Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

(Volume III)

[SUB-COMMITTEE No. III (Minorities)]

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INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in a separate volume, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

Proceedings of Sub-Committees are contained in nine volumes as below:—

Volume I.—Federal Structure.
" II.—Provincial Constitution.
" III.—Minorities.
" IV.—Burma.
" V.—North-West Frontier Province.
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Diwan Bahadur Ramachandra Rao.

INDIAN ROUND TABLE CONFERENCE.

SUB-COMMITTEE No. III.

(Minorities.)

The sub-Committee was constituted as follows:—

Mr. Ramsay MacDonald (*Chairman*).
Sir W. A. Jowitt.
The Earl Peel.
Major The Hon. O. Stanley.
The Marquess of Reading.
Mr. Isaac Foot.
H.H. the Aga Khan.
*Maulana Muhammad Ali.
Dr. B. R. Ambedkar.
Sir Hubert Carr.
Mr. C. Y. Chintamani.
The Nawab of Chhitari.
Mr. Fazl-ul-Huq.
Mr. A. H. Ghuznavi.
Lieut.-Col. H. A. J. Gidney.
Khan Bahadur Hafiz Hidayat Husain.
Mr. N. M. Joshi.
Sir Provash Chunder Mitter.
Dr. B. S. Moonje.
Raja Narendra Nath.
Rao Bahadur Pannir Selvam.
Sir A. P. Patro.
Mr. K. T. Paul.
Diwan Bahadur M. Ramachandra Rao.
Mr. B. Shiva Rao.
Sir Sultan Ahmed.
Sir Muhammad Shafi.
Sardar Sampuran Singh.
Mr. Srinivasa Sastri.
Sir Chimanlal Setalvad.
Sir Phiroze Sethna.
Dr. Shafa'at Ahmad Khan.
Begum Shah Nawaz.
Rao Bahadur Srinivasan.
Mrs. Subbarayan.
Sardar Ujjal Singh.
Mr. Zafrullah Khan.

with the following terms of reference.

"The provision to be made to secure the willing co-operation of the minorities and the special interests."

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. III (MINORITIES) HELD DECEMBER 23RD, 1930, AT 11 A.M.

Chairman: I need not say to you how very important the work of this sub-Committee is. A settlement of the miorities question

* Sir Shah Nawaz Bhutto served on the sub-Committee after the death of Maulana Muhammad Ali.

is essential to the political progress of India, and that is not merely a British view. I am sure that is the view held by every enlightened Indian, irrespective of the community to which he belongs, or whatever the interest with which he is specially concerned. It is, moreover, a question which ought to be settled by you and between yourselves. It is no good your starting the working of an Indian constitution, and asking any outside authority to settle what is one of the essential conditions of the successful working of that constitution. Therefore, in stating your case and in making suggestions, I hope you will bend all your energies to creating an atmosphere of goodwill and progress. I need not say more than that. I do not know if you have arranged amongst yourselves who is going to open or how the conversation is going to be conducted. I am in your hands. I do not know whether the Hindus, the Muhammadans, or any of the other interests have agreed to open the discussion. I just repeat that I beg of you to make your statements in such a way that peace will be at the end of them rather than continued disagreement.

Begum Shah Nawaz: Mr. Prime Minister, with your permission, Sir, I should like to say a few words to my countrymen assembled here to-day.

Gentlemen, the time for emotional speeches and long appeals for unity is passed, and the time for practical proposals and solid constructive work has arrived. If you are not going to settle your differences now, when is that auspicious time to come? You have come seven thousand miles away from your home, making tremendous sacrifices for the sake of your country, to be the masters in your own home has been your aim and object. Now that the time for the realisation of that hope has come, when it is for you to ask, and to ask with all the force at your command, is it wise that you should remain divided in your own ranks? I beg of you again just to think that the success of all your mission lies in Hindu-Muslim unity. United we stand, divided we fall. Brothers in flesh and blood, born of one soil, living side by side, working and enjoying life together. When the time comes for you to fight for the sake of your Motherland you hesitate and you remain divided.

To my Hindu brethren I have only one word to say. Be generous to your Muslim brother. Think that if you or he enjoys any privilege, it is an Indian who is enjoying it. Generosity breeds gratitude, and when one gives, and gives with love, the other cannot help giving with love in return. Trust the Muslims as your brother countrymen, and you will not find them wanting in confidence and love in return. The majority can well afford to be generous.

To my Muslim brethren I make an earnest appeal not to be too exacting. One here or two there does not matter, especially when it happens to be the question of the freedom of your Motherland. If your Hindu brethren are not generous it is for you to show them that the Muslim knows how to be generous.

I make an earnest appeal to you gentlemen on behalf of the women of India to settle all your differences now. As sisters we

expect of you, as daughters we beg of you, as mother we demand of you to come to a settlement. You have a Chairman who has been so sympathetic, so willing to help you to solve all your difficulties. He has won the gratitude of the whole of India by his trying to bring you together. With him in the Chair you could not have a better time. Do not disappoint him, all the friends of your country, and us, the women of India.

Mrs. Subbarayan: May I support the appeal made by my colleague. It is with great hesitation that I venture to say a few words on this most difficult subject, the minorities problem, which is hampering India's progress towards full nationhood. I do so because of my earnest desire that India shall become a united nation with undivided aims. I am anxious that the new constitution should accelerate and not retard the growth of nationhood and unity throughout the length and breadth of India. Whatever our creed, we are all Indians, and if we are united we have a wonderful future before us. It is to our common citizenship in the future that we must all turn our thoughts. It is on the future that we must concentrate. I do not mean that in doing so we should ignore the present, which, to our great regret, has its difficulties and differences. If safeguards are necessary now, if only to allay the fears of the minorities, they should be such as will help and not hinder the development of a common Indian citizenship. To every project suggested, let us apply the principle: Is it going to make or mar the progress towards Indian nationhood? I feel, and I say it most respectfully, that if the future is constantly and more prominently in our minds, a settlement of our difficulties should not be impossible.

As a woman, my first thoughts are directed towards our children and the future generations. I feel that any solution of this problem should tend to make the lot of the future generations easier and better than has been ours. We should take care not to introduce anything in our constitution which would foster and increase the differences which unfortunately exist to-day. I earnestly appeal to my fellow-delegates to realise our responsibilities to the generations of the future.

May I add a word of thanks to you, Mr. Chairman, for your efforts to help us to come to a settlement. I trust that under your guidance and with your help, and, may I also add, with the help of the whole of the British Delegations, this most thorny question may be settled, so that in the future, a United India may find peace, happiness and contentment.

Chairman: There are two or three points that must be present to all our minds in approaching the discussion of this minority problem. I think we all agree about this—that the goal you are trying to attain is a sense of security, something that will guarantee that historical interests, and other interests, will not be sacrificed under the working of the new constitution. We also hope that by the working of that constitution itself much of the uncertainty which is in our minds at the moment will disappear. Our problem

is to get all the communities and all the interests to co-operate to begin and work the constitution, and so far as I have been able to gather the case that has been put up to me by the various minorities and communities is that that beginning cannot be made unless we assume, to begin with, that there is a feeling of uncertainty, and provide some machinery, which we all hope will be temporary, for meeting that sense of insecurity, or establishing a feeling of security and allowing it to produce its good fruits in the future.

There have been, therefore, two or three suggestions made to me, one the suggestion of separate electorates for the time being; another, joint registers but with reserved seats; another, weightage for certain communities and interests under existing conditions; and the fourth—and I think this exhausts all the important ones that you have brought to my notice—nomination on the ground that there are certain communities either so disorganised at present or so weak in their numbers, that they require to have special consideration which can only be given, they say to me, by some system of nomination. I think that exhausts the definite proposals which have been made to me, and it would be advisable that we should direct our attention to those points now. There are consequences and sub-divisions of these, but I have not mentioned them because these sub-divisions are in all your minds, I am quite certain.

Raja Narendra Nath: There is another important point besides the question of reservation and representation, and that is the declaration of rights which are declared by the constitution to be unassailable by a majority community. That point has not been discussed in your presence, Sir, but I think it is of very great importance, and perhaps of greater importance than either of the questions of reservation or of representation. A demand has been made by all minorities, by Muhammadans in some Provinces in which they are a minority, by Anglo-Indians and by Depressed Classes, that there ought to be certain rights enumerated in the constitution which should be declared to be unassailable and inviolable by any community or race or creed. That is another point to which I should like to invite the attention of the Conference, and to which I hope the Conference will devote the attention which it deserves.

Mr. Shiva Rao: I was going to ask you whether you are going to confine the discussion at the moment to the Hindu-Muslim question, or whether you are going to permit a general discussion of all minority and special interests, because I think it would be desirable in the first instance to have a general discussion.

Chairman: Yes, that is in my mind.

Mr. Shiva Rao: So that the Committee will have an appreciation of the whole position, and will be able to understand the details of each question better in the light of a general discussion on the whole question.

Chairman: That is so.

Mr. Shiva Rao: Am I at liberty to speak on behalf of the special interests which Mr. Joshi and I represent at this Conference—namely, those of Labour?

Chairman: Yes.

Mr. Shiva Rao: Mr. Joshi has already indicated, in his speech in the Plenary Session of the Conference, some of the essential requirements of labour. He pointed out, in advocating complete self-government for India, that it would be necessary in the new constitution to keep labour legislation and administration of labour as a Central or Federal subject if Federation should come into existence, and he also pointed out the necessity for keeping in the hands of the Central Government the implementing of all International Conventions and obligations. He also said that there should be a certain amount of uniformity in regard to labour legislation as between British India and the Indian States. I shall not elaborate that point, because it is one which is familiar to most of us, and I shall therefore content myself with saying that Indian employers have already thrown out the warning that unless labour legislation in the States is brought up to the same level as it is in British India at the present moment they will not hereafter be able to support any labour legislation in British India; and I think the point gains force from this fact—that the Indian States have been represented at every session of the League of Nations and they cannot very well evade the obligations of carrying out the Conventions of the International Labour Conference in Geneva.

Then Mr. Joshi, at the meeting of the Franchise Committee yesterday, advocated also the introduction of adult suffrage on the ground that it is not only essential to have self-government in India, but also that there should be in a self-governing India as wide a distribution of political power as possible.

Now, in addition to these points I should like to make one or two concrete suggestions at this meeting. We want to see in the new constitution a Declaration of Right for Labour, and we have prepared here a draft declaration which, in our opinion, would be useful to introduce into the new constitution:—

> " Recognising that the well-being, physical, moral and intellectual, of the workers of India is of supreme importance in ensuring 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 for 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 exercise of this right shall not discriminate against any individual or class of citizens on the grounds of religious faith, political opinon 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 principles 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 use of public roads, public wells and all other places of public resort."

Sir, we are aware that a Declaration of Rights may not have any legal binding authority, but it seems to us to possess such moral force that it would be very useful in the interests of Labour to have such a Declaration of Rights in the new constitution. I should like to point out that many of these provisions have been taken from the Nehru Report, and some of the others are from some of the new constitutions of post-war Europe.

Then, Sir, from the point of view of Labour it seems to us necessary that the new constitution should be so framed that changes not be made impossible, because in our opinion when a new generation of Indians has come into existence, free from all the communal obsessions of the present, and has gained actual experience of working the new constitution, then changes will seem very desirable. It seems to us essential, therefore, that changes in the constitution should not be made difficult when that stage arrives.

There is another point which is of special interest to us, namely the question of the special representation of Labour. Mr. Joshi put forward the view that adult suffrage is essential. We do not know whether that point will be carried, but it seems likely that a majority of the Franchise sub-Committete will be against the introduction of adult suffrage immediately, and, if that should prove to be the case, I think we shall have to press for the special representation of agricultural and industrial labour both in the Provincial Legislatures and in the Central Legislature in the new constitution. At present the position is that employers and landlords have special representation given to them both in the Provincial and in the Central Legislatures, and one of our standing complaints has been that Labour has been very badly and unfairly treated under the Montagu constitution.

Finally, Sir, I should like to make one general observation before I sit down.

Chairman: You have no proposal to make as to how this special representation is to be secured?

Mr. Shiva Rao: On the population basis.

Chairman: A special register?

Mr. Shiva Rao: Special constituencies, both for agricultural and for industrial labour.

Sir, it seems to me that rather too much has been made of the communal difficulties in India, and it has been overlooked that these difficulties concern in the main only the educated classes in India. For the masses, who form about 95 per cent. of the population, the one problem is how to keep off starvation and disease and death from their doors. It is my experience, as I think it is the experience of everyone who has been connected with the trade union movement in India, that during the last ten years we have had singularly little communal difficulty in our trade unions. Speaking for myself, if I believe, as I do most profoundly believe, in the introduction of immediate self-government in India, it is not because of the educated classes; very often it is in spite of them. I have a very great respect for the practical sense and spirit of self-sacrifice which animate the working classes in India, and I think it would be wrong to allow communal difficulties so to obsess our minds as to obscure the real problems of India, which affect, as I have said, 95 per cent. of the population.

Sir A. P. Patro: If I rise to speak at this stage, I do so for myself and for the party which I represent; I do not speak on behalf of the Liberals, but on behalf of the party I represent,

namely, the Justice Party in Southern India. We feel that security and confidence should be inspired in the minds of all classes and communities in order to work the new constitution. As one who has been associated very intimately with this problem for the last ten months, and who has come in contact with the leaders on both sides, I regret to state that the differences could not be adjusted in India before we came over here. It is also painful that even now we have not been able to adjust these differences. Noble efforts have been made by the Chairman to advise both sides on the importance of this issue, but even to-day we have not seen light.

I feel it most painful that this problem should in any way affect the constitutional progress of India. I am confident that it would not in fact affect the constitutional progress of India and the establishment of responsible government. However, for harmonious and peaceful working, and in order that each community and class may have confidence and trust in the other, so that they may be able to work the constitution together, it is in the highest degree essential that this problem should be solved.

As you, Sir, have very rightly pointed out—the first and foremost question is whether representation in the Legislatures should be on the basis of joint electorates or on the basis of separate electorates, and what should be the safeguards and what should be the rights of both parties in either case. On this matter both parties, so far as Hindus and Mussalmans are concerned, are very definite and very strong. At one stage it had become possible that this matter could have been solved and the difficulty adjusted on the basis of joint electorates with certain reservations, but that has become impossible. The Mussalmans on the one hand claim that they can obtain security and the protection of their rights only by having separate electorates. On the other hand the Hindus and others feel that constitutional progress can be achieved harmoniously only by means of joint electorates. It is no use concealing this fact; it has become too clear now to be passed over. One school of thought—the Nationalists, and all those who aspire for the amalgamation of all communal interests and classes—think that it is highly desirable that we should proceed with a joint electorate system which would bring the two communities together and unite them ultimately as one nation and one people to work out the reformed constitution. On the other hand, the other side feel that unless the safeguards and the protection for which they ask are accorded to them, they cannot trust the Hindu majority in the eight or nine Provinces where they are in a minority unless they have at least similar rights in the two or four Provinces where they are in a majority. That is the issue. The Mussalmans feel—and in my opinion rightly feel—that while the Hindus enjoy power and influence in eight or nine Provinces, that at least in two or four Provinces they should have a similar right and a similar power. That is the bottom of all these communal differences.

How can we adjust this desire expressed by one side or the other? It seems to me all the efforts have been made in the direction of

convincing one another, but when people are not willing to place their trust in each other the only solution, I would venture to suggest, is what has been proposed in the Despatch of the Government of India. After hearing the difficulties on both sides and the differences on both sides, I think the best solution—temporarily—would be to act on the basis of the recommendations of the Government of India, who elaborate and improve on the recommendations of the Statutory Commission. In that way it seems possible to find a solution which will be satisfactory to all parties and to the minorities.

Sardar Ujjal Singh: No.

Sir A. P. Patro: The Sikhs may say "No", but let me in all humility and earnestness appeal to them. For the sake of the Sikhs we cannot break down the proposed constitution. I have great respect for the Sikh demand and I have great regard for their position, but they, as a single community in one Province, cannot and shall not stand in the way of the constitution and interfere with the unity of all parts of India. I appeal to my Sikh friends to be more generous and more patrotic than they have shown by their emphatic negative. Their claims will be carefully considered.

But, Sir, there is the suggestion or solution proposed by Government, which has considered all the aspects of the problem in India. In the Madras Presidency we have now discarded the claim for reservation of seats. At the beginning of the Reforms we fought hard; we sent representatives to England and asked for reservation of seats and for special protection, although we were in fact in the majority both according to the population and voting strength. We did this because we realised the influence of a particular class or a particular community in the Southern Province which was more powerful than ourselves and which had a sort of full monopoly in every respect; it was on that account that we thought we should have special protection. That special protection was given to us, and we consolidated our position and organised our work. The result is that we have our organisation in every taluq and in every district; we feel strong, and we no longer feel that we have any need of special protection, and therefore we do not want reservation of seats any longer. If this aspest of the problem is to be considered, and if my Mussalman friends feel they will be at a disadvantage in the Provinces where the Hindus are in a majority, safeguards granted to the Mussalmans where they are in a minority, protection granted to the Hindus where they are in a minority, I feel the difficulty will be largely removed. I feel that instead of indulging in controversy on the subject—and many arguments could be raised on both sides—it is better to take a substantial basis on which we can work, and I think we might take the recommendations of the Government of India and improve them or modify them as may be found necessary in the interests of all. The Sikhs suggest there should be some modification in their favour, let them have it for instance. We must work on something that is substantial.

The question has been raised of what should be the proportion of reservation, and it has sometimes been asked whether a majority population can claim safeguards and protection. It has often been put to me " Can a majority population claim protection and safeguards whilst by their numerical strength and by their votes they can control the destinies of a Province?". My answer to that is that the experience of the past has shown that though in the population they may have a majority they have not been able to acquire power and influence proportionate to their population and to their voting strength. It is this that we have to consider it is no use closing our eyes and relying on theory. Theory is all very well, but we have to have regard to what has been our experience up to now, and we must recognise that the theoretical argument will not hold good in practice.

With regard to the problem of the Depressed Classes, I regard this as of as much importance as the problem of the Hindus and Mussalmans, because in the South of India the problem of the Depressed Classes is one which is of great importance. They form a very large population in the South of India, and their social and economic position is so miserable that they will be helpless unless some special protection is afforded to them in Southern India and elsewhere where they are in large numbers; unless special protection is accorded to them it will not be possible for them to develop and to progress politically. It is more essential that attention should be paid to their interests at the present time than that regard should be had to the interests of the educated classes and communities.

Mr. Shiva Rao has referred to the agricultural classes and Labour, and he says there have been no communal differences in the case of the Labour movement. I should like to remind him, however, that in Southern India even among the Depressed Classes themselves there is communal feeling; one untouchable will not touch another untouchable or take water from him. Mr. Shiva Rao must be aware of the fact that even among the Depressed Classes communal jealousy exists and there is communal strife, so that it is impossible for all the communities among the Depressed or Labouring Classes to work together. You cannot generalise about them, and as long as caste rules the country you cannot ignore the communal trouble to which it gives rise. I do not in the least want to exaggerate; I am only pointing out the facts of the position and the impossibility of ignoring them.

We must therefore try to adjust these differences. Can we adjust them by means of the joint electorate system? I stand for joint electorate; I do not deny that that is the best system we can devise, but is it expedient at present to have the joint system? I suggest that it is necessary to consider all the difficulties and to have regard to our experience of the past. We have experience of the working of the present Reforms in Southern India, and in the light of that experience I would most respectfully suggest to this sub-Committee for its consideration that we should take as a basis the recommendations of the Government of India, which personally

I feel go very far towards meeting the difficulties on both sides; towards meeting the difficulties, that is, of the Hindus, the Muhammadans and the minorities generally. I suggest we work out a scheme on the basis of that, instead of each section or each class proposing its own scheme, for in the latter case there will be no end to the schemes and proposals which will be placed before us. I therefore venture to place this suggestion before the sub-Committee for its consideration, namely that we take these recommendations as a basis for the purpose of securing a fuller and more suitable adjustment of the difficulties before us.

Sir P. C. Mitter: There are occasions when it is desirable to speak the truth, but in speaking the truth it is equally desirable that no bad blood should be raised. We all know that in Bengal the communal difficulty is present. I am glad to say that it may not be as difficult there to solve the communal problem as it might be in the Punjab; nevertheless in the last few years there has been a communal difficulty. I approach the question from one point alone, namely, how to solve the problem so that we can run the constitution. Unless there be mutual give and take between the Hindu and the Muslim we cannot hope to gain the object which we nationalists—be we Muslims or be we Hindus—have in view. Therefore it is a question of approaching nationalism with due regard to realism. What are the practical difficulties? It can be well understood that if we have communal cleavages, if our future democracy be one section Hindu, one section Muslim, one section Sikh and one section the Depressed Classes, then, although we may get nationalism, it will be by a much longer path.

I want to place before the Conference some of the peculiar difficulties of my Province. It is well known that in Bengal agitation—I am not using that word in any bad sense—for political advance, and against decisions not in conformity with the desire of the people, started long before similar agitations began in other Provinces. There is a far larger number of the educated middle classes in Bengal than in any other Province. In Bengal the voice of those who stand out for independence and for cutting adrift from the British Commonwealth of Nations is much stronger than in some of the other Provinces. There is on the one extreme the terrorists and the anarchists. At the other extreme there are political men who are perfectly honest and who have nothing whatever to do with terrorists or anarchists, but who also passionately believe in cutting adrift from the British Commonwealth of Nations.

I would appeal to my Muslim brethren from Bengal—because they know Bengal much better than many of my friends from other Provinces do—that if amongst those who are willing to run the constitution, if by our decisions we take away some of them from the line of running the constitution, then they will be leaving the Bengal Hindus in a very difficult position so far as running the constitution is concerned.

I am glad to say that in my informal discussions with my Muslim brethren from Bengal I did not find very great difficulty;

the difficulty was one of another nature. There are difficulties which, for the sake of the object I have in view, I will not mention publicly.

Let us see what will be the effect of the acceptance of the Despatch of the Government of India. If we accept that Despatch it follows that we ought to accept their conclusions about constitutional advance. They were advising on a constitutional advance, and on the basis of a constitutional advance on which they were willing to go. They made certain suggestions. If you take their constitutional advance, I would like to put it to my Muslim brethren first and then to the British Delegations: Are you honestly satisfied that the passionate desire for equality which is running through the Indian breast to-day, be it Muslim or Hindu, will be satisfied? Have not we made it abundantly clear that all sections want responsibility in the Centre? Does the Government of India Despatch give us responsibility in the Centre? It is for us, the Muslims and the Hindus, to decide what we shall have. I am not suggesting any definite proposal to-day, because I desire further to discuss the matter, as I have done in the past, with the Muslim Delegates and other Muslim friends, who have taken a better note of the realities than some of my Hindu friends, at any rate as regards Bengal. I appeal to all not to try to force the issue.

Before I conclude I would like to say one word to the members of the British Indian Delegation, namely, judge for yourselves about the future of India. Judge for yourselves whether, if the present difficulties continue, there will not be a very real risk of Indian society being disrupted. It may take five, ten or fifteen years, but the risk is there. Believe me, you also will not escape the consequences. If Indian society gets disrupted your society will be seriously affected. You cannot afford to have one-fifth of the human race disrupted.

Chairman: I hope my friend will try to keep to the point.

Sir P. C. Mitter: Let us have an opportunity of settling our differences. We have been trying our best to do so here, but there are difficulties. Mandates are coming to both the communities. (Several Members: " Not to us ".)

I would like to know if my Muslim brethren are willing to proceed on the basis of joint electorates in spite of the mandates from India. If so I am prepared to negotiate. We have the next few days in front of us, and we may negotiate and come to some decision if it be on the basis of joint electorate. My object in asking for joint electorate is that it is the beginning of nationalism.

Raja Narendra Nath: As reference has been made to the Government of India Despatch, and as it has been suggested that it should be taken as the basis of discussion, I should like to offer a few remarks. Sir A. P. Patro, one of my best friends, comes from Madras. As far as Madras is concerned, he is not affected by the proposals of the Government of India. It is for us to say how we take the Government of India Despatch, and in what light we

consider it. Sardar Ujjal Singh raised an emphatic " No " when reference was made to the Sikh claims. I was silent, although in a very low tone I also supported him. I wish to point out to the Conference—and I want all the Members to take note of this—that the Government of India Despatch is based on the proposals of the Punjab Government, and the Punjab Government proposals are founded on a series of statements which, I am sorry to say, are erroneous.

In the first place the Punjab Government Despatch says that the Hindus form 31 per cent. of the population. This is on page 170. That is wrong. The Hindu population form nearly 32 per cent. of the whole population; that is to say, it falls short of 32 per cent. by ·02. There is a variation suggested of one or two seats on this side or on that side. Therefore we have to examine thoroughly that proposal, and to see how far it is supported by the facts on which it is founded. In counting the Hindu seats allotted to special constituencies, at page 171, as four, the Punjab Government Despatch counts the Commerce seat as a Hindu seat. This is wrong. The Commerce seat is not a Hindu seat. It is the Industry seat which is a Hindu seat, and if Commerce is credited to the Hindu seats the Hindus will not get in through that constituency. Labour is described as " indeterminate ". That is wrong. Labour is not indeterminate; it is mostly a Muslim seat. On this calculation the Hindu representation in the Punjab is reckoned as 39, which, out of the total representation of 134 seats, counts as 29·1; that is, nearly 3 per cent. below its proportion in the population. The Hindu minority is not referred to anywhere as a minority. I do not see why it should not be considered as a minority community. We are 32 per cent. of the population. Does not that constitute by itself a minority? As a minority community we do not claim any protection or any weightage. We simply want that the representation of Hindus, as it has been slightly below the numerical proportion, may be kept at its former figure and proportion. The Punjab Government's proposals reduce them to a figure which is nearly 3 per cent. below their numerical proportion of the population. Is that the way in which, so far as the Hindu minorities are concerned, the declaration, which constitutes an important pledge of protecting the interests of the minorities, is to be respected? I do not see any justice in the proposals which have been made. Yet Sir A. P. Patro says that the Government of India Despatch is the most fair proposal and should be taken as a basis of discussion. I think that Despatch is the last document which ought to be looked at so far as justice to the minorities is concerned. We are a minority and we claim justice and fairness too. Why should our seats be reduced considerably beyond our proportion in the population? That is all I have to say with regard to Hindu representation and the proposals of the Government of India so far as they have effect on Hindu representation in the Provincial Council. As far as the Sikh representation is concerned, my friend Sardar Ujjal Singh will get up and say what he feels about the Government of India proposals. It is for us who are affected by them in the Punjab to judge of the

fairness of the Government of India's proposals, and it is not for those from other Provinces to make any pronouncement about them.

Chairman: I wonder if our Sikh friend could now enlighten us.

Sardar Sampuran Singh: As I rise to say something on this point I do so with a very heavy heart. It is a very unpleasant task to quarrel about little things, but at the same time it is absolutely necessary that one has to safeguard his interests at a place where he and after him his children have to live. When standing here I feel perhaps I have very few people who sympathise with my position, and consequently I feel a little diffident; but, as my duty to my people requires, I have to put my case with as much strength as I can command. From the beginning—if I may come to the conclusion and then try to explain it—I may say we are not satisfied at all with the Government of India Report on this point. In the former Reforms—I am taking only Hindu, Muslim and Sikh seats, and am excluding European, Anglo-Indian and Christian seats—Hindus were 32·85 per cent. in the House; Muhammadans were 48·5 per cent., and Sikhs were 18·55 per cent. The whole number of the House, I mean excluding Christians and Europeans, was 70, and they counted Hindus 23, Muhammadans 34, and Sikhs 13. According to the Government of India Report, Muhammadans—I am again excluding Europeans, Christians and Labour, which is defined as " indeterminate " (though both of my friends who have former experience of the Council say that it is a Muhammadan seat in fact; but here it is said " indeterminate "), so being indeterminate, like Christian and European seats, I excluded that; I am giving you the percentage as it will be between the three communities in the Punjab—Muhammadans will be 50·7 per cent., Hindus, 30·7 per cent., and Sikhs, 18·6 per cent.; and the position would be like this, that according to the Montford Reforms Muslim percentage was 48·57 per cent.; and in the present it would be 50·7, naturally in the same proportion, Hindu and Sikhs seats combined would decrease by 2 per cent. If I included the Labour seat as a Muhammadan seat, then naturally 1 per cent. will be the increase of the Muhammadans, and the Sikh and Hindu percentage would decrease also proportionately to that. So, as a matter of fact, that is putting us in a position which is worse than the position in which we were. The question will arise that if we were satisfied with the former arrangement, this little difference perhaps might not mean much, and consequently, our hue and cry, if I may call it so, is perhaps unnecessary and unwarranted. But first of all I would submit that we were not satisfied under the previous arrangement, *i.e.*, under the Montford Reforms. I am sorry to say, Sir, that I have to remind you that on account of the dissatisfaction caused by that document, how much sacrifice we have made, so far, and I would also remind you, Sir, how much trouble we have given to you—the Government, I mean, and the British people. I do not say that it has been much, because you are a very big nation, and with your large resources, it perhaps did not so much matter to you; but I would submit that this sacrifice which we have made on account of this dissatisfaction caused by the Montford Reforms has made us

very weak to-day. Economically and physically we are much lower than we were some years back.

Sardar Ujjal Singh: Why physically?

Sardar Sampuran Singh: Yes, physically our strength is weaker to-day.

Sardar Ujjal Singh: Why?

Lord Peel: No.

Sardar Sampuran Singh: So what I mean to submit is that we have been protesting against it so far, and all this time we have been humoured about it. We have been told that the time for revision would come, and that then we should get our chance. It was too late when you reminded us; it was too late when you came forward in the field. Again, Sir, I have to remind you, fortunately or unfortunately, we, as a community before the Montford Reforms were quiet in politics. Our patriotic people in India blamed us for not joining with them; and when the time of the Montford Report came we were told by responsible Government officials that as we did not join the Lucknow Pact we have now to suffer for that and they could not alter that arrangement; if we wanted anything more we were advised to go to the Congress people.

We suffered, Sir, perhaps on account of foolishness, some call it loyalty, some call it foolishness, and I would not try to tell here what it was really; but it is a fact that because we kept aloof, and did not take much part in politics, we were not consulted, and the Montford Report and the Reforms consequently based on it were thrust upon us without consulting us, and without hearing us—*ex parte* so far as Sikhs were concerned, and ever since we have been crying about it, and we have always been told that the time will come when we shall be heard; and now the time for hearing has come, Sir John Simon very kindly remarks that special notice of us should be taken; he even mentions our services; I am not going to repeat them here; he even puts in a few kind words, but when he comes to the conclusion he leaves us in *status quo*, and does not give us anything substantial; and now, when we find this Report coming from the Government of India, we find that this puts us in a still worse position. It almost looks for me out of place to mention the cables and letters we receive in such abundance from India about the Government of India Despatch—but we are strong with the strength of our people in India, and we are weak with their weakness—and I must tell you how they feel about it. I assure you we never desired their cables, we never asked for them, we have so far not communicated with our people in India on any of the important questions which we are discussing here, neither through the Press nor through personal letters. We have been more or less perfectly silent on this question, but in spite of that, and without our asking for them, every day we are getting letters from important persons like Sir Sardar Bahadur Sunder Singh Majithia, President of the Sikh Liberal Association and President of the Chief Kalsa Diwan, Sardar Mohan Singh and Sardar Raghbir

Singh Raja of Gansi and others, including members of the Punjab Legislative Council, and cables from all the seven organisations, and they all disagree with the Government of India Despatch and show resentment against it. I do not say it as a threat, because I know we are nowhere, we are a small number, a small community; we must admit our weakness. Politically, we are opposing Muhammadans, who, numerically speaking, are much stronger than us, and possibly what agitation we can make against the Muhammadans, and what agitation we can make against the British Empire, and what can we do if things are not done according to our wishes? I am afraid of this—I am not threatening anybody, but I know that unless our people at home are satisfied and are shown that justice has been done to them, I feel that there will be great excitement, and perhaps with a Muhammadan Government in the Punjab which it shall be—if they get the statutory permanent majority in the Council and the great resources of the mighty British Empire at their back, there might be a civil war, and we might be altogether annihilated and washed off the face of the world. I can even envisage that, but there would be some satisfaction to me, even if things come to that, that I had the say, and I put my case, anyhow, before you, and told you the real position.

Now, Sir, I come to this point, the reason why Sikhs want more representation. Are their demands really unreasonable? Our position is like this, that we are only little more than 11 per cent. of the population, but by the labour of centuries and by investing capital in the Province we have acquired economic interests in the Province so that our voting strength, based on a property basis, has gone up to 24 per cent., and—I would not be exactly sure, but I gather, from the little material I have with me—we pay into the Provincial revenue about 40 per cent.

Sardar Ujjal Singh: 25 per cent.

Sardar Sampuran Singh: 25 per cent. of the Land Revenue, and 15 per cent. of all charges, including our Canal charges. So it is difficult, however small a community we may be, to hand over all this money and have that stake in the country and hand over the country to the people and constitute a form of government in which we have no voice.

We have been discussing in the Provincial Sub-Committee, and perhaps this idea must be in the minds of several people here, that when we are being given about 24 members in the Provincial Council, and with our economic resources and with our strength it would be very difficult that the Muhammadan Government in the Punjab would not care for our voice. Sir, perhaps I am not in any way misusing the word "Muhammadan" when I am saying a Muhammadan Government; I am not exaggerating at all, because, after all, you call it a Labour Government here when it is a Labour majority in the House, you call it a Liberal Government when it is a Liberal majority in the House, and you are basing, according to this Report, a Government in the Punjab giving 51 per cent. or 52 per cent. to Muhammadans—naturally I cannot call it anything

else but a Muhammadan Government—well, about 49·2 per cent. in the whole House—and you have no doubt made a provision that there will be a Sikh Minister, and there will be a Hindu Minister also, but only such men will be able to get on who would subordinate their will to the Muhammadan majority. So I will call it a Muhammadan Government, because with their majority in the House and Cabinet and with separate electorates always keeping their Muhammadan constituency in their minds, it cannot be anything else. Of course, they have to take Hindu and Sikh Ministers, which means, naturally, when they agree to join the Government they go into that bloc, with one or two friends, with that much margin, they will always be in the majority. It is not like England, where the parties are shuffling; to-day a man is Liberal and to-morrow he may become Conservative, or a day after he may become Labour. In India, once a Muhammadan always a Muhammadan; he has to remain with the party, when government is based on religious grounds; he has to remain there, as long as the government lasts, with that party, and that party constitutes a Muhammadan Government. That means a permanent majority in the House of the Muhammadan Government, and there Sikhs and Hindus possibly cannot have any voice whatsoever, and that will be a Government by one community. It is just this one principle which I attack. Let there be a majority of Muhammadans in the House; I do not care. Let there be a majority of any community in any Province in India or in the Central Government; I do not care. But this is the principle which we cannot agree to, that just according to statute a community should have in the Government a majority which shall be always governing, always based on religious grounds. It is wrong to say that we have risen above bigotry. The fact is there. In everyday life we find that that feeling is there. I need not go into details on that troublesome point, but there it is. Admitting that fact, it will be very hard and very difficult if by statute you give, especially when there are three communities in the Punjab, the effective political control to one community. I never say that there should not be a majority of any single community, but not to care for the other two communities, and give this one single community a majority in any House, a statutory majority is, I think against all principles of constitutional law.

Mr. Fazl-ul-Huq: Will my friend make one point clear? Does he prefer British rule in the Punjab to the alternative prospect of a Muhammadan rule? Which of the two rules does he prefer?

Chairman: There are a lot of side paths out of the main road that I want you to walk upon, and until we have got to the end of the main road I think we will just blind our eyes to the side paths. Is there anyone representing the Depressed Classes? I was looking round about. Dr. Ambedkar, I think, is not here.

Rao Bahadur Srinivasan: If you want me to speak, Sir, I will speak on behalf of the Depressed Classes.

Chairman: Yes, please.

Rao Bahadur Srinivasan: Mr. Prime Minister, the removal of "untouchability" depends upon the vesting of political power in the Depressed Classes. With my 40 years' experience of working among them I find that there is no alternative but that we should be possessed of political power. The Depressed Classes have been loyal to the Government. Last night's mail brought me a letter from the military men of Bangalore, giving me a long list of wars in which they were, and they say that their regiments have been disbanded, and the British have not paid anything to them, and they wanted us to represent this matter to the British delegates.

Chairman: The important point was, I take it, that they got no pay?

Rao Bahadur Srinivasan: They had pay, but they had fought for the country.

On the other hand the Depressed Classes, as tillers of the soil, have been subservient to their employers and to the landlords; but these latter have introduced untouchability and have not helped them at all, and whenever they have tried to make progress, obstacles have been put in their way. My experience is that in the last 10 years several memorials have been submitted to the Government, at any rate so far as Madras is concerned, and the Government have issued orders, and Acts have been passed, but they were all reduced to dead letters.

You are all well aware of the treatment we undergo at the hands of the caste people. The only alternative is to have power in the Legislature, so that we may fight our own cause. Our object is to have adult suffrage, and to have separate electorates only as a temporary measure. We want reservation of seats on a population basis, with sufficient weightage to enable us to withstand the majority in the Council. As a further safeguard, we want power to appeal to the Governor or to the Governor-General or to the Secretary of State in the case of any Acts or laws being passed which are prejudicial to us.

I do not want to dwell on all these points, because as we go on we shall be able to deal with them in detail. I hope the hostility which is shown to us by the caste Hindus in India will not be shown by the caste Hindu delegates here in this sub-Committee.

Mr. Foot: I should like, if I may, to put a question to Mr. Srinivasan about a matter which is troubling some of us. It is this. The Depressed Classes, through their organisation and in the representations which they made to the Statutory Commission, almost without exception asked for a separate electorate.

Rao Bahadur Srinivasan: Yes.

Mr. Foot: In the last meeting which was held, I think, in November of this year in one of the northern cities of India, they again put the primary stress upon the separate electorate.

Rao Bahadur Srinivasan: Yes.

Mr. Foot: And the question of adult suffrage was raised if that concession was not made. Can Mr. Srinivasan tell us, speaking on behalf of the Depressed Classes, if that still remains the primary claim—the claim for separate electorates?

Rao Bahadur Srinivasan: As representatives of the Depressed Classes here, since we came here there has been a change, and we have now to ask for adult suffrage, and we only ask for a separate electorate as a temporary measure.

Mr. Foot: To elucidate that point, I should like to ask a further question. I understand that at the All-India meeting held in November of this year emphasis was placed on the responsibility resting on the two representatives, Dr. Ambedkar and Rao Bahadur Srinivasan, but they still at that time put their stress, their primary stress, on the separate electorate. Do I understand the instructions have been varied since the date of that meeting.

Rao Bahadur Srinivasan: Yes.

H.H. The Aga Khan: I do not think he understands.

Chairman: As I understand it, what has been said is this, that, so far as the meeting held in November is concerned, the statement made by Mr. Foot is correct, but that since that time the delegates who have come here to attend this Conference have decided to vary the decision arrived at at that meeting, and the variation consists of this, that they are now asking first of all for adult suffrage, but with either reserved seats or special constituencies as a temporary measure. I understand, however, that the authority for the variation is the delegates attending this Conference.

Mr. Foot: I am not joining in the discussion, Mr. Prime Minister; I am only trying to get this point cleared up, because some of us are very concerned about the interests of this large body of people representing—though the figures cannot be definitely ascertained—somewhere between forty and sixty millions of our fellow-subjects in India, who have just as good a claim on our consideration as any other of our fellow-subjects througnout the British Empire.

We should like some machinery to be set up, if possible, for a close inquiry into the claims made by these people. They do emphasise the fact that although the other interests are represented round this table, there are only two representatives for the great mass of people who form the Depresed Classes, and they speak of the very heavy responsibility resting on Mr. Srinivasan and Dr. Ambedkar, a responsibility of which I am sure they themselves are very conscious. I should like some inquiry to be made upon that. I am quite prepared, of course, always to accept what Mr. Srinivasan has to say, but I should like to know to what extent we must rely on their deliberate representations, made over a long period, and on what I now understand to be the altered instructions of their delegates here. When the Statutory Commission went to different parts of India they had the advantage, almost in every

Province, of having long memoranda, presumably very carefully prepared and put up on behalf of the Depressed Classes, and then the spokesmen for the Depressed Classes were submitted to a very long examination and cross-examination. We have had sent to us, moreover—it reached me only a day or two ago—this last statement, representing the considered opinion of those who had gathered together to speak for the Depressed Classes, and we have also had the statement of Mr. Rajah, which is contained in the very valuable addendum which we have to the Report of the Central Committee. Mr. Rajah there makes his chief claim the claim for a separate electorate.

I think you will agree, Mr. Prime Minister, that, being anxious to go into the case of these people and to meet it as far as we can, we should like to be assured that we do understand their own claim, their own request. If adult suffrage is found to be impossible, as obviously it will be if we take the view of the majority—I think Mr. Shiva Rao admitted this morning the majority were against it—we want to know how to meet the claim, on which they have laid continual stress, for a separate electorate. Without that safeguard, they have said their interest cannot be secured, and I hope we shall be able to go into this matter very thoroughly.

I am only anxious that the Minorities sub-Committee shall not have all its time taken up by the consuming problem of the Hindu-Mussalman difficulty, but that we shall be able to give adequate time to meeting the needs of these people, who have a very considerable claim on such time, attention and thought as we can give.

Chairman: We have heard something of the Labour case, and I should like to hear Mr. Paul.

Mr. K. T. Paul: I thought I would be called on on the next occasion, but as I do not know whether there will be an opportunity for a general discussion next time I had better make my remarks now. The position of the Indian Christian community is somewhat difficult and embarrassing. As a matter of fact, we are unequally distributed among the Provinces. Two-thirds of our community are found in Southern India, and in the other Provinces we are found in different proportions. In the matter of education and training, however, we have done our best to prepare ourselves, so that at the present time we occupy a position of advantage among the various communities in the matter of public employment, participation in educational work and public utility services of various sorts. It is to the direct interest of our community that we should go on in this way, making ourselves as useful as possible to all the communities all the time. That is our first objective.

In the second place, seeing that we have to live in the midst of very strong communities, it is undoubtedly the case that time after time we find ourselves forgotten. It is not that we are ill-treated or oppressed; there has never been any complaint of that sort; but very often we have been forgotten by Government,

because, as it were, we do not count. We have been forgotten again and again by whichever community or section of a community happens to have power in its hands in a particular Province at a particular time.

Our position, therefore, is very difficult. On principle we should like to see no special privileges accorded to ourselves or to any community. We stand for absolute democracy, where merit and personal considerations are the only things that qualify a person in the matter of political privileges or opportunities of public office. At the same time, if special consideration is to be shown to any community whatever in India we do realise that we shall immediately be placed in a position of increased disadvantage. We live in such a situation now, under the Montford Reforms; in fact, from the time when the Morley-Minto Reforms were introduced we have found ourselves in an extremely difficult position, because every now and then we are liable to be squeezed out in the sharing of the various positions and opportunities among the more powerful communities.

Therefore, on pure grounds of self-preservation, if I may say so, we are compelled to ask that we also should be remembered if and when seats are earmarked in the Legislative Councils and elsewhere, and when posts in public offices are dealt with.

With regard to this matter, I think my community all over India are unanimous that if any community is given special privileges, we also should have a share in such privileges. It may be on the population basis or according to the voting register, whichever is the more advantageous to us; I am not ashamed to say that.

Then there is the vexed question of separate electorates. As I have already indicated, since we stand for peace and concord, and since we are most anxious to secure the coalescing of all communities in national solidarity, we are in principle opposed to separate electorates.

Rao Bahadur Pannir Selvam: Not all of us; we are not.

Mr. Paul: I am speaking on behalf of the All-India Christian Conference, which I am specially commissioned to represent; but as a matter of practical arrangement it may be necessary to have separate electorates in some Provinces, and perhaps in all Provinces. That is a subsidiary consideration. On behalf of that section of our community which I have the honour to represent, I do certainly say it is our definite view that on principle we are opposed to separate electorates, and if, on practical grounds, separate electorates are given to us or to anybody else, it is our definite recommendation that that should be done only as a temporary expedient with a time limit, so that after a specified number of years the whole matter shall come up for reconsideration by the Indian Legislature, or whatever body is constitutionally empowered to revise such an arrangement. We do hope that this expedient may be a temporary one and not perpetual, and we look

forward most definitely and anxiously to the time when such special arrangements will disappear.

There are two or three other points I wish very briefly to mention. We are very anxious, and I know Dr. Ambedkar is very anxious, that there should be a declaration of fundamental rights as regards all citizens in the matter of religion, in the matter of philanthropic institutions and in the matter of the allocation of public funds towards assisting any philanthropic institutions, irrespective of religion, creed or colour. We are very anxious there should be in the Statute some declaration of fundamental rights, as in the case of those constitutions which have been framed subsequent to the war. There is a very valuable memorandum in the Appendix to the third volume of the Report of the Simon Commission, for which I think we are indebted to Dr. Shafa'at Ahmad Khan. That would be a good basis for working out such a statement.

In the second place, we want some machinery to see that these fundamental rights are respected and are not forgotten. In this matter I think I reflect Dr. Ambedkar's views correctly when I say that we should want a portfolio for the Depressed Classes and Minorities in the Ministries of the Provincial and Federal Governments. We do not want a whole Ministry for the Depressed Classes and Minorities, but a portfolio which would be attached to one Minister or another. We would expect that the Minister concerned would act as a sort of godfather for the Minorities and Depressed Classes in the Cabinet, interceding on their behalf with whatever Department happened to be concerned with the affairs of the Depressed Classes or the Minorities at any particular juncture. It might be the Education Department; it might be the Department of Public Health or the Public Works Department, or others. This Minister would also act as a sort of co-ordinating agency. Perhaps you may find an analogy for that in the Commissioner for Native Affairs provided for in South Africa, with special reference to the Zulus and other African tribes.

We would also desiderate a special provision for invoking the assistance of the Supreme Court, if there is to be a Supreme Court, in regard to any legislation which in the opinion of the representatives of the Minorities and Depressed Classes may discriminate adversely against those whom they represent. On this point we are prepared to present a memorandum at the proper time for the consideration of the sub-Committee.

(The sub-Committee adjourned at 12-45 p.m.)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE No. III. (MINORITIES) HELD DECEMBER 31ST, 1930, AT 11 A.M.

Chairman: We will begin our discussion where it was left off at our last meeting. What I would like in this discussion is that when an interest has been expounded and explained, the ground

should not be gone over unnecessarily again, but that we should spend our time in hearing the various points of view as much as possible.

Rao Bahadur Pannir Selvam: If, notwithstanding the statement made by my colleague Mr. Paul, I rise, it is because of the fear that what he has said might give a very inaccurate impression of the attitude of the community as a whole with reference to the sort of protection which it, as a minority, seeks, and the method by which it would like to secure it.

Mr. Paul spoke, as he said, on behalf of the All-India Christian Conference. The name "All-India Christian Conference" is, I am afraid, apt to be slightly misleading as regard its representative character of the community as a whole. I claim to speak on behalf of that section of the community which is not represented by the All-India Christian Conference, and which I claim represents a considerable majority—well nigh 80 per cent.—of the community. For one thing, the Catholics who constitute by far the major portion of the Indian Christian community, the majority being nearly a million over all the other denominations of Indian Christians put together, have at no time had anything to do with the All-India Christian Conference. In fact in all its history not more than half a dozen Catholics have ever been present at its meetings. That excludes considerably more than half of the Indian Christian population. Again, as far as this particular question with which we are now concerned goes, namely, the sort of protection which this minority community claims, I submit that the Madras Christian Association, which represents the Protestants of the Madras Presidency, who again constitute the major portion of the Protestants throughout India, is not able to see eye to eye with the All-India Christian Conference.

With this preface, and claiming to speak on behalf of the Catholics and the major portion of the Protestants of Madras, represented through the Madras Christian Association, I may say that I am perfectly at one with Mr. Paul as far as the claim about the fundamental rights of the minorities and their incorporation in the Constitution is concerned.

In considering as to how best those rights are to be enforced and safeguarded in the future constitution, my friend Mr. Paul has suggested that one member of the Executive Council should be entrusted with a portfolio called the Minorities or Depressed Classes Portfolio. I have nothing to say against that, but I am afraid it will be absolutely ineffective if, both in the Central and Local Councils, we do not have our own special representatives to see to it that those who are entrusted with this Portfolio actually carry out their duties properly. Effective representation for the community can, I believe, be secured only through a separate electorate. In putting forward this claim for a separate electorate, I feel I need be neither apologetic nor hesitant. I need not even say that I put forward the claim because the other minorities, for instance

the Muslims, demand it. I claim it on its own merits, and because I feel that the interests of my community can be protected only in that manner.

I have been told time and again of the denationalising and the disintegrating influences of a separate electorate, but I must confess that I am still unconvinced about the denationalising and the disintegrating influences of a separate electorate as things are in my country. I admit that the ideal is one electorate for the whole people, but it is no good trying to get the ideal if you have not got an ideal state of things.

It must be admitted that in India we act, and live and breathe in terms of castes and religion. Even within recent memory occasions have not been wanting when, in elections, an appeal has been made to the religious and caste prejudices of the voters—and not by any irresponsible individual here or by any insignificant man there. Within the last few years the most responsible nationalists, even a President of the National Congress, when it came to a question of fighting an election against a Christian, appeals have been made on his behalf to vote for him because the other candidate was a Christian.

With such examples before us, I am afraid it is no good appealing to the minorities in terms of nationalism, and telling them that a separate electorate will be a denationalising and disintegrating influence. If we are to have any place at all in the Legislative Councils, if the minorities are to be represented there at all, it cannot be through the open door. Therefore the choice lies between representation through a joint electorate with reserved seats or through a separate electorate.

Coming to the joint electorate, it is no good placing ourselves on the analogy of other minorities, and saying that if the Muhammadans or the other minorities are prepared to give it up, we will also give it up. The position of the Christians in the Indian Nation is not the same as that of the Muhammadans or of the Sikhs. The Muhammadans constitute a minority, but a very powerful minority. It is a minority which can take care of itself. With reference to the Sikhs, it is true that in numbers they are slightly less than we, but they are concentrated in one Province, and in portions of the Punjab they are so numerous that they can certainly influence any election; while we, though slightly more numerous than the Sikhs, are spread throughout the length and breadth of the land, and in no place are we numerous enough to make ourselves felt.

