

The Proceedings
OF THE
All Parties National
Convention



**Published by Rafi Ahmad Kidwai, Secretary,
All Parties National Convention, Allahabad**

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ORGANISATION REPRESENTED AT THE ALL PARTIES NATIONAL CONVENTION

A —Political

<i>Associations</i>	<i>Associations</i>
1. Members of the Central and Provincial Legislatures	9. Assamese San Rakhini Sabha, Gauhati
2. Members of the All India Congress Committee	10. Deccan Sabha, Poona
3. All India National Liberal Federation	11. Assam Association, Gauhati
4. Home Rule League, Madras	12. Sindh National League, Karachi
5. Indian Association, Calcutta	13. Sarvajanic Sabha, Poona
6. Bombay Presidency Association, Bombay	14. Yeotmal Association, Yeotmal
7. Madras Mahanjan Sabha, Madras	15. Arya Swaraj Sabha, Lahore
8. Surma Valley Conference, Sylhat	16. Swadhin Bharat Sangh, Karachi
	17. Karnatak Unification Sabha, Belgaum

B —Trade Union and Peasants Organisations

1. All India Trade Union Congress, Bombay	3. Behar Provincial Kisan Sabha, Muzaffarpur
2. Communist Party, Bombay	4. U. P. Kisan Sabha, Allahabad

C —Commercial Organisations

1. Southern India Chamber of Commerce, Madras	2. Maharashtra Chamber of Commerce, Bombay
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Associations

3. Bengal National Chamber of Commerce, Calcutta
4. Burma Indian Chamber of Commerce, Rangoon
5. Indian Merchants Chamber, Bombay

Associations

6. Shri Mahajan Sabha, Bombay
7. Indian Chamber of Commerce, Calcutta

D —Landholders Organisations

1. Coorg Landholders Association, Macara
2. Behar Landholders Association, Patna

E —Indian State Organisations

1. Indian States People Conference
2. Indian States Subjects Association, Ahmadabad
3. South Indian States Subjects Conference, Madras
4. Daxni Sansthan Hitvardhak Sabha, Poona
5. Rajasthan Seva Sangha, Ajmer

F —Women's Organisation

1. Women's Indian Association, Madras 50

G —Communal Organisations

1. Hindu Maha Sabha, Dehli
2. All India Muslim League, Delhi
3. The Central Khilafat Committee, Bombay
4. The Central Sikh League, Amritsar
5. All India Conference of Indian Christians, Lahore
6. South Indian Liberal Federation, Madras
7. All India Shia Conference, Lucknow
8. Bengal Indian Christian Association, Calcutta
9. Namdhari Durbar Bhaini Sahib, (Sikh) Lahore
10. North-West Frontier Muslim Association, Peshawar

Associations

11. Mazdyasni Mandal, Bombay
12. Sanatan Dharma Pratinidhi Sabha, Punjab, Lahore
13. Hindu League, Sukkur (Sindh)

Associations

14. Mahavir Dal, Punjab, Lahore
15. Anglo-Indian League, Calcutta
16. Hindu Samaj Hitrakshak Committee, Bombay

H—Religious and Social Reform Organisations

1. All India Aryan League, Lahore
2. Bengal Social Reform League, Calcutta
3. Hindu Mission, Calcutta
4. Ahmadia Community, Qadian, (Punjab)
5. Achut Udhar Committee, Delhi
6. Shardanand Dalit Udhar Sabha, Delhi
7. Bazm-e-Soofia, Patna
8. All India Hindu Shudhdhi Sabha, Delhi

I—Backward Classes

1. Dayanand Dalitdhidar Mandal, Lahore
2. Bengal Namashudra Association, Calcutta

J—Miscellaneous Organisations

1. Journalist Association of India, Bombay
2. Thulva Mahasabha, Udipi
3. Servants of the People Society, Lahore
4. Bengal Journalist Association, Calcutta
5. Ganjam District Association, Gunjam
6. Oria Peoples Association, Cuttack
7. Sukkar League, Sukkar (Sindh)
8. Punjab Nawjavan Sabha, Lahore
9. Kutch Parja Mandal, Anjor
10. Satyagrah Assram, Ahmadabad

1. All India Spinners Association, Ahmadabad

INTRODUCTORY

The circumstances under which the All Parties National Convention was called to meet in Calcutta on the 22nd December 1928 are set out at pages 18-19 of the Supplementary Report of the All Parties Conference Committee. The Convention met on the appointed date at Deshbandhu Nagar under the presidentship of Dr. M. A. Ansari in a special pandal and was attended by representatives of the organisations mentioned at page i.

The first day was occupied by the address of Mr. J. M. Sen Gupta who welcomed the Convention on behalf of Bengal and the Presidential speech of Dr. M. A. Ansari. After the formal presentation of the reports of the All Parties Committee by Pandit Motilal Nehru and an announcement by the President of the procedure he proposed to follow in conducting the proceedings the Convention adjourned to the next day.

The main object of the Convention was to ascertain the opinion of the various political and other parties in the country on the principles underlying the report of the Nehru Committee and the draft constitution prepared by them. It was not expected that a large gathering of representatives of all the parties in the country would be able to examine the details of a new constitution, but with a view to find out the general trend of opinion on the Nehru Report as a whole, the President invited all the amendments that any organisation or individual member had to propose to any part of the Report to be handed in to the Secretary before the commencement of the proceedings of the 2nd day. Accordingly a fairly large number of notices of amendments was received covering the whole ground but with the exception of those that related to the essential features of the constitution they were mostly of a verbal character. At the eight strenuous sittings of the Convention and the overnight meetings of its committees it was not found

possible to deal with all these amendments but the main principles of the constitution were fully discussed and met with general support.

These may be classified as under:

1. The constitutional status of India
2. Fundamental rights
3. Solution of the communal problems
4. The Indian States

1—*The Constitutional Status of India*

The second day of the Convention was occupied with the discussion of the first clause of the recommendations of the Committee which laid down the constitutional status of India. Mr. J. M. Sen Gupta (Congress) proposed that the said clause be adopted by the Convention. It ran as follows:

“India shall have the same constitutional status in the community of nations, known as the British Empire, as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State, with a Parliament having powers to make laws for the peace, order and good government of India, and an executive responsible to that Parliament; and shall be styled and known as the Commonwealth of India.”

The resolution was seconded by Mr. Yakub Hasan (Central Khilafat Committee and Congress).

Mr. J. L. Banerji (Bengal Hindu Sabha) proposed that for the original resolution the following be substituted:

“India shall rank as a free nation among the free nations of the world.”

The President then invited a general discussion in the course of which Dr. Besant (Home Rule League) Mr. B. C. Pal (Surma Valley Conference) Sir C. P. Ramaswami Aiyer (National Liberal Federation and Home Rule League) Mr. C. Y. Chintamani M.L.C., (National Liberal Federation) Mr. Harisarvotam Rao M.L.C., (Congress) Sir Ali Imam (Member Nehru Committee) Mr.

Ranchhor Das Gandhi (Indian States Conference, Kathiawad State Conference and Bhavnagar State Conference) all strongly supported the resolution and opposed the amendment.

Maulana Mohamad Ali was the only member of the Convention who besides Mr. J. L. Banerji the proposer of the amendment opposed the resolution.

Mr. S. Srinivasa Iyengar read a statement signed by a number of members of the Convention with a view to clear their position before the Convention and the country. It was urged in this statement that the Swaraj Constitution for India should be based on complete independence and not Dominion Status but as the Subjects Committee of the Congress had not till then considered the question the signatories had decided not to take any part in the framing of the constitution in so far as it committed them to the acceptance of Dominion Status. The statement concluded as follows:—

“We shall neither move amendments nor vote on it (Dominion Status). We propose to carry on in the Congress and in the country such activity as we consider proper and necessary in favour of complete independence but as we are deeply interested in the communal settlements recommended by the Nehru Committee and by the Lucknow All Parties Conference we shall not abstain from taking part in the discussion or voting on those questions. We desire to add that the Independence of India League wholly supports this point of view.”

Swami Govindanand on behalf of the Swadhin Bharat Sangh read a similar statement recommending that the constitution be based on independence.

Mr. M. Daud then laid before the Convention a resolution passed by the Trades Union Congress advocating a constitution on the basis of a socialistic republic and Government of the Working classes.

All these statements were recorded and are printed in Appendix A.

At the conclusion of the debate the vote of the House was

taken by a show of hands. Mr. J. L. Banerji's amendment was lost and Mr. Sen Gupta's resolution was declared carried with only one dissentient vote. Upon this Pandit Jawaharlal Nehru and Mr. Jamnadas Mehta called attention to the fact that those members of the A. I. C. C. who were for independence had not taken part in voting. The President declared that the vote of the A. I. C. C. would be recorded after the A. I. C. C. had met and considered the matter but so far as the Convention was concerned the resolution had been passed with only one dissentient vote.

On the 27th December the A. I. C. C. adopted the following resolution on the Nehru Report to be laid before the Congress:

"This Congress, having considered the Constitution recommended by the All Parties Committee Report, welcomes it as a great contribution towards the solution of India's political and communal problems and congratulates the Committee on the virtual unanimity of its recommendations and, whilst adhering to the resolution relating to complete independence passed at the Madras Congress, approves of the Constitution drawn up by the Committee as a great step in political advance, specially as it represents the largest measure of agreement attained among the important parties in the country.

Subject to the exigencies of the political situation, this Congress will adopt the Constitution if it is accepted in its entirety by the British Parliament on or before the 31st December, 1929; but in the event of its non-acceptance by that date or its earlier rejection, the Congress will organise a campaign of non-violent non-co-operation by advising the country to refuse taxation and in such other manner as may be decided upon.

Consistently with the above, nothing in this resolution shall interfere with the carrying on, in the name of the Congress, of the propaganda for complete independence."

This resolution was duly communicated by the President of the Congress to the Convention on the 28th December. It was subsequently passed in identical terms at the open session of the Congress on the 31st December 1928.

It will thus be seen that practical unanimity was reached on

the question of the constitutional status of India and the same was approved as recommended by the Nehru Committee subject in the case of the Indian National Congress to the condition mentioned in the resolution quoted above.

It is to be noted that the statements read in the course of the debate advocating complete independence were signed by members of the Convention who were all Congressmen. After the passing of the Congress resolution those statements must be taken to have been replaced by the said resolution which represents the vote of the Congress as a whole. The only association outside the Congress which stressed complete independence was the Jamiat--ul-Ulema which submitted a statement at the fourth sitting of the Convention asking for various communal rights and concessions for Musalmans as against the other communities. Such a claim for independence needs no comment.

On the above facts it is clear that the united demand of all parties represented at the Convention is for immediate establishment of a constitution which will give India the same status in the community of nations known as the British Empire as the Dominions at present enjoy.

2. FUNDAMENTAL RIGHTS

Citizenship is the basis of fundamental rights. The definition of "citizen" was therefore taken up first on the 3rd day of the Convention. There was an omission in the original draft of the definition by reason of which British subjects from the United Kingdom or the Dominions were excluded from acquiring rights of citizenship while subjects of foreign countries naturalised in the Commonwealth were given those rights. This defect was removed in the Supplementary Report of the Committee by the addition of a sub-clause running as follows: "or who being a subject of the Crown carries on business or resides in the territories of the Commonwealth."

A Select Committee appointed by the Convention reported that the following be substituted for the new sub-clause recom-

mended in the Supplementary Report: "who being the subject of the Crown

- (i) ordinarily resides or personally works for gain within the territories of the Commonwealth on the date of the commencement of this Act, or
- (ii) fulfils the qualifications prescribed by Parliament for the exercise of the rights of citizenship."

The report of the Select Committee was considered on the 7th day of the Convention when Mr. S. N. Haji, the dissentient member of the Select Committee, proposed the amendment that to the new clause as recommended in the Supplementary Report the following words be added:—"and fulfils the qualifications prescribed by Parliament for the exercise of the rights of citizenship."

This amendment was carried and brought the definition in accord with law in force in the Dominions. The full definition as it now stands is printed at the end of this chapter.

Various sub-clauses to clause 4 of the draft constitution recommended by the Nehru Committee were then taken up. There were 19 sub-clauses to this clause but amendments were proposed only to 7 and an additional sub-clause was also proposed. The amendments proposed to four of the sub-clauses were lost by a large majority of votes of these the only amendment which need be noticed was the one to clause 2 proposed by Mr. M. L. Madhavan Nair, M.L.C. (Congress) suggesting that the words protecting title to private and personal property be omitted. There was a full discussion in which several speakers took part and vigorous speeches were made both for and against the amendment. It was however lost by a large majority. On the declaration of the result dissents of the Trades Union Congress and the Behar Provincial Kishan Sabha were noted.

The only amendments accepted by the House were those proposed to sub-clauses 9, 13 and 17. The following important addition was made to sub-clause 9: "no capital punishment shall be awarded for any offence in the Commonwealth of India.

In sub-clause 13 the words "or be given preference to" were

added after the word "prejudiced" to make it clear that the profession of a particular religion, caste or creed shall neither prejudice nor give preference to any person in regard to public employments."

Besides the addition of the word "peasant" after the words "every worker" the following important provision as to prohibition was added on the motion of Mr. C. Rajagopalachariar:

"It shall be the duty of the Commonwealth to save its citizens from the evils and temptations of alcoholic and intoxicating drugs and to this end it shall as soon as possible make laws for the total prohibition of the manufacture import, possession or sale of alcoholic liquor and intoxication drugs except for medicinal or industrial purposes."

The new sub-clause added on the motion of Mr. Gulshan Rai was

"XX. All courts of law in whichever part of the Commonwealth established shall be subject to the jurisdiction, appellate and administrative of some High Court of judicature established by Letters Patent."

It will thus be seen that on the vital question of fundamental rights as on the question of Constitutional Status of India there was practical unanimity in the Convention. The amended clause 4 of the draft constitution is printed at the end of this Chapter.

3—THE COMMUNAL PROBLEM

The Muslim League and the Khilafat Committee had been holding their separate sessions while the Convention was meeting. On the 26th the Muslim League passed the following resolution:—

"The following gentlemen be appointed delegates to represent the League at and take part in the deliberations of the Convention. These delegates will take into consideration and attach due weight to the views on the communal question expressed in the Subjects Committee and the open session of the League, and will endeavour to bring about an adjustment of the various outstanding questions between Hindus and Musalmans arising out of the Nehru Report.

“These delegates will report the result of their labours to the League by 28th or 29th for the League to take its decision thereon. The following gentlemen will form the deputation:—

Maharaja Saheb of Mahmudabad, Mr. M. A. Jinnah, Dr. Kitchlew, Mr. M. C. Chagla, Malik Barkat Ali, Messrs. Abdul Hamid, Mujibar Rahman, Hisamuddin, Akram Khan, Zafar Ali Khan, Seth Yakub Hassan, Ghazi Adbur Rahman, Messrs. Abdulla Brelvi, T. A. K. Sherwani, Khaliquzzaman, Mohamad Zubair, Abdul Karim, Nawab Liaqat Khan, Dr. Mahmood, Dr. Alam, Khan Bahdur Azizul Haq, Mr. Nurul Ain and Mr. Mohomad Aslam.

The Central Khilafat Committee had also met but there was an unfortunate split among the members whereupon 45 out of a total of 72 attending the meeting resolved to send the full quota of Khilafat representatives to the Convention. The minority contented itself by sending a letter over the signature of their Secretary Maulana Shaukat Ali to the President of the Convention which is printed in the Appendix A.

On intimation being received of these proceedings at the Convention a Sub-committee of 37 including Mahatma Gandhi, Sir Tej Bahadur Sapru, Dr. M. A. Ansari, Maulana Abulkalam Azad, Pandit Madan Mohan Malaviya and others was appointed on the 4th day of the Convention to meet the representatives of the Muslim League and the Khilafat Committee and make their report at the next session of the Convention. A full list of members of the Sub-committee appears in the proceedings of the 4th day. The Sub-committee met the said representatives the same evening and continued its deliberations over night dispersing at about 3 o'clock the next morning.

Muslim Question

The report of the Sub-committee appointed to meet the delegates from the Muslim League and the Central Khilafat Committee was discussed on the 5th day of the Convention. It is to be noted that both at the meeting of the Sub-committee appointed as above and the subsequent discussion in the open Convention the only

modifications proposed to the Nehru Report on behalf of the Muslims were on 6 definite points. The Committee accepted the Muslim proposals on two of these namely:

(1) a majority of 4/5ths of the two houses first sitting separately and then together being necessary for the amendment or alteration of the constitution by Parliament;

(2) the incorporation of the Punjab pact regarding communal representation in the Nehru Report.

Of the remaining 4 proposals no agreement was arrived at as to 1/3rd of the elected representatives of both the Houses of the Central Legislature being Musalmans. The proposal to delete the words "simultaneously with the establishment of government under this Constitution" from Art. V (Separation of Sind) was not accepted on the ground that that Art. was a verbatim copy of the agreement arrived at by the Hindus and Muslims of Sind. Among others that agreement was signed by Maulana Shaukat Ali, Secretary Central Khilafat Committee, and Maulvi Mohammad Shafi Daudi, Secretary of the All Parties Muslim Conference which will be noticed later.

Of the remaining two proposals the first related to the contingency of adult suffrage not being established and provided for reservation of seats in that event. The Committee refused to contemplate any such a contingency. The last proposal related to the powers of the Provincial and Central Legislatures and suggested

(a) that residuary powers should vest in the Provincial and not in the Central legislatures;

(b) that clause 13-A be deleted; and

(c) that the division of subjects in Schedules I and II be revised.

The Committee saw no objection to the revision of Clause 13-A and Schedules I and II but was unable to agree that residuary power should vest in the Provinces.

This report was read by the President on the 5th day of the Convention and discussion was invited. Mr. Jinnah on behalf of

the Muslim League stressed the Muslim proposals which were not accepted by the Committee. Sir Tej Bahadur Sapru, Messrs. C. Y. Chintamani, Raliaram, J. R. Banerji and M. R. Jayakar took part in the discussion. After Mr. Jinnah's reply the six proposals were put to vote one by one with the result that the two accepted by the Sub-committee were carried and the remaining four were rejected. The proposal as to revision of Schedules I and II fell through as no member of the Muslim League offered to serve on the revising Committee.

On the same day the statements submitted by the 45 members of the Central Khilafat was read. This is printed in extenso in the Appendix. It is important to note that this statement completely endorses the Nehru Report on the question of communal representation without demanding reservation of 1/3rd seats in the Central Legislature for Musalmans. The only point upon which it differs from the Nehru Report and the resolutions of the Convention is the vesting of residuary powers which it would leave with the Provincial legislatures.

For a correct appreciation of the precise attitude of the Muslim League as a body towards the Nehru Report it is necessary to refer here briefly to certain important events which happened before and after the Convention.

A meeting of the Council of the Muslim League was held at Lucknow in November 1928, Mr. M. A. Jinnah presiding. The three principal items on the agenda of the meeting were:

1. Consideration of the Nehru Report.
2. Fixing the date and place of the next annual session of the League.
3. The election of the President of the annual session.

On the first item there was a resolution by Maulana Zafar Ali appreciating the work done by the All Parties Committee and recommending the adoption of their report in principle on the solution of the communal problem. The earlier part of the resolution was adopted at the meeting but the latter part was ruled out of order by reason of the previous appointment of a com-

mittee by the last annual session of the League to confer with the other parties on communal matters. The consideration of the Nehru Report was therefore held over till the meeting of the next annual session in December 1928. By this time a sharp difference of opinion as to the Nehru Report had manifested itself among the members of the Council of the League. One section headed by the Maharaja of Mahmudabad was in support of the Report while the other headed by Maulana Shaukat Ali and Maulvi Shafi Daudi was against it. Each section nominated a president of the forthcoming annual session and the two names put to vote were those of the Maharaja of Mahmudabad and Maulana Mohammad Ali. The former was elected by a large majority, the voting being 42 to 17. This may be taken as a clear indication of the support which the Nehru Committee Report had found in the Council of the Muslim League.

Then came the annual session at which the League participated in the proceedings of the Convention as described above. It will be seen from the resolution of the League quoted at the commencement of this section that the delegates sent to the Convention were to "report the result of their labour to the League by the 28th or 29th for the League to take its decision thereon." After the discussion of the Muslim League proposals at the Convention on the 28th the subjects Committee of the League met on the 29th December when 3 resolutions were tabled to be recommended to the League for adoption. They were to the effect:

- (1) that the Nehru Committee Report be accepted subject to modifications proposed by the delegates of the Muslim League at the Convention;
- (2) that the League cannot accept the Nehru Report until the said modifications are made;
- (3) that the Nehru Report be accepted subject to the amendment of Clause 13-A by defining and restricting "emergency" to mean "war or rebellion."

The proposed resolutions were discussed till 3 o'clock of the morning of the 30th December without any decision being arrived

at. The League met in open session at ten o'clock the same morning but there was a thin attendance at the meeting owing in part to the late sitting of the Subjects Committee and in part to the meeting of the Convention being held at the same hour. After some formal business the President (Mr. M. A. Jinnah) postponed the session *sine die* with the addendum that a special session would be called in May.

It may be observed that there was no suggestion either at the Subjects Committee or the open session that the Nehru Report was open to any objection other than the four points which were not accepted by the Convention. Having regard to the nature of those points it may safely be said that both sections of the Muslim League, the Nehru Committee and the Convention were agreed on fundamentals.

The Special session of the League was called at the end of March instead of May and an effort was made to induce the party led by Sir Mohammad Shafi who had seceded from the League in 1927 to rejoin. This attempt however failed. The Subjects Committee was elected on the morning of the 30th March and met the same afternoon when a section consisting of Mr. Mohammad Yakub, M.L.A., the Ali brothers and 15 or 16 others walked out. On the 31st March while the Subjects Committee was sitting Mr. Jinnah left the meeting after inducting Mr. Shah Mohamad Zubair into the chair. The following resolution moved by Mr. Abdur Rahman Ghazi (Punjab) which had been the subject of long and heated discussion was passed while Mr. Shah Mohamad Zubair was in the Chair by 77 votes against 7:—

“(1) Whereas the complete boycott of the Simon Commission by the Muslim League, as by all other political organisations in the country, necessitated the formulation of an agreed constitution by the people of India for India;

“(2) and whereas the basic idea, with which the All Parties Conference and Convention were summoned at Lucknow and Calcutta respectively, was that a con-

stitution be formulated, accepted and ratified by the foremost political organisations in the country as a national pact, and

- “(3) whereas the decisions of the All Parties Convention of Calcutta embody in principle the majority of the demands of Moslems contained in the Delhi proposals and the resolutions of the Calcutta session of the League of 1927 and thus pave the way for political re-approachment of the various communities of India.

“This meeting of the All India Muslim League accepts the decisions of the All Parties Convention held at Calcutta in 1928 as the common national demand of India as against the British Government.

“In regard to the settlement of inter-communal differences it records its approval of the principles underlying the decisions of the said Convention subject to the following modifications:—

- (1) That one-third of the elected representatives of both Houses of the Central Legislature should be Moslems.
- (2) That in the Punjab and Bengal, in the event of adult suffrage not being established, the voting ratio of Moslems should be in accordance with their population in the provinces.
- (3) Section 13(A) of the Nehru Report should read as follows:—

“That in case of war or rebellion alone the Central Government and Parliament shall have the powers, necessary and ancillary, to suspend or annul the act, executive or legislative of a Provincial Government.”

- (4) That divisions of subjects in Schedules I and II of the Nehru Report should be revised so as to make the provinces as fully autonomous as possible.
- (5) That Moslem law, as at present recognised by the Indian Courts, shall not be amended or interfered

with by means of any legislation in the central or provincial legislatures except by a majority of Moslem members of these legislatures.”

The open session met immediately after the above resolution was adopted by the Subjects Committee and Dr. Mohammad Alam was elected to the chair in the absence of Mr. Jinnah. There was a large influx of visitors and great confusion followed. Accounts differ as to whether the resolution was actually passed by the open session or not. But in view of the confusion described in the newspapers as a “pandemonium” it would be unsafe to rely upon either account. The fact however remains that the resolution was adopted by an overwhelming majority of the Subjects Committee and no open session of the Muslim League has since been held. Mr. Jinnah returned to the meeting in the midst of confusion and declared the session adjourned *sine die*. As regards the respective voting strength of the supporters and opposers of Ghazi Abdur Rahman’s resolution the following figures given by the Chairman the Hon’ble Shah Muhammad Zubair to the Free Press and published at the time in the newspapers will be found interesting:

	Present	Supporters	Opposers
Council of the League	69	41	28
Subject Committee of the League ..	144	90	54
Open Session of the League	215	127	88

These figures were first published on April 14 and have not been challenged since.

It is noteworthy that before the Convention was held in Calcutta the Provincial Committees of the Muslim League in the Punjab, Behar, Bengal and Bombay had considered the Nehru Report. The first three of these had accorded to it their full support while the fourth dominated by Maulana Shaukat Ali had declared it unacceptable.

It is only fair to note that a counter-movement was started against the Nehru Report during the Simla session of the Assembly which culminated in a meeting of the so-called “All Parties

Muslim Conference" held in Delhi, on January 1, 1929 with His Highness the Aga Khan as Chairman. The organisers and promoters of this meeting were certain Musalman members of the Assembly and the Provincial Councils and it was subsequently joined by those who constituted the minority at the meetings of the Central Khilafat Committee and the Muslim League held during the previous week in Calcutta, though the latter had formally dissociated itself from this "All Parties Muslim Conference." A long resolution was passed at this Conference which among other matters more or less unobjectionable stressed the following:—

- (a) the continuance of separate electorates;
- (b) the securing to Musalmans their "due" share in the Central and Provincial Cabinets;
- (c) the adoption of a "plan" securing the election of Musalmans in a majority in Provinces where they constitute a majority of the population;
- (d) the continuation of the present excessive representation of Musalmans in Provinces where they constitute a minority of the population;
- (e) securing to Musalmans their "adequate share" in all services of the State and on all Statutory and self-governing bodies.

So that the ideal democratic Government according to this Conference is one in which not only the representative bodies but also the Cabinet and all services should be composed of definite proportions of the communities professing different religions in India. Further comment is superfluous.

The result is that the principle of the communal solution proposed by the Nehru Report and accepted by the Convention has received the support of a large majority of the two premier Muslim organisations in India viz., the Muslim League and the Central Khilafat Committee besides the numerous other organisation represented at the Convention with the solitary exception of the Sikhs. The Muslim opponents of the Nehru Report claim that

they represent the true Muslim opinion in the country. The surest test of their claim was a general election on the sole issue of the Nehru Report. While the supporters of that Report have unanimously protested against the postponement of the general elections by the Viceroy and the Governors of the various Provinces the opponents of that report have received the order of the postponement with extreme satisfaction verging on gratefulness to the Government. The reason is obvious. They are afraid to go before the Electorates.

The Sikh Question

This question was considered on the 6th day of the Convention. At the meeting of the Sub-committee appointed to confer with the delegates from the Muslim League the Central Sikh League was represented. A proposal was made on their behalf that 30 per cent of elective seats in the Punjab be reserved for them. It is obvious that any such reservation besides being in direct conflict with the basis of the communal settlement adopted by the Convention would have disturbed the Punjab pact incorporated in the Nehru Report by the Convention. The Committee were therefore unable to make any recommendations about it.

Another proposal to reserve 11 per cent of the seats representing the proportion of Sikhs in the population of the Punjab with the right to contest additional seats was discussed but negatived as it was not acceptable even to the Sikhs.

At the open session of the Convention Sardar Mahtab Singh moved a resolution to the effect that communalism should not be recognised in any form direct or indirect in the future constitution of India. The proposition was too widely stated and having regard to the acceptance by the Convention of reservation of seats for Muslim minorities was clearly out of order. It was ruled out accordingly. The members of the Central Sikh League thereupon left the Convention.

Sardar Gurdoyal Singh then read a statement according full support to Nehru Report on behalf of the Namdhari Sikhs.

After the withdrawal of the Central Sikh League a resolution was proposed by Mr. Ralia Ram (Indian Christian) suggesting that the Sikh minority in the Punjab, North-West Frontier Province and Baluchistan be given the same privilege in matters of representation as other communities are given in the Provinces where they are in a minority. After a full discussion this resolution was rejected by a large majority.

It is unfortunate that no settlement of the Sikh question with their consent was possible at the Convention but there is every reason to hope that a satisfactory solution will be found in the near future.

4—INDIAN STATES

The question of Indian States was considered on the 8th day of the Convention. There were two proposals before the Convention, one recommended by the Nehru Committee and the other moved as a resolution by Mr. Satyamurti on behalf of the South Indian States Subjects Conference. While these proposals were being discussed it was felt that no satisfactory decision could be taken without consulting the Princes and the peoples of the Indian States. Mr. Manilal Kothari moved that the Princes and the peoples of Indian States be invited on behalf of the Convention to appoint representatives to confer with the Committee of the Convention on the question of the Constitutional position and status of Indian States in the future Commonwealth of India.

Mr. Kothari also proposed that the Committee representing the Convention should consist of Pandit Motilal Nehru, Mr. M. R. Jayakar, Pandit Madan Mohan Malaviya, Sir Tej Bahadur Sapru, Sir Ali Imam, Mr. Satyamurti, Sardar Sardul Singh, Dr. M. A. Ansari, Diwan Ramchandra Rao and the mover. This resolution found general support and was carried. The invitation contained in it stands and a favourable response is awaited.

