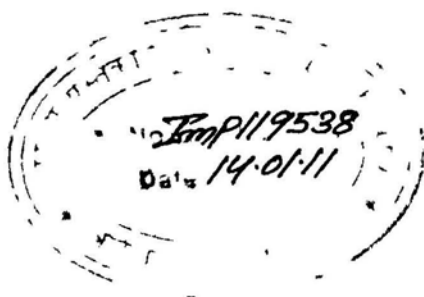


**The Proceedings  
OF THE  
All Parties National  
Convention**



**Published by Rafi Ahmad Kidwai, Secretary,  
All Parties National Convention, Allahabad  
PRICE RUPEES TWO**



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# ORGANISATION REPRESENTED AT THE ALL PARTIES NATIONAL CONVENTION

## A—Political

### *Associations*

1. Members of the Central and Provincial Legislatures
2. Members of the All India Congress Committee
3. All India National Liberal Federation
4. Home Rule League, Madras
5. Indian Association, Calcutta
6. Bombay Presidency Association, Bombay
7. Madras Mahajan Sabha, Madras
8. Surma Valley Conference, Sylhat

### *Associations*

9. Assamese San Rakhini Sabha, Gauhati
10. Deccan Sabha, Poona
11. Assam Association, Gauhati
12. Sindh National League, Karachi
13. Sarvajanik Sabha, Poona
14. Yeotmal Association, Yeotmal
15. Arya Swaraj Sabha, Lahore
16. Swadhin Bharat Sangh, Karachi
17. Karnatak Unification Sabha, Belgaum

## B—Trade Union and Peasants Organisations

1. All India Trade Union Congress, Bombay
2. Communist Party, Bombay
3. Behar Provincial Kisan Sabha, Muzaffarpur
4. U. P. Kisan Sabha, Allahabad

## C—Commercial Organisations

1. Southern India Chamber of Commerce, Madras
2. Maharashtra Chamber of Commerce, Bombay

### *Associations*

3. Bengal National Chamber of Commerce, Calcutta
4. Burma Indian Chamber of Commerce, Rangoon
5. Indian Merchants Chamber, Bombay

### *Associations*

6. Shri Mahajan Sabha, Bombay
7. Indian Chamber of Commerce, Calcutta

### **D—Landholders Organisations**

1. Coorg Landholders Association, Macara
2. Behar Landholders Association, Patna

### **E—Indian State Organisations**

1. Indian States People Conference
2. Indian States Subjects Association, Ahmadabad
3. South Indian States Subjects Conference, Madras
4. Daxni Sansthan Hitvardhak Sabha, Poona
5. Rajasthan Seva Sangha, Ajmer

### **F—Women's Organisation**

1. Women's Indian Association, Madras.

### **G—Communal Organisations**

1. Hindu Maha Sabha, Delhi
2. All India Muslim League, Delhi
3. The Central Khilafat Committee, Bombay
4. The Central Sikh League, Amritsar
5. All India Conference of Indian Christians, Lahore
6. South Indian Liberal Federation, Madras
7. All India Shia Conference, Lucknow
8. Bengal Indian Christian Association, Calcutta
9. Namdhari Durbar Bhaini Sahib, (Sikh) Lahore
10. North-West Frontier Muslim Association, Peshawar

### *Associations*

11. Mazdyasni Mandal, Bombay
12. Sanatan Dharma Pratinidhi Sabha, Punjab, Lahore
13. Hindu League, Sukkur (Sindh)

### *Associations*

14. Mahavir Dal, Punjab, Lahore
15. Anglo-Indian League, Calcutta
16. Hindu Samaj Hitrakshak Committee, Bombay

### **H—Religious and Social Reform Organisations**

1. All India Aryan League, Lahore
2. Bengal Social Reform League, Calcutta
3. Hindu Mission, Calcutta
4. Ahmadia Community, Qadian (Punjab)
5. Achhutudhar Committee, Delhi
6. Shradhanand Dalitudhar Sabha, Delhi
7. Bazm-e-Soofia, Patna
8. All India Hindu Shuddhi Sabha, Delhi

### **I—Backward Classes**

1. Dayanand Dalituddhar Mandal, Lahore
2. Bengal Namashudra Association, Calcutta

### **J—Miscellaneous Organisations**

1. Journalist Association of India, Bombay
2. Thulva Mahasabha, Udipi
3. Servants of the People Society, Lahore
4. Bengal Journalist Association, Calcutta
5. Ganjam District Association, Ganjam
6. Oria Peoples Association, Cuttack
7. Sukkur League, Sukkur (Sindh)
8. Punjab Nawjawan Sabha, Lahore
9. Kutch Parja Mandal, Anjar
10. Satyagrah Ashram, Ahmadabad

1. All India Spinners Association, Ahmadabad

## INTRODUCTORY

The circumstances under which the All Parties National Convention was called to meet in Calcutta on the 22nd December 1928 are set out at pages 18-19 of the Supplementary Report of the All Parties Conference Committee. The Convention met on the appointed date at Deshbandhu Nagar under the presidentship of Dr. M. A. Ansari in a special pandal and was attended by representatives of the organisations mentioned at page i.

The first day was occupied by the address of Mr. J. M. Sen Gupta who welcomed the Convention on behalf of Bengal and the Presidential speech of Dr. M. A. Ansari. After the formal presentation of the reports of the All Parties Committee by Pandit Motilal Nehru and an announcement by the President of the procedure he proposed to follow in conducting the proceedings the Convention adjourned to the next day.

The main object of the Convention was to ascertain the opinion of the various political and other parties in the country on the principles underlying the report of the Nehru Committee and the draft constitution prepared by them. It was not expected that a large gathering of representatives of all the parties in the country would be able to examine the details of a new constitution, but with a view to find out the general trend of opinion on the Nehru Report as a whole, the President invited all the amendments that any organisation or individual member had to propose to any part of the Report to be handed in to the Secretary before the commencement of the proceedings of the 2nd day. Accordingly a fairly large number of notices of amendments was received covering the whole ground but with the exception of those that related to the essential features of the constitution they were mostly of a verbal character. At the eight strenuous sittings of the Convention and the overnight meetings of its committees it was not found

possible to deal with all these amendments but the main principles of the constitution were fully discussed and met with general support.

These may be classified as under:

1. The constitutional status of India
2. Fundamental rights
3. Solution of the communal problems
4. The Indian States

#### *1—The Constitutional Status of India*

The second day of the Convention was occupied with the discussion of the first clause of the recommendations of the Committee which laid down the constitutional status of India. Mr. J. M. Sen Gupta (Congress) proposed that the said clause be adopted by the Convention. It ran as follows:

“India shall have the same constitutional status in the community of nations, known as the British Empire, as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State, with a Parliament having powers to make laws for the peace, order and good government of India, and an executive responsible to that Parliament; and shall be styled and known as the Commonwealth of India.”

The resolution was seconded by Mr. Yakub Hasan (Central Khilafat Committee and Congress).

Mr. J. L. Banerji (Bengal Hindu Sabha) proposed that for the original resolution the following be substituted:

“India shall rank as a free nation among the free nations of the world.”

The President then invited a general discussion in the course of which Dr. Besant (Home Rule League), Mr. B. C. Pal (Surma Valley Conference), Sir C. P. Ramaswami Aiyer (National Liberal Federation and Home Rule League), Mr. C. Y. Chintamani M.L.C., (National Liberal Federation), Mr. Harisarvotam Rao M.L.C., (Congress), Sir Ali Imam (Member Nehru Committee) and Mr.

Ranchhor Das Gandhi (Indian States Conference, Kathiawad State Conference and Bhavnagar State Conference) all strongly supported the resolution and opposed the amendment.

Maulana Mohamad Ali was the only member of the Convention who besides Mr. J. L. Banerji the proposer of the amendment opposed the resolution.

Mr. S. Srinivasa Iyengar read a statement signed by a number of members of the Convention with a view to clear their position before the Convention and the country. It was urged in this statement that the Swaraj Constitution for India should be based on complete independence and not Dominion Status but as the Subjects Committee of the Congress had not till then considered the question the signatories had decided not to take any part in the framing of the constitution in so far as it committed them to the acceptance of Dominion Status. The statement concluded as follows:—

“We shall neither move amendments nor vote on it (Dominion Status). We propose to carry on in the Congress and in the country such activity as we consider proper and necessary in favour of complete independence but as we are deeply interested in the communal settlements recommended by the Nehru Committee and by the Lucknow All Parties Conference we shall not abstain from taking part in the discussion or voting on those questions. We desire to add that the Independence of India League wholly supports this point of view.”

Swami Govindanand on behalf of the Swadhin Bharat Sangh read a similar statement recommending that the constitution be based on independence.

Mr. M. Daud then laid before the Convention a resolution passed by the Trades Union Congress advocating a constitution on the basis of a socialistic republic and Government of the Working classes.

All these statements were recorded and are printed in Appendix A.

At the conclusion of the debate the vote of the House was

taken by a show of hands. Mr. J. L. Banerji's amendment was lost and Mr. Sen Gupta's resolution was declared carried with only one dissentient vote. Upon this Pandit Jawaharlal Nehru and Mr. Jamnadas Mehta called attention to the fact that those members of the A. I. C. C. who were for independence had not taken part in voting. The President declared that the vote of the A. I. C. C. would be recorded after the A. I. C. C. had met and considered the matter but so far as the Convention was concerned the resolution had been passed with only one dissentient vote.

On the 27th December the A. I. C. C. adopted the following resolution on the Nehru Report to be laid before the Congress:

"This Congress, having considered the Constitution recommended by the All Parties Committee Report, welcomes it as a great contribution towards the solution of India's political and communal problems and congratulates the Committee on the virtual unanimity of its recommendations and, whilst adhering to the resolution relating to complete independence passed at the Madras Congress, approves of the Constitution drawn up by the Committee as a great step in political advance, specially as it represents the largest measure of agreement attained among the important parties in the country.

Subject to the exigencies of the political situation, this Congress will adopt the Constitution if it is accepted in its entirety by the British Parliament on or before the 31st December, 1929; but in the event of its non-acceptance by that date or its earlier rejection, the Congress will organise a campaign of non-violent non-co-operation by advising the country to refuse taxation and in such other manner as may be decided upon.

Consistently with the above, nothing in this resolution shall interfere with the carrying on, in the name of the Congress, of the propaganda for complete independence."

This resolution was duly communicated by the President of the Congress to the Convention on the 28th December. It was subsequently passed in identical terms at the open session of the Congress on the 31st December 1928.



It will thus be seen that practical unanimity was reached on the question of the constitutional status of India and the same was approved as recommended by the Nehru Committee subject in the case of the Indian National Congress to the condition mentioned in the resolution quoted above.

It is to be noted that the statements read in the course of the debate advocating complete independence were signed by members of the Convention who were all Congressmen. After the passing of the Congress resolution those statements must be taken to have been replaced by the said resolution which represents the vote of the Congress as a whole. The only association outside the Congress which stressed complete independence was the Jamiat-ul-Ulema which submitted a statement at the fourth sitting of the Convention asking for various communal rights and concessions for Musalmans as against the other communities. Such a claim for independence needs no comment.

On the above facts it is clear that the united demand of all parties represented at the Convention is for immediately establishment of a constitution which will give India the same status in the community of the nations known as the British Empire as the Dominions at present enjoy.

## 2. FUNDAMENTAL RIGHTS

Citizenship is the basis of fundamental rights. The definition of "citizen" was therefore taken up first on the 3rd day of the Convention. There was an omission in the original draft of the definition by reason of which British subjects from the United Kingdom or the Dominions were excluded from acquiring rights of citizenship while subjects of foreign countries naturalised in the Commonwealth were given those rights. This defect was removed in the Supplementary Report of the Committee by the addition of a sub-clause running as follows: "or who being a subject of the Crown carries on business or resides in the territories of the Commonwealth."

A Select Committee appointed by the Convention reported

that the following be substituted for the new sub-clause recommended in the Supplementary Report: "who being the subject of the Crown

- (i) ordinarily resides or personally works for gain within the territories of the Commonwealth on the date of the commencement of this Act, or
- (ii) fulfils the qualifications prescribed by Parliament for the exercise of the rights of citizenship."

The report of the Select Committee was considered on the 7th day of the Convention when Mr. S. N. Haji, the dissentient member of the Select Committee, proposed the amendment that to the new clause as recommended in the Supplementary Report the following words be added:—"and fulfils the qualifications prescribed by Parliament for the exercise of the rights of citizenship."

This amendment was carried and brought the definition in accord with law in force in the Dominions. The full definition as it now stands is printed at the end of this chapter.

Various sub-clauses to clause 4 of the draft constitution recommended by the Nehru Committee were then taken up. There were 19 sub-clauses to this clause but amendments were proposed only to 7 and an additional sub-clause was also proposed. The amendments proposed to four of the sub-clauses were lost by a large majority of votes of these the only amendment which need be noticed was the one to clause 2 proposed by Mr. M. L. Madhavan Nair, M.L.C. (Congress) suggesting that the words protecting title to private and personal property be omitted. There was a full discussion in which several speakers took part and vigorous speeches were made both for and against the amendment. It was however lost by a large majority. On the declaration of the result dissents of the Trades Union Congress and the Behar Provincial Kisan Sabha were noted.

[The only amendments accepted by the House were those proposed to sub-clauses 9, 13 and 17. The following important addition was made to sub-clause 9: "no capital punishment shall

be awarded for any offence in the Commonwealth of India.

