powers of the Federal Legislature and of the Provincial Legislature are confined respectively to the spheres of Federal (and Central) subjects and Provincial subjects?*

(Note: Under the present Government of India Act, it will be remembered, the combined effect of Sections 65, and 80a, may be broadly stated as being that there is no statutory distinction between the extent of the legislative power of the Central Legislature and the Legislature of a Province, except that the competence of the latter does not extend beyond the provincial boundaries. While, therefore, there are provisions\* designed to ensure that without the previous assent of the Governor-General, neither body shall invade the sphere assigned to the other by the allocation of subjects under the Devolution Rules, the position remains as it was before the Act of 1919, that no Act passed by either is challengeable on the ground that it could be validly enacted only by the other. An affirmative answer to this question would, therefore, alter this position.)

Yes.

Note: The autonomy of Provinces postulates this distinction. If a case arises wherein the respective authority of one or the other is in doubt, the Federal Government will, in the first instance, decide whether the sphere of influence in regard to that particular matter is Federal or Provincial, provided that the Province will have the option of taking the matter to the Federal Court if it so desired. The distinction becomes all the more necessary because of the nature of sovereign autonomy of the Indian States.

(ii) *Where are the residual legislative powers to lie?*

The residual legislative powers should lie with the Federal Government in regard to Provinces but not with regard to the Indian States. The Provinces so far have been under the control of the Unitary Central Government, who will under the new constitution release certain powers in favour of the Provinces. The Provinces, in a way, would be grantees, and cannot, therefore, claim residual powers. In the case of the States, it is the States that delegate certain specified authority to the Crown only for the specific purpose of bringing about federation; and being the reservoir of inherent internal sovereignty they are entitled to retain all the residual powers.

(iii) *Is it to be taken as accepted doctrine that "it is of the essence of a federal constitution that the enactments of the Federal Legislature acting within its legal scope should have full force and effect throughout all units comprised in the Federation" (First Report of Federal Structure sub-Committee, Section 8) and that consequently Acts of the Federal Legislature relating to Federal Subjects will apply proprio vigore to the territory of the States' Members of the Federation in the same way and to the same extent as they will apply to the Provinces?*

Yes. Enactments of the Federal Legislature acting within its legal scope should ordinarily have full force and effect throughout all units comprising the federation. This will apply to the Provinces without doubt. In the case of the States, however, if they show reluctance in the matter, the remedy is for them to adopt the federal laws as their own without any modification, so that there may be no dissimilarity in the application of Federal Legislation.

(iv) *Even if the answer to question (i) is in general in the affirmative, are the Federal and Provincial Legislatures to retain in any respect concurrent powers of Legislation? If so, in what respects or in relation to what subjects (or aspects of subjects)?*

Yes; the concurrent powers of legislation will chiefly be in relation to:—

(1) Subjects on which it is constitutionally valid for both legislatures to pass Laws, e.g., Laws relating to bankruptcy, property, civil and criminal law procedure—or provincial trade, traffic and communications.

(2) Matters of a social or "welfare" nature which, although provincial, have an all-India importance requiring Federal legislation, e.g., marriage laws, prohibition of intoxicants, conditions of labour classes in relation to housing, insurance, etc.

(v) *If on any matter there are to be concurrent powers are federal laws to prevail over provincial laws on the same subject?*

Yes.

(vi) *Is the question of ultra vires legislation to be left exclusively to the Courts, or is any machinery practicable which would prevent the question of ultra vires arising or of restricting inconvenience when it does arise (cf. Government of India Act, Section 84 (2) last eight lines).*

The question of ultra vires legislation should be left exclusively to the Courts; but it may be agreed that the Federal Government with regard to Federal Legislation, and the Central Government with regard to Central Legislation, may, in the first instance, decide any question of this nature, leaving always to the other party concerned freedom to take the case to the Courts.

\* Section 67 (2), Clauses (i), (ii), and (iii).

## HEAD VII.

ADMINISTRATIVE RELATIONS BETWEEN THE FEDERAL GOVERNMENT, THE STATES,  
AND THE PROVINCES.

(i) *In relation to Federal Subjects, what precisely is to be the range of administrative authority exercisable by the Federal Government over the units of the Federation?*

The range of administrative authority exercisable by the Federal Government over the units of the federation in relation to federal subjects should be full, but it is suggested that in the interest of smooth and frictionless working, the units may exercise this authority as agents of the Federal Government.