Convention Adjourned sine die

During the eight days that the Convention was in session much solid work was accomplished but it was neither possible nor

necessary to continue the Convention. As a result of the informal discussion between members of the Convention the following agreed resolution was proposed by Mahatma Gandhi and accepted by the Convention:

“The Convention is of opinion that the resolutions it has already passed on the recommendations of the All Parties Committee contained in clauses 1 to 6 of their Report sufficiently indicate the will of the nation as to the nature and the main principles of the constitution acceptable to it and is further of opinion that except on points on which notes of dissent have been recorded at the instance of some of the parties present there is a general agreement on the basis of solution of communal problem recommended by the said committee. This Convention adjourns *sine die* to meet when necessary for completing its work.”

The Convention then adjourned *sine die*.

5—THE NET RESULT .

As against the British Government all parties in India are united in demanding the same constitutional status for India as is enjoyed by the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State with a Parliament having powers to make laws for the peace, order and good government of India and an Executive responsible to that Parliament.

As between themselves the representatives of All Parties have broken the back of the communal problem by important and far-reaching agreements on fundamental rights of citizenship, universal adult suffrage and abolition of communal electorates. The matters that still remain unadjusted are more or less matters of detail and will adjust themselves in no time once the Government accepts unequivocally the right of India to the immediate establishment of the Dominion form of Government.

As between the Indian Princes and the people of India there is really no difference on any question of principle. The Indian Princes have expressed their fullest sympathy with the demand of

full responsible Government in British India. As regards the people of their own states they have come to realise that the present autocratic form of Government in the States cannot exist side by side with the Dominion form of Government on their borders. All that the Princes can reasonably claim are their rights and privileges as Rulers of which neither the people of the British India today nor the people of the Indian States have any intention to deprive them so far as they are consistent with the rights of free citizenship. The relations of the Princes with the people of India generally can be easily adjusted by a joint Conference to which they have been invited by the Convention.

In the presence of all these factors making for peace and goodwill between the two countries the principal parties concerned are busy making their preparations in the opposite directions—the Government to force the Report when made of the boycotted and discredited Simon Commission upon India; the Indian National Congress to start its campaign of non-violent non-co-operation after January 1, 1930. The future is on the knees of gods.

Rafi Ahmad Kidwai
Secretary

19th July 1929

AMENDED CLAUSES

Clause 3

Definition of citizen

3. The word "citizen" wherever it occurs in this Constitution means every person

- (a) who was born or whose father was either born or naturalised, within the territorial limits of the Commonwealth and has not been naturalised as a citizen of any other country;
- (b) who being subject of an Indian State ordinarily carries on business or resides in the territories of the Commonwealth; or
- (c) who, being a subject of the Crown carries on business or resides in the territories of the Commonwealth *and fulfils the qualifications prescribed by the Parliament for the exercise of the rights of citizenship*; or
- (d) who is naturalised in the Commonwealth under the law in force for the time being.

Explanation—No person who is a citizen of a foreign country can be a citizen of the Commonwealth unless he renounces the citizenship of such foreign country in the manner prescribed by the law.

Clause 4

Fundamental Rights

4. (i) All powers of government and all authority, legislative, executive and judicial, are derived from the people and the same shall be exercised in the Commonwealth of India through the organisations established by or under, and in due process of this constitution.

(ii) No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law. All titles to private and personal property lawfully acquired and enjoyed at the establishment of the Commonwealth are hereby guaranteed.

(iii) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person.

(iv) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or

unions, is hereby guaranteed for purposes not opposed to public order or morality.

(v) All citizens in the Commonwealth of India 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. Provided that adequate provision shall be made by the State for imparting public instruction in primary schools to the children of members of minorities of considerable strength in the population through the medium of their own language and in such script as is in vogue among them.

- *Explanation*—This provision will not prevent the State from making the teaching of the language of the Commonwealth obligatory in the said schools.

(vi) All citizens are equal before the law and possess equal civic rights.

(vii) There shall be no penal law whether substantive or procedural of a discriminative nature.

(viii) No person shall be punished for any act which was not punishable under the law at the time it was committed.

(ix) No corporal punishment or other punishment involving torture of any kind shall be lawful *and no capital punishment shall be awarded for any offence in the Commonwealth of India.*

(x) Every citizen shall have the right to a writ of *habeas corpus*. Such right may be suspended in case of war or rebellion by an Act of the central legislature, or, if the legislature is not in session, by the Governor-General-in-Council, and in such case he shall report the suspension to the legislature, at the earliest possible opportunity for such action as it may deem fit.

(xi) There shall be no state religion for the Commonwealth of India or for any province in the Commonwealth, nor shall the state either directly or indirectly endow any religion or give any preference or impose any disability on account of religious belief or religious status.

(xii) No person attending any school receiving state aid or other public money shall be compelled to attend the religious instruction that may be given in the school.

4. (xiii) No person shall by reason of his religion, caste or creed be prejudiced *or be given preference to* in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.

(xiv) All citizens have equal right of access to, and use of,

public roads, public wells and all other places of public resort.

(xv) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to everyone and of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.

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

(xvii) Parliament shall make suitable laws for the maintenance of health and fitness for work of all citizens, securing of a living wage for every worker *and present*, the protection of motherhood, welfare of children, and the economic consequences of old age, infirmity and unemployment and Parliament shall also make laws to ensure fair rent and fixity and permanence of tenure to agricultural tenants. *It shall be the duty of the Commonwealth to save its citizens from the evils and temptations of alcoholic and intoxicating drugs and to this end it shall as soon as possible make laws for the total prohibition of manufactures, import, possession or sale of alcoholic liquors and intoxicating drugs except for medicinal or industrial purposes.*

(xviii) Every citizen shall have the right to keep and bear arms in accordance with regulations made in that behalf.

(xix) Men and women shall have equal rights as citizens.

(xx) *All Courts of law in whichever part of the Commonwealth established, shall be within the jurisdiction, appellate and administrative of some High Court of Judicature established by Letters Patent.*

Clause 87

87. Parliament may by law repeal or alter any of the provisions of the Constitution. *Provided that the Bill embodying such repeal or alteration shall be passed by both the Houses of Parliament separately by a majority of 4/5ths of those present and then by both the Houses at a Joint Sitting by a majority of 4/5ths of those present.*

Communal representation

I. There shall be joint mixed electorates throughout India for the House of Representatives and the provincial legislatures.

II. There shall be no reservation of seats for the House of Representatives except for Muslims in provinces where they are in a minority and non-Muslims in the N.-W. F. Province. Such reservation will be in strict proportion to the Muslim population in every province where they are in a minority and in proportion to the non-Muslim population in N.-W. F. Province. The Muslims or non-Muslims where reservation is

allowed to them shall have the right to contest additional seats.

III. In the provinces,

(a) there shall be no reservation of seats for any community in the Punjab and Bengal. *Provided further that the question of communal representation will be open for reconsideration if so desired by any community after working the recommended system for 10 years,*

(b) in provinces other than the Punjab and Bengal there will be reservation of seats for Muslim minorities on population basis with the right to contest additional seats;

(c) in the N.-W. F. Province there shall be similar reservation of seats for non-Muslims with the right to contest other seats.

IV. Reservation of seats, where allowed, shall be for a fixed period of ten years. *Provided that the question will be open for reconsideration after the expiration of that period if so desired by any community.*

Redistribution and status of provinces

V. Simultaneously with the establishment of Government under this constitution Sind shall be separated from Bombay and constituted into a separate province.

Provided

(1) *after an enquiry it is found*

(a) *that Sind is financially self-supporting, or*

(b) *in the event of its being found that it is not financially self-supporting, on the scheme of separation being laid before the people of Sind with its financial and administrative aspects, the majority of the inhabitants favour the scheme and express their readiness to bear the financial responsibility of the new arrangement;*

(2) *that the form of Government in Sind shall be the same as in the other provinces under the Constitution:*

(3) *that the non-Muslim minority in Sind shall be given the same privileges in the matter of representation in the Provincial and Central Legislatures as the Muslim minorities are given under this Constitution in areas where they are in a minority.*

VI. The N.-W. F. Province, *Baluchistan*, and all newly formed provinces by separation from other provinces, shall have the same form of government as the other provinces in India.

THE PROCEEDINGS
OF
ALL PARTIES NATIONAL CONVENTION

First Day—December 22; 1928

The All Parties National Convention opened its session in a specially erected pandal on Congress grounds, Deshbandhunagar, Calcutta, on December 22, 1928. A full list of the organisations represented is given on page one of this report.

A number of messages were received from delegates who were unable to be present expressing their inability to attend and sending their good wishes to the Convention. A very large number of telegrams and letters were also received from all parts of the country and abroad, including one from the Chinese Patriotic League, Macas, South China, wishing success to the Convention.

The President of the Convention, Dr. M. A. Ansari took the chair at 3 P.M.

MR. J. M. SEN GUPTA

Mr. J. M. Sen Gupta, in welcoming the delegates on behalf of Bengal, said:—

Members of the Convention:

I wish that the duty of welcoming this Convention had fallen on shoulders other than mine. Here in this pandal are gathered together the very finest men that our country has produced; here are men who had fought many a battle; who had never shirked the call of duty, and who have made their country's cause the be-all and end-all of their existence.

To welcome you to your self-imposed task, I feel almost a presumption on my part, but I am heartened by the thought that I have the whole of Bengal behind me in according to you a most cordial welcome. (applause).

The search for unity has been with us a long and strenuous process. And I may be permitted to say that Bengal has generously contributed her share in this process. It was the late Sir Surendra Nath Banerji

(cheers) who gave our political efforts an all-India character; it was Bengal that gave to all India Bankim Chandra's *Bande-Mataram* as her national anthem; (hear, hear); lastly it was our revered leader Deshbandhu (applause), aided and inspired by Mahatma Gandhi, who for four years led the all-India struggle against the *de facto* government of this country.

Friends, in truth, if any province has risen above provincialism, above provincial interest and prejudice, Bengal may well claim to have achieved this. Bengal therefore, feels supremely happy that her capital city has been selected as the forum for the deliberation of this All Parties Convention. The object for which Deshbandhu worked till he laid down his life, I believe, is nearing completion. "Take care of the end, and the means will take care of themselves"; I think this was the motto in his life, and I have no doubt that the same motive will guide us in our deliberations for unity throughout this Convention.

There is one man whom we grievously miss today and I need hardly mention his name. The Lion of the Punjab sleeps. He did his share of the work, as in life, so in death; but he left his work unfinished. Let us mourn for him by taking up the work where he left it and in doing so show our respect to his advice and suggestion.

Friends, why are we met here today? It has been said to prepare a memorandum for the Simon Commission. A more infamous and unfounded charge or insinuation could never have been made. We are met here today to draw up a constitution for ourselves, to settle our own differences in order that we might stand as one body against our common enemy. We are here to discover a formula which will remove our divergency and enable us to carry on the struggle against the foreign government. The Simon Commission, I firmly believe, is in the nature of an offensive launched by the British people to scatter our forces, to expose our differences and if possible to make it difficult for us to fight them as one united nation. We must anticipate this offensive and before it is really on us we must pull ourselves together and remove what might make for friction and disunion. The Nehru Report is before you and I submit it to your consideration.

Friends, it has been said that the Constitution which is embodied in the Nehru Report is an imitation of the English or the Western Constitution. I deny the charge. It may be that in certain matters, in certain formalities, the Constitution that you are going to consider is similar to Western Constitution. There are certain formalities which have been accepted in the Constitution, but the two main principles upon which this Constitution is based are:—(1) of elective system and (2) of the system of federal government. So far as the principle of election is concerned, I need not tell you, that from the ancient time the principle of election, government

by election, has been known in India, in our village life. That is not borrowed from any Western country. So far as the constitution of a federal nature is concerned, can anyone in his senses charge us with the accumulated experience of the modern time if we apply this principle in evolving our own constitution?

Japan and other countries have copied the American form of constitution. The real thing we have done is to apply the modern experience and the old principle to the actual realities of the Indian situation. India's problem has been faced with the modern experience and the old principle for the purpose of evolving our Constitution. Nowhere in the world had there been such an attempt at constitution-making as you are doing this afternoon and for the days to follow.

The English people charge us that we are not united. They tell us that in their country they have evolved their constitution on the will of the people. May I ask them one question; when a few barons of their country exacted the Magna Charta from the unwilling hands of King John, was the populace behind them? Again may I remind them that so far as the French Constitution after the Revolution is concerned, that it was also the result of the activities of the Left Wing of the people of France. Nowhere in the world have we seen and are we likely to see any future constitution which is framed by every class of people making the body politic. The Hindus and Mahommedans, the classes and the masses, the peasants' representatives, representatives of men with vested interest, every conceivable community, every conceivable party making the community is represented here this afternoon. Nowhere in the world would you see such a body which represents all strata of society. Therefore, I say that so far as constitution is concerned, it is going to be considered by the representatives of all the different classes of the people of the country and for that reason it has the sanction of the masses behind it which could not be conceived in any other constitution of any other country.

I welcome you, friends, to this city of mine and I hope your deliberations would end in a united formula which would be a national asset to our country. (applause).

PRESIDENTIAL ADDRESS

Dr. M. A. Ansari then delivered the following address:—

Brother delegates of the Indian National Convention:

The All Parties Convention meets under the shadow of a national bereavement. Lala Rajpat Rai's Life was one continuous epic of courageous self-sacrifice in the cause of the country which, fitting enough, was ultimately crowned with a glory which is the pride of every patriot. The loss to the country and specially to the All Parties Conference which, during the closing days of his life, he was serving so efficiently through the membership

of the enlarged Nehru Committee, is irreparable. Although he did not live to see the fruition of the work, let us hope that we will prove ourselves worthy of the departed patriot by completing it here, for this is the best tribute that we, who are delegates to this Convention, can pay to his memory.

We have assembled in this National Convention to take a final decision on behalf of the whole country in regard to India's Constitution for the immediate future as drawn up by the Nehru Committee.

We have had, I am afraid, a little more than enough of discussions regarding the rights of minorities. Such instances can be multiplied to show that there is no unanimous acceptance of all individual recommendations of the Nehru Committee as separate and entirely unrelated entities. But, and this is what I want to stress as earnestly as I can, there are very few people in the country who are opposed, because they disagree with an article here or an article there, to the Constitution as a whole as the next immediate step. This is enough and the authors themselves did not expect anything more. Indeed in my humble view this is the whole justification of the draft constitution.

Looking at the matter from this point of view I am not surprised that there should have been throughout the country able criticisms and equally able defence of the goal which the Nehru Committee seeks to achieve in the name of all parties, moderate and extremist alike. At one stage there was, I confess, the danger of the controversy taking rather a serious turn. But this danger was promptly warded off, thanks to the patriotism and statesmanship of the leaders of the differing schools of thought. This was to be expected because the Nehru Committee draft, although it deals as it must have dealt by virtue of the very *raison detre* of the Committee, with the minimum, it has not deprived any body of persons from working for the maximum. That is why I, at any rate as a member of the Indian National Congress, owing allegiance to its goal of complete national independence, am prepared to give my support to the recommendations. I welcome the minimum in the first place because my own ideal is not thereby lowered, and secondly by doing so I am helping to secure united backing for sanctions that may be devised in order that India may win her freedom.

I appeal to Congressmen who believe in Independence to consider the question in this perspective. By accepting the draft we do not lose anything but we gain much.

The recommendations regarding the communal problem have been subjected to a keener examination which is admirable. But they have sometimes aroused in certain quarters protest, which I venture to say, is based on ignorance of the real import of the recommendations and on a confusion of rights of the minorities with the principles of representation.

Nobody can deny that the minorities have their rights and that these rights have been protected in other countries of the world. The draft constitution, I will venture to say, gives to the minorities of India more real and solid safeguards than have been granted by the League of Nations to racial minorities of any of the newly constituted states of Europe. But let us not be the victim of a constitutional fetish. "True safeguard of a minority", as a Committee of the League of Nations has recently observed, "is the good will of majority". It is not on privileges that a minority has succeeded in wringing from a majority but on its patriotism, public spirit and devotion to the country that its status and welfare depend. Nor must I fail to add a word of warning. Constitutional safeguards are bounties on inefficiency. The more a minority has of them the more will it need, and protected from the bracing spirit of free competition by charitable provisions of constitution, it will sink deeper and deeper into ignorance, fanaticism and sloth to be stifled ultimately by the very cords which had appeared to offer it a partial support. I am unable to understand the mentality which is not satisfied with what the draft constitution has given but would ask for more in a manner as if any denial involved the question of life and death. Let me, however, hope that this is only an exaggerated phase of the natural anxiety which will pass off as discussions in the Convention progress.

But as I have said, earlier reception of the country to the Report as a whole is very gratifying and encourages me to appeal to you with confidence to support it. It is true that you have been delegated by your organisations to represent their views here and in some cases to suggest what modifications or changes your organisations consider necessary from their own point of view. It is your duty to urge those views here but do not forget that there is also another aspect of your duty. If you have come to this Convention to press your own demands you have also come to accommodate the demands of others. The very fact that it is a gathering of the representatives of all parties holding different views means that the spirit of a sympathetic compromise is its first and the last postulate. Circumstances compel us to work in this spirit. For if we fail, we wreck the Constitution and the whole world which is watching us today will consider us a pack of bankrupt in statesmanship, imagination and earnestness of purpose; and we shall have rightly deserved their opinion. But the seriousness of the consequences will not be limited to the exposure of worthlessness. They are fraught with the danger to the nation itself. Rightly or wrongly Providence has put us, who have assembled here, in such a position that a false step will spell untold sufferings to the country and a right step will lay the foundation of our freedom. In our loyalty to our group or community let us not forget that we owe a higher allegiance to the country as a whole. Above all let us not forget for one

moment that during the ensuing discussions our national patriotism will be on trial. I pray to God that in the interest of the motherland every one of us may be granted courage to give and determination to resist temptation to take. After all what we give here as representatives of a section will come back to us as Indians.

Brother delegates of the Convention: We will be failing in our duty to our country and to organisations that have sent us here if we do not bring to our sacred task courage and charity of heart which the occasion demands. After several years of utter darkness characterised by the utmost confusion of aims and objects—a darkness in which a spectre of communal differences oppressed us like a terrible nightmare—the work of the Nehru Committee has at last heralded the dawn of a brighter day. You have critics and opponents to the right and to the left, an alien government that attempts to prolong its power by over emphasising and encouraging our religious differences, and a set of communalistic groups who are inspired by the gospel of mere bread and butter and prepared to degrade themselves by pandering to the behests of our alien rulers. But let us not exaggerate the importance of their subservient and cliquish wirepulling. It is on the decision of the National Convention alone that the future of India depends. With our hands here and now we shall plant the sacred tree. We have no reason to be afraid of communalists. Their days are numbered. Already a new generation is coming to the front to which differences between Hindus and Mussalmans are unknown and which will not and cannot think in communal terms. Our angle of vision has rapidly changed. Let us in recognition to this supremely important fact, bury our communal differences so deep beneath the earth that they may never rise again. And when this preliminary work has been done, we can proceed to lay foundations of that democratic edifice within which people of India can live and prosper for ages to come (prolonged and loud applause).

REPORT FORMALLY PRESENTED

Presenting the Report of the Committee, Pandit Motilal Nehru said:—

Sir,

I beg leave to present the Report of the Committee over which I had the honour to preside. I do not propose at this stage to enter into the details of that Report or expatiate upon any particular part of it. I think it will be time for that when the various recommendations that we are placing before the Convention will come up for consideration.

The services of the Committee will then be available for any information upon any particular point or any explanation that might be necessary. Friends, after what our President has said about the spirit in which we are

to consider these recommendations, I do not think I need say much. But I should like just to say one word about the position which my Committee claims for itself.

There has been considerable amount of misapprehension about that claim. The Committee claims nothing more nor less than what it deserves, namely, the position of a reporting Committee. It is not a law giving Committee whose report must be accepted as it is as if it were an Act of Legislature. What is being put before you is no more than certain recommendations of a Committee appointed at a meeting of the All Parties Conference—recommendations for adoption by this Convention.

We are not here to enforce these recommendations. We are not here to ask you to accept them whether you agree or not. We are here simply to put the best that is in us before you and to stand corrected by your decision. That is the position. Please do not for one moment think that we are putting this Report forward as a matter which is settled beyond dispute, or about the correctness of which there cannot be any question.

Even well settled constitutions carry no finality with them much less a mere draft whether prepared by an individual or a number of individuals collectively. It would be silly to claim that nothing better could be produced. On the contrary we have freely admitted in our Report that this is not a counsel of perfection. We have further admitted that there are in that Report recommendations which perhaps we might not have made, if left to ourselves, but what we claim for it is that having regard to the various interests in the country, the interests of the whole community, the rights of minorities and majorities and having regard to the experience of the past, the recommendations which we have made are according to the best of our judgment likely to bring about complete unity and harmony between all parties. If we have erred in any particular it is for you to correct us and adopt the correct view; but I ask you most earnestly not to confine yourselves to any single point here and there and argue upon the merits of that point alone without reference to the bearing it has on the whole scheme. You will find, I suppose, you have found, because I take it you have studied the Report, that it is a complete organism. It is a complete structure and if you pull out one brick it is likely to tumble down to the earth. When you examine the various points and recommendations, please also consider what would be the effect of your modifying any one of them upon the scheme as a whole. That is the most important thing.

One thing more I beg of you to remember. Apart from the generous spirit in which the President has asked you to consider the Report as a whole, you have to see that you are not, by laying too much emphasis and insistence upon some right, real or imaginary, striking at the very foundation of this structure. When an individual right conflicts with that

of the community as a whole the only thing to do is to give it up. If you think that there is anything in these recommendations which makes for disunity and not for unity, by all means scrap it. This Constitution is not a patent which we have taken out and which is not to be modified by any one else or which cannot be improved upon. You are at liberty to scrape the whole of it provided you find an alternative. But if you cannot find an alternative, if nothing better can be discovered, I beg of you to accept it.

PRESIDENT'S ANNOUNCEMENT OF PROCEDURE

The President then made the following announcement regarding the procedure to be followed in conducting the proceedings of the Convention:—

Recommendations of the Nehru Committee Report have been available to all parties for sometime past. I expect that they have been considered by all those who are attending the Convention either as representatives of parties or in their individual capacity. I shall expect the proposed amendments to the Reports to be handed in at the office of the Convention by 12 noon tomorrow. No amendments will be received after tomorrow's sitting has begun. All the amendments so handed in will be classified and arranged under suitable heads and taken up in the order which I find most convenient for the dispatch of business.

The agenda for tomorrow will be prepared on the basis of the suggestions and amendments already received and will be available to members at the commencement of tomorrow's proceedings.

After an amendment has been sufficiently discussed I will take the sense of the Convention by a show of hands; if the voting is unanimous the result will be recorded and we shall proceed to the next item on the agenda. But if the proposition before the house is either carried or defeated by a majority I will ask if any party as such is opposed to the vote of the majority thus ascertained. If any member says that the party he represents is opposed to the vote and no other member of the same party disputes that allegation I will have the dissent of the party recorded and proceed to the next item. But if two or more members of the same party differ

as to what is the real opinion of their party I will ask the representatives of that party to decide the question among themselves. If they are unable to do so then and there I will allow them such time as they may desire, to enable them to meet and discuss the matter. In this case the sense of the Convention, ascertained in the manner I have described above, will be recorded and a note will be made that such and such party has been allowed time to consider the question further and communicate to the Convention the opinion of the majority of the representatives of that party. The opinion so communicated will be recorded.

After the above announcement by the President, the Convention was adjourned till December 23, 1928.

THE PROCEEDINGS
OF
ALL PARTIES NATIONAL CONVENTION

Second Day—December 23

The Convention met at 2 P.M. with Dr. M. A. Ansari in the chair.

MR. J. M. SEN GUPTA

Mr. J. M. Sen Gupta moved the following resolution:—

“This Convention adopts the following recommendations of the Report of the Nehru Committee:—

“India shall have the same constitutional status in the community of nations, known as the British Empire, as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South African and the Irish Free State, with a Parliament having powers to make laws for the peace, order and good government of India, and an executive responsible to that Parliament; and shall be styled and known as the Commonwealth of India.”

I wish that every party in the country had come under the jurisdiction of the Indian National Congress: for in that case it would not have been necessary to have this National Convention. It would not have been necessary to create a new body and give that body freedom with regard to certain objective; but unfortunately we have to admit that there are men in this Convention who do not accept the goal of Independence as India's goal. Because of the necessity of putting forward a united front to the new offensive of the British people who have sent out the Simon Commission, we have to see that we must find a constitution which would be acceptable to all, Liberals and Moderates, Hindus and Mahomedans in short, to all classes of people constituting the body-politic. The object underlying the Commission is to establish more firmly the British Administration in this country and this Convention was created to put forward a united front.

I believe that the real salvation of India lies in the severance of British

connection but I am a practical man. Whatever political strength we have got we must conserve it. We cannot allow the Simon Seven to go back to England triumphant. Do you want that? Or do you want your strength to be conserved and brought together under one head? I want a clear answer.

It has been asked why the constitution has been based on Dominion Status. Before answering it I may state that so far as I am concerned I want a constitution based on Independence. And I also believe that the adoption of Dominion Status in this Convention does not in any way interfere with the ideals of those who believe in Independence. If after calling this Convention, the Congressmen press their standpoint in the form of a constitution for Independence, may I ask you what would be the result? That is the point I want to emphasise on you all and I have not the slightest doubt that if the Congressmen press their own point of view, there would be an end of this Convention, of the unity which this Convention represents. I wish that time might come when all parties would unite on the basis of Independence but unfortunately that is not the case. As practical men, we must take stock of the reality of the situation.

It has been further asked, can you base your constitution on Dominion Status and work for Independence? Is that logically possible? I say it is. But the proper question is this. Is this constitution such a thing which would hamper you in your fight for complete Independence? I say it would not. On the contrary it would help you, because you will have the united nation behind your back, and further because it will show that when faced with a crisis Indians know how to unite. On the other hand if every school of political thought press their own view point the very purpose of this Convention would be defeated. Let us agree for the sake of unity in this Convention to this constitution. This resolution has been very properly placed before you for your consideration; for on its decision depends whether this Convention is to go on or not, whether the British policy so far pursued would end or it would be strengthened. (applause).

MR. YAKUB HASSAN

Mr. Yakub Hassan, (Madras), in seconding Mr. J. M. Sen Gupta's resolution said:—

“My non-co-operation colleagues need not be surprised at my attitude as I wish to have a real fight and not a sham fight. We have under Gandhiji's guidance declared that we shall not use violence, I have not arms to fight for Independence, but I have got strength enough to fight constitutionally for Dominion Status. (cheers and counter cheers). I want to fight on a clear issue. We want connection with Great Britain on terms of equality alone (hear, hear). But my friends who want

Independence, why should they have any constitution at all? There will be time enough for a constitution after they gain Independence. Let us, as practical men, take stock of the real facts. The Hindus who wish to fight for Independence, do they realise that they have with them Muslims who are communalists? If the Muslims are serious about Independence, why do they worry and fight about the rights of minorities in the constitution? Why cannot they trust the Hindus? On the other hand, it is they who whatever their professions really wish the British to remain here for ever, to keep peace between the Hindus and Muslims. (applause).

Similarly, those Hindus who declare that Mahomedans have extra-territorial sympathy and fear that after the British Raj goes, Muslim Raj would come, have no right to work for Independence. Then, there are the Indian States. Are they going to fight with you to drive away the British. Our ideal can only be realised if we make Dominion Status our issue.

I am earnest in saying that I am willing to remain a member of the British Commonwealth on terms of equality, for I know that the day India becomes an equal member of the British Empire, the Empire itself would cease to exist, and India having 300 million people would have a stronger voice in the Commonwealth than Great Britain herself. I am not with those who declare that Dominion Status should be a stepping stone to Independence (hear, hear). On a practical basis I want to make Dominion Status our immediate goal, and concentrate all our forces for attaining that object, instead of fighting the air". (applause).

The President then invited discussion.

Mr. S. Srinivas Iyengar read out a statement on behalf of the Independence for India League.

The full text of the statement is printed in Appendix A (1). The statement was noted and placed on record of proceedings.

The President then called upon Mr. Daud of the Trade Union Congress to address the Convention.

MR. M. DAUD

Mr. Daud Said:—

The Trade Union Congress had sent me with a mandate to place their demands before the Convention for a socialistic republican form of government and nationalisation of industry. I place the resolution passed by Jharia Congress on the subject before the convention and hope it will receive consideration.

"The All India Trade Union Congress, in its session held at Jharia on December 18, 19 and 20, under the presidentship of Mr. M. Daud, M.A. B.L., passed the following resolution to be

placed before the All Parties Convention, Calcutta:—

“This Congress formulates the following basis for the Constitution of India to be placed before the All Parties Convention, as our demand:—

- (1) Socialistic Republican Government of the Working class.
- (2) Abolition of Indian States and Socialistic Republican Government in those places.
- (3) Nationalisation of Industries and land.
- (4) Universal adult franchise.
- (5) Free compulsory primary education.
- (6) Freedom of speech.
- (7) Right to work and maintenance and provision for social and unemployment insurance including maternity benefits.
- (8) Non-enactment of repressive and reactionary labour legislation should be guaranteed.
- (9) Protection of general labour interests.
- (10) This Congress elects the members of its Constitution Committee, one member from each affiliated Union and Mr. R. R. Bakhale—the total not exceeding 50—as its Delegation to the All Parties Convention to be held at Calcutta and instructs it to present the above programme to the Convention and take no further part in its proceedings if that programme is not accepted”.

Mahatma Gandhi arrived at this stage and was given a great ovation by the entire audience rising as he entered the pandal and shouting ‘Mahatma Gandhi ki Jai’.

Rai Sahib Chandrika Prasad then made a statement as an ex-president of the Trade Union Congress and Railwaymen’s Federation declaring that the majority of the Trade Unionists were in favour of the Nehru Report.

