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# CONSTITUTIONAL REFORMS

## IN HYDERABAD



### A REPORT

(PREPARED BY THE COMMITTEE APPOINTED BY THE  
HYDERABAD PEOPLE'S CONVENTION)

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**The Hyderabad People's Convention**

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## INTRODUCTORY.

### THE CONVENTION & ITS RESOLUTION.

The question of constitutional reforms in the State has assumed fresh importance since the announcement made on the 17th Aban 1346 Fasli (22nd September 1937) by the Rt. Hon'ble the President of the Executive Council, when he delivered the gracious message of H. E. H. to the special Session of the Legislative Council. Under the Royal Commands conveyed in the above message, a Special Committee was appointed under the Chairmanship of Dewan Bahadur S. Aravamudu Iyengar, M.B.E. The appointment of the Committee, created considerable public interest. It was considered not merely advisable, but also essential, that public opinion should be made available to the Government beforehand on this important point. To convene a public conference would have been the best method for this purpose, but it was decided that under the present circumstances a convention consisting of representatives from among the different sections of the people should be called and that the matter should be considered in the Convention.

Accordingly a convention of various representatives of all sections of the people of Hyderabad was convened by Mr. K. Venkata Ranga Reddy, M. L. C. and Mr. Ramachari, Vakil, on the 12th November 1937 (6th Dai 1347 F.) at the residence of Mr. Ramachari, Abid Road, Hyderabad, under the presidentship of Mr. Abul Hasan Syed Ali, ex-M.L.C., and after due deliberation the following resolution was adopted.

“ This Convention of the representatives of all sections of the people of Hyderabad resolves that :

1. A committee of the following persons with powers to co-opt, be appointed from among the members of the convention to formulate a scheme of Constitutional Reforms to be submitted to the Government :—

#### THE MEMBERS OF THE COMMITTEE.

Mr. M. Hanumanth Rao, ( <i>Chairman</i> ,	Mr. Bhagya Reddy
„ Govind Rao, Nanal	„ Narsing Rao,
„ Shripat Rao, Palnitkar	„ D. D. Italia
„ K. V. Ranga Reddy	„ Ganpatlal
„ Abdulla Pasha	„ B. Ramkishen Rao
„ Abul Hasan Syed Ali	„ S. B. Sharma
„ S. V. Naik	„ Krishna Sarma
„ Sirajul Hasan Tirmizi	„ P. V. Joshi
„ Kalimuddin Ansari	„ Janardan Rao Desai
„ Ramachari	Raja Pannalal Pitti
„ Mohamed Ahsan	Mrs. Cornelius
Mrs. Rustomji	

2. That the above Committee be sub-divided into three sub-committees :—  
Constitutional Reforms, Local Self-Government and Franchise.

3. That the draft scheme be presented to the Convention before the 25th day of December 1937.

The following members were co-opted by the Committee in its meetings held on the 15th November 1937 and 17th December 1937 ;

Miss. Padmaja Naidu	Mr. G. Marret
Mrs. Nundy	Nawab Dost Mohamed Khan Bahadur
„ Humayun Mirza	Mr. Ganpat Rao Deshpande
Mr. P. R. Venkatswamy	„ L. G. Ganu
„ R. Lachmayya	„ Srinivas Rao Madnurkar
Dr. Lateef Sayeed	„ Hasanuddin

### THE TERMS OF REFERENCE AND THEIR SCOPE

The Terms of Reference of the committee shall be as follows : ---

- (a) To prepare, keeping in view, the conditions of the country, the necessities of the time, and tendencies of the people, a complete scheme of re-organisation of the Legislative Council and the establishment of other constitutional bodies as would give the people an opportunity of progressive realisation of Responsible Government in the State, under the aegis of H.E.H. and the Asaf Jahi Dynasty.
- (b) To prepare a complete scheme for the establishment of Local Self-Government Institutions, e.g. Village Panchayats, Local Boards, District Municipalities etc.
- (c) To submit proposals with regard to conditions of Franchise, capacity of voters, their number, and groups of constituencies etc. regarding both the above schemes.
- (d) To submit proposals regarding suitable measures for securing fundamental rights of speech, association and other civic rights.

### BRIEF SURVEY OF THE WORK

The scope of the above Terms of Reference is so wide that an exhaustive enquiry was necessary to collect data and material in order to arrive at conclusions. The committee issued, therefore, a questionnaire for eliciting public opinion. About 1500 copies of the questionnaire were sent to various individuals and institutions in the city and districts, besides publishing it in the local Press. The questionnaire covered a wide range of subjects and it is gratifying to note that the Committee has had very good response from the public, especially from the districts. Our questionnaire created keen interest in quarters where we did not expect. The number of replies received and the details which have been worked out by some persons show that there is no lack of understanding of these problems. We have in all received 300 replies ; These include some institutions such as the Hyderabad Congress Committee, the Adi Hindu Social Service League, The Indian Christian Association, Anjuman-i-Qavatin, Andhra District Associations, Committee Sahukaran, the Marwari Mandal, Maharashtra District Association, Youth League of Ambedkarites, The Unani & Ayurvedic Conferences the Adi Hindu Mahashabha, and other similar institutions. The social position of those who have replied to the questionnaire vary to a great degree. They include representatives of various interests and professions. There are among them Bankers and business men, agriculturists and Zamindars, Vakils and Doctors, and others. All these opinions were tabulated and charts prepared to facilitate the work. Territorially the answers can be classified as follows —those received from Parbhani District 60, Nanded 5, Aurungabad 40, Bir 20, Warangal 25, Karimnagar 15, Nalgonda 17, Medak 1, Mahbubnagar 12, Bidar 2 Raichur 15, Gulbarga 25, Atraf-i-Balda 4, Osmanabad 15, Secundrabad 3, Hyderabad 41.

The time originally fixed for sending replies was short and therefore it was extended upto 22nd December. After this Committee had begun to work, the Special Committee appointed by the Government was authorised to receive representations from individuals and institutions on this question. The time originally fixed by this Committee was 26th December 1937; on representations being made that the time should be extended, the Government was pleased to extend it by one month. This gave the Committee an opportunity of giving three weeks time to the public to send their replies to the questionnaire.

We have held 17 sub-committee meetings, 3 joint meetings of the sub-committees of constitutional reform and franchise, and 7 full committee meetings; the attendance at the meetings had been throughout very good and the members evinced keen interest in the discussions and the work that engaged them.

The committee regrets that Miss Padmaja Naidu, whose co-operation in the work of the committee was immensely valuable, could not be in the station after the 1st January 1938 and Dr. Latif Sayeed was unable to work actively on the committee for reasons of health. Navab Dost Mohamed Khan Bahadur, Mr. Laxuman Rao Ganu and Mr. Hasnuddin who had been co-opted, expressed their inability to work on the committee. Mrs. Rustomji and Mrs. Cornelius who had been deputed by the Hyderabad W.A.E. & S.A. to work on the committee rendered invaluable services to the committee till the later stages, when they were obliged to dissociate themselves from the committee as a result of the decision of their Association. The committee sincerely regrets that their co-operation was not available till the conclusion of its work and places on record its deep appreciation of the work they did.

Mr. Abul Hasan Syed Ali, Mr. Abdulla Pasha, Mr. Kalimuddin Ansari, and Mr. Mohamed Ahsan worked on the several sub-committees and the committee and sincerely cooperated with the convention in all its work. Till the last day of the full committee i.e. 23rd January 1938, their advice and help was available to the committee. In the last stages, however, they felt that in view of the fact that the question of reservation of seats for Muslims could not be satisfactorily settled, they should sever their connection with the Convention. It was suggested during the course of discussions that 50% of the seats proposed to be filled by the general constituencies should be reserved for the Muslims and if the committee agreed with the suggestion, it would inspire confidence in the Muslim Community. In the informal talks it was pointed out that reservation was unnecessary in view of the conditions and traditions prevalent in this State, but if it was insisted upon by the Muslim community a reservation of 20%, with liberty to contest other seats would be, probably agreed to, by the Hindu community. No agreement on this point could be reached and the talks were inconclusive. Mr. Abul Hasan Syed Ali and his three colleagues felt that this was a fundamental issue which affected their view point on other problems of franchise and delegation of power to legislatures, and as they did not agree with the principle of deciding such questions by majority, they could not cooperate with the convention any longer. The committee feels sorry that it should have been necessary for the gentlemen to withdraw at this stage; it, however, thanks them for the sincere work they did on the committee and appreciates the sincerity of the feeling which obliged them to withdraw from the convention.

#### ACKNOWLEDGMENTS

We desire to place on record our appreciation of the assistance which we have derived from the valuable replies we received from the people. Many of them have furnished us with separate memoranda on various details, which have helped the committee in its deliberations. Our thanks are due to the press for publicity given to our work, particularly to

the Hyderabad Bulletin, Payam, Nizam Vijaya, and Rayyat which published our questionnaire in extenso and helped us a great deal by the interest they created in the public on the subject. The committee records its appreciation of the indefatigable service rendered by the secretaries in carrying on the work of the committee to its completion. The Chairman is indebted to all the members of the Committee for their valuable cooperation with him and desires to acknowledge and appreciate the untiring energy with which Mr. Krishna Sarma and Mr. B. Ramakrishna Rao conducted the work of the convention and its committees.

### CONCLUSION

The problem of the future constitution of our State is something altogether different from the ordinary issues which interest the people in this country. To the man in the street, no doubt, it often seems a remote and uninteresting question; but the truth is, that whatever the right solution may be, there can be no question, that it will affect for good or for evil the lives of every body in this country as nothing else had done heretofore. Today, as in the past, Hyderabad is a key point in the structure of India and on the success of the present endeavour of the Government rests to a very large extent the creation of a greater and reascent India.

The problem could hardly be more difficult. The complications and contradictions of our society are such that no one could claim any one scheme to be an ideal solution of them all. Some element of compromise is thus inevitable. We cannot hope to find an ideal solution which is theoretically unassailable, because there can be no such thing. We must search for a solution which will take into account our own needs as well as those of greater India. It must be something, in short, which will fit as many of the facts as possible and in looking to the facts, we must remember all the various interests of the people of the State.

Responsibility for the decision rests, of course, on the Government and finally on H.E.H. the Nizam; but it has been made clear to us in our enquiry, that on whatever else the people may differ, there is one thing upon which almost every thinking man in the State could agree; it is that substantial constitutional changes in the State are becoming more and more necessary. The only real question is, therefore, what sort of changes shall be made? The Sovereign has power to introduce whatever changes he desires. But if the changes are to work they must take into account history, present conditions, and the tendencies of the future, which necessarily are conditioned by what is happening around us today. Only a few extremists are frank enough to advocate standing still. Another section appears to wish to retain things very much as they are now, with slight changes. Yet another section would provide any other conceivable form of constitution. On the basis explained hereafter, the only possible type of constitutional changes resolves itself into the parliamentary system, which was envisaged in the Royal Firmans and Messages, and which has been suggested in the following pages with due regard to the necessities and conditions of the State.

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## CHAPTER I.

### (a) Historical Back Ground.

#### PERSONAL AND MINISTERIAL RULE IN THE PAST

“Personal rule was the original form of Government in this State; Salar Jung I, almost converted it into a constitutional Monarchy”; these are the words in which the late His Highness Nawab Mir Mahbub Ali Khan Bahadur described the constitutional position in his Qanuncha Mubarak promulgated in 1892 A.D. The traditional form of Government in all Indian States from time immemorial has been personal or unitary, where the Head of the State is the supreme executive Head, as well as the source and sanction of Law and Power. This is the basic factor of the constitution in its internal aspect. In its external aspect there is the relation of the State with His Majesty's Government and the Government of India as defined by various treaties.

The administration of the State has been more or less under the complete control of the Diwans and it is a matter of history that Ministerial rule in the past has not always been completely satisfactory, either to the Ruler or to the ruled. Some Diwans are stated to have been responsible for the weakening of the powers of the State in various ways and for various reasons. This defect of the personal form of administration was realised long ago, by His late Highness, and clearly expressed by His Exalted Highness in his inaugural address delivered on the 16th Dai 1329 Fasli to the Executive Council.

#### QANUNCHA MUBARAK

His late Highness was pleased to consider this and other defects of administration as he then found them, and laid down certain detailed rules which were amended from time to time with a view to the better administration of the State. The two important and definite changes that were made, were the formation of the Cabinet Council and the Legislative Council.

“The Cabinet Council in its corporate capacity, is the highest deliberative body in Hyderabad State, subject to the orders of His Highness. It shall consist of the Minister as the President, and of the assistant ministers for the time being and of any other persons whom His Highness the Nizam may, from time to time, think fit to appoint. It shall be the duty of the Minister to give effect to the decisions of the Cabinet Council. But the Council itself and as such shall not exercise any executive authority”. (Vide para 3 Qanuncha Mubarak.) The Cabinet Council was, therefore, ineffective and in spite of occasional attempts made to rejuvenate it, it ceased to play any important part. Its collapse has been ascribed to its character merely as a deliberative body.

The Legislative Council established by the Qanuncha Mubarak stands more or less in the same condition with slight unimportant changes, the details of which have been treated in a separate paragraph hereafter.

#### EXECUTIVE COUNCIL.

The constitution continued to work even after the accession of the present His Exalted Highness to the throne till the 1st December 1914, when the administration was taken up directly by His Exalted Highness without the assistance of any Diwan or Madarul-Moham. Actual and direct experience of the administration made it clear to His Exalted

Highness that many defects had crept into the constitution of 1892 (1302F.), so that radical changes were necessary. He also felt that "the foundation of good Government should be laid more on political tradition and continuity than on personal qualities of the administrator." Consequent to this the present Executive Council was formed in 1329 Fasli. The important changes introduced by this reform was the substitution of the old Cabinet Council, which was merely an advisory body, by the Executive Council with full and definite powers of administration. A Council so constituted strengthened the administration in all its branches and offered sound advice on those matters affecting the larger interests of the State, that were specifically preserved for the exercise of H. E. H.'s own powers. It was laid down that when the President finds himself in minority, he may at his discretion refer any decision of the Council for the Ruler's orders with his own opinion and pending such orders, defer action. The detailed provisions dealing with the powers of the Council are not germane to our present task.

### LEGISLATIVE COUNCIL

The constitution of the present Legislative Council was laid down by the Hyderabad Legislative Council Regulation Act No. 3 of 1309 Fasli, which was slightly amended by Act No. 8 of the same year and again by Act No. 1 of 1315 Fasli. The Council consists of 21 members, of whom besides the President and the Vice-President eleven are official and six are non-official members; the remaining two being extraordinary members. All official members are nominated by the Prime Minister excepting the Chief Justice, the Legal Adviser and the Judicial Secretary who are members *ex-officio*. Of the six non-official members, two are Jagirdars whose annual income is Rs. 6,000/- and over, and two Pleaders of the High Court; both elected by those classes. The remaining two non-official members are nominated by the Prime Minister, from amongst the other subjects of H. E. H. the Nizam's Dominions, of whom one is a nominee of the Paigahs. Section 20, of the Legislative Council Regulations lays it down that the Council shall deal with, (a) consideration of petitions or other communications, (b) consideration of motions which members may desire to make in the Council and (c) consideration of Bills. The power of introducing Bills or bringing motions before the Council is further regulated by Section 34 of the said Regulations which lays down that no motion can be made or Bill introduced, without the sanction of the Prime Minister, which shall affect:—

- (a) The public Revenue or the Public Debt, or which tends to create any charge on such revenues or on the Public Treasury;
- (b) The religious beliefs and observances and the religious usages of any class of His Highness' subjects;
- (c) the maintenance and discipline of His Highness' troops;
- (d) the relations of His Highness' Government with British Government;
- (e) this Act; and
- (f) any other matter which may be in any way inconsistent with His Highness' orders in force for the time being."

