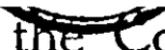


PRINCIPLES OF THE  
CONSTITUTION  
OF  
THE UNITED STATES OF INDIA.  
PART I.  
BY  
R.G.PRADHAN.

Principles of the  Constitution  
OF  
The United States of India

**PART I**

BY

**R. G. Pradhan, B. A., LL. B., Advocate.**

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## PREFACE.

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I began to write this book before the meeting of the Round Table Conference in London, and finished this Part I before it adjourned. In view of the developments that have taken place at the Conference, I have thought it desirable to divide my book into two parts, and to publish this part without waiting for the completion of the second part.

In this part, I have dealt with three fundamental questions, viz: (i) the question of an All-India Federation (2) the question of defence and (3) the question of the minorities. With regard to the first question, I have expressed my utter disapproval of the scheme of an All-India Federation, as formulated by the Simon Commission. I have also expressed the view that, having regard to the system of government that prevails in Indian India and the relations between the Crown and the Indian States, the principle of federation as applied to the whole of India will conflict with that of responsible government. I see no reason to modify my attitude with regard to the particular scheme of an all-India Federation proposed by the Simon Commission. But I am prepared to reconsider my general position about the incompatibility of an All-Indian Federation with responsible government, in the light of the views expressed in the report of the Federal Sub-Committee of the Conference, I have not yet been

able to get a copy of that report, and until I get it and study it carefully, I do not wish to pronounce any judgment on the scheme as outlined by the Conference. It is, however, a matter of satisfaction that, according to the scheme, the Federal Executive Government will be responsible to the Federal Legislature. How far the responsibility will be genuine and substantial can only be seen when the scheme is worked out in detail. It will be the duty of the British Indian delegates to the Round Table Conference to see to it that the essential characteristics and conditions of responsibility are fully maintained in the elaboration of the scheme; otherwise, the danger is that the attainment of the goal of responsible government and consequently of full Dominion Status may be retarded.

NASIK  
16th, February 1931, }

R. G. PRADHAN

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**CHAPTER I**



**INTRODUCTORY.**

**I**

The design of this book is to examine the report of the Indian Statutory Commission, to consider what principles ought to govern the constitution of India, and in the light of those principles, to submit, for the consideration of the British Parliament and people, a concrete scheme of constitutional reforms that should be introduced in India, as constituting the next immediate advance on the path of her political goal.

I wish, at the outset, to assure the British reader that I shall bring an open and unbiassed mind to the task that I have set to myself. Though I have considered, and still consider, with most of my politically-minded countrymen, that the scheme of the Indian Statutory Commission, based as it was on the exclusion of Indians therefrom, was a serious wrong to India and a grave political blunder, though I held and hold the view that the Commission as constituted was unconstitutional, as offending against the principles and the spirit of the

Declaration of 20th August 1917, and of the Montagu-Chelmsford reforms based on them, though I fully supported the movement for boycotting it, and though I strongly opposed, in the Bombay Legislative Council, the motion for constituting a Committee of the Council to co-operate with it, I have no bias whatever against the intrinsic value and importance of the inquiry in which they were engaged, or of the report which they have unanimously produced. Indeed, on the contrary, I heartily and fully recognise that the report is a constitutional document of great importance which merits the most careful consideration of all those who are interested in the Indian constitutional problem. One may not agree with all the conclusions of the Commission ; one may even consider their picture of the Indian political situation, and their appreciation of the conditions of the problem, as imperfect, and, in some respects, incorrect. It is legitimate to think, as I myself do, that their report, in spite of its many merits, does not come up, both in idealism of thought and in the vigour and charm of style, to the high level of the great historic report of Lord Durham on the Affairs of British North America, or of the Montagu-Chelmsford report on Indian Constitutional Reforms. Nevertheless, there can be no doubt that their exposition of the various aspects of the Indian constitutional problem, and their specific recommendations constitute a notable contribution to the solution of an admittedly difficult and complex problem. It is absurd to laud the report to the skies, to say that it is the acme of perfection and cannot be improved upon. On the other hand, it is quite unjust to belittle its merits, and to condemn it as a sinister Machiavelian attempt to prolong indefinitely the attain-

ment by India of the goal of national responsible government. Both these views of the report of the Commission are far from true ; they must, therefore, be discarded.

The highest function of a critic, no less than of a patriot who seeks to help in the building up of a rich, full and pure national life, is to find out the truth, the whole truth and nothing but the truth. Patriotism achieves its best and noblest ends when it is wedded to a pure passion for truth. And though the discovery of truth is by no means easy and, when the question of the mutual relations of two countries is concerned, is apt to be retarded by the bias of patriotism on either side, and the clouds of passion it produces, genuine attempts must be made, at least by the better minds in each country, to rise above all passion and prejudice, and to arrive at conclusions which may stand the test of an absolutely thorough, fair and unbiassed examination of all the facts and considerations that enter into the problem. In these pages, my constant endeavour has been to approach the constitutional problem of my country in this spirit ; and I hope that the reader will be satisfied that this claim is not unjustified. A great and difficult problem like that of the proper constitution for India cannot, it is obvious, be peacefully and satisfactorily solved, unless all those whom it concerns make up their minds to face it in this spirit. At present, the cultivation of such a spirit is impeded by mutual distrust ; the Indians distrust the sense of fairness of the British and *vice versa*. Many British people think that the sole object of Indian politicians and patriots is to gain political power, and that this

ambition, however natural, so warps their sense of truth and clouds their judgment, that they do not fully realize the difficulties of the problem, and those defects in their national character and social institutions, which may render the working of representative and responsible self-government inefficient—difficulties and defects which, in their view, make it necessary, in order to avoid inefficiency of the practical working of self government, that political power should not at once be fully transferred from the British to the Indian people, and that what transfer of power has got to be made, must, at any rate in the initial stages, be made, subject to such restrictions and qualifications as may be necessary to prevent abuse of power and breakdown of the machinery of government itself. On the other hand, most Indians think that the British people deliberately exaggerate the difficulties of the problem and the defects in the Indian national character and social institutions, so that they may be able to make out a plausible case for retaining power in their own hands as long as possible. They maintain that the one dominant motive that always inspires an imperial race is to maintain its dominance for ever, that, having regard to human nature and to the subtle effects upon conduct and character of long exercise of power, it is impossible for such a race to be fair to those over whom it rules. Moreover, the Oriental believes that the age-long traditions of European policy are such that in dealing with India Great Britain will never play the game, that even when she outwardly parts with power, she will contrive to retain her ultimate control and supremacy. This spirit of mutual distrust has poisoned the relations between the two countries, and may render an agreed peaceful settlement of the

constitutional problem very difficult to attain. The civil disobedience movement launched by Mahatma Gandhi with the authority of the Indian National Congress has really its genesis in this spirit; nor can it be said that British policy in the past has given no ground whatever for being suspicious of its real trend and character. Not to refer to measures and actions in the past, even now, the proposals of the Simon Commission with regard to the Central Government have strengthened this spirit of distrust. The Commission may be quite honest in their view that they afford the best solution of the problem as it affects the Central Government; they may sincerely think that the integrity of the Indian territory cannot be preserved except by means of such measures as they have recommended. But the proposals in themselves are of such a nature that there can be no wonder if they confirm the average Indian's suspicions about the real attitude of British statesmen with regard to the question of Indian self-government. Even those who would not like to doubt their honesty of intentions and purpose, cannot but be surprised at their naivete in thinking that such proposals will not go against the grain of a people's national sentiment.

Having regard to this spirit of mutual suspicion and the consequent difficulty of reaching an agreed solution of the constitutional problem, it would seem obvious that the dispute between India and Great Britain should be referred to some independent tribunal for settlement. Great Britain cannot be an impartial judge in a cause that affects her own interests; in the same way, India cannot, for the same reason, be relied upon to settle the dispute with absolute impartiality. Each party will be more or

less influenced by considerations which may be unjust to the other party and detrimental to its legitimate interests. It will be a remarkable development in the settlement of disputes between one country and another, even though they may be members of the same empire or commonwealth, if they can be referred to an international body like the League of Nations. Prof. Laski, in a lecture delivered by him at the Geneva Institute of International Relations in 1926, on "International Government and national Sovereignty" actually made a suggestion to this effect. "I should be prepared", he said "to have Great Britain state her case in relation to India before the League of Nations with an entire confidence in the results such as, being an Englishman, I do not have when I am told by Englishmen that we are in India for the benefit of India, and by Indians that we are in India for the benefit of Great Britain". The peace of the world is affected not only by disputes between one independent country and another, but also by disputes between members of the same empire or commonwealth; and it is desirable that they should be settled by an independent body or tribunal. If questions such as those of the Independence of the Phillipine Islands, the independence or Dominion Self-government of India, the relations between Japan and Korea, or the relations between Indo-China and France can be referred to an international body like the League of Nations, they are likely to be more impartially and justly settled than would otherwise be the case. These questions are not merely domestic or internal questions in which other countries of the world have no interest; they are international questions just as much as

a dispute between France and Germany ; and if the development of the movement for the peaceful settlement of disputes can advance so as to comprehend disputes which affect the relations between one country and another, though they may be parts of the same sovereign entity, it will be a distinct gain to the cause of peace and humanity. But such a development is yet to take place. The Great Powers do not seem to favour it, which itself shows how difficult it is for them to maintain a right attitude with regard to such disputes. The Covenant of the League of Nations was deliberately so framed as to exclude them from its purview.

The settlement of the dispute between India and Great Britain by such an independent agency being thus out of the question, it is all the more necessary for the best and most influential minds in both the countries to promote a peaceful and satisfactory solution by an attitude of the strictest impartiality and fairness. It is my sincere hope that all the parties to the Round Table Conference will be animated by such an attitude. All the important and difficult aspects of the problem must be thrashed out with the greatest care and patience; every avenue of a just, sound and satisfactory solution must be explored. The hope of a peaceful and satisfactory solution of the Indian problem lies only in this way; and in writing these pages, my sole aim is to help to reach such a solution.

## II

In the consideration of the Indian problem, there is one fundamental point which is apt to be overlooked, but without giving due importance to which, its right solution

is impossible. What is the criterion to be applied to the solution of the problem? What are the basic facts and considerations that must be taken into account? It is here that mistakes are made; and in consequence, the problem is not seen in the right perspective. The Indian problem is a problem of nationalism, of national aspiration, of national self-realization; and like all such problems, it is not a purely intellectual problem, but has psychological aspects to which due consideration must be given. On the other hand, the problem cannot be rightly solved, if only the psychological factors are considered or if they are given excessive weight, and the intellectual factors or the considerations of reason are utterly neglected or even receive less than the importance to which they are justly entitled. The mistake which many British statesmen and people commit, and which has been committed by the Simon Commission also, is that they view the problem, for the most part, in the dry light of pure intellect or reason; they give little thought, or at any rate, do not give enough thought to the psychological or emotional factors from which questions of nationalism cannot be separated. On the part of the Indian people, the mistake lies quite the other way. With them, emotion gets the upper hand; they think that sentiment can work miracles; as a problem of nationalism, the Indian problem appears to them so easy and simple and their claims so just and reasonable that the intellectual or what may be called the "scientific" point of view is considered to be nonexistent or at least does not receive calm, dispassionate and full consideration. But that the problem must be considered from the "scientific" or intellectual point of view, no less than the emotional,

ought to be all the more clear to those who bear in mind the real nature of the problem. It is not merely a problem of power, of attaining national independence; it is a problem of realizing the ideal of democratic self-government. Paradoxical as it may appear, the question of national independence, apart from the question of any form of popular government, is both more difficult and easier than that of democratic self-government. It is more difficult because, humanly speaking, it cannot be solved by a mere appeal to the idealism of Great Britain or of the civilized world. It must, in the long run, resolve itself into a conflict of opposing physical forces; and in such a conflict, it will be extremely difficult for India to win victory only by such resources as are at present available to her. It is easier because, assuming that national independence is won, all the difficult and complicated questions relating to democratic self-government can, if the Indian people choose, be brushed aside, and a dictatorship or personal rule may be established. But when the objective is the attainment of democratic self-government with or without national independence, these questions cannot be avoided. They must be solved, and difficulties involved in them faced and provided for. Even Pandit Jawaharlal Nehru, the ablest and most powerful protagonist of Indian national independence, does not maintain that his aim is the establishment of a dictatorship or the restoration of India to pre-British autocracy. He wants national independence and will not be content with less; the ideal of Dominion Status makes no appeal to him; he sees no reason why a vast, highly populous, ancient and great country like India, with her remarkable culture and with her distinctive national development.

should for ever own allegiance to an alien Crown and be content to remain an integral part of a foreign Empire or Commonwealth of Nations. To him Dominion self-government connotes an inferior status, and he thinks that it is unworthy of India to be content with such a lower status, and not to seek the higher status of national independence. But his goal of national independence is inextricably interwoven with the goal of popular government. Indeed, he is a champion of the masses, of the proletariat; and what he aims at is an independent India governed by the common people. It must, therefore, be obvious that whatever may be the goal, whether it is democratic self-government within the British Commonwealth or national independence with democratic self-government, the various questions connected with popular government must be solved. But it ought to be no less obvious that they cannot be solved by the swelling tide of sentiment or by a mere sweep, however deeplying, all-collective and powerful, of emotional forces. They can only be solved by the cooperative action of harmoniously blended reason and emotion.

One of the fundamental facts which the British people must remember in dealing with the Indian problem is that, as it is a problem of nationalism, of a people's passion for political freedom and a status of international equality, and not merely an administrative problem, due allowance must be made for India's natural desire to reach her goal with the greatest possible speed. If she could be assured that the goal would be sincerely and steadily pursued, and that it would be attained within the shortest possible time, she would not be so entirely swayed by

sentiment, but would be prepared to face the practical difficulties of the problem. There should be no delay in the satisfaction of her national aspirations; they should be satisfied as quickly as possible, even though in doing so, practical difficulties and some questions of constitutional arrangement may not receive ideal solutions. Some measure of excellence in solutions may be sacrificed, if thereby the claims of nationalism can be met more quickly and in a manner that may command the widest range of acceptance. The aim must be to satisfy the yearning for freedom and political equality to the fullest extent compatible with arrangements that must be made to ensure external safety and a reasonable measure of good government. This is the acid test by which a solution of the Indian problem must be judged.

I am a politician and have played the rôle of a political agitator. But I am also a student of political thought and science. I believe with the late Sir Henry Campbell Bannerman that good government is no substitute for self-government, but I also believe with Aristotle that the end of government is the promotion of "good life," and that if a system of self-government fails to promote "good life," and becomes inefficient and weak, the mere fact of its being a system of self-government will not save it from opposition, and, if it becomes too evil, from ultimate destruction. Self-government must be combined with a reasonable measure of good government. It may be conceded—though some people may challenge this claim—that popular government has inherent superior merits of its own. But that does not mean that it is not liable to perversion or abuse; and the

perversion or abuse may be so great as to lead, ultimately, to dictatorship or autocracy. No government can be defended merely on theoretical grounds if it fails to discharge its functions properly and becomes a bad government. Popular government is not necessarily a weak or inefficient government. It can be and ought to be so devised as to ensure good and efficient government. But it is a difficult form of government, and it cannot be good and efficient, if the people do not have a high conception of their duties and responsibilities and do not discharge them properly with the sole object of promoting public welfare. The working of democratic self-government in European countries in recent times has shown that it may become too weak and inefficient; and the working of the local bodies in India since they were placed on a more or less complete popular basis within the last ten years, has revealed the same effect of weakness and inefficiency. This must of course be remedied; and the problem is what must be done to preserve the essential principles of self-government, and at the same time to ensure a high standard of good and efficient government? The solution of this problem depends on two things: first, a high standard of knowledge, of enlightenment, of political sense and of public duty and responsibility; and, secondly, certain constitutional arrangements so that at least a fair measure of efficiency may be maintained, even if and when there is a falling off from this standard. In India, owing to her peculiar political condition, not only these constitutional arrangements but also certain constitutional limitations are necessary. When a political fight or agitation is carried on, and when the ruling Power pulls one way, it

is but natural that the other party should pull the other way. But when the problem is to be considered in the right spirit and when there is a reasonable hope of a satisfactory solution being reached by argument, discussion, persuasion, negotiation, mutual trust, the methods of agitation and fighting must cease; and the sole object of all parties concerned must be to reach the best solution after having regard to all those considerations to which reference has been made above. In the first place, the solution must afford a reasonable satisfaction of the national aspirations of the Indian people. It must therefore transfer political power to them to the fullest possible extent. Secondly, it must ensure a proper measure of efficient and good government. For this purpose, it must have regard to the lessons to be derived from the working of democracy in the West in recent times; it must adopt such constitutional arrangements as are suggested by them. Thirdly, it must have regard to the peculiar conditions of India which necessitate a special treatment of the military problem, even though it may involve some limitation upon the transfer of power to the Indian people. Fourthly, it must realize that popular government is a difficult form of government which entails a high standard of public duty on the part of the people. The Indian people are inferior to none in their natural endowments and merits. But it is no use being blind to the fact that democratic self-government is new to them. It moreover connotes a strenuous day-to-day public life, the demands of which cannot be fully and properly met by those whose view of life is that which prevails among most people in India at the present time. And lastly it must be fair to all the communi-

ties, classes and interests concerned, including the British community and British commercial interests. It is these principles that constitute the criterion that must be applied to the solution of the Indian constitutional problem. And I claim that in the pages that follow I have written nothing that will not stand this test.

