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INDIA  
BOND OR FREE?

*A World Problem*

BY

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## APPENDIX

## APPENDIX

### THE COMMONWEALTH OF INDIA BILL

THIS Bill was not a sudden move, but was led up to by progressive steps.

In September, 1913, a small band of my immediate Theosophical workers formed themselves into a group called "The Brothers of Service" to prepare for steady advance not only along the lines named above of Religious, Educational and Social Reform, but also along Political, since the intolerable pressure of tyrannical legislation hampered all forward action. They drew up the following leaflet which was widely circulated:

"'Theosophy must be made practical' was a sentence written and published long ago by one of Those whom Theosophists regard as Masters. Since Mrs. Annie Besant came to India in 1893, she has been seeking for ways of service to India, so that the country of her adoption might rise in the scale of Nations, and take the world-position to which her past entitles her and which her future will justify. Rightly or wrongly, she judged that the great Forward Movement must begin with a revival of spirituality, for National self-respect could only be aroused and the headlong rush towards imitation of western methods could only be checked, by substituting spirituality and Idealism for materialism. Great success attended the work, and she then added to it educational activities, so as to appeal to the citizens of the future and shape their aspirations towards Nationhood, as an integral part of the coming World-Empire. Cautiously she carried on some Social Reform activities, organizing propaganda against child-marriage, and in favour of foreign travel, helping the latter by the establishment of an Indian Hostel in London,\* and of a Committee of friendly Theosophists who would welcome youths arriving in England as strangers. For many years many of her more attached

\* This is an error; we only kept a register of lodging-houses with trustworthy landladies, and of private families where Indian lads would be taken as paying guests.

followers have been pledged to delay the marrying of their children for some years beyond the custom of their caste and neighborhood. In Politics, she has urged the larger ideals, and has, especially in England, spoken for the just claims of India.

"Believing that the best interests of India lie in her rising into ordered freedom under the British Crown, in the casting away of every custom which prevents union among all who dwell within her borders, and in the restoration to Hinduism of social flexibility and brotherly feeling,

#### I PROMISE :

" 1. To disregard all restrictions based on Caste.

" 2. Not to marry my sons while they are still minors, nor my daughters till they have entered their seventeenth year. ('Marry' includes any ceremony which widows one party on the death of the other.)

" 3. To educate my wife and daughters—and the other women of my family, so far as they will permit—to promote girls' education, and to discountenance the seclusion of women.

" 4. To promote the education of the masses as far as lies in my power.

" 5. To ignore all color distinctions in social and political life, and to do what I can to promote the free entry of colored races into all countries on the same footing as white immigrants.

" 6. To oppose actively any social ostracism of widows who remarry.

" 7. To promote union among the workers in the fields of spiritual, educational, social and political progress, under the headship and direction of the Indian National Congress."

It was further pointed out that while the Theosophical Society could not, *as a whole*, be committed to special lines of activities, it should work in India as it was doing in England, "ventilating plans for profound social re-organization with love instead of hatred as an inspiration. She (Mrs. Besant) aims at the ever-closer union of the British and Indian races by mutual under-

standing and mutual respect". A further publication urged "the changes necessary to enable her (India) to take her equal place among the Self-Governing Nations which owe allegiance to the British crown". Religious Hindus were warmly invited to join in the work, "in order that they may preserve to India the ancient and priceless religion of Hinduism, now threatened with decay by its practical separation from the movement of Progress in India". It was stated that Hinduism should shelter all progressive movements, and not stand apart in selfish isolation. "Let her cling only to the essentials—the Immanence of God and the Solidarity of Man. All gracious customs and elevating traditions may be followed by her children, but not imposed on the unwilling, nor used as barriers to prevent social union. So shall she become a unifier instead of a divider, and again assert her glory as the most liberal of religions, the model of an active spirituality, which inspires intellectual vigor, moral purity and national prosperity."

This was followed by a course of lectures delivered by me in Madras, in October and November, 1913, the subjects of which show how definitely the Reform Movement was guided, and the chairmen the type of men who supported it.

Foreign Travel: Chairman, Dr. S. Subramania Iyer, late Acting Chief Justice of the Madras High Court.

Child-Marriage and Its Results: Chairman, the Hon. Dewan Bahadur T. S. Sadasiva Iyer, M.L., Acting Judge of the Madras High Court.

Our Duty to the Depressed Classes: Chairman, the Hon. Justice B. Tyabji.

Indian Industries as Related to Self-Government: Chairman, Dewan Bahadur M. Adinārāyana Iyah.

Appendix to the above lecture.