If such a motion is brought or Bill introduced, with the Prime Minister's permission, it is further laid down that it shall not become Law unless it has received the assent of His Highness.

It is necessary at this stage to recapitulate the growth of the Hyderabad Legislative Council. The Council was the out-come of the Royal Firman of 6th Isfandar 1303 Fasli (9th January 1894) which followed the Qanuncha Mubarak closely. The Council, as introduced by the above Firman, consisted of 15 members, six of them being officials and six others being non-officials, both of whom were to be nominated by the Prime Minister, and

three members being ex-officio (the Chief Justice, the Judicial Secretary, and the Legal Adviser to the Government). Out of the six non-officials, two were to be drawn from the Jagirdars including Zamindars, two from the Vakils and two from the general public. Act No. 3 of 1309 Fasli increased the strength of official members of the Council by two making thus a total membership of 17 in the Council besides the President and the Vice President. A little change was effected in the non-official representation; two from Vakils and two from Jagirdars were as usual represented, one member was to represent the Paigah and another the public, of course to be nominated by the Prime Minister. This position continued for about six years when in 1315 Fasli (1905—06) the non-official strength was placed on par with the official group by the Act No. 1 that year which empowered the Prime Minister to choose two extraordinary members from either the outgoing members or the public. Six years elapsed before a further change in the composition of the Council was effected. The Firman of 1330 H. made an increase of 3 non-official members as an experiment for a period of six years making thus a total non-official membership of 11. Of the three, one was to represent the City Municipality and the other two were to be drawn from the Subha Local Boards by turns. This attempt, experimentally made, for having a non-official majority was unfortunately not continued after the period of experimentation was over. However, a further increase in the membership of the Council was made in the very next year (1331 H.) when a member representing Sarf-i-Khas Mubarak was allowed to be sent to the Council. Thus the Council of today dates back, in the matter of its composition to 1315 F. with the addition of a single member representing the Sarf-i-Khas.

#### FIRMAN-E-MUBARAK 1338 H.

The Firman-e-Mubarak above referred to, while conferring on the people the advantages of an institutional form of Government which was thought decidedly preferable "to the rule of a single administrator however able and distinguished", promised in the near future the reform of the Legislative Council. His Exalted Highness soon redeemed his promise by issuing a Firman-e-Mubarak on the 13th Jamadi-ul-Avval, 1338 H. (1329 Fasli) authorising the late Sir Ali Imam, the then President of the Executive Council to collect 'immediately' such material as would enable the preparation of a definite scheme of reform of Legislative Council. The lines on which such investigation should proceed were also clearly defined in the Firman and the following terms of reference were indicated:—

1. Considerable increase in the Elective element of the Council.
2. Method of Election by Direct Franchise.
3. Representation of special classes.
4. Protection of Minority Rights.
5. Conditions of Franchise.
6. Number of official Members.
7. Duties and powers of the Council and Members.

#### THE LATE RAI BALMUKUND'S ENQUIRY

In obedience to the above Firman the late Rai Balmukund, Ex-High Court Judge, was appointed a Special Officer to investigate into the conditions, collect the necessary materials and make recommendations. The Special Officer carried on his work for a year and a half and submitted his data and report to the Government. He is understood to have proposed the enlargement of the Council into a body of 104 members consisting of half nominated and half elected, by General and Special Constituencies. He seems to have favoured the grant of powers and functions somewhat approximating to those granted to British Indian



Provincial Legislatures under the Morley-Minto Reforms. The Franchise proposals also seem to have been worked out by him on the basis of materials collected by him, but they did not take any final shape and see the light of the day.

About three years later another Committee consisting of Nawab (Sir) Nizam Jung Bahadur, Nawab Tilawat Jung Bahadur, Nawab Sir Hyder Nawaz Jung Bahadur and Raja Bahadur G. Krishnamachari was appointed to review the material and submit a definite scheme. This Committee is also understood to have submitted the report and proposals. But matters have not taken any final shape till now.

### NON-OFFICIAL EFFORTS

During this period, public opinion has constantly been expressed at several public gatherings and conferences, though an organised effort in the demand has not been possible. The Hyderabad State Reform Association formed in 1331 Fasli attempted to hold a public conference with a view to educate and organise public opinion on this subject, but could not do so for want of permission. However, the Association submitted a scheme for the expansion of the Legislature according to the needs of those times. Besides this a Deputation consisting of some of the influential people waited on the then President for the purpose. When the second Committee mentioned above was appointed, a public meeting was held in which while thanking gratefully His Exalted Highness, it was requested that the proposed scheme of reforms may be published for eliciting public opinion. But no such contingency arose for reasons mentioned above. The Hyderabad Political Conference held in 1931 adopted a Resolution requesting for the introduction of Constitutional Reforms with responsible Government as its ultimate goal. The standing Committee of the Hyderabad Political Conference submitted a Memorandum on the eve of the Silver Jubilee of His Exalted Highness praying for an expansion of the Legislative Council. Lately, Mr. K. S. Vaidya, a nominated member of the Legislative Council sought permission for the introduction of a Bill, to amend the existing Legislative Council Regulations. The deep and extensive interest taken by the people and the local Press in the Bill may be a gauge of public feeling in the matter of constitutional Reforms. Public meetings were held to thank the author of the Bill, in spite of its ultra-moderate nature. Minority communities such as the Anglo Indians and Harijans, not to speak of the other advanced sections, considered the urgency of the reforms and gave their full support to the idea of Legislative reform. Even the adverse criticism levelled against the Bill was on technical grounds and never was it against the idea of a change. Suffice it to say, that the proposed Constitutional Reforms have been only too anxiously awaited by the public as can be understood from what they have expressed and much more so from what they have not been able to express.

### IYENGAR COMMITTEE

It was 13 years since the Nizam Jung Committee submitted its proposals, but the Government did not make up their mind to move further. His Exalted Highness has "since then given constant and anxious thought to the problem", resolved that "preparatory steps be taken in this direction before the close of the Jubilee year". An independent and experienced body consisting of officials and non-officials alike with the following personnel was appointed by Royal Command; Dewan Bahadur S. Aravamadu Iyengar, M.B.E. (Chairman), Mr. G. M. Quraishi, Mr. K. S. Vaidya, Mr. Akbar Ali Khan, and Professor Qadir Husain Khan. The terms of reference of this Committee were "keeping in view the conditions in and the requirements and circumstances of the State, to investigate and report on all suitable alternatives for the more effective association of the different interests in the State with the Government, where-by the latter may be placed in the continuous possession of their needs and desires"

The announcement of the Committee evoked some dissatisfaction as the press reflected it immediately. A general disappointment was felt among the people because of its terms of reference and the procedure for adopting or rejecting its recommendations. The scope and procedure of the work of the Committee has been very restricted. However, the Government later made it possible for the Committee to receive representations from the public, though no evidence was to be taken on any particular plan.

The story of Constitutional Reforms in Hyderabad is, thus, a story of procrastination and wasted effort, and as His Exalted Highness is fully aware of it, he has, therefore, been graciously pleased to emphasise the need for expedition, so that whatever progressive measures are to be inaugurated may have the grace of being introduced without delay. The Committee expresses its deep gratitude to His Exalted Highness, for his gracious message and commands and places on record its unswerving loyalty and devotion to His person and the Asaf Jahi Dynasty.

## (b) Problems before us

### RESPONSIBLE GOVERNMENT

There are certain fundamental considerations to be borne in mind relating to Constitutional Reforms. In the first place a constitution is not made, but grows. Any new plan must evolve out of historic conditions and traditions in response to the new needs and new facts. In this State we have had certain constitutional developments and other activities, notably the various public Conferences both official as well as non-official. We have had the rudiments of a Legislature and Local Self-Government Institutions, such as the Corporation and the Local Boards. Finally, we have the basic tradition of the Sovereignty of the Head of the State. All new constructions today must be built on these foundations, with due regard to the potentialities of political education, which the rural population have. These are the problems that have been before the Committee in giving shape to its decisions of principle and policy.

But there are wider issues still. Though under the Terms of Reference, the Committee has not been called upon to express its view regarding the phrase Responsible Government, certain circumstances have necessitated the clarification of the phrase. It is no secret that the Committee was faced with the task of meeting much hostile criticism and interested propoganda. It was argued that the very idea of any form of Responsible Government was incompatible with the preservation of the Royal Powers. To remove this misconception, with which we shall deal later, the following statement was published in the local press by this Committee, in this connection.

“It is regrettable that the term ‘Responsible Government’, which is used in the Terms of Reference proposed by the Hyderabad People’s Convention, is being misunderstood in some quarters. The words as used in the Terms of Reference mean merely a form of administration wherein the Executive, which will always be responsible to H.E.H., will become also responsible to the Legislature, which again is ultimately responsible to the Ruler; the extent and limits of such responsibility will be laid down and liable to be altered from time to time by H.E.H. It does not and cannot mean under any form of Responsible Government in the State the diminution or deprivation of, or encroachment upon, the powers or Royal

Prerogatives of H.E.H. the Nizam and the Asaf Jahi Dynasty. It is, therefore, expected that the public will wait for the definite proposals of the Convention and then form opinions and will not be led away by any misinterpretation, doubt or prejudice."

### MONARCHY AND RESPONSIBLE GOVERNMENT

The Head of the State in Hyderabad is the supreme Executive Head, as well as the source and sanction of Law. In other words, Hyderabad is a unitary State. In such a polity, the Head of the State exercises, as representing the people's Sovereignty directly and primarily in his person, a double prerogative of creating and uncreating the organ of the Government, the executive. The Ruler, thus, stands in an even more direct and vital relationship to the people than the members of the Assemblies and Councils. This unitary Sovereignty of the Head has to be incorporated with and into the body politic, to preserve the parity and equipoise of the political situation. No one understood better than His Exalted Highness this need of the times when he declared so graciously in his Royal Firman of 1338 H. that, "One important condition of success in the prosecution of any large scheme of public good is the adoption of administrative methods to the requirements of the objects intended, as the principle in good Government is more a matter of political system than of the personal attributes of the Ruler." The Firman further conferred on the people "The benefits of a measure of devolution of power and authority compatible with the requirements of good Government". It also promised "to create more frequent opportunities of co-operation between official and non-official classes in the common work of promoting the happiness and prosperity of all". The only interpretation that can be put upon the recent announcement wherein, the Government was asked by the Ruler to prepare a scheme whereby "it may be placed in the continuous possession of the needs and the desires of the people" can be, that this unity between the Head and the people should be more effectively and practically realised than at present, and that it should not be sundered by any machinery acting as buffers between them.

The criticism has been often levelled that the very idea of Responsible Government is incompatible with a unitary form of administration with a hereditary Ruler at its head. But this criticism proceeds on the assumption that the form of Responsible Government should be identical every where, whatever the circumstances may be. With this we do not agree.

In all oriental States, especially in India, we have had such unitary types of Government, headed by Kings who were the embodiment of Dharma or Law; This Dharma was evolved and maintained through popular assemblies which functioned as the organs of the body politic. History bears ample testimony to the fact of the existence of such popular councils and bodies, which did exercise effective control over the Executive and the Supreme Head of the Government. These institutions, however, ran into disuse weakening the democratic foundations of Indian Polity. However, it is fortunate that this decentralised and autonomous type of administration still exists, though in a very crude form, in the shape of village organisations. It is this harmonious blending of the collective will of the people with the Supreme Head of the State that makes his representative capacity more real, more articulate and broader-based on the affections of the people; it was such harmony that was aimed at and realised by the seer-statesmen of ancient India.

It is, therefore, not correct to say, that there can be no Responsible Government in a State. It is true that there will be no responsible Government in the strict and technical British sense of the term. That model is built on a dualistic plan, not conforming to the plan of a unitary state like Hyderabad. But, it is not impossible to devise means, whereby the executive, which owes its appointment and removal to the Head of the State, can still be made

responsible in an effective manner to the popular will. Because, after all, as sir C. Sankaran Nair puts it in his Minute of Dissent to the Government of India Despatch of 1919, "What 'responsibility' implies is, the subordination of the Executive to the Legislative Council composed of the representatives of the people. For this purpose, it makes no difference whether they are Governments nominated by the Legislative Council, or not. The essential point is that they must carry out the will of the Legislature in every respect". In fact, it is such devices alone that can strengthen the control of the Executive by the Ruler and make it more effective. Under such a plan the ministers will be responsible to the Head of the State for what they advise or fail to advise; and at the same, time they are constantly under the control of popular Assemblies. In matters of administration there will, no doubt, be some decentralisation of power, but the unity between the Head of the State and the people must not be sundered by an intermediary bureaucracy placed as buffers between them. Where the ministers are directly responsible to the people, they may be centres of delegated power without prejudice to the general interest. But, a ministry which is not responsible to the people, tends to form into a centre of independent delegated sovereign authority, serving as a barrier between the king and the people. In a state of the unitary pattern, therefore, whatever delegation of sovereign power there is, must be to popular bodies or corporations representing the people, and the Executive appointed by the King should be made responsible to those bodies for carrying out their will. There is, therefore, no fundamental incompatibility as alleged by some people.

### TENDENCIES OF THE TIMES

The educational and social advancement that has been brought about during the last quarter of a century of the gracious rule of His Exalted Highness has been un-precedented. It is no exaggeration to say that the progress of the State within the period has been unparalleled by what was achieved even in a hundred years before, and it has been due, in no small measure, to the keen and personal interest His Exalted Highness has always taken in the welfare of the people and the development of the State.

Spread of education is in itself a most powerful instrument of democratisation. Old feudal values of the medieval times have been altered and the process of equalisation in all spheres of life is remarkably apparent. The youth of the country, with its increasing contacts intellectual, social, and political with the rest of the world, has begun to imbibe the spirit of civic responsibility, permeating every-where. The intelligence and active interest which our University students in particular and the educated classes in general are evincing in popular movements and matters pertaining to citizenship rights, is an index of the sign of the times. The political struggle going on in British India and in some of the Indian States, however small they may be, cannot fail to have its natural repercussions on the feelings and sentiments of the people of this State. It would be deceiving ourselves, if we entertain the complacent belief that our State has been untouched by the thought-streams and motive-currents, which are now acting and reacting around us.

That there has been no sufficient indication of the working of these currents and cross-currents in the civic or political life of the State is no true gauge of the real depth and strength of the forces. This peculiar state of affairs, wherein all political culture is more in the nature of inhibition than expression is due to the lack of means and opportunities for self expression, and definitely points out to the conditions and restrictions under which the people of the State labour, in regard to freedom of speech and association, rather than to any indifference to, or lack of civic and political consciousness.

