

THE
INDIAN CONSTITUTION

SIR TEJ BAHADUR SAPRU

For favour of Review

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BY

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PREFACE

THIS volume was written two years ago, on the eve of the enquiry of the Reforms Committee in 1924, and is now reprinted with a few slight verbal alterations. Its object is simply to draw attention to the present Constitution in India. Criticism has been offered at certain places and comparisons instituted at others with similar provisions in the Constitutions of Canada, South Africa and the Australian Commonwealth. It does not profess to be an exhaustive commentary on the Government of India Act, for that is a task which must involve much more labor than I could possibly afford consistently with other calls on my time; nor does it put forward a constructive scheme for the Constitution of India. At the present moment, the question of the revision or the expansion of the Constitution is attracting considerable attention both in India and in England. There are those who think that, notwithstanding its many imperfections, the present Constitution should be given a fair trial at any rate up to 1929. There are others who call for an earlier revision of it. There are yet others, again, who think that India must frame her own Constitution. Whatever force there may be in any of these views, I am personally of opinion that the arguments which hold good to-day against a further advance will hold good

equally in 1929. The real question is one of policy, and it is obvious that on such a question English and Indian opinion has differed in the past, is differing to-day, and, I am afraid, will continue to differ in the future. Meanwhile, apart from questions of policy, a mere study of the constitutional position cannot be useless. Indeed, it seems to me, it should be the basis of all well-informed criticism. It is mainly with a view to elicit criticism by drawing attention to the present constitutional position that I wrote this volume at the request of some friends. I desire to acknowledge with gratitude the valuable assistance rendered to me by Mr. B. Shiva Rao in the preparation of this volume.

ALLAHABAD

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T. B. SAPRU

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