# THE JOINT COMMITTEE REPORT

## A CRITICAL STUDY

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### INTRODUCTORY

The Report gives a rude shock to students of political institutions and constitutional law. While a detailed criticism of the recommendation is to follow, one has to state that the Joint Committee Report is one of the most uninspiring retrogade documents of recent times. The only silver lining in the gloom is the more progressive minority draft of Mr. Attlee. The state document that in recent times responded to the soul of political India was the Montagu-Chelmsford Report.

The Joint Committee in an apologetic strain (at para 42) note that " Indeed we recognize that even moderate opinion in India has advocated and hoped for a simpler and more sweeping transfer of power than we have felt able to recommend."

What pains a student of British Institutions is the pervading note of distrust of Indians throughout the Report. The White Paper was itself in many ways unsatisfactory; the Joint Committee has made it more conservative and retrograde. The more one reads with care the documents of the Round Table Conferences culminating in the gloomy Joint-commitee Report, the more is one driven to the only conclusion that the reactionary elements have triumphed over the progressive ones.

A Federation-to-come with doubly strengthened commercial and financial safeguards, a hydraheaded Federal executive

consisting of "irresponsible" counsellors and helpless ministers with the shadow of a Financial Adviser at their back, the pernicious whittling down of the White Paper through the retrograde intrusion of Indirct election to India's Federal Assembly, the imposition of second chambers on Madras and Bombay—another reactionary departure from the White Paper—and the preservation of all the powers of the "Great Moghul" in the Provincial Governor and the Governor-General—these are among the most unsatisfactory features of the Report.

Can any close student of modern political institutions read in these newly forged legal safeguards "the primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own Government"? (Speech of the Prime Minister at the first Round Table Confernce on 19—1—1931 embodying the authoritative Declaration of the Government).

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## II

## ITS FUNDAMENTAL FALLACIES

Under Section 84 (A) of the Government of India Act 1919, the Indian Statutory Commission was appointed for inquiring into and reporting on the desirablity of establishing the principle of Self-Government in British India. On 27th May 1930, the Report was signed. Besides the Indian Central Committee with assessional powers ? (three) Round Table Conferences have also been held in London. The Joint Select Committee of both the Houses had also consultations with seven delegates from the Indian States and 21 delegates from British India besides 12 delegates from Burma. The Joint Committee had held 159 meetings and examined over 120 witnesses. The Secretary of State, Sir Samuel Hoare tendered himself as a witness and " replied to nearly 6000 questions during the nineteen days over which his evidence extended. " At a total cost of £ 29,409-3-4 the Joint Committee has printed under authority " the closely preserved secret of the century " on November 22nd 1934.

The Blue book containing the Report is one of the most reactionary documents of the century. It breaths deep distrust of the Indians. Some good points in the Indian Statutory Commission have been entirely forgotten. The White Paper has been made more conservative and retrograde.

By far the best criticism of the majority Report is Mr. Attlee's Draft printed at Part II (Proceedings). It is a singular fact that the weightiest Joint Memorandum signed by all the British Indian Delegates has been callously disregarded in all the vital points of the Report. It has been officially of " great service " to the Joint Committe but its non-acceptance

in all important recommendations is only to a small extent retrieved by Mr. Attlee's scrupulous regard to its recommendations.

## HAVE THE "PLEDGES" BEEN KEPT?

"The pledges given to India have been many" (Mr. Attlee). The Declaration of 20th August 1917 which now appears to have had its official start from H. E. Lord Willingdon, (Vide Lloyd George's Memoirs Vol. IV) the statement of the King-Emperor read by H. R. H. the Duke of Connaught on 9th Feb. 1921 to the new Indian Legislature, Lord Irwin's reaffirmation of the object of British Rule with the full authority of the British Cabinet on 31-10-1929, the Prime-Minister's confirmation of the statement of Policy at the final session of the first Round Table conference in January 1931—all these authoritative pronouncements mentioned "Dominion status" as the "natural issue of Indian constitutional progress." What with the latter-day restrictions put upon India's goal, the Joint Memorandum of British India urged an authoritative enunciation of this goal in the Constitution Act. The Report of the Joint Committee has nowhere adverted to this crucial demand. On the other hand, the Report is stressing on "taking into account the facts of Indian life." If an "unqualified system of parliamentary Government" were set in motion, the consequences are apprehended to be "disastrous to India and perhaps irreparable."