A number of Labourites in the audience challenged Mr. Chandrika Prasad’s authority to speak on behalf of the Trade Unionists whereupon he replied that he was speaking in his personal capacity and was prepared to take the consequences of his action. He was, however, continuously interrupted and had to resume his seat.

MAULANA MOHAMED ALI

Maulana Mohamed Ali opposed the resolution moved by Mr. Sen Gupta. He asked when Mr. Sen Gupta said he accepted the Independence as goal of India why should he have moved this

resolution and not any of those Dominion Statuswallahs who were behind him. Could they not find any solitary individual in that group with the courage of dependence to preach Dominion Status not only as a stepping stone as Mr. Yakub Hasan said but for ever and anon? He asked could they defeat the forces of the Simon Seven by a policy of defeatism or by flying the Union Jack?

Mangal Singh—What about your banner of communal representation?

Mohamed Ali—I am coming to that.

Maulana Mohamed Ali criticised the psychology of those who argued that Dominion Status was only a temporary phase and that afterwards they could claim Independence. He described this as a policy of coward and not of the fighter. He praised the Nehru Committee for their excellent report but he objected to it on this and certain other essential points. Firstly, he objected to Dominion Status because that status could have application only in a country of the white people and not to this country of 320 million black people. Nowhere in the world was any Asiatic particularly Indian, more looked down upon than in Britain, the centre of British Empire.

Pandit Moti Lal at this stage explained this was contradiction in terms and that if they got Dominion Status they must be treated on a level with the people of the self-governing dominions.

Maulana Mohamed Ali denied this and speaking from his recent experience in England and other countries he said Dominion Status might be very good on paper but when it was being applied there would be a world of difference between the people of Canada or South Africa and India. He asked did not Indians in South Africa have Dominion Status and what was their position.

There were cries of 'no' when Mr. Mohamed Ali averred that South African Indians had Dominion Status.

At this stage Mr. P. K. Chakarbarti asked Maulana Mohamed Ali to withdraw the word 'coward' in respect of Mr. Sen Gupta. Maulana Mohamed Ali declined and explained that he wanted Mr. Sen Gupta with his creed of independence not to become a coward.

All the same Mr. Chakrabarti and others pressed for the withdrawal of what they termed unparliamentary expression. Confusion reigned for sometime but order was soon restored.

Maulana Mohamed Ali proceeding emphasised that Dominion Status might be used differently in India and against the interests of India and reminded them of veto powers of the Viceroy. He also urged the Convention to leave Indian States out of the consideration and refused to accept Pandit Malaviya as representative of the Indian States. On the communal question also he said he was not representing anybody but himself. He was present in Convention not as a Moslem Leaguer or Trade Unionist nor even as ex-President of the Congress but only as a Member of the All-India Congress Committee. He asked for no Constitution except for one article namely that India shall be free and independent. "I don't ask for Dominion Status under British nor under Hindus nor under Mussalmans nor under Turkey or Afghanistan but I want freedom for myself and my country. (A voice what about Patna and Cawnpore).

Mr. Prakasam—Did you not petition the Viceroy ?

Maulana Mohamed Ali replied—No, I have not taken even the oath of fealty which you have done and which Mr. Srinivasa Iyengar can somehow justify (laughter). In order to get rid of the British domination over India if there is no alternative except Dominion Status under Hindus then and only then I shall accept it for myself. There will be communalism so long as there is no independence. I accept Mahatma's dictum, 'within the Empire if possible and without the Empire if necessary.'

Maulana Mohamed Ali would stick to this dictum as long as possible but he had already found that Independence was necessary. He said so from his recent experience in London.

DR. ALAM

Dr. Mohammad Alam of the Punjab was very much pained to see that the Maulana spoke for himself only and not for all of them. It had been said that they had gone under the influence of some Knights. But he could assure them that it were the Knights who

had come under their banner. But while the Maulana was away in England, his followers had gone under the banner of Sir Mohamad Shafi and Sir Abdur Rahim, who had been giving dinners to Simon Seven.

Proceeding he pointed out the difference between the speeches of Mr. Sen Gupta and the Maulana. Both of them wanted Independence, but as a practical man Mr. Sen Gupta had joined with others in claiming Dominion Status, while the Maulana would not accept it, and why? Dr. Alam then pointed that the word "shall" in the constitution was not obligatory and did not deter others from working for independence.

This acceptance of Dominion Status, concluded Dr. Alam, was the last offer on their part to the British people to keep their connection with India. It constituted the last offer on the part of those of our countrymen who thought that the English people were sympathetic to them. If this was not granted, then they would have to work further with the Congressmen and not to go back to the banner of Sir Mohammad Shafi. This was the last word, he thought, for after this, they were not going to agree to anything like Dominion Status.

MR. SATYAMURTI

Mr. Satyamurti said:—"I desire to add one more to the many statements that have already been made and to do so on behalf of the Madras Mahajan Sabha, the oldest political organisation in my province and the delegates of the All India States' Subject Conference. On behalf of these, I wish to associate myself with the statement read out by our leader, Mr. Srinivasa Iyengar. We agree that Independence can be the only basis for any constitution for India. Maulana Yakub Hasan asked: What about Indian States in South India? I know the feelings of the people of South Indian States. Speaking on their behalf, with a full sense of my responsibility I say Dominion Status connotes for them perpetual subjection to the puppet imperialism in this country of the Rajas of India. (a voice "why").

Mr. Satyamurti: "That is the fact. He who asks "Why"

must read something of the history of India. I can say that we feel we are slaves, with this difference, that unlike British Indians we are slaves to Indians. We therefore plump for Independence.

“One thing more I want to state. Public memories are short. Let me refresh them. The distinguished authors of the Nehru Report, including distinguished Liberals and other non-Congressmen, stated in categorical terms “our agreeing to Dominion Status as the basis of the constitution does not mean that Congressmen, much less the Congress itself, have agreed to alter or tone down the goal of Complete National Independence, and they retain the fullest right to work for independence according to their methods.” That was repeated at the Lucknow All Parties Conference in the words “without restricting in any manner the freedom of those who believe in independence to work for their goal.” I do not know why the liberty is taken away in the resolution now moved. I want you to mark, learn, and inwardly digest that change in position. There is no more an attempt to treat Dominion Status as a step to Independence. The issue is clear before you. Are you for Dominion Status or are you for Independence? The resolution, as it stands, and as commented on by Mr. Yakub Hasan does not recognise the liberty of those who are for it to work for independence. He does not look upon Dominion Status as a stage to independence. Therefore our conscience is clear. Dominion Status is not made the first step to independence and we can not agree to Dominion Status. If after this, uncharitable critics said that it was a reply to the Viceroy, he thought they would not be far from wrong. We believe that time is with us, and the Indian National Congress will justify us. We do not want to be responsible for any break up of the Convention, and therefore not without much hesitation but with a sense of responsibility we have agreed at great sacrifice to this. What we have decided is to associate ourselves with the statement of Mr. S. Iyengar and to desist from taking any part in this resolution fixing Dominion Status as their constitution. But we give the Convention and the country a fair warning that Independence is the only goal for which the

people of this country should work for.

PROFESSOR JITENDRA LAL BANERJI

Professor Jitendra Lal Banerji moved the following amendment:—

In the first article of the recommendations, omit all that follows the words "India shall" and substitute "take rank as a free nation among the free nations of the world"—so that the whole article will read.

"India shall take rank as a free nation among the free nations of the world".

Prof. J. L. Banerji attacked some of the arguments in favour of Dominion Status. Leaving the task of constitution making to the Constitution Pundits of the future, he said that both Mr. Sen Gupta and Mr. Yakub had laid stress upon the practicability of Dominion Status implying that while it was a practical idea, independence was not.

Not being a practical man himself, he could not appreciate the value of such an argument. Why was Dominion Status more practicable than Independence? Was it meant that it was easier to attain than Independence, and the Independence meant fighting the British government while Dominion Status could be granted to them out of generosity? If that was the attitude no grosser delusion could have been cherished in the mind of man. They should remember that even for attaining Dominion Status they would have to use coercion, and more so, it may be, in the case of Independence, and there is no other means available. Such being the case he failed to understand how Dominion Status was more practicable than Independence.

Rising on a point of personal explanation, Mr. Sen Gupta stated: "What I said was that as practical men we should first strive for unity. I know as much as Mr. Banerji does that they required force, coercion and strength in the country for the purpose of getting Dominion Status and perhaps greater force for independence".

Mr. J. L. Banerji maintained that it meant the same thing and

there was no need for Mr. Sen Gupta to contradict him.

Proceeding he said, great stress had been laid on the question of unity. The point could never be over-emphasised. But did they think that they would have unity even on the question of Dominion Status? The man who said that would be a very bold man. His reading of history showed that Independence was never attained by a united people (hear, hear). Wherever the battle of freedom had been fought it had been fought by an active minority (applause), and not by a united nation. It had been fought by a minority united in itself and never by a united nation. To say that 320 millions of people would unite and then press for Independence is to say what had never been done and then they would have to wait till the Greek Calends.

Dominion Status might be a practical idea for Canadians, Australians and other people who were akin to the English in race, tradition, blood, and culture but it could never be a practical proposition for India whose people had no common bond with the British. The only bond was the bond of servitude and inferiority. That being the case, how could they accept it from England and how could England give it to them? Their choice was plain. Was it Independence or dependence for ever.

The Viceroy had been telling them that those who talked of Independence were leading the country into a morass, evidently implying that Dominion Status was a broad highway and they had only to wait and it would be dropped into their mouths. He hoped nobody would be misled by this kind of talk. If Independence was a morass, in the eyes of the Viceroy, Dominion Status was equally so. As soon as they gave up their demand for Independence, they would have to remain where they were.

"Therefore I call upon you to think seriously over the matter. With you the decision must be not an act of the moment, but it would be a decision which will affect you, affect your descendants, your posterity and generations to come. For you the choice is plain and it remains to be seen what course you will adopt the straight and narrow and short path that leads to Independence

through much blood, many tears and through innumerable course of sufferings, or the broad beaten track that leads to Dominion Status, dependance and hell" (applause, cries of hear, hear).

DR. ANNIE BESANT

Dr. Annie Besant, supporting the resolution, said that she wished to clear one point and that was, Independence and Dominion Status meant practically the same thing. Dominion Status was complete Independence within the national territory. No outside power could interfere therein. Dominion Status meant that they would have their own army and navy and that was essential to the country desirous of winning freedom from another country not willing to grant it. That was why self-governing dominions could do as they liked.

That was the factor she wanted to bring to their notice. One point seemed to be an important factor in this respect and one which had not been mentioned in the speeches and that was there was another party to it namely England. What would be her attitude? That had not been thought of by anybody.

Proceeding she pointed out the analogy of Ireland and said that the difference between the Irish people and Indians was that while Ireland was determined to be free, they were not. If India desired to be free, she could be free. The change of attitude would be enough to bring Great Britain to her senses. They talked of independence amongst themselves but not one word had been mentioned as to how they were going to act for it.

In this connection she asked Indians to follow the Sinn Fein method. Let them set up a *parallel* Government in every village, taluq and district. Their people had a genius for self-government. But it must be self-government on their own traditional lines, and the English "Collector" must have no power to interfere. In fact, he would be replaced by the Indian officers.

The Self-Government Dominion was on an equality with Britain, save in foreign affairs, and a claim was being made now for a share in at least some of these in which they were involved, as in a

declaration of war. Canada has bluntly said that it would take no part in a future war, unless it had consented to it before it was declared. Canada has also its own representative in Washington and—the speaker thought—in Paris and Tokio.

MR. BEPIN CHANDRA PAL

Mr. Bepin Chandra Pal (Calcutta) in supporting the resolution said that if he were not absolutely convinced with what the Nehru report called Dominion Status as the goal of India's political aspiration and that if he were not convinced that this Dominion Status meant not only practically but also in theory in the constitution of the existing British Empire independence, complete and absolute, he would have voted against it and for independence. But they should remember that independence was not the absolute negation of dependence. The word 'independence' was a foreign word and its concept was also a foreign one. Their word was not 'independence' but "Swadhinata" which meant self-dependence and not independence. Every association limited the independence of the parties joining that association. This was the Convention of all political parties in India and the very fact that they had met together in that Convention did not take away their fundamental freedom but it limited their independence so far as common action in this Convention was concerned. The first thing that had struck him in this discussion between independence and Dominion Status was that those who talked of independence seemed to believe that there was no freedom in the association. Dominion Status was actually equality of partnership. That was their own language in 1906 when Dada-bhai Naoroji declared the meaning of Swaraj as Self-Government prevailing in the colonies and in the United Kingdom. When Mr. Naoroji laid down this ideal of Swaraj before them he did not mean isolated independence but equal partnership in a larger association.

In the Nehru Committee Report they had self-governing Dominion Status. In the first place the Commonwealth of Indian Parliament would like the Parliament of Great Britain or Parliament of Canada or other dominions be responsible to its own constituency for peace and order. The present Indian legislature was excluded

from responsibility for peace and order. When the Montagu Chelmsford reform were passing under criticism, they demanded they should be placed on the same footing as the Dominions and that their legislature should be responsible for peace and order. If they had done that and if the Indian Legislative Assembly had been responsible for peace and order and the Bengal Legislative Council had been responsible for the same, Lord Reading and Lord Lytton could not have passed Ordinances which they did because in that case the Parliament of India and the Parliament of Bengal would have been completely responsible for peace and order. He therefore thought that Independence and Dominion Status practically meant the same thing (cries of 'no, no'). It was a matter of constitutional history, it was a matter of fact and not a question of opinion. The fact was that self-governing Dominion Status was the same as independence.

(Voice—Why not accept the term 'independence' if there is no difference between the two?).

Mr. Pal then referred to the Faridpur speech of Deshbandhu Chittaranjan Das who declared that self-governing Dominion Status was not only practically better but ideally higher than isolated national independence. This was exactly what the speaker was trying to bring out.

MR. TARACHAND J. LALWANI

Mr. Tarachand J. Lalwani moved the following amendment:—
“WHEREAS the goal of the Indian people is full national independence, India cannot achieve true freedom without severance of British connection, and the people cannot enjoy the fruits of freedom without socialism, this Convention resolves that the constitution of India should only be based on full independence, and recommends that the necessary alternations in that behalf be made in the Nehru Report.”

He said that Dominion Status or independence could not be had merely by passing a resolution. They should never get until and unless they had taken direct action. The speaker cited Bardoli as an instance in support of his proposition and pointed out that it was the peasants and nobody else who could bring real Swaraj.

The speaker was of opinion that there was need for direct action in order to get independence which alone would dispel communalism. He was sorry that Trade Union Congress representatives without pressing their claim here merely read out a statement.

Doctor Pattabhi Seetaramaya came up to the rostrum to speak in support of independence.

Mr. Harisarvotama Rao drew the attention of the Chair to the fact that Dr. P. Seetaramaya was a signatory to the statement read out by Mr. Srinivasa Iyengar on behalf of the independence League wherein it was stated that they would take no part in the discussion as to the constitution and would confine themselves to the solution of the communal problem recommended by the Nehru Committee? The President asked Dr. Seetaramaya whether they had changed mind whereupon the Doctor retired from the rostrum.

SIR C. P. RAMASWAMI IYER .

Sir C. P. Ramaswami Iyer on behalf of the National Liberal Federation in support of Dominion Status, emphasised the need for unity. He asked: Was it not a fact that during the last twelve months the National cause had been enhanced in volume and intensity of expression by the unity which had been secured of all parties in regard to the Simon Commission? The attitude of men like Sir Ali Imam and Sir Tej Bahadur Sapru had profoundly modified the political situation in India. These might represent minority opinion, would it not be better to take them in the interests of national progress? And yet they were told in regard to Dominion Status that it was easier to attain than independence and therefore, they should not bother about concentration on Dominion Status, when with perhaps the same expenditure of energy they could achieve the other. His reply was there were many classes in this country who had not accepted Independence as their goal. The case of the landlords was enough. At the same time there were the people of Indian States who would not be allowed to go with Congressmen in British India if they talked of Independence; but might be allowed if they worked for Dominion Status. Then, there were the members of the Liberal

Federation. They might be numerically weak, but they believed that Dominion Status was in itself desirable, and would give everything that a proud and self-respecting nation would care to achieve—association on equal terms with the biggest community of nations.

Proceeding, Sir C. P. Ramaswami Aiyar said that by accepting Dominion Status, India would rise to the position occupied by Canada.

Maulana Mohamed Ali asked what would be the attitude of the Liberals if the constitution fell short of the demands of the Liberals.

Sir C. P. Ramaswami Aiyar retorted—I want you to let me know what would be your attitude, if the constitution falls short of Independence.

Maulana Mohamed Ali—We won't accept it.

Sir C. P. Ramaswami Aiyar—Equally so we won't. ("here, hear" and laughter.) I object to the mentality which suspects the *bona fides* of the Liberals. Why do you think that we would accept a thing which you would not accept? I want you to have the same trust in us as we have in you. (hear, hear.). We believe unlike you that Dominion Status is enough for any self-respecting nation. We are willing to pool our resources, insignificant though they may be, with yours, and work together for the common cause. I am asking for a spirit of mutual tolerance. There is a fair amount of agreement with regard to the Nehru Report framed on the basis of the union of several parties.

Here there was an inaudible interruption from Maulana Mohamed Ali at this stage to which Sir C. P. Ramaswami Aiyar replied: "I know this talk of killing and getting killed a little too much. Let us be realists, and face facts. We may not be heroes, but if you are going to kill and get killed then your place is not in this Convention, but somewhere else.

Maulana Mohamed Ali asked—Will you come to jail with us in the struggle?

Sir C. P. Ramaswami Aiyar—I treat this question as an insult. If that is the spirit in which you are going to work for Swaraj, it is

not worth getting. We, the Liberals, are commonplace men, but give us a chance to work with you and enable us to give the best of us to the advancement of the national cause in a spirit of mutual trust and toleration.

Swami Govindanand on behalf of the Swadhin Bharat Sangh read out a statement.

The full text of the statement is printed in Appendix A(2).

Mr. Ranchoredas Gandhi informed the House that All Parties Indian States Conference, the Kathiawar States Conference and the Bhavanagar States Conference had all unanimously supported the Nehru Report.

MR. C. Y. CHINTAMANI

Mr. C. Y. Chintamani on behalf of the Liberal Federation also supported the resolution. He said that he had come to the Convention because the Nehru Committee's Report as a whole was for the good of the country. If they were believers in perpetual dependence they would not have asked for Dominion Status but would be content with *status quo*. Dominion Status denoted a political position for India equivalent in all respects to independence. It was because they are advocates of freedom for the country and did not want any longer to be dependent upon or subject to England that they were giving their whole-hearted support to this resolution.

It has been argued that those who supported Dominion Status were actuated by a spirit of defeatism.

Maulana Mohamad Ali—On a point of order (cries of order, order, sit down).

Maulana Mohamad Ali—If this rabble is going on like this, I will go out.

(Voices:—You are also of the rabble).

Mr. Chintamani continuing said that he would not refer to the effect of argument on this point. As he listened to every word of Mr. Mohamad Ali with the care and attention which the word of any ex-president of the Indian National Congress deserved, he was speaking on the basis of his own understanding and not of the intention of the speaker.

Maulana Mohamad Ali—On a point of personal explanation, I did not say anything at all about the Liberal Federation or anybody else. I spoke about the psychology of Mr. J. M. Sen Gupta.

Mr. Chintamani—I submit I have not made any allegation against Mr. Mohamad Ali and I stand acquitted of having made any charge against him.

Proceeding the speaker said that Dominion Status was akin to national independence for all practical purposes for which the Nehru Report worked.

Whether national unity was desirable or was merely an expression of national weakness—upon this point he not only associated himself wholeheartedly with the arguments put before them by Sir C. P. Ramaswamy Aiyer, but he would go further and say that if they did not strive to the best of their power to achieve the maximum amount of national unity that was possible and exert a united pressure of the entire country seeking for political progress and for freedom from bondage upon their opponents whose organisation, whose strength, whose determination and whose selfishness was only too well known to them, they would get neither independence nor Dominion Status nor make any substantial move forward. The position of the National Convention ought in his opinion to be the position which Gokhale described as the position of an ambassador of the people of India. Let those members of the Indian National Congress who had thus belittled the value of national unity remember that the All Parties Conference was called at the instance of the National Congress itself and that it were the members of the Congress who are in the position of the hosts to the non-Congress men in order to achieve what they were struggling for, namely, freedom from bondage.

In conclusion, Mr. Chintamani said if this Convention were to throw out the Nehru Committee's recommendations as embodied in the resolution they would be doing the most incalculable injury which anybody of public men had done within living memory. He appealed to the House with all the earnestness he could command to ratify the most statesmanlike conclusions reached in the report and show it to every opponent of Indian national progress that Indians

could rise to the height of the occasion at this critical juncture.

MR. HARISARVOTTAM RAO

Mr. Harisarvottam Rao appealed to them to support Nehru Report and not make individual bids for leadership. They had failed to accept Gandhi's leadership in past let them not fail to follow Motilal's leadership.

SIR ALI IMAM

Sir Ali Imam rose amidst applause and said that he did not propose to enter into a discussion of the merits of Independence or Dominion Status nor would he go into the detailed examination of the report of the Nehru Committee. He did not think that there was any single individual present at the Convention who disputed the proposition that independence was a higher claim than Dominion Status. In theory they did not need to be convinced as to the obvious fact that independence was a higher ideal. Although he was theoretically convinced of the higher ideality of independence, he had gone and put his name on a paper which adopted Dominion Status, that is to say, that he had taken a lower place.

He asked them to consider one or two things in regard to their own country. People or some sections of the people who were fighting among themselves upon a question as to whether a certain minority in the central legislature should have 25 seats out of hundred or 33, people who were quarelling among themselves as to whether or not there would be reservation of seats for certain minorities and who were not united in regard to communal interests, for such people as practical politicians to say and come forward that they should have independence was simply ridiculous. One might ask if they were going to put before the country the word 'independence' or they were going to put before the country independence as it should be conceived as the basis of an accepted constitution. That word by itself had already gone before the country. The National Congress had already put it before the country. Time had come for them to realise that mere word 'independence' would not by itself bring their salvation. It should be accompanied by a definite constitution—a constitution which accepted independence as its goal.

As a nationalist he had a grave misgiving about the declaration of the Jamiyat Ulema and the Khilafat Committee as if it was only the Mussalmans who wanted independence and who understood the virtue and value of independence. He believed that he was an Indian first (prolonged and continued cheers) and a Musalman after.

In conclusion he sounded a note of warning to the audience not to be misled by theoretical ideas but to listen to practical politicians. He did not, however, claim to be himself a politician. He was a simple man and was for some time only miserable Law Member of the Government of India. He was putting before the audience his honest conviction and he hoped they would agree with him when he said that the decisions reached by the Nehru Committee were the best that could be devised for at least some time to come.

MR. SEN GUPTA'S REPLY

Mr. J. M. Sen Gupta in reply referred to what His Excellency the Viceroy had said in some place that the friends of India in England would be alienated from them by the fact that they would use this constitution based on Dominion Status for the purpose of strengthening their position for independence. He could tell His Excellency that so far as they (the Congressmen) were concerned they would use the unity produced in the country for the purpose of strengthening their national movement for freedom.

He knew that it would be as much difficult to wrest a constitution based on Dominion Status as it would be to wrest one based on independence and complete severance from British connexion. The only object for which he supported the resolution in the All Parties Convention that day was that he desired along with others to use this unity in the country. When they talked about independence making independence as the basis for their constitution he understood men like Pandit Jawaharlal Nehru and Maulana Mohamad Ali; he was not going to make insinuation against any one but he did say that there were some who belonged to communal organisations. It was all very well to come to the Convention and to say that they would fight for independence, and in the same breath say that

in the Punjab or in some other place they would claim a little more than what their population granted.

They wanted unity, they wanted strength in this Convention for the purpose of enabling the Congressmen to carry on their work for independence. "Let us not spoil this gigantic work, this historic work in this Convention by becoming pawns in the hands of the communists and the hired politicians of the British people". (applause).

Dr. Ansari then put the various amendments to vote which were rejected practically without support. He finally put to the house Mr. Sen Gupta's resolution which was declared carried amidst acclamation only one hand being raised against.

At this stage Messrs. Jamnadas Mehta and Jawaharlal Nehru called attention to the fact that those members of A. I. C. C. who were for independence had not taken part in voting.

The President observed that according to the procedure announced by him yesterday the vote of the A. I. C. C. would be recorded after they had met and considered the matter but so far as the convention was concerned the resolution had been passed with only one dissentient vote.

The Convention then adjourned till 2 P.M. on December 24, 1928.

THE PROCEEDINGS
OF
ALL PARTIES NATIONAL CONVENTION

Third Day—December 24, 1928

The proceedings opened at 2:35 P.M. with Dr. M. A. Ansari in the chair.

The President read the following communication received from the Secretary, Central Sikh League:—

The President, All Parties Convention, Calcutta.

SIR,—I, on behalf of the Central Sikh League, request this fact to be placed on record that the League stands for Complete Independence and does not favour Dominion Status.

(Sd.) HARNAM SINGH

Secretary, Central Sikh League, Amritsar

Clause (3) which runs as follows, was taken up.

“3. The word “Citizen” wherever it occurs in this constitution means every person

- (a) who was born, or whose father was either born or naturalised, within the territorial limits of the Commonwealth and has not been naturalised as a citizen of any other country;
- (b) who being a subject of an Indian State ordinarily carries on business or resides in the territories of the commonwealth,
- (c) or who, being a subject of the Crown carries on business or resides in the territories of the commonwealth; or
- (d) who is naturalised in the commonwealth under the law in force for the time being.

Explanation—No person who is a citizen of a foreign country can be a citizen of the commonwealth unless he renounces the citizenship of such foreign country in the manner prescribed by law.”

Pandit Motilal Nehru moved that clause 3 as recommended by the enlarged Committee be adopted. In moving the resolution he said that the clause as it originally stood was printed at page 101 of the main Report. It consisted only of two sub-clauses which now appeared as (a) and (d). What appeared now as sub-clause (b) was added by the Lucknow Conference. Sub-clause (c) had been added by the enlarged Committee for the reasons set out at page 27 of the Supplementary Report. This last addition was the necessary consequence of the adoption by the Convention of the resolution on Dominion Status. Unless this clause was adopted there would be no possible means available to the people of Great Britain or of any of her Dominions to become citizens of India. This would be an anomaly and give rise to a serious state of things. While Germans, Italians or other foreigners coming to India would have an opportunity to get naturalised and thereby become citizens of the Commonwealth of India no such means would be available to Britishers or the people coming from the Dominions. The latter were all in law subjects of the Crown and as such the naturalisation laws of the Commonwealth would not be applicable to them. That being so they would be permanently debarred from acquiring rights of citizenship. This result would be quite inconsistent with the resolution passed by this Convention about the constitutional status of India in the community of nations known as the British Empire. While claiming to be on the same footing as the people of Great Britain and of the Dominions Indians could not in fairness deny to the latter rights and privileges which they themselves claimed. This was merely a consequential amendment. Of course at present India enjoyed no such rights at all but they had passed the resolution in favour of Dominion Status and if India wanted equality in other Dominions she would have to concede the same equality to the people of those Dominions. If however they did not get the equality they claimed there would be no question of giving equality to others. But as he (the speaker) had stated such equality would come about automatically on their attaining Dominion Status and would not depend on the will or pleasure of any one. But this

would not prevent India from passing special legislation restricting the franchise as other Dominions had done. If India were admitted into this family of the Commonwealth of nations she would no longer be foreign to those nations and they would not be foreign to her. There can therefore be no question of naturalisation.

A member asked why should this Convention go out of its way to make the concession. In reply Pt. Nehru pointed out that they had laid down their constitution for Dominion Status and the necessary implication and consequences would follow. The people of the Dominion could not be naturalised, because it was only foreigners who could be naturalised.

Motion for Select Committee

Mr. M. K. Munshi (Burma) opposing the resolution said that he proposed that the resolution be referred to a Select Committee for further consideration. The ground for referring the clause to a Committee was that it was not as satisfactory as it should be. With profound deference for Pandit Motilal Nehru he said that it was not quite accurate to say that Dominion Status guaranteed every natural born subject of His Majesty equal rights. As for instance he said that the Commonwealth of Australia was quite competent to exclude any race which they thought proper from the exercise of franchise. In South Africa too there was such a statute.

He therefore, suggested that a Committee consisting of Pandit Motilal Nehru, Sir Tej Bahadur Sapru, Dr. Naresh Sen Gupta, Mr. J. Choudhury and Mr. S. N. Haji and the speaker be formed and that they should submit their report at the next sitting of the Convention.

Pandit Motilal Nehru said that he had no objection to the appointment of a Committee but would ask the House to excuse him from serving on it.

Dr. M. A. Ansari then read out the names of the following gentlemen who would form the committee. Mr. L. R. Tarsiee, Sir Tej Bahadur Sapru, Dr. Naresh Sen Gupta, Mr. J. Choudhury, Mr. S. N. Haji, and Mr. K. M. Munshi. The amendment of

Mr. Munshi was put to vote and carried by an overwhelming majority.

Fundamental Rights

Clause (4) of the Supplementary Report of the Nehru Committee was then taken up.

No amendment was proposed to sub-clause (1) which ran as follows and was declared as passed.

(i) All powers of government and all authority, legislative, executive and judicial, are derived from the people and the same shall be exercised in the Commonwealth of India through the organisations established by or under, and in due process of this constitution.

Sub-clause (ii) was then taken up. It ran as follows:—

(ii) No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law. All titles to private and personal property lawfully acquired and enjoyed at the establishment of the Commonwealth are hereby guaranteed.