I have had occasion recently to study some of the voters' lists or electoral rolls of our constituencies, and I can state authoritatively that even in places where we are in the largest number, we hardly constitute 6 per cent. of the total electorate. In the Madras Provinces where we have the largest number of Christians, the Southern portions have a large proportion of Christians than the other parts, as will be evidenced by the fact that our constituencies

here are confined to two or three districts, unlike in other parts where they extend over six or seven districts. The constituency which I represent is supposed to be one of the most populous from the point of view of Christians. And even in that constituency if you select that corner where the Christians are most concentrated you will find that the Christian voters come to only 600, while the general constituencies for the same area have about 10,000 voters. In a joint electorate even with reservation what would be the effect of 600 Christian votes in a constituency in which there are in all 10,600 votes? Would it not really be a case of a Christian being nominated by the majority community to represent the minority, and if we are agreed that nomination by the Government is baneful and might have to be given up, would not the case be much worse when the representative of a community is in effect to be nominated by another and that a major community? The man who is then selected to represent the Christian could not by any manner of means be called a representative of the Christian community. He will be a representative of the Hindu community, and when it comes to any clash of interests he would naturally try to satisfy the 10,000 rather than the 600.

It was said that we do not fear any persecution. I do not fear it, either at the hands of the majority communities as a whole, but even now instances are not wanting where we have been subjected not to direct persecution, and where our institutions, particularly our educational institutions, have been prejudicially treated, have been denied their due share of protection and grants, especially by those people who talk most about nationalism. In my own Province we have had a peculiar advantage, in that the one party which it condemned as a communal party—the Justice Party—has tried to mete out even handed justice to all communities, but I am referring to people who talk most of nationalism. It is under those people that I am afraid our institutions have been made to suffer.

Therefore I feel that in endorsing the claim put forward by Mr. Paul for a separate electorate, there is no occasion for being apologetic or hesitant, or even to make it conditional on the other communities claiming that right. Our position is absolutely different from that of the Muhammadans and the Sikhs. We are a small community spread all over the country, and we form a very insignificant part in all parts of the country. Therefore we need special protection, and the only means by which that can be afforded is by separate electorates.

In putting this forward I claim to represent the majority of the community. That is borne out by the Government of India Despatch, which says that the Madras Christians, who constitute the major portion of the Christian community in India, are not in favour of giving up the separate electorate which they now enjoy.

Sir Phiroze Sethna: I claim leave, as a representative of the smallest minority community in India, namely, the Parsees, to

make a few observations. Out of the total population in British India, including Burma, of 246½ millions, there are 110 million members of important minority communities. Numerically the most important are the Muhammadans who number 59 millions. The Depressed Classes number 44 millions. The Indian Christians in British India number 2¾ millions. The Sikhs number 2½ millions, whilst there are 151,000 Europeans, including British troops; about 95,000 Anglo-Indians, and only 88,000 Parsees. The main fact brought out by these figures is that of the 110 millions belonging to the minority communities in India, some 103 millions belong to two communities.

The question of minorities is not confined to India alone. It also extends to countries in Europe, and particularly after the Great War much attention has been devoted to protecting their interests. The League of Nations has taken a great interest in it, and its attitude might well be considered by this Conference. I will only quote a few sentences from two speakers who supported the motion for the protection of minorities, which are of interest to us at the present time. The first of them is by Monsieur De Mello Franco, who observed as follows:—

> "It seems to me obvious that those who conceived this system of protection 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. On the contrary, they wished the elements of the population contained in such a group to enjoy a status of legal protection which might ensure respect for the inviolability of the person under all its aspects, and which might gradually prepare the way for conditions necessary for the establishment of complete national unity . . . . We must avoid creating a State within a State. We must prevent the minority from transforming itself into a privileged caste 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 disruptive elements in the State and a source of national disorganisation."

Sir Austin Chamberlain followed, observing

> "It was certainly not the intention of those who had devised this system to establish in the midst of nations a community which would remain permanently estranged from the national life."

In considering the claims advanced by minorities in India, therefore, it is very desirable that we bear in mind the advice given by these two speakers whom I have quoted.

Sir, it is true that we have separate electorates at the moment, and that only for one minority community, namely, the Muhammadans.

A Member: And the Sikhs and Christians also.

Sir Phiroze Sethna: Then I will say for some minorities. But it is a well known fact that when separate electorates were first agreed to, it was hoped and believed that that arrangement would not be a permanent one, but that by degrees the separate electorates would be removed and that there would be one joint electorate. That certainly ought to be our aim. Unfortunately we find from the telegrams published both yesterday and to-day in the London papers of the proceedings in India of the All-India Muslim League, that they insist upon separate electorates. Likewise one of the two Indian Christian representatives has this morning urged the claim of separate electorates for his community.

Now that the constitutional problem is again on the anvil there can be no better opportunity than the present to consider the question of having joint electorates and not separate electorates. Communal electorates are certainly vicious and unsound, especially when they take the form of special electorates. The Government of India in their Despatch did not say that separate electorates for Muhammadans should be abolished, but they certainly do say that machinery should be provided in the new Act whereby they may subsequently be removed. That, Sir, should be the policy which we should follow, and the sooner the better.

Separate electorates are against the growth of a national spirit. That is recognised by all. (Cries of "No"). My statement is questioned, but I should like my friends not to restrict their opinion on this subject on their immediate knowledge, but to view the question from an international point of view and to see how these matters are dealt with elsewhere as well.

Now, the charge is often brought against us Indians that we are not a homogeneous population as a nation for political purposes, and I contend that joint electorates would gradually lead to our becoming homogeneous, no matter how much we may differ by religion or otherwise. For that reason joint electorates are, to my mind, a necessity for the growth and advancement of the country. If it is necessary for seats to be reserved for different communities in the joint electorate I for one would have no objection to that; but separate electorates ought certainly to be abandoned from now onwards.

There has of late been a growth of the national spirit, as we all recognise and as has been evidenced at this Conference by the united demand which is made for Dominion Status with safeguards, and such unity would go still further if we had joint electorates.

If to-day there is a national spirit in the country, we owe it in a very large measure to the British themselves. There was a time when because there was no *lingua franca* in the country, except perhaps Urdu—but Urdu is known and talked only in the upper half of India, and it is not known at all in the lower half of India —when a man in the South could not make himself understood by a man in the North, and the same might be said of the people in

the East and the West of India. All that has now been changed, thanks to the spread of English education throughout the length and breadth of the country. In that way I say the British are responsible, to an extent, for the growth of a national spirit in our land through the medium of the English language.

With regard to the Parsees, I mentioned that their population in British India is 88,000. Their total population in the whole of India, including the Indian States, is 102,500. Out of the 88,000 in British India, more than 50,000 are in Bombay City, and there are several thousands more in other towns in the Bombay Presidency, so that the bulk of our population is in Bombay and the Bombay Presidency.) I may claim with pardonable pride that we have held our own in the matter of civic duties, elections to the Council and to the Municipality, and in so many different spheres of activities. If we have done so it may be because we have taken more kindly to Western ideas and Western thoughts, as a result of which we were perhaps the earliest to advance in the matter of education, so that to-day we can claim that the percentage of literates in our community is cent. per cent. When I say that our community has adapted itself to Western ideas more than other communities, I do not want it to be understood for one moment that we do not sympathise with our Indian brethren. We most certainly do, for we regard ourselves as Indians. We have been in the country for more than 13 centuries; in fact, we have been there longer than those Englishmen, who are the descendants of those who accompanied William the Conqueror to these Isles, have been here. Consequently, we share with our Indian friends their aspirations, and we too demand Dominion Status with safeguards; but the right way to proceed about it is by the method of joint electorates.

As I have said, we have held our own; and I should like to quote a few figures to show our position. Take the case of the Bombay Municipality, which has 106 members. Though our population in the city of Bombay amounts to only 5 per cent. of the total, we are able to capture in open contest more than 25 seats in the joint electorate. In the case of the Bombay Legislative Council, until two years ago there were 112 members, but that number has been increased by two in the last two years. It is now 114, of whom there are 86 elected members. In the 86 there are six Parsees, all elected, which gives them a percentage of 7 per cent. of elected seats in the Council. I am afraid, however, our percentages are now falling, and they are falling because of the system of separate electorates and also because of the spirit of communal feeling which is unfortunately on the increase. That feeling is on the increase, beyond all doubt, and unfortunately Government themselves seem to encourage it. I can quote instances where a post has been filled not on the score of merit, but, if there are candidates of equal merit, one belonging to another minority, Muhammadan or Depressed Class, has been selected, and the Parsee has been told that because he happens to belong to the

Parsee community his community will be better able to take care of him. That is not a sound argument, may I contend it is unfair; but in spite of it all I do not say that we as Parsees should have any special concessions.

I for one think, and there are many in my community who agree with me, that we shall continue to hold our own if there are joint electorates. If, however, even in the joint electorates there is reservation of seats for some other communities, then I know there is a section—and a growing section—of Parsees which thinks that the interests of the community should neither be ignored nor neglected, and that they too might be given reservation of seats in the Council.

This sub-Committee is dealing not only with minorities but also with special interests. Labour has already had its say; Labour requires representation. I trust Capital will not be forgotten, and Capital is a broad term which includes commerce, industries, mining and various other interests. I hope that if there is reservation of seats these separate special interests will also not be ignored nor forgotten.

Lieut.-Colonel Gidney: Sir, as the decisions of this sub-Committee are of very vital interest to my community, and as I have no desire to stray from the notes which I have jotted down, I trust you will forgive me if I read what I have to say.

Whatever may be the future of India, the Anglo-Indian community is, for better or for worse, an indissoluble part of that future. We are the sons of the soil who not only have our roots in the country's past but live, work and die there in the pursuit of our avocations. The welfare of India is our welfare and our welfare is part of the welfare of the whole country. We accept the implications of our Indian nationality and we look forward to a glorious future for our Mother country. As spokesman of the Anglo-Indian community (in which expression is included European British subjects domiciled in the country), I must however make it quite clear that in our politics there is one fixed star from which no considerations of communal or personal advancement or benefits will ever make us deviate, and that is our inexpurgable loyalty to the Crown of England. And in saying this I am not employing mere words, for the history of my community from its very beginning is proof of my assertion. We have never hesitated to seal our loyalty with our blood. There is not a page of British Indian history on which our names do not appear and in the Great War we gave 80 per cent. of our manhood to serve with the colours, and I might mention that Robinson and Warneford, the Zeppelin V.C.'s of the Great War, were members of my community. And they are only exemplars of innumerable humble unknown fighters who gave their lives willingly, even joyously, in a cause which they conceived to be the cause of their Motherland—India—and of their Fatherland—England—which many of them had never seen. The many Rolls of Honour in our Public Schools are living testimony of our service and sacrifice for the Empire.

I shall not dwell longer on this theme, for I am not here to ask for payment for services rendered. I will not attempt to drive any bargain with you because after centuries of loyal and absolutely selfless devotion to England's and India's cause, I cannot pretend that my community and I are going to turn against you in distress and make of your trouble an occasion for our advantage. We have never done it and we never shall do it. In this there is nothing denoting meanness of spirit, because all our actions are impelled by forces too deep and too fundamental for rational analysis.

But I would like you to realise that I am talking not as an Englishman but as an Indian and I want my Indian brothers to try for a moment to put themselves in my place. By law, by residence, by environment and circumstances, I am an Indian. But by blood also I belong to Britain. For me, therefore, there is no antagonism between India and Britain. They are both my countries. I am unable to see any difference between the welfare of the one and the welfare of the other. Unfortunately, of late years speakers in India have not hesitated to draw a distinction between Indian Indians and Anglo-Indians, as though there were some fundamental clash between the interests of India and Britain. But I would ask you to think over the sayings of some of the finest spirits who have graced the history of Indian India during the last century and a half, that is, since the British dominion in India began. They include the great names of Ram Mohan Roy, Keshab Chunder Sen, Sir Saiyid Ahmed, Mr. Gokhale, and, a name that will appeal to every Indian here, the late Mr. C. R. Das. These and innumerable other great Indians had in their hearts an ideal England which they loved and to which they gave their whole-hearted devotion. Let me quote from the last public speech which Mr. C. R. Das ever delivered—his now famous speech at Faridpur, on May 2nd, 1925:—

> "It is realised that under modern conditions no nation can live in isolation, and Dominion Status, while it affords complete protection to each constituent composing the great Commonwealth of Nations called the British Empire, secures to each the right to realise itself, develop itself and fulfil itself, and therefore it expresses and implies all the elements of Swaraj which I have mentioned. To me the idea is specially attractive because of its deep spiritual significance."

My Indian brothers, you know that that is the England which holds your loyalty and, therefore, you must not blame us, in whose veins the blood of this people runs, for holding steadfastly to the country which holds your devotion, you who are children by adoption and not by nature as we are. I have dwelt at some length on this point because our attitude has been so often misunderstood in India and in England. We hold to the British connection because there is that in us which will allow us to do no other. Through fair weather and foul, we have stood by England and we shall continue to do so.

And now, what is our claim on India? It has been said, and with obvious truth, that the India of to-day is very largely a creature of modern communications. Whatever India may be racially or politically, there can be no doubt whatever that economically she is a unity, and that unity is the result of the growth of the net-work of communications of all sorts which traverse her surface in every direction. And it is a matter of history that it was the Anglo-Indian community which constructed and worked those communications when it alone of all Indian communities was equal to the task. We hear a good deal in these days about nation-building activities, but I would request my Indian colleagues to ask themselves seriously and without prejudice if we, the Anglo-Indians, have not been nation-builders in India in the true sense? We have built and worked India's communications. We have shed our blood in defence of India. We have been active and law-abiding citizens. Innumerable units of local self-government have benefited by the work of thousands of obscure Anglo-Indians and I doubt if anywhere else in the Empire there is a body of citizens so uniformly law-abiding as the Anglo-Indians of India. I ask you, therefore, in all earnestness if such a record as I have sketched—very inadequately and I fear all too incompetently—does not deserve recognition. Is it not worth India's while to preserve the integrity of such a body of citizens in her midst? We could be crushed out of existence easily enough. But in so crushing us, would not India lose something which it would be well worth her while to preserve? Let me repeat: the key-note of our nature is loyalty, and that loyalty is to India no less than to Britain. We are so small in numbers that the posts which we occupy in the public service form a merely infinitesimal percentage of the total number of posts available. India would gain nothing by expropriating us. On the contrary, she would lose what I think I am justified in describing as a most valuable element in the Indian polity. That is our claim on India.

What is our claim on England? Only the one claim and that is unquestioning devoted service and loyalty always and in all circumstances. We are not asking England for any favour or to do any injustice to any other Indian community, but we do ask that in the face of more insistent—perhaps I might say more powerful—claims, ours shall not be overlooked and our interests shall not be sacrificed where they ought to be and can be preserved, and that our apprehensions as to our future be assuaged.

Our problem is more an economic than a political one, and I am prepared to admit that its solution lies in the acceptance by us of the position of natives of India. Indeed, we are natives of India. But of what use is this to us when certain sections of our Indian brothers refuse to accept us as such? True, we have the protection of the Instrument of Instructions, but these powers have never been once exercised in the past decade during the operation of the Reforms, with the result that to-day, owing to the unfair application of Indianisation of the Services, and the political

pressure of more powerful communities, we find one-third of our people unemployed. A reference to the Indian Census of 1921 will show that about 600 of the 38,000 males of the community were unemployed at that time. To-day, as the supplementary memorandum submitted by us to the Indian Statutory Commission shows, it will be seen that, out of a total employable population of 43,000, there are 14,200 unemployed, or one-third of the community, and this notwithstanding the Instrument of Instructions to Governors in the 1919 Government of India Act which enjoins them to protect minorities, and paragraph 346 of the Montagu-Chelmsford Report in which our protection was placed as a special obligation on the Government. It was for this reason we asked the Indian Statutory Commission in our Memorandum for statutory economic and educational protection for 30 years. It was because those Instructions had not been observed that we sent a deputation in 1925 which waited on the Secretary of State for India. The reply received four years afterwards from the Government of India was a complete evasion of the issues we had raised, especially with reference to our anomalous status, which still remains the most serious handicap in our communal progress. Then came the Indian Statutory Commission to whom we submitted a Memorandum. In that document will be found details of our history, grievances and demands, and I would earnestly urge my colleagues on this Committee to peruse that statement, for without such knowledge you will not be able to understand and solve the Anglo-Indian problem. We now have before us the Report of that Commission.

In Vol. I there is a handsome tribute to the services rendered to India by the community and a generous admission of our acute economic difficulties and our apprehensions in regard to our future.

"For a long time the usefulness of Anglo-Indians in staffing administrative posts was widely recognised. The community has played an honourable part in developing the country and in supporting the forces of order. These avenues of employment are the more important to it since Anglo-Indians are not cultivators and few of them hold commanding positions in the world of commerce. It is, generally speaking, a poor community; the standards of life it endeavours to maintain make this poverty still more severely felt: it is domiciled in India, and must make India its home; and it now finds itself, largely as the result of the Reforms and the progress of Indianisation, exposed to the danger of falling between two stools."

But in Vol. II, I regret to note that the authors of the Report are not prepared to protect us statutorily and recommend that any protective provision should be embodied in the Instrument of Instructions, as per paragraph 15. The only solace we can find in this Report is to be found in Vol. II, paragraph 340, which says:—

"We have one observation to make in regard to recruitment by the Central Government. In our first volume we have

described the peculiar position of the Anglo-Indian community and its economic difficulties. Its dependence upon employment under the Central Government is due not only to its aptitude and capacity but to the policy of Government in the past. We suggest, therefore, that some special consideration should be shown to the community in recruiting for the central services with which it has a traditional connection."

I now turn to the recent Despatch of the Government of India on the Indian Statutory Commission Report, and find the following passage:—

"The community is faced with very special problems of its own. Its main interests may be summed up as entry to the Services and educational facilities. So far as concerns the former, the field of employment which is of particular interest to the Anglo-Indians is to be found under the Central Government, especially in the railways and the Telegraph Department, and in a later passage we refer specifically to the possibility of giving such protection as may be practicable to their position on the railways. But their educational problems fall within the Provincial sphere, and we regard it as important that they should be enabled, particularly from this point of view, to make known their needs and their case."

The Government of India realising their insecure position has made a special reference to the position of the community on the railways, in paragraph 192:—

"The purposes in which Parliament must, we think, continue to be interested so far the railways are concerned fall under the heads of Defence, Finance, the Services, and the Anglo-Indian community . . . The Anglo-Indian community has in the past rendered very important services to the railways and still holds a large number of posts in particular branches of railway work. The economic life of the community is indeed to a large extent dependent on the opportunities of employment which the railways offer, and its members are gravely apprehensive of what may occur, if and when any change takes place in the present system of administration and control. In view of the history of the community, a special obligation, we think, rests upon Parliament, before relaxing its own control, to ensure, as far as may be practicable, that the interests of the Anglo-Indian community are protected."

Sir, I feel I must draw the particular attention of this Conference to the inspiring and assuring message given to the community by His Royal Highness the Prince of Wales when he last visited India:—

"Gentlemen, you may rest assured that I now understand the conditions under which you live in India, and the useful and honoured place which you fill as citizens in the Indian Empire. Your aims and aspirations have my sympathy. Your

devotion to the cause of India, the land in which you live, and your desire to maintain an honoured place for her within the Empire do you credit. I shall watch the progress of your community with the closest attention. You may be confident that Great Britain and the Empire will not forget your community, who are so united in their devotion to the King-Emperor and who gave such unmistakable tokens of their attachment to the Empire by their great sacrifices in the War."

A review of these extracts proves better than any words of mine could, not only the existence of a very acute and living communal problem and its great complexity, but also the inability of either the Secretary of State or the Government of India to evolve any protective measure. I gratefully admit that the Government of India has tried its utmost to realise its duties and to help the community in its own efforts to elevate and protect itself, but you will agree with me that in its recent Despatch it has practically admitted its inability to do so any further and now places such responsibility upon the British Parliament and recommends that the protection of our future must be a special obligation resting upon it.

Sir, our demands can be reduced to two main points:—(*a*) our employment in the Government Services, and (*b*) our education, and it is on these two essentials that I seek protection and safeguards. It is no use asking us to emigrate to other parts of the Empire for we come under the colour bar; nor is it a practical measure just now to advise us to enter into private enterprise for we are a small and poor community. Moreover, we cannot to-day be expected to sink our communal identity and manner of living to satisfy any political expediency. The community is asked to metamorphose itself if it is to secure recognition and a place in the future India. This cannot be done with a stroke of the pen or any sudden change in the constitution of India for that would completely wreck our economic condition. This change will take some time, and it is during this transitional period we ask for protection and safeguards. It must be obvious that if the community is to succeed in its struggle against stupendous odds it must have every facility for equipping itself educationally to meet the situation. The improvement of educational facilities is therefore our first requisite, but linked with this is the necessity for protecting the community from further displacement in the Services, for the education of the child is mainly dependent on the economic security of the parent. It will therefore be seen that these two requirements are inseparable. Let me take the first one. I have official statistics in my possession to show that during the past few decades the percentage of Anglo-Indians in the Bengal Government Offices has fallen from 90·5 to 18, in the Provincial Executive Service it has fallen from 32 to 4, and in the Judicial from 29 to *nil*. The same state of affairs will be found to-day in the Government of India and other Provincial Secretariats, as also

in the Postal Deparment where there is no room for any further Indianisation; while the demand of a University Degree has practically closed to us for some years to come (*i.e.*, till we are educationally prepared to compete) the doors of all Provincial and Superior Government Services. To-day we hold about 20,000 appointments in the total employment in Government Services of nearly two million. In the railways out of a total of 800,000 employees there only about 14,000 Anglo-Indians. Indeed, when all is said and done, the numbers involved are so infinitesimal as compared with the teeming millions of India that any protection that may be afforded, while it will be the salvation of our community, would hardly be felt by the Indian. It is the protection of just these few appointments which I am pleading for and which the Government of India has now called upon the British Parliament to effect. In this Conference, Sir, I am not appealing to Parliament alone—I stand here to-day as a representative of the community to plead its cause before a Conference representative of both India and England and in which all parties of the British Parliament are included, and I feel I can confidently ask you to see that a community that has rendered such service to the Empire will not be submerged in a future India. Equally with every other community I have a right to live and to demand that in any future Government the position of Anglo-Indians will be rendered secure and that we will not be deprived of the position we hold to-day in the various Services. The other minorities have made their demand for protection more or less in perpetuity. I do not ask for this. All I ask is that we be protected for a period of 30 years to enable us to equip ourselves. I also ask that the education grants of which we are in receipt to-day be not curtailed for a similar period and that an Educational Trust Fund be created.

The question is: how is this protection to be effected? I realise that the problem bristles with difficulties, but where there is a will there is a way. Various minorities have made their specific demands on this Committee. We are familiar with Mr. Jinnah's 14 points. We share the fears of our Muslim brothers and we offer them our whole-hearted support. We stand for communal or separate electorates, till such time as we feel we can dispense with such a safeguard. Being a labouring class, we have every sympathy with the demands made by the Labour Representative on this Committee, except as regards adult suffrage. With a similar exception, we also support the demands of the depressed classes and Indian Christians. Most of them have demanded a Declaration of Rights, which to my mind would be the ideal solution, and if it were possible to incorporate such a Declaration into the Statute, I would give it our entire support, and ask for such a Declaration for the Anglo-Indian community. I have no faith in any Instrument of Instructions to Governors, for during the past decade these have operated against the community. It is for this reason that I press for statutory protection of our economic and educational interests. In any case, so far as the Anglo-

Indian community is concerned, the new constitution should provide:—

(1) That the Anglo-Indian community (in which expression is included European British subjects domiciled in the country) be specifically classified as natives of India by statute, and as such enjoy all benefits;

(2) That the present interests of the community be not prejudicially affected by any change in the constitution of the Government of India;

(3) That there be adequate protection of our religion, language and personal laws;

(4) That there be no discriminatory legislation against minorities;

(5) That the community be given adequate representation in all Legislatures;

(6) That in the event of failure on the part of either a Provincial Government or the Central Government to comply with the provisions of a statutory enactment or rule or any Instrument of Instructions an appeal shall lie in the case of the former to the Central Government and to a higher tribunal, and in the case of the latter to a higher tribunal;

(7) That the minority communities (excluding the Muslims) be represented on all Ministries, Provincial and Central, by at least one Minister;

(8) That a Public Service Commission be appointed in every Province, and that at least two of its members be representative of minority interests.

Failing this, I would urge that a member of the Executive Council or Cabinet be specially charged with the protection of Anglo-Indian interests, with a view:—

(*a*) to ensure that its employment in the government services, especially the Central Services of India, does not fall below a certain percentage for a stated number of years—the present percentage, which can be ascertained, to be taken as the standard and the period of protection to be not less than 30 years;

(*b*) the protection of European education, which is inseparably connected with our religious training—this protection to take the following form:—

(1) The immediate creation of an Educational Trust Fund, of an amount equal to the present total annual contributions by various Provincial Governments and the Government of India for European education, *viz.*: 50 lakhs of rupees, the interest from which to be utilised for scholarships and stipends for Anglo-Indian boys and girls to secure higher education both academic and vocational in India and Europe; and this without prejudice to the

present grants-in-aid which should continue to be given for the next thirty years;

(2) The allotment to this Educational Trust Fund of any sums lapsed to the State owing to the demise of beneficiaries of any other Anglo-Indian or European Trust Fund, such as the "Upper Military Asylum Fund" and the "Uncovenanted Service Family Pension Fund".

Sir Hubert Carr: I think the proceedings so far show us how necessary it is that all minorities shall take advantage of this great opportunity for stating the requirements of their position and the safeguards which they call for to enable them to feel that sense of security which alone can make the future constitution satisfactory. I need not go into the history of the British merchant and civilian in India; it is well known and it would only take up unnecessary time; but I would like to stress the position that throughout that history the relationship between the British non-official and his Indian fellow-citizen has been of the happiest description. In former days it was more frequently restricted to the relationship which extended to the Indian in subordinate positions in offices and factories, but to-day that relationship has changed largely to one between co-workers, and to-day all my community welcome the partnership which exists and grows between the Englishman and the Indian in commerce and in civil life in India.

Of course, we cannot be expected to look at this question from exactly the same standpoint as other minorities. There are obvious differences, but perhaps there is a bond which is not quite so obvious, and that is that there is a bond of very real sympathy between the Englishman in India and the Indian; and—I say it without any fear of being questioned—that opinion amongst my community in India of late years has taken on a sympathetic colour, and a practically sympathetic colour to Indian aspirations which may have been wanting in the past but is certainly not wanting to-day. We are—I say it definitely—anxious to see India progress to that goal which has been announced and from which nobody wishes to detract in any way, and we are happy to lend our support as far as we can to making conditions such that a self-governing India becomes materialised. To those—and there must be those—who are cynical as to our outlook in this respect, I can only make another appeal to the genuineness of my position, and that is by saying that we recognise perfectly well that our material gain as merchants and commercial men in India is wrapped up with the happiness, prosperity and progressiveness of India as a whole.

In putting forward our claims, I would like, if I may, to recall the kindly remarks that were made at the opening of the Conference when Sir Tej Bahadur Sapru said: "We are anxious that our friends the Europeans, who have settled down in India, or who carry on their business there, should feel that they have the same

rights and privileges which genuine-born Indians have. They are welcome to suggest any safeguards for their rights and interests, and we shall be more than willing to meet them." Mr. Jayakar also, speaking from another standpoint, forecast a friendly attitude towards our claim when he said: "Speaking of British commercial people in India, I can assure them that we are quite willing to sit down and consider safeguards which will give them an equal chance with British Indians."

Now, such assurances in tackling what may be a difficult question is full of promise for a satisfactory outcome, and particularly when those who are not definitely represented here mentioned in the All-Parties Conference, in their Supplementary Report, speaking on the word "citizen," suggested that it should mean every person who, being a subject of the Crown, carries on business or resides in the territories of the Commonwealth.

Now, with such feelings, surely the expression of such good will is good enough, and, as I say, we do accept it with much appreciation; but it must be recognised that there are parties who very definitely dislike our position in India; they think it has been unfairly won, and they are very ready to take advantage of any constitutional position to undermine ours. The dangers are set forth so clearly in the Government of India Despatch, beginning at paragraph 184, which has been in everyone's hands, that I do not think it necessary to dwell on them; but our interests out there are enormous, and we must get them on a proper basis for protection.

The protection we ask for is of a double nature, because it is not only personal, including civil rights, education, etc., but also commercial, and it is twofold in operation: it is legislative and administrative. Firstly, it is essential to the proper representation of our community that we should have separate electorates. With us there is no possible alternative. Perhaps when we have been there thirteen centuries, we may be prepared to give them up, but meantime we can conceive no other method by which we can send representatives to assist in the deliberations of the legislature who will have our confidence and represent our views.

Regarding the civil and criminal law, the present arrangement appears to be thoroughly satisfactory, and you will remember that it was the outcome of a very searching enquiry conducted in 1922, when some of those here to-day and myself were in consultation in trying to find a *via media* which would satisfy all communities; and it is interesting to remember that in finding that satisfactory solution there was no diminution of any rights, but the solution was based on a levelling-up by which all of us received the same rights and privileges. We do feel that those privileges, such as they are, are extremely valuable, and we could in no way offer to forego them. I would remind you, not now speaking simply of our community in the big cities, that we have members scattered all over the mofussil, up in the planting districts, out in the jungle,

and one knows perfectly well that amongst the backward people with whom they are largely brought into contact the false charge and the easy manufacture of evidence is something which constitutes an extremely real danger to those working in the mofussil unless they have their protection. Therefore that protection is absolutely necessary to us.

It is on that basis of equal rights—in those criminal laws we are not asking for any rights which are not shared with Indians—and it is in that spirit that I approach the commercial question. We are not asking for any rights or privileges for our own community; we simply want to be recognised to have exactly the same rights—when I say "we" I refer to those of us from Great Britain and Northern Ireland—as any of His Majesty's subjects in India with regard to commerce and industry. That is a point which we do not attempt to make on behalf of all citizens of the British Empire. We recognise the position of India, and we feel that it should be open to the Indian Government to make such arrangements as it wishes to make with other parts of the Empire who may discriminate against India. Therefore my claims are made on behalf of those from Great Britain and Northern Ireland.

One of the criticisms in dealing with this subject is, we think, a very reasonable one, and that is that many of us live and work out there, bring home such of our savings as we can make, at any rate to a large extent, and if we die the day after arrival the English Chancellor of the Exchequer gets the full benefit. Well, we think that that is a matter which only has to be ventilated to allow some arrangement between the two countries to be arrived at, and it is one to which my community is perfectly sympathetic.

I would like to make it clear, Sir, that in asking for absolute rights, the same as we have at present and the same as are enjoyed by Indians in India and in England—the whole position is reciprocal—that we are not wishing in any way to attempt to put any restrictions upon Indian fiscal policy. If India wishes to go in for a tariff wall she must be allowed to decide her own destiny, but behind that wall we would expect to be allowed to work in exactly the same way as Indians. We may have feelings about the tariff wall, as to whether it is wise or not, but that is not a matter to enter into here, and we do very strongly favour a Tariff Board such as is operating in India, and is really accepted as a pattern to the world.

One of the points upon which we do differ very strongly is this question of the policy set forth in two or three places, but particularly in the External Capital Committee, where the proposal is made, and has been more or less adopted, to insist upon a certain percentage of Indian directors and Indian capital and Indian staff in industrial enterprise. Well, that is coupled with various proposals in other parts to put restrictions upon European banking and insurance, etc. These restrictions are based for precedent upon conditions ruling in various countries, such as France and

Russia, and even in Germany. We could not possibly accept that as any basis whatever for the treatment of British Commerce in India. We absolutely object to making race a question of management of business and industry. To start with, we do not believe it is really practical to insist upon a certain number of Indian directors. That would be to create a union which, if effective, would only lead to friction and could be made easily ineffective—for I do not think "guinea pigs" in India are any more expensive than they are at home.

As regards capital, we claim absolutely equal rights for sterling and rupee companies, except when Government makes a specific financial assistance to some concern; then we recognise obviously the right to demand that that capital shall be rupee capital; but indiscriminate instances of this point would only militate against the standing of various useful institutions such as Banks, Insurance Companies, etc., and would achieve no good object in our opinion.

May I deal with one point which is sometimes made—that the British have made good use of their time. It is put in rather another way—that the British have been racially so favoured that they have got into a position which cannot be overtaken by Indian enterprise if all start at the present time on the same lines. We cannot be expected to agree with that. If we have established a position out there, it has not been anything to do with racial questions; it has been fair competition. It has been open to anybody. That is proved by the many prosperous Indian concerns in India. It is merely a matter of competition. We are out there for a certain purpose, and we have made the best use we could of our time; but we do not admit for one moment that any question of raciality has contributed to our position, or that on that account we should be in any way handicapped under the new constitution.

To meet these difficulties on which I have touched, two years ago when the Simon Commission was out we put forward certain proposals for a prohibition on legislation to give us our safeguards. The Commission found that unsatisfactory: so much of the undesirable discrimination would, as they pointed out, be administrative rather than legislative. But we do feel that we might approach this subject from a different standpoint, and I would particularly like to put it before this Conference, which is representative of India. We would like to base the British Commercial position in India upon a perfectly open treaty based on reciprocal treatment in the two countries and formed between the Government of India, and the Government of Britain. Such an agreement would give us absoulte equality of position out there with any Indian commercially and industrially. It would cover all persons and parties in both India and Great Britain and North Ireland and it would be intended to cover immigration, settlement, residence, travel, exercise of any forms of occupation, the carrying on of any kind of business or the acquisition of any kind of property—in fact a general trading agreement on national lines between the

two countries. With our great interests to what, we have naturally taken up such an agreement as this with lawyers, and we have got the best advice we can, and we have a draft agreement which will be produced for examination at the right time.

But the principle of absolute equality for English people living in India is the principle I would like to see adopted by this Conference, and approved by this Conference, and a principle which, in view of the quotations I gave from some of the most prominent members here, seems to be in line with the general sympathetic attitude with which you have listened to my claim, and to the general friendly relationship which exists between us in India.

Perhaps I may conclude by putting again my three great points. We want absolutely definitely separate electorates. We want the maintenance of civil and criminal rights such as we have now, and we want the safeguard of our commercial rights on a basis of reciprocal agreement which will accord Indians in England the same rights as we ask for in India.

Dr. Moonje: As representing the majority community, and as being regarded as an elder brother in our Indian society, I as the elder brother have the right and the privilege of making concessions and pulling ears also as occasion requires.

I am asked to make a statement at a time when I do not know officially or formally what the demands are on behalf of the great Muslim community. I have heard what my friends Mr. Srinivasan and Dr. Ambedkar had to say.

Dr. Ambedkar: I have not said it yet.

Dr. Moonje: I have heard what my friend Sir Phiroze Sethna had to say. I have heard what Rao Bahadur Pannir Selvam had to say, who represents part of his Christian community. All other minorities have made it quite clear that they regard separate electorates as an evil and that they are prepared to cast their lot into the common pool. (Indications of dissent.) I make an exception in the case of Sir Hubert Carr. I have not in mind the sort of minority he represents—men who go out of England and make their pile in India and then go back home, and other men following and doing the same thing. I am thinking of the true children of the soil,—those who are the minorities, excepting half of the Christian community and excepting the Muslims. They are all prepared to merge their whole lot in the common pool of Indian Nationalism.

Lieut.-Colonel Gidney: Not the Anglo-Indians.

Dr. Moonje: I should therefore have expected that the Mussalmans would make out a good case for their special demands; but, since it is not forthcoming at the present moment, I have therefore to fall back on general grounds.

The minorities problem is not a problem peculiar to India; it has been a great problem in Europe, and that problem has been considered and solved to a very great extent by a body called the

League of Nations, which has evolved certain principles and certain methods of work. If those principles and methods of work are taken as a test, I think it should provide a most desirable solution of the problem that seems to afflict us, and for that purpose I should like to quote a few principles which I have noted down as to how they have solved the minorities problem in Europe.

In Europe it seems that the minorities have been suffering under much greater disadvantages, the like of which are not to be found in India except to some extent in the case of Dr. Ambedkar, and Dr. Ambedkar's case is a religious and social question of ours. Except in the case of Dr. Ambedkar, no minority in India has suffered the same calamities, the same shortcomings, the same difficulties and disabilities that the minorities in Europe have suffered; and, taking that into consideration, I am surprised at the very general methods by which they in Europe have tried to solve their problem.

They have defined a minority in a way which I think constitutes the real definition of a minority; they have defined a minority in such a way that the unity of the State may not be destroyed. The State as a whole must be maintained, provided sufficient protection is given to the minorities where protection is needed. They have said that the minorities could be defined only in point of their religion, in point of their race, and in point of their language; these are the three qualifications by which they have defined a minority. They have not recognised a minority in the public administration of the country; they are all regarded in the public administration of the country as equal national subjects of the State, whether they be by religion separate, whether they be Poles or Ruthenians or Lithuanians or whatever it may be, or whether they speak different languages. In the public administration of the country they are all nationals, and there is no discrimination on the ground of race, religion or language, and they have amply provided for their protection.

There is no need for protection on those grounds in India. I do not think any Mussalman has made the complaint—I do not think such a complaint has been made by any Sikh, Christian or Mussalman—that his religion has not been sufficiently protected or that his language has not been sufficiently protected or that not sufficient help has been given for the advancement of his culture. (*Indications of dissent.*) So far I do not think there has been any complaint, but I am speaking under a handicap, because I do not know what the Muhammadan case is. If your statement be that you have suffered under the Hindu majority in respect of your religion, in respect of your language or in respect of your culture I should like to know your instances, and then I should be prepared to give you adequate protection; but, so far as my knowledge goes, no such grievance has been made out. If there is any sense of grievance on that account, I am prepared to give the greatest measure of protection that is needed on the lines settled by the

League of Nations. They provide for complete protection of life and liberty and the free exercise, both public and private, of any religion whose practices are not inconsistent with public order and public morals. That is guaranteed to all the inhabitants without distinction of birth, nationality, race or religion. I think as things stand in India at the present moment there is no need for protection of this kind, but if there is a feeling of grievance this will give the fullest assurance of protection.

Provision is also made by the League of Nations for the removal of the disabilities of minorities in respect of the restriction of admission of minorities to the universities, and the liberal professions, to positions as commissioned and non-commissioned officers in the Army, public services, legislatures and cabinets. I do not think there is any allegation that in India they have not been given, or have been prevented from having, their adequate share in all these cases. I do not think there is any such allegation, but if there is I am quite prepared to make proper provision in order that any grievance, if grievance there be, may be removed. That is why I awaited a statement from the Muhammadans, so that I might know how to reply.

Provision is made for placing all nationalities, irrespective of distinctions of race, religion or language, on a perfectly equal footing before the law, so that these distinctions shall be no bar to any poiltical or civil right, such as the possession, purchase or sale of landed property, acceptance of tenders for public works, granting of credits for building and reconstruction work, forming of guilds and co-operative associations, etc. I do not think there is any grievance on this account in India, and therefore I do not think there is any demand for protection on this account.

All nationals of a State are to enjoy the same civil and religious rights, and no one is to be debarred on religious grounds from admission to public employment or functions or honours or from the exercise of professional duties. There is no grievance by any minority in India in this matter. The utmost demand that has been made in Europe was made when all the European minorities met together in a national Congress of their own and passed a resolution which represents the utmost they demand, and which is as follows: "The Congress demands the introduction of an electoral system which will ensure the representation of minorities in proportion to their numbers." That is the utmost demand that I can find which has been made for representation in the legislatures. I have not been able to find any illustration of the kind of demands so far reported to have been made in public by our Mussalman friends. I do not know whether I should refer to what appeared in the Press yesterday as a report of a speech made by Sir Muhammad Iqbal.

Raja Narendra Nath: Yes.

Dr. Moonje: He is President of the Muslim League in India. I am loath to refer to that matter, but as insistent demands on

these lines have been made, I am painfully obliged to refer to it. But instead of replying to that mentality in my own language, I should like to make an appeal to my brethren here to listen to the advice given on the subject by an expert on the problem of minorities, Professor Gilbert Murray. Professor Gilbert Murray, who is one of the recognised authorities on the subject of the protection of minorities, says that the Minority Clauses in the Peace Treaties, based on the principles which I have stated, contain the best practical remedy, but at the same time hold out the warning that minorities cannot expect to be treated as friends and fellow-subjects if they regard themselves as foreigners and put their faith in their kinsmen beyond the frontiers.

I appeal to our Muhammadan friends not to let sentiment run away with them. We are all people living in India; there is no difference in bone and blood between you and us. We are all children of the same people, and we are prepared to give you the utmost protection you demand for your culture, for your religion and for your race progress. I appeal to you to take up your courage in both hands and to put yourselves in the common pool of the nationality of India; and I am positive that if you try that experiment for the next ten years you will never have cause for complaint, just as Sir Phiroze Sethna has no cause for complaint. On his merits and on his competence and on his intelligence he has been able to hold his own, and we have regarded his people as pioneers in certain industries and as occupying a position in regard to them to which we can never aspire. In the same way, if you take your courage in both hands and put yourselves in the common pool of nationality, and then there will be no cause for any kind of grievance; everybody will take his own share according to his competence, intelligence and capacity and other merits that go to make a man a man.

Beyond that I have nothing more to say at the present moment. I may say it is exactly on these lines, though without studying these European arrangements beforehand, that the Hindu Mahasabha has issued a statement with regard to the demands made by the Muhammadans informally in public. I am glad to find the principles enunciated by the Hindu Mahasabha in dealing with these demands are exactly on par with the principles evolved by the League of Nations. I was absolutely in ignorance of the principles laid down by the League when these principles were drawn up by me in the Hindu Mahasabha, but, having read these things since coming over here, I find I have nothing to withdraw from the statement I have drawn up on behalf of the Hindu Mahasabha with regard to the Muhammadan demands.

This is the only statement I can make at the present time, but in view of any special points which may be brought forward later I reserve my right to give my answer when the time comes.

Sir Muhammad Shafi: Mr. Prime Minister, on Friday last you were pleased to address a weighty appeal to the representatives of

all the various groups in this sub-Committee for an amicable settlement of the minorities problem. Your appeal was supplemented by two very touching appeals made by the two lady members of this sub-Committee. With the exception of one discordant note, with which I shall deal later, the representatives of the other groups have placed their respective cases before this sub-Committee for its consideration, and it has fallen to my lot this morning to make a statement on behalf of the Mussalman community.

In making that statement I propose to confine myself, with the exception, of course, of a few brief preliminary observations, to the points which fall properly within the cognisance of this sub-Committee, leaving out those matters with which really the Federal Structure sub-Committee is concerned.

My friend Dr. Moonje has indulged in a few generalities and has stated that until he knows what the demands of the Mussalman community are he is not in a position to discuss them. My friend has been in possession of those demands not only since his arrival here in this country, but since December 31st, 1928, and January 1st, 1929, and yet he has been pleased to ignore them, if I may venture to say so. I should have thought that the best plan, before the representatives of the three great British parties, would have been to deal fairly and squarely with those demands, of which my friend Dr. Moonje is aware already, and not, after indulging in a few generalities, to sit down, as he has done. That is, I submit, a perfectly legitimate complaint on my part as the representative of the Mussalman group.

So far as nationalism is concerned, so far as our patriotic duty to our common Motherland is concerned, I venture to think that the Mussalman representatives have given conclusive proof of it, not only on the day when His Majesty the King Emperor opened the Conference, but also during the Plenary Sittings of the Conference which took place in the first week. We have in plain language unequivocably made it perfectly clear that we, as sons of India, claim for our country Dominion Status as an equal partner in the British Commonwealth of Nations. And, therefore, neither Dr. Moonje nor anyone else, I venture to submit, has any right to question our patriotism and our nationalism.

But we on this side recognise the distinction between status and constitution. Let me make my meaning perfectly clear by giving you two illustrations. In the international sphere France and England occupy the same status as independent countries; the constitutions of both are founded on democratic principles; yet the constitutions of the two countries are poles apart, since one is a Republic and the other a Constitutional Monarchy. Coming nearer home, we have the British Commonwealth of Nations, of which we hope soon to see India as an equal member along with the other Dominions. Now, the constitutions of these Dominions are also based on democratic principles, and yet, if you compare the constitution of Australia with the constitution of Canada, not only will

you find differences in detail but even differences in basic principle, for one is centripetal and the other is centrifugal, so that so far as constitution is concerned it must be distinguished from status. And to frame a new constitution for a country in blind imitation—if I may use the expression—of other constitutions elsewhere, in total disregard of the actually existing conditions in that country would, I venture to submit, ultimately end in disaster.

Now, what are the actually existing conditions in India which must be borne in mind in framing a constitution for that country, if that constitution is hereafter to work smoothly and is to secure the happiness and contentment of the 310 millions of His Majesty's subjects in that country?

So far as this sub-Committee is concerned, we have first of all the millions of pre-Aryan aborigines of India, who are now generally referred to as the Depressed Classes, and who have for 3,000 years in the history of India been treated by the Aryan conquerors as untouchables. We have next the Aryan conquerors, the caste Hindus, who have appealed to us in the name of nationalism and who constitute, no doubt, the largest group—the majority, if you like to call it so—in the country. Next—and it is in their proper sequence historically that I am mentioning these various groups—you have the 71 millions of His Majesty's Mussalman subjects in India. In regard to this group there is one fact to which I invite the attention of this sub-Committee in particular, and it is this. The political importance of this group, not only from the internal and the international points of view but also from the point of view of its capacity to contribute to the defence not only of India but of the British Commonwealth of Nations, must be borne in mind.

Just at this moment what is the position in India? Excluding the British garrison and the mercenary troops from Nepal, what is the position? The Mussalman group in India provides a little over one half of the entire Indian Army. That has got to be borne in mind also with respect to another claim which I am going to make on behalf of my community. It is clear, therefore, that the political importance of the Mussalman community cannot be judged by its numbers.

We have next the smaller groups, which, although numerically smaller, yet in importance and in their weight in the affairs of India are very important groups—the European commercial representatives, the Anglo-Indians, the Indian Christians. These are the actually existing conditions in India which have got to be borne in mind when framing a constitution for India, for I take it that the basic principle of democratic government is that it should be truly representative of the people of the country. We Mussalmans realise that as was said by His Royal Highness the Duke of Connaught in his speech in inaugurating the Montagu-Chelmsford Reforms ten years ago. " The days of autocracy are over; the age of democracy has come in "; and in consequence we, the Mussalman

group, recognise that the constitution which the British Parliament has to frame for India must necessarily be based upon democratic principles.

Now, what is the basic principle of democratic government? The basic principle of democratic government is that the government of a country, both on the executive side and on the legislative side, must be truly representative of the people of that country. That is the real, that is the main basic principle. All this talk of nationalism and so on and so on, for certain purposes, to my mind, is beside the point. I repeat the basic principle of democratic government is that the government of the country, both on the executive and on the legislative side, must be truly representative of the people of that country. In other words, so far as India is concerned, the Government of India—the Government of the self-governing India of the future—for which we are called upon to frame a constitution, must be truly representative of the Hindu element, the Muslim element, the European element, the Anglo-Indian element, the depressed classes and the Sikhs, who are, as I claim, an off-shoot of the Hindu community. It must be truly representative, and if you frame a constitution which does not satisfy this main requirement, believe me, your constitution will not work, and not only will it not work but it will create discontent amongst the minorities in India, because it will have brought into existence not a representative government but an oligarchy: And an oligarchy in India will result in this, that instead of giving India peace, instead of giving India contentment, instead of giving India prosperity, you will be giving India a state of things which will lead to disaster. I as a nationalist, I as a democrat, want the Government of India to be truly representative of the people of India. All we Mussalmans are born democrats, for democracy is of the quintessence of our religion. Look what has happened in Turkey. Turkey has gone back towards the earlier ages of Islam, when even the Caliph of Islam was elected, the religious head of Islam was elected by the people. Democracy, as I say, is there in the marrow of our bones, and that is why we want the Government of India to be truly representative of the people of India.

Well, then, what are those demands in so far as our position in the self-governing India of the future is concerned? Let us first take the executive side. What we say is this. I am going to place our demands before you in plain, unvarnished language, and I am going to leave it to you to judge whether our demands are not in perfect consonance with democratic ideals, are not based on justice; and if you once agree that they are founded on democratic principles and are based on justice, then I demand, on behalf of the 71,000,000 of Indian Mussalmans, simply this, that in the highest rungs of the executive ladder, if I may use that expression —that is to say, in the Cabinets, the Central and Provincial—a provision should be made (I do not care whether it is in the instrument of Instructions to the Governors or otherwise) we should secure

the Mussalman community a place in the Central as well as in the Provincial Cabinets.

Coming down to the lower rungs of the executive ladder—that is, the Services—our demand is simply this. We say that recruitment to the Services should no longer be dependent upon the individual idiosyncracies or choice or selection of Ministers; there must be a Public Services Commission, both at the Centre as well as in the Provinces, and it should be an instruction to the Public Services Commission to see that in recruiting for the public services the fair claims of the various communities are borne in mind. Now, I put it to you, are these demands that I place before you on behalf of the Muslim community anything——

Dr. Moonje: I wish you had made them before; I would have replied to you.

Sir Muhammad Shafi: They have been made before and have been replied to before. Please do not interrupt me. I do not want to say things; you understand; but if you compel me, I must. To my knowledge they have been made.

Dr. Moonje: To your knowledge they have been replied to.

Sir Muhammad Shafi: You have brought into your speech today references to certain matters to which I did not want any reference made at this meeting. Unfortunately you have compelled me to make reference to them, and when dealing with your speech I shall deal with that point.

Are these demands that I have placed before you, so far as the Executive is concerned, anything else but such as are based upon democratic principles? I say, no doubt the Public Services Commission must bear the requirements of efficiency in mind. We Mussalmans freely admit that necessity. We say that the Public Services Commission should bear the requirements of efficiency in mind, but having satisfied themselves so far as efficiency is concerned, they should recruit for the Services so as to secure the representation of all the communities having a material stake in the country, for unless you do that, you create an oligarchy. That is our position so far as the Executive is concerned.

Coming now to the legislature, let me first take the Central Legislature. Our demand is this. We are excluding Burma, as we expect it to be separated.

Mr. Shiva Rao: No!