The reasons stated by them are that the four essential factors of Parliamentary Government as understood in the Uuited Kingdom cannot "be said to exist in India." The principle of majority rule, the willingness of the minority to accept the decisions of the majority, the existence of great political parties divided by broad issues of policy, and the presence of a mobile body of public opinion—these four factors are not found in India. But,

we have the undoubted expert evidence of Sir Charles Innes that Canada of the first half of the XIX century offers in some respects a parallel with the India of today. "There was (in Canada) an irresponsible executive confronted by a powerful legislature, and Canada had its own communal problem in the rivalry of the French and English Canadians. The effects of these factors were much the same as have manifested themselves in recent years in India. There was growing bitterness against the Home Government. Finally, there was a rebellion and it was only Lord Durham's Report that saved Canada for the Empire." History is repeating itself in India. Sir Charles Innes recognized that " responsibility was the only real remedy for the situation that had arisen " in India. (*Joint Commitee.* Minutes of Evidence, p. 550).

But, has the Joint Committee recommended *real responsibility at the centre* or *Provinces?*

## III

## NO SCOPE FOR DEVELOPMENT

The Indian Statutory Commission laid down the first principle that " the new constitution should as far as possible, contain within itself provision for its own development " (p. 5.). The Joint Committee has accepted this principle of flexibility as an element in the new Constitutional Settlement.

What are the steps proposed in this direction ? Para 110 of the White Paper laid down that it would not be competent for Federal and Provincial Legislatures to enact any law affecting the provisions of the Constitution Act except in so far as that Act itself empowers them to do so.

The Joint Committee approach the problem of Constituent Powers with the *deliberate* view that " the main provisions of the Act should remain unaltered for an appreciable period in

order to ensure that the constitution is not subjected at the outset to the disturbances which might follow upon hasty attempts to modify its details" (para 375).

The Joint Committee are at the same time satisfied that there are various matters which must be capable of modification and adjustment by "some means less cumbrous and dilatory than amending legislation in Parliament."

Orders in Council made by his Majesty's Government subject to the approval by an affirmative resolution of both Houses of Parliament constitute one such device. Barring administrative matters as salaries and conditions of service of the Governor-General, Governors and Governor-General's Counsellors, other matters as fixing the percentage of income-tax to be assigned to the Provinces and the basis on which that assignment is to be made, the qualification of electors to the Provincial and Federal Legislatures, will be prescribed by Order in council (para 378).

The White Paper contemplated that some Constituent Powers might be vested in the Indian Federal Legislature to modify certain provisions, but the Joint Committee had turned this down and placed severe restriction on this. The new Legislatures can be only associated with the modifications of "the provisions of this Act or of any Order-in-council relating to the composition and size of the Legislatures or the qualifications of electors." Even this *influencing* is to be subject to the following conditions.—

(*a*) The Resolution of the new Legislatures should be confined in scope to matters concerning the size and composition of, and the franchise for the Legislatures;

(*b*) That the Federal Legislature should have no power to propose an alteration in the size or composition

of either chamber involving a variation of the proportions of the seats allotted to the seats and provinces respectively or of the relative size of two Houses.

(*c*) That the procedure should not come into force until the expiry of ten years.

(*d*) That the Governor-General or the Governor should be required to state his views on the question of effect of the Resolution upon the interests of any minority or minorities.

(*e*) and that the Resolution should have been proposed on the motion and on the responsibility of the Federal or Provincial Ministers as the case may be (Para 381).