In sub-clause 13 the words "or be given preference to" were added after the word "prejudiced" to make it clear that the profession of a particular religion, caste or creed shall neither prejudice nor give preference to any person in regard to public employments."

Besides the addition of the word "peasant" after the words "every worker" the following important provision as to prohibition was added on the motion of Mr. C. Rajagopalachariar:

"It shall be the duty of the Commonwealth to save its citizens from the evils and temptations of alcoholic and intoxicating drugs and to this end it shall as soon as possible make laws for the total prohibition of the manufacture import, possession or sale of alcoholic liquor and intoxication drugs except for medicinal or industrial purposes."

The new sub-clause added on the motion of Mr. Gulshan Rai was

"XX. All courts of law in whichever part of the Commonwealth established shall be subject to the jurisdiction, appellate and administrative of some High Court of judicature established by Letters Patent."

It will thus be seen that on the vital question of fundamental rights as on the question of Constitutional Status of India there was practical unanimity in the Convention. The amended clause 4 of the draft constitution is printed at the end of this Chapter.

### 3—THE COMMUNAL PROBLEM

The Muslim League and the Khilafat Committee had been holding their separate sessions while the Convention was meeting. On the 26th the Muslim League passed the following resolution:—

"The following gentlemen be appointed delegates to represent the League at and take part in the deliberations of the Convention. These delegates will take into consideration and attach due weight to the views on the communal question expressed in the Subjects Committee and the open session of the League, and will endeavour

to bring about an adjustment of the various outstanding questions between Hindus and Musalmans arising out of the Nehru Report.

"These delegates will report the result of their labours to the League by 28th or 29th for the League to take its decision thereon. The following gentlemen will form the deputation:—

Maharaja Saheb of Mahmudabad, Mr. M. A. Jinnah, Dr. Kitchlew, Mr. M. C. Chagla, Malik Barkat Ali, Messrs. Abdul Hamid, Mujibar Rahman, Hisamuddin, Akram Khan, Zafar Ali Khan, Seth Yakub Hassan, Ghazi, Abdur Rahman, Messrs. Abdulla Brelvi, T. A. K. Sherwani, Khaliquzzaman, Mohamad Zubair, Abdul Karim, Nawab Liaqat Khan, Dr. Mahmood, Dr. Alam, Khan Bahdur Azizul Haq, Mr. Nurul Ain and Mr. Mohomad Aslam.

The Central Khilafat Committee had also met but there was an unfortunate split among the members whereupon 45 out of a total of 72 attending the meeting resolved to send the full quota of Khilafat representatives to the Convention. The minority contented itself by sending a letter over the signature of their Secretary, Maulana Shaukat Ali, to the President of the Convention which is printed in the Appendix A.

On intimation being received of these proceedings at the Convention a Sub-committee of 37 including Mahatma Gandhi, Sir Tej Bahadur Sapru, Dr. M. A. Ansari, Maulana Abulkalam Azad, Pandit Madan Mohan Malaviya and others was appointed on the 4th day of the Convention to meet the representatives of the Muslim League and the Khilafat Committee and make their report at the next session of the Convention. A full list of members of the Sub-committee appears in the proceedings of the 4th day. The Sub-committee met the said representatives the same evening and continued its deliberations over night dispersing at about 3 o'clock the next morning.

#### *Muslim Question*

The report of the Sub-committee appointed to meet the delegates from the Muslim League and the Central Khilafat Committee

was discussed on the 5th day of the Convention. It is to be noted that both at the meeting of the Sub-committee appointed as above and the subsequent discussion in the open Convention the only modifications proposed to the Nehru Report on behalf of the Muslims were on 6 definite points. The Committee accepted the Muslim proposals on two of these namely:

(1) a majority of 4|5ths of the two houses first sitting separately and then together being necessary for the amendment or alteration of the constitution by Parliament;

(2) the incorporation of the Punjab pact regarding communal representation in the Nehru Report.

Of the remaining 4 proposals no agreement was arrived at as to 1|3rd of the elected representatives of both the Houses of the Central Legislature being Musalmans. The proposal to delete the words "simultaneously with the establishment of government under this Constitution" from Art. V (Separation of Sind) was not accepted on the ground that that Art. was a verbatim copy of the agreement arrived at by the Hindus and Muslims of Sind. Among others that agreement was signed by Maulana Shaukat Ali, Secretary Central Khilafat Committee, and Maulvi Mohammad Shafi Daudi, Secretary of the All Parties Muslim Conference which will be noticed later.

Of the remaining two proposals the first related to the contingency of adult suffrage not being established and provided for reservation of seats in that event. The Committee refused to contemplate any such a contingency. The last proposal related to the powers of the Provincial and Central Legislatures and suggested

(a) that residuary powers should vest in the Provincial and not in the Central legislatures;

(b) that clause 13-A be deleted; and

(c) that the division of subjects in Schedules I and II be revised.

The Committee saw no objection to the revision of Clause 13-A

and Schedules I and II but was unable to agree that residuary power should vest in the Provinces.

This report was read by the President on the 5th day of the Convention and discussion was invited. Mr. Jinnah on behalf of the Muslim League stressed the Muslim proposals which were not accepted by the Committee. Sir Tej Bahadur Sapru, Messrs. C. Y. Chintamani, Raliaram, J. R. Banerji and M. R. Jayakar took part in the discussion. After Mr. Jinnah's reply the six proposals were put to vote one by one with the result that the two accepted by the Sub-committee were carried and the remaining four were rejected. The proposal as to revision of Schedules I and II fell through as no member of the Muslim League offered to serve on the revising Committee.

On the same day the statements submitted by the 45 members of the Central Khilafat was read. This is printed in extenso in the Appendix. It is important to note that this statement completely endorses the Nehru Report on the question of communal representation without demanding reservation of 1|3rd seats in the Central Legislature for Musalmans. The only point upon which it differs from the Nehru Report and the resolutions of the Convention is the vesting of residuary powers which it would leave with the Provincial legislatures.

For a correct appreciation of the precise attitude of the Muslim League as a body towards the Nehru Report it is necessary to refer here briefly to certain important events which happened before and after the Convention.

A meeting of the Council of the Muslim League was held at Lucknow in November 1928, Mr. M. A. Jinnah presiding. The three principal items on the agenda of the meeting were:

1. Consideration of the Nehru Report.
2. Fixing the date and place of the next annual session of the League.
3. The election of the President of the annual session.

On the first item there was a resolution by Maulana Zafar

Ali appreciating the work done by the All Parties Committee and recommending the adoption of their report in principle on the solution of the communal problem. The earlier part of the resolution was adopted at the meeting but the latter part was ruled out of order by reason of the previous appointment of a committee by the last annual session of the League to confer with the other parties on communal matters. The consideration of the Nehru Report was therefore held over till the meeting of the next annual session in December 1928. By this time a sharp difference of opinion as to the Nehru Report had manifested itself among the members of the Council of the League. One section headed by the Maharaja of Mahmudabad was in support of the Report while the other headed by Maulana Shaukat Ali and Maulvi Shafi Daudi was against it. Each section nominated a president of the forthcoming annual session and the two names put to vote were those of the Maharaja of Mahmudabad and Maulana Mohammad Ali. The former was elected by a large majority, the voting being 42 to 17. This may be taken as a clear indication of the support which the Nehru Committee Report had found in the Council of the Muslim League.

Then came the annual session at which the League participated in the proceedings of the Convention as described above. It will be seen from the resolution of the League quoted at the commencement of this section that the delegates sent to the Convention were to "report the result of their labour to the League by the 28th or 29th for the League to take its decision thereon." After the discussion of the Muslim League proposals at the Convention on the 28th the subjects Committee of the League met on the 29th December when 3 resolutions were tabled to be recommended to the League for adoption. They were to the effect:

- (1) that the Nehru Committee Report be accepted subject to modifications proposed by the delegates of the Muslim League at the Convention;
- (2) that the League cannot accept the Nehru Report until

the said modifications are made;

- (3) that the Nehru Report be accepted subject to the amendment of Clause 13-A by defining and restricting "emergency" to mean "war or rebellion."

The proposed resolutions were discussed till 3 o'clock of the morning of the 30th December without any decision being arrived at. The League met in open session at ten o'clock the same morning but there was a thin attendance at the meeting owing in part to the late sitting of the Subjects Committee and in part to the meeting of the Convention being held at the same hour. After some formal business the President (Mr. M. A. Jinnah) postponed the session *sine die* with the addendum that a special session would be called in May.

It may be observed that there was no suggestion either at the Subjects Committee or the open session that the Nehru Report was open to any objection other than the four points which were not accepted by the Convention. Having regard to the nature of those points it may safely be said that both sections of the Muslim League, the Nehru Committee and the Convention were agreed on fundamentals.

The Special session of the League was called at the end of March instead of May and an effort was made to induce the party led by Sir Mohammad Shafi who had seceded from the League in 1927 to rejoin. This attempt however failed. The Subjects Committee was elected on the morning of the 30th March and met the same afternoon when a section consisting of Mr. Mohammad Yakub, M.L.A., the Ali brothers and 15 or 16 others walked out. On the 31st March while the Subjects Committee was sitting, Mr. Jinnah left the meeting after inducting Mr. Shah Mohamad Zubair into the chair. The following resolution moved by Mr. Abdur Rahman Ghazi (Punjab) which had been the subject of long and heated discussion was passed while Mr. Shah Mohamad Zubair was in the Chair by 77 votes against 7:—

"(1) Whereas the complete boycott of the Simon Com-



mission by the Muslim League, as by all other political organisations in the country, necessitated the formulation of an agreed constitution by the people of India for India;

- “(2) and whereas the basic idea, with which the All Parties Conference and Convention were summoned at Lucknow and Calcutta respectively, was that a constitution be formulated, accepted and ratified by the foremost political organisations in the country as a national pact, and
- “(3) whereas the decisions of the All Parties Convention of Calcutta embody in principle the majority of the demands of Moslems contained in the Delhi proposals and the resolutions of the Calcutta session of the League of 1927 and thus pave the way for political re-approachment of the various communities of India.

“This meeting of the All India Muslim League accepts the decisions of the All Parties Convention held at Calcutta in 1928 at the common national demand of India as against the British Government.

“In regard to the settlement of inter-communal differences it records its approval of the principles underlying the decisions of the said Convention subject to the following modifications:—

- (1) That one-third of the elected representatives of both Houses of the Central Legislature should be Moslems.
- (2) That in the Punjab and Bengal, in the event of adult suffrage not being established, the voting ratio of Moslems should be in accordance with their population in the provinces.
- (3) Section 13(A) of the Nehru Report should read as follows:—

“That in case of war or rebellion alone the Central Govern-

ment and Parliament shall have the powers, necessary and ancillary, to suspend or annul the act, executive or legislative of a Provincial Government.'

- (4) That divisions of subjects in Schedules I and II of the Nehru Report should be revised so as to make the provinces as fully autonomous as possible.
- (5) That Moslem law, as at present recognised by the Indian Courts, shall not be amended or interfered with by means of any legislation in the central or provincial legislatures except by a majority of Moslem members of these legislatures."

The open session met immediately after the above resolution was adopted by the Subjects Committee and Dr. Mohammad Alam was elected to the chair in the absence of Mr. Jinnah. There was a large influx of visitors and great confusion followed. Accounts differ as to whether the resolution was actually passed by the open session or not. But in view of the confusion described in the newspapers as a "pandemonium" it would be unsafe to rely upon either account. The fact however remains that the resolution was adopted by an overwhelming majority of the Subjects Committee and no open session of the Muslim League has since been held. Mr. Jinnah returned to the meeting in the midst of confusion and declared the session adjourned *sine die*. As regards the respective voting strength of the supporters and opposers of Ghazi Abdur Rahman's resolution the following figures given by the Chairman the Hon'ble Shah Muhammad Zubair to the Free Press and published at the time in the newspapers will be found interesting:

	Present Supporters Opposers		
Council of the League	68	41	28
Subject Committee of the League	144	90	54
Open Session of the League	215	127	88

These figures were first published on April 14 and have not been challenged since.

It is noteworthy that before the Convention was held in Calcutta the Provincial Committees of the Muslim League in the Punjab, Behar, Bengal and Bombay had considered the Nehru Report. The first three of these had accorded to it their full support while the fourth dominated by Maulana Shaukat Ali had declared it unacceptable.

It is only fair to note that a counter-movement was started against the Nehru Report during the Simla session of the Assembly which culminated in a meeting of the so-called "All Parties Muslim Conference" held in Delhi on January 1, 1929 with His Highness the Aga Khan as Chairman. The organisers and promoters of this meeting were certain Musalman members of the Assembly and the Provincial Councils and it was subsequently joined by those who constituted the minority at the meetings of the Central Khilafat Committee and the Muslim League held during the previous week in Calcutta, though the latter had formally dissociated itself from this "All Parties Muslim Conference." A long resolution was passed at this Conference which among other matters more or less unobjectionable stressed the following:—

- (a) the continuance of separate electorates;
- (b) the securing to Musalmans their "due" share in the Central and Provincial Cabinets;
- (c) the adoption of a "plan" securing the election of Musalmans in a majority in Provinces where they constitute a majority of the population;
- (d) the continuation of the present excessive representation of Musalmans in Provinces where they constitute a minority of the population;
- (e) securing to Musalmans their "adequate share" in all services of the State and on all Statutory and self-governing bodies.

So that the ideal democratic Government according to this Conference is one in which not only the representative bodies but

also the Cabinet and all services should be composed of definite proportions of the communities professing different religions in India. Further comment is superfluous.