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## CHAPTER II



### GENERAL PRINCIPLES, AND THE IDEAL OF AN ALL-INDIA FEDERATION.

In dealing with the constitutional problem of India, we must begin with the Declaration of August, 20, 1917, and the Viceregal Announcement of October 31, 1928. The former Declaration states that "the policy of His Majesty's Government is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible Government in India as an integral part of the British Empire." The attainment of responsible Government is, according to this Announcement, the goal of British policy in India. It should be noted that it does not limit the realisation of the goal of responsible government only to the provincial sphere. In the national sphere also, the same goal is to be ultimately realized. In other words, the affairs of India both provincial and national are, in the long run, to be administered according to the principle of responsible government. According to this Declaration, the test of every constitutional advance must be whether it is calculated to bring the ideal of responsible government nearer and nearer realization both in the provincial and the national sphere.

The Announcement made by His Excellency the Viceroy on 31st October 1928 states that, in the judgment of His Majesty's Government, "it is implicit in the Declaration of 1917 that the natural issue of India's

constitutional progress, as there contemplated, is the attainment of Dominion status."

Thus, taking both these Declarations together, they lay down that India is to become a Dominion, to have such status as the British Dominions enjoy or may enjoy in future, and that her Government is to be carried on both in the provincial and the national sphere, on the principle of responsibility.

The Simon Commission have, throughout their report, made no reference whatever to this second Declaration made by the Viceroy. They have completely ignored it, and framed their report, as if it did not exist and has no bearing whatever on the constitution of India. It is true that both the Conservative and Liberal parties objected to this Declaration being made; but their objection was based, not on the ground of principle, but on the ground that it should not have been made except with the approval of the Statutory Commission, and that it was unwise to make it in the political condition of India at the time. On merits, it was not challenged by any of the party leaders. In view of all this, it is strange that the Commission has, as if by deliberate coldness, entirely brushed it aside. But their failure to take this Declaration into consideration has vitiated their proposals as regards the Central Government. They are, as I shall show later, inconsistent with one of the essential characteristics of Dominion Status, as defined at least by some jurists and Dominion statesmen.

So long as the policy as laid down in these two Declarations is not changed, every constitutional scheme

for India must be judged by it. It is open to Parliament to change this policy; but so long as this is not done, we are bound to consider whether the proposals of the Simon Commission are in conformity with it.

The Commission have laid down four general principles as governing their proposals. They are:—

- (1) That the new constitution should, as far as possible, contain within itself provision for its own development.
- (2) That any constitutional changes now recommended for British India must have regard to a future development when India, as a whole, not merely British India, will take her place among the constituent states of the Commonwealth of Nations united under the Crown;
- (3) That the ultimate constitution of India must be federal, embracing both British India and the Indian States; and
- (4) That full provision must be made for the maintenance and efficiency of the fundamentals of Government throughout the period during which India is progressing on the road to complete self-Government.

No objection can be taken to the first and fourth principles, though the concrete proposals based thereon may be open to criticism and improved without abandoning the principles themselves. But the second and third principles are open to the objection that they conflict with the goal of responsible Government and Dominion Status.

The principle of a Federal Constitution as applied only to British India, will not conflict with this goal; but, as applied to the whole of India including the Indian States, it is bound to conflict with it, so long as there is no responsible Government in the Indian States, and they cannot claim either the status of independent sovereignty or of the sovereignty of a Dominion. So long as the Paramount Power, rightly or wrongly, does not recognise their sovereignty, or declare that their status is the same as that of the British Dominions, an All-India Federation including them cannot but be inconsistent with the principle of responsible Government and Dominion Status which must govern the polity of India both in the provincial and the national sphere, and the relations between her and Great Britain. It is like trying to combine two contradictory principles or systems. Such a combination cannot be successful, because it is not natural; and if it is brought about artificially, it cannot fail to produce friction and conflict.

The Commission seem to have felt that those of their proposals which are based on the second and third principles may be liable to attack on this ground. They have therefore made an effort to show that there is nothing in them which is contrary to that principle. Their argument, on this point, must therefore be examined.

The essence of their argument is that responsible Government may take various forms, that the British model is not the only form of responsible Government, and that its development in India, so far as her Central Government is concerned, may well take place on the peculiar lines they have laid down. In other words, their

argument is that their scheme for an All-India Federal Government is also a form of responsible Government.

In advancing this argument they have entered into the region of political theory, and it is, therefore necessary to consider whether their scheme is really a genuine form of responsible Government.

Now, what is responsible Government? It is a technical expression in political science with a definite meaning. It means that the Executive Government is responsible to the electorate whose will it is bound to carry out, and which has the right to dismiss it and replace it by another if it does not carry out, or acts contrary to, its will. Responsibility for carrying out the will of the electorate is of the essence of responsible Government. The British system or form of responsible Government may not be its only form; it may also be true that though it may be the best form of responsible government, it may not be suitable for all countries. But whatever may be the particular system or form, it must embody the principle that the Executive is bound to give effect to the will of the electorate or must be ultimately replaced by another which will do so. The forms or systems of responsible Government which exist in some other countries than Great Britain do not exhibit any difference of principle, but difference only as regards the liability of the Executive to resign in case of an adverse vote on an important question in the Legislature. The various forms of responsible Government may broadly be divided into three categories viz, (1) the British system which is called the Parliamentary or Cabinet system; (2) the American system which is called the Presidential system

under which the legislature and the Executive have co-ordinate authority, and are both directly responsible to the people, though the President and his Ministers are not responsible to the Congress, and cannot be compelled to resign by an adverse vote in that body. The essence of this system is the principle of separation of Legislative and Executive powers; but this principle is combined with the responsibility of the Legislature and the Executive directly to the people. Responsibility of the Executive to the electorate exists as much in the American as in the British system, and the President is bound to carry out the will of the electorate, even though he may not be compelled to resign by an adverse vote in the Congress; and (3) the Swiss system, which is thus described by Prof. Hattersley in his book on "A short history of democracy":—

"The third, or Swiss system, is a modified form of Cabinet Government. There, however, is no party solidarity. The members of the Federal Council, or Cabinet, may hold divergent views on legislative policy. Moreover, they enjoy security of power, in this respect resembling the American executive. On the other hand, they are definitely subordinate to the Legislature. They do not resign on an adverse vote in the Assembly, but they change their policy in conformity with the decision of the Chambers.....The administration is not conducted on party lines, and statesmen of ability are not forced out of office, through the defeat at the polls of the party with which they are connected."

Having shown what the essential nature of responsible Government is, and that all the prevalent forms of

genuine responsible Government exhibit that essential nature, the next point to be noted is that the use of the expression "Responsible Government" in the Declaration of 1917 was deliberate. It was not an expression used haphazard, but a considered expression deliberately preferred to the word 'Self-Government' current at the time, with a full knowledge of the meaning it conveyed. The essential principle of Responsible Government may be embodied in different forms which may vary in different countries, but no Government can deserve the name of Responsible Government, unless it expressed this principle in some form or other. When the Declaration of 1917 was made, the expression "Responsible Government" had hardly been in use; the expression in vogue at the time had been "Self-Government" and not "Responsible Government." But this popular word "Self Government" was discarded, and the words "Responsible Government" deliberately used to convey the sense of a particular form of Government. As Mr. Lionel Curtis says in his "Letters to the people of India on Responsible Government":—

"The words "Responsible Government" here appear for the first time in any official pronouncement on Indian policy. I have seen it suggested in the public press that they were substituted by the Cabinet for the words "Self-Government" used by the Congress and League in a fit of absence of mind. As a glance at the first words of the pronouncement will show, its terms were discussed in correspondence between the Imperial Government and the Government of India. The delay which took place, after the dispatches of the Government of India were sent to London and before the pronouncement

was made, is sufficient evidence that every word was discussed and weighed. A writer who objects to 'Responsible Government' as the goal of Indian Policy cannot get rid of it by imputing carelessness and levity to British statesmen. "Responsible Government" must have been used in the place of 'Self-Government' with a full knowledge of the meaning it conveyed".

And, in fact, we now know from Lord Ronaldshay's "Life of Lord Curzon," that it was Lord Curzon who suggested the use of the words "Responsible Government." This fact has been noted by the Commission themselves in the Introduction to their report.

From what I have said above, two things are quite clear, viz., (1) that the words "Responsible Government" were used in the Declaration of 1917 after full consideration, with the intention of conveying the meaning which they express, and (2) they must, therefore, be taken to mean one or other of those types or forms of Government to which the expression can be truly applied.

Responsible Government has a definite meaning, and there can be no mistake about it. I have already explained what it means. But the reader will certainly appreciate the following lucid exposition of its meaning by Mr. Leonel Curtis, as given in his book already referred to:—

"All executives are, of course, responsible to some higher authority. The Governor-General-in-Council is responsible to Parliament in England. So were the executives of Ontario and Quebec in the time of Lord Durham, and those of the Transvaal and the Orange River

Colony in the five years succeeding the war. They were so responsible because they could be dismissed and replaced by the Secretary of State acting as the agent of Parliament. The demand arose in these countries (and at one time or another in all the self-governing Dominions) that the power of dismissing and replacing their executives should be taken from the Secretary of State and vested in their own electorates and in the assemblies elected thereby. That demand has always been made in the name of responsible Government. In the minds of men like Mr. Lloyd George and Lord Milner, in whose recollection the demands made and granted in South Africa are still fresh, the term cannot possibly have suggested anything else.

“But the matter admits of no kind of doubt. Within the last few weeks, the Lieutenant-Governor of the United Provinces, addressing the Convocation of the Allahabad University, used the following words: The British Government has announced that the ideal for India is responsible Government, which means the administration of the country by an executive authority responsible through an elected legislature to the people and we now have to shape our course towards that goal.

“An executive is only responsible to a higher authority when that authority can remove it and put another in its place. In this pronouncement the goal prescribed for India is identified with that already attained by the self-governing Dominions. It is to be reached as an integral part of the British Common-wealth. At present the Government of India and those of the provinces are answerable to, and removable by, the British electorate

through Parliament and the Secretary of State. The Imperial Government now looks forward to a time when those executives will all be answerable to, and removable by, Indian electorates, through elected assemblies."

An All-India Federal constitution embracing both British India and Indian India, as the Indian States are now collectively called, is, of course, possible even in the present nature of the Governments in those States and of the relations existing between them and Great Britain, provided it does not matter what may be the system of Government that may thus be evolved, even though it may be a hybrid constitution bearing the marks, partly of a Government responsible to the Indian people, and, partly of a Government that is autocracy, pure and simple. Again, such a federal constitution is possible, and will besides not be open to the objection urged above, if the Indian Princes will introduce responsible Government in their States, and their relations with the British Crown are so modified as to invest their States with Dominion Status. It follows, therefore, that an All-India Federation is not impossible or objectionable in itself. But the constitutional goal of British India being what it is, such a Federation will not be possible consistently with that goal, so long as the two conditions mentioned above are not fulfilled. The second and third principles laid down by the Commission are perfectly sound, if they are regarded as including these conditions. But the Commission have insisted on no such conditions, and, indeed, their exposition of the system as envisaged by them and their concrete proposals leave no manner of doubt, that in their view, these conditions are not essential. The objection to the

second and third principles they have laid down thus arises from their failure to interpret and work them out in such a way that they will be quite consistent with the ideal of responsible Government and Dominion Status.

Having cleared the position as regards the considerations of principle governing the question, let us now examine the concrete scheme as visualised by the Commission. No doubt, they themselves realize that the goal of an All-India Federation may be far distant, and that it cannot be attained unless the Indian Princes willingly accept it. It is also true that they themselves are at present unable to formulate the scheme except in bare outline. Nevertheless, their vision of the goal, such as it is, has decisively influenced their views as regards the nature of the Central Authority. It is this goal that has led them to urge, first, that the Central Legislature should not be a Parliament but a Federal Assembly, secondly, that the present method of direct election to the Legislative Assembly should be done away with, and the method of indirect election substituted for it, and thirdly, that when the process of the formation of a Federation has begun, the residuary power should be vested not in the Central Government but in the constituent states. All these proposed changes are of a radical nature; the third is evidently necessitated by the fact that even though the Indian Princes enter the federation, their rights and privileges under the existing treaties and their right to administer the affairs of their own states, except such as may be assigned to the Federal Government as matters of common concern for the whole of India, in the way they like, are to be strictly guaranteed to them. It is

generally admitted that the Central Authority should be strong even when it is responsible to the Indian electorate ; it is also recognised that for this it is necessary that the residuary power should reside with it and not with the State Authorities. But the Commission feel not the slightest hesitation in abandoning this principle in order that their pre-conceived ideal of an All-India Federation may be realized. For the sake of such a Federation, they do not mind if the Central Government is weakened by the location of the residuary power in the State Governments.

The essential features of the Commission's scheme are a Federal Assembly and a Federal Executive. The present Legislative Assembly is to be replaced by a Federal Assembly the members of which are to be elected, not by the electorates of the Provincial Councils or by the present electorates which have enjoyed the franchise for the last ten years, but by members of the Provincial Councils. The Federal Assembly will also include representatives of the Indian States when they join the Federation. These representatives will be selected by the governing organs in the States whatever they may be. As regards the Federal Executive, the Commission realize that its composition will present a crop of difficulties ; and they have not been able to state precisely how it should be constituted. They, however, urge that it must contain representatives of Indian States. Further, the Commission have not stated to what authority the Federal Executive will be responsible. But as they have made it clear that the Federal Assembly is not to be a Parliament, it cannot obviously be responsible to it and through it to the electorate.

Let us realize the implications of this scheme. The representatives of the British provinces on the Federal Assembly and the Federal Executive will be elected members; on the other hand, the representatives of the Indian States will be men who are not elected by any electorate or popular legislatures, but who are chosen by the Princes themselves. These latter representatives will represent, not the people in the States but their rulers; they will be bound to voice the latter's views and feelings, not the views and feelings of those over whom they rule. When an important and contentious question arises in the Federal Assembly, the representatives of British provinces will naturally represent the view-points of the people; the representatives of the Indian States will, on the other hand, be bound to represent the viewpoints of the Princes. There will be nothing wrong in this. As the Indian States are not governed on the principle of responsibility to the people, and as long as they remain autocracies, their representatives in the Assembly and the Executive, will naturally and rightly feel that they owe responsibility to the Princes themselves.

But the crucial question is: Can such a form of Government be called a form of responsible Government? Is it consistent with the goal of responsible Government? Responsible Government may, no doubt, assume different forms; but surely they must be genuine forms of responsible Government, not spurious ones. A legislature which consists partly of elected representatives of the people and partly of men who are virtually officials or agents of autocratic rulers, and an Executive which is

similarly constituted and which is not responsible to the Legislature cannot constitute a genuine system or form of responsible Government. If such a system can reasonably be included in the category of conceivable forms of genuine responsible Government, it is difficult to see how there can be a line of demarcation between Governments which are responsible and those which are not responsible. Any system or type of government can, in that case, be considered responsible.

