

matter be adjudicated upon by Muslim Judges, only Muslim Judges shall adjudicate upon such matters."

At this stage Pandit Motilal Nehru announced that the Moslem League and the Khilafat Committee would be represented in the Convention for the first time that day. (applause). These bodies Pandit Nehru proceeded to say had not taken part in any previous sitting of the Convention and it would not be convenient for them to discuss the subjects they had already discussed or the new subjects that would come up before the Convention for discussion. He, therefore, proposed that a Sub-committee of the House be formed to meet these delegates with a view to arriving at certain resolutions on the communal questions, or if that was not possible, they would put forward the view-points of their organisations at the next sitting of the Convention. If they put forward anything without previous knowledge of what had already been discussed at the Convention, there would be considerable waste of time. If they had to make suggestions it would be a mistake for the House either to accept or reject them on the spur of the moment without previous consideration. He, therefore, moved that a Sub-committee of the Convention be appointed to meet the representatives of the delegates from the Khilafat Committee and the Moslem League.

*Members of the Sub-committee*

Following are the members of the Sub-committee:—

1. Mahatma Gandhi
2. Sir Tej Bahadur Sapru
3. Pandit Madan Mohan Malaviya
4. Dr. M. A. Ansari
5. Maulana Abulkalam Azad
6. Pandit Motilal Nehru
7. Dr. B. S. Moonje
8. Mr. M. R. Jayakar
9. Mr. Jairamdas Daulatram
10. Sardar Sardul Singh Caveeshar
11. Dr. Satyapal

12. Lala Dunichand of Lahore
13. Mr. M. S. Anney
14. Master Tara Singh
15. Babu Rajendra Persad Sinha
16. Mr. C. Y. Chintamani
17. Kunwar Ganganand Sinha
18. Mr. J. M. Sen Gupta
19. Mr. S. Srinivas Iyengar
20. Babu Brijkishore (from Behar)
21. Mr. Rallia Ram
22. Sir Ali Imam
23. Dr. Annie Besant
24. Mr. Harbilas Sarda
25. Prof. Gulshan Rai
26. Mr. Ram Dev
27. Mr. C. Vijayaraghavachariar
28. Mr. J. R. Banerji
29. Mr. Harendra Nath Das
30. Mr. Jamshed N. R. Mehta
31. Sardar Gurdayal Singh
32. Diwan Bahadur Ramchandra Rao
33. Sardar Tara Singh
34. Sardar Hira Singh
35. Gyani Sher Singh
36. Sardar Guru Datt Singh
37. Prof. Jatindralal Banerji

The President then announced that the committee would meet the delegates from the Muslim League and the Khilafat Committee at the tent of Pandit Motilal Nehru within half an hour and the committee of the Convention would report to the open House (Friday) December 28, possible.

The House was then adjourned till December 28.

THE PROCEEDINGS  
OF  
ALL PARTIES NATIONAL CONVENTION  
*Fifth Day—December 28, 1928*

The proceedings opened at 4-30 P.M. when Dr. M. A. Ansari requested the various movers of amendments to assist him to get business through as the delegates were getting impatient and wanted to go home. A number of minor amendments, he suggested could be dropped as the exact phraseology should be left to the Parliamentary draftsman to settle. He fixed 5 minutes for each proposer and 2 minutes for each seconder, reserving the discretion to allot more time in case of important amendments.

Dr. Ansari next read the following communication from Pandit Motilal Nehru the President of the Congress.

To.

*The president, All Parties National Convention, Calcutta.*

Dear Mr. President,

I enclose copy of the resolution passed by the Subjects Committee of the Indian National Congress this afternoon on the constitution recommended by the All Parties Committee Report with the request that you will kindly record the said resolution as the vote of the All India Congress Committee. I need hardly add that this resolution will be moved in the open Congress and is to be taken subject to the Congress resolution which will be duly communicated to you.

Deshbandhunagar:  
December 27, 1928

Yours Sincerely  
(Sd.) MOTILAL NEHRU  
*President of the Committee*

*Enclosure*

"This Congress having considered the constitution recom-

mended 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 political situation this Congress will adopt the constitution if it is accepted in its entirety by the British Parliament on or before the December 31, 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." (applause).

#### *Discussion on Communal Problem*

Dr. Ansari then read to the House the Report of the Committee appointed by them under his chairmanship regarding the communal question. It ran thus:—

#### *Report of the Committee appointed by the All Parties Convention on December 27, 1928*

Modifications to the Nehru Report moved by Mr. M. A. Jinnah on behalf of the Muslim League and Mr. T. A. K. Shervani on behalf of the Central Khilafat Committee.

(1) That one-third of the elected representatives of both the Houses of the Central Legislature should be Musalmans.

*The committee could not arrive at any agreement on this point.*

(2) That in the Punjab and Bengal, in the event of adult suffrage not being established, there should be reservation of seats for the Musalmans on the population basis for ten years subject to a re-



examination after that period, but they shall have no right to contest additional seats.

*The Committee did not contemplate any such contingency.*

(3) (a) That residuary powers should be left to the Provinces and should not rest with the Central Legislature.

(b) That clause 13A embodied in the Supplementary Report should be deleted.

(c) That the division of the Subjects in the schedule I and II be revised.

*The committee was of opinion that the residuary powers should rest with the Central Legislature but the revision of 13A and schedule I and II was not objected to.*

(4) That the constitution shall not be amended or altered unless the amendment or alternation is passed first by both the Houses of Parliament separately by a majority of four-fifths of those present and then by both the Houses in a joint sitting by a majority of four-fifths of those present.

*The committee approved of the suggestion unanimously.*

(5) Article V—Communal Representation . . . . Delete the words "Simultaneously with the establishment of Government under this Constitution."

*The committee regrets that it cannot accept it as this resolution records an agreement arrived at by the parties who signed it at Lucknow.*

(6) Embody the Pact regarding Communal Representation in Punjab in full in the Nehru Report.

*The committee had no objection to it. Sikhs dissenting.*

Moved by the members of the Central Sikh League that 30 per cent of seats in the Punjab be reserved for sikhs.

*The committee could not arrive at any agreement on this point.*

Another suggestion of allowing 11 per cent of seats with a right to contest additional seats to Sikhs was also not accepted, even by Sikhs themselves.

### *The Bengal Hindu Sabha*

Moved by the members of the Hindu Sabha Bengal that seats for Hindus in Bengal be reserved on population basis (i.e. 48 per cent).

*The committee did not assent to it.*

(Sd.) M. A. ANSARI, *Chairman*

### *Khilafat Committee*

Dr. Mohammad Alam then read out a statement issued over the signatures of 42 members of the Central Khilafat Committee and a letter from Maulana Shaukat Ali, Secretary Central Khilafat Committee. They are printed as Appendix A (4 and 5).

Dr. Ansari then called upon Mr. M. A. Jinnah to place the resolutions or amendments on behalf of the All India Muslim League.

MR. M. A. JINNAH

*Mr. Chairman and Delegates:*

The Report of the Committee which you appointed has already been read out and placed before you. I am exceedingly sorry that the Report of the Committee is neither helpful nor fruitful in any way whatsoever. I am sure, gentlemen, that you all realize that the present moment is very critical and vital to the interest not only of the Musalmans, but to the whole of India. I think it will be recognised that it is absolutely essential to our progress that Hindu Muslim Settlement should be reached, and that all communities should live in a friendly and harmonious spirit in this vast country of ours. No country has succeeded in either wresting a democratic constitution from a domination of another nation or establishing representative institutions from within without giving guarantees for the securities of the minorities wherever such a problem has arisen. Majorities are apt to be oppressive and tyrannical and minorities always dread and fear that their interest and rights, unless clearly and definitely safe-guarded by statutory provisions, would suffer and be prejudiced, but this apprehension is enhanced all the more when we have to deal with communal majority. I am sure, you will, therefore, consider

the present situation in which we are working and struggling for freedom and record your vote in favour of modifications proposed, which, I have said before, are fair and reasonable and thus enable us to triumph in our cause.

The first point that I want to place before you is a point with regard to our proposal that there should be no less than 1/3rd of the Muslim Representation in the Central Legislature. We propose that 1/3rd of the elected members of the Central Legislature should be Musalmans, and that the seats should be reserved for them to that extent in the joint electorates of the country. Now the Nehru Report has stated that according to the scheme which they have formulated, the Musalmans are likely to get 1/3rd in the Central Legislature and more. It is argued there that the Punjab and Bengal will get many more seats over and above their proportion and the other minorities Provinces in India will get the representation of the Musalmans according to their population under the scheme propounding by the Nehru Report. What we feel is this. If it is conceded that Musalmans should be enabled to secure one-third of the representation in the Central Legislature, the method which is adopted is neither quite fair to the provinces where the Musalmans are in a minority, nor does it guarantee that we shall obtain 1/3rd representation in the Central Legislature. Therefore the two Musalmans' Majority Provinces—Punjab and Bengal—will get more than their population, which means you are giving more to the rich who will, under normal conditions, get the largest number of Muslim Representations and you are depriving the Muslim minority Provinces of great importance, and restricting them to get no more than their population; whereas we wish to restrict the Punjab and Bengal according to their population and desire that the excess should be distributed amongst the minorities Muslim Provinces. In other words, we propose that let us carve out of this 1/3rd as the Musalmans wish. Take the case of Madras and Bombay—it is not always the only criterion viz., counting of heads; but the importance of those two Provinces. Take the case of the United Provinces again, it is the centre of Musalman Culture and heart and it will be unfair that they should

be restricted according to the number of their population in their representation in the Central Legislature. These three Provinces, Sindh being separated, will then, so far as the population goes, be in this position, the United Provinces with the 14 per cent Musalmans, Bombay about 8 per cent and Madras about 6 or 7 per cent. The method that we want to be adopted is that the excess between 1|3rd and 1|4th should be distributed amongst the other Provinces according to the relative position of their importance to the Musalmans and not according to population. I am sure indeed that besides counting our heads, there are other weighty and important considerations, which must not be lost sight of. It is not only question of getting votes in the Legislature, but it is also essential that various parts of the Provinces which are themselves vast, should be represented, so that, questions affecting the people or their grievances may be ventilated properly and thoroughly on the floor of the Legislature. Very often when proper facts and arguments are placed by one single representative which when they are convincing, sway the entire legislature. It really comes to this that the Nehru Report makes a gift of the extra seats over and above the population basis to Punjab and Bengal; whereas, we propose that this extra 7 or 8 seats should be distributed amongst the minority Muslim Provinces.

Our next proposal is that in the event of the adult suffrage not being established, Punjab and Bengal also should have seats reserved on population basis for the Musalmans. But they should not have the right to contest for more. Of course, subject to re-examination of the question at the end of ten years. I am not sure that establishment of adult suffrage is within the range of practical politics in the near future. You remember, originally the proposal emanated from certain Muslim Leaders in March 1927 known as the Delhi Muslim Proposals. That was dealt with by the All-India Congress Committee in Bombay and in the open session of the Madras Congress and endorsed by them. The Muslim League in its Calcutta Sessions in December, 1927 also confirmed the proposal. I am not going to enter into the pros and cons but it is an admitted fact that although the Musalmans in Punjab and Bengal are nume-

rically in the majority, their voting strength is far below in proportion to their population and they, therefore, would not secure sufficient representation and it is feared that under those circumstances their representation will be far below their population. It is now devised to meet this undoubted fact by the Nehru proposals and the Report proposes the substitute of adult franchise and from those premises it is argued that there is no need for reservation in Punjab and Bengal; but we wish to provide for the contingency which is most patent and probable that in the event of the adult suffrage not being established there should be reservation for Musalmans in Punjab and Bengal according to their population, but they should not be entitled to additional seats. And we therefore attach very great importance to this modification.

Our next proposal is that the form of the constitution should be federal with residuary power vesting in the Provinces and Clause 13A in the Supplementary Nehru Report is most pernicious and should be deleted and the whole constitution should be revised on the basis of provincial Governments having the residuary power vested in them, and subject to that, there should be revision of the schedules laying down central and provincial subjects as embodied in the Nehru Report. This question is by far the most important from the constitutional point of view and the future development of India and has very little to do with the communal aspect. If this question is examined carefully, it has much less of communal bearing and far graver of general interest of India and the future constitutional progress of the people of India.

This is hardly a place or an occasion when you would expect me to enter into a debate which might be held between two jurists. We have carefully considered the matter and we have come to the conclusion that a system which will give residuary power to the Provinces is the most suited for the Federation of India.

With regard to the question of separation of Sindh and the N.-W. F. Provinces, we cannot agree that they should await until the Nehru Constitution is established with adult suffrage. Do you expect the Musalmans to oppose the reform being introduced in the

N.-W. F. Province until the Nehru Constitution is an accomplished fact? Do you expect the Musalmans to refuse to accept the separation of Sindh until the Nehru Constitution is established? I am somewhat amazed that the Committee appointed by the Convention has rejected these proposals on the ground that a resolution was passed at Lucknow which recorded an agreement arrived at by certain individuals who were parties to that agreement and signed it and therefore they cannot re-open the question. The All India Muslim League was not a party to any such resolution and was not represented at that meeting. I say with the utmost deference to the members of the Committee that this is not a valid ground or answer. There are many organisations present here in the Convention today; none of them is bound by any such agreements arrived at between individuals or groups. I venture to say that this Convention is not bound and it is wholly untenable to advance any such reason before this Convention. This Convention is entitled to make any change, or alteration, or modification in the proposals now before it and I ask the Convention whether the separation of Sindh and the introduction of reforms in the N.-W. F. Province are only to be accepted when the Nehru Constitution with adult suffrage is brought into full effect and operation in this country. The Musalmans feel that it is shelving the issue and postponing their insistant demand till doomsday and cannot agree to it. I therefore appeal to the Convention to take all these matters into their careful consideration and meet us.

Dr. Mohammad Alam formally seconded Mr. Jinnah.

DR. SAPRU

Sir Tej Bahadur Sapru said he was leaving that night for Allahabad and would express his view on the various points raised by Mr. Jinnah. As one who was intimately associated with the preparation of the Nehru Report under the leadership of his distinguished friend Pandit Motilal Nehru he assured them that every point of view was studied. "We were actuated by one main desire, namely to bring about the maximum amount of unity. (hear, hear). Many parties, which belong to different schools of thought which have worked during last eight or ten years on different platforms were prepared to

co-operate with one another in evolving a constitution not merely for our day but for posterity. (hear, hear). That was the spirit in which we approached our task. You can easily imagine how if the report had come to be written by people of one school of thought belonging to anyone of the organisations, it would have been very different. It was you who were responsible for the Committee. The responsibility rest much more heavily on the Congressmen who invited members of other political parties to join in producing the scheme carrying the greatest amount of agreement. Do not therefore judge the scheme from a narrow point of view of party politicians. The report was written in a spirit of Indian nationalism to remove disunity which is disfiguring our public life and to restore harmony in certain matters, so that we may work shoulder to shoulder in regard to these matters. It was only after the most careful and fullest discussion that we settled on the ideal or objective of Dominion Status.

The next question was as to the means to be adopted for attaining that end. On that there was complete agreement. We did not disguise from ourselves the position, which I trust will be realised by every one of you, that there can be no greater self-deception on the part of anyone, be he a Congressman, Liberal, Independenceman, Hindu Sabhaite or Muslim Leaguer, that it is impossible for India to achieve Dominion Status, not to speak of Independence, if there is not complete harmony on broad principles between one community and another community. Therefore the essence of the whole problem was the communal question and, when we approached it, we had in mind the Delhi proposals and others made in other quarters. We tried to explore as many avenues as possible and came to the conclusion that the only possible way of solving it in India was by taking courage in both hands and going headlong towards what I consider to be the most democratic state, namely to adopt adult franchise, so that each community may stand on a perfect equality with the other. That being the position, it followed that the Mahomedan community should get representation in the Central Legislature in proportion to its numerical strength in the whole of India. That

was a logical position and we adopted it logically. If you examine the figures you will find that, including nominated members, Muslim representation in the Central Legislature is 27 per cent and Mr. Jinnah wants 33. In making the observations that follow I am not in the slightest degree disloyal to the Chairman nor am I departing from the Nehru Report. At the same time it seems to me that you are faced with an occasion when the first and last question should be to bring about unity. Even at the sacrifice of the reputation for being logical I would rather lose my reputation than imperil the success of this Conference. Gentlemen, remember it is not only our own countrymen but the whole world is watching you. If you leave this pandal with failure you will have done a great damage to the country from which it may not recover for a quarter of a century. The simple position is that for the sake of settlement you are invited by Mr. Jinnah, however, illogically and unreasonably, to agree to this proposition, which I consider is not inconsistent with the Nehru Report (voice "no, no" and some interruptions). Speaking for myself I would like you to picture Mr. Jinnah, whom I have known intimately for fifteen years. If he is a spoilt child, a naughty child I am prepared to say, give him what he wants and be finished with it'. I am going to ask him to be reasonable but we must, as practical statesmen, try to solve the problem and not be misled by arithmetical figures.