Sir Muhammad Shafi: A little over 25 per cent. of the population of British India are Mussalmans. What we ask is $33\frac{1}{3}$ per cent. representation, so far as British India is concerned, in the Central Legislature; and our demand here again is based, not only on security for a minority, not only on that ground, but also on historical grounds. This is a demand which was put forward by the All-India Muhammadan deputation under the leadership of

His Highness the Aga Khan which waited on the late Lord Minto at the Viceregal Lodge at Simla on 1st October, 1906. There the Muslim case was that the political importance of the Muslim community should not be judged by its numbers. As you are aware, Sir, we are all agreed that the defence of India should remain a reserved subject for some time to come. That will be one of the principal charges entrusted to the Central Government. On whose shoulders will the defence of India in the main fall, should India be in danger? I venture to submit that it will fall on the shoulders of the Mussalmans to a much greater degree than would follow from their proportion in the population of India. The justice of that claim was recognised by Lord Minto, and when the late Mr. John Morley, a democrat, an apostle of Liberalism, introduced the Bill embodying what were known as the Minto-Morley Reforms before the House of Commons, this is what he said in his speech. I will read only that portion which is relevant to two of the matters which have been discussed around this table. He said: "The Muhammadans demand three things. I had the pleasure of receiving a deputation from them, and I know very well what is in their minds. They demand the election of their own representatives to these Councils in all the stages, just as in Cyprus, where I think the Muhammadans vote by themselves. They have nine votes, and the non-Muhammadans have three, or the other way about. So in Bohemia, where the Germans vote alone and have their own register." This will show you, Sir, that the demand of Mussalmans for separate electorates was not unprecedented in the history of Europe, even at that time in 1910, or before. Therefore we are not without a precedent and a parallel for the idea of a separate register. "Secondly, they want a number of seats in excess of their numerical strength. These two demands we are quite ready and intend to yield in full."

We are asking for nothing more, nothing new in the new constitution which is to be framed for India in so far as the Central Government is concerned. I venture to submit that in all fairness we are entitled to this.

Coming down to the Provincial Legislative Councils, what we say is this. There are from the Muslim point of view majority Provinces and minority Provinces in India. In six out of eight Governors' Provinces—I will not say nine now; I will leave Burma out—the Mussalmans are in a minority. In two Provinces, Bengal and the Punjab, they are in a small majority. The difference between these majorities of Hindus in the one group and Mussalmans in the other group is this, that the Hindu majorities in the six Provinces are overwhelming. In spite of the weightage which the Mussalmans at present enjoy, the Hindus are still in an overwhelming majority, ranging between 70 per cent. and 85 per cent.; while in Bengal and in the Punjab in so far as the population is concerned, our majority is only $55\frac{1}{2}$ per cent. in the Punjab and $54\frac{1}{2}$ per cent. in Bengal.

Here I must deal with a point which has been urged very often in speeches. It has been assumed in those speeches that the weightage which the Mussalmans enjoy in these six Governors' Provinces, where they are in a minority, is the result of what is known as the Congress-League Pact, the Lucknow Pact. That is an entire misconception of the whole situation. From the passage which I have read out to you just now, from the speech delivered by Mr. Morley, you will see that the weightage which was given to the Mussalmans in these minority Provinces was given at the time of the Minto-Morley Reforms in 1909-1910, and it is as a result of the decision arrived at by the British Parliament then that we got that weightage, arrived at on other grounds, grounds which were mentioned in the representation made to Lord Minto and the reality of which both Lord Minto and Mr. John Morley fully recognised. This weightage is in no way the result of the Congress-League Pact. What did happen in the Congress-League Pact was this, that while the Minto-Morley Reforms gave the Mussalmans in the minority Provinces separate electorates, those Reforms did not give separate electorates to the Mussalmans of Bengal and the Punjab. The Mussalmans of Bengal and the Punjab from that moment were protesting against the withholding of this privilege from them in these two Provinces. They had raised considerable agitation, and that agitation was resulting in certain difficulties, both for the Government and for the Congress. Well, the Muslim League and the Congress met at Lucknow. I do not wish to go into the details of how that decision was brought about. Separate electorates were extended to Bengal and the Punjab as a result of that Pact, but neither in the Punjab nor in Bengal was the Muslim majority granted its majority rights. I dare say those Mussalmans who were party to that Pact in spite of the protest made there and then by the late Nawab Sayed Namali Ali Chowdhuri, who was present at the meeting on behalf of the Mussalmans of Bengal, and excepting the Mussalman gentlemen who were parties to this Pact, there was no Mussalman representative from the Punjab present—in spite of that the Mussalmans who were present agreed to it, I have no doubt, because the right of separate electorate was being extended to the Punjab and Bengal, and there was no question of responsibility or provincial autonomy before India at that time, and also the retention of the official bloc in the Legislative Council was contemplated. Therefore, while acquiring the right of separate electorates, and while the official bloc was there, and there was no question of responsibility or provincial autonomy, those present agreed. But let me tell you this, that the Mussalmans of Bengal and the Punjab protested against that Pact, and have continued to protest right up to now. So that this argument based on the Lucknow Pact really has no force of any kind whatever. Putting it aside——I have finished the argument on the Lucknow Pact, and perhaps we had better stop here now.

(The sub-Committee adjourned at 1-5 p.m.)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. III. (MINORITIES) HELD JANUARY 1ST, 1931, AT 10-30 A.M. AND 10 P.M.

Sir Muhammad Shafi: Mr. Prime Minister, before proceeding from where I left off yesterday there is one inadvertent omission in a previous portion of my statement to which, with your permission, I propose to refer. The sub-Committee will remember I stated on behalf of my community that they desire a provision to be made, whether in the Instrument of Instructions to the Governor-General and the various Governors or otherwise, for the inclusion of a Mussalman representative in the central Cabinet and in the Provincial Cabinets of the six Governors' Provinces in which the Mussalmans constitute a minority of the population. I forgot to add that my community fully recognise that, in justice to our Hindu brethren, a similar provision should be embodied in the Instrument of Instructions or otherwise in regard to those Provinces—Sind, the North-West Frontier Province and Bengal—in which the Hindus constitute a minority of the population, and there should also be a provision for the inclusion in the Punjab Cabinet of a Hindu and a Sikh, so that the whole picture may be complete.

Now, proceeding from where I left off yesterday, I was emphasising the fact that the weightage which the Mussalman community have enjoyed for the last twenty years in the six Governors' Provinces in which they constitute a minority was the result of the recognition by Lord Minto and Mr. John Morley of the political importance of the community, and was also based on the principle of security being given to the minorities. I should like to mention in this connection that my community entirely agree that similar weightage should be given to our Hindu brethren in the Province of Sind and the North-West Frontier Province, where the position of the Hindus is analogous to the position of the Mussalmans in the six Provinces. In so far as the Punjab and Bengal—the two major Provinces—are concerned, the so-called majority of the Muslim community is nominal only, and the minorities in these two Provinces do not stand in any need of protection. In consequence, the Mussalmans insist that in these two Provinces they should be given their proportional representation.

The Mussalmans take their stand on this: Just as our Hindu brethren are entitled to their rights of majority in the six Governors' Provinces in which the Mussalmans constitute a minority of the population, similarly the Mussalmans are also entitled to their rights of majority in the four Provinces in which they constitute a majority of the population.

There is one further reason to which I wish to refer in this connection. To my mind the Federal India of the future with the Central Government in the hands of the majority community, and the Provincial Governments in six out of the eight Governors' Provinces in the hands of the same community, the four Provinces in which the majority community will be in a minority and the

minority community will be in a majority will in itself constitute a guarantee of good treatment by both the communities. To me this one picture as regards the future is the most fascinating and the most attractive, for to my mind this is the real solution, the permanent solution, of the Hindu-Muhammadan problem in India.

That this was the view which prevailed even in Hindu Mahasabha circles before the end of 1925 admits of no doubt. Until then certain other influences, which began to prevail afterwards, had not come into operation. At the anniversary of the All-India Hindu Mahasabha held at Cawnpore during Christmas, 1925, Mr. N. C. Kelkar, in his Presidential address, visualized the future of India in these words: " In the Frontier Provinces "—that is, the North-West Frontier Province and Baluchistan—" the Punjab, Bengal and Sind "—you will notice he names Sind separately as a Province—" the Muhammadans would be in a position of advantage. On the other hand, the Hindus would be in a position of advantage in the other Provinces. Does this not give a kind of automatic guarantee against the ill-treatment of any one community by another in any Province, assuming that the Hindu and Muhammadan communities are both animated by fellow feelings for their co-religionists? " These are not my words; they are the words of Mr. N. C. Kelkar as President of the All-India Hindu Mahasabha at the anniversary of that organisation celebrated in Cawnpore in 1925. It is clear, therefore, that at any rate until 1925 opinion was unanimous in India among the two great communities of that country, the Hindus and the Mussalmans, that the future of India should be built up along these lines.

In the majority of the Provinces our Hindu brethren have the position of advantage, as Mr. N. C. Kelkar describes it. In only a minority of the Provinces—four—have the Mussalmans a similar position of advantage, with the result that there will be an automatic guarantee of good treatment to both the communities. That will be the permanent solution of the Hindu-Muhammadan problem in India.

And now, before I proceed further, I want if I may to ask the sub-Committee to note the effect of my statement up to this stage. With regard to the position of the Mussalman community, the effect is this. All matters of common interest to the whole of India, including even defence, will, if the conditions to which I have referred come into existence, be entirely in the hands of our brethren the Hindu community, a community which will have a permanent and unalterable majority in the Central Government. We Mussalmans recognise that, as the constitutional evolution in India must be on democratic lines, this position is inevitable, and we gladly accept it.

The next result will be that in six out of the eight Governors' Provinces a similar condition will prevail, and similarly we Mussalmans recognise that that position must be accepted. We do not ask for any *quid pro quo* for this acceptance of the position

by the Indian Mussalmans; all we ask is that the majority community should be just enough—aye, generous enough—to recognise the similar right of the Mussalmans in the four Provinces which I have already named. We do not say that if the Hindu majority in the Central Legislature and in the Legislatures of these Provinces comes into existence it will mean Hindu rule and that we Mussalmans cannot tolerate it, and that there will be civil war in these Provinces. We do not say that; democrats as we are by instinct and by tradition, we accept willingly, for the good of India, for the good of our common Motherland, the position which will arise as a result of these conditions.

May I with your permission, Sir, here refer in particular to my Province of the Punjab, and deal with certain observations made by my friend Sardar Sampuran Singh during the course of his speech the other day? I confess I was pained as well as astonished at the language used at this table by the responsible representative of our sister community, the Sikhs. I for one had hoped that the followers of that great saint Baba Guru Nanak, who, when he died, was claimed by the Mussalmans as a Mussalman, and therefore the Mussalman community who wanted to bury him, and by the Hindus as a Hindu, so that the Hindu community wanted to burn his body—I had hoped that the followers of that great saint would, round this table, be the uniting factor between the Muslim and the Hindu communities of the Punjab. It is sad to think that that expectation should have been disappointed.

What did my friend say? You will remember that he gave the sub-Committee certain figures. On the Sikh side the figures could not in any way be made the basis of any complaint by him or by his community; in fact, on the Sikh side the figures mentioned by him, even if they be assumed to be correct, show that Sikh representation under the proposals of the Government of India will be if anything slightly larger than the representation which they at present enjoy.

Sardar Ujjal Singh: Two per cent. more.

Sir Muhammad Shafi: Kindly look at the figures your colleague gave; I am not referring to anything else. They show that the position of my brethren the Sikhs will be if anything slightly better than the position which they have hitherto enjoyed.

Raja Narendra Nath: No; your percentages are wrong. I do not think you have understood the matter.

Sir Muhammad Shafi: I am only taking the figures given by Sardar Sampuran Singh. He said that at present the Sikhs enjoy 18·5 per cent. of the representation, and that under the Government of India scheme they will enjoy 18·6 per cent.

Raja Narendra Nath: 17·6 per cent.

Mr. Zafrullah Khan: He certainly said 18·6 per cent.

Sir Muhammad Shafi: He said 18·6 per cent.

Chairman: I do not want to have interruptions, but if anything is going to be based on this we had better get the position clear.

Sardar Sampuran Singh: Perhaps you are confusing two kinds of percentages which I gave—without the Christians and Europeans, and with them. When you are comparing one set of figures you should compare it with the same kind of figures in the Despatch of the Government of India. When I said that the percentage in the present Council without the Europeans and Christians—

Sir Muhammad Shafi: I venture to submit that this is argument, and not correcting any mistake. My friend wants to argue the whole case over again, apparently.

Sardar Sampuran Singh: No, I am not arguing.

Sir Muhammad Shafi: All I said was that on the Sikh side, according to the figures given by Sardar Sampuran Singh, the position if anything would be slightly better than it has been hitherto. That is all I say. It has nothing to do with comparing that with Muhammadans or with Europeans or with whether the official bloc is there or not; that is entering into argument. His main ground of complaint—and this is the real point of my argument—was that under the Government of India plan there is a possibility of the Mussalman community, which undoubtedly constitutes a majority of the population in the Punjab, having a majority, as against the Hindus and Sikhs combined. That was his main ground of complaint, and it was on that account he suggested there might be civil war in the Province.

Now, Sir, if the Mussalman community had adopted a similar attitude towards constitutional reforms, and if the Mussalman community had said that all over India in the Central Government, in all the other minority Provinces, the Hindus will be in the majority, and we cannot tolerate this, and there will be civil war, well, what would have been the fate of constitutional reforms in India? Surely, surely that is not the attitude that any community in India should adopt provided they are sincere well-wishers of India's constitutional evolution towards full self-government! Either we are patriotic Indians, desirous of our country's advance towards full self-government, desirous of seeing our countrymen rising to that stature to which other people have risen in their own countries, or we are communalists pure and simple. If we are the former, then surely this is not the attitude which we should adopt in relation to the questions which are before this Committee. My friend further observed that his community had no doubt given some trouble to Government in the past, on account of their dissatisfaction with the Montagu-Chelmsford Reforms. Now, I wish that my friend Sardar Sampuran Singh had not made that statement at this table, a statement which is historically incorrect. Fortunately the Viceroy who was at the head of the Government in India at that time is present here at this table. Well, the Sikh

community appear before Lord Chelmsford and Mr. Edwin Montagu through a deputation, and they asked for separate electorates and they asked for representation on the Punjab Council in excess of their proportion.

Sardar Ujjal Singh: They asked for 33 per cent.—one-third.

Sir Muhammad Shafi: Excuse me, Sardar Ujjal Singh; I am not saying what you asked from the Simon Commission, I am referring to the representations made to Mr. Montagu and Lord Chelmsford.

Sardar Ujjal Singh: I am referring to that, too.

Sir Muhammad Shafi: Well, both those demands of the Sikh community were granted. They received roughly 18 per cent. representation instead of 11 per cent. and also separate electorates. When the Montagu-Chelmsford Reforms were introduced, only one section of the Indian communities, and that was the Congress section, decided to boycott the reformed Council. That is an absolutely undeniable fact—only the Congress section. Those Sikhs in the Punjab who belonged to the Congress section of course obeyed the mandate of the Congress, but the majority of the Sikh community actually sent their representatives to the Provincial Council. The whole of the Province was divided into so many Sikh constituencies. In every constituency Sikh candidates stood for election. Every Sikh seat in the Punjab Legislative Council was filled, and what is more, during the whole of this period of ten years, a Sikh representative continued to be either a member of the Executive Council or a Minister in the Punjab Government. But shortly after the Montagu-Chelmsford Council came into existence—or rather, I should have said just about that time—my Sikh brethren were carrying on an agitation in connection with the Gurdwara Reforms. My sympathies were entirely with them in so far as that agitation was concerned—that is to say, what they wanted was that the Gurdwaras, their sacred shrines, should be in the hands of the community, that nominees of the community should manage the endowments connected with those Gurdwaras, and not men who were playing ducks and drakes with those endowments. The Punjab Government introduced a Gurdwara Bill into the Punjab Legislature which was not acceptable to the Sikh community, and was opposed by the Sikh representatives of the community in the Punjab Council; but in spite of their opposition the Punjab Government, on the strength of the majority votes at their command, carried this Bill through. That was the original cause of the Sikh trouble and the Guru Ka Bagh affair gave them the excuse or the cause for the action which they subsequently took. The Guru Ka Bagh affair ran over a long number of months, and the Sikhs showed that they could be non-violent non-co-operators. That was the first cause of trouble. Then the trouble extended to Jaito in the Nabha territory. It continued for some time, and then at Bhaipheru in the Lahore district. That was another sacred shrine. The Sikh trouble started and continued for some time.

This was the trouble which the Sikhs gave to the Punjab Government, on account not of dissatisfaction with the Montagu-Chelmsford Reforms, but on account of the Gurdwara Reform Act. Then ultimately the Punjab Government introduced a fresh measure whereby the old Gurdwara Act was repealed and a new Gurdwara Act, in consonanee with the wishes of the Sikh community, was carried through the Punjab Legislative Council. Under this new legislation the Sikh community obtained complete control of their shrines. The Prabhandak Committee, or whatever was the name of the Central Committee, was constituted under the Act, and under that Act the entire Sikh community enjoys adult suffrage in the matter of the election of their representatives to the Central Committee—that is to say, both men and women of 18 years and above —yet I am surprised to hear that my Sikh brethren, with all their democratic ideals, in the Franchise Committee have opposed the extension of the franchise and have recorded their note of dissent from the proposals voted by a majority of that Committee. I am surprised to hear that. Well, this is the history of the Sikh trouble.

Sardar Ujjal Singh: It is entirely wrong to say that we oppose the extension of the franchise.

Sir Muhammad Shafi: I said the proposals of that Committee; I did not say you have opposed the extension of the franchise.

Chairman: I hope members will really remember that this is a Committee dealing with the minority problem, and because we are in a committee and not in a general session of the Conference, we must strictly confine ourselves to the Committee's terms of reference.

Sir Muhammad Shafi: Sir, it is true that my community has not given any trouble to the Government, nor do I make such trouble the basis of a claim for special concession at the expense of other communities. True, all I can point to is the blood of the manhood of my community shed on the battle-fields of three continents in defence of the British Commonwealth of Nations, and along the frontiers of India in defence of our common Motherland, sometimes even against our own co-religionists; but I do not want to refer to all this as a basis for any claim for special concessions. No; all I want is that justice shall be done to my community in the great changes that are going to be introduced in India. I claim nothing but justice; and let it not be said by the future historian that the British Government paid attention to threats and to references to past troubles, but paid no attention whatever to steadfast loyalty and devotion to the British Empire and the British Commonwealth of Nations. That is all I have to say with regard to that.

I now come, Sir, to the question of joint and separate electorates. My friend Sir Phiroze Sethna referred us to his own experiences, the experiences of his own community in Bombay, and asked us,

as a result of those experiences, to accept joint electorates. He further cited some observations made by two eminent statesmen in England. Well, Sir, I am not surprised that my friend, Sir Phiroze Sethna should be an advocate of joint electorates, for I can well understand a representative of the Parsee community, who are confined mainly to Bombay and are numerically 80,000, preferring joint electorates to separate electorates, for if separate electorates were thrust upon them the result would be that perhaps one, perhaps not even one member, perhaps decimal something of a member, would be their representation in the Central Legislature. Moreover, the case of a rich, wealthy, influential community, a small community concentrated in one city in that vast sub-continent of India securing a measure of representation from that city which may be more than the representation to which they would be entitled on a proportional basis is no argument, no argument whatever, on which to base this theory in favour of joint electorates, as my friend has done. I challenge my friend Sir Phiroze Sethna to come to Allahabad, to come to Lahore, to come to Calcutta and stand there as a candidate in any joint electorate. Then, in spite of his great position in the political world of India, I will see if he will get elected through any one of those constituencies.

Sir Phiroze Sethna: Has not a Parsee been elected by a joint electorate in Burma, although the Parsee population is not more than 200 or 300?

Sir Muhammad Shafi: I think the less we talk about Burma after its separation from India the better. We know very well what is the position in Burma. The mercantile community in the capital of Burma which is very rich and very powerful, and I have no doubt that any member of that mercantile community can influence the vote of a joint electorate in Rangoon. Sir Phiroze Sethna, I hope, will remember that I, too, know something about India. After all, I have not entered political life only to-day, and I hope my friend will remember that I have inner knowledge as well as other knowledge of the position as it exists in India, and instead of interrupting me and thereby prolonging my statement, I hope he will quietly listen to what I have to say.

Sir Phiroze Sethna: What about Parsees in the Central Provinces?

Sir Muhammad Shafi: As to the observations of those two eminent British statesmen to which my friend made reference, let me point out that so far as I am aware, those two eminent statesmen had no actual experience or knowledge of the conditions as they exist in India. On the contrary, as far back as the year 1888 Lord Dufferin, when he was Viceroy of India, in connection with this very question of representation in the Legislative Councils emphasised the necessity that in India representation will have to be not in the way representation is secured in England, but representation by interests. I will read a passage out of the Despatch sent by Lord Lansdowne. In 1892 Lord Lansdowne's

Government wrote: "The representation of such a community upon such a scale as the Act permits can only be secured by providing that each important class shall have the opportunity of making its views known in Council by the mouth of some member specially acquainted with them." That was the opinion expressed by Lord Lansdowne's Government in 1892 and we know that at the next revision of the constitution in India in 1909 both Lord Minto and Mr. John Morley recognised that principle; and when subsequently Lord Chelmsford and Mr. Edwin Montagu prepared their scheme of reforms, although their own predilection was in favour of joint electorates, upon a review of all the circumstances of the case and of the history of separate electorates in India, they, in their Joint Report, stated in clear and unequivocal language that pledges having been given by Viceroys and Secretaries of State to the Indian Mussalmans that their separate electorates would not be taken away from them without their own consent, they accepted the principle of separate electorates for the Mussalmans. And in this connection let me mention one more fact: so has the Simon Commission and so have the Government of India in their Despatch.

There is one important fact in this connection of which I wish to remind the Committee. To my mind, in the existing conditions in India, joint electorates, instead of helping the cause of nationalism, will be detrimental to that cause, for they will provide periodically recurring cause of friction between the two communities. Separate electorates will result in this: A candidate for a depressed class constituency will contest the seat against a brother member of the depressed class constituency; a Mussalman will contest the seat against a member of his own community; a Hindu will contest the seat against a member of his own community; a Sikh will contest a seat against a member of his own community; there is no intercommunal friction; and, as these elections are themselves periodical, separate electorates do not give rise to periodically recurring causes of friction. That this is so was frankly admitted by Mr. Chintamani when he gave his evidence before the Constitutional Enquiry Committee, otherwise known as the Muddiman Committee. He admitted that the introduction of separate electorates in the United Provinces had given rise to satisfaction among the Mussalmans, and had thereby promoted good feeling between Hindus and Mussalmans in that Province: so much so that when he was Minister in that Province he agreed to extend this system of electorates also to municipalities and district boards.

The position is this: consistently from 1888 onwards statesmen of the position of Lord Dufferin and Lord Lansdowne, Governments of India one after another, the Royal Commission recently appointed as well as the present Government of India, have stated that in the conditions as they obtain in India Mussalmans must have their separate electorates. Pledge have been given by Viceroys and Secretaries of State that separate electorates will not be taken away from them without their own consent. Therefore the Mussalman

community take their stand on those pledges; they take their stand on nationalism, and they say that mixed electorates will be detrimental to the cause of nationalism in the existing conditions of the country; therefore we cannot accept them.

The time may come, and no one will welcome that time more than I, when the communities will have learnt to respect each others' right, when they will be prepared to allow to each the position which is legitimately theirs by reason of the stake they hold in the country, and when these unhappy communal troubles will have disappeared. The time may come when these separate electorates will give way to joint electorates. No one will welcome that time more than myself. For the present the only way to secure representative government in India, to give their rights and full position to the European commercial interests, to the Anglo-Indian interests—the Anglo-Indians who too have served the Empire in a manner which is worthy of recognition—to the depressed classes, to the Mussalman community, to my Hindu brethren, to my Sikh brethren—the only way to secure that they shall take their rightful position in the India of to-day in the constitution which is going to be framed for India is that they should have the right to elect their own representatives in separate electorates.

Well, Sir, I have done. There are only a few observations made by my friend Dr. Moonje which finally require some comment from me. He referred to the principles laid down by the League of Nations in regard to the treatment of minority problems in Europe. It is hardly necessary for me to enter into a discussion of those principles. Those principles may be compatible with the conditions which exist in these European countries, but they cannot be regarded as being exhaustive; they cannot be regarded as covering every state of conditions obtaining in all countries of the world. There may be other countries in which the conditions actually obtaining are either entirely different from the conditions obtaining in these European countries, or the circle of those complicated conditions is much wider in those other countries than it is in the countries with which the League of Nations had to deal. Therefore it is unless to refer to whatever may be the principles laid down by the League of Nations in regard to certain European countries. My friend was prepared to give us guarantees with regard to our religion, our culture, our language and matters of that kind. I am very grateful to him for that generous concession. But he said that in so far as administration is concerned there is no need for any such guarantees at all; he had never heard any complaint anywhere in regard to any injustice.

Dr. Moonje: I do not think you represent it rightly.

Chairman: Well, leave it.

Sir Muhammad Shafi: Well, I took it down: "I have never heard any complaints of any injustice by the majority." That is

how I took it down. My friend may have forgotten. The recollection of several of my colleagues is the same as mine.

Dr. Moonje: Get a copy of my speech and read it.

Sir Muhammad Shafi: Well, never mind. Now as regards administration. I should have thought, Sir, that if there was any branch of government which was concerned more than any other branch with the happiness and contentment of the people, it was administration; and in a country like India, where there are so many communities, communities following different religions, observing different social codes, different cultures and so on, a fair representation of all those communities in the administration is necessary for the contentment and happiness of the people. Therefore there is nothing surprising in this, that not only we the Mussalmans, but also representatives of other communities, should demand that their communities should be fairly represented in the services. And, after all, what have we asked? We have asked that recruitment to the Services should not be dependent on the idiosyncracies of ministers, but that it should be made through a duly constituted Public Services Commission.

Dr. Moonje: Quite right.

Sir Muhammad Shafi: And that this Public Services Commission should have instructions to see that, while all the requirements of efficiency are satisfied, the various communities are fairly represented in the Services.

Dr. Moonje was pleased to make a pointed reference to the speech which is said to have been made by Sir Muhammad Iqbal when presiding over the anniversary of the Muslim League at Allahabad three or four days ago. I wish Dr. Moonje had not made this reference, and compelled me thereby to do that which I had no intention whatever of doing, I can assure the Committee, when I came here yesterday morning. Now in the first place, unless the full text of that speech is before me, I cannot pass any judgment on that speech. We know what these telegraphic summaries are Sentences are divorced from the context. Telegraphic summaries, in a responsible body like this, ought not to be made the basis of criticism or of judgment upon a speech. If Sir Muhammad Iqbal said that when there will be a Hindu State in the whole of India by reason of the Hindu being in a permanent and unalterable majority in the Central Government, when there will be six Hindu States out of the eight Governors' Provinces, by reason of a similar unalterable permanent majority in those six Provinces, there ought to be four Mussalman States, because the Mussalmans in those four Provinces are in a majority, I see nothing wrong in that. I myself am prepared to repeat that here before this Committee, for, after all, we are contemplating the bringing into existence of the United States out of the eight Governors' Provinces, by reason of a similar of India before the Constitutional Federal Committee. Each Provincial unit will be a State. There is nothing in that. No pointed reference need have been made, if that is what he said.

But if he said anything in connection with the foundation of an independent Muslim State outside the British Commonwealth of Nations, in the ordinary sense in which such a phrase is used, then I, on behalf of the whole Mussalman Delegation, repudiate that; I absolutely repudiate that on behalf of the whole Delegation. But, Mr. Prime Minister, I can well imagine a Muhammadan exasperated by pronouncements of the type that my friend Dr. Moonje has been making in different parts of India, possibly in a moment of thoughtlessness saying something similar.

Presiding over the anniversary of the Bara Bazar Hindu Mahasabha in Calcutta on the 25th July, 1926, my friend Dr. Moonje traced the history and loss to Hinduism during the last 900 years, quoting Afghanistan, Kashmir and Malabar as instances in point, and also mentioning that Hinduism has lost 70 million of her men to another religion—obviously to Islam. After having done so, Dr. Moonje proclaimed the object of the new Hindu movement in the following words: "The object of the Hindu movement would be to keep together all Hindus and to extend the Hindu religion so that India might be called Hindustan, the land of the Hindus." In the same speech he declared that "it seemed to him that the Hindus were living under two dominations: the political domination of the English based on its trading and machine guns, and the domination of the Muhammadans based on their aggressive mentality." Having said so, he observed: "the mild and docile Hindu is thus the prey to domination of two kinds, and he has to see whether, while putting up with machine-gun domination as an inevitable evil, he was also to put up with the other domination." If I may say so, possibly it was as a result of this speech that Dr. Moonje was elected President of the following anniversary of the All-India Mahasabha. As President at the following anniversary, this is what he said at Patna on the 16th April, 1927, speaking of Hindu-Muslim unity: "This unity is to my mind a volatile commodity, appearing very well and worth having till the price is paid, when it assumes the form of incompatibility and intractability." What he meant by that I do not know. Having stated that he had never been a believer in concessions in bringing about Hindu-Muslim unity, he advised his co-religionists that "they should leave the Mussulman severely alone in their present mentality, leave them to speak and act as they please." And this is what he has done recently here in London. That is the reason why no Hindu-Muslim settlement could be arrived at during the prolonged negotiations that have taken place. I wish Dr. Moonje had not referred to the speech of Dr. Sir Muhammad Iqbal and compelled me to refer to his own speeches in this way; I wish he had not done so; I wish with all my heart he had not done so, for I had no intention whatever of referring to any speeches by any individuals.

In conclusion, I wish to make one more appeal to my Hindu brethren. I say to my Hindu brethren: "You, as the majority community and as children of the same common Motherland, are

in the position of an elder brother. I, as a representative of the minority to which I belong, am also a child of the same common Motherland, and am in the position of a younger brother. Be an elder brother and treat me like a younger brother, and you will find that your younger brother will be a source of the greatest possible strength to this new joint family that will come into existence."

You, my Hindu brethren, want full self-government for your country; you want your country to be an equal partner in the great British Commonwealth of Nations. Remember that in the world conditions which have now come into existence no country, however rich or however powerful, can stand alone. It is for that reason that the tendency of modern international movements is towards the association of nations and countries for purposes of security, mutual help and co-ordination of effort. For us, the people of India, such association is already there in the British Commonwealth of Nations. I have all my life been convinced that the future of India lies within that Commonwealth.

If you want full self-government in your country, if you want your country to be an equal partner in the British Commonwealth of Nations, you, the majority community, who will have the control of all matters of common concern at the Centre in your hands, who will have control of the Provincial Governments in the major portion of India, you can afford to be generous to us, the Muhammadans. And we do not want you to be generous; we only want you to be just and to recognise our legitimate rights and claims in the self-governing India of the future.

Believe me, without this Hindu-Muhammadan unity all your dreams of self-government are in vain. With Hindu-Muhammadan unity you can confront the representatives of the British parties and say, "Here is the united demand of India", and then I am perfectly certain they will see that India is now united and is in a position to conduct the affairs of self-government as an equal member of the British Commonwealth of Nations, and they will be more than ready to meet you half way. But if you do not recognise the legitimate claims of the Mussalmans, and if you therefore alienate the feelings and the sympathies of this great and powerful community, all your dreams of full responsible government will be in vain; for then to whom is the British Parliament to transfer responsibility? To you? The Muhammadans will object. To the Muhammadans? You will object! Therefore the transfer of responsibility, whether at the Centre or in the Provinces, will become impossible unless Hindus and Mussalmans can be united, unless they are both satisfied that in the condition of things which is coming into existence the rights of both will be secure.

To the representatives of His Majesty's Government as well as to the representatives of the other two political parties here in England, I say this. Sir, any pronouncements made by you with regard to the general principles of constitutional evolution in India,

without a simultaneous declaration with regard to the safeguards which are essential to protect the minorities, will not be acceptable to the Mussalman community in India. Let me make this plain. Rumours are going about, and it is because of those rumours that I want to make this plain. Any declaration of policy made by His Majesty's Government or by the representatives of the three great British parties with regard to constitutional evolution, must include a declaration with regard to safeguarding the interests of the minorities and of the Muslim community. Otherwise it will not be acceptable.

Dr. Shafa'at Ahmad Khan: That is it.

Sir M. Shafi: I have done. I am afraid I have taken a good deal of the time of the sub-Committee, but so vital are the issues involved, so important the questions on which I was called on to make a statement on behalf of my community, that I could not do it without occupying a considerable portion of your time. I have in fact abridged my statement and I have tried to put it before you succinctly and in as short a compass as possible. I hope and pray that the Minorities sub-Committee may conclude its deliberations by bringing about an amicable settlement and an understanding between the various groups which are represented upon it, and that in the end it may be in a position to report to the plenary Conference that the minority question in India has been solved to the satisfaction of all the groups; and I do hope that that prayer of mine will not go unheeded.

Chairman: What Sir Muhammad Shafi said towards the conclusion of his speech was perfectly justified, namely, that he was in charge of a very important case which required time and patience, and we gave it him in the most unstinted way. We are very much obliged to him for the way he has put the case of his community before us. It is quite obvious that subsequent speakers, however, will have to confine themselves a little more, or otherwise we shall never finish our work at all.

I should like to say this. If any subsequent speaker is thinking of basing any observations upon what Sir Muhammad Shafi quite properly called rumour, I hope he will not take the trouble to do so. Rumours are jades who are always flying about the streets for mischievous purposes, and the rumour which I see in the Press to-day, and which was in the Press yesterday afternoon, is nothing but an invention by people who desire that this Conference shall not succeed. There is no basis for such a rumour, but I cannot charge myself with contradicting every piece of title-tattle that happens to gain currency.

My friends, we have been co-operating now together for a few weeks, and I do hope you have learned enough of us to be able to assume that absurd rumours are not likely to represent the position either of my colleagues who represent the other parties in the House of Commons and the House of Lords or of His Majesty's

Government itself. I would beg of you always to make that assumption when you hear those stories.

I should like us now to see if we cannot advance the cause of co-operation a little. We have had statements on behalf of the two communities, and if some of you have something to contribute towards bringing them together I should like you to address yourselves to that. There are still one or two communities and interests which have not been heard, and I propose that we should hear them also.

Raja Narendra Nath: I want to say something on a very important matter. I mentioned yesterday that I wanted to speak.

Sardar Ujjal Singh: I also want to speak.

Chairman: I am not going to allow the debate to develop on lines which are not going to be profitable for unity, because we already know what divides us; we have heard all about that. I will call on Raja Narendra Nath and see how the debate develops.

Sir Muhammad Shafi: Mr. Prime Minister, if Raja Narendra Nath is to be allowed to take part in the debate—because it will degenerate into a debate—then, as statements have already been made by the head of his organisation and on this side by a humble representative of the Muslim community, if a further debate is allowed on these statements I must reserve to myself the right of asking one of my colleagues to reply to Raja Narendra Nath.

Raja Narendra Nath: Yes.

Chairman: That is what I have in mind, and I do not think it will help you or His Majesty's Government or the other sections who are co-operating with us at this Conference. I do not want to suppress anything that is essential to a presentation of the facts, and I shall certainly suppress nothing that is going to be helpful for a solution, but I am sure you will support me—all of you, all sections of you—in preventing this exchange of views developing on lines which are going to separate you rather than unite you. With your authority, I will exercise my power as Chairman to guide the debate on those lines.

Raja Narendra Nath: I want to bring out certain points which may be in common with what Sir Muhammad Shafi has said, and I will confine myself to a very narrow issue; but I will wait, if you wish, until Dr. Ambedkar has spoken. I hope I shall not be denied the right of saying what I want to say, for I wish to speak on behalf of the Hindu minority. Dr. Moonje took a general view, but I want to speak on a narrower view.

I shall not take up your time for long; I shall make a very brief speech, because I am going to confine myself to an issue which is very much narrower than the issue raised by Sir Muhammad Shafi. I have listened very carefully to the speeches that have been made, and I am in full agreement with what has been said by Sir P. Sethna and Dr. Moonje against separate electorates. Reference has been made to certain literature connected with the

League of Nations, but it is unnecessary to go so far. I find the point covered by the Montagu-Chelmsford Report, in which separate electorates were recommended with reluctance. I find there a sufficient condemnation of them. They are " opposed ", it is said, " to teachings of history "; they " perpetuate class division and stereotype existing relations ". I invite your attention for my purposes in particular to the last sentence in para. 231, which says: " But we can see no reason to set up communal representation for Muhammadans in any Province where they form a majority of the voters ".

I have, however, a grievance against Sir P. Sethna. When he was enumerating the minorities, he did not mention the Hindu minority at all. I represent a minority which numbers in the Punjab between six and seven millions. My point of view, so far as the minority question is concerned, is the same as that of the Hindu minority of Bengal, and if you add the number of the Hindu population in Bengal the minority I represent comes to about 27 millions, or more than one-third the size of the Muslim minority.

Sir Muhammad Shafi has in his speech twice referred to the services of his community in the Army. I do not think that that reference was necessary; however, I am glad to say that the part borne by the Hindus in the defence of the Empire is also substantial. I need not quote figures; it is unnecessary to go into them; but if for certain reasons recruitment had not been confined to certain classes, that part would have been larger.

I now lay two propositions before the sub-Committee. " Separate electorates were a minority right and were devised for the protection of minorities; they were not intended to be used as an instrument for the assertion of communal assendancy by a majority community." That is one proposition. The second proposition is that " separate electorates have proved futile as a protective measure, and in the future *régime* they will be positively harmful for minorities ".

All that has been said with regard to the interests of minorities by Sir Muhammad Shafi has my full agreement, but we differ in the view that he takes with regard to separate electorates. I think it is necessary to give to the members of this sub-Committee a short description of the history of separate electorates. In May last I put a question in my Provincial Council as to the time when separate electorates were first introduced into local bodies in the Punjab, and whether they were introduced as a result of any representation by an organised Muslim association. The answer given was that they were introduced in 1891, but not as a result of any Muslim representation by any organised association. In 1888 the idea occurred to the then Viceroy, three years after the National Congress was started, and then it probably filtered down to local officers. My inference from the answer given is that the idea was not put forward by any organised association, but was suggested by the local officers themselves.

From 1891, when they were first introduced in the Punjab, to the time when the announcement was made by Lord Minto with regard to the introduction of separate electorates in the Provincial Councils, no history is available; I have not been able to trace this history. But I invite the attention of the sub-Committee to the answer given by Lord Minto, which is reproduced on page 184, Vol. I, of the Report of the Simon Commission. I quote only two sentences with which I am concerned. Lord Minto said: " You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muhammadan candidate, and that if by chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his community whom he would in no way represent ".

Now, Sir, the first point is covered by reservations. If Muhammadan seats were reserved there would be no risk that no Muhammadan would be returned. The second point does not apply to a tract in which the Muhammadans are in a majority. The Minto-Morley scheme was introduced in 1909, and the Reforms introduced by Lord Minto and Lord Morley remained in operation for about twelve years, from 1909 to 1920. During the whole of that period separate electorates were not introduced in the Punjab nor in Bengal, and that fact is admitted by my friend Sir Muhammad Shafi.

Now, when electoral schemes were sent up by the local governments of the two Provinces to Lord Minto—and in those days when centralisation of administration was in full force they must have been sent to Lord Morley also—why were they not returned to the local governments as involving a breach of a promise just made? They were not returned. I can see no other reason; I can draw no other inference than this, that the separate electorates promised by Lord Minto and Lord Morley were not intended for Provinces in which the Muslims were not in a minority. Then came the Lucknow Pact of 1916, and, as was admitted by Sir Muhammad Shafi, separate electorates were, in consequence of that Pact, introduced in the Punjab and also in Bengal. Well, of course, that Pact could not be ignored when the proposals——

Sir Muhammad Shafi: I did not admit anything of the kind.

Raja Narendra Nath: You did say so.

Sir Muhammad Shafi: " In consequence of that Pact "—I never said that.

Raja Narendra Nath: You may not have said " In consequence," but the Pact did introduce separate electorates which were not in existence before. That fact is admitted. Separate electorates were not introduced in the Punjab before, and separate electorates were not introduced into Bengal before, as Sir Muhammad Shafi said.

Mr. Ghuznavi: They were.

Raja Narendra Nath: Sir Muhammad Shafi said yesterday that they were not introduced.

Sir Muhammad Shafi: I did not say so.

Raja Narendra Nath: That is how I understood it. At any rate, they were not introduced in the Punjab. That is the fact. And why were they not introduced? I can see no other reason than the peculiarity of the conditions of the Province itself, which have not ceased to operate now.

Then came the Report of the Statutory Commission. The Commission ignored the history of the origins of separate electorates. They ignored in the Report that separate electorates were meant as a minority right and as a concession to a minority community. They made its removal contingent on the mutual consent of Hindus and Muhammadans in all Provinces, whether the Muhammadans in those Provinces were in a majority or in a minority. The climax has now been reached by the Despatch of the Government of India in which they proposed that an absolute majority should be conceded to Muslims in both these Provinces, and separate electorates continued all the same. Under these conditions, Sir, it has been impossible for us to bring about a settlement, or to arrive at a settlement when the whole object of separate electorates has been, according to my view, misinterpreted and misapplied by these two documents to which I refer.

With regard to the second proposition, that separate electorates have proved futile, so far, as a protective measure for the minorities and, in the future *regime* they will be possibly harmful to minorities, I will advance arguments which may convince other minorities or not. I am not going to force my conclusions on other minorities. In the first place, whatever I say with regard to separate electorates being a useful institution, or not, in the interests of minorities does not apply to Europeans and Anglo-Indians. They form a separate, isolated, and segregated group by themselves. Although they are sympathetic to Indian aspirations, their culture is quite different, their mode of living is quite different from those of the majority of the people, but the fact that makes all the difference is their ignorance of the language. They cannot canvass a constituency consisting of Hindus, Muhammadans and Europeans. They are a very small community indeed, but it is not on account of their smallness that the necessity for a separate electorate exists in their case: it is because they form such a separate and isolated community, and it is because they cannot use the ordinary means of canvassing a joint electorate that they need separate electorates. Therefore whatever I say with regard to the utility or other view of separate electorates does not apply to them. I do not force my conclusions either on the Depressed Classes or on Christians or even on Muslims. I present my own view of the case, and I relate to you my own experience of what separate electorates have done. Separate electorates having been recognised for the Muslims, the Hindus automatically are returned by separate electorates. What is the result? In the last *régime*—I mean to say, with the official bloc being present there—I find that our voice is a voice in the wilderness. Whenever we are at issue with a community, either

the Sikhs or the Muslims, our representation is perfectly useless, but the voice has been raised and representations have been made because of the presence of the official bloc. The official bloc being there, and being substantial in numerical strength, each minority has found it worth its while to lay its case before the Council with the object of winning over the support of the official bloc. We have obtained that support at times, but very seldom; and so far, although the separate electorates have not proved harmful, they have proved, in my experience, absolutely futile. In the new *régime* which will be introduced, and in which large powers will be given to Provincial Councils, in which cabinets will exist which will exercise large and extensive powers, you will be faced with a very difficult problem—I mean to say, the minority communities will be faced. The Members of the Cabinet will naturally largely come from majority communities and not one of them will owe his seat in the Council to a vote of the Minority community. I consider it to be a fundamental right of citizenship to be able to exercise my vote in selecting representatives to the Council who have to decide my fate. As matters stand now, two-thirds of the Council is elected without my having any voice in the election of members, and now their responsibility, the responsibility of two-thirds of the elected members, is shared by the official bloc. When the official bloc disappears the sole responsibility will rest on those two-thirds of the members in whose election my community has had no voice.

Well, Sir, that is a condition which is highly undesirable, and to which I, as a member of a minority community, strongly object. I am deprived of a fundamental right, a right which is the primary right of citizenship, of selecting the representatives who have to decide my fate. I am not given that right. That is the view which was presented by me and by men of my party before the Simon Commission, but it has been entirely disregarded. It was put before His Excellency the Viceroy; it was put before His Excellency the Governor; but there is not a word about it in the Despatch. I am not discouraged, however; I am not despondent. I think I have right on my side, reason on my side, and I will go on putting my case again and again until the final answer comes.

Mr. Isaac Foot was kind enough, at one of the meetings of the sub-Committee, to put certain questions to the representatives of the Depressed Classes as to the view which the Depressed Classes took on the question of separate electorates. I hope he will extend that solicitude to me also. I hope that the British Delegations, as well as the other members of this Committee, will give their best consideration to what I have to ask on behalf of the minority which I represent.

Now, I am not the only person who entertains this view, and all Muhammadans do not differ from me. There are certain Muslims who take the same view of separate electorates as I do. The Maharaja of Mahmudabad and Sir Ali Imam are responsible Muslim

gentlemen. The one was a member of the Executive Council of Lucknow, in which the Muslims constitute a minority; the other was a member of the Executive Council of the Government of India. Sir Ali Imam was once a staunch advocate of separate electorates, but after actual experience of administration, after actual experience of how the separate electorates worked, he changed his view.

I want now to quote a passage from the Nehru Report at page 30:—

> " It is admitted by most people now that separate electorates are thoroughly bad and must be done away with. We find however that there has been a tendency amongst the Muslims to consider them as a ' valued privilege ', although a considerable section are prepared to give them up in consideration for some other things. Everybody knows that separate electorates are bad for the growth of a national spirit, but everybody perhaps does not realise equally well that separate electorates are still worse for a minority community. They make the majority wholly independent of the minority and its votes are usually hostile to it. Under separate electorates therefore, the chances are that the minority will always have to face a hostile majority, which can always, by sheer force of numbers, override the wishes of the minority. This effect of having separate electorates has already become obvious, although the presence of the third party confuses the issues. Separate electorates thus benefit the majority community. Extreme communalists flourish thereunder and the majority community, far from suffering, actually benefits by them. Separate electorates must therefore be discarded completely as a condition precedent to any rational system of representation. We can only have joint or mixed electorates."

Well, Sir, the learned members of the Statutory Commission no doubt made a careful study of the Nehru Report before issuing their Report but there is not a word in that Report about this argument, refuting it or meeting it.

I do not claim that there is a monopoly of wisdom and deep insight only with the Hindus. Our Muslim friends also realise the situation. We have received messages from them that they are prepared to give up separate electorates if substantial majorities were secured to them in the Punjab and Bengal; that if they were not altogether prepared to give them up, they would at any rate consider the proposals made by us to that effect. But, Sir, how are those absolute majorities to be made up? The case of Bengal is not so difficult. The case of the Punjab is much more difficult. I have nothing to say against the principle of weightage which was promised to our Muslim friends by Lord Minto and by Lord Morley, but I certainly protest against the proposal to play fast and loose with the principle of weightage when it suits the Muslim community but no weightage where it does not suit them. In Bengal the proposals that have been submitted by the Government of India

do not reduce the representation of any minority to below its numerical strength in the population. The Europeans, who form a very small minority, probably 1 per cent., will get more than 1 per cent. representation through the special constituencies which will return them. Assam is another case in which the Muslim minority is something like 29·8 per cent. in proportion, but so far the representation secured to the Muhammadans is slightly in excess of their numerical strength. In the case of the Punjab curious proposals have been submitted by the Government of India. Those proposals do not touch the representation of Sikhs, do not reduce, as far as I know, the weightage which has been given to them, but reduce the representation of Hindus to something less than their numerical strength in the population. Is this the way in which minority interests have to be safeguarded? Of the importance of safeguarding Muhammadan interests I am not unconscious.

But is the Hindu minority in the Punjab to be made an exception to the rule? Is this the way in which the promise of protecting the rights of minorities has to be redeemed: by reducing the representation of Hindus to something less than their numerical strength in the population? On this point, Sir, I dwelt on the first day, but I wish to make the point a little clearer. In the Punjab there are separate electorates for Sikhs and for Muslims; that is to say, there are electoral rolls in which only the Muslims are entered, and they may vote only for the Muslims. There are similar electoral rolls for the Sikhs in which only Sikhs are entered, and they may vote only for the Sikhs. In the third electoral roll, that of Hindus and others, people other than the Hindus are also entered; that is to say, Parsees, Indian Christians, Bhuddists and Jains. As far as Indian Christians are concerned separate provision has been made for them; but there is no separate provision for Jains and Bhuddists; they are considered as being part and parcel of the Hindu community; they are entered on the Hindu electoral roll, and they may be elected as members of the Council by the Hindu voters. They are Hindus; there is no reason to exclude them. It appears to me that the Punjab Government, when they showed that the Hindu population is nearly 31 per cent. of the total population, omitted the figures with regard to Jains and Bhuddists. If those figures are included, and I meant to include them when I said that the proportion was nearly 32 per cent., the proportion as a simpler matter of arithmetical calculation comes to 32 and not 31 per cent. Then in computing the seats, the Punjab Government is wrong in considering the Commerce seat to be a Hindu seat. The Industries seat is a Hindu seat but that has been removed.

Chairman: Might I remind the Committee that we are really not discussing the numerical proportions that are going to be settled.

Raja Narendra Nath: Very well.

Chairman: We are discussing whether that method will be adopted, but please do not take up time in discussing figures now.

Raja Narendra Nath: Very well. I simply wanted to explain matters on which I touched briefly last time. But I say it is at least the right of every minority community to secure representation according to its numerical strength; that right should not be refused to any community. We are not asking for any concession or weightage; we simply want representation according to our numerical strength. In order to secure an absolute majority for the Mussalmans, is it right that our representation should be reduced to something below our numerical strength? That is what the Despatch of the Government of India proposes, based upon the proposals of the Punjab Government.

Now, Sir, I hope I am not tiring your patience. In the beginning of my speech I referred to the concluding words of paragraph 231 of the Montagu-Chelmsford Report; those words are: That we can see no reason to set up communal representation for Muhammadans in any Province where they form a majority of the voters. This Report was written at a time when constituencies were not framed, and the voting strength of Mussalmans in each constituency was not known. I am afraid the Government of India have also fallen into a similar error. At page 29 they say that all these differences will be settled when the voting strength of each community approaches the numerical strength of the population. Well, with due reference to the Government of India, I humbly submit that this is an erroneous view. In the western part of the Punjab the Muhammadan population predominates; in the eastern part of the Punjab the Hindu population predominates. The case is just the reverse in Bengal: in eastern Bengal the Muhammadan is predominant, and in western Bengal the Hindu population is predominant. Now, Sir, whatever the franchise, even if the present franchise is maintained, in western Punjab the Muhammadan voters will predominate, while in eastern Punjab, even if adult suffrage were introduced, the Hindu voters would predominate. The population is not distributed equally in the Province either in the Punjab or in Bengal; in one part one community is to be found in a preponderant majority, while in another part it is a very small minority. In Kangra district, for instance—I mention this for the information of my friend Sir Muhammad Shafi, whatever may be the franchise the Muhammadan voters will not predominate; it is a purely Hindu district. In the same way, in say, Gurgaon district, or in some other districts in which the Hindu population predominates, the extension of the franchise would make no difference.