So, the most serious objection to the scheme of an All-India Federation as conceived by the Commission is, that it is not in harmony with the goal of responsible Government as laid down in the Declaration of 20th August 1917. The acceptance of the scheme would mean virtual abandonment of the principle.

There is another objection to the scheme. According to it, the paramountcy of the British Crown, that is, of the British Government is to be maintained intact; moreover, it is to be exercised, not by the Government of India as at present, but by the Viceroy as representative of the Crown. This latter change is proposed on the ground, first, that the Princes desire it, secondly that without it, they will not join the Federation, and thirdly, if a responsible Government of India succeeds to the paramountcy, their interests will suffer, as the latter may not be fair to them and scrupulously maintain their rights and status. One reason for the change is thus the fear that the responsible Government of India will be unjust to the Indian Princes. Why this fear should be entertained and doubt expressed about the sense of fairness of the future responsible Indian Government, it is

difficult to see. It is not right that in determining the future relations between British India and Indian India, such an element of distrust and fear should be allowed to enter into the determination. But this is not the point with which I am concerned at present. What I want to point out is, if the paramountcy of the British Government over the Indian States is to be fully maintained just as it is, will it be exercised even over those matters of common concern which will be assigned to the Federal Government? If it will be, it follows that the authority of that Government over those matters will not be final. The final authority will be the Paramount Power, that is, the British Government. This, of course, cuts at the very root of responsible Government. On the other hand, if the Federal Executive is to exercise full and final authority over those matters, does not this mean that the paramountcy of the British Government will have to be modified to this extent?

The Commission have stated that the second principle of their proposals is in accord with the conception of India's future adumbrated in the concluding chapter of the Montagu—Chelmsford report. And they have quoted an extract from that chapter in support of this statement. One may be misled by this quotation into thinking that the conception of India's future constitutional development, as formed by the distinguished authors of that report, is identical with their own conception. And in quoting the extract, it is strange that they have omitted the last sentence of the paragraph. The paragraph read as a whole does not support the scheme as conceived by the Commission; it rather supports a

scheme for "association", not for "union". This will be seen from the sentence which they have omitted to quote. After the sentence quoted by them, viz., "In this picture is a place also for the Native States" occurs this sentence viz., "It is possible that they too will wish to be *associated* for certain purposes with the organisation of British India in such a way as to dedicate their peculiar qualities to the common service without loss of individuality" (The Italics are mine). The Montagu—Chelmsford conception of the future constitutional development was not that of organic unity between British India and Indian India, but of association between them for the purposes of conference, consultation and decision, on the same lines as that of Great Britain and the Dominions at present. Time was when some political thinkers and statesmen both in Great Britain and the Dominions favoured their organic unity by Federation and a common Government which Federation means. But that view is now practically abandoned, and its place taken by the more popular view that the best means of adjusting the relations between Great Britain and the Dominions is association, as frequent as may be necessary, for the purpose of exchanging views and reaching decisions. And it is precisely this method that seems to have been favoured by the late Mr. Montagu and Lord Chelmsford.

But be that as it may, there can be no mistake about their insistence on the ultimate constitutional development of India being in strict accord with the goal of responsible Government. They have indeed said in the concluding chapter of their report, in which the above

quotations occur, that the form or the degree of responsibility which will be reached in India may not exactly correspond to that attained by the Dominions. This is quite true ; a 'responsible' constitution for India should not be a mere imitation of that which obtains in Great Britain or the Dominions. But I do not think that there is this danger ; Indian politicians and leaders fully realize that it must be adapted to Indian conditions. But though such adaptation is necessary, it must not be such as to kill or obliterate the principle of responsible Government itself. The authors of the Montagu—Chelmsford report are absolutely clear on this fundamental principle. On the other hand, there can be no doubt that the Commission do not seem to be keen on it, and the scheme they have out-lined for the Federal Government of India is a mere camouflage of responsible Government.

The last objection to the Commission's scheme is that it is, as I have already said, inconsistent with Dominion Status. According to some jurists and statesmen, Dominion Status carries with it the constitutional right of secession. This point may not be free from controversy ; and at present a tendency is visible among British writers to question the existence of this right. Prof. Keith, in his book on "The Sovereignty of the British Dominions" has expressed the view that the Dominions have no power to terminate their membership of the British Commonwealth of Nations without the legal intervention of the British Parliament. On the other hand, both Mr. Duncan Hall and Mr. Nathan have maintained that the Dominions possess the constitutional

right of seceding from the Commonwealth, if and when they choose. Though therefore the point is a moot one it cannot be overlooked in considering the nature of the Central Government in India. British India, as a Dominion, will possess this right, assuming that it exists and is recognised by the British Government, as it will have to be, if the Dominions insist that such recognition should be placed beyond doubt. But the Indian States are not Dominions, nor does it appear likely that the British Government will ever confer Dominion Status upon them. They cannot, therefore, possess the right of secession. This being the case, will not their inclusion in the Federation operate as a clog upon British India's right of secession? The proposed All-India Federation is thus inconsistent with the ideal of Dominion Status, as it is understood at least by one school of thought. A Dominion may not exercise this right of secession; Dominion Status may not be a license to break the bond of membership of the British Commonwealth of Nations; in all probability, every Dominion including British India when it becomes a Dominion, will prefer to remain within the Commonwealth as a willing member. But, granting that the right exists, the scheme of an All-India Federation as adumbrated by the Commission is undoubtedly incompatible with Dominion Status.

The failure of even the victorious European Powers to solve the post-war problems, particularly in the economic sphere, has produced in the West a reaction against Parliamentary institutions and the Parliamentary system. Before the War, the faith in their superiority and in their power to solve every question, however

difficult and complicated, with which Government may be faced, was general and unquestioned. But during the last ten years, as a result of their failure to solve the problems which the War has bequeathed as a legacy, they have been very adversely criticised; and some people have begun to think that they are a failure, and must be replaced either by dictatorship or intellectual aristocracies. While the passion for the political institutions of the West is growing in the East, the West itself is producing currents of thought in favour of the old Eastern 'despotism,' at one time, so much the butt of ridicule and contempt. As Mr. Glenn Frank, President of the Madison University, says, "the East is beginning to take seriously the concepts of democracy and equality just when the West is beginning to drop them or at least to subject them to sceptical reassessment." In England itself, this current of thought is weak; but she cannot remain unaffected by movements of thought on the continent, and it would seem that, at all events, they have a subconscious effect upon her attitude towards the constitutional movement of India. As I think of the Commission's reflections upon responsible Government and the Central Government in India, I cannot but have a feeling that their views on the constitutional problem of India are affected by this reactionary scepticism about the efficacy of western political institutions. It is, therefore, necessary to point out that those who have carefully re-examined these institutions in the light of the criticisms made against them have had their faith confirmed in them, though they fully realize the necessity of improving them and adapting them to the peculiar conditions of each country. This reaction against parliamentary institutions

is really a passing phase, which will ultimately result, not only in their improvement in the light of new experiences and needs, but also in the vindication of their absolute necessity and value as means of promoting freedom and progress. At the 25th Inter-Parliamentary Conference held at Berlin in 1928, a resolution was submitted expressing faith in the parliamentary system. "That system" it said "is the only one that allows of self-Government by the people. By calling upon all citizens to take part in public life, it guarantees a control over the action of the Government and contributes to the political education of the nations". In India, as in all other Oriental nations, a faith has been created in parliamentary institutions, and we must be on our guard against being misled by this new mistaken trend of political thought in the West. It does not seem at all likely that the West will succumb to this pernicious reaction; but if it does, her political freedom and all it means will soon be things of the past. It will no less be an evil thing for the East, if she unlearns the lesson she has learnt from the West that parliamentary institutions are a *sine qua non* of complete national life and development, and reverts to her old methods of autocracy which really brought about her downfall and made her civilisations static and unprogressive. In considering the proposals of the Simon Commission, we must not allow our faith in responsible Government to be in the last shaken by the unreasoning and unreasonable attacks made by the new wise men of the West upon parliamentary institutions, in a spirit of impatient and carping criticism.

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## CHAPTER III.



### THE CONSTITUTIONAL PROBLEM IN RELATION TO THE DEFENCE OF INDIA.

#### I

In the introductory chapter I have laid down five principles which ought to govern the solution of the constitutional problem. One of them is that regard must be had to the actual conditions of India which necessitate, *inter alia*, a special treatment of the military problem, even though it may involve some limitation on the transfer of power from the British people to the Indian people. The problem of defence undoubtedly affects the constitutional problem; and consequently it is quite necessary to consider what would be the best solution of the former problem consistently with the speediest attainment of responsible government and Dominion Status and with the requirements of defence. It is one of the primary duties of the Indian people, as of any other people, to defend their country against foreign aggression. It is because the conditions of the fulfilment of this duty were not fully appreciated in the past that India lost her national independence. War is no doubt a great evil, but foreign conquest is a much greater evil; and no provision for defence and no money spent on it can be too much if they are absolutely required for guarding against or withstanding foreign aggression. We talk of economy and

retrenchment in military expenditure ; but all such economy and retrenchment will be suicidal if their result will be to weaken the defensive strength of India. At the root of the problem of India's defence lies the recognition of the fact that the mentality of the Indian people must be so changed that all communities and classes in every province will evolve a capacity for assuming the responsibility of defence, that the distinction between martial and non-martial races will cease to have any justification whatsoever, and that young men will come forward from every community and province to take to soldiering. India must become a nation not only of saints, philosophers, poets, men of letters, statesmen, administrators, publicists, merchants but also of warriors and soldiers. All communities and provinces must become martial in the sense that the aptitude for the profession of arms will be found among them all. The essentials of democratic self-government require that India must become, not only politically-minded, as she has happily already become, but also martially-minded. This is the ideal which India must cherish if her ambition of becoming a great modern Power endowed with democratic self-government is to be realized. An ideal democracy is rich in blessings ; it is the kingdom of God on earth ; but it is an exacting task master ; and its numerous and hard tasks must be properly performed if its gift of a higher, more self-evolving and happier individual and collective life is to be enjoyed.

But, of course, it must take a very long time to realize this ideal ; and it is doubtful whether it can at all be realized unless India has her own national government

and that Government controls her military policy and administers her affairs wisely and efficiently on modern upto-date lines. As things are, owing to various causes, some of them imbedded in her past, and one of them being the military policy followed by the Government in accordance with the ideals and methods of imperialism which they consistently pursued until they were led to accept, as a result of the war and of the rising Indian nationalist movement, the higher ideal of responsible government, the people of India unfortunately cannot, even though they wish, fully and efficiently assume the responsibility of national defence. And this inability to discharge the duty of guarding the frontiers of India introduces a complicating factor in the constitutional problem, which makes its ideal solution, such as the Indian people naturally and rightly desire and must of course be ultimately reached, an immediate practical impossibility. Some limitation upon the fullest immediate transfer of political power to the Indian people is thus inevitable owing to the difficulties in connection with the problem of defence. There is no escape from this limitation; and the question is: What should be its nature and extent, and is it possible to reduce it to the minimum consistently with the attainment of the goal of responsible government without the least procrastination and, at the same time, with the needs of adequate military defence?

## II

The Simon Commission's treatment of the problem of defence as affecting the constitutional problem is, no doubt, marked by the most anxious and patient exploration of a possible suitable solution. I do not approve of

that solution; nevertheless, I fully appreciate the care with which they have tried to grapple with a very difficult problem. If we grant that the root-ideas underlying their solution are sound, we are bound to accept the solution itself as right. These root-ideas are, firstly, that the problem of India's defence is not only an Indian problem but an Imperial problem, and, secondly, owing to this problem being imperial, the Indian army must remain under the ultimate control of the Imperial Government and cannot be transferred to the control of the 'responsible' Government of India. But both these ideas are challengeable; and, therefore, an arrangement based thereon cannot be accepted as proper.

It is necessary to have a clear and full idea of the views, arguments and proposals of the Commission on this subject. It is not easy to summarise them briefly and yet precisely; and the reader would do well, in view of the extreme importance of the subject, to read with great care, the two chapters in the Report, in which it has been treated.

In chapter 10 of Part I of Volume 1 the Commission have, quite correctly, set forth the problem of defence as follows:—

“What, in view of the resolve that British India should advance to the goal of self-government within the Empire, is the nature of the arrangements which must be contemplated, and, in due course, reached for her external defence and her internal security?”

Having stated the problem in these terms, the Commission refer to the historical fact that comparatively small

bodies of invaders have crossed the north-western frontier and established themselves as conquerors of India. A repetition of this danger is, they think, still within the bounds of possibility. Besides, there is the constant danger of the independent tribes on the Indian side of the Afghan frontier raiding the plains below. Beyond the north-western frontier lies the quarter from which, throughout the ages, the danger to India's territorial integrity has come. The Commission point out that this quarter is occupied by States which are not members of the League of Nations. Evidently, in their opinion, the League of Nations cannot prevent or minimize the danger to India's territorial integrity from these states. It is this two-fold danger—the danger from these states and the independent tribes—that must be guarded against. “The outstanding fact is that the urgency and extent of the problem of military defence in India are without parallel elsewhere in the Empire.”

Besides this task of external defence the Indian army is frequently requisitioned to perform another task, viz. that of maintaining or restoring internal peace. In Great Britain and the Dominions the employment of troops for this purpose is rare, but in India it is quite a normal occurrence.

Then, there is the third consideration viz that the Army is the ultimate instrument by the use of which the British Crown can discharge its treaty obligations of supporting, in certain eventualities, the Rulers of Indian States.

These are the three purposes for which the Indian army is intended.

The Commission then point out that the military capacity is not shown, more or less in an equal measure, by all the communities and classes of India. Some have a special liking for soldiering; others are almost completely lacking in it. "The Indian intellectual has, as a rule, no personal longing for an army career." The fighting regiments of India represent only a portion of her manhood; and the Commission observe that these Indian soldiers are prevented from being a menace to the civil population only by the presence of British troops and the leadership of British officers. "It is manifest," they say "that the peaceful unity of a self-governing India would be exposed to great risks if it relied, for the purpose of maintaining and restoring internal order, solely upon Indian troops drawn from selected areas and special races, such as the Punjabi, the Pathan, the Sikh, the Mahratta or (to go outside India) the Gurkha."

Having pointed out these features of the problem of defence, the Commission refer to the dilemma presented by the Indian reformer, viz. "Either you must be prepared to see great changes in the army in India, or else you cannot be sincerely pursuing the goal of self-government in India," and observe:

"The dilemma is not an unfair one, and we are quite prepared to accept the first alternative, provided that due allowance is made for maintaining that efficiency which it is essential to preserve. *It is therefore a matter of vital consequence that Britain should prove that it is actively desirous of assisting in those changes in the Army in India which make in the direction of the ultimate goal*

*and which alone will satisfy political India of our good faith.*" (The Italics are mine).

This last observation really constitutes the governing principle of the solution of the problem; and obviously therefore the specific proposals made by the Commission must be judged by this principle.

In volume II of their report, which embodies their specific recommendations, the Commission state that they have no doubt that, "at least for a very long time to come, it will be impossible for the army entrusted with the task of defending India to dispense with a very considerable British element, including in that term British troops of all arms, a considerable proportion of the regimental officers of the Indian army, and the British personnel in the higher command."

Then they lay down these two propositions viz (1) that control of an army including a British element cannot be made over to an Indian Legislature, and (2) that so far as it is possible to forecast the future, the evolution of an entirely Indian military force, capable of undertaking unaided the tasks now discharged by the army in India, must be a very slow process indeed.

What, then, is the solution of the problem? In proposing their own solution, the Commission point out that "the North—West Frontier is not only the frontier of India; it is an international frontier of the first importance from the military point of view for the whole Empire." "India and Britain are so related that Indian defence cannot, now or in any future which is within sight, be regarded as a matter of purely Indian concern.

