

THE LUDWIG MOND LECTURE, 1930.
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THE CONSTITUTION OF INDIA

By

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(THE LUDWIG MOND LECTURE, DELIVERED ON
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LUCIAN, the entertaining Greek writer who delivered lectures in Athens in the second century after Christ, opened one of his discourses by a passage which is known by the strange title "Concerning Electron." This does not mean that Lucian anticipated the splitting of the atom, for, in Greek, *electron* means *amber*. Lucian warned his audience that if a traveller went to the place where it was fabled that the daughters of the Sun had been turned into poplar trees and continually wept tears which turned into lumps of amber, the traveller would be disappointed not to find what he expected. And Lucian went on to say that he was afraid the same thing might happen to his hearers, for the title of his lecture might suggest topics with which he was not going to deal, and they would go away disappointed.

It is a curious fact that the only portion of Lucian's lecture on this occasion which has survived is this introductory passage, and no one knows what it was that he had announced as his actual subject ! But the exordium, warning his audience not to expect too much, survives, and anyone who wants to see not only the Greek text,

but a brilliant rendering of it into English, ought to get the first volume of Lucian's works in the series known as the Loeb Classics—a set of translations from Latin and Greek due to the enterprise of an American of that name, and produced under the general editorship of the Nestor of Classical Scholarship, our fellow countryman, Mr. T. E. Page, upon whom Manchester University has so wisely bestowed the honour of its Doctorate.

You will forgive a politician and a lawyer for avowing before a University audience his belief in, and affection for, classical reading. If those who regard Latin and Greek as repulsive and useless studies would only read some of these translations they would soon find out their mistake.

But I must turn to my subject and not be tempted to wander further in these delightful fields of asphodel. The slopes of Parnassus are a long way from the plain of the Ganges and the defiles of the Khyber. And it would be very unseemly to become lyrical on a topic of constitutional law. But (like Lucian) I am a little afraid lest the subject which has been announced for my discourse—the “Constitution of India”—should have raised expectations which may not be fulfilled. Let no one suppose that, just at the moment when the preliminary speeches at the Round Table Conference are over and its members are about to consider, in private, how best to work out in more practical shape the general declarations of view which have been published, one who is not a member of the Conference is going to rush in with some ill-timed and dogmatic pronouncement when the members of the Conference themselves feel that it will be wiser to search for a path through the difficulties that now present themselves by the method of intimate consultation.

My primary object to-day, therefore, is not to put forward proposals for the future, but to help, if I can, by a sketch of the present Constitution of India, to a better understanding of whatever is hereafter proposed. No one can usefully consider what alterations should be made in an existing structure without first having the patience to learn and understand what the existing structure is. And the present constitutional structure of India is a very complicated structure indeed—a building of many parts and varied materials, in which you may trace the influence of earlier systems of architecture, some portions expressing what is traditional to the East, as well as portions which have been boldly borrowed in recent years from the West. It is a vast edifice with endless pillars within and buttresses without, carrying the strain of poise and counterpoise at many points, making provision for the accommodation of many diverse elements, and incapable of being wisely planned afresh unless all of us are prepared to take the trouble of studying first the structure as it now stands.

If you have ever looked at the drawings of Sir Christopher Wren—there is a splendid collection of them in an Oxford Library that I know well—you will be struck by this, that the most precise and elaborate survey of any building he was going to remodel always preceded the daring and ingenious plan which followed. And in India no one can build on vacant ground. Even when Sir Edwin Lutyens and Sir Herbert Baker laid out their designs for New Delhi, there were remains of an older Delhi round about, and from the noble circular colonnade of the new Parliament House you may catch a glimpse of the deserted fortress where a Mogul Emperor died, his splendid Tomb

is not far off, and away on the horizon rises the strange and impressive memorial of a more ancient rule, the pinnacle known as the Kutub Minar. Whatever, therefore, the new constitutional plan may be, it is inevitably a plan to be fitted into or superimposed upon existing foundations—an ampler and more generous plan, I trust, but still one that does not disregard the experiences or forget the lessons of the past. We have to consider not only the lie of the ground and the special conditions of aspect or environment, but the immense and elaborate edifice which it is sought to improve and perhaps fundamentally to change. The task is worth the best effort that can be put forward by all men of goodwill, for it is an edifice designed to be a home and a shelter for one-fifth of the whole human race.