Sir, in connection with this I refer you to a statement prepared by the Punjab Government. I am sorry to say I have not got it with me; I did not bring it with me; but if this Committee cares to probe into the matter further, they can get that statement and have a look at it. That statement is called "E—Punjab 80." It was produced before the Simon Commission; it was prepared by the

local Government for the Commission. I have not got all the figures and I am not sure that what I have written exactly represents the figures given in that statement. But it will appear from a perusal of that statement that the number of districts in which the Muslim voters predominate is very nearly equal to the number of districts in which non-Muslim voters predominate. This is with the present franchise. When the franchise is extended, the disparity may be removed. It will be still further reduced; it may not become quite proportionate to the population, but still the disparity will be considerably reduced, and it will be possible for any franchise Committee to frame a scheme of constituencies and allotment of members to each constituency in such a way that the number of Hindus or non-Muslims returned by the majority of Hindu voters may be the same as the number of Muslim members returned by a majority of Muslim voters.

Mr. Fazl-ul-Haq: On a point of order, Sir. It would very much help us if we knew exactly what is the point that Raja Narendra Nath is going to make. If his main purpose is with regard to Bengal, I shall have something to say.

Raja Narendra Nath: I am first offering figures with regard to the Punjab.

Chairman: A point of order has been put to me and I must answer it. I think it is very difficult to understand what is the use of this. The detail would be most valuable for a Committee going into the whole details of the rearrangement of Punjab constituencies, but it is not in the least helpful to us who want to understand what your minds are upon the great ruling principles which must guide us in whatever position we may take up.

Raja Narendra Nath: I wish to point out, Sir, that under a system of joint electorates the Muhammadans will not suffer; on the other hand they will gain. That is the point I am going to prove; that they will gain under a system of joint electorates and not suffer. It is not that they will not enjoy full autonomy; they will enjoy full autonomy. That is what I am trying to illustrate and prove. I am afraid I shall have to go again into the figures.

Mr. Fazl-ul-Haq: On a point of order again, that would not help the Committee, because that is a piece of advice that has been offered us—

Raja Narendra Nath: I am not talking of Bengal. I am talking of the Punjab and confining myself to the Punjab.

Chairman: Unless speakers address themselves to the real point which is before us, I would like to warn you that you are not helping your case; you are prejudicing your own case; because what we want is that you should help us. We cannot follow all these detailed figures and it is not our business to do so. We will follow with the greatest appreciation an argument on whether communal registers help minorities or not; we shall be exceedingly grateful to have that addressed to us. But I have been watching the clock for the last 20 minutes without any point being made.

I assure you that the effect of that is to prejudice your case in our mind rather than to assist it.

Raja Narendra Nath: Very well, Sir. Then I have said enough about the separate electorates for minorities being prejudicial to their interests. I think it is a denial of the substantial right of citizenship which all minorities ought to have conceded to them, to deprive them of the right of voting in the election of members who are to decide their fate. That is the view which I take, and that is the view that has been taken by the framers of certain important constitutions. That is the view which is taken even by certain Muhammadan gentlemen, though it is not the view taken by the Muhammadan gentlemen present before you here.

Then, Sir, I myself think that to make the Governor the custodian of minority interests is not sufficient. So far as my minority is concerned, it wants a declaration of rights to be embodied in the constitution. Colonel Gidney referred to it; Sir Hubert Carr made some sort of reference to it; Dr. Ambedkar has sent in a note on it, though he has not had the opportunity of speaking. I am rather sorry to find that Sir Muhammad Shafi has made no reference to the point, though in the memorandum submitted by Dr. Shafa'at Ahmad, who is an important member of the Muslim community from the United Provinces, he laid great stress on certain substantial rights being recognised for minorities in the constitution. Well, Sir, I lay stress upon that, and I wish and hope that some sort of method will be adopted by this sub-Committee, by appointing a few men who have to draft such a declaration which will be put before the Committee and before the full Conference.

Members: That is right.

Raja Narendra Nath: As to the Services, to which reference was made by Sir Muhammad Shafi, I do not ask for that very general demand on which stress has been laid by other speakers; but I certainly wish to guard against the contingency of Services being made dependent on communities alone, and on communal positions alone. There ought to be something in the constitution laying down general principles in clear words as to the way in which recruitment has to be made. I do not favour the idea of not making some reservation to redress communal inequalities. A certain principle has been followed and adopted by the Government of India with regard to All-India Services. I desire that a similar rule may be adopted with regard to all other Services; because, after all, as is pointed out by the learned members of the Statutory Commission, most of the dispute and controversy and communal squabbling is about services and appointments. Some definite rule should be laid down about it, and should be laid down somewhere in the constitution, so as to give it a binding force even on the members of the Public Services Commission. Well, Sir, I am not going to say anything more.

Dr. Ambedkar: Mr. Chairman, I am sure you will readily agree that the task which has fallen upon me to represent the case of the

Depressed Classes is a heavy one. I think it is for the first time that the case of the Depressed Classes from the political point of view has come to be considered. The disabilities of the Depressed Classes were mentioned in almost every Despatch that was recorded by the Government of India in connection with the political advancement of the country; but the Despatches only mentioned the difficulties and never attempted to give any solution of those difficulties. The problem was just allowed to rest there. In view of that, and in view of other matters, namely, that in a Committee consisting of so many members we are only two to voice the grievances of 43 millions of people, and grievances which the Committee will agree are unparalleled by the case of any other community that exists in India, I submit that the task is really an enormous one, and I should have expected more latitude in the matter of time allowed to me for presenting this case. But I anticipated that probably such would be the fate that would befall me, as it did, of course, at the Plenary Session; and, in anticipation of that, I and my colleague, Rao Bahadur Srinivasan, thought it advisable to submit to this Conference a written memorandum giving in clear-cut language what the Depressed Classes desire by way of political safeguards in the future constitution of India. That memorandum has already been submitted and circulated among the members of this Committee, and I hope every one of them has received it. In view of this fact, that the case of the Depressed Classes is in the possession of the members of this Committee, I do not wish to ask indulgence from the Chairman for a larger period to present the case. I will therefore summarise, only to emphasize, what I have stated in the memorandum which is already in the hands of the members of the Committee.

Sir, the first observation that I will make is this, that although there are various minority communities in India which require political recognition, it has to be understood that the minorities are not on the same plane, that they differ from each other. They differ in the social standing which each minority occupies *vis-à-vis* the majority community. We have, for instance, the Parsee community, which is the smallest community in India, and yet, *vis-à-vis* its social standing with the majority community, it is probably the highest in order of precedence.

On the other hand, if you take the Depressed Classes, they are a minority which comes next to the great Muslim minority in India, and yet their social standard is lower than the social standard of ordinary human beings.

Again, if you take the minorities and classify them on the basis of social and political rights, you will find that there are certain minorities which are in enjoyment of social and political rights, and the fact that they are in a minority does not necessarily stand in the way of their full and free enjoyment of those civic rights. But if you take the case of the Depressed Classes, the position is totally different. They have in certain matters no rights, and

where they have any, the majority community will not permit them to enjoy them.

My first submission to this Committee, then, is that it should realise that although, to use an illustration, the minorities are all in the same boat, yet the most important fact to remember is that they are not all in the same class in the same boat; some are travelling in "A" class, some in "B" class and some in "C", and so on. I have not the slightest doubt in my mind that the Depressed Classes, though they are a minority and are to that extent in the same boat as other minorities, are not even in "C" or "D" class but are actually in the hold.

Starting from that point of view, I agree that, in some respects, the position of the Depressed Classes is similar to that of the other minorities in India. The Depressed Classes, along with the other minorities, fear that under any future constitution of India by which majority rule will be established—and there can be no shadow of doubt that that majority rule will be the rule of the orthodox Hindus—there is great danger of that majority with its orthodox Hindu beliefs and prejudices contravening the dictates of justice, equality and good conscience, there is a great danger that the minorities may be discriminated against either in legislation or administration or in the other public rights of citizenship, and therefore it is necessary to safeguard the position of the minorities in such a manner that the discrimination which is feared shall not take place.

From that point of view, however, what is asked is that the minorities shall have representation in the Legislatures and the Executive, that they shall have representation in the public services of the country, and that the constitution shall provide that there shall be imposed on the future legislatures of India, both Central and Provincial, certain limitations on their legislative power which will prevent the majorities from abusing their legislative power in such a manner as to enact laws which would create discrimination between one citizen and another. I say this circumstance—this danger of discrimination—is common to all minorities, and I, as a representative of the Depressed Classes, join with the demand which the other minorities have made in this regard.

Now, Sir, I will come to those circumstances which mark off the Depressed Classes and the other minority communities in India. I will at once say that the way in which the position of the Depressed Classes differs from the position of the other minority communities in India is this, that in the first place the Depressed Classes are not entitled, under present circumstances, to certain civic rights which the other minorities by law enjoy. In other words, in the existing situation the Depressed Classes suffer from what are called civic disabilities. I will give you just one or two illustrations, because I know I have not much time at my disposal.

Take the case of employment in the Police or in the Army. In the Government of India Act it is provided that no subject of His Majesty shall be deprived of the right of being employed in any

public service by reason of his caste, creed or colour. Having regard to that, it is obvious that every member of the Depressed Class community who is capable, who is in a position to satisfy the test laid down for employment in any public department, should have the right to enter that public department. But what do we find? We find this. If a Depressed Class man applies for service in the Police Department to-day, he is told point black by the executive officers of the Government that no member of the Depressed Classes can be employed in the Police service, because he is an untouchable person. In the case of the Military the same situation obtains. Up to 1892 practically the whole of the Madras Army and the whole of the Bombay Army consisted of members drawn from the Depressed Classes. All the great wars in the history of India have been fought with the help of sepoys drawn from the Depressed Classes, both in the Bombay Presidency and in Madras. Yet in 1892 a rule or regulation was made which debarred the Depressed Classes from entry into the military service, and even to-day, if you ask a question in the Legislative Council as to why this is done, the answer is that the bar of untouchability does create insuperable difficulties in the recruitment of these classes.

I am quite sure that this disability is as effective as if it was imposed by law, and the section in the Government of India Act, which says that all His Majesty's subjects shall have free entry into employment provided they are otherwise fit, is altogether set at naught.

I can cite many other cases. For instance, there is the difficulty the Depressed Classes find in getting themselves accommodated in public inn when they are travelling, the difficulty they find in being taken in an omnibus when travelling from one place to another, the difficulty they find in securing entry to public schools to which they have themselves contributed, the difficulty they find in drawing water from a well for the building of which they have paid taxes, and so on. But I need not go into all these cases. The one circumstance which distinguishes the position of the Depressed Classes from that of the other minorities is that they suffer from civic disabilities which are as effective as though they were imposed by law.

The second and, in my opinion, the most hideous distinction which marks the Depressed Classes is that the Depressed Classes are subject to social persecution unknown in any other part of the world. In that connection I want to read to the sub-Committee a small extract from the Report of a Committee appointed by the Government of Bombay in the year 1928 to investigate into the position of the Depressed Classes. That Committee tried to find out whether there were any impediments in the way of the Depressed Classes enjoying such rights as the law gave them in common with other citizens of the State.

This is what the Committee said:—

"Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we

fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

"The second difficulty arises from the economic position in which the Depressed Classes are found to-day. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania. According to the evidence sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bridegroom on the horse through the public street.

"We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the Depressed Classes. The method of open violence pales away before it, for it has the most far-reaching and deadening effects. It is the more dangerous because it passes as a lawful method consistent with the theory of freedom of contact. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee the Depressed Classes the freedom of speech and action necessary for their uplift."

A third thing which the Depressed Classes fear more than any other community is that whatever representation they may be granted in the new legislature, they will always be in a very small minority, and consequently, having regard to the apathetic attitude

of the orthodox classes towards the Depressed Classes, there is always the danger of the interests of the Depressed Classes being neglected altogether, or some action taken which may ultimately prove to be prejudicial to their interests.

As against these special circumstances which affect the Depressed Classes, we propose the following safeguards. First of all, we want a fundamental right enacted in the constitution which will declare "untouchability" to be illegal for all public purposes. We must be emancipated, so to say, from this social curse before we can at all consent to enter into the constitution; and secondly, this fundamental right must also invalidate and nullify all such disabilities and all such discriminations as may have been made hitherto. Next, we want legislation against the social persecution to which I have drawn your attention just now, and for this we have provided in the document which we have submitted by certain clauses which are based upon an Act which now prevails in Burma. I need not go into that detail just for the moment. Then what we want is this, that liability of the executive officers of the Crown for acts of tyranny or oppression shall be made effective. To-day under sections 110 and 111 of the Government of India Act that liability is not real. And lastly, what we want is a right to appeal against acts of neglect or prejudice to the Central Government, and failing that, to the Secretary of State and a special Department in the Government of India to take charge of our welfare.

This is, in general, the case for the Depressed Classes, and the safeguards that they want. Let me just say a word or two as regards the most important of them—namely, their right to adequate representation in the legislature. Now, on the question of the granting of representation of the Depressed Classes, we are absolutely unanimous that that representation shall be by election and not by nomination. The system of nomination has produced, in the case of the Depressed Classes, results which we all say are abominable. The system has been abused in a manner in which it was never expected that it would be abused, and it has never given the Depressed Classes the real and independent representation which they must have as their safeguard. Under no circumstances, therefore, will the Depressed Classes accept representation by nomination.

As to the question of joint or separate electorates, our position is this—that if you give us adult universal suffrage the Depressed Classes, barring a short transitional period which they want for their organisation, will be prepared to accept joint electorates and reserved seats; but if you do not give us adult suffrage, then we must claim representation through separate electorates. That is our position.

Now regarding the question of the number of seats, it is not possible, of course, for us to state definitely what that number should be, except to state that we will not tolerate any invidious discrimination. We insist upon equality of treatment. But the

whole question, in my opinion, is entirely a relative question: it is a question that can be determined only in connection with, and by taking into account, the seats that will be allotted to the other minority communities; but I will make two observations in this connection. The first observation that I will make is this—that we, the Depressed Classes, demand a complete partition between ourselves and the Hindus. That is the first thing. We have been called Hindus for political purposes, but we have never been acknowledged socially by the Hindus as their brethren. They have taken to themselves all the political advantage which our numbers, which our voting strength, have given to them, but in return we have received nothing. All that we have received is a treatment which is worse than the treatment that they themselves have accorded to other communities whom they do not call Hindus. That must be the first thing, therefore, that we want done.

The second thing that I will say concerns the question of weightage. Now, this system—I will be plain—to my mind has been abused. I am not against the principle of weightage. I do not accept the principle that in all circumstances every minority must be confined to its population ratio. A minority may be so small that its population ratio may give a representation which may be wholly inadequate for the purpose of its protection. It may be a representation which may be of no consequence at all. If, therefore, you want to protect a minority adequately and really, then in certain circumstances the principle of weightage will have to be conceded. But the distribution of weightage must be subject to some uniform and intelligible principle. In our opinion weightage is to be conceded because a minority is weak, either in numbers, or because its social standing is low, or its educational standing is backward as compared with others, or because its economic strength is not sufficient to place it on a fighting par with other communities.

Members: Quite right.

Dr. Ambedkar: But I cannot understand, for instance, how weightage can be allowed on the ground of political importance, or loyalty, or services rendered either to the Empire or to the British Government. I think if we adopt that principle, we shall land ourselves in very difficult circumstances from which it will be difficult to extricate ourselves.

Regarding the question of the representation of the Depressed Classes in the Central Legislature. If you have again adult suffrage for the election of members of the Central Legislature, then, of course, the Depressed Classes will claim separate representation in the Legislature, such number of seats being allotted to them in conjunction with the seats allotted to other minorities. But if your representation is to be by a suffrage which is higher or much higher, based on property, and so much higher that the Depressed Classes will probably be entirely left out, then I am afraid the Depressed Classes will have to claim indirect election to the Central Legislature, carried on by electoral colleges composed of members of the

Depressed Classes, in the Provincial Legislature, in municipalities, and in district local boards. That is all that I have to say so far as the Depressed Classes are concerned.

Having said all that I need say let me add one thing in conclusion: that this whole question of minority representation is really the crux of the whole situation, and if the majority community desire that all minorities should associate with them in having or in claiming, a constitution which will give India what they call Dominion Status, or what we prefer to call Government by the people, for the people and in the name of the people, then I am afraid that the majority community must see to it that all fears of the minorities are set at rest. Otherwise it may not be possible for us to take what I do not conceal from myself is the risk that most of us are taking in claiming Dominion Status.

(*The sub-Committee adjourned at* 1 *p.m. and resumed at* 10 *p.m.*)

Mrs. Subbarayan: Mr. Chairman, before I proceed to speak on the Women's question, may I on behalf of my colleague Begum Shah Nawaz and myself thank you for giving us this opportunity to explain our views on this very important subject to this sub-Committee. I should like also to say that we know time is of great value at our meetings, and I shall try to be very brief and not to take up more time than is absolutely necessary.

Sir, my colleague and I have circulated a memorandum to this sub-Committee dealing with the political status of women under the new constitution in India. In that memorandum we ask that there should be inserted in the new constitution, or in any declaration of rights that may be attached to it, a clause to the effect that sex shall be no disqualification for serving India, or, more broadly stated, that all citizens of India possess equal civic rights. We strongly urge that such a declaration should be incorporated in the new constitution.

We have also asked in that memorandum that to some extent, and for a limited time only, women shall be considered as a "special interest." I do not mean to imply that the women's question is identical with that of the minorities or of the special interests; in many ways it is different, for it cuts across all races, creeds and classes; but in some respects it is not entirely dissimilar. The women of India stand out as a section of society which educationally, economically and politically requires special attention. Educationally, because women literates amount to only 2 per cent. of the population over five years of age, whereas men literates form 14·4 per cent. Economically, very few women own property and the laws of inheritance are not quite fair to them. Politically their voting strength is very small. The women electors amount to only 0·6 per cent. of the adult female population, while men amount to 10·4 per cent. of the adult male population.

Moreover, in the whole of India there have not been even half a dozen women in the Provincial Legislatures, and all of them have been nominated by government; and there have been no

women in the Central Legislature. These are some of our reasons for asking you to consider women as special interests, and to grant them safeguards as regards their representation in the Legislatures in the form of reserved seats.

We also believe, Sir, that women have an important contribution to make to the political life of a nation and we feel convinced that that contribution has been felt and appreciated in the countries in which women have already obtained considerable political power. We want that contribution to be made also in India, and we want it most especially in the first few vital years of India's life under the new constitution. Women can make that contribution partly through the polling booths if they are given sufficient voting strength, but it is essential that they should be present in the Legislatures, and in sufficient strength, so as to make their influence felt and their voices heard.

We think that the best intentioned Legislature in the world cannot reflect the women's view unless women are actually members of that Legislature; but, while asking for temporary reservation of seats for women, we are aware that women have now the right to stand in open election for the Legislatures. We do not desire that right to be taken away from them. We also agree that it is possible and desirable for women so to stand, but as long as the public is unaccustomed to the idea of women in active political life it will be extremely difficult for any woman to win in an open election.

We think, Sir, that the phrase " A fair field and no favour " is an illusory one at the present time, because convention and habit in India, as in all other countries, are inevitably opposed at first to the idea of women in active political life, and consequently at first there will not be real equality of opportunity for women in open elections. We are entirely in favour of a fair field and no favour after a time, when the public mind is accustomed to women in public life, but we think the new constitution should provide for a short period of reservation of seats for women, until the public mind shall be so accustomed.

I should like to make one point in this connection. We do not make this suggestion without some support. The Indian Central Committee recommended it. A deputation of distinguished Indian ladies who appeared before the Simon Commission at Lucknow strongly urged it. We ourselves have consulted several Indian ladies, both in India and in London, who have taken a keen interest in social and political work in India, and we have their support too as regards the subject of reservation; otherwise we should have been slow to put forward this proposal.

I shall take only a couple of minutes more. With regard to the form of reservation of seats, we suggest five per cent. of the seats in all the Legislatures should be reserved for women. As to the method of election, this requires very careful examination, but after bestowing much thought on it we have decided to put forward one

proposal which we hope will obviate the usual difficulties attendant on election to reserved seats. We suggest that these seats shall be filled by co-option, by the legislative bodies voting by proportional representation as soon as these legislative bodies have themselves been elected. I ask the sub-Committee to give their very earnest consideration to this proposal, which is to our mind the only feasible and practicable one. We think this method will obviate the main practical difficulty inevitable in any system of election to reserved seats in a general election, namely that of allocating a small number of reserved seats to a Province which is divided into many electoral areas. This co-option method should also avoid the disturbance of the other reservations which will have been already decided. By it, moreover, the women co-opted to the Legislatures will broadly represent the general electorate, but their election will be carried out without the introduction of any communal question.

Here, Sir, I should like to emphasise the fact that until now the communal question has not entered the women's movement, and it is our earnest wish that it shall never enter it. Consequently we are extremely anxious that the reservation of seats for women shall not specify reservation of seats for women of different communities, but that the elections to these seats should be made, as I have already said, by the Legislatures voting by proportional representation.

We suggest, Sir, that the reservation of seats for women should disappear after two or three elections, or, if a time limit should be stated, after ten or fifteen years. We are not quite sure what the life of a Legislative Council will be, whether five or three years, and that is why I have suggested ten or fifteen years; we think the reservation should last for three elections. By that time the precedent for women in legislative bodies will be firmly established and their value felt, and we hope also by that time the franchise will be so broadened and education so advanced that it will not be necessary for women to have any safeguards.

Finally, Sir, we do most earnestly appeal to this sub-Committee to regard this reservation of seats for women as a very important matter, as it affects closely nearly half the population of India. In addition to the advantages which I have already mentioned, it will be an educative factor of no small value. We believe, as I said before, that women have their special contribution to make to politics. We believe they need experience in public life and above all we believe that the public need the experience of women. If by the reservation of seats for women we can achieve these three objects, we shall accomplish a far-reaching reform.

Sir Chimanlal Setalvad: I wish to make it clear at the outset that some of us here should not be taken as represented by the views that Dr. Moonje has expressed in this meeting or by any views and opinions that may have been expressed by the Hindu Mahasabha or any other organisation in India. Some of us here belong to a political party which is not communal; we do not belong to any communal organisation at all, and we are prepared—and we have

always done so—to view all these questions that arise purely from the Indian and the National point of view.

I was sorry, Mr. Prime Minister, to find in some of the speeches already made a certain amount of heat developed, but I would beseech my Muslim friends on the one hand and my Hindu friends on the other not to be exasperated by or to become impatient at the utterances of any particular persons or any particular organisations. I wish you to preserve a calm atmosphere when you are engaged on such a momentous question as you are engaged on here to-day, and calmly and dispassionately consider the issues which have arisen, so as to arrive at a solution which may bring contentment, peace and prosperity to our land.

I beseech you to remember, whether you be Hindus or Mussalmans or whether you belong to any other community, that you are the children of the soil of India. You have to live together—not only this generation, but future generations yet to come—and you can only build up the prosperity of your country, you can only manage successfully your self-government, if you here and now build on mutual trust and confidence and concord the real nation of India.

Mr. Prime Minister, I do not think any right thinking person can deny that it is necessary in any scheme of self-government that we are now devising to take adequate measures to make the minorities feel quite safe. We ought so to devise methods as to make every minority, be they Mussalmans, be they Depressed Classes, be they Anglo-Indians or Europeans, feel they have got their proper place in the constitution, and that their rights and their liberties will remain unaffected.

From that point of view, Sir, it will be necessary to devise provisions and define fundamental rights by which their religion, education, culture and things of that character can be safeguarded. You will also certainly have to provide against any legislation that may prejudicially affect the religion, or the social customs based on religion, of any community. To my mind it will not be difficult to provide safeguards, properly worded, on a matter of this character.

Nor do I think it should be difficult for us to arrive at a satisfactory conclusion on some of the points on which our Muslim friends are laying stress—for instance, the question of the separation of Sind, the question of the North West Frontier Province, the question of the Cabinet and the question of the Services. On all those points, Sir, I think it is not at all difficult to frame proper formulas and proper resolutions which will be satisfactory to all minorities; and, once we arrive at a stage when we can proceed to deal with those points specifically, I for one and some of my friends here will be able to produce formulas and resolutions which I am sure my Muslim friends are fully aware of and which I am sure they will agree to with satisfaction.

If then, Sir, all these proper provisions and safeguards for religion, for culture, for the Cabinet, for the Services and the rest

of it are made, as I think they should be made, I submit that a great part of the apprehensions that any minority community may entertain at present should be removed and will be removed, and I beseech my Muslim friends as well as the other minorities—I am not at present dealing with special cases like those of the Depressed Classes, the Anglo-Indians or the Europeans—to consider whether they, the other bigger minorities, if they get all those safeguards that I have named, properly worded and properly shaped to meet the end we have in view, will not minimise the estimate that they now have of their apprehensions. Will they not then consider—I am only asking them to consider—whether it would not, in those circumstances, be to their interest to come into the joint electorates?

Mr. Prime Minister, I and some of us have been firm believers all the time in joint electorates, not because the joint electorates will confer advantage or disadvantage on one community or the other, but because we believe, and have always believed, that the method of joint electorates is the right method for building up a nation in India. Otherwise, what happens under separate electorates is this, that the member who has been elected merely by the Hindu votes, and has not to seek the suffrage of the Muslim votes, naturally does not care for the interests of the Muslim community. *Vice versâ*, the Muslim candidate who gets in only by the suffrages of his own community and has not to nurse the Hindu voters naturally becomes less mindful of the interests of the other community. All those disadvantages will disappear if you have joint electorates, under which every candidate has to seek the suffrage of all the communities. He will then be bound to look after the interests of all his constituents, Hindu and Muhammadan and every other community. I therefore beseech my Muslim friends to consider whether it may not after all be wise in the general interest of India to come into joint electorates. Certainly for their protection I am quite willing that there should be reservation of seats, so that they may be secure about their proportion in the Legislatures. But supposing they are not prepared to take that step, however desirable it may be from my point of view and from the point of view of those who take the same view, may I implore them to consider whether they will not, if not wholly accept the general electorates, at least accept the principle of general electorates in some modified form or another, so that a beginning may be made in that direction. What I mean is this, by way of illustration—some scheme by which a major portion of the seats allotted to them may be competed for in the separate electorates, but that a percentage, even a little percentage, may be competed for in the general electorates. That would make a beginning; that would give them the experience, after some years, as to how the system works; and then they will be more prone to come into the joint electorates. As a further illustration I would mention the scheme that Maulana Muhammad Ali once suggested, namely, that the Muhammadan candidate, for instance, should obtain a certain percentage of the votes of his community, and then the rest from the other community; and *vice versâ*. If you do some such planting

you will create the beginning of coming into the joint electorates, and if you do that I am sure that all parties will be satisfied, and everyone will feel that a beginning has been made which is bound to lead ultimately to very good results.

If my Muslim friends are agreeable to come into some such scheme, then it should not be difficult to adjust the numerical proportion controversy. Some of us here, and I think some of the people in India too, will not be at all averse from the Muslims in the Provinces in which they are in a minority retaining their present weightage, and with regard to the Punjab and Bengal, where they are in a majority, some proper adjustment may be arrived at which will give to them the majority which they have in those Provinces, and also adjust in some reasonable manner the claims of the Sikhs and Hindus. I therefore appeal, Sir, to my Muslim friends to consider whether in these circumstances they will not consider joint electorates either wholly or in some modified form that may commend itself to them. I quite see that however much I personally, and my friends, want joint electorates, as I have said, on principle, we cannot shut our eyes to the fact that if we fail to persuade our Muslim brethren, we cannot force them to accept our view. If they, after considering the whole situation in the manner in which I have ventured to put it before them, still hold that in their interests, however mistaken I may consider their view to be, they can only safeguard their position properly by the separate electorates for which they are asking, let them have them, because, as I have said, our object here is to devise a constitution which will please everybody, which will induce all communities to work it with enthusiasm and to work it in a proper manner. Therefore my view is that whatever views I may hold or we may hold as regards the comparative merits of the general electorates or the separate electorates, if the Muslims say, "No, we still want separate electorates", I only ask them to consider what I have said, and if after that consideration they think they should have separate electorates then I, for one, and some of us, will not stand in the way. And if separate electorates are to come, then I again put it to all here: let us hush all controversy, put an end to all bickerings and quarrellings about numbers, about one per cent. here and two per cent. there in one Province or another, and in a spirit of give and take, in a spirit of mutual concession, agree here and now to some rough and ready method by which that question can be solved. One method that suggests itself to me—again, no doubt, a rough and ready method—is this. If separate electorates are to be there accept the numerical figures for the various provinces which the Government of India, after consideration, have recommended. Let all sides accept that solution. I appeal to my Sikh friends, I appeal to my Hindu friends, do not haggle and quarrel about one per cent. here and two per cent. there. After all, your community—the Sikh community, the Hindu community, the Muslim community—is each a community of importance. You have produced among you men of great intelligence, men of great status; and surely, whether you are two per cent. more or two per cent. less,

each one will be able to hold its own in the administration of the country.

Therefore I put it to you, Sir, whether the solution may not be found in the manner I have described. As I have said, and again repeat, although I disapprove of separate electorates, if our Muslim brethren want separate electorates, let them have them, and let them accept the numerical figures given by the Government of India.

That, to my mind, is the shortest way of putting an end to this controversy. All I beg of you is this: let this wretched question be put out of the way; let us all stand shoulder to shoulder and get the self-government that we want for India. We shall not get it if we go on bickering and quarrelling about five per cent. here and two per cent. there, and this concession there, and this concession here, and this pulling here and this pulling there. Let every safeguard be provided, which can easily be provided, with regard to the Cabinet and the Services. That can be agreed upon, Mr. Prime Minister, if we agree on everything else, in half an hour; and if my Muslim brethren and my Sikh brethren and my Hindu brethren in the Punjab and Bengal will agree to the suggestion I have made, Sir, we can here and now put an end to this controversy, and, as I say, set to work on the difficult main question that is before us, and which we have, until now, not really tackled.

Sir Ahmad Said Khan: It is not without a feeling of humiliation that I rise to speak. In my opinion the honourable position for us would have been to come before you, Sir, with communal differences settled; but as it is now, we have got to face the facts and to make an endeavour to tackle them as best we can. The Muslim point of view was put forward by Sir Muhammad Shafi, and I have nothing to add to it. The few observations that I wish to make are simply with a view to helping the new constitution which we are going to evolve. I will try to take a detached view of the situation. Out of the discussions that we have heard here two things have come out very clearly. One is that the minorities are insistent on having their safeguards. I do not read the speeches of the various representatives of the minorities in the same light as my friend Dr. Moonje did, and I think that all the representatives of the various minorities in the most unequivocal terms have declared themselves in favour of safeguards. Even the representative of the Indian Christian minority, my friend Mr. Paul, in spite of his leanings towards nationalism, could not help saying that if the poisonous cup of safeguards is going to be prepared for other minorities, then his community would also like to have the same. The other fact which is very clear to me is this, that if we wish that the new constitution may succeed in India, then it is essential for the success of the new constitution that a feeling of security should be created in the minds of the minorities. I know, Sir, it is said that some of the safeguards, particularly the separate electorate, is the negation of democracy, that it is destructive of the spirit of nationalism, that it has caused all the communal troubles. To

me it looks that these safeguards, including separate electorates, are not the cause but the outcome and result of communal misgivings: they are not the creators but the creatures of communal mistrust. Therefore, as long as that mistrust and those misgivings are there, I do not think that the minorities will be willing to surrender these rights. Of course, when these misgivings shall have been replaced by trust, they will be quite willing to give up those rights; but we know, Sir, that trust cannot be created to order, it must come from within. We cannot implant it, it must grow; and therefore I am afraid we shall have to await the time when the minorities become trustful of the majority community in India.

I am fully alive to the disadvantages of the separate electorates. I am very much obliged to the last speaker for his speech, and for the tone in which he dealt with the whole subject. I am grateful to him for the way in which he considered the question of the minorities, and I am fully aware of the strong objections that there are to separate electorates; but, Sir, there is nothing like typical democracy, and it does not follow that because a certain constitution is good for one country it will necessarily be good for another country. In India, as long as communal feelings are as they are, I think that we shall have to have some safeguards. After all, it is not only that we are to convince those of us who have come here, but the very important thing is to satisfy those who have been left behind in India, and for this reason I think that we should not insist on the abolition of communal representation at this stage, because I feel that the more we insist on the abolition of the separate electorate the more we excite the misgiving of those who enjoy it and consequently stiffer is getting their attitude. I think, therefore, that it will be desirable to leave it as it is, with a definite clause in the constitution that if any minority at any stage wish to surrender this right they can do so by passing a resolution in their legislature supported by two thirds of that minority, and then the joint electorate will at once be introduced; because I for one have strong hopes that, as suggested by Sir Chimanlal Setalvad, if we are going to embody various safeguards in our constitutions, then the minorities will soon realise that there is hardly any need to have a separate electorate. After all, I believe that the separate electorates are not the goal but the means to achieve the goal; but if they have the safeguards embodied in the constitution, when they have seen the working of the constitution for a few years, and find that it gives them satisfaction, I hope that they will then be prepared to surrender their safeguards. But I beg my Hindu friends, as well as my British fellow Delegates, not to insist on such minorities as wish to have separate electorates to give it up, because the more you insist the more those minorities feel that there is something wrong, and the more their mistrust is excited.

Sardar Ujjal Singh: I am very grateful to you, Mr. Chairman, for having given me an opportunity after all to make a few observations. I shall be as brief as possible. I do realise that we are

face to face with realities now, and that it is no use talking platitudes. We do loudly talk of nationalism, but in the same breath we all talk in terms of our own communities. If we were to think, speak and act in matters political, of nationalism alone and of the good of our country, then I think we should not have talked of communalism in the same breath, and we should not have heard of that scramble for power on the part of some communities, and that nervousness on the part of other communities as regards protecting their interests. Sir, if we are to assess the value of separate and joint electorates from the standpoint as to what method can best serve the interests of a particular community, I can surely say that separate electorates will serve the purpose better. But if we consider the question from a national point of view and the interests of India as a whole, joint electorates are decidedly preferable. But we must cease judging the results of joint electorates by the standard of losses and gains to various communities. Until we cease thinking in terms of various communities the good that we expect of joint electorates will never come about.

I certainly believe that unless that mentality changes, joint electorates are not going to carry us very much further. But unfortunately that time does not seem to have arrived. If and when that time does arrive I can assure you that the Sikh community will not be found wanting in making that sacrifice. I do realise that the minorities have got to make tremendous sacrifices in giving up separate electorates, and the smaller the minority the greater the sacrifice. In that respect I fully realise that with the introduction of joint electorates, in the Punjab at any rate, the Sikhs being the smallest minority out of the three communities will have to make a tremendous sacrifice.

For a fuller appreciation of the demands of the Sikh community, Sir, I would only refer to the times when the Minto-Morley reforms were introduced. The Sikhs, fortunately or unfortunately, did not know the art of agitation, and their interests were entirely ignored. The result was that in two elections after the Minto-Morley reforms, no Sikh was returned and in one election only one Sikh was returned. That created a great nervousness in the minds of the Sikh community. (My honourable friend Sir Muhammad Shafi pointed out that the Sikh community never put forward a claim for one-third representation, they only wanted a little excess over their numerical strength. I would only refer to the memorandum sent by the Honourable Sir Sunder Singh Majithia as a member of the old Imperial Council in 1916, in which he definitely placed the claims of the Sikh community, and said this: " In order that such representation may be adequate and effective, and consistent with their position and importance, the Sikhs claim that a one-third share in all seats and appointments in the Punjab is their just share and should be secured to them as their absolute minimum.")

Sir, in 1916, as we all know, a pact was arrived at by the Hindus and the Muslims in which the Sikhs did not take part; and in their absence certain figures were fixed for representation in the various

provincial legislative councils. But the case of the Sikh community was entirely ignored. My friend Sir Muhammad Shafi has pointed out that those figures were not the result of a pact, but were granted to them as the result of the Minto-Morley reforms. I do not know whether this statement is correct, but I have before me the Montford Report. The authors of that joint report say: " We are not aware on what basis, other than that of negotiation, the figures were arrived at." They point out that the Muslims were given a higher percentage than their numerical strength in various Provinces. They say: We do not know on what basis those figures were arrived at excepting that of negotiation.

Sir Muhammad Shafi: If I may give a personal explanation, Sardar Ujjal Singh has forgotten that I did not say anything about figures. What I said was that weightage to the Mussalmans in the minority Provinces had been granted by the Minto-Morley reforms.

Sardar Ujjal Singh: That may be, but not to the extent to which it was arrived at in the Lucknow Pact. Then, Sir, the only community that protested against the Lucknow Pact was the Sikh community. It was accepted by the Mussalmans and the Hindus. In 1918 Sir Fazl-i-Husain, who was then a member of the Punjab Council, moved a resolution that that pact ought to form the basis of representation, and the Muhammadans ought to be given seats according to the proportions given in that pact. To that resolution the Sikh member of the Legislative Council moved an amendment that the representation for the Sikh community ought to be fixed at one-third. That clearly showed that the Sikhs had been protesting against the proportions fixed in the Lucknow Pact since that time.

Then came the Montford Report. In that report the authors stated that they were convinced of the justice of the Sikh claims, and they promised to the Sikh community the same concessions which were granted to the Mussalmans in their minority Provinces. Now those concessions, Sir, the Sikhs interpreted as the same amount of representation, and, with that point of view, they have always urged that, as the Muslim minorities in various Provinces like Bihar and Orissa, where they form less than 11 per cent. of the population, have got a representation of about 16 per cent., on that basis the Sikhs were entitled to a representation of about 30 per cent. in the Punjab Legislative Council.

Then, Sir, the Punjab Government, as a matter of fact in 1918, while recommending certain figures for representation of the Sikh community in the Punjab Council, referred to the Sikhs in certain terms in their letter, No. 21220, dated 23rd November, 1918, to the Government of India. They stated that the Sikhs influential position in the Province, which is based partly on historical and political factors, partly on their military prestige, partly on their high educational level and economic importance in the Central and Colony districts, entitles them to a considerably greater degree of representation than is indicated by numbers alone; and then, later

on, they suggested a representation of about 20 per cent. for the Sikhs.

Now, Sir, even that representation of 20 per cent., which was recommended by the Punjab Government, was not allowed to us. We represented our case here in England; I had the honour of being a member of that Sikh deputation; we saw the President of the joint Parliamentary Committee and the Secretary of State. We were assured that the Sikhs had a just grievance in being accorded inferior treatment, and in not being recognised on the same basis as the Muslim minorities were, while their importance was fully recognised; but they said that at the time of revision those claims would be fully considered. Now, Sir, the time for that revision has come, but now, instead of the just claims of the Sikhs being recognised, we have been asked, as shown by Government of India, Despatches, not to insist on more representation, but that the Muslim community, which was satisfied under the Lucknow Pact, and which had a fair share of representation, ought to be given higher representation.

I do not grudge what the Muslims might get in Provinces where they are in a minority; I fully appreciate their point of view. But, Sir, we must realise that now we are going to have autonomous Provinces, Legislative Councils with much wider powers, the official bloc being removed. Under those circumstances it is the minority and the community like the Sikhs which has a great stake in the Province that requires to be protected and requires to have higher representation than it at present enjoys.

Sir Muhammad Shafi as a matter of fact gave a very cogent reason for the weightage and for the recognition of the Muslim minority in other Provinces. I quite appreciate those reasons, but I want him also to recognise the force of those very reasons with regard to a community which is not lacking in those qualities. The Sikhs have great historical importance. The part played by the Sikh community in defence is second to none. As a matter of fact during the war, when recruitment was open to all communities and to all classes, no community being debarred from being enlisted in the Army, the Sikhs supplied a proportion of recruits much higher than any other community in India. Being 11 per cent. of the population of the Punjab, they supplied 90,000 recruits, besides 30,000 in the Army at that time. That proportion comes to 13 per cent. of the total number of recruits throughout India; whereas the big Muslim community with 55 per cent. of the population in the Punjab supplied 25 per cent. of recruits to the Army. Over and above that, Sir, the Sikhs have a great stake in the country. They pay revenue to the extent of 25 per cent. Out of a total land revenue of Rs. 44 millions of the Punjab, the Sikhs pay Rs. 11,459,000. That comes to over 25 per cent. of the land revenue alone. But if you take into consideration the canal charges, because the Sikhs are greatly concentrated in the Colony districts, then their share of revenue and canal charges comes to as much as

40 per cent. Besides, they have got a large number of shrines with big landed estates, scattered throughout the Province. With such stakes in the Province, with such historical and economic importance, and with such a splendid record of service in the cause of the Empire, I beg of you to consider their claims and to give to the Sikhs the protection which is their due. Sir, I have taken up more time, but I cannot do full justice to the subject in ten minutes.

Chairman: Fifteen.

Sardar Ujjal Singh: Sir, one argument which was advanced was that the Muslim community wants to be in the same position of influence in some provinces as the Hindus are in six Provinces. I concede to them that they have a plausible claim to have the same position of influence over the Hindus. They have a plausible claim to have Sind separated on that ground; they have a claim for the North West Frontier; they may have a claim for Bengal. But the Sikhs are nowhere in a majority; they are only concentrated in the Punjab. Even if Muslims have 46 per cent. representation in the Punjab, they remain a majority over the Hindus, but not necessarily over the Sikhs and Hindus combined. The Sikhs do not want a position to rule or the position of being a majority in a Province, but to be in a position to make an effective appeal to another minority in case, which God forbid, the majority group should ill-treat them. We only want to be in that position. I beg of Muslim brethren to concede to us the same concessions and the same protection which they seek from the Hindu majority.

Sir, I believe we all realise that the situation in India is a very grave one, and that we must come to an understanding. We must follow that golden rule: Do unto other what you wish others to do unto you. Unless we tackle this problem in that spirit it will be impossible for us to arrive at any agreement. I beg of you majorities, the Hindu majority and the Muslim majority, to tackle this problem in that spirit. I beg of the Muslim majority to concede the same protection and the same concessions to the Sikh minority which they are seeking for themselves from the Hindu majority. I beg of the Hindu majority not to sacrifice the interests of the Sikh community in their zeal for joint electorates. And I beg of the British delegates not to forsake a community which has always stood by the Empire in times of need.

Chairman: Now let us see where we are. I have two names on the paper in front of me: Mr. Sastri and Sir P. C. Mitter. I do not think we can finish to-night, so that we shall require to have another meeting, and the question is now this. I think you all agree with me that no profit is to be derived from a reiteration of claims. They have been put before us with extraordinary force by all the speakers who have represented communities. The problem that we have got to face is how these claims are to be met, and that is what we ought to concentrate our thoughts upon: separate electorates, numbered and divided between the various communities;

joint electorates with reserved seats. But those who talk about reserved seats with joint electorates must remember that they are not at all avoiding the community problem. Then all sorts of other questions come up. But what we shall have to do is to bend our energies to see whether we can come to an agreed scheme. As to protection of minorities in a general way, I do not think you need bother about that, because I believe that it will be the full intention of the Parliament of this country, whatever form it may adopt, to strive its utmost to give protection to minorities. So that if you assume that, you can mention it, but you need not elaborate it. Assume that that is our intention and that the only problem is the practical problem of how to do it.

A declaration of rights has been mentioned. Well, there are declarations of rights in various constitutions, and I would beg my friends who are asking for a declaration of rights to study its effects in those places where minorities have been told to trust to the efficacy of a declaration of rights. I am closing my mind against nothing, but we would all be better if, sitting round this table, we would regard ourselves as co-operating members, studying things out in their details.

Supposing we have a meeting on Monday. I again beg of you to try in the interval to meet each other. I have begged my Sikh friends days and weeks ago to try and negotiate with the Mussalmans; I have begged the Mussalmans to try and negotiate with the Hindus. What we would like—and I think I am speaking for all the British representatives here—would be that we should not have to interfere in your affairs. There is a little bit of humiliation in it—just a little bit of humiliation in it, and if you could settle it amongst yourselves in the magnificent spirit which has been expressed by our friend over there, then that is the best kind of arrangement that could be come to. I think one other meeting will enable us to see whether you can agree amongst yourselves; and then, if you cannot agree amongst yourselves as to a scheme, we shall have to take into consideration all that you have said and all your points, and see how we are going to meet them as abundantly as we possibly can, and yet consistently with a self-governing constitution for India. And, do believe me, my friends, that that distinction is not a distinction merely of words; it is a distinction of substance, a very serious distinction of substance. You cannot have it, not only both ways but half-a-dozen ways, and perhaps a little conversation together at the week-end might help to clear those problems of substance out of the way.

Now I felt I had to say that, because to go on merely making claims, stating historical facts, and so on, is not going to help us a bit. As I say, I have the names of two speakers here. I am quite willing to take them before we adjourn to-night, or, if you prefer, I will take them on Monday.

(The sub-Committee adjourned at 11.10 p.m.)

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE NO. III (MINORITIES) HELD ON JANUARY 6TH, 1931, AT 3 P.M.

Chairman: I am sorry to say that I must leave as something has occurred to-day which demands my presence elsewhere. I am particularly sorry because we left this Committee at an interesting point the last time we met, when I threw out the suggestion that the chief communities, in any event, could meet and see if they could come to an agreement in the light and in the spirit of the later speeches at the last meeting. I understand that the Mussalman delegation is prepared to make a suggestion. Sir Muhammad Shafi does not wish to make a speech, but only just to make a brief announcement. If that were done, then we might proceed with our deliberations in the light of that announcement. I think if the view of the Hindu Mahasabha is given it ought to be given in such a way that it may be considered in that light, and if Sir Muhammad Shafi would make his statement and then allow the discussion to go on, I would hope that Dr. Moonje would say what he has got to say pretty early on, because it is no good going on merely debating and arguing. The question that is interesting those at this corner of the table is, can there be an agreement, can there be a settlement? If not, we shall have to consider the problem on the assumption that there will be no settlement. If there is a settlement, we will consider the problem on the assumption that there is to be a settlement.

I hope you will excuse me if I slip out. I am so sorry that I must leave. The Attorney General will take my place.

(The Prime Minister here vacated the Chair, which was taken by Sir William Jowitt.)

Sir Muhammad Shafi: Mr. Chairman, on behalf of the Mussalman group I desire in the first place to express our sincere appreciation of the patriotic spirit in which Sir Chimanlal Setalvad made certain suggestions in his speech the other day. We are convinced that what led him to deliver that speech and to make those proposals was a realisation of the fact, emphasised by me in my speech the other day, that without Hindu-Muslim settlement there is no hope of realising the aims we all have in view.

I will go at once to the point. My friend's suggestion, as I understood it, was that if guarantees are embodied in the constitution by a declaration of rights with regard to religion, education, social customs founded on religion and so on, if Sind is separated, if reforms are granted to the North West Frontier Province and if suitable formulæ are agreed upon with reference to the Cabinet and the Services, then he would appeal to us to come into joint electorates, with a reservation recognising our majority in the Punjab and Bengal either with or without Mr. Muhammad Ali's formula. That I understood to be the main proposal put forward by my friend. He appealed to us to come into joint electorates as a result of his deep-rooted conviction, and the conviction of some of his friends, that joint electorates were essential to the cause of nationalism in India.

Mr. Chairman, you are aware, and the other members of the Committee are aware that the Mussalman community in India have, ever since the 1st October 1906, when a deputation representative of the Mussalmans of India, headed by His Highness the Aga Khan, to Lord Minto insisted upon the community being represented in the Legislatures of the country through their own separate electorates. You are aware that they have enjoyed that right for the last twenty years, that there have been pledges given to the community that that right will not be taken away from them without their consent, and that those pledges were recognised not only by the late Mr. Edwin Montagu and Lord Chelmsford in their joint Report but also have subsequently been recognised by the Simon Commission as well as by the Government of India. You are also aware that even now, although there has been some change of opinion in some small circles, the overwhelming majority of the Mussalman community in India insist upon the retention of separate electorates. In spite of all this, we, the Mussalman members of the delegation present here, in the interests of peace and good will between the two communities, and seeing that all schools of thought amongst the Hindus, in the Mahasabha as well as among the liberals, have at various stages during the discussions round this table appealed to us to accept joint electorates. (We are prepared to face our community in India and to accept the joint electorates subject to certain conditions which have been accepted by Sir Chimanlal Setalvad in his speech and with one more condition about which he was not clear: firstly, that Mussalmans should have reservation, that they should retain the weightage which they at present enjoy in the minority Provinces. Both these points Sir Chimanlal Setalvad in express language conceded in his speech. He also conceded that if the Mussalmans insisted upon it they should have Mr. Muhammad Ali's formula, that formula being that before a candidate is declared elected he must have 40 per cent. of the votes of his own community plus five to ten per cent. (whatever may be agreed upon) of the votes of the other community. Sir Chimanlal Setalvad also in his speech declared that the Mussalman community in the Punjab and Bengal should have their right of majority. What I wish to add to these conditions is simply this. Sir Chimanlal Setalvad did not define that expression that the Mussalmans of the Punjab and Bengal should have their right of majority. The Mussalman community are prepared to accept joint electorates in deference to the wishes of the sister community and to the appeals that have been made to us, provided that the sister community is willing to concede through joint electorates to the Mussalmans of Bengal and the Punjab representation in the Legislative Councils on a population basis, in proportion to their population in those two Provinces.)

It should be remembered what is the meaning of this great step which the Mussalman group present here at this Conference are taking in spite of their knowledge that at present an overwhelming majority of the community in India are in favour of separate electorates. What is the meaning of it? The meaning of it is this. Taken together with what I said in my speech the other day,

our Hindu brethren will have a permanent and unalterable majority in the Central Government. They will have a permanent and unalterable majority in six out of the eight Governors' Provinces, and it is only in four Provinces, the remaining Provinces, that the Mussalmans will have a majority, in two—an unalterable and overwhelming majority, just as the Hindus have in six Provinces. Just think of the gesture which the Mussalmans have already made in the North West Frontier Province Committee. They have agreed to give to their Hindu and Sikh brethren a share in the Legislative Council, which is going to be created, three times the proportion of their proper proportion according to population, according to the Hindu and Sikh population of the North West Frontier Province. All that the Mussalmans ask is, as I said before, recognition of their right of majority in these four Provinces. In Bengal and the Punjab that majority is nominal, and in electing Mussalman representatives the Hindu community will have practically an equal voice with the Mussalman community in Bengal and the Punjab—that is to say, the representative elected to those two Councils will be elected by the joint vote of our communities.

Now, this is the offer, or rather the proposal, that I make on behalf of the Mussalman community. It is not a new proposal. My friend Sir Chimanlal Setalvad's proposal, although he put it forward that day—he knows it as well as we all do—was one which, at a much earlier stage of the negotiations between the two communities, was put forward by the Mussalmans themselves. Well, I repeat that offer again now at this meeting, and if all these statements made round this table, all these appeals made to us in the name of nationalism round this table, are appeals, as I believe them to be, which come from the hearts of the representatives of our sister community, there ought to be no difficulty whatsoever, for the sake of peace and in the interests of India, in accepting the proposal that I have made.

