

CHAPTER—X

AT THE BAR OF HISTORY

THE HOLY QUR-AN

Sura LI—ZARIYAT, or THE WINDS THAT SCATTER.

In the name of God, Most Gracious,
Most Merciful.

6. And verily JUDGMENT

AND JUSTICE must

Indeed come to pass.

بِسْمِ الرَّحْمَنِ الرَّحِيمِ
وَإِنَّ الدِّينَ لَوَاقِعٌ

*(The Holy Qur-an—Text, Translation and Commentary by
Abdullah Yusuf Ali)*

As I approach the end of this little work, and run my eyes down the pages, the principal personages who have appeared therein seem to float before **A Palace of Justice** my eyes. The scene seems to resemble a Palace of Justice. I seem to see a great open Book on the Seat of Judgment with the word "HISTORY" inscribed across it. I see in the dock some familiar faces. **Those in the Dock** I recognise the Mahatma, in his usual attire or lack of attire, with the present Congress Cabinet grouped behind him: I see Mr. Jinnah, in flowing robes with a head-gear which looks like a crown with the legend "PAKISTAN" woven thereon in emeralds: I see Mr. Savarkar, with sashes across his shoulders bearing the words "HINDUSTAN", "HINDUTVA", "HINDUHOOD", "HINDUDOM": I see a group in the rear row who, I am told, are the Indian Intelligentsia of the years 1939-43: in the dock I also recognise Mr. Churchill and Mr. Amery with two groups behind them who, I learn, are the British Community in India and the British Parliament and People of the above period.

The Charge—High Treason Against Humanity

I am told the persons in the dock had been arraigned for maintaining, aiding and abetting Slavery in India, for setting by the ears caste against caste, class against class, community against community, and for callous disregard of human suffering and sacrifice of human lives during the World War of 1939-43 amounting to High Treason against Humanity. I am told that the trial has been completed and the Recorder is about to read out the Indictments: and even as my informant is speaking to me, I seem to hear that functionary address the men in the dock in solemn tones:

As Humanity's Spokesman I Indict You

"Mr. Winston Churchill, Mr. Leopold Amery, the British Parliament and People, and the British Community in India, of the period 1939—43.

As the Spokesman of Humanity, I indict you, on the evidence recorded, that during the period 1939-43 when the British Empire was engaged in war against Nazism and Fascism, you plunged India into the conflict without her consent: that while you professed to fight for high principles as embodied in what was known as the Atlantic Charter, you declared that those principles did not apply to India: that when the Indians clamoured for Freedom, you assured them and the world that you were prepared to part with power and grant India Freedom the moment the Indians achieved internal unity: that at the same time you made it impossible for such unity being achieved by continuing to pursue the game of setting community against community: that as the Head of the British Government of the day you, Mr. Churchill, made yourself responsible for the statement that you had not become the First Minister of the King to preside over the liquidation of the British Empire, for which statement and its consequences your co-accused, through their silence amounting to acquiescence, must accept equal responsibility: that by your words and action and inaction, you allowed the Indians to nurse the belief that Great Britain had no intention to part with power: that thereby you became responsible for the continuance in India of an atmosphere of discontent and unrest resulting in the continued withholding by the Indians of full co-operation in the Empire's war effort: that thereby the war was prolonged to a material extent involving avoidable human suffering and avoidable loss of human life. As Humanity's Spokesman, I hereby indict you for bankruptcy of statesmanship, perpetuation of slavery, and for callous disregard of human suffering and loss of human life, amounting to wilful man-slaughter."

In the same solemn tones the Recorder goes on to address the other persons in the dock:

"Mahatma Mohandas Karamchand Gandbi, and the Members of the Indian National Congress Cabinet of the period 1939-43,

As the Spokesman of Humanity, I indict you, on the evidence recorded, that during the World War of 1939-43 you failed to give the right guidance to India: that you failed to recognise that by advising India to withhold full cooperation in the war effort you allowed the war to be prolonged, involving avoidable human suffering and avoidable loss of human life: that that suffering and that loss of life was directly traceable to you: that if the intentions of the British Government *vis-a-vis* the question of India's Freedom were not above suspicion, your insistence on their parting with power before intercommunal and political unity had been achieved in India was not calculated to help the Country to reach and win her goal: that you failed to realise that in a country where the major communities were not united, mass movements, such as, non-co-operation, satyagraha, civil disobedience, etc., were bound to fail of their object and to result in unnecessary human suffering: that your insistence on the democratic form of government with rule by majority led the Muslim minority to identify the Congress with the Hindu majority community: that the Congress governments in the Provinces during 1938-40, which were identified by the Muslims as the Hindu majority rule, which was indicted by the Muslims as anti-Muslim rule, pursued policies which exacerbated feelings between the two communities and led to further alienation between them resulting in the Muslims demanding separation from the Hindus through a partitioning of the Country into Muslim India and Hindu India: that this lack of unity, this antagonism, which found expression in this demand for separation, and which continued to gain strength, proved to be a powerful force operating

