



EAST INDIA (CONSTITUTIONAL REFORMS).

## INDIAN STATUTORY COMMISSION

### Letter from the Chairman to the Governor-General of India.

*Presented by the Secretary of State for India  
to Parliament by Command of His Majesty.*

*February, 1928.*

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*The following is the text of a letter addressed by Sir John Simon, Chairman of the Indian Statutory Commission, to the Governor-General, dated 6th February, 1928.*

“ In your speech to the Central Legislature on Thursday you laid renewed emphasis on ‘ full discretion as to the methods ’ which has from the beginning been left in the hands of the Indian Statutory Commission, and I myself as Chairman on landing in India next day authorised the issue of a statement on behalf of the Commission that it hoped without delay to announce the line of procedure which it would propose to follow. Evidence accumulates that throughout India there is much uncertainty as to the manner in which we may be expected to exercise our functions, and even considerable misunderstanding as to what we conceive those functions to be, while—amidst the many messages of welcome and encouragement—we note that speeches are being made and resolutions passed which are based on a complete, though doubtless genuine, misconception of our intentions. It is my plain duty, therefore, as Chairman to set out forthwith the true position as we regard it, and since on this preliminary visit there is not likely to be any formal sitting of the Commission when the statement could be made, I venture to address this letter to Your Excellency.

“ We understand that the Government of India and the Local Governments have been engaged for some time past in preparing material which they might put before the Commission. We have not seen these documents, and do not know how far they may consist of matters of fact and how far of matters of opinion, or whether they deal with past events or with suggestions for the future. But, whatever they are, instead of dealing with them by ourselves we wish to propose that they, and evidence given in explanation or amplification of them, should come before a ‘ Joint Free Conference,’ over which I should preside, consisting of seven British Commissioners and a corresponding body of representatives chosen by the Indian Legislatures (just as we ourselves have been chosen by the British Parliament).

“ We put forward the plan of a ‘ joint free conference,’ not only because we should welcome assistance of colleagues from the Indian Legislatures, but because we think it is only right and fair, and in the truest interests of India and Britain alike, that opportunity should be provided for such memoranda and testimony to be scrutinised, and if necessary elucidated, from the Indian side on free and equal terms. We suggest, therefore, that the two Houses of the Central Legislature should in due course be invited to choose from their non-official members a Joint Committee, which might conveniently be seven in number, and that each Local Legislative Council should be asked to constitute a similar body. The Indian side of the Conference would consist, when Central subjects were being dealt with, of those first named; in a province, the Indian wing would primarily consist of provincial members, but, in

order that the Central Joint Committee may not have a partial view of the material put before it, we should be glad if arrangements could be arrived at which would enable its members, or some of them, to be present as an additional element at provincial sittings.

“ We have no wish to dictate the composition of the Indian wing of the Conference in more detail, and we should greatly prefer that the precise scheme should be reached by agreement between the different elements in India concerned. Our main object will be met so long as the arrangement is one which secures that the Indian side of the Joint Conference includes, on appropriate occasions, those who are able to speak for Provincial Councils just as the Joint Committee would speak for the Central Legislature, so long as the members representing India and sitting with us do not amount to an unwieldy number. We assume, of course, that just as we ourselves are a body selected from all the British parties and both Houses of Parliament, so our Indian counterpart would be, so far as may be, truly representative.

“ Two matters remain to be dealt with—the question of evidence other than that above referred to, and the question of the Report. I wish to deal candidly and clearly with both.

“ Some of us have had considerable experience of the method of joint conference as applied to industrial and political questions, and it is quite clear to us that each side of the Conference will require from time to time to meet by itself. We see no reason, however, why evidence from public and representative bodies and from individuals should not normally be given to the Conference as a whole, just as evidence presented by or on behalf of the various Governments would be. If a case arises when this general plan cannot be followed, I should make no secret of it, and should ask my colleagues in Joint Conference, when, as I hope, they learn to have faith in my sense of fairness, to accept from me such account of the matter as I can give them on behalf of the Commission, with due regard to the reason why testimony has been separately received. I imagine that the Indian side may find occasions when they would think it well to act in the same way.

“ As regards the report it is, I feel, necessary to restate the true function of the Commission and its place in the general scheme which you announced last November. The Commission is in no sense an instrument either of the Government of India or of the British Government, but enters on the duty laid upon it by the King-Emperor as a completely independent and unfettered body composed of Members of Parliament who approach Indian legislators as colleagues. It is not an executive or legislating body authorised to pronounce decisions about the future of the government of India. Before these decisions can be reached, the full process, of which the present investigation is a first step, must be completed, including opportunity for the views of the Indian Legis-

lature among other bodies being presented by the delegations in London to the Joint Parliamentary Committee. The present Commission is only authorised to report and to make recommendations, and in this report we desire to include a faithful account of the opinions and aspirations prevalent in India, and of concrete proposals for constitutional reform so far as these are put before us. The British Commissioners therefore are bound to be solely responsible for the statement of the effect upon their own minds of the investigation. We shall report to the authority by which we have been constituted just as (if the Conference is set up) the Joint Committee would, we presume, be entitled to report its conclusions to the Central Legislature. It is obvious that these documents should be prepared and presented simultaneously. There are well-known constitutional means by which documents emanating from a Joint Committee and presented to the Central Legislature can be forwarded to and made available to the British Parliament. But if the Indian Joint Committee would prefer it, we would make its report an annexe to our own documents, so that both might be presented to the King-Emperor and made public at the same moment.

“ Above all, I would urge that one of the merits of the method of Joint Conference is that, besides securing due recognition of equal status, it provides the opportunity for that free exchange of views and mutual influence which are best calculated to promote the largest measure of agreement that is possible.

“ Our present visit is preliminary, and sittings of the Joint Free Conference, if it is set up, would not begin till October. But we make public our suggestions at once, not only in order to clear the air, but in order to show ourselves available for any conference about any matters of procedure which this statement does not adequately cover.

“ The Commission is, of course, bound to carry through its task in any event and discharge to the full the duty cast upon it, but we are undertaking this duty only after having made it known that the method of collaboration on honourable and equal terms is open, and that we put it forward in all sincerity and goodwill. We will only add that in making these proposals we are confident that we are correctly interpreting the intentions of the British Parliament.

“ The carrying out of our proposals will require at a later date that the Council of State, the Legislative Assembly, and the local Legislative Councils should be moved to elect their representatives who would take part in the Joint Conference, and the Commission will be glad if the Government of India will take such steps as seem appropriate for this purpose in due course.”