• MR. M. L. MADHAVAN NAIR

Mr. M. L. Madhavan Nair moved the following amendments:—

In Section 4(ii)—Omit “all titles . . . hereby guaranteed.”

Mr. Nair said that the present economic arrangement in the country was certainly not the best one. There were vested rights such as capitalistic rights. He did not believe in any self-rule of 5 or 10 or 13 per cent of the population. National Self-Government meant self-government of the nation and not of any class. He did not believe that Swaraj could be acquired by India otherwise than by the tenants who had been sadly neglected. But he did not object if the report as a whole was of the Zemindars and that of Priests, which were not to the liking of the people. He therefore urged that the clause be omitted.

Baba Ramchandra (Member of the U. P. Kishan Sabha) supported Mr. Nair.

Swami Vidyanand spoke on the protection of peasants in order to save the repetition of Gorakhpore peasants revolt.

DR. SEN GUPTA

Dr. Naresh Chandra Sen Gupta said that he considered it unfortunate because he could not believe in the existence of self-rule in India for only five or ten years. To him national self-government meant not self-government of the classes. Those who believed that self-government could be achieved by perpetually neglecting the down-trodden masses were labouring under a fearful delusion. He believed that the retention of the clause meant a direct challenge to the tenantry of Bengal and he was prepared to accept it for the present, for they who had already laboured under this disadvantage for so many years were prepared to suffer so for a few years more. They knew that the moment the constitution came into force and manhood suffrage was granted they could alter the whole structure of the constitution and it was in this feeling that he opposed the amendment.

MR. RAMDAS PANTULU

Mr. Ramdas Pantulu in opposing the amendment said that there was no danger to accepting the resolution as it stood in the report as it was perfectly a legitimate provision. They were already pledged under the Congress constitution to adjust amicably the relations between landlords and tenants and the employers and the employees and he did not want to create any impression in the mind of anybody that this relation would be destroyed under the new commonwealth.

PROF. J. L. BANERJI

Prof. J. L. Banerji in supporting the amendment said that the first clause of the resolution that no property would be disturbed, except in accordance with law, was quite sufficient and he thought that the second clause guaranteeing rights was added with a sinister object. What titles were they going to guarantee?—titles lawfully acquired under the laws passed by the British Government which was described by Mahatma Gandhi as "Satanic". Might he under-

stand that all other laws of the Satanic Government were liable to be assailed and attacked but the laws for safeguarding the rights of landlords were sacred and sacrosanct not even to be attacked by the Free India to be.

What were they trying to have their Dominion Status for, Mr. Banerji, asked. Was not their new commonwealth to be given ample and large power of law giving? Certainly they did not want to perpetuate the evil thing of the past? Should they not say that their object was to shatter the existing state of things and remould it nearer to the heart's desire? If that was not their object, was there any meaning in claiming independence or Dominion Status? If they gave the largest and amplest powers for legislation to the free states of India would that power of legislation be hampered only in respect of laws, out of deference, most probably, to the great property-holders now existing in India (applause).

"One of the first duty of the new state of Bengal, Mr. Banerji continued, created under the commonwealth will be to unsettle the permanent settlement (applause). How can it possibly do that if you guarantee under your constitutions those titles and rights of the people here? If you cannot alter the present iniquitous state of things, your federated India will not be worth having".

BABU SRI PRAKASH

Babu Sri Prakash moved that in Article 4(ii) delete 'lawfully' and after the "guaranteed" add "provided that the same had been acquired in a manner still regarded as lawful in the commonwealth; also provided that such a guarantee shall not be regarded as giving any immunity to any person from the confiscation of the whole or a part of his property however acquired in executing decrees of the court of the commonwealth or in fulfilment of such laws as may be passed limiting the extent of private property."

He said that he was not there to carry on a tirade against the rich folk. The purpose of his moving the amendment was to impress upon their minds that whatever gain humanity in its march towards progress had made should be shared by all human beings. It should not be confined only to a few.

MR. T. VISHVANATHAN

Amendments to the same effect as Mr. Nair's stood in the name of Mr. T. Vishvanathan and Mr. Nabin Chandra Bardloi. Mr. Vishvanathan said that to support the rights and titles lawfully acquired was quite out of place. Under present conditions it was inconceivable to give guarantees of exploded rights and prevent posterity from re-organising society. Mr. Vishvanathan gave a history of the circumstances in which the addition was made at the Lucknow Conference at the headquarters of Oudh Taluqdars and pointed out that Pandit Malaviya framed it and had it carried with the support of Pandit Motilal in spite of the opposition which happened to be in the minority.

The amendments were opposed by Principal Ramdeva, Babu Deep Narain Singh, Brijendra Narain Chowdhry, Dr. Promontha Nath Banerji, Dr. Syed Muhammad and Pandit Madan Mohan Malaviya.

PANDIT MALAVIYA

Pandit Madan Mohan Malaviya wanted to clear up certain misconception. In the first place he said they must not start with the idea that what had been done had been done to placate a particular group of men. They must give those who were serving them this much honesty of purpose that if they agreed to a proposal they had done so after mature consideration.

The object of an agreed constitution was to arrive at an understanding by an agreement. They could not establish Government by sword but by negotiations and agreement. He was sure that they did not want to divide the landed magnates and the tenants and use force. On the other hand they wanted to adjust differences between themselves in order to establish just and equitable relationship between zemindars and tenants. They had been doing it even under the existing administration. They were trying to frame a constitution by an agreement. Did they think that the proposals embodied in the report did not give satisfaction to reasonable men? Did he ask them to agree to anything unreasonable?

What was the proposal before them? It had been suggested that it was a sinister motive that led some of them to put this forward. He however, thought that they would think better in their calmer moment. He maintained that this was the well-known tradition to be found in every constitution. The first portion related to the procedural laws. What did the second clause mean except this that the new Parliament by a law should not say all at once that landed property would be confiscated. It was embodied to provide against the passage of such a law and it did not debar them from making a revision of the land settlement laws of Bengal and Behar. These were economic measures which were open to Government to revise at any time. If the British Government had hesitated to revise them for more than a century, they would certainly expect their Parliament not to proceed with the revision in a hurry. If, however, it was considered necessary in the interests of the country, if justice demanded that the revision should be made, then he said that this provision would not stand in their way.

Pandit Malaviya continued:—"If you want to nationalise the land, it will be open to your Parliament to appoint a committee or commission to purchase those lands after offering the owners a fair compensation and to acquire the whole of the land which they possess by process of law.

"I do not endorse the view that every title acquired under the present Government is a bad title. Property has not only come down from the British period but from the Hindu period and had been enjoyed under the present administration. Do you want to say that you wish to take away these rights? Do you want to say that you will tolerate the idea of your Parliament passing a short law to the effect that all titles to private properties should be extinguished and authorising the executive to take possession of the property they possess (voice, no, no). I am glad that you do not.

The amendments, were then put to vote one by one and declared lost after a show of hands. The original clause was declared carried.

Trade Union Congress, Behar Provincial Kisan Sabha and Bengal Namasudra Association expressed dissent which was noted.

Clause 4(v)

Mr. Tyyabullah moved that in clause 4(v)—substitute “such strength in the population as may be determined by the Provinces themselves” in place of “considerable strength in the population.”

Babu Basanta Kumar Das and Mr. A. B. Salem opposed the amendment.

When put to vote the amendment was lost.

Clause 4(ix)

Mr. Balkrishna Sarma (A. I. C. C., U. P.) moved that in Section 4(ix) after “Lawful” add “and no capital punishment shall be awarded for any offence in the Commonwealth of India”.

After being supported by Messrs. Raghubir Sahai, Govindachari and Lal Chand Jatyani, the amendment was put to vote and was carried.

Clause 4(x)

Mr. Balkrishna Sharma again moved that in clause 4(x) insert “convene the Parliament within the month and” between “he shall” and “report” and delete the words “at the earliest possible opportunity.”

Pandit Motilal Nehru explained that it would not always be possible to convene Parliament within a month of the action taken as members from the remotest part of India should be given an opportunity to attend. Besides there may be serious disturbance in the country making it physically impossible for members to attend. The amendment was withdrawn.

Sardar Sardul Singh Caveeshar moved that in section 4(x) delete “or rebellion”.

Lala Lalchand Falak supported the amendment.

Pandit Motilal Nehru opposed the amendment.

It was lost when put to vote.

Clause 4(xiii)

Mr. Balkrishna Sharma moved that in Section 4(xiii) add “or be given preference to” after the word “prejudiced”.

On Pandit Motilal Nehru accepting the amendment subject to a change of language, it was adopted by the House.

Clause 4 (xvii)

Mr. C. Rajagopalachariar moved that the following be added with the consequential changes in the schedule.

"It shall be the duty of the Commonwealth to save its citizens from the evils and temptations of alcoholic and intoxicating drugs and to this end it shall as soon as possible make laws for the total prohibition of manufacture, import, possession or sale of alcoholic liquors and intoxicating drugs except for medicinal or industrial purposes."

MR. C. RAJAGOPALACHARIAR

He said that the present opportunity should be availed of especially as they had provided for universal education and for public welfare work as a fundamental Article among the duties of the Government.

If they wanted India to be prosperous under adult suffrage then there must also be attempts by the State to remove the drink evil. He emphasised that the Commonwealth should save its citizens from evil temptations of alcohol and other intoxicating drinks and should make laws as soon as possible for the total prohibition of the manufacture or import or sale of liquors and drinks except for medicines or industrial purposes. That twenty crores now represented the revenue that the Government derived from taxation on liquors.

Mufti Mohamed Saddiq delegate of the Ahmadya community supported the motion which was carried.

Swami Vidyanand moved that in clause 4 (xvii)—substitute "to secure complete ownership of tenants to agricultural lands and to ensure fixity and permanence of rent to such tenants" in place of "to ensure agricultural tenants."

Mr. Rishiklal Biswas supported the amendment while Mr. S. C. Thakkar opposed it.

After Pandit Motilal Nehru had explained the position the amendment was put to vote and lost.

On this the mover as a representative of the Behar Provincial Kisan Sabha requested that his dissent on behalf of his Association be recorded.

Sardar Mangal Singh moved that in clause 4 (xvii) after the words "securing of a living for every worker" add "peasant."

Pandit Motilal Nehru accepted the amendment and it was carried when put to vote.

Fresh Clause

Mr. M. C. Bhattacharya moved that after sub-clause (xix) clause 4 the following be added:—(xx). The secrecy of correspondence as well as the secrecy of the postal telegraphic and telephonic communications is inviolable. Exceptions may be added by the Commonwealth law only.

Mr. Rishiklal Biswas supported the amendment.

Pandit Motilal Nehru again explained the position.

The amendment being put to vote was lost.

Mr. Gulshan Rai moved that the following new sub-clause be added to clause 4 "All courts of law in whichever part of the Commonwealth established shall be subject to the jurisdiction, appellate and administrative of some High Court of judicature established by letters patent."

Pandit Motilal Nehru accepted the amendment, which was adopted.

The Convention at this stage adjourned till December 27.

THE PROCEEDINGS
OF
ALL PARTIES NATIONAL CONVENTION
Fourth Day—December 27, 1928

The Convention met at 3 P.M., after two days recess, with Dr. M. A. Ansari in the Chair.

At the outset Mr. K. M. Munshi of Burma placed before the House the following report of the Committee appointed at the previous sitting to consider the definition of the word "citizen".—
To

The President of the All Parties Convention, Calcutta.

SIR,

The Committee appointed by the Convention met this morning the members present being—

Sir Tej Bahadur Sapru
Mr. L. R. Tairsee
Mr. J. Chaudhury
Mr. S. N. Haji, and
Mr. K. M. Munshi

The Committee are of opinion that the definition of 'citizen' given in clause 3 of the Constitution appended to the Supplementary Report should be modified as follows:—

I—Clauses (a) and (b) to remain as they are.

II—For original clause (c) substitute the following:—

(c) who being a subject of the Crown (1) ordinarily resides or personally works for gain, within the territories of the Commonwealth at the date of the commencement of this Act or

(2) fulfils the qualifications prescribed by the Parliament for the exercise of the rights of citizenship.

III—Clause (d) remains the same.

(Sd.) T. B. SAPRU
" L. R. TAIRSEE
" J. CHAUDHURI
" K. M. MUNSHI
" N. C. SEN GUPTA

December 25, 1928

Mr. Haji's note of dissent.

"As I am of the opinion that the discretion of the Indian Dominion Parliament, when established, should not be fettered with particulars laid down now regarding the qualifications under which non-Indians can become Indian citizens, I regret that I cannot sign the above report. However, I realise that the non-Indians in India should be permitted to become Indian citizens under the Dominion Parliament according to conditions to be laid down there in that behalf. I, therefore, propose that the following words be added to sub-clause (c) in the definition of the word "citizen" given in the Supplementary Report:—

"and fulfils the qualifications prescribed by the Parliament for the exercise of the rights of citizenship."

(Sd.) SARBHAI N. HAJI

December 27, 1928

Parsi statement

Mr. M. K. Patel then read a statement on behalf of Mazdayasin Mandal which is printed in Appendix A(3).

After the statement was read Mr. Sidwah came forward and stated that the Mandal was a religious body. The body that counted in the Bombay Presidency was the Parsi Panchayat and they had repudiated the idea of co-operating with the Simon Commission in spite of a certain interested section. He further informed the House that the five Parsi members in the Bombay Council had totally boycotted the Commission. (applause). The Parsis did not want any safe-guards. They had placed their part industrially, politically and socially and they would stand on their own merits. They did not like the idea of keeping anything on record as stated by the

previous speaker. He wanted to impress on them that the statement read came from a religious association and the body that counted was the Parsi Panchayet in Bombay who had boycotted the Simon Commission and adopted the Nehru report (applause).

Position of Jamiatululema, Hind

The following resolution of the Jamiatul Ulema of Hind adopted at its meeting held at Moradabad on December 28 and communicated to the Secretary of the Convention by the Secretary of the Jamiat was then read out:—

“In view of the fact that the Nehru Report Committee was irregularly constituted and had no adequate representation of Moslems on it and that the Nehru Report has not yet been put before and adopted by the Moslem All Parties Conference, this meeting of the Working Committee does not consider it necessary to elect its delegates to the Calcutta Convention. It only appoints Maulana Mohamed Ali to deliver the Report of the Jamiatululema to the President or Secretary of the Convention with the message that the Jamiatululema Hind is still prepared to send its representatives if the All Parties Committee in accordance with its principles first procures the demands of different Moslem associations and then fixes a date for the Convention to consider a constitution for India on the basis of mutual understanding.”

Representatives of the Indian Christians and Sikhs wanted to make statements. Dr. Ansari regretted that this infection was spreading. He asked these representatives to take part in the debate and urge their point of view rather than make mere statements. This suggestion was accepted.

The Convention then proceeded to discuss the remaining amendments standing against the various sub-clauses of clause 4.

Mr. Mohammad Masud Ahmad (Bazm Sufia) moved:

In clause 4(iv)—delete the words “for purposes not opposed to public order or morality” and add “provided this be not of itself opposed to public morality and no one or no community shall be compelled to act against the doctrine and practices of his religion

nor shall any one be compelled to refrain from doing anything required by his religion or compelled to do anything because of the religious tenets of any other creed or community.”

MR. J. R. BANERJEE

Mr. J. R. Banerjee (Bengal) in opposing the amendment said that he wanted to oppose the amendment for more than one reason. In the first place the question of public order was of paramount importance. The All Parties Convention meant an atmosphere of peace. Public peace and tranquility was to be preserved above all. If the amendment was carried then if any body preached against the religion of others, which he held religious on his part, public order was sure to be violated. He was sorry that the amendment was moved at all in the Convention.

MR. NIRANJAN DAS

Mr. Niranjana Das (Gujranwalla), in opposing the amendment, said that they from the Punjab had come to bury communalism which the amendment wanted to revive. It was very late in the 20th Century to say that religion had anything to play in politics. He was not sure whether the gentleman who had moved the amendment was the representative of any community in the Convention. The Punjab which was once the hotbed of communalism had got rid of it only for the Nehru Report. Did the gentleman, asked Mr. Das in conclusion, mean that when they attained Swaraj they would have nothing to do with public peace or morality?

The amendment was then put to vote and lost.

Mr. Masud Ahmad next moved that the following be added as a new clause in the declaration of fundamental rights: “Musalmans shall be subject only to their own personal law in all matters relating to religious or semi-religious observances, Azans, laws of inheritance, guardianship, gifts, wills, legitimacy, marriage, dower, divorce, waqf, graveyards, mosques, Khankahs, Imambaras, zabihhas sacrifices, and Tazayas and no government at any time shall have the power to add, alter, amend or otherwise change the above and where the Islamic law requires that any particular

matter be adjudicated upon by Muslim Judges, only Muslim Judges shall adjudicate upon such matters.”

At this stage Pandit Motilal Nehru announced that the Moslem League and the Khilafat Committee would be represented in the Convention for the first time that day. (applause). These bodies Pandit Nehru proceeded to say had not taken part in any previous sitting of the Convention and it would not be convenient for them to discuss the subjects they had already discussed or the new subjects that would come up before the Convention for discussion. He, therefore, proposed that a Sub-committee of the House be formed to meet these delegates with a view to arriving at certain resolutions on the communal questions, or if that was not possible, they would put forward the view-points of their organisations at the next sitting of the Convention. If they put forward anything without previous knowledge of what had already been discussed at the Convention, there would be considerable waste of time. If they had to make suggestions it would be a mistake for the House either to accept or reject them on the spur of the moment without previous consideration. He, therefore, moved that a Sub-committee of the Convention be appointed to meet the representatives of the delegates from the Khilafat Committee and the Moslem League.

Members of the Sub-Committee

Following are the members of the Sub-Committee:—

1. Mahatma Gandhi
2. Sir Tej Bahadur Sapru
3. Pandit Madan Mohan Malaviya
4. Dr. M. A. Ansari
- H 5. Moulana Abulkalam Azad
6. Pandit Motilal Nehru
7. Dr. B. S. Moonje
8. Mr. M. R. Jaykar
9. Mr. Jairamdas Daulatram
10. Sardar Sardul Singh Caveeshar
11. Dr. Satyapal

12. Lala Dunichand of Lahore
13. Mr. M. S. Anney
14. Master Tara Singh
15. Babu Rajendra Persad Sinha
16. Mr. C. Y. Chintamani
17. Kunwar Ganganand Sinha
18. Mr. J. M. Sen Gupta
19. Mr. S. Srinivas Iyengar
20. Babu Brijkishore (from Behar)
21. Mr. Rallia Ram
22. Sir Ali Imam
23. Dr. Annie Besant
24. Mr. Harbilas Sarda
25. Prof. Gulshan Rai
26. Mr. Ram Dev
27. Mr. C. Vijiaraghavachariar
28. Mr. J. R. Banerji
29. Mr. Harendra Nath Dat
30. Mr. Jamshed N. R. Mehta
31. Sardar Gurdayal Singh
32. Diwan Bahadur Ramchandra Rao
33. Sardar Tara Singh
34. Sardar Hira Singh
35. Gyani Sher Singh
36. Sardar Guru Datt Singh
37. Prof. Jatindralal Banerji

The President then announced that the committee would meet the delegates from the Muslim League and the Khilafat Committee at the tent of Pandit Motilal Nehru within half an hour and the committee of the Convention would report to the open House (Friday) December 28, possible.

The House was then adjourned till December 28.

THE PROCEEDINGS
OF
ALL PARTIES NATIONAL CONVENTION

Fifth Day—December 28, 1928

The proceedings opened at 4-30 P.M. when Dr. M. A. Ansari requested the various movers of amendments to assist him to get business through as the delegates were getting impatient and wanted to go home. A number of minor amendments, he suggested could be dropped as the exact phraseology should be left to the Parliamentary draftsman to settle. He fixed 5 minutes for each proposer and 2 minutes for each seconder, reserving the discretion to allot more time in case of important amendments.

Dr. Ansari next read the following communication from Pandit Motilal Nehru the President of the Congress.

To.

The president, All Parties National Convention, Calcutta.

Dear Mr. President,

I enclose copy of the resolution passed by the Subjects Committee of the Indian National Congress this afternoon on the constitution recommended by the All Parties Committee Report with the request that you will kindly record the said resolution as the vote of the All India Congress Committee. I need hardly add that this resolution will be moved in the open Congress and is to be taken subject to the Congress resolution which will be duly communicated to you.

Deshbandhunagar:
December 27, 1928

Your Sincerely
(Sd.) MOTILAL NEHRU
President of the Committee

Enclosure

"This Congress having considered the constitution recom-

mended by the All Parties Committee Report welcomes it as a great contribution towards the solution of India's political and communal problems and congratulates the Committee on the virtual unanimity of its recommendations and whilst adhering to the resolution relating to complete independence passed at the Madras Congress approves of the constitution drawn up by the Committee as a great step in political advance specially as it represents the largest measure of agreement attained among the important parties in the country.

"Subject to the exigencies of political situation this Congress will adopt the constitution if it is accepted in its entirety by the British Parliament on or before the December 31, 1929, but in the event of its non-acceptance by that date or its earlier rejection, the Congress will organise a campaign of non-violent non-co-operation by advising the country to refuse taxation and in such other manner as may be decided upon.

"Consistently with the above nothing in this resolution shall interfere with the carrying on, in the name of the Congress, of the propaganda for complete independence." (applause).

Discussion on Communal Problem

Dr. Ansari then read to the House the Report of the Committee appointed by them under his chairmanship regarding the communal question. It ran thus:—

Report of the Committee appointed by the All Parties Convention on December 27, 1928

Modifications to the Nehru Report moved by Mr. M. A. Jinnah on behalf of the Muslim League and Mr. T. A. K. Shervani on behalf of the Central Khilafat Committee.

(1) That one-third of the elected representatives of both the Houses of the Central Legislature should be Musalmans.

The committee could not arrive at any agreement on this point.

(2) That in the Punjab and Bengal, in the event of adult suffrage not being established, there should be reservation of seats for the Musalmans on the population basis for ten years subject to a re-

examination after that period, but they shall have no right to contest additional seats.

The Committee did not contemplate any such contingency.

(3) (a) that residuary powers should be left to the Provinces and should not rest with the Central Legislature.

(b) that clause 13A embodied in the Supplementary Report should be deleted.

(c) that the division of the Subjects in the schedule I and II be revised.

The committee was of opinion that the residuary powers should rest with the Central Legislature but the revision of 13A and schedule I and II was not objected to.

(4) that the constitution shall not be amended or altered unless the amendment or alternation is passed first by both the Houses of Parliament separately by a majority of four-fifths of those present and then by both the Houses in a joint sitting by a majority of four-fifths of those present.

The committee approved of the suggestion unanimously.

(5) Article V—Communal Representation Delete the words "Simultaneously with the establishment of Government under this Constitution."

The committee regrets that it cannot accept it as this resolution records an agreement arrived at by the parties who signed it at Lucknow.

(6) Embody the Pact regarding Communal Representation in Punjab in full in the Nehru Report.

The committee had no objection to it. Sikhs dissenting.

Moved by the members of the Central Sikh League that 30 per cent of seats in the Punjab be reserved for sikhs.

The committee could not arrive at any agreement on this point.

Another suggestion of allowing 11 per cent of seats with a right to contest additional seats to Sikhs was also not accepted, even by Sikhs themselves.

The Bengal Hindu Sabha

Moved by the members of the Hindu Sabha Bengal that seats for Hindus in Bengal be reserved on population basis (i.e. 48 per cent).

The committee did not assent to it.

(Sd.) M. A. ANSARI, *Chairman*

Khilafat Committee

Dr. Mohammad Alam then read out a statement issued over the signatures of 42 members of the Central Khilafat Committee and a letter from Maulana Shaukat Ali, Secretary Central Khilafat Committee. They are printed as Appendix A (4 and 5).

Dr. Ansari then called upon Mr. M. A. Jinnah to place the resolutions or amendments on behalf of the All India Muslim League.

MR. M. A. JINNAH

Mr. Chairman and Delegates:

The Report of the Committee which you appointed has already been read out and placed before you. I am exceedingly sorry that the Report of the Committee is neither helpful nor fruitful in any way whatsoever. I am sure, gentlemen, that you all realize that the present moment is very critical and vital to the interest not only of the Musalmans, but to the whole of India. I think it will be recognised that it is absolutely essential to our progress that Hindu Muslim Settlement should be reached, and that all communities should live in a friendly and harmonious spirit in this vast country of ours. No country has succeeded in either wresting a democratic constitution from a domination of another nation or establishing representative institutions from within without giving guarantees for the securities of the minorities wherever such a problem has arisen. Majorities are apt to be oppressive and tyrannical and minorities always dread and fear that their interest and rights, unless clearly and definitely safe-guarded by statutory provisions, would suffer and be prejudiced, but this apprehension is enhanced all the more when we have to deal with communal majority. I am sure, you will, therefore, consider

the present situation in which we are working and struggling for freedom and record your vote in favour of modifications proposed, which, I have said before, are fair and reasonable and thus enable us to triumph in our cause.

The first point that I want to place before you is a point with regard to our proposal that there should be no less than 1/3rd of the Muslim Representation in the Central Legislature. We propose that 1/3rd of the elected members of the Central Legislature should be Musalmans, and that the seats should be reserved for them to that extent in the joint electorates of the country. Now the Nehru Report has stated that according to the scheme which they have formulated, the Musalmans are likely to get 1/3rd in the Central Legislature and more. It is argued there that the Punjab and Bengal will get many more seats over and above their proportion and the other minorities Provinces in India will get the representation of the Musalmans according to their population under the scheme propounded by the Nehru Report. What we feel is this. If it is conceded that Musalmans should be enabled to secure one-third of the representation in the Central Legislature, the method which is adopted is neither quite fair to the provinces where the Musalmans are in a minority, nor does it guarantee that we shall obtain 1/3rd representation in the Central Legislature. Therefore the two Musalmans' Majority Provinces—Punjab and Bengal—will get more than their population, which means you are giving more to the rich who will, under normal conditions, get the largest number of Muslim Representations and you are depriving the Muslim minority Provinces of great importance, and restricting them to get no more than their population; whereas we wish to restrict the Punjab and Bengal according to their population and desire that the excess should be distributed amongst the minorities Muslim Provinces. In other words, we propose that let us carve out of this 1/3rd as the Musalmans wish. Take the case of Madras and Bombay—it is not always the only criterion viz., counting of heads; but the importance of those two Provinces. Take the case of the United Provinces again, it is the centre of Musalman Culture and heart and it will be unfair that they should

be restricted according to the number of their population in their representation in the Central Legislature. These three Provinces, Sindh being separated, will then, so far as the population goes, be in this position, the United Provinces with the 14 per cent Musalmans, Bombay about 8 per cent and Madras about 6 or 7 per cent. The method that we want to be adopted is that the excess between 1|3rd and 1|4th should be distributed amongst the other Provinces according to the relative position of their importance to the Musalmans and not according to population. I am sure indeed that besides counting our heads, there are other weighty and important considerations, which must not be lost sight of. It is not only question of getting votes in the Legislature, but it is also essential that various parts of the Provinces which are themselves vast, should be represented, so that, questions affecting the people or their grievances may be ventilated properly and thoroughly on the floor of the Legislature. Very often when proper facts and arguments are placed by one single representative which when they are convincing, sway the entire legislature. It really comes to this that the Nehru Report makes a gift of the extra seats over and above the population basis to Punjab and Bengal; whereas, we propose that this extra 7 or 8 seats should be distributed amongst the minority Muslim Provinces.

Our next proposal is that in the event of the adult suffrage not being established, Punjab and Bengal also should have seats reserved on population basis for the Musalmans. But they should not have the right to contest for more. Of course, subject to re-examination of the question at the end of ten years. I am not sure that establishment of adult suffrage is within the range of practical politics in the near future. You remember, originally the proposal emanated from certain Muslim Leaders in March 1927 known as the Delhi Muslim Proposals. That was dealt with by the All India Congress Committee in Bombay and in the open session of the Madras Congress and endorsed by them. The Muslim League in its Calcutta Sessions in December, 1927 also confirmed the proposal. I am not going to enter into the pros and cons but it is an admitted fact that although the Musalmans in Punjab and Bengal are nume-

rically in the majority, their voting strength is far below in proportion to their population and they, therefore, would not secure sufficient representation and it is feared that under those circumstances their representation will be far below their population. It is now devised to meet this undoubted fact by the Nehru proposals and the Report proposes the substitute of adult franchise and from those premises it is argued that there is no need for reservation in Punjab and Bengal; but we wish to provide for the contingency which is most patent and probable that in the event of the adult suffrage not being established there should be reservation for Musalmans in Punjab and Bengal according to their population, but they should not be entitled to additional seats. And we therefore attach very great importance to this modification.

Our next proposal is that the form of the constitution should be federal with residuary power vesting in the Provinces and Clause 13A in the Supplementary Nehru Report is most pernicious and should be deleted and the whole constitution should be revised on the basis of provincial Governments having the residuary power vested in them, and subject to that, there should be revision of the schedules laying down central and provincial subjects as embodied in the Nehru Report. This question is by far the most important from the constitutional point of view and the future development of India and has very little to do with the communal aspect. If this question is examined carefully, it has much less of communal bearing and far graver of general interest of India and the future constitutional progress of the people of India.

This is hardly a place or an occasion when you would expect me to enter into a debate which might be held between two jurists. We have carefully considered the matter and we have come to the conclusion that a system which will give residuary power to the Provinces is the most suited for the Federation of India.