1. Exports.
2. Weaving.
3. Political Effects.
4. Moral Effects.

Mass Education: Chairman, the Hon. Justice Miller.

The Education of Indian Girls: Chairman, the Hon. Mr.



P. S. Sivaswāmi Aiyer, C.I.E., C.S.I., Indian Member of the Executive Council, Madras.

The Color Bar in England, the Colonies and India : Chairman, the Hon. Mr. Kesava Pillai.

The Passing of the Caste System : Chairman, Dewan Bahadur L. A. Govindarāghava Iyer.

It will be noticed that the three first Chairmen were Judges of the High Court, two (Theosophist) Hindus and one Musalmān, while an English Judge was the Chairman of the fifth lecture. The eighth was also a Theosophist. All the lectures dealt with burning social questions, and were intended to lead up to a Political Movement.

With the object of training ourselves in Parliamentary methods, on January 1, 1915, it was proposed to form a "Madras Parliament," a Debating Society with Parliamentary forms. We passed a Pañchayat Act, presented by Mr. T. Rangachari, now a member of the Legislative Assembly and its late Deputy President ; an Education Act, presented by Mr. C. P. Ramaswami Aiyar, now Law Member, Vice-President of the Madras Executive Council, K.C.I.E. ; and a Commonwealth of India Act presented by myself, the parent of the Bill now before the House of Commons. We flooded the country with pamphlets, bearing the stirring motto :

" We bring the Light that saves :  
We bring the Morning Star ;  
Freedom's good things we bring you,  
Whence all good things are."

Another series, *New India* Political Pamphlets, had the motto :

" How long ere thou take station ?  
How long ere thralls live free ? "

*How India Wrought for Freedom*, the story of the Congress from 1885 to 1914, was published week by week in the *Commonweal*, and was published as a book with a Historical Preface, arousing great wrath in the I.C.S. and the Anglo-Indian press, being a narrative of facts, then known to few, but now used by writers on India, and familiar all over the country. In *New India* we

wrote on grievances, demanded Home Rule, hammered away day in and day out. "Home Rule" was woven into scarves, borders of saris, handkerchiefs. Its red and green colors appeared everywhere. Then we decided to have a Home Rule League, and Mr. Dadabhai Naorogi approved, but the local leaders were more cautious, fearing it might weaken the Congress, whereas we wanted to carry on a continuous agitation to support Congress in the equality it had claimed in the Congress of 1914. The effect of the agitation, aided by the before quoted words of Asquith, and the daily news from fields of battle, swept over the land, carrying all before it. Here are two extracts, a prose one and a song of my own writing, which show the feeling of those thrilling days :

"While this many-featured and powerful educational agitation—a thoroughly healthy and constitutional one, never once disfigured by violence—was going on all over the country, the circumstances of the time were such as to force the Nation rapidly forward into a consciousness of Nationhood, and of her then place in the eyes of the world, a place so unworthy of her storied past, and of the virility of her people in the present, when stirred by a call that moved them to exertion. That call came from the War, which became more and more terrible as it swept over the lands, and India became full of pride in the prowess of her soldiers, fighting side by side with the flower of European troops, and fighting against the mightiest army in the world. India felt herself living as her children died for Freedom, and the villages which sent their men became conscious of a wider and more stirring world. The words of English statesmen, spoken to enhearten their own countrymen, rang across the seas to India. Asquith spoke of what England would feel if Germans filled her highest offices, controlled her policy, levied her taxes, made her laws; it would be inconceivable, he cried, and intolerable. India listened, and murmured to herself: 'But that is exactly my condition; here, these same Englishmen think it the only conceivable and the only tolerable life for me.' He spoke of the 'intolerable degradation of a foreign yoke'; India whispered: 'Is it so? Do Englishmen think thus? What, then, of me?' She had accepted English rule by habit; now she was shocked into realising the position which she filled in the eyes of the world. A subject Nation. A subject race. Was that really how the

white Nations looked on her? Was that why her sons were treated as coolies in the outside world? Did a foreign yoke at home mean unspeakable humiliations abroad?