The result is that the principle of the communal solution proposed by the Nehru Report and accepted by the Convention has received the support of a large majority of the two premier Muslim organisations in India viz., the Muslim League and the Central Khilafat Committee besides the numerous other organisation represented at the Convention with the solitary exception of the Sikhs. The Muslim opponents of the Nehru Report claim that they represent the true Muslim opinion in the country. The surest test of their claim was a general election on the sole issue of the Nehru Report. While the supporters of that Report have unanimously protested against the postponement of the general elections by the Viceroy and the Governors of the various Provinces the opponents of that report have received the order of the postponement with extreme satisfaction verging on gratefulness to the Government. The reason is obvious. They are afraid to go before the Electorates.

### *The Sikh Question*

This question was considered on the 6th day of the Convention. At the meeting of the Sub-committee appointed to confer with the delegates from the Muslim League the Central Sikh League was represented. A proposal was made on their behalf that 30 per cent of elective seats in the Punjab be reserved for them. It is obvious that any such reservation besides being in direct conflict with the basis of the communal settlement adopted by the Convention would have disturbed the Punjab pact incorporated in the Nehru Report by the Convention. The Committee were therefore unable to make any recommendations about it.

Another proposal to reserve 11 per cent of the seats representing the proportion of Sikhs in the population of the Punjab with the right to contest additional seats was discussed but nega-

tived as it was not acceptable even to the Sikhs.

At the open session of the Convention Sardar Mahtab Singh moved a resolution to the effect that communalism should not be recognised in any form direct or indirect in the future constitution of India. The proposition was too widely stated and having regard to the acceptance by the Convention of reservation of seats for Muslim minorities was clearly out of order. It was ruled out accordingly. The members of the Central Sikh League thereupon left the Convention.

Sardar Gurdayal Singh then read a statement according full support to Nehru Report on behalf of the Namdhari Sikhs.

After the withdrawal of the Central Sikh League a resolution was proposed by Mr. Ralia Ram (Indian Christian) suggesting that the Sikh minority in the Punjab, North-West Frontier Province and Baluchistan be given the same privilege in matters of representation as other communities are given in the Provinces where they are in a minority. After a full discussion this resolution was rejected by a large majority.

It is unfortunate that no settlement of the Sikh question with their consent was possible at the Convention but there is every reason to hope that a satisfactory solution will be found in the near future.

#### 4—INDIAN STATES

The question of Indian States was considered on the 8th day of the Convention. There were two proposals before the Convention, one recommended by the Nehru Committee and the other moved as a resolution by Mr. Satyamurti on behalf of the South Indian States Subjects Conference. While these proposals were being discussed it was felt that no satisfactory decision could be taken without consulting the Princes and the peoples of the Indian States. Mr. Manilal Kothari moved that the Princes and the peoples of Indian States be invited on behalf of the Convention to appoint representatives to confer with the Committee of the Convention on the question of the Constitutional position

and status of Indian States in the future Commonwealth of India.

Mr. Kothari also proposed that the Committee representing the Convention should consist of Pandit Motilal Nehru, Mr. M. R. Jayakar, Pandit Madan Mohan Malaviya, Sir Tej Bahadur Sapru, Sir Ali Imam, Mr. Satyamurti, Sardar Sardul Singh, Dr. M. A. Ansari, Diwan Ramchandra Rao and the mover. This resolution found general support and was carried. The invitation contained in it stands and a favourable response is awaited.

### *Convention Adjourned sine die*

During the eight days that the Convention was in session much solid work was accomplished but it was neither possible nor necessary to continue the Convention. As a result of the informal discussion between members of the Convention the following agreed resolution was proposed by Mahatma Gandhi and accepted by the Convention:

"The Convention is of opinion that the resolutions it has already passed on the recommendations of the All Parties Committee contained in clauses 1 to 6 of their Report sufficiently indicate the will of the nation as to the nature and the main principles of the constitution acceptable to it and is further of opinion that except on points on which notes of dissent have been recorded at the instance of some of the parties present there is a general agreement on the basis of solution of communal problem recommended by the said committee. This Convention adjourns *sine die* to meet when necessary for completing its work."

The Convention then adjourned *sine die*.

### 5—THE NET RESULT

As against the British Government all parties in India are united in demanding the same constitutional status for India as is enjoyed by the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State with a Parliament having powers to make laws for the peace, order and good government of India and an Executive responsible to that Parliament.

As between themselves the representatives of All Parties have broken the back of the communal problem by important and far-reaching agreements on fundamental rights of citizenship, universal adult suffrage and abolition of communal electorates. The matters that still remain unadjusted are more or less matters of detail and will adjust themselves in no time once the Government accepts unequivocally the right of India to the immediate establishment of the Dominion form of Government.

As between the Indian Princes and the people of India there is really no difference on any question of principle. The Indian Princes have expressed their fullest sympathy with the demand of full responsible Government in British India. As regards the people of their own states they have come to realise that the present autocratic form of Government in the States cannot exist side by side with the Dominion form of Government on their borders. All that the Princes can reasonably claim are their rights and privileges as Rulers of which neither the people of the British India today nor the people of the Indian States have any intention to deprive them so far as they are consistent with the rights of free citizenship. The relations of the Princes with the people of India generally can be easily adjusted by a joint Conference to which they have been invited by the Convention.

In the presence of all these factors making for peace and goodwill between the two countries the principal parties concerned are busy making their preparations in the opposite directions—the Government to force the Report when made of the boycotted and discredited Simon Commission upon India; the Indian National Congress to start its campaign of non-violent non-co-operation after January 1, 1930. The future is on the knees of gods.

*Rafi Ahmad Kidwai*  
*Secretary*

19th July 1929

## AMENDED CLAUSES

### Clause 3

#### *Definition of citizen*

3. The word "citizen" wherever it occurs in this Constitution means every person

- (a) who was born or whose father was either born or naturalised, within the territorial limits of the Commonwealth and has not been naturalised as a citizen of any other country;
- (b) who being subject of an Indian State ordinarily carries on business or resides in the territories of the Commonwealth; or
- (c) who, being a subject of the Crown carries on business or resides in the territories of the Commonwealth and fulfils the qualifications prescribed by the Parliament for the exercise of the rights of citizenship; or
- (d) who is naturalised in the Commonwealth under the law in force for the time being.

*Explanation*.—No person who is a citizen of a foreign country can be a citizen of the Commonwealth unless he renounces the citizenship of such foreign country in the manner prescribed by the law.

### Clause 4

#### *Fundamental Rights*

4. (i) All powers of government and all authority, legislative, executive and judicial, are derived from the people and the same shall be exercised in the Commonwealth of India through the organisations established by or under, and in due process of this constitution.

(ii) No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law. All titles to private and personal property lawfully acquired and enjoyed at the establishment of the Commonwealth are hereby guaranteed.

(iii) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person.

(iv) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or



unions, is hereby guaranteed for purposes not opposed to public order or morality.

(v) All citizens in the Commonwealth of India have the right to free elementary education without any distinction of caste or creed in the matter of admission into any educational institution, maintained or aided by the state, and such right shall be enforceable as soon as due arrangements shall have been made by competent authority. Provided that adequate provision shall be made by the State for imparting public instruction in primary schools to the children of members of minorities of considerable strength in the population through the medium of their own language and in such script as is in vogue among them.

*Explanation*—This provision will not prevent the State from making the teaching of the language of the Commonwealth obligatory in the said schools.

(vi) All citizens are equal before the law and possess equal civic rights.

(vii) There shall be no penal law whether substantive or procedural of a discriminative nature.

(viii) No person shall be punished for any act which was not punishable under the law at the time it was committed.

(ix) No corporal punishment or other punishment involving torture of any kind shall be lawful *and no capital punishment shall be awarded for any offence in the Commonwealth of India.*

(x) Every citizen shall have the right to a writ of *habeas corpus*. Such right may be suspended in case of war or rebellion by an Act of the central legislature, or, if the legislature is not in session, by the Governor-General in Council, and in such case he shall report the suspension to the legislature, at the earliest possible opportunity for such action as it may deem fit.

(xi) There shall be no state religion for the Commonwealth of India or for any province in the Commonwealth, nor shall the state either directly or indirectly endow any religion or give any preference or impose any disability on account of religious belief or religious status.

(xii) No person attending any school receiving state aid or other public money shall be compelled to attend the religious instruction that may be given in the school.

(xiii) No person shall by reason of his religion, caste or creed be prejudiced *or be given preference to* in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.

(xiv) All citizens have equal right of access to, and use of,

public roads, public wells and all other places of public resort.

(xv) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to everyone and of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.

(xvi) No breach of contract of service or abetment thereof shall be made a criminal offence.

(xvii) Parliament shall make suitable laws for the maintenance of health and fitness for work of all citizens, securing of a living wage for every worker and peasant, the protection of motherhood, welfare of children, and the economic consequences of old age, infirmity and unemployment and Parliament shall also make laws to ensure fair rent and fixity and permanence of tenure to agricultural tenants. *It shall be the duty of the Commonwealth to save its citizens from the evils and temptations of alcoholic and intoxicating drugs and to this end it shall as soon as possible make laws for the total prohibition of manufactures, import, possession or sale of alcoholic liquors and intoxicating drugs except for medicinal or industrial purposes.*

(xviii) Every citizen shall have the right to keep and bear arms in accordance with regulations made in that behalf.

(xix) Men and women shall have equal rights as citizens.

(xx) *All Courts of law in whichever part of the Commonwealth established, shall be within the jurisdiction, appellate and administrative of some High Court of Judicature established by Letters Patent.*

#### Clause 87

87. Parliament by law repeal or alter any of the provisions of the Constitution. *Provided that the Bill embodying such repeal or alteration shall be passed by both the Houses of Parliament separately by a majority of 4/5ths of those present and then by both the Houses at a Joint Sitting by a majority of 4/5ths of those present.*

#### Communal representation

I. There shall be joint mixed electorates throughout India for the House of Representatives and the provincial legislatures.

II. There shall be no reservation of seats for the House of Representatives except for Muslims in provinces where they are in a minority and non-Muslims in the N.-W. F. Province. Such reservation will be in strict proportion to the Muslim population in every province where they are in a minority and in proportion to the non-Muslim population in N.-W. F. Province. The Muslims or non-Muslims where reservation is

allowed to them shall have the right to contest additional seats.

III. In the provinces,

(a) there shall be no reservation of seats for any community in the Punjab and Bengal. *Provided that the franchise is based on adult suffrage.* *Provided further* that the question of communal representation will be open for reconsideration if so desired by any community after working the recommended system for 10 years,

(b) in provinces other than the Punjab and Bengal there will be reservation of seats for Muslim minorities on population basis with the right to contest additional seats;

(c) in the N.-W. F. Province there shall be similar reservation of seats for non-Muslims with the right to contest other seats.

IV. Reservation of seats, where allowed, shall be for a fixed period of ten years. *Provided that the question will be open for reconsideration after the expiration of that period if so desired by any community.*

*Redistribution and status of provinces*

V. Simultaneously with the establishment of Government under this Constitution Sind shall be separated from Bombay and constituted into a separate province.

*Provided*

(1) after an enquiry it is found

(a) that Sind is financially self-supporting, or

(b) in the event of its being found that it is not financially self-supporting, on the scheme of separation being laid before the people of Sind with its financial and administrative aspects, the majority of the inhabitants favour the scheme and express their readiness to bear the financial responsibility of the new arrangement;

(2) that the form of Government in Sind shall be the same as in the other provinces under the Constitution:

(3) that the non-Muslim minority in Sind shall be given the same privileges in the matter of representation in the Provincial and Central Legislatures as the Muslim minorities are given under this Constitution in areas where they are in a minority.

VI. The N.-W. F. Province, Baluchistan, and all newly formed provinces by separation from other provinces, shall have the same form of government as the other provinces in India.

*Note.*—Alterations or additions made by the Convention are in italics.

THE PROCEEDINGS  
OF  
ALL PARTIES NATIONAL CONVENTION

*First Day—December 22, 1928*

The All Parties National Convention opened its session in a specially erected pandal on Congress grounds, Deshbandhunagar, Calcutta, on December 22, 1928. A full list of the organisations represented is given on page one of this report.

A number of messages were received from delegates who were unable to be present expressing their inability to attend and sending their good wishes to the Convention. A very large number of telegrams and letters were also received from all parts of the country and abroad, including one from the Chinese Patriotic League, Macas, South China, wishing success to the Convention.

The President of the Convention, Dr. M. A. Ansari took the chair at 3 P.M.

MR. J. M. SEN GUPTA

Mr. J. M. Sen Gupta, in welcoming the delegates on behalf of Bengal, said:—

*Members of the Convention:*

I wish that the duty of welcoming this Convention had fallen on shoulders other than mine. Here in this pandal are gathered together the very finest men that our country has produced; here are men who had fought many a battle; who had never shirked the call of duty, and who have made their country's cause the be-all and end-all of their existence.

To welcome you to your self-imposed task, I feel almost a presumption on my part, but I am heartened by the thought that I have the whole of Bengal behind me in according to you a most cordial welcome. (applause).

The search for unity has been with us a long and strenuous process. And I may be permitted to say that Bengal has generously contributed her share in this process. It was the late Sir Surendra Nath Banerji

(cheers) who gave our political efforts an all-India character; it was Bengal that gave to all India Bankim Chandra's *Bande-Mataram* as her national anthem; (hear, hear); lastly it was our revered leader Deshbandhu (applause), aided and inspired by Mahatma Gandhi, who for four years led the all-India struggle against the *de facto* government of this country.