It was largely for this reason that the Statutory Commission over which I presided—appointed by Parliament to investigate the Indian Constitutional Problem—divided its Report into two parts. The first volume is entitled “Survey,” and presents a picture, as fair and honest as we can make it, of existing conditions and of the present Constitution. I am not aware that the accuracy of this volume has been challenged on any point of substance, and whatever may be the ultimate outcome, I nurse the modest hope that its contents may prove of some value to Britain and to India.

There are, moreover, two special reasons which make it of particular importance that the existing Constitution of India should be more widely known and understood. In the first place, most of the inhabitants of India have no adequate appreciation of the constitutional arrangements under which they live. India is so vast and complex

that it could not be otherwise. In a total area as large as Europe without Russia, and not less diverse—in a land of 500,000 villages, where the ordinary tiller of the soil inherits the tradition of regarding Government as a power outside himself which moves in a mysterious way and issues decrees for which he is not responsible—the development of political consciousness, the growth of a state of mind in which you take an interest in political problems because you mean to have a hand in their solution, is bound to be slow. When the last census of India was taken, 90 per cent. of the 320 millions who were then counted were found to be living in the same district in which they had been born, and of the balance, two out of three were residing in a contiguous district. And it is not merely that this limited range of experience has made it impossible for the Indian villager to get a grasp of the Indian situation as a whole. The more serious difficulty is that the ordinary inhabitant of India, whether in town or country, cannot appreciate a fact which lies at the root of the whole Indian problem, viz., the variety of India itself. On the other hand, the accomplished Indian leaders who are best qualified to help in solving the constitutional problem, labour under a different and special handicap which is no fault of theirs. The institutions which they wish to see developed are, to a large extent, not native to Indian soil, but have to be transplanted before they can take root and grow. It is this effort to find in the self-governing institutions of the Western world some guidance for the progress of the East, which makes me so convinced that it is only by co-operation between men of sympathy and goodwill here and in India that the desired consummation may be reached.

The second reason is this:—All who take any part or have any responsibility in framing the future Constitution of India must devote themselves to the diligent study of the present scheme of Government, even though it is going to be substantially altered, for a reason which appeals with especial force to those who have studied the constitutions of the Dominions. Most of us have a fairly accurate idea of the Canadian Constitution, or of that of Australia, or South Africa, or New Zealand, or Newfoundland. We know that these Constitutions are moulded on the lines of our own, and have sprung up because men of our own race have carried with them to distant lands political conceptions which are as much part of their inheritance as of ours. Even in the case of the three Federations—those of Canada, and Australia, and (although in this case the classification is more doubtful) South Africa—it is not difficult for Englishmen to understand the constitutional outline. This is so even though there is nothing in Great Britain to correspond to the division of functions between the Federal Centre and the constituent parts.

The Dominion of Canada came into existence 63 years ago. It is the earliest example of federation in the British Commonwealth. The British North America Act of 1867 contained a preamble which recited that it was the desire of the people of Canada to be united in a constitution resembling in principle that of the United Kingdom. A very eminent man, the late Professor Dicey, described this preamble as a "diplomatic inaccuracy," alleging that really the Canadians were aiming at a constitution like that of the United States. But I do not agree. Except for the fact that there is a federal principle in both, the

points of contrast between the Canadian Constitution and that of the United States are far more significant than any points of resemblance. It is not merely that the Fathers of Canadian Federation, having before their eyes the warning of the American Civil War which was just over, determined not to reproduce a distribution of powers which south of the forty-ninth parallel had produced a quarrel about "State rights." The really significant difference was that in the case of Canada, as the provinces found themselves ready to join, they combined to form an ever-expanding Dominion in which the Federal Executive was responsible to the Federal Legislature. Yet under the constitution of the United States not only is this not the case, but members of the Executive cannot even belong to the legislating body.

Very different in the circumstances of its origin, but leading to the same general solution, was the Commonwealth of Australia, which came into being thirty years ago. Each of the Australian States had already had considerable experience of the working of responsible Government inside its own area. At last they came together and made a definite surrender of a portion of their powers to the central organ which they joined in creating. But they preserved very large powers of their own, while setting up at the centre a Federal Executive responsible to a Commonwealth Parliament.

Different again were the circumstances in which, a little over 20 years ago, the Union of South Africa came into being. Conditions there were such that a much larger measure of exclusive or over-riding authority was transferred to the common centre, though here again, the principle of Government known as parliamentary

responsibility was readily applied on lines with which we are familiar.