Touching the question of reservation of seats in the Punjab and Bengal as an alternative, Sir T. B. Saprú said he would not put forward an alternative but if a better alternative could be suggested he was open to adopt it. He hoped Mr. Jinnah would reconsider his position on the point.

As regards the residuary powers many eminent Mahomedans had suggested that these should be left with the provinces. Dr. Saprú warned them against being misled by the examples of other countries, for in the case of U.S.A. the President and in the case of Switzerland, an irremovable executive, were the chief centres of gravity, while an Australian statesman already thought their forefathers had made a mistake in giving the residuary powers to the provinces.



"Having regard to the peculiar position of India it would be unwise to vest these powers in the provinces. The constitution we have devised is neither federal nor unitary. It is both. As a constitutional lawyer I feel that even if Hindus are prepared to agree I would warn them on this point: 'Do not allow your mind to be misguided by the fact that in certain provinces you will have a Hindu majority and in others a Muslim majority'. (hear, hear). Personally I feel that in spite of many suspicions you may have, you will have to pool together your energies. If you have the spirit of distrust and suspicion let me tell you it is no use evolving your constitution. You have got to take certain risks and these must be taken in a spirit of abundant faith and hopefulness."

Sir Tej Bahadur Sapru agreed with Mr. Jinnah that Clause 13A regarding the suspension of the provincial constitution was susceptible of improvement and the two schedules regarding provincial and central subjects could also be modified.

As regards Sind, this Convention had of course full authority to upset any arrangement arrived at Lucknow, if it so wished.

Sir T. B. Sapru concluded with the appeal: "I beg of you to remember the supreme character of this occasion. For the nation's sake do not allow your mind to be affected by narrow considerations of the expediency of the hour or by bitter memories of recent conflicts, but approach it from the point of view of the future, of posterity. If you do so, whatever may be your political differences in the matter of programmes you will tell the world, that, so far as the constitution of India is concerned, the political parties stand shoulder to shoulder with each other". (applause).

### *The Liberal Federation*

Mr. C. Y. Chintamani, with the permission of the Chair, at this stage announced the decisions of the organisation he represented, namely, the Liberal Federation. The Council of the Federation had decided that on the question of residuary powers, resting with the Central Government or the Provincial Governments every member of the Federation attending this Convention should vote for residu-

ary powers residing in the Central Government and not in the Provincial Government. On other questions under discussion, the Federation had not issued any mandate and every member was free to take his own line of action and for doing this, he would not be liable to accusation of disloyalty. But the Liberal Party had advised members attending the Convention to act with the feeling of national well-being and bringing about harmony, to which all other considerations were to be subjected. They should therefore vote for the Nehru Committee Report. If however on any point there was any other agreed settlement, then they should vote for that agreed settlement.

MR. RALLIA RAM

Mr. Rallia Ram representing the All Indian Christian Conference, in opposing Mr. Jinnah's demand for reservation of seats for Muslims said "I am sorry that I have to tell you that I am an 'Indian Christian' for I feel that the time has come when people should leave their religion at home and enter this Convention as Indians and Indians alone." He held that they had tried the method of communal representation, which had not only failed to bring about national unity but was eating into the very vitals of national life. If the Muslim demand for reservation was accepted then other minor communities, like the Sikhs, the depressed classes, and the Indian Christians would make the same demands and no national unification could take place.

REV. J. R. BANERJEE

Rev. J. R. Banerjee followed in same strain. He said to their bitter experience communalism had been responsible for the untold evils.

MR. M. R. JAYAKAR

After Sardar Bahadur Mahtab Singh had spoken Mr. M. R. Jayakar, on being called upon, said:—

I am not sure that in venturing to speak on this subject I would not add to my evil reputation as a communalist. The word 'Communalist' has acquired most extraordinary significance in these days. If I venture to speak on the rights and status of Hindus, I am sure

to be called a Communalist, but if a Musalman advocates the rights of his own community he does not lose his place in the esteem and respect of nationalist India notwithstanding the fact of his acute advocacy of communal rights. I have listened with great attention to Mr. Jinnah's speech and he is to be congratulated on the lucidity and courage with which he has put forward the Muslim demands. Unfortunately, Sir Tej Bahadur Sapru represented Mr. Jinnah and his community, in so far as their present claim was concerned, as if they were a spoiled child. He also supported M. Jinnah's claim on the ground of his personal acquaintance with him for the last 15 years and his own testimonial that during that time he had found Mr. Jinnah always a nationalist. He went on to say that the demands of Mr. Jinnah should be treated as if they emanated from a naughty boy. I am sorry that the representation of Mr. Jinnah and his colleagues in this manner is likely to give a wrong lead to the debate and also rest on a wrong foundation the claims advocated by Mr. Jinnah and his friends. I have also known Mr. Jinnah for the last sixteen years in close association as a colleague in nationalist life and I can assure you that he comes before us today neither as a naughty boy nor as a spoiled child but as fearless and lucid advocate of the small minority of Muhammadans whose claims he has put forward in the course of his speech. He has every right to be heard on the merits of his cause and I do hope you will not misjudge his claims by accepting the interpretation, Sir Tej Bahadur Sapru has put on them.

The main question before us is to consider how far Mr. Jinnah's claims are legitimate and necessary in the true interests of the country. How far have the Muhammadan interests, as safeguarded by the Nehru Committee's Report, been secured and how far further concessions should be made to them as demanded by Mr. Jinnah. One important fact to remember in this connection is that well-known Muhammadans like the esteemed patriots Maulana Abul Kalam Azad, Dr. Ansari, Sir Ali Imam, Raja Sahib of Mahmudabad and Dr. Kitchlew have given their full assent to the compromise embodied in the Nehru Committee's Report. It is further to be borne

in mind that even in the Muslim League a large body of members have given their assent to the Nehru Committee's Report. Mr. Jinnah, therefore, represents, if I may say so without offence, a small minority of Muhammadans. It is further to be noted that the Muhammadan community is not united in making this claim. A large bulk of them are with Sir Mohamed Shafi who is entirely opposed to joint electorate. Another considerable portion of our Muhammadan friends are with Mr. Fazal Ebrahim Rahimtoola and are holding an important session of a Conference over which no less a person than His Highness the Aga Khan presides. You will, therefore, please bear in mind that the demands as set forth by Mr. Jinnah, do not proceed on behalf of the entire Muslim Community, nor even a large bulk of it. Those considerations, therefore, of a statesman-like or prudential character which might have weighed with you in agreeing to these concessions if there was a prospect of winning over the entire Muhammadan community by your acceptance of Mr. Jinnah's proposals are entirely absent in this case. I wish to say nothing which will prejudice the claims of Mr. Jinnah to be judged on their true merits. Another important consideration to be borne in mind is—and I wish to sound it as a warning—that this is the first attempt we are making in this unfortunate country after several decades to frame what may be described as a Constitution for the country. Such an attempt is always a thankless one and is very apt even to divide rather than unite. When Pandit Motilal first invited me to join the Nehru Committee I thought it my duty to intimate to him my own personal opinion that the time had not yet arrived in India to attempt at constitution-making because the right mentality between Hindus and Muhammadans *inter se* had not yet come and they had not each derived sufficient experience that division was ruinous and unity the only remedy for all our evils. Unfortunately my views did not prevail and later on the Nehru Committee produced a report which fortunately secured considerable amount of agreement in the country. While on this subject, may I refer to a talk I had with Mr. Jinnah in Bombay?

Mr. Jinnah intervened "Sir, it is not usual to disclose private

conversations because I think in my turn I can say certain things which may not be nice. The principle of it is wrong."

Mr. Jayakar continued: When the Nehru Report came out notwithstanding my personal opinion I promised Pandit Motilal every support and have accordingly laboured in Bombay to find acceptance for it from amongst my friends and have also collected a little money for its support. I remember the trouble I had with my own friends of the Hindu Sabha in Bombay. I am not however speaking here as a member of the Hindu Sabha but only as an humble worker in the nationalist cause, I leave the Hindu Sabha point of view to be expressed by my friend Dr. Moonje who has broad back and square shoulders enough to bear the burden. I was going to say that the Hindu Sabha, unlike some of our Muhammadan friends, generously and almost impulsively rushed into an acceptance of the Nehru Report.

If they had the tact of some of our Muhammadan friends they would have hummed and hawed and sat on the fence until they could discover with exactitude what attitude some of their grudging Muhammadan friends were adopting towards the Report. They would have waited to give the Nehru Report complete acceptance until they could make a bargain with their Muhammadan friends on the terms embodied in the Report. But the Hindus very patriotically did not play this game. They rushed into an acceptance of the compromise and today they find themselves in a very peculiar predicament. It is surprising that the Muslim League, though invited at an early stage of the conferences which led to the Nehru Committee's Report, did not bestir itself, except for a short while, to give its co-operation in the preparation of the report. If they had responded to Pandit Motilal's invitation and contributed their share to the deliberations which led to this Report, things would have been otherwise. The time was then ripe when the nice considerations which Mr. Jinnah now places before the country would have been considered on their merits and the fine adjustments which are now in his opinion necessary would have been made. For some unaccountable reason they kept back. Mr. Jinnah came from England

at a late stage and, if I may say so without disrespect, maintained irremovable silence on the merits of the Report. While this was being done the report was put before the country. It was gaining more and more acceptance. People like me, who did not agree with all the things which are said in the Report as for instance adult franchise, found that with all their differences the Report embodied the greatest measure of agreement between the several important political parties in the country and as such they decided to stand by it. As Sir Tej Bahadur Sapru said the Report had behind it the greatest common measure of agreement in the country. As such, it commanded the acceptance of many men who had divergent views upon some of the details embodied in it. The Report proceeds upon four important principles which, if Mr. Jinnah's proposals are now to be accepted, would be most violently departed from. The first principle was that no other community except the Musalmans was to be allowed special representation by reservation of seats; second, that population basis was throughout to be accepted for the purpose of this special Muhammadan representation; third, that no majority was to have special protection; and, fourth, the only minority which was to secure special representation was the Musalmans and not the Hindus. You will please note that even in a province like Bengal where the Bengalees are in a minority no protection was to be given to them as it was conceded to the Muhammadans. Further adult franchise was to be accepted throughout, and lastly the separation of provinces as for instance Sind was to be adopted as a part of the new constitution if and when it came into existence, subject to certain safe-guards particularly mentioned in the Report. Now Mr. Jinnah's proposals, as you will find, are a complete departure from all these principles on which the report had proceeded. I am not here to speak on the merits of the proposals. Mr. Jinnah has not invited us to do so. Besides, to do so would require a much longer speech than I wish to inflict on you. My present contention is that the report had accepted these principles; that it is in the nature of compromise, that in arriving at it important communities like the Hindus, Sikhs, Christians, and also an important section of the Mu-

hammadans surrendered valuable rights and privileges. If you now disturb the report, you must remember carefully that it will surely have the effect of unsettling many claims some of which as advanced by the Christians and Sikhs whose representatives you only heard a few minutes ago.

You must not, therefore, be surprised to find that if you accede to Mr. Jinnah's demands the report will be torn to pieces and will be rejected by important communities who have now accepted it as the final word in the matter. The report, in other words, is like an edifice which has been completed by careful skill and consideration by the leading men in the country. If you now take away any brick—it may three or four—out of the foundations on which it is firmly resting, it is sure to disturb the edifice, and you must not complain if later on you find that the whole structure topples down. God alone knows how some of us have been keeping in check most arrogant demands which the men behind us are making. I personally had great difficulty in restraining many of my colleagues of the Bombay Presidency Hindu Sabha from openly rebelling against this report. I kept them quite on the clear assurance that the report was accepted by leading and patriotic Muhammadans. If that report is now to be departed from I shall have great difficulty in persuading my friends to refrain from once more urging their violent and arrogant claims. It is not so much a question of the Muhammadans getting a few more seats in the legislature. It is a question of opening the report once more so as to revive claims which have received the quietus in a spirit of give and take. I want you to consider this question from this point of view and to record your vote accordingly.

I am sure that whatever you decide here, Mr. Jinnah is far too patriotic to break away from you and he will make his best effort to bring the Muslim League with him. (Mr. Jinnah intervened, "But will the League go with me?").

Mr. Jayakar—I am sure you will do your best for it.

Mr. Jayakar proceeded: It is no use hiding the fact that these amendments put forward by Mr. Jinnah have their origin in a feeling of communal distrust and suspicion. It will be so easy for the

Hindus, the Christians and the Sinkhs to reciprocate this unfortunate spirit with which the atmosphere has long been changed. Let us go on with this experiment in a spirit of mutual trust and confidence for a few years. I can assure my Muhammadan friends that if in course of time this wise experiment is found unsatisfactory, we will not be slow in coming to another adjustment in response to the wishes of our Muhammadan friends.

MR. JINNAH

Mr. Jinnah replying to the debate, said:—

Sir,

The reason why no other delegate from the Muslim League was going to take part in the debate is that we have come to the Convention, which is composed of something like 1,200 delegates not with a purpose of raising controversies which would lead to bad feelings. We have already placed our proposals before the Convention and our grounds for supporting them and on the hypothesis which must be admitted on all hands that communalism exists in this country. We have not come here to apportion blame for it. The offensive remarks or insinuations served no good purpose and I will not follow the style or the manner of the speech delivered by my friend, Mr. Jayakar. Nor will I on this occasion permit myself to deal with spacious arguments and pleadings which he has advanced. In short, his position is an ultimatum and with that ultimatum we were made aware from the very start on behalf of the Hindu Mahasabha. If a single word with regard to the communal settlement is changed in the report, they will withdraw their support to it. With regard to the remarks of my friend, Sir Tej Bahadur Sapru, I am afraid some of the speakers have misunderstood them. He called me a spoilt child. I know the spirit in which he meant it and others have put a childish interpretation upon it. But I think it cannot be denied and I hope that Mr. Jayakar and others will agree with me that every country struggling for freedom and desirous of establishing a democratic system of Government has had to face the problem of minorities wherever they existed and no constitution, however



idealistic it may be, and however perfect from theoretical point of view it may seem, will ever receive the support of the minorities unless they can feel that they, as an entity, are secured under the proposed constitution and government and whether a constitution will succeed or not must necessarily depend as a matter of acid test whether the minorities are in fact secure. Otherwise no proper constitution will last but result in a revolution and civil war. I must here point out that it is not correct to say that the Muslim League did not take part at all in the All Parties Conference. The Council of the League had appointed a Committee in February 1928 and it attended the All Parties Conference till the 11th of March and the Committee had express instructions not to proceed with the framing of any constitution until the Hindu Muslim differences were adjusted and agreed upon. It is true that no settlement was reached and as the Committee felt that it was not possible to arrive at any agreement they ceased to take further part in the All Parties Conference which is responsible for producing the Nehru Report. I am not here today to express my opinion as to whether a constitution ought to be framed or not but I would ask Mr. Jayakar to consider whether he wants what he calls the greatest common measure of agreement to be still greater or not. We are engaged today in a very serious and solemn transaction. It is not merely for the various organisations to come here and say, we agree to it, and retire. We are here, as I understand, for the purpose of entering into solemn contract and all parties who enter into it will have to work for it and fight for it together. What we want is that Hindus and Musalmans should march together until our object is obtained. Therefore it is essential that you must get not only the Muslim League but the Musalmans of India and here I am not speaking as a Musalman but as an Indian. And it is my desire to see that we get 7 crores of Musalmans to march along with us in the struggle for freedom. Would you be content with a few? Would you be content if I were to say, I am with you? Do you want or do you not want the Muslim India to go along with you? You must remember

the two major communities in India—I say this without the slightest disrespect to other communities like Sikhs, Christians, and Parsis—are the Hindus and Musalmans and naturally therefore these two communities have got to be reconciled and united and made to feel that their interests are common and they are marching together with for a common goal. I want you therefore to rise to that statesmanship which Sir Tej Bahadur Sapru describes. Minorities cannot give anything to the majority. It is therefore no use asking me not to press for what you call 'these small points'. I am not asking for these modifications because I am naughty child. If they are small points why not concede? It is up to the majority and majority alone can give. I am asking you for this adjustment because I think it is the best and fair to the Musalmans. Look at the constitutional history of Canada and Egypt. The minorities are always afraid of majorities. The majorities are apt to be tyrannical and oppressive and particularly religious majorities and the minorities therefore have a right to be absolutely secured. Was the adjustment between French Canadians and British arrived at on population basis or on the ground of pure equity? Was the adjustment between the Copts Christians and Musalmans in Egypt regulated by such considerations. We are dealing in politics. We are not in a Court of Law and therefore it is no use resorting to hair-splitting and petty squabbles. These are big questions and they can be settled only by the exercise of the highest order of statesmanship and political wisdom. I therefore ask you once more to consider this question most carefully before you decide. Please don't think that in anything that I have said I am threatening any party and I hope that I shall not be misunderstood. If you do not settle this question today, we shall have to settle it tomorrow, but in the meantime our national interests are bound to suffer. We are all sons of this land. We have to live together. We have to work together and whatever our differences may be let us at any rate not create more bad blood. If we cannot agree, let us at any rate agree to differ but let us part as friends. I once more repeat. Believe me there is no progress for India until the

Musalmans and Hindus are united and let no logic, philosophy or squabble stand in the way of our coming to a compromise and nothing will make me more happy than to see the Hindu Muslim Union.