Friends, in truth, if any province has risen above provincialism, above provincial interest and prejudice, Bengal may well claim to have achieved this. Bengal therefore, feels supremely happy that her capital city has been selected as the forum for the deliberation of this All Parties Convention. The object for which Deshbandhu worked till he laid down his life, I believe, is nearing completion. "Take care of the end, and the means will take care of themselves"; I think this was the motto in his life, and I have no doubt that the same motive will guide us in our deliberations for unity throughout this Convention.

There is one man whom we grievously miss today and I need hardly mention his name. The Lion of the Punjab sleeps. He did his share of the work, as in life, so in death; but he left his work unfinished. Let us mourn for him by taking up the work where he left it and in doing so show our respect to his advice and suggestion.

Friends, why are we met here today? It has been said to prepare a memorandum for the Simon Commission. A more infamous and unfounded charge or insinuation could never have been made. We are met here today to draw up a constitution for ourselves, to settle our own differences in order that we might stand as one body against our common enemy. We are here to discover a formula which will remove our divergency and enable us to carry on the struggle against the foreign government. The Simon Commission, I firmly believe, is in the nature of an offensive launched by the British people to scatter our forces, to expose our differences and if possible to make it difficult for us to fight them as one united nation. We must anticipate this offensive and before it is really on us we must pull ourselves together and remove what might make for friction and disunion. The Nehru Report is before you and I submit it to your consideration.

Friends, it has been said that the Constitution which is embodied in the Nehru Report is an imitation of the English or the Western Constitution. I deny the charge. It may be that in certain matters, in certain formalities, the Constitution that you are going to consider is similar to Western Constitution. There are certain formalities which have been accepted in the Constitution, but the two main principles upon which this Constitution is based are:—(1) of elective system and (2) of the system of federal government. So far as the principle of election is concerned, I need not tell you, that from the ancient time the principle of election, government

by election, has been known in India, in our village life. That is not borrowed from any Western country. So far as the constitution of a federal nature is concerned, can anyone in his senses charge us with the accumulated experience of the modern time if we apply this principle in evolving our own constitution?

Japan and other countries have copied the American form of constitution. The real thing we have done is to apply the modern experience and the old principle to the actual realities of the Indian situation. India's problem has been faced with the modern experience and the old principle for the purpose of evolving our Constitution. Nowhere in the world had there been such an attempt at constitution-making as you are doing this afternoon and for the days to follow.

The English people charge us that we are not united. They tell us that in their country they have evolved their constitution on the will of the people. May I ask them one question; when a few barons of their country exacted the Magna Charta from the unwilling hands of King John, was the populace behind them? Again may I remind them that so far as the French Constitution after the Revolution is concerned, that it was also the result of the activities of the Left Wing of the people of France. Nowhere in the world have we seen and are we likely to see any future constitution which is framed by every class of people making the body politic. The Hindus and Mahommedans, the classes and the masses, the peasants' representatives, representatives of men with vested interest, every conceivable community, every conceivable party making the community is represented here this afternoon. Nowhere in the world would you see such a body which represents all strata of society. Therefore, I say that so far as constitution is concerned, it is going to be considered by the representatives of all the different classes of the people of the country and for that reason it has the sanction of the masses behind it which could not be conceived in any other constitution of any other country.

I welcome you, friends, to this city of mine and I hope your deliberations would end in a united formula which would be a national asset to our country. (applause).

### PRESIDENTIAL ADDRESS

Dr. M. A. Ansari then delivered the following address:—

*Brother delegates of the Indian National Convention:*

The All Parties Convention meets under the shadow of a national bereavement. Lala Rajpat Rai's Life was one continuous epic of courageous self-sacrifice in the cause of the country which, fitting enough, was ultimately crowned with a glory which is the pride of every patriot. The loss to the country and specially to the All Parties Conference which, during the closing days of his life, he was serving so efficiently through the membership

of the enlarged Nehru Committee, is irreparable. Although he did not live to see the fruition of the work, let us hope that we will prove ourselves worthy of the departed patriot by completing it here, for this is the best tribute that we, who are delegates to this Convention, can pay to his memory.

We have assembled in this National Convention to take a final decision on behalf of the whole country in regard to India's Constitution for the immediate future as drawn up by the Nehru Committee.

We have had, I am afraid, a little more than enough of discussions regarding the rights of minorities. Such instances can be multiplied to show that there is no unanimous acceptance of all individual recommendations of the Nehru Committee as separate and entirely unrelated entities. But, and this is what I want to stress as earnestly as I can, there are very few people in the country who are opposed, because they disagree with an article here or an article there, to the Constitution as a whole as the next immediate step. This is enough and the authors themselves did not expect anything more. Indeed in my humble view this is the whole justification of the draft constitution.

Looking at the matter from this point of view I am not surprised that there should have been throughout the country able criticisms and equally able defence of the goal which the Nehru Committee seeks to achieve in the name of all parties, moderate and extremist alike. At one stage there was, I confess, the danger of the controversy taking rather a serious turn. But this danger was promptly warded off, thanks to the patriotism and statesmanship of the leaders of the differing schools of thought. This was to be expected because the Nehru Committee draft, although it deals as it must have dealt by virtue of the very *raison d'être* of the Committee, with the minimum, it has not deprived any body or persons from working for the maximum. That is why I, at any rate as a member of the Indian National Congress, owing allegiance to its goal of complete national independence, am prepared to give my support to the recommendations. I welcome the minimum in the first place because my own ideal is not thereby lowered, and secondly by doing so I am helping to secure united backing for sanctions that may be devised in order that India may win her freedom.

I appeal to Congressmen who believe in Independence to consider the question in this perspective. By accepting the draft we do not lose anything but we gain much.

The recommendations regarding the communal problem have been subjected to a keener examination which is admirable. But they have sometimes aroused in certain quarters protest, which I venture to say, is based on ignorance of the real import of the recommendations and on a confusion of rights of the minorities with the principles of representation.

Nobody can deny that the minorities have their rights and that these rights have been protected in other countries of the world. The draft constitution, I will venture to say, gives to the minorities of India more real and solid safeguards than have been granted by the League of Nations to racial minorities of any of the newly constituted states of Europe. But let us not be the victim of a constitutional fetish. "True safeguard of a minority", as a Committee of the League of Nations has recently observed, "is the good will of majority". It is not on privileges that a minority has succeeded in wringing from a majority but on its patriotism, public spirit and devotion to the country that its status and welfare depend. Nor must I fail to add a word of warning. Constitutional safeguards are bounties on inefficiency. The more a minority has of them the more will it need, and protected from the bracing spirit of free competition by charitable provisions of constitution, it will sink deeper and deeper into ignorance, fanaticism and sloth to be stifled ultimately by the very cords which had appeared to offer it a partial support. I am unable to understand the mentality which is not satisfied with what the draft constitution has given but would ask for more in a manner as if any denial involved the question of life and death. Let me, however, hope that this is only an exaggerated phase of the natural anxiety which will pass off as discussions in the Convention progress.

But as I have said, earlier reception of the country to the Report as a whole is very gratifying and encourages me to appeal to you with confidence to support it. It is true that you have been delegated by your organisations to represent their views here and in some cases to suggest what modifications or changes your organisations consider necessary from their own point of view. It is your duty to urge those views here but do not forget that there is also another aspect of your duty. If you have come to this Convention to press your own demands you have also come to accommodate the demands of others. The very fact that it is a gathering of the representatives of all parties holding different views means that the spirit of a sympathetic compromise is its first and the last postulate. Circumstances compel us to work in this spirit. For if we fail, we wreck the Constitution and the whole world which is watching us today will consider us a pack of bankrupt in statesmanship, imagination and earnestness of purpose; and we shall have rightly deserved their opinion. But the seriousness of the consequences will not be limited to the exposure of worthlessness. They are fraught with the danger to the nation itself. Rightly or wrongly Providence has put us, who have assembled here, in such a position that a false step will spell untold sufferings to the country and a right step will lay the foundation of our freedom. In our loyalty to our group or community let us not forget that we owe a higher



allegiance to the country as a whole. Above all let us not forget for one moment that during the ensuing discussions our national patriotism will be on trial. I pray to God that in the interest of the motherland every one of us may be granted courage to give and determination to resist temptation to take. After all what we give here as representatives of a section will come back to us as Indians.

Brother delegates of the Convention: We will be failing in our duty to our country and to organisations that have sent us here if we do not bring to our sacred task courage and charity of heart which the occasion demands. After several years of utter darkness characterised by the utmost confusion of aims and objects—a darkness in which a spectre of communal differences oppressed us like a terrible nightmare—the work of the Nehru Committee has at last heralded the dawn of a brighter day. You have critics and opponents to the right and to the left, an alien government that attempts to prolong its power by over emphasising and encouraging our religious differences, and a set of communalistic groups who are inspired by the gospel of mere bread and butter and prepared to degrade themselves by pandering to the behests of our alien rulers. But let us not exaggerate the importance of their subservient and cliquish wirepulling. It is on the decision of the National Convention alone that the future of India depends. With our hands here and now we shall plant the sacred tree. We have no reason to be afraid of communalists. Their days are numbered. Already a new generation is coming to the front to which differences between Hindus and Musalmans are unknown and which will not and cannot think in communal terms. Our angle of vision has rapidly changed. Let us in recognition to this supremely important fact, bury our communal differences so deep beneath the earth that they may never rise again. And when this preliminary work has been done, we can proceed to lay foundations of that democratic edifice within which people of India can live and prosper for ages to come (prolonged and loud applause).

### REPORT FORMALLY PRESENTED

Presenting the Report of the Committee, Pandit Motilal Nehru said:—

Sir,

I beg leave to present the Report of the Committee over which I had the honour to preside. I do not propose at this stage to enter into the details of that Report or expatiate upon any particular part of it. I think it will be time for that when the various recommendations that we are placing before the Convention will come up for consideration.

The services of the Committee will then be available for any informa-

tion upon any particular point or any explanation that might be necessary. Friends, after what our President has said about the spirit in which we are to consider these recommendations, I do not think I need say much. But I should like just to say one word about the position which my Committee claims for itself.

There has been considerable amount of misapprehension about that claim. The Committee claims nothing more nor less than what it deserves, namely, the position of a reporting Committee. It is not a law giving Committee whose report must be accepted as it is as if it were an Act of Legislature. What is being put before you is no more than certain recommendations of a Committee appointed at a meeting of the All Parties Conference—recommendations for adoption by this Convention.

We are not here to enforce these recommendations. We are not here to ask you to accept them whether you agree or not. We are here simply to put the best that is in us before you and to stand corrected by your decision. That is the position. Please do not for one moment think that we are putting this Report forward as a matter which is settled beyond dispute, or about the correctness of which there cannot be any question.

Even well settled constitutions carry no finality with them much less a mere draft whether prepared by an individual or a number of individuals collectively. It would be silly to claim that nothing better could be produced. On the contrary we have freely admitted in our Report that this is not a counsel of perfection. We have further admitted that there are in that Report recommendations which perhaps we might not have made, if left to ourselves, but what we claim for it is that having regard to the various interests in the country, the interests of the whole community, the rights of minorities and majorities and having regard to the experience of the past, the recommendations which we have made are according to the best of our judgment likely to bring about complete unity and harmony between all parties. If we have erred in any particular it is for you to correct us and adopt the correct view; but I ask you most earnestly not to confine yourselves to any single point here and there and argue upon the merits of that point alone without reference to the bearing it has on the whole scheme. You will find, I suppose, you have found, because I take it you have studied the Report, that it is a complete organism. It is a complete structure and if you pull out one brick it is likely to tumble down to the earth. When you examine the various points and recommendations, please also consider what would be the effect of your modifying any one of them upon the scheme as a whole. That is the most important thing.

One thing more I beg of you to remember. Apart from the generous spirit in which the President has asked you to consider the Report as a

whole, you have to see that you are not, by laying too much emphasis and insistence upon some right, real or imaginary, striking at the very foundation of this structure. When an individual right conflicts with that of the community as a whole the only thing to do is to give it up. If you think that there is anything in these recommendations which makes for disunity and not for unity, by all means scrap it. This Constitution is not a patent which we have taken out and which is not to be modified by anyone else or which cannot be improved upon. You are at liberty to scrape the whole of it provided you find an alternative. But if you cannot find an alternative, if nothing better can be discovered, I beg of you to accept it.

### PRESIDENT'S ANNOUNCEMENT OF PROCEDURE

The President then made the following announcement regarding the procedure to be followed in conducting the proceedings of the Convention:—

Recommendations of the Nehru Committee Report have been available to all parties for sometime past. I expect that they have been considered by all those who are attending the Convention either as representatives of parties or in their individual capacity. I shall expect the proposed amendments to the Reports to be handed in at the office of the Convention by 12 noon tomorrow. No amendments will be received after tomorrow's sitting has begun. All the amendments so handed in will be classified and arranged under suitable heads and taken up in the order which I find most convenient for the dispatch of business.

The agenda for tomorrow will be prepared on the basis of the suggestions and amendments already received and will be available to members at the commencement of tomorrow's proceedings.