(ii) *In relation to Federal Subjects, is any distinction to be drawn between the extent of the authority exercisable by the Federal Government over the Provincial Governments on the one hand and the States Governments on the other?*

If it is intended that the Federal Government, by a direct machinery, will exercise authority in relation to federal subjects in the Provinces, the States would insist that they should be left to exercise this authority themselves as agents of the Federal Government. They may not object to a proviso that the Federal Government may detail an officer to exercise that authority in a State that may fail to carry out this administrative obligation. The question whether a particular State has failed in its obligation should be left to the Federal Court.

(iii) *In relation to Central Subjects, is the authority exercisable by the Federal Government over Provincial Government to be the same in extent and character as that exercisable over the Provinces in relation to Federal Subjects?*

Yes.

(iv) *In relation to Provincial Subjects, is the Federal Government to be empowered to exercise any supervision and/or control over the administration of these subjects by Provincial Governments? If so, over what subjects or classes of subjects and/or for what purposes?*

So far as possible there should be no supervision and control by the Federal Government in relation to Provincial subjects. In relation to the internal affairs of the States, the Federal Government will have nothing to do. The question of supervision or control should really arise only in cases of inter-provincial differences.

## HEAD VIII.

## THE FEDERAL COURT.

(i) *Should members of the Federal Court be appointed by the Crown and on what tenure?*

All judges will be appointed by the Governor-General on the advice of the Executive Council.

Judges will be appointed without limit of time, and will not be removable before the retiring age except by resolution of both houses, and that only on charges.

(ii) *Should the Court have an original and an appellate jurisdiction, or only an appellate?*

Only Appellate Jurisdiction.

(iii) *Should the Court have an exclusive original jurisdiction, e.g., in the following matters (non-justiciable matters being excluded):*

(a) *disputes between the Federation and a State or a Province in any matter involving the interpretation of the constitution;*

(b) *disputes between two States, two Provinces, or a State and a Province, in any matter involving the interpretation of the constitution;*

(c) *the interpretation of agreements between the Federal Government and a State or a Province, or between two States or two Provinces, or between a State and a Province, and any question arising thereunder.*

Yes, in regard to (a), (b) and (c).

(iv) *Should the Court have an exclusive appellate jurisdiction from State Courts and Provincial High Courts, e.g., in any matter involving the interpretation of the constitution.*

Yes—in any matter involving the interpretation of the constitution.

(v) *Should provision be made for special references by the Governor-General to the Court as under Section 4 of the Judicial Committee Act, 1833?*

Yes.

(vi) *Should there be a right of appeal from the Federal Court to the Privy Council as of right or by leave of the Court, the right of the Crown to grant special leave to appeal to be preserved in all cases?*

(vii) *What provision should be made for the enforcement of the judgments of the Courts in the States and in the Provinces respectively?*

No appeal to the Privy Council, but the right of the Crown to grant special leave to appeal to be preserved in all cases. In cases of failure of enforcement of the judgments of the Courts in the States and in the Provinces respectively, the Federal Government will take measures to enforce them. The question whether or not there has been a failure being one of fact and, therefore, a justiciable matter, will be within the competence of the Federal Court.

## ANNEXURE 18.

## NOTE ON THE POSITION OF THE SO-CALLED SMALLER STATES.

*By the Raja of Korea.*

The so-called smaller States have a feeling of genuine apprehension that in the Federal Houses of small sizes their interests may not receive adequate and legitimate insurance because of their meagre strength in them. In regard to the Upper House where a variety of indefinite factors will govern the question of the apportionment of seats between the States they feel that a small House will not afford them sufficient scope

for their proper representation. The paucity of seats and the priority of the claims of the bigger princes will hardly make it possible for them to have such a numerical strength as they may be entitled to in consideration of their resources and general importance. This anxiety is not so acute in the case of the Lower House, where a definite principle of representation has been agreed upon, namely, population. Nevertheless, a larger Lower House than 350 would also be a necessity if the various interests comprising the so-called lesser States' groups are to receive their fair representation, and also for maintaining the requisite balance in the relative strength of the two Houses, when the Upper House is enlarged.