As I have said, the only security for the Mussalman minority, the only permanent security for the Mussalman minority and the only right solution of the Hindu-Mussalman problem, is the recognition of the just right of the Mussalmans in these four Provinces to their representation as majority in the minority of Provinces—in these four Provinces only—in the Legislative Council. That will be an automatic guarantee of good treatment. This is our irreducible minimum in so far as joint electorates are concerned. If our friends want joint electorates to come into existence this is our proposal; and we are ready to accept joint electorates on these conditions.

Sir Chimanlal Setalvad: May I correct one or two inaccuracies in the statement that Sir Muhammad Shafi made summarising my suggestions? In what I said, Sir, I did not convey that I approved of the scheme of Maulana Muhammad Ali. My appeal was to come into the joint electorate unadulterated, but those are the other alternatives which were before them. I personally am for unadulterated joint electorates. I am not sure that I have not under-

stood Sir Muhammad Shafi correctly in intimating that he means also unadulterated joint electorates on the conditions that he has named.

Sir Muhammad Shafi: I repeated first your statement.

Sir Chimanlal Setalvad: It was not one but various alternatives, but my principle thing was joint electorates. Now when you are offering these conditions do I understand that they will be joint electorates in the ordinary sense?

Sir Muhammad Shafi: That is the proposal with the condition made by Maulana Muhammad Ali.

Sir Chimanlal Setalvad: Then Sir Muhammad Shafi's offer is not for joint electorates pure and simple, but it is joint electorates with the further condition of Maulana Muhammad Ali. Let us understand that. Secondly, I did not indicate with regard to Bengal and the Punjab any particular majority or number. My suggestion was to accept the Government of India figures, and that is what I said.

Sir Muhammad Shafi: May I say that so far as we are concerned we are prepared to accept joint electorates on the conditions named by me: firstly, that the rights at present enjoyed by the Mussalmans in the minority Provinces should be continued to them; that in the Punjab and in Bengal they should have two joint electorates and representation on a population basis; that there should be the principle of reservation of seats coupled with Maulana Muhammad Ali's condition. That is the position so far as we are concerned.

Dr. Moonje: Sir, before dealing with the statement which has just been made by my honourable friend, Sir Muhammad Shafi, I would like to say something on the statement that he previously made. I will promise that I am not going to raise any controversial debate. We have had enough of debates throughout. I am not going to indulge in any kind of rhetorical or sentimental appeal. I am going to place my case before you in a matter-of-fact way and in the language of mathematics as to what the situation of the Hindus would be in India if the Muslim demands made by Sir Muhammad Shafi could be considered acceptable. This is absolutely a matter of fact, there is no sentimentality, and no controversial debate. I appeal to all to bring about a mentality such as the scientists have in the laboratory. I ask you to look at the facts in the way in which they appear without allowing your heart to supervene your reason. If I find afterwards that I have succeeded in convincing your reason, then perhaps I may feel that I have the right of appealing to your hearts, but unless I feel that I have convinced your reason I shall not appeal to your heart. I want to put before you for the consideration of the subject in a most scientific way two premises: one that has been propounded by the Mussalmans with the combined wisdom of all their leaders and espoused by Sir Muhammad Shafi, that is that " all legislatures in the country and other elected bodies should be reconstituted on the

definite principle of adequate and effectual representation of minorities in every Province without reducing the majority in any Province to a minority or even equality." These are the principles with which I may not agree, but I assume for the sake of argument that they are correct. I am reading from the fourteen points of the Muslim demands.

Sir Muhammad Shafi: That is what I wanted to correct. Will you please read from the demand as embodied in the Resolution of the All-Indian Mussalman Conference which is reproduced in the second volume of the Simon Commission Report, and not from what has been called Mr. Jinnah's " fourteen points." Will you please read our demands as those embodied in the Resolution of the All-India Mussalman Conference presided over by His Highness the Aga Khan reproduced in the second volume of the Simon Commission Report?

Dr. Moonje: I do not want to mislead anybody, but for the last four years, from the time when this controversy began, these fourteen points were placed before us. Up to the moment when a settlement was provisionally arrived at, or I should say perhaps up to this moment, until Sir Muhammad Shafi made that suggestion, these were the fourteen points which were laid before us.

Sir Muhammad Shafi: I think that it is better not to refer to private negotiations.

Dr. Moonje: I am not referring to private negotiations. If this principle is to be taken as correct, then if anybody has any reason to make a demand for that kind of reservation it is Dr. Ambedkar. When I am speaking of Dr. Ambedkar and his community I have to hang down my head in shame. I remember the kind of legitimate grievances that he has against me. I have been doing as best I could, more particularly during the last five years, to remove those grievances. I have been seeing also as the result of all the propaganda, the ray of hope that a change is coming. As a sample perhaps of what is being done I may be allowed to quote the resolution that the Hindu Mahasabha passed in the matter of Dr. Ambedkar's community. " The Hindu Mahasabha declares that the so-called untouchables have equal rights with other Hindus to study in the public schools, to take water from public wells, and other sources of drinking water, to sit with others at public meetings," and so on. Having made this explanation and made my apologies to my friend Dr. Ambedkar I take the premise that he has made out. He rightly believes that these are all pious wishes and pious sentiments. He has now made up his mind to ask for complete partition, as he put it in his own language, from the Hindu society. Whether he is right or whether he is wrong his God in himself will dictate to him, but certainly I have no right to ask him to reconsider that point until I am prepared to treat him as I treat my own men. Therefore I leave that matter to him. For the sake of argument I take the premise that he has made that he wants complete partition from the Hindu community at the present moment. If these two premises are taken let us see what is going to happen. Let us

take the population of British India first. The population of British India is composed of 25 per cent. Mussalmans.

Sir Muhammad Shafi: A little over 25 per cent.

Dr. Moonje: I will say 26 per cent. of Mussalmans. If that is going to satisfy my friend, Sir Muhammad Shafi, I have no objection. The Depressed Classes are 19 per cent.; Christians, Parsees, Sikhs, etc., are about 3 per cent. That comes to 47 per cent. Hindus are the remaining 53 per cent. If the communal demands are accepted now, because the Hindus form the majority community, and the majority community can afford to be generous, as appeals are made to the majority community and they are supposed to respond generously to the demands made by the minority communities, it will be something like this: the Mussalmans are demanding 33 per cent. The Depressed Classes are demanding more, about 26 per cent., but I have not yet agreed to consider even the weightage for the depressed classes. However, if the representation is on the basis of their population it comes to 19 per cent. Christians, Europeans, Sikhs, Parsees, etc., are about 5 per cent. and if they demand about 10 per cent. representation then it means that 65 per cent. of the representation is distributed to those communities which call themselves Minorities, and which make an appeal to the generosity of the community which is known as the majority community 62 per cent. or 65 per cent. having been thus doled out, what is there remaining? There is about 33 to 35 per cent. for the Hindus. The rule enunciated by Mr. Jinnah is that all Legislatures in the country and other elected bodies should be constituted on the definite principle of adequate and effectual representation of minorities in every Province without reducing the majority in any Province to a minority or even to an equality. I do not think that it could be said that this rule should not be made applicable to the Hindus; that it should be applicable to others, including even Mussalmans, but never under any circumstances should it be applicable to the Hindus. If that is so I have no argument to make.

Sir A. P. Patro: It is dealing with Provinces.

Dr. Moonje: I am dealing with the whole of British India first. I am coming to the Provinces next. If you will have a little patience I will get through it.

Sir A. P. Patro: We will have patience.

Dr. Moonje: If that rule is given effect to, and if the demands are responded to as I am asked to respond to them generously, then the majority community is reduced to insignificant minority, *i.e.*, 33 per cent., or one-third, or perhaps even less.

Let us see what happens in the Provinces. The two most controversial Provinces are Bengal and the Punjab. In Bengal Mussalmans are 54 per cent. or 55 per cent. The Depressed Classes are 25 per cent., Europeans, Christians and others, want about 10 per cent. I have taken the figures from the Simon Commission Report. They come to 89 per cent. The Hindus, although 18 per cent. in Bengal,

get only 11 per cent. In the Punjab the Mussalman are 55 per cent.; the Depressed Classes are 13½ per cent.; the Sikhs are 11 per cent.; Christians, Europeans and others are about 1 per cent. With regard to the demand the Mussalmans want 55 per cent. The Depressed Classes are only 13½ per cent. I am not giving them any weightage. The Sikhs cannot do without their present weightage because otherwise they have just threatened us with civil war, and for the sake of argument I accept their 18 per cent. I am a poor, meek, docile, non-martial Hindu. Therefore the announcement of civil war caused a shock of fear in my heart. Therefore, suppose I am prepared to yield to him his 18 per cent. Supposing that Christians, Europeans and others require 5 per cent., then it comes to that the Hindus in the Punjab, although 19½ per cent., get only 8½ per cent.

Now let us go to the United Provinces. What do we find there? In the United Provinces, Muslims are 14 per cent.; the Depressed Classes are 26½ per cent.; Europeans, Christians and others are something which I have not been able to work out. With regard to representation; Mussalmans are at present getting 30 per cent. of representation and they want their present weightage to be retained. Mussalmans, although they are 14 per cent. in the United Provinces, are getting 30 per cent. at the present moment, and they want that weightage retained. The Depressed Classes, poor men, are 26 per cent. They want weightage, but I am not prepared to grant it to them at the present moment. The Depressed Classes according to their population basis are 26½ per cent. I do not know what is the numerical proportion of Europeans, Christians and others. I do not know whether it will be considered satisfactory to grant them say 5 per cent. for the sake of argument. It comes to 61 per cent. The Hindus in the United Provinces, although 59 per cent., get only 39 per cent.

Sir Muhammad Shafi: May I ask one question for the purpose of elucidation Dr. Moonje has been speaking of Depressed Classes and Hindus as if these were two separate sections. Will Dr. Moonje tell me whether he regards the Depressed Classes as Hindus or not?

Dr. Moonje: It is not a question of my regarding the Depressed Classes as Hindus. It is the Depressed Classes who should regard whether they are Hindus or not. I regard Mussalmans as Hindus of Hindusthan myself. After all they are my own kith and kin and of my own blood. I do not become a Pathan or I do not become an Arab because a Pathan or an Arab Priest has converted me to Islam. You are Hindus all the same, but it is your look out whether you are prepared to own yourselves as Hindus of Hindusthan or not. In the same way it is for Dr. Ambedkar to say whether he is prepared to own himself a Hindu. He has made a statement that he wants a complete partition from the Hindus and, therefore, I said at the beginning that I am starting on two premises as a scientist goes into a laboratory. If those two premises are correct then you see the situation from those figures before you. If those figures prove anything they tell the tale that your own principle does not stand.

Let us now see how the situation lies in Bihar. In Bihar and Orissa the Mussalmans are 11 per cent. and they are getting 18 per cent. My friend, Sir Muhammad Shan, with great exultation said: "In the North West Province look at how generous we are. We are giving three times more representation to the Hindus than their population entitles them to." I wonder if that calculation can come up to my calculation of generosity. In my Province the Mussalmans are hardly 3½ per cent. or 4 per cent., and I am giving them 15 per cent., or four times more. In Bihar and Orissa Mussalmans are 11 per cent., Depressed Classes 14½ per cent., and Christians, Anglo-Indians and Europeans may be about 3 per cent. The Mussalmans are demanding 18½ per cent.

Sardar Ujjal Singh: 25.

Dr. Moonje: My figures may be corrected. I have put down 18½ per cent. Until I see it, I cannot correct it on the spur of the moment. It can be corrected afterwards if I am wrong. The Mussalmans are 11 per cent. and they are getting 18½ per cent.; the Depressed Classes are 14½ per cent., and of course they want 14½ per cent.

Dr. Ambedkar: No, more than that.

Dr. Moonje: Christians, Anglo-Indians, Europeans, etc., want about 18½ per cent.; total 54 per cent. The Hindus, though 68 per cent., get only 46 per cent. Now I come to Madras; in Madras the Mussalmans are 6½ per cent., but are getting at the present moment 15 per cent. The Christians are about 3 per cent., and according to my calculation they are at present getting 6 per cent. In Madras the Depressed Classes are 15½ per cent. They want 22 per cent. according to their own calculations. The Europeans, etc., want about 10 per cent. It totals 53 per cent. The Hindus though 72 per cent., get only 51 per cent. It must be noticed in the case of Madras that at least in that Province there ought not to be any communal question, because fortunately they have a political party called the Justice Party, of which Christians, non-Brahmins, Hindus Mussalmans and others can become members on a political basis, and as between members of the party I am assured that they do not make any discrimination on the point of their religion when setting up fit candidates for the election. Therefore, if my information is correct, I do not think there ought to be any kind of communal consideration or communal representation in the Province of Madras.

Now look at the Bombay Presidency. In the Bombay Presidency the Mussalmans are 20 per cent.; they are getting at the present moment 25 per cent.; which they want to retain.

A Member: 30 per cent.

Dr. Moonje: 30 per cent. I have made a mistake. Thank you. The Depressed Classes who are about 8 per cent. want 12 per cent. Christian Europeans, etc., want 19 per cent. That comes to 57 per cent. The Hindus are 69 per cent. and get only 43 per cent.

Such will likely be the situation in all the Provinces. That will be the position of the Hindus if this appeal for generosity is

responded to. I hope my friends here belonging to any party, or belonging to any section of this Conference, do not hope that in response to the appeal for generosity the Hindus should submerge themselves to such an extent that they may be practically extinct from the political life of India. I do not think anybody would be justified in making that kind of appeal.

Now I come to the statement Sir Muhammad Shafi made just now. He has been careful enough to say that separate electorates are their privileged rights, and, though there has been some change of opinion, still the vast and overwhelming majority of people among the Mussalmans claim their privileged right of separate electorates. It is a very auspicious sign that, after having seen the effects of separate electorates for the last 25 years, there has been a change of opinion amongst the Mussalmans themselves. If my information is correct, and that information has been conveyed to me by no less a person than Sir Tej Bahadur Sapru, such leading and responsible men as Sir Ali Imam, who was a member of the Executive Council of the Viceroy, and the Raja of Mahmudabad, who was Home Member in the United Provinces Government, and several others equally important and equally influential, have sent a wire to Sir Tej Bahadur Sapru saying that if this Conference is carried away to the extent of accepting separate electorates, separate electorates will be repudiated and denounced in India by the Mussalmans. That is my information.

A Member: It is wrong.

Dr. Moonje: It may be wrong. You can have it corrected. That is my information. But, anyhow, Sir Muhammad Shafi himself admits that there has been a change of opinion in spite of these things, and if that change of opinion had not been in influential quarters, I do not think Sir Muhammad Shafi would have taken the trouble of mentioning that fact on the floor of this House. Sir Muhammad Shafi has referred complainingly to what I have said about leaving Muslims alone in my speeches in the Hindu Mahasabha. I have said: Leave the Mussalmans alone for some time; they will themselves think it out and find that separate electorates are no panacea for them, separate electorates are no protection for them, separate electorates are no heaven for them; they will find that themselves. It is therefore that I have been appealing to my friends to leave the Mussalmans severely alone for some time. One of my friends, the Nawab of Chhitari, really responded to my appeal when he said, in response to the imploring appeal of Sir Chimanlal Setalvad: The more you press me and the more you press the Mussalmans to accept joint electorates, the more we feel there is something behind your minds and the more we become insistent on separate electorates. I knew it. This is human nature and I know human nature. I have studied human nature in all its aspects, in the course of my political life and in my own profession. It was this knowledge of human nature that made me give a warning to my Hindu friends: Leave the Mussalmans severely alone for some time and they will themselves see the futility and the evil of separate electorates, they will themselves come round and say: No,

we prosper much better under joint electorates than under separate electorates.

Then Sir Muhammad Shafi referred to certain settlements at which we had arrived, but those settlements were arrived at under assumptions which are non-existing now. On their own merits however I have no right to try to get away from what I have said and admitted in the statement of the Hindu Mahasabha circulated amongst members. I have absolutely no objection to accepting certain suitable formulae in the case of recruitment to the Services and in the case of formation of Cabinets. Nobody can say that, because the Hindus form the majority community, therefore the Hindus should have the monopoly of public services; nobody is prepared to say that. Nobody has said that because the Hindus formed the majority community, therefore all the Cabinets in all the Provinces must be Hindu Cabinets, and there must be no Muslims, no Christians, and no Parsees. Nothing of the kind has been said. As a matter of fact I may give an illustration as to how the Mussalmans will receive real protection under joint electorates. I can give that illustration from my own Province. In my own Province the Mussalmans are hardly 4 per cent., and in a Legislative Council of 74 members there are hardly 7 Mussalmans. My friend will be glad to to learn that one Mussalman friend of mine has been elected a Deputy President of the Council, defeating a Hindu candidate. There are hardly seven Mussalmans in that Council of 74 members, but simply because they happen to be friends, and to feel for one another in a friendly way from the political point of view, he has been elected.

A Member: Does he belong to the Hindu Mahasabha?

Dr. Moonje: One Mussalman has been elected Deputy President. There was about 2 months ago a General election for the Legislative Council of Nagpur. The overwhelming majority of voters are Hindus, but a Parsee friend of mine, simply because he happens to have the same politics as they have, has been elected a member, defeating Hindus. For 12 years our representative in the old Imperial Council was a Parsee, Sir M. B. Dadabhoy. I supported him and got him elected as opposed to Hindus and my own relations. Parsees in the whole of India are a drop in the ocean if their population strength is to be considered; but Parsees in the public life of India, on the strength of their merit and competency, bulk large in the public eye. We Hindus, and I trust also the Mussalmans, have never grudged the position that the Parsee community has acquired by virtue of its own merit and capacity for work.

I wonder if I should here refer to one point of which much is being made: the so-called historical and political importance of the Muslim community. I am not yet sure whether I should refer to it. If there is no misunderstanding on that point in the minds of those who have studied the history of India for the last 700 years, I need not refer to it. I think it should be

enough to say that—as I am mentally constituted—I feel that in the public administration of the country, no community, whether it is small or whether it is large, has any special importance of its own. They are all equal before the law; they are all of equal importance for the public administration of the country; and everything in that public administration should be open equally to all on the basis of merit. If any discrimination however is to be made on the basis of political and historical importance, I do not think in a Province like the Punjab anybody could say that that community consisting of a handful of people called the Sikhs is inferior to anyone in its record in the history of India. They have thus both a special historical and political importance. I am not speaking of my own community, because the Mahrattas have been absolutely blotted out from the face of history. For that reason I am not speaking of the Mahrattas, but at least the facts of history are known with regard to the Mahrattas and the Sikh community. The Sikhs stand to make their special claim if any special importance is to be given to political and historical antecedents in the matter of distribution of representation. The Sikh community says it cannot be forgotten and nobody should forget it. The Muslims are no other than the Hindus converted to Islam and they cannot historically lay claim to belong to the past foreign Muslim Rulers of India.

As regards the share that is to be taken for the defence of India by the several communities, it is said that when power has been transferred, Dominion Status has been conferred and India becomes a self-governing country, responsibility for defence will have to be taken to the extent of more than 50 per cent. of our Mussalman friends. I am so glad to be assured that responsibility for defence will be undertaken to the extent of more than 50 per cent. by the Mussalmans alone of India. I am so glad to hear that. But there are also other communities which are inherently capable of undertaking responsibility for the defence of India. If you look to the history of British rule and British sovereignty in India from its inception up to the time when the whole Indian Empire came into the hands of the British, you will find that the British people came to Madras, recruited their armies from the people of Madras, conquered Madras and the country surrounding Madras. When this surrounding country was conquered, then this army went to a neighbouring Province, and, the British, with the help of the Madras soldiery, conquered the neighbouring Province. When the neighbouring Province was conquered, soldiers were recruited in that neighbouring Province, and the Province next to that was conquered with the help of those soldiers. In that way it went on in mathematical progression as far as the North West Frontier Province. When they came to the North West Frontier Province, they found there a fair field and a large field for recruitment; there was the whole of the tribal territory, the whole North West Frontier Province, which constituted a field for the recruitment of their army. They then forgot their old friends the Madrasis, their old friends

the Telugus, their old friends the Beharis, their old friends the Depressed Classes, who contributed largely to the success of the British arms in India. Of course we Mahrattas could not lay claim to that because we were ourselves fighting the English people in those days. But at least this is true, that if the recruitment is to be made throughout India, there are communities in India which can offer you soldiers, which can offer you fit people for recruitment in the army. Therefore, though I am very thankful to my honourable friend Sir Muhammad Shafi for saying that when Swaraj is obtained they will contribute 50 per cent. for the defence of India, there are other communities which will fight side by side with them as Indians of India for the defence of their country and their Motherland.

Appeals are made to me for settlement and amicable agreement. I have tried my best to reach such an agreement and I cannot understand why I have not been able to induce a mentality of compromise, as I thought I should be able to do. I looked into the Despatch of the Government of India more carefully afterwards; I studied the Government of India Despatch, and I found that so long as human nature is what it is, and so long as the Government of India Despatch is as it is, it is impossible to come to a compromise, it is impossible to evidence a mentality of compromise. It was the British Government which introduced the pernicious system of separatism by giving separate electorates to the Mussalmans 25 years ago. The whole of India was protesting at the time against separate electorates, and yet Lord Minto admitted in his speech, which is quoted in the Simon Commission's Report that this is a valuable privilege of the Mussalmans, and without separate electorates the Mussalmans will not be able to take their due share in the public administration of the country. As against the protest of the whole of India that right of separate electorates was granted to the Mussalmans by the British.

Then in 1916 the Muslim League and the Congress sat down together. Of course, I was a younger man in those days and I had not much voice in the party to which I belonged. My elders were there; some of those elders are present here. Though I was even then against separate electorates, of course my voice was drowned in the voice of my leaders, and the argument that prevailed was: Government has given them separate electorates; why not make a virtue of necessity, agree to it and make friends with the Mussalmans. It is only a question of a temporary period of 10 years. There is no use creating bitterness by refusing something which has already been granted to them by the Government. And we said: If it is to bring friendship and amicable settlements, all right, we agree. We hope it will be a temporary thing, and after they have seen how it works, they will be prepared to give up their separate electorates. When this occasion arose, and the whole constitution of India is now in the melting-pot, we thought that at least now, the Government of India having seen the faults and the evils during the last 25 years

of the working of the separate electorates, would reconsider their position. And if not, and if, arising out of the promise which they have given to them, by which they think they ought to stand, they do not propose to do so, they should at least take the precaution, as the Simon Commission did, of saying: In the event of there being no agreement and no new pact between the Hindus and Mussalmans, the old pact must stand as it is, and must not be excluded. The Government of India however did not stop at that; they went further and gave away practically all the points that the Mussalmans are demanding to-day.

I am therefore working under a great handicap and I can illustrate my handicap by giving a little homely illustration.

Two brothers are fighting for the division of their ancestral property. They went into litigation, the first court, the second court, the third court, the fourth court and finally they came up to the highest court, the High Court of Justice, and before the High Court Judge the two brothers came for the fair partition of what they call their ancestral property, and the High Court Judge says, "You are two sons of the same father and mother. Some land of yours, your whole property, is to be divided. If you do not come to an agreement it will all go into the hands of the barristers and solicitors who are working on each side. Therefore, my advice to you two brothers is, compromise. Come to a compromise. If you do so your property will be safe, but if unfortunately you do not compromise, if unfortunately you do not come to an agreement, then I say I shall give a decree in favour of the younger brother." That is what the Government of India's Despatch means, and under that Despatch could you think, with human nature as it is, that that younger brother could be induced to come into the mentality of compromise for an amicable settlement? When I saw this, I thought "If an agreement, if an amicable settlement is not possible, then let us take it to arbitration. Let us appoint an arbitrator, and whatever decision that arbitrator gives we shall accept." At one stage of these negotiations a suggestion was made, but not accepted by the other side—the suggestion that an arbitrator could be appointed and that his arbitration should be accepted; but it was not acceptable to the other side. Then my friends from Bengal came with an offer, and they suggested that His Highness the Aga Khan should arbitrate in the case of Bengal. I suggested, let Mahatma Gandhi be appointed to arbitrate for the whole of India. If His Highness the Aga Khan's arbitration is acceptable to the Hindus, I think Mahatma Ghandhi's arbitration must be acceptable for the whole of India. I shall lay my case before Mahatma Gandhi. I believe it to be right. I may be wrong, but so long as I believe it to be right I say that if no amicable settlement is possible let us place our case before Mahatma Gandhi, the greatest living man that the world has produced at the present moment. Place the case before him for his arbitration, and accept whatever decision he gives. Besides, there are experts like Prof. Gilbert Murray who have

made a special study of the problem of minorities of Europe. They can be consulted.

Now I think I must close, because I do not want to take much of your time. My friend Sir Muhammad Shafi closed his speech by making an appeal to His Majesty's Government and to the members of the British Delegations. In his appeal Sir Muhammad Shafi said, " Any declaration of policy to be made by His Majesty's Government, or by the representatives of the three great British parties with regard to the constitutional evolution of India must include a declaration with regard to safeguarding the interests of the minorities and of the Muslim community, otherwise it will not be acceptable." I do not read this language, I do not interpret this language, as a lawyer would interpret it or as a man given to analysis of mind would interpret it. If I were to go in for that hair-splitting interpretation I would be prepared to make a different meaning altogether, but I understand what the intention was which actuated my friend Sir Muhammad Shafi in making his appeal. I would therefore make a similar appeal in practically the same spirit. I would therefore make the same appeal to the British Government and to the members of the British Delegations. But I would make it in the words of His Highness the Aga Khan. He has said: " If we eliminate all differences there is one point on which there is complete unanimity. We all ask for a full measure of self-government. We ask you to promise us the framework. If the picture that we are to paint on it is unsatisfactory to any of the important minorities we will try again. If we fail we will try again, and we will continue to try till we produce something that will be generally satisfactory." I make that appeal, and I say that in making our attempt let us try the arbitration of no lesser man than Mahatma Gandhi. We can have assistance from experts like Professor Gilbert Murray, who have studied the problem for a long time, and let us not say that because to-day and at this moment we cannot come to an amicable settlement therefore the future of India should be hung up. That is not what I mean to say nor what any Indian should say. That is not what I hope the British Government will do. That is not what I hope the members of the British Delegations will pay their heed to.

I have now to complete my statement. If any further reply on the points raised is needed there is the statement of the Hindu Mahasabha, which has given a full reply to all the points raised by Sir Muhammad Shafi. I place it on the table of this House so that it may be incorporated in the proceedings, and the world and the British Delegations will judge the whole demands made by the Mussalmans, on the one side, and the replies given by the Hindus on the other side, and they will judge for themselves and find out where truth lies and where justice and equity lie very quickly.

Sir Muhammad Shafi: Do I understand that the proposal made by me on behalf of the Mussalmans on the basis of a joint electorate is not accepted by Dr. Moonje?

Chairman: Would you answer that, Dr. Moonje?

Dr. Moonje: Would you please repeat the question?

Sir Muhammad Shafi: Am I to understand that the proposal made by me to-day on behalf of the Mussalman community on the basis of joint electorates is not accepted by you?

Dr. Moonje: Does your proposal include my acceptance of the principle of giving a statutory majority to a community wherever it is a majority?

Sir Muhammad Shafi: The proposal as made, whatever it includes. The proposal as made—do you accept it or do you not accept it? We have other proposals. Tell us, do you accept it or do you not? That is the question.

Dr. Moonje: I have taken notes of your proposal.

Sir Muhammad Shafi: I will repeat it if you like, if you want me to.

Dr. Moonje: Yes.

Sir Muhammad Shafi: That we are willing to accept joint electorates and give up our right of separate electorates if our representation on the population basis in Bengal and the Punjab in the whole House is agreed to, and the weightage in the minority Provinces is given to us by means of Muhammad Ali's formula.

Dr. Moonje: I will give you a clear and definite reply. For compromise I am prepared to accept under joint electorates a system of suitable weightages in the Provinces where the Mussalmans and others are in the minority. That is a clear and definite reply. I am not prepared to agree to give any statutory protection to a community which is in a majority in any Province.

Sir Muhammad Shafi: It is not a question of statutory protection.

Chairman: Listen to the answer.

Dr. Moonje: Let me give the completion of my answer in my own way. I have no objection to the Mussalmans in Bengal and the Punjab, being numerically superior, getting their majority. My objection is to guaranteeing them a majority by statute. That is my objection. To a system of suitable weightage under joint electorates for protection to the minority in the Provinces I have no objection.

Now, as to your proposal about Muhammad Ali's scheme, of course, I have not studied it very carefully, but I said at the time when Muhammad Ali's scheme was brought to my notice that it is no scheme other than separatism, because you could not, unless you register separately, unless you vote separately, say whether a candidate has received 40 per cent. of this community's votes or 10 per cent., or 30 per cent. of that community's votes. It is not joint electorate; it is separate electorate. Therefore I have said from the beginning that Muhammad Ali's scheme is one which I can never approve.

Sir Muhammad Shafi: Then there is one point which it is necessary to make clear. Dr. Moonje has been talking of the protection of minorities. I have not asked for any protection. He has been talking of majorities. There is no question of any majority. My question was " Is Dr. Moonje prepared to concede to the Mussalmans in Bengal and the Punjab through joint electorates representation on a population basis?" That is my question. It is a question that can be easily answered.

Dr. Moonje: I have already replied to that question I cannot agree.

Sir Muhammad Shafi: Then our proposal is rejected.

Diwan Bahadur Ramachandra Rao: After all, there are other members of the Hindu community who have other views, and I do not think it is fair to say that your proposal is definitely rejected by the Hindus.

Sir Muhammad Shafi: I only said Dr. Moonje refused it.

Sardar Ujjal Singh: I doubt if Dr. Moonje can speak on behalf of the Punjab.

Mr. Chintamani: I am a Hindu, but I am not here to speak as a Hindu, much less as a representative of any organisation of the Hindu community. I follow Dr. Moonje in the order of speakers, but I do not follow him in many of his opinions. The spirit that informs me is the same as that by which the speech of my friend Sir Chimanlal Setalvad was informed the other night, and I speak as a member of a non-communal party viewing the question from the point of view of India and Indians, and not from the point of view of any smaller territory or any smaller body of men. If in the observations which I am going to make I shall utter one single word which may appear to any fairminded man to be communal in spirit and to be partisan in its nature, I shall not easily forgive myself.

Looking at the whole question from this point of view, I can but express my feeling of great pain that the proceedings of this Committee should have brought to the surface such a large quantity of difference of opinion among Indians belonging to different sections as we have unfortunately had to witness. Sir, the title of this Committee is the Minorities Committee. It is the duty of every member, as I see it, to look at the problem from the point of view of minorities of whatever community those minorities may be made up, and not with the eyes of Hindu, or Muslim, or Sikh, or any other denomination.

Now, Sir, in considering what part of the community forms a minority and what does not, we have to take two units, one India as a whole and the other each Province by itself. If we take India as a whole, undoubtedly as compared with the Hindus the Muhammadans and other communities do form minority communities, and therefore it becomes the duty of this sub-Committee to consider in what manner and to what extent provision should be made in the constitution for so safeguarding their legitimate

rights and privileges as to induce in them a sense of security and confidence. In this behalf the proposal has been made on behalf of the Muslim community that their representation in the Federal Legislature should be a third of the total strength of that Legislature. Subject to any adjustments and variations that a detailed study of the composition of the Legislature may necessitate, I have no hesitation in conceding this claim of theirs, that as a minority, and the largest and most important minority in the country, they should have one-third of the seats in the Central Legislature.

Now, Sir, when we come to the Provinces it so happens that it is not the same community which is a minority community in every Province, and unfortunately, it is further the fact that at least in one Province there are two minorities, neither of which is small but both of which are important in respect of numbers, and therefore both of which have to be recognised and satisfied. In six out of the eight Indian Provinces, excluding Burma—I say excluding Burma, not because I take it for granted that Burma shall be separated, but because Burma does not enter into our calculations for the purpose of the present discussion—in six out of the eight Indian Provinces, I say, the Muslim community does form the most important of the minorities. Therefore there has been safeguarding of Muslim interests in two forms, first by means of a separate electorate of Muslims only, and secondly, by the grant to them of a quantum of representation in the Legislature decidedly in excess of what their numerical proportion in the population entitles them to. I take it that this part of the community problem is not very seriously under discussion at the present moment, because not even in the speech of Dr. Moonje has the question been raised whether the weightage given to the Mussalmans where they form a minority should be withdrawn; on the contrary, he has answered Sir Muhammad Shafi's question in the affirmative—that is to say, he agrees to their retaining the weightage advantage that they have been given under the Lucknow scheme of 1916.

Dr. Moonje: In the Provinces.

Mr. Chintamani: Yes, turning to the Punjab and Bengal, their cases are different from the cases of other Provinces. We have to consider what arrangement is most convenient for the country as a whole, and not only for those Provinces. It is the duty of the Minorities Sub-Committee and of the Federal Relations Committee to consider the question of the minorities, and of statutory provision for the safeguarding of their interests in order that they may feel a sense of security. We have got to consider the question of how to safeguard the interests of the minorities in these two Provinces, and not what we are to do for the majorities in those Provinces. This is no more a case before us than the question of the majorities in the 6 other Provinces. Now, Sir, you have to take steps to safeguard the interests of any community, only when that community asks for safeguards. Do the Hindu mino-

rity of Bengal, and the Hindu and Sikh minorities of the Punjab, ask for measures such as separate electorates or reserved seats or weightage? If they do ask for it, I am sincerely sorry for them. If they do not ask for it, it is not our business to go out of our way to give them measures of protection which they themselves do not deem to be necessary. They come on the scene not because they have got up and demanded measures of special protection, but because the community which is the majority in those two Provinces asks for both separate electorates and guaranteed representation, which affects their own interests.

Now, Sir, taking the Punjab, Sir Muhammad Shafi has very clearly enunciated a proposition on behalf of those for whom he has spoken. His claim is that in the Punjab, on the basis of a joint electorate, there should be a statutory recognition of the majority position of the Muslim community: The statute should guarantee to the Muslim community in the Punjab representation corresponding to their proportion of the population. Leaving aside the merits and the drawbacks of this proposal in the abstract and in theory, let us consider whether it is practicable for this claim to be accepted by this Committee without at the same time doing violence to the principle of safeguarding minority interests which is the basis of our entire discussion. If in the Punjab 54 or 56 per cent. of the seats in the Legislature is by statute guaranteed to one community, and if then you take the case of the Sikhs, if you do not improve their position you must at least see that it does not grow worse than it is under the present constitution. Therefore you have to give them about 18 per cent. If then you make provision for the representation of the Depressed Classes, the Indian Christians, the Anglo-Indians, and the Europeans, none of whom you can justly ignore, and none of whom will allow you to ignore them, then what is left for the other minority, the Hindus minus the Depressed Classes? Is it any part of any scheme of minority protection in any of the modern constitutions which have been adopted since the war, with the consent of England as a member of the League of Nations not less than of any other Power, to make statutory provision for the majority representation of the majority community, and is that the form which the safeguarding of minority interests can in reason take? This is a question which those who are not obsessed by partisan considerations are bound to consider. They may belong to the same religious creed as one of the parties to the controversy, but there are here the members of the British Delegations who do not labour under the disadvantage under which we here labour of being Hindus as a community and of the same religious persuasion. It is up to them to consider whether they can seriously defend to themselves and to their Parliament any proposals which so far depart from every known and accepted principle of minority protection as to give a legislative guarantee to the majority, and leave one or the other or both of the most important of the minorities in a position of greater disadvantage than their numbers in the population have placed them in. I

will not attempt an answer to the question. I will not make the attempt, not because I consider myself wholly incapable of making it, but because, as I have said, I labour under the disadvantage of belonging to the same religious persuasion as at least one of the parties to the controversy. Therefore I leave the question which I have propounded to the impartial consideration of the third party who are neither Hindus nor Muslims.

I come now to the question of separate electorates. Sir Muhammad Shafi did me the honour the other day of referring to certain observations made by me in my evidence before the Indian Reforms Enquiry Committee of 1924. To the best of my recollection I then stated that our experience of the working of the United Provinces Legislative Council between the year 1921 and the year 1924 had not brought to the surface any serious disadvantage in the retention of separate Muslim electorates, and that there was only one occasion when the Council frankly divided itself on communal lines. That was on the question of the quantum of Muslim representation on the District Boards of the United Provinces. Sir Muhammad Shafi further mentioned that I shared full responsibility for the introduction of separate electorates into the elections for the District Boards of the United Provinces. That is the absolute truth. The position in which my colleague who was in charge of the Bill and myself then were, was that separate electorates were in being, not only for the Legislative Council, but also for the municipalities in the United Provinces, and that before the new Government came into being in 1921 a Committee of the Legislature of the previous Government under the Lieutenant-Governor had put forward an agreed scheme of Muslim representation, from which my colleagues and I did not see reason to dissent. I will now speak on the question of separate electorates with a full sense of my responsibility for the position which I took in 1922 and 1924, but in the light of the larger knowledge of the working of the system which the subsequent years down to date have enabled me to acquire. I am of opinion that separate electorates have had a very prejudicial effect on the working of the Legislature, in that a premium has been placed upon communal over-zeal, and candidates both Hindu and Muhammadan who wanted to adopt the exclusively national, and not the lower communal, point of view have been seriously handicapped in giving effect to their national outlook. As no Hindu candidate need get a single Muslim vote, and as no Muslim candidate has to get a single Hindu vote, but the contest is between Hindu and Hindu, and between Muslim and Muslim, the tendency has been (I am now speaking merely of actual facts as I have observed them) for that candidate who puts himself forward as the more zealous advocate of his own community's interests to be at a decided advantage as compared with another who speaks for the more intangible nation as a whole. Once they are in the Legislature those who wish to seek re-election constantly see that. It is no fault of theirs if they think so. If the members of His Majesty's Government and of His Majesty's Opposition here were

in the identical position they would think so too. They are constantly obliged to think what their own constituency is likely to think of their vote on a particular question when next they go before the constituency. If they adopt the less communal and more broad-minded national point of view they might suffer by the side of the other candidate in the constituency. These are the effects, and I wish with all my heart that this system of separate electorates should be done away with, if at all possible. I would explain my meaning in employing the phrase, " if at all possible." The abolition of separate electorates, and the substitution therefore of joint electorates, is so great a national advantage that the advocates of this change may in justice be called upon to pay a price for that change, and thereby show their sense in its value. Therefore I for one am prepared to consider that it is a very legitimate claim which those who enjoy separate electorates now make when they say that they should get some *quid pro quo* for the abandonment of separate electorates. Having admitted this I would hasten to add that it is our duty further to consider whether the price that we pay is too much. That is not in a bargaining sense but in the sense that the price that we pay may be so prejudicial to general national interests that after all it may be a smaller evil to put up with separate electorates than to bring about their abolition by expedients which in the working of the administration may be harmful, detrimental, and embarrassing at nearly every turn. (If, therefore, the abandonment of separate electorates can be brought about only by a statutory recognition of a majority community being entitled to the majority of seats in the Legislature, leaving the minorities in a position of greater disadvantage than they already occupy, I for one shall be prepared to think that it may be a smaller evil to let the *status quo* continue than to bring about the abandonment of separate electorates at so excessive a cost.) The whole point is that we want the abandonment of separate electorates, not as a source of new friction, but in order to make the relations between the communities smoother and more friendly than they have been. If that abolition, however, can be brought about only by our incurring serious displeasure or by producing serious distrust in the mind of one community, and if thereafter the new constitution will have to start its work in an atmosphere, not of mutual confidence, but in an atmosphere where the communities will be warring with each other metaphorically, then I think that it is a reform which will lose much of its practical value. One consideration which weighs with me is that it does not matter what the solution of this problem may be so long as the end is not lost sight of. It does not matter whether it conforms in every particular or in many particulars with the theoretical perfection of constitutions, or whether it deviates from theoretical considerations. What we have to do is to reach a settlement, whether by consent or by the responsible Government, which will minimise misunderstandings, which will minimise possible chances of friction, and which will increase the chances of friendly co-operation between the members of the different communities in

working the new constitution. Here I am content to leave the case in the hands of those with whom the decision rests.

The representatives of other minorities have laid their case fully before this sub-Committee. It is a great advantage to us in this sub-Committee that we have as its head no less a man than the Prime Minister himself, a Prime Minister who more than many other prominent men in England has distinguished himself by his very sincere and sympathetic interest in Indian affairs for a whole generation. He has heard the case presented by the spokesmen of every section and of every group. If he thinks that anything like an agreed decision by the sub-Committee is likely I think that we can go further in these discussions. If, on the contrary, the various statements that have been made tend to show that any decisions, except group decisions, are unlikely in this sub-Committee, it will be not only not to prolong pain, but to gain time, and also to bring some case to our oppressed hearts to conclude the discussion with these general speeches, with the regrettable thought that we have not arrived at an agreement amongst ourselves, but that there is no advantage in continuing the discussions, and that, in the light of the various opinions expressed, the responsible Government might take what they think to be an equitable decision. In that decision they will be justified in bearing in mind that it is always the duty of a majority, not merely to be arithmetically just, but to be generous to a minority community. The majority community should deem it a privilege and good fortune to be able to surrender something in favour of a minority in order to win the confidence of that minority. That is the duty of the majority community. It is also the duty of the minority community, whether it be the Hindus or the Sikhs in some provinces, or the Muhammadans in other provinces, to remember that a minority will have to remain a minority and cannot hope to become a majority. A minority can ask to be saved from oppressive rule by a majority. A minority can ask for a just recognition of minority rights, but it cannot seek to supplant the majority and act as if it were the majority. These are two propositions which either community has always to bear in mind. If any decision taken by His Majesty's Government should give effect to this view, namely, that it is the part of the majority to be generous, and to make a concession, I as a member of the majority community in India shall not only feel no sense of grievance, but I shall feel that he to whom I have entrusted by fortunes and my fate has interpreted my mind most correctly. I feel the less hesitation in making this suggestion that we may conclude this general discussion without going further into details here and leave the matter to the decision of His Majesty's Government. After all the principal problem in connection with the community question which has been troubling us, namely the problem of communal representation by means of separate electorates, is the creation of the British Government. If the British Government who created the problem are asked also to find a solution for it I do not feel any sense of humiliation

or of injustice or injury. In other countries where there have been similar problems the different communities concerned have met many times, they have had many conferences and conventions, and they have ultimately failed to reach an agreement. In the end a decision had to be taken by those who were responsible. That seems to me to be the position here. It may be regretted, but it has to be recognised. No one need feel a sense of humiliation that history has repeated itself in our case.

In conclusion I would only ask that these differences may not stand in the way of the achievement of the essential purpose of this Round Table Conference, namely, the satisfaction of the political self-respect of the people of India by the conferment upon them of the right of self-government. The problem is for the Government. Let it be solved, but I do hope and trust and pray that this may not be regarded as an obstacle in the way of the achievement of that for which we are all here.

Chairman: I have two names in front of me. The gist of the discussion this afternoon has been reported to me. I think that you will all agree that the discussion this afternoon has made it clear that some further negotiations between the communities concerned, at any rate, is necessary for an agreement, but I would like to hear two speakers before adjourning this meeting. They are Mr. Fazl-ul-Huq and Sir P. C. Mitter.

Mr. Fazl-ul-Huq: Sir, I feel very strongly that the discussion should be conducted in an atmosphere free from passion and prejudice, and that while we should all try to throw as much light as possible, we should also try to avoid generating heat. So far as Bengal is concerned some pointed references have been made. I wish to say one or two words, not to enter into any controversy, but to remind this Committee of certain essential facts which have to be borne in mind before any satisfactory solution can be arrived at. When I came to this meeting and when Sir Muhammad Shafi made that proposal, I thought that there would be no discussion on the merits of the proposal that had been put forward. Unfortunately, however, the proposal that has been made has been subjected to criticism on the merits. I wish only to say that while so many arguments have been advanced against the proposal that has been made, it is possible for us sitting on this side of the table to advance counter-arguments to substantiate the justness of the demand that has been made by Sir Muhammad Shafi on behalf of the Muslim delegation. I wish to remind this Committee that when we discussed the proposal that has been put forward, we from Bengal gave our assent to the submission of this proposal to the Committee on condition that the Muslims of Bengal should have representation proportionate to their population strength. I do not at the present moment wish to enter into any discussion as to the reasons why we put forward that proposal. The situation is quite plain. As Sir Muhammad Shafi has pointed out, we have been enjoying this privilege of separate electorates for many years. It has been guaranteed to us by solemn promises made by the

Government, and when we came out to the conference we were asked by all our friends in India not to agree to the abolition of separate electorates on any account. If, however, we agree to the abolition of separate electorates for the purpose of bringing about a settlement between the two communities, we have to take upon ourselves a very heavy responsibility.

What I want this Committee to remember is that, however open to criticism the proposition may be, however objectionable it may appear from some points of view, the fact remains that we, coming from Bengal, cannot consent to separate electorates being taken away, except on that unalterable condition. We are very sorry if this proposition is not acceptable to our Hindu friends. As I said, I could try and convince them that the proposition that we have put forward is quite reasonable. But I do not wish to enter into arguments at this stage; it is not for arguments that we have come here to-day. There was a specific proposal put forward by Sir Chimanlal Setalvad, and Sir Muhammad Shafi has only quoted before the House the words of Sir Chimanlal Setalvad and declared that we, the Mussalmans, are prepared to accept the proposition that has been put forward now for the purpose of bringing about an amicable settlement.

Now, Sir, there are one or two observations which I wish to make in connection with this proposal before I sit down. Dr. Moonje has said that the Mussalmans of India have now recognised the evils of separate electorates, and he has mentioned the name of Sir Ali Imam as one of the leading Mussalmans who have always been against separate electorates and in favour of joint electorates. (Let me remind Dr. Moonje that Sir Ali Imam actually moved a resolution in favour of separate electorates at the Muslim League Meeting held at Aligarh in December 1925; he moved that resolution and Mr. Jinnah seconded it. That appears in the record of proceedings of the All-India Muslim League. In view of that fact, I do not see how Dr. Moonje could tell this Committee that Sir Ali Imam is against separate electorates.)

Then, Sir, Dr. Moonje has told this Committee that ever since separate electorates were introduced the Hindus in India have protested against it, and that the Hindus were unanimous in declaring that separate electorates have been nothing but an unmixed evil. Without going further into details, I would like to remind Dr. Moonje that it was no less a person than the late Mr. Gokhale, one of the greatest Indians that our country has produced within recent times, who declared in favour of separate electorates for Mussalmans. We know what is called in India the political testament of Mr. Gokhale, and here I read one sentence from the political testament which will show that even Mr. Gokhale was prepared to concede to Muhammadans separate electorates: It is no use throwing the entire blame on the British Government. There have been Indians whose capacity for understanding the needs of the country cannot be questioned who have themselves conceded that separate electorates are necessary. This is what

Mr. Gokhale said: " Then there would be the special representation of Muhammadans, and here and there a member may have to be given to communities." This is what Mr. Gokhale's political testament of 1915 says, as quoted in " Speeches on Indian policy ", Volume II, page 119.

Sir Surendra Nath Banerjee, a great man whose words will carry great weight with this Committee, observed as follows: " The system of separate electorates was recognised by Lord Sinha and finds a place in the Calcutta Municipal Bill of 1917." That is what Sir Surendra Nath Banerjee says in his book, " A nation in the making," page 360. There is another Bengali whose name I may mention to this Committee. He was the President of the Legislative Council and was also one of our ex-Ministers. In the Bengal Legislative Council proceedings, Volume 11, No. 2, page 241, of the 19th February, 1923, he is reported as having said: " Personally, Sir, I am in favour of separate electorates for important minorities; I heartily support the suggestion for a communal electorate for the Muhammadan minorities in Calcutta. It is not that I have taken up this attitude because of any exuberance of feeling for the Muhammadans, but because I am one of those who sincerely and honestly believe that the principle of separate electorates is based on the principle of self-defence. It is a protection which the minority need in dealing with a majority widely differing from it in political and economic development ".

There is a Persian custom of conveying instruction by means of a fable, and in order, Sir, to enlighten if possible the debate by means of a small story, if you will permit me, I will tell it for the benefit of this Committee. Once upon a time there was a lion who somehow or other lost the use of his limbs; he could not go out into the forest to get his prey, so he sat in a parlour which he fitted up with some eatables. All sorts of small animals, like the minorities in India, used to pass in front of the parlour. The lion used to extend a very generous invitation to them to come into the parlour; he would say: " Come into the parlour, my friends, and enjoy as much as possible of my royal hospitality." Now passers-by, who did not know what was in the mind of the lion, or what was in his power to do (like the general British public) wondered why these small animals did not accept this invitation. The small animals (the minorities) on the other hand said: " We are quite willing to enter into that building, but we will enter into that little partition which has been set up for our protection, and we would decline with thanks your royal offer of entertaining us to a royal repast ".

Now, Sir, the point is this. A cry is raised in the name of nationalism. I speak with the greatest respect to all my friends, that if we believed it was a sincere cry for nationalism alone, the Mussalmans would be the very last persons to ask for any protection: but we know that once you have lured us into your parlour, all sense of nationalism will be forgotten, and you will

make short work of all the minorities that come within your grasp. With all respect, Sir, I wish to tell Dr. Moonje that we have learnt this by actual experience in the municipalities and in the local boards and district boards. We have no separate electorates in these bodies in Bengal; there the elections are on a common register. Would Dr. Moonje be surprised to hear that in those parts of Bengal where the Mussalmans are in a minority on the electoral roll, no Mussalmans can succeed in winning a single seat by means of an election. If one or two Muhammadans have so succeeded, it is either by becoming a member of the Hindu Mahasabha, or by giving a sort of written undertaking that they will say aye to everything that their Hindu colleagues may say in the Committee.

In the year 1926, when there were these communal riots, communal feeling ran very strong in Bengal. In Eastern Bengal, where the Muhammadans are in a majority, they retaliated by ousting Hindus wholesale from the electoral polls because of the fact that they happen to be in a majority on the electoral roll. However much you may say that separate electorates are an evil, that the only way to nationhood is by doing away with separate electorates, experience teaches us that in India, where general electorates have been in force in municipalities, local boards and district boards, there has been no approach to the development of the self-governing spirit at all; on the contrary, in the Legislative Councils, where we have got separate electorates, the mere fact that Mussalmans enter the Councils through separate electorates has never prevented us from taking a broad outlook, a national outlook, an outlook best suited to the interests of India in almost all matters that come up before the Legislative Council.

I am not going to take up the time of this Committee, but I would be prepared to convince even the British members of this Delegation that separate electorates are not only no evil, but as a matter of fact they are the best solution that can be found in the circumstances prevailing in India. You have only to remember, Sir, that the best solution may not be an ideal solution; but the best solution has this advantage, that it is better than any other solution that you can put forward. We do not claim for separate electorates that it is an ideal solution; we say that in the circumstances existing in India at present the separate electorates are the best solution that you can conceive.