against the achievement of national unity, which in its turn operated as a powerful factor which, to the British Rulers, justified their withholding the grant of Freedom to India indefinitely till inter-communal unity was achieved: that you did nothing effective to break the vicious circle so formed: that your policies directly resulted in strengthening the ultra-communalistic organisations, the Muslim League and the Hindu Mahasabha, and giving a fillip to rank communalism in the Country: that by allowing yourselves and your organisation to become instrumental in the two communities getting further asunder, you helped in the continuance of the Country's bondage. As Humanity's Spokesman, I hereby indict you for mis-handling your instruments, misusing your opportunities, allowing false notions of prestige, pique, and other weaknesses, to supervene against the Country's interests, resorting to non-co-operation and civil disobedience after they had ceased to be in the Country's interests—a doubtful claim—thereby inflicting on the Country unnecessary and useless suffering, widening the gulf between the major communities: of short-sighted withholding of co-operation in the Country's war effort during the World War of 1939-43, thereby prolonging the war involving avoidable human suffering and avoidable loss of human life: I indict you for criminally perverse mentality, criminally perverse reasoning, criminal short-sightedness, resulting in continued bondage of India: for wanton disregard for human suffering and wanton man-slaughter during the above War."

"Mr. Mahomed Ali Jinnah and Mr. Vinayak Damodar Savarkar,

As the Spokesman of Humanity, I indict you, on the evidence recorded, that in developing the League and the Sabha into ultra-communalistic bodies you dealt a mortal blow to inter-communal unity in the Country: that by failing to unite, and by blindly pursuing your separationist ideals you effectively retarded the Country's Freedom: that thereby you allowed yourselves to become handy tools in the hands of your British Rulers: that through false notions of prestige and other weaknesses you allowed several opportunities to unite to slip from your hands, thereby betraying the trust reposed in you as leaders by your trusting followers: that in your approach to political problems you displayed a lamentable lack of statesmanship: that by your short-sighted policies which affected the Country's war effort in the World War of 1939-43 you made yourselves responsible for prolonging the war thereby causing unnecessary human suffering and avoidable loss of human life. As Humanity's Spokesman, I hereby indict you for mis-handling your instruments, mis-using your opportunities, for perverse blindness to the Country's interests, for failure to unite thereby retarding the Country's Freedom, for wilful prolongation of the war involving wanton suffering and wanton loss of life, amounting to wilful man-slaughter."

"The Indian Intelligentsia of the period 1939-43,

As the Spokesman of Humanity, I indict you, on the evidence recorded, that by thoughtlessly joining communalistic bodies like the Muslim League and the Hindu Mahasabha, you strengthened the hands of short-sighted communalistic leaders: that by refusing to think and judge for yourselves, you made yourselves equally responsible with your leaders for their ultra-communalistic policies and programmes, which frustrated all efforts at the achievement of inter-communal unity, and effectively retarded the Country's Freedom: that those of you who joined the Congress and unquestioningly followed the fatwas of its Leaders which were directly or indirectly responsible for widening the gulf between the Muslim and Hindu communities, were similarly responsible in an equal measure for effectively retarding this Country's Freedom: that if the Leaders' responsibility for this unhappy

result was great, your own responsibility in maintaining the Leaders in their position of leadership enabling them thereby to play havoc with the Country's fortunes was immeasurably greater: that you failed to appreciate your responsibilities, you failed to allow free play to your natural instinct of comradeship and to achieve unity between neighbours and between communities, and thereby directly contributed to prolonging your Country's serfdom: that every one of you, man and woman, who belonged to the Congress, the League, or the Sabha, who did not think and judge for yourself, but allowed yourself to be led by your leaders like sheep, the blind led by the blind, failed to contribute your due share towards evolving inter-communal harmony: that you failed to allow free play to your natural instinct of fellow-feeling for your comrades under arms during the World War of 1939-43 and failed to extend to them full co-operation in their fight for Civilization thereby making yourselves responsible for prolonging the war involving avoidable human suffering and avoidable loss of human life. As Humanity's Spokesman, I hereby indict you, men and women comprising the Intelligentsia of India of the period 1939-43, I indict you for failing to allow full and free expression to your natural instincts of comradeship and fellow-feeling, for allowing yourselves blindly to follow the lead of blind men, for your failure to live with your fellow humans like humans, for failure to co-operate in the Country's war effort during the war of 1939-43 by aiding and abetting your leaders in policies which involved wanton suffering and wanton man-slaughter, thereby failing grievously in your first and most obvious duty towards Humanity."