## CONDITIONS OF THE PEOPLE

We have already referred to the phenomenal advance that our State has made during the last quarter of a century. The establishment of the Osmania University and the consequent spread of education among a large number of people has led to a wide awakening throughout the State. Although the percentage of literacy in the State, so far as the masses are concerned, has not made any appreciable advance, higher education having received special preferential encouragement at the hands of the Government, a large section of the intelligentsia who are certainly aware of the rights and responsibilities of citizenship, has been created. It is gradually spreading to nooks and corners of the Dominions. On an average the State is turning out every year about 1,000 young men who get through the High School examinations; the colleges in the State are also contributing annually a number of graduates to the intelligentsia. In any sphere of life these people are bound to be responsible citizens of the State, if their education has any meaning.

The economic condition of the State during the last decade must be reckoned as disappointing and depressing. Beneath the apparent prosperity which the casual visitors from outside are apt to observe there is the undeniable, deep-rooted poverty of the agriculturist masses, who really constitute the bulk of the people of the State. It needs no statistical knowledge and census material to realise the way in which these masses of the people have been drained of even their last resources. The unfailing scarcity and famine and the frequent remissions of land revenue by the Government are a conclusive proof of the depth of depression to which these people are subjected. This situation does not seem to be, as some of them have been led to think, a passing phase. The realisation that there is something wrong fundamentally in the system of administration is, slowly but surely, dawning on the villagers. The administration itself, on the other hand, is tending to become unmanageably top-heavy, and in spite of generous provisions made in the budgets for all departments, the net result of the endeavours made by the nation-building departments does not come to the minimum level of the expectations of the people. The administrative machinery is so cumbrous and complicated, that the villagers cannot have their ordinary needs of daily life fulfilled expeditiously, without being tossed between several officers and offices. The proverbial Red-Tape has driven away the villager farther and farther and has defeated its own purpose.

All these conditions put together have created, a strong though vague, impression among the masses of the people that their grievances should be ventilated as often as possible, if any redress is sought. The people have begun to be more vocal in spite of the restrictions on the freedom of speech and association, which unfortunately stifle all public opinion and force it to go underground. The various conferences in the three provinces of Hyderabad, held under several restrictions and conditions, prove that they are fulfilling an urgent need of the people, in dealing with questions of their welfare and progress.

Some critics might be imagined to say, that the people of Hyderabad lack sufficient political training to acquit themselves creditably, if even the least measure of constitutional reform is granted to them at this juncture. It is true that the people of Hyderabad have not had any direct actual political training in working representative institutions. But our own experience of the public at large in different spheres of activity has convinced us, that they do possess sound commonsense and an intelligent grasp of affairs which are, after all, the foundation of all civic training. Given the needed opportunity and environment the Hyderabadis will not be far behind their brethren in British India, in their capacity and efficiency of discharging the highest civic responsibilities.

## BRITISH INDIA AND HYDERABAD

While there are important social and economic problems that are common to India as a whole, and Hyderabad will have to make its own contribution to the efforts of finding a common solution for them; the peculiar nature of the British Indian political problems does not present itself in this State. The interests of the Ruler and the ruled are for ever inalienable and absolutely identical. The problem of the people of the State is not to wrest power from a foreign and unwilling bureaucracy, but to effect a happy readjustment of the constitutional machinery to suit the progressive nature and tendency of the times. We, therefore, feel that the restaging of the scenes of political struggle in British India is wholly unnecessary and should never be contemplated either by the Government or by the people. The fact that some of the foremost Indian States have not conceded to their people anything more than the rudimentary form of Councils etc., should not at all be a reason, why this Premier State should follow their erroneous lead. The grant of a liberal measure of reforms will not only stabilise the situation, but pave the way also for a peaceful and harmonious development of the State.

The observations made above, however, do not mean that the Committee has not given due weight to the more conservative opinion, advocating caution and slow progress. The Committee has considered and reconsidered all problems from different points of view and has formulated its proposals with due regard to moderation and after giving considerable importance to the more cautious view of some of its own members and of the outside public; and it is hoped that the following pages will testify to the spirit of approach adopted by the Committee.

### CONSTITUTIONAL DEVELOPMENTS INTERNAL & EXTERNAL

The constitutional developments in British India, since the Round Table Conference have had direct influence both on the internal and external aspects of constitutional problems of our State. The participation of our State in the deliberations of the Round Table Conference and the acceptance of the idea of an All India Federation as "within the range of practical politics" by our delegates has its own political implications. We do not desire to express our own opinion, as we are not called upon to do so, under the terms of reference, on the question of Federation *vis-a-vis* our State. We merely refer to the fact that this idea itself has roused political consciousness among the people in an unprecedented degree. People who cared very little for politics seem to be deeply interested in the constitutional, economic, and political implications of Federation. One of these implications is the inevitability of the introduction of representative institutions and popularisation of the internal administration of the State. The rendition of Administered Areas and the arrangements regarding Berárs entered into, between the Government of India and our State, have further strengthened the necessity of our coming into line with the adjoining provinces of British India. The tendencies in other Indian States have undoubtedly been progressive of late, and most Indian States now have Assemblies or Legislative Councils, with properly elected representatives. In some small States, which are easily equalled by some of our big Jagirs or Samsthans, there are full fledged parliamentary institutions, working on a satisfactory basis. It would, therefore be unreasonable for any body in this Premier Indian State to say, that Constitutional Reforms are either unnecessary or that the people are not ready for them. We are aware of no thinking people who hold this view, and if such views are expressed in any form, we dare say, that they are not the genuine opinions of the people. Whatever opinion people may hold with regard to Federation, there can be no two opinions on this question of internal constitutional reforms, which is a necessity of the times. There may be divergence of views with regard to the relative importance of the two problems at the present juncture, but we are confident, there are none who deny the necessity of the latter. There may also be differences of opinion regarding

the form which constitutional changes ought to take in this State. But there is no reactionary who desires to remain static surrounded by the dynamic forces acting around us. On the other hand, an overwhelming majority of thinking people feel that changes are inevitable and that they should not be made in a grudging spirit or with mental reservations. They should be liberal and consistent with the growing needs of the times and "educational and moral advancement" of the people and with stability and good Government.

### COMMUNAL ASPECT

The one great misfortune of India is the struggle between different communities on the basis of religion which they profess. This struggle for power, will, on a proper analysis be found to be based on the economic and political ambition of the people, rather than on any real religious antagonism. The religious and cultural diversities of Indian people have been fully exploited and harnessed to this struggle, but in essence, the struggle is not religious but economic and political. Our State fortunately ruled by the Asaf Jahi Dynasty, which has been remarkable for its tolerance and generosity has been completely free from any touch of this taint; and is, even now, comparatively the best place in India from the point of view of communal amity and friendship. It has been and is still the deserving boast of the State and its people that they give lesson to people around them in British India, in this matter. But it cannot be denied that the atmosphere in British India has had its repercussion in this State. The Government are alive to this fact and there is no doubt they will take proper steps to meet the situation. We believe that if properly worked out, the constitutional changes contemplated by the Government ought to minimise the communal feeling rather than enhance it, as feared by some people. In British India there were several reasons for the growth of communal feeling, which do not exist here. The social and economic position of the Muslims in this State is different from that of their brethren in British India and therefore their problems are essentially different here from what they are in British India.

The Adi-Hindus or Harijans and other Backward classes among Hindus deserve the sympathy of all other communities and the Committee is confident that there is a growing sense even among the orthodox section of the Hindus to help their brethren of the Backward classes. The very fact, that not one of the replies we have received has suggested communal electorates and not a single member of this Committee has advocated the idea, proves conclusively the comparative absence of communal outlook in the civic and political life of the State.

### DIFFERENT SUGGESTIONS AND PROPOSALS

We have referred to the possible divergence of opinion among people with regard to the form of constitutional changes in the preceding paragraphs. Among those who admit the necessity of reforms, may be found, some people who take exception to the introduction of parliamentary institutions. They argue that parliamentary institutions have failed in other countries and that, at any rate, they are not suitable to the genius of the people of our State. They also feel that, after all, good Government being the end, at which all should aim, importance should not be attached to the form of Government. We are not called upon to enter any defence for parliamentary institutions, but these critics forget one fundamental fact that, after all, parliamentary governments are the only stable and popular governments. In a desperate effort to get out of the difficulties and conflicts which the elective system naturally involves, specially in our country with its peculiar complexities, they express a vague desire to strike some golden mean. But they cannot suggest any definite plan. Sometimes, it is suggested, that different interests should be somehow represented in, and associated with, the Legislature. But, we think, that the formation of interest groups on any intelligible basis is outside the question in the present state

of affairs. With education so low as in our State, with the entire absence of any social organisation on a facultative model, and in the face of strong dislike of any attempt to foist fresh groups to supplant the old caste groups, which are themselves disintegrating, it is not possible to adopt any such model for our constitution. The creation of artificial groups for purposes of franchise, will lead to needless complications in the society ; and such groups cannot make the Legislature popular or representative in any real sense. With all their defects parliamentary institutions have come to stay in India, at least for sometimes to come and it is impossible to dislodge the strong predilection in their favour which the people entertain. The people of Indian States naturally look to their adjoining provinces for emulation and even their Governments take their model from them. The Committee of course feels that having as we do " the advantage of being born late ", in the sphere we can learn from the experience of our neighbours and should not repeat their mistakes and fall into the pitfalls. It is inevitable, however, that we come into line with the rest of British India and Indian India, preserving, so far as we can, the peculiar features and traditions of our State, so that we may develop into the greater Hyderabad of tomorrow, which has to make its suitable contribution to the greater India of the future.

There are certain other suggestions that deserve notice. A few people who have replied to our questionnaire have suggested a sort of Tri-lingual confederacy—the Telingana Marathwadi and Karnatak—with three separate provincial Legislatures and a central Legislature at Hyderabad. The idea may have some logical basis for it, but the committee feels, that it is beyond practical politics.

Another suggestion of Dr. Jaisurya Naidu was, that the village elective principle should be introduced in the State. He would group the villages of the State into units of 100 villages each, to return a member to the Central Legislature from each such constituency. This scheme presupposes the existence of village organisations functioning briskly as important bodies of local administration. From the village units to district councils, and from the councils to the Legislature he proposes an indirect method of representation. The plan under different circumstances and a different social system might prove very advantageous. In our State, however, we feel, it is not practicable at present, in view of the efficiency and intelligence that is required to make such a political system successful.

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## CHAPTER II.

### CONSTITUTIONAL REFORMS & THEIR SCOPE

The Terms of Reference laid down for the Special Committee appointed by the Government are as follows :—

“ Keeping in view the conditions in and the requirements and circumstances of the State, to investigate and report on all suitable alternatives for the more effective association of the different interests in the State with the Government, whereby the latter may be placed in the continuous possession of their needs and desires.”

The appointment of the Committee created considerable public interest in the State. The people who expected to hear a definite pronouncement indicating the broad outline of the policy, or the scheme or the method, by which it was proposed to implement that policy, were naturally disappointed, as there was no clear enunciation of any policy or promise of any kind. The Terms of Reference were therefore criticised as being “ beautifully vague.” The Government, however, made it clear that they were deliberately designed to be wide, so as to include a comprehensive study of all possible methods of closer contact between the people and the Government. As the present announcement is a continuation of the policy laid down in the Firman-e-Mubarak of 1338 H., it naturally follows that the scope of the enquiry regarding Constitutional Reforms is enlarged to meet the requirements of the present situation.

In view of all these circumstances, we have been led to include within the scope of our enquiry the problems of Local Self Government and the establishment of other bodies which will secure the closer co-operation of the Government and the people creating more effective association with each other in the Administration.

### RE-ORGANISATION OF LEGISLATURE

The Firman of 1338 H. aimed at the expansion of the existing Legislative Council into a body with an elected majority and with powers that would make it ‘ an important part of the machinery of the Government’. As we have pointed out above, in the foregoing paragraphs, the recent message of His Exalted Highness conveyng the announcement of Constitutional Reforms obviously goes further and widens the scope of the contemplated changes. Considering the tendencies of the present times, and the phenomenal educational and social advance of the people, we feel that the mere expansion of the present Legislative Council will not meet the needs of the situation. What is needed is a complete reorganisation of the constitution. Nothing less than a thorough over-hauling and reconstruction of the Legislature on an entirely new and popular basis will satisfy the requirements of the day. We have therefore proposed a reconstruction of the institution of Legislature on a bi-cameral basis.

### UNI-CAMERAL OR BI-CAMERAL

The general trend of the replies we have received to the questionnaire definitely points towards the formation of a unicameral Legislature. The reasons advanced in favour of a single chamber by these people can be summed up us under.

A bi-cameral Legislature is like a cart with a horse hitched to each end, both pulling in opposite directons. The law is the will of the people, and the people, at the same time, cannot have two wills. The second house is a cumbrous device calling forth for special method

of election and entails a huge waste. The double house system creates inevitably discard, division and deadlock. It acts, with its conservative composition as a drag upon the popular house; where it does not, due to clever devices, it is merely a replica of the other. It is difficult to find the material from which to constitute two houses. It gives undue protection to vested interests from legislative interference. These are the reasons advanced in support of the idea that the creation of a second chamber is undesirable.

The case for the bi-cameral basis as explained by the replies can be put into the following words. The second chamber prevents hasty Legislation and secures proper representation of interests and minorities. The tyranny of majorities, however popular they may be, can be avoided by the second chamber. An adequate representation of the mass of the rural people is possible only in a bi-cameral system. The lower house will be a training ground for our rural leaders who ought to be ultimately returned to the council in large numbers. Unless we bring the ryots into the halls of our Legislature all reforms will be useless. Further, they urge that the consideration of Legislation by one house is inadequate and that the second chamber is the best revisory instrument. There is a considerable utility in devising the first chamber as a preparatory house even when the idea of the revising chamber is not accepted. Our problems are so many, our political life is yet so young, our interests so varied and conflicting, that a preliminary house for real debate and discussion, of sincere inquiry into policies of administration will prove a great source of constructive strength to the Government. It will clarify the issues and serve as a guiding light to the Legislature. It would be the finest nursery for statesmen and real national workers.

After considering this question with very special care in relation to the circumstances obtaining in the State, we have decided for the present against uni-cameral Legislature. The constitutional survey of the world's Legislatures reveals a variety of experiments and conclusions. Champions are not found wanting for both the systems. According to the one school, "Political experience condemns the uni-cameral system." The other school maintains that the bi-cameral institution is undemocratic. In the history of the growth of constitutional reforms in British India this divergence of opinion has been very marked. The Montague-Chelmsford Reforms suggested the uni-cameral system whereas the Indian Statutory Commission proposed the contrary. The present Act incorporates both the systems, some provinces having uni-cameral and some having bi-cameral Legislatures. There are very few instances of unicameral Legislatures in the world, though a decisive tendency for its adoption is visible in some nations, especially in post-war constitutions. But in some countries which have adopted the fascist conception we find that the establishment of two chambers have been found to be inevitable. We consider that the unitary type of the constitution such as of our State the bi-cameral system would be more appropriate and will contribute to greater facility and stability. We do not however, propose to examine the problem merely from an academic point of view. The fundamental objection of those who have urged the single chamber against the bi-cameral institution is that in the event of the introduction of the latter the upper chamber will be a drag; in other words, their objection is to the composition of the house. It was pointed out in the deliberations of the Committee that the capitalists of Hyderabad do not have, as in other countries, vast industrial interests but their interests were directly connected with the peasantry. Experience does not help us to know the tendencies of the capitalist class in our State regarding problems concerning the development of the State. The Committee's proposal for filling up 25% of the total number of seats of the second chamber or the council from among the elected members of the Assembly restricts the possibility of the play of conservative elements or possible deadlocks in the Legislature. We have borne in mind in coming to this

conclusion the traditions and the social construction in this State, and at the same time the need of a sufficiently low franchise. However, the system may be tried; as political experience after the introduction of Reforms gains volume, we think that question might bear further consideration by the periodic commission which we propose hereafter.