Thus the association of the new Legislatures in modifying the provisions of the constitution is strictly limited in scope and character; and in effect it is bound to be negligible.

Far from the new Constitution containing within itself "the seeds of growth," there are numerous statutory provisions of disintegration in the Report.

When no responsible body of Indian public opinion wanted the saddling of a second chamber in the Provinces, the Joint committee have recommended this marked retrogression on even the recommendations of the White Paper. The provision of the Joint session in cases of rejection by the Upper House of the salutary measures of the Lower House is sure to stampede all progressive legislation *at the centre.* The extraordinary preservation of special powers in the hands of the Governor-General and the Governors is bound to lead to friction and the break-down of the power of independent ministries in the provinces. These will always intervene "promptly and effectively if the responsible Ministers and Legislatures should

fail in their duty." The so-called Provincial autonomy is so hedged in by the numerous chances of intrusion of the Governor in transferred departments, that it is sure to nullify the so-called transfer of power to ministers. Far from-improving the Government of India Act of 1919, many provisions are to be inserted in the Constitutional Act which are certain to pander to and foster communal frictions and reactionary agencies.

## IV

## ON PROVINCIAL AUTONOMY

With reference to the Provinces, the Montagu-Chelmsford report stated that some " measure of responsibility " should be given at once and our aim is to give complete responsibility as soon as conditions permit."

Is complete responsibility in store for the Provinces? The Joint Committee agree with the White Paper in vesting the residuary power in the Central Legislature, following the Canadian model.

Eleven autonomous provinces are contemplated. The relations of Governors with their ministers are left to be determined by the Instrument of Instructions. But the Joint Committee have so tightened India's development that " Parliament should have the determining voice in the progressive stages of the Indian constitution " (para 76).

The detailed safeguarding of the Governor's special responsibilities leaves him still the *most powerful autocrat*. For his *special responsibilities* extend to

i. the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof. The suggested delimitation of this power to the department of law and order has been turned down.

ii. the safeguarding of the legitimate interests of minorities—A plea for the clear definition of "legitimate interests" by the British Indian Delegation has been rejected.

iii. Securing to the members of the Public Services of any rights provided for them by the constitution and the safeguarding of their legitimate interests. But why should safeguarding of their undefined legitimate interests be left to the Governor over the heads of Ministers? This breathes distrust of the ministry and is subversive of responsible government in the provinces.

iv. the prevention of commercial discrimination.

v. the protection of the rights of any Indian State.

vi. the administration of partially excluded areas.

vii. Securing the execution of orders lawfully issued by the Governor-General (para 78).

Has law and order been completely transferred to the minister? The special responsibility of the Governor for peace and tranquillity will enable him to give directions to the minister and himself take the initiative if the minister declines to do so. Further, the Police Acts and Rules are to be *specially protected* by the Governor as against the minister. The secret Intelligence Reports are to be kept away from the knowledge of the minister. The minister is held responsible for law and order and he would be in the unedifying position of defending executive acts, the basis of which is kept away from his knowledge. Thirdly under the special powers required for combating terrorism, the Governor can assume effective charge of certain departments of the minister's portfolio.

Besides these special responsibilities the Governor in his *sole discretion* can veto legislation; and excluded areas are to be administered by him.

The pernicious rule of a subordinate official working under the Minister taking papers direct to the Governor is to be laid down in the Constitution Act. Nowhere in a responsible state of affairs could this indiscipline be contemplated. Students of political science and public administration will have to search in vain for such a retrograde procedure.

The salaries of the Governor's increased staff are *non-votable.* The position of the magnified Secretary to the Governor with his duties " varying from time to time as constitutional practice and usage grow," is anamolous and bound to create friction and deep suspicion in the Provincial Excutive.

There is another category of special powers of the Governor in the event of a break down of the constitution when the Governor assumes to himself all powers necessary through Proclamation (para 109).

Yet another nomenclature of provincial legislation in the form of *Gorvernor's Acts* under this head is to be added. The existing powers of ordinances are more than sufficient. No case has been made out for Governor's Acts.