“Then the pride of the Aryan Motherland awoke. Had she not a civilisation dating back by millennia, beside which these white races, sprung from her womb, were but of yesterday? Had she not been rich, strong, and self-ruled, while these wandered naked in their forests, and quarrelled with each other? Had she not lived as equal with the mightiest Nations of a far-off past, when Babylon was the wonder of the world, when the streets of Nineveh were crowded, when Egypt was the teacher of wisdom, when Persia was a mighty Empire, when Greek philosophy was an offshoot of her schools, when Rome clad her haughtiest matrons in the products of her looms? Had not many a Nation invaded her, and had she not either driven them back, or assimilated them, and re-created them into Indians? Had not the gold of the world flowed into her coffers? Yet now she was poor. Had not great Empires, now dead, sent ambassadors to her Courts? But now she was ‘a Dependency’ of a little far-off Island in northern seas. She had been asleep. She had been dreaming. But now she awakened. She opened her eyes, and looked around her. She saw her peasants, starving at home, but holding their own as soldiers abroad. The coolies, despised in England’s Colonies, were cheered as heroes by Englishmen in the streets of their capital city. Yes, Asquith was right: ‘the intolerable degradation of a foreign yoke.’ If she was worthy to fight for Freedom, she was worthy to enjoy it. If she stood equal with Englishmen, Scotchmen, Colonials, in the trenches, and her poured-out blood mingled with theirs, indistinguishably soaking into French and Flemish soil, then she should be equal with them in her own ancient land. The souls of her dead in France, in Belgium, in Gallipoli, in Palestine, in Syria, in Mesopotamia, in East Africa, cried to her to claim the Freedom for which their bodies lay scattered far from home and kin. India sprang to her feet—a Nation.

“And then, because a white woman had been crying in her sleeping ears these truths about herself for more than twenty years, and was crying them aloud still in her ears awakened by the crash of War, she turned to her for a while as her natural leader, who had blown the conch for Liberty’s battle in India. And she sang!”

Here is one of the songs :

“WAKE UP, INDIA

“ Hark ! the tramp of marching numbers,  
India, waking from her slumbers,  
Calls us to the fray.

Not with weapons slaughter dealing,  
Not with blood her triumph sealing,  
But with peace-bells loudly pealing,  
Dawns her Freedom’s Day.

“ Justice is her buckler stainless,  
Argument her rapier painless,  
Truth her pointed lance.  
Hark ! her song to Heaven ringing,  
Hatreds all behind her flinging,  
Peace and joy to all she’s bringing,  
Love her shining glance.

‘ Mother, Dear ! all victorious,  
Thou hast seen a vision glorious,  
Dreamt of Liberty.  
Now the vision has its ending  
In the truth, all dreams transcending,  
Hope and fact together blending,  
Free ! from sea to sea.

“ By thy plains and snow-clad mountains,  
By thy streams and rushing fountains,  
By Himalayan heights,  
By the past of splendid story,  
By the hopes of future glory,  
By the strength of wisdom hoary,  
Claim thy sacred Rights.”

And she claimed them.

*The Commonwealth of India Bill.*

We all considered it vital that the Indian Constitution should be framed by Indians, and in answer to a question from Lord Selborne—the Chairman of the Joint Committee of the Houses of

Lords and Commons in 1919, addressed to myself as witness—whether India would ever be satisfied with a Constitution drawn up by Englishmen, I replied in the negative, basing the reply on the great age of her civilisation and the difference of manners and customs.

The practical framing of a Constitution for India by Indians took birth in February, 1922, in a discussion in the Political Section of the 1921 Club, Madras, on the method of winning Swarāj. Mr. V. S. Rāmaswami Sāstri, then Assistant Editor of *New India*, the brother of the Rt. Hon. V. S. Srinivāsa Sāstri, P.C., suggested that India should resort to a Convention for the framing of a Constitution. The idea was adopted and discussed widely in the press. The Political Section sent Dr. Annie Besant to Simla in September, where the Indian Legislature was in session, to seek its views; informal meetings were held by members of each House separately, and both approving the idea of calling a Convention, a joint meeting was held which elected an Executive Committee from among themselves to call a Conference of members of the Central and Provincial Legislatures to arrange and call a Convention. The Conference met in February, 1923, at Delhi, during the session of the Indian Legislature, and after some days' discussion, outlined the essentials of a Constitution carrying out the resolution of the Congress of 1918 to place India on an equality with the Self-Governing Dominions of the British Empire. The Conference Executive drew up a pledge for candidates for the Legislatures at the forthcoming elections in the autumn, accepting the outline and binding them to call the Convention. This was done, and a second Conference met in February, 1924. This approved the work of the year 1923, and called the Convention, into which it then merged itself, to meet in April, 1924. It consisted of Members and ex-Members of the Legislatures, Central and Provincial (231), the members of the Council of the National Home Rule League (19), the elected representatives of the Political Sections of the 1921 Clubs in Madras, Bombay and Calicut (3), the co-opted representatives of the Indian Women's Association (2), and the late Law Member of the Governor-General's Council, 256 in all, and this Convention is responsible for the Commonwealth of India Bill. Until now, every member has been an elected representative, all but a handful belonging to the elected Members of the Legislatures.