Then, talking of Bengal, Sir, we may be in a majority in the population, but, so far as the electoral rolls are concerned, we are in a minority. But suppose for a moment again that there is adult suffrage, which is the utmost that you can expect, the Muhammadans of Bengal are put in this disadvantageous position, that Muhammadan females observe strict purdah and do not come forward to exercise their votes. These are some of the reasons why, even in Bengal, the Mussalmans have been asking for special protection; and, whether the demand that has been put forward is extravagant or not, Sir Muhammad Shafi has made it prefectly

clear that if we are going to have such a new departure as almost to revolutionise Muhammadan opinion in India, we can only consent to that on this condition, so far as Bengal and the Punjab are concerned. I am not talking of Sind and the North-West Frontier at the present moment. We can only consent to the taking away of separate electorates on condition that you will consent to give to the Mussalmans in those Provinces representation in the House proportionate to their population, and of the whole House 55 per cent. Sir Muhammad Shafi, of course, will explain it if necessary; I am not going to enter into any statement.

I thought, that to this question, there would be a very simple answer: Yes or no. I did not think that any discussions would be started, because, if there are discussions, we would be prepared to defend the proposition that we have put forward. But if our Hindu friends reject it wholesale, and if, as I find, they have rejected it, the matter ends there. It is no use saying that these our case before the judges. I do not want any party to prejudice are the defects and these are not the defects; that is prejudicing our case by putting forward arguments which we have no opportunity of controverting; because I feel there should be no argument on propositions of this kind. The proposition has been put forward for the sake of peace and amity. Sir Chimanlal Setalvad put it forward in that spirit. Sir Muhammad Shafi has replied to it in that spirit. It is for our friends to say whether they accept it or not. If they do, the matter ends here and the Conference can end to-morrow. If this goes, then the claim that was originally put forward by Sir Muhammad Shafi remains; and, so far as we are concerned, that is the only proposition we can put forward. I do not wish to take up the time of the Committee any longer.

Chairman: I now call on Sir P. C. Mitter.

Mr. Sastri: Mr. Prime Minister, before you call on Sir P. C. Mitter to speak, according to the programme, may I be permitted to break the rule which I have made for myself that I should not enter into this controversy. If you will permit me, I shall not take more than a few minutes, Sir.

In the course of this discussion the name of the late Lord Morley was brought in as the sponsor of separate electorates.

Sir Muhammad Shafi: Not as a sponsor of separate electorates.

Mr. Sastri: As the introducer, or as the favourer, as the advocate, the champion, or whichever you please, of separate electorates; and to-day the name of my reverend master, Mr. Gokhale, has been called in. I do not complain; I only wish to say to those who may not be fully aware of the circumstances connecting these names with this question that that support of separate electorates is subject to this qualification.

In the case of Lord Morley it is well known to those who have read his Recollections that he was not brought to favour separate electorates upon their merits, but that he hesitated a great deal

before he adopted them. I myself had the honour one day of listening to him upon this subject when I complained that in the electoral system of India he was responsible for a vicious element. He told me emphatically that he resisted their introduction for a very long time, and it was not until he was convinced that he could confer no reforms whatever upon India of a political character unless he guaranteed separate electorates that he went and adopted them.

In the case of Mr. Gokhale, although I know that he stood up in support of separate electorates in the Legislative Council and elsewhere, I know that as a matter of fact he always considered them to be necessary evils. He did not think that separate electorates could be justified upon their own intrinsic merits; he adopted them because he found as a statesman that, considering all the circumstances of the case, as my friends Sir Muhammad Shafi and Mr. Fazl-ul-Huq have stated, it was an evil from which there was no escape in the circumstances. If they were alive to-day and we could by pacific arrangements produce a system of joint electorates, no two persons could be found to rejoice more than the late Lord Morley and the late Mr. Gokhale.

Sir P. C. Mitter: Sir, I do not desire to say anything which would add to the difficulties of this very difficult and baffling problem. To my mind, Sir, the main question is how to get peace between the two communities. If we get peace between the two communities by communal electorates, although I do not like it, although my friends to the right do not like it, although the Hindus as a community do not like it, there are many amongst us who will purchase that peace at the risk of giving the go-by to that cherished conviction. At the same time, if by conceding joint electorates we do not attain that peace, we fail in our object. Therefore, Sir, I would appeal to my Hindu friends as also to my Muslim friends to go to the root cause and try to achieve peace.

Apart from that general observation, there is another point of utmost importance to which I think it my duty to refer. That is how to get advance on constitutional lines. From that point of view I do not want to lose in any way the good will of the public of this Conference, the Muslim and the Hindu and the British, for my Province of Bengal. It is perfectly well-known that from the point of view of advance on constitutional lines we have our peculiar difficulties, and none know that better than my esteemed colleagues, Mr. Fazl-ul-Huq and Mr. Ghuznavi. Therefore, I desire to say something as an individual who has not spared himself in the work of peace-making. I hope I shall not be misunderstood, and that the opportunity that I seek for peace and the constitutional advance of my unhappy Province will not be denied.

Now, Sir, I wish myself to speak more as a Bengali, and to tackle the question from the Bengal point of view. I say this with all the experience of more than 30 years of Bengal politics.

I appreciate all the efforts on both sides towards the solution, but the fact remains that a solution designed for Bengal must needs be one that would be acceptable to Bengal. This presupposes a more intimate touch with the public of Bengal than some of my esteemed friends, Mussalmans or Hindus, from other Provinces may possess. Surely I am not here strictly in my individual capacity; I come here in such representative character as I can humbly claim, and I would not here, for the sake of an ephemeral and make-believe harmony, accept a solution on which, on my return, I know it will not be possible for my community to deliver the goods. But I know also that in Bengal, in spite of appearances to the contrary, the relations between the Hindus and the Mussalmans are not so bad as they are supposed to be by men in other Provinces. My esteemed friend, Dr. Moonje, will not misunderstand me when I say that in the election of 1926 seats were contested by the Hindu Mahasabha, seats were contested by the Congress people, seats were contested by the party to which I have the honour to belong. The Hindu Mahasabha could only return one candidate. We could return our 20 per cent., the Swarajists returning 80 per cent., but the position is getting worse and worse.

In the last election the Hindu Mahasabha could return a fairly large number of candidates. I hope Dr. Moonje will appreciate what I say in the spirit in which I am saying it, and will not interpret it as anything derogatory to his great movement; and I appeal to my Muslim friends to consider that if in 1926 the Hindu Mahasabha could only have returned one candidate, and to-day they have been able to return more candidates, there is all the reason why they should look to the other side of the picture. We, the Hindus and the Muslims of Bengal, want to live in peace, and I may say this, that, as Mr. Chintamani has very clearly pointed out, if we cannot come to any agreement, then the British delegations will have to come to a decision for us; but before you do so, will you give us one chance? I am almost certain, Sir, that if you give us a chance of working amongst our people only for one month after we return, we shall be able to solve this problem, if not before—(" No, no.")—May I finish, please? Do not interrupt. Supposing we fail, you will have to decide. Of course, that does not indicate that if we cannot settle here in London we shall not settle. We shall do our best. I have talked to my Muslim friends, I have talked to my Hindu friends, but on account of certain circumstances to which I need not refer, because it would make the position more difficult, if I referred to them, it has become more difficult during the last three days. I am yet not without hope. If we can settle, well and good. We shall then settle in London; but if we cannot settle here, for heaven's sake give us a month's time after we return to India. You do not lose anything, because if we cannot settle you will have to decide. Because I am making an appeal I will not go into the merits of the question, as otherwise I would have liked to have done.

There is only one thing, and that is this, that a claim has been put forward by the backward classes. a claim has been put forward by my Muslim friends, a claim has also been put forward by Sir Hubert Carr, and I believe Colonel Gidney is going to put forward a claim. A claim, I believe, will also be put forward by the Indian Christian community. The effect of those claims on this question ought not to be ignored, and whatever conclusion is come to it should be come to after taking all those claims into consideration.

One word more, and I have done. If we can settle, the question need not be discussed further so far as Bengal is concerned, and let me assure you, if we settle in Bengal we shall not forget that Bengal is a part of India. We do not want to settle anything over the heads of other Provinces, but if we cannot settle we shall put in our written memorandum and let the British Delegations decide.

Chairman: The situation seems to be that at the present moment there is not a very bright prospect of an agreement amongst you. At the same time, do not go away and feel or talk as though some great calamity had happened, because that is not true. This is the kind of problem that those of us who have been for some time in politics know is constantly cropping up, and at the eleventh hour, before the settlement comes, things always look pretty bad. I have never known a big settlement made yet when I was not almost in despair, just a minute or two before it was effected. So far as I am concerned I am not at all inclined to be tremendously disappointed that Sir Muhammad Shafi on behalf of the Mussalmans and Dr. Moonje on behalf of the Hindus have been unable to embrace each other, standing on the top of those tables in the eyes of us all. This is a matter which will be settled. It must be settled sooner or later, and the people who will settle it are you. The British Government, you may depend upon it, whatever it may do, will do nothing to put any obstacles in the way of a settlement, nor will it do anything which will tend to prolong the time which will elapse between now and the settlement. I think the best thing to be done now is, as far as I know—you will correct me if I am wrong,—the various claims of the various communities having been made, and some of you having been good enough to send us typewritten, others printed memoranda.——

Sir Muhammad Shafi: We have not sent any.

Chairman: No; I say some of you; and those of you who have not done that have trusted to your very conspicuous powers of exposition and advocacy, so that the facts are before us; and what I think would be the most convenient thing now to be done would be that I should attempt to summarise and to state what points have been brought forward, what suggestions have been made, so that we shall get them in a document, and that that document, brought before you at a later meeting, should become the Report of this sub-Committee to the full Conference. That

will be done in the course of a day or two, and then we can resume our meetings to consider how far that Report is an accurate minute of what has taken place, and you can examine it and move that perhaps some things might go out, or some things might go on, and that some other things might be differently expressed.

In the meantime I would like to renew the very moving and effective appeal that was made from the ladies opposite at the beginning, and which I have tried, with less grace and much greater shortcomings so far as perfection is concerned, myself to make. I would appeal to you to go on with your negotiations between yourselves. If you agree to that method of handling the business, then we shall adjourn, and I will let you know when the Report is ready in draft for your consideration before it becomes official.

I am sorry, I must leave town to-morrow, and I shall not be back until very early on Friday morning, so that the next two days I shall not be visible; but we will lose no time in spite of that. Do you agree to that method of procedure? (*Agreed.*) If so, then the Committee adjourns.

Sir Shah Nawaz Bhutto: May I be permitted to request you to let us know whether the question of Sind has received your consideration?

Chairman: I think what I had better do is to ask the Secretary of State to bring the matter before the Business Committee, and on my own authority ask them to appoint a Committee; and I will get that pardoned from the full Committee. I will do that.

(*The sub-Committee adjourned at 5-10 p.m.*)

PROCEEDINGS OF THE FIFTH MEETING OF SUB-COMMITTEE NO. III. (MINORITIES), HELD ON 14TH JANUARY, 1931.

Chairman: I ought to explain to you, before proceeding to put this draft of the Report before you, that the intention was to embody in the draft the more important, at any rate, of the proposals and observations made during the meeting of the Committee, so that they might be put on record. I have ventured to propose a termination to it, which, as a matter of fact, you have not hitherto accepted, and I draw attention to its straightaway. It is clause 17.

Sir Muhammad Shafi: Prime Minister, before taking the Report, with your permission I would like to make a statement on behalf of the Muslim Delegation with reference to a possible settlement of the question.

Chairman: Very well. Just let me explain the business, as I have started it, and then I will call upon you. I have had no notice of this.

Sir Muhammad Shafi: I wanted you to know, Sir, that we have another proposal to make.

Chairman: Thank you very much. I draw your attention to paragraph 17, which will be reached in due course, but I wish you to read it and to be prepared to consider the suggestion I make about continuing the work of the Committee. With that exception, as far as I was able to arrange, there is nothing in the Report but what has been said during the meetings of the Committee. What I would propose to do would be to put it to you paragraph by paragraph; but before doing so I will call upon Sir Muhammad Shafi to make the statement to which he has referred.

Sir Muhammad Shafi: Prime Minister, after the last meeting of this Committee, when a certain proposal was made by me on behalf of the Muslim Delegation and was rejected, the Mussalman members of the Round Table Conference, in their patriotic desire, if possible, to bring about a Hindu-Muslim settlement, upon which we realise depends the future of India, had been exploring other possibilities, and I am authorised by the Mussalman members to-day to make another offer, which, if accepted, will bring this troublesome controversy to an end.

The Committee will remember that with regard to the remaining points certain understandings were arrived at during the course of the negotiations. The real trouble in the end arose in connection with the Punjab and Bengal, and it was over the representation in these two Provinces that the negotiations failed. To-day I am authorised to make this offer: that in the Punjab the Mussalmans should have through communal electorates 49 per cent. of the entire number of seats in the whole House, and should have the liberty to contest the special constituencies which it is proposed to create in that Province; so far as Bengal is conncerned that Mussalmans should have through communal electorates 46 per cent. representation in the whole House, and should have the right to contest the special constituencies which it is proposed to create in that Province; in so far as the Minority Provinces are concerned, the Mussalmans should continue to enjoy the weightage which they have at present through separate electorates, similar weightage to be given to our Hindu brethren in Sind, and to our Hindu and Sikh brethren in the North-West Frontier Province. If at any time hereafter two-thirds of the representatives of any community in any Provincial Legislative Council or in the Central Legislative Council desire to give up communal electorates and to accept joint electorates, then thereafter the system of joint electorates should come into being.

Mr. Zafrullah Khan: In that particular Province?

Sir Muhammad Shafi: In that particular Province, or in the Central Legislature, as the case may be.

Now, Sir, in connection with the offer I have made, there is one point which I wish to make clear. The result of the proposal I have made in Bengal will be that the Mussalmans will remain in a permanent minority, although they constitute a majority of the population. The special constituencies which it is proposed to

set up in that Presidency are such that the Mussalmans can hope at the best to secure only one seat out of these special constituencies, and that is the Dacca University seat. That is a mere possibility; even that is not a certainty. So that the Mussalmans will remain in a permanent minority in that Province. And in the Punjab they have a possibility of securing two seats through the special constituencies, and thus have a majority of one, provided they succeed in securing those two seats.

This is our final offer, and I am sure that it will be realised by all impartial minds that in the interests of peace, in the interests of mutual co-operation and good-will between the two communities, and in the interests of smooth working of the Indian constitution in the future, the Mussalmans cannot possibly agree to incur any greater sacrifice than they are incurring in making this proposal.

Mr. Sastri: Mr. Prime Minister, may I have the next opportunity to speak; I do so on behalf of a few frends here. I have listened with great respect and attention to the offer which Sir Muhammad Shafi has made just now. We all realise that the differences are capable of settlement, and have, indeed, been more or less settled in regard to the greater part of India; it is only in the Provinces of Bengal and the Punjab that the difficulty still remains unconquered.

None of us for whom I speak can pretend to know all the local feeling and the local circumstances; nevertheless, much has during these weeks come to our knowledge, during the progress of the negotiations, upon which it is possible for us to form something like a detached judgment; and, with the greatest diffidence and with the most profound good-will, and with the request that it will be taken for what it is worth on both sides, I desire to say, on behalf of these friends, that it seems to us that this last offer may be accepted, provided our good friends from Bengal and the Punjab see their way to accept it.

We most humbly request them, on behalf of India as a whole, remembering the condition that Lord Reading has attached to his statement, remembering also what you, Sir, said last night—remembering all these circumstances, we beg our friends from the Punjab and from Bengal, on behalf of the India we all love, for the sake of peace, for the sake of the success of the good work which we have already begun here, and which now stands in peril on account of this single difficulty—we appeal to their patriotism and we beg them to see their way to accept this settlement. In all the circumstances, it seems to us the best approach to the problem.

Chairman: Would our Punjab friends be ready to respond?

Sardar Ujjal Singh: I should like, Sir, to say a few words. I, and for the matter of that the Sikh community, yield to none in our spirit of sacrifice for the cause of India and for the cause of nationalism, and any solution that can be found which is acceptable by all parties would be welcome.

Before this offer it was not known to us at all what was happening behind the scenes or what was going to be offered here at this Conference. In fact, the question of the Sikh representation has not been considered at all. It is all right for my Muslim friends to press for a particular representation to protect their minority interests in Provinces where they are in a minority; but, with due respect and very humbly, I suggest it is for us, the minority community in the Punjab, to lay before this august assembly the minimum representation which the Sikh community would at all be prepared to accept. In this connection, with the same spirit which prevails at this moment in this gathering, and taking upon myself and my colleagues full responsibility, and taking into consideration the great feeling that prevails in my community, I would humbly suggest that any representation lower than a figure of 24 per cent. in the Punjab Council would in no case be acceptable to the Sikh community.

I would not like to refer to the proportions which might in that case be allotted to my Hindu or Mussalman friends, because it does not lie with me to fix any proportions; I can only say this on behalf of the Sikh community, that if you can, under this proportion of 49 per cent. to my Mussalman friends in the Punjab, accommodate the Sikh representation to the extent of 24 per cent., I would not stand in the way.

But please do consider all the communities together—the Hindus, the Sikhs and the Mussalmans—and the Sikh representation to the extent of 24 per cent.; and then, if you can accommodate all these figures proportionately, we should certainly welcome any proposals and any suggestions made in that connection.

Sir P. C. Mitter: Sir, the appeal coming as it does from my respected and revered friend Mr. Sastri, and offered as it has been by my Muslim friends, cannot be lightly ignored. If I could persuade myself to believe that this appeal would lead to peace in Bengal I would unhesitatingly accept it; but, so far as I am able to judge, I am afraid it will not lead to peace in Bengal, and for that reason, and for that reason alone, I am afraid I cannot accept it.

Raja Narendra Nath: 49 per cent. and 24 per cent. makes 73 per cent., and that reduces my share to 27 per cent. It is a principle which is not observed or allowed for any community that its representation should fall so far below its numerical strength in the population. If the Sikh demand is to be conceded, and if the Muslim demand is to be conceded, the representation of my community is reduced from 32 per cent., which is its proportion in the population, to 27 per cent. Now, does that exist in any part of the world? And, if it does not exist, why should my interests and the interests of my community be sacrificed, especially when Sir Muhammad Shafi says that separate electorates will continue all over the country?

Dr. Moonje: I think, Sir, that the way the proposal has been put forward by my friend Sir Muhammad Shafi holds out a hope for mutual accommodation. At least, I feel that if we can sit down together there is a hope that mutual accommodation can be found, because I feel that Sir Muhammad Shafi has been inspired by a willingness to give and take. If this inspiration continues and is strengthened in the interests of the unity of India and in the interests of patriotism and the nationalism of India, I will not be wrong in supposing that there are reasonable grounds for a hope being raised in my mind that a proper accommodation is at last within sight. I have not been able to follow quite accurately—does Sir Muhammad Shafi mean separate electorate also in the Provinces?

Sir Muhammdd Shafi: Yes.

Dr. Moonje: Am I right, Sir, in understanding that—separate electorates in the Provinces?

Chairman: Just let me understand it quite rightly. I quite understood you, and I think I rightly understood you, that you insist upon separate electorates in the Punjab and Bengal. Is that right?

Sir Muhammad Shafi: Yes, all through. The result of my offer will be that the majority of Sind, Bengal and the Punjab will be filled up through communal electorates, and there will be a small number both in Bengal and the Punjab which are characterised as special constituencies. There the method of election will be joint electorates, so that the experiment of joint electorates will be tried in those seats. Only as regards the rest, separate electorates throughout.

Dr. Moonje: In all the other Provinces, too, there will be separate electorates?

Sir Muhammad Shafi: Yes.

Sardar Ujjal Singh: Does Sir Muhammad Shafi mean also landowners' seats and all these special seats?

Sir Muhammad Shafi: May I say one more word. We have given 6 per cent. to our Sikh brethren. The rest our Hindu brethren can give to them, as much as they can settle amongst themselves.

Sardar Sampuran Singh: What we want to know is, what special seats do you want to keep common? What seats are they? Are they landholders' constituencies—one Labour seat and four landholders' seats?

Sir Muhammad Shafi: Yes, and University and commerce.

Sardar Sampuran Singh: Well, they have been given up in the latest reports, you know—commerce and those things. I would like to know how the thing will work out. I want to know definitely what you have in your mind.

Sir Muhammad Shafi: It is simple enough.

Sardar Sampuran Singh: After reserving 49 seats what I want to know is, how many do you want to keep open for joint electorates, special constituencies as you call them—how many you are keeping as common constituencies?

Sir Muhammad Shafi: As proposed in the Punjab Government Despatch. There they are.

Dr. Moonje: I think the best course will be, in the circumstances, to meet informally with the Prime Minister, Mr. Ramsay Macdonald, sitting as our conciliator—two or three people on your side, and our Sikh friends and our people on our side. We could sit down together and see where accommodation is possible and how is it possible. I am hopeful that accommodation will be possible.

Sir A. P. Patro: Let us discuss it now and finish it.

Chairman: The proposal that has just been made makes it impossible for us to go on and adopt the Draft Report that is in front of us, because, of course, it changes the whole circumstances. If you would be agreeable, I should propose to adjourn this sub-Committee now, and I will also, you being agreeable, propose to remain in the Chair and to ask that those of you who are specially interested should meet—and we must include Dr. Ambedkar.

Dr. Ambedkar: I am obliged to you, Sir.

Chairman: Oh, yes, we must include him—and see whether by an exchange of opinions across the table we could not come to an agreement.

Sir P. C. Mitter: I should like to join, Sir, in those discussions.

Dr. Ambedkar: We have heard just now these proposals and percentages being disposed of, but really it strikes me that if you add up all these they not only go over 100 per cent. but they practically take no notice of many other communities that are existing in the Punjab and Bengal and in other places. If these communities, the Sikhs, the Muhammadans, the Hindus, are going to appropriate 49 and 20 and so on, what is left for the other people? Are they to be taken into account or not? That is a very serious question, Mr. Prime Minister.

Lt.-Col. Gidney: May I just raise my humble voice—it is a very small voice, I know—in this conflict? I support what Dr. Ambedkar has just said. Surely you are not going to take the political rupee and give 15 annas and 9 pies to the major communities, leaving 3 pies to be scrambled for by the other minorities. On behalf of the smaller communities I maintain we should have some say in this distribution.

Chairman: That is just the point. I think that we had better discuss this matter with a smaller body and a little bit more informally.

Mr. Foot: And no notes taken?

Chairman: And I shall remain in the Chair, you being agreeable, and see what can be done to straighten out the situation that has been opened up by the very hopeful suggestion made by Sir Muhammad Shafi.

Mr. Joshi: May I say just one word, and it is this. A question has been raised about the proportions for different communities; but, Sir, there is a community which is unfortunately not a separate community. It consists of people who have got conscientious objection to voting in any communal electorate. I would like you, Sir, to give some attention to that community, and have some electorates where all those people, whether they are Muslims, whether they are Hindus, whether they are Sikhs, will be able to vote without calling themselves Sikhs, Hindus, or Muslims. I hope, Sir, that that consideration will be borne in mind.

Chairman: I would therefore suggest that this sub-Committee should now adjourn, and that a few minutes should be spent by those of you who are interested to select one or two representatives. Do not make it many. Let us have a Committee at which we can carry on conversations rather than make speeches. We will adjourn to another room and we will consider these new proposals and how they can be fitted in, if possible, into an agreed scheme. Do you agree to that? (*Agreed.*)

Lord Reading: Is this Committee going to sit again during the day?

Chairman: What is your experience, Lord Reading?

Lord Reading: Well, I should suggest that this sub-Committee had better be adjourned.

Chairman: It is adjourned until you are summoned again.

Sir William Jowitt: Adjourned *sine die.*

Chairman: That is the best way to do it, I think.

(*The sub-Committee adjourned at 3-30 p.m.*)

PROCEEDINGS OF THE SIXTH MEETING OF SUB-COMMITTEE NO. III. (MINORITIES), HELD ON 16TH JANUARY, 1931.

Chairman: I have attempted in this Report to gather all the suggestions that were made and the points brought forward into their proper place, so that the various points do not appear according to the time and place where they were made in the sub-Committee. I have done my best to put nothing in that was not stated or claimed. The only paragraph which is perhaps a little more emphatic than the other statements is paragraph 16, which refers to the British Government. I draw your attention to that so that you will not overlook it; I do not raise it at present, but when we come to paragraph 16 please remember I have warned you it is a

little stronger than the other statements made here. We make that statement in order to have the position clear.

I will take the Report paragraph by paragraph. Nothing arises on paragraph 1, which is simply a report of the membership.

Paragraph 2 begins " The sub-Committee felt that the first task to which it should address itself, was to have an authoritative statement of claims put in by the representatives of each community with proposals as to how their interests should be safeguarded." I assume you have read this. Do you accept that as a correct record? That is the only question before us.

Paragraph 3 begins " One of the chief proposals brought before the sub-Committee was the inclusion in the Constitution of a declaration of fundamental rights " and so on.

Raja Narendra Nath: I propose that we should say " free and equal exercise " in the penultimate line, and not just " free exercise."

Chairman: " The inclusion in the Constitution of a declaration of fundamental rights safeguarding the cultural and religious life of the various communities and securing to every individual, without distinction of race," and so on, " the free exercise," and so on.

Raja Narendra Nath: I propose we say " the free and equal exercise."

Chairman: " of his or her economic, social and civil rights."

Raja Narendra Nath: I do not think we want the " his or her." Cannot we say " the free and equal exercise of economic, social and civil rights by citizens? " I do not insist on it.

Chairman: " equal " is of substance, but I do not think the other matters very much.

Raja Narendra Nath: I suggest we should say " free and equal exercise."

Chairman: As a matter of fact, that is a quotation from Dr. Ambedkar.

Raja Narendra Nath: The word " equal " was used in Dr. Ambedkar's speech.

Sir M. Shafi: I think " free " covers it.

Dr. Shafa'at Ahmad Khan: I think it should remain as it is.

Chairman: It says " and securing to every individual . . . the free exercise." You cannot secure the equal exercise, because equal is an attribute of the individual who uses the rights.

Raja Narendra Nath: I mean equality in rights; equal rights.

Mr. Chintamani: I do not see the particular propriety of that adjective " equal."

Raja Narendra Nath: It is used in Dr. Ambedkar's draft.

Chairman: You can secure to each individual the free exercise of his rights, but if he does not exercise them in terms of equality that is his look-out, not the Goverment's.

Raja Narendra Nath: Very well.

Chairman: " his or her " can come out, I think.

Dr. Ambedkar: After the word " rights " at the end of the paragraph I should like the words "without discrimination " added.

Chairman: It says already " without distinction of race, caste, creed or sex."

Dr. Ambedkar: I should like the word " untouchability " included there.

Chairman: " Without distinction of touchability "? You already have race and caste.

Dr. Moonje: I think it is all right.

Dr. Ambedkar: In order to explain things better I think that word might be included.

Chairman: Do not let us produce a document which people will laugh at on account of the way it is worded.

Dr. Ambedkar: I think we ought to make a distinction between caste and untouchability. Many people who have caste do not suffer from the difficulties of untouchability.

Raja Narendra Nath: Even the Muslims have caste.

Diwan Bahadur Ramachandra Rao: There is caste among the untouchables. " Caste " is a wider expression.

Mr. Foot: Unless an alteration which is substantial is proposed, I understand it is rather late to make an alteration at this stage.

Dr. Ambedkar: I should like to say " social and civil rights on account of untouchability or otherwise."

Chairman: Untouchability is a violation of social rights, and if you pile on words instead of making it more precise it has, as a matter of fact, an exclusive tendency; it narrows the thing if you give a specific application to a general principle. If you keep your general principle sound you are much safer so far as its application is concerned than if you quote it as applying to the one particular grievance.

Dr. Ambedkar: That is true, but I do maintain that the question of interpretation will come in, and I should like whoever is going to handle this Report to understand that the sub-Committee did mean not to impose any disability on account of untouchability.

Chairman: In a case like that, if there is any doubt about it, I will take the opinion of the Committee and settle it. Do you persist, Dr. Ambedkar?

Dr. Ambedkar: I am afraid, Sir, I shall have to. My dissent might be noted, that I do wish that this should be made clear.

Chairman: There is a suggestion made that the word " distinction " should be substituted by the word " discrimination," so that it will read " without discrimination as to race, caste ", and so on.

Dr. Ambedkar: Yes, that would do it.

Chairman: That will be all right?

Dr. Ambedkar: That will be all right. I suggest at the end it should be " without discrimination."

Chairman: Quite. Then would you make that alteration, please. Then it will read " without discrimination ".

Dr. Ambedkar: Yes.

Chairman: That is a good amendment; the other, I think, would have been a bad one.

Mr. Joshi: In line 3 I want to add the word " economic ", so that it will read " safeguarding the cultural, religious and economic life ".

Chairman: How can you safeguard the economic life of a community in a constitution?

Mr. Joshi: There are certain rights which we have mentioned in the declaration of rights which was presented on behalf of the worker.

Chairman: Certain rights, but certain rights are not all economic rights.

Mr. Joshi: " Fundamental rights."

Chairman: " Fundamental rights safeguarding the cultural and religious life."

Mr. Joshi: I suggest " cultural, reilgious and economic life."

Chairman: You only want to safeguard part of the economic life. With regard to the religious life you want to safeguard it all.

Lord Reading: Is not that covered by the later words?

Chairman: Yes, and then may I draw your attention to the fact that it goes on: " without discrimiation as to the free exercise of economic, social and civil rights."

Mr. Joshi: But that is really intended to say that there will be no discrimination between the economic classes; that is the only thing which is intended in the last words; but the first words are for a declaration of fundamental rights safeguarding the cultural, religious and economic rights.

Mr. Chintamani: What exactly are economic rights?

Chairman: How on earth can you declare fundamental rights safeguarding the economic life of the people?

Mr. Joshi: Well, Sir, the fundamental rights which have been proposed by us are these: that it is the duty of every worker to give his best to his community, and it is the duty of the community to give him opportunities for work and training; that is one of the

rights mentioned by us. Secondly, we have mentioned that as to all workers there will be perfection in respect of their difficulties.

Chairman: Now supposing you put in a claim that a man is only being half trained as a carpenter; will that claim lie in a Court of law against the Government for not giving him full training?

Mr. Joshi: Well, Sir, we made it quite clear that the declaration of fundamental rights may not have legislative effect, but it certainly has a great moral effect; and these fundamental rights have found place in the constitution of Germany and several other European countries as well as countries in other parts of the world. Therefore, although they may not have legislative effect, they have got a great moral value, and they are found in other constitutions.

Chairman: No, really, believe me, they are not, in the way that you have put it, unless it is constitution drafted at the end of the eighteenth century, when we had no experience of the working of them; they have not been drafted in that way since. There is another point: would the members look at the whole thing with very critical eyes; otherwise you may make amendments with good intention but make a mess of the whole business.

How can you safeguard the economic rights of a community? These parts in which the amendment is proposed have got nothing whatever to do with individuals; they refer to fundamental rights safeguarding the cultural and religious rights of the various communities; and then, when you come to the individual, which is what is in Mr. Joshi's mind, economics does come in.

Mr. Joshi: The individual does not come in in my mind; what comes in my mind is the labour community.

Sir A. P. Patro: Who is labour?

Mr. Joshi: If you do not know who is labour, I think you will have to wait for some time. I am quite prepared to give a lecture on that subject.

Sir A. P. Patro: I cannot accept you as representing the labourer.

Mr. Joshi: But I am here.

Chairman: We will wait for the lecture.

Mr. Joshi: If you want one, I will give it.

Chairman: Is the point clear to your minds?

Lord Reading: Quite.

Chairman: Mr. Joshi's proposal is to put in a provision regarding the economic rights of a community.

Lord Reading: Economic life.

Mr. Joshi: Economic life.

Chairman: Yes, safeguarding the rights of the economic life of a community. I am not sure that I understand what it means.

I am doing my best to put it clearly. Do you agree that that should come in?

Members: No.

Chairman: Do you wish it to come in?

Sir A. P. Patro: No.

Mr. Joshi: Sir, my dissent should be noted.

Chairman: Then 3.

Dr. Ambedkar: Sir, as I understand, paragraph 3 summarises the demand put by the different communities before this Committee.

Chaiman: Yes.

Dr. Ambedkar: In view of that, I should like to suggest that the other demands made by the depressed classes specifically in their own interests, on account of the fact that their position differs somewhat from the position of the other minorities, should be added. I do not mean to say that they should be added as an accepted proposition by this Conference, but for the sake of completeness those demands should be put in. I would therefore suggest the addition of the following paragraph to this paragraph after the word " rights ": " The depressed classes also urged that untouchability, with all its consequent disabilities, should be abolished by law, and that they should be guaranteed free and unfettered enjoyment of their rights; and they also claim the right of appeal to the Governor-General and the Secretary of State in cases of prejudices or neglect of their interests."

Chairman: But you see, in so far as these suggestions can be made workable, they will come in in the details that will have to be worked out.

Dr. Ambedkar: I quite see that.

Chairman: Partly legislative and partly administrative.

Dr. Ambedkar: But what I would like to say is this, that in view of the fact that this paragraph tries to summarise what was put before this Committee by the different communities, what was put by the depressed classes, as something specifically for themselves, apart from what other communities needed, ought to come in by way of completion.

Chairman: But it says " without discrimination " and so on.

Dr. Ambedkar: Mr. Prime Minister, you will excuse me; it is one thing for the constitution to say that no man shall be discriminated against, and that every man shall be guaranteed the free enjoyment, and so on; but I know as a matter of fact that we are hard up against facts, and that people will not allow us to enjoy the rights which are given to us by the constitution. I am as certain of that as I am certain of my own existence. I do not want merely a paper guarantee. The whole community will be against us, and we shall certainly never enjoy one-tenth of what

is given to us. I therefore desire that the constitution should not only declare that we shall have specific rights that every community will have, but that the constitution should also provide ways and means by which we shall be protected in the exercise of those rights.

Chairman: The point is, supposing a legislature does not pass a law which will suit you, then the constitution has been broken.

Dr. Ambedkar: No. What I suggest is this: That in the memorandum which I have circulated I have suggested certain ways and means by which we think our rights could be protected in the matter of their exercise. The Committee here, for instance, may not agree that that is an appropriate way of doing it; the Committee may suggest that there are some other means of doing it. I am quite prepared and open for consideration of those other ways and means; but what I want to submit is this, that this draft ought to report that the depressed classes did suggest that they were not satisfied with the mere declaration that they were placed on an equality of footing with other communities; but they pressed that in actual working they needed protection of the free exercise of the rights given them by the constitution. I am not asking for anything more than that. That is by way of completion of the report. In the memorandum which I submitted you will see I do recommend a certain procedure for that.

Mr. Foot: The only difficulty which occurred to me, with every sympathy for Dr. Ambedkar, was that if you begin to put in a statement of your position, it would have to be a very full statement. Already we have upon the notes the claim that has been made, and the sympathetic adoption of it here referred to again at the end of paragraph 16. It seems to me perhaps there may be the risk that if you are going to put in any claims at all, you will not have it fully stated in this memorandum.

Dr. Ambedkar: I would just like to say as regards paragraph 16, the last two sentences refer to the depressed classes, and they are confined to the seats that are to be allotted to them. That is a different matter altogether. What I am stating is this, that the constitution may give me certain rights, but I know that 99 per cent. of the people in India are not going to allow me to exercise those rights. What is the use of those paper rights to me unless the constitution provides that if anyone infringes my rights he is liable to certain penalties? What I say is this. I do not press that the meeting should adopt my proposal. What I want is that the constitution should be made to complete as to cover what I have said on behalf of the depressed classes on this sub-Committee.

Chairman: We have every sympathy with your position, and are prepared to support it; but the difference between putting a paragraph in the constitution declaring for fundamental rights and the drafting of laws carrying out those fundamental rights is a real one. You cannot get into a constitutional declaration any

details of a law which is going to enforce it. What you have got to do is, when you get your representation, when you get your declaration of rights, not in detail, in your constitution, then, as a representative of your people co-operating with the other people in the Legislature you have to produce the law which you think carries out the declaration in the constitution, because if you put anything more by way of detail into your constitution and the constitution is not carried out in that respect, then the constitution is not carried out at all. So you will never get on in that way.

Dr. Ambedkar: My submission is this. I perfectly agree with you that this declaration of fundamental rights is of no consequence. I attach no importance to it myself personally, because, after all, what is important to an individual is not that his rights should be declared but that he should have the remedy in order to enforce those rights. That is the effective guarantee of the rights in the declaration, and therefore I want that the constitution should give me some means whereby I can get redress when I am wrong. It is no use merely saying that there is no " untouchability " and so on.

Chairman: As a matter of fact we have got the point clearly in our minds, so it need not be reiterated; but what Dr. Ambedkar says is that a declaration in the constitution is not good enough for him unless it is enforceable by law. That is so. In order to make it enforceable by law, laws must be passed creating the penalties and the crimes—the crimes first of all, and the penalties. You cannot create a crime of this kind, I think, not safely—I am in the hands of Lord Reading; he is a lawyer, I am not—you cannot, in drafting a general introductory clause to your constitution, create by that a crime which gives you more rights than those that you can claim under the constitution. Under the constitution you have got certain rights given to you, and I am not at all sure what is the position. Supposing a depressed class person was actually persecuted in violation of this declaration, could he not move for some redress in the Courts.

Lord Reading: Well, you have got to give him some remedy for it, of course. You must make it a misdemeanour.

Chairman: Can you do that in the constitution?

Lord Reading: No, I do not think so. If you will forgive me for a moment I do not think Dr. Ambedkar was pressing for that. As I understand it, he wants us to make a definite statement that he had put the claim forward, that he was not satisfied merely with the declaration of " free exercise," etc. What he wants also is that he drew special attention to the fact that that was no use to him unless he also had protection for an infringement of these rights, and he leaves it there. Then you have to consider what the remedy is hereafter. That is as I understood him.

Dr. Ambedkar: That is my position.

Chairman: Very well, that is understood. Certainly that can go in as a record of the claims made. It might go in something like this: "Dr. Ambedkar called attention to his demand for the inclusion in the constitution of special provisions safeguarding to the depressed classes the exercise of their rights." We will get a draft—something on those lines.

Lt.-Col. Gidney: May I just say one word here. I am not going to refer to the declaration of rights that I have submitted, but with regard to the words "cultural and religious life," might I suggest, as per the declaration that I put in, "cultural, educational and religious right," I have added educational because education and religion are so inseparable with my community that I would like that word to be put in.

Chairman: But is it not also inseparable from cultural? I think that it is covered, and then later on, so far as the individual is concerned, "economic, social and civil rights." It is very difficult to put in every word.

Raja Narendra Nath: "Civil rights" covers it, I think.

Chairman: That applies to the individual, and the "cultural rights" apply to the community. The question is, that 3 be accepted.

Sir A. P. Patro: May I ask that my dissent from this be noted in the Report.

Chairman: Just make a note, as I stated a few minutes ago.

Lord Reading: It is on the shorthand note.

Chairman: Now 4.

Raja Narendra Nath: It is in order to have the Report in conformity with the facts that I have brought this before the sub-Committee. I propose that at the end of paragraph 4 we should add: "It was also pointed out that separate electorates were originally a minority right, and that whilst they were of doubtful utility to the minorities in the past they would be positively harmful to them in an autonomous Province. The observations made on page 30 of the Nehru Report were quoted in support. It was therefore argued that separate electorates should not be continued in Provinces in which minorities objected to them, and should not be allowed to be used by majorities as a means of asserting their communal ascendancy over minorities."

That was the view I put forward. I do not say it was accepted. I do not force it upon others, but simply to bring forward the facts I want that put at the end of paragraph 4.

Chairman: The motion is that these words be added: "It was pointed out that separate electorates were originally a minority right, and that whilst they were of doubtful utility to the minorities in the past, they would be positively harmful to them in an autonomous Province. The observations made on page 30 of the Nehru report were quoted in support. It was therefore argued

that separate electorates should not be continued in Provinces in which minorities objected to them, and should not be allowed to be used by majorities as a means of asserting their communal ascendancy over minorities." Now, if I put that in, I must put the reply; and we cannot begin.....

Sir Muhammad Shafi: As I was going to point out, if individual views are going to be incorporated in the Committee's Report, then the contrary view should also be incorporated.

Raja Narendra Nath: I do not mind that.

Chairman: But I do.

Raja Narendra Nath: That is my view. I took about 50 minutes of the sub-Committee's time over my speech, and this is all the point that I made. I do not see why that should be omitted altogether. By all means put the contrary view if you like.

Sir A. P. Patro: If individual expressions of opinion are to be added in every Report, it will not be a Report at all. It is only a general reflection or summary of what took place. It cannot be what A and B and C said. All that could not be incorporated in the Report. The point of view expressed in the Report would be what is a general summary of the impression to be gained from the individual speeches. Therefore I would request Raja Narendra Nath not to press his view, otherwise every individual view has to be recorded in the Report. It will not be a Report. It will burden it and destroy the effect of the Report by the very weight of these individual statements.

Raja Narendra Nath: This was one view which was put forward, and I say that in order to bring the Report into conformity with the facts this view ought to be stated. That is all that I want.

Mr. Zafrullah Khan: The only report that could be in conformity with the facts would be the shorthand notes. You could put all that in.

Lord Reading: I should like to point out, if I may, that something of this kind arose in the Federal Structure sub-Committee. The Lord Chancellor started by taking down very freely all kinds of things that were suggested, but he had to tell us before lunch, when there was a great deal more to come, that he had already got three and a half times the volume of the Report in the notes he had to take of suggestions of this kind. There is, of course, no end to it.

Chairman: We really cannot put in individual views. So far as the Report is concerned, you must judge whether it really indicates the big issues that were placed before us, not the reasons why these issues were supported or opposed; because, if you start that, I must begin and go round the table and ask each of you individually and separately what are your views which you wish recorded under paragraph 4 and there will be no end to it.

Raja Narendra Nath: It is not my view, but the view of a large class I represent, and also the view of a large class of Muhammadans.

Sir Muhammad Shafi: It is not the view of any one of the Mussalmans present here.

Chairman: I will put it to you: Do you wish this Report to be altered in such a way that individual opinions may be entered if that is claimed by those who gave expression to them either in ten minute speeches or in fifty minute speeches? You do not wish that? Then that is agreed.

We pass to paragraph 4.

Sir Muhammad Shafi: With your permission, Mr. Prime Minister, I should like to make a suggestion with regard to paragraph 4. The second sub-paragraph of paragraph 4 begins with these words: " Whilst it was generally admitted that a system of joint free electorates was in the abstract the most consistent with democratic principles as generally understood ". Now, that is a recital of a fact, and that fact, if I may venture to say so, is not correctly stated, for none of us on this side is prepared to admit the correctness of this. I would, therefore, venture to suggest the addition of three words, which would make this unobjectionable from our point of view. I suggest that it should read: " Whilst it was generally admitted that a system of joint free electorates was in the abstract the most consistent with democratic principles as generally understood *in western countries.*" I shall have no objection if you will put that in.

Chairman: I understood that our Mussalman friends quite agreed that, if the conditions did exist, this would be a better method than the method which circumstances unfortunately force upon us.

Sir Muhmmad Shafi: I quite agree that if in India the same conditions existed as exist in western countries that would no doubt be true.

Sardar Ujjal Singh: The words " in the abstract " cover your point of view.

Chairman: Does not " in the abstract " cover you?

Sir Muhammad Shafi: It is in the Minutes; that will do.

Dr. Ambedkar: I wish to suggest an amendment to the second sub-paragraph of paragraph 4. After the words " depressed classes " I should like to have the words added " barring a short initial period ". It would read " and would be acceptable to the depressed classes barring a short initial period."

Chairman: I understood you accepted it provided there was adult suffrage?

Dr. Ambedkar: I said that for ten years we should have separate electorates whether there was adult suffrage or not.

Chairman: " and would be acceptable to the depresed classes after a transition period "?

Dr. Ambedkar: Yes.

Chairman: Do you agree that makes it more accurate?

Mr. Chintamani: Are we to delete the proviso " provided the franchise was based on adult suffrage "?

Chairman: No, we cannot alter the speeches that were made. But what Dr. Ambedkar said—he will correct me if I am wrong—was that if there is to be no adult suffrage then they must claim separate electorates, but if there is adult suffrage then, after a transition period, they would abandon them. I cannot allow the accuracy to be altered.

We will pass from paragraph 4. Is there anything on paragraph 5?

Paragraph 6 says: " Nomination was unanimously deprecated ". I rather gathered that that was so and I put this in to make sure.

To paragraph 7 there is an amendment. Raja Narendra Nath suggests that after the first two lines of paragraph 7 we should add these words: " It was also urged that seats reserved for a minority community should in no case be less than its proportion in the population ". If that amendment is made it will read: " Joint electorates were proposed with the proviso that a proportion of seats should be reserved to the communities. It was also urged that seats reserved for a minority community should in no case be less than its proportion in the population ".

Sir Muhammad Shafi: That has nothing to do with this paragraph.

Major Stanley: It comes in best in paragraph 5, after the words " fixed proportions of seats ".

Chairman: " Claims were therefore advanced by various communities that arrangements should be made for communal representation and for fixed proportions of seats ". That is paragraph 5. It would come in better there.

Raja Narendra Nath: Very well.

Chairman: Paragraph 5 says: " Claims were therefore advanced by various communities that arrangements should be made for communal representation and for fixed proportions of seats." After that would come your proviso.

Raja Narendra Nath: I am quite agreeable to that.

Chairman: Would that be all right, Lord Reading?

Raja Narendra Nath: I am quite agreeable.

Chairman: You agree that there should be an amendment to this effect. We may have to alter it. I will give you the amendment again as it is not in front of you. The amendment is: " It was also urged that seats reserved for a minority community should in no

case be less than its proportion in the population." That is so obvious.

Dr. Ambedkar: It is not always obvious, because there is such a scramble for weightage, and so on.

Chairman: No; but if it was said "shall not be more," then that would affect weightage; but if you say it shall not be less, that does not affect weightage at all; that leaves it where it is. But I would like to warn you, because I want to be quite impartial in this, that if any community has got, say, 13 per cent. of the population, it will be inconsistent with this declaration that it should be offered 11 per cent. of the representation.

Sir Muhammad Shafi: That is what I was going to say; that is the objection I was going to raise.

Lord Reading: It is only the record of a contention; that is all you want.

Chairman: We can put it in as a record. It will go in at 5.

Lt.-Col. Gidney: How does that affect a very small community?

Chairman: It is not going to affect it at all, because it is only a contention; it is not a finding of this Committee. 7; *Agreed.* 8; *Agreed.* 9; *Agreed.* 10; that is just a record. 11.

Mrs. Subbarayan: On No. 11 we would like a slight alteration to be made; in lines 7 and 8 instead of "it was suggested," we would like it to be "it was urged."

Chairman: That alteration is made: "it was urged."

Mrs. Subbarayan: We want it to read as follows: "it was urged that 5 per cent. of the seats in the first 3 Councils should be reserved for women and it was suggested that these should be filled by co-option." The second is a suggestion, Sir.

Chairman: "It was urged that 5 per cent." so-and-so, and "it was suggested that they should be filled by co-option." That is the alteration?

Mrs. Subbarayan: Yes.

Chairman: That alteration will be made, because you made the suggestion, and if you say that is what you said, that is final. Now 11. 12.

Dr. Ambedkar: Sir, I should like to have the following words added to paragraph 12 in the beginning: "The minorities and the depressed classes were definite in their assertion that they would not consent to any self-governing constitution for India unless their demands were accepted." And then you can proceed: "there was general agreement with respect to recommendations," and so on. Speaking for myself, I think I made it very clear at the time when I delivered my speech in this Committee that unless we were assured that we were safe in the new constitution, we could give no consent to any constitution involving the principle of responsibility. If other communities do not care to join in this, it would go as my own statement on behalf of the Depressed Classes.

Lt.-Col. Gidney: I join in that statement too, Sir.

Chairman: Of course, the statement as a matter of fact was made, and it was made in a representative way, not merely as an individual statement. But if that is put in in this report, you will observe the effect of it, that one or two of you will be able to say: "Our claims have not been satisfied." It is not a decision of this Committee, but it does put obstacles in the way of anything being done unless everybody says they are satisfied with what is being done. Whether you think it is wise to take that statement, undoubtedly made to the Committee, and put it in such a position as makes it necessary to record it in the report which the Committee sends to the Conference, is for you to say. I do not object at all, as a matter of record.

Lord Reading: It is rather difficult to see what part it plays in this particular paragraph; this is dealing with the Executive, and the only point which is mentioned about the new constitution is in regard to the successful working of it.

Dr. Ambedkar: My position is this, Sir, that speaking for myself, I do not merely make a statement, and I do not want the record merely to say that I made certain demands; I want the report also to record the strength of feeling that is in my mind behind this; that it is not merely a demand which I made merely to be accepted or rejected, but I said that the acceptance of these demands was conditional on the acceptance of this.

Lord Reading: I do not see how it can come in this paragraph at all.

Dr. Ambedkar: It may come in anywhere. As it was dealing with general agreements, I thought these few lines might come in appropriately at the top of this paragraph. If you do not think it is suitable, I have no objection.

Chairman: I do not think it can come in here; I do not see how you can work that in here. You could raise it again. It is really what we should call in a Bill before the House of Commons a new clause and not an amendment to a clause. 12.

Dr. Ambedkar: In the third line it reads in this way: "that the representation on the Provincial Executives of important minority communities, *i.e.*, Hindus, Muhammadans and Sikhs, was a matter of the greatest practical importance. . . . ." My amendment is this, that we should delete the word "important," because I do not want any discrimination made between minorities and minorities, that you should not mention any minority by name, and that if you are going to do so, then you must mention all the minorities.

Dr. Moonje: That is exactly what I was going to say.

Chairman: As a matter of fact, the reason why these words were put in is that they are in the report to which reference is made. What is the amendment? We are not going to put in

anything that you do not agree with. " That the representation on the Provincial Executives of minority communities "?

Dr. Ambedkar: Leave it there. Delete " Hindus, Muhammadans and Sikhs ".

Chairman: Let us see what it means. It would then read: " that the representation on the Provincial Executives of minority communities was a matter of the greatest practical importance for the successful working ", and so on.

Dr. Ambedkar: Yes.

Chairman: That means that every minority community, if it is 8, 9, 10 or 12, must have a representative upon the Executive.

Dr. Ambedkar: No; I would then add: " as far as possible leaving discretion to the Governor ". I should not like any community to be specifically mentioned.

Lord Reading: Surely you must look and see what this says: " There was general agreement with the recommendation of sub-Committee No. II (Provincial Constitution) ". Then it goes on to quote it.

Dr. Ambedkar: It should not.