The Verdict of History—Guilty

As the several Indictments draw to a close. I see all eyes turned and all ears strained in the direction of the Seat of Judgment: and I hear the Judgment pronounced in solemn and fateful words

"YE WHO STAND ARRAIGNED AT THIS BAR OF HISTORY,
YE HAVE HEARD THE INDICTMENT OF HISTORY AGAINST
YE, KNOW YE THAT ON ALL COUNTS HISTORY FINDS
YE—'GUILTY'".

EPILOGUE

EPILOGUE

"In a famous passage on the American Colonies Burke points out that what binds men together is not facts and legal rights and guarantees, but ties of blood and country, of joys and sorrows commonly shared, of the invisible memories that time weaves into the fabric of a people's lives. These are chords that bind men together and ultimately sustain them.

Such invisible chords of blood and memory sustain us also. To millions of Indians all over the country, India, one and indivisible, is not just a geographical fact but an idea with subtle spiritual and emotional overtones. From the peak of Kanchanganga to the waves that lap the shores of Dhanuskoti, in every stone and river-bed, in every nook and corner where the spirit of man has impressed itself upon the spirit of nature, the Indian sees the stamp of his national heritage and hears the mysterious music of Hindustan. Hindus and Muslims alike have heard this music and caught its strain in imperishable verse and song. To the strains of that music we have to set our hearts and face the future with hope and confidence."*

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(KAM NEMOI ZAM—KUTHRA NEMO AYENI)

TO WHAT LAND SHALL I TURN?

WHITHER SHALL I GO? (a)

(Zarathushtra to Ahura Mazda—YASNA, 46, 1)

The war has enveloped Europe, spread to Africa, America and Asia, and come to our own doors. Human suffering, the toll of human lives, have reached staggering proportions. And, we are not in sight of the end yet!

Where does India stand?

So far as the war is concerned, this Country has become a vital base for supplies, an important arsenal, serving itself and other theatres of war. The India of which Mr. Amery spoke in the Commons on the 30th September 1942, the India "that is waging war", has continued to play its part in producing munitions and supplying recruits to the fighting forces.

The other India, the Political India,—where does it stand? The Congress is in jail: the Muslim League continues to non-co-operate in the war effort until Pakistan is conceded (b): the Hindu Mahasabha continues to oppose Pakistan: non-party leaders continue their efforts to bring about an understanding between the opposing forces, and continue to fail: communal differences persist—as pronounced as ever.

* "The Communal Triangle in India" by Mehta and Patwardhan, page 233.

(a) Translation by Dastur M. N. Dhalla.

(b) For the League's justification of its stand-out see the Working Committee Resolution dated Bombay 20th August 1942 (pp. 54-56 ante.).

What of the British Government ?

They continue to hold the balance even keeping the contesting parties together at arm's length apart, now talking of national homelands for the Muslims, now talking of the unity of the Country as a geographical whole: offering the while to transfer Power the moment the Country unitedly puts forward someone to take over Power !

The CARAVAN moves on:

displaying banners with strange devices!

for what destination is it bound?

where is the promised land?

when will it be reached?

The CARAVAN moves—

does it move on, or round and round the Vicious Circle now familiar to Indians as "Deadlock," "Stalemate"?

who will break the Circle?

While the Caravan moves on its unending rounds, round the Circle of Deadlock and Stalemate, the *full* complement of the Country's resources remains untapped through whatever causes, thereby lengthening the war by ever so short a period, involving the avoidable loss of hundreds of thousands of human lives—lives that could have been saved, lives that could yet be saved by hastening the end of the war by harnessing the *entire* resources of this Country with the willing co-operation of its entire manhood and womanhood.

With whom rests the responsibility for the loss of these precious lives?

Mr. Churchill has asserted he has not become His Majesty's First Minister to preside over the liquidation of the Empire! What is the Empire worth if it can be held together only at the cost of hundreds of thousands of human lives, including the lives of Britishers?