### STRENGTH AND COMPOSITION.

The strength of the popular houses of Legislature was a subject of considerable discussion in the Committee. The figures proposed by the members varied, just as the replies to the questionnaire. The figures in the replies ranged from a minimum of 27 in the case of the Council and 100 in the case of the Assembly to a maximum of 144 and 300 respectively. We feel that the strength of any Legislature cannot be determined with reference to any single guiding principle. There are several considerations which have to be borne in mind while arriving at a proper figure. The Legislature ought not to be too unwieldy; but it should not also be so limited in its strength as to diminish its representative character. The size of the Legislature should be in conformity not only with the premier position which our State occupies in regard to the extent of the area, vastness of population and the richness and variety of interests and sections of the people, but also with the principle of its being based on as broad a franchise as circumstances permit. We have, therefore, proposed that the Legislative Assembly should be constituted of a total strength of 200 members and the Legislative Council of 65 members.

Most of the replies received by us have suggested details regarding the composition of the Legislature as proposed by them. They have intelligently worked out even the minutest details, which have considerably helped the committee's deliberations. A large majority of those who have suggested the establishment of a bi-cameral Legislature are of the opinion that there should be no nominated members in the Assembly. But there are some important considerations which have weighed with the committee in proposing nomination even in the Assembly for the present. The first consideration is the fact that our Legislature is being put on a really popular basis after 44 years of its existence for the first time; it would, therefore, be in the interest of the constructive growth of the institution to have a certain number of officials with actual administrative experience in the Legislatures. Nomination is also a device to make up any possible inequality or total non-representation of any interest or community that might arise as a result of elections. It is specially needed in the initial stages of the introduction of the elective system in the Legislature. We have, therefore, thought fit to propose that one-sixth of the total number of members be nominated by the Government in the Assembly and one-fourth in the Council.

### ALLOCATION OF SEATS.

This subject engaged the serious consideration of the Committee and the allocation suggested by us is the most satisfactory from the point of view of adjustment of all interests. The details which we have given in schedule (A) hereafter will show that the number of the nominated members officials and non-officials included, is 33 and 16 in the Assembly and the Council respectively. We have not suggested any ratio of officials and non-officials in the above number, but we hope the Government will follow the convention of nominating half officials and non-officials which they have followed in the Municipal Corporation. The special interests represented are (1) University Graduates, (2) Commerce and Industries, (3) Sahukars and Bankers, (4) Jagirdars, (5) Zamindars, Inamdars other Mashdars, (6) Women (7) Labour, (8) Adi-Hindus, (9) Sikhs, and (10) Christians. We have proposed to

allocate two seats for the University Constituency which will include the members of the governing body, the Senate and the Syndicate of the Osmania University and all registered graduates of any British or Indian University having residence in Hyderabad State. The Sahukars and Bankers form a different group of interest altogether; hence they have been given separate representation. Jagirdars, Zamindars, and Mashdar are the most important class of people in the State. Though it is from this class of people that members will generally be returned by election, yet as a class having special status in the State, it is proposed to give these two groups 4 and 5 seats respectively not to be elected by their special institutions. The question of franchise for women has been dealt with elsewhere in this report; but we may state here that women will, at least for some to come, not compete in general electorates and get elected except perhaps in Hyderabad City. Though we have proposed special methods of enfranchising a proper number of women at present, they have been treated as a special group for purposes of representation. There are Women's associations, some of them sufficiently representative and well-organized, and we feel that besides giving women the freedom and opportunity of contesting the elections, these Associations should be allowed to elect 5 women representatives to the Assembly. The question of Adi Hindus was the subject of some controversy and negotiation in the committee meetings. The Memoranda submitted by their Associations demanded reservation of seats in proportion to the percentage of their population. It was finally agreed, that in view of the special backwardness of the classes, contest in general elections will do no good even if reservation of seats were accepted; Hence considering their importance and special protection they need, it was unanimously decided that their recognised institutions should be given the choice to elect 10 representatives to the Assembly. The Memorandum of the Christian Association did not desire any special reservation for their community; but lest they might not be represented at all in the general elections, we have suggested the provision of special representation of one member each to be elected by their representative institutions for Christians, Parsis and Sikhs.

Our allocations of seats in the General Constituency is liable to be criticised both from the conservative and the radical point of view. But, we have, in view of the special conditions of our State proposed that the City of Hyderabad and the District Headquarters be given special importance in the allotment of seats. It is these places from where we can expect the intelligentsia to get elected to the Legislatures. This division of ours also obviates or at best minimises the necessity of any reservation of seats for the Muslim Community with which question we shall deal later.

So far as the Council is concerned we have suggested the election of 16 members from the Assembly from among its elected members and 33 members to be elected by a General Electorate divided into territorial constituencies. We have so proposed the qualifications of the electors that it seems to secure the representation of all landed and other vested interests also on a popular basis. We feel that this allocation will be satisfactory in view of the conditions of our State.

#### POWERS AND LIMITATIONS

In order to render the Legislature 'an important part of the machinery of the Government', it is necessary that the functions of the legislature should be so prescribed as to include effective means of expressing the popular will through the Legislature. The following are its important functions:—1. Legislation, 2. Interpellation, 3. Resolution, 4. Discussion and voting of the Budget, 5. Taxation. Any liberal measure of reform should proceed by accepting the principle that the Legislature should have these powers and perform all the functions; otherwise the object of achieving the effective association of the people with the Government cannot be realised.

But there are certain constitutional limitations on the exercise by the Legislature of all these functions. Such limitations are of two kinds ; those that arise out of the unitary type of Government which is the basic factor of any constitutional development in the State and those that spring out of the need for imposing certain constitutional checks and safeguards against any possible improper exercise of the powers delegated to the Legislatures, by the popular representatives. Hence there will be certain subjects which will be entirely excluded from the purview of the legislature, and certain subjects which come within its purview provided certain conditions are fulfilled. The former class consists of the power of ratification, veto and other prerogatives. The Ruler of the State is not only the supreme Head of the Government but also the source and sanction of Law. The latter are merely matters of constitutional procedure and details which are dealt with in the recommendations of the Committee. These limitations will make the Legislatures really effective, in the real sense, without exposing them to the risk of serious situations and deadlocks.

### ROYAL PREROGATIVES AND POWERS

Royal prerogatives can be classified under two heads: the Legislative and the Executive. So far as the functions of the legislature is concerned the central source of all legislation being the Ruler himself, it necessarily follows that all legislation has to receive Royal assent, before it can come into force as Law. No doubt as a matter of constitutional procedure this power of legislation having been delegated to the Legislatures, the prerogative of the Royal veto is rarely exercised. But in times of emergency it is the most effective method of controlling the law making power of popular assemblies.

As we have already remarked elsewhere in this report the peculiar form of responsible Government envisaged in our proposals is based on the undoubted rights and prerogatives of the Ruler to appoint and remove the executive at his discretion. The Ruler as the supreme Head of the administration of the State enjoys naturally and traditionally large executive powers and will continue to do so under the constitution which is embodied in this report. The power of ratification and veto, the right of initiating extraordinary and emergency legislation, of creating and uncreating the executive, of prorogating of the Council, of the dissolution of the houses and the amendment of the Constitution and such other powers which form part of the Royal prerogatives are shown in detail in our recommendations.

### ADJUSTMENT OF RESPONSIBILITY

The problem of the adjustment of responsibility in a peculiar constitution like ours is beset with many difficulties. A bi-cameral legislature and an executive appointed by and primarily responsible to the Ruler may become, sometimes, a source of conflict; constitutional devices and adjustments will have to be provided for avoiding any possible conflict and deadlock. The element of responsibility that we desire to introduce will be evident by our proposal that half the members of the executive Council should be appointed by His Exalted Highness from among the elected members of the Legislature. This proposal of ours definitely preserves intact the undoubted right and prerogative of the Sovereign to appoint the ministry; at the same time it ensures the appointment of a certain number of members of the executive council who would enjoy the confidence of the elected majority of the Legislature. It may look rather strange and novel at first that such a suggestion is made. But the Committee is strengthened in its view by the recent pronouncement of the Maharaja of Cochin, who has actually brought this principle into practice by appointing an elected member of the Legislature to act as a minister assisting the the Dewan by administering certain transferred subjects. We feel confident that it is neither impracticable, nor in any way inconsistent with the idea of responsibility, which

we have proposed. We have therefore recommended that certain nation building departments might be administered by these non-official ministers.\*

This does not mean the introduction of the system of Dyarchy of the type which was in vogue in British India sometime back. None of the defects that were present inherently in the system of the dualistic type of Government will find a place here. So far as the constitutional relations of the two chambers are concerned the usual safeguards have been provided for in the form of joint sessions and wide powers of ratification etc. vested in the Government and finally in the Ruler himself. The limitations on the powers of the Legislatures as suggested by us, are themselves sufficient safeguards to avert any situation arising out of the misuse of the powers conferred upon them by the new constitution.

## 2. FRANCHISE PROBLEMS

### ADULT FRANCHISE

The problems of franchise were the subject of careful consideration by the Committee. It was by no means easy for the committee to collect the data necessary for coming to a proper decision based on accurate statistics. Except the Census Report of 1931, no authoritative reports or statistics are available. Even the correct number of persons paying land revenue to Government could not be available. The Committee had to piece together information from different sources and arrive at results which are only approximately correct; it is therefore expected that their figures for which no precision is claimed, will not be scrutinized in that light.

Some replies that we have received to our questionnaire have suggested that adult franchise may be adopted. We have on careful examination of the material at our disposal discarded the idea as impracticable. The reasons that have been discussed at length in the Lothian Committee's Report hold good to a great extent, though we do not endorse all their observations in their entirety. We agree with them in their result that Adult Franchise is unworkable in the present state of affairs. There is greater reason in not adopting it in our State than in British India. But at the same time we are not disposed to attach so much weight to the argument that the general back-wardness of the rural population should be a source of

\* The Indian Medical Association, Hyderabad Deccan Branch, has sent us the following resolution adopted by it in this connection: "Resolved that the Hyderabad Branch of the Indian Medical Association is of the opinion that men and women of the medical profession form an important part of the citizens of the country and are responsible for the health and general welfare of the people, and are in some aspects indispensable in any scheme of National Reconstruction and by virtue of their specialised knowledge, are in a position to put before the Government, the various elected bodies and the People of the Country the real social and economic needs of the people in relation to Public Health and to suggest their proper remedies.

Though medical men and women have been recognisedly playing an important part in the public life of their countries in the rest of the World, we of the medical profession in H.E.H Nizam's Dominions feel that the stand-point of the medical practitioner has not been given due consideration, his cooperation in the Public Health Problems of the country neither encouraged nor sought, and that the medical problems of the people of the State have so far been in the hands of an administration which is far from being in intimate contact with the larger sections of the people.

This Association is therefore of the opinion that a Ministry of Health as obtains in the more Progressive Provinces of British India should be adopted as the minimum basis, and this Ministry be assisted by the recommendations of an Advisory Board of Health consisting of elected non-official representatives from amongst the medical practitioners of the State."

disqualification for enfranchisement. We hold that our rural population has, notwithstanding the low level of its economic and educational standards, sound common sense which is after all the foundation upon which a proper exercise of vote depends. It is not the knowledge of three Rs or any other qualification so much as the understanding of one's own needs and requirements that is needed: this they possess in a sufficient measure to enable them to vote properly. No doubt in the initial stages there are chances of improper use and some confusion of thought and action; but when they settle down and get to know and appreciate the benefits of a really popular legislature they rarely make mistakes. We have, therefore, adopted adult suffrage for our proposed Village Panchayats though we have discarded it for the purposes of the Legislatures as being impracticable for the present. It should, however, be the goal of all Responsible Government and in view of this principle, the franchise should be extended as far as possible to enfranchise a considerable majority of the population.

### PERCENTAGE OF VOTERS

After sifting the material at our disposal carefully and examining the problem from all points of view, the Committee feels that 10 per cent of the total population could safely be enfranchised under the present circumstances. We have examined, in view of certain replies to the questionnaire, if any increase in the above percentage could be possible; But we felt bound to be conservative in this respect in view of the utter novelty of elections to the rural population. The property and other qualifications fixed by us are higher than those of the adjoining provinces of British India, Mysore and Travancore and are on the safer side. Though we have proposed mere literacy, the ability to read and write a letter in any language as the additional qualification for all territorial constituencies except Hyderabad City and District Headquarters, the estimated number of voters available under that head will not be more than 2,50,000. The property qualification of holding in his own name or occupying a land of the assessment value of Rs. 10 per annum in the case of dry land and Rs. 15 in the case of wet lands will not enfranchise more than 8 lacs of people. The Jagirdars, Rusoomdars, mashdars and other property holders whom we have proposed to enfranchise including the comparatively greater number of people in the city and the district towns with the necessary qualifications, give us barely 2 lacs at the most optimistic estimate. We have fixed a sufficiently higher property qualification for electors to the Council or the Upper House in order to ensure the election of the propertied classes having a stake in the country. The qualifications proposed by us are so high that the estimated number of electors including males and females will not be more than 1,50,000. The additional qualifications for women and Adi Hindus proposed by us will give us about 2 lacs of voters. The total, thus, estimated comes to 16 lacs out of which two lacs has to be deducted for overlapping qualifications. The balance is only 14 lacs which is slightly less than 10% of the total population. Though these figures are not accurate, we have worked out from different methods of calculation and can say that are approximately correct.

We may be criticised by the conservatives that we have gone further than we should. Similarly, it may be expected that the more enthusiastic section of the people who have proposed higher percentage of enfranchisement will be disappointed at our proposals. But we have tried to strike the golden mean between liberality and caution which is approximately the correct view to take in a matter of such vital importance. Some of our own members proposed very high property qualifications, in fact, such as were prohibitive, but on an examination of facts and figures they had to modify their views. In proposing this percentage and the appropriate qualifications, we have satisfied ourselves that the administrative machinery at our disposal is sufficient to deal with the arrangements necessary for the preparation of the electoral

rolls, and actual election arrangements. We do not think it will be feasible to enhance the above percentage without practical difficulties.

### GROUP SYSTEM

We have pointed out above that adult franchise is an impracticable proposition at present. Of the total population of the State, 50 persons per thousand are literate in the sense of being able to read and write a letter. In other words, nearly five out of hundred persons of five years of age and above are literate. There has, no doubt, been an advance of 17 per 1000 as compared with the figures of 1921, but it is far from satisfactory. Though literacy is not the only criterion of ability to cast an intelligent vote, it is an important instrument of understanding the meaning of elections and the use and value of vote. Under such circumstances we are obliged to suggest that not more than 10% of the population be enfranchised for the present.

In order to bring within the pale of voters also those people whom we cannot directly enfranchise, an indirect method of extending the franchise is occasionally adopted. It is called the group system or Mukhi system. Groups of 10, 20, or 25 persons elect a delegate from among themselves, and this delegate will vote for them in the regular elections. The group will be known as primary voters and the representative elected by them as a secondary voter. This kind of voting will enable the masses to take an interest in the affairs of the State, and all people without any distinction can be enabled to exercise a right of vote, though most of them indirectly, *i.e.* through an intermediary called the secondary voter.