Mr. Jinnah's amendments were then put to vote separately.

(The Khilafat and Muslim League delegates abstained from participating in the voting on any amendments).

The first amendment was that one-third of the elected representatives of both the houses of the Central Legislature should be Musalmans.

The amendment was declared lost by a large majority.

(Muslim League's and Ahmadiya's dissent recorded)

The second amendment was that in the Punjab and Bengal, in the event of adult suffrage not being established there should be reservation of seats for the Musalmans on the population basis for ten years subject to a re-examination after that period, but that they shall have no right to contest additional seats. It was negatived by a large majority. (Ahmadiya's dissent was recorded)

The third amendment (1) the vesting the Provincial Governments with residuary powers, (2) deletion of clause 13A and (3) revision of Schedules I and II was also negatived by a large majority. (Ahmadiya's dissent was recorded)

The Convention was willing to appoint a Sub-committee for the revision of Schedules I and II but as no representative of the Muslim League agreed to serve on the committee the suggestion was dropped and Muslim Leagues amendment was put to vote and negatived by a large majority.

The fourth amendment providing that no amendment in the constitution can be made unless first it is passed in both the Houses of Parliament separately by a majority of 4/5ths and the approved by a similar majority of both the Houses in a joint session was unanimously accepted.

The fifth amendment urging deletion of the words "simultaneously with the establishment of Government under this constitution" was also negatived. (Ahmadiya's dissent recorded)

The last amendment which urged the incorporation of Punjab Pact was accepted. (Sikh League's dissent recorded)

The Convention adjourned till 30th December, 1928.

**THE PROCEEDINGS**  
**OF**  
**ALL PARTIES' NATIONAL CONVENTION**

*Sixth Day—December 30, 1928*

The Convention met on December 30, with Dr. M. A. Ansari in the chair.

At the outset, the President suggested that to save time, discussion on the A. I. C. C. resolution on the Nehru Constitution be deferred, until it is adopted by the Congress.

Several members including Sardar Mahtab Singh, Bal-krishna Sarma, Gaurisankar Misra and T. Prakasam, raised points of order as to whether the Nehru Report could be placed before the Congress unless it is adopted by the Convention. The A. I. C. C. had no right to discuss the Nehru Report clause by clause. It was suggested that the resolution of the A. I. C. C. was not binding upon the Convention.

Pandit Gaurisankar Misra said unless the resolution is passed by the Congress itself, it is not binding upon anybody.

Dr. Ansari said that that was what he suggested. It was decided therefore to defer the discussion on the A. I. C. C. resolution until the Congress recorded an opinion on the same.

The President then invited the House to discuss the Sikh question raised in the report of the Convention Sub-committee, appointed to decide the communal question.

Sardar Mahtab Singh wanted to move the following resolution:—

“That communalism in any form, direct or indirect, shall not be the basis of any future constitution and that the Report should be modified accordingly embodying consequential changes due to this amendment.”

Pandit Gaurisankar Misra suggested that Sardar Mahtab Singh

was out of order.

Dr. Ansari in consultation with Mr. C. Vijayaraghavachariar ruled Sardar Mahatab Singh out of order and also two other amendments to the same effect notice of which was given by Syt. Devaprasad Ghose of Bengal.

The Secretary, Central Sikh League, then made a statement defining their position and regretting their inability to participate in the discussion. After the statement the members of the Sikh League withdrew from the Convention Pandal.

(The Central Sikh League Statement will be found in Appendix A (6).

Supporting the Nehru Report, Sirdar Gurdial Singh made a statement, on behalf of the Namdhari Sikh Community, which will be found in Appendix A (7).

Mr. K. L. Ralliararam (Punjab) moved the following resolution:—

A new clause be added to the Supplementary Report to the effect that the Sikh minority in the Punjab, North-West Frontier and Baluchistan should be given the same privilege in matters of representation in the provincial and central legislatures as other communities are given in the provinces, where they are in a minority.

He said they gave separate representation to one community they should do the same for others. Sikhs in the Punjab are perfectly justified in asking for separate representation if it was given to other communities especially as they contributed largely to the manpower of India.

Mr. Satyamurti seconded the amendment.

Mr. Surendra Nath Biswas moved an amendment to the effect that the system of representation in the Central, and provincial Legislatures should be by election by mixed electorates with reservation of seats to the following main divisions on the population basis:

- (1) Muslims
- (2) Sikhs

(3) Christians

(4) Hindus, including all non-moslems, non-sikhs and non-christian people of India.

Mr. Biswas said all minority communities should be treated alike.

#### MR. NARIMAN

Mr. K. F. Naraiman (Bombay) speaking on behalf of Parsis whom he called the baby community of India opposed separate reserved electorates. He quoted the example of his own election to Bombay Council with the support of other communities and said "trust begets trust". The Nehru Committee had made a great blunder in agreeing to reservation of seats and there should be no additional blunder to it.

#### DR. ALAM

Dr. Mohamad Alam said the position of Sikhs could only be defined by a compromise between different communities in the Punjab just in the same manner as Muhammadans generally came to a pact with Hindus at Lucknow. As long as the Nehru constitution stood Sikhs had no alternative but to ask for modification after agreement amongst communities in the Punjab.

Mr. Dharamvir Singh supporting Mr. Ralliaran's amendment asked the Convention not to punish Sikhs simply because they did not make so much noise as Muhammadans.

#### PANDIT MALAVIYA

Pandit Malaviya generally agreed with Dr. Alam. As one who attended the Gujranwalla Conference of Sikhs he pointed out that the Sikh demand was a just one and it would be better if as Dr. Alam had suggested the demand were settled firstly in a conference between Hindus and Musalmans and Sikhs in the Punjab. He commended the example of Sardar Mangal Singh who honestly believed that nationalism and not communalism was the way to Swaraj. He was glad the Hindus of the Punjab were willing not to raise the question of reservation of seats for themselves.

### MR. N. C. SEN GUPTA

Mr. N. C. Sen Gupta said the suggestion that economic basis should not ever be allowed to come to front and that they should go on fighting on the basis of communal interest was futile.

### MAULANA ZAFAR ALI

Maulana Zafar Ali said the question of sacrifice by the Sikhs, or any other community should not be allowed to weaken the fight for freedom. When liberty was attained, the interests of all communities would be safe. He appealed for unity among the Hindus and Moslems. Mutual distrust of the Sikhs, Moslems and Hindus was the cause of all the trouble. He supported Dr. Alam's contention and appealed to the Sikhs in the name of unity.

### DR. BESANT

Dr. Annie Besant said that she would be ruled out of order, if she moved for the abolition of communalism. She regretted that instead of fighting poverty and famine, banes of British rule, they had to fight communalism and waste so much time in evolving a scheme. She hoped before departing the Convention would discard communalism altogether and moved that the report be referred back to the Nehru Committee.

### PANDIT MOTILAL NEHRU

Before the amendments of Mr. Biswas and Mr. Ralliarum were put to vote, Pandit Motilal addressed the house. He said:—"We have given reasons in the report for which we have not allowed any reservation of seats to the Sikhs. You will no doubt recognise that the Punjab presents very peculiar features which are not present in the other provinces. The Punjab problem had defied solution because there were three main communities to deal with and not two as in the other provinces. The device of reservation was wholly impracticable in the Punjab. Sikhs have every right to ask us: "why should you in our case depart from the principle accepted for other Provinces." It is true that the Sikhs were no party to the Punjab pact between Hindus and Musalmans at Lucknow. Although two nationalist Sikhs had signed the pact the Sikh League



as a body had not associated itself with that pact. But the committee has obtained the greatest possible agreement on the communal settlement as it stood and therefore I will ask the house not to disturb this agreement. I am told that Sikhs are not present in the Convention. Therefore acceptance or rejection of amendments without their consent will not affect them. We are not here to sit as judges but to obtain the largest common agreement of all parties. Even if we pass the amendment I doubt if the Sikhs will be prepared to accept it." Continuing Pandit Nehru said that they must see what effect the alteration of one provision would have on the other parts of the Report. He therefore appealed to them to think twice before disturbing the Punjab pact on which whole scheme rested.

Amendments being put to vote were lost by a majority.

The Convention was adjourned till December 31, 1928.

THE PROCEEDINGS  
OF  
ALL PARTIS NATIONAL CONVENTION

*Seventh Day—December 31, 1928*

When the National Convention re-assembled discussion was resumed on the communal part of the Nehru Committee's Report.

MR. J. L. BANERJI

The Committee appointed a few days ago to discuss the question did not assent to the Bengal Hindus demand for reservation of seats in legislatures. Mr. Jitendralal Banerji, however, moved that seats for the Hindus in Bengal should be reserved on population basis. He held that according to the Nehru Committee's recommendations, the Bengal Council would consist of 465 members and on pure population basis the Muhammadans would be able to obtain 255 and Hindus 210. But as the population of districts was unevenly distributed unless seats were reserved for Hindus they would not be able to send in more than 150. Thus the Muhammadans would get sixty more than their due share and Hindus sixty less. This meant 120 seats more in favour of the Muhammadans. The Hindus of Bengal would not have cared for having seats reserved for themselves if communal representation was completely abolished and if the Muhammadans had given up asking for reservation of seats in certain provinces. But the Nehru Report had acknowledged the principle of communal representation and kept alive the feeling of bitterness and suspicion. If the Nehru Report recommended reserving seats for minorities in certain provinces more than their share then indeed the case of the Hindus for reservation became overwhelming in importance, because the Hindus were in minority in several districts of East and North Bengal and even in certain districts of West Bengal. He mentioned as

instances the districts of Mymensingh and Bogra.

DR. N. C. SEN GUPTA

Dr. N. C. Sen Gupta of Mymensingh opposed the amendment and agreed that the feeling among Hindus there was strong in view of the fact that they had been swept by Musalmans in the elections to the District Board. But it must not be forgotten that in the same district Hindus swept the local boards. That being so it should not be regarded as a calamity that because Muhammadans at the last elections came in very huge numbers therefore they should seek reservation of seats in the legislatures, a principle which ran counter to the progress of Nationalism. President, Doctor Ansari put Mr. Jitendralal Banerjee's amendment to vote and found that the majority was in favour of it. Before declaring the result, Dr. Ansari appealed to the House to realise the serious consequences of carrying the motion which meant destroying the Convention itself. By passing this amendment they would be declaring to the world that it was only the people holding one set of views who predominated at the Convention and carried whatever they liked. He appealed to their sense of patriotism not to be carried away by such considerations. He was prepared to take votes again and declare the result, but he appealed to them to think over the matter again.

Mr. Jitendralal Banerjee appreciated the remarks of the President and he said he fully realised the consequences, but he brought the motion as a protest against a certain gentleman posing to speak at the Lucknow Conference in the name of Bengal Hindus and giving an assurance for the Bengal Hindus. He therefore suggested that the matter be left over and no votes be taken at this stage. Doctor Ansari ordered the amendment to stand over.

At a later stage Mr. Banerjee agreed to withdraw his amendment on the assurance that the following statement would form part of the proceedings of the Convention:—

The amendment being put to the vote was carried by show of hands. But on appeal from the President that the question should

be reconsidered in the public interest and upon the advice of the president of the Hindu Mahasabha, Mr. J. L. Banerjee withdrew the amendment remarking that his chief object was to record the protest of the Bengal Hindus against the light-hearted assurance given in their name at the Lucknow Conference and also to show that Bengal Hindus considered they had legitimate grievance in the matter which however they were prepared not to press at this stage in the interest of the communal harmony and reciprocal good-will.

### *Clause 3*

The President then announced that the Committee which had been appointed by the Convention to go into the question of definition of citizenship had made its report—already presented—recommending that Sub-clause (a), (b) and (d) should remain as they were given in the Supplementary Report and that following be substituted for Sub-clause (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.”

Mr. Haji did not agree with this recommendation and in his note of dissent suggested the addition of the following words to clause (c) “and fulfils the conditions prescribed by Parliament for the exercise of rights of citizenship.

### MR. S. N. HAJI

Mr. Haji then moved his amendment saying that the Commonwealth Parliament when it was established should not be fettered but should be free to act as it wanted in this matter. He said in no Dominion had the rights of citizenship been guaranteed. We must reserve this right so that we may be able to retaliate if it is necessary against those parts of the Empire where discrimination was made against Indians as in South Africa. If these rights were given to foreigners they would dominate over Indians economically and dictate the policy of India.

## DR. N. C. SEN GUPTA

Dr. Naresh Chandra Sen Gupta, Signatory of the Sub-Committee Report, opposing the amendment said that it was perfectly reasonable to define qualifications. The majority had defined the rights of British residents. As to others the matter would depend on the discretion of future Parliament.

## MR. C. VIJAYARAGHAVACHARIAR

Mr. C. Vijayaraghavachariar said he was in entire agreement with Mr. Haji's motion. Law could be easily altered by legislation but it would be difficult to alter the constitution. They should not bind the hands of the future Parliament. The amendment did no injustice to the foreigners. It only said that the rights of foreigners would be determined by the future Parliament.

Mr. S. N. Haji's amendment was put to vote and carried.

### *Clause 4A*

Mr. Lalchand Jagtyani moved that the language of the Commonwealth should be Hindusthani, written in Roman character.

Sj. Nekiram Sarma having opposed the amendment it was put to vote and declared lost.

### *New Clause*

Dr. Naresh Chandra Sen Gupta moved that the following clause be added after clause 4A.

"Notwithstanding anything hereinbefore contained, neither the Parliament nor Provincial Legislature shall consider or pass any legislation affecting religious and social laws and customs of any community, including laws relating to marriage, dower, divorce, adoption, gifts, endowments, wills and inheritance, where such laws are based on religious authority, nor any laws regulating religious institutions and establishments appertaining to that community, but legislation on all such matters shall be passed in the manner and by the authorities hereinafter provided.

"In each province a Council shall be instituted for each community or distinct social group consisting of members who shall

all be elected in accordance with rules to be framed, in the first instance by the Provincial Legislature and, after the first Council is established, in accordance with rules framed by such Council, provided that such rules shall provide that each adult member of the community, without distinction of sex shall have a vote.

"The Council for each community or social group constituted under the next foregoing section shall have full power to pass any laws consistent with this Act, affecting the religious and social customs of that community as also laws regulating religious institutions and establishments appertaining to that community, and all laws passed by such Council shall have the same force as if the laws were passed by the Provincial Legislature of the Province.

"Each of the Councils constituted as hereinbefore provided shall have the power to frame rules of procedure for that Council and shall also be competent to discharge any functions allotted and exercise any powers delegated to it by an Act of the Parliament or Provincial Legislature."

Mr. C. Vijayaraghavachariar opposing pointed out if the amendment was accepted it would paralyse the whole constitution.

The amendment being put to vote was lost.

Dr. Kitchlew moved an amendment to section 4A of the Supplementary Report. As amended the section would read as under: "The language of the Commonwealth shall be Hindusthani which shall be written both in Nagri and in Urdu characters. The use of the English language shall be permitted."

Lalchand Jagtyani opposed it and it was lost.