It divided itself into seven Committees to deal with different

Sections of a Constitution establishing Self-Government, and directed them to report in the autumn of the same year. A draft was based on these reports, and the Convention sat in Bombay in December and considered and amended it. It printed the results and circulated them to political parties inviting further amendments, and submitted the draft also to a sub-committee appointed by a Committee of all parties, presided over by Mr. Gandhi in November, 1924. This sub-committee made a number of amendments, and these with all others were submitted to the Convention sitting in Cawnpur on April 11, 12 and 13, 1925; it was finally submitted to a Drafting Committee in Madras, consisting of the Hon. Mr. C. P. Rāmaswāmi Aiyar, Messrs. Shiva Rao, Sri Rām, Yādunandan Prasād and Dr. Annie Besant, with power to correct any oversights in language where necessary, to see the Bill through the press, and publish it in the name of the Convention.

In May, 1925, it was sent to England to Major D. Graham Pole, the Hon. Secretary of the British Committee on Indian Affairs. He laid it before leading members of the Labor Party and it was backed by them, read a first time in the House of Commons and ordered to be printed. It then went before the Executive Committee of the Parliamentary Labor Party, that examines every Bill before it is taken up by the Labor Government or Opposition, as the case may be. It was closely examined, clause by clause, and finally passed unanimously as embodying the resolutions passed by the Labor Party from time to time respecting India. It thus passed into the hands of the future Labor Government, and was put on the list of bills balloted for as an official measure.

### SUMMARY OF BILL.

#### *General Principles.*

India will be placed on an equal footing with the Self-Governing Dominions, sharing their responsibilities and their privileges.

The right of Self-Government will be exercised from the Village upwards in each successive autonomous area of wider extent, namely, the Taluka; the District; the Province; and India (excluding the Indian States).

The three great spheres of activity, Legislative, Executive and Judicial, will, as far as possible, be independent of each other, while correlated in their working.

*Declaration of Rights.*

The following Fundamental Rights will be guaranteed to every person : (a) Inviolability of the liberty of the person and of his dwelling and property, save by process of law in a duly constituted Court of Law. (b) Freedom of conscience and the free practice of religion, subject to public order or morality. (c) Free expression of opinion and the right of assembly peaceably and without arms, and of forming Associations or Unions, subject to public order or morality. (d) Free Elementary Education as soon as practicable. (e) The use of roads, places dedicated to the public, Courts of Justice and the like. (f) Equality before the law, irrespective of considerations of Nationality, and (g) Equality of sexes.

*Legislative.*

Legislative power is vested in the King, a Legislative Assembly and a Senate. "Parliament" shall mean only the Parliament of the Commonwealth of India. The Legislative Assembly will consist of 300 Members, and the Senate of 150.

The Senate will have equal powers with the Legislative Assembly except in regard to Money Bills, which will originate only in the latter. The life of the Legislative Assembly will ordinarily be for five years, that of the Senate for six years. The Senate will have a continuous existence, with half the number of Members retiring every three years by a process of rotation.

In the Provincial Legislative Councils, the number of Members will vary from 100 to 200 according to the size and importance of the Province. The life of a Legislative Council will ordinarily be for four years. There will be at present only one Chamber in a Provincial Legislature, but provision has been made in the Bill for the addition of a Second Chamber in a Province, if it so decides.

In the District, Taluka, and Village Councils, which are termed the Sub-Provincial Units of Government, the number of members will vary according to local conditions. The ordinary life-term of the District Councils will be for three years, that of the Taluka for two years, and that of the Village Councils for one year.

*Franchises.*

The franchises for the various Legislative bodies have been graded, commencing with universal adult suffrage in the Village, and restricted by higher educative, or administrative, or property or other monetary qualifications in the case of each higher body.

The principle of direct election has been maintained throughout, except in the case of the Senate, where candidates will be nominated to a panel from which the electorate will make its choice. A distinction has also been observed between Members and Electors, the qualifications for the former being kept at a somewhat higher level than for the latter.

The powers of the various Legislative bodies have been embodied in a Schedule to the Constitution; and residuary powers have been vested in the Parliament.