Our only Concern

The Indian Leaders are striving for India's Freedom, the Muslims are striving for a separate homeland. The Freedom they seek may come: even Pakistan may come: but these can come only when we have won the war. Whether the war is just or unjust, whether it is being fought to perpetuate British Imperialism or to liberate India, whether it was thrust upon India with or without her consent, are no longer the questions that count or matter. *We are in the war and we have got to win it.* This is our only concern now, and must remain our only concern till we have won the war.

What Moral Justification?

The war will be won, with our help, or without it—soon if we help wholeheartedly: every day of absence of full co-operation by the Muslims and the Hindus alike involves the prolongation of the agony and the loss of precious lives—young, promising lives snatched from their homes, from their near and dear ones, snatched in the bloom of youth, to face the bomb and the shell, to meet an untimely end, all because the whims, fads and dogmas, the prestige and pique of their Elders, of the Politicians, of the Communal and Party and non-Party

Leaders remain un-satisfied? What moral justification our Mahatmas, our Jinnahs, and our Savarkars have to stand by and cackle* away about what they conceive to be their rights while Indian blood continues to dye the battle-fields of the world? What positive and personal contribution have they made towards fighting and winning this war? Have they moved a muscle, except their tongue? Have they sent their kith and kin, their nearest and dearest, to join the Colours? Have they contributed a single pie to the war funds?

False Gods !

Yes, we have set up, and have been worshipping, False Gods! We believed they would bring us Unity and Freedom: these are as far away as ever: instead they have brought us Disunity, and the prospect of continued bondage under Foreign Rule. Through absence of full co-operation in the war effort of the Country, they have made themselves responsible for delaying the termination of the war: they have made themselves responsible for the prolongation of the agony of mankind all over the world at war: the blood of hundreds of thousands of young men, who must meet an untimely end on the battle-fields of all the continents, rests on these False Gods—our Mahatmas, our Jinnahs, our Savarkars, and on their unthinking followings. So will posterity judge them. A terrible responsibility rests on shoulders so ill-equipped to bear such a burden.

The war must and will be won, with the help of the working and the fighting India, even if without the full support of the political party organisations. If the end of the war finds these parties without a change in their attitude, our Rulers will be free to deal with them freed from the encumbrances of the war. Some things may happen: others may not happen: but, of one thing we may be sure—there will be no political advance. It will take more than non-co-operation to achieve Freedom—it will need Unity—both sides, all sides, will have to speak with one voice, to achieve Freedom for a United India, or even to achieve Pakistan.

Can the Hindus expect the British Government to help them to establish Home Rule in this Country with the Muslims as a permanent minority, in spite of Muslim opposition? Can the Muslims expect the British Government to help them to establish Pakistan in spite of the Hindu opposition?

The Muslims must realise

The Muslims must realise that they cannot get Pakistan from the British Government. If they are in earnest about Pakistan, it would be in their interest to seek and establish unity with the Hindus and secure the establishment of Self-Government in this Country with the help and co-operation of the Hindus. When this has been achieved, when joint self-government by Hindus and Muslims in a United India has been tried out and found wanting, a separation, a dissolution of the partnership, could be effected by mutual agreement without the intervention of a third party, without recourse to the arbitrament of the sword.

* I am sorry to have used this expression: I mean no disrespect to our revered Elders and Patriot-Leaders to whom I acknowledge, with the rest of my countrymen, the deepest debt of gratitude for their selfless services and sacrifices in the cause of the Country, and I would be the last person to wish to hurt their feelings: I, however, feel most strongly on the point, and have written this passage exactly as I have felt about it: I have felt I would have been less than honest with myself if I had attempted to suppress or camouflage the feelings surging within me. I ask my readers and my Elders to extend to me their indulgence and accept the sincerity of my feelings as an excuse for the warmth of this expression.

The Hindus must realise

The Hindus must realise that, as circumstances stand today, they cannot expect the Muslims to continue to remain in the position of a permanent minority. There need be no argument about it: right or wrong, Democracy or no Democracy, this position has got to be accepted. The only alternative to Pakistan would be the creation of a sense of *equality* among the Muslims by establishing an *equal partnership* between the two communities. What would the Hindus lose by joining such a partnership? Some loaves and fishes? What would be their gain? Our Arya Varata, our Punya Bhoomee, would be saved from dismemberment: more, it will have achieved Freedom, and Peace, and Strength—Freedom, and Peace, and Strength which only mutual Trust can beget.

What will the Muslims choose?

What will the Hindus choose?