The committee finds on a consideration of the existing conditions of the people, that the adoption of this system is beset with many difficulties. The first objection to the introduction of this system is that it is only where adult franchise is accepted that this group system is introduced in order to facilitate the working of the franchise. There is no logic in enfranchising a bigger percentage of voters than it is proper to do, and then introduce a dual system of voting among them, direct for some and indirect for others. It is calculated to introduce invidious distinctions and also administrative complications. Again the adoption of this system presupposes a certain amount of preparation and organisation of groups. There are no natural groups except based on castes and professions; any artificial groups organised for civic purposes may not find favour with the unintelligent masses. We find that the same practical difficulties encounter us here as in the formation of interest groups dealt with elsewhere in our report. We have, therefore, not recommended the adoption of the group system. But we may observe, that the system may be tried wherever necessary in the sphere of Village Panchayats and Municipalities with great advantage. We do not however, favour its extension to the franchise provided for the electors to the Legislature. We also think that any system of indirect voting will not be consistent with the Firman of H.E.H. dated 13th Jamadi-us-Sani 1338H. in which election by direct franchise has been definitely indicated.

### WOMEN'S FRANCHISE

The question of enfranchising women is not without its difficulties. The utter educational backwardness of women, the social customs and the tendencies of the people in general do not allow extensive franchise to be given to them. Women form half of the total population, the total number of literate women over the age of 20 being 38,190. As we have suggested mere literacy as the educational qualification for men and women of rural areas, about 25,000 women may get the right of vote. The property qualifications fixed for electors in the territorial constituencies for the City, the District Head Quarter Towns, and other areas



are common and applicable to all persons irrespective of sex. But it is evident that women holding property in their own names are very few; the total number of women voters whom we can expect to enfranchise on account of holding property cannot exceed 25,000. We have, therefore, proposed that they should be given the right of vote not only as holders of property in their own right but also as women whose husbands are holders of property. In most of the British Indian Provinces an additional qualification for women has been fixed in order to bring them within the franchise. The property qualification of persons whose wives it is intended to enfranchise has been fixed much higher than the ordinary. In view of the practical difficulties in the matter of preparing their electoral rolls, managing their elections and making arrangements, we have suggested a much higher figure of property qualification. We have proposed that the higher property qualification fixed for electors to the Legislative Council should be the additional qualification for women. The estimated number of people who can thus be enfranchised is a little over a lac, making a total of  $1\frac{1}{2}$  lacs of women. The committee feels constrained to admit that this number is very conservative but under the circumstances existing in the State they do not feel that they can go further.

### ELECTORATES

We have proposed the general constituencies to be formed primarily as territorial constituencies, because that is the most convenient and the best principle on which electorates could be constituted. The Committee is extremely glad to acknowledge that not a single reply to their questionnaire and not a single member of their committee has advocated communal electorates or separate electorates on communal basis. It was unanimously agreed by all members that there should be mixed or joint electorates purely on a territorial basis, which we think is an outstanding achievement. After careful consideration it was decided to constitute District Head Quarter towns into independent constituencies leaving the other towns in the districts to be grouped with the other villages. Hyderabad city which is also the Head Quarters of Atraf-i-Balda district will be entitled to elect 16 representatives; it will have to be sub-divided into wards. The 16 districts which send 78 representatives will have to be divided into 78 single member constituencies. We have included women and Adi Hindus among special interests and proposed that 5 women and 10 Adi-Hindus should be elected respectively by women's organisations and Adi Hindu organisations. Technically they cannot come under special interests but as they cannot be expected to be returned from the General constituencies, we have suggested this method of special representation for them besides giving them freedom to contest in the general constituencies. We may add that the women and Adi Hindu members of our Committee are entirely in agreement with this view of the Committee.

### RESERVATION OF SEATS FOR COMMUNITIES

There are only two communities which suggested reservation of seats, the Muslims and the Adi Hindus; but this suggestion was by no means unanimous. Some Muslim gentlemen have strongly criticised the suggestion of reservation of seats for their community as being superfluous and wholly unnecessary. Similarly not all the Adi Hindus have pressed for reservation. Some Muslim members of our committee while agreeing on principle that even reservation of seats is another form of communalism, proposed, however, that the committee should accept it as a lesser evil and also in order to satisfy the Muslim community which has given expression to its misgivings in this respect. This question was also the subject of informal talks between some members who were deputed to discuss the question and forward definite proposals. But in view of the little time at their disposal the informal talks were inconclusive; No percentage of reservation could, therefore, be agreed upon. It was also suggested that it

would be better if any other formula could be devised which would obviate the necessity of any reservation. The device of allocating 16 seats to Hyderabad city and forming district head quarter towns into multi-member constituencies which we have adopted serves this purpose to a great extent. The majority of our committee members feel that as a result of the present allocation together with the advantages of social and economic position which that community enjoys on the whole, the Muslims will be adequately represented in the Legislature, without any reservation whatsoever.

The question of Adi Hindus has been satisfactorily settled by the joint-meeting of the sub-committees with the agreement of all as a result of which the Adi Hindus agreed to forego their demand for reservation of seats in proportion to their population. Ten seats are secured to them under Special interests and they have the option to compete in general constituencies. With the additional qualification for Adi Hindus proposed by us, there will be ample opportunities for them to be returned in adequate numbers.

*Note* :—The Anjumani-Atibbai-Unani Hyderabad Deccan, the Committee of the Nizam Ayurvedic and Tibbi Conference, and the Central Ayurvedic Vaidya Sangha, have addressed the Committee pressing for representation of at least three medical practitioners belonging to the three systems of Allopathy, Ayurveda and Unani on the legislature. They suggest that medical practitioners belonging to these three groups be constituted into three special constituencies entitled to elect their respective representatives.

The Indian Medical Association, Hyderabad has sent the following resolution : " That provision be made for medical men and women to be represented on Municipal, Legislative and other public bodies so that their advice be available in matters pertaining to Public Health problems ".

The Anglo Indian Community has been treated as a special Interest by the Committee, (11) Anglo Indians, in the bottom line P. 18 and Anglo Indians, on P. 19—26th line after christians, should be added.

## CHAPTER III.

### 1. Local Self Government.

#### GENERAL

India is essentially a land of villages. In all the aspects of its national life, economic and cultural, social and political it bears the impress of this fact. The village community has been from time immemorial and still is, the foundation of the socio-political order in India. They have been quasi independent groups and organisations functioning as the integral part of the wider and central State Organisation. The principle of autonomous Local Self Government has been the unique contribution of the Indian rural units to world polity. That ancient Indian Village Panchayats worked as constituent units coordinated into a harmonious federal polity is a wellknown fact. Any Reform that is sought to be introduced should conform to, and be built upon this principle of decentralisation, if it is to be successful and not remain an exotic idea.

It is true that there has been considerable disorganisation of these autonomous groups of late ; but the instinct is so deeply embedded that even in the midst of the extremely centralised form of the present Government, the rudiments of these village institutions still exist, if not in the political, in the social and economic spheres of life in the villages. India has undergone innumerable political and religious revolutions, not to speak of the present economic one, more than any other country in the world, but the village communities have weathered all these storms. That they have done so testifies to the vital importance of these bodies in the structure of Indian polity. No constitutional change in the State shall, therefore, be complete without a thorough re-organisation of the existing local bodies on a broader basis making them representative of public opinion both in character and composition. The primary use of these bodies is to relieve the Government of their responsibilities of administration of such affairs as are purely of local interest and which in the very nature of things can be more efficiently looked after by men who are affected by them in their daily life. In a unitary state of the type of Hyderabad the existence of Village Panchayats will be an effective means of popularising the administration. They are also convenient agencies for the training of citizenship. The ultimate solidarity of any polity depends upon the self-sufficiency and autonomy of the little constituent units within the limits of the State paramountcy. It is the bed rock of a socio-political order that can safely withstand minor and major onslaughts of the change in times.

#### LOCAL FUND COMMITTEES AND THEIR PRESENT POSITION

The present condition of the District and Taluqa Local Fund Committees has been unanimously described by all those who have replied to our Questionnaire as extremely unsatisfactory. They are neither popularly constituted nor is their scope and method of work such as to allow room for the reflection of popular opinion. With the Taluqdar or Tahsildar as their officer-president they seem to confine their activities to fulfilling petty sanitary requirements of the Head Quarter Towns and do not bestow any attention to the needs of the villagers within their jurisdiction. The non-official members being nominated individuals, have absolutely no effective voice in the actual administration of affairs. The scope of the committee itself is so restricted that even the vision of the Officer-presidents is narrowed down to their own bare needs. The executive authority lies vested in the president and the other

members too are not responsible to popular opinion and generally are indifferent to it. Complaints have been received very often regarding the working of these bodies. A number of gentlemen who have replied to the questionnaire happen to be non-official members of these committees in various places. It is noticeable that not one of them has approved of the position of these institutions in their present form. They have shown in detail how they fail to satisfy the needs of the public. We, therefore, think that a thorough overhauling is necessary in order to put these bodies on a popular and useful basis so as to render them more useful instruments of local administration. We have, therefore, proposed three distinct types of such institutions, viz, the Village Panchayats, the Minor Municipalities and the District Boards. Under our plan the Taluqa Local Fund Committees will no longer be found necessary. We have not dealt with the Hyderabad Corporation advisedly because its re-organisation has been of recent date and further because all necessary changes are being introduced into it from time to time. However, it may be observed that the inequitable distribution of wards and the insufficiency of the elective element need revision at an early date.

### RE-ORGANISATION

To effect a radical re-organisation of the existing Local Boards and to introduce popular control over them, we have proposed that two-thirds of the members of the District Boards should be elected. A few members will continue to be nominated for some time and the committee feels that with the proposed change in the composition, the nominated members may also become helpful to the Boards. A convention in vogue elsewhere regarding such Boards is well worth mention in this connection. The Officer-Presidents allow a great latitude to non-official Vice-presidents to work the Boards and rarely interfere in the actual work, except when such exercise of authority becomes inevitable. Our proposals for the constitution of Minor Town Municipalities differ from the Kasha Municipalities Bill, now under consideration by the Government. We propose to declare all urban areas of a population of 2,000, as Municipalities and give larger powers of Municipal administration to them. We sincerely feel that unless such changes are introduced these institutions will not be very useful to the administration.

### VILLAGE PANCHAYATS

The village must naturally be the unit in any scheme of Local Self Government in our country. There are 21,000 villages in our country each having its own local needs to be fulfilled. No scheme of national reconstruction or rural uplift can be expected to succeed, unless a co-ordination of an efficient system of Village Panchayats is made. Smaller States like Travancore and Cochin, not to speak of Mysore and Baroda, have long ago introduced Village Panchayats. We feel that a reform in this direction is long overdue and we propose the immediate introduction of the system on an extensive scale, so as to envelop all the 21,000 villages within a definite period.

We have proposed that all villages having a population of 1000 and above should be constituted into Panchayats with the elective principle as its basis. Villages with a population of less than 1000 should be grouped together so as to give one Village Panchayat for a total population of 1000 or thereabouts. Every 100 of the adult population of a village as per census every decade shall be represented by one member in the Village Panchayat. The number of members may vary according to the population, but in no case shall it be less than 7. Half this number at least, we propose, should be elected by the direct vote of the villagers, which shall be on the basis of adult franchise. The committee considered the problem of including women in the village franchise, but in spite of its strong desire to do so it has reached

the conclusion that for the present, Village women should be excluded from this franchise. However, the committee would suggest the re-examination of the matter in the light of new experience at the time of the next periodic enquiry which is proposed elsewhere.

The question of functions and powers of the Panchayats was discussed at length at the meetings. The functions of Local Boards and Panchayats are mostly the results of, or are determined by tradition, contemporary needs and civic ideals. They vary from State to State and from province to province. They extend from primary civic duties to complete autonomy over revenue and police matters. In some provinces they enjoy judiciary powers. We have been aware of all these functions and powers enjoyed by Panchayats elsewhere; but at the same time we could not ignore the existing circumstances of our villages where education has not yet permeated and experience of such organisations, in a constitutional manner is yet lacking. Thus we have not found it possible for us to recommend the grant of judiciary powers to the Panchayats at this stage. So also, we do not propose to include public instruction and public safety in the powers and the duties of these. Every Panchayat is expected to arrange, subject to rules laid down by the Government for its administration; the details of the various obligatory and discriminatory functions and powers of the Panchayats are shown in the Recommendations.

## 2. Fundamental Rights

Considerable stress has been laid on the need of statutory provision of the Fundamental rights, such as Freedom of Speech, Freedom of Association, and Freedom of the Press, by all those who have responded to our questionnaire. Without exception they explain at length the urgency of the same. The committee received not a few letters from the districts urging them first to take on hand the work of securing these rights and then to conduct an enquiry into constitutional problems in a free atmosphere. A large majority of them have expressed that whatever be the measure of liberal reforms given, without the grant of fundamental rights to the people the reforms would all be in vain. It is not difficult to explain this emphasis. The people have not been able to enjoy for a considerable time in the past the elementary rights of citizenship, mentioned above, and as a consequence their progress has been retarded in every branch of life. The State has not been able to move swiftly on the wings of progress and reform, due to lack of sufficient organisation of public opinion to back it.

The first and the most essential of all these rights which constitute the base of all reconstruction is, undoubtedly, the Freedom of expression or speech. Expression is the soul of civic life and when it is lost or withheld, progress becomes impossible. If the civic and political life of Hyderabad is not properly developed today, it need surprise no one. The Gashti No. 53 of 17th Dai 1339 Fasli against which every individual and every institution replying to our questionnaire has voiced strong protest and disapproval has, to use a phrase which one of them has used, "stifled all public life in the State". The people have not been slow to realise the fundamental need of free speech. From various platform and pulpits they have appealed for the cancellation of this Gashti, not once but several times. Meetings have been held urging the repeal of the order, deputations have waited upon the Government, and petitions made for the same. Even on the eve of so psychological a moment as the Royal Announcement in connection with the proposed constitutional reforms, an emphatic request was made by some institutions and individuals.

To recapitulate here the detailed provisions of the Gashthi and point out how they impose conditions on organising public meetings which are impossible to comply with, is not only unnecessary but not essential also. Suffice it to say, that it plainly discourages all freedom of association and expression. As it has been painfully pointed out to the Government from time to time even condolence meetings cannot be held without permission; and very often than not such permissions arrive too late for the occasion, and that too after a painfully protracted correspondence. Only those who are in the know of how meetings are arranged in the State, are aware of the stupendous difficulties that lie in the way.

While free expression and free association thus affects the intelligentsia, the mass of the people are handicapped by the restrictions placed on their right of taking out processions etc. The religious and social life of the people finds its expression occasionally in festivities and processions. Their cultural life, if any, centres round such expressions and to interfere with them in no helpful manner is to put a clog in the wheel of the chariot of their progress. Very often religious festivities observed traditionally on certain definite dates have had to be postponed or abandoned due to lack of the requisite permission within the time. Even where it is granted after protracted and weary petitioning and representation, a new situation arises out of the conditions of such permission. The sanctity behind such observances will thereby be lost and the zest for the celebration of these will naturally turn into channels other than those that are conducive to progress.