Dr. Kitchlew again moved an amendment standing in the name of Mr. Abdul Rahman Ghazi to Section III—communal for inserting the clauses of the Punjab Pact including that of adult suffrage instead of part (a) of para. III and for deletion of reference to the Punjab in part (a) of para. III.

The amendment was adopted without division.

Mr. Das Ram Bagai (Deragazi Khan) then moved for the deletion of the words: "The N.-W. F. Province, Beluchistan and" from clause VI of the recommendation of the Nehru Report under

the head communal representation.

The mover read a long speech with copious extracts from official reports with regard to the fanatical nature of Muhammadans and Pathans of that Province and the difficulties under which the Hindu minority was suffering there.

Mr. Lalchand Jagtyani, Dr. Kitchlew and Mr. B. Das opposed the amendment.

All the three speakers could not reconcile their demand for Swaraj with the denial of the right of self-determination to the people of the Frontier Province. The amendment was defeated by a large majority.

#### *Clause 13A*

Mr. C. Vijayaraghavachariar moved an amendment vesting in the Central Government and Parliament power to interfere not only in cases of great emergency and in matters of controversies between provinces or between a province and Indian States but also to give protection to minorities and special classes. He emphasised that his object was not to promote communal difference but to give surer effect to what Nehru Committee itself stated in page twenty-nine when it said that the object of communal settlement was not to give domination to one community over another but to prevent harassment and exploitation of any individual or group by another.

At Dr. Ansari's suggestion further discussion was postponed in order to enable other members of the Nehru Committee to participate in it. (Most of them were not present in the Convention).

Pandit Malaviya agreed to this course.

Regarding communal solution, Mr. Daulat Ahmad Khan moved an amendment tabled by Mr. Mohamed Siddiq to the effect that there should be no joint mixed electorates. He instanced the case of elections of Hindu candidates in joint mixed electorates to the disadvantage of Muhammadans and referred to Mr. Asaf Ali's defeat in Delhi.

Dr. Kitchlew opposed the motion remarking that separate

electorates had been a curse to the country. The amendment was lost there being none to vote for it besides the mover.

The amendment tabled by Haji Abdullah Haroon was moved by Mr. Daulat Ahmed in absence of the former for reservation of seats in excess of their population for Muslims in provinces wherever they were in minority.

MR. S. A. BRELVI

Mr. S. A. Brelvi in opposing said that past experience had shown that reservation of seats was detrimental to the national cause and did no good to Muslims either. They must not consider the questions from the communal view-point because they were out to establish Swaraj which was a means to the establishment of a new social order based on justice.

The amendment when put to vote was lost.

All other amendments tabled on the communal question were lost after a short discussion and some of them were withdrawn without discussion.

The Convention at this stage adjourned till January, 1929.



THE PROCEEDINGS  
OF  
ALL PARTIES NATIONAL CONVENTION

*Eighth Day—January 1, 1929*

The All Parties Convention re-assembled on January 1, 1929 with Dr. M. A. Ansari in the chair. Most of the amendments on the agenda paper lapsed owing to the absence of the movers.

Babu Bhagwandas moved the following amendment regarding the qualification of voters: "Every candidate for election shall be possessed of qualifications as below:

"(a) he shall represent one or another of following main functions of society:—(1) science and learning; or (2) executive work; or (3) production of wealth, that is, agriculture, manufacturing industries, trade and commerce, etc., or (4) labour;

"(b) he shall have done good work in some walk of life and earned reputation for uprightness and public spirit;

"(c) he shall have sufficient leisure for the work for the Legislature and preferably, but not necessarily, have retired from active bread-winning or money-making business.

"Canvassing directly or indirectly, beyond the publication of a statement of the candidat's qualifications by his nominators, shall be regarded as a disqualification.

"No member shall receive any cash remunerations for his work as such a member, but all ex-officio expenses of travelling and housing etc., shall be paid to every member out of public funds."

Babu Bhagwandas was glad that after eight years the country had been able to give a meaning to word "Swaraj". But the Nehru Committee had left out the most important portion of the meaning of that word. The welfare of the people depended on good laws, which in turn, depended on good legislators. Hence

his amendment.

(Owing to the pressure of time and the length of Babu Bhagwandas's speech, he could not read out the whole of it before the Convention—but at his special request it is printed in full as Appendix B.)

Dr. Besant without expressing a definite opinion on the amendment, she being a member of the Nehru Committee, pointed out the difficulties that might arise as the result of such a clause. She said the Commonwealth of India Bill was based on what is known as graded suffrage but it was pointed out that it was not democratic. The present amendment would also give rise to that difficulty. Politics was the one thing apparently in which one was not wanted to be wise before practising it.

Mr. Jairamdas Daulatram opposing said the amendment was impracticable. It would take away rights from the voters and transfer them to Returning Officers.

The suggestion was then made to refer the matter to the Nehru Committee in view of the thin attendance at the meeting and the momentous issues involved but it fell through.

The amendment was put to vote and lost.

#### INDIAN STATES POSITION IN FEDERATION OF INDIA

The question of Indian States was taken up next. Mr. Satya-murthi on behalf of the All India Indian States Subjects' Conference, which he said contained representatives from advanced and big states like Hyderabad and Mysore, moved:—

(1) This Convention is of opinion that an honourable place should be found for Indian States in the Scheme of the Indian Federation either by themselves or in groups of smaller States.

(2) This Convention approves of the recommendations of the Nehru Report in regard to the settlement of disputes between the Government of Indian and Indian States.

(3) This Convention is of opinion that full responsible government should be established in Indian States before they can take their rightful place in a free federal India.

(4) This Convention is of opinion that the people of Indian States should have an effective voice in the settlement of All-India questions concerning the Indian States.

He said this was a kind of compromise between the untenable position taken by Sir Leslie Scott, constitutional lawyer on behalf of the Indian princes, and those extremists in India who regarded the Indian States as anachronism to be wiped out from the map of India. Whatever the nature of the rule in Indian States it was the only existing specimen of Indian sovereignty and it was necessary if India as a whole was to march towards democracy that the Indian States should be given an honourable place in any scheme of the federation. According to the third clause there would be no place in that federation for any autocratic prince who was irresponsible to the people and the federation should not have autocratic princes unless they established responsible governments in their own States.

Mr. Sanjiva Rao of Mysore seconded the motion.

MR. KOTHARI

Mr. Manilal Kothari then moved the following amendment:—  
“This Convention invites the princes and peoples of Indian States to appoint representatives to confer with representatives of the Convention at a Round Table Conference with a view to discuss and agree upon the constitutional position and status of Indian States in the future Commonwealth of India and relations that should subsist between Indian States and the Central and Provincial Governments of the Commonwealth.

“And this Convention appoints the following members, namely, Pt. Motilal Nehru, Mr. M. R. Jayakar, Pt. Malaviya, Sir Tej Bahadur Sapru, Sir Ali Imam, Mr. Satyamurthi, Sardar Sardul Singh, Dr. M. A. Ansari, Mr. Ramchandra Rao and Mr. Manilal Kothari, as representatives, referred to in the foregoing resolution, with power to correspond with the States and peoples’ organisations to appoint their representatives and to arrange for the conference not later than May next.

“This Convention trusts that the Government of India will

place no difficulties directly or indirectly in the way of the Princes."

Mr. Kothari said inspite of there being a number of experts in India an expert from England was indented at a huge waste of money. As one belonging to an Indian state the speaker was opposed to the direct relation with the Crown as the Butler Committee suggested. It appeared the Nehru Report was looked upon by the princes with suspicion. There was absolutely nothing in the Report which would prejudicially attack the interest of princes. It was the duty of the Convention to speak clearly that there was no cause for such apprehension and it was with a view to remove this distrust and understanding of mutual position he had brought the amendment proposing a Round Table Conference. The princes themselves felt the dishonourable position they held under the Union Jack and if the hand of fellowship was offered they would be ready to accept. He therefore proposed the committee of the Convention to confer with princes in May next.

MR. S. A. BRELVI

Mr. S. A. Brelvi in supporting the amendment said in framing the Indian constitution Indian States have not been consulted. It was proper that their point of view should be placed before the Nehru Committee if they wanted to incorporate them in the Federal constitution of India.

Mr. Satyamurthi said he was prepared to accept Mr. Kothari's amendment as an addition to the resolution as he felt the Convention should not go into matter without making its position clear.

Mr. Salam of the Cochin state supported both the amendment and the resolution and prayed for a consideration of their case at an early date.

Mr. Kothari's amendment being put to vote was carried, Mr. S. Satyamurthi dissenting on behalf of All India States' Subject Conference.

(The statement by some of the delegates of All India States' Subject Conference headed by Mr. Hosakappa Krishna Rao will be found in Appendix A(8).

## BURMA AND CONSTITUTION

Mr. Tayabji of Burma then moved that in view of the peculiar political conditions obtaining in Burma and complexities of her relation to India the Convention should appoint a committee to report after due enquiry as to what, if any, modification of the proposed constitution of the Commonwealth is necessary in respect of Burma.

Asked by the House to propose the names of the members of the committee the mover left it to be done by the President of the Convention, who would appoint the committee and settle details.

Mr. Tayabji's motion was carried:

A question was raised at this stage as to who would be the President of the Convention hereafter as the term of office of Dr. Ansari was to expire with his office of the Congress presidency. Suggestions were made that Dr. Ansari should continue as the President of the Convention and that his position in the Convention was not dependant on his presidency of the Congress.

Explaining Dr. Ansari said he was never formally elected as the President of the Convention but came to that position in his ex-officio capacity as President of the Congress and he must cease to be so hereafter. The reasons that he had presided over the Convention these few days even after Pandit Motilal Nehru had become President of the Congress were that Pandit Motilal was already too much preoccupied and Dr. Ansari had done it only to help his friend Pandit Nehru. The discussion on the point terminated at this stage.

As the whole agenda specially the question regarding Utkal and others was not gone through the President suggested as he was hard pressed for time that other items should be discussed at a later sitting of the Convention.

### *Mahatma Gandhi's resolution*

Mahatma Gandhi then moved: "This Convention is of opinion that resolutions it has already passed on the recommendations of the All Parties Committee contained in clauses one to six

of their report sufficiently indicate the will of the nation as the nature and 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 the solution of communal problem recommended by the said committee.

"This Convention adjourns *sine die* authorising the Working Committee of the Indian National Congress to convene it when necessary for more detailed examination of the recommendations of the Committee."

Mahatma Gandhi apologised for his presence in the Convention. He said he came as a legal adviser to the President who had met him and Pandit Motilal and requested them to be present in the Convention and help him with their advice. To facilitate work he was going to move the present resolution and hoped there would not be much discussion nor any amendment. Mahatmaji proceeded to say: "Whilst we have very nearly exhausted the Nehru Report and accepted it without much alteration yet much still remains to be done. The situation in the country is such that we shall have to keep both the Nehru Committee and the Convention alive. As regards the Muhammadan question, he said the Convention had not been able to placate all parties. The Sikhs also required to be placated."

Continuing Mahatmaji said: "Personally I think we have not done full justice to the Sikhs. Hence it is necessary for all of you to put your heads together and make suggestion and evolve order out of chaos. There is the Utkal question which still requires to be solved and is giving trouble. This question is a nightmare. It crops up in all my speeches. The exhibition given by Utkal delegates the other day was like an animal undergoing vivisection. The Nehru Report, he continued, can only be touched here and there and not in its entirety. Only in matters of detail we can make alterations. If anything is wanted to satisfy the Moslems then also we have to touch it but if the Moslems spring some surprise it is not for the Nehru Committee to deal with it. That is the

business of some other organisation. Mahatma Gandhi concluded with the hope that the resolution will be carried without any amendment.

Mr. Pattabhai Seetaramiar wanted the House to record the statement made on Utkal question by the linguistic Conference.

(The statement will be found in Appendix A(9).

#### DR. BESANT

Dr. Besant opposing Mahatma Gandhi's resolution said: "When I saw how things are going in the Congress I could not think out what members of the Nehru Committee should do. I think it is time we should all gather together." Referring to the clause in Mahatmaj's resolution that the Convention should be called by the Working Committee of the Congress, Dr. Besant made an emphatic protest against it. She was of the opinion that the Nehru Committee had not yet been able to build up a regular constitution but only a structure. The Congress resolution adopted yesterday had altogether altered the situation.

Pandit Motilal Nehru had said times out of number that the Congress was one of the bodies in the Convention but now without any kind of notice and when many of the members were absent they had sprung a surprise. The present resolution deprived them of their freedom by compelling them to work under the Working Committee of the Congress. She continued: "I believe if the Congress persists in its present policy it will lead to a violent revolution and cause bloodshed widely spread. I do not think Mahatma Gandhi would be able to hold the people to non-violence. I know he would rather be killed than kill others. Bardoli might be worked out in many other taluks but that is not all. The present resolution breaks us up. The Congress is only a party organisation—a party adhering to one particular school of political thought whereas the Convention was a body of all organisations. We strongly disagree with the Congress policy. The resolution practically proposes to break up the Convention *sine die*. Unity that had grown up after hard working for 11 months will be shattered

into smithereens. At Lucknow, Bombay and Delhi it was only the maximum agreement that could be arrived at. The present resolution is very discourteous to us if not anything else. My appeal to you is to keep yourselves together and not come under a party organisation like the Congress. We simply want to have a free field in which we do not have to believe in civil disobedience and non-payment of taxes. Do not go against your conscience and do not agree to the resolution by which you will have to work with the body which will consider you as untouchables. Here we shall have to work if the resolution is carried in a friendly attitude as they say, but that will be with the spirit of one dismissing his servant. We refuse to give up our freedom."

Continuing Dr. Besant said "the Independence talk was merely wordy. It had no force behind it. I, therefore, propose that all parties who had hitherto worked together should continue to work together. I deny the right of one party to dominate over all others. I move for the constitution of a permanent organisation consisting of members representing every school of thought for the working of a union now achieved which, in my opinion should not be sacrificed. I am not attacking the Congress but want freedom to work."

#### DR. ANSARI EXPLAINS

Dr. Ansari explaining the position said the Convention came into existence according to the resolution of the Madras Congress. The specific purpose to prepare a constitution for which it was appointed has been served by the Convention. There is no disrespect to other parties and there is nothing to deter others from popularising the Nehru Report. Though he did not like to stop Dr. Besant in moving her amendment because of the respect she demands from all, the President ruled Dr. Besant's amendment was out of order.

Mr. C. Vijayaraghavachariar next asked the president to reconsider his ruling regarding Dr. Besant's amendment because he was of opinion that if Dr. Besant's amendment was out of order the other proposition also was out of order. "We have not done our



work and the Convention exists. The proposition moved is a euphemism for dissolution. I do not like to leave the matter to be worked out by the Working Committee of the Congress."

Mr. Niranjan Patanai opposing Mahatmaji's motion said the delegates of Utkal were not at all satisfied with the provision made in the resolution. It wanted *sine die* adjournment but had fixed no date and given no particulars. Representatives of Utkal were specially in an unhappy position. Under present circumstances it was proper not to defer the Utkal question any longer. In the case of a settlement of the Utkal question nothing but sentiment was standing in its way.

Mr. Aney explaining the constitutional aspect of the question agreed with the objection raised by Mr. Vijayaraghavachariar.

Mr. Shanmukham Chetty supporting Mahatmaji's resolution said the proposition placed before the house by Dr. Besant was entirely different from the one placed by Mahatmaji.

At this stage Mahatmaji announced that as a result of discussion he had come to a compromise and agreed to make some verbal alterations in the latter part of the resolution.

The amended resolution which was then carried stands as follows:—

"This 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 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 general agreement on the basis of the 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*.

## APPENDIX A

### 1—STATEMENT OF MR. SRINIVAS IYENGAR AND SOME OTHER MEMBER OF THE CONVENTION

We the undersigned delegates of the All Parties National Convention desire to make the following statement with a view to clear our position before the Convention and the country. We are of opinion that both in the exercise of India's right to self-determination and in consonance with the resolution of the Madras Congress declaring the goal of the people to be complete national independence, the Swaraj Constitution of India which the Madras Congress directed the Working Committee of the Indian National Congress to draft and place before this Convention, should be based on independence.

We feel that the constitution drafted by the Nehru Committee and placed before this Convention definitely commits those who support it to a constitution based on Dominion Status. We are not prepared to accept this and we therefore cannot accept or support the Dominion Status basis of this Constitution. We dissociate ourselves from this Constitution in so far as it commits us to the acceptance of Dominion Status.