Great as is the responsibility for all, for our Elders the choice is the more **The Choice for our Elders** difficult involving as it must do the sacrificing of power and prestige, the placing of the Country before Self: will they rise equal to the call?

If they fail, we may not blame them, crippled as they are by an unhappy heritage of generations.

Dare we have hope—in our YOUTH?

The glorious task of bringing Freedom, Peace and Strength to the Country will then devolve, undivided, on the Country's Youth. The Elders are here today, they will be here no more tomorrow. The India that we know belongs wholly to her Youth who are here today, and will be here tomorrow and the day after. The setting up of their house must be entirely their concern. Whether there shall be Freedom, Contentment, Peace and Strength in the household, or whether there shall be Strife, Bickering, Discontent, Disunity, and Weakness culminating in Disruption, must remain a matter for the Youth to decide for themselves. They have an advantage which is denied to the Elders; they are not encumbered with prejudices. They have vigour, they have vision and imagination: they are filled with an intense patriotism: they have an unbounded love for their Country. With all these advantages, will Youth succeed where the Elders have failed? Will Young India realise its DUTY, will it rise to the call of the hour? Will it realise Unity in the Country? Will it win FREEDOM for the Country? What is the answer to be?

Speak, Young India! Let your actions speak your answer. The world awaits your answer. SPEAK!

APPENDIX—I

THE LUCKNOW PACT

The following is the text of the Hindu-Muslim Concordat of Lucknow, 1916 as incorporated en bloc in the Montford Reforms:—(a)

The Congress-League Scheme—

- (a) That having regard to the fact that the great communities of India are the inheritors of ancient civilisations and have shown great capacity for government and administration, and to the progress in education and public spirit made by them during a century of British Rule, and further having regard to the fact that the present system of Government does not satisfy the legitimate aspirations of the people and has become unsuited to existing conditions and requirements, the Congress is of opinion that the time has come when His Majesty the King-Emperor should be pleased to issue a Proclamation announcing that it is the aim and intention of British policy to confer Self-Government on India at an early date.
- (b) That this Congress demands that a definite step should be taken towards Self-Government by granting the Reforms contained in the Scheme prepared by the All-India Congress Committee in concert with the Reform Committee appointed by the All-India Muslim League (detailed below).
- (c) That in the reconstruction of the Empire, India shall be lifted from the position of a dependency to that of an equal partner in the Empire with the Self-Governing Dominions.

REFORM SCHEME

I—Provincial Legislative Councils

1. Provincial Legislative Councils shall consist of four-fifths elected and of one-fifth nominated members.
2. Their strength shall be not less than 125 members in the major Provinces, and from 50 to 75 in the minor Provinces.
3. The members of Councils should be elected directly by the people on as broad a franchise as possible.
4. Adequate provision should be made for the representation of important minorities by election, and the Muslims should be represented through special electorates on the Provincial Legislative Councils in the following proportions :

Punjab	... One-half of the elected Indian Members.
United Provinces	... 30% " " " " "
Bengal	... 40% " " " " "
Bihar	... 25% " " " " "
Central Provinces	... 15% " " " " "
Madras	... 15% " " " " "
Bombay	... One-third " " " " "

(a) "THE HISTORY OF THE CONGRESS," by B. Pattabhi Sitaramayya, Pages 43-44, and Appendix II.

Provided that no Muslim shall participate in any of the other elections to the Imperial or Provincial Legislative Councils, save and except those by electorates representing special interests.

Provided further that no bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution.

5. The head of the Provincial Government should not be the President of the Legislative Council but the Council should have the right of electing its President.

6. The right of asking supplementary questions should not be restricted to the member putting the original question, but should be allowed to be exercised by any other member.

7. (a) Except customs, post, telegraph, mint, salt, opium, railways, army and navy, and tributes from Indian States, all other sources of revenue should be Provincial.

(b) There should be no divided heads of revenue. The Government of India should be provided with fixed contributions from the Provincial Governments, such fixed contributions being liable to revision when extraordinary and unforeseen contingencies render such revision necessary.

(c) The Provincial Council should have full authority to deal with all matters affecting the internal administration of the Province, including the power to raise loans, to impose and alter taxation and to vote on the Budget. All items of expenditure, and all proposals concerning ways and means for raising the necessary Revenue should be embodied in Bills and submitted to the Provincial Council for adoption.

(d) Resolutions on all matters within the purview of the Provincial Government should be allowed for discussion in accordance with rules made in that behalf by the Council itself.