Various instances of critical and anxious situations arising out of these several orders denying the elementary civic liberties and the agitation that gained volume have been before the Committee while deciding on the need of a Statutory provision of the fundamental rights. We do not however wish to enumerate such instances. Any one who is conversant with modern Hyderabad knows them only too well. Only we should like to point out this much, that the number of such instances is rapidly on the increase resulting in more and more dissatisfaction on this account. We make bold to submit that the situation needs a generous gesture on the part of the Government that the inhibited tendencies of the people may not go astray and lead them into adopting undesirable methods of self-expression. Hence, we feel that a declaration of rights is essential as the ground-work for any constitutional reforms in the State.

Whether this declaration should be embodied in the constitution itself or whether it should be a part of the Royal Proclamation was discussed at the meetings of the committee. After due deliberation we felt that in keeping with the grace and dignity of the Ruler and also in keeping with the traditions obtaining in unitary Governments of the type of ours, the declaration should form part of the Royal Proclamation. We have, therefore, only suggested the lines on which a proclamation in this behalf can be made, so as to confer the Fundamental Rights of Citizenship on the people of the State.

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## THE CONVENTION

A meeting of the Hyderabad People's Convention was held at the residence of Mr. Ramachar, Vakil, Abid Road, Hyderabad on the 25th January 38 under the presidentship of Raja Pannalal Pitti, M.L.C. Mr. M. Hanumantha Rao, Chairman, Convention Committee presented the Report of the Committee with the Recommendations and moved a resolution that the same may be ratified by the Convention. After discussion of certain clauses of the Recommendations, the Report and the Recommendations were unanimously adopted.

A Committee was further appointed by the Convention to carry on its work. The following form the Committee :

- Mr. M. Hanumantha Rao, Chairman.
  - Mr. Pandurang, V. Joshi, B.A., LL.B. Vice-chairman.
  - Mr. Ramachar, Vakil, Treasurer.
  - Mr. B. Ramakrishna Rao, B.A., LL.B. } Secretaries
  - Mr. Krishna Sarma. }
  - Miss. Padmaja Naidu.
  - Raja Pannalal Pitti, M.L.C.
  - Rai Ganpatlal, Advocate.
  - Mr. D. D. Italia.
  - Mr. S. S. Tirmizee, Vakil.
  - Mr. S. B. Sharma, Bar-at-Law.
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## THE RECOMMENDATIONS.

We have not attempted to draft the constitution with the precision necessary in the case of a Bill intended to be introduced in the Legislature. Our recommendations might take a form similar to that of clauses of a draft Bill, but they are not intended to be treated as such, or understood as anything more than an indication of the principles involved in our specific proposals. The details we have omitted, will have to be filled in, and formal and consequential provisions necessary for a complete scheme will have to be added by the official draftsmen, if and when our proposals are accepted by the Government. The proposals are given below under different headings.

### LEGISLATURE

1. There shall be two Chambers of the Hyderabad Legislature, one to be called the Hyderabad Legislative Assembly and the other Hyderabad Legislative Council.

2. (a) Subject to the Royal Prerogatives, and the right of the Government to introduce emergency legislation as here-in-after provided, all laws shall be promulgated after being introduced in and passed by the Legislature and assented to by the Ruler.

(b) Subject to the provisions of the Law, a Bill may originate in either chamber, excepting a money bill which shall be introduced in the Assembly only.

(c) Except as otherwise provided under the law, a bill shall not be deemed to have been passed by the Hyderabad Legislature, unless it has been agreed to, by both chambers, either without amendment or with such amendments only as may be agreed to by both the chambers.

### THE ASSEMBLY & ITS COMPOSITION

3. The Hyderabad Legislative Assembly shall consist of members nominated and elected in accordance with rules made under the law. The total number of members of the Assembly shall be 200, of whom 33 shall be nominated by Government, 37 shall be elected by the Special Constituencies and 130 shall be elected by the General constituencies as detailed in schedule A annexed hereto; Provided that the Government may, besides the 33 official and non-official members nominated, further nominate for the purpose of any bill introduced or proposed to be introduced in the Assembly, not more than two members having special knowledge or experience of the subject-matter of the bill, and these persons shall, in relation to the bill, have for the period for which they are nominated, all the rights of the members of the Assembly and shall be in addition to the members above referred to.

### SPEAKER OF THE ASSEMBLY

4. (a) The Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and shall similarly elect the speaker or deputy speaker as the case may be whenever the office becomes vacant.

(b) A member holding office as Speaker or Deputy Speaker shall vacate his office, if he ceases to be a member of the Assembly. He may at any time resign his office, and may be removed from his office by a resolution of the Assembly passed by four-fifths majority of all the then members of the Assembly; provided that no resolution for the above purpose shall be moved unless at least 14 days notice has been given of the intention to move a resolution.

(c) The Assembly shall choose a pannel of Speakers to perform the duties of the Speaker in the absence of the Speaker and the Deputy Speaker, who shall ordinarily perform the duties of the Speaker in his absence. In the absence of both, the speaker shall be chosen from the pannel elected as above.

(d) The Speaker and the Deputy Speaker shall be paid such salaries as may be respectively fixed and provided for, by the Government under the rules made in that behalf.



## THE COUNCIL AND ITS COMPOSITION

5. The Council shall consist of members nominated and elected in accordance with rules made under the law. The total number of members shall be sixty five, of whom 16 shall be nominated by the Government. Sixteen shall be elected by the Legislative Assembly from among its elected members, and the remaining 33 shall be elected by the territorial constituencies as in Schedule B,

The proviso 3 will apply also to this section.

### PRESIDENT OF THE COUNCIL

6. The Legislative Council, shall, as soon as may be, choose two members of the council to be respectively President and Deputy President thereof, and shall whenever any office becomes vacant, similarly choose another member to be president or deputy president as the case may be.

Clauses (b) (c) and (d) of section 4 above shall apply in relation to the Legislative Council as they apply in relation to the Assembly, with the substitution of the words President and Deputy President for the words Speaker and Deputy Speaker respectively and with the substitution of references to the "Council" for references to the "Assembly."

### VOTING IN CHAMBERS

7. (a) Unless otherwise expressly provided, all questions in a chamber, or a joint sitting of two chambers of the legislature shall be determined by a majority of votes of the members present and voting, other than the president or speaker or the person acting as such, who shall not vote in the first instance, but shall have and exercise a casting vote in the case of equality of votes.

(b) A chamber of the legislature shall have power to act notwithstanding any vacancy in the membership thereof, and the proceedings shall not be invalid, if it is subsequently discovered that some person who was not entitled to do so, sat, voted, or took part in the proceedings.

(c) If at any time during the meeting of a chamber it is found that less than one sixth of the total number of members of the chamber are present, the president or the speaker as the case may be, shall adjourn or suspend the meeting until at least one-sixth of the total members are present

### POWERS AND FUNCTIONS OF LEGISLATURE

8. The Legislature shall have power of (1) Legislation (2) Interpellation (3) Resolution (4) Discussion and voting of the budget (5) Taxation subject to the limitations and restrictions hereinafter mentioned and subject to the rules that may be made under the law.

9. It shall not be lawful for the Council or the Assembly to consider and enact any measure relating to or affecting :—

(a) H. E. H. the Nizam and the members of his family and all matters relating to His person and the management of His household.

(b) The relation of H. E. H. with H. M. the King Emperor.

10. It shall not be lawful for any member of the Council or the Assembly to introduce in either chamber, without the previous assent of the Government any bill or a measure relating to, or affecting :—(a) Public debt, the interest on above, the Sinking fund ; (b) maintenance and discipline of H. E. H.'s State troops ; (c) external relations and matters governed by treaties with the Government of India or British Indian provinces or other States. (d) matters which are in any way inconsistent with Royal orders in force for the time being.

11. No bill, affecting the culture, religion, or language of a community shall be deemed to have been passed, unless it secured the consent of two-thirds of the members of that house belonging to such community.

12. (a) When any bill has been passed by both the chambers of the Legislature, the bill shall be submitted to H. E. H. through the President of the Executive council for His assent. No such bill shall become law until the Royal assent has been given to it.

(b) H. E. H. may in his discretion, return the Bill to the Chambers with a message, that they will reconsider the bill or any specified provisions thereof and the chambers shall reconsider the bill accordingly.

13. (a) When a Bill is passed by the Chamber in which it originates, it shall be sent for consideration to the other chamber and the other chamber agreeing without any amendment, it shall be presented for Royal assent.

(b) If the other chamber proposes amendments to the Bill, it shall send it back to the chamber in which it originated, with the proposed amendments which shall be considered. If the amendments proposed by either chamber are agreed to by the other chamber, the Bill shall be deemed to have been passed and then submitted for Royal assent.

(c) If a Bill passed by one chamber is not passed by the other, within 12 months of the passage of the bill in the originating chamber, with or without amendments, the President of the Executive council may summon the chambers to meet in a joint sitting for the purpose of deliberating and voting on the bill, or refer the matter for a decision to a joint committee of both chambers in order to discuss and settle any difference of opinion which has arisen between the two chambers.

14. (a) Where either chamber of the legislature, refuses leave to introduce, or fails to pass any bill recommended by the Government or sent for reconsideration by H. E. H. under the president-clause (12) the bill may be presented to H. E. H. by the President of the Executive council for Royal Orders

(b) When the President of the Executive council certifies that the passing of any Bill is essential for the safety, tranquility or good Government of the State, H. E. H. may in his discretion, give his assent to it, and on its being assented to, the bill shall become law.

15. Notwithstanding anything contained in the Law it shall be lawful for the Government, in cases not falling under clause (9) and in which immediate legislation is required, to make and submit to H. E. H. any bill; and every such bill on being assented to by H. E. H. shall have the force of law for the period of six months from the date of its promulgation in the Zareeda.

(16) Notwithstanding that a bill is passed by both the chambers of the legislature, H.E.H. may in his discretion refuse to give assent to any bill presented for his assent and exercise his prerogative or veto

#### RESOLUTION AND INTERPELLATION

17. (a) It shall not be lawful for any member of the Assembly or Council to move any resolution or ask any Question or supplementary question on matters covered by clause (9) above.

(b) Save as otherwise provided for, any member of the Council or the Assembly can move any resolution, or ask any question or supplementary question on any matter, provided, however, that if the president of the Executive council certifies that it is not in public interest to answer such question, it shall be disallowed by the President of the Council or the Speaker of the Assembly as the case may be.

(c) Save as otherwise provided, all questions or supplementary questions, not disallowed as above, shall be answered by the Government and all resolutions passed by a chamber or chambers have the force of recommendation, and the Government shall give due regard to such recommendations.

#### DISCUSSION AND VOTING OF THE BUDGET

18 (a) The annual budget of the State shall be laid in the form of a statement before both the chambers of Legislature in each year.

(b) The Council and the Assembly may discuss the budget and vote on demands for grants subject to the rules framed under the law.

(c) Save as otherwise provided all proposals, for the appropriation of monies shall be submitted to the vote of the Assembly and of the Council in the form of demands for grants.

(d) The following heads of expenditure shall not be submitted to the vote of the Assembly or the Council:—

- i. expenditure relating to any matter covered by clause 9 supra.
- ii. expenditure which is obligatory under the law for the time being in force.
- iii. public debt and interest thereon and sinking fund charges.
- iv. salaries of members of the Executive council, High court judges, and members of the Judicial Committee.
- v. pensions and gratuities of public servants charged to the revenues of the State.
- vi. expenditure certified by the President of the Executive Council as being political.

19. (a) The Assembly may assent or refuse assent to any demand or may reduce the amount referred to in any demand, either by a lump-sum reduction or otherwise of any particular item or items of expenditure of which the grant is composed.

(b) The council may assent or refuse its assent to any demand but shall not reduce the amount of the demand.

(c) Notwithstanding anything contained in (a) and (b) supra, if the President of the Executive council certifies that any demand has been refused by the Assembly or the Council, is essential to the due discharge of the responsibilities of the Government, H. E. H. may, on such certification by the President of the Executive Council, grant the demand.

(d) Notwithstanding anything contained above, the Government shall have power, in cases of emergency, to authorise such expenditure as may, in their opinion, be immediately necessary for the carrying on of any department or for safety and tranquility of the State.

#### MISCELLANEOUS

20. Every Council or Assembly shall continue for 5 years from its first meeting ; provided that,

- (a) either chamber of the legislature may be sooner dissolved by H.E.H.
- (b) the said period may be extended by H. E. H. if he thinks fit to do so, under special circumstances, but not for a total period of more than 2 years.
- (c) After such dissolution in any event H. E. H. may appoint a date, not later than six months after the dissolution, for the next session of the chamber or chambers as the case may be.

21. The President and the members of the Executive Council and their secretaries shall have the right to attend either chamber and shall answer all interpellations, except those disallowed under the rules and shall transact all business, but they shall not vote unless they are otherwise entitled to under law.

22. Provision may be made by rules for regulating the course of business, conduct of proceedings, for making rules with regard to the nomination and election of members, qualifications for the franchise and the constitution of territorial constituencies, supplementary and other necessary provisions for the regulation of interpellations and other matters.

#### 22. PROVISIONS AS TO FRANCHISE

(a) There shall be an electoral roll for every territorial constituency and no person who for the time being is not included in the electoral roll for any such constituency shall be entitled to vote in that constituency.

(b) No person shall be qualified to be included in an electoral roll for a territorial constituency unless he has resided in a house in that constituency for a period of not less than 3 months in the previous year. A person is deemed to reside in a house if he sometimes uses it as a dwelling place and a person is not deemed to cease to reside in a house merely because he is absent from it, if he is at liberty to return to the house at any time.

#### QUALIFICATIONS OF ELECTORS :— LEGISLATIVE ASSEMBLY

24. Subject to the provisions of and rules made under this law, a person shall be qualified to be included in the electoral roll of the Legislative Assembly for any territorial constituency, if in the previous Fasli year he

(a) paid for both the half years of that year to any district municipality house tax on an annual rental value of Rs. 24 in the district towns (head quarters of the district).

(b) paid for both the half years of that year to the Hyderabad Municipal Corporation house tax on an annual rental value of Rs. 84 under the Municipal Corporation Act.

(c) occupies as sole tenant throughout that year a house in respect of which tax has been paid under (a) and (b), or

(d) is a Rusumdar, Yomiadar, Mirasdar, Dustbunddar or other Nagdi mashdar having an annual mash of not less than Rs. 50.

(e) is a Pattadar, Shikmidar, Kowldar or a tenant or an Inamdar of land of the annual assessable value of not less than Rs. 10 land revenue in the case of dry land and Rs. 15 in the case of wet land.

(f) is a Jagirdar, Mansabdar, civil pensioner having an annual Jagir income, mansab or pension of Rs. 200 respectively.

(g) is a discharged, retired or pensioned military officer of H.E.H. the Nizam's State troops.

(h) has passed the H.S.L.C. or Matriculation or any other recognised equivalent examination in the case of Hyderabad City constituency.

(i) has passed the middle school or any other recognised equivalent examination in the case of District Head Quarter towns :

(j) is a literate in the sense of being able to read and write a letter in any language, in the case of any other rural constituency.

#### LEGISLATIVE COUNCIL

25. Subject to the provisions of and rules made under this law, a person shall be qualified to be included in the electoral roll of the Legislative Council for any territorial constituency if in the previous fasli year he

(a) paid Motor Vehicle tax in Hyderabad City for the whole of that year.