Dr. Moonje: My suggestion was a small one, but perhaps it might meet Dr. Ambedkar's point of view. It was on the same lines: " important minority communities, *i.e.*, Muhammadans, Sikhs, Depressed Classes." That was my small amendment.

Lord Reading: Then the others will have to come in.

Sir A. P. Patro: The depressed classes are not Hindus? Will you cut off the depressed classes? With due respect, I say there are depressed classes who would simply revolt at the suggestion that they are not Hindus. In Southern India, if Dr. Ambedkar comes and says they are not Hindus, then I do not know what position Dr. Ambedkar will have in Southern India.

Dr. Ambedkar: We are not discussing that here.

Sir A. P. Patro: Therefore I say representation consistent with facts and experiences.

Chairman: I have referred to the report to which reference is made. " Hindus, Muhammadans and others " I am told was put in by way of illustration, and these words do not appear in the report.

Sir Muhammad Shafi: That is what I was going to say.

Chairman: Just one minute. The word " important " does —" that the representation on the Provincial Executives of important minority communities ". Therefore " important " will have to stand.

Members: Yes.

Chairman: But "Hindus, Muhammadans and Sikhs" will have to go out; they have no business to be there.

Dr. Ambedkar: Just before you go from that, Sir, I should like to draw attention to the words "working of the new constitution and it was also agreed that on the same grounds Muhammadans should be represented on the Federal Executive." The words "important minorities" should replace the word "Muhammadans" there—I mean, in keeping with what we are saying in the beginning.

Chairman: Oh, yes: "It was also agreed on the same grounds that"—

Dr. Ambedkar: —"they should be represented also on the Federal Executive."

Chairman: "That important minorities should be represented on the Federal Executive. On behalf of the smaller minorities a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives or that, failing this, in each cabinet, there should be a minister specially charged," and so on. That is exactly what was put forward.

Lord Reading: Yes.

Chairman: Officially.

Rao Bahadur Pannir Selvam: I should say, "such representatives being specially charged with the duty of protecting minority interests." I urge this because of the demands made by the various communities to be given representation, and to meet the difficulty of having too many minor communities also to be catered for it was suggested that they might be all classed together and given one representative who will be in charge particularly of minority communities.

Chairman: There were two claims made. The claim was for communal representation, and then, failing that—supposing, in other words, that that was found to be impracticable—there was the claim that in each cabinet there should be a minister specially charged with the duty of protecting minority interests.

Rao Bahadur Pannir Selvam: It is the alternative that I object to, Mr. Prime Minister, and therefore this means that the whole paragraph might in future lead to this interpretation—that provided you saw that important minorities are satisfied—the other minorities would really be given no place at all at any time. It might even be construed as meaning that the constitution never intended them to have protection at all.

Chairman: It could not be construed in that way, if you read it; and, besides, it is only a statement of what was claimed. We are not passing this as our verdict. You are passing this as a correct record of the claims.

Chairman: 12.

Sir Muhammad Shafi: Mr. Prime Minister, how does this sentence now stand—"and it was also agreed that on the same grounds Muhammadans should be represented"?

Chairman: "Important minorities."

Sir Muhammad Shafi: I have no objection to the words "and on the same grounds Muhammadans and other minorities." I have no objection to that, but during the course of the discussions it was agreed that Muhammadans should be on the Federal Executive, and I am not prepared to agree to the elimination of the word "Muhammadans."

Mr. Joshi: I think that is a correct record, as Sir Muhammad Shafi says.

Sardar Sampuran Singh: I have no objection to the word "Muhammadans" remaining, and also "and other important communities," but that would be superfluous, because when you mention "important minorities" we think first of all of Muhammadans as the most important minority in India. That is the first one which comes, and I think, keeping that fact in view, there cannot be any other important minority in India if the Muhammadans are not one. Naturally they will always come the first, so that will be superfluous. So far as the general spirit is concerned I think in those words you come in most emphatically.

Mr. Joshi: But if that is only superfluous, and it satisfies you why not have it there to satisfy particular people.

Diwan Bahadur Ramachandra Rao: This is Federal Executive, not Provincial.

Chairman: It only applies to the Federal Executive.

Diwan Bahadur Ramachandra Rao: I am strongly against committing myself to the fact that all important minorities should be represented on the Federal Executive, because great embarrassment might come in by refusing representation. I agree with my friend that the position that was taken up was that the Muhammadans were the most important minority in India, and that they should be represented. That is a thing which I could really understand, but to commit ourselves here and now to the statement that all important minorities should be represented on the Federal Executive, I am sure, Sir, will destroy the constitution. I strongly object to that statement.

Chairman: As a matter of accurate recording, the use of the word "Muhammadans" is perfectly right.

Sir Muhammad Shafi: Federal stands on a special footing.

Mr. Joshi: We agree.

Chairman: "Muhammadans" stands.

Mr. Joshi: Yes. I agree to that.

Dr. Ambedkar: Then you must add to "Muhammadans," "and other important minorities."

Chairman: No, you cannot. That was the claim.

Dr. Ambedkar: May I not say so for myself? Speaking for myself, I speak on behalf of the depressed classes as well.

Mr. Joshi: It is not agreed. You did not make the claim.

Dr. Ambedkar: It is not a question of whether I did or not.

Chairman: Now, now we are doing business, and it is two minutes to eleven.

Dr. Moonje: I would ask, instead of the word "agreed," that we should say, "it was also claimed that on the same grounds," and so on.

Sir Muhammad Shafi: No, no, it was agreed. That is a matter of fact.

Dr. Moonje: I do not know what took place in the Federal Structure Committee.

Sir Muhammad Shafi: The record shows it.

Dr. Moonje: But here, of course, I do not agree with that point.

Sir A. P. Patro: That is accepted, and it goes to the next paragraph.

Dr. Moonje: A claim was put in.

Chairman: The statement was made that the Muhammadans should be recognised, and to that, according to the minutes, there was an agreement, and that has just been lifted out of the records.

Mr. Joshi: The records of this Committee?

Lt.-Col. Gidney: I made a distinct statement on this matter when we had this before the plenary session, and I made a statement to this effect—that it is all very well for the larger communities to demand certain things, but the minorities wanted some representation.

Chairman: That is in.

Lt.-Col. Gidney: This is only an alternative.

Chairman: Oh, no, it is not. The sentence gives an alternative, but it says the claim was made that there should be either representation of the minorities direct, or, failing that—that is, if that is impossible—then . . . . . .

Lt.-Col. Gidney: That is all we want.

Rao Bahadur Pannir Selvam: "Failing this" might be replaced by "if this should be found impossible."

Chairman: Yes, instead of "failing this," "if that should be found impossible." There is no reason why that should not be substituted, "if this should be found impossible."

Lord Reading: What is the difference? We are spending time over interchangeable phrases, that is all.

Sardar Ujjal Singh: Make provision for any other communities in the Federal Executive, and insert the words "important mino-

rities" there. We might make some provision, somehow or other, not necessarily, but provision must be there.

Chairman: May I bring you up against the hard facts of the situation. You cannot, on a Federal Executive, have every minority.

Dr. Ambedkar: Let me make my position clear. In the Provincial Constitution, what we have done is, we have placed an obligation upon the Governor to endeavour to do it. He is not tied down, but in the endeavour he should certainly be allowed the freedom to select even from other important minorities. We are not tying him hand and foot in the making of the Constitution. All we have done is that we place an obligation on him not to select, but we place an obligation upon him merely to make an endeavour. Surely that is not tying him down hard and fast, and I submit that after the word "Muhammadans" the words "other important minority communities" should come.

Chairman: No, we have passed that point. We are now at the second point.

Sir A. P. Patro: May I refer to paragraph 13?

Dr. Ambedkar: I would suggest that my dissent be recorded from paragraph 12.

Sardar Ujjal Singh: After the word "Muhammadans" "other important minorities" should be added.

Lt.-Col. Gidney: Why close it to the other minorites?

Chairman: I really must rule. As I have said already, we are not closing it to the other minorities. I am quite willing to discuss amendments on the words as they are, but really you must not raise false issues. This makes a claim that the other minorities shall also be represented, but if this should be found impossible —that alteration has been made—then there will be a Minister. That is an accurate record of the claims which were made. Paragraph 12 agreed.

Dr. Ambedkar: I think our dissent should be recorded.

Chairman: Very well. Paragraph 13.

Dr. Moonje: The following words appear in this paragraph, ". . . to reconcile the claims of the various communities to adequate representation in the Public Services." I suggest we should say "fair representation" and not "adequate representation."

Sir A. P. Patro: "Fair and adequate representation."

Chairman: These words are in, are they?

Dr. Shafa'at Ahmad Khan: Yes.

Chairman: That amendment is made. Paragraph 14.

Sir Muhammad Shafi: I think the word "reconcile" might be made more clear. I do not think the word "reconcile" makes the position clear.

Lord Reading: What do you suggest?

Chairman: This is not the authoritative pronouncement on Services.

Sir Muhammad Shafi: I am dealing with the word " reconcile."

Chairman: You had an example of it the night before last when I tried to reconcile you. Paragraph 14. There is an amendment.

Sir Hubert Carr: I should like to ask whether it is possible to make this a little more clear on behalf of the British community. In paragraph 2, the point is made as to how necessary it is that all minorities should have full confidence in the full constitution, and so on. As the claims of my community are, and have been generally admitted and agreed, I do not wish to suggest anything in the amendment which would import any question on other points. I think if this paragraph could be made fuller to take note of the points which have been, I think, agreed, it would make it very much easier for the British community to accept the Report as a whole without some of the reservations which I had to speak on yesterday. The problem we have is really a simple one. We only have to claim a few seats which have always been generously given to us, and which I think we have justified.

The civil and criminal law procedure which we have enjoyed, and which we shall enjoy with every one else except in one small matter, is another point to which we attach great weight, and we should like to have that mentioned. The endorsement of the claims which are mentioned here is really one method of giving effect to the rights which we claim. I do not think there was a note of dissent when I put forward these matters in Committee. I should very much like to see a paragraph stating that it was agreed. I think you have a copy of this, Mr. Chairman, " It was agreed that European British subjects should have the right of electing their representatives to the Legislature through separate electorates, and that the constitution would permit no changes to be made in the rights now enjoyed by them in the civil or criminal law."

Those are points which might be said to be accepted in paragraphs 3 and 1 of the Report; but it is the specific exceptions to which I attach considerable importance. Then include the paragraph which you have there.

H.H. The Aga Khan: You have the same rights as anyone else.

Sir Muhammad Shafi: In the eyes of the civil law we all stand on exactly the same footing.

Sir Hubert Carr: I will take out anything which is questionable.

Chairman: It is quite impossible for us at this late stage to adjust the difference between criminal rights and civil rights, and so on. The point is with regard to the word " urge " in line 2. It has been suggested that, as a matter of fact, it was agreed and not merely " urged."

Mr. Chintamani: The claims put forward by Sir Hubert Carr in his speech were not really discussed by the sub-Committee but it was engrossed with the Hindu-Muslim question to the exclusion of almost every other question. Some of these claims are non-contentious and everyone approved them, but other parts were open to discussion. Therefore I think it would be strictly accurate to say that all those claims were urged, not that they were accepted.

Diwan Bahadur Ramachandra Rao: Could not we say that they were carefully and sympathetically considered? I think an assurance should be given with regard to this.

Chairman: You see paragraph 14 refers only to a commercial treaty. There is nothing on the record beyond that. I certainly understood there was an agreement about it, although the word "urge" had got in. I think it would be a great mistake at this stage to mix up all these other things with this, because we should have to have another sitting of the Committee to deal with that. You could put in something at the end to say that other claims were put forward and they will be subject to the continuing arrangements which are going to be provided for—the arrangements for continuing discussion, and so on.

Lord Peel: If I may, Mr. Prime Minister, I should like to say that the big question of the communal difficulties really occupied the whole of the time of the sub-Committee. You will remember that the sub-Committee was adjourned for an expression of views *sine die* at about 3·30, and then that other matter was discussed, so that there was really no opportunity of discussing this very important question which Sir Hubert Carr has brought forward; and, though I cannot say the sub-Committee has agreed about it—because it was not fully discussed—I should like a note to be made of the fact that the opportunity was not given for that discussion.

Chairman: I do not think we can say these further things were agreed. The commercial treaty was mentioned.

Mr. Joshi: It was mentioned, but not agreed.

Chairman: Do you agree to the substitution of "agreed" for "urged"? (Cries of dissent.)

Mr. Chintamani: I am quite willing that it should be said that this was urged, and that the sub-Committee thought that most sympathetic consideration should be given to these claims, but that there was no time for a detailed discussion of the various items.

Sir Hubert Carr: Unless it had been agreed I should have had to press for some other method of dealing with these rights, because our community would not be content to leave it merely to sympathetic consideration; they are definitely rights which we claim to have and which we claim just as much as any other minority in India may claim rights.

Lord Reading: It is important something should be put in with regard to this, because it is a question affecting minority interests,

and if it cannot be put as agreed it ought to be recorded that the claim has been made. For example, so far as the special criminal rights affecting Europeans are concerned, that certainly ought to find its place somewhere. It is a most important thing for Europeans, and Indians have agreed about it. We have had committees which sat on it and arrived at a conclusion, but it ought to be stated because otherwise it will make Europeans very uneasy.

Sir A. P. Patro: The relevant point here is paragraph 14, with regard to the British commercial community. Both Sir Tej Bahadur Sapru and Mr. Jayakar referred to the agreement on these matters, and everyone else seemed to be in agreement with them. The question of the Criminal Procedure Code has not come up for discussion, and that is a different matter, but the question dealt with in paragraph 14 was dealt with, so far as I can remember, during the discussions in the preliminary session, and agreed to by all sections represented there. It would be correct, therefore, to say that there was agreement on that. With regard to the special procedure under the Criminal Procedure Code, I think that question was not discussed at all, for it was not raised then; and so far as that is concerned, I think it would be correct to say that it has now been urged that there should be special treatment.

Major Stanley: That is all that is asked.

Chairman: Let us divide the claim into two parts. There is first of all the commercial treaty, which I certainly understood was agreed. I should like to find out how many would object to the word "agreed" going in as regards the commercial treaty only. I will deal with the criminal procedure later. The only question that really seemed to come before us in a serious and full way was that of the commercial interests, and I understood we agreed to the statement of that part of the case. How many would object to the word "agreed" going in?

Mr. Sastri: As far as my recollection goes, while there was a general desire that their rights should be guaranteed we were not agreed as to the means of doing so. I remember Sir Tej Bahadur Sapru suggesting the point could be met by a proper definition of citizenship. Mr. Jayakar and others referred to the subject, but they did not mention at all a reciprocal treaty with Great Britain.

Lord Reading: That was in the Federal Structure sub-Committee—the other sub-Committee.

Mr. Sastri: If there was an agreement, that agreement refers only to the point raised in the Federal Structure sub-Committee, because it was there that Sir Tej Bahadur Sapru and Mr. Jayakar spoke. It was not on this subject at all. In the Minorities sub-Committee I remember Sir Hubert Carr mentioned this point, but not a speech was made about it; nobody referred to it at all except himself. To say it was agreed would be to go too far, I think, so far as the facts are concerned.

Chairman: It refers only to the point about the commercial treaty.

Mr. Sastri: Even that was not agreed; nobody else referred to it.

Chairman: I thought a murmur of agreement went round, and that it was not referred to because it was supposed to be accepted. How many would object to the word "agreed" being put in instead of "urged"? (Five or six members raised their hands.)

Lord Reading: I do not think it ought to be put in as agreed, because there are other ways of dealing with it.

Chairman: Then we will leave it as "urged"; "On behalf of the British Commercial community it was agreed that by a commercial convention concluded between Great Britain . . ." and so on.

Mr. Wedgwood Benn: We might say "guaranteed by a convention or otherwise".

Chairman: "It was agreed that by a commercial convention concluded between Great Britain and India or otherwise"—would you agree to that? Then that form of words will go in.

With regard to the other part of the scheme, we can say that in view of the time at our disposal it was found impossible to consider the arrangements suggested, and it has been remitted for sympathetic consideration later on.

Lord Reading: Yes, that is quite right.

Chairman: Do you agree to the gist of that?

Mr. Chintamani: Are you referring to this proposed amendment?

Chairman: No, I am now proposing an addition with reference to the criminal side of the question. I am suggesting that we should just record the claim which has been made, and then say that owing to the shortness of time and the pressing nature of other business it was impossible to consider it, and that it has been referred for further sympathetic consideration.

Sir Hubert Carr: I am grateful for that reference, but this is really a point which affects the individual in India and certain rights he partly gave away in a friendly discussion in 1922. He will feel very sore if that question is now going to be put aside for sympathetic consideration. In 1922 we fixed on the present procedure by common agreement, and I think everybody agreed with the arrangement then made. I do not think that is a point we could be satisfied to leave for sympathetic consideration.

Sir A. P. Patro: It was not discussed at the meeting.

Chairman: If this is going to be discussed now I must adjourn this meeting, and I do not know what the result will be. We are already twenty minutes late for the meeting of the full Committee, but I am in your hands in the matter.

Sir Hubert Carr: You asked if anyone would object, and I do not think anyone can object to that. We have had it for the last eight years on a mutual arrangement.

Sir Provash Chunder Mitter: You confine yourself only to criminal procedure?

Sir Hubert Carr: Only to that.

Chairman: You want it to be put in the constitution that no alteration shall be made either for the improvement or the worsening of the situation.

Mr. Joshi: I object to that; it means asking for a perpetual restriction on the power of the Legislature, and I object to it.

Chairman: Now I must get a decision from you, because we must get on. Do you agree? There can be no opposition at all to a record of the fact that the claim was put in.

Sir A. P. Patro: Yes, there is no objection.

Mr. Joshi: No objection.

Chairman: But, then, unless we are going to have a meeting to discuss it, it can only be referred to; it cannot be accompanied by a statement of agreement or settlement one way or the other.

Lord Peel: I think we ought to have another meeting in this case.

Chairman: Very well, then, we must have another meeting to discuss it, and you cannot finish on Monday.

Sir Hubert Carr: I am very sorry, Sir, but it really is a point of importance.

Lord Reading: I do not know whether we might ascertain whether there is any real difference of opinion on this, even though it has not been discussed, because all of us are aware of what happened. There was a Committee appointed on which Sir Tej Bahadur Sapru I remember certainly sat, and a number of Indian gentlemen, for the purpose of deciding it. An agreement was arrived at and it has worked ever since.

Lt.-Col. Gidney: I was on that Committee.

Lord Reading: That was in 1922 and no difficulty has arisen since. All I understand Sir Hubert Carr wants is that what was decided then should be continued and should now be accepted as agreed. I cannot myself conceive that there can be any question about it, and I would suggest, for the purpose of getting through with this, that that part is agreed as to the criminal side which has already been the subject of a Committee and agreed between Indians and Europeans. It makes a bad impression if it goes out here that you will not agree to that.

Sir Pravash Chunder Mitter: Instead of postponing it, I think we might agree.

Chairman: On the criminal side.

Sir Pravash Chunder Mitter: Yes, only on the criminal side.

Sir Hubert Carr: I am not particular about the wording, but the recognition is really vital.

Chairman: Well, do you agree to the substance of what Lord Reading suggests going in?

Members: Yes.

Chairman: Then that is agreed to.

Members: Yes.

Chairman: Then we will see to the substance; but the words which have been moved and put in front of me go a great deal further than that.

Lord Reading: I think they go a great deal too far. I was only asking it with regard to the criminal rights; I cannot ask for more.

Chairman: Very well. 14 as amended. 15.

Dr. Ambedkar: Now, Sir, the amendment which I moved at an earlier stage I think may fitly go in in paragraph 15, at the end: "The minorities and the Depressed Classes were definite in their assertion that they would not consent to any self-governing constitution for India unless their demands were accepted."

Chairman: I think you had better move that as a separate clause, as I said before, because you must not mix that up with the narrower point of Hindu-Muslim agreement. Then you can move an overriding clause covering the whole of the document. 15. 16.

Sir Muhammad Shafi: Mr. Prime Minister, was there any discussion on the sub-Committee?

Chairman: On what?

Sir Muhammad Shafi: The sentence begins: "the discussion on the sub-Committee has enabled—"

Lord Reading: The third word ought to be "in" not "on."

Chairman: Yes, "the discussion in." 16.

Sir Muhammad Shafi: There is one suggestion I should like to make on 16, which says "It has also been made clear that the British Government cannot with any chance of agreement impose upon the communities any change in electoral principle which in some feature or other would be met by their opposition." I suggest that the words "change in" should be eliminated. They are unnecessary and are liable to be misunderstood. I suggest it should read "agreement imposed upon the communities any electoral principle which in some feature or other."

Chairman: The point really was that it was suggested that we should change the present electoral system.

Sir Muhammad Shafi: But that is liable to be misunderstood.

Chairman: The point is that that indicates a *status quo;* but I have no objection at all to taking the words out. You suggest that it should read "an electoral principle which in some feature or other"?

Sir Muhammad Shafi: Quite.

Chairman: I am quite willing that that should be so, if that helps. "Any change in" comes out, and "an" takes its place. 16 as amended. 17 is the paragraph that is added.

Mr. Joshi: On paragraph 17, Sir, I do not approve of linking up labour and non-Muslims. It really makes the position of labour very difficult. If you put in non-Muslims and labour together, and Muslims on the other side, and bring about equality, it gives an inducement to the non-Muslims to oppose it.

Chairman: Then you suggest that the words "and labour" should come out.

Mr. Joshi: My amendment is that the words "and labour" should be taken out.

Chairman: Yes, I agree to that; I accept that. Now 17.

Sardar Sampuran Singh: I point your attention Sir, to the words in the 4th line of this paragraph: "The point of disagreement was narrowed down to the allocation of one seat in a House of 134." I would request the deletion of this sentence, for two reasons. First of all, I do not admit its correctness, My second reason is that the meeting was informal and without prejudice, and this sentence as it stands prejudices our cause, because as a matter of fact the proposal was put but it was never agreed to.

Chairman: If one of the sides to the controversy says that this sentence prejudices their cause, then I think that is final, certainly so far as I am concerned. Because nothing that happened that night must be used to prejudice the cause of anybody who took part in the discussion.

H.H. The Aga Khan: The whole paragraph should be deleted.

Sardar Sampuran Singh: Yes the whole paragraph should be deleted.

Chairman: Do you want the whole paragraph deleted?

Sardar Sampuran Singh: Yes, the whole paragraph.

Chairman: I think the first sentence and the final sentence could remain.

Dr. Moonje: Yes, that would remain.

Sir Muhammad Shafi: The whole paragraph should go out.

Chairman: It is only a record. 17 is deleted. Now 18, which will then become 17. That this Report be presented to the Committee of the whole Conference. Those in favour? On the contrary? That is carried. Then it will go to the Committee of the whole Conference.

Dr. Ambedkar: Sir, there is my amendment.

Chairman: I beg your pardon; I am so sorry.

Dr. Ambedkar: I should like to have this amendment put in as a separate paragraph after 16.

Chairman: Make it the last paragraph?

Dr. Ambedkar: Yes.

Chairman: Then that is the overriding paragraph.

Dr. Ambedkar: My amendment is this: "That the minorities and the Depressed Classes were definite in their assertion that they would not consent to any self-government constitution for India unless their demands were accepted."

Chairman: As a matter of fact that was said, and it was said in a responsible way; it was not merely an individual expression of opinion.

Dr. Ambedkar: I think it should be in.

Mr. Joshi: I think labour cannot be regarded as a minority for that statement.

Chairman: I cannot rule it out.

Dr. Ambedkar: I would accept the words: "unless their demands are accepted in a reasonable manner."

Chairman: That makes it meaningless.

Dr. Ambedkar: Or "their reasonable demands are accepted."

Mr. Zafrullah Khan: Does anybody suppose that if the demands are not met in a reasonable way they are going to be pleased?

Mr. Foot: It is only the record of a claim.

Chairman: It is only the record of a claim. That that paragraph should be added as paragraph 18, a new paragraph.

Sir Provash Chunder Mitter: In that case a further addition should be made to say whether they would come into the responsible parliament or not.

Chairman: No, they did not put that in their claim.

Sir Provash Chunder Mitter: They may not have done, but as we are going to add that, I say we ought to add something more.

Chairman: Your observation just made will be noted.

Sir Provash Chunder Mitter: All right, Sir.

Chairman: Now, that this be reported to the Committee of the whole Conference. Those in favour? On the contrary? That is carried. Thank you very much for the way in which you have attended these meetings.

Sir A. P. Patro: I should like to thank you, Sir, for your very great patience, and though your patience has been tried to the extreme limit, I think you have managed the matter in so statesman-like a way that we are extremely grateful to you.

Sardar Sampuran Singh: I associate myself with that.

(The sub-Committee rose at 11-25 a.m.)

Sub-Committee No. III (Minorities).

REPORT PRESENTED AT MEETINGS OF THE COMMITTEE OF THE WHOLE CONFERENCE, HELD ON 16TH AND 19TH JANUARY, 1931.

(With an amendment passed by the Committee of the whole Conference on 19th January, 1931.)

1. The sub-Committee was set up to consider the claims of minorities, other than those incidental to the subjects referred to other Committees and was composed of the following members:—

Prime Minister (*Chairman*).	Rao Bahadur Pannir Selvam.
Sir W. A. Jowitt.	Sir A. P. Patro.
Lord Peel.	Mr. Paul.
Major Stanley.	Mr. Ramachandra Rao.
Lord Reading.	Mr. Shiva Rao.
Mr. Foot.	Sir Sultan Ahmed.
H.H. The Aga Khan.	Sir M. Shafi.
Maulana Muhammad Ali.	Sardar Sampuran Singh.
Dr. Ambedkar.	Mr. Sastri.
Sir Shah Nawaz Bhutto (after the death of Maulana Muhammad Ali).	Sir C. Setalvad.
	Sir Phiroze Sethna.
	Dr. Shafa'at Admad Khan.
Sir Hubert Carr.	Begum Shah Nawaz.
Mr. Chintamani.	Rao Bahadur Srinivasan.
Nawab of Chhitari.	Mrs. Subbarayan.
Mr. Fazl-ul-Huq.	Sardar Ujjal Singh.
Mr. Ghuznavi.	Mr. Zafrullah Khan.
Lieut.-Col. Gidney.	Captain Raja Sher Muhammad Khan and Nawab Sir Abdul Qaiyum (after the departure of Sir Sultan Ahmed and the Nawab of Chhitari).
K. B. Hafiz Hidayat Husain.	
Mr. Joshi.	
Sir P. C. Mitter.	
Dr. Moonje.	
Raja Narendra Nath.	

2. The sub-Committee felt that the first task to which it should address itself was to have an authoritative statement of claims put in by the representatives of each community with proposals as to how their interests should be safeguarded. Opinion was unanimous that, in order to secure the co-operation of all communities, which is essential to the successful working of responsible government in India, it was necessary that the new constitution should contain provisions designed to assure communities that their interests would not be prejudiced; and that it was particularly desirable that some agreement should be come to between the major communities in order to facilitate the consideration of the whole question.

Although this was very nearly accomplished, it has not yet succeeded, but the negotiations are to be continued both here and in India.

3. One of the chief proposals brought before the sub-Committee was the inclusion in the constitution of a declaration of fundamental rights safeguarding the cultural and religious life of the various communities and securing to every individual, without discrimination as to race, caste, creed or sex, the free exercise of economic, social and civil rights. (Mr. Joshi objected to the omission of reference to the economic rights of the various communities. Dr. Ambedkar called attention to the necessity of including in the constitution sanctions for the enforcement of the fundamental rights, including a right of redress when they are violated.)

4. The possibility was expressed that under certain conditions the election of the Legislatures might be from a general register, but no agreement was come to regarding these conditions.

Whilst it was generally admitted that a system of joint free electorates was in the abstract the most consistent with democratic principles as generally understood, and would be acceptable to the Depressed Classes after a short transitional period provided the franchise was based on adult suffrage, the opinion was expressed that, in view of the distribution of the communities in India and of their unequal economic, social and political effectiveness, there was a real danger that under such a system the representation secured by minorities would be totally inadequate, and that this system would therefore give no communal security.

5. Claims were therefore advanced by various communities that arrangements should be made for communal representation and for fixed proportions of seats. It was also urged that the number of seats reserved for a minority community should in no case be less than its proportion in the population. The methods by which this could be secured were mainly three: (1) nomination, (2) joint electorates with reservation of seats, and (3) separate electorates.

6. Nomination was unanimously deprecated.

7. Joint electorates were proposed, with the proviso that a proportion of seats should be reserved to the communities. Thus a more democratic form would be given to the elections, whilst the purpose of the separate electorate system would be secured. Doubts were expressed that, whilst such a system of election might secure the representation of minorities, it provided no guarantee that the representation would be genuine, but that it might, in its working, mean the nomination or, in any event, the election of minority representatives by the majority communities.

It was pointed out that this was in fact only a form of community representation and had in practice all the objections to the more direct form of community electorates.

8. The discussion made it evident that the demand which remained as the only one which would be generally acceptable was separate electorates. The general objection to this scheme has been subject to much previous discussion in India. It involves what is a very difficult problem for solution, *viz.*, what should be the amount of communal representation in the various Provinces and in the Centre; that, if the whole, or practically the whole, of the seats in a Legislature are to be assigned to communities, there will be no room for the growth of independent political opinion or of true political parties, and this problem received a serious complication by the demand of the representative of the Depressed Classes that they should be deducted from the Hindu population and be regarded, for electoral purposes, as a separate community.

9. It was suggested that, in order to meet the most obvious objection to the earmarking of seats to communities, only a proportion should be so assigned—say 80 per cent. or 90 per cent. —and that the rest should be filled by open election. This, however, was not regarded by some of the communities as giving them the guarantees they required.

10. The scheme proposed by Maulana Muhammad Ali, a member of the sub-Committee, whose death we deplore, that, as far as possible, no communal candidate should be elected unless he secured at least 40 per cent. of the votes of his own community and at least 5 or 10 per cent., according to arrangement, of the votes of the other community, was also considered. It was, however, pointed out that such a scheme necessarily involved the maintenance of communal registers, and so was open to objections similar to those urged against separate electorates.

11. No claim for separate electorates or for the reservation of seats in joint electorates was made on behalf of women who should continue to be eligible for election on the same footing as men. But, in order to familiarise the public mind with the idea of women taking an active part in political life and to secure their interim representation on the Legislature, it was urged that 5 per cent. of the seats in the first three Councils should be reserved for women, and it was suggested that they should be filled by co-option by the elected members voting by proportional representation.

12. There was general agreement with the recommendation of sub-Committee No. II (Provincial Constitution) that the representation on the Provincial Executives of important minority communities was a matter of the greatest practical importance for the successful working of the new constitution, and it was also agreed that, on the same grounds, Muhammadans should be represented on the Federal Executive. On behalf of the smaller minorities a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives, or that, if this should be found impossible, in each Cabinet there should be a Minister specially charged with the duty of protecting minority interests.

(Dr. Ambedkar and Sardar Ujjal Singh would add the words "and other important minorities" after the word Muhammadans in line 6.)

The difficulty of working jointly responsible Executives under such a scheme as this was pointed out.

13. As regards the administration, it was agreed that recruitment to both Provincial and Central Services should be entrusted to Public Service Commissions, with instructions to reconcile the claims of the various communities to fair and adequate representation in the Public Services, whilst providing for the maintenance of a proper standard of efficiency.

*14. On behalf of the British commercial community it was urged that a commercial treaty should be concluded between Great Britain and India, guaranteeing to the British mercantile community trading rights in India equal to those enjoyed by Indian-born subjects of His Majesty on the basis of reciprocal rights to be guaranteed to Indians in the United Kingdom. It was agreed that the existing rights of the European community in India in regard to criminal trials should be maintained.

15. The discussion in the sub-Committee has enabled the Delegates to face the difficulties involved in the schemes put up, and though no general agreement has been reached, its necessity has become more apparent than ever.

16. It has also been made clear that the British Government cannot, with any chance of agreement, impose upon the communities an electoral principle which, in some feature or other, would be met by their opposition. It was therefore plain that, failing an agreement, separate electorates with all their drawbacks and difficulties, would have to be retained as the basis of the electoral arrangements under the new constitution. From this the question of proportions would arise. Under these circumstances, the claims of the Depressed Classes will have to be considered adequately.

17. The sub-Committee, therefore, recommend that the Conference should register an opinion that it was desirable that an agreement upon the claims made to it should be reached, and that the negotiations should be continued between the representatives concerned, with a request that the result of their efforts should be reported to those engaged in the next stage of these negotiations.

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* The Committee of the whole Conference at their meeting on 19th January, 1931, substituted the following for paragraph 14:—

"At the instance of the British commercial community the principle was generally agreed that there should be no discrimination between the rights of the British mercantile community, firms and companies, trading in India and the rights of Indian-born subjects, and that an appropriate convention based on reciprocity should be entered into for the purpose of regulating these rights.

It was agreed that the existing rights of the European community in India in regard to criminal trials should be maintained."

18. The Minorities and Depressed Classes were definite in their assertion that they could not consent to any self-governing constitution for India unless their demands were met in a reasonable manner.

Signed on behalf of the sub-Committee,

J. RAMSAY MACDONALD.

St. James's Palace, London.
16th January, 1931.

APPENDIX I.

SUB-COMMITTEE No. III.

(MINORITIES.)

THIS LETTER TO THE PRIME MINISTER FROM THE LATE MAULANA MUHAMMAD ALI WAS DICTATED AND REVISED BY HIM, THOUGH NOT ACTUALLY DESPATCHED, BEFORE HIS DEATH. IT WAS CIRCULATED TO THE MINORITIES SUB-COMMITTEE AT THE REQUEST OF THE PRIME MINISTER.

HYDE PARK HOTEL,
LONDON,
1st January, 1931.

To The Prime Minister.

SIR,

It is with a desire to place my views on record before His Majesty's Government and before the British Parliamentary Delegates, as well as the Indian Delegates (who to some extent already know my views), that I have solicited the favour of your kindly sending me my old friend Sir Geoffrey Corbett of Chhindwara fame to be present when notes could be taken down of what I said on the subject of my views about minorities of which Committee I am a member.

In the first place it is a misnomer to call the Hindu-Muslim question a question of minorities. There are certainly minorities in India, and we must provide for them in such a way that they should feel that the future Government of India is not going to be a government only of one or two communities, but the government of all Indians irrespective of creed and caste. Nevertheless the one hitch in the way of the recognition of India's responsibility with a government of her own is the question not of these minorities but the deep-seated differences that divide the Hindus and Muslims. The fact is so obvious that I need not go into history, nor even present statistics, but I wish to emphasise one or two points which will distinguish the case of Hindus and Mussulmans from the case of the minorities. First of all the Mussulmans ruled over India from the beginning of the eight century to about the middle of the nineteenth in one way or another and in one region or another, which no other community can claim in the same manner. The Sikh rule for a generation in the solitary province of the Punjab, the result of an accident—I say this without any derogation of the valour of the Sikhs and of the high respect I feel for their organisation as a panth—nor the depredations of the Mahrattas and their confederacy, are any parallel to the history of the Mussulmans in India. Whether by conquest or by diplomacy the Muslim rule had passed finally from the hands of the Mussulmans to those of the British, barring, of course, the rule of the Indian States, many of which remain from time immemorial, great and distinguished Hindu principalities tracing their origin even from the sun and the moon. Whatever the relations of the Mussulman power as suzerain or as the paramount power to these Hindu States, there is not the least doubt that they retained not only for the most part a deep feeling of loyalty towards the Muslim power, but also a degree of independence which they have more recently lost since the transference of Muslim power into British hands. Other States are, of course, the creation of the times during the break-up of the Mughal Empire which have been recognised by the British. Some, like Hyderabad, were larger powers at the time of the original treaties than the East India Company of which they became faithful allies and others were smaller, but with that I am not at present concerned.

What I desire to sketch is that rightly or wrongly the Mussulman community ruled over India in one way or another from the eighth to the middle of the nineteenth century in some part of the country or another and that no other community has anything like that record.

A very important result of that with which we have to deal to-day is the feeling created by the record of Muslim rule for so long over so large a part of India. There is hardly a community that has not a real or an imaginary grievance against the old Muslim rulers and what we know of human nature elsewhere brings it home to us that even to-day there is a feeling of "revanche" harboured against the Mussulmans in the minds of some Hindus and some members of other communities which is not the case against any other community whether Sikh or Mahratta or Rajput. It is with this feeling that we must deal, and against which we must provide safeguards for the future when framing a constitution for an ideal Indian Government in which all would feel safe, equal and free.

The next consideration is that the Mussulmans constitute not a minority in the sense in which the last war and its sequel has habituated us to consider European minorities. The League of Nations deals with minorities and our Indian savants and professors easily borrow maxims from the League of Nations and its dealings with minorities and with mandates and want to guide India from Geneva when really it is India itself that can provide far better guidance for Geneva. A community that in India alone must now be numbering more than 70 millions cannot easily be called a minority in the sense of Geneva minorities, and when it is remembered that this community numbers nearly 400 million of people throughout the world, whose ambition is to convert the rest of mankind to their way of thought and their outlook on life, and who claim and feel a unique brotherhood, to talk of it as a minority is a mere absurdity.

Keeping these two main facts in mind let us now proceed with the problem that we have before us. It was proposed by a member of the Hindu Mahasabha in the Round Table Conference delegation that the Prime Minister should act as an arbitrator between the two communities, which was no doubt very flattering to the Prime Minister, but which would have made his position far too invidious, and he naturally declined the offer with thanks, and I feel certain that he must have seen through the motive that prompted the suggestion. We have heard suggestions of the matter being referred to the League of Nations. That would mean washing the dirty linen of India before the whole world. As it is, we are disgusted with the fact that the Indian Round Table Conference has been made the *Dhobi Talao* (the washerman's tank) of Indian communalism. This question should have been settled in India. We who worked for ten years through thick and thin with Gandhiji pressed that upon him, but the desire of retaining Hindu popularity for himself and for Pandit Motilal Nehru (who, I am sorry, are absent) prevented a settlement. Sir Tej Bahadur Sapru tried his utmost to have a Hindu-Muslim settlement when the Congress at our urgent request in December, 1928, failed to do so, and Sir A. P. Patro was most keen. But the Hindu Mahasabha pretended to share this desire with the Liberal Hindus and the Mussulmans at first and after postponing meeting after meeting absolutely refused to take any part in the Conference at Bombay and Dr. Moonje was quite frank about his refusal to do anything to arrive at a settlement in India before the Round Table Conference. The Congress followed the Hindu Mahasabha in refusing even to come to the Round Table Conference for a settlement when a settlement was inevitable before an Indian constitution could be framed. But three members of the Hindu Mahasabha nevertheless came over, and in spite of every effort of Mussulmans and the Hindu Liberals have defeated the settlement so far. It is not for me to say how much they have usurped in all these conciliatory talks both among the Hindus and Mussulmans themselves and with the Prime Minister. I think the Prime Minister can judge that better for himself. Now that a formal committee has been formed for this purpose it is essential that the case for a settlement should be clearly stated.

In the first place, I would like with the greatest courtesy and friendliness to warn the Prime Minister that it is not a case of the Punjab or Bengal, as he seems to imagine, nor of reducing the figure of 100 in the Punjab to 100 or anything like it as he seems to think when he was making his conciliatory efforts at The Chequers. The entire question is, as I suggested in my speech in the Plenary Conference, that for the first time in the history of India we intend to introduce into India majority rule, and those who have been usurping the control of the destinies of those called Hindus for so many thousands of years do not want that there should be any majority Indian or Hindu except that which they can control precisely as they have controlled the Hindus for thousands of years. Let me add that there is one important difference. Sir John Simon is somewhat out of date when he refers with the late Sir Valentine Chirol to Brahmin rule. The Brahman had at least taught the people and had at least the mistaken notion that he brought salavation to people in the next world. The small monopolistic caste that desires to remain in control of the destinies of the Hindu community and that being the majority community, of the Indian nation as a whole through it—is the caste not so much of Dr. Moonje and Raja Narendra Nath, but of the Banya who has no conception of the salvation of anybody in the next world, nor even of the teaching of anyone in this. I am more anxious than any Indian perhaps to get rid of the foreign incubus, if I may be forgiven to say so, of "a nation of shopkeepers" controlling our destinies. But as I wrote to His Excellency the Viceroy in reply to the invitation of His Majesty's Government to me to this Conference I do not wish to create a home-made incubus of a *caste* of shopkeepers of our own. To my mind most of the agitation to-day is being financed, and partly for selfish reasons by the banias of Bombay and Jujrat, and although I have always laughingly said I do not care a tuppenny damn for ¼ or ⅛, the fight to-day is not so much for the freedom of India as for ¼ against ⅛. This may be entirely justified but it is not the fight for India's freedom in its larger sense.

Now to deal with the Hindu-Muslim problem. It is not a provincial question. In every province Hindu and Muslim sentiment vis-a-vis each other is more or less the same. The Mussulmans lost the control of India nearly three generations ago and the British gained it mostly from the Mussulmans, though to some extent from the Mahrattas who were the Mayors of the Palace in Delhi and partly from the Sikhs in the Punjab whom the British themselves encouraged to rule there against the Mussulmans because of their own war with Afghanistan. Now India want to regain that control, and the Mussulmans as we showed ten years ago have not been lacking in self-sacrifice for this purpose. To-day some Mussulmans are still taking part in the Congress movement, but they are men who are doing it more out of the habit of freedom that we ourselves helped to create ten years ago, or out of fashion than otherwise. Many have kept away from the movement of Civil Disobedience as they had kept away from Non-co-operation ten years ago, even when Turkey was involved in the question. Without exaggerating our own importance we can say that it is not these people, many of whom have been selected as delegates to the Indian Round-Table Conference by His Majesty's Government or by the Government of India, or by local Governments and officers—whoever does it—that have exercised much influence in keeping the Mussulmans away from joining the Congress again as they did with us ten years ago. Even though we have to say it, it is we who had to fight the battle practically in every province, and to a very large extent indeed we succeeded in keeping the Mussulmans out, because we showed to them that the last movement was a truly national movement, while in the present movement I regret to have to say in their absence, Gandhiji and Pandit Motilal Nehru have both surrendered for the sake of their popularity to the Hindu Mahasabha. Now that we have come here, I am the only representative of my party—in spite of my long correspondence with His Excellency the Viceroy on the subject while I was lying ill in India before the final selection was made—to represent it in the Round Table

Conference, and more than any one else among the Mussulmans it will be I—and of course my brother—who on our return will be asked by the millions of Mussulmans what we have brought back for the Mussulmans. Well, we want to go back not with separate electorates only, nor with weightage only for the Mussulmans but with freedom for India including freedom for the Mussulmans and unless we can secure that I can assure the Prime Minister that the Mussulmans of India will join the Civil Disobedience movement without the least hesitation no matter what we may say and what the other Muslim Delegates may say.

Freedom for India is not separate electorates, though, being one of the authors of the separate electorates in 1906, I shall be the last to surrender them. Let me first say what is the use of separate electorates. A separate electorate gives to the Mussulman client in the case he is fighting the counsel that he selects himself and can trust. In every law court every client is permitted to do that even though some times he is provided with counsel at Government expense. The other party is certainly never allowed to choose his counsel for him. If there had been an independent and impartial judge all that we would have needed would have been a trustworthy counsel, and that was just what was provided a generation ago for us so wisely by Lords Morley and Minto. There was no idea in the mind of Lord Morley to give India anything like a Parliamentary British Government. There was the official bloc. There was in the Government of India the British official majority and it was admittedly kept there to show that there was no idea of the introduction of Parliamentary Government into India. Each community presented its case as a client before the judge and it was the judge that decided. We could only influence, never guide and advise him. Therefore all that was needed was a trustworthy counsel selected by the client himself, which we did through the separate electorates.

Even then somehow by accident, if not by design, Lord Minto had provided not only for the needs of the present, but also something for the prospects of the future. The separate electorates had been provided only to *supplement*, though to a very large extent, the deficiency that the Mussulmans were expected to encounter through the narrowness of the Hindu majority in their representation through the general territorial electorates. Lord Morley had not deprived the Mussulmans of their share in the mixed electorates themselves. That was a fatal mistake that was made at the urgent suggestion of our Hindu friends in 1916 at Lucknow when we two brothers were interned in Chhindwara and could take no part in the politics of the Lucknow Muslim League and the Congress. For the first time separate electorates became the only resource for Muslim representation.

Another grave mistake that was then made, for which the Mussulmans have now been crying their eyes out for the last fourteen years was the substitution of Muslim minorities in the Punjab and in Bengal for the small Muslim majorities. Had our friends the least vision of the future they would not have given the Punjab a practical and Bengal a deliberate and a small minority. *It is to rectify these mistakes that the Round Table Conference is practically being held. Let there be no mistake about it!* This is what His Majesty's Government and the Prime Minister should primarily understand. It is with this that I should have begun this long dissertation; but I am glad I have come to it now after *clearing the site for laying down the foundation* and I will not take very long. The real problem before us is to give full power to Mussulmans in such provinces as those in which they are in a majority, whether small or large, and protection to them in such provinces as those in which they are in a minority, and in order to be absolutely fair to the Hindu community also, precisely the same thing must be done with the Hindus. What is needed is to give power to a community which is in a majority in any province no matter how small or how large it may be, and protection to it in province no matter how large or small it may be. The Mussulmans desire—*and this is crux of their 14 points* and NOT *separate electorates*—that there should be federal government so that the central unitary Government with a permanent Hindu majority should not

override them everywhere; that they should have at least a third of the British Indian representation in the Federal Government, that in the provinces of the Punjab and Bengal where they have small majorities in population which are unorganised, and greatly controlled by the Banyas and the Sikhs and the Hindu landlords, as in Bengal, these majorities should be reserved (personally I shall be satisfied if for a number of years only such as 20); that in the N.W.F.P. and in Baluchistan (which is only nominally a province) where there are clearly huge Muslim majorities full reforms should be extended to the Mussulmans which have so far been denied by the combination of British military and civil domination and Hindu narrowness characteristically supporting it, and that Sind should be made a separate small province like Assam; and that the Mussulmans should be allowed to have their majority in all these as the Hindus have everywhere else. Unless in these few provinces Muslim majorities are established by the new constitution, I submit, not as a *threat*, but as a very humble and friendly *warning*, there will be civil war in India. *Let there be no mistake about that.* These are the four or five provinces where the Mussulmans should have precisely the same *power* as the Hindus have everywhere else, and the Hindus should have the same *protection* as the Mussulmans demand where they are in minorities.

In the Punjab and Bengal where the Muslim majorities are only 6 and 5 it is *absolutely impossible* to give any weightage to the Siks or to the Europeans, and neither of them really needs weightage, as I shall presently explain. The whole idea has been created in order to rob the Mussulmans of their small majorities in the only two large provinces where their population gives it to them. The franchise in both these provinces, *whether equal for all communities or not*—this is not a religious or an ethical question about which there should be no rigidity, and no fetish, and at present there is no rigidity about the franchises about different communities in India (compare the franchise about the Council of State to-day)—should be such as to give the Mussulmans as many voters at least as their population ratio, and in any case their seats should at least for twenty years be reserved in the same proportion for them because they are indebted to the Hindu banias and too much under the influence of the Sikh *noveau richi*. The Nehru report very ingeniously tried to fool the Mussulmans by talking of adult franchise. Nobody can be more in favour of adult franchise than a true Mussulman. But fortunately or unfortunately women become adults as well as men, and for twenty years at least Muslim women they become adults will not go to the polling booths even if the best purdah arrangements are made for them, and only purdah officers supervise over their voting. In comparison with the Aryas, other Hindus and Sikhs in the Punjab, the Muslim women are bound to suffer. Therefore adult franchise is out of the question. In these two provinces of the Punjab and Benagl no consideration should go against the Muslim demand of a majority of 56 per cent. and 55 per cent. respectively in the entire House.

The Sikhs had acquired in that one generation of rule so much land in the Punjab and they exercise such control over the poor tenants and others in the villages to this day, that they need absolutely no protection. Time after time they have themselves said that if the Mussulmans give up "communalism" "in the interest of Nationalism" they too would give up communalism and abide by the results of the general territorial elections. Robbed of all false sentiment, this means that they do not need protection in the same way as the Mussulmans do, and therefore the idea of providing weightage for them is wholly unnecessary and is a Hindu Mahasabha fiction.

The same may be said of the Europeans in Bengal. It is not by a few seats more or less in the Bengal Council only that they would keep their control over commerce that they have acquired since the days of the John Company. We must provide for that in some other way, and I suggest that the Instrument of Instructions for the Governor of Bengal should provide that nothing should be done in India to wreak revenge against Europeans whatever Indians may feel for the past. A mere weightage of 5 or 10 per

cent. will not help them. It will be absolute ineffective. What it will do will be to rob the Mussulmans of their majority in another of the only two provinces in which at present they are a majority in the population and have reforms.

With regard to the Frontier Province I say nothing because the Frontier Committee is already dealing with the matter and my own suggestion is that the Mussulmans should give to the Hindus and the Sikhs not only twice as much representation as the latter's population but three times as much, so that the Hindus and the Sikhs should feel that the province is their own as well as the Mussulmans and that they have a real share in the government of the province. That is the kind of thing that the Mussulman should feel in Dr. Moonje's province where he is only 4 per cent., or in Madras where he is only 7 per cent., or in Orissa when it is to be separated when he will be in an equally small proportion. *It must be remembered that the feeling for or against the Mussulman in every province is practically the same*, and when it is so bitter in the Punjab it is not likely to be less bitter in provinces like Dr. Moonje's where he is in very small numbers and practically a Hindu Government will rule over him. *The fear is that the idea of revenge is too much in the minds of our young men who have been mistaught Indian history chiefly for political reasons.*

It is only in the Indian States where history is not taught but is still being made by the Princes and made in a human manner in spite of the weakness of Princes, to which I must refer as a confirmed republican, that true protection is often to be found for the Mussulmans.

Let me in passing refer to the fact that the Mussulman has not been made excessively popular to any other minority either by the 1,250 years of rule that he has exercised. Some have a grievance against him because he conquered Persia! Some have a grievance against him because he conquered Byzantium, Syria and Egypt and did not lose Palestine in the Crusades! At any rate, whosoever has ruled over India, whether it be the English or the Mussulman, is bound in some way to suffer from real or imaginary grievances of his old subjects. It is remarkable that the Mussulman suffers much less from it than the British! The British can be the best judge of this feeling of revenge against him, and in making a new constitution they must provide against that feeling for at least a number of years.