*Defence.*

There will be a Defence Commission with a majority of Indians thereon, every five years, appointed by the Viceroy in consultation with his Cabinet. The Commission will recommend a minimum of non-votable expenditure for the Defence Forces and also report on the progress of the Indianisation of those Forces. In the event of disagreement, the Viceroy will have power to secure the minimum which, in his opinion, is necessary for the Defence Forces. No revenue of India may be spent on any branch of Defence Forces in which Indians are ineligible for holding commissioned rank. As soon as the Commission recommends favorably, Parliament may pass an Act to undertake the full responsibility of Defence.

*Executive.*

There will be a Cabinet in the Government of India consisting of the Prime Minister and not less than seven Ministers of State, who will be collectively responsible for the administration of the Commonwealth. The Prime Minister will be appointed by the Viceroy, and the other Ministers on the nomination of the Prime Minister. The Viceroy will be *temporarily* in charge of the Defence Forces. In all matters except Defence, the Viceroy will act only upon the advice of the Cabinet. The salaries of the Viceroy and of the Members of the Cabinet will be fixed by Parliament, but in the case of the former, no alteration will



come into force during his continuance in office. The Cabinet will resign as soon as it has lost the support of a majority in the Legislative Assembly.

In the Provinces, the same principles will apply as in the Central Government, except that the minimum number of Ministers will be three.

#### *The Secretary of State.*

The powers and functions of the Secretary of State and the Secretary of State in Council over the revenues and the administration of India will be transferred to the Commonwealth Executive.

#### *Judicial.*

There will be a Supreme Court of India, consisting of a Chief Justice and not less than two other Judges with original as well as appellate jurisdiction to deal with such matters as may be determined by statute. It will have power to deal with all matters arising out of the interpretation of the Constitution or of laws made by the Parliament. It will also be the final appellate authority in India, unless it certifies that the question is one which should be determined by the Privy Council.

The existing High Courts will have the same powers and authority as before the establishment of the Commonwealth.

#### *Finance.*

The revenues of Parliament will form a consolidated revenue fund, and will be vested in the Viceroy. No revenue may be raised by the Executive without the sanction of Parliament.

The allocation of revenues between Parliament and the Provinces will be decided by a Finance Commission every five years.

#### *New Provinces.*

Parliament will have the power to alter the limits of existing Provinces or establish new Provinces and make laws for their administration.

#### *Minorities.*

Communal Representation as now existing will be abolished, and all elections will be held on the basis of purely territorial electorates. As a temporary measure, the number of seats now

reserved for Musalmāns and Europeans will be guaranteed for five years, at the end of which period the question of its continuance, modification or abolition will be examined by a Franchise Commission.

Bills affecting the religion or the religious rites or usages of a community or communities will be referred to a Standing Committee of the Legislature in which they are introduced; and if the Committee, on which there will be a majority of the members of the community or communities concerned, reports adversely, such Bills will lapse for the period of one year.

#### *Public Services.*

There will be a Public Services Commission to exercise full control over the public services of India as regards recruitment, discipline, promotion and pensions. Officers now in the service of the Government of India or of the Provincial Governments will be guaranteed their existing rights but, at the establishment of the Commonwealth, they will pass into the service of the Commonwealth or the Provinces, as the case may be.

#### *Alteration of the Constitution.*

Parliament will have power to alter the Constitution.

#### *The Schedules.*

*The First Schedule* gives the oath of allegiance and affirmation to His Majesty King George V and his heirs and successors.

#### *The Second Schedule—*

(1) Electors must be at least 21 years of age.

(2) Qualifications for the graded electorates are given, beginning with the Village, where universal suffrage is provided for. The qualifications of the remaining electorates relate to (a) administrative experience, (b) education—literary or technical, (c) economic and industrial ministration (co-operative stores and banks, wells, tanks and canals, cottage industries, forests, local taxation, works of public utility), (d) income, (e) possession of land property, (f) occupation of a house; thus including different classes of citizens. These qualifications are graded, being very low for the Taluka (collection of villages), and highest for the Senate. Only *one* of the various qualifications is required to qualify a man or woman as a voter in any council.

*The Third Schedule.*

The powers of each Council, from the Village Pañchayat to the Parliament, are fully stated.

*The Fourth Schedule.*

(1) There will be no communal electorates, but as a transitory provision, the same number of seats will be reserved for Musalmāns as is provided for in the Government of India Act, 1918, for five years, when a Franchise Commission will report on its continuance, amendment or abolition.

(2) Proposed legislation affecting religions shall be postponed for one year if a Committee of the House in which the legislation is introduced, and consisting of a majority of members of the religion or religions affected, decide against the measure.

(3) The number of members assigned to the Provinces for the various legislative bodies are given.

(4) The salaries of the Viceroy, Governors and the Commonwealth and Provincial Ministers are given.