With regard to the question of separation of Sindh and the N.-W. F. Provinces, we cannot agree that they should await until the Nehru Constitution is established with adult suffrage. Do you expect the Musalmans to oppose the reform being introduced in the

N.-W. F. Province until the Nehru Constitution is an accomplished fact? Do you expect the Musalmans to refuse to accept the separation of Sindh until the Nehru Constitution is established? I am somewhat amazed that the Committee appointed by the Convention has rejected these proposals on the ground that a resolution was passed at Lucknow which recorded an agreement arrived at by certain individuals who were parties to that agreement and signed it and therefore they cannot re-open the question. The All India Muslim League was not a party to any such resolution and was not represented at that meeting. I say with the utmost deference to the members of the Committee that this is not a valid ground or answer. There are many organisations present here in the Convention today; none of them is bound by any such agreements arrived at between individuals or groups. I venture to say that this Convention is not bound and it is wholly untenable to advance any such reason before this Convention. This Convention is entitled to make any change, or alteration, or modification in the proposals now before it and I ask the Convention whether the separation of Sindh and the introduction of reforms in the N.- W. F. Province are only to be accepted when the Nehru Constitution with adult suffrage is brought into full effect and operation in this country. The Musalmans feel that it is shelving the issue and postponing their insistant demand till doomsday and cannot agree to it. I therefore appeal to the Convention to take all these matters into their careful consideration and meet us.

Dr. Mohammad Alam formally seconded Mr. Jinnah.

DR. SAPRU

Sir Tej Bahadur Sapru said he was leaving that night for Allaha- bad and would express his view on the various points raised by Mr. Jinnah. As one who was intimately associated with the preparation of the Nehru Report under the leadership of his distinguished friend Pandit Motilal Nehru he assured them that every point of view was studied. "We were actuated by one main desire, namely to bring about the maximum amount of unity. (hear, hear). Many parties, which belong to different schools of thought which have worked during last eight or ten years on different platforms were prepared to

co-operate with one another in evolving a constitution not merely for our day but for posterity. (hear, hear). That was the spirit in which we approached our task. You can easily imagine how if the report had come to be written by people of one school of thought belonging to any one of the organisations, it would have been very different. It was you who were responsible for the Committee. The responsibility rest much more heavily on the Congressmen who invited members of other political parties to join in producing the scheme carrying the greatest amount of agreement. Do not therefore judge the scheme from a narrow point of view of party politicians. The report was written in a spirit of Indian nationalism to remove disunity which is disfiguring our public life and to restore harmony in certain matters, so that we may work shoulder to shoulder in regard to these matters. It was only after the most careful and fullest discussion that we settled on the ideal or objective of Dominion Status.

The next question was as to the means to be adopted for attaining that end. On that there was complete agreement. We did not disguise from ourselves the position, which I trust will be realised by every one of you, that there can be no greater self-deception on the part of any one, be he a Congressman, Liberal, Independenceman, Hindu Sabhaite or Muslim Leguer, that it is impossible for India to achieve Dominion Status, not to speak of Independence, if there is not complete harmony on broad principles between one community and another community. Therefore the essence of the whole problem was the communal question and, when we approached it, we had in mind the Delhi proposals and others made in other quarters. We tried to explore as many avenues as possible and came to the conclusion that the only possible way of solving it in India was by taking courage in both hands and going headlong towards what I consider to be the most democratic state, namely to adopt adult franchise, so that each community may stand on a perfect equality with the other. That being the position, it followed that the Mahomedan community should get representation in the Central Legislature in proportion to its numerical strength in the whole of India. That

was a logical position and we adopted it logically. If you examine the figures you will find that, including nominated members, Muslim representation in the Central Legislature is 27 per cent and Mr. Jinnah wants 33. In making the observations that follow I am not in the slightest degree disloyal to the Chairman nor am I departing from the Nehru Report. At the same time it seems to me that you are faced with an occasion when the first and last question should be to bring about unity. Even at the sacrifice of the reputation for being logical I would rather lose my reputation than imperil the success of this Conference. Gentlemen, remember it is not only our own countrymen but the whole world is watching you. If you leave this pandal with failure you will have done a great damage to the country from which it may not recover for a quarter of a century. The simple position is that for the sake of settlement you are invited by Mr. Jinnah, however, illogically and unreasonably, to agree to this proposition, which I consider is not inconsistent with the Nehru Report (voice "no, no" and some interruptions). Speaking for myself I would like you to picture Mr. Jinnah, whom I have known intimately for fifteen years. If he is a spoilt child, a naughty child I am prepared to say, give him what he wants and be finished with it'. I am going to ask him to be reasonable but we must, as practical statesmen, try to solve the problem and not be misled by arithmetical figures.

Touching the question of reservation of seats in the Punjab and Bengal as an alternative, Sir T. B. Sapru said he would not put forward an alternative but if a better alternative could be suggested he was open to adopt it. He hoped Mr. Jinnah would reconsider his position on the point.

As regards the residuary powers many eminent Mahomedans had suggested that these should be left with the provinces. Dr. Sapru warned them against being misled by the examples of other countries, for in the case of U.S.A. the President and in the case of Switzerland, an irremovable executive, were the chief centres of gravity, while an Australian statesman already thought their forefathers had made a mistake in giving the residuary powers to the provinces.

“Having regard to the peculiar position of India it would be unwise to vest these powers in the provinces. The constitution we have devised is neither federal nor unitary. It is both. As a constitutional lawyer I feel that even if Hindus are prepared to agree I would warn them on this point: ‘Do not allow your mind to be misguided by the fact that in certain provinces you will have a Hindu majority and in others a Muslim majority’. (hear, hear). Personally I feel that in spite of many suspicions you may have, you will have to pool together your energies. If you have the spirit of distrust and suspicion let me tell you it is no use evolving your constitution. You have got to take certain risks and these must be taken in a spirit of abundant faith and hopefulness.”

Sir Tej Bahadur Sapru agreed with Mr. Jinnah that Clause 13A regarding the suspension of the provincial constitution was susceptible of improvement and the two schedules regarding provincial and central subjects could also be modified.

As regards Sind, this Convention had of course full authority to upset any arrangement arrived at Lucknow, if it so wished.

Sir T. B. Sapru concluded with the appeal: “I beg of you to remember the supreme character of this occasion. For the nation’s sake do not allow your mind to be affected by narrow considerations of the expediency of the hour or by bitter memories of recent conflicts, but approach it from the point of view of the future, of posterity. If you do so, whatever may be your political differences in the matter of programmes you will tell the world, that, so far as the constitution of India is concerned, the political parties stand shoulder to shoulder with each other”. (applause).

The Liberal Federation

Mr. C. Y. Chintamani, with the permission of the Chair, at this stage announced the decisions of the organisation he represented, namely, the Liberal Federation. The Council of the Federation had decided that on the question of residuary powers, resting with the Central Government or the Provincial Governments every member of the Federation attending this Convention should vote for residu-

ary powers residing in the Central Government and not in the Provincial Government. On other questions under discussion, the Federation had not issued any mandate and every member was free to take his own line of action and for doing this, he would not be liable to accusation of disloyalty. But the Liberal Party had advised members attending the Convention to act with the feeling of national well-being and bringing about harmony, to which all other considerations were to be subjected. They should therefore vote for the Nehru Committee Report. If however on any point there was any other agreed settlement, then they should vote for that agreed settlement.

• MR. RALLIA RAM

Mr. Rallia Ram representing the All Indian Christian Conference, in opposing Mr. Jinnah's demand for reservation of seats for Muslims said "I am sorry that I have to tell you that I am an 'Indian Christian' for I feel that the time has come when people should leave their religion at home and enter this Convention as Indians and Indians alone." He held that they had tried the method of communal representation, which had not only failed to bring about national unity but was eating into the very vitals of national life. If the Muslim demand for reservation was accepted then other minor communities, like the Sikhs the depressed classes, and the no national unification could take place.

• REV. J. R. BANERJEE

Rev. J. R. Banerjee followed in same strain. He said to their bitter experience communalism had been responsible for the untold evils.

MR. M. R. JAYAKAR

After Sardar Bahadur Mahtab Singh had spoken Mr. M. R. Jayakar, on being called upon, said:—

I am not sure that in venturing to speak on this subject I would not add to my evil reputation as a communalist. The word 'Communalist' has acquired most extraordinary significance in these days. If I venture to speak on the rights and status of Hindus, I am sure to be called a Communalist, but if a Musalman advocates the rights

of his own community he does not lose his place in the esteem and respect of nationalist India notwithstanding the fact of his acute advocacy of communal rights. I have listened with great attention to Mr. Jinnah's speech and he is to be congratulated on the lucidity and courage with which he has put forward the Muslim demands. Unfortunately, Sir Tej Bahadur Sapru represented Mr. Jinnah and his community, in so far as their present claim was concerned, as if they were a spoiled child. He also supported M. Jinnah's claim on the ground of his personal acquaintance with him for the last 15 years and his own testimonial that during that time he had found Mr. Jinnah always a nationalist. He went on to say that the demands of Mr. Jinnah should be treated as if they emanated from a naughty boy. I am sorry that the representation of Mr. Jinnah and his colleagues in this manner is likely to give a wrong lead to the debate and also rest on a wrong foundation the claims advocated by Mr. Jinnah and his friends. I have also known Mr. Jinnah for the last sixteen years in close association as a colleague in nationalist life and I can assure you that he comes before us today neither as a naughty boy nor as a spoiled child but as fearless and lucid advocate of the small minority of Muhammadans whose claims he has put forward in the course of his speech. He has every right to be heard on the merits of his cause and I do hope you will not misjudge his claims by accepting the interpretation, Sir Tej Bahadur Sapru has put on them.

The main question before us is to consider how far Mr. Jinnah's claims are legitimate and necessary in the true interests of the country. How far have the Muhammadan interests, as safeguarded by the Nehru Committee's Report, been secured and how far further concessions should be made to them as demanded by Mr. Jinnah. One important fact to remember in this connection is that well-known Muhammadans like the esteemed patriots Maulana Abul Kalam Azad, Dr. Ansari, Sir Ali Imam, Raja Sahib of Mahmudabad and Dr. Kitchlew have given their full assent to the compromise embodied in the Nehru Committee's Report. It is further to be borne in mind that even in the Muslim League a large body of members

have given their assent to the Nehru Committee's Report. Mr. Jinnah, therefore, represents, if I may say so without offence, a small minority of Muhammadans. It is further to be noted that the Muhammadan community is not united in making this claim. A large bulk of them are with Sir Mohamad Shafi who is entirely opposed to joint electorate. Another considerable portion of our Muhammadan friends are with Mr. Fazal Ebrahim Rahimtoola and are holding an important session of a Conference over which no less a person than His Highness the Aga Khan presides. You will, therefore, please bear in mind that the demands, as set forth by Mr. Jinnah, do not proceed on behalf of the entire Muslim Community, nor even a large bulk of it. Those considerations, therefore, of a statesman-like or prudential character which might have weighed with you in agreeing to these concessions if there was a prospect of winning over the entire Muhammadan community by your acceptance of Mr. Jinnah's proposals are entirely absent in this case. I wish to say nothing which will prejudice the claims of Mr. Jinnah to be judged on their true merits. Another important consideration to be borne in mind is—and I wish to sound it as a warning—that this is the first attempt we are making in this unfortunate country after several decades to frame what may be described as a Constitution for the country. Such an attempt is always a thankless one and is very apt even to divide rather than unite. When Pandit Motilal first invited me to join the Nehru Committee I thought it my duty to intimate to him my own personal opinion that the time had not yet arrived in India to attempt at constitution-making because the right mentality between Hindus and Muhammadans *inter se* had not yet come and they had not each derived sufficient experience that division was ruinous and unity the only remedy for all our evils. Unfortunately my views did not prevail and later on the Nehru Committee produced a report which fortunately secured considerable amount of agreement in the country. While on this subject, may I refer to a talk I had with Mr. Jinnah in Bombay?

Mr. Jinnah intervened "Sir, it is not usual to disclose private conversations because I think in my turn I can say certain things

which may not be nice. The principle of it is wrong.”

Mr. Jayakar continued: When the Nehru Report came out notwithstanding my personal opinion I promised Pandit Motilal every support and have accordingly laboured in Bombay to find acceptance for it from amongst my friends and have also collected a little money for its support. I remember the trouble I had with my own friends of the Hindu Sabha in Bombay. I am not however speaking here as a member of the Hindu Sabha but only as an humble worker in the nationalist cause, I leave the Hindu Sabha point of view to be expressed by my friend Dr. Moonje who has broad back and square shoulders enough to bear the burden. I was going to say that the Hindu Sabha, unlike some of our Muhammadan friends, generously and almost impulsively rushed into an acceptance of the Nehru Report.

If they had the tact of some of our Muhammadan friends they would have hummed and hawed and sat on the fence until they could discover with exactitude what attitude some of their grudging Muhammadan friends were adopting towards the Report. They would have waited to give the Nehru Report complete acceptance until they could make a bargain with their Muhammadan friends on the terms embodied in the Report. But the Hindus very patriotically did not play this game. They rushed into an acceptance of the compromise and today they find themselves in a very peculiar predicament. It is surprising that the Muslim League, though invited at an early stage of the conferences which led to the Nehru Committee's Report, did not bestir itself, except for a short while, to give its co-operation in the preparation of the report. If they had responded to Pandit Motilal's invitation and contributed their share to the deliberations which led to this Report, things would have been otherwise. The time was then ripe when the nice considerations which Mr. Jinnah now places before the country would have been considered on their merits and the fine adjustments which are now in his opinion necessary would have been made. For some unaccountable reason they kept back. Mr. Jinnah came from England at a late stage and, if I may say so without disrespect, maintained ir-

removable silence on the merits of the Report. While this was being done the report was put before the country. It was gaining more and more acceptance. People like me, who did not agree with all the things which are said in the Report as for instance adult franchise, found that with all their differences the Report embodied the greatest measure of agreement between the several important political parties in the country and as such they decided to stand by it. As Sir Tej Bahadur Sapru said the Report had behind it the greatest common measure of agreement in the country. As such, it commanded the acceptance of many men who had divergent views upon some of the details embodied in it. The Report proceeds upon four important principles which, if Mr. Jinnah's proposals are now to be accepted, would be most violently departed from. The first principle was that no other community except the Musalmans was to be allowed special representation by reservation of seats; second, that population basis was throughout to be accepted for the purpose of this special Muhammadan representation; third, that no majority was to have special protection; and, fourth, the only minority which was to secure special representation was the Musalmans and not the Hindus. You will please note that even in a province like Bengal where the Bengalees are in a minority no protection was to be given to them as it was conceded to the Muhammadans. Further adult franchise was to be accepted throughout, and lastly the separation of provinces as for instance Sind was to be adopted as a part of the new constitution if and when it came into existence, subject to certain safe-guards particularly mentioned in the Report. Now Mr. Jinnah's proposals, as you will find, are a complete departure from all these principles on which the report had proceeded. I am not here to speak on the merits of the proposals. Mr. Jinnah has not invited us to do so. Besides, to do so would require a much longer speech than I wish to inflict on you. My present contention is that the report had accepted these principles; that it is in the nature of compromise, that in arriving at it important communities like the Hindus, Sikhs, Christians, and also an important section of the Muhammadans surrendered valuable rights and privileges. If you now

disturb the report, you must remember carefully that it will surely have the effect of unsettling many claims some of which as advanced by the Christians and Sikhs whose representatives you only heard a few minutes ago.

You must not, therefore, be surprised to find that if you accede to Mr. Jinnah's demands the report will be torn to pieces and will be rejected by important communities who have now accepted it as the final word in the matter. The report, in other words, is like an edifice which has been completed by careful skill and consideration by the leading men in the country. If you now take away any brick—it may be three or four—out of the foundations on which it is firmly resting, it is sure to disturb the edifice, and you must not complain if later on you find that the whole structure topples down. God alone knows how some of us have been keeping in check most arrogant demands which the men behind us are making. I personally had great difficulty in restraining many of my colleagues of the Bombay Presidency Hindu Sabha from openly rebelling against this report. I kept them quite on the clear assurance that the report was accepted by leading and patriotic Muhammadans. If that report is now to be departed from I shall have great difficulty in persuading my friends to refrain from once more urging their violent and arrogant claims. It is not so much a question of the Muhammadans getting a few more seats in the legislature. It is a question of opening the report once more so as to revive claims which have received the quietus in a spirit of give and take. I want you to consider this question from this point of view and to record your vote accordingly.

I am sure that whatever you decide here, Mr. Jinnah is far too patriotic to break away from you and he will make his best effort to bring the Muslim League with him. (Mr. Jinnah intervened, "But will the League go with me?").

Mr. Jayakar—I am sure you will do your best for it.

Mr. Jayakar proceeded: It is no use hiding the fact that these amendments put forward by Mr. Jinnah have their origin in a feeling of communal distrust and suspicion. It will be so easy for the Hindus, the Christians and the Sikhs to reciprocate this unfortunate

spirit with which the atmosphere has long been changed. Let us go on with this experiment in a spirit of mutual trust and confidence for a few years. I can assure my Muhammadan friends that if in course of time this wise experiment is found unsatisfactory, we will not be slow in coming to another adjustment in response to the wishes of our Muhammadan friends.

MR. JINNAH

Mr. Jinnah replying to the debate, said:—

Sir,

The reason why no other delegate from the Muslim League was going to take part in the debate is that we have come to the Convention, which is composed of something like 1,200 delegates not with a purpose of raising controversies which would lead to bad feelings. We have already placed our proposals before the Convention and our grounds for supporting them and on the hypothesis which must be admitted on all hands that communalism exists in this country. We have not come here to apportion blame for it. The offensive remarks or insinuations served no good purpose and I will not follow the style or the manner of the speech delivered by my friend, Mr. Jayakar. Nor will I on this occasion permit myself to deal with spacious arguments and pleadings which he has advanced. In short, his position is an ultimatum and with that ultimatum we were made aware from the very start on behalf of the Hindu Mahasabha. If a single word with regard to the communal settlement is changed in the report, they will withdraw their support to it. With regard to the remarks of my friend, Sir Tej Bahadur Sapru, I am afraid some of the speakers have misunderstood them. He called me a spoilt child. I know the spirit in which he meant it and others have put a childish interpretation upon it. But I think it cannot be denied and I hope that Mr. Jayakar and others will agree with me that every country struggling for freedom and desirous of establishing a democratic system of Government has had to face the problem of minorities wherever they existed and no constitution, however idealistic it may be, and however perfect from theoretical point of

view it may seem, will ever receive the support of the minorities unless they can feel that they, as an entity, are secured under the proposed constitution and government and whether a constitution will succeed or not must necessarily depend as a matter of acid test whether the minorities are in fact secure. Otherwise no proper constitution will last but result in a revolution and civil war. I must here point out that it is not correct to say that the Muslim League did not take part at all in the All Parties Conference. The Council of the League had appointed a Committee in February 1928 and it attended the All Parties Conference till the 11th of March and the Committee had express instructions not to proceed with the framing of any constitution until the Hindu Muslim differences were adjusted and agreed upon. It is true that no settlement was reached and as the Committee felt that it was not possible to arrive at any agreement they ceased to take further part in the All Parties Conference which is responsible for producing the Nehru Report. I am not here today to express my opinion as to whether a constitution ought to be framed or not but I would ask Mr. Jayakar to consider whether he wants what he calls the greatest common measure of agreement to be still greater or not. We are engaged today in a very serious and solemn transaction. It is not merely for the various organisations to come here and say, we agree to it, and retire. We are here, as I understand, for the purpose of entering into solemn contract and all parties who enter into it will have to work for it and fight for it together. What we want is that Hindus and Musalmans should march together until our object is obtained. Therefore it is essential that you must get not only the Muslim League but the Musalmans of India and here I am not speaking as a Musalman but as an Indian. And it is my desire to see that we get 7 crores of Musalmans to march along with us in the struggle for freedom. Would you be content with a few? Would you be content if I were to say, I am with you? Do you want or do you not want the Muslim India to go along with you? You must remember the two major communities in India—I say this without the slight-

est disrespect to other communities like Sikhs, Christians, and Parsis—are the Hindus and Musalmans and naturally therefore these two communities have got to be reconciled and united and made to feel that their interests are common and they are marching together with for a common goal. I want you therefore to rise to that statesmanship which Sir Tej Bahadur Sapru describes. Minorities cannot give anything to the majority. It is therefore no use asking me not to press for what you call 'these small points'. I am not asking for these modifications because I am naughty child. If they are small points why not concede? It is up to the majority and majority alone can give. I am asking you for this adjustment because I think it is the best and fair to the Musalmans. Look at the constitutional history of Canada and Egypt. The minorities are always afraid of majorities. The majorities are apt to be tyrannical and oppressive and particularly religious majorities and the minorities therefore have a right to be absolutely secured. Was the adjustment between French Canadians and British arrived at on population basis or on the ground of pure equity? Was the adjustment between the Copts Christians and Musalmans in Egypt regulated by such considerations. We are dealing in politics. We are not in a Court of Law and therefore it is no use resorting to hair-splitting and petty squabbles. These are big questions and they can be settled only by the exercise of the highest order of statesmanship and political wisdom. I therefore ask you once more to consider this question most carefully before you decide. Please don't think that in anything that I have said I am threatening any party and I hope that I shall not be misunderstood. If you do not settle this question today, we shall have to settle it tomorrow, but in the meantime our national interests are bound to suffer. We are all sons of this land. We have to live together. We have to work together and whatever our differences may be let us at any rate not create more bad blood. If we cannot agree, let us at any rate agree to differ but let us part as friends. I once more repeat. Believe me there is no progress for India until the Musalmans and Hindus are united and let no logic, philosophy or

squabble stand in the way of our coming to a compromise and nothing will make me more happy than to see the Hindu Muslim Union.

Mr. Jinnah's amendments were then put to vote separately.

(The Khilafat and Muslim League delegates abstained from participating in the voting on any amendments.)

The first amendment was that one-third of the elected representatives of both the houses of the Central Legislature should be Musalmans.

The amendment was declared lost by a large majority.

(Muslim League's and Ahmadiya's dissent recorded)

The second amendment was that in the Punjab and Bengal, in the event of adult suffrage not being established there should be reservation of seats for the Musalmans on the population basis for ten years subject to a re-examination after that period, but that they shall have no right to contest additional seats. It was negatived by a large majority. (Ahmadiya's dissent was recorded.)

The third amendment (1) the vesting the Provincial Governments with residuary powers, (2) deletion of clause 13A and (3) revision of Schedules I and II was also negatived by a large majority. (Ahmadiya's dissent was recorded)

The Convention was willing to appoint a Sub-committee for the revision of schedules I and II but as no representative of the Muslim League agreed to serve on the committee the suggestion was dropped and Muslim Leagues amendment was put to vote and negatived by a large majority.

The fourth amendment providing that no amendment in the constitution can be made unless first it is passed in both the Houses of Parliament separately by a majority of 4/5ths and the approved by a similar majority of both the Houses in a joint session was unanimously accepted.

The fifth amendment urging deletion of the words "simultaneously with the establishment of Government under this constitution" was also negatived. (Ahmadiya's dissent recorded)

The last amendment which urged the incorporation of Punjab Pact was accepted. (Sikh League's dissent recorded)
The Convention adjourned till 30th December, 1928.

THE PROCEEDINGS
OF
THE ALL PARTIES NATIONAL CONVENTION
Sixth Day—December 30, 1928

The Convention met on December 30, with Dr. M. A. Ansari in the chair.

At the outset, the President suggested that to save time, discussion on the A. I. C. C. resolution on the Nehru Constitution be deferred, until it is adopted by the Congress.

Several members including Sardar Mahtab Singh, Bal-krishna Sarma, Gaurisankar Misra and T. Prakasam, raised points of order as to whether the Nehru Report could be placed before the Congress unless it is adopted by the Convention. The A. I. C. C. had no right to discuss the Nehru Report clause by clause. It was suggested that the resolution of A. I. C. C. was not binding upon the Convention.

Pandit Gaurisankar Misra said unless the resolution is passed by the Congress itself, it is not binding upon anybody.

Dr. Ansari said that that was what he suggested. It was decided therefore to defer the discussion on the A. I. C. C. resolution until the Congress recorded an opinion on the same.

The President then invited the House to discuss the Sikh question raised in the report of the Convention Sub-committee, appointed to decide the communal question.

Sardar Mahtab Singh wanted to move the following resolution:—

“That communalism in any form, direct or indirect, shall not be the basis of any future constitution and that the Report should be modified accordingly embodying consequential changes due to this amendment.”

Pandit Gaurisankar Misra suggested that Sirdar Mahtab Singh

was out of order.

Dr. Ansari in consultation with Mr. C. Vijayaraghavachariar ruled Sardar Mahatab Singh out of order and also two other amendments to the same effect notice of which was given by Sj. Devaprasad Ghose of Bengal.

The Secretary, Central Sikh League, then made a statement defining their position and regretting their inability to participate in the discussion. After the statement the members of the Sikh League withdrew from the Convention Pandal.

(The Central Sikh League Statement will be found in Appendix A (6).

Supporting the Nehru Report, Sirdar Gurdial Singh made a statement, on behalf of the Namdhari Sikh Community, which will be found in Appendix A (7).

Mr. K. L. Ralliararam (Punjab) moved the following resolution:—

A new clause be added to the Supplementary Report to the effect that the Sikh minority in the Punjab, North-West Frontier and Beluchistan should be given the same privilege in matters of representation in the provincial and central legislatures as other communities are given in the provinces, where they are in a minority.

He said they gave separate representation to one community they should do the same for others. Sikhs in the Punjab are perfectly justified in asking for separate representation if it was given to other communities especially as they contributed largely to the manpower of India.

Mr. Satyamurti seconded the amendment.

Mr. Surendra Nath Biswas moved an amendment to the effect that the system of representation in the Central, and provincial Legislatures should be by election by mixed electorates with reservation of seats to the following main divisions on the population basis:

- (1) Muslims
- (2) Sikhs

(3) Christians

(4) Hindus, including all non-moslems, non-sikhs and non-christian people of India.

Mr. Biswas said all minority communities should be treated alike.

MR. NARIMAN

Mr. K. F. Nariman (Bombay) speaking on behalf of Parsis whom he called the baby community of India opposed separate reserved electorates. He quoted the example of his own election to Bombay Council with the support of other communities and said "trust begets trust". The Nehru Committee had made a great blunder in agreeing to reservation of seats and there should be no additional blunder to it.

DR. ALAM

Dr. Mohamad Alam said the position of Sikhs could only be defined by a compromise between different communities in the Punjab just in the same manner as Muhammadans generally came to a pact with Hindus at Lucknow. As long as the Nehru constitution stood Sikhs had no alternative but to ask for modification after agreement amongst communities in the Punjab.

Mr. Dharamvir Singh supporting Mr. Ralliar's amendment asked the Convention not to punish Sikhs simply because they did not make so much noise as Muhammadans.

PANDIT MALAVIYA

Pandit Malaviya generally agreed with Dr. Alam. As one who attended the Gujranwalla Conference of Sikhs he pointed out that the Sikh demand was a just one and it would be better if as Dr. Alam had suggested the demand were settled firstly in a conference between Hindus and Musalmans and Sikhs in the Punjab. He commended the example of Sardar Mangal Singh who honestly believed that nationalism and not communalism was the way to Swaraj. He was glad the Hindus of the Punjab were willing not to raise the question of reservation of seats for themselves.

MR. N. C. SEN GUPTA

Mr. N. C. Sen Gupta said the suggestion that economic basis should not ever be allowed to come to front and that they should go on fighting on the basis of communal interest was futile.

MAULANA ZAFAR ALI

Maulana Zafar Ali said the question of sacrifice by the Sikhs, or any other community should not be allowed to weaken the fight for freedom. When liberty was attained, the interests of all communities would be safe. He appealed for unity among the Hindus and Moslems. Mutual distrust of the Sikhs, Moslems and Hindus was the cause of all the trouble. He supported Dr. Alam's contention and appealed to the Sikhs in the name of unity.

DR. BESANT

Dr. Annie Besant said that she would be ruled out of order, if she moved for the abolition of communalism. She regretted that instead of fighting poverty and famine, banes of British rule, they had to fight communalism and waste so much time in evolving a scheme. She hoped before departing the Convention would discard communalism altogether and moved that the report be referred back to the Nehru Committee.

PANDIT MOTILAL NEHRU

Before the amendments of Mr. Biswas and Mr. Ralliarām were put to vote, Pandit Motilal addressed the house. He said:—"We have given reasons in the report for which we have not allowed any reservation of seats to the Sikhs. You will no doubt recognise that the Punjab presents very peculiar features which are not present in the other provinces. The Punjab problem had defied solution because there were three main communities to deal with and not two, as in the other provinces. The device of reservation was wholly impracticable in the Punjab. Sikhs have every right to ask us: "why should you in our case depart from the principle accepted for other Provinces." It is true that the Sikhs were no party to the Punjab pact between Hindus and Musalmans at Lucknow. Although two nationalist Sikhs had signed the pact the Sikh League

as a body had not associated itself with that pact. But the committee has obtained the greatest possible agreement on the communal settlement as it stood and therefore I will ask the house not to disturb this agreement. I am told that Sikhs are not present in the Convention. Therefore acceptance or rejection of amendments without their consent will not affect them. We are not here to sit as judges but to obtain the largest common agreement of all parties. Even if we pass the amendment I doubt if the Sikhs will be prepared to accept it." Continuing Pandit Nehru said that they must see what effect the alteration of one provision would have on the other parts of the Report. He therefore appealed to them to think twice before disturbing the Punjab pact on which whole scheme rested.

Amendments being put to vote were lost by a majority.

The Convention was adjourned till December, 31, 1928.