After an amendment has been sufficiently discussed I will take the sense of the Convention by a show of hands; if the voting is unanimous the result will be recorded and we shall proceed to the next item on the agenda. But if the proposition before the house is either carried or defeated by a majority I will ask if any party as such is opposed to the vote of the majority thus ascertained. If any member says that the party he represents is opposed to the

vote and no other member of the same party disputes that allegation I will have the dissent of the party recorded and proceed to the next item. But if two or more members of the same party differ as to what is the real opinion of their party I will ask the representatives of that party to decide the question among themselves. If they are unable to do so then and there I will allow them such time as they may desire, to enable them to meet and discuss the matter. In this case the sense of the Convention, ascertained in the manner I have described above, will be recorded and a note will be made that such and such party has been allowed time to consider the question further and communicate to the Convention the opinion of the majority of the representatives of that party. The opinion so communicated will be recorded.

After the above announcement by the President, the Convention was adjourned till December 23, 1928.

THE PROCEEDINGS  
OF  
ALL PARTIES NATIONAL CONVENTION  
*Second Day—December 23*

The Convention met at 2 P.M. with Dr. M. A. Ansari in the chair.

MR. J. M. SEN GUPTA

Mr. J. M. Sen Gupta moved the following resolution:—

“This Convention adopts the following recommendations of the Report of the Nehru Committee”:—

“India shall have the same constitutional status in the community of nations, known as the British Empire, as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State, with a Parliament having powers to make laws for the peace, order and good government of India, and an executive responsible to that Parliament; and shall be styled and known as the Commonwealth of India.”

I wish that every party in the country had come under the jurisdiction of the Indian National Congress: for in that case it would not have been necessary to have this National Convention. It would not have been necessary to create a new body and give that body freedom with regard to certain objective; but unfortunately we have to admit that there are men in this Convention who do not accept the goal of Independence as India's goal. Because of the necessity of putting forward a united front to the new offensive of the British people who have sent out the Simon Commission, we have to see that we must find a constitution which would be acceptable to all, Liberals and Moderates, Hindus and Mahomedans in short, to all classes of people constituting the body-politic. The object underlying the Commission is to establish more firmly the British Administration in this country and this Convention was created to put forward a united front.

I believe that the real salvation of India lies in the severance of British

connection but I am a practical man. Whatever political strength we have got we must conserve it. We cannot allow the Simon Seven to go back to England triumphant. Do you want that? Or do you want your strength to be conserved and brought together under one head? I want a clear answer.

It has been asked why the constitution has been based on Dominion Status. Before answering it I may state that so far as I am concerned I want a constitution based on Independence. And I also believe that the adoption of Dominion Status in this Convention does not in any way interfere with the ideals of those who believe in Independence. If after calling this Convention, the Congressmen press their standpoint in the form of a constitution for Independence, may I ask you what would be the result? That is the point I want to emphasise on you all and I have not the slightest doubt that if the Congressmen press their own point of view, there would be an end of this Convention, of the unity which this Convention represents. I wish that time might come when all parties would unite on the basis of Independence but unfortunately that is not the case. As practical men, we must take stock of the reality of the situation.

It has been further asked, can you base your constitution on Dominion Status and work for Independence? Is that logically possible? I say it is. But the proper question is this. Is this constitution such a thing which would hamper you in your fight for complete Independence? I say it would not. On the contrary it would help you, because you will have the united nation behind your back, and further because it will show that when faced with a crisis Indians know how to unite. On the other hand if every school of political thought press their own viewpoint the very purpose of this Convention would be defeated. Let us agree for the sake of unity in this Convention to this constitution. This resolution has been very properly placed before you for your consideration; for on its decision depends whether this Convention is to go on or not, whether the British policy so far pursued would end or it would be strengthened. (applause).

#### MR. YAKUB HASSAN

Mr. Yakub Hassan, (Madras), in seconding Mr. J. M. Sen Gupta's resolution said:—

"My non-co-operation colleagues need not be surprised at my attitude as I wish to have a real fight and not a sham fight. We have under Gandhiji's guidance declared that we shall not use violence, I have not arms to fight for Independence, but I have got strength enough to fight constitutionally for Dominion Status. (cheers and counter cheers). I

want to fight on a clear issue. We want connection with Great Britain on terms of equality alone (hear, hear). But my friends who want Independence, why should they have any constitution at all? There will be time enough for a constitution after they gain Independence. Let us, as practical men, take stock of the real facts. The Hindus who wish to fight for Independence, do they realise that they have with them Muslims who are communalists? If the Muslims are serious about Independence, why do they worry and fight about the rights of minorities in the constitution? Why cannot they trust the Hindus? On the other hand, it is they who whatever their professions really are wish the British to remain here for ever, to keep peace between the Hindus and Muslims. (applause).

Similarly, those Hindus who declare that Mahomedans have extra-territorial sympathy and fear that after the British Raj goes, Muslim Raj would come, have no right to work for Independence. Then, there are the Indian States. Are they going to fight with you to drive away the British. Our ideal can only be realised if we make Dominion Status our issue.

I am earnest in saying that I am willing to remain a member of the British Commonwealth on terms of equality, for I know that the day India becomes an equal member of the British Empire, the Empire itself would cease to exist, and India having 300 million people would have a stronger voice in the Commonwealth than Great Britain herself. I am not with those who declare that Dominion Status should be a stepping-stone to Independence (hear, hear). On a practical basis I want to make Dominion Status our immediate goal, and concentrate all our forces for attaining that object, instead of fighting the air". (applause).

The President then invited discussion.

Mr. S. Srinivas Iyengar read out a statement on behalf of the Independence for India League.

The full text of the statement is printed in Appendix A(1). The statement was noted and placed on record of proceedings.

The President then called upon Mr. Daud of the Trade Union Congress to address the Convention.

MR. M. DAUD

Mr. Daud Said:—

The Trade Union Congress had sent me with a mandate to place their demands before the Convention for a socialistic republican form of government and nationalisation of industry. I place the resolution passed by Jharia Congress on the subject before the convention and hope it will receive consideration.

"The All India Trade Union Congress, in its session held at Jharia on December 18, 19 and 20, under the presidentship of Mr. M. Daud, M.A., B.L., passed the following resolution to be placed before the All Parties Convention, Calcutta:—

"This Congress formulates the following basis for the Constitution of India to be placed before the All Parties Convention, as our demand:— :

- (1) Socialistic Republican Government of the Working class.
- (2) Abolition of Indian States and Socialistic Republican Government in those places.
- (3) Nationalisation of Industries and land.
- (4) Universal adult franchise.
- (5) Free compulsory primary education.
- (6) Freedom of speech.
- (7) Right to work and maintenance and provision for social and unemployment insurance including maternity benefits.
- (8) Non-enactment of repressive and reactionary labour legislation should be guaranteed.
- (9) Protection of general labour interests.
- (10) This Congress elects the members of its Constitution Committee, one member from each affiliated Union and Mr. R. R. Bakhale—the total not exceeding 50—as its Delegation to the All Parties Convention to be held at Calcutta and instructs it to present the above programme to the Convention and take no further part in its proceedings if that programme is not accepted".

Mahatma Gandhi arrived at this stage and was given a great ovation by the entire audience rising as he entered the pandal and shouting 'Mahatma Gandhi ki Jai'.

Rai Sahib Chandrika Prasad then made a statement as an ex-president of the Trade Union Congress and Railwaymen's Federation declaring that the majority of the Trade Unionists were in favour of the Nehru Report.

A number of Labourites in the audience challenged Mr. Chandrika Prasad's authority to speak on behalf of the Trade Unionists whereupon he replied that he was speaking in his personal capacity and was prepared to take the consequences of his action. He was, however, continuously interrupted and had to resume his seat.



### MAULANA MOHAMED ALI

Maulana Mohamed Ali opposed the resolution moved by Mr. Sen Gupta. He asked when Mr. Sen Gupta said he accepted the Independence as goal of India why should he have moved this resolution and not any of those Dominion Statuswallahs who were behind him. Could they not find any solitary individual in that group with the courage of dependence to preach Dominion Status not only as a stepping stone as Mr. Yakub Hasan said but for ever and anon? He asked could they defeat the forces of the Simon Seven by a policy of defeatism or by flying the Union Jack?

Mangal Singh—What about your banner of communal representation?

Mohamed Ali—I am coming to that.

Maulana Mohamed Ali criticised the psychology of those who argued that Dominion Status was only a temporary phase and that afterwards they could claim Independence. He described this as a policy of coward and not of the fighter. He praised the Nehru Committee for their excellent report but he objected to it on this and certain other essential points. Firstly, he objected to Dominion Status because that status could have application only in a country of the white people and not to this country of 320 million black people. Nowhere in the world was any Asiatic particularly Indian, more looked down upon than in Britain, the centre of British Empire.

Pandit Moti Lal at this stage explained this was contradiction in terms and that if they got Dominion Status they must be treated on a level with the people of the self-governing dominions.

Maulana Mohamed Ali denied this and speaking from his recent experience in England and other countries he said Dominion Status might be very good on paper but when it was being applied there would be a world of difference between the people of Canada or South Africa and India. He asked did not Indians in South Africa have Dominion Status and what was their position.

There were cries of 'no' when Mr. Mohamed Ali averred

that South African Indians had Dominion Status.

At this stage Mr. P. K. Chakrabarti asked Maulana Mohamed Ali to withdraw the word 'coward' in respect of Mr. Sen Gupta. Maulana Mohamed Ali declined and explained that he wanted Mr. Sen Gupta with his creed of independence not to become a coward. All the same Mr. Chakrabarti and others pressed for the withdrawal of what they termed unparliamentary expression. Confusion reigned for sometime but order was soon restored.

Maulana Mohamed Ali proceeding emphasised that Dominion Status might be used differently in India and against the interests of India and reminded them of veto powers of the Viceroy. He also urged the Convention to leave Indian States out of the consideration and refused to accept Pandit Malaviya as representative of the Indian States. On the communal question also he said he was not representing anybody but himself. He was present in Convention not as a Moslem Leaguer or Trade Unionist nor even as ex-President of the Congress but only as a Member of the All-India Congress Committee. He asked for no Constitution except for one article namely that India shall be free and independent. "I don't ask for Dominion Status under British nor under Hindus nor under Musalmans nor under Turkey or Afghanistan But I want freedom for myself and my country. (A voice what about Patna and Cawnpore).

Mr. Prakasam—Did you not petition the Viceroy?

Maulana Mohamed Ali replied—No, I have not taken even the oath of fealty which you have done and which Mr. Srinivasa Iyengar can somehow justify (laughter). In order to get rid of the British domination over India if there is no alternative except Dominion Status under Hindus then and only then I shall accept it for myself. There will be communalism so long as there is no independence. I accept Mahatma's dictum, 'within the Empire if possible and without the Empire if necessary.'

Maulana Mohamed Ali would stick to this dictum as long as possible but he had already found that Independence was necessary.

He said so from his recent experience in London.

#### DR. ALAM

Dr. Mohammad Alam of the Punjab was very much pained to see that the Maulana spoke for himself only and not for all of them. It had been said that they had gone under the influence of some Knights. But he could assure them that it were the Knights who had come under their banner. But while the Maulana was away in England, his followers had gone under the banner of Sir Mohamad Shafi and Sir Abdur Rahim, who had been giving dinners to Simon Seven.

Proceeding he pointed out the difference between the speeches of Mr. Sen Gupta and the Maulana. Both of them wanted Independence, but as a practical man, Mr. Sen Gupta had joined with others in claiming Dominion Status, while the Maulana would not accept it, and why? Dr. Alam then pointed that the word "shall" in the constitution was not obligatory and did not deter others from working for independence.

This acceptance of Dominion Status, concluded Dr. Alam, was the last offer on their part to the British people to keep their connection with India. It constituted the last offer on the part of those of our countrymen who thought that the English people were sympathetic to them. If this was not granted, then they would have to work further with the Congressmen and not to go back to the banner of Sir Mohammad Shafi. This was the last word, he thought, for after this, they were not going to agree to anything like Dominion Status.

#### MR. SATYAMURTI

Mr. Satyamurti said:—"I desire to add one more to the many statements that have already been made and to do so on behalf of the Madras Mahajan Sabha, the oldest political organisation in my province and the delegates of the All India States' Subject Conference. On behalf of these, I wish to associate myself with the statement read out by our leader, Mr. Srinivasa Iyengar. We agree that Independence can be the only basis for any constitu-

tion for India. Maulana Yakub Hasan asked: What about Indian States in South India? I know the feelings of the people of South Indian States. Speaking on their behalf, with a full sense of my responsibility, I say Dominion Status connotes for them perpetual subjection to the puppet imperialism in this country of the Rajas of India. (a voice "why").

Mr. Satyamurti: "That is the fact. He who asks "Why" must read something of the history of India. I can say that we feel we are slaves, with this difference, that unlike British Indians we are slaves to Indians. We therefore plump for Independence.

"One thing more I want to state. Public memories are short. Let me refresh them. The distinguished authors of the Nehru Report, including distinguished Liberals and other non-Congressmen, stated in categorical terms "our agreeing to Dominion Status as the basis of the constitution does not mean that Congressmen, much less the Congress itself, have agreed to alter or tone down the goal of Complete National Independence, and they retain the fullest right to work for independence according to their methods." That was repeated at the Lucknow All Parties Conference in the words "without restricting in any manner the freedom of those who believe in independence to work for their goal." I do not know why the liberty is taken away in the resolution now moved. I want you to mark, learn, and inwardly digest that change in position. There is no more an attempt to treat Dominion Status as a step to Independence. The issue is clear before you. Are you for Dominion Status or are you for Independence? The resolution, as it stands, and as commented on by Mr. Yakub Hasan does not recognise the liberty of those who are for it to work for independence. He does not look upon Dominion Status as a stage to independence. Therefore our conscience is clear. Dominion Status is not made the first step to independence and we can not agree to Dominion Status. If after this, uncharitable critics said that it was a reply to the Viceroy, he thought they would not be far from wrong. We believe that time is with us, and the Indian

National Congress will justify us. We do not want to be responsible for any break up of the Convention, and therefore not without much hesitation but with a sense of responsibility we have agreed at great sacrifice to this. What we have decided is to associate ourselves with the statement of Mr. S. Iyengar and to desist from taking any part in this resolution fixing Dominion Status as their constitution. But we give the Convention and the country a fair warning that Independence is the only goal for which the people of this country should work for.