In view of the difficulty in the distribution of seats in a small House, a claim has been made by H.H. the Chief Sahib of Sangli, for 150 seats for the States' representation in the Upper House, and I entirely associate myself with it. The difficulty of making adequate provision for special constituencies in small Houses has also been realised by some of the British Indian delegates, and they too have similarly urged the necessity and desirability of having comparatively larger Houses.

Allotment of 125 seats for all the States will hardly meet the requirements of the situation, much less will the provision of 100 seats as suggested by some. This figure of 125 has been conceived under the belief that the model of the constitution of the Chamber of Princes will also prove suitable and acceptable to all concerned in the framing of the structure of the Upper Federal House. It is sought to provide 109 seats to the permanent members who have at present direct representation in their own right, and 12 to the five groups in the second class who are represented through representative members, and 4 to the third class group comprising estates and jagirs who have at present no representation whatsoever.

It may be submitted here that the constitution of the Chamber of Princes does not appear to be founded on a just and equitable basis so far as the claim of the first few big States and some of the second class States are concerned. As a result of the existence of this improper classification some of the bigger States have persistently disassociated themselves from the Chamber, and the smaller States have also been protesting against their exclusion from the Chamber in their own right, in consequence of the imposition of invidious distinctions and unfair discriminations. Several members of the Chamber of Princes in their own right have been admitted into the Chamber primarily in consideration of their salutes. Some have received permanent representation in virtue of their enjoying both of these qualifications. In respect of this class of States who constitute the major bulk of the Chamber, the smaller States have nothing to say, but as regards those whose eligibility to permanent representation in the Chamber is based merely on salutes for so-called higher degree of internal autonomy, which in many cases is not at all of a superior order than that possessed by many of the second class States, it is felt that the discrimination is unfair, specially where the absence of salute in the case of some of the smaller States is counterbalanced by greater resources, bigger area and larger population.

Salutes it is submitted should not be the sole criterion or even the principle criterion for individual representation in the Federal Upper House on the analogy of the Chamber constitution. These are more associated with the person or house of the ruler, and they are no index to the character of the State which is more appropriately represented by other factors such as resources, area and population, etc.

Many second class States as I have submitted, enjoy internal autonomy which is in no way inferior to that enjoyed by the smaller States in the first class, and where there exist differences they occur not so much owing to the inherent character of the State or States concerned, but to the varying Policies adopted by the different Local Governments in recognising the status and power of the States under them.

As a result of the recognition of the existing unfair discriminations between some of the first and second class States in the Chamber, a State was recently promoted from the second class to the first class, and further investigations are being instituted by the Government to ascertain what other States are labouring under a similar injustice and to rectify their anomalous positions. In consequence of this enquiry several States of the second class are expected to be accorded their rightful position in the first class. These possible promotions have to be kept in view, and bearing in mind the fact that the present strength of 12 representatives of the smaller States which is hardly just or adequate, will need enhancement and that representation will have to be provided for the third class group of Estates, I submit that the case for a larger House is obvious.

The anomalies in the constitution of the Chamber of Princes are manifest, and their reproduction in the Federal Upper House will be ruinous to the interests and just aspirations of the smaller States. Here I wish to point out that whereas the Chamber of Princes is a consultative and advisory body, the Federal Chambers will be legislative bodies, while the smaller States could, in the Chamber of Princes, endure the injustices embodied in its constitution and its consequences, they can hardly afford to do this in the case of a Legislative Chamber, whose decisions will have a vital and far reaching effect on their interests.

However, as the apportionment of seats between the States *inter se* is proposed to be taken up in the first instance by the Chamber, I do not propose to expatiate on this subject any further than is necessary to clearly state the present position in regard to the Chamber of Princes, and mention the evils its constitution harbours. It is possible though very unlikely, that a satisfactory solution may be arrived at without the intervention of an outside agency.

In connection with the question of vacant seats consequent on the decision of some of the States not to enter the Federation, I beg to submit that some of the smaller States are opposed to the idea of the seats allotted to them and remaining vacant being occupied, even for the time being, by other States or groups of States. This may lead to consequences which may be prejudicial to their interests.

For the present my claim on behalf of the smaller States would be for a comparatively larger House which would provide the States with 150 seats. The Lower House will also need a corresponding increase for the maintenance of the necessary balance between the two Houses, and for preventing the constituency from becoming unmanageable and inconveniently large in their size.

November 2nd, 1931.