(b) paid for both the half years of that year to the Hyderabad Municipal Corporation house tax on an annual rental value of Rs. 300.

(c) paid for both the half years of that year to any district municipality house tax of an annual rental value of Rs. 120.

(d) occupies as sole tenant throughout that year a house in respect of which tax has been paid under (b) and (c), or if he

(e) is a Pattadar, Shikmidar, or a tenant or an Inamdar of land of the annual assessable value of not less than Rs. 100 land revenue.

(f) is a Rusumdar, Yomiadar, Mirasdar, a Dustbunddar or other Nagdi Mashdar having an annual mash of not less than Rs. 250.

(g) is a Jagirdar, Mansabdar, or civil pensioner having an annual Jagir income, mansab or pension of Rs 500 respectively.

(h) is a graduate of any recognised University of three years standing, provided that he is not undergoing a course of instruction in any recognised educational institution.

(i) is a discharged, retired or pensioned military officer of H. E. H. the Nizam's Regular Troops.

*Explanation.* The term officer does not include a soldier or private but includes commissioned and noncommissioned officers.

#### ADDITIONAL QUALIFICATIONS FOR WOMEN

26. Subject as aforesaid a person who is a woman shall also be qualified to be included in the electoral roll of the Legislative Assembly for any territorial constituency if her husband possesses the qualifications mentioned in (a), (b), (c), (d), (e), (f), and (g) of section 25.

#### ADDITIONAL QUALIFICATIONS FOR ADI HINDUS

27. Subject as aforesaid, a person who is a member of the caste called 'Adi Hindus' in the Census Report of 1931, shall also be qualified to be included in the electoral roll of the Legislative Assembly for any territorial constituency if he is a Balotadar, 'a Village Dher or Chambar Mahar, Mang mala or madiga holding office.)

#### ESTABLISHMENT OF OTHER BODIES

28 (a) The following Advisory Committees shall be constituted consisting of half official and half non-official members:—1. Railway and Communication Board 2 Central Educational Council, 3. Industries and Commerce Committee 4 Economic Council 5. Public Service Commission.

(b) These Bodies shall meet from time to time and whenever called upon to do so by Government, advise the Government on matters within their jurisdiction. Their proposals shall have the force merely of recommendations but the Government shall pay due regard to and shall try to carry out the plans and policies laid down by them.

29. (a) There shall be a Standing Finance Committee consisting of not more than nine members including the Chairman, of whom three shall be elected by the non-official members of the Assembly and two by the non-official members of the Council. The remaining members shall be nominated by the Government.

(a) The Committee so constituted shall deal with and advise on all matters concerning the appropriation of revenues and financial proposals referred to them by the Legislature.

30. This Constitution shall be examined by a Commission composed of official and non-official members to be appointed by H.E.H. after a period of ten years and necessary changes shall be made to suit the conditions of the day.

#### THE EXECUTIVE COUNCIL

31. (a) The executive power of the State is vested in H.E.H. the Nizam and is exercisable by the Executive Council appointed by Him, subject to the provisions of this law and the laws of the State and subject further to the orders of H.E.H. prescribing the powers and functions of the Executive Council for the time being in force.

(b) The Executive Council shall consist of the President of the Council and Members appointed by H.E.H. in accordance with the regulations now in force in this behalf, provided, however, that half the total number of members of the Executive Council be appointed by H.E.H. from among the elected members of the Legislative Assembly.

(c) The elected members of the Assembly when appointed to be members of the Executive Council shall vacate their seats as members of the Assembly and shall administer such departments as may be entrusted to them from time to time by H. E. H.

(b) The Executive Council shall be responsible to H. E. H. for the discharge of their duties and the advice they tender Him and shall at the same time be collectively responsible to the Legislature for all matters connected with the administration of their departments.

(e) The appointment and removal of the members of the Executive Council shall be vested in H. E. H. provided however, that if both the chambers of Legislature pass a Resolution of No-Confidence by four-fifths majority of the total number of both the chambers, they may submit a petition to H. E. H. accordingly, and on such petition being submitted, H. E. H. may, in his discretion, remove such member or members as the case may be, from the office of membership of the Executive Council.

#### DECLARATION OF FUNDAMENTAL RIGHTS

32. His Exalted Highness will be pleased to declare in a Royal Proclamation the grant of Fundamental Rights to His subjects which will include

(a) The right of free expression of opinion, as well as the right to assemble peacefully, and to form associations or unions for purposes not opposed to public order or morality.

(b) Freedom of conscience and the free profession and practice of Religion, subject to public order or morality.

(c) Freedom of the Press subject to conditions, supra.

(d) Equal rights to all citizens, of access to, and use of, public wells and all other places of public interest.

#### LOCAL SELF GOVERNMENT

1. Every village having a population of not less than 1000 or a group of adjoining villages whose total population is not less than 1000, shall have a Village Panchayat which, subject to the laws made in this behalf, shall be entrusted with the administration of the village.

2. A Panchayat shall consist of such number of members, not less than 7 and not more than 9, as may be fixed by the Government in respect of each panchayat.

3. The members of a Panchayat shall be the residents of the village or villages for which the Panchayat is established, and they shall be partly elected and partly nominated, the number of them to be elected not being less than half of the total membership.

4. every person of the male sex who is a resident of the village and has completed 21 years of age, shall be entitled to vote at an election of members of the Village Panchayat, unless otherwise disqualified under law.

5. For every Village Panchayat there shall be a Chairman who shall be selected from among the panchayatdars by the Government in whom shall vest the entire executive power of the Panchayat under the Village Panchayat Regulations.

6. Except where provision is otherwise made, all questions before a Panchayat shall be decided by a majority of votes of the members present and voting. The chairman shall also have the power of giving a casting vote.

7. The life of the Panchayat shall be for one year and the election shall be conducted by show of hands, at present.

8. It shall be the duty of a Panchayat, within the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters:—

cleansing of streets; construction, maintenance and improvement of sources of water supply for drinking purposes; construction of drainage and sanitation; control and management of cattle pounds; control of public buildings; the lighting of public ways and places; the management and control of village forests; the relief of the poor and the sick; control of grazing grounds; and other measures of public utility calculated to promote the safety, health, comfort or convenience of the residents of the area.

9. A Panchayat shall have power, delegated to it under the law, to do all acts necessary and incidental to the carrying out of the functions entrusted to it, subject to the regulations made in this behalf under the law.

10. In every village there shall be a Village Panchayat fund which shall be utilised by the Panchayat to meet the charges in connection with its duties.

11. All sums realised as taxes, fines, surplus proceeds of the cattlepounds and other receipts of the Panchayat including any contribution by the Government or any person, and sale-proceeds of properties vested in the Panchayats, and all the sums of revenue assigned to the Panchayats by the Government shall be credited to the Village Panchayat Fund.

12. Six pies out of each anna collected from the residents of the Panchayat area as Local Fund shall be assigned by the Government to the Panchayat to be paid into the Village Panchayat fund.

13. The Taluqdar of the district shall be the chief controlling authority in respect of all matters relating to the administration of Panchayats in districts.

14. The Panchayat shall prepare a budget of estimated receipts and expenditure each year and submit it to the Taluqdar having jurisdiction for scrutiny and sanction.

#### MINOR MUNICIPALITIES

15. Every Kasba town having a population of more than 2000 shall be declared a Town Municipality and in every such municipality there shall be a municipal council.

16. The Town Municipal council shall consist of 9 to 11 members, who will be nominated and elected, the elected councillors being not less than half the total number of councillors.

17. Every such Municipality shall have a President and a Vice-president the former for the time being nominated by the Taluqdar.

18. The Vice-president shall be elected from among the elected members.

19. The term of office of these Municipalities shall be 3 years.

20. It shall be the duty of these Municipalities or Municipal councils within their jurisdiction to make provision for the following matters:—Lighting; watering, cleansing of public streets and places; regulating the construction of houses; constructing and maintaining buildings of public utility such as markets, latrines, and public streets, drains, wells and the like; supply of drinking water; vaccination, registration of births and deaths; establishment and maintenance of dispensaries; regulation of offensive callings or traffic, and the like.

21. For every Town Municipality there shall be a municipal fund to which shall be credited the income of any tax, toll etc. imposed by the Municipality, all fines realised and all sums ordered by the court, all other monies such as the council shall be entitled to under the law and under the rules made by the Government in this behalf.

This fund shall be utilised by the Municipalities to carry on the Municipal Government.

22. The Taluqdar of the District shall have the powers of inspection and control over the Town Municipalities under the law.

#### DISTRICT BOARDS

23. The District Boards shall consist of a Chairman and members whose number shall not be less than 12 and not more than 16, of whom not less than two-thirds the number shall be elected members.

24. The qualifications for being included in the electorate of the District Boards shall be similar to those prescribed for the proposed Legislative Assembly.

25. Each Taluka of the District shall be a constituency and shall be declared a multimember constituency or single member constituency according to population.

26. The President of the District Board shall be the Taluqdar of the District, but the Vice-President shall be elected.

27. Every District Board shall make arrangements within its jurisdiction for the construction, repair and maintenance of communications, planting and preservation of trees on the side of public roads and construction of buildings connected with the public institutions, construction and repair of public wells, etc. providing water supply and the like.

M. Hanumantha Rao, *Chairman*  
 Govinda Rao Nanal  
 Shripat Rao Palnitkar  
 K. V. Ranga Reddy  
 Ramachari  
 Janardhanrao Desai  
 N. Nundy  
 Geo. Marret  
 R. Latchmayya  
 P. R. Venkataswami  
 Ganapat Rao Deshpande

Pannalal Pitti  
 Rai Ganpatlal  
 D. D. Italia  
 P. V. Joshi  
 Bhagya Reddy Varma  
 Shrinivas Rao Madnurkar  
 Sirajul Hassan Tirmizee \*  
 M. Narsinga. Rao \*  
 S. B. Sharma \*  
 B. Ramkrishan Rao \*  
 Krishna Sarma \*

*Secretaries\**



## SCHEDULE A

### LEGISLATIVE ASSEMBLY

<b>TOTAL NO. OF SEATS</b>		<b>200</b>
Nominated (Official and non-official)		33 Seats
Special Interests		37 "
University	2	
Commerce & Industries	2	
Sahukars & Bankers	3	
Jagirdars	4	
Zamindars	5	
Women	5	
Labour	2	
Harijans	10	
Anglo Indians	1	
Parsis	1	
Christians	1	
Sikhs	1	
<b>General Constituencies</b>		<b>130</b>
<b>Urban 52</b>	Hyderabad	16
	Warangal	4
	Karimnagar	2
	Adilabad	2
	Medak	2
	Nizamabad	2
	Nalgonda	2
	Mahboobnagar	2
	Aurangabad city	3
	Bir	2
	Nanded	3
	Parbhani	2
	Gulbarga city	3
	Osmanabad	2
	Raichur	3
	Bidar	2
	<b>Rural 78</b>	Atraf-i-Balda district
Warangal		5
Karimnagar		7
Adilabad		4
Medak		4
Nizamabad		4
Mahboobnagar		5
Nalgonda		7
Aurangabad		5
Bir		4
Nanded		4
Parbhani		5
Gulbarga		6
Osmanabad		4
Raichur		6
Bidar		5

## SCHEDULE B

### LEGISLATIVE COUNCIL

<b>TOTAL NO. OF SEATS</b>		<b>65</b>			
Nominated by Government		16			
Elected by the Assembly		16			
Elected by General Constituencies		33			
Hyderabad city	5	Atraf-i-Balda	1	Bir	1
Warangal	2	Karimnagar	3	Nanded	2
Adilabad	1	Medak	1	Parbhani	2
Nizamabad	1	Mahbubnagar	2	Gulbarga	3
Nalgonda	2	Aurangabad	2	Raichur	2
Bidar	2	Osmanabad	1		

Dear Sir  
Madam

The question of constitutional reforms in the state has assumed fresh importance since the announcement made on, the 17th Aban 1346 22. Sept. 1937 by the Rt. Hon'ble the president of the Executive Council, when he delivered the gracious message of H. E. H. to the special session of the Legislative Council. A beginning in this direction was made by His Exalted Highness, when he was graciously pleased to promulgate a Firman on the 14th Jamadi-ul-Awal 1338 Hijiri (1919) directing the then Sadari-Azam, late Sir Ali Imam, to take immediate steps to collect all necessary materials on which a liberal scheme of enlargement of the Legislative Council and the expansion of the Government machinery may be based. In obedience to the above Firman the late Rai Balmukund, Ex High-court-judge, was appointed a special officer to investigate into the conditions, collect the necessary materials and make recommendations. The special officer carried on his work for an year and half and submitted his data and report to the Government. About three years later i. e. in 1924 another committee consisting of Nawab (Sir) Nizamat Jung Bahadur, Nawab (Sir) Hyder Nawaz Jung Bahadur, Nawab Tilawat Jung Bahadur, and (Raja Bahadur) G. Krishnamachari was appointed to review the material and submit a definite scheme. That committee also submitted its report and proposals. But matters have not taken any final shape till now. You know that in obedience to the Royal commands recently made, a committee has been appointed under the chairmanship of Dewan Bahadur S. Aravamudu Iyengar, M. B. E., with the following terms of reference.

"Keeping in view the conditions in and the requirements and circumstances of the state, to investigate and report on all suitable alternatives for the more effective association of the different interests in the state with the Government, whereby the latter may be placed in the continuous possession of their needs and desires."

That committee is understood to have begun its work and has been ordered to complete its work and submit its views within a period of six months (from September 1937).

The appointment of the above committee created considerable public interest. It was considered not merely advisable but also essential that public opinion should be made available to the Govt. before hand on this important problem. It was felt that instead of the public commenting and criticising the scheme after it is considered and finally sanctioned by the Govt, if they represent their view-point before-hand, the Govt. might possibly reach their conclusions after giving due consideration to it and in that case there will not be much scope for difference of opinion. To convene a public conference for this purpose would have been the best method, but it was decided that under the present circumstances a convention consisting of representative persons from among the different sections of the people should be called and that the matter should be considered in that convention.

Accordingly a convention of representatives of all sections of the people of Hyderabad was convened by Mr. K. Venkatranga Reddy M. L. C. and Mr. Ramachari, Vakil, on the 12th November 1937 at the 8th Dai 1347 F. residence of Mr. Ramachari, Abid Road, Hyderabad, under the presidency of Mr. Abul Hasan Syed Ali, Ex M. L. C. and after due deliberation, the following resolution was adopted.

“ This convention of the representatives of all sections of the people of Hyderabad resolves that :

1. A committee consisting of the following persons, with powers to co-opt, be appointed from among the members of the convention to formulate a scheme of Constitutional Reforms to be submitted to the Government :

The terms of reference of the committee shall be as follows :—

(a) To prepare, keeping in view, the conditions of the country, the necessities of the times, and tendencies of the people, a complete scheme of reorganisation of the Legislative Council and the establishment of other constitutional bodies as would give the people an opportunity of progressive realisation of responsible Govt. in the state under the aegis of H. E. H. and the Asafjahi Dynasty.

(b) To prepare a complete scheme for the establishment of Local Self Government Institutions, e. g., village panchayats, Local boards, district municipalities, etc.

(c) To submit proposals with regard to conditions of franchise, capacity of voters, their number and groups of constituencies etc., regarding both the above schemes.

(d) To submit proposals regarding suitable measures for securing fundamental rights of speech, association and other civic rights.