(e) A resolution passed by the Provincial Legislative Council shall be binding on the Executive Government, unless vetoed by the Governor-in-Council, provided however that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

(f) A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

8. A special meeting of the Provincial Council may be summoned on a requisition by not less than one-eighth of the members.

9. A Bill, other than a Money Bill, may be introduced in Council in accordance with the rules made in that behalf by the Council itself, and the consent of the Government should not be required therefor.

10. All Bills passed by the Provincial Legislatures shall have to receive the assent of the Governor before they become Law, but may be vetoed by the Governor-General.

11. The term of office of the members shall be five years.

II—Provincial Governments

1. The head of every Provincial Government shall be a Governor who shall not ordinarily belong to the Indian Civil Service or any of the permanent services.

2. There shall be in every Province an Executive Council which, with the Governor, shall constitute the Executive Government of the Province.

3. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Councils.

4. Not less than one-half of the members of the Executive Council shall consist of Indians to be elected by the elected members of the Provincial Legislative Council.

5. The term of office of the members shall be five years.

III—Imperial Legislative Council

1. The strength of the Imperial Legislative Council shall be 150.

2. Four-fifths of the members shall be elected.

3. The franchise for the Imperial Legislative Council should be widened as far as possible on the lines of the electorates for Muslims for the Provincial Legislative Councils and the elected members of the Provincial Legislative Councils should also form an electorate for the return of members of the Imperial Legislative Council.

4. One-third of the Indian elected members should be Muslims elected by separate Muslim electorates in the several Provinces, in the proportion, as nearly as may be, in which they are represented on the Provincial Legislative Councils by separate Muslim electorates. (*Vide* provisos to section 1, clause 4).

5. The President of the Council shall be elected by the Council itself.

6. The right of asking supplementary questions shall not be restricted to the member putting the original question but should be allowed to be exercised by any other member.

7. A special meeting of the Council may be summoned on requisition by not less than one-eighth of the members.

8. A Bill, other than a Money Bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Executive Government should not be required therefor.

9. All Bills passed by the Council shall have to receive the assent of the Governor-General before they become law.

10. All financial proposals relating to sources of income and items of expenditure shall be embodied in Bills. Every such Bill and the Budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

11. The term of office of members shall be five years.

12. The matters mentioned herein below shall be exclusively under the control of the Imperial Legislative Council.

- (a) Matters in regard to which uniform legislation for the whole of India is desirable.
- (b) Provincial legislation in so far as it may affect inter-Provincial fiscal relations.
- (c) Questions affecting purely Imperial Revenue, excepting tributes from Indian States.
- (d) Questions affecting purely Imperial expenditure, except that no resolution of the Imperial Legislative Council shall be binding on the Governor-General-in-Council in respect of military charges for the defence of the country.
- (e) The right of revising Indian tariffs and customs duties, of imposing, altering, or removing any tax or cess, modifying the existing system of currency and banking, and granting any aids or bounties to any or all deserving and nascent industries of the country.
- (f) Resolutions on all matters relating to the administration of the country as a whole,

13. A resolution passed by the Legislative Council should be binding on the Executive Government, unless vetoed by the Governor-General in Council; provided however that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

14. A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance if supported by not less than one-eighth of the members present.

15. When the Crown chooses to exercise its power of veto in regard to a Bill passed by the Provincial Legislative Council or by the Imperial Legislative Council, it should be exercised within twelve months from the date on which it is passed, and the Bill shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned.

16. The Imperial Legislative Council shall have no power to interfere with the Government of India's direction of the military affairs and the foreign and political relations of India, including the declaration of war, the making of peace and the entering into treaties.

IV—The Government of India

1. The Governor-General of India will be the head of the Government of India.

2. He will have an Executive Council, half of whom shall be Indians.

3. The Indian members should be elected by the elected members of the Imperial Legislative Council.

4. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Council of the Governor-General.

5. The power of making all appointments in the Imperial Civil Services shall vest in the Government of India, as constituted under this scheme, due regard being paid to existing interests, subject to any laws that may be made by the Imperial Legislative Council.

6. The Government of India shall not ordinarily interfere in the local affairs of a Province, and powers not specifically given to a Provincial Government shall be deemed to be vested in the former. The authority of the Government of India will ordinarily be limited to general supervision and superintendence over the Provincial Governments.

7. In the legislative and administrative matters the Government of India, as constituted under this scheme, shall, as far as possible, be independent of the Secretary of State.

8. A system of independent audit of the accounts of the Government of India should be instituted.

V—The Secretary of State in Council

1. The Council of the Secretary of State for India should be abolished.

2. The salary of the Secretary of State should be placed on the British Estimates.

3. The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India, as the Secretary of State for the Colonies does in relation to the Governments of the Self-Governing Dominions.