## ANNEXURE 19.

## REPRESENTATION OF THE SMALLER STATES.

*Memorandum by the Raja of Sarila.*

I feel it incumbent upon me in the interests of the smaller States, which I have the honour to represent at the Round Table Conference, to make known the broad and tentative views held by me and other States in relation to the vexed question of representation in the Federal Legislature.

It is a source of satisfaction to us that it was found possible this year to secure representation for the smaller States at the Conference, the exclusion of which on the last occasion was the cause of much mis-giving. Now that the proceedings of the last sitting of the Federal Structure Committee have been made available, it is possible to offer an informed criticism from our angle of vision; indeed, since they were published, we have been at pains to give them most careful and thoughtful study. While very desirous of not proving in any way an obstacle in the solution of so delicate a problem, which so largely concerns the future welfare of India as a whole, we must admit that we are equally zealous to secure proper and adequate safeguards for ourselves at a time when sands are shifting so rapidly.

The problem may for convenience be stated under three main heads:—

- (1) Classification of the States on the basis of sovereignty;
- (2) The means by which the homogeneity of the States might be secured;
- (3) The best method of securing an adequate measure of representation for all the States.

It is of interest here to note a fact which, perhaps, is sometimes lost sight of, namely, that many of the so-called smaller States are autonomous in themselves. Disregarding for the purpose of this examination those varieties and complexities of treaties, engagements, and Sanads, which admittedly are difficult of classification, all the States, big and small, in categories now referred to as class I or II, enjoy the same degree of guaranteed security from external interference. The Paramount Power, too, owes them obligations, as it does to those States, larger perhaps, now classified as class I States, or even those in class I, which are smaller than those in class II, which enjoy the right of membership of the Chamber of Princes in their own right. In addition to this the class II States, as they are called, are sovereign in their own territories and have powers of legislation and taxation. Furthermore, some of them are actually held in higher esteem of the Crown than some of those States in classification I, as may easily be discovered by a glance at the provincial list of precedence. The Indian States Committee, over which Sir Harcourt Butler presided, created this distinction to the disappointment of the States not members of the Chamber of Princes. If we look into the history of the States' relations with the Crown and their political significance, we will find that no discrimination or differentiation was suffered from the time, when salutes, the prerogative of the Crown, were fixed in 1858, until such a recent date as 1921, when the Chamber of Princes was inaugurated. At the Chiefs' Conference, held at Delhi in 1919, Lord Chelmsford actually made the observation that, in his own and Mr. Montagu's opinion, "it would be unwise to base upon the salute list, as it stood, any fundamental distinctions between the more important States and the remainder, but that, owing to the extreme difficulty of defining with precision the full powers of internal administration and the embarrassment which must be caused by applying the test when formulated in individual cases, after all, the wisest course would be to base the distinction primarily on the salute basis." Here then lies the crux of the differentiation which has grown up and created for the smaller States a position historically untenable; this position was grievously aggravated by the Indian States Committee, which made the line of demarcation even wider.

Then there are the anomalies which have crept into the Chamber of Princes as at present organised. The States classified as class II States by the Indian States Committee are 126, of varying size and enjoying different degrees of sovereignty and status. These 126 States have been given 12 representatives in a body composed of 121 members, which obviously is very scanty representation and may almost be said to prove the inadequacy of the present Chamber of Princes as a truly representative body. For example, 32 States of Central India are entitled to one representative only. Besides this disability there is another also, which hinders the smaller States from the enjoyment of the privilege of being represented on the standing Committee of the Chamber of Princes. The Chamber, however, is only a consultative body and these limitations do not affect the smaller States very materially, but the Federal Legislature will be a different kind of organisation with greater functional capacities and such handicaps and disqualifications are likely to prove a real hardship. The criteria of representation operative in the Chamber of Princes must be abandoned and classification on the basis of status and sovereignty should be adopted, irrespective of salute, according to the list of precedence. Although the possibility of recognising or attaining equality of sovereign powers may be remote, it is submitted that it is within the scope of practical politics to assure "equity of representation."

There is not the slightest doubt that the interests of the Order of Princes, of States big as well as small, are homogeneous and there is a common denominator of sovereignty. The desire and necessity to safeguard that sovereignty is also common, and what is desired is that stress be laid on this unity of interests and position rather than on the arbitrarily drawn distinctions which have grown up.