I come now to the subject of protection for the minorities. Many of the 14 points provide for this, such as a veto given to two-thirds of the Hindu and Muslim minorities in any legislative or other elected body against the discussion or passage of any bill, resolution, or part thereof, which is considered by it to be against its *interests*. This is the historic provision made by the Congress when the late Sir Syed Ahmed Khan of Aligarh was being invited in 1887 to join the Congress by Mr. Badruddin Tyabji, the other distinguished Mussulman who had joined the Congress. A provision that the Parliament of India before it was recognised and had any real power except to debate, willingly legislated should not now be objected to when the Parliament of India is being recognised and being given effective power. *I insist that the words should be copied from the Congress constitution itself.*

It must be remembered that this provision is not for the protection of any *religion* but of *communal interests* only. *Religion* must be above law, and I am sorry I had just been out of the Plenary Committee when the Prime Minister asked us about the Federal Committee's Report whether we should note the point that no legislation should be introduced affecting the religion or religious rites and usages of any of His Majesty's subjects without the previous assent of the Governor. Already much mischief has been done by that provision on account of the passage of the Sarda Act for which, although it had been passed, no assent was ever taken, the assent being given for a purely ..... Bill as originally introduced. I have not the least objection if the Hindus or members of any other *progressive* religion desire to legislate about their religions. But my religion is *not* "progressive." It claims divine legislation, as I have shown in the statement

presented on the 9th November, 1929, to His Excellency the Viceroy by the deputation of Muslim Ulama and leaders which I led before His Excellency of which I submit a copy with this statement of mine. Matters of such importance must not be rushed through in such a hurry, and *when opportunity arises again I shall see to it that at least Muslim religion is placed above human legislation whether by the Indian or by the British Parliament.* WITHOUT THAT NO MUSSULMAN CAN UNDERTAKE TO BE LOYAL TO ANY CONSTITUTION!

I would say one word only with reference to the weightage that the Mussulmans enjoy and desire to enjoy in every province where they are in such meagre minorities. Nowhere does that weightage give them a majority. As Shakespeare says about the Jews, it can be said of minorities that sufferance is the badge of the tribe! But everywhere weightage gives them a certain amount of influence. And the need of that influence is realised by no one more than by myself who, through my illness, have had the whole of my party unrepresented in the Minorities Committee and elsewhere at present! Weightage will give to the community just so excessively represented only the idea that it has a share in the governance of the country and no more. The same weightage that the Mussulmans claim they are prepared to give to the Hindus in every province in which the Hindus are in a similar minority. But to claim weightage for the Hindus of Bengal or of the Punjab where the minority is in reality better organised and in every way more powerful politically than the majority, more wealthy and better educated is an absurdity. The same is true of the Sikhs in the Punjab, who, apart from every other consideration, are socially Hindus and have politically been working with them. In Sind the Hindu minority is better organised and richer and better educated than the Mussulmans in spite of their being big landlords, and yet I would give them a weightage as large as could satisfy the biggest gourmand!

Let it not be understood that I am a communalist in the sense in which communalism has been understood in Europe. Although nearly a generation ago I was one of the authors of the separate electorate, I have felt that the time for it has passed, and that we should now have, in the interests of Indian nationalism, a mixed territorial electorate. *But a territorial electorate in India of the type of England is an absurdity.* In the province, say of Dr. Moonjee, or of Nawab Sir Abdul Qaiyum, where the minority communities number only 4 and 7 per cent. respectively, the minorities have no chance of getting their true representatives elected even if 20 seats are reserved for them if 96 per cent. or 93 per cent. of the rival community are to be allowed to choose *their* representatives. Men of straw, men who are merely *religiously* Hindu or Muslim, but not *politically* so, will be returned by the votes of politically Muslim and Hindu majorities.

I have therefore after long cogitation and consultation with friends devised a plan. It is certainly far more deserving of consideration than Major Attlee's plan discussed in the Simon report. It is this. Let the seats be reserved for the two communities but let no candidate be declared elected unless he secures

(1) at least 40 per cent. of the votes cast of his own community; and

(2) at least 5 per cent. of the votes cast of other communities wherever he is in a minority of 10 or less per cent., and 10 per cent. where he is in a larger minority or in a majority.

In this way *three* purposes will be served. In the *first* instance, every candidate will have to go cap in hand to both the communities as in the Minto-Morley Reforms which he does not do to-day; and the rank abuse of sister communities which goes on to-day since the Mortagu-Chelmsford Reforms, which has ruined Indian politics, and even social life, will cease. Secondly, no man would be returned to represent any community who does not represent at least a fair percentage of that community though not necessarily its majority as in the separate electorates to-day. The *third* purpose which

is no less important is that ordinarily no person who is not in the least a *persona grata* to a sister community will be able to get returned even if he secures election from his own community. *Thus for the first time communalism will be killed* and true nationalism will get a chance. This is better than P.R. and distinctly better than the "list system." If, however, no candidate from a constituency statisfies either of these minima, the one that secures the largest votes cast of the community for which the seat is reserved must be returned. This will only be the relic of the present separate electorates which is unfortunately inevitable to-day. I do not want any more than that portion of separate electorates to be spared in the new national constitution that we are trying to frame this time in England. Without these conditions Mussulmans will never accept mixed electorates in which a man of straw or even a false convert can be returned by the votes of 96 per cent. of the majority community in any province irrespective of the entire opposition of the community for which the candidate is standing for election as a representative. That will be an absurdity worse than any we have known.

I have explained this system both to His Excellency the Viceroy and to the Secretary of State for India and they were very gravely impressed with the sanity and ingenuity of the measure I proposed. I believe I have a right to mention that Sir Tej Bahadur Sapru and the Right Hon. Srinivasa Sastri have been equally impressed, if not more.

With these words I close this statement of mine which has been dictated through the kindness of the Prime Minister and Sir Geoffrey Corbett in absolute defiance of my doctors who are greatly displeased with the liberty I have taken, and yet if I had not taken this liberty I should have disobeyed them still more greatly and would have gone to the Conference to put this case before the Committee and the Conference even if I died. I beg the Prime Minister and the Committee not to ignore this lengthly screed but to give it some consideration at least. I can assure them that it represents the views of *many scores of millions of Muslims* whose voice may not be heard in the Indian Round Table Conference but whose sentiments cannot be ignored by the Indian administrators as I feel sure Sir Geoffrey Corbett who has been present throughout knows well enough himself.

I remain,

Yours obediently,

(Signed) Muhammad Ali.

APPENDIX II.

SUB-COMMITTEE NO. III.

(Minorities).

A SCHEME OF POLITICAL SAFEGUARDS FOR THE PROTECTION OF THE DEPRESSED CLASSES IN THE FUTURE CONSTITUTION OF A SELF-GOVERNING INDIA.

Submitted by Dr. Bhimrao R. Ambedkar and Rao Bahadur R. Srinivasan.

The following are the terms and conditions on which the Depressed Classes will consent to place themselves under a majority rule in a self-governing India.

Condition No. 1 : Equal Citizenship.

The Depressed Classes cannot consent to subject themselves to majority rule in their present state of hereditary bondsmen. Before majority rule is established their emancipation from the system of untouchability must be an accomplished fact. It must not be left to the will of the majority. The Depressed Classes must be made free citizens entitled to all the rights of citizenship in common with other citizens of the State.

(A) *To secure the abolition of untouchability and to create the equality of citizenship, it is proposed that the following fundamental right shall be made part of the constitution of India.*

FUNDAMENTAL RIGHT.

U. S. A. Constitution Amendment XIV and Government of Ireland Act, 1920, 10 & 11, Geo. V. Ch. 67, Sec. 5 (2).

"All subjects of the State in India are equal below the law and possess equal civic rights. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty, disadvantage, disability is imposed upon or any discrimination is made against any subject of the State on account of untouchability shall, as from the day on which this Constitution comes into operation, cease to have any effect in India."

This is so in all Constitutions, See Prof. Keith's remarks in Cmd. 207 p. 56.

(B) *To abolish the immunities and exemptions now enjoyed by executive officers by virtue of Sections 110 and 111 of the Government of India Act 1919 and their liability for executive action be made co-extensive with what it is in the case of a European British Subject.*

Condition No. II : Free Enjoyment of Equal Rights.

It is no use for the Depressed Classes to have a declaration of equal rights. There can be no doubt that the Depressed Classes will have to face the whole force of orthodox society if they try to exercise the equal rights of citizenship. The Depressed Classes therefore feel that if these declarations of rights are not to be mere pious pronouncements but are to be realities of everyday life then they should be protected by adequate pains and penalties from interference in the enjoyment of these declared rights.

(A) *The Depressed Classes therefore propose that the following section should be added to Part XI of the Government of India Act 1919, dealing with Offences, Procedure and Penalties :—*

(i) *Offence of Infringement of Citizenship.*

U. S. Statutes At Large. Civil Rights Protection Acts of April, 9, 1866, and of March, 1, 1875—passed in the interest of the Negroes after their emancipation.

"Whoever denies to any person except for reasons by law applicable to persons of all classes and regardless of any previous condition of untouchability the full enjoyment of any of the accommodations, advantages, facilities, privileges of inns, educational institutions, roads, paths, streets, tanks, wells and other watering places, public conveyances on land, air or water, theatres or other places of public amusement, resort or convenience whether they are dedicated

to or maintained or licensed for the use of the public shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

(B) Obstruction by orthodox individuals is not the only menace to the Depressed Classes in the way of peaceful enjoyment of their rights. The commonest form of obstruction is the social boycott. It is the most formidable weapon in the hands of the orthodox classes with which they beat down any attempt on the part of the Depressed Classes to undertake any activity if it happens to be unpalatable to them. The way it works and the occasions on which it is brought into operation are well described in the Report of the Committee appointed by the Government of Bombay in 1928 "to enquire into the educational, economic and social condition of the Depressed Classes (untouchables) and of the Aboriginal Tribes in the Presidency and to recommend measures for their uplift." The following is an extract from the same:—

Depressed Classes and Social Boycott.

"102. Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of voilence by the orthodox classes and consequently such cases are rare.

"The second difficulty arises from the economic position in which the Depressed Classes are found to-day. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania. According to the evidence sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common-well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bidegroom on the horse through the public street.

"We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the Depressed Classes. The method of open violence pales away before it, for it has the most far-reaching and deadening effects. It is the more dangerous because it passes as a lawful method consistent with the theory of freedom of contact. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee the Depressed Classes the freedom of speech and action necessary for their uplift."

In the opinion of the Depressed Classes the only way to overcome this kind of menace to their rights and liberties is to make social boycott an offence punishable by law. They are therefore bound to insist that the following sections should be added to those included in Part XI of the Government of India Act, 1919, dealing with Offences, Procedure and Penalties.

I. OFFENCE OF BOYCOTT DEFINED.

This and the following legal provisions are bodily taken from Burma Anti-Boycott Act, 1922, with a few changes to suit the necessities of the case.

(i) *A person shall be deemed to boycott another who--*

(a) *refuses to let or use or occupy any house or land, or to deal with, work for hire, or do business with another person, or to render to him or receive from him any service, or refuses to do any of the said things on the terms on which such things should commonly be done in the ordinary course of business, or*

(b) *abstains from such social, professional or business relations as he would, having regard to such existing customs in the community which are not inconsistent with any fundamental right or other rights of citizenship declared in the Constitution, ordinarily maintain with such person, or*

(c) *in any way injures, annoys or interferes with such other person in the exercise of his lawful rights.*

II. PUNISHMENT FOR BOYCOTTING.

Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, or with intent to cause harm to such person in body, mind, reputation or property, or in his business or means of living, boycotts such person or any person in whom such person is interested, shall be punished with imprisonment of either description for a term which may extend to seven years or with fine or with both:

Provided that no offence shall be deemed to have been committed under this section if the Court is satisfied that the accused person has not acted at the instigation of or in collusion with any other person or in pursuance of any conspiracy or of any agreement or combination to boycott.

III. PUNISHMENT FOR INSTIGATING OR PROMOTING A BOYCOTT.

Whoever—

(a) *publicly makes or publishes or circulates a proposal for, or*

(b) *makes, publishes or circulates any statement, rumour or report with intent to, or which he has reason to believe to be likely to, cause, or*

(c) *in any other way instigates or promotes*

the boycotting of any person or class of persons, shall be punished with imprisonment which may extent to five years or with fine or with both.

Explanation.—An offence under this section shall be deemed to have been committed although the person affected or likely to be affected by any action of the nature referred to herein is not designated by name or class but only by his acting or abstaining from acting in some specified manner.

IV. PUNISHMENT FOR THREATENING A BOYCOTT.

Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act

which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, threatens to cause such person or any person in whom such person is interested, to be boycotted shall be punished with imprisonment of either description for a term which may extend to five years or with fine or with both.

Exception :—It is not boycott

(i) *to do any act in furtherance of a* bonâ fide *labour dispute,*

(ii) *to do any act in the ordinary course of business competition.*

N.B.—*All these offences shall be deemed to be cognizable offences.*

Condition No. III. PROTECTION AGAINST DISCRIMINATION.

The Depressed Classes entertain grave fears of discrimination either by legislation or by executive order being made in the future. They cannot therefore consent to subject themselves to majority rule unless it is rendered impossible in law for the legislature or the executive to make any invidious discrimination against the Depressed Classes.

It is therefore proposed that the following Statutory provision be made in the constitutional law of India :—

"It shall not be competent for any Legislature or executive in India to pass a law or issue an order, rule or regulation so as to violate the rights of the subjects of the State, regardless of any previous condition of untouchability, in all territories subject to the jurisdiction of the dominion of India,

(1) *to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property,*

(2) *to be eligible for entry into the civil and military employ and to all educational institutions except for such conditions and limitations as may be necessary to provide for the due and adequate representation of all classes of the subjects of the State,*

(3) *to be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, educational institutions, privileges of inns, rivers, streams, wells, tanks, roads, paths, streets, public conveyances on land, air and water, theatres, and other places of public resort or amusement except for such conditions and limitations applicable alike to all subjects of every race, class, caste, colour or creed,*

(4) *to be deemed fit for and capable of sharing without distinction the benefits of any religious or charitable trust dedicated to or created, maintained or licensed for the general public or for persons of the same faith and religion,*

(5) *to claim full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by other subjects regardless of any previous condition of untouchability and be subject to like punishment, pains and penalties and to none other."*

Condition No. IV. ADEQUATE REPRESENTATION IN THE LEGISLATURES.

The Depressed Classes must be given sufficient political power to influence legislative and executive action for the purpose of securing their welfare. *In view of this they demand that the following provisions shall be made in the electoral law so as to give them—*

(1) *Right to adequate representation in the Legislatures of the Country, Provincial and Central.*

(2) *Right to elect their own men as their representatives,*

(a) *by adult suffrage,* and

(b) *by separate electorates for the first ten years and thereafter*

by joint electorates and reserved seats, it being understood that joint electorates shall not be forced upon the Depressed Classes against their will unless such joint electorates are accompanied by adult suffrage.

N.B.—Adequate Representation for the Depressed Classes cannot be defined in quantitative terms until the extent of representation allowed to other communities is known. But it must be understood that the Depressed Classes will not consent to the representation of any other community being settled on better terms than those allowed to them. They will not agree to being placed at a disadvantage in this matter. In any case the Depressed Classes of Bombay and Madras must have weightage over their population ratio of representation irrespective of the extent of representation allowed to other minorities in the Provinces.

Condition No. V. ADEQUATE REPRESENTATION IN THE SERVICES.

The Depressed Classes have suffered enormously at the hands of the high caste officers who have monopolized the Public Services by abusing the law or by misusing the discretion vested in them in administering it to the prejudice of the Depressed Classes and to the advantage of the caste Hindus without any regard to justice, equity or good conscience. This mischief can only be avoided by destroying the monopoly of caste Hindus in the Public Services and by regulating the recruitment to them in such a manner that all communities including the Depressed will have an adequate share in them. For this purpose the Depressed Classes have to make the following proposals for statutory enactment as part of the constitutional law:—

(1) *There shall be established in India and in each Province in India a Public Service Commission to undertake the recruitment and control of the Public Services.*

(2) *No member of the Public Service Commission shall be removed except by a resolution passed by the Legislature nor shall he be appointed to any office under the Crown after his retirement.*

(3) *It shall be the duty of the Public Service Commission subject to the tests of efficiency as may be prescribed—*

(a) *to recruit the Services in such a manner as will secure due and adequate representation of all communities,* and

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

Condition No. VI. REDRESS AGAINST PREJUDICIAL ACTION OR NEGLECT OF INTERESTS.

In view of the fact that the Majority Rule of the future will be the rule of the orthodox, the Depressed Classes fear that such a Majority Rule will not be sympathetic to them and that the probability of prejudice to their interests and neglect of their vital needs cannot be overlooked. It must be provided against particularly because however adequately represented the Depressed Classes will be in a minority in all legislatures. The Depressed Classes think it very necessary that they should have the means of redress given to them in the constitution. *It is therefore proposed that the following provision should be made in the constitution of India:—*

British North America Act, 1867, Sec. 93.

"In and for each Province and in and for India it shall be the duty and obligation of the Legislature and the Executive or any other Authority established by Law to make adequate provision for the education, sanitation, recruitment in Public Services and other matters of social and political advancement of the Depressed Classes and to do nothing that will prejudicially affect them.

" (2) *Where in any Province or in India the provisions of this section are violated an appeal shall lie to the Governor-General in Council from any act or decision of any Provincial Authority and to the Secretary of State from any act or decision of a Central Authority affecting the matter.*

" (3) *In every such case where it appears to the Governor-General in Council or to the Secretary of State the Provincial Authority or Central Authority does not take steps requisite for the due execution of the provisions of this section then and in every such case, and as far only as the circumstances of each case require, the Governor-General in Council or the Secretary of State acting as an appellate authority may prescribe, for such period as they may deem fit, remedial measures for the due execution of the provisions of this section and of any of its decisions under this section and which shall be binding upon the authority appealed against.*"

Condition No. VII. SPECIAL DEPARTMENTAL CARE.

The helpless, hapless and sapless condition of the Depressed Classes must be entirely attributed to the dogged and determined opposition of the whole mass of the orthodox population which will not allow the Depressed Classes to have equality of status or equality of treatment. It is not enough to say of their economic condition that they are poverty-stricken or that they are a class of landless labourers, although both these statements are statements of fact. It has to be noted that the poverty of the Depressed Classes is due largely to the social prejudices in consequence of which many an occupation for earning a living is closed to them. This is a fact which differentiates the position of the Depressed Classes from that of the ordinary caste labourer and is often a source of trouble between the two. It has also to be borne in mind that the forms of tyranny and oppression practised against the Depressed Classes are very various and the capacity of the Depressed Classes to protect themselves is extremely limited. The facts which obtain in this connection and which are of common occurrence throughout India are well described in the Abstracts of Proceedings of the Board of Revenue of the Government of Madras dated 5th November, 1892, No. 723, from which the following is an extract:—

" 134. There are forms of oppression only hitherto hinted at which must be at least cursorily mentioned. To punish disobedience of Pariahs, their masters—

(*a*) Bring false cases in the village court or in the criminal courts.

(*b*) Obtain, on application, from Government, waste lands lying all round the paracheri, so as to impound the Pariahs' cattle or obstruct the way to their temple.

(*c*) Have mirasi names fraudulently entered in the Government account against the paracheri.

(*d*) Pull down the huts and destroy the growth in the backyards.

(*e*) Deny occupancy right in immemorial sub-tenancies.

(*f*) Forcibly cut the Pariahs' crops, and on being resisted charge them with theft and rioting.

(*g*) Under misrepresentations, get them to execute documents by which they are afterwards ruined.

(*h*) Cut off the flow of water from their fields.

(*i*) Without legal notice, have the property of sub-tenants attached for the landlords' arrears of revenue.

" 135. It will be said there are civil and criminal courts for the redress of any of these injuries. There are the courts indeed; but India does not breed village Hampdens. One must have courage to go to the courts; money to employ legal knowledge, and meet legal expenses; and means to live during the case and the appeals. Further most cases depend upon the

decision of the first court; and these courts are presided over by officials who are sometimes corrupt and who generally, for other reasons, sympathize with the wealthy and landed classes to which they belong.

"136. The influence of these classes with the official world can hardly be exaggerated. It is extreme with natives and great even with Europeans. Every office, from the highest to the lowest, is stocked with their representatives, and there is no proposal affecting their interests but they can bring a score of influence to bear upon it in its course from inception to execution."

There can be no doubt that in view of these circumstances the uplift of the Depressed Classes will remain a pious hope unless the task is placed in the forefront of all governmental activities and unless equalization of opportunities is realized in practice by a definite policy and determined effort on the part of the Government. *To secure this end the proposal of the Depressed Classes is that the Constitutional Law should impose upon the Government of India a statutory obligation to maintain at all times a department to deal with their problems by the addition of a section in the Government of India Act to the following effect :—*

> "1. *Simultaneously with the introduction of this Constitution and as part thereof there shall be created in the Government of India a Department to be in charge of a Minister for the purpose of watching the interests of the Depressed Classes and promoting their welfare.*
>
> "2. *The Minister shall hold office so long as he retains the confidence of the Central Legislature.*
>
> "3. *It shall be the duty of the Minister in the exercise of any powers and duties conferred upon him or transferred to him by law, to take all such steps as may be desirable to secure the preparation, effective carrying out and co-ordination of measures preventative of acts of social injustice, tyranny or oppression against the Depressed Classes and conducive to their welfare throughout India.*
>
> "4. *It shall be lawful for the Governor-General—*
>
> (a) *to transfer to the Minister all or any powers or duties in respect of the welfare of the Depressed Classes arising from any enactment relating to education, sanitation, etc.*
>
> (b) *to appoint Depressed Classes welfare bureaus in each province to work under the authority of and in co-operation with the Minister.*"

Condition No. VIII. DEPRESSED CLASSES AND THE CABINET.

Just as it is necessary that the Depressed Classes should have the power to influence governmental action by seats in the Legislature so also it is desirable that the Depressed Classes should have the opportunity to frame the general policy of the Government. This they can do only if they can find a seat in the Cabinet. The Depressed Classes therefore claim that in common with other minorities, their moral rights to be represented in the Cabinet should be recognized. With this purpose in view *the Depressed Classes propose :*

> *that in the Instrument of Instructions an obligation shall be placed upon the Governor and the Governor-General to endeavour to secure the representation of the Depressed Classes in his Cabinet.*

SCURCE 1.—For columns 1 and 2 Statutory Commission Vol. V, page 1355.
2.—For column 3 Hartog Committee's Report.
3.—For columns 4 and 7 Central Committee, page 86.
4.—For columns 5, 6, 8, 9, 10, 11 and 12 Simon Report.

TABLE I.

Distribution of Population.

Province.	Depressed Classes Population.						Population of					
	As estimated by the Franchise Committee in 1919. In millions.	As estimated by the Census Commissioner in 1921. In millions.	As estimated by the Hartog Committee on Education in 1929. In millions.	As estimated by the Provincial Governments in 1929 and accepted by the Indian Central Committee. In millions.	As estimated by the Simon Commission. In millions.	As estimated by the Simon Commission. As a p.c. of the total.	Hindus excluding Depressed Classes. P.C. of the total.	Sikhs. P.C. of total Population.	Muslims. P.C. of total Population.	Indian Christians. P.C. of total Population.	Anglo-Indians. P.C. of total Population.	Europeans. P.C. of total Population.
	1	2	3	4	5	6	7	8	9	10	11	12
Madras	6·4	6·4	6·53	6·50	6·5	15½	72·3	..	6·7	3·2	·05	·02
Bombay	·6*	2·8	1·46	1·47	1·5	8	68·8	..	18·9	1·1	·05	·2
Bengal	9·9	9·0	6·64	11·50	11·5	24½	18·5	..	54·6	·2	·05	·05
United Provinces	10·1	9·0	7·89	13·00	12·0	26½	55·9	..	14·3	·3	·02	·05
Punjab	1·7	2·8	1·70	2·80	2·8	13½	17·3	11·1	55·2	1·5	·02	·1
Bihar and Orissa	9·4	8·0	2·53	5·00	5·0	14½	68·1	..	10·9	·7	·01	·02
C. P. and Berar	3·8	3·3	3·01	2·67	3·3	24	64·2	..	4·4	·3	·03	·02
Assam	·3	2·0	..	1·55	1·0	13	33·8	..	32·3	1·9	·01	·05
N. W. F.	..	..	..	..	..	..	6·6	..	91·6	..	..	·04
Brit. India	42·2	43·3	29·76	44·50	43·6	19	50·4	..	24·8	·001	..	..

* This figure is quite erroneous and is not warranted by the Census of 1911 which was the basis of the Committee's calculations.

TABLE II.

COMMUNAL COMPOSITION OF PROVINCIAL LEGISLATURES IN INDIA.

SOURCE—Simon Report except for figures in column 2 for Depressed Classe

Provincial Legislature of	Muslims.			Depressed Classes.			Sikhs.			Indian Christians.			Anglo-Indians.			Europeans.		
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
Madras . .	13·7	10·6	6·7	..	7·5	15·5	..	..	..	5·3	5·3	3·2	1·0	·8	·05	1·0	9·8	·02
Bombay . .	34·2	25·4	19·8	..	1·7	8	..	..	..	1·3	·9	1·1	1·3	·9	·05	2·5	19·3	·2
Bengal . .	41·4	30·8	54·6	..	·7	24·5	..	..	..	1·1	·7	·2	2·1	1·4	·05	5·3	19·2	·05
U. P. . .	31·2	26·0	14·3	..	·8	26·5	..	..	..	1·1	·8	·3	1·1	·8	·02	1·1	13·8	·05
Punjab . .	47·7	40·0	55·2	..	..	13·5	17·9	15·9	11·1	1·5	2·1	1·5	1·5	1·1	·02	1·5	14·9	·1
Bihar and Orissa	25·3	18·5	10·9	..	·9	14·5	..	..	..	1·4	1·0	·7	1·4	1·0	·01	1·4	18·4	·02
C. P. and Berar	13·2	9·6	4·4	..	5·4	24·0	..	..	..	..	..	·3	1·9	1·4	·03	1·9	10·9	·05
Assam . .	36·3	30·2	32·3	..	1·8	13·0	..	..	..	..	..	1·9	..	..	·01	..	22·6	·04
N. W. F. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

EXPLANATION.—Column 1 shows Percentage of Communal seats.
Column 2 shows Percentage of Total seats.
Column 3 shows Population Ratio.

APPENDIX III.

SUB-COMMITTEE No. III.

(MINORITIES.)

THE CLAIMS OF THE INDIAN CHRISTIAN COMMUNITY.

SUBMITTED BY MR. K. T. PAUL.

I base my right to make this statement on the Resolutions of the All-India Conference and Council of Indian Christians held year after year from 1922. They are appended herewith. (*Vide* Appendix III.)

No one can be more sensible than I am of the fact that there is more than one view held in my community. I deny that the divergence is as between Roman Catholics and Protestants. The difference of views runs across both the religious groups. I have documentary evidence for this. This fact of a difference of views was taken into full and serious cognisance by the All-India Conference at every session, especially at its Madras session. The attitude taken by the All-India Conference is therefore well considered and quite deliberate.

As I interpret the mind of my Community, what they want may be classified under the following heads:—

1. Fundamental Rights.
2. Representation on Councils.
3. Share in Public Services.
4. Machinery for overseeing Executive action.

1. *Fundamental Rights.*—There should be implemented in the Constitution certain rights to which all citizens of India are entitled wherever they may live in India and to whatever community they may belong or whatever religion they may profess. These should be modelled on Articles cited in pages 331, 332, 333, 334 of Vol. III of the Report of the Indian Statutory Commission. (*Vide* Appendix I.)

2. *Representation on Councils.*—We would prefer to see in India now, or as soon as possible, a complete absence of all reservations on Communal bases of any sort in the legislatures or public services. But it is obvious that that stage has not yet been reached by India and that reservations will be made for certain communities. In that event we would claim: (1) that reservation be made for us in all Legislative bodies in the proportion of population or franchise, whichever will give us a larger number, (2) wherever Weightage is given to any community, we should also be given similar Weightage. We are not asking for Weightage *per se*. But we are sure that when any community is given weightage, seeing that it is bound to be bigger and more forceful than we are, we certainly feel to be in a position of increased disadvantage. Therefore we do ask that we should also be given proportional weightage if that is accorded to any other community. (3) In principle we prefer joint-electorates to separate electorates, the mischievous effects of which on our community has been deplored by the resolutions of our All-India Conference year after year. But in certain Provinces and also in regard to the Central Legislative Body or Bodies, there may be practical difficulties in working out any scheme of Joint-Electorates. We, therefore, wish that the precise method of election be postponed for consideration by the Franchise Committee when it is set up.

In the Madras Presidency by reason of the fact that the Protestant and the Roman Catholic sections of our community are almost equal in numbers and are so distributed in all the Districts, the method of separate electorate has accentuated the separation of the two sections in an unhealthy way. I do not think it will be possible to get over this difficulty by a re-alignment of electoral units in any way that has so far been suggested. I submit that the only alternatives are: (*a*) the reserved seats being filled by the General

Electorate with, perhaps, the safeguard suggested by Major Attlee in pages 86, 87 of Vol. II of the Simon Report, or (*b*) through a system of indirect election. The latter may, concretely, work out as follows: Supposing in the Madras Legislative Council 10 seats are reserved for Indian Christians. The Indian Christian voters in the Province would elect, say, 80 to 100 persons to an "electoral college." This college will be required to elect the 10 M.L.Cs. 5 being Protestants and 5 Roman Catholics, from among their number. Normally they will elect them from their own number. But they will be permitted to choose an outsider to make up the balance if there are not among themselves five of either community.

Similarly in the matter of returning Members to a Federal Legislative Body, the Christian M.L.Cs. of all the Provinces will form into an electoral college and settle the election under rules which will provide for proper division between Roman Catholics and Protestants, and a proper rotation of the Provinces, or groups of Provinces. (*Vide* Appendix II for a further note on this point.)

3. *Reservation in the Services.*—We wish to state very emphatically that any arrangement, as in Madras, which allocates all posts and promotions to a turn-list among the Communities, acts prejudicially to the smaller Minorities and often deprives the country of the services of those best qualified for it. At least 50 per cent. of all posts should be filled on the sole basis of qualification and merit; the other 50 per cent. might be subjected to a turn-list arrangement. In this way there will be an inducement for all Communities (majority or minority) to train its young men and young women to the highest possible qualifications and at the same time we would have secured for the backward communities (majority or minority) a fair share in the Services.

As for promotions we would deprecate any interference with them on the basis of Communal interests. Once an Appointment has been made all further promotions should be entirely on the basis of merit and service. Any unfair action in the matter of promotion should be dealt with through Public Service Commissions or other administrative machinery.

4. *Machinery for Oversight.*—To place the foregoing principles in Constitution or Rules is one thing; to carry them out in perfect equity is another matter. There should be definite provision made in the administrative machinery of the country to safeguard the interests of the Minorities. The following suggestions are made:—

(1) The Protection of Minorities and the care of Depressed Classes may form a portfolio which should be one of the responsibilities of a Minister in each Province, and especially in the Central Executive. We believe there will be enough work in it for a whole-time Under-Secretary to the Minister, the bulk of the work being concerned with the affairs of the Depressed Classes. In regard to these matters the Ministry should by Constitution be made responsible to the Legislative bodies concerned, Provincial and Federal. The Executive action of this Ministry will be on lines analogous to the work of the Commissioner for Labour in Madras, and also to the work of the Minorities Section of the League of Nation Office. It will be concerned (*a*) with all grievances or disabilities connected with water, land, communications, house-sites, allocations for public funds, educational facilities, and any other public utility services, which may be brought to its notice, and deal with them as an interceding, interpreting, rectifying, and co-ordinating agency with the other departments of the administration. It will also be empowered (*b*) to devise means on its own initiative to further the welfare of small Minorities and other backward and Depressed Classes in any line which it finds possible to take for the purpose.

(2) *The Supreme Court.*—We cannot conceive of any legislature in India deliberately attempting to pass any law which will adversely discriminate against any Minority. Sometimes legislation may be attempted in good faith, which is unwittingly prejudicial to a Community. In that contingency there are in the Legislature the representatives of that

Community to point out the injurious consequences which may accrue. Supposing, in spite of such a protest, legislation is firmly attempted, there is the Veto power of the Governor which the Minority affected may invoke by petition or deputation.

When all this has been said, still, a careful forecast of all possible developments in regard to Legislatures and Governorships would lead one to ask that the Supreme Court be vested with some powers analogous to the Supreme Court of the United States of America in regard to legislation. Where a Minority fears the consequences of a particular Bill which has passed Third Reading, its representatives in the Legislature should be empowered either to appeal to the Governor to Veto it or move the Supreme Court. If it takes the latter course and the Court is satisfied that there is a *primâ facie* justification for the fear of injury, it may issue an injunction which will have the effect of suspending the Bill from being passed into law at that session of the Legislature. It may be reintroduced at the next session of that Legislature, or any subsequent session of it, and go through the regular processes of legislation. If it is then passed, the Minority concerned shall have no further right to interfere.

K. T. PAUL.

8, Chesterfield Gardens,
Mayfair, W.1.
1st January, 1931.

APPENDIX I.

A few specimen articles may be cited:—

Article 7. All Polish nationals shall be equal before the law, and shall enjoy the same civil and political rights, without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions, and honours, or the exercise of professions and industries.

Article 8. Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, charitable, religious, and social institutions, schools, and other educational establishments, with the right to use their own language and to exercise their religion freely thereon.

Article 132. In towns and districts where there is living a considerable fraction of Czechoslovak citizens belonging to some minority, whether in respect of religion or nationality or language, 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 such minorities, within the limits of the general regulations for public administration.

APPENDIX II.

This is what was said to the Simon Commission by the Deputation of the All-India Council of Indian Christians:—

"Our suggestion is that the Assembly should consist of about 300 elected members, as this would make the Assembly much more representative and would also decrease the size of the constituencies. In our opinion the present size of the constituencies is very large and needs to be curtailed. In an

Assembly of about 300 elected members we suggest the following apportionment:—

Hindus	145
Muslims	100
Indian Christians	9
Sikhs	8
Special interests	33

"If the present numbers are maintained, the Indian Christian community would be entitled to three seats. This will be in keeping with the principles on which we have emphasized. It may be pointed out that, with less than one per cent. of the population, the Sikhs have two seats in the Assembly, while, with over one per cent., Indian Christians have no elected seats. The number of Indian Christians is likely to be considerably larger when the figures of the next Census will be available. In support of this contention we have not only the past rate of progress, but also the Mission and Church statistics, which are tabulated from time to time.

"The problem, however, to be considered is, how are our representatives to be returned? We have already stated that the system of nominations, as far as the representation of our Community is considered, should be entirely eliminted. We cannot too strongly emphasize this point. There is a unanimous and strong opinion of the community behind this feeling. In case the separate electorates are retained, then the matter is simple. Out of these three seats, one should be reserved for South India, and two seats should be apportioned to various provinces or groups of provinces on an alternate rotating system. For instance, we would suggest the following groupings:—

1. Bengal, Assam and Orissa.
2. Bihar and the United Provinces.
3. Delhi, Punjab, North-West Frontier Province and Baluchistan.
4. Bombay Presidency, Central Provinces, Central India, Ajmer-Mewar and Berar.

"Each of these groups could elect one candidate to an alternate Assembly. In case the Assembly is enlarged, as we hope it will be, and our modest and just request for nine seats is accepted in an Assembly of 300, three seats should be reserved for Madras Presidency, and six seats should be divided among the other Provinces of India which may be suitably grouped."

Appendix III.

Resolutions of the All-India Conference of Indian Christians.

9th Session held at Lucknow, 1922. That the Conference commends the following resolution to the attention and consideration of the Provincial and Affiliated Associations:—

(*a*) This Conference views with alarm the increasing bitterness of inter-communal jealousy in India, and believing that the principle of communal representation, specially when it is based on Communal electorates in the Councils and the Local Bodies, is contributive to its prolongation, recommends to Government the discontinuance of Communal representation, if possible, and of Communal electorates at any rate.

(*b*) It appeals to the Indian National Congress, National and Communal Organizations to strengthen the hand of Government in the matter by passing resolutions condemning the system of Communal representation, specially when it is based on Communal electorates, as opposed to the best interests of the Motherland.

10th Session held at Bangalore, 1923. (*a*) This Conference wishes to point out that any accentuation of the communal spirit among Indian Christians

adds to the difficulties of the situation and makes it still harder for them to assist in its solution.

(*b*) The Conference understands that the method of separate electorate for the Indian Christian Community will lead to a very unhealthy growth of Sectarian feelings in the Christian community itself and urges the Indian Christian associations in the Madras Presidency to take early steps for rectifying the situation. It appoints the following committee to co-operate with them in this matter.

12th Session held at Calcutta, 1925. This Conference strongly holds that communalism in politics is bound to prove disastrous to the best interests of the nation and must, therefore, be eschewed at all costs. It earnestly recommends that Christian members should not seek representation on the Legislative Councils in India, Central and Provincial, on a communal basis, either through election or nomination, after the present Councils are dissolved.

13th Session held at Madras, 1926. With a view to allay as far as possible communal feeling among the people of India, this Conference views with dissatisfaction the present system of Communal Electorates and resolves to move the Government to amalgamate the Indian Christian Constituencies with those of the non-Mohamadans, reserving ten seats for the Indian Christians in such Constituencies as may be decided on by the Government in consultation with the leaders of the Community.

Special Meeting of All-India Council held at Lucknow, 11th July, 1930.

5. *Minority Problem.* The natural and abiding security of a Minority Community is in the confidence and goodwill of all the other Communities along with whom it makes up the nation. The essential condition for securing and holding such confidence and good-will is in the clear fact that the Minority Community is in every sense identified with the national aspirations and ideals of the country. Where a Minority is above all suspicion in regard to its identification with the nation, any assistance which may come to it because of the political relationship of its country with a foreign nation, however necessary it may be in certain stages of the history of the country, can only be of a temporary nature. Any advantages which may come from the presence of an outside authority ought to be secured sooner than later from internal adjustments on a basis of generous and open confidence.

In regard to this the attitude of the majority is obviously of determining importance. It should be such as to win the ready confidence of at least all the moderate elements in the minorities.

We endorse the view of our All-India Conference of Lahore, 1929, that the community which we represent will gladly agree to an entirely democratic arrangement throughout the country in which there is no special concession to any community.

As a second best, we should agree to the system of "reservation". But we look with extreme disfavour on the system of Communal Electorates, and shall have to advise our community not to accept it even if it be offered. We do appeal to all other communities at this hour of unparalleled national crisis to rise clear out of that plain of suspicion where our country has been repeatedly ruined in the past and to agree on the system of reservation.

Even the system of "reservation for Minorities" is not free from problems of difficulty. We have our own views about them which we shall state at the proper time and occasions. Meanwhile we shall go so far as to submit that for the purposes of the main task of the Round Table Conference the Minorities should be willing to agree to fairly reasonable adjustment providing in the constitution for its automatic revision from time to time in the light of actual experiences. We confess to grave concern that the great possibilities of constitutional advance through the proposed Round Table Conference might be jeopardized by the obstinacy of the extremists of the various communities. While we have spoken frankly as to our opinion

regarding the Minorities, we must with equal candour appeal to the majority community to so change its attitude towards the other communities as to win their confidence and dispel all their suspicions that the minorities may not have fair play or opportunity for a full expression and development of their culture and heritage. We trust that principles of moderation and mutual confidence will prevail, and that a firm and reliable agreement will be arrived at among the representatives of the communities before the Conference meets.

Realizing that many of the disabilities of the minorities arise in the processes of administrative discrimination, we believe that very effective relief may be found through arrangements on the lines of the Minorities Department of the League of Nations, which operates not through Legislatures or Judiciaries, but by the employment of authoritative " influence " which whenever necessary is supported by mobilized public opinion. We believe further that the arriving at such an arrangement will obviate the necessity for the Statutory provision of any mathematical ratios in the legislatures or in the public services.

We are confident that our own community, especially the rising generation, is well aware of the fact that the place of a Minority in a nation is its value to the whole nation and not merely unto itself. That value depends upon the quality of its life, the standard of its preparation for life's various activities, the strenuousness with which it throws itself into all avenues of useful services and the genuineness with which it seeks the common weal. We are well aware that in the peculiar social situation in India even with all the values we have indicated, there are and will continue to be unmerited hardships falling on individuals and groups. But we record our conviction that while many of such hardships and disabilities will be met by such administrative devices as Public Service Commission and by reservation in the Legislatures and Councils, the real solution is to be found in the positive and constructive methods of the Community straining every nerve to make itself qualified, efficient, useful, and even indispensable to the nation.

FUNDAMENTAL RIGHTS.

CIRCULATED TO ALL DELEGATES AT THE REQUEST OF DIWAN BAHADUR M. RAMACHANDRA RAO.

Now that a Federal Constitution for the whole of India, including the Indian States, is under consideration, I should like to invite the attention of the members of the Conference to a question of supreme importance to the people of the States. It has been assumed that the rulers of the Indian States, who are now members of the Round Table Conference and their Ministers, represent the views of the people of the States and that there is an identity of interest, between the people of the States and their rulers in regard to the problems now occupying the attention of the Conference. It is unnecessary to discuss in any detail whether this position is sound, though there are many considerations which might lead one to an opposite conclusion. In framing a new Constitution, the interests of the people of the States in some of the matters now under discussion are likely to be overlooked on this theory of identity of interests between the Rulers and their people. On the other hand some of the rulers of the States have themselves admitted that the expression "the States" does not mean the Ruler alone For example, His Highness the Maharaja of Bikaner publicly stated in his Legislative Council two years ago that the term "State" includes not the Ruler alone, but that "the Ruler, his Government and his subjects are all component parts of, and all go to comprise, a State". He amplified the same idea by saying "that if the independence of a State goes, the subjects of that State forthwith lose their integrity and individuality. If the State gains fiscally, it is not only the Princes, but the Governments and subjects of the State gain most. If the State loses in such matters, such loss is shared by the State with the Princes and the Government".

2. In these circumstances, can it be seriously contended that the people of the States have no stake or should have no voice in effecting a change in the existing relations between the States and the Paramount Power or in the evolution of a new Constitutional tie between British India and the Indian States based on the federal principle? In this connection, attention is invited to the memorandum of the Indian State Peoples Conference submitted to the Indian Statutory Commission, where it was contended that the integrity and independence of the States is as much the concern of the people as of the Princes, and that any change in the existing relations between the States and the Paramount Power should not be effected without their consent. The States are not at present British territory, and their subjects are not British subjects in India. The subjects of Indian States are treated in British India as "foreigners" for certain purposes, and they have sometimes been deported from British India to the States under the powers conferred on the Government under certain existing enactments. Similarly, the Indian States authorities have expelled British Indian subjects from their States and the latter have no remedy. The people of Indian States are subject to the law of naturalisation in British India, though I am not aware of a corresponding law in any Indian State in regard to British Indian subjects. A federal Constitution for the whole of India must materially affect the status and position of the people of the Indian States. What will be their future rights and obligations to their own States and to the new Government of a Federated India? The terms on which this double allegiance is to be imposed must receive very careful consideration. It is, therefore, unfortunate that the people of the States have not been afforded suitable opportunities for expressing their own views on the subjects dealt with in the Conference, and it is to be hoped that at least at subsequent stages some attempt will be made to ascertain their views in regard to the new constitutional arrangements now contemplated.

3. Before dealing with the rights and obligations of the people of the Indian States in the future Constitution, it is perhaps necessary to briefly state the present position. The expression "Indian State" does not con-

note any particular form of government. The authors of the report on Constitutional Reforms have summarised the present position in the following words:—

> "They are in all stages of development, patriarchal, feudal, or more advanced, while in a few States are found the beginnings of representative institutions. The characteristic features of all of them, however, including the most advanced, are the personal rule of the prince and his control over legislation and the administration of justice."

So long as this characteristic feature of personal rule does not undergo a material change, the expression "Indian State" must be taken to mean the individual ruling prince of the State concerned and has no reference to the nature of the administration of the State. The most characteristic feature of the States is the absence of the rule of law. This is admitted. At the meeting of the Chamber of Princes held in February, 1928, the Chamber adopted a resolution in favour of the introduction of the rule of law in the States, and at a subsequent meeting, held in Bombay in April, 1928, the Princes re-affirmed "their abiding determination as recorded in the last session of the Chamber of Princes to ensure the rule of law in their States and to promote the welfare and good government of their subjects". It is unnecessary to dilate at any length on the bundle of rights, privileges, and obligations summed up under these compendious words "Rule of law" which is admittedly absent from the States. At present there is no liberty of persons in the States, and if a person is put in prison, there is no remedy by way of a writ of *habeas corpus* against the officers detaining the person concerned in prison. Two years ago, His Highness the Maharaja of Bikaner publicly stated that he has been considering the question of extending the principle of *habeas corpus* in the judicial administration of his State. There is no security of property. The State, in its corporate capacity, cannot be sued in the municipal courts of most of the States. The rights of association and public meeting do not exist in almost all the States. Many of the conferences of the people of the States are held outside the States on account of the restrictions placed on the holdings of public meetings. There are very few newspapers in the States. The Press in all countries is one of the great instruments of good Government; it does not exist in most of the States, and where a few newspapers exist, the most stringent Press regulations have been enacted, with the result that criticism of the measures of Government in the Indian States is almost impossible.

4. I have so far referred to the broad features of the present system of government in the Indian States, not in any spirit of hostility to the States or with a view to casting any reflections on any individual Prince or the Princes' Order, but solely with the purpose of drawing attention to one of the most important features of a Federal Constitution, namely equality of citizenship rights to the people of the federating States. So far as the people of British India are concerned, they have demanded for some years that the basic principle of the new Constitution must be a declaration of fundamental rights and that those rights must be guaranteed in a manner which will not permit their withdrawal under any circumstances. It is not necessary to set out here fully the historical and political aspects of this question and the grounds on which this demand for constitutional guarantees has been put forward. Political India is unanimous on the matter.

The Nehru Committee appointed by the All Parties Conference has discussed this subject at length in Chapter VI of their Report. They are of opinion that such a declaration of fundamental rights should be one of the important features of the new Constitution, and that safeguards and guarantees contained in such a declaration are necessary to create and establish a sense of security among those in India who look upon each other with distrust and suspicion. Every school of political thought in British India has advocated for some years that with a view to secure the full enjoyment of political, religious and communal equality, a declaration of rights should be embodied in the new Constitution. The Government of India have referred to this matter in paragraph 50 of their Despatch, and have pointed out that

"the minority communities attach a great importance" to this matter. They have not been able to express any considered opinions on the subject, but certain difficulties have been pointed out, and the opinion is expressed that the Conference will probably deal with the whole subject.

5. If a declaration of fundamental rights is necessary in the case of British India, it is even more necessary for safeguarding the rights and liberties of the people of Indian States, where the rule of law has not been as yet established. It is also obvious that such a declaration of rights cannot be enacted only for British India but that it must apply as well to the Indian States joining the Federation.

6. I do not wish to refer to the detailed provisions to be included in such a declaration of rights. They are set out under 19 heads in the Nehru Report (page 101). These may form the basis of discussion and they will be equally applicable to the people of the Indian States. It may be that they may have to be modified in some particulars, but they come under one or other of the following heads:—

(1) Inviolability of person and property.

(2) Freedom of religion and conscience.

(3) Right of public meeting and association.

(4) Equality of all citizens before the law.

(5) Right of the citizens to have a writ of *habeas corpus* and trial according to law.

(6) Right of the citizens to public employment and the exercise of any trade or calling irrespective of religion, caste or creed.

(7) Freedom of combination and association of all citizens for the maintenance and improvement of economic conditions.

(8) Right to bear arms to all citizens.

(9) Right of all citizens to receive free elementary education.

(10) Equal rights to men and women as citizens.

(11) Equal rights of access to all citizens to the use of public wells, public roads and to all other places of public resort.

7. Attention is also invited to the analogous provisions in some of the older Federal Constitutions like the United States of America, Switzerland, and Germany; and also to the fundamental Constitutional law of New Germany. The Constitutional laws relating to some of the new governments in Eastern and Central Europe also contain many provisions relating to the fundamental law of citizenship. The Polish Constitution lays down that fidelity to the Republic is one of the foremost duties of Polish citizens. Poland guarantees to all its citizens full protection of life, liberty and property without distinction of extraction, nationality, language, race or religion. "Equality of citizens before the law is among the most cardinal of the rights accorded them under the Polish constitution. All have access on equal terms to public office, and no distinctions of birth or estate are recognized. Hence titles, as they are retained in republican Poland, have no more significance than in republican Germany or republican France. Freedom of the person, of domicile, of migration and emigration, of choice of location and vocation; freedom of speech, petition, association and union; freedom of religion and conscience and secrecy of correspondence, are all guaranteed within legal limits. Particular attention is paid to the right of *habeas corpus* and to immunity from search without warrant; sundry safeguards are placed about the citizen to prevent him from being denied access to legal justice. No censorship of the press is permitted, and daily papers and other publications printed in Poland may not be debarred from the mails or denied the right of free circulation throughout the country. There is also a constitutional guarantee of freedom to publish any results of learned investigation and research. Thus the guarantees of individual freedom seem particularly broad; their actual enforcement through the Polish judiciary will, without doubt, raise some difficulties and be apt to define in a more detailed manner the extent and limitations of such rights.

In general, however, it may be said that the Polish constitution establishes individual rights in a very far-reaching manner, going further in some respects than any other contemporary constitution." The fundamental rights of Esthonian citizens are set out in the constitutional law of the Esthonian republic. It is declared that all Esthonians are equal before law. The usual legal rights of citizens to inviolability of person and domicile, to trial by no courts other than those designated by law, the grant of right of *habeas corpus* are clearly provided. Freedom of religion and conscience are also provided. The provisions of some of the other modern constitutions may also be referred to and it is not necessary to go into them in great detail.

8. It is therefore suggested that the rights and obligations of the citizens of the federating States and of British India to the new federal government of United India should be carefully examined, clearly defined, and that these fundamental rights should be embodied in the constitution. The judicial machinery for enforcing these rights remains to be considered. Indian States have been demanding for some time that a Supreme Court should be established for the purpose of obtaining the decisions of an independent body in regard to the disputes between States and States and between British India and the States. They have advocated the establishment of such a body for some time and this Court may be empowered to deal with violations of the fundamental rights that may be guaranteed by the constitution to the people living under the Government of a Federated India. It may be admitted that there are difficulties in investing the Court with jurisdiction in these matters but the subject requires careful consideration.

It is a matter for satisfaction that Sir Mirza Ismail has, in his scheme, recognised the importance of providing for fundamental rights in the Constitution, and it is to be hoped that the other members of the delegation will see their way to agree to the proposal.

The Indian Central Committee has also recommended the enactment of fundamental rights in the new Constitution.

M. RAMACHANDRA RAO.

8, Chesterfield Garden,
Mayfair, London.
1st December, 1930.

MGIPC—L—VII-10—2-5-31—1,000.