The control and direction of such an army must rest in the hands of agents of the Imperial Government."

It will be seen from this that the Commission's conclusion is that even in any future that is within sight, the control of the Indian Army cannot be handed over to the Indian people, but must be controlled by the British people through their Parliament and the Imperial Government. It may be remarked in passing that the expression "in any future that is within sight" is so general and vague, that the conclusion practically means that the control of the Indian Army by the Indian electorate is not a question of practical politics. Further, the Commission are strongly of opinion that dyarchy at the Centre is quite impossible, so that the solution cannot be that the Army should be a reserved subject to be administered by the 'irresponsible' side of the Government of India and the other subjects (barring, of course. Indian States) should be transferred subjects to be administered by Indian ministers responsible to the Legislature and the Indian electorate. Dyarchy in the Central Government is utterly ruled out by the Commission and therefore there can be no solution of the military problem, which is based on that principle of constitutional advance. This, it may be incidentally remarked is the Commission's position *vis a vis* the solution suggested by Indian leaders.

The solution then reached by the Commission is stated as follows:

"The question is whether there is any other mode of treatment open which would provide adequately for the needs of Indian defence, and at the same time offer

an earlier prospect for some further constitutional advance at the Centre. It seems to us that the only possible method would be to recognise that the protection of the frontiers of India, at any rate for a long time to come, should not be regarded as a function of an Indian Government in relation with an Indian legislature, but as a matter of supreme concern to the whole Empire which can only be effectively organised and controlled by an Imperial agency. A solution based on this principle would probably have to be brought about by a definite agreement between India and Great Britain acting on behalf of the Empire....Such a scheme assumes that the forces composing the existing Army in India would no longer be under the control of the Government of India but would be under an Imperial authority which would naturally be the Viceroy acting in concert with the Commander-in-Chief."

According to this scheme, the Indian Government and the Indian Legislature will have nothing to do with the administration of the Indian Army which may appropriately be called the Imperial, and not, Indian Army. Defence is one of the fundamental and essential functions of every Government, but the Commission's proposal means that henceforth it will cease to be a function of the Indian Government.

How is this scheme consistent with the goal of responsible government and with the obligation of Indianizing the Army?

In trying to reconcile it with the ideal of the Indianization of the Army, the Commission observe:—

“ We consider that this obligation should continue to be honoured in the letter and the spirit if the Army in India were to pass, as suggested by us, out of the control of the Government of India. One of the consequences of our proposal is that it opens the question whether that Government, in cooperation with the central Legislature, might encourage the organisation, training and equipment of certain military, and it may be, naval forces of its own, independently paid for and controlled, which would contain no British element. We realise that financial considerations will of necessity impose strict limits on the size of such forces, for the heavy contribution to the maintenance of the Imperial Army in India on the one hand, and the demands of a progressive civil administration on the other, will definitely restrict the funds available for such additional military experiments. We appreciate the fact, however, that, in the end, a self-governing India can only hope to function with reasonable prospect of success if it can command military forces of its own, and our proposal helps to remove an obstacle to the ultimate possession of such forces.”

In trying to meet the objection that their scheme is not consistent with the goal of responsible government the Commission remark :—

“To those who are tempted to say that the plan we have outlined is a derogation from the full range of Indian aspirations, we would reply that special arrangements, suited to the necessities of each case, have been found necessary in the history of the evolution of more than one part of the Empire towards self-government. If such a treatment of the subject were regarded as inadmis-

sible, we should regret it because the obstacle would remain."

Lastly, the Commission state that their scheme will promote the establishment of an All-India Federal system, the one ideal by which according to them every proposal should be tested. At present many Indian States pay tribute to the Government of India, but no State makes any direct contribution to the cost of the Indian Army. Again, some Indian States have forces of their own, portions of which are organised for service in case of need alongside the Indian Army. The movement towards a greater Federal unity is bound to lead to changes in this direction. The Commission have not stated in so many clear words what those changes should, or will, be; but it is easy to see that what they contemplate is, first, the abolition of the State Forces or their absorption in the Imperial Army in India, and, secondly, direct contributions by the States to the cost of this Imperial Army. To complete this picture of the Commission's scheme, it may be mentioned that according to it, the cost of this Army, apart from the question of an all-India Federation, will be borne both by Britain and India. The Government of India will enter into an agreement to provide from the Indian revenues an annual total sum, subject to revision at intervals. The contribution would be non-votable; it would be authorized by certificate of the Governor-General. The Government of India must provide facilities as to recruitment, areas, transport and other matters. The military administration would have to be secured in all necessary control over its dispositions and arrangements

and must be able to demand, as at present, the co-operation of the civil authorities. "Under the existing constitution such cooperation can be easily secured. If and when the Government of India became responsible to a Central Legislature, it would first be necessary to ensure cooperation by definite agreement and to devise machinery for settling differences or resolving deadlocks."

As regards employment of these Imperial soldiers for the purpose of maintaining or restoring internal peace, it will be done only by the express authority of the Governor of the Province. In case of emergency, a minister's request for the assistance of such troops must be subsequently endorsed by the Governor. Ultimately with the attainment of self-government, India must organise her own military force to supplement the civil custodians of peace and order.

There now remains only one point to be mentioned. This Imperial Army will, as has been stated, be entirely under the control of the British Government, to be exercised through the Viceroy acting in concert with the Commander-in-Chief; but the Commission propose the constitution of some Committee on Army affairs on which the Central Legislature—and in time the Indian States also—would have representatives for the purpose of discussing, and keeping in touch with military questions.

### III

What is the precise meaning of this scheme? The first reflection that cannot but occur to a thinking Indian is that it is marked by such uncommon ingeniousness as to do prodigious credit to the subtle, creative brain of the

highly intellectual Chairman of the Commission. Let us picture to ourselves the situation as would arise when the scheme would be fully carried out. Its features may be enumerated as follows :—

(1) The Indian Army will be an Imperial Army.

(2) It will be entirely controlled by the British Government through the Viceroy.

(3) The administration of this Army will cease to be a function of the Indian Government, and the Indian Legislature will have nothing to do with it.

(4) The armies of those Indian States which possess them will be abolished or absorbed in this Army.

(5) The cost of this Army will be borne by Britain, British India and the Indian States.

(6) British India's contribution to the cost will be nonvotable.

(7) The Indian Government must enter into an agreement with the British Government so as to ensure the organisation and efficient functioning of this Army.

(8) The Government of India, if and when it becomes responsible to a Legislature, may, if it likes, organize a national army of its own. But considerations of finance would place strict limits on such "additional military experiments". (This is the expression used by the Commission.)

(9) Troops belonging to this Imperial Army will be used for maintaining internal security only on the authority of the Governor.

(10) The Government of India on becoming responsible to a Legislature must find its forces, if necessary, for the task of supplementing the Police in maintaining internal peace and order.

(11) The Imperial Army, being imperial, will never be indianized, nationalized and brought under the control of the Government of India "if and when" (these are the words used by the Commission) it becomes responsible to a legislature.

(12) The Indian Princes, even though they allow their own armies to be abolished or merged into this Army and make contributions to its cost, will not have the least control over it. Though defence is a matter of common concern both for British India and the States and the All-India Federation is designed to deal with such matters, this Imperial Army will not be a subject with which the Federation will deal. The States will have some representatives on an advisory committee on Army affairs, but absolutely no voice or share in its administration and control.

#### IV

I shall premise my criticism of this scheme by saying, at the outset, that I, for one, shall not object to the handing over of the control of the Indian Army to the Viceroy *as a transitory measure*, provided that two conditions are satisfied viz. that responsibility is introduced in the Central Government and all subjects with the exception of the Army, Indian States and Foreign Affairs are transferred to the control of the Indian Legislature and Electorate. The Princes demand that the paramountcy

of the suzerain Power should be exercised through the Viceroy; this demand is supported both by the Butler Committee and the Commission. As has been already stated, I myself consider it reasonable. So, the subjects of Indian States and Defence may both be administered by the Viceroy as agent of the British Government. But in the latter case the arrangement must be of a strictly transitional character to be maintained only until the Indian army is nationalised and India attains the goal of responsible government and Dominion Status. The maintenance of an Imperial Army which will never be Indianized or nationalized and brought under the control of the Government of India which is responsible to the Indian people, cannot be accepted *as a permanent measure*. But the control of the Army may be exercised by the Viceroy, independently of the Government of India, as a transitory measure, provided that all subjects with the exception of those which are mentioned above are *immediately* transferred to the control of the Indian people. This is the first condition that must be fulfilled.

The second condition is that, in the meanwhile, an honest and earnest effort should be made to nationalize this Army without the least procrastination. And after it is nationalized, its administration and control should be transferred to the responsible Government of India. The defence of the Indian frontier should then cease to be a function of the British Government and become a function of the Indian Dominion Government.

If these two conditions are fulfilled, I, for one, shall not object to the Commission's proposal that the Indian

Army should be under the control of the Viceroy as agent of the British Government.

Having premised this, let us now examine this scheme.

In a way, the frontier of every important part of the British Empire is an Imperial Frontier. Great Britain is interested in the defence, not only of India, but also of every Dominion and every other part of the British Empire. It cannot be said that if Canada, Australia or New Zealand or South Africa is attacked by an enemy, Great Britain will remain unconcerned. There can be no doubt that she will take every measure to defend any of these Dominions, as she will to defend India, against foreign aggression. If Japan, for instance, invades Australia or New Zealand, will Great Britain remain quiet or indifferent? Will it be right on her part to do so? An attack upon any member of the British Commonwealth of Nations is an attack upon the whole Commonwealth; it is a challenge not only to the Government of that member but also to the Government of Great Britain herself.

In considering this question, the mutual obligations of the various members of the Commonwealth must be borne in mind. If a war breaks out between Great Britain and any other Power either she herself may be attacked or any other member of the Commonwealth or Empire may be attacked. Or if the war is between two groups of Powers as in 1914, any of her allies may be attacked. In any of these cases, it is the duty of every member of the Commonwealth to render every assistance it can in fighting the enemy Power or Powers. No one can deny that at present

the Commonwealth is a reality, and be it said to the credit of Great Britain that her policy towards the Dominions is such that the bonds existing between them are more likely to be strengthened than weakened. And so long as this policy continues—and Great Britain will not be so blind to her own interests as to give it up—this obligation of mutual assistance in the event of war or foreign aggression will be faithfully discharged by all the members of the Commonwealth. This is, in fact, one of the fundamental principles of the Commonwealth, without which it cannot be maintained or preserved. The very theory of the Commonwealth makes it obligatory on all its members to act on the principle that an attack on any of its members is an attack on every other member and on the whole Commonwealth. And, such being the case, no frontier or coastline in the Empire or Commonwealth can be called a purely national or parochial frontier or coastline, but must be regarded as an Imperial or Commonwealth frontier or coastline.

But it may be argued: All this is quite true. But the north-western frontier of India is more exposed to the danger of foreign aggression than any other frontier or any coastline. Strictly speaking, this is not quite true. A glance at the map will show that Australia and New Zealand are as much exposed to the danger of foreign aggression as India; indeed, they are more exposed to such danger than India. If a war breaks out in which Japan is ranged against Great Britain, there can be no doubt that the former will at once lead her naval forces against the coastline of Australia and New Zealand. If it is said that an armed conflict between Great Britain and Japan is an impossibility, or, at all events, an extreme

improbability, the reply is that there is no Anglo-Japanese Alliance at present and that in the evershifting scenes of international relations, interests and conflicts, dogmatism as to what may or may not happen is unreasonable, if not foolish. If a distinction is made between the case of India and that of Australia or New Zealand on the ground that Japan is a member of the League of Nations, whereas the states from which there is danger to the territorial integrity of India are not—and the Commission has, in fact, pointed out this distinction—as against this argument, there is the consideration that the League has not as yet evolved into a sure instrument of preventing war. The League is a good institution, so far as it goes; it is capable of becoming much better, if the will to peace will be general and deep; and it is to be earnestly hoped that it will soon become an effective instrument by means of which international disputes may be peacefully settled without the arbitrament of the sword. But its development has not yet been such that it will prevent an outbreak of war if nations do mean to fight. And, indeed, men like Mr. H. G. Wells are openly saying that an outbreak of war in the Near East is quite possible in a few years' time. Whether Mr. Wells turns out a true or false prophet—and I sincerely hope that he may turn out a false prophet—unfortunately there can be no doubt that much reliance cannot be placed on the League as a means of preventing war. And, consequently, the fact that Japan is a member of the League of Nations is no conclusive argument that Australia or New Zealand is in no danger of an attack from Japan. And, indeed, Australia or New Zealand does not consider this danger to have been removed by the existence of the League

of Nations or by the fact of its including Japan as a member.

The only possible danger of an attack on the north-western frontier is from the Moslem Kingdom of Afghanistan or the Soviet Republic of Russia. Persia is a member of the League of Nations, and if the existence of the League is in any way a security against Japan attacking Australia or New Zealand, the same argument will apply in the case of Persia. Moreover from the military point of view, Persia counts so little that no danger can come from her to the territorial integrity of India. Nor is it at all likely that she will make common cause either with Russia or Afghanistan in invading India.

As regards Afghanistan, there are two alternatives. Either she may invade India singly, or be persuaded by Russia to join her in invading India. The first is not likely; in view of her present internal condition, she cannot think of harbouring sinister designs against India. In the event of Russia deciding to attack India, she may be persuaded to join her. And therefore the question whether there is any real danger of foreign aggression on the north-western frontier really resolves itself into this question, viz: Is there a danger of a Russian invasion of India?

This opens up the question of the nature of the relations between Great Britain and the Soviet Republic, and of their possible development in future. It is undeniable that those relations are far from friendly. Both distrust each other; each thinks that it is the deliberate policy of the other to destroy its political and

economic order. Great Britain fears that the Soviet Republic aims at promoting a communistic revolution and bringing about the destruction of British capitalism and the British Empire. The Soviet Republic, on the other hand, thinks that Great Britain and some other capitalist countries consider it their most important duty "to destroy the only proletariat state in which for the first time the power is entirely vested in the hands of the workers and peasants." Unless these mutual suspicions and fears are allayed, there can be no doubt that they must, in the long run, break out into open hostility. Though, therefore, the existing relations between Russia and Great Britain contain within themselves the seeds of a future war, it does not follow therefrom that it is either imminent or near. And it may be that the relations may improve, that the Soviet Government of Russia may realize more and more that though it may be possible to deprive capitalists of all political power, capitalism itself cannot be eradicated and may even be turned into an instrument of good, that as a consequence of this change in Russian thought, Great Britain and other capitalist countries will begin to think better of Russia, that this may lead to improved relations between them, that Russia may become a member of the League of Nations and that, as a result, the danger of war may be averted. This desirable and happy development of events is as much within the bounds of possibility as it is possible for the present ill-feeling to produce a situation that will make war inevitable. And, therefore, though it would be a mistake to dismiss the danger of a Russian attack on the north-western frontier of India as an impossibility or only a remote possibility, on the other

hand, it is ridiculous to consider this danger as a permanent feature of the international situation, and to consider further that it can never be guarded against or met by an Indian national army, that it makes the north-western frontier of India an Imperial frontier which must never be handed over to the military control of a popular national Government of India. It is no doubt a sad feature of Indian history that since the days of Alexander the Great, many foreign invasions have been directed against India across her north-western frontier. But to think that this danger exists to the same extent even now is to be blind to the fact that conditions in this twentieth century are much different from what they were when invaders swept over India through the north-western frontier. That India is exposed to the danger of foreign aggression on this frontier is quite true. But the danger need not be exaggerated; nor can it justify the view that it can be guarded against only by such military arrangements as have been proposed by the Commission.

It is necessary to speak plainly. From the arguments used by the Commission in support of their scheme, it is clear that they consider the north-western frontier of India an Imperial frontier and her defence an Imperial concern, because the interests of Great Britain vitally depend upon the continued existence of the connection between the two countries. "Everywhere else, the guarding of a frontier can be normally treated as a local concern. But here, the effective defence of India is a matter in which other parts of the Empire are also closely and directly interested. Imperial foreign policy, Empire communica-

tions, Empire trade, the general position of Britain in the East, may be vitally affected." The real position of the Commission may be thus stated. :—

The general position of Britain in the East depends upon the effective defence of India.