THE PROCEEDINGS
OF
ALL PARTIES' NATIONAL CONVENTION

Seventh Day—December, 31

When the National Convention re-assembled discussion was resumed on the communal part of the Nehru Committee's Report.

MR. J. L. BANERJI

The Committee appointed a few days ago to discuss the question did not assent to the Bengal Hindus demand for reservation of seats in legislatures. Mr. Jitendralal Banerji, however, moved that seats for the Hindus in Bengal should be reserved on population basis. He held that according to the Nehru Committee's recommendations, the Bengal Council would consist of 465 members and on pure population basis the Muhammadans would be able to obtain 255 and Hindus 210. But as the population of districts was unevenly distributed unless seats were reserved for Hindus they would not be able to send in more than 150. Thus the Muhammadans would get sixty more than their due share and Hindus sixty less. This meant 120 seats more in favour of the Muhammadans. The Hindus of Bengal would not have cared for having seats reserved for themselves if communal representation was completely abolished and if the Muhammadans had given up asking for reservation of seats in certain provinces. But the Nehru Report had acknowledged the principle of communal representation and kept alive the feeling of bitterness and suspicion. If the Nehru Report recommended reserving seats for minorities in certain provinces more than their share then indeed the case of the Hindus for reservation became overwhelming in importance, because the Hindus were in minority in several districts of East and North Bengal and even in certain districts of West Bengal. He mentioned as

instances the districts of Mymensingh and Bogra.

DR. N. C. SEN GUPTA

Dr. N. C. Sen Gupta of Mymensingh opposed the amendment and agreed that the feeling among Hindus there was strong in view of the fact that they had been swept by Musalmans in the elections to the District Board. But it must not be forgotten that in the same district Hindus swept the local boards. That being so it should not be regarded as a calamity that because Muhammadans at the last elections came in very huge numbers therefore they should seek reservation of seats in the legislatures, a principle which ran counter to the progress of Nationalism.

President, Doctor Ansari put Mr. Jitendralal Banerjee's amendment to vote and found that the majority was in favour of it. Before declaring the result, Doctor Ansari appealed to the House to realise the serious consequences of carrying the motion which meant destroying the Convention itself. By passing this amendment they would be declaring to the world that it was only the people holding one set of views who predominated at the Convention and carried whatever they liked. He appealed to their sense of patriotism not to be carried away by such considerations. He was prepared to take votes again and declare the result, but he appealed to them to think over the matter again.

Mr. Jitendralal Banerjee appreciated the remarks of the President and said he fully realised the consequences, but he brought the motion as a protest against a certain gentleman posing to speak at the Lucknow Conference in the name of Bengal Hindus and giving an assurance for the Bengal Hindus. He therefore suggested that the matter be left over and no votes be taken at this stage. Doctor Ansari ordered the amendment to stand over.

At a later stage Mr. Banerjee agreed to withdraw his amendment on the assurance that the following statement would form part of the proceedings of the Convention:—

The amendment being put to the vote was carried by show of hands. But on appeal from the President that the question should

be reconsidered in the public interest and upon the advice of the president of the Hindu Mahasabha, Mr. J. L. Banerjee withdrew the amendment remarking that his chief object was to record the protest of the Bengal Hindus against the light-hearted assurance given in their name at the Lucknow Conference and also to show (that Bengal Hindus considered they had legitimate grievance in the matter which however they were prepared not to press at this stage in the interest of the communal harmony and reciprocal good-will.

Clause 3

The President then announced that the Committee which had been appointed by the Convention to go into the question of definition of citizenship had made its report—already presented—recommending that Sub-clause (a), (b) and (d) should remain as they were given in the Supplementary Report and that following be substituted for Sub-clause (c) "who being a subject of the Crown (1) ordinarily resides or personally works for gain, within the territories of the Commonwealth at the date of the commencement of this Act; or

(2) fulfils the qualifications prescribed by the Parliament for the exercise of the rights of citizenship."

Mr. Haji did not agree with this recommendation and in his note of dissent suggested the addition of the following words to clause (c) "and fulfils the conditions prescribed by Parliament for the exercise of rights of citizenship."

MR. S. N. HAJI

Mr. Haji then moved his amendment saying that the Commonwealth Parliament when it was established should not be fettered but should be free to act as it wanted in this matter. He said in no Dominion had the rights of citizenship been guaranteed. We must reserve this right so that we may be able to retaliate if it is necessary against those parts of the Empire where discrimination was made against Indians as in South Africa. If these rights were given to foreigners they would dominate over Indians economically and dictate the policy of India.

DR. N. C. SEN GUPTA

Dr. Naresh Chandra Sen Gupta, Signatory of the Sub-Committee Report, opposing the amendment said that it was perfectly reasonable to define qualifications. The majority had defined the rights of British residents. As to others the matter would depend on the discretion of future Parliament.

MR. C. VIJAYARAGHAVACHARIAR

Mr. C. Vijayaraghavachariar said he was in entire agreement with Mr. Haji's motion. Law could be easily altered by legislation but it would be difficult to alter the constitution. They should not bind the hands of the future Parliament. The amendment did no injustice to the foreigners. It only said that the rights of foreigners would be determined by the future Parliament.

Mr. S. N. Haji's amendment was put to vote and carried.

Clause 4A

Mr. Lalchand Jagtyani moved that the language of the Commonwealth should be Hindusthani, written in Roman character.

Sj. Nekiram Sarma having opposed the amendment it was put to vote and declared lost.

New Clause

Dr. Naresh Chandra Sen Gupta moved that the following clauses be added after clause 4A.

"Notwithstanding anything hereinbefore contained, neither the Parliament nor Provincial Legislature shall consider or pass any legislation affecting religious and social laws and customs of any community, including laws relating to marriage, dower, divorce, adoption, gifts, endowments, wills and inheritance, where such laws are based on religious authority, nor any laws regulating religious institutions and establishments appertaining to that community, but legislation on all such matters shall be passed in the manner and by the authorities hereinafter provided.

"In each province a Council shall be instituted for each community or distinct social group consisting of members who shall

all be elected in accordance with rules to be framed, in the first instance by the Provincial Legislature and, after the first Council is established, in accordance with rules framed by such Council, provided that such rules shall provide that each adult member of the community, without distinction of sex shall have a vote.

“The Council for each community or social group constituted under the next foregoing section shall have full power to pass any laws consistent with this Act, affecting the religious and social customs of that community as also laws regulating religious institutions and establishments appertaining to that community, and all laws passed by such Council shall have the same force as if the laws were passed by the Provincial Legislature of the Province.

“Each of the Councils constituted as hereinbefore provided shall have the power to frame rules of procedure for that Council and shall also be competent to discharge any functions allotted and exercise any powers delegated to it by an Act of the Parliament or Provincial Legislature.”

Mr. C. Vijayaraghavachariar opposing pointed out if the amendment was accepted it would paralyse the whole constitution.

The amendment being put to vote was lost.

Dr. Kitchlew moved an amendment to section 4A of the Supplementary Report. As amended the section would read as under: “The language of the Commonwealth shall be Hindusthani which shall be written both in Nagri and in Urdu characters. The use of the English language shall be permitted”.

Lalchand Jagtyani opposed it and it was lost.

Dr. Kitchlew again moved an amendment standing in the name of Mr. Abdul Rahman Ghazi to Section III—communal for inserting the clauses of the Punjab Pact including that of adult suffrage instead of part (a) of para. III and for deletion of reference to the Punjab in part (a) of para. III.

The amendment was adopted without division.

Mr. Das Ram Bagai (Deragazi Khan) then moved for the deletion of the words: “The N.-W. F. Province, Beluchistan and” from clause VI of the recommendation of the Nehru Report under

the head communal representation.

The mover read a long speech with copious extracts from official reports with regard to the fanatical nature of Muhammadans and Pathans of that Province and the difficulties under which the Hindu minority was suffering there.

Mr. Lalchand Jagtyani, Dr. Kitchlew and Mr. B. Das opposed the amendment.

All the three speakers could not reconcile their demand for Swaraj with the denial of the right of self-determination to the people of the Frontier Province. The amendment was defeated by a large majority.

Clause 13 A

Mr. C. Vijayaraghavachariar moved an amendment vesting in the Central Government and Parliament power to interfere not only in cases of great emergency and in matters of controversies between provinces or between a province and Indian States but also to give protection to minorities and special classes. He emphasised that his object was not to promote communal difference but to give surer effect to what Nehru Committee itself stated in page twenty-nine when it said that the object of communal settlement was not to give domination to one community over another but to prevent harassment and exploitation of any individual or group by another.

At Dr. Ansari's suggestion further discussion was postponed in order to enable other members of the Nehru Committee to participate in it. (Most of them were not present in the Convention).

Pandit Malaviya agreed to this course.

Regarding communal solution, Mr. Daulat Ahamad Khan moved an amendment tabled by Mr. Mahomed Siddiq to the effect that there should be no joint mixed electorates. He instanced the case of elections of Hindu candidates in joint mixed electorates to the disadvantage of Muhammadans and referred to Mr. Asaf Ali's defeat in Delhi.

Dr. Kitchlew opposed the motion remarking that separate

electorates had been a curse to the country. The amendment was lost there being none to vote for it besides the mover.

The amendment tabled by Haji Abdullah Haroon was moved by Mr. Daulat Ahmed in absence of the former for reservation of seats in excess of their population for Muslims in provinces wherever they were in minority.

MR. S. A. BRELVI

Mr. S. A. Brelvi in opposing said that past experience had shown that reservation of seats was detrimental to the national cause and did no good to Muslims either. They must not consider the questions from the communal view-point because they were out to establish Swaraj which was a means to the establishment of a new social order based on justice.

The amendment when put to vote was lost.

All other amendments tabled on the communal question were lost after a short discussion and some of them were withdrawn without discussion.

The Convention at this stage adjourned till January, 1929.

THE PROCEEDINGS
OF
THE ALL PARTIES NATIONAL CONVENTION
Eighth Day—January 1, 1929

The All Parties Convention re-assembled on January 1, 1929 with Dr. M. A. Ansari in the chair. Most of the amendments on the agenda paper lapsed owing to the absence of the movers.

Babu Bhagwandas moved the following amendment regarding the qualification of voters: "Every candidate for election shall be possessed of qualifications as below:

"(a) he shall represent one or another of following main functions of society:—(1) science and learning; or (2) executive work; or (3) production of wealth, that is, agriculture, manufacturing industries, trade and commerce, etc., or (4) labour;

"(b) he shall have done good work in some walk of life and earned reputation for uprightness and public spirit;

"(c) he shall have sufficient leisure for the work for the Legislature and preferably, but not necessarily, have retired from active bread-winning or money-making business.

"Canvassing directly or indirectly, beyond the publication of a statement of the candidate's qualifications by his nominators, shall be regarded as a disqualification.

"No member shall receive any cash remunerations for his work as such a member, but all ex-officio expenses of travelling and housing etc. shall be paid to every member out of public funds."

Babu Bhagwan Das was glad that after eight years the country had been able to give a meaning to word "Swaraj". But the Nehru Committee had left out the most important portion of the meaning of that word. The welfare of the people depended on good laws, which in turn, depended on good legislators. Hence

his amendment.

(Owing to the pressure of time and the length of Babu Bhagwandas's speech, he could not read out the whole of it before the Convention—but at his special request it is printed in full as Appendix B.)

Dr. Besant without expressing a definite opinion on the amendment, she being a member of the Nehru Committee, pointed out the difficulties that might arise as the result of such a clause. She said the Commonwealth of India Bill was based on what is known as graded suffrage but it was pointed out that it was not democratic. The present amendment would also give rise to that difficulty. Politics was the one thing apparently in which one was not wanted to be wise before practising it.

Mr. Jairamdas Daulatram opposing said the amendment was impracticable. It would take away rights from the voters and transfer them to Returning Officers.

The suggestion was then made to refer the matter to the Nehru Committee in view of the thin attendance at the meeting and the momentous issues involved but it fell through.

The amendment was put to vote and lost.

INDIAN STATES POSITION IN FEDERATION OF INDIA

The question of Indian States was taken up next. Mr. Satyamurthi on behalf of the All India Indian States Subjects' Conference, which he said contained representatives from advanced and big states like Hyderabad and Mysore, moved:—

(1) This Convention is of opinion that an honourable place should be found for Indian States in the Scheme of the Indian Federation either by themselves or in groups of smaller States.

(2) This Convention approves of the recommendations of the Nehru Report in regard to the settlement of disputes between the Government of India and Indian States.

(3) This Convention is of opinion that full responsible government should be established in Indian States before they can take their rightful place in a free federal India.

(4) This Convention is of opinion that the people of Indian States should have an effective voice in the settlement of All-India questions concerning the Indian States.

He said this was a kind of compromise between the untenable position taken by Sir Leslie Scott, constitutional lawyer on behalf of the Indian princes, and those extremists in India who regarded the Indian States as anachronism to be wiped out from the map of India. Whatever the nature of the rule in Indian States it was the only existing specimen of Indian sovereignty and it was necessary if India as a whole was to march towards democracy that the Indian States should be given an honourable place in any scheme of the federation. According to the third clause there would be no place in that federation for any autocratic prince who was irresponsible to the people and the federation should not have autocratic princes unless they established responsible governments in their own States.

Mr. Sanjiva Rao of Mysore seconded the motion.

MR. KOTHARI

Mr. Manilal Kothari then moved the following amendment:—
“This Convention invites the princes and peoples of Indian States to appoint representatives to confer with representatives of the Convention at a Round Table Conference with a view to discuss and agree upon the constitutional position and status of Indian States in the future Commonwealth of India and relations that should subsist between Indian States and the Central and Provincial Governments of the Commonwealth.

“And this Convention appoints the following members, namely, Pt. Motilal Nehru, Mr. M. R. Jayakar, Pt. Malaviya, Sir Tej Bahadur Sapru, Sir Ali Imam, Mr. Satyamurthi, Sardar Sardul Singh, Dr. M. A. Ansari, Mr. Ramchandra Rao and Mr. Manilal Kothari, as representatives, referred to in the foregoing resolution, with power to correspond with the States and peoples' organisations to appoint their representatives and to arrange for the conference not later than May next.

“This Convention trusts that the Government of India will

place no difficulties directly or indirectly in the way of the Princes.”

Mr. Kothari said inspite of there being a number of experts in India an expert from England was indented at a huge waste of money. As one belonging to an Indian state the speaker was opposed to the direct relation with the Crown as the Butler Committee suggested. It appeared the Nehru Report was looked upon by the princes with suspicion. There was absolutely nothing in the Report which would prejudicially attack the interest of princes. It was the duty of the Convention to speak clearly that there was no cause for such apprehension and it was with a view to remove this distrust and understanding of mutual position he had brought the amendment proposing a Round Table Conference. The princes themselves felt the dishonourable position they held under the Union Jack and if the hand of fellowship was offered they would be ready to accept. He therefore proposed the committee of the Convention to confer with princes in May next.

MR. S. A. BRELVI

Mr. S. A. Brelvi in supporting the amendment said in framing the Indian constitution Indian States have not been consulted. It was proper that their point of view should be placed before the Nehru Committee if they wanted to incorporate them in the Federal constitution of India.

Mr. Satyamurti said he was prepared to accept Mr. Kothari's amendment as an addition to the resolution as he felt the Convention should not go into matter without making its position clear.

Mr. Salam of the Cochin state supported both the amendment and the resolution and prayed for a consideration of their case at an early date.

Mr. Kothari's amendment being put to vote was carried, Mr. S. Satyamurthi dissenting on behalf of All India States' Subject Conference.

(The statement by some of the delegates of All India States' Subject Conference headed by Mr. Hosakappa Krishna Rao will be found in Appendix A (8).

BURMA AND CONSTITUTION

Mr. Tayabji of Burma then moved that in view of the peculiar political conditions obtaining in Burma and complexities of her relation to India the Convention should appoint a committee to report after due enquiry as to what, if any, modification of the proposed constitution of the Commonwealth is necessary in respect of Burma.

Asked by the House to propose the names of the members of the committee the mover left it to be done by the President of the Convention, who would appoint the committee and settle details.

Mr. Tayabji's motion was carried:

A question was raised at this stage as to who would be the President of the Convention hereafter as the term of office of Dr. Ansari was to expire with his office of the Congress presidency. Suggestions were made that Dr. Ansari should continue as the President of the Convention and that his position in the Convention was not dependent on his presidency of the Congress.

Explaining Dr. Ansari said he was never formally elected as the President of the Convention but came to that position in his ex-officio capacity as President of the Congress and he must cease to be so hereafter. The reasons that he had presided over the Convention these few days even after Pandit Motilal Nehru had become President of the Congress were that Pandit Motilal was already too much preoccupied and Dr. Ansari had done it only to help his friend Pandit Nehru. The discussion on the point terminated at this stage.

As the whole agenda specially the question regarding Utkal and others was not gone through the President suggested as he was hard pressed for time that other items should be discussed at a later sitting of the Convention.

Mahatma Gandhi's resolution

Mahatma Gandhi then moved: "This Convention is of opinion that resolutions it has already passed on the recommendations of the All Parties Committee contained in clauses one to six

of their report sufficiently indicate the will of the nation as the nature and main principles of the constitution acceptable to it and is further of opinion that except on points on which notes of dissent have been recorded at the instance of some of the parties present there is a general agreement on the basis of the solution of communal problem recommended by the said committee.

“This Convention adjourns *sine die* authorising the Working Committee of the Indian National Congress to convene it when necessary for more detailed examination of the recommendations of the Committee.”

Mahatma Gandhi apologised for his presence in the Convention. He said he came as a legal adviser to the President who had met him and Pandit Motilal and requested them to be present in the Convention and help him with their advice. To facilitate work he was going to move the present resolution and hoped there would not be much discussion nor any amendment. Mahatmaji proceeded to say: “Whilst we have very nearly exhausted the Nehru Report and accepted it without much alteration yet much still remains to be done. The situation in the country is such that we shall have to keep both the Nehru Committee and the Convention alive. As regards the Muhammadan question, he said the Convention had not been able to placate all parties. The Sikhs also required to be placated.”

Continuing Mahatmaji said: “Personally I think we have not done full justice to the Sikhs. Hence it is necessary for all of you to put your heads together and make suggestion and evolve order out of chaos. There is the Utkal question which still requires to be solved and is giving trouble. This question is a nightmare. It crops up in all my speeches. The exhibition given by Utkal delegates the other day was like an animal undergoing vivisection. The Nehru Report, he continued, can only be touched here and there and not in its entirety. Only in matters of detail we can make alterations. If anything is wanted to satisfy the Moslems then also we have to touch it but if the Moslems spring some surprise it is not for the Nehru Committee to deal with it. That is the

business of some other organisation. Mahatma Gandhi concluded with the hope that the resolution will be carried without any amendment.

Mr. Pattabhai Seetaramiar wanted the House to record the statement made on Utkal question by the linguistic Conference.

(The statement will be found in Appendix A(9).)

DR. BESANT

Dr. Besant opposing Mahatma Gandhi's resolution said: "When I saw how things are going in the Congress I could not think out what members of the Nehru Committee should do. I think it is time we should all gather together." Referring to the clause in Mahatmaji's resolution that the Convention should be called by the Working Committee of the Congress, Dr. Besant made an emphatic protest against it. She was of the opinion that the Nehru Committee had not yet been able to build up a regular constitution but only a structure. The Congress resolution adopted yesterday had altogether altered the situation.

Pandit Motilal Nehru had said times out of number that the Congress was one of the bodies in the Convention but now without any kind of notice and when many of the members were absent they had sprung a surprise. The present resolution deprived them of their freedom by compelling them to work under the Working Committee of the Congress. She continued: "I believe if the Congress persists in its present policy it will lead to a violent revolution and cause bloodshed widely spread. I do not think Mahatma Gandhi would be able to hold the people to non-violence. I know he would rather be killed than kill others. Bardoli might be worked out in many other taluks but that is not all. The present resolution breaks us up. The Congress is only a party organisation—a party adhering to one particular school of political thought whereas the Convention was a body of all organisations. We strongly disagree with the Congress policy. The resolution practically proposes to break up the Convention *sine die*. Unity that had grown up after hard working for 11 months will be shattered

into smithe-reens. At Lucknow, Bombay and Delhi it was only the maximum agreement that could be arrived at. The present resolution is very discourteous to us if not anything else. My appeal to you is to keep yourselves together and not come under a party organisation like the Congress. We simply want to have a free field in which we do not have to believe in civil disobedience and non-payment of taxes. Do not go against your conscience and do not agree to the resolution by which you will have to work with the body which will consider you as untouchables. Here we shall have to work if the resolution is carried in a friendly attitude as they say, but that will be with the spirit of one dismissing his servant. We refuse to give up our freedom."

Continuing Dr. Besant said "the Independence talk was merely wordy. It had no force behind it. I, therefore propose that all parties who had hitherto worked together should continue to work together. I deny the right of one party to dominate over all others. I move for the constitution of a permanent organisation consisting of members representing every school of thought for the working of a union now achieved which, in my opinion should not be sacrificed. I am not attacking the Congress but want freedom to work."

DR. ANSARI EXPLAINS

Dr. Ansari explaining the position said the Convention came into existence according to the resolution of the Madras Congress. The specific purpose to prepare a constitution for which it was appointed has been served by the Convention. There is no disrespect to other parties and there is nothing to deter others from popularising the Nehru Report. Though he did not like to stop Dr. Besant in moving her amendment because of the respect she demands from all, the President ruled Dr. Besant's amendment was out of order.

Mr. C. Vijayaraghavachariar next asked the president to reconsider his ruling regarding Dr. Besant's amendment because he was of opinion that if Dr. Besant's amendment was out of order the other proposition also was out of order. "We have not done our

work and the Convention exists. The proposition moved is a euphemism for dissolution. I do not like to leave the matter to be worked out by the Working Committee of the Congress."

Mr. Niranjan Patanai opposing Mahatmaji's motion said the delegates of Utkal were not at all satisfied with the provision made in the resolution. It wanted *sine die* adjournment but had fixed no date and given no particulars. Representatives of Utkal were specially in an unhappy position. Under present circumstances it was proper not to defer the Utkal question any longer. In the case of a settlement of the Utkal question nothing but sentiment was standing in its way.

Mr. Aney explaining the constitutional aspect of the question agreed with the objection raised by Mr. Vijayaraghavachariar.

Mr. Shanmukham Chetty supporting Mahatmaji's resolution said the proposition placed before the house by Dr. Besant was entirely different from the one placed by Mahatmaji.

At this stage Mahatmaji announced that as a result of discussion he had come to a compromise and agreed to make some verbal alterations in the latter part of the resolution.

The amended resolution which was then carried stands as follows:—

"This Convention is of opinion that the resolutions it has already passed on the recommendations of the All Parties Committee contained in clauses 1 to 6 of their Report sufficiently indicate the will of the nation as to the nature and main principles of the constitution acceptable to it and is further of opinion that except on points on which notes of dissent have been recorded at the instance of some of the parties present there is a general agreement on the basis of the solution of communal problem recommended by the said committee. This Convention adjourns *sine die* to meet when necessary for completing its work."

The Convention then adjourned *sine die*.

APPENDIX A

1—STATEMENT OF MR. SRINIVAS IYENGAR AND SOME OTHER MEMBER OF THE CONVENTION

We the undersigned delegates of the All Parties National Convention desire to make the following statement with a view to clear our position before the Convention and the country. We are of opinion that both in the exercise of India's right to self-determination and in consonance with the resolution of the Madras Congress declaring the goal of the people to be complete national independence, the Swaraj Constitution of India which the Madras Congress directed the Working Committee of the Indian National Congress to draft and place before this Convention, should be based on independence.

We feel that the constitution drafted by the Nehru Committee and placed before this Convention definitely commits those who support it to a constitution based on Dominion Status. We are not prepared to accept this and we therefore cannot accept or support the Dominion Status basis of this Constitution. We dissociate ourselves from this Constitution in so far as it commits us to the acceptance of Dominion Status.

We notice that both in the Nehru Report and in the resolutions of the All Parties Conference at Lucknow the right of Congressmen and of the Congress to retain and exercise the fullest liberty to work for complete independence is amply recognised. We also know that at the Lucknow All Parties Conference a statement on behalf of those who stood for independence was read stating their position on the above lines.

The All India Congress Committee at its meeting at Delhi on the 3rd and 4th of November last considered the Nehru Report and the resolutions of the All Parties Conference and exercising its liberty of action decided in the course of a resolution as follows:—

“This meeting of the A. I. C. C. adheres to the decision of the Madras Congress declaring complete independence to be the goal of the Indian people and is of opinion that there can be no true freedom till the British connection is severed.”

We feel that that resolution represents the correct position to be taken by Congressmen and others who believe in independence. We consider that as this question will have to come before and be decided by the Subjects Committee and by the Indian National Congress, that is the proper time and place for those representing the independence point of view to have it reaffirmed by the Congress. In the meantime, we consider that

the view expressed by the A. I. C. C. at Delhi in the course of the following resolution regarding the Nehru Report is fully binding on the A. I. C. C. represented at this Convention, unless it is reversed or modified.

“This Committee accepts the recommendations of the Nehru Committee as agreed to by the Lucknow All Parties Conference for the settlement of the communal differences.

“This Committee cordially congratulates the Nehru Committee for their labours, patriotism and farsightedness and without prejudice to the resolution of the Congress relating to complete independence, is of opinion that the recommendations of the Nehru Committee are a great step towards political advance and, without committing itself to every detail, generally approves of them.”

We are confident that the Subjects Committee and the Congress will fully accept the independence point of view. Having regard to the composition of this Convention and to the above-mentioned circumstances we have decided not to take any part in the framing of the constitution in so far as it commits us to the acceptance of Dominion Status. We shall neither move amendments nor vote on it. We propose to carry on in the Congress and in the country such activity as we consider proper and necessary in favour of complete independence.

But as we are deeply interested in the communal settlements recommended by the Nehru Committee and by the Lucknow All Parties Conference we shall not abstain from taking part in the discussion or voting on those questions.

We desire to add that the Independence for India League wholly supports this point of view.

- | | |
|---------------------------|--------------------------------|
| 1. Srinivasa Iyengar | 18. Sarat Chandra Bose |
| 2. Jawaharlal Nehru | 19. Govindanand |
| 3. Hosakoppa Krishnanayya | 20. M. Bhaktavatsalam |
| 4. Balkrishna Sharma | 21. C. N. Muthuranga Moodiar |
| 5. Gaurishanker Misra | 22. B. Bhaktavatsilur |
| 6. F. H. Ansari | 23. Vasudevacharya |
| 7. Manjeetsingh Rathor | 24. B. Pallabhisitaramanyya |
| 8. Badridatt Pande | 25. Kumud Sankar Ray |
| 9. Nardeva Shastri | 26. C. S. Dutt |
| 10. Mukundilal | 27. Swami Kumarananda |
| 11. S. D. Kitchlew | 28. Bhupendra Kumar Dutta |
| 12. Girdharilal | 29. Sh. Shafee Mohammad |
| 13. Pandit Viswanathan | 30. Abdul Hamid Khan |
| 14. Jamnadas Mehta | 31. Basheer Ahmad Sayed |
| 15. B. Sambamurti | 32. Satish Chandra Chakravarti |
| 16. S. Ganesan | 33. Syed Mahmud |
| 17. S. Satyamurti | 34. Abdulbari |

- | | |
|-----------------------------|-----------------------------|
| 35. Arif Haswi | 66. Mahabir Tyagi |
| 36. Pyarelal Sharma | 67. Nilkantha Das |
| 37. Ahad Hussain | 68. Hari Kumar Chakravarti |
| 38. Swarajya Sewak | 69. Manoranjan Gupta |
| 39. Chandradhar Johri | 70. Amar Krishna Ghose |
| 40. Pratulchandra Ganguli | 71. Surendra Mohan Ghose |
| 41. Dharmananda Saraswati | 72. M. A. Rauf |
| 42. Prakashanand Saraswati | 73. Mukundlal Biswas |
| 43. Shiv Ram | 74. O. Kandaswami Chetty |
| 44. Dalpati | 75. Satyakety Vidyalankar |
| 45. S. K. Setlur | 76. Chandragupta V. A. |
| 46. Mangal Singh | 77. V. Nath Shastri |
| 47. Indra Singh Chakravarti | 78. Sardul Singh Caveeshar |
| 48. Lachman Singh | 79. Lal Chand Falak |
| 49. Ankha Singh | 80. Makhanlal Sen |
| 50. S. Ramaswamy Gupta | 81. Pramathanath Banerji |
| 51. N. D. Varadachari | 82. Madhava Shukla |
| 52. Sarat Kumar Dutt | 83. Arjunlal Sethi |
| 53. Satyaranjan Baksi | 84. Keshava Chandra Gupta |
| 54. Syed Jelaluddin Hashmy | 85. R. Chinoswami |
| 55. Shamsuddin Ahmad | 86. K. Madhvan Nair |
| 56. Mohammad Qasim | 87. K. B. Jivaraja |
| 57. Purushotam Das | 88. Belur Srinivasa Iyengar |
| 58. Madhusudan Das | 89. Raghavendrarmi Sharma |
| 59. Suresh Chandra Das | 90. B. Raja Rao |
| 60. J. M. Das Gupta | 91. Vasudeorao Subhedar |
| 61. S. C. Mita | 92. R. V. Ruikar |
| 62. N. S. Hardiker | 93. P. D. Dhawale |
| 63. Sriprakasa | 94. Masood Ali Nadvi |
| 64. Shankerlal | 95. Chunilal Banerji |
| 65. Shivaprasad Gupta | |

(There are about twenty more names on the list but their signatures are illegible.)