We notice that both in the Nehru Report and in the resolutions of the All Parties Conference at Lucknow the right of Congressmen and of the Congress to retain and exercise the fullest liberty to work for complete independence is amply recognised. We also know that at the Lucknow All Parties Conference a statement on behalf of those who stood for independence was read stating their position on the above lines.

The All India Congress Committee at its meeting at Delhi on the 3rd and 4th of November last considered the Nehru Report and the resolution of the All Parties Conference and exercising its liberty of action decided in the course of a resolution as follows:—

"This meeting of the A. I. C. C. adheres to the decision of the Madras Congress declaring complete independence to be the goal of the Indian people and is of opinion that there can be no true freedom till the British connection is severed."

We feel that that resolution represents the correct position to be taken by Congressmen and others who believe in independence. We consider that as this question will have to come before and be decided by the Subjects Committee and by the Indian National Congress, that is the proper time and place for those representing the independence point of view to have it reaffirmed by the Congress. In the meantime, we consider that

the view expressed by the A. I. C. C. at Delhi in the course of the following resolution regarding the Nehru Report is fully binding on the A. I. C. C. represented at this Convention, unless it is reversed or modified.

"This Committee accepts the recommendations of the Nehru Committee as agreed to by the Lucknow All Parties Conference for the settlement of the communal differences.

"This Committee cordially congratulates the Nehru Committee for their labours, patriotism and farsightedness and without prejudice to the resolution of the Congress relating to complete independence, is of opinion that the recommendations of the Nehru Committee are a great step towards political advance and, without committing itself to every detail, generally approves of them."

We are confident that the Subjects Committee and the Congress will fully accept the independence point of view. Having regard to the composition of this Convention and to the above-mentioned circumstances we have decided not to take any part in the framing of the constitution in so far as it commits us to the acceptance of Dominion Status. We shall neither move amendments nor vote on it. 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 for India League wholly supports this point of view.

- |                           |                                |
|---------------------------|--------------------------------|
| 1. Srinivasa Iyengar      | 18. Sarat Chandra Bose         |
| 2. Jawaharlal Nehru       | 19. Govindanand                |
| 3. Hosakoppa Krishnanayya | 20. M. Bhaktavatsalam          |
| 4. Balkrishna Sharma      | 21. C. N. Muthuranga Moodiar   |
| 5. Gaurishanker Misra     | 22. B. Bhakatavatsilur         |
| 6. F. H. Ansari           | 23. Vasudevacharya             |
| 7. Manjeetsingh Rathor    | 24. B. Pallabhisitaramanyya    |
| 8. Badridatt Pande        | 25. Kumud Sankar Ray           |
| 9. Nardeva Shastri        | 26. C. S. Dutt                 |
| 10. Mukundilal            | 27. Swami Kumarananda          |
| 11. S. D. Kitchlew        | 28. Bhupendra Kumar Dutta      |
| 12. Girdharilal           | 29. Sh. Shafee Mohammad        |
| 13. Pandit Viswanathan    | 30. Abdul Hamid Khan           |
| 14. Jamnadas Mehta        | 31. Basheer Ahmad Syed         |
| 15. B. Sambamurti         | 32. Satish Chandra Chakarvarti |
| 16. S. Ganesan            | 33. Syed Mahnud                |
| 17. S. Satyamurthi        | 34. Abdulbari                  |

- |                             |                             |
|-----------------------------|-----------------------------|
| 35. Arif Haswi              | 66. Mahabir Tyagi           |
| 36. Pyarelal Sharma         | 67. Nilkanatha Das          |
| 37. Ahad Hussain            | 68. Hari Kumar Chakravarti  |
| 38. Swarajya Sewak          | 69. Manoranjan Gupta        |
| 39. Chandradhar Johri       | 70. Amar Krishna Ghose      |
| 40. Pratulchandra Ganguli   | 71. Surendra Mohan Ghose    |
| 41. Dharmananda Saraswati   | 72. M. A. Rauf              |
| 42. Prakashanand Saraswati  | 73. Mukundlal Biswas        |
| 43. Shiv Ram                | 74. O. Kandaswami Chetty    |
| 44. Dalpati                 | 75. Satyakety Vidyalkar     |
| 45. S. K. Setlur            | 76. Chandragupta V. A.      |
| 46. Mangal Singh            | 77. V. Nath Shastri         |
| 47. Indra Singh Chakravarti | 78. Sardul Singh Caveeshar  |
| 48. Lachman Singh           | 79. Lal Chand Falak         |
| 49. Ankha Singh             | 80. Makhanlal Sen           |
| 50. S. Ramaswamy Gupta      | 81. Pramathanath Banerji    |
| 51. N. D. Varadachari       | 82. Madhava Shukla          |
| 52. Sarat Kumar Dutt        | 83. Arjunlal Sethi          |
| 53. Satyaranjan Bakshi      | 84. Keshava Chandra Gupta   |
| 54. Syed Jelaluddin Hashmy  | 85. R. Chinoswami           |
| 55. Shamsuddin Ahmad        | 86. K. Madhavanar           |
| 56. Mohammad Qasim          | 87. K. B. Jivaraja          |
| 57. Purushotam Das          | 88. Belur Srinivasa Iyengar |
| 58. Madhusudan Das          | 89. Raghavendrarmi Sharma   |
| 59. Suresh Chandra Das      | 90. B. Raja Rao             |
| 60. J. M. Das Gupta         | 91. Vasudeorao Subhedar     |
| 61. S. C. Mita              | 92. R. V. Ruikar            |
| 62. N. S. Hardiker          | 93. P. D. Dhawale           |
| 63. Sriprakasa              | 94. Masood Ali Nadvi        |
| 64. Shankerlal              | 95. Chunilal Banerji        |
| 65. Shivaprasad Gupta       |                             |

(There are about twenty more names on the list but their signatures are illegible)

## 2—STATEMENT MADE ON BEHALF OF SWADHIN BHARAT SANGH

We, the members of the Swadhin Bharat Sangh, are of opinion that the only goal for which any nation should work is independence and that India can never have true freedom until British connection is severed and, therefore, the constitution of India should be based only on Independence. We find that the constitution recommended in the Nehru Report is based on what is known as Dominion Status which means that the entire politics of India will in the last resort be controlled by Britain in the interests of British Imperialism. We are also of opinion

that the salvation of India and her masses lies in the establishment of real socialistic regime. We are afraid the whole of the constitution sketched in the Nehru Report is based on capitalistic ideals of society. We are not prepared to accept this constitution and hence cannot support it.

We feel that real unity cannot grow and prosper in India as long as there is communal representation in whatever form in the Constitution of India. We are, therefore, emphatically of opinion that the constitution of India should be based only on national representation. We find that the constitution, sketched in the Nehru Report, is based on communal representation through reservation of seats for minorities. Consistently with our nationalism we cannot therefore accept this portion of the constitution. But since, under the circumstances, much as we deplore them, another settlement, acceptable to all the communities was not possible we feel it our imperative national duty not to complicate matters by opposing that portion of the Report in this Convention or outside in the country; for we do not want to fall into the clever traps of the rank communalists and reactionaries who, exploiting the idealists nationalism and patriotism, are out to wreck any honest effects at mobilising the national forces to give a battle royal to the present tyranny and to win the nation's freedom.

Having stated our position with regard to the three most important issues in the Report (1) Dominion Status *vs.* Independence (2) Nationalism *vs.* Reservation of seats and (3) Socialism *vs.* Capitalism, we wish to assure the Convention that, much as we feel very strongly on these three questions, we do not propose to hamper the work of this Convention, but we desire to record our considered opinion on all three questions and to dissociate ourselves from resolutions on these three issues in so far as they commit us to the acceptance of British connection, Capitalism and Reservation of seats on communal basis. We shall not take any part in the resolutions by moving amendments or voting on them. We shall, however, avail ourselves of the privilege accorded in the Report and the Lucknow resolution carrying on such activity as we consider proper and necessary in favour of complete Independence and hope the parties favouring British connection will not carry on any counter-propaganda or hamper in any way our activities in that direction.

While we have stated our position on matters of principle, we have purposely refrained from considering the various details and giving our opinion on them because we believe the time for drafting a constitution for India has not yet arrived. When we shall have devised our sanctions and by enforcing them have won our national freedom, then will be the proper time to sit together to discuss and draft a suitable consti-

tution for India. But since the aristocratic leaders of India feel that India can win her rights and liberties by producing an agreed constitution, we do not want to hamper their work lest we be charged by them as having spoiled it by pressing our resolutions which we are sure have the support of the entire Nation. But we wish to make it very clear that if within one year the efforts of the Convention do not produce any results, we shall expect them to join with us in working for Independence.

(Sd.) GOVINDANAND

*General Secretary, Swadhin Bharat Sangh*

3—STATEMENT MADE BY MR. MANECKJI PATEL ON BEHALF OF  
MAZDAYASNI PARSEE MANDAL

*The President of the All Parties Convention*

DEAR SIR,

At the resumed sitting of the All Parties Convention, on Monday last, I applied to you for permission to address the meeting, being a Delegate elected by a Parsi Association of Bombay, known as Mazdayasni Mandal, but did not get an opportunity to do so, as closure was applied by you suddenly being pressed for time. I, therefore, avail myself of this means to place before the All Parties Convention, through you, the following statement which represents the views of my Association and of the Parsi Community in general about the Constitution drafted by the Nehru Committee so far as my knowledge of the same goes.

With a view to prevent any possible misunderstanding and injustice to myself, I must say at the outset that I hold the most radical views in politics and am an Independence Leaguer and do not share the views of the majority of my Community. But having attended the Convention as a Delegate elected by the said Mazdayasni Mandal, I feel myself in duty bound not to give expression, in this statement, to my views and sentiments, but to those of the majority of the members of the said Mandal, of which I have the honour to be the President and a Delegate.

The Parsi Community appreciates the unquestioned and unquestionable patriotic motives that have inspired yourself, Pandit Motilal Nehru and others, who are responsible for the framing of a Constitution for the future governance of the country, which bears clear evidence of assiduous application, strenuous labour and unflagging zeal. But the Community cannot help deploring the fact that its very existence has been ignored by the said leaders, from the very inception of the movement for framing the said constitution. For this reason more than any other, this business

of Constitution-framing has failed to evoke the sympathy and enthusiasm of one of the smallest yet admittedly one of the most influential Communities in India. The absence of any reference to the Community in the Nehru Report, supplementary as well as original, may have been unconscious and inadvertant. It is, however, as surprising as is painful to the Community to see itself so completely ignored in the Report by the distinguished framers of the Constitution.

The Parsis complain that although, like the Sikhs, they have showed their patriotism and their desire not to stand in the way of India's freedom by foregoing their claim to special representation even at the sacrifice of their individuality as a separate political entity, yet this voluntary self-abnegation on their part has met with no recognition at the hands of the Hindu and Muhammadan leaders, inasmuch as not a single Parsi has been given a place on the Nehru Committee. They also feel that invidious distinction has been made in the treatment meted out to Muslim and Parsi minorities. While the Parsi minority is asked to be content with joint electorates, without any compensation in the shape of special rights and privileges, in the case of the Muslims, the acceptance of the principle of joint electorates is made conditional upon the reservation of seats for Muslim minorities in the Legislatures and local bodies, the separation of Sindh, the introduction of reforms in the Frontier Provinces and Baluchistan and other such special demands.

The Parsi Community desires to know what would be its position in India when the Government of the country virtually passes from the hands of the British into the hands of the people. The apprehension, frequently entertained by a large section of the Parsis in the matter of Swaraj, is that if the Indians were granted Self-Government, the dominant race will, by the sheer force of numbers, sweep everything before them and that the interests of the minor races like the Parsis, who are numerically vastly inferior to the Hindus, would considerably suffer.

The majority of the Parsi Community have now learnt to hate communalism in every shape and form and disdain to ask for or have special communal rights and privileges. They have, as a community, with a handful of exceptions, made common cause with the Hindus and the Muhammadans and boycotted the Simon Commission. They have also exhibited sufficient moral courage to give their whole-hearted support to the Nehru Report, inspite of their aforesaid grievances. They have thrown the weight of their influence, however little it may be, on the side of righteousness and justice instead of co-operating with the Simon Commission driven by a cowardly and selfish consideration of communal interests. The Community has also adopted a courageous attitude towards the Constitution as drafted by the Nehru Committee and have resolved to trust to their own abilities and merits and the leaders' sense

of justice and fair play for a share in the Government of the country to which they would naturally and legitimately aspire when India is free. And the most advanced amongst them even go the length of asserting that the Parsi Community with its glorious traditions and world-renowned charitable instincts would prefer to be wiped out of existence rather than stand for one moment in the way of the political emancipation of their adopted mother country, from any selfish and self-interested motives.

They, therefore, hope that their position as a community will be seriously considered along with the interests of other communities in any Constitution that may finally come into existence.

In conclusion I would request you, Sir, to have this statement read before the Convention and placed on the records of the proceedings.

(Sd.) MANECKJI K. PATEL

4—STATEMENT MADE ON BEHALF OF HON'BLE SHAH MOHAMAD  
ZUBAIR AND OTHER MEMBERS OF THE CENTRAL KHILAFAT  
COMMITTEE

We, the signatories of this statement and members of the Central Khilafat Committee consider it our painful duty to make our position clear to the public with reference to our attitude in dissociating ourselves from those who hold executive offices of the C. K. C. today and with whom many of us have worked for all these years in laying foundation of the C. K. C. and building up edifice. It is after full deliberation that we have decided to record the following facts, inter alia, which compelled and determined our present attitude:—

(1) Let it be mentioned first of all that at the meeting of the C. K. C. held on the 24th instant, we and our supporters formed the majority out of about 70 members of the C. K. C. then present. This fact was itself so obvious to the President that from the very beginning he resorted to decide controversial matters by means of wrong rulings instead of the usual course of taking votes by which our decisions should have been the decisions of the C. K. C.

(2) We have been making genuine efforts for some time, to come to any reasonable understanding on the Nehru Committee Report and several informal meetings were organised during the last few days between the two sections of the C. K. C. with the only result that all our efforts were frustrated by methods of obstruction and procrastination adopted by the representatives of the other party.

(3) The President of the C. K. C., on receiving the information



that the Bengal Khilafat Committee, known to be in favour of Nehru Committee Report, was conducting its election, went to the place of election and tried to stop it. When the President, the Secretary, and a most responsible member of the C. K. C., who were there with about 100 rowdies taken intentionally for the purpose, did not succeed in stopping the election, they tried to disturb the meeting. The Bengal Khilafat Committee, however, succeeded in electing 30 members for the C. K. C. Thereupon the registers of the Bengal Provincial Khilafat Committee were forcibly taken into possession. Next day these gentlemen, without any authority, held an election for the said Province from amongst members enrolled in Calcutta only. This election was neither made in presence of the members from district committees nor any names were called from them.

Besides Bengal elections, the other disputed elections were from Behar and N. W. F. These disputed elections were formally brought to the notice of the President of the C. K. C. at the very commencement of the meeting and it was demanded that rival parties of every disputed election should be treated on equal footing in being allowed or disallowed, to exercise their right of vote. The President, however, by his wrong ruling given under the influence of partisan spirit allowed all those parties to vote which supported his side and excluded rival parties from the meeting.

(4) At the meeting of the Working Committee of the C. K. C., to which disputed elections were referred, the partisan spirit of the President further became painfully clear. The election which the President and his party had organised from the Bengal Provincial Khilafat Committee was rightly invalidated by majority in the Working Committee but the President freely used his casting vote in disqualifying the election made by the Bengal Provincial Khilafat Committee which he had tried to stop in vain.

The same objectionable method was adopted in disqualifying the members duly elected for the N. W. F. by the Punjab Khilafat Committee in strict accordance with the rules of the Constitution and established practice. The disfranchisement of a body is a drastic step which is not resorted to, much less by a casting vote, but the President did not hesitate in using this method.

(5) In the second sitting of the C. K. C., which was held late at night, the President's attitude became aggressively partisan when in spite of a clear rule in the C. K. C., constitution he disallowed the right of appeal to the later body against the decisions of the Working Committee.

(6) Later on when election of the members of the Subject Com-

mittee was being conducted, an offensive remark passed by a most responsible member of the C. K. C. led to angry words and altercations, explanations, counter-explanations and a regular pandemonium. This had hardly subsided when at the sound of a whistle from a Khilafat volunteer a number of persons carrying lathis and knives rushed in the Pandal and were with great difficulty prevented from using their weapons. There was a man seen actually brandishing a large size hunting knife who was controlled with difficulty. We have no doubt in our mind that these rowdies were kept ready outside the Pandal and they had rushed in at the given signal. Under these circumstances we had no other alternative but to retire from the meeting and those few who remained there a little longer did not join it again.