Now contrast with all this the case of India. When the Government of India Act was framed and passed, some eleven years ago, there were no self-governing units in British India which, by a process of natural evolution, could be brought together in a federation at a common centre. Indeed, the attempt was made, at one and the same moment, both to expand the powers of the Provinces and to create representative Institutions at the centre. Instead of the central organ being evolved as the result of a period during which Provincial Constitutions had been working out their own natural destiny, a plan was devised in which both the Centre and the Provinces went through a transformation at the same time. I do not know of any instance in constitutional history where this has been attempted before. The Central Government of Canada was evolved long after the self-government of various Canadian Provinces had been developed. The Commonwealth of Australia did not come into force at the same time as the self-governing States of Australia, but two generations later. The date of the Union of South Africa is not the date of self-government in Cape Colony or of Campbell-Bannerman's decision to establish self-government in the Transvaal. The very name of the United States of America shows that the Constitution of 1789 was a sequel to, and not a concomitant of, the existence of the different American Colonies. But in the case of India, and in the case of India alone, the two things were attempted together, and one consequence is that the Government of India Act is one of the most complicated constitutional instruments which has ever been devised.

How many people are there, outside the ranks of experts and specialists, who are really prepared to give a reasonably full and accurate account of the contents of the Government of India Act? Do our Dominion Statesmen know its contents, and do we know them ourselves as we should? The Act was conceived at a time when the whole world was in the grip and crisis of war. It was passed into law, almost without debate, in the year 1919, which is not the year in our history when it was easiest to get calm and continuous public attention for the study of a vastly difficult problem. The recent appearance of Mr. Montagu's diary—I cannot conceive that he would ever have authorised the publication of some of the passages it contains—reveals the strain and stress of the time as well as the fervour and devotion of the man. No wonder then that the structure and working of Indian Government are in some respects hard to understand. No wonder that some who tender confident advice have very hazy conceptions on the subject. No wonder that, in the endeavour to find means to meet the special conditions of India, many ingenious and complicated devices had to be introduced into the Act. No wonder that the contrast between Dominion Constitutions upon the British model and the framework of the Government of India Act has led to doubt and perplexity, and that the need for revision is every where conceded.

Let us, then, take the Government of India Act, 1919, in our hands and consider its principal features. It cannot be fully understood without some knowledge of its background, and that background is nothing less than the history of India. *Antiquitas saeculi juventus*

mundi wrote Francis Bacon in his "Advancement of Learning"—the latest stage in the growth of men and institutions must be traced back to far distant origins when the world was young. Tennyson puts the same thought in his "Day-Dream"—

"We are ancients of the earth,
And in the morning of the times."

I would beg all my Indian friends to believe that when we Britons dwell on this aspect of the matter, we do so, not because we seek to put a clog upon Indian advance, but because we share with them the feeling that India's ancient traditions and experiences must colour and control the methods by which her new hopes may be realised. And what a background of history is this against which modern India stands forth!—the Aryan invaders pushing their way through the barriers of the Himalayas, thousands of years ago—the rise of Brahmanism and the development of caste—the teachings of the Buddha and the dispersal of his disciples—the series of incursions through the passes of the North West—the history of the Mogul Empire, and the impact of Islam on the ancient fabric of Hindu civilisation—the coming of the first British merchants to Surat 300 years ago—the foundation of Calcutta—the story of the East India Company, Clive, and Hastings, and Burke, Delhi, and Lucknow, and Cawnpore—Queen Victoria's Proclamation of 1858—the effort to establish for the humble *ryot* a sense of security and protection against injustice—the enterprise that has fought famine and plague and pestilence, and has diverted and impounded swollen rivers rushing uselessly to the sea until areas of sand and scrub have been

turned into fertile tracts—and the rise in the breasts of educated Indians, who have learned from us our language and have studied our political development, of a yearning which has now become a passionate demand to realise for themselves a status which sustains their self-respect and is co-ordinate with the implications of British liberty.

In the long Galleries of Time there is no canvas more crowded with impressive and moving scenes than this Indian perspective.

In studying the present, and preparing for the future, the past can never be forgotten; for, as Burke declared, the State is a partnership not only between those who are living, but between those who are living, those who are dead, and those who are yet to be born. This conception of the continuity of humanity will not, I think, seem unfamiliar to the philosophy of Hinduism.