PROFESSOR JITENDRA LAL BANERJI

Professor Jitendra Lal Banerji moved the following amendment:—

In the first article of the recommendations, omit all that follows the words "India shall" and substitute "take rank as a free nation among the free nations of the world"—so that the whole article will read.

"India shall take rank as a free nation among the free nations of the world".

Prof. J. L. Banerji attacked some of the arguments in favour of Dominion Status. Leaving the task of constitution making to the Constitution Pundits of the future, he said that both Mr. Sen Gupta and Mr. Yakub had laid stress upon the practicability of Dominion Status implying that while it was a practical idea, independence was not.

Not being a practical man himself, he could not appreciate the value of such an argument. Why was Dominion Status more practicable than Independence? Was it meant that it was easier to attain than Independence, and the Independence meant fighting the British government while Dominion Status could be granted to them out of generosity? If that was the attitude no grosser delusion could have been cherished in the mind of man. They should remember that even for attaining Dominion Status they would have to use coercion, and more so, it may be, in the case of Independence, and there is no other means available. Such being

the case he failed to understand how Dominion Status was more practicable than Independence.

Rising on a point of personal explanation, Mr. Sen Gupta stated: "What I said was that as practical men we should first strive for unity. I know as much as Mr. Banerji does that they required force, coercion and strength in the country for the purpose of getting Dominion Status and perhaps greater force for independence".

Mr. J. L. Banerji maintained that it meant the same thing and there was no need for Mr. Sen Gupta to contradict him.

Proceeding he said, great stress had been laid on the question of unity. The point could never be over-emphasised. But did they think that they would have unity even on the question of Dominion Status? The man who said that would be a very bold man. His reading of history showed that Independence was never attained by a united people (hear, hear). Wherever the battle of freedom had been fought it had been fought by an active minority (applause), and not by a united nation. It had been fought by a minority united in itself and never by a united nation. To say that 320 millions of people would unite and then press for Independence is to say what had never been done and then they would have to wait till the Greek Calends.

Dominion Status might be a practical idea for Canadians, Australians and other people who were akin to the English in race, tradition, blood, and culture but it could never be a practical proposition for India whose people had no common bond with the British. The only bond was the bond of servitude and inferiority. That being the case, how could they accept it from England and how could England give it to them? Their choice was plain. Was it Independence or dependence for ever?

The Viceroy had been telling them that those who talked of Independence were leading the country into a morass, evidently implying that Dominion Status was a broad highway and they had only to wait and it would be dropped into their mouths. He

hoped nobody would be misled by this kind of talk. If Independence was a morass, in the eyes of the Viceroy, Dominion Status was equally so. As soon as they gave up their demand for Independence, they would have to remain where they were.

"Therefore I call upon you to think seriously over the matter. With you the decision must be not an act of the moment,<sup>1</sup> but it would be a decision which will affect you, affect your descendants, your posterity and generations to come. For you the choice is plain and it remains to be seen what course you will adopt the straight and narrow and short path that leads to Independence through much blood, many tears and through innumerable course of sufferings, or the broad beaten track that leads to Dominion Status, dependance and hell" (applause, cries of hear, hear).

#### DR. ANNIE BESANT

Dr. Annie Besant, supporting the resolution, said that she wished to clear one point and that was, Independence and Dominion Status meant practically the same thing. Dominion Status was complete Independence within the national territory. No outside power could interfere therein. Dominion Status meant that they would have their own army and navy and that was essential to the country desirous of winning freedom from another country not willing to grant it. That was why self-governing dominions could do as they liked.

That was the factor she wanted to bring to their notice. One point seemed to be an important factor in this respect and one which had not been mentioned in the speeches and that was there was another party to it namely England. What would be her attitude? That had not been thought of by anybody.

Proceeding she pointed out the analogy of Ireland and said that the difference between the Irish people and Indians was that while Ireland was determined to be free, they were not. If India desired to be free, she could be free. The change of attitude would be enough to bring Great Britain to her senses. They talked of independence amongst themselves but not one word had been men-

tioned as to how they were going to act for it.

In this connection she asked Indians to follow the Sinn Fein method. Let them set up a *parallel* Government in every village, taluq and district. Their people had a genius for self-government. But it must be self-government on their own traditional lines, and the English "Collector" must have no power to interfere. In fact, he would be replaced by the Indian officers.

The Self-Government Dominion was on an equality with Britain, save in foreign affairs, and a claim was being made now for a share in at least some of these in which they were involved, as in a declaration of war. Canada has bluntly said that it would take no part in a future war, unless it had consented to it before it was declared. Canada has also its own representative in Washington and—the speaker thought—in Paris and Tokio.

#### MR. BEPIN CHANDRA PAL

Mr. Bepin Chandra Pal (Calcutta) in supporting the resolution said that if he were not absolutely convinced with what the Nehru report called Dominion Status as the goal of India's political aspiration and that if he were not convinced that this Dominion Status meant not only practically but also in theory in the constitution of the existing British Empire independence, complete and absolute, he would have voted against it and for independence. But they should remember that independence was not the absolute negation of dependence. The word 'independence' was a foreign word and its concept was also a foreign one. Their word was not 'independence' but "Swadhinata" which meant self-dependence and not independence. Every association limited the independence of the parties joining that association. This was the Convention of all political parties in India and the very fact that they had met together in that Convention did not take away their fundamental freedom but it limited their independence so far as common action in this Convention was concerned. The first thing that had struck him in this discussion between independence and Dominion Status was that those who talked of independence seemed to believe that there was no



freedom in the association. Dominion Status was actually equality of partnership. That was their own language in 1906 when Dada-bhai Naoroji declared the meaning of Swaraj as Self-Government prevailing in the colonies and in the United Kingdom. When Mr. Naoroji laid down this ideal of Swaraj before them he did not mean isolated independence but equal partnership in a larger association.

In the Nehru Committee Report they had self-governing Dominion Status. In the first place the Commonwealth of Indian Parliament would like the Parliament of Great Britain or Parliament of Canada or other dominions be responsible to its own constituency for peace and order. The present Indian legislature was excluded from responsibility for peace and order. When the Montagu-Chelmsford reform were passing under criticism, they demanded they should be placed on the same footing as the Dominions and that their legislature should be responsible for peace and order. If they had done that and if the Indian Legislative Assembly had been responsible for peace and order and the Bengal Legislative Council had been responsible for the same, Lord Reading and Lord Lytton could not have passed Ordinances which they did because in that case the Parliament of India and the Parliament of Bengal would have been completely responsible for peace and order. He therefore thought that Independence and Dominion Status practically meant the same thing (cries of 'no, no'). It was a matter of constitutional history, it was a matter of fact and not a question of opinion. The fact was that self-governing Dominion Status was the same as independence.

(Voice—Why not accept the term 'independence' if there is no difference between the two?).

Mr. Pal then referred to the Faridpur speech of Deshbandhu Chittaranjan Das who declared that self-governing Dominion Status was not only practically better but ideally higher than isolated national independence. This was exactly what the speaker was trying to bring out.

MR. TARACHAND J. LALWANI

Mr. Tarachand J. Lalwani moved the following amendment:—

"WHEREAS the goal of the Indian people is full national independence, India cannot achieve true freedom without severance of British connection, and the people cannot enjoy the fruits of freedom without socialism, this Convention resolves that the constitution of India should only be based on full independence, and recommends that the necessary alternations in that behalf be made in the Nehru Report."

He said that Dominion Status or independence could not be had merely by passing a resolution. They should never get until and unless they had taken direct action. The speaker cited Bardoli as an instance in support of his proposition and pointed out that it was the peasants and nobody else who could bring real Swaraj.

The speaker was of opinion that there was need for direct action in order to get independence which alone would dispel communalism. He was sorry that Trade Union Congress representatives without pressing their claim here merely read out a statement.

Doctor Pattabhi Seetaramaya came up to the rostrum to speak in support of independence.

Mr. Harisarvotama Rao drew the attention of the Chair to the fact that Dr. P. Seetaramaya was a signatory to the statement read out by Mr. Srinivasa Iyengar on behalf of the independence League wherein it was stated that they would take no part in the discussion as to the constitution and could confine themselves to the solution of the communal problem recommended by the Nehru Committee? The President asked Dr. Seetaramaya whether they had changed mind whereupon the Doctor retired from the rostrum.

SIR C. P. RAMASWAMI IYER

Sir C. P. Ramaswami Iyer on behalf of the National Liberal Federation in support of Dominion Status, emphasised the need for unity. He asked: Was it not a fact that during the last twelve months the National cause had been enhanced in volume and intensity of expression by the unity which had been secured of all parties in regard to the Simon Commission? The attitude of men like Sir Ali Imam and Sir Tej Bahadur Sapru had profoundly modified the political situation in India. These might represent minority opinion, would it not be better to take them in the interests of national pro-

gress? And yet they were told in regard to Dominion Status that it was easier to attain than independence and therefore, they should not bother about concentration on Dominion Status, when with perhaps the same expenditure of energy they could achieve the other. His reply was there were many classes in this country who had not accepted Independence as their goal. The case of the landlords was enough. At the same time there were the people of Indian States who would not be allowed to go with Congressmen in British India if they talked of Independence; but might be allowed if they worked for Dominion Status. Then, there were the members of the Liberal Federation. They might be numerically weak, but they believed that Dominion Status was in itself desirable, and would give everything that a proud and self-respecting nation would care to achieve—association on equal terms with the biggest community of nations.

Proceeding, Sir C. P. Ramaswami Aiyar said that by accepting Dominion Status, India would rise to the position occupied by Canada.

Maulana Mohamed Ali asked what would be the attitude of the Liberals if the constitution fell short of the demands of the Liberals.

Sir C. P. Ramaswami Aiyer retorted—I want you to let me know what would be your attitude, if the constitution falls short of Independence.

Maulana Mohamed Ali—We won't accept it.

Sir C. P. Ramaswami Aiyar—Equally so we won't. ("here, hear" and laughter.) I object to the mentality which suspects the *bona fides* of the Liberals. Why do you think that we would accept a thing which you would not accept? I want you to have the same trust in us as we have in you. (hear, hear.). We believe unlike you that Dominion Status is enough for any self-respecting nation. We are willing to pool our resources, insignificant though they may be, with yours, and work together for the common cause. I am asking for a spirit of mutual tolerance. There is a fair amount of agreement with regard to the Nehru Report framed on the basis of the union of several parties.

Here there was an inaudible interruption from Maulana Mohamed Ali at this stage to which Sir C. P. Ramaswami Aiyar replied: "I know this talk of killing and getting killed a little too much. Let us be realists, and face facts. We may not be heroes, but if you are going to kill and get killed then your place is not in this Convention, but somewhere else.

Maulana Mohamed Ali asked—Will you come to jail with us in the struggle?

Sir C. P. Ramaswami Aiyar—I treat this question as an insult. If that is the spirit in which you are going to work for Swaraj, it is not worth getting. We, the Liberals, are commonplace men, but give us a chance to work with you and enable us to give the best of us to the advancement of the national cause in a spirit of mutual trust and toleration.

Swami Govindanand on behalf of the Swadhin Bharat Sangh read out a statement.

The full text of the statement is printed in Appendix A(2).

Mr. Ranchordas Gandhi informed the House that All Parties Indian States Conference, the Kathiawar States Conference and the Bhavanagar States Conference had all unanimously supported the Nehru Report.

#### MR. C. Y. CHINTAMANI

Mr. C. Y. Chintamani on behalf of the Liberal Federation also supported the resolution. He said that he had come to the Convention because the Nehru Committee's Report as a whole was for the good of the country. If they were believers in perpetual dependence they would not have asked for Dominion Status but would be content with *status quo*. Dominion Status denoted a political position for India equivalent in all respects to independence. It was because they are advocates of freedom for the country and did not want any longer to be dependent upon or subject to England that they were giving their whole-hearted support to this resolution.

It has been argued that those who supported Dominion Status were actuated by a spirit of defeatism.

Maulana Mohamed Ali—on a point of order (cries of order,

order, sit down).

Maulana Mohamed Ali—If this rabble is going on like this, I will go out.

(Voices:—You are also of the rabble).

Mr. Chintamani continuing said that he would not refer to the effect of argument on this point. As he listened to every word of Mr. Mohamed Ali with the care and attention which the word of any ex-president of the Indian National Congress deserved, he was speaking on the basis of his own understanding and not of the intention of the speaker.

Maulana Mohamed Ali—On a point of personal explanation, I did not say anything at all about the Liberal Federation or anybody else. I spoke about the psychology of Mr. J. M. Sen Gupta.

Mr. Chintamani—I submit I have not made any allegation against Mr. Mohamed Ali and I stand acquitted of having made any charge against him.

Proceeding the speaker said that Dominion Status was akin to national independence for all practical purposes for which the Nehru Report worked.