This effective defence cannot be made by India herself. Britain cannot rely on her for the defence.

Therefore, the north-west frontier of India must be regarded as an Imperial frontier and her defence must be in the hands of the British Government. It cannot be entrusted to the Indian Government responsible to a legislature.

Let us calmly consider what this means. It means, first, that *for maintaining the interests of Britain as an Imperial Power, an essential attribute of responsible Government and Dominion Status must for ever be withheld from India.* Secondly, that *India's ability to defend herself cannot, at any time, be trusted.* Thirdly, *therefore the Army intended for the defence of India cannot be nationalized and controlled by an Indian executive responsible to a legislature.*

This is a good illustration of how our mentality and views are subtly affected by what we consider to be our interests, how they incapacitate us for taking detached, impartial views, how, consciously or unconsciously, we are tempted to subordinate what is due to others to our own interests. Lest the position of Britain may not be maintained, India must not be endowed at any time with the full attributes of self-Government. Camouflage as you may, the Government of India cannot be fully self-

governing and cannot attain full Dominion status, if it is never to exercise the function, and to discharge the responsibility, of national defence. Britain may consider that such derogation from the full measure of self-Government and Dominion status is necessary to her own interests; but it means that India must for ever remain in an inferior position, and cannot become a member of the British Commonwealth of Nations enjoying equality of internal and external status with Canada, Australia and other Dominions. In plain language, it means that the interests of India, however legitimate, just and reasonable they may be, must be sacrificed at the altar of Britain's Imperial interests. Such a solution of India's military problem cannot be acceptable, and succeed in reconciling all schools of political thought in India to the British connection.

The Commission observe: "If such a treatment of the subject were regarded as inadmissible, we should regret it because the obstacle would remain." It is difficult to understand why the obstacle cannot be removed except by the particular solution proposed by the Commission. The formation of an Indian national army fully able to defend India may not be feasible within a short time. But can it be seriously and reasonably maintained that India can never have such an army and that therefore her defence must always be entrusted to British troops?

I have so far dealt with the argument that the north-western frontier of India must be regarded as an Imperial frontier to be defended only by an Imperial army, and, not, at any time, by an Indian national army.

I shall conclude my consideration of this argument by pointing out that though the Commission have, for the first time, evolved a scheme based on the principle that the north-western frontier must be regarded as an Imperial, and not an Indian, frontier, the principle itself is not a new one, but was suggested by Mr. Lionel Curtis in 1919, when the Montagu-Chelmsford reforms were being forged on the legislative anvil. He proposed that the Imperial Government should make an explicit declaration that "territories bordering on frontiers which may involve the whole Commonwealth in war can never be ceded to a future Dominion Government in India responsible only to an Indian electorate." In his examination before the Joint Parliamentary Committee, Mr. Curtis thus explained this proposal:—"My view is that Lord Curzon's policy which was initiated in the creation of the North-western Frontier Provinces ought to be continued eastwards right across and that it should be permanently recognised that the frontier of India is not merely an Indian frontier but is an Imperial frontier." Further in reply to a question asked by the late Mr. Montagu, he said that "I cannot foresee the time, if the British Empire is to remain together, when you would be justified in handing over the north-western Frontier Provinces to a Dominion Government of India." The Commission's proposal is, in fact, identical with that made by Mr. Curtis eleven years ago.

Another argument advanced by the Commission in support of their solution is the supposed danger to the peaceful unity of self-governing India if it relied for the purpose of maintaining and restoring internal order solely upon Indian troops drawn from

selected areas and special races, such as the Panjabi, the Pathan, the Sikh, the Mahratta or the Gurkha. The Commission assert that it is the presence of British troops and the leadership of British officers that secure that the fighting regiments of India shall not be a menace to the peaceful civil population. Those who pride themselves upon their belonging to the martial races and are apt to despise their so-called non-martial countrymen would do well to note what the Commission think of the troops recruited from their own ranks. They assert that the Indian soldiers will be a menace to their own peaceful countrymen if there would be no British Officers and troops. In plain language this means that in the opinion of the Commission the Indian soldiers will indulge in all those excesses which a mercenary and unpatriotic soldiery is tempted to commit, if the restraining hand of the British officers and the fellowship of British soldiers are withdrawn. Is this not a calumny upon Indian troops and the races to which they belong ?

The Commission have ignored two considerations in this connection, first, that the nationalist movement is spreading more and more among all races, including the martial races, and, secondly, that the growth of education among the rural population, the liberalisation of rural self-governing institutions and the exercise of the franchise for all bodies from the village Panchayats to the Legislative Councils—all these are inspiring the martial races more and more with patriotism, national spirit, and a sense of responsibility to their own countrymen. Moreover, the introduction of full responsible Government in the

Provinces must lead to the establishment of a national system of compulsory education, so that the future soldiers of India will come under the humanizing and elevating influence of a sound system of education which will not only train their minds, but also inspire them with a higher sense of duty to their countrymen. Thus, as a result of all this, the Indian Army will become as much a truly and thoroughly national army as those of self-governing countries in the world.

Another argument in support of their solution has been supplied to the Commission by the many outbreaks of communal disturbance within recent years. This opens up the question of the real causes of Hindu-Moslem disturbances, and of the most effective means of preventing them. Religious intolerance and bigotry are bound to lead, at times, to breaches of peace; and these can only be removed by the liberalization of religion, and of religious sentiments and practices. And this liberalization can come only through the diffusion of education and the growth of rationalism among the people. Ultimately, India will have to evolve a religious synthesis which will obliterate all differences, and remove causes of friction and dissension, among the followers of her different religions. Just as she has evolved a political unity based on a common national spirit and life, so also she must evolve a social and religious unity based on close social intercourse, on mutual understanding and appreciation and on the realization of the fundamental truth that a truly religious life is essentially one and the same for all, that it is the life of the spirit and not of outward ritualism and practices. In their highest development both

Hinduism and Mahommedanism are noble religions fully capable of producing the best types of moral character and spirituality. But large sections of the followers of both these religions are swayed not by the highest form of their religion, but by ritualism and outward observances. They are more influenced by external forms than by the spirit of their religions. We must, therefore, be prepared for Hindu-Moslem disturbances, though I have no doubt that, in course of time, with the spread of education and the enlightenment born of education, they will become rare, if not altogether nonexistent. As things are, however, one of the causes of these disturbances is the fear felt by the Mahommedan community that with the advance of India towards full responsible Government, power will pass into the hands of the Hindu community and may be so used by it as to injure its interests. I do not think that the Mahommedan community is fair to the Hindu community in cherishing this fear; but it exists and account must be taken of it in dealing with the question of the relations between the two communities. On the other hand, it must be pointed out that the Hindu community fears that the more militant and communalist Moslem leaders are really manœuvring for a position which may, in future, when the Pan-Islamic movement may be revived and become powerful, enable their community to regain its former dominant position in India. This fear, again, is unjust to the Moslem community. It is this mutual fear and distrust that creates ill-feeling, foment the spirit of antagonism, and aggravates any situation likely to lead to a disturbance. An agreed solution of the Hindu-Moslem problem is, therefore, essential, not only from the constitutional point of view,

but also in order that disturbances between the two communities may, as far as possible, be prevented. But when such an agreed solution is reached, when both the parties are satisfied with their mutual position, trust each other fully and work shoulder to shoulder in performing the common tasks of self-governing India, Hindu-Moslem disturbances will become unfrequent and receive no stimulus from any ill-feeling due to the sense that in the constitutional and administrative system, the mutual position of the two communities is such as to give undue advantage to the one over the other. And when once the mutual relations of the two communities are built on the firm foundation of mutual esteem, trust and cooperation, the occasional breaches of peace that may take place as a result purely of religious fanaticism or intolerance can easily be put down by Indian troops under the ultimate control of an Indian minister.

In this connection, it may be pointed out that there is another feature of the national composition of India, which would facilitate the elimination of British soldiers as an agency for suppressing Hindu-Moslem disturbances. The population of India consists not only of Hindus and Moslems, but also of Parsees, Indian Christians and Anglo-Indians. And the domiciled Europeans also are as much Indian citizens as members of all these communities; and India has claims upon their loyal and devoted services as upon those of members of the other communities. With the establishment of satisfactory relations between the Hindus and Moslems and the formation of a truly national army, it will not be necessary to rely upon a neutral agency for suppressing

Hindu-Moslem disturbances; for both Hindu and Moslem troops will discharge this duty loyally and faithfully. But if it is deemed necessary or expedient to employ non-Hindu and non-Moslem troops in a particular case, these minority communities will supply regiments which can be entrusted with the task of maintaining or restoring internal peace and security. From all these considerations it follows that, however necessary or desirable it may have been found in the past to employ British troops for maintaining or restoring internal security and peace, the performance of this essential duty of a Government does not necessitate, and cannot warrant, the permanent maintenance of British soldiers and officers. The Hindu-Moslem disturbances which have so much disfigured Indian national life during the last four or five years thus afford no conclusive argument for the scheme of an Imperial army recommended by the Commission. In building up their case partly on these disturbances, the Commission have taken a narrow view of, and sought to make capital out of, the tension between these two great communities of India. The task of maintaining internal peace and security is certainly not such that the responsible provincial Governments or the responsible Indian Government will not be able to discharge it with the assistance, if necessary, of national troops and without relying upon British or Imperial military forces.

As regards the third consideration that the British Crown must have an army of its own to discharge its treaty obligations of supporting, in certain eventualities, the Rulers of Indian States, with the transfer of the subject of the Relations with the Indian States to the

control of the Viceroy, instead of the Government of India, as at present, the British Government may, if they like, keep British troops for the purpose, in such areas of Indian States as may be agreed to between themselves and Indian Rulers. But that is no reason why an Imperial army should be permanently maintained for the defence of India.

The Commission have referred to the danger of the independent tribes on the Indian side of the Afghan frontier raiding the plains below. That this danger exists and must be provided against is beyond question. But it is sheer national vanity to think that it can be guarded against only by the Indian Army, as constituted and organised as at present, and not by an Indian national army properly trained and officered.

The Commission have also referred to the fact that the military capacity in India is confined only to the martial races, and that the so-called non-martial races are singularly deficient in it. It is true that, as things are, the military capacity is unequally distributed among the various races and communities of India. But it cannot be denied that it is the military policy until recently pursued by the British that is responsible for this unequal distribution of the military capacity. For political reasons, that policy was directed towards destroying, by sheer atrophy, the military capacity of those higher castes which combined with it the spirit of patriotism and independence, and which had played a glorious part in the eighteenth and the first half of the nineteenth century in the struggles to maintain the national independence of India. This policy has proved so successful that the

military capacity of these castes is all but extinct. The history of India does not in the least show that any important community or caste in India is congenitally unfitted to take up the profession of arms. But the British by disarming the population, by denying to these castes every opportunity of military training and service and by establishing a one-sided system of education virtually destroyed their aptitude and liking for soldiering. But by proper measures, it is possible to change even national genius and character, and there can be no doubt that the call to patriotism, the insistent demands and responsibilities of democratic self-government and adequate facilities for military training and service, will succeed in reviving the old military capacity of all these castes, and that, in course of time, it will be manifested, more or less equally, by all the important races, communities and castes in India. The Commission have given, in their report, a map showing the numbers of combatants in the Indian army drawn from the various parts of India, and also quoted from an official publication an extract illustrating the number of combatant and non-combatant recruits enlisted in each province during the Great War. A comparison of these figures clearly shows that it is quite possible to evoke and develop military capacity in those who have hitherto shown little liking for the career of arms. Two instances will suffice to prove what can be done to arouse and foster this capacity, if only proper measures are adopted and encouragement given to those who would like to join the army. Whereas Madras supplies only 4000 combatants in the Indian Army, its contribution to the combatant forces in the Great War was 51223 men. The Bengalees are

supposed to be the least martial community in India, and from the map given by the Commission it would seem that the Indian army contains not a single combatant from Bengal. And yet this so-called unwarlike province supplied more than 7000 combatants in the war. The present disparity of martial capacity is, therefore, capable of being removed, and its existence and development more or less equalized throughout India. If need be, self-governing India will not hesitate to adopt a system of compulsory military training for this purpose. The fact, therefore, that the military capacity is not at present shown more or less equally by all the races and communities in India affords no ground for the conclusion that, even in future, with proper measures, such capacity cannot be the common possession of the entire population of India. And, in course of time, it is quite possible to form "an Indian national army drawn from India as a whole, in which every member will recognise the rest as his comrades, in which Indian officers will lead men who may be of different races, and in which public opinion will have general confidence."

In the first volume of their report the Commission have admitted that "it is a matter of vital consequence that Britain should prove that it is actively desirous of assisting in those changes in the Army in India which make in the direction of the ultimate goal which alone will satisfy political [India of our good faith." The principle they have thus laid down is the only principle that can govern the solution of the problem of defence. And yet in the second volume of their report, they have utterly discarded this principle and proposed a scheme

which is quite inconsistent with it, which seeks to divest self-governing India for ever of the function and the responsibility of national defence, and the result of which will be that within the limits of India will be stationed what cannot but be regarded as an army of occupation which may permanently block her fullest national development and be a perpetual symbol and reminder of her inferior status. Such a scheme cannot satisfy India of Britain's good faith and be acceptable to her. A permanent, satisfactory solution must be sought on other lines, and in a succeeding chapter I shall consider what it should be.

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## CHAPTER IV.

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### THE PROBLEM OF THE RELATIONS BETWEEN BRITISH INDIA AND THE INDIAN STATES.

In the second chapter, I have discussed governing principles, examined the solution proposed by the Commission of the problem of the relations between British India and the Indian States, and pointed out the objections which may reasonably be urged against it. In this chapter, I shall consider what should be the proper solution of the problem.

I have already said that an All-India Federation embracing the Indian States is not in itself impossible, or will be objectionable, provided two conditions are satisfied, viz., first, that responsible Government is introduced in the States, and, secondly, that the British Government recognise the States as Dominions. The fulfilment of these conditions, however, seems almost impossible at least for a long time to come. Indian India has lagged so much behind British India in political development that, except, perhaps, in a few States, conditions are not ripe for the introduction of responsible Government. Nor does it appear that the Princes themselves approve of the ideal of responsible Government even as a principle, and that they would willingly transfer, in an increasing

measure, their own power to their subjects, and make the establishment of responsible Government the goal of their policy. The difference between British India and Indian India is that the former is ruled by a democracy that has faith in freedom and responsible Government, whereas, the rulers of the latter enjoy absolute power within their own territories and have yet given no proof of their faith in popular Government. Owing to this difference, whereas British India has arrived at a stage in her political development when the full attainment of her goal is a matter of only a short period, it is doubtful whether the ideal of responsible Government and of bringing the Indian States in a line with British India in political organisation, has yet at all begun to engage the earnest attention of the Princes. But it is obvious that unless they apply themselves to this question in all seriousness, there is not the remotest possibility of their territories evolving into responsible States. Popular movements for the attainment of responsible Government are springing up in the States, and may, more or less, influence the policy of individual Rulers. But they are at present very weak and not likely to grow as powerful as that in British India. Under these circumstances, the introduction of responsible Government in the States must be ruled out as a question of practical politics in the near future. And, so long as this is the case, British India must beware of complicating her future political development, and, perhaps even imperilling it, by a Federation including units which are still ruled on a principle which is diametrically opposed to that of responsible Government and discarded by all enlightened and progressive nations in the world.