The Governor is to have power to issue temporary ordinances valid for six months and renewable once for a similar period.

The Governor is to have power to restore any sums included by him in the budget proposals for appropriation.

There is another series of ordinances by the Governor on the advice of the Minister while the legislature is not in session which will be valid till the expiration of six weeks from the date of the reassembly of the Legislature (para 108). This must go. In effect this may last for six or seven months. The

normal provision of convening the legislature must alone be resorted to.

The Joint Committee, conscious of the wide discretionary powers in the hands of the almost despotic Governor, give no credit to the intelligentia of this country by postulating that "these constitute the most effective guarantee for the development of a genuine system of responsible government." The Joint Committee's deliberate view is the deep distrust of the political capacity of Indians. They postulate that "responsible government postulates conditions which Indians themselves have still to create."

## THE PROVINCIAL LEGISLATURE

The most retrograde recommendation making even the White Paper look better is the *super-imposition of second chambers* in Madras and Bombay also. No responsible delegate demanded these undemocratic chambers.

The best criticism of this aspect of the legislature is by Mr. Attlee. There is bound to be additional cost to the Indian revenues and there is also to be the drain on the personnel of the Province.

Communal electorates are preserved and the Legislative Assembly in Madras is to consist of 215 representatives as hereunder:—

| | | |
|---|---|---|
| General | ... | 152 (including 6 women and 30 for Depressed classes. |
| Backward areas | ... | 1 |
| Muhammadan | ... | 29 (including 1 woman). |
| Indian Christian | ... | 9 |
| Anglo-Indian | ... | 2 |
| European | ... | 3 |

| | | |
|---|---|---|
| Commerce | ... | 6 |
| Landholders | ... | 1 |
| Labour (special) | ... | 6 |
| | | 215 |

The reactionary Legislative Council is to be constituted as hereunder :—

| | | |
|---|---|---|
| Nominations by the Governor | ... | 8 to 10 |
| General | ... | 35 |
| Muhammadan | ... | 7 |
| European | ... | 1 |
| Indian Christian | ... | 3 |
| | | 54 to 56 |

The changes in the franchise contemplate an increase to 14% of the population as compared to the present 3%. But this is less than the White Paper recommendation to a province like Madras where it came to 16%.

The members of the Second Chamber will be elected from communal constituencies. The franchise will be based on high property qualifications or qualifications based on service in certain distinguished public offices.

## POWERS OF THE LEGISLATURE

Under the White Paper, the consent of the Governor given at his discretion would have been required to the introduction of legislation which affected a Governor's ordinance or which affected religion or religious rites and usages. The Joint Committee modify the White Paper by taking out topics affecting religious usages or rites.

The Governor's power to return a Bill for reconsideration is retained.

The salary and allowance of the Governor will not be even open for discussion. But why should the salary of the ministers be put in the non-votable list? Nor is it at all evidence of autonomy to put in the non-votable head "the salaries and pensions payable to or to the dependents of certain members of the Public Services and certain other sums payable to such persons."

In a marked respect, there has been a retrogression from the provisions of the Government of India Act of 1919 with regard to the intervention of the Governor in the transferred departments. Under §. 72 (D) of the Government of India Act of 1919 the Governor shall have "power" in cases of emergency to authorise such expenditure as may be in his opinion necessary for

(*a*) the safety or tranquillity of the province or

(*b*) for the carrying on of any Department.

But under the J.C. Report, the intrusions of all powers of the Governor in the Reserved Department have been extended to the Transferred Department. There are to be Governor's Acts covering the whole field (para 104) and his special Powers are bound to whittle down Provincial autonomy. Far from being a liberalisation of the Government of India Act (1919), this is calculated to make the Act more retrograde.

## V

## THE CENTRAL GOVERNMENT

In spite of the large volume of approval at the idea of the willingness of the princes to join the Federation, it is a moot question if the result of the Joint-Committee recommendations at the centre has not produced an inflexible reactionary weightage.