Whether national unity was desirable or was merely an expression of national weakness—upon this point he not only associated himself wholeheartedly with the arguments put before them by Sir C. P. Ramaswami Aiyar, but he would go further and say that if they did not strive to the best of their power to achieve the maximum amount of national unity that was possible and exert a united pressure of the entire country seeking for political progress and for freedom from bondage upon their opponents whose organisation, whose strength, whose determination and whose selfishness was only too well known to them, they would get neither Independence nor Dominion Status nor make any substantial move forward. The position of the National Convention ought in his opinion to be the position which Gokhale described as the position of an ambassador of the people of India. Let those members of the Indian National Congress who had thus belittled the value of national unity remember that the All

Parties Conference was called at the instance of the National Congress itself and that it were the members of the Congress who are in the position of the hosts to the non-Congressmen in order to achieve what they were struggling for, namely, freedom from bondage.

In conclusion, Mr. Chintamani said if this Convention were to throw out the Nehru Committee's recommendations as embodied in the resolution they would be doing the most incalculable injury which anybody of public men had done within living memory. He appealed to the House with all the earnestness he could command to ratify the most statesmanlike conclusions reached in the report and show it to every opponent of Indian national progress that Indians could rise to the height of the occasion at this critical juncture.

MR. HARISARVOTTAM RAO

Mr. Harisarvottam Rao appealed to them to support Nehru Report and not make individual bids for leadership. They had failed to accept Gandhi's leadership in past let them not fail to follow Motilal's leadership.

SIR ALI IMAM

Sir Ali Imam rose amidst applause and said that he did not propose to enter into a discussion of the merits of Independence or Dominion Status nor would he go into the detailed examination of the report of the Nehru Committee. He did not think that there was any single individual present at the Convention who disputed the proposition that independence was a higher claim than Dominion Status. In theory they did not need to be convinced as to the obvious fact that independence was a higher ideal. Although he was theoretically convinced of the higher ideality of independence, he had gone and put his name on a paper which adopted Dominion Status, that is to say, that he had taken a lower place.

He asked them to consider one or two things in regard to their own country. People or some sections of the people who were fighting among themselves upon a question as to whether a certain minority in the central legislature should have 25 seats out of hundred or 33, people who were quarelling among themselves as to whether or

not there would be reservation of seats for certain minorities and who were not united in regard to communal interests, for such people as practical politicians to say and come forward that they should have independence was simply ridiculous. One might ask if they were going to put before the country the word 'independence' or they were going to put before the country independence as it should be conceived as the basis of an accepted constitution. That word by itself had already gone before the country. The National Congress had already put it before the country. Time had come for them to realise that mere word 'independence' would not by itself bring their salvation. It should be accompanied by a definite constitution—a constitution which accepted independence as its goal.

As a nationalist he had a grave misgiving about the declaration of the Jamiyatulema and the Khilafat Committee as if it was only the Musalmans who wanted independence and who understood the virtue and value of independence. He believed that he was an Indian first (prolonged and continued cheers) and a Musalman after.

In conclusion he sounded a note of warning to the audience not to be misled by theoretical ideas but to listen to practical politicians. He did not, however, claim to be himself a politician. He was a simple man and was for some time only miserable Law Member of the Government of India. He was putting before the audience his honest conviction and he hoped they would agree with him when he said that the decisions reached by the Nehru Committee were the best that could be devised for at least some time to come.

#### MR. SEN GUPTA'S REPLY

Mr. J. M. Sen Gupta in reply referred to what His Excellency the Viceroy had said in some place that the friends of India in England would be alienated from them by the fact that they would use this constitution based on Dominion Status for the purpose of strengthening their position for independence. He could tell His Excellency that so far as they (the Congressmen) were concerned they would use the unity produced in the country for the purpose of strengthening their national movement for freedom.

He knew that it would be as much difficult to wrest a constitution based on Dominion Status as it would be to wrest one based on independence and complete severance from British connexion. The only object for which he supported the resolution in the All Parties Convention that day was that he desired along with others to use this unity in the country. When they talked about independence making independence as the basis for their constitution he understood men like Pandit Jawaharlal Nehru and Maulana Mohamed Ali; he was not going to make insinuation against any one but he did say that there were some who belonged to communal organisations. It was all very well to come to the Convention and to say that they would fight for independence, and in the same breath say that in the Punjab or in some other place they would claim a little more than what their population granted.

They wanted unity, they wanted strength in this Convention for the purpose of enabling the Congressmen to carry on their work for independence. "Let us not spoil this gigantic work, this historic work in this Convention by becoming pawns in the hands of the communists and the hired politicians of the British people". (applause).

Dr. Ansari then put the various amendments to vote which were rejected practically without support. He finally put to the house Mr. Sen Gupta's resolution which was declared carried amidst acclamation only one hand being raised against.

At this stage Messrs. Jamnadas Mehta and Jawaharlal Nehru called attention to the fact that those members of A. I. C. C. who were for independence had not taken part in voting.

The President observed that according to the procedure announced by him yesterday the vote of the A. I. C. C. would be recorded after they had met and considered the matter but so far as the convention was concerned the resolution had been passed with only one dissentient vote.

The Convention then adjourned till 2 P.M. on December 24, 1928.



THE PROCEEDINGS  
OF  
ALL PARTIES NATIONAL CONVENTION

*Third Day—December 24, 1928*

The proceedings opened at 2-35 P.M. with Dr. M. A. Ansari in the chair.

The President read the following communication received from the Secretary, Central Sikh League:—

The President, All Parties Convention, Calcutta.

SIR,—I, on behalf of the Central Sikh League, request this fact to be placed on record that the League stands for Complete Independence and does not favour Dominion Status.

(Sd.) HARNAM SINGH

*Secretary, Central Sikh League, Amritsar*

Clause (3) which runs as follows, was taken up.

"3. The word "Citizen" wherever it occurs in this constitution means every person

- (a) who was born, or whose father was either born or naturalised, within the territorial limits of the Commonwealth and has not been naturalised as a citizen of any other country;
- (b) who being a subject of an Indian State ordinarily carries on business or resides in the territories of the commonwealth,
- (c) or who, being a subject of the Crown carries on business or resides in the territories of the commonwealth; or
- (d) who is naturalised in the commonwealth under the law in force for the time being.

*Explanation*—No person who is a citizen of a foreign country can be a citizen of the commonwealth unless he renounces the citizenship of such foreign country in the manner prescribed by law."

Pandit Motilal Nehru moved that clause 3 as recommended by the enlarged Committee be adopted. In moving the resolution he said that the clause as it originally stood was printed at page 101 of the main Report. It consisted only of two sub-clauses which now appeared as (a) and (d). What appeared now as sub-clause (b) was added by the Lucknow Conference. Sub-clause (c) had been added by the enlarged Committee for the reasons set out at page 27 of the Supplementary Report. This last addition was the necessary consequence of the adoption by the Convention of the resolution on Dominion Status. Unless this clause was adopted there would be no possible means available to the people of Great Britain or of any of her Dominions to become citizens of India. This would be an anomaly and give rise to a serious state of things. While Germans, Italians or other foreigners coming to India would have an opportunity to get naturalised and thereby become citizens of the Commonwealth of India no such means would be available to Britishers or the people coming from the Dominions. The latter were all in law subjects of the Crown and as such the naturalisation laws of the Commonwealth would not be applicable to them. That being so they would be permanently debarred from acquiring rights of citizenship. This result would be quite inconsistent with the resolution passed by this Convention about the constitutional status of India in the community of nations known as the British Empire. While claiming to be on the same footing as the people of Great Britain and of the Dominions Indians could not in fairness deny to the latter rights and privileges which they themselves claimed. This was merely a consequential amendment. Of course at present India enjoyed no such rights at all but they had passed the resolution in favour of Dominion Status and if India wanted equality in other Dominions she would have to concede the same equality to the people of those Dominions. If however they did not get the equality they claimed there would be no question of giving equality to others. But as he (the speaker) had stated such equality would come about automatically on their attaining Dominion Status and would not depend on the will or pleasure of anyone. But this

would not prevent India from passing special legislation restricting the franchise as other Dominions had done. If India were admitted into this family of the Commonwealth of nations she would no longer be foreign to those nations and they would not be foreign to her. There can therefore be no question of naturalisation.

A member asked why should this Convention go out of its way to make the concession. In reply Pt. Nehru pointed out that they had laid down their constitution for Dominion Status and the necessary implication and consequences would follow. The people of the Dominion could not be naturalised, because it was only foreigners who could be naturalised.

#### *Motion for Select Committee*

Mr. M. K. Munshi (Burma) opposing the resolution said that he proposed that the resolution be referred to a Select Committee for further consideration. The ground for referring the clause to a Committee was that it was not as satisfactory as it should be. With profound deference for Pandit Motilal Nehru he said that it was not quite accurate to say that Dominion Status guaranteed every natural born subject of His Majesty equal rights. As for instance he said that the Commonwealth of Australia was quite competent to exclude any race which they thought proper from the exercise of franchise. In South Africa too there was such a statute.

He therefore, suggested that a Committee consisting of Pandit Motilal Nehru, Sir Tej Bahadur Sapru, Dr. Naresh Sen Gupta, Mr. J. Choudhury and Mr. S. N. Haji and the speaker be formed and that they should submit their report at the next sitting of the Convention.

Pandit Motilal Nehru said that he had no objection to the appointment of a Committee but would ask the House to excuse him from serving on it.

Dr. M. A. Ansari then read out the names of the following gentlemen who would form the committee. Mr. L. R. Tarsiee, Sir Tej Bahadur Sapru, Dr. Naresh Sen Gupta, Mr. J. Choudhury, Mr. S. N. Haji, and Mr. K. M. Munshi. The amendment of

Mr. Munshi was put to vote and carried by an overwhelming majority.

### *Fundamental Rights*

Clause (4) of the Supplementary Report of the Nehru Committee was then taken up.

No amendment was proposed to sub-clause (1) which ran as follows and was declared as passed.

(i) All powers of government and all authority, legislative, executive and judicial, are derived from the people and the same shall be exercised in the Commonwealth of India through the organisations established by or under, and in due process of this constitution.

Sub-clause (ii) was then taken up. It ran as follows:—

(ii) No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law. All titles to private and personal property lawfully acquired and enjoyed at the establishment of the Commonwealth are hereby guaranteed.

### MR. K. MADHAVANAR

Mr. K. Madhavanar moved the following amendments:—

In Section 4(ii)—Omit “all titles . . . hereby guaranteed.”

Mr. Madhavanar said that the present economic arrangement in the country was certainly not the best one. There were vested rights such as capitalistic rights. He did not believe in any self-rule of 5 or 10 or 13 per cent of the population. National Self-Government meant self-government of the nation and not of any class. He did not believe that Swaraj could be acquired by India otherwise than by the tenants who had been sadly neglected. But he did not object if the report as a whole was of the Zemindars and that of Priests, which were not to the liking of the people. He therefore urged that the clause be omitted.

Baba Ramchandra (Member of the U. P. Kishan Sabha) supported Mr. Madhavanar.

Swami Vidyanand spoke on the protection of peasants in order to save the repetition of Gorakhpore peasants revolt.

DR. SEN GUPTA

Dr. Naresh Chandra Sen Gupta said that he considered it unfortunate because he could not believe in the existence of self-rule in India for only five or ten years. To him national self-government meant not self-government of the classes. Those who believed that self-government could be achieved by perpetually neglecting the down-trodden masses were labouring under a fearful delusion. He believed that the retention of the clause meant a direct challenge to the tenantry of Bengal and he was prepared to accept it for the present, for they who had already laboured under this disadvantage for so many years were prepared to suffer so for a few years more. They knew that the moment the constitution came into force and manhood suffrage was granted they could alter the whole structure of the constitution and it was in this feeling that he opposed the amendment.

MR. RAMDAS PANTULU

Mr. Ramdas Pantulu in opposing the amendment said that there was no danger to accepting the resolution as it stood in the report as it was perfectly a legitimate provision. They were already pledged under the Congress constitution to adjust amicably the relations between landlords and tenants and the employers and the employees and he did not want to create any impression in the mind of anybody that this relation would be destroyed under the new commonwealth.

PROF. J. L. BANERJI

Prof. J. L. Banerji in supporting the amendment said that the first clause of the resolution that no property would be disturbed, except in accordance with law, was quite sufficient and he thought that the second clause guaranteeing rights was added with a sinister object. What titles were they going to guarantee?—titles lawfully acquired under the laws passed by the British Government which was described by Mahatma Gandhi as "Satanic". Might he under-

stand that all other laws of the Satanic Government were liable to be assailed and attacked but the laws for safeguarding the rights of landlords were sacred and sacrosanct not even to be attacked by the Free India to be.

What were they trying to have their Dominion Status for, Mr. Banerji, asked. Was not their new commonwealth to be given ample and large power of law giving? Certainly they did not want to perpetuate the evil thing of the past. Should they not say that their object was to shatter the existing state of things and remould it nearer to the heart's desire? If that was not their object, was there any meaning in claiming independence or Dominion Status? If they gave the largest and amplest powers for legislation to the free states of India would that power of legislation be hampered only in respect of laws, out of deference, most probably, to the great property-holders now existing in India (applause).

"One of the first duty of the new state of Bengal, Mr. Banerji continued, created under the commonwealth will be to unsettle the permanent settlement (applause). How can it possibly do that if you guarantee under your constitutions those titles and rights of the people here? If you cannot alter the present iniquitous state of things, your federated India will not be worth having".