As regards (2) I am of the definite opinion that it will be in the best interests of the States and of India as a whole that the States join the Federation not consecutively but collectively. The reasons in favour of this proposal have been adduced above and I need not further dilate upon them. What I want to emphasise here is the unanimity that would make the States one if developed on pure and simple lines, enabling the problem to be solved, and allowing the whole order to play a valuable part in the scheme of things.

The smaller States, as has been said already, do also cherish the degree of sovereignty possessed by themselves and they are making a proportional sacrifice in the interest of the whole; for this reason there can be no question but that they should desire and expect an effective voice in the counsels of the legislature which is ultimately to control their destinies. There is no reason why their interests should not be safeguarded. If under any scheme equity can be assured to the smaller States there can be little doubt that they would be advised to co-operate. There remains for brief mention the means of securing uniformity of representation of all units.

The means by which this can be secured is that all the States in Class I, supplemented by those in Class II, at present, whose status entitles them to be elevated to this category, together with those eligible to send representative members, would, acting together, be enabled to consider a panel of names prepared by the whole body and to vote thereon as separate entities. The bigger States need in this event suffer by the whole body and to vote thereon as separate entities. The bigger States need in this event suffer no qualms or anxieties nor need they have any occasion to be apprehensive as to their own position, as it will be in the interests of each unit to see that the best talent available, whether it be from among the bigger States or the smaller States, should secure election to the Federal legislature in the interests of the Order

as a whole. Men of sound views and mature experience would naturally command the greatest number of votes. The fact of belonging to a bigger or smaller State should in such circumstances be no handicap or disqualification, and only thus can the truly representative character of the Order be assured. In addition to this they might be guaranteed a number of permanent seats which would necessarily be filled by persons from the particular State or States. This would ensure them due representation in the Federal Legislature, while it will at the same time provide for the smaller States an equitable proportion and will create a much needed cohesion among all the States.

The consent of the smaller States to any scheme of Federation is conditional on their securing this equity of representation, or at least the adoption of these principles substantially.

I have set out these views for consideration, and speaking on behalf of the smaller States and for those Estates which are not included in the categories discussed above, I make bold to press for adequate safeguards and the fullest degree of representation in any constitutional programme to be adopted for all collectively. We are eager to maintain the individuality of the Estates as well, and would not like them to be grouped with any big State or with British India in any manner that would efface their individuality, and there would probably be no objection to these very small Estates being also given a measure of representation.

I am sure that these views will sound a sympathetic chord in the hearts of my fellow delegates at the Round Table Conference both from the Indian States and British India and that the justice of our claims will be recognised by all concerned.

14th October, 1931.

#### ANNEXURE 20.

#### NOTE ON THE POSITION OF THE SUBJECTS OF INDIAN STATES IN THE FUTURE CONSTITUTION OF INDIA.

*By Diwan Bahadur M. Ramachandra Rao.*

In the Third Report of the Federal Structure Committee an attempt has been made to fill in the outline of the Federal Constitution for Greater India sketched in the Second Report of the sub-Committee dated 15th January, 1931. In a consideration of this Report, I should like to invite the attention of the members of this Conference to a matter of fundamental importance. The sub-committee did not give any attention to the position of the people of the Indian States in the new constitution and the necessary safeguards for protecting their rights and liberties. In a memorandum which was circulated by me during the sittings of the First Session of the India Round Table Conference (printed at pages 183-186 of the Report of the Minorities sub-Committee), I drew the attention of the Conference to this subject and contended that a Federal Constitution for the whole of India must materially affect the status and position of the people of the Indian States. I also suggested that the rights and obligations of the citizens of the Federating States and of British Indian Provinces to the new Federal Government of United India should be carefully examined and clearly defined, and that certain fundamental rights should be embodied in the constitution, and also that the necessary judicial machinery for enforcing these rights should be set up. During the Plenary Session of the Conference held in January last, I also pressed upon the attention of the Conference the desirability of making provision for the representation of the people of the States in the Federal Legislature of the future, and suggested ways and means for the purpose. Their Highnesses the Maharajahs of Bikaner and Kashmir, and His Highness the Nawab of Bhopal were pleased to make certain observations in their speeches in January last to the effect that fundamental rights were already possessed by the people of their States, and nothing was dearer to their hearts than to take care of the interests of their own people. As regards representation in the Federal Legislature, the Report of the Federal Structure sub-Committee dated 15th January, 1931, expressly stated that the selection of the representatives of the Indian States in the future Indian Legislature was entirely a matter for the rulers of the States. The suggestion made by me during the Plenary Session that the people of the States should be represented in the Legislatures by some method of election did not elicit any response from the members of the Indian States Delegation.