A definite date of the starting of the federal government has not been given in spite of the British Indian Delegation's demand. When the Rulers of states "representing not less than half the aggregate population of the states and entitled to not less than half the seats to be allotted to the States in the Federal Upper Chamber" have signified to His Majesty their desire to "accede to the federation," both Houses of Parliament should present an address to His Majesty praying that the Proclamation may be issued (para 157). The State's relations will be exclusively "with the crown and the right to tender advice to the crown in this regard will be with His Majesty's Government.

Federal *jurisdiction* will extend to the whole of British India and to the states which have acceded to the Federation only "in respect of those matters which the Ruler of the state has agreed in his Instrument of Accession to accept as federal."

## THE FEDERAL EXECUTIVE

A Council of Ministers chosen and summoned by the Governor-General will advise him in exercise of the powers conferred on him by the Constitution Act other than his powers relating to

(1) Defence, External Affairs, Ecclesiastical Affairs
(2) the administration of British Baluchistan.
and (3) matters left by the Act to the Governor-General's *discretion*—(para 165).

As Major Attlee has pointed out in his Draft, there is absolutely no justification on the ground of the resident British Army to have the Ecclesiastical Department. Major Attlee's suggestion of abolishing the Ecclesiastical Department and tacking it to Defence deserves to be followed up. Major Attlee finds little justification to pay the expenses of this Department from Indian Revenues.

## THE GOVERNOR-GENERAL'S SPECIAL RESPONSIBILITIES

How far responsibility has been introduced in the centre will be clear from an examination of the wide and unlimited powers given to the Governor-General. His special responsibilities extend to :—

(1) the prevention of any grave menace to peace and tranquillity of India or any part thereof,

(2) Safeguarding of the financial stability and credit of the Federation,

(3) Safeguarding of the legitimate interest of minorities,

(4) Securing to the members of the Public Services of any right provided for them by the Constitution Act and the safeguarding of their legitimate interests,

(5) the prevention of commercial discrimination,

(6) the protection of rights of any Indian state,

(7) any matter which affects the administration of any department under the direction and control of the Governor-General (para 168).

In the Federal Government the Governor-General controls the Reserved Departments of Defence, External Affairs, and Ecclesiastical Affairs. In the administration of these Reserved Departments, the Governor-General is to be assisted by not more than three Counsellors appointed by him. These Counsellors will be Ex-officio members of both the chambers without the right to vote.

The Financial Adviser to the Governor-General is to be appointed by the Governor-General to assist him in the discharge of his special responsibility to safeguard the financial

stability of the Federation. How long is this extraordinary officer to continue? No time-limit is found in the Report.

With regard to Defence the plea of a Statutory Committee of the Legislature was pressed by the British Indian Federation. Major Attlee has supported it. But the Joint Committee shelve this vital question to the discretion of the Governor-General.

The detailed suggestions of the British Indian Delegation were:

(*a*) the appointment of an elected Non-official Indian as his Counsellor for Defence.

(*b*) the control of the Finance Department over Defence and (*c*) consideration of all questions of army policy and annual army budget by the whole ministry. All these have been turned down.

The British Indian memorandum also suggested a definite programme of Indianization within 20 or 25 years. This has been poo-poohed as "impossible" to be included in the Constitution Act.

## THE FEDERAL LEGISLATURE

Perhaps the most unconvincing part of the J.C. Report is the pernicious innovation of *Indirect Election* to India's Parliament. The White Paper following other Federal institutions adopted direct election to the Lower House. All Federal constitutions adopt direct election to the Lower House. Direct election has the support of Indian opinion. The prior Joint Committee of 1919 turned down the recommendation in favour of indirect election made by the Southborough Committee. But the committee's finding (by a majority) is "that there is no alternative to the adoption of some form of indirect election". (para 208).