The solution, then, of the problem must be sought in a different direction. An organic union by means of Federation is for the present impracticable, but that need not prevent the formation of some organisation for the purpose of consultation and decision on those common questions which concern both British India and the States. The proper solution would seem to lie on the lines of the League of Nations. There should be a League of British India and the States. All common questions should be considered by a Council of the League, in a spirit of the most cordial cooperation and with the sole desire of doing justice to every party concerned. The decisions that will be arrived at by the Council should not *ipso facto* be binding upon British India, but they should be submitted to the Legislative Assembly for approval, and given effect to on such approval being given. In case the Legislative Assembly disapproves of them, it should submit its own proposals. The Council should consider these proposals and if an agreement is reached, it should be carried out. But if no agreement is reached, the matter of dispute should be referred to an independent tribunal for arbitration, and its decision should be binding on British India and the States. The British Indian Government, the Legislative Assembly, or the States should have no right whatever to question the validity, legality or justice of the decisions of this tribunal.

The constitution of the Council of League will require careful consideration. Two things are plain, first, that British India and Indian India should have equal representation; and, secondly, every state cannot have a separate representation of its own. It should consist of

sixty members, thirty representing the States and the same number representing British India. The representatives of British India should include members of the Legislative Assembly, of the Second Chamber by whatever name it may be called, the Council of State or the Senate, and of the Indian Government. The representatives of the States should be chosen by the Princes in such manner as they may decide among themselves. The Council should have a President, who should be elected by these sixty members either from among themselves or from outside. In the former case, a new representative from the Legislative Assembly, the Second Chamber, the British Indian Government, or the State to which the member elected President belonged, as the case may be, should be elected to take his place. Voting should be absolutely free, and the President should have a casting vote.

The next question is: How should the Tribunal be formed? A panel of thirty most eminent judges, jurists or lawyers from both British India and Indian India should be formed, and out of this panel, five should be chosen by lot to decide all the disputes arising in a year, a fresh lot being cast every year.

As these two institutions are intended for the purpose of settling disputes between British India and the States with regard to matters of common concern, it follows that such matters must first be clearly defined. The recommendation of the Commission on this point that "a serious and business-like effort should be made to draw up a list" of such matters, will, no doubt, meet with universal approval.

In recent discussions of this problem, the question has been raised as to whether the Dominion of India, when India attains national responsible Government and Dominion Satus, should step into the shoes of the British Government as the possessor of paramountcy, or whether it should be exercised by the Viceroy as representative of the Crown. At present the Government of India is an agent of the Crown, that is, of the British Government, and the latter's paramountcy over the States is exercised through it. There is nothing unconstitutional or illegal in this. Can the responsible Government of India, when it comes into existence, be rightly called an agent of the Crown or of the British Government? Clearly not. It will be a different Government altogether; its source of power will be, not the British Crown, Government, Parliament or people, but the Indian people; and the Princes are quite right in urging that the transfer of paramountcy from the British Government to the new responsible Government of India should not be made unless they themselves agree to it. They are clearly entitled to have a decisive voice in the matter; and it will be a serious wrong to them to place them under the paramount authority of the Indian Dominion against their will. But there is no reason why the existing system whereby paramountcy is exercised by the Government of India and not by the Viceroy should be changed so long as India has not attained responsible Government.

There are at present many questions relating to financial and economic relations between British India and the States. As they are not of a constitutional nature, they lie outside the scope of this book. But

their solution on a satisfactory basis in accordance with the principles of justice and equity will promote better understanding between the British Government and the Indian States, and create a feeling among Indian Princes, favourable to the building up of a constitutional system that will cement the existing bonds of racial, social, economic and cultural affinity, and ultimately develop, by the natural process of evolution and by an increasing recognition of the best principles and methods of government and administration, into a Federal unity which will make this ancient land a conspicuous pattern of what can be the best and noblest in human life.

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## CHAPTER V.

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### THE PROPER SOLUTION OF THE CONSTITUTIONAL PROBLEM IN RELATION TO THE DEFENCE OF INDIA.

In the third chapter I have examined the views expressed, and the arguments advanced, by the Commission as regards the constitutional problem of India in relation to the question of defence, and shown that, though the solution proposed by them may be accepted as a transitory measure, provided two essential conditions are satisfied, it is inconsistent with the ideal of responsible Government and Dominion Status, and therefore cannot command the general approval of political India, as a permanent feature of her constitution and national status. In this chapter my aim is to set forth what I consider to be the proper solution of the problem.

One of the essential elements of the theory of responsible Government and Dominion Status is that a Dominion must undertake its own defence, and that British troops must be withdrawn from within its borders, as soon as it is constituted and begins to function as such. According to this theory, British soldiers and officers will be recalled to Britain immediately after responsible Government is established in India, and she is constituted a Dominion. The principle underlying this theory is that a nation, enjoying responsible Government and the status and sovereignty of a Dominion, must have its own defensive forces, and must not expect.

that British troops will continue to perform the task of guarding its frontiers, under its own authority and control, that is, under the authority and control of its own legislature and electorate.

Historically speaking, at a time when the theory of responsible Government itself had not been fully developed, it was not considered an essential condition of responsible Government that British troops should be immediately withdrawn. As the Commission have pointed out, British troops continued to be maintained in the colonies after the grant of responsible Government, even though they were not exposed to any serious danger of external aggression, and the troops could have been withdrawn without any risk. But the British Government knowing that the colonies were not in a position to undertake their own defence, though the necessity of such defence was neither imminent nor, in any way, great, allowed their troops to remain as before, and that, too, at the cost of their own Exchequer. As Dr. Keith says in his book on "The sovereignty of the British Dominions" "For a time the practice of leaving Imperial forces in the Colonies continued, despite the grant of self-government and the serious loss involved on the Exchequer". It must, however, be pointed out that the control of these Imperial troops was not in the hands of the colonial Governments, but of the British Government, and that, on the other hand, they were purely British troops with whose recruitment the Colonial Governments had nothing to do.

It was not until 1862 that the necessary connection between responsible Government and indigenous defen-

sive organisation was clearly pressed by Parliament. At the instance of Mr. Gladstone, the question was thoroughly investigated by a select Committee of both Houses of Parliament, and in 1862, the House of Commons adopted a resolution viz. "That this House, while it fully recognises the claims of all portions of the British Empire on Imperial aid against perils arising from the consequences of Imperial policy, is of opinion that colonies exercising the rights of self-government ought to undertake the main responsibility of providing for their own internal order and security and ought to assist in their own external defence".

This resolution lays down two principles, viz, first, that a self-governing Colony or Dominion must be *mainly responsible* for its own internal order and security, and, secondly, it ought *to assist* in its own external defence. In other words, whereas the maintenance of internal order and security must be considered the main or almost the exclusive responsibility of a Dominion, external defence may be regarded as the joint responsibility of the Dominion and British Governments. These principles govern the relation between a Dominion and Britain as regards the maintenance of internal peace and order, and external defence; and they have been followed ever since. It must, however, be noted that in enforcing the policy thus enunciated care has always been taken to avoid undue haste, or hardship to the colonies, so that, though the policy itself was adopted in 1862, British troops continued to be stationed long after.

The facts of colonial history clearly show that even though the Colonies were not exposed to any serious risk of external attack, British troops were not immedi-

ately withdrawn after the grant of responsible Government. They were maintained long after the clear formulation of the principles, first, that the colonies must undertake the responsibility of maintaining their own internal order and security, and, secondly, that they must provide for their external defence, though, in this latter case, they can, if necessary, rely upon the assistance of Imperial troops.

Considering, therefore, the problem of Indian defence merely from the point of view of colonial history, there is justification for the view that the grant of responsible government to India need not lead to the immediate withdrawal of British troops. But, on the other hand, as the British troops that continued to be stationed in the colonies after they had been endowed with responsible government, were under the control of the Imperial Government, and not of the Colonial Governments, the colonial analogy furnishes no argument for the position that the control of the British troops in India, after the establishment of responsible government, should be transferred to an Indian minister.

Unless, therefore, the problem is looked at from a new point of view, the continued maintenance of the British troops in India must necessarily entail some limitation upon the *quantum* of power to be transferred to the responsible Government of India. And the question is: Is it possible to devise a formula which will provide for the retention of British troops and officers, and yet reduce that limitation to the lowest minimum that may be possible?

It is quite natural for British statesmen, Parliament and people to think that Britain cannot provide "mer-

“mercenary” troops to India after she becomes a Dominion. The Simon Commission have only expressed this natural feeling when they say that “it is not to be supposed that units recruited in Britain and officered by British officers are going to be mercenaries in some future India where the ultimate military authority rests with an Indian Minister for War, or with an Indian cabinet, responsible to an Indian elected Assembly.” But it may be asked, why should not the question be viewed from a new angle of vision, and why should the British troops be regarded as mercenary troops? Why should they not be regarded rather as ‘cooperative’ troops, willingly placed at the service of India and her Dominion Government? It is but fair that an agreement should be entered into between the British Government and the Indian Dominion Government for the purpose of assuring their rates of pay, their position, their rights and privileges, and giving them every consideration to which cooperative forces are rightly entitled. But when such an agreement is made, both the British and Indian Dominion Governments should entertain a higher conception of these troops and treat them, not as mercenaries, but as cooperative and allied forces which may be employed for the defence of India, if, unfortunately, any necessity arises for such employment, until an Indian national army is organised and fully trained to assume the responsibility of defence without the cooperation of British troops and officers. It does not seem that such a view-point will be open to any objection on national or ethical grounds. On the other hand, it will be keenly appreciated by the Indian people as a generous outlook on the part of Great Britain.

But, though such an attitude is eminently desirable, we cannot be sure of its being adopted ; and, therefore, the solution that the existing Indian army with its British units and officers should be under the full control of an Indian responsible Minister for War, or of a responsible Indian cabinet, subject only to the terms of the agreement mentioned above, does not seem to be practicable in the sense that it may not be acceptable to the British people and Parliament. On the other hand, though, as I have already said, the Commission's proposal to divest the Government of India of the function of defence may be accepted as a provisional measure, if no better proposal acceptable to both the sides can be devised, it would be desirable and expedient to explore such a proposal, so that it might be found possible to maintain the efficiency of defence, and, at the same time, to associate, at least in some measure, the responsible Indian Government with the important and essential duty of defending India against foreign aggression. A permanent deprivation of the Government of India of the great and necessary function of defence is, as I have pointed out, quite inconsistent with responsible government and Dominion status ; and, if, therefore, the Indian Dominion Government must ultimately assume the responsibility of defence, it would be desirable not to take away from the Indian Government the function of defence entirely and absolutely, but to let it be discharged by them, subject only to such restrictions as may be deemed expedient in view of the fact that British troops and officers cannot be withdrawn but will continue to be maintained in the interests of India's defence. In other words, we must find out a golden mean (though, of

course, a transitional one) between complete lack of responsibility, and complete responsibility, for defence on the part of the Central Government.

In what direction can such a golden mean be found? It will be found in such provisions as these, viz :—

(1) The Indian army should be under the control of an Indian minister.

(2) The minister should be responsible to the Governor—General, and not to the Legislative Assembly.

(3) For the next ten years, the army expenditure should be non-votable.

(4) The salaries, privileges etc. of the British troops and officers should be guaranteed by statute.

(5) The Legislature should have the right of expressing its disapproval of the minister's policy, but this disapproval must be expressed by a resolution passed by a two-thirds majority of the members present of the two Houses of the legislature in a joint session.

(6) The Governor-General should consider such a resolution passed by the legislature, in consultation with the Commander-in-Chief, and his decision thereon should be regarded as final.

(7) If the Governor-General accepts the resolution of the legislature, the minister should resign his office.

(8) The Governor-General should not, as a rule, veto the resolution, unless he is of opinion that it is clearly unreasonable.

(9) When the other ministers resign in a body, the minister in charge of the army should also resign;

but he may be reappointed as a minister in charge of the same portfolio in the new ministry.

(10) The army should not, as a rule, be employed in maintaining internal peace and order.

(11) For maintaining internal peace and order, every Government should rely on its own militia (which should be organised), its police, and its territorial and auxiliary forces. This militia and these forces should be entirely under the control of the minister for Home affairs who will be responsible to the provincial legislature.

I do not maintain that it may not be possible to improve upon these proposals. But whatever may be the precise nature of the transitory arrangements that may be adopted, they must be based on the principle that, though the ultimate responsibility for military administration may not devolve upon an Indian minister for war responsible to the legislature, or upon an Indian Cabinet similarly responsible, an Indian minister should be associated with such administration, and his policy with regard to it and to all general questions of defence, be open to review and judgment by the legislature.

The crux of the problem is, of course, the quickest formation of a national army fully equipped and trained, and officered by Indians quite capable of exercising command and directing the operations of war, in case the territorial integrity of India is actually threatened. This question has, no doubt, been carefully considered by the Indian Sandhurst Committee. Nevertheless, I would suggest that a fresh investigation may be made by a Royal Commission with definite instructions to formulate

a scheme which will result in the formation of a national army within the shortest possible period. When such an army is organised, all transitory arrangements should be abolished, and the Central Government become responsible to the legislature and the electorate for defence as fully as for other subjects. The Commission should, in the first place, review and appreciate the international situation, and in its light consider the possibilities of an attack on the territorial integrity of India. It should also take into consideration the recent changes and developments that have taken place in the methods of warfare. The development of the Air Force may probably justify reduction of the troops, both British and Indian, and this point should be considered by the Commission. In the light of all these considerations, the Commission should, first, decide what should be the strength of the Indian army; and, then, consider the measures that should be adopted so that India may have a national army possessing the requisite measure of efficiency, as quickly as possible. The Commission should consist both of British and Indian members who would thoroughly understand the military problem and are, also, keen in their sympathy with the national aspirations of India; and, it should be presided over by an Indian Prince like the Maharaja of Bikaner. A Commission like this and with such terms of reference as these will inspire general confidence, and, in all probability, succeed in reaching a satisfactory solution of this highly important and difficult question once for all.

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## CHAPTER VI.



### THE PROBLEM OF THE MINORITIES.

#### I

It is no exaggeration to say that the most difficult aspect of the constitutional problem of India is that which relates to the position of the minorities, in particular of the Mahommedan community, in the constitution. In the Punjab, the question is further complicated by the existence of another important and powerful minority, the Sikhs; and the task of reconciling the different and conflicting claims and demands of the three communities in that province—the Hindus, the Mahommedans and the Sikhs—has always been beset with extreme difficulty and delicacy. From the theoretical point of view, indeed, the question ought not to be so difficult. The principle of safeguarding the legitimate rights and interests of minorities by special provisions in the constitution is now universally recognised. Representative and responsible government means government by a majority. Though a majority government is thus inevitable under any democratic form of government, it is essential to good government, and to the adoption of sound measures with regard to policy or administration, that every minority should have adequate representation, and enjoy full and fair opportunities of expressing its viewpoint and making the force of its views and sentiments

fully felt by those who hold the reins of Government by dint of their majority. Even in countries where the sense of national unity and responsibility is general and deep, and where the minorities are political minorities, that is, party minorities, the observance of this principle is considered essential and beneficial. In his treatise on "Representative Government", still a classic on the subject, John Stuart Mill has rightly pointed out that a representative democracy is liable to dangers of two kinds, first, danger of a low grade of intelligence in the representative body, and in the popular opinion which controls it, and, secondly, danger of class legislation on the part of the numerical majority; and that, therefore, the problem is "how far it is possible so to organise the democracy as, without interfering materially with the characteristic benefits of democratic government, to do away with these two great evils, or at least to abate them, in the utmost degree attainable by human contrivance." "In a really equal democracy", he justly observes, "every or any section would be represented, not disproportionately, but proportionately. A majority of the electors would always have a majority of the representatives; but a minority of the electors would always have a minority of the representation. Man for man, they would be as fully represented as the majority. Unless they are, there is not equal government, but a government of inequality and privilege; one part of the people rule over the rest; there is a part whose fair and equal share of influence in the representation is withheld from them, contrary to all just government, but, above all, contrary to the principle of democracy, which professes equality as its very root and foundation".