2. I venture, therefore, to again invite the attention of the members of the Conference to the fact that the Federal Constitution for India, as set out in the present Report, has been framed without the representatives of the people of the Indian States being heard in regard to the new constitutional structure proposed therein. It cannot be seriously contended that the people of the Indian States have no interest or should have no voice in the evolution of a new constitutional tie between British India and the Indian States based upon the federal principle. Every Minority Community, however small, belonging to British India has been represented at this Conference, and it is most unfortunate that the British Government and the Government of India should not have made provision for the representation of seventy million people of the Indian States at this Conference, and that the representatives of the people of the Indian States have not been placed in a position to urge their own case at this Conference. From the point of view of British India, it is equally essential that the new federal constitution should be set up with the general goodwill and concurrence of the people of all the federating units. Moreover, the members of the Federal Structure sub-Committee who are parties to the Second Report expressed the opinion that their Report left open many points which have to be settled after public opinion in India has had an opportunity of expressing itself upon them, in order that the completed constitution may be based on the largest measure of public approval in India. In these circumstances, I feel it incumbent that I should invite the attention of this Conference to such public opinion as has found expression among the people of the Indian States in regard to the new constitutional structure discussed by the Federal Structure Committee. During the last few months several meetings of the people of the Indian States have been held in various parts of the country, and resolutions have been passed in representative conferences as to how the people of the States should be protected in a new constitution. I beg to invite the attention of this Conference specially to the resolution passed at the Third Session of the Indian States' People Conference held at Bombay on the 9th, 10th and 11th June, 1931. In inviting the attention of the Conference to this resolution, I should not be understood



being in favour of every one of the proposals embodied therein. As suggested in my memorandum circulated during the first Session of this Conference, and also in my speeches at the Plenary Conference, I beg to urge that it will be necessary to make provision for the following :—

(1) Federal citizenship and fundamental rights for the people of the States to be embodied in the new constitution.

(2) Federal judicial machinery to be provided in the constitution to protect the fundamental rights of the people of the States.

(3) Representation of the people of the States at least in one of the Houses of the Federal Legislature, preferably the Lower House, by some system of direct election.

(4) The linking up of the judiciary in the Indian States with the Federal Supreme Court.

3. Every minority community in British India has pressed at this Conference that certain fundamental rights should be provided in the new constitution in regard to safeguarding their position. If it is necessary to embody these rights in the new constitution for minorities in British India, it will be even more necessary to safeguard the rights and liberties of the people of the Indian States. Federal citizenship is a feature of all federal constitutions, and the people of the Indian States, as well as of British India, should have their citizenship rights guaranteed by the law of the constitution. These fundamental rights have been discussed in my memorandum referred to above, and also during the sittings of the Minorities Committee and of the Federal Structure Committee. The Third Report of the Federal Structure Committee has not made any reference to the position of the people of the States under the new constitution. As regards federal judicial machinery, it is not clear from the Report of the Federal Structure Committee whether the Supreme Court would intervene in case of the violation of any of the fundamental rights when they are embodied in the constitution. It is necessary to make this point quite clear. If the fundamental rights of any subject of an Indian State are violated by the executive authority of that State, adequate protection should be afforded to him by a resort to the Supreme Federal Court. As regards the method of selection of States' representatives in the Lower Chamber, it is clear that it is a matter of the utmost importance to the Federation as a whole, and British India is as much interested as the people of the States that a proper constitution based upon a system of popular election should be devised by the States in sending their representatives to the Lower Chamber. Looking to the state of public feeling in India, nothing less than a system of direct election would prove acceptable and satisfactory to the people of the Indian States, as also to the people of British India. If a system of election is introduced in the States, there is no reason to doubt that the people of the Indian States will identify themselves with their Rulers in regard to all matters coming before the Federal Legislature, as local sentiment and loyalty to the Rulers are still very strong in the States.

It is to be hoped that the Rulers of the Indian States and their Ministers present at this Conference will secure the hearty co-operation and goodwill of their own people by making all necessary concessions for the recognition of their rights and liberties, and to satisfy their legitimate aspirations in the working of the new constitution.

19th November, 1931.

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