In this indirect election, it is recommended that "the Hindu, Muhammadan and Sikh seats should be filled by the representatives of these communities in the Provincial Assemblies voting separately for a prescribed number of communal seats; and that within the Hindu group special arrangements should be made for the depressed classes." Electoral colleges are contemplated for electing the Indian Christians, Europeans, and Anglo Indians. This system is bound to offer temptations to weak members of the local legislature. The lesson from U. S. A. is that it will tend to corruption.

This retrograde step will disfranchise more than a million voters and is the surest way of preventing political education of the masses in the national issues affecting the country.

The Federal Assembly is to consist of 375 representatives, 250 from British India, and 125 appointed by the Rulers of States acceding to the Federation.

The Council of State is to be composed of 260, 150 from British India, 100 from states and 10 to be nominated by the Governor-General in his discretion. This is to be elected by the Legislative Council in a Bicameral Province and by an *ad hoc* Electoral College in the unicameral Province. This body is to continue for 9 years, $\frac{1}{3}$ retiring every third year.

The *non-votable* items of the Federal Assembly relate to

(i) expenditure for the Reserved Department,

(ii) expenditure for the discharge of the functions of the Crown in and arising out of its relations with the rulers of Indian States,

and (iii) expenditure for the discharge of the duties imposed by the Constitution Act on the Secretary of State (para 214).

All demands considered first by the Lower House are to be subsequently considered by the Upper House, and any difference of opinion is to be resolved at a joint session to be held forthwith.

The British Indian Delegation suggested the prohibition of state's representatives from voting in matters of exclusively British Indian concern. The Joint committee has set aside this salutary provision. The result would be that the reactionary Upper chamber would need only a few votes from the States in the assumed view of some State's representatives in the Lower House voting with the British Indian delegates of the Federal Assembly. Nor is the absence of any reference to state people in the selection of State's Representatives to the Lower House without its reactions on the progressive character of the 125 State's Representatives in India's Federal Assembly.

## IV

## COMMERCIAL SAFEGUARDS

India has since the inauguration of the present constitution in 1921, worked under a convention which gives her "full autonomy in her fiscal affairs, without any interference from Whitehall on any matters on which the Government of India and the Legislature are in agreement." Flowing from this convention, India has been purchasing Government stores other than military stores in the best market.

The British Indian joint memorandum has definitely stated that on the question of principle there has been "a substantial measure of agreement in India that there would be no discrimination against British trade in India. Where then is the necessity for a statutary declaration of the principles? Wherever the Joint British Indian memorandum wanted a provision in the Constitution Act—as in Indianization of the Army within 30

years, definition of the goal of Dominion Status, fixing of the date of Federation, embodying of fundamental rights, and the provision of a Statutory committee of Indian Defence—the answer of the Joint Committee has been "impossible", "not feasible" "cannot be manufactured to specification", "abstract declarations are useless", and "it will embarrass the Governor-General" respectively.

But even when there is the definite assurance of the British Indian Delegation that there "will be no desire to utilise the powers for a purpose so destructive of the conception of partnership," the Joint Committee consider that" it would be clearly of great advantage to allay the fears by a declaration through and under the Constitution Act." The irresistible inference is that the Joint Committee has set at naught every valuable and vital suggestion of the British Indian Delegation; and fresh stiffening statutory safeguards have been unconvincingly recommended to pander to the ultra-conservative British trade interests.

Thus, the Governor-General is to have a further special responsibility in addition to those enumerated in the White Paper," to prevent measures legislative or administrative, which would subject British goods imported into India from the United Kingdom, to discriminatory or penal treatment."

Administrative discrimination would be prevented by the Governor-General and Governors. These high functionaries would effectively intervene "if action is proposed by their ministers which would have discriminatory effect" and if necessary "would either decline to accept their advice or exercise "the Special Powers which flow from the possession of special responsibility." Further, in the Instrument of Instructions to the Governor-General and the Governor, it is to be laid down as their duty to "withhold their assent from any

measure which though not in form discriminatory would in *their judgment* have a discriminatory effect." A wider circumference to all possible forms of commercial discrimination cannot be contemplated. This unlimited ambit left to the arbitrary judgment of the Governor-General and Governor is certainly calculated " to seriously interfere with the economic development of India."