The first striking feature of the Government of India Act is its Preamble, which, in effect, reproduced the famous declaration made by Mr. Montagu, as Secretary of State for India, to the House of Commons on August 20th, 1917. We must always bear in mind this Preamble, for it represents the policy then adopted by all British parties, and often reaffirmed since. It defines both the goal which Parliament is committed to pursue and the conditions upon which progress towards that goal were declared to depend. The Preamble is as follows:—

“Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian Administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the empire :

“ And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken :

“ And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples :

“ And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility :

“ And whereas concurrently with the gradual development of self-governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities.”

I am not going into the question whether the pronouncement authorised by the British Government, and made by Lord Irwin a year ago, involves any departure from the aims to which Parliament is committed. I do not do so for a very simple reason. Shortly after that declaration was made Mr. Ramsay MacDonald expressly affirmed that the Viceroy's declaration “ implied no change in the policy hitherto declared or in the time when this status may be attained.”*

* Mr. MacDonald's letter to Mr. Baldwin, Nov. 11th, 1929.

But what matters in these things is not the letter of the Statute, but the spirit that is behind it ; and I believe that India may look with confidence to the British people and to the British Parliament to strive their utmost to preserve this spirit throughout the momentous discussions upon which we shall shortly enter.

There is one feature of the Preamble which I have just quoted which ought at once to strike any attentive student. It is the fact that the Preamble, like the Statute itself, is not dealing with India as a whole ; it is only dealing with British India. Of the total area of India (approximately 700,000 square miles) more than one-third lies within the boundaries of one or other of the Indian States which are not British territory at all, though they live under the paramountcy of the British Crown. These States are nearly 600 in number, and they vary in size from Kashmir or Hyderabad, each with an area greater than England and Scotland taken together, down to territories of a few acres. While the Indian States make up more than a third of the area, they contain between one-fourth and one-fifth of the total population of India. And anyone who studies the map of India, or has any acquaintance with actual conditions on the spot, is bound to realise how inextricably the interests and concerns of the Indian States are bound up at many points with their neighbours who are subjects of the King Emperor. The frontiers which divide the States from British India

CORRIGENDUM

Page 17 Line 11. For "Of the total area of India (approximately 700,000 square miles) more than one-third lies, etc.,"
read "Of the total area of India more than one-third (approximately 700,000 square miles) lies, etc.,"

there are more Sikhs in the Punjab Province than in the Sikhs States. The main arteries of communication, essential to the welfare of India as a whole, constantly pass in and out of State territory, and the configuration of the Indian States is such that they neatly dovetail into the various Provinces of British India like a jig-saw puzzle. It is, therefore, not very surprising that after a week of Conference the Members of the Round Table have come to the conclusion that the future Constitution of India ought to be one which takes count of or makes provision for the relations which may develop between British India and the Indian States. It was, of course, because the Statutory Commission had reached this clear conclusion that we urged the calling of the Conference, and if anyone will turn to our chapter on "Future Relations with the Indian States," in our second volume, they will find there not merely the elaboration of this general conception, but a detailed discussion of some of the difficulties which will have to be overcome. But for my present purpose it is enough to note that the Government of India Act does not take so wide a range. It deals solely with the constitution of British India, both in the Provinces and at the Centre. And indeed, in the past, Indian politicians themselves have very often used language which implied a more restricted view. An "All-India" question or an "All-India" Conference has often meant a question or a conference in which all the Provinces were concerned. But there is a truer sense in which "All-India" is more than the whole of British India. Sometimes the phrase has been used that there are two Indias—one made up of these 600 Indian States, and the other the India which has been pursuing its constitutional develop-

ment under the British Crown. But it would be better to say that there is really only one India, a unity which includes both, and—if I may run the risk of the boycott of everything that I am saying—I would quote one sentence from the second volume of our Report: "Whatever may be the future which is in store for British India, it is impossible to conceive that its constitutional development can be devised and carried out to the end while ignoring the Indian States."