#### BABU SRI PRAKASH

Babu Sri Prakash moved that in Article 4(ii) delete 'lawfully' and after the "guaranteed" add "provided that the same had been acquired in a manner still regarded as lawful in the commonwealth; also provided that such a guarantee shall not be regarded as giving any immunity to any person from the confiscation of the whole or a part of his property however acquired in executing decrees of the court of the commonwealth or in fulfilment of such laws as may be passed limiting the extent of private property."

He said that he was not there to carry on a tirade against the rich folk. The purpose of his moving the amendment was to impress upon their minds that whatever gain humanity in its march towards progress had made should be shared by all human beings. It should not be confined only to a few.

### MR. T. VISHVANATHAN

Amendments to the same effect as Mr. Madhavanar's stood in the name of Mr. T. Vishvanathan and Mr. Nabin Chandra Bardloi. Mr. Vishvanathan said that to support the rights and titles lawfully acquired was quite out of place. Under present conditions it was inconceivable to give guarantees of exploded rights and prevent posterity from re-organising society. Mr. Vishvanathan gave a history of the circumstances in which the addition was made at the Lucknow Conference at the headquarters of Oudh Taluqdars and pointed out that Pandit Malaviya framed it and had it carried with the support of Pandit Motilal in spite of the opposition which happened to be in the minority.

The amendments were opposed by Principal Ramdeva, Babu Deep Narain Singh, Brijendra Narain Chowdhry, Dr. Promontha Nath Banerji, Dr. Syed Muhammad and Pandit Madan Mohan Malaviya.

### PANDIT MALAVIYA

Pandit Madan Mohan Malaviya wanted to clear up certain misconception. In the first place he said they must not start with the idea that what had been done had been done to placate a particular group of men. They must give those who were serving them this much honesty of purpose that if they agreed to a proposal they had done so after mature consideration.

The object of an agreed constitution was to arrive at an understanding by an agreement. They could not establish Government by sword but by negotiations and agreement. He was sure that they did not want to divide the landed magnates and the tenants and use force. On the other hand they wanted to adjust differences between themselves in order to establish just and equitable relationship between zemindars and tenants. They had been doing it even under the existing administration. They were trying to frame a constitution by an agreement. Did they think that the proposals embodied in the report did not give satisfaction to reasonable men? Did he ask them to agree to anything unreasonable?

What was the proposal before them? It had been suggested that it was a sinister motive that led some of them to put this forward. He however, thought that they would think better in their calmer moment. He maintained that this was the well-known tradition to be found in every constitution. The first portion related to the procedural laws. What did the second clause mean except this that the new Parliament by a law should not say all at once that landed property would be confiscated. It was embodied to provide against the passage of such a law and it did not debar them from making a revision of the land settlement laws of Bengal and Behar. These were economic measures which were open to Government to revise at any time. If the British Government had hesitated to revise them for more than a century, they would certainly expect their Parliament not to proceed with the revision in a hurry. If, however, it was considered necessary in the interests of the country, if justice demanded that the revision should be made, then he said that this provision would not stand in their way.

Pandit Malaviya continued:—"If you want to nationalise the land, it will be open to your Parliament to appoint a committee or commission to purchase those lands after offering the owners a fair compensation and to acquire the whole of the land which they possess by process of law.

"I do not endorse the view that every title acquired under the present Government is a bad title. Property has not only come down from the British period but from the Hindu period and had been enjoyed under the present administration. Do you want to say that you wish to take away these rights? Do you want to say that you will tolerate the idea of your Parliament passing a short law to the effect that all titles to private properties should be extinguished and authorising the executive to take possession of the property they possess (voice, no, no). I am glad that you do not.

The amendments, were then put to vote one by one and declared lost after a show of hands. The original clause was declared carried.



Trade Union Congress, Behar Provincial Kisan Sabha and Bengal Namasudra Association expressed dissent which was noted.

*Clause 4(v)*

Mr. Tyyabullah moved that in clause 4(v)—substitute “such strength in the population as may be determined by the Provinces themselves” in place of “considerable strength in the population.”

Babu Basanta Kumar Das and Mr. A. B. Salem opposed the amendment.

When put to vote the amendment was lost.

*Clause 4(ix)*

Mr. Balkrishna Sharma (A. I. C. C., U. P.) moved that in Section 4(ix) after “Lawful” add “and no capital punishment shall be awarded for any offence in the Commonwealth of India”.

After being supported by Messrs. Raghubir Sahai, Govindachari and Lal Chand Jatyani, the amendment was put to vote and was carried.

*Clause 4(x)*

Mr. Balkrishna Sharma again moved that in clause 4(x) insert “convene the Parliament within the month and” between “he shall” and “report” and delete the words “at the earliest possible opportunity.”

Pandit Motilal Nehru explained that it would not always be possible to convene Parliament within a month of the action taken as members from the remotest part of India should be given an opportunity to attend. Besides there may be serious disturbance in the country making it physically impossible for members to attend. The amendment was withdrawn.

Sardar Sardul Singh Caveeshar moved that in section 4(x) delete “or rebellion”.

Lala Lalchand Falak supported the amendment.

Pandit Motilal Nehru opposed the amendment.

It was lost when put to vote.

*Clause 4(xiii)*

Mr. Balkrishna Sharma moved that in Section 4(xiii) add “or be given preference to” after the word “prejudiced”.

On Pandit Motilal Nehru accepting the amendment subject to a change of language, it was adopted by the House.

*Clause 4 (xvii)*

Mr. C. Rajagopalachariar moved that the following be added with the consequential changes in the schedule.

"It shall be the duty of the Commonwealth to save its citizens from the evils and temptations of alcoholic and intoxicating drugs and to this end it shall as soon as possible make laws for the total prohibition of manufacture, import, possession or sale of alcoholic liquors and intoxicating drugs except for medicinal or industrial purposes."

MR. C. RAJAGOPALACHARIAR

He said that the present opportunity should be availed of especially as they had provided for universal education and for public welfare work as a fundamental Article among the duties of the Government.

If they wanted India to be prosperous under adult suffrage then there must also be attempts by the State to remove the drink evil. He emphasised that the Commonwealth should save its citizens from evil temptations of alcohol and other intoxicating drinks and should make laws as soon as possible for the total prohibition of the manufacture or import or sale of liquors and drinks except for medicines or industrial purposes. That twenty crores now represented the revenue that the Government derived from taxation on liquors.

Mufti Mohamed Saddiq delegate of the Ahmadya community supported the motion which was carried.

Swami Vidyanand moved that in clause 4 (xvii)—substitute "to secure complete ownership of tenants to agricultural lands and to ensure fixity and permanence of rent to such tenants" in place of "to ensure . . . . agricultural tenants."

Mr. Rishiklal Biswas supported the amendment while Mr. S. C. Thakkar opposed it.

After Pandit Motilal Nehru had explained the position the amendment was put to vote and lost.

On this the mover as a representative of the Behar Provincial Kisan Sabha requested that his dissent on behalf of his Association be recorded.

Sardar Mangal Singh moved that in clause 4(xvii) after the words "securing of a living for every worker" add "peasant."

Pandit Motilal Nehru accepted the amendment and it was carried when put to vote.

#### *Fresh Clause*

Mr. N. C. Bhattacharya moved that after sub-clause (xix) clause 4 the following be added:—(xx). The secrecy of correspondence as well as the secrecy of the postal telegraphic and telephonic communications is inviolable. Exceptions may be added by the Commonwealth law only.

Mr. Rishiklal Biswas supported the amendment.

Pandit Motilal Nehru again explained the position.

The amendment being put to vote was lost.

Mr. Gulshan Rai moved that the following new sub-clause be added to clause 4 "All courts of law in whichever part of the Commonwealth established shall be subject to the jurisdiction, appellate and administrative of some High Court of judicature established by Letters Patent."

Pandit Motilal Nehru accepted the amendment, which was adopted.

The Convention at this stage adjourned till December 27.

THE PROCEEDINGS  
OF  
ALL PARTIES NATIONAL CONVENTION

*Fourth Day—December 27, 1928*

The Convention met at 3 P.M., after two days recess, with Dr. M. A. Ansari in the Chair.

At the outset Mr. K. M. Munshi of Burma placed before the House the following report of the Committee appointed at the previous sitting to consider the definition of the word "citizen".—

To

*The President of the All Parties Convention, Calcutta*  
SIR,

The Committee appointed by the Convention met this morning the members present being—

Sir Tej Bahadur Sapru  
Mr. L. R. Tairsee  
Mr. J. Chaudhury  
Mr. S. N. Haji, and  
Mr. K. M. Munshi

The Committee are of opinion that the definition of 'citizen' given in clause 3 of the Constitution appended to the Supplementary Report should be modified as follows:—

I—Clauses (a) and (b) to remain as they are.

II—For original clause (c) substitute the following:—

(c) who being a subject of the Crown (1) ordinarily resides or personally works for gain, within the territories of the Commonwealth at the date of the commencement of this Act or

(2) fulfils the qualifications prescribed by the Parliament for the exercise of the rights of citizenship.

III—Clause (d) remains the same.

December 25, 1928

(Sd.) T. B. SAPRU  
" L. R. TAIRSEE  
" J. CHAUDHURI  
" K. M. MUNSHI  
" N. C. SEN GUPTA

Mr. Haji's note of dissent.

"As I am of the opinion that the discretion of the Indian Dominion Parliament, when established, should not be fettered with particulars laid down now regarding the qualifications under which non-Indians can become Indian citizens, I regret that I cannot sign the above report. However, I realise that the non-Indians in India should be permitted to become Indian citizens under the Dominion Parliament according to conditions to be laid down there in that behalf. I, therefore, propose that the following words be added to sub-clause (c) in the definition of the word "citizen" given in the Supplementary Report:—

"and fulfils the qualifications prescribed by the Parliament for the exercise of the rights of citizenship."

(Sd.) SARBHAI N. HAJI

December 27, 1928

*Parsi statement*

Mr. M. K. Patel then read a statement on behalf of Mazdayasin Mandal which is printed in Appendix A(3).

After the statement was read Mr. Sidwah came forward and stated that the Mandal was a religious body. The body that counted in the Bombay Presidency was the Parsi Panchayat and they had repudiated the idea of co-operating with the Simon Commission in spite of a certain interested section. He further informed the House that the five Parsi members in the Bombay Council had totally boycotted the Commission. (applause). The Parsis did not want any safe-guards. They had placed their part industrially, politically and socially and they would stand on their own merits. They did not like the idea of keeping anything on record as stated by the

previous speaker. He wanted to impress on them that the statement read came from a religious association and the body that counted was the Parsi Panchayet in Bombay who had boycotted the Simon Commission and adopted the Nehru report (applause).

*Position of Jamiatululema, Hind*

The following resolution of the Jamiatululema of Hind adopted at its meeting held at Moradabad on December 28 and communicated to the Secretary of the Convention by the Secretary of the Jamiat was then read out:—

"In view of the fact that the Nehru Report Committee was irregularly constituted and had no adequate representation of Moslems on it and that the Nehru Report has not yet been put before and adopted by the Moslem All Parties Conference, this meeting of the Working Committee does not consider it necessary to elect its delegates to the Calcutta Convention. It only appoints Maulana Mohamed Ali to deliver the Report of the Jamiatululema to the President or Secretary of the Convention with the message that the Jamiatululema Hind is still prepared to send its representatives if the All Parties Committee in accordance with its principles first procures the demands of different Moslem associations and then fixes a date for the Convention to consider a constitution for India on the basis of mutual understanding."

Representatives of the Indian Christians and Sikhs wanted to make statements. Dr. Ansari regretted that this infection was spreading. He asked these representatives to take part in the debate and urge their point of view rather than make mere statements. This suggestion was accepted.

The Convention then proceeded to discuss the remaining amendments standing against the various sub-clauses of clause 4.

Mr. Mohammad Masud Ahmad (Bazm Sufia) moved:

In clause 4(iv)—delete the words "for purposes not opposed to public order or morality" and add "provided this be not of itself opposed to public morality and no one or no community shall be compelled to act against the doctrine and practices of his religion

nor shall any one be compelled to refrain from doing anything required by his religion or compelled to do anything because of the religious tenets of any other creed or community."

MR. J. R. BANERJEE

Mr. J. R. Banerjee (Bengal) in opposing the amendment said that he wanted to oppose the amendment for more than one reason. In the first place the question of public order was of paramount importance. The All Parties Convention meant an atmosphere of peace. Public peace and tranquility was to be preserved above all. If the amendment was carried then if anybody preached against the religion of others, which he held religious on his part, public order was sure to be violated. He was sorry that the amendment was moved at all in the Convention.

MR. NIRANJAN DAS

Mr. Niranjan Das (Gujranwalla), in opposing the amendment, said that they from the Punjab had come to bury communalism which the amendment wanted to revive. It was very late in the 20th Century to say that religion had anything to play in politics. He was not sure whether the gentleman who had moved the amendment was the representative of any community in the Convention. The Punjab which was once the hotbed of communalism had got rid of it only for the Nehru Report. Did the gentleman, asked Mr. Das in conclusion, mean that when they attained Swaraj they would have nothing to do with public peace or morality?

The amendment was then put to vote and lost.

Mr. Masud Ahmad next moved that the following be added as a new clause in the declaration of fundamental rights: "Musalmans shall be subject only to their own personal law in all matters relating to religious or semi-religious observances, Azans, laws of inheritance, guardianship, gifts, wills, legitimacy, marriage, dower, divorce, waqf, graveyards, mosques, Khankahs, Imambaras, zabihhas sacrifices, and Tazayas and no government at any time shall have the power to add, alter, amend or otherwise change the above and where the Islamic law requires that any particular