The Statutory Commission felt it difficult to define discriminatory legislation in a constitutional Instrument; but when it is a question of safeguarding British Commercial Interests, however complicated, difficult or perplexing it be, " *the attempt should be made.*" (Italics mine).

Thus British subjects domiciled in the United Kingdom, companies incorporated in the United Kingdom and India, and ships registered in the United Kingdom, have to be *legally* safeguarded against discrimination.

If there be necessity for finding unmistakable evidence of the deep distrust of Indians which permeate throughout the J. C. Report, here is one straight thrust :—

" Utterances have been made which could not fail to give rise to suspicions and doubts and that statutory provision by way of reassurance is an *evident necessity* ". (Italics mine).

Mr. Stanley Baldwin and Sir Tej Bahadur Sapru have stressed that " whatever safeguards we have, the real Safeguard is the maintenance of goodwill ! May I ask, have these administrative cum legal commercial safeguards been forged in *this spirit* ?

## VII

## SUGGESTIONS

The preponderant Indian public opinion is thoroughly dissatisfied with the recommendations of the Joint Committee. Even " moderate opinion in India " is shocked at the reactionary

nature of the recommendations. Nor is the disappointment of students of political science and public administration less remarkable.

While the greatest political organization in the country is bound to reject these retrograde rocommendations, the problem before believers in the constitutional method of agitation is how best to focus united Indian public opinion on the Joint Committee Report.

There is a common link between H. H. The Aga Khan on the one hand, Dr. Shafat Ahmad Khan, Sir C. P. Ramaswamier and other Liberals on the other. So far as the shortcomings in the Report are concerned, the tentative opinion of the Madras Liberals covers the whole field and is thoroughly dissatisfied with the Report. Round this aspect of agreement there is scope for the meeting of an All Parties conference in a central place.

India of 1934 has not got the advantages of 1919. Post-war atmosphere had the advantage of American public opinion on the Indian problem in 1919. The absence of an instructed International Public opinion in favour of India is another unhappy factor of the present situation.

Constitutional evolutionists in a dependent country as India can send a grave warning to the authorities that if the Joint Committee Report is not brought into line with the minimum demand so weightly presented by the British Indian memorandum, the Constitution Act could not be worked towards the realization of full responsible government.

The following definite modifications in the Joint Committee Report constitute the minimum to make the Constition Act acceptable to Indian public opinion :—

I. Declaration of the definite goal of Dominion Status in the Constitution Act and its realisation within a definite period.

II. Institution of a Statutary Committee of Indian Defence.

III. Mention of a definite date of the starting of Federation.

IV. A definite programme of Indianization of the army within thirty years is to be embodied in the Constitution Act.

V. The limiting of the period of office of the Financial Adviser to, say ten years—This functionary is to be appointed later only if the ministers want him.

VI. Fundamental rights should be embodied in the Constitution Act.

VII. The High Commissioner for India in London is to be appointed by the Government of India.

VIII. Indirect election to the Federal Assembly must go.

IX. States' people must have a determining voice in the selection of states' Representatives to the Federal Assembly.

X. The Council of State should be abolished. There should be only one chamber at the centre.

XI. Statutory commercial safeguards are unnecessary. These should be matter for reciprocal arrangements between parties.

XII. All Departments especially Finance, Railway Board, and Reserve Bank should be under the plenary control of the Federal Assembly, subject if necessary, to suitable safeguards.

## PROVINCES

XIII. There should be no second chamber in the Provinces.

XIV. The Secret Service Department of the Police should be under the minister.

XV. The statutory recommendations regarding security services and their recruitment for an unlimited period by the Secretary of State are sure to whittle down Provincial autonomy.

XVI. The Special Powers of the Governor must go ; and his position and status must approximate to the position of a constitutional Governor.

THE R. P. and P. HOUSE, MADRAS