*The Members of the Committee.*

Mr. M. Hanumantha Rao ( <i>Chairman</i> )	Mr. Bhagya Reddy
„ Govinda Rao Nanal	„ M. Narsinga Rao
„ Shripat Rao Palnitkar	Rai Ganpatlal
„ K. V. Ranga Reddy	„ D. D. Italia
„ Abdulla Pasha	„ B. Ramkishen Rao
„ Abul Hasan Syed Ali	„ S. B. Sharma
„ S. V. Naik	„ Krishna Sharma
„ Sirajul Hasan Tirmizee	„ P. V. Joshi
„ Kalimuddin Ansari	Raja Pannalal Pitti
„ Ramachari	„ Janardhanrao Desai
Mrs. Rustoomji	Mrs. Cornelius
Mr. Mahamad Ahsan	

2 That the above Committee be subdivided into 3 sub-committees; Constitutional Reforms, Local Self Government and Franchise.

3. That the draft scheme be presented to the Convention before the 25th of December 1937.

The following nine more members were co-opted by the committee, in its meeting held on the 15th November 1937.

Miss. Padmaja Naidu	Mrs. Nundy
Dr. Latif Sayeed	Nawab Dost Mohamed Khan Bahadur
Mr. P. R. Venkataswami	Mr. R. Latchmayya
„ L. G. Ganu	„ Ganapat Rao Deshpande
	„ Marrot.

It was also decided that questionnaires be prepared by the sub-committees mentioned above, and sent to different institutions and representative individuals to elicit their views on the matter. Three questionnaires are, therefore, sent to you herewith in pursuance of the above decision.

The Firman-e Mubarak of 1338 H., the recent Royal message, the necessary notes on the questions, and the extracts from the census and other details furnished herewith, will facilitate your answering the questionnaires. The material portion of the Firman of 1338 Hijri which has been re-affirmed in the recent message lays down certain principles on which the investigation is to proceed in this matter and we will do no better than direct your particular attention to it, so that you may keep them in mind while expressing your views. The terms of reference of our Committee have also been embodied in the resolution quoted above for your guidance.

As the Committee has decided to finish its labours as early as possible, we hope you will oblige us by sending your answers the latest by the 15th December 1937 (12th Bahman 1347 F.)

Your co operation in this matter of formulating a popular scheme of constitutional reform will be exceedingly valuable,

Yours truly,

M. Hanumantha Rao

*Chairman.*

B. Ramkishan Rao,  
Sirajul Hasan Tirmizee  
Srinivas Rao Sarma  
Kalimuddin Ansari  
M. Narasinga Rao  
Krishna Sarma

*Secretaries.*

## CONSTITUTIONAL REFORMS.

1. (a) What are the methods that you suggest for the increasing association of the people with the government of the state?

(b) Will the expansion of the present Legislative Council into a body with an elected majority and with powers that make it "an important part of the machinery of the government" as desired by H.E.H. in his Firman of 1358 H. secure the object? or should there be a full fledged bi-cameral Legislature as in British India and elsewhere?

(c) Do you prefer the establishment of two houses of Legislature or one?

*Note:-* The words "increasing association of the people with the Government of the State" in part (a) are a part of the message of H.E.H. delivered to the Legislative Council on the 17th Aban 1346 F. It means the gradual development of popular control over the administration through representative bodies, such as, the Legislative Council, etc. The Farman-e-Mubarak dated 14th Jamadi-ul Awal 1338 H. which is referred to in the message, together with the message are enclosed with the questionnaire for reference.

2. If you prefer to have a Uni-cameral body, what should its strength and composition be? If you prefer to have bi-cameral Legislature, what is your proposal about the strength and composition of the two bodies?

3. How do you propose to allocate the seats of both the houses, or one house of Legislature, whichever you propose? What should be the basis on which the allocation of seats should be made? The following are some bases; (1) territorial, (2) numerical, (3) communal, (4) representative of interests.

4. (a) If you prefer bi-cameral Legislature, do you propose to have direct method of election to both the houses?

(b) If you propose indirect method for any house how would you secure it?

(c) If there is only one House would you like to have direct method of election to it, or indirect?

5. Do you desire to have multi member constituencies or single-member constituencies?

*Note:-* A constituency is a group of electors. Such a group or constituency may elect on their behalf one or more as the case may be. In the Hyderabad Municipality each ward elects one member. In the lawyers' constituency of the Legislative Council two members are elected. That is to say, a voter in the first case has a single vote; in the second a double vote, whereby he elects two people. The first is a single-member constituency; the second is a multi-member constituency.



## FRANCHISE.

Having regard to the fact that "the more effective association of the different interests in the State with the Government whereby the latter may be placed in continuous possession of their needs and desires," has been declared as His Exalted Highness' message, and that this increasing association envisages a scheme of reform and expansion of the Legislature, consistent with the educational and moral progress of the people, it is obviously necessary to so widen the electorate that the legislature to which responsibility is intended to be progressively entrusted should be representative of the general mass of the population, and that no important section of the community may lack the means of expressing its needs and its opinion. That adult suffrage is the ultimate goal of all Responsible governments is an established fact. In view of this principle, the franchise should be extended as far possible, so as to enfranchise a considerable majority of the population.

### 1. GENERAL

(a) To what extent would you like to enfranchise the population? 10% to 25% of the population.

*Note:* According to the 1937 census the total population of Hyderabad is 14,156,148 out of which the adult population is 7,387,512. If we take 10% as the minimum to be enfranchised out of the total population, the total number of those who will be enfranchised will be 14,43,615. This will mean that one out of 5 adult members of the population will get a vote.

(b) Do you consider that such an electorate would be administratively manageable having regard to the arrangements necessary for the preparation, maintenance and revision of the electoral rolls, and for the recording and counting of votes?

(c) If the answer to (b) is in the negative, what alternative method for the electorate would you propose?

(d) If the answer to (b) is in the affirmative, do you consider that it would be practicable and desirable, having regard to the same consideration, to enlarge the electoral roll still further (more than 25%) and, if so, what means would you suggest for the purpose?

(e) Assuming that adult franchise is impracticable at present, it is proposed that, all adults not entitled to a direct vote should be grouped together in primary groups of about 10, 20, or 25 or in some other suitable manner for the election of one or more representative members from each group, who (such elected representative) would be entitled to vote in the elections, either in the same constituencies as the directly qualified voters or in separate constituencies to be framed for them. The suggestion has been made mainly with reference to rural areas, but might be made applicable to towns also.

Do you consider that any such system would be feasible and advantageous in the areas with which you are acquainted, and, if so, would you advise that the group electors should vote in the same constituencies as the directly qualified electors, or in separate constituencies composed of group electors only?

(f) In the event of separate constituencies being framed for group electors, it is proposed, that only group electors should be qualified to stand as candidates for such constituencies.

Are you in favour of this method?

(g) If you are in favour of group system (e) what do you consider would be a suitable size for the same, and on what basis would you constitute them, and whom would you charge with the duties of forming them?

(h) Do you think any special qualification, whether property, educational or other is necessary for the persons chosen by such groups to vote on their behalf for the election of members? If so, what?

*Note:*— The Mukhi or Group system is as follows; Groups of 10, 20 or 25 persons elect a delegate from among themselves, and this delegate will vote for them in the regular elections. The group will be known as primary voters and the representative elected by them as a secondary voter. This kind of voting will enable the masses to take an interest in the affairs of the state. It does away with the class distinctions attached to the right of vote. Such a system is not uncommon to rural areas where people are accustomed to the punch system.

## 2. FRANCHISE

It is proposed that each community should be given a voting strength proportionate to its numbers, and that the franchise system should be so contrived as to secure this result, in so far as it may be practicable.

Are you in agreement with this suggestion, and if so, what measures would you suggest for giving effect to it? Would you suggest (1) separate electorates, (2) joint electorates with reservation of seats or (3) joint electorates without reservation of seats?

*Note:* Electorates are of two kinds; joint or separate. In the first the voter votes as a member of the general public; in the second he votes as belonging to a particular community or class. The advocates of separate electorates urge that in a general election the minority community or class may not be able to secure adequate representation. And it is here that the question of reservation of seats in a joint electorate comes in. To obviate this difficulty they suggest that a certain number of seats be reserved for the particular community or class, candidates for which will be elected by the general electorate.

(b) Is the possession of property of some kind in your opinion a suitable test of fitness for the franchise? (The term "property" should be understood in its widest sense as including not only the



ownership of landed property but also the occupation of land or house property or the receipt of income or wages whether in cash or kind). If so, what minimum property qualifications would you suggest?

(c) Are you in favour of introducing a qualification based on education, independently of property? If so, what educational qualification would you suggest?

### 3 WOMEN FRANCHISE

(a) It is proposed that the same franchise qualifications as are applicable to men, be made applicable to women also and they be enfranchised. The Hyderabad municipality has recognised this principle and enfranchised them on this basis.

Are you in favour of this proposal?

(b) In the event of the system of group representation being established as proposed in paragraph 1. (e) do you consider that women should be formed into separate groups, or should groups contain both men and women?

### 4. REPRESENTATION OF BACKWARD CLASSES

(a) It is generally felt that provision should be made in the new constitution for representation of the backward classes through election.

What communities would you include as belonging to backward classes? Would you include classes other than Harijan (Adihindu), and if so, which?

(b) Do you consider that the backward classes are likely, through general enfranchisement, to secure representatives of their own choice in the general electorate and if so, to what extent?

(c) If your answer to (b) is in the negative, what specific proposals would you make to secure their representation in the legislatures?

*Note*:- The possible application of the group system of representation to the backward classes should be specially considered.

### 5. REPRESENTATION OF LABOUR

Assuming that a general enfranchisement would not secure adequate representation of labour what special measures would you recommend for representation of labour? On what basis would you allot representation to labour?

### 6. REPRESENTATION OF SPECIAL INTERESTS

What are your views regarding representation of special interests (University, Commerce, Banking, Industry, Jagirdars, Zamindars etc.) in the Legislature?

If you favour their representation what suggestion would you make to secure it?

## LOCAL SELF GOVERNMENT.

Local Self Government institutions are an important machinery for the proper and autonomous administration of Local affairs, and have been in vogue for the past half a century in some form or other in our State. At present such institutions in existence in our state are the following:— Taluqa Local Fund Committees, District Local Fund Committees and District Municipal Committees. The formation of Kasba Municipalities is under consideration of the Government. The Hyderabad City has a Municipal Corporation and has introduced election in its constitution.

With a view to enlarge and improve these institutions on a broader principle of election or representation the following questions are to be considered.

1. (a) what is your opinion about the present working of these bodies?

(b) Are these institutions, with which you are acquainted, sufficiently representative of popular opinion? If not, how would you make them so? How far do you wish to introduce the elective principle in these bodies?

(c) Is the scope of the present institutions satisfactory in view of the autonomous principle of administration? If not, how far would you widen it? What other powers and duties would you entrust them with?

(d) Do you think, that the present local cess answers the financial needs of these bodies? If not, what other source of income would you suggest?

2. The village Panchayat system on an election basis has been introduced in several parts of British India and some Indian states, in order that the villages may become self-governing units. Do you like the introduction of this system in our state? If so, what powers and duties would you entrust them with? Are you in favour of giving them the minor judiciary powers (Civil and Criminal) as is done elsewhere?

*Note*:- A village Panchayat is an institution of the representatives of the village charged generally with the following duties; village sanitation, development of education, control of dharmasalas, ashurkhanas, places of worship and other public buildings, management of cattle pounds, maintenance of village forests, and roads, water supply, lighting of the villages etc.

3 (a) In the event of the introduction of the Panchayats on an elective basis, how will you provide for funds for these bodies.

(b) In the event of the introduction of these bodies do you think that the existence of the Taluqa Local Fund Committee is still necessary?

(c) If village Panchayats are introduced here on an elective basis, do you propose to give the right of vote to that body, to all adults or would you limit it by any qualifications?

(d) What method of voting would you suggest for these bodies?

## FIRMAN OF 1338.

"In my Firman dated the 22nd Safar ul-Muzaffar 1338 Hijiri under which I established an executive Council for the more efficient administration of my Dominions, I had directed that my Legislative Council would continue to work under the existing rules until they should be modified. This Council was one of the outstanding features of the Reforms introduced by my revered father. Since its establishment some minor changes have been effected, but they are not sufficient to meet the requirements of present times, nor do they give promise of the functions which I consider necessary for the prosperity and advancement of my beloved subjects. The constitution I have given to my Executive Council has set it on the high road of administrative efficiency. It has made an excellent start and I feel confident that its working will demonstrate the wisdom of the steps taken. The next important move in the direction of reforms I have in contemplation is a thorough and complete investigation of the conditions most favourable to the enlargement of the Legislative Council and the expansion of Government machinery. I, therefore, direct the Sadar-i-Azam, Sir Ali Imam, to take immediate steps to collect all necessary materials on which a liberal scheme for the attainment of the above mentioned objects may be based. It is my desire that with due regard to the social and educational advance made by the people particular attention should be paid to the following points in conducting the investigation:—

- (a) Substantial introduction of the elective element.
- (b) Direct voting.
- (c) Representation of all important classes and interests.
- (d) Effective protection of minorities.
- (e) Conditions of Franchise.
- (f) The Official Element
- (g) Powers and functions.

The Sadar-i-Azam is authorised to appoint special officers and constitute committees on whose report a comprehensive scheme with definite proposals shall be drawn up for presentation to my Executive Council for opinion prior to its submission to me for consideration and others."

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## ROYAL MESSAGE OF 17TH ABAN 1346 F.

*"To my beloved people my earnest prayers to Providence for their happiness and welfare!"*

"I had in my Firman, dated the 14th Jamadi-ul-Awal 1338 H. directed the then President of my Council to collect data which would enable me to devise a scheme of reform and expansion of the Legislature consistent with the educational and moral progress of my people. I have since then given constant and anxious thought to the problem of increasing the association between my people and my Government by the creation of a body or bodies representing the main interests in my State from which my Government could derive adequate and constant knowledge of the needs & desires of my people. Upon seeking the views of my Executive Council in this regard, I have received encouragement by the opinion tendered by them and have resolved that preparatory steps may be taken in this direction before the close of my Jubilee Year. I have entrusted the task of formulating proposals on the subject to the Constitutional Affairs Committee of my Council but I and my Ministers feel that in formulating proposals the Committee would be considerably assisted, in a matter which so closely concerns the public, if it has before it also the views of an independent and experienced body consisting of officials and non-officials alike. I have communicated my detailed instructions regarding the composition and the terms of reference of this Committee to my President of the Executive Council who is also your President and the bearer of this, my Message to you today. It is my wish that the work entrusted to the Committee should be completed within the shortest possible time and that the results should be submitted to my Government within a period not exceeding six months. I am confident that the Committee will realise the responsibility of the task entrusted to it and will discharge it in a manner worthy of its importance. 'I can only endeavour, but it is with God to dispose'."

*The following figures will be found relevant.*

### POPULATION OF THE STATE.

Hindu	...	1,22,000,00
Muslims	...	15,350,00
Christians	...	1,510,00
Zorastrians	...	18,00
Animists	...	5,450,00
Male adults	...	38,40,000
Female adults	...	35,49,000
Urban adults	...	16,16,981
Literate adults	...	3,84,377

The Hyderabad Census defines those who are able to read and write a letter as literate.