2—STATEMENT MADE ON BEHALF OF SWADHIN BHARAT SANGH

We, the members of the Swadhin Bharat Sangha, are of opinion that the only goal for which any nation should work is independence and that India can never have true freedom until British connection is severed and, therefore, the constitution of India should be based only on Independence. We find that the constitution recommended in the Nehru Report is based on what is known as Dominion Status which means that the entire politics of India will in the last resort be controlled by Britain in the interests of British Imperialism. We are also of opinion

that the salvation of India and her masses lies in the establishment of real socialistic regime. We are afraid the whole of the constitution sketched in the Nehru Report is based on capitalistic ideals of society. We are not prepared to accept this constitution and hence cannot support it.

2. We feel that real unity cannot grow and prosper in India as long as there is communal representation in whatever form in the Constitution of India. We are, therefore, emphatically of opinion that the constitution of India should be based only on national representation. We find that the constitution, sketched in the Nehru Report, is based on communal representation through reservation of seats for minorities. Consistently with our nationalism we cannot therefore accept this portion of the constitution. But since, under the circumstances, much as we deplore them, another settlement, acceptable to all the communities was not possible we feel it our imperative national duty not to complicate matters by opposing that portion of the Report in this Convention or outside in the country; for we do not want to fall into the clever traps of the rank communalists and reactionaries who, exploiting the idealists nationalism and patriotism, are out to wreck any honest efforts at mobilising the national forces to give a battle royal to the present tyranny and to win the nation's freedom.

Having stated our position with regard to the three most important issues in the Report (1) Dominion Status *vs.* Independence (2) Nationalism *vs.* Reservation of seats and (3) Socialism *vs.* Capitalism, we wish to assure the Convention that, much as we feel very strongly on these three questions, we do not propose to hamper the work of this Convention, but we desire to record our considered opinion on all three questions and to dissociate ourselves from resolutions on these three issues in so far as they commit us to the acceptance of British connection, Capitalism and Reservation of seats on communal basis. We shall not take any part in the resolutions by moving amendments or voting on them. We shall, however, avail ourselves of the privilege accorded in the Report and the Lucknow resolution carrying on such activity as we consider proper and necessary in favour of complete Independence and hope the parties favouring British connection will not carry on any counter-propaganda or hamper in any way our activities in that direction.

While we have stated our position on matters of principle, we have purposely refrained from considering the various details and giving our opinion on them because we believe the time for drafting a constitution for India has not yet arrived. When we shall have devised our sanctions and by enforcing them have won our national freedom, then will be the proper time to sit together to discuss and draft a suitable consti-

tution for India. But since the aristocratic leaders of India feel that India can win her rights and liberties by producing an agreed constitution, we do not want to hamper their work lest we be charged by them as having spoiled it by pressing our resolutions which we are sure have the support of the entire Nation. But we wish to make it very clear that if within one year the efforts of the Convention do not produce any results, we shall expect them to join with us in working for Independence.

(Sd.) GOVINDANAND

General Secretary, Swadhin Bharat Sangh

3—STATEMENT MADE BY MR. MANECKJI PATEL ON BEHALE OF
MAZDAYASNI PARSEE MANDAL

The President of the All Parties Convention

DEAR SIR,

At the resumed sitting of the All Parties Convention, on Monday last, I applied to you for permission to address the meeting, being a Delegate elected by a Parsi Association of Bombay, known as Mazdayasni Mandal, but did not get an opportunity to do so, as closure was applied by you suddenly being pressed for time. I, therefore, avail myself of this means to place before the All Parties Convention, through you, the following statement which represents the views of my Association and of the Parsi Community in general about the Constitution drafted by the Nehru Committee so far as my knowledge of the same goes.

With a view to prevent any possible misunderstanding and injustice to myself, I must say at the outset that I hold the most radical views in politics and am an Independence Leaguer and do not share the views of the majority of my Community. But having attended the Convention as a Delegate elected by the said Mazdayasni Mandal, I feel myself in duty bound not to give expression, in this statement, to my views and sentiments, but to those of the majority of the members of the said Mandal, of which I have the honour to be the President and a Delegate.

The Parsi Community appreciates the unquestioned and unquestionable patriotic motives that have inspired yourself, Pandit Motilal Nehru and others, who are responsible for the framing of a Constitution for the future governance of the country, which bears clear evidence of assiduous application, strenuous labour and unflagging zeal. But the Community cannot help deploring the fact that its very existence has been ignored by the said leaders, from the very inception of the movement for framing the said constitution. For this reason more than any other, this business

of Constitution-framing has failed to evoke the sympathy and enthusiasm of one of the smallest yet admittedly one of the most influential Communities in India. The absence of any reference to the Community in the Nehru Report, supplementary as well as original, may have been unconscious and inadvertent. It is, however, as surprising as is painful to the Community to see itself so completely ignored in the Report by the distinguished framers of the Constitution.

The Parsis complain that although, like the Sikhs, they have showed their patriotism and their desire not to stand in the way of India's freedom by foregoing their claim to special representation even at the sacrifice of their individuality as a separate political entity, yet this voluntary self-abnegation on their part has met with no recognition at the hands of the Hindu and Muhammadan leaders, inasmuch as not a single Parsi has been given a place on the Nehru Committee. They also feel that invidious distinction has been made in the treatment meted out to Muslim and Parsi minorities. While the Parsi minority is asked to be content with joint electorates, without any compensation in the shape of special rights and privileges, in the case of the Muslims, the acceptance of the principle of joint electorates is made conditional upon the reservation of seats for Muslim minorities in the Legislatures and local bodies, the separation of Sindh, the introduction of reforms in the Frontier Provinces and Baluchistan and other such special demands.

The Parsi Community desires to know what would be its position in India when the Government of the country virtually passes from the hands of the British into the hands of the people. The apprehension, frequently entertained by a large section of the Parsis in the matter of Swaraj, is that if the Indians were granted Self-Government, the dominant race will, by the sheer force of numbers, sweep everything before them and that the interests of the minor races like the Parsis, who are numerically vastly inferior to the Hindus, would considerably suffer.

The majority of the Parsi Community have now learnt to hate communalism in every shape and form and disdain to ask for or have special communal rights and privileges. They have, as a community, with a handful of exceptions, made common cause with the Hindus and the Muhammadans and boycotted the Simon Commission. They have also exhibited sufficient moral courage to give their whole-hearted support to the Nehru Report, inspite of their aforesaid grievances. They have thrown the weight of their influence, however little it may be, on the side of righteousness and justice instead of co-operating with the Simon Commission driven by a cowardly and selfish consideration of communal interests. The Community has also adopted a courageous attitude towards the Constitution as drafted by the Nehru Committee and have resolved to trust to their own abilities and merits and the leaders' sense

of justice and fair play for a share in the Government of the country to which they would naturally and legitimately aspire when India is free. And the most advanced amongst them even go the length of asserting that the Parsi Community with its glorious traditions and world-renowned charitable instincts would prefer to be wiped out of existence rather than stand for one moment in the way of the political emancipation of their adopted mother country, from any selfish and self-interested motives.

They, therefore, hope that their position as a community will be seriously considered along with the interests of other communities in any Constitution that may finally come into existence.

In conclusion, I would request you, Sir, to have this statement read before the Convention and placed on the records of the proceedings.

(Sd.) MANECKJI K. PATEL

4—STATEMENT MADE ON BEHALF OF HON'BLE SHAH MOHAMAD
ZUBAIR AND OTHERS MEMBERS OF THE CENTRAL KHILAFAT
COMMITTEE

We, the signatories of this statement and members of the Central Khilafat Committee consider it our painful duty to make our position clear to the public with reference to our attitude in dissociating ourselves from those who hold executive offices of the C. K. C. today and with whom many of us have worked for all these years in laying foundation of the C. K. C. and building up its edifice. It is after full deliberation that we have decided to record the following facts, inter alia, which compelled and determined our present attitude:—

(1) Let it be mentioned first of all that at the meeting of the C. K. C. held on the 24th instant, we and our supporters formed the majority out of about 70 members of the C. K. C. then present. This fact was itself so obvious to the President that from the very beginning he resorted to decide controversial matters by means of wrong rulings instead of the usual course of taking votes by which our decisions should have been the decisions of the C. K. C.

(2) We have been making genuine efforts for some time, to come to any reasonable understanding on the Nehru Committee Report and several informal meetings were organised during the last few days between the two sections of the C. K. C. with the only result that all our efforts were frustrated by methods of obstruction and procrastination adopted by the representatives of the other party.

(3) The President of the C. K. C., on receiving the information

that the Bengal Khilafat Committee, known to be in favour of Nehru Committee Report, was conducting its election, went to the place of election and tried to stop it. When the President, the Secretary, and a most responsible member of the C. K. C., who were there with about 100 rowdies taken intentionally for the purpose, did not succeed in stopping the election, they tried to disturb the meeting. The Bengal Khilafat Committee, however, succeeded in electing 30 members for the C. K. C. Thereupon the registers of the Bengal Provincial Khilafat Committee were forcibly taken into possession. Next day these gentlemen, without any authority, held an election for the said Province from amongst members enrolled in Calcutta only. This election was neither made in presence of the members from district committees nor any names were called from them.

Besides Bengal elections, the other disputed elections were from Behar and N. W. F. These disputed elections were formally brought to the notice of the President of the C. K. C. at the very commencement of the meeting and it was demanded that rival parties of every disputed election should be treated on equal footing in being allowed or disallowed, to exercise their right of vote. The President, however, by his wrong ruling given under the influence of partisan spirit allowed all those parties to vote which supported his side and excluded rival parties from the meeting.

(4) At the meeting of the Working Committee of the C. K. C., to which disputed elections were referred, the partisan spirit of the President further became painfully clear. The election which the President and his party had organised from the Bengal Provincial Khilafat Committee was rightly invalidated by majority in the Working Committee but the President freely used his casting vote in disqualifying the election made by the Bengal Provincial Khilafat Committee which he had tried to stop in vain.

The same objectionable method was adopted in disqualifying the members duly elected for the N. W. F. by the Punjab Khilafat Committee in strict accordance with the rules of the Constitution and established practice. The disfranchisement of a body is a drastic step which is not resorted to, much less by a casting vote, but the President did not hesitate in using this method.

(5) In the second sitting of the C. K. C., which was held late at night, the President's attitude became aggressively partisan when in spite of a clear rule in the C. K. C. constitution he disallowed the right of appeal to the latter body against the decisions of the Working Committee.

(6) Later on when election of the members of the Subjects Com-

mittee was being conducted, an offensive remark passed by a most responsible member of the C. K. C. led to angry words and altercations, explanations, counter-explanations and a regular pandemonium. This had hardly subsided when at the sound of a whistle from a Khilafat volunteer a number of persons carrying lathis and knives rushed in the Pandal and were with great difficulty prevented from using their weapons. There was a man seen actually brandishing a large size hunting knife who was controlled with difficulty. We have no doubt in our mind that these rowdies were kept ready outside the Pandal and they had rushed in at the given signal. Under these circumstances we had no other alternative but to retire from the meeting and those few who remained there a little longer did not join it again.

(7) We are informed that after all of us had left the Pandal the President carried on not only the elections of the members of the Subjects Committee but, notwithstanding his assurance to the contrary given at the commencement of the meeting, carried out elections on behalf of the Bengal Provincial Khilafat Committee for the C. K. C. in our absence and elected those very thirty members whose election was invalidated by the working committee already. The Secretary of the C. K. C. and the other Executive Officers were elected then and there in our absence and against the previous announcement of the President. These proceedings altogether were ultra vires.

Having been made to retire by display of physical force and violence and in view of the unconstitutional, arbitrary and high-handed action of the Executive of the C. K. C., we found it impossible to exercise our right of free expression of opinion and were left with no other alternative but to hold a meeting of our own which constituted the majority of the members present in the aforesaid meeting of C. K. C. and thus to give expression to our considered views.

At a meeting of the aforesaid members of the C. K. C. held under the presidentship of the Honourable Shah Mohamad Zubair the following resolutions were passed:—

I. That in pursuance of the policy of the C. K. C. followed heretofore and acted upon in Lucknow this Committee resolves:—

(a) That participation in the All Parties Convention be continued as before and plenipotentiaries be sent there on behalf of the C. K. C.

(b) That whilst keeping the goal of complete national independence of India as an ideal, the constitution prepared by the Nehru Committee be accepted in general and recommendations on communal representation be accepted with certain modifications.

(c) That the Punjab Pact entered into at Lucknow by the Punjab delegates sent in the All Parties Conference by the C. K. C. be adopted

in place of the demand for reservation of seats for a period of ten years.
 (d) That the demand in case of Bengal be made on the lines of the Punjab Pact.

(e) That seats in legislatures be reserved for Muslim minorities on principle adopted by All Parties Conference for as long as they so desire.

(f) That the residuary powers should rest in the Provincial legislature.

(g) That the amendments sent in by the Punjab Khilafatists in the All Parties Convention are hereby adopted by C. K. C.

(b) That the following delegates be elected with full plenary powers to represent the C. K. C. in the All Parties Convention.

- | | |
|---|-----------------------------------|
| 1. Hon'ble Shah Mohamad Zubair 16. | Molvi Mohd. Daud Ghaznavi, Punjab |
| 2. Dr. M. A. Ansari, Delhi (Ex-President C. K. C.) 17. | Sh. Hisamiddin, Punjab |
| 3. Maulana Abul Kalam Azad, Bengal, (Ex-President C. K. C.) 19. | M. Mohiuddin Ahmed, Punjab |
| 4. Seth Yakub Hassan, Madras (Vice-President of the C. K. C.) 22. | Abdul Hamid Khan, Madras |
| 5. Dr. Syed Mahmood, Behar (Ex-General Secretary C. K. C.) 25. | Shafi Mohammed, Madras |
| 6. Dr. Saifuddin Kitchlew, Punjab (Ex-President C. K. C.) 29. | (Master) Tajuddin, Punjab |
| 7. Ch. Khaliquzzaman, U. P. (Member of the W. C. of C. K. C.) 31. | Ch. Mohd. Yaqub, Punjab |
| 8. Maulana Abdul Kadir Kusuri, Punjab 34. | (Hafiz) Abdul Aziz, Punjab |
| 9. Dr. M. Alam, Barrister, Punjab 35. | Sh. Abdul Ghani, Punjab |
| 10. Mr. T. A. K. Sherwani, Barrister, U. P. 36. | (Hakim) Nooruddin, Punjab |
| 11. Maulana Muzafar Ali Khan, Punjab 37. | Ch. Mohd. Amin, Punjab |
| 12. Molvi M. Masud Ali Nadvi, U. P. 38. | (Hakim) Abdul Aziz, Punjab |
| 13. Molvi M. Habibur Rahman, Punjab 39. | Sh. Umaruddin, Punjab |
| 14. Mr. Abdur Rahman Ghazi, Punjab 41. | Malik Labbhu, Punjab |
| 15. Mian Sirajuddin, Punjab 43. | Mian Elmuddin, Punjab |
| | Kh. Abdur Rahim, Punjab |
| | Ch. Abdul Hamid, Punjab |
| | Amir Alam Awan, Punjab. |
| | M. Mazhar Ali Azhar, Punjab |
| | (Hakim) Mohd. Sikander Punjab |
| | (Hakim) Ahmed Hussain, Punjab |
| | Sh. Bashir Ahmed Raizvani, Punjab |
| | Kh. Ghulam Mohammed, Punjab |
| | M. Zafaral Mulk, U. P. |
| | Ahad Hussain Kidwai, U. P. |
| | Mohd. Usman, Burma |
| | Hakim Abdus Sattar, U. P. |
| | Mr. Yaqub Ali Khan, U. P. |

44. Mr. Latifuddin Ahmed, U. P. 45. Imam Abdul Qadir Bawazir,
Bombay

5—LETTER FROM THE SECRETARY CENTRAL KHILAFAT
COMMITTEE

The President

*All Parties Convention
Calcutta*

The Indian National Congress, in its session held at Madras, had authorised its Working Committee to confer with similar committees to be appointed by other organizations in the country and draft a Swaraj Constitution for India and to place the same for consideration before a special Convention consisting of the All India Congress Committee and the leaders and representatives of the organisations mentioned above and the elected members of the Central and Provincial Legislatures.

In compliance with these directions the Working Committee of the Congress had issued invitations to a large number of organizations, including the Central Khilafat Committee, which responded by sending its representatives to meet those of other organizations in the Conference which held its first sitting on the 12th of February at Delhi. On the 22nd of February the Conference appointed a Committee, with instructions to report on a number of subjects relating to the future constitution of India, and this Committee, accordingly, met from day to day; and when it finished its labours and presented its report, the Conference met again, on the 8th of March, and after considerable discussion adjourned on the 11th of March until the 19th May, when it was to meet again at Bombay, and ordered the report of its Committee to be published and circulated.

But when the Conference met again at Bombay on the 19th May, instead of resuming the work it had left unfinished at Delhi, which included a consideration of its Committee's report, it appointed another Committee which has since come to be called the "Nehru Committee".

Even though the Moslem representation was insufficient on this Committee, the Khilafat Committee representatives offered no objection to its appointment and awaited the result of its labour.

Unfortunately the manner in which the Nehru Committee proceeded showed that its mentality was not that of an All Parties Committee unprejudiced by the domination of any of the constituent organizations that had responded to the Congress Working Committee's invitation. The Committee entirely ignored the work that had been done at Delhi and paid scarcely any attention to the Hindu-Moslem settlement arrived at with great difficulty and after a great deal of earnest endeavour and embodied in the resolutions passed by the Indian National Congress

at Madras and the All India Moslem League at Calcutta. The Nehru Report that was at last issued proved only too clearly the new mentality of the Nehru Committee.

Nevertheless the Central Khilafat Committee sent its representatives to the All Parties Conference held at Lucknow. But the manner in which this Conference proceeded proved even more clearly the mentality to which referenc has been made above. The President of that Conference, at the very outset, declared that the decisions of the Conference would be arrived at by counting individual votes and not by ascertaining the views of the organizations which had sent their representatives through their properly accredited spokesmen. This entirely made the All Parties Conference a misnomer. Although the Presidents of the Jamiatul Ulma and the Central Khilafat Committee declared in the Conference that their respective organizations did not accept Dominion Status as the basis of the constitution and regarded the complete independence of India as their goal, these statements were not recorded, and in the summary of the proceedings published with the Nehru Committee's Report the only mention that is made of this dissociation of these two organizations from the Nehru Committee's acceptance of Dominion Status as the basis of the constitution is in the curious form that Maulana Kifayat Ullah and Molvi Mahomed Shafee Daoodi, amongst others, who are named, "also took part in the discussions".

A still more serious matter took place when the President of the Conference placed before it an agreement arrived at by those who are called in the summary of the proceedings "the Punjab delegates". It was not an all Provinces' Conference but an All Parties' Conference, and the "Punjab delegates" had no *locus standi* in the Conference as such. When Maulana Shaukat Ali, the Secretary of the Central Khilafat Committee, read out a statement to the effect that his Committee had passed its own resolution on the matters dealt with in "the Punjab agreement", and it stood by it, the President allowed Dr. Mahomed Alam and Maulana Abdul Kadir to challenge that statement and to declare that the Central Khilafat Committee had not authorized him to make the statement he had made, and that the Committee had left the Punjab question for decision to the delegates from the Punjab, who had accordingly decided it and come to an agreement which was to be taken as the decision of the Khilafat Committee. This was wholly improper, as the Conference could not rightly countenance divergent statements being made before it by representatives of any Party or Organization. That it countenanced such action only too clearly indicated that those who were dominating the Conference did not want to hear spokesmen of any organisation announcing its decisions if they happened to be different from those of the Nehru Committee and encouraged some of the representatives of such an organi-

sation to express views divergent from its own decisions if they favoured the views of the Nehru Committee. The manner in which amendments, sought to be moved by representatives of the Central Khilafat Committee, were dealt with by the President and those who were dominating him, was only too painful, and has already been commented upon in the Moslem press, and, therefore, needs no further elucidation.

Since the Lucknow Conference the Moslem community in every province, including the Punjab, had unequivocally voiced its disagreement with the so-called communal settlement in the Nehru Report, and those who dispute this can be challenged to have it tested in any Conference which is open to all adult Moslems, and not confined merely to the supporters of the Nehru Report. Nevertheless, these supporters have been trying to throw dust in the eyes of the world by using any means within their power to secure a majority of the voters of every Moslem organization in favour of the Nehru Committee's report. The Central Khilafat Committee has noted with great pain the efforts made by certain elements to secure such majority of the Central Khilafat Committee also in favour of that Report. Our labours had been constantly interrupted on the pretence of arriving at an understanding with a very large majority of members of the Khilafat Organization who did not entirely approve of the communal settlement in the Nehru Report, and although time was fixed for consultations on three or four occasions the supporters of the Nehru Report were never punctual and kept us waiting for more than an hour and a half every time, and so on after the discussion commenced adjournment was urged by the very men that had come so late.

Worse than that, the meetings of the Central Khilafat Committee and the Subjects Committee of the All India Khilafat Conference, now being held here, have been disturbed by highly improper and outrageous conduct, and every effort has been made to create disorder when it was clear that the majority could not be secured in favour of this element even in a snatch division and in the elections to the Subjects Committee. It was only when, time after time, their candidates were beaten by a substantial majority, even after they demanded a recount and obtained it, that they decided to leave the meeting. False statements have from time to time been sent to the press, making the gravest allegations against the Committee and its executive and its volunteers who have so nobly undertaken to do their work and have travelled all the way from the N. W. F. Province. We have already lost so much time through the mischievous and unscrupulous interference of these people and have not been able to afford more time for correcting the mis-statements published in the press by them or their agents.

To crown all this an incredibly unscrupulous effort has now been made by these people to go to the All Parties Convention as delegates of

the Central Khilafat Committee. It was published this morning in the papers that they were going to form another Central Khilafat Committee and to create branch committees throughout the country for which a Sub-committee was formed. But evidently they remembered that only such organizations as had been in existence for not less than two years before the Convention met, could claim to receive an invitation to the Conference; they suddenly changed their plans and have had the hardihood to announce today that they are the delegates of the Central Khilafat Committee, and they have taken their seats as such in the Convention which is being presided over by one of themselves.

In these circumstances it was obvious that no useful purpose could be served by the Central Khilafat Committee in sending its delegates to the Convention. This received full confirmation on the very opening day of the Convention when the President-elect of the All India Khilafat Conference, now being held at Calcutta, attended the Convention in his capacity as ex-President of the Indian National Congress and, therefore, *ex-officio* member of the A. I. C. C. When he spoke in the Convention on the resolution adopting Dominion Status and not complete independence as the basis of India's future constitution, a question which has nothing to do with anything communal, he was being interrupted throughout his speech in the most outrageous manner and efforts were being made to howl him down and to compel him to withdraw statements which he had never made. In view of all this the Central Khilafat Committee has no alternative-but to refuse to send any delegates to the Convention, where they are not likely to receive a patient hearing. It does not desire to follow the tactics of those who want to throw dust into the eyes of the world by making it appear that the Moslem community is in favour of the so-called communal settlement embodied in the Nehru Report and who created most disorderly scenes in the meeting of the Central Khilafat Committee and behaved outrageously even in the meeting of the Working Committee of the Khilafat Organization. It prefers the more dignified course of entirely abstaining from any participation in the Convention, and I am, therefore, forwarding this statement to you for your information. This has already been placed before the full Khilafat Conference now being held here which approves of it and calls upon me to forward it to you and to the press.

(Sd.) SHAUKAT ALI

Hon. Secretary, Central Khilafat Committee of India

(Bombay)

RESOLUTION

This Conference after listening to the draft letter submitted to it

for its consideration and approval, approves of it and calls upon the Hon. Secretary to forward it to the President of the so-called All Parties Convention and to the press. This Conference also considers that in these circumstances no useful purpose will be served by sending delegates of the Central Khilafat Committee to such a Convention.

(Sd.) SHAUKAT ALI

*Hon. Secretary, Central Khilafat Committee of India
(Bombay)*

6—STATEMENT MADE BY SARDAR HARNAM SINGH ON BEHALF OF THE
CENTRAL SIKH LEAGUE

Mr. Chairman and fellow delegates:

There are three amendments standing in my name. As you will find presently they relate one and all to Sikh representation in the various legislatures of the country and are quite innocent in their character but I fear that the high-strung feelings of communalism of some may stand in the way of their recognition and acceptance at present. The Sikh League delegates also appreciate the difficulty of the leaders who on account of a strange coincidence of circumstances and the obduracy of certain interested parties find themselves helpless at the present moment. Mr. M. A. Jinnah rightly observed the other day that the test of a good constitution is "the security of minorities" it affords. But the trouble is that this wise counsel is not adhered to in the case of the Sikhs. Permit me, Sir, if I say that all this is being done advisedly and on purpose. Be that as it may, I, on behalf of the Central Sikh League, assure the delegates that the Sikh League will ever be prepared to work shoulder to shoulder with their fellow countrymen for the emancipation of Mother India and shall do their uttermost to break the shackles and trammels of foreign yoke. My amendments read as under:—

(1) Under the head communal representation II delete the word "and" after the word "minority" in the third line, add the following after the word "province" in the same line:—"and for Sikh minority in the Punjab". And add the following at the end:—"In the Punjab there shall be 30% reservation of seats for Sikh minority, and Sikh representation from N. W. F. Province, Sind and Beluchistan shall be adequate and effective".

(2) Under the head communal representation III (a) delete the words "in the Punjab" after the word "community" and add the following after the word Bengal:—"In the Punjab there shall be reservation of 30% seats for Sikh minority".

(3) Under the head communal representation III (c) after the word "province" add "and Beluchistan" and at the end of the second line

add "The Sikh minority in these provinces shall have separate representation with considerable weightage."

These are the three amendments and before proceeding further it will be proper to summarise the position of the Sikhs especially in the Punjab and generally in India. They are admittedly a distinct and important minority in the Punjab and though outside that province they exist in much smaller proportion than in the Punjab, Sikh interests and services extend throughout the country. Sikh shrines and holy places are in existence throughout the length and breadth of India from beyond the North-West Frontier Province to Assam and even Burma and southwards into the territory of the Hyderabad (Deccan) State. Historically Sikhs were the rulers of the Punjab, Frontier Province and Kashmir before the advent of the British. In the Punjab they pay 40% of the land revenue and canal charges which is the chief source of the provincial Exchequer. They have always supplied one-third man-power in the Punjab and one-fifth throughout India to the Indian Army. Besides Sikhism had its birth in the land of the Five Rivers and thousands of Sikh shrines and holy places with millions worth of charitable endowments attached thereto are scattered far and wide in this province. In a word their political and economic importance cannot be exaggerated and they have admittedly the highest stake in the Punjab although they form 11.1% of the Punjab population.

It is, therefore, necessary not only in the interests of the success of the scheme which the Convention may eventually evolve for the governance of the country but for the harmonious development of Mother India that all these aspects are scrupulously kept in view while the Nehru Report recommendations on matters communal are still on the anvil.

II—Existing Representation

A word about the existing system seems necessary for a proper appreciation of the Sikh view point. Under the existing system they have their separate electorates and are given 17% of seats in the provincial council although their voting strength is 25%. Their representation in the Central Legislature is 25% of the Punjab contribution to the same. But the fact must not be lost sight of that in order to ensure adequate and effective representation for them, consistent with their position and importance, they have always claimed that a much larger share in the various legislatures of the country is their just and appropriate portion. And here it will not be out of place to add that both responsible officials and Congress leaders have conceded from time to time, that the "Sikh demand is, in substance and spirit, a perfectly just and fair demand". Some time ago 25% reservation of seats in the Punjab Legislature was proposed for them by some Congress leaders but this they would not

accept. Needless to add also that, throughout the communal controversies that have raged round the question of representation in the Legislature during recent years, they have always relied upon the due recognition and just appreciation of the question of Sikh representation by their Hindu and Muslim brethren, and have ever stood by the national movement doing their "uttermost" to help the national cause. And it will not be presumptuous to add here that the Sikh sorrows and sufferings in the national cause during recent years are much more than twenty times their proportional share according to population figures. But it is regrettable to add that situated as the Sikhs are in the Punjab, they under the proposed scheme are not certain of even 2% seats in the Provincial Council and it is almost certain of their going unrepresented in the Central Legislature.

III—Down with Communalism

When saying all this, the Sikhs do not wish to make any proposals in a spirit of narrow-mindedness. They are fully aware of the imperative necessity of a healthy national growth in the country and are always ready to co-operate with their sister communities for the development of a united nation on lines purely nationalistic. To say the least, they are prepared to make all sacrifices in the national cause provided the virus of communalism is eradicated root and branch from the Indian body politic and communal considerations in any shape or form, direct or indirect, do not prevail in the making of the Indian Polity. But it has pained the Sikh Community to find that the recommendations of the Nehru Report are all conceived in a spirit of communalism and the Sikhs apprehend that the Report tends to pave way for another communal war. How the Congress-League Lucknow Compact of 1916 ruthlessly trampled upon the rights of the Sikhs is a matter of History. The Sikhs have again received a rude shock by having had to realise that those alone who talk loudest and manœuvre agitation most are listened to, however iniquitous their demand may be.

That the Report tends to keep alive communalism in various shapes and forms in the country, resulting in the inequitable divisions of power among the two major communities in India, is manifest from the following recommendations:—

1. Creation of "communal" provinces and thus dividing the country into Hindu India and Muslim India (vide page 31 of the Nehru Report).