Mill's remarks, of course, apply to political minorities, that is, to political parties which are in a minority. But it is obvious that they must apply with greater force to social or religious minorities. If different political parties are entitled to fair representation, it stands to reason that, in a country which is inhabited by different communities and in which those communities are not yet so socially and politically fused as to evolve a thoroughly and intensely common nationhood marked by a general sense of mutual goodwill and confidence, and by a general faith that one community is as good a custodian and guardian of all those communal matters and interests which require the special attention and protection of Government, as another, special provisions should be made in the constitution itself to safeguard the legitimate rights and interests of minority communities. Unless and until different communities are so completely welded together by predominant common interests, by common traditions and by mutual confidence as to form, to all intents and purposes, one single community, it is necessary to embody in the constitution such provisions as will ensure a fair and equal representation of the minorities, their distinctive cultural, social and religious individuality, and their proper place in the general administrative system. It is not easy to devise a perfect constitutional structure that will provide for all this; nor can mere constitutional arrangements avail, if the majority and minority communities do not possess the will to be just, good and true, and to adjust their differences on the principle of give and take. Nevertheless, such arrangements are desirable in as much as they give rise to a sense of security among the minority communities,

and create in them a mentality more favourable to the building up of a common national life. A sound constitution, therefore, must embody provisions for the protection of minorities.

While, however, care must be taken so that a majority community may not dominate minority communities and the legitimate interests of the latter are duly safeguarded, the minority communities, on the other hand, must keenly realize the duties which they owe to their country and to the majority community. Just as there is the danger that a majority community may dominate and oppress minority communities, there is also the danger that the latter may be unjustly suspicious of the majority community, make excessive claims and demands and fail to discharge their duties for their country. Whatever may be the nature and extent of the wrong from which a minority may suffer, it will never justify it in being indifferent to, or sacrificing, the interests of the country. A minority must never sacrifice or injure national interests out of a petty, revengeful feeling that it is suffering wrong at the hands of the majority. It must never allow its communal interests to get the better of its spirit of nationalism; indeed, while it may, and ought to, do all that may be necessary to safeguard its legitimate interests, it must, at the same time, be prepared to promote national interests even at a sacrifice. It is only in this way that mutual goodwill can be fostered, and a national life developed in which the protection of communal interests is harmonized with the promotion of national interests and of the highest ends of nationalism.

## II

In British India, the majority community consists of the Hindus; while the minority communities are the Mahommedans, the Sikhs, Jains, Parsis, Christians, Anglo-Indians, Jews and Buddhists. There is thus one majority community and eight minor communities. The Hindu population numbers 163 millions and the Mahommedan approximately  $59\frac{1}{2}$  millions. The Sikhs, Jains, Parsis, Christians and Anglo—Indians number 2,267,000, 456,000, 88,000, 3,028,400, and 95,921, respectively. The Buddhist population amounts to 11,491,000; but over 96 per cent. of it is to be found in Burma, so that the Buddhist population in British India does not exceed half a million. The Jews form an extremely small fraction of the population. The Mahommedans constitute a minority as compared with the entire Hindu population in British India; but they form a majority as compared with the other minorities, either singly or collectively. These smaller minorities are so small that the real danger is that their interests and advancement may suffer in the more clamorous and insistent movements of the Hindu and Mahommedan communities to press their own demands. Really speaking, it is these smaller minority communities whose interests ought to receive the greatest special attention of the Government. But in this world, unless a minority community is vocal and threatens to be troublesome, it is apt to be ignored by the larger and stronger communities and by the Government themselves. Fortunately for India and for themselves, most of these communities are so much advanced in education, in public spirit and in the

spirit of progress, and are inspired by such a broad national outlook that they are fairly able to take care of themselves, and feel that their intrinsic merits will not fail to give them a fair position, if not in actual government and administration, and in legislative and local self-governing bodies, at least in other domains of the body politic.

The Mahommedans, though a minority as compared with the total Hindu population, form a majority in some provinces; and this, again, introduces a complicating factor in the constitutional problem. The relative strength of the Hindu and Mahommedan communities in the different provinces is, as pointed out by the Simon Commission, as follows:—

“In two of the Governors’ Provinces, Mahommedans are in an actual majority; their total in Bengal amounts to 25,210,000 out of the 47 millions which that province contains, and in the Punjab Mahommedans are enumerated at 11,400,000 out of a total of just over 20 millions. In the other seven provinces to which the Reforms have been applied, they are everywhere in a minority. In Assam, they are 28 per. cent. of the population; in Bombay 19 per. cent; in the United Provinces 14 per. cent; in Bihar and Orissa 10 per cent; and in Madras just over 6 per cent. In the Central Provinces they amount to only half a million out of a total population of nearly 14 millions.....In the Northwest Frontier Province Mahommedans are in a large majority (over 2 millions out of a total of 2½ millions in the administered territory); and in the administered

area of Baluchistan they amount to 367,000 out of a total of 420,000".

The Hindus, though a majority in the whole of British India and in most of the Provinces, are divided into castes, subcastes, and outcastes (usually spoken of as depressed classes). There are what are called advanced castes and non-advanced castes. The former include the Brahman caste and a few small non-Brahman castes; the latter include some Brahman castes in some provinces; but most of them are non-Brahman castes. When the Montagu—Chelmsford Reforms were under consideration, the non-advanced non-Brahman castes in Bombay and Madras urged that their social and religious interests were not identical with those of the Brahman caste, and that they were dominated and kept down by that caste. They, therefore, pleaded for special representation, even though they formed a majority of the Hindus; and their claim was conceded by the reservation of a certain number of seats for them. These are cases of special representation being given to majorities on the ground that their backward condition entitled them to special protection, and that without it the Brahmans would continue to keep them down even under the new system created by the Reforms. Perhaps, it was an instance of one anomaly leading to, and justifying, another. In the Punjab and Bengal, the Mahommadons were given special communal representation and that too, by means of communal electorates, even though they were and are in a majority in those provinces; and it would have been unfair to these non-Brahman backward castes, if their demand for special representation had been

vetoed. In the Bombay Presidency, the decision to give the "Mahrathas and allied castes" special representation by means of reservation of seats would seem to have been partly influenced by the consideration that the Mahrattas formed a historically and politically important caste, and had played a great part in the Great War. Such are the features and anomalies of the system of representation in India. Some people, both in Britain and India, are in the habit of insisting that the Indian constitution ought to be suited to the national genius and conditions of India; and it would seem that the national genius (whatever it may mean) and the conditions of India would give a peculiar form and complexion to the system of representation, unparalled in any democratic country. All this, however, shows how necessary it is that the institution of caste should be abolished, and the various Indian communities welded into a single community, if the Indian democracy is to be a genuine one, and not a curious specimen inconsistent with the real principles of democracy and working in a manner which may not conduce to good and efficient government.

### III

What is the best solution of this difficult problem of the minority communities? There can be no doubt that an agreed solution will be the best. Referring to the problem, particularly in its relation to the relative representation of the Hindus and the Mahommedans, the Simon Commission is perfectly right in saying that "the subject of communal representation is preeminently one which the rival communities should settle among

themselves." "It may well be" the Commission observe "that the conference which is to be held in London after the publication of our report will furnish a new opportunity for reaching a settlement between them on this subject, and we most earnestly hope that the opportunity will not be lost. These two great communities, living side by side in India, each of which has so important a part to play in the constitutional development of their common country, can make the biggest contribution to that end by reaching an accommodation on this issue." Such an agreed solution may not be an ideal one; but whatever defects it may contain can be removed hereafter in the light of further consideration and experience.

While I am writing this, this question is being hotly discussed by a sub-committee of the Round Table Conference; and it is very painful to find that no settlement has yet been reached. It will never be reached if the extreme communalists on either side are allowed to get the upper hand. Unless counsels of moderation and compromise prevail in the long run, it will be the clear duty of the British Parliament and Government to fearlessly adopt a solution which they may consider right and proper, in a spirit of impartiality, having regard to all the conditions of the problem and to the important fact that the constitution must be so framed as to evolve, in the long run, a genuine democratic government. The task is certainly far from easy; but it must be faced with the sole desire of doing justice to all the communities, as far as may be possible in the difficult circumstances of the case. One way of forcing an agreed settlement would be

for the British Government to make a declaration that they would be prepared to confer on India full responsible government and Dominion Status, subject only to transitional limitations and safeguards, if and when the problem of the minorities would be solved. In the last July session of the Bombay Legislative Council, the present writer moved a resolution urging that the Viceroy should make a fresh declaration to this effect; and it is a matter of great satisfaction to him to find that the *Times of India* in its issue of 24th December 1930 has reiterated the proposal. "If there is any delay", it says, "in settling the all-Indian constitution; if the British Government decline to suggest a temporary communal adjustment to enable a constitution to function; then it seems to us the only way of allaying the impatience thus aroused is for the British Government to make a definite pledge to the country that a form of Dominion Status will be conferred on India when the communal problem is solved".

This is, however, a little digression. In the absence of an agreed solution, all that a thinker and writer on the constitutional problem of India can do is to try to lay down sound principles and lines on which the question of the minorities ought to be solved. Some aspects of the question are quite clear, and there can be no dispute about them. If a minority wishes to maintain and develop its cultural individuality, it is entitled to do so, subject, however, to the condition applicable to majorities and minorities alike, that the State cannot tolerate any action or conduct that will tend to destroy the very foundations of social order. A resolution of the All-India Muslim Conference held at Delhi on 1st January 1929

demands that the Indian constitution should provide adequate safeguards for the protection and promotion of Muslim education, languages, religion, personal law and Muslim charitable institutions, and for their due share in grants-in-aid. This demand is couched in too wide a language, and the exact nature and limits of the protection that should be granted to a minority as regards the matters mentioned in the resolution will have to be carefully defined. A minority has a right to claim that its religion should be "protected"; but the fundamental duty of the State is to maintain religious freedom and toleration, and it cannot "promote" any religion, directly or indirectly, without failing to perform this duty. No community is entitled to demand that the State should promote its religion. But perhaps the resolution simply means that the right of a community to propagate and promote its religion should be protected by the State. The State will be justified in controlling movements for the propagation and promotion of a religion, if they are carried on in such a manner as to cause breach of the peace or disturbance of public tranquillity; but, otherwise, it is true that the State has no right to interfere with the exercise of the right. Broadly speaking, therefore, a minority is entitled to protection as regards its language, culture, religion, personal law and its charitable institutions; and the constitution should embody provisions for such protection.

There is one point in connection with the protection of some Indian minorities to which specific reference must be made. The question of the prohibition of cow-killing is a frequent cause of antagonism between Hindus

and Mahommedans. Beef forms part of the diet of some Mahommedans, and some other minority communities also use it as an article of food. But the orthodox Hindus consider the cow as sacred; and beef is regarded as forbidden food by all those Hindus who either are orthodox enough to believe in the sacred character of the cow, or think, that even though such a belief may not be rational, the traditional Hindu sentiment with regard to cowkilling and the eating of the cow's flesh should be scrupulously respected. Each of these two communities is entitled to cherish its own beliefs and sentiments, though they may not be consistent with the dictates of cold reason. On the ground of principle, there is little, if any, difference in reason between the killing of a cow and the killing of a goat, though from the point of view of agricultural economy killing a cow may be worse than killing a goat. One can understand the principle underlying the position that no animal should be killed for the purpose of its flesh being eaten. But if no such position is taken, from the dietary point of view, there is no difference at all between the killing of a cow and the killing of a lamb or a goat; and it is difficult to understand the reason of a social or a religious system prohibiting the former while allowing the latter, unless it be that the preservation of cows, at a time when agricultural economy depended mostly on bullocks, and the use of machinery for carrying on agricultural pursuits was unknown, was a vital economic necessity, and the Hindu social and religious legislators enthroned as a religious precept or principle what was so vitally necessary for economic well-being and prosperity.

Such being the rationalism of the question, every community must enjoy perfect freedom in maintaining or not maintaining its traditional attitude in the matter; and no compulsion, force or pressure can be justified to impose the Hindu traditional attitude or practice upon other communities whose attitude or practice is different. This is not to say that there should be no propaganda in favour of abstinence from cow-killing, or from any killing whatsoever. And the State may be justified in prohibiting the slaughter of cows by law, if all the constituent elements of its population demand such legislation. But such a legal prohibition cannot clearly be made, if it will interfere with the practices, usages and habits of a community; nor will it be right to bring about by indirect means what cannot be achieved directly by means of legislation. The Indian legislatures, be it said to their credit, have hitherto been remarkable for their sense of communal fairness or justice, and for their abstinence from any class legislation. This may be partly due to the powers conferred on the Governor by the constitution to veto such legislation. Be it as it may, the fact remains that the Indian legislatures cannot be charged with any attempt to enact a law designed or calculated to promote the interests or views of a particular community or class as against those of another. The same, however, cannot be said of individual members of legislatures or of some local bodies. Some Hindu members have tabled motions for the prevention of cowkilling; and some Municipalities have taken steps with a view to making cowkilling extremely difficult, if not impossible, within their areas. These attempts have done little good, even from the orthodox Hindu point of view; they have been

barren of any such results as the orthodox Hindus would have liked; their only effect has been to accentuate differences between the Hindu and the Mahommedan community, and to add to the feeling of distrust which the minority communities entertain towards Hindu orthodoxy.

Having regard to all these considerations, it is necessary that the constitution should include a provision preventing a member of a legislature or a local body, from bringing forward any such motion as may have the effect of interfering with the habits and usages of a community.

While, on the one hand, a community is entitled to such protection with regard to its habits and usages, on the other hand, a community's right to promote its own self-improvement, and to eradicate what it considers social or religious evils or abuses must also be maintained. If, therefore, a motion is proposed which aims at the improvement of the community to which the member himself who brings it belongs, it should not be vetoed. To take this particular case of cowkilling, if members representing *all* those communities among which beef is used as an article of food, bring forward a motion that cowkilling should be forbidden by law, such a motion should not be ruled out of order.

Further, no disability should be imposed on a minority, and, subject to the test of fitness, its members should be eligible for every office.

## IV

The most controversial aspect of the question of the representation of the minorities in the legislatures is the precise method of representation. There are two distinct and opposed schools of thought, viz (1) those who hold that minorities cannot be properly and effectively represented, unless their representatives are elected by separate communal electorates; and (2) those who advocate a common electoral roll, though it may be combined with the principle of the reservation of a fair number of seats for every such minority as may desire separate representation.

As has been already pointed out, an agreed solution of this question would be much better than one which would be theoretically unobjectionable. From the theoretical point of view, democracy presupposes a single political community which is willing to be represented as a unit, irrespective of any racial, religious, communal or caste distinctions. But the actual facts in India do not accord with this theory; and consequently, it is necessary to consider whether a solution suggested by mere theoretical considerations should be imposed upon unwilling minorities by the Government. It is generally agreed that the principle of representation by means of separate communal electorates should not be a permanent feature of the Indian constitution. Even those extreme communalists who go to the length of threatening that they will have nothing to do with the new constitution, if it does not provide for the continuance of the existing system of communal

electorates, concede that a true democracy cannot be built up except on the principle of a common electoral roll, and that, therefore, the system of such electorates will have to be eventually abolished. There is thus a general agreement that the ultimate goal to be attained is an electoral system which will provide for a common electoral register. So far the views and sentiments of the minorities concerned are in accord with the dictates of theory. On the other hand, the protagonists of the principle of a common electoral roll admit that, in the present circumstances of India, it cannot be carried out in its integrity, without the least modification whatever. They are, therefore, prepared to blend it with that of the reservation of seats. To this extent, at any rate, they agree that the pure theory of democracy must be diluted so as to fit it with the hard facts and conditions of Indian life. In approaching this question of the representation of the minorities in the legislatures, it is desirable to bear in mind and stress the points of agreement between the two schools of thought.

Having regard to these points of agreement, it should not be difficult to reach a solution that will be acceptable to all the communities. What is wanted is that they should have the will to arrive at a settlement, and show a mutual conciliatory spirit. In a recent speech, Mr. Ramsay MacDonald rightly observed that the British people had developed such a national character that, though the various parties in Great Britain differed among themselves and sometimes said very harsh things about one another, they knew how to sink their differences in a common cause, and present a united front on

all vital national and international issues. There is no doubt that it is to this trait of their national character, that the British largely owe their greatness as a nation, and their success in working parliamentary institutions. The Indian people must assimilate this trait of British character, if they desire to achieve national unity and to prove that they, too, can work a system of responsible government with the same measure of success. As I have said in my book "India's struggle for Swaraj," "The moral effect of the settlement of our own differences and of the formulation of India's general will, to use a Rousseauite expression, as regards our political status, will be tremendous. It will be the greatest and most conclusive proof we can give of our capacity for self-government. The achievement of unity regarding the constitution we want will be the consummation of our nationhood." As I write, an agreed solution of the problem of the minorities is not yet reached at the Round Table Conference ; but it is to be earnestly hoped that it will be ultimately reached before the Conference is dissolved.