(7) We are informed that after all of us had left the Pandal the President carried on not only the elections of the members of the Subjects Committee but, notwithstanding his assurance to the contrary given at the commencement of the meeting, carried out elections on behalf of the Bengal Provincial Khilafat Committee for the C. K. C. in our absence and elected those very thirty members whose election was invalidated by the working committee already. The Secretary of the C. K. C. and the other Executive Officers were elected then and there in our absence and against the previous announcement of the President. These proceedings altogether were ultra vires.

Having been made to retire by display of physical force and violence and in view of the unconstitutional, arbitrary and high-handed action of the Executive of the C. K. C., we found it impossible to exercise our right of free expression of opinion and were left with no other alternative but to hold a meeting of our own which constituted the majority of the members present in the aforesaid meeting of C. K. C. and thus to give expression to our considered views.

At a meeting of the aforesaid members of the C. K. C. held under the presidentship of the Honourable Shah Mohammad Zubair the following resolutions were passed:—

I. That in pursuance of the policy of the C. K. C. followed heretofore and acted upon in Lucknow this Committee resolves:—

(a) That participation in the All Parties Convention be continued as before and plenipotentiaries be sent there on behalf of the C. K. C.

(b) That whilst keeping the goal of complete national independence of India as an ideal, the constitution prepared by Nehru Committee be accepted in general and recommendations on communal representation be accepted with certain modifications.

(c) That the Punjab Pact entered into at Lucknow by the Punjab delegates sent in the All Parties Conference by the C. K. C. be adopted

in place of the demand for reservation of seats for a period of ten years.

(d) That the demand in case of Bengal be made on the lines of the Punjab Pact.

(e) That seats in legislatures be reserved for Muslim minorities on principle adopted by All Parties Conference for as long as they so desire.

(f) That the residuary powers should rest in the Provincial legislature.

(g) That the amendments sent in by the Punjab Khilafatists in the All Parties Convention are hereby adopted by C. K. C.

(h) That the following delegates be elected with full plenary powers to represent the C. K. C. in the All Parties Convention.

- |  |                                       |
|--|---------------------------------------|
| 1. Hon'ble Shah Mohammad Zubair (Behar)  | 15. Mian Sirajuddin, Punjab           |
| 2. Dr. M. A. Ansari, Delhi (Ex-President C. K. C.)                                     | 16. Molvi Mohd. Daub Ghaznavi, Punjab |
| 3. Maulana Abul Kalam Azad, Bengal, (Ex-President C. K. C.)                            | 17. Sh. Hisamiddin, Punjab            |
| 4. Seth Yakub Hassan, Madras (Vice-President of the C. K. C.)                          | 18. M. Mohiuddin Ahmed, Punjab        |
| 5. D. Syed Mahomood, Behar (Ex-General Secretary C. K. C.) Member of Subject Committee | 19. Abdul Hamid Khan, Madras          |
| 6. Dr. Saifuddin Kitchlew, Punjab (Ex-President C. K. C.)                              | 20. Shafi Mohammed, Madras            |
| 7. Ch. Khaliquzzaman, U. P. (Member of the W. C. of C. K. C.)                          | 21. (Master) Tajuddin, Punjab         |
| 8. Maulana Abdul Kadir Kusuri, Punjab  | 22. Ch. Mohd. Yaqub, Punjab           |
| 9. Dr. M. Alam, Barrister, Punjab  | 23. (Hafiz) Abdul Aziz, Punjab        |
| 10. Mr. T. A. K. Sherwani, Barrister, U. P.  | 24. Sh. Abdul Ghani, Punjab           |
| 11. Maulana Muzafar Ali Khan, Punjab   | 25. (Hakim) Nooruddin, Punjab         |
| 12. Molvi M. Masud Ali Nadvi, U. P.  | 26. Ch. Mohd. Amin, Punjab            |
| 13. Molvi M. Habibur Rahman, Punjab  | 27. (Hakim) Abdul Aziz, Punjab        |
| 14. Mr. Abdur Rahman Ghazi, Punjab   | 28. Sh. Umaruddin, Punjab             |
|  | 29. Malik Labbhu, Punjab              |
|  | 30. Mian Elmuddin, Punjab             |
|  | 31. Kh. Abdur Rahim, Punjab           |
|  | 32. Ch. Abdul Hamid, Punjab           |
|  | 33. Amir Alam Awan, Punjab            |
|  | 34. M. Mazhar Ali Azhar, Punjab       |
|  | 35. (Hakim) Mohd. Sikander Punjab     |
|  | 36. (Hakim) Ahmed Hussain, Punjab     |
|  | 37. Sh. Bashir Ahmad Raizvani, Punjab |
|  | 38. Kh. Ghulam Mohammed, Punjab       |
|  | 39. M. Zafaral Mulk, U. P.            |
|  | 40. Ahad Hussain Kidwai, U. P.        |
|  | 41. Mohd. Usman, Burma                |
|  | 42. (Hakim) Abdus Sattar, U. P.       |

43. Mr. Yaquab Ali Khan, U. P. 45. Imam Abdul Qadir Bawazir,  
44. Mr. Latifuddin Ahmad, U. P. Bombay

5—LETTER FROM THE SECRETARY CENTRAL KHILAFAT  
COMMITTEE

*The President*

*All Parties Convention*

*Calcutta*

The Indian National Congress, in its session held at Madras, had authorised its Working Committee to confer with similar committees to be appointed by other organizations in the country and draft a Swaraj Constitution for India and to place the same for consideration before a special Convention consisting of the All India Congress Committee and the leaders and representatives of the organisations mentioned above and the elected members of the Central and Provincial Legislatures.

In compliance with these directions the Working Committee of the Congress had issued invitations to a large number of organizations, including the Central Khilafat Committee, which responded by sending its representatives to meet those of other organizations in the Conference which held its first sitting on the 12th of February at Delhi. On the 22nd of February the Conference appointed a Committee, with instructions to report on a number of subjects relating to the future constitution of India, and this Committee, accordingly, met from day to day; and when it finished its labours and presented its report, the Conference met again, on the 8th of March, and after considerable discussion adjourned on the 11th of March until the 19th May, when it was to meet again at Bombay, and ordered the report of its Committee to be published and circulated.

But when the Conference met again at Bombay on the 19th May, instead of resuming the work it had left unfinished at Delhi, which included a consideration of its Committee's report, it appointed another Committee which has since come to be called the "Nehru Committee".

Even though the Moslem representation was insufficient on this Committee, the Khilafat Committee representatives offered no objection to its appointment and awaited the result of its labour.

Unfortunately the manner in which the Nehru Committee proceeded showed that its mentality was not that of an All Parties Committee unprejudiced by the domination of any of the constituent organizations that had responded to the Congress Working Committee's invitation. The Committee entirely ignored the work that had been done at Delhi and paid scarcely any attention to the Hindu-Moslem settlement arrived at with great difficulty and after a great deal of earnest endeavour and embodied in the resolutions passed by the Indian National Congress

at Madras and the All India Moslem League at Calcutta. The Nehru Report that was at last issued proved only too clearly the new mentality of the Nehru Committee.

Nevertheless the Central Khilafat Committee sent its representatives to the All Parties Conference held at Lucknow. But the manner in which this Conference proceeded proved even more clearly the mentality to which reference has been made above. The President of that Conference, at the very outset, declared that the decisions of the Conference would be arrived at by counting individual votes and not by ascertaining the views of the organizations which had sent their representatives through their properly accredited spokesmen. This entirely made the All Parties Conference a misnomer. Although the Presidents of the Jamiatululma and the Central Khilafat Committee declared in the Conference that their respective organizations did not accept Dominion Status as the basis of the constitution and regarded the complete independence of India as their goal, these statements were not recorded, and in the summary of the proceedings published with the Nehru Committee's Report the only mention that is made of this dissociation of these two organizations from the Nehru Committee's acceptance of Dominion Status as the basis of the constitution is in the curious form that Maulana Kifayat Ullah and Molvi Mahomed Shafee Daoodi, amongst others, who are named, "also took part in the discussions".

A still more serious matter took place when the President of the Conference placed before it an agreement arrived at by those who are called in the summary of the proceedings "the Punjab delegates". It was not an all Provinces' Conference but an All Parties' Conference, and the "Punjab delegates" had no *locus standi* in the Conference as such. When Maulana Shaukat Ali, the Secretary of the Central Khilafat Committee, read out a statement to the effect that his Committee had passed its own resolution on the matters dealt with in "the Punjab agreement," and it stood by it, the President allowed Dr. Mahomed Alam and Maulana Abdul Kadir to challenge that statement and to declare that the Central Khilafat Committee had not authorized him to make the statement he had made, and that the Committee had left the Punjab question for decision to the delegates from the Punjab, who had accordingly decided it and come to an agreement which was to be taken as the decision of the Khilafat Committee. This was wholly improper, as the Conference could not rightly countenance divergent statements being made before it by representatives of any Party or Organization. That it countenanced such action only too clearly indicated that those who were dominating the Conference did not want to hear spokesmen of any organisation announcing its decisions if they happened to be different from those of the Nehru Committee and encouraged some of the representatives of such an organi-

sation to express views divergent from its own decisions if they favoured the views of the Nehru Committee. The manner in which amendments, sought to be moved by representatives of the Central Khilafat Committee, were dealt with by the President and those who were dominating him, was only too painful, and has already been commented upon in the Moslem press, and, therefore, needs no further elucidation.

Since the Lucknow Conference the Moslem community in every province, including the Punjab, had unequivocally voiced its disagreement with the so-called communal settlement in the Nehru Report, and those who dispute this can be challenged to have it tested in any Conference which is open to all adult Moslems, and not confined merely to the supporters of the Nehru Report. Nevertheless, these supporters have been trying to throw dust in the eyes of the world by using any means within their power to secure a majority of the voters of every Moslem organization in favour of the Nehru Committee's report. The Central Khilafat Committee has noted with great pain the efforts made by certain elements to secure such majority of the Central Khilafat Committee also in favour of that Report. Our labours had been constantly interrupted on the pretence of arriving at an understanding with a very large majority of members of the Khilafat Organization who did not entirely approve of the communal settlement in the Nehru Report, and although time was fixed for consultations on three or four occasions the supporters of the Nehru Report were never punctual and kept us waiting for more than an hour and a half every time, and so on after the discussion commenced adjournment was urged by the very men that had come so late.

Worse than that, the meetings of the Central Khilafat Committee and the Subjects Committee of the All India Khilafat Conference, now being held here, have been disturbed by highly improper and outrageous conduct, and every effort has been made to create disorder when it was clear that the majority could not be secured in favour of this element even in a snatch division and in the elections to the Subjects Committee. It was only when, time after time, their candidates were beaten by a substantial majority, even after they demanded a recount and obtained it, that they decided to leave the meeting. False statements have from time to time been sent to the press, making the gravest allgations against the Committee and its executive and its volunteers who have so nobly undertaken to do their work and have travelled all the way from the N.-W. F. Province. We have already lost so much time through the mischievous and unscrupulous interference of these people and have not been able to afford more time for correcting the mis-statements published in the press by them or their agents.

To crown all this an incredibly unscrupulous effort has now been made by these people to go to the All Parties Convention as delegates of

the Central Khilafat Committee. It was published this morning in the papers that they were going to form another Central Khilafat Committee and to create branch committees throughout the country for which a Sub-committee was formed. But evidently they remembered that only such organizations as had been in existence for not less than two years before the Convention met, could claim to receive an invitation to the Conference; they suddenly changed their plans and have had the hardihood to announce today that they are the delegates of the Central Khilafat Committee, and they have taken their seats as such in the Convention which is being presided over by one of themselves.

In these circumstances it was obvious that no useful purpose could be served by the Central Khilafat Committee in sending its delegates to the Convention. This received full confirmation on the very opening day of the Convention when the President-elect of the All India Khilafat Conference, now being held at Calcutta, attended the Convention in his capacity as ex-President of the Indian National Congress and, therefore, *ex-officio* member of the A. I. C. C. When he spoke in the Convention on the resolution adopting Dominion Status and not complete independence as the basis of India's future constitution, a question which has nothing to do with anything communal, he was being interrupted throughout his speech in the most outrageous manner and efforts were being made to howl him down and to compel him to withdraw statements which he had never made. In view of all this the Central Khilafat Committee has no alternative but to refuse to send any delegates to the Convention, where they are not likely to receive a patient hearing. It does not desire to follow the tactics of those who want to throw dust into the eyes of the world by making it appear that the Moslem community is in favour of the so-called communal settlement embodied in the Nehru Report and who created most disorderly scenes in the meeting of the Central Khilafat Committee and behaved outrageously even in the meeting of the Working Committee of the Khilafat Organization. It prefers the more dignified course of entirely abstaining from any participation in the Convention, and I am, therefore, forwarding this statement to you for your information. This has already been placed before the full Khilafat Conference now being held here which approves of it and calls upon me to forward it to you and to the press.

(Sd.) SHAUKAT ALI

*Hon. Secretary, Central Khilafat Committee of India*  
(Bombay)

#### RESOLUTION

This Conference after listening to the draft letter submitted to it



for its consideration and approval, approves of it and calls upon the Hon. Secretary to forward it to be President of the so-called All Parties Convention and to the press. This Conference also considers that in these circumstances no useful purpose will be served by sending delegates of the Central Kilafat Committee to such a Convention.

(Sd.) SHAUKAT ALI

*Hon. Secretary, Central Khilafat Committee of India  
(Bombay)*

6—STATEMENT MADE BY SARDAR HARNAM SINGH ON BEHALF OF THE  
CENTRAL SIKH LEAGUE .

*Mr. Chairman and fellow delegates:*

There are three amendments standing in my name. As you will find presently they relate one and all to Sikh representation in the various legislatures of the country and are quite innocent in their character but I fear that the high-strung feelings of communalism of some may stand in the way of their recognition and acceptance at present. The Sikh League delegates also appreciate the difficulty of the leaders who on account of a strange coincidence of circumstances and the obduracy of certain interested parties find themselves helpless at the present moment. Mr. M. A. Jinnah rightly observed the other day that the test of a good constitution is "the security of minorities" it affords. But the trouble is that this wise counsel is not adhered to in the case of the Sikhs. Permit me, Sir, if I say that all this is being done advisedly and on purpose. Be that as it may, I, on behalf of the Central Sikh League, assure the delegates that the Sikh League will ever be prepared to work shoulder to shoulder with their fellow countrymen for the emancipation of Mother India and shall do their uttermost to break the shackles and trammels of foreign yoke. My amendments read as under:—

(1) Under the head communal representation II delete the word "and" after the word "minority" in the third line, add the following after the word "province" in the same line:—"and for Sikh minority in the Punjab". And add the following at the end:—"In the Punjab there shall be 30% reservation of seats for Sikh minority, and Sikh representation from N.-W. F. Province, Sind and Beluchistan shall be adequate and effective".

(2) Under the head communal representation III (a) delete the words "in the Punjab" after the word "community" and add the following after the word Bengal:—"In the Punjab there shall be reservation of 30% seats for Sikh minority".

(3) Under the head communal representation III (c) after the word "province" add "and Beluchistan" and at the end of the second line



add "The Sikh minority in these provinces shall have separate representation with considerable weightage."

These are the three amendments and before proceeding further it will be proper to summarise the position of the Sikhs especially in the Punjab and generally in India. They are admittedly a distinct and important minority in the Punjab and though outside that province they exist in much smaller proportion than in the Punjab, Sikh interests and services extend throughout the country. Sikh shrines and holy places are in existence throughout the length and breadth of India from beyond the North-West Frontier Province to Assam and even Burma and southwards into the territory of the Hyderabad (Deccan) State. Historically Sikhs were the rulers of the Punjab, Frontier Province and Kashmir before the advent of the British. In the Punjab they pay 40% of the land revenue and canal charges which is the chief source of the provincial Exchequer. They have always supplied one-third man-power in the Punjab and one-fifth throughout India to the Indian Army. Besides Sikhism had its birth in the land of the Five Rivers and thousands of Sikh shrines and holy places with millions worth of charitable endowments attached thereto are scattered far and wide in this province. In a word their political and economic importance cannot be exaggerated and they have admittedly the highest stake in the Punjab although they form 11.1% of the Punjab population.