It would be doing a grave injustice to Mr. Montagu and Lord Chelmsford not to recognise that they well understood the importance of directing attention to an ultimate prospect of "All-India" Federation. As an outcome of the Report which bears their name, the Chamber of Princes was inaugurated by Royal Proclamation nearly ten years ago. It contains 108 Rulers of States who are members in their own right, and 12 additional members elected by the Rulers of 127 other States. It is a deliberative, consultative, and advisory body, but not an executive body. And its establishment marked an important stage in the development of relations between the Crown and the States, for it expressly encouraged joint action and joint consultation between the Indian States, and thus put a definite end to the period when the Crown was only able to consult each State separately and individually. But the important thing to notice is that the Chamber of Princes is not, and could not be, an organ of "All-India" federation, for it is exclusively concerned with Indian problems, looked at from the standpoint of the Indian States. Its only contact with British India is through its President, the Viceroy, and the Viceroy in this connection

acts rather as the representative of the British Crown than as the head of the Government of British India. The dividing line, therefore, has yet to be crossed, and if it is to be crossed something much more than general phrases will be needed. Those of us who have given time to the close study of what is involved will await with the most profound interest and sympathy the result of the efforts which are now being made.

But with all this the Government of India Act, 1919, has nothing to do. It is concerned solely, or almost solely, with British India. Taking the main administrations then existing, it defined the legislative and executive powers to be exercised in the Governor's Provinces—Madras, Bombay, Bengal, the United Provinces of Agra and Oudh, The Punjab, Bihar and Orissa, the Central Provinces, and Assam; to which was added, two years later, the Province of Burma, which stands in so many ways apart. It was in these nine provinces that the Statute set up the division of executive responsibility, which goes by the name of Dyarchy. Certain subjects of provincial administration—for example, education, and public health, and agriculture, and local self-government—were to be placed in the hands of Indian Ministers chosen by the Governor from among the elected members of the Provincial Councils, and the intention was to initiate in respect of these transferred subjects a relation of parliamentary responsibility between these Ministers and the Provincial Legislature. On the other hand, there were other subjects of provincial administration—for example, police and administration of justice, and irrigation, and land revenue—which were entrusted to

executive councillors, some of them Indian and some of them British, who, though they became official members of the provincial legislature, owed a responsibility not to it but to the Governor. This remarkable arrangement was designed to give members of Provincial Councils and Indian Ministers a first experience in parliamentary responsibility as it has been evolved and practised at Westminster. How the system actually worked (and it did not work in every province in the same way) has been the subject of many months of study and many pages of writing which were part of the task of the Commission. Watching over both halves of this bifurcated Provincial Government was the Governor, himself the head of the Provincial Executive, counselling and reconciling his colleagues, and under the general superintendence of the Government of India itself.

Another portion of the Government of India Act provides elaborately for the structure and functions of this Central Government. There is a central legislature consisting of two houses in each of which elected members are in a majority (34 out of 60 in the Upper House, and 104 out of 145 in the Lower) though in each a nominated element is added, part of which consists of officials. The electoral franchise for the Council of State is extremely restricted. For the Legislative Assembly, voting qualifications are much lower, and indeed it would appear that a large part, if not the majority, of those who vote are illiterate or, at any rate, vote as such. None the less, apart from Burma, less than 3 per cent. of the population in electoral areas have the franchise—say six and a half millions. In view of the enormous size of British India, direct election to the Central Legislature necessarily means

that many of the constituencies, and especially rural constituencies, cover an area which no British Member of Parliament would regard as manageable, and this difficulty which, as long as direct election is maintained, must be serious in any case, is intensified by a system of separate electorates, according to which Muhammedan voters in an area form a constituency by themselves, as also do Sikhs in the Punjab and Europeans in six of the provinces. Whatever may be said for communal electorates—and I am not here arguing either for them or against them—they involve an overlapping of the areas of Muhammedan and non-Muhammedan constituencies, with the result that the average size of a general constituency for the Legislative Assembly cannot be reached by dividing the total of the areas represented by the number of members returned. The result, especially where the members of a particular community are scattered, is very surprising. The Muhammedan representative for the Northern part of the Province of Madras sits for an area which is just about the size of Britain. Another Muhammedan member counts as his constituents all the Moslems in an area as big as England and Wales. Hindu members have, in some cases, equally wide areas to cover. The Hindu member for West Punjab has a constituency of 64,000 square miles, and a Sikh member speaks for Sikhs scattered over the same huge area. Even if one excludes more extreme cases, the average size of constituencies returning members to Delhi must make contact between member and elector something very different from the practice in our small island. And circumstances of distance, the want of communications, and the prevalence of illiteracy, only

aggravate the difficulty. Imagine a constituency the size of Scotland represented by a member sitting in an assembly that meets in Rome.