2. The adumbration of the principle of adult suffrage with a view to ensure that the numbers of electors of the various communities may bear the same ratio to each other as the population figures of these communities (vide Nehru Report page 137) and making it a part of the communal recommendations quite inseparable from them (vide

Supplementary Nehru Report page 12). That the recommendation of adult suffrage is based on communal considerations the following excerpt from the Nehru Report page 92 will conclusively prove:—

“At present the voting ratio between different communities is not the same as the population ratio. Thus in the Punjab although the Muslims outnumber the Hindus and Sikhs combined, the number of their votes is far less than the Hindu and Sikh voters. This is due to the superior economic position of the latter. We are strongly of opinion that this anomaly should be ended and the voting ratio should be made to correspond with the population ratio. With adult suffrage this happens automatically, but with any other restricted franchise the only possible way to do it is to have different electoral qualifications for different groups and communities. We are thus driven to the conclusion that the only solution is adult suffrage and we have recommended accordingly.”

3. The extension of the same form of Government to the N. W. F. Province and Beluchistan as in other provinces of India on grounds purely communal, in a spirit of bargaining, to pay the price of the Muslim acceptance of Joint Electorates.

4. To crown all, the questions of amendment of the constitution and forms of Government, whether unitary or federal, have also acquired a communal aspect and they are being approached from that point of view (vide Supplementary Nehru Report page 23).

*IV—Recognition of Communalism by the Nehru Committee
and the Sikh demand*

Under the circumstances the Sikhs, in view of the prevalent communal mentality, find their interests seriously jeopardized and consequently reiterate their demand that “in view of the admitted political, historic and economic importance of the Sikhs in the Province it is absolutely necessary to provide adequate and effective representation for them in the Legislatures of the country by the reservation of at least 30 per cent seats in the Punjab Council and the same proportion of representation from the Punjab to the Central Legislature of the country on a system of joint electorates with plural constituencies so that no one community may be in a position to dominate over all others” (Resolution Central Sikh League 1928).

This Sir, is a tedious brief review of the question of Sikh representation and I would like to have invited the discussion of the House on these amendments, but after the lengthy discussions in the Sub-committee of the Convention appointed by this House to meet the delegates of the Muslim League and the Khilafat Committee and adoption of the Muslim

statement made at Lucknow as the Punjab Pact, inspite of the Sikh dissent, it has been deemed advisable not to waste your precious time by formally proposing the same. Permit me therefore, Sir, to declare, on behalf of my party, that the Central Sikh League withholds its support from the Nehru Report and feels constrained not to take any more part in the proceedings of the Convention. I would, therefore, request you, Sir, to allow this statement as read and placed on the records of the Convention.

7—STATEMENT MADE ON BEHALF OF NAMDHARI BHAINI DARBAR SAHÈB

We, the Namdharis, after giving our careful consideration to the communal problem, have come to the conclusion that so long as the system of communal representation remains a part of our constitution, there can be no real progress towards the evolution of one Indian Nation. We are further of opinion that minority interests cannot be protected by this system, as it has already done more harm than good in this matter. It is, we presume, on that account alone that a substantial change in the system has now been agreed to by that section, which has from the very beginning been a strong advocate of this system.

Under the circumstances the best solution of the question is that representation should be purely on National lines. We are sorry to see that the Nehru Committee has not recommended the abolition of communal representation throughout the country. We are, however, glad that this system has been abolished altogether in the Punjab. There is a section of Sikhs, who want to retain it in our province. We regret to say that we cannot see our way to associate ourselves with our brethren in their demand for the continuance of communal representation.

We stand for pure Nationalism. In the end we beg to state that we accept the solution of the communal question as contained in the recommendations of the Nehru Committee, as we think under the present conditions there could be no better settlement among the various parties in the country.

8—STATEMENT MADE ON BEHALF OF STATES SUBJECTS CONFERENCE

We, the undersigned delegates representing the All India States Subjects Conference, Madras, desire to make the following statement with a view to clear our position before the Convention. Whether the political goal of India is complete Independence or Dominion Status, the relative merits of which are not relevant to our present purpose at this stage of the debate, it is patent now that the hesitation of the distinguished authors of the Nehru Report to tackle and suggest a solution of the Indian States Problem in a manner satisfactory and acceptable to both

the Princes and peoples of their States, is due to the handicap which the authors of the Report would not have met with, if they had framed the constitution on the basis of Independence.

We feel that the Nehru Committee, labouring under such handicap, could not do otherwise than by ignoring the urgency of the people of the Indian States and failing to plan as earnestly and actively to secure the emancipation of the people of the States as to advance the cause of Swaraj in British India.

We notice that the aspirations of the people of the States for political freedom are so nobly expressed in the words of the Nehru Report "it is inconceivable that the people of the States who are fired by the same ambitions and aspirations as the people of British India, bound by the closest ties of family, race and religion to their brethren on the other side of an imaginary line, will never make common cause with them."

We also know that in their report the distinguished authors have ably met the arguments that are being advanced on behalf of the Princes with regard to their alleged legal position, vis-a-vis the Paramount Power, though we look in vain for a formula as can be availed of by the people of the States in their desire for freedom from the autocratic yoke of their Rulers.

The Executive Committee of our Conference considered the terms of reference to be followed by the Nehru Committee in the drafting of the provisions relating to the Indian States and criticising them as falling far behind the actual requirements that ought to form the basis of their recommendations, expressed its opinion that anything short of federation with Swaraj India on the lines suggested in their scheme of Swaraj for India, embracing Provinces and States, which they prepared and sent to the Nehru Committee, was neither acceptable to the people nor just to the Rulers.

We feel that that scheme represents correct position to be taken by the people of the Indian States with reference to the future relationship of the Indian States with the Central Government under Swaraj Constitution. We also desire to express our considered opinion that we are not convinced of the constitutional grounds which the distinguished authors have urged against their going beyond their present recommendations. No doubt they have expressed sympathy and are still expressing sympathy with our aims and aspirations. But what we wanted was and even now what we want is a closer understanding, more tangible sympathy, co-ordination of work and a really equitable declaration of ideals.

We finally desire to make it known that the present recommendations do not cover the fundamental requirements of our view-points, namely (1) the introduction and development of the system of responsible government, and (2) the inclusion of the Indian States in the All

India Constitution now under contemplation by the provision of an effective position therein to their representatives; so that the people of the States may be able to exercise their due share of power in the decision of all matters of common interest and grow in citizenship equally with their fellow countrymen in British India as members of a free Indian Nation.

Having regard to the composition and the other circumstances which we do not wish to enter into in any detail, we have decided not to take any part in moulding those recommendations; we shall neither move amendments nor vote on them. In our opinion the whole chapter is to be recast if it can be rendered satisfactory and acceptable to us, for which there exists little or no chance for reasons above stated.

9—STATEMENT MADE ON BEHALF OF LINGUISTIC
PROVINCES LEAGUE

We the undersigned, representing the main linguistic units of India and members of "The Linguistic Provinces League" wish to place before this Convention the following statement as regards the formation of Linguistic Provinces simultaneously with the establishment of the Commonwealth of India.

We are glad that the authors of the Nehru Report have recognised the principle of redistribution of the country on a Language basis. They have based the principle on the two considerations namely (1) Linguistic principle (page 62)) (2) Wishes of the people (page 63). But having done this, they have subjected to the operation of the principle for administrative convenience which according to them includes (1) geographical and economic resources and (2) financial stability.

Administrative convenience is a vicious condition which in fact, accounts for the existing heterogeneity of provinces and which is inimical to the principles of Nationalism. While, therefore, the Report embodies a final recommendation as regards Andhra and Karnatak, it is halting as regards Utkal and Kerala and the effacement of Central Provinces by the absorption of its component parts in the surrounding Hindusthani and Maharashtra areas. Apparently the Committee have been guided by what are supposed to be financial conditions. We submit that the claims of Nationalism are paramount, that justice cannot be done as has well been recognised in the report itself either for administration or education of a Province of polyglot areas, that the repercussions of such drawbacks upon the upbuilding of nationalism will be marked and that the principle of "one language-one Province" must be enforced under the constitution irrespective of any financial considerations.

We realise the responsibility involved in so uncompromising demand, our only justification is the uncompromising claims of Indian Nationalism.

Nor need we be anxious about financial stability, for the economic sources of a province newly carved receive intensive and exclusive attention from the Local Government and are not crowded out by the claims of the more influential tracts that have the ordering of things in their hand. Examples may be quoted in abundance to illustrate the point. The best proof of such accelerated development lies in Behar as pointed out by Lord Curzon himself in one of the two speeches in Parliament. Even if financial self-sufficiency may not be attained in the immediate future by such provinces, we hold that their maintenance should be a charge on the Central Revenue for a time and trust that the sister provinces which are better off will not grudge this temporary support to their poorer neighbours in the interests of harmonious development of the National Organism.

We therefore, demand that provision should be made in the Central Government for loans or subventions to such provinces on suitable conditions during the transitional period.

There is a much smaller problem to be referred to as regards the readjustment of boundaries of Assam and Bengal, Behar and Orissa, Central Provinces, (Hindusthani), Kerala, and Karnataka, (vide Clause 72 sub-clause VI(d)). If as pointed above steps are taken immediately to constitute Orissa and Kerala separate Provinces and the Hindusthani and Maharashtra areas are transferred to continuous, sister areas then there remains only the resettlement of the boundaries of Assam and Bengal. We should have been gratified if it had been specifically said that in respect of this matter, Sylhet and Cachar should be transferred to Bengal. This had been before the government since 1874 and yet it has not been given effect to. The Assam Council has voted in favour of their transfer and the Bengal Council has likewise voted to take the transfer. The transference undoubtedly conduces to administrative convenience and involves the question neither of economic resources nor financial stability. And so far as the Oriya problem is concerned we think that after the publication of the financial statement issued by the Utkal All Parties Conference, the condition about financial self-sufficiency need not any longer be stressed.

APPENDIX B

BABU BHAGWAN DAS'S SPEECH

(Full Text)

Mr. President and brother delegates:

The Providence which guides the footsteps of the Indian people, induced them, in 1920, to adopt, and put into the Congress creed, Swaraj as their goal, and all legitimate and peaceful means as their method of reaching it. But it did not succeed in inducing them to adopt a clear and definite meaning also with that word. The result was that the false unity seemingly created by that mere word, empty of all meaning, was equally empty of all reality and substance, and shortly began to crumble rapidly to pieces. It was drowned in the bloodshed and consumed in the incendiarism of communal riots and in the inkshed and invective of political controversies.

Then that Providence tried another plan. When the child will not drink the milk and turns a deaf ear to the good and sound reason that milk is wholesome and necessary for its health and strength, then the mother uses another reason, not so good: 'If you don't, your brother will do so and will become stronger and throw you down in wrestling.' And then the child eagerly drinks it up; but, in its overhaste now, spills all the cream. So the Providence that watches over India got a dead-white Commission appointed in England, to proudly decide the destinies of India, without any living warmth of sympathy for the Indian people in its heart, and without any touch of Eastern colour on its surface; and the same Providence also induced the ranting tongue of an exceedingly conceited and pugnacious State-Secretary in England to challenge the Indian leaders to agree among themselves on a constitution.

These indirect, ephemeral, adventitious reasons did in a few months what the real, permanent fundamental reasons had failed to do in nearly eight years. A fairly unanimous constitution has been drafted by the leaders of the parties amongst which the political and other uplift work of the country is divided; and incidentally, it has been proved that the unity brought about by the intellectual investment, with a clear meaning of the word Swaraj, is much more solid, stable, and extensive than that produced by simply emotional play with the mere empty word.

But, because of the defect in the motive, there is a very serious defect in the result. The most essential part of the meaning has been left out. There is a proverb in Hindustani about the marriage procession starting without the bridegroom. I pray this Convention not to leave out from the

constitution, framed with such praiseworthy self-restraint and self-sacrifice on all sides, for the sake of the interests of all sections of the people, and with such admirable ability and comprehensive consideration of many issues and many aspects—I pray the Convention most earnestly not to leave out that most essential part of the meaning of the word Swaraj.

An elected legislature, the making of laws by persons elected by the people—this is the essence of democratic self-government; and it is the heart of the Swaraj constitution recommended by the Nehru Committee; for the Legislature, the body which makes the laws by which the people's affairs are governed, is the central authority, the real sovereign power in the state; and legislation by the trusted of the people is desired because so only, it is naturally and rightly believed, will good and wise laws be made which will minister to the well-being of the people as a whole.

The welfare of a people depends wholly upon the excellence of the laws which govern their life. But good and wise laws can be made only by good and experienced and wise legislators. Obviously then, and I feel sure that every member of every school of political thought and of every political party, present here, will readily agree that, the welfare of the people depends entirely upon the election of good and wise legislators.

I now invite the attention of this assembly to page 36 of the first report of the Committee. The following very noteworthy sentences occur there:—"It is notorious that even in highly democratic England . . . votes are given, not for matters of high policy or considerations that are really important, but for trivial matters or even sometimes most objectionable considerations which the exigencies of election time force to the front . . . men, who were to govern an empire, and influence largely world events, have been elected for reasons which make every intelligent person despair of democracy".

When I first read these sentences, great hopes were aroused in my heart. Surely, I thought, the Committee will provide against the visitation of India by similar despair, when they are introducing full democracy here. They will surely take a lesson from the case of England, and even more from the case of the United States of America, the overgrown daughter of England, the corruptness of whose elections and legislatures is notoriously far worse. They will see that India profits by the sad experience of those countries. They will make sure that India does not fall out of the frying pan into the fire. They will provide safeguards. So I thought. Our own, experience during the last few years' elections to the various elective bodies, of lower and higher grades, such as we happen to have in this country also points in the direction of the crying need for such safeguards.

I therefore eagerly and anxiously scanned the subsequent pages of the Report and the Recommendations, to discover the safeguards. I was

grievously disappointed. I have consulted friends possessed of greater experience in law and politics and constitution. They also said they had noticed those sentences and not found any safeguards.

I believe all present here will agree that the question is one of vital importance, viz., how to make sure, as far as humanly possible, that good and wise persons may be elected to the Legislature? This is the very crux of all political science and art. On the satisfactory solution of this problem of problems depends the whole future happiness of all sections of the people, of different types, different psycho-physical temperaments, different capacities, different vocations, different ages and stages and departments of life, of all creeds whatsoever.

I humbly but strongly believe that if, instead of spending the greater portion of our time, here in this Convention, in debating the sectarian designations and numerical proportions of our legislators-to-be, we had discussed, for even a tenth of that time, the head-quality and the heart-quality needed by them, if, instead of emphasising *communal* representation, we had tried to arrange for *functional* representation, we should have done far more useful work and achieved less precarious, more solid, stable, and permanent reconciliation.

It is a very difficult problem; all the more reason why we should grapple with it strenuously. It concerns the health of the root; all the other details of the recommendations, as of any other constitution, deal with the branches and leaves only. It has not been solved by the West, so far; all the more reason why the East should find the solution of it, by diving into the depths of her ancient soul and her traditions.

The spirit of Islam says, in politics,

“ ‘Khuda-tars ra bar raaiyat gumar,

Ke memar-i-mulk ast parhez-gar ’

i.e., depute the God-fearing, conscientious, wise man to look after the affairs of the people, for the self-denying man builds up the State.”

The spirit of Dharama says, over and over again, in the ancient books, that laws should be made by the good and wise, moral, intellectual, and spiritual leaders of the people.

That which, in the phrase of the Christianity founded by the Eastern Jesus, is the kingdom of heaven on earth, is, in the plain language of politics, the legislative rule of the virtuous and the wise.

Let not India, fail, then, on this great occasion which has come to her, to lay the foundation of her Swaraj rightly, to make sure that her self-government shall be government by the wiser self of the people, her most experienced and most philanthropic sons, generation after generation. If the foundation is, laid wrongly now it will be very difficult to make corrections afterwards.

I therefore pray this Convention not to avoid this question because of

its difficulty—lest out of the more haste should come the less speed—but give it the most earnest attention, and not leave it till it had been mastered and a solution found.

The Deshabandhu, who gave his life and all for the helping of India, has left behind suggestions for the solution, in his Swaraj scheme. He had not only a patriotic, but also a deeply poetical and spiritual soul, which at times, had very true intuitions. His suggestions on this point are in accord with the ancient genius of the East. I believe in all of these. Yet, out of deference to the advice of senior friends who have counselled the omission of some points which, they thought, were more likely to arouse doubt and debate, I have included in the amendment which I am now going to propose, only some of those suggestions. By reducing the number I hope to increase the chance of their acceptance. Even if I fail to get them accepted, I will, by placing them before this assembly, have done my particular duty to our country, and to the Deshabandhu who, unhappily, is not with us today to plead for them far more effectively than I can, when the opportunity has come at last and the country is framing its own Swaraj Constitution. If India succeeds in solving this great problem, she will be not only laying the foundation of her own future welfare, truly, deeply, strongly, but will also be making a very great contribution towards the improvement of world politics and the general happiness of mankind.

Guided by the inspiration of Mahatma Gandhi—an inspiration drawn from the elements, deeply embedded in her soul, of *ahimsa* and *tapas*, *parbez* and *zohd*, non-violence and self-denial, which create will-power and soul-force—India has latterly been making important new contributions to world politics in respect of methods of political struggle. Let her now make a similar contribution, in respect of vital political principle, in the light of the intuition of the Deshabandhu—an intuition based on other more positive elements, similarly, ingrained in India's genius, of *vidya* and *loka-bitra* and *bbuta-daya*, *ilm* and *hubb-ul-insani*, wisdom and philanthropy, which are to soul-force as the end is to the means.

The amendment I will propose is very simple. It consists of some additions to sections 9 and 31 of the Recommendations, which are left utterly intact otherwise. These additions prescribe qualifications for the electees, the candidates for election.

Very much thought has been given, in the West, to the qualifications of the electors, in the history and practice of politics. But none has been given, so far as I am aware, to the special qualifications needed by the electees; though the work of making good laws is very delicate and very difficult, and requires much looking before and after, much knowledge of causes and effects; indeed the legislature should possess, between its members, the combined knowledge of all the best experts of the country, in all the main departments of the national life. The franchise has been extend-

ed still the qualification of the electors has been reduced to the mere possession of 21 years of age, in these Recommendations. But those specially needed by the person who is to become the law-maker, and which are of much greater import and consequence than the qualifications of the elector, have not been dealt with at all; by the wording of the Recommendations, unless my eyes have deceived me, he need not have reached even 21 years of age. The choosing of the persons who are to make the far-reaching laws which will make or mar the happiness of the country is left to the unguided discretion of a cast mass of people, who are not only not instructed rightly whom to choose, but are often deliberately misguided, with vast abuse of power and wealth, during the election days, to choose wrongly in a manner which corrupts the moral of the electors as well as the future legislators, creates lasting and bitter personal enmities, aggravates and perpetuates class-hatreds, and promotes vicious legislation.

To obviate this evil as far as is humanly possible and provide a safeguard against the creed despair portended in the Committee's Report, I venture to propose the following amendment.

The Amendment

That the following clauses be added in sections 9 and 31 of the Recommendations, after the sentences ending with the words 'to vote' "(clause 1): Every candidate for election shall be possessed of qualifications as below:—

- (a) He shall represent one or another of the following main functions of society, viz., (1) Science and Learning, or (2) Executive work, or (3) Production of wealth, i.e. Agriculture, Manufacturing Industries, Trade and Commerce, etc., or (4) Labour;
- (b) he shall have done good work in some walk of life and earned a reputation for uprightness and public spirit;
- (c) he shall have sufficient leisure for the work of the Legislature, and, preferably, but not necessarily, have retired from bread-winning or money-making business.

(Clause 2)—Canvassing, directly or indirectly, beyond the putting forth of a statement of the candidate's qualifications by his nominators, shall be regarded as a disqualification.

(Clause 3)—No member shall receive any cash remuneration for his work as such member, but all ex-officio expenses of travelling, housing, etc., shall be paid to every member out of the public funds, and special marks of honour shall be given to him."

I will not take up your time by trying to explain at length the reasons for these clauses. They are self-evident, in the light of such experience of elections and legislatures as the country possesses. Briefly, they are calculated to secure that all the four main natural classes and functions of

society are duly represented; that the best and most experienced persons of each class go into the Legislature; and those who go in do so under conditions which make their work one, not of personal ambition for power or place or preference, or of profit or privilege or pastime, but of onerous and dutiful service of the public, for which the only recompense is public honour.

It may be mentioned here, for the consideration of our younger generation especially, who are naturally greatly influenced by that latest and largest experiment in practical politics, the Russian Republic, that Republic has instinctively become "The Workers', Solidiers' and Peasants' Soviet of Russia"; and that workers naturally sub-divide into brain-workers and muscle-workers; so that here too we have the very same four natural, psycho-physical classes and functions of society, under names, too, which are scarcely new. These may, in terms of Islamic culture, be called (1) the *Alim-s* (2) the *Amil-s*, (3) the *Tajir-s*, (4) the *Madadgar-s*. The Sanskrit names are too well known, and too much misinterpreted and misused now, to deserve mention.

I may endeavour here to forestall one objection—a very natural one: How will you make sure, who will make sure, that these qualifications are or are not possessed by any given person? How will this portion of the law be enforced? What will be the sanction? How will it be applied?

I submit that at least some of the clauses of the very important section 4, relating to Fundamental Rights, are open to similar objections. A constitution which is the root and source and basis of all future law is somewhat different from those laws. We need not try to make sure that each of its provisions is enforceable in the same way as ordinary laws. Even these are seldom completely enforceable. Crime exists despite penal codes. And, in any and every case, much has always to be left to the discretion and the honesty of those who have to carry out those laws. But a constitution is created by an agency, and in a manner, different from that by and in which laws proper are created. It is not an Act of Legislation but an Act of Self-Manifestation, an Act of the initial Self-creation of a State; or, in the words of some Western writers on political science, an Act of Revolution. It initially creates the very agency by which laws will be made, and also that by which they will be executed. In the case of provisions like those of the amendment, the executive agency will be the good sense of the electorate itself, as a whole, and not any particular salaried public servants and members of the executive. After all, the sanction of a constitution's provisions as a whole, is the intelligence and will-force of the people as whole. A constitution embodies the people's ideals of organised life. It is a great human document of moral culture even more than of legal maxims. It embodies the spiritual quality and aspirations of the people who frame and adopt and declare it. And spirituality and moral culture

are far more necessary, more valuable, more directly efficient for general human happiness than even the penal code.

Let us, then, embody in our constitution, this ideal of the ethical as well as the intellectual worthiness of the legislator, the final trustee and guardian of the people's happiness. At the very least, such embodiment will keep the ideal constantly before the electors. It will serve as a beacon light to guide them, and will most effectively give them the very quintessence of that political education which is most needed, and is also most readily assimilable, by the great bulk of the people, viz., how to choose rightly.

Gradually, the ideal will infiltrate into their hearts. They will instinctively begin to choose the right kind of representatives, who will be experienced in one or another of the sets of duties and functions of the four natural and inter-dependent estates of every civilised and prosperous realm, like the four natural and inter-dependent parts of the living human body, and who will also, at the same time, be selfless, public-spirited, philanthropic, and will, therefore, frame with anxious care, laws which will promote the welfare of all sections of the people.

And as physical supply follows physical demand in the domain of economics, so psychical supply will follow psychical demand in that of politics. More and more such persons, worthy to become legislators will be produced by the nation which wants them, wishes for them, steadily, in the depths of its soul.

The honoured president of this Convention referred, in his opening speech, to the great and most hopeful and very welcome fact, that a new generation is growing up, which is rightly, nobly, oblivious of communal differences, and is inspired by broad, liberal, humanitarian considerations only. For the bringing up of this new generation, the present older generation has waked nights and worried days; for its welfare it is still toiling, and yearning that it may be saved all unnecessary suffering. To keep off such unnecessary suffering from that beloved younger generation, the older generation may gladly suffer, from the more ardent-spirited sons of India, the charge even of cowardice, such as has been made during the second day's session of this Convention, when its conscience and understanding tell it that it is acting only with far-sighted prudence, and is refusing to be misled into error of judgment and of action by the provocations given by the common adversary of all parties. When the time for necessary suffering comes, the older generation, I have every trust, will go to meet it in advance of the younger. This younger generation, because of its admirable, noble-hearted, fresh human sympathies and aspirations, lays stress on certain ideals, now associated in economics with socialism and communism, as contrasted with proprietary individualism, and, in politics, with independence as distinguished from Dominion Status.

I venture to say, on behalf of the older generation that it also holds the same ideals. As regards the economic ideal, section 4 of the Recommendations embodies them. Who does not wish that our State should be so constituted, and our society so thoughtfully and skilfully organised, that as far as is humanly possible, every human being included in it should have enough food, enough clothing, enough education, enough family life, enough work, and enough play? If there are any differences of opinion, they pertain only to measures and to the extent of possibilities. But if the ideal is possible to achieve at all, to any extent, it is so only by good and wise legislation, and that is possible only if we have good and wise legislators.

So, in respect of the Independence or Inter-dependance political ideal, who does not desire independence? Even animals desire it. Why shall not Indians? And, here, again, whatever difference there is between the older and the younger, is as regards extent of possibilities and the appropriate forms. Even in the West, writers on political science recognise that such a thing as complete and absolute independence is an absolute myth and an impossibility for even the biggest and strongest nation. The least little treaty which any such may enter into with the smallest and weakest of other nations puts limitations upon and subtracts from the independence of both, to some extent. And there is no nation, regarding itself as strong and independent and civilised, today, which has not treaty relations with others. What really makes our younger generation feel naturally and justly indignant against the very words "Dominion Status" and the very idea of retaining any connection at all with Britain, is the overbearing high-handedness of the British Government in India, its recent offensive and oppressive measures, full of gross ingratitude and disloyalty towards the Indian people, and the haughty and domineering arrogance embodied in the phrase 'The British Empire'. But once that name and that thing are changed into the friendly and benevolent Indo-British or British India Commonwealth, the provocation and the sting will disappear and the arrogance on the one side the indignation on the other will be replaced by brotherly sympathy and helpfulness on both; and all the constituent states together—none independent, but all equally inter-dependent—will steadily advance towards the ultimate ideal goal of mankind, and this and other Commonwealths and States will all merge into the World Federation. As the Commonwealth of States is a great advance upon the single state, so the League of Nations is a further expansion of and an advance upon the Commonwealth. And the European League of Nations, though so far working very unrighteously and malevolently towards the weaker non-European peoples, is yet a sign and a promise of the coming time, when all nations, of East and West alike, will join in one great League of all the nations of the earth for the promotion of the welfare of all good legisla-

tors.

Such considerations help to prove that complete independence is a mere empty fancy, and inter-dependence the real fact in nature; and that if we can secure equal inter-dependence, within a British-India or Indo-British Commonwealth, on equal table and honourable terms, by non-violent but determined pressure, we shall have gained all that is essentially desirable for our country, all that is most promotive of the highest and best political ideal of humanity as a whole. And, obviously, such equal inter-dependence means elective legislation within the limits of India and relations which would be actually or practically treaty relations (also sanctioned by our constitution initially or by our Legislature later on) outside India.

Now such a political ideal, we may call it what we like, Independence or Dominion Status—I personally prefer the term Equal Inter-dependence—also requires good and wise laws, and these, again, in turn, require good and wise legislators.

This is the prime need, the vital requirement, the very heart and brain, of genuine self-government; considerations of relations with other peoples, nations, states, questions of whether the words, 'King', 'Governor-General', 'Governor' etc., should or should not be included in the descriptions of our legislatures in the constitution—these are, no doubt, very important, yet they come next after this prime need.

I therefore confidently appeal to all members of all parties gathered here, young as well as old, independent, self-dependent, or inter-dependent, Liberal as well as Radical, to express unanimously their approval of the ideas embodied in the amendment I have proposed, and to pass it, with such modifications of language as the experts among us may decide will express those ideas more fitly. I may also say that if any better and more practical and workable safeguards are suggested by any one I will very gladly withdraw my amendment in favour of those. But some safeguards we ought to have.

I will conclude by saying that the prominent recognition and public proclamation of such an ideal of the worthy legislators by incorporation in the constitution will have an immediate practical value also.

It is, I believe, generally recognised that the last great forward movement of this country in its political struggle, known as the non-violent non-co-operation movement, has carried the country distinctly farther than any previous effort; and that, if it has not achieved all that it should have achieved, the reason has been mainly the lack of discipline and organisation. I cannot help thinking that the main cause of this lack has been the fact that the ideal of Swaraj—as legislation by the higher Swa of the people, their best and wisest and most philanthropic select and elect—this true significance of the word has not been clearly announced

and not been kept constantly before the people's mind, and therefore not been acted on in the Congress organisation. Every one has been left to believe that Swaraj means the raj of every individual person, the right of every one to do just as he himself pleases. Such a false notion is the very parent of all indiscipline and dis-organisation, and all kinds of mischief. I believe that the enunciation, in the constitution, of the true ideal, will cause it to be acted on within the Congress and other political organisations. The person of recognised worthiness and experience of public spirit and wisdom, will be put in the position of leader, and will be trusted by all alike. Petty yet disastrous personal jealousies and quarrels between co-workers will be minimised. Communal narrowness will also be abated; for public spirit means non-sectarian spirit. And there will result trust and loyalty between colleagues, and between leaders and followers, and, as inevitable consequence, discipline and organisation.

These conditions being secured, when the time comes for the next great actively forward, yet non-violent, thrust of the combined armies of the allies, viz., the various political parties of the country, which are entering into a solemn and trustful alliance at this Convention, a forward movement which may well take the form of the establishment of a parallel Government, such as was referred to here the other day, by the venerable Dr. Annie Besant, as having been started by the Sinn Fein of what today is the Irish Free State—then the successful capture of that position of equal inter-dependence within the Indo-British Commonwealth which this Convention has decided to make its objective, will be sure.

With these words, I commend the amendment to your acceptance.