It is, therefore, necessary not only in the interests of the success of the scheme which the Convention may eventually evolve for the governance of the country but for the harmonious development of Mother India that all these aspects are scrupulously kept in view while the Nehru Report recommendations on matters communal are still on the anvil.

## *II—Existing Representation*

A word about the existing system seems necessary for a proper appreciation of the Sikh view point. Under the existing system they have their separate electorates and are given 17% of seats in the provincial council although their voting strength is 25%. Their representation in the Central Legislature is 25% of the Punjab contribution to the same. But the fact must not be lost sight of that in order to ensure adequate and effective representation for them, consistent with their position and importance, they have always claimed that a much larger share in the various legislatures of the country is their just and appropriate portion. And here it will not be out of place to add that both responsible officials and Congress leaders have conceded from time to time, that the "Sikh demand is, in substance and spirit, a perfectly just and fair demand". Some time ago 25% reservation of seats in the Punjab Legislature was proposed for them by some Congress leaders but this they would not

accept. Needless to add also that, throughout the communal controversies that have raged round the question of representation in the Legislature during recent years, they have always relied upon the due recognition and just appreciation of the question of Sikh representation by their Hindu and Muslim brethren, and have ever stood by the national movement doing their "uttermost" to help the national cause. And it will not be presumptuous to add here that the Sikh sorrows and sufferings in the national cause during recent years are much more than twenty times their proportional share according to population figures. But it is regrettable to add that situated as the Sikhs are in the Punjab, they under the proposed scheme are not certain of even 2% seats in the Provincial Council and it is almost certain of their going unrepresented in the Central Legislature.

### *III—Down with Communalism*

When saying all this, the Sikhs do not wish to make any proposals in a spirit of narrow-mindedness. They are fully aware of the imperative necessity of a healthy national growth in the country and are always ready to co-operate with their sister communities for the development of a united nation on lines purely nationalistic. To say the least, they are prepared to make all sacrifices in the national cause provided the virus of communalism is eradicated root and branch from the Indian body politic and communal considerations in any shape or form, direct or indirect, do not prevail in the making of the Indian Polity. But it has pained the Sikh Community to find that the recommendations of the Nehru Report are all conceived in a spirit of communalism and the Sikhs apprehend that the Report tends to pave way for another communal war. How the Congress-League Lucknow Compact of 1916 ruthlessly trampled upon the rights of the Sikhs is a matter of History. The Sikhs have again received a rude shock by having had to realise that those alone who talk loudest and manœuvre agitation most are listened to, however iniquitous their demand may be.

That the Report tends to keep alive communalism in various shapes and forms in the country, resulting in the inequitable divisions of power among the two major communities in India, is manifest from the following recommendations:—

1. Creation of "communal" provinces and thus dividing the country into Hindu India and Muslim India (vide page 31 of the Nehru Report).

2. The adumbration of the principle of adult suffrage with a view to ensure that the numbers of electors of the various communities may bear the same ratio to each other as the population figures of these communities (vide Nehru Report page 137) and making it a part of the communal recommendations quite inseparable from them (vide

Supplementary Nehru Report page 12). That the recommendation of adult suffrage is based on communal considerations the following excerpt from the Nehru Report page 92 will conclusively prove:—

“At present the voting ratio between different communities is not the same as the population ratio. Thus in the Punjab although the Muslims outnumber the Hindus and Sikhs combined, the number of their votes is far less than the Hindu and Sikh voters. This is due to the superior economic position of the latter. We are strongly of opinion that this anomaly should be ended and the voting ratio should be made to correspond with the population ratio. With adult suffrage this happens automatically, but with any other restricted franchise the only possible way to do it is to have different electoral qualifications for different groups and communities. We are thus driven to the conclusion that the only solution is adult suffrage and we have recommended accordingly.”

3. The extension of the same form of Government to the N.-W. F. Province and Beluchistan as in other provinces of India on grounds purely communal, in a spirit of bargaining, to pay the price of the Muslim acceptance of Joint Electorates.

4. To crown all, the questions of amendment of the constitution and forms of Government, whether unitary or federal, have also acquired a communal aspect and they are being approached from that point of view (vide Supplementary Nehru Report page 23).

*IV—Recognition of Communalism by the Nehru Committee and the Sikh demand*

Under the circumstances the Sikhs, in view of the prevalent communal mentality, find their interests seriously jeopardized and consequently reiterate their demand that “in view of the admitted political, historic and economic importance of the Sikhs in the Province it is absolutely necessary to provide adequate and effective representation for them in the Legislatures of the country by the reservation of at least 30 per cent seats in the Punjab Council and the same proportion of representation from the Punjab to the Central Legislature of the country on a system of joint electorates with plural constituencies so that no one community may be in a position to dominate over all others” (Resolution Central Sikh League 1928).

This Sir, is a tedious brief review of the question of Sikh representation and I would like to have invited the discussion of the House on these amendments, but after the lengthy discussions in the Sub-committee of the Convention appointed by this House to meet the delegates of the Muslim League and the Khilafat Committee and adoption of the Muslim

statement made at Lucknow as the Punjab Pact, inspite of the Sikh dissent, it has been deemed advisable not to waste your precious time by formally proposing the same. Permit me therefore, Sir, to declare, on behalf of my party, that the Central Sikh League withholds its support from the Nehru Report and feels constrained not to take any more part in the proceedings of the Convention. I would, therefore, request you, Sir, to allow this statement as read and placed on the records of the Convention.

7—STATEMENT MADE ON BEHALF OF NAMDHARI BHAINI DARBAR SAHEB

We, the Namdharis, after giving our careful consideration to the communal problem, have come to the conclusion, that so long as the system of communal representation remains a part of our constitution, there can be no real progress towards the evolution of one Indian Nation. We are further of opinion that minority interests cannot be protected by this system, as it has already done more harm than good in this matter. It is, we presume, on that account alone that a substantial change in the system has now been agreed to by that section, which has from the very beginning been a strong advocate of this system.

Under the circumstances the best solution of the question is that representation should be purely on National lines. We are sorry to see that the Nehru Committee has not recommended the abolition of communal representation throughout the country. We are, however, glad that this system has been abolished altogether in the Punjab. There is a section of Sikhs, who want to retain it in our province. We regret to say that we cannot see our way to associate ourselves with our brethren in their demand for the continuance of communal representation.

We stand for pure Nationalism. In the end we beg to state that we accept the solution of the communal question as contained in the recommendation of the Nehru Committee, as we think under the present conditions there could be no better settlement among the various parties in the country.

8—STATEMENT MADE ON BEHALF OF STATES SUBJECTS CONFERENCE

We, the undersigned delegates representing the All India States Subjects Conference, Madras, desire to make the following statement with a view to clear our position before the Convention. Whether the political goal of India is complete Independence or Dominion Status, the relative merits of which are not relevant to our present purpose at this stage of the debate, it is patent now that the hesitation of the distinguished authors of the Nehru Report to tackle and suggest a solution of the Indian States Problem, in a manner satisfactory and acceptable to both

the Princes and peoples of their States, is due to the handicap which the authors of the Report would not have met with, if they had framed the constitution on the basis of Independence.

We feel that the Nehru Committee, labouring under such handicap, could not do otherwise than by ignoring the urgency of the people of the Indian States and failing to plan as earnestly and actively to secure the emancipation of the people of the States as to advance the cause of Swaraj in British India.

We notice that the aspirations of the people of the States for political freedom are so nobly expressed in the words of the Nehru Report "it is inconceivable that the people of the States who are fired by the same ambitions and aspirations as the people of British India, bound by the closest ties of family, race and religion to their brethren on the other side of an imaginary line, will never make common cause with them."

We also know that in their report the distinguished authors have ably met the arguments that are being advanced on behalf of the Princes with regard to their alleged legal position, vis-a-vis the Paramount Power, though we look in vain for a formula as can be availed of by the people of the States in their desire for freedom from the autocratic yoke of their Rulers.

The Executive Committee of our Conference considered the terms of reference to be followed by the Nehru Committee in the drafting of the provisions relating to the Indian States and criticising them as falling far behind the actual requirements that ought to form the basis of their recommendations, expressed its opinion that anything short of federation with Swaraj India on the lines suggested in their scheme of Swaraj for India, embracing Provinces and States, which they prepared and sent to the Nehru Committee, was neither acceptable to the people nor just to the Rulers.

We feel that that scheme represents correct position to be taken by the people of the Indian States with reference to the future relationship of the Indian States with the Central Government under Swaraj Constitution. We also desire to express our considered opinion that we are not convinced of the constitutional grounds which the distinguished authors have urged against their going beyond their present recommendations. No doubt they have expressed sympathy and are still expressing sympathy with our aims and aspirations. But what we wanted was and even now what we want is a closer understanding, more tangible sympathy, co-ordination of work and a really equitable declaration of ideals.

We finally desire to make it known that the present recommendations do not cover the fundamental requirements of our view-points, namely (1) the introduction and development of the system of responsible government, and (2) the inclusion of the Indian States in the All

India Constitution now under contemplation by the provision of an effective position therein to their representatives; so that the people of the States may be able to exercise their due share of power in the decision of all matters of common interest and grow in citizenship equally with their fellow countrymen in British India as members of a free India Nation.

Having regard to the composition and the other circumstances which we do not wish to enter into in any detail, we have decided not to take any part in moulding those recommendations; we shall neither move amendments nor vote on them. In our opinion the whole chapter is to be recast if it can be rendered satisfactory and acceptable to us, for which there exists little or no chance for reasons above stated.

#### 9—STATEMENT MADE ON BEHALF OF LINGUISTIC PROVINCES LEAGUES

We the undersigned, representing the main linguistic units of India and members of "The Linguistic Provinces League" wish to place before this Convention the following statement as regards the formation of Linguistic Provinces simultaneously with the establishment of the Commonwealth of India.

We are glad that the authors of the Nehru Report have recognised the principle of redistribution of the country on a Language basis. They have based the principle on the two considerations namely (1) Linguistic principle (page 62) and (2) Wishes of the people (page 63). But having done this, they have subjected to the operation of the principle for administrative convenience which according to them includes (1) geographical and economic resources and (2) financial stability.

Administrative convenience is a vicious condition which in fact, accounts for the existing heterogeneity of provinces and which is inimical to the principles of Nationalism. While, therefore, the Report embodies a final recommendation as regards Andhra and Karnatak, it is halting as regards Utkal and Kerala and the effacement of Central Provinces by the absorption of its component parts in the surrounding Hindusthani and Maharashtra areas. Apparently the Committee have been guided by what are supposed to be financial conditions. We submit that the claims of Nationalism are paramount, that justice cannot be done as has well been recognised in the report itself either for administration or education of a Province of polyglot areas, that the repercussions of such drawbacks upon the upbuilding of nationalism will be marked and that the principle of "one language-one Province" must be enforced under the constitution irrespective of any financial considerations.

We realise the responsibility involved in so uncompromising demand, our only justification is the uncompromising claims of Indian Nationalism.

Nor need we be anxious about financial stability, for the economic sources of a province newly carved receive intensive and exclusive attention from the Local Government and are not crowded out by the claims of the more influential tracts that have the ordering of things in their hand. Examples may be quoted in abundance to illustrate the point. The best proof of such accelerated development lies in Behar as pointed out by Lord Curzon himself in one of the two speeches in Parliament. Even if financial self-sufficiency may not be attained in the immediate future by such provinces, we hold that their maintenance should be a charge on the Central Revenue for a time and trust that the sister provinces which are better off will not grudge this temporary support to their poorer neighbours in the interests of harmonious development of the National Organism.

We therefore, demand that provision should be made in the Central Government for loans or subventions to such provinces on suitable conditions during the transitional period.

There is a much smaller problem to be referred to as regards the readjustment of boundaries of Assam and Bengal, Behar and Orissa, Central Provinces (Hindusthani), Kerala, and Karnataka, (vide Clause 72 sub-clause VI(d)). If as pointed above steps are taken immediately to constitute Orissa and Kerala separate Provinces and the Hindusthani and Maharashtra areas are transferred to continuous, sister areas then there remains only the resettlement of the boundaries of Assam and Bengal. We should have been gratified if it had been specifically said that in respect of this matter, Sylhet and Cachar should be transferred to Bengal. This had been before the government since 1874 and yet it has not been given effect to. The Assam Council has voted in favour of their transfer and the Bengal Council has likewise voted to take the transfer. The transference undoubtedly conduces to administrative convenience and involves the question neither of economic resources nor financial stability. And so far as the Orissa problem is concerned we think that after the publication of the financial statement issued by the Utkal All Parties Conference, the condition about financial self-sufficiency need not any longer be stressed.



## APPENDIX B

### BABU BHAGWAN DAS'S SPEECH

(Full Text)

*Mr. President and brother delegates:*

The Providence which guides the footsteps of the Indian people, induced them, in 1920, to adopt, and put into the Congress creed, *Swaraj* as their goal, and all legitimate and peaceful means as their method of reaching it. But it did not succeed in inducing them to adopt a clear and definite meaning also with that word. The result was that the false unity seemingly created by that mere word, empty of all meaning, was equally empty of all reality and substance, and shortly began to crumble rapidly to pieces. It was drowned in the bloodshed and consumed in the incendiaryism of communal riots and in the inkshed and invective of political controversies.

Then that Providence tried another plan. When the child will not drink the milk and turns a deaf ear to the good and sound reason that milk is wholesome and necessary for its health and strength, then the mother uses another reason, not so good: 'If you don't, your brother will do so and will become stronger and throw you down in wrestling.' And then the child eagerly drinks it up; but, in its overhaste now, spills all the cream. So the Providence that watches over India got a dead-white Commission appointed in England, to proudly decide the destinies of India, without any living warmth of sympathy for the Indian people in its heart, and without any touch of Eastern colour on its surface; and the same Providence also induced the ranting tongue of an exceedingly conceited and pugnacious State-Secretary in England to challenge the Indian leaders to agree among themselves on a constitution.

These indirect, ephemeral, adventitious reasons did in a few months what the real, permanent fundamental reasons had failed to do in nearly eight years. A fairly unanimous constitution has been drafted by the leaders of the parties amongst which the political and other uplift work of the country is divided; and incidentally, it has been proved that the unity brought about by the intellectual investment, with a clear meaning of the word *Swaraj*, is much more solid, stable, and extensive than that produced by simply emotional play with the mere empty word.

But, because of the defect in the motive, there is a very serious defect in the result. The most essential part of the meaning has been left out. There is a proverb in Hindustani about the marriage procession starting without the bridegroom. I pray this Convention not to leave out from the



constitution, framed with such praiseworthy self-restraint and self-sacrifice on all sides, for the sake of the interests of all sections of the people, and with such admirable ability and comprehensive consideration of many issues and many aspects—I pray the Convention most earnestly not to leave out that most essential part of the meaning of the word Swaraj.

An elected legislature, the making of laws by persons elected by the people—this is the essence of democratic self-government; and it is the heart of the Swaraj constitution recommended by the Nehru Committee; for the Legislature, the body which makes the laws by which the people's affairs are governed, is the central authority, the real sovereign power in the state; and legislation by the trusted of the people is desired because so only, it is naturally and rightly believed, will good and wise laws be made which will minister to the well-being of the people as a whole.

The welfare of a people depends wholly upon the excellence of the laws which govern their life. But good and wise laws can be made only by good and experienced and wise legislators. Obviously then, and I feel sure that every member of every school of political thought and of every political party, present here, will readily agree that the welfare of the people depends entirely upon the election of good and wise legislators.

I now invite the attention of this assembly to page 36 of the first report of the Committee. The following very noteworthy sentences occur there:—"It is notorious that even in highly democratic England . . . votes are given, not for matters of high policy or considerations that are really important, but for trivial matters or even sometimes most objectionable considerations which the exigencies of election time force to the front . . . men, who were to govern an empire, and influence largely world events, have been elected for reasons which make every intelligent person despair of democracy".

When I first read these sentences, great hopes were aroused in my heart. Surely, I thought, the Committee will provide against the visitation of India by similar despair, when they are introducing full democracy here. They will surely take a lesson from the case of England, and even more from the case of the United States of America, the overgrown daughter of England, the corruptness of whose elections and legislatures is notoriously far worse. They will see that India profits by the sad experience of those countries. They will make sure that India does not fall out of the frying pan into the fire. They will provide safeguards. So I thought. Our own, experience during the last few years' elections to the various elective bodies, of lower and higher grades, such as we happen to have in this country also points in the direction of the crying need for such safeguards.