4. The Secretary of State for India should be assisted by two Permanent Under Secretaries, one of whom should always be an Indian.

VI—India and the Empire

1. In any Council or other body which may be constituted or convened for the settlement or control of Imperial affairs, India shall be adequately represented in like manner with the Dominions and with equal rights.

2. Indians should be placed on a footing of equality in respect of status and rights of citizenship with other subjects of His Majesty the King throughout the Empire.

VII—Military and other Matters

1. The military and naval services of His Majesty, both in their commissioned and non-commissioned ranks, should be thrown open to Indians and adequate provision should be made for their selection, training and instruction in India.

2. Indians should be allowed to enlist as volunteers.

3. Executive Officers in India shall have no judicial powers entrusted to them, and the judiciary in every Province shall be placed under the highest Court of that Province.

APPENDIX—II

THE COMMUNAL AWARD. THE SUPPLEMENTARY COMMUNAL AWARD. THE POONA PACT.

The Communal Award (a)

In the statement made by the Prime Minister on 1st December last (1931) on behalf of His Majesty's Government at the close of the second session of the Round Table Conference, which was immediately afterwards endorsed by both Houses of Parliament, it was made plain that if the communities in India were unable to reach a settlement acceptable to all parties on the communal questions which the Conference had failed to solve, His Majesty's Government were determined that India's constitutional advance should not on that account be frustrated, and that they would remove this obstacle by devising and applying themselves a provisional scheme.

2. On the 19th March last His Majesty's Government, having been informed that the continued failure of the communities to reach agreement was blocking the progress of the plans for the framing of a new Constitution, stated that they were engaged upon a careful re-examination of the difficult and controversial questions which arise. They are now satisfied that without a decision of at least some aspects of the problems connected with the position of minorities under the new Constitution, no further progress can be made with the framing of the Constitution.

3. His Majesty's Government have accordingly decided that they will include provisions to give effect to the scheme set out below in the proposals relating to the Indian Constitution to be laid in due course before Parliament. The scope of this scheme is purposely confined to the arrangements to be made for the representation of the British Indian communities in the Provincial Legislatures, consideration of representation in the Legislature at the Centre being deferred for the reason given in paragraph 20 below. The decision to limit the scope of the scheme implies no failure to realise that the framing of the Constitution will necessitate the decision of a number of other problems of great importance to minorities, but has been taken in the hope that once a pronouncement has been made upon the basic questions of method and proportions of representation the communities themselves may find it possible to arrive at a *modus vivendi* on other communal problems, which have not as yet received the examination they require.

4. His Majesty's Government wish it to be most clearly understood that they themselves can be no parties to any negotiations which may be initiated with a view to the revision of their decision, and will not be prepared to give consideration to any representation aimed at securing the modification of it which is not supported by all the parties affected. But they are most desirous to close no door to an agreed settlement should such happily be forthcoming. If, therefore, before a new Government of India Act has passed into law, they are satisfied that the communities who are concerned are mutually agreed upon a practicable

(a) This extract has been taken from "THOUGHTS ON PAKISTAN" by Dr. B. R. Ambedkar, pages 366-72.
Parliamentary Paper Command 4147 of 1932.

alternative scheme, either in respect of any one or more of the Governors' Provinces or in respect of the whole of the British India, they will be prepared to recommend to Parliament that that alternative should be substituted for the provisions now outlined.

5. Seats in the Legislative Councils in the Governor Provinces, or in the Lower House if there is an Upper Chamber, will be allocated as shown in the annexed table.

6. Election to the seats allotted to Muhammadan, European and Sikh constituencies will be by voters voting in separate communal electorates covering between them the whole area of the Province (apart from any portions which may in special cases be excluded from the electoral area as 'backward').

Provision will be made in the Constitution itself to empower a revision of this electoral arrangement (and the other similar arrangements mentioned below) after 10 years with the assent of the communities affected, for the ascertainment of which suitable means will be devised.

7. All qualified electors, who are not voters either in a Muhammadan, Sikh, Indian Christian (see paragraph 10 below), Anglo-Indian (see paragraph 11 below) or European constituency, will be entitled to vote in general constituency.