## V

In the absence of an agreed solution, my task is, of course, to express my own views on the subject. As I have said in the book referred to above, the solution proposed by the Nehru Committee as regards the Moslem community is the best calculated to reconcile its legitimate claims with the principles of responsible, democratic government. The principle that should govern the question is that the arrangements that may be in strict

accord with the principles of responsible, democratic government must be modified so as to suit the peculiar conditions of India, but that they must be *modified* and not abandoned altogether, and, further, that they must be modified only in such a way that they will facilitate, and not retard, the ultimate realization of a system completely in harmony with and based on the principles and requirements of nationalism, and responsible, democratic government. The supreme merit of the scheme proposed by the Nehru Committee is that it satisfies this test. It is a genuine and statesmanlike attempt to construct a bridge between the system as it should ultimately be and the existing system of separate communal electorates the eventual abolition of which is considered necessary by all, as the conditions of India become more and more favourable to the establishment and working of a pure form of responsible, democratic government. The scheme proposed by the Nehru Committee is as follows:—

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 Moslems in provinces where they are in a minority, and Non-Muslims in the North-west Frontier 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 the N. W.

Frontier 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 that the question of communal representation will be open for reconsideration if so desired by any community after working the recommended system for ten 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. Frontier 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."

These proposals are so reasonable that they should be acceptable to the Mahommedan community; and, indeed, a considerable section of that community has recognised their fairness and heartily approved of them.

### VI

In this connection, the views of the late Lord Morley and the late Mr. Gokhale are worth being recalled as indicating alternative proposals which may be adopted. It

was in 1906, during the Indian Secretaryship and the viceroyalty of Lord (then Mr.) Morley and Lord Minto respectively, that the Mahommedans, for the first time, asked for separate representation. On 1st October of that year, a Mahommedan deputation led by the Aga Khan waited on the Viceroy, and, in an address presented to him, urged that the position of Moslems "should be commensurate not merely with their numerical strength but also with their political importance and the value of the contribution which they made to the defence of the Empire," and that, therefore, in the constitutional reforms that might be introduced, provision should be made for the election of Mahommedans by purely Mahommedan electorates.

Lord Minto agreed with the views expressed, and the claim made, by the deputation, though he took care not to commit himself to any particular scheme of separate representation. The following paragraph from his reply to the address deserves to be quoted, since it pithily summed up the arguments urged by the Mahommedans in favour of their separate representation :—

"The pith of your address is a claim that, in any system of representation, whether it affects a municipality, a district board, or a legislative council, in which it is proposed to introduce or to increase the electoral organisation, the Mahommedan community should be represented as a body. You point out that in many cases electoral bodies as now constituted cannot be expected to return a Mahommedan candidate, and that, if by chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his own commu-

nity, whom he would in no way represent; and you justly claim that your position should be estimated not merely on your numerical strength but in respect to the political importance of your community and the service that it has rendered to the Empire. I am entirely in accord with you. Please do not misunderstand me; I make no attempt to indicate by what means the representation of the communities can be obtained, but I am as firmly convinced as I believe you to be, that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent."

In the circular which the Government of India issued to local Governments in 1907 on the subject of constitutional reform, they endorsed these views of Lord Minto, and, in particular, emphasized his observation that any system of representation which aimed at granting a personal enfranchisement was doomed to mischievous failure. They, therefore, proposed that in addition to the small number of Mahommedans who might be able to secure election in the ordinary way, a certain number of seats should be assigned in each provincial council to be filled exclusively by Mahommedans, partly by nomination and partly by election, and that in the latter case a special Mahommedan electorate should be constituted. According to this proposal, a certain number of seats were to be contested by all the Indian communities in a joint electorate, howsoever formed, and a certain number by Mahommedans alone in a separate electorate of their own. Thus there were to be special Mahommedan

electorates side by side with joint electorates. This scheme is obviously different from and better than that of watertight communal electorates, formed on the principle that the different religious communities in India form, as it were, separate entities in the body-politic.

In his despatch on constitutional reforms dated 27th November 1908, Lord Morley, without rejecting these proposals, suggested the system of electoral colleges consisting both of Mahommedans and non-Mahommedans in proportion to their respective population in each province. The members of these electoral colleges were to be elected by primary voters; in case the fixed number of Mahommedan members of an electoral college was not elected, the deficiency was to be made good by nomination. And each electoral college was to elect the number of members of the council assigned to it, in proportion to the number of Mahommedan and non-Mahommedan members of the College, that is, ultimately in proportion to their population in each electoral area. Thus Lord Morley proposed, first, that there should be joint electorates, secondly, that seats should be reserved for the Mahommedan community in each province on the population basis, and thirdly, that all the members assigned to each electorate should be elected by all its members. The difference between his scheme and that of the Government of India was that whereas the latter provided for a common electoral roll as well as for a separate Mahommedan roll, and recognised the principle that some Mahommedan members of each council should be elected by a purely Mahommedan electorate, the former provided only for the reservation of a propor-

tionate number of seats for the Mahommedan community in each electoral area but did not recognise the principle of separate Mahommedan electorates, all members whether Mahommedan or non-Mahommedan, being elected by joint electorates. Lord Morley's scheme was thus more akin to that of the Nehru committee than the scheme proposed by the Government of India.

Let us now turn to the views of the late Mr. Gokhale on the subject. They were fully and lucidly expressed by him in a speech he delivered at Poona in 1909. That speech is included in the volume of his speeches published by Messrs. Natesan and Co; and it is so important and treats the Hindu-Mahommedan question with such balance, fairness, judgment, and discernment that it deserves to be carefully read by all those who wish to study this question, and to reach sound conclusions thereon.

Mr. Gokhale first points out that a separate organized movement of Moslem leaders, with a comprehensive programme of their own, to win special concessions for Mahommedans as a community in the administration of the country, was only a recent movement dating from the year 1906. He contrasts their characteristics as follows :-

“The bulk of the Mahommedans did not differ from the Hindus in race, but religion was a most powerful factor in life, and it modified and sometimes profoundly modified race characteristics. In numbers, in wealth, in education and public spirit, the advantage at present lay with the Hindus. But they were greatly hampered by caste, and by temperament they were mild and passive.

On the other hand, the Mahommedans were burdened with fewer divisions, their social structure rested on a more democratic basis, they had more cohesion among them, and they were more easily roused to action. The worst of the situation was that over the greater part of India, the two communities had inherited a tradition of antagonism, which, though it might ordinarily lie dormant, broke forth into activity at the smallest provocation. It was that tradition that had to be overcome. And though there were special difficulties in their way and the task at times appeared well-nigh impossible, it was no more impossible than what Europe had to face for more than two centuries in the fierce antagonism between Protestants and Catholics.....It was a commonplace of Indian politics that there could be no future for India as a nation unless a spirit of cooperation of a sufficiently durable character was developed and established between the two great communities in all public matters. They could not get over that, no matter how angry they might be at times with one another."

On the question of all Mahommedan representation, Mr. Gokhale said :—

"He had all along been in favour of special separate electorates for important minorities, but he wanted such electorates to provide not the whole of the representation to which the communities were entitled, but only so much of it as was necessary to redress the deficiencies and inequalities of general elections ; and he wanted the same treatment to be extended to other important minorities than Mahommedans, where necessary. He held strongly that in the best interests of their public life, and

for the future of their land, they must first have elections on a territorial basis in which all communities without distinction of race or creed should participate, and then special separate supplementary elections should be held to secure the fair and adequate representation of such important minorities as had received less than their full share in the elections. He had urged that view publicly from his place in the Viceroy's Legislative Council, and he had been called hard names by both sides for it. He however, adhered to his view that, in the present circumstances of the country, that was the only course which reasonably safeguarded the interests of all communities and prevented injustice to any of them in practice. As far as they could see, the Government of India's original proposals had been very much on those lines.....But when some of the leading spokesmen of the Moslem community demanded a larger representation than they were justly entitled to on grounds such as special importance and higher loyalty, traditional or otherwise, an occasion undoubtedly arose when it became the duty of the other communities in the country to protest strongly against such claims".

Both Lord Morley and Mr. Gokhale were sound statesmen, and their views are entitled even now to great weight. They rest on the fundamental principle that, while it is quite necessary and just that the legitimate interests of the minorities should be fully protected, the protection to be granted to them should in no way conflict with the protection and promotion of national interests and ends. And if separate watertight communal electorates would conflict with the safeguarding and

advancement of the national interests and purposes of India, it becomes a vital question for all communities to consider whether a scheme of representation should not be preferred which would avoid such a conflict. And the first essential condition of a sound and satisfactory solution of this question is a new attitude, a new angle of vision, with which this question must be viewed by the minority communities, in particular, by the Mahommedan community. It is a matter of satisfaction to note that Mahommedan opinion and sentiment are becoming more and more favourable to the principle of joint electorates. But unless there is clear and unmistakable evidence that it is accepted by the Mahommedan community as a body, the practical difficulties in the way of a satisfactory solution of the question cannot be overcome. Just as a constitution, however sound in itself, cannot be forced upon a people bent upon rejecting it, so also a system of representation cannot be imposed upon a community a majority of which is strongly and bitterly opposed to it.

What then should be the solution of this problem in the absence of an agreed settlement? Of course, further efforts must be made, and will, in all probability, be made, to arrive at such a settlement, and it may be hoped that it will be arrived at. But in case, in spite of all efforts, the two communities do not come to an understanding, separate electorates may be retained for the Mahommedan and the Sikh community; but as regards the proportion of seats to be allotted to them, the Government must consider it their duty to resist every excessive claim made by any community and distribute the seats

on the population basis. It may be argued that the distribution should be made on the basis of the number that may be enfranchised in each community in accordance with the new franchise that may be adopted. But this does not seem to be a sound principle. The members who will be elected in any electoral area will not only represent those who have the right to vote; they will also represent the unenfranchised and be trustees of their interests. No weightage should be allowed to any community in any province; if weightage is desired, the parties must reach an agreed settlement.

I have so far dealt with the question as it concerns the Mahommedan, Hindu and Sikh communities. As regards the other Indian minority communities the principle of the reservation of seats with the right to contest additional seats should be adopted.

As regards the non-Brahman community in Madras, and the Mahratta and the allied castes in the Bombay Presidency, the principle of guaranteed special representation was applied in their case under the Government of India Act 1919 out of certain considerations that had nothing to do with their character as a majority or a minority community. In fact, they are not minority communities, and the principles that apply to the latter must not be extended to them. They must be regarded and strictly treated as part and parcel, as in fact they are, of the Hindu community.

As regards the European community, will it agree to the principle of reservation of seats wherever it may be practicable? In the Bombay Presidency proper, for

example, the European voters may be included in the non-Muslim electoral roll for any of the electoral areas in the city of Bombay. So also, the European voters in Sind may be included in such a roll for any of the electoral rolls in the city of Karachi. If the European community will accept the principle, it will set a very good example to the Mahommedan community, and will afford a proof of the growing identity of interests between the European community, and the Indian people. If, however, it will not agree to it, it should, of course, be represented by means of a separate electoral organisation of its own.

There now remains the case of the depressed classes. It demands a most sympathetic consideration, though it cannot be denied that it presents a difficult problem. They cannot be treated as a separate minority community because, though they are still suffering from grievous social and religious disabilities and the large orthodox sections of the Hindu population still do not give them proper treatment, they form an element of the Hindu community. Their very movement for their own elevation and for claiming equal social and religious rights and status with other Hindus is based on this fact; and they themselves naturally and rightly resent any suggestion that they are really outside the pale of Hinduism and the Hindu community. They must be treated as Hindus, and their claim to a guaranteed measure of representation derives its justification, not from those considerations that apply to a separate minority community, but from such considerations as governed the decision to give special representation to the Mahrattas and allied castes

in the Bombay Presidency and to the non-Brahman community in the Madras Presidency under the existing constitution. But the difficulty in their case is as regards the number of seats to be reserved for them. The 'population' principle cannot apply to them, as they are not a separate minority community; it cannot be said that they have a distinctive social and religious life, and a distinctive culture for which they require special protection. But if this principle cannot hold good, what other principle can be invoked? It does not seem at all likely that the legislatures will aim at perpetuating their social and religious wrongs and grievances. But it is essential that in the Council chamber, their grievances should be fully and effectively ventilated, that any injustice done to them as a body, or to any section or individuals of the depressed classes in the day-to-day administration, should be thoroughly exposed, and that their views should be freely and frankly expressed. This duty is likely to be better performed by able representatives, though few in number, - men like Dr. Ambedkar, Dr. Solanki, Mr. Gawai and Rao Bahadur Rajah - than by a large number of incompetent and ineffective members. Under the present constitution, in the Bombay Presidency, out of a total number of 96 non-official members (elected and nominated) two are nominated to represent the depressed classes. This proportion may be doubled, and under the new constitution, the seats to be reserved for them should be at least 4 per cent of the total number of members in a fully elective Council.

The Simon Commission have recommended that the Governor or the Governor-General should have the ultimate power of seeing to it that the legitimate interests of the

minorities are properly safeguarded, and that nothing is done by the Executive Government or the Legislature, that may injure those interests. I see no objection to such a power being given to the Governor or the Governor-General. But care must be taken that it is not abused. In the exercise of this power, therefore, the Governor or the Governor-General should have the assistance of an advisory committee consisting of as many members as there are distinct minorities in a province, besides a member to represent the majority community. Each community should have a representative of its own on the Committee, and all these representatives should be elected by members of the legislature. In the exercise of the power vested in the Governor or the Governor-General for the protection of the minorities, no action should be taken by him, except after consultation with this Committee.

The constitution should also contain a provision that every member of a legislature shall consider himself a representative of the nation, and not of his particular constituency, community or province, and that, before taking his seat, he shall take an oath that he will be true and devoted to the national interests of his mother country. Such a provision may not mean much, but it has a value of its own. Some modern constitutions distinctly lay down the principle that every member of a Parliament is a 'national' member, and not merely a representative of his constituency. For instance, Article 13 of the constitution of the Republic of Turkey declares that "Each deputy represents not only the constituency which has elected him, but the whole nation." If a country whose

population is predominantly homogeneous thinks it necessary to declare and emphasise in the constitution the national, representative character of members of Parliament, such a declaration and emphasis are all the more necessary in the case of India. Everything, great or small, must be done to promote and foster the national spirit, while protecting the legitimate interests of minorities.

Lastly, it is necessary to consider the question whether the minorities should be guaranteed by statute a certain proportion of seats in the cabinet. The Mohammedans have urged that they should have their due share in the central and provincial cabinets; and the other minorities also have proposed that they should at least be collectively represented on a cabinet. The composition of a ministry must primarily be determined by considerations of ability, and of the general strength and efficiency of the Executive Government; and such strength and efficiency must necessarily be impaired, if a ministry consists of divergent elements manifesting radical differences on important questions. Subject to these fundamental considerations, it would certainly be desirable that some of the ministers should be chosen from among the members who represent the minority communities. But if a statutory provision is made that a ministry must contain a certain proportion of members representing the minority communities, it may not be found possible to give effect to it at all times and in every province without sacrificing ministerial unity, strength and efficiency. It would, therefore, be better that, instead of a hard and fast statutory provision, a convention should be established that a ministry should contain, as

far as possible, a fair proportion of those who represent minority communities in a legislature. A statutory obligation that a ministry must contain such members may at times be found unworkable and lead to weakness of the Executive Government—a result which must be avoided, particularly in a country to which responsible government is new and in which public opinion is yet to become the opinion of the entire body of the people, and to be marked by enlightened judgment and the strength of deliberate and independent thought.

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