These matters necessarily come within an intelligent understanding of the Government of India Act, because the Act itself lays down limits to the number of members of the Central Legislature, and rules made under the Act prescribe in great detail the electoral arrangements.

As regards the Central Executive, the experiment of dyarchy which was attempted in the provinces was not extended to the Government of India itself. The Viceroy has at present seven members on his Executive Council, and himself holds the portfolio of the Foreign and Political Department. The Government of India has, as its primary function, the administration of what are called central subjects, such, for example, as defence, commerce, communications, customs, income-tax, and other sources of all-India revenues. But it also has had entrusted to it the power of superintendence, direction, and control over provincial governments in respect of all reserved provincial subjects. It ought to be appreciated, therefore, that if dyarchy ends in the provinces (as the Commission was prepared to recommend) a most serious and difficult question of constitutional structure will arise as to the extent and nature of the control to be exercised by the Central Executive over Provincial Governments. General phraseology will not in the least assist to solve this difficulty, and it will need the most precise and practical examination by those who understand the complicated machinery of Indian Government.

The description I have given will, I hope, convey some outline of the main contents of the Government of India

Act. But there is one feature of it which I have not mentioned, and which has always struck me as exceedingly ingenious and effective. In every written constitution which sets up a central legislature in combination with a series of provincial legislatures, the question arises as to how legislative power is to be distributed between them. In the Dominion of Canada, for example, there is a list of topics in regard to which the Parliament at Ottawa can legislate, and another list containing the powers of the Canadian provincial legislatures. And, as constitutional lawyers well know, in any such distribution of legislative power, it is necessary to provide for cases which may have been overlooked or are not mentioned in either list. A new topic may emerge after the Statute has been passed (such as broadcasting or airships), and it is necessary to arrange for an authoritative decision in cases where a dispute arises as to where the power lies. The constitutional appeals which come to the Privy Council from Canada are largely of this character, and similar questions arise in Australia. Broadly speaking, one may say that the residue of power in the case of Canada rests with the Centre, whereas in Australia (as in America) it rests with the States.

Now, how is this problem dealt with in the Government of India Act? How are legislative powers distributed between centre and province in the case of India? The answer is paradoxical. They are not distributed at all, and thereby a vast amount of forensic disputation and extensive litigation have been avoided. I do not know of any other instrument of constitution in which this solution has been applied. Yet, if you will examine the Government of India Act closely, you will see that the

central legislature really has power over the whole field, whether central or provincial, subject to this: that over things which are primarily provincial it can exercise its powers only with the assent of the Governor General. Contrarywise, a provincial legislature has power to legislate for its province on any subject, provincial or central, provided always that if it proposes to invade what is a central subject the assent of the Governor General is required. A constitutional lawyer, such as I try to be, studies this arrangement with something of the same curiosity as a man interested in internal combustion engines examines the latest ingenuity at the motor exhibition, and I do not think even students of comparative constitutional law have always appreciated how extremely ingenious this arrangement is. It has worked so smoothly that many people have never noticed it.

Such then, in broadest outline, is the nature of the Statute whose provisions have brought into being the present constitution of British India. I have omitted much which is of great importance—the provisions applicable to the North West Frontier, for example; and the special protection secured to backward tracts and aboriginal tribes. But I have tried to clothe the dry bones of the Statute with a description which will bring out the relation of the main parts and the effect of the language of the whole.

But a Constitution is not some dead piece of mechanism—it is, or ought to be, the mode under which the communities affected by it live, move, and have their being. In the months that are before us all serious-minded citizens ought to bend their energies to a better understanding, not merely of these matters of structure and

function, but to the inner realities, complex and baffling as they are, of this vast Indian problem.

Britain, as I believe, has no reason to be ashamed of the contribution which she has brought to the Indian sub-continent—the rule of law, the security for civic rights, the devotion of a disinterested and incorruptible civil service. And now that the Indian Constitution comes under review, it will become more and more plain that what is required is not so much the expression of general sentiments as the labour of study and analysis and reflection. Let us equip ourselves for that part of the task which we have to share, and remember that decisions now to be reached may touch the lives and happiness of hundreds of millions of men and may profoundly affect the future history of the whole world. We are in the presence of a problem of a scale and novelty such that experience gives no guide and history no precedent. In matters so grave and far-reaching, the qualities most needed are those of which the King spoke when the Indian Conference opened a fortnight ago—wisdom, and patience, and goodwill.