I therefore eagerly and anxiously scanned the subsequent pages of the Report and the Recommendations, to discover the safeguards. I was

grievously disappointed. I have consulted friends possessed of greater experience in law and politics and constitution. They also said they had noticed those sentences and not found any safeguards.

I believe all present here will agree that the question is one of vital importance, viz., how to make sure, as far as humanly possible, that good and wise persons may be elected to the Legislature? This is the very crux of all political science and art. On the satisfactory solution of this problem of problems depends the whole future happiness of all sections of the people, of different types, different psycho-physical temperaments, different capacities, different vocations, different ages and stages and departments of life, of all creeds whatsoever.

I humbly but strongly believe that if, instead of spending the greater portion of our time, here in this Convention, in debating the sectarian designations and numerical proportions of our legislators-to-be, we had discussed, for even a tenth of that time, the head-quality and the heart-quality needed by them, if, instead of emphasising *communal* representation, we had tried to arrange for *functional* representation, we should have done far more useful work and achieved less precarious, more solid, stable, and permanent reconciliation.

It is a very difficult problem; all the more reason why we should grapple with it strenuously. It concerns the health of the root; all the other details of the recommendations, as of any other constitution, deal with the branches and leaves only. It has not been solved by the West, so far: all the more reason why the East should find the solution of it, by diving into the depths of her ancient soul and her traditions.

The spirit of Islam says, in politics,

"'Khuda-tars ra bar raaiyat gumar,

Ke memar-i-mulk ast parhez-gar'

i.e., depute the God-fearing, conscientious wise man to look after the affairs of the people, for the self-denying man builds up the State."

The spirit of Dharama says, over and over again, in the ancient books, that laws should be made by the good and wise, moral, intellectual, and spiritual leaders of the people.

That which, in the phrase of the Christianity founded by the Eastern Jesus, is the kingdom of heaven on earth, is, in the plain language of politics, the legislative rule of the virtuous and wise.

Let not India, fail, then, on this great occasion which has come to her, to lay the foundation of her Swaraj rightly, to make sure that her self-government shall be government by the wiser self of the people, her most experienced and most philanthropic sons, generation after generation. If the foundation is, laid wrongly now it will be very difficult to make corrections afterwards.

I therefore pray this Convention not to avoid this question because of

its difficulty—lest out of the more haste should come the less speed—but give it the most earnest attention, and not leave it till it had been mastered and a solution found.

The Deshabandhu, who gave his life and all for the helping of India, has left behind suggestions for the solution, in his Swaraj scheme. He had not only a patriotic, but also a deeply poetical and spiritual soul, which at times, had very true intuitions. His suggestions on this point are in accord with the ancient genius of the East. I believe in all of these. Yet, out of deference to the advice of senior friends who have counselled the omission of some points which, they thought, were more likely to arouse doubt and debate, I have included in the amendment which I am now going to propose, only some of those suggestions. By reducing the number I hope to increase the chance of their acceptance. Even if I fail to get them accepted, I will, by placing them before this assembly, have done my particular duty to our country, and to the Deshabandhu who, unhappily, is not with us today to plead for them far more effectively than I can, when the opportunity has come at last and the country is framing its own Swaraj Constitution. If India succeeds in solving this great problem, she will be not only laying the foundation of her own future welfare, truly, deeply, strongly, but will also be making a very great contribution towards the improvement of world politics and the general happiness of mankind.

Guided by the inspiration of Mahatma Gandhi—an inspiration drawn from the elements, deeply embedded in her soul, of *ahimsa* and *tapas*, *parhez* and *zohd*, non-violence and self-denial, which create will-power and soul-force—India has latterly been making important new contributions to world politics in respect of methods of political struggle. Let her now make a similar contribution, in respect of vital political principle, in the light of the intuition of the Deshabandhu—an intuition based on other more positive elements, similarly ingrained in India's genius, of *vidya* and *loka-hita* and *bhuta-daya*, *ilm* and *hubb-ul-insani*, wisdom and philanthropy, which are to soul-force as the end is to the means.

The amendment I will propose is very simple. It consists of some additions to sections 9 and 31 of the Recommendations, which are left utterly intact otherwise. These additions prescribe qualifications for the electees, the candidates for election.

Very much thought has been given, in the West, to the qualifications of the electors, in the history and practice of politics. But none has been given, so far as I am aware, to the special qualifications needed by the electees; though the work of making good laws is very delicate and very difficult, and requires much looking before and after, much knowledge of causes and effects; indeed the legislature should possess, between its members, the combined knowledge of all the best experts of the country, in all the main departments of the national life. The franchise has been extend-

ed still the qualification of the electors has been reduced to the mere possession of 21 years of age, in these Recommendations. But those specially needed by the person who is to become the law-maker, and which are of much greater import and consequence than the qualifications of the elector, have not been dealt with at all; by the wording of the Recommendations, unless my eyes have deceived me, he need not have reached even 21 years of age. The choosing of the persons who are to make the far-reaching laws which will make or mar the happiness of the country is left to the unguided discretion of a cast mass of people, who are not only not instructed rightly whom to choose, but are often deliberately misguided, with vast abuse of power and wealth, during the election days, to choose wrongly in a manner which corrupts the moral of the electors as well as the future legislators, creates lasting and bitter personal enmities, aggravates and perpetuates class-hatreds, and promotes vicious legislation.

To obviate this evil as far as is humanly possible and provide a safeguard against the creed despair portended in the Committee's Report I venture to propose the following amendment.

#### *The Amendment*

That the following clauses be added in sections 9 and 31 of the Recommendations, after the sentences ending with the words 'to vote' (clause 1): Every candidate for election shall be possessed of qualifications as below:—

- (a) He shall represent one or another of the following main functions of society, viz., (1) Science and Learning, or (2) Executive work, or (3) Production of wealth, i.e., Agriculture, Manufacturing Industries, Trade and Commerce, etc., or (4) Labour;
- (b) he shall have done good work in some walk of life and earned a reputation for uprightness and public spirit;
- (c) he shall have sufficient leisure for the work of the Legislature, and, preferably, but not necessarily, have retired from bread-winning or money-making business.

(Clause 2)—Canvassing, directly or indirectly, beyond the putting forth of a statement of the candidate's qualifications by his nominators, shall be regarded as a disqualification.

(Clause 3)—No member shall receive any cash remuneration for his work as such member, but all ex-officio expenses of travelling, housing, etc., shall be paid to every member out of the public funds, and special marks of honour shall be given to him."

I will not take up your time by trying to explain at length the reasons for these clauses. They are self-evident, in the light of such experience of elections and legislatures as the country possesses. Briefly, they are calculated to secure that all the four main natural classes and functions of

society, are duly represented; that the best and most experienced persons of each class go into the Legislature; and those who go in do so under conditions which make their work one, not of personal ambition for power or place or preference, or of profit or privilege or pastime, but of onerous and dutiful service of the public, for which the only recompense is public honour.

It may be mentioned here, for the consideration of our younger generation especially, who are naturally greatly influenced by that latest and largest experiment in practical politics, the Russian Republic, that Republic has instinctively become "The Workers', Soldiers' and Peasants' Soviet of Russia"; and that workers naturally sub-divide into brain-workers and muscle-workers; so that here too we have the very same four natural, psycho-physical classes and functions of society, under names, too, which are scarcely new. These may, in terms of Islamic culture, be called (1) the *Alim-s* (2) the *Amil-s*, (3) the *Tajir-s*, (4) the *Madadgar-s*. The Sanskrit names are too well known, and too much misinterpreted and misused now, to deserve mention.

I may endeavour here to forestall one objection—a very natural one: How will you make sure, who will make sure, that these qualifications are or are not possessed by any given person? How will this portion of the law be enforced? What will be the sanction? How will it be applied?

I submit that at least some of the clauses of the very important section 4, relating to Fundamental Rights, are open to similar objections. A constitution which is the root and source and basis of all future law is somewhat different from those laws. We need not try to make sure that each of its provisions is enforceable in the same way as ordinary laws. Even these are seldom completely enforceable. Crime exists despite penal codes. And, in any and every case, much has always to be left to the discretion and the honesty of those who have to carry out those laws. But a constitution is created by an agency, and in a manner, different from that by and in which laws proper are created. It is not an Act of Legislation but an Act of Self-Manifestation, an Act of the initial Self-creation of a State; or, in the words of some Western writers on political science, an Act of Revolution. It initially creates the very agency by which laws will be made, and also that by which they will be executed. In the case of provisions like those of the amendment, the executive agency will be the good sense of the electorate itself, as a whole, and not any particular salaried public servants and members of the executive. After all, the sanction of a constitution's provisions as a whole, is the intelligence and will-force of the people as whole. A constitution embodies the people's ideals of organised life. It is a great human document of moral culture even more than of legal maxims. It embodies the spiritual quality and aspirations of the people who frame and adopt and declare it. And spirituality and moral culture

are far more necessary, more valuable, more directly efficient for general human happiness than even the penal code.

Let us, then, embody in our constitution, this ideal of the ethical as well as the intellectual worthiness of the legislator, the final trustee and guardian of the people's happiness. At the very least, such embodiment will keep the ideal constantly before the electors. It will serve as a beacon light to guide them, and will most effectively give them the very quintessence of that political education which is most needed, and is also most readily assimilable, by the great bulk of the people, viz., how to choose rightly.

Gradually, the ideal will infiltrate into their hearts. They will instinctively begin to choose the right kind of representatives, who will be experienced in one or another of the sets of duties and functions of the four natural and inter-dependent estates of every civilised and prosperous realm, like the four natural and inter-dependent parts of the living human body, and who will also, at the same time, be selfless, public-spirited, philanthropic, and will, therefore, frame with anxious care, laws which will promote the welfare of all sections of the people.

And as physical supply follows physical demand in the domain of economics, so psychical supply will follow psychical demand in that of politics. More and more such persons, worthy to become legislators will be produced by the nation which wants them, wishes for them, steadily, in the depths of its soul.

The honoured president of this Convention referred, in his opening speech, to the great and most hopeful and very welcome fact, that a new generation is growing up, which is rightly, nobly, oblivious of communal differences, and is inspired by broad, liberal, humanitarian considerations only. For the bringing up of this new generation, the present older generation has waked nights and worried days; for its welfare it is still toiling, and yearning that it may be saved all necessary suffering. To keep off such unnecessary suffering from that beloved younger generation, the older generation may gladly suffer, from the more ardent-spirited sons of India, the charge even of cowardice, such as has been made during the second day's session of this Convention, when its conscience and understanding tell it that it is acting only with far-sighted prudence, and is refusing to be misled into error of judgment and of action by the provocations given by the common adversary of all parties. When the time for necessary suffering comes, the older generation, I have every trust, will go to meet it in advance of the younger. This younger generation, because of its admirable, noble-hearted, fresh human sympathies and aspirations, lays stress on certain ideals now associated in economics with socialism and communism, as contrasted with proprietary individualism, and, in politics, with independence as distinguished from Dominion Status.

I venture to say, on behalf of the older generation that it also holds the same ideals. As regards the economic ideal, section 4 of the Recommendations embodies them. Who does not wish that our State should be so constituted, and our society so thoughtfully and skilfully organised, that as far as is humanly possible, every human being included in it should have enough food, enough clothing, enough education, enough family life, enough work, and enough play? If there are any differences of opinion, they pertain only to measures and to the extent of possibilities. But if the ideal is possible to achieve at all, to any extent, it is so only by good and wise legislation, and that is possible only if we have good and wise legislators.

So, in respect of the Independence or Inter-dependence political ideal, who does not desire independence? Even animals desire it. Why shall not Indians? And, here, again, whatever difference there is between the older and the younger, is as regards extent of possibilities and the appropriate forms. Even in the West, writers on political science recognise that such a thing as complete and absolute independence is an absolute myth and an impossibility for even the biggest and strongest nation. The least little treaty which any such may enter into with the smallest and weakest of other nations puts limitations upon and subtracts from the independence of both, to some extent. And there is no nation, regarding itself as strong and independent and civilised, today, which has not treaty relations with others. What really makes our younger generation feel naturally and justly indignant against the very words "Dominion Status" and the very idea of retaining any connection at all with Britain, is the over bearing high-handedness of the British Government in India, its recent offensive and oppressive measures, full of gross ingratitude and disloyalty towards the Indian People, and the haughty and domineering arrogance embodied in the phrase 'The British Empire'. But once that name and that thing are changed into the friendly and benevolent Indo-British or British India Commonwealth, the provocation and the sting will disappear and the arrogance on the one side the indignation on the other will be replaced by brotherly sympathy and helpfulness on both; and all the constituent states together—none independent, but all equally inter-dependent—will steadily advance towards the ultimate ideal goal of mankind, and this and other Commonwealths and States will all merge into the World Federation. As the Commonwealth of States is a great advance upon the single state, so the League of Nations is a further expansion of and an advance upon the Commonwealth. And the European League of Nations, though so far working very unrighteously and malevolently towards the weaker non-European peoples, is yet a sign and a promise of the coming time, when all nations, of East and West alike, will join in one great League of all the nations of the earth for the promotion of the welfare of all good legisla-



tors.

Such considerations help to prove that complete independence is a mere empty fancy, and inter-dependence the real fact in nature; and that if we can secure equal inter-dependence, within a British-India or Indo-British Commonwealth, on equal table and honourable terms, by non-violent but determined pressure, we shall have gained all that is essentially desirable for our country, all that is most promotive of the highest and best political ideal of hummanity as a whole. And, obviously, such equal inter-dependence means elective legislation within the limits of India and relations which would be actually or practically treaty relations (also sanctioned by our constitution initially or by our Legislature later on) outside India.

Now such a political ideal, we may call it what we like, Independence or *Dominion Status*—I personally prefer the term *Equal Inter-dependence*—also requires good and wise laws, and these, again, in turn, require good and wise legislators.

This is the prime need, the vital requirement, the very heart and brain, of genuine self-government; considerations of relations with other peoples, nations, states, questions of whether the words, 'King', 'Governor-General', 'Governor' etc., should or should not be included in the descriptions of our legislatures in the constitution—these are, no doubt, very important, yet they come next after this prime need.

I therefore confidently appeal to all members of all parties gathered here, young as well as old, independent, self-dependent, or inter-dependent, Liberal as well as Radical, to express unanimously their approval of the ideas embodied in the amendment I have proposed, and to pass it, with such modifications of language as the experts among us may decide will express those ideas more fitly. I may also say that if any better and more practical and workable safeguards are suggested by anyone I will very gladly withdraw my amendment in favour of those. But some safeguards we ought to have.

I will conclude by saying that the prominent recognition and public proclamation of such an ideal of the worthy legislators by incorporation in the constitution will have an immediate practical value also.

It is, I believe, generally recognised that the last great forward movement of this country in its political struggle, known as the non-violent non-co-operation movement, has carried the country distinctly further than any previous effort; and that, if it has not achieved all that it should have achieved, the reason has been mainly the lack of discipline and organisation. I cannot help thinking that the main cause of this lack has been the fact that the ideal of Swaraj—as legislation by the higher Swa of the people, their best and wisest and most philanthropic select and elect—this true significance of the word has not been clearly announced



and not been kept constantly before the people's mind, and therefore not been acted on in the Congress organisation. Every one has been left to believe that Swaraj means the raj of every individual person, the right of every one to do just as he himself pleases. Such a false notion is the very parent of all indiscipline and dis-organisation, and all kinds of mischief. I believe that the enunciation, in the constitution, of the true ideal, will cause it to be acted on within the Congress and other political organisations. The person of recognised worthiness and experience of public spirit and wisdom, will be put in the position of leader, and will be trusted by all alike. Petty yet disastrous personal jealousies and quarrels between co-workers will be minimised. Communal narrowness will also be abated; for public spirit means non-sectarian spirit. And there will result trust and loyalty between colleagues, and between leaders and followers, and, as inevitable consequence, discipline and organisation.

These conditions being secured, when the time comes for the next great actively forward, yet non-violent, thrust of the combined armies of the allies, viz., the various political parties of the country, which are entering into a solemn and trustful alliance at this Convention, a forward movement which may will take the form of the establishment of a parallel Government, such as was referred to here the other day, by the venerable Dr. Annie Besant, as having been started by the Sinn Fein of what today is the Irish Free State—that the successful capture of that position of equal inter-dependence within the Indo-British Commonwealth which this Convention has decided to make its objective, will be sure.

With these words, I commend the amendment to your acceptance.

महर्षि पुस्तकालय  
National Library, Kodaikanal