8. Seven seats will be reserved for Mahrattas in certain selected plural member general constituencies in Bombay.

9. Members of the 'depressed-classes' qualified to vote will vote in a general constituency. In view of the fact that for a considerable period these classes would be unlikely, by this means alone, to secure any adequate representation in the Legislature, a number of special seats will be assigned to them as shown in the table. These seats will be filled by election from special constituencies in which only members of the 'depressed-classes' electorally qualified will be entitled to vote. Any person voting in such a special constituency will, as stated above, be also entitled to vote in a general constituency. It is intended that these constituencies should be formed in selected areas where the depressed-classes are most numerous, and that, except in Madras, they should not cover the whole area of the Province.

In Bengal it seems possible that in some general constituencies a majority of voters will belong to the Depressed-Classes. Accordingly, pending further investigation, no number has been fixed for the members to be returned for the special Depressed-Class constituencies in that Province. It is intended to secure that the Depressed-Classes should obtain not less than 10 seats in the Bengal Legislature.

The precise definition in each Province of those who (if electorally qualified) will be entitled to vote in the special Depressed-Class constituencies has not yet been finally determined. It will be based as a rule on the general principles advocated in the Franchise Committee's Report. Modification may, however, be found necessary in some Provinces in Northern India where the application of the general criteria of untouchability might result in a definition unsuitable in some respects to the special conditions of the Province.

His Majesty's Government do not consider that these special Depressed-Classes constituencies will be required for more than limited time. They intend that the Constitution shall provide that they shall come to an end after 20 years if they have not previously been abolished under the general powers of electoral revision referred to in paragraph 6.

10. Election to the seats allotted to Indian Christians will be by voters voting in separate communal electorates. It seems almost certain that practical difficulties will, expect possibly in Madras, prevent the formation of Indian Christian constituencies covering the whole area of the Province, and that accordingly special Indian Christian constituencies will have to be formed only in one or two selected areas in the Province. Indian Christian voters in these areas will not vote in a general constituency. Indian Christian voters outside these areas will vote in a general constituency.

Special arrangements may be needed in Bihar and Orissa, where a considerable proportion of the Indian Christian community belong to the aboriginal tribes.

11. Election to the seats allotted to Anglo-Indians will be by voters voting in separate communal electorates. It is at present intended, subject to investigation of any practical difficulties that may arise, that the Anglo-Indian constituencies shall cover the whole area of each Province a postal ballot being employed ; but no final decision has yet been reached.

12. The method of filling the seats assigned for representatives from backward areas is still under investigation, and the number of seats so assigned should be regarded as provisional pending a final decision as to the constitutional arrangements to be made in relation to such areas.

13. His Majesty's Government attach great importance to securing that the new Legislatures should contain at least a small number of women members. They feel that at the outset this object could not be achieved without creating a certain number of seats specially allotted to women. They also feel that it is essential that women members should not be drawn disproportionately from one community. They have been unable to find any system which would avoid this risk, and would be consistent with the rest of the scheme for representation which they have found it necessary to adopt except that of limiting the electorate for each special women's seat to voters from one community. The special women's seats have accordingly been specifically divided, as shown in the table, between the various communities. The precise electoral machinery to be employed in these special constituencies is still under consideration.

14. The seats allotted to 'Labour' will be filled from non-communal constituencies. The electoral arrangements have still to be determined, but it is likely that in most Provinces the Labour constituencies will be partly trade union and partly special constituencies as recommended by the Franchise Committee.

15. The special seats allotted to Commerce and Industry, Mining and Planting will be filled by election through Chambers of Commerce and various Associations. The details of the electoral arrangements for these seats must await further investigation.

16. The special seats allotted to Landholders will be filled by election by special Landholders' constituencies.

17. The method to be employed for election to the University seats is still under consideration.

18. His Majesty's Government have found it impossible in determining these questions of representation in the Provincial Legislatures to avoid entering into considerable detail. There remains, nevertheless, the determination of the constituencies. They intend that this task should be undertaken in India as early as possible.

It is possible that in some instances delimitation of constituencies might be materially improved by slight variations from the numbers of seats now given. His Majesty's Government reserve the right to make such slight variations, for such purpose, provided that they would not materially affect the essential balance between communities. No such variations will, however, be made in the case of Bengal and Punjab.

19. The question of the composition of Second Chambers in the Provinces has so far received comparatively little attention in the constitutional discussions and requires further consideration before a decision is reached as to which Province shall have a Second Chamber or a scheme is drawn up for their composition.

His Majesty's Government consider that the composition of the Upper House in a Province should be such as not to disturb in any essential the balance between the communities resulting from the composition of the Lower House.

20. His Majesty's Government do not propose at present to enter into the question of the size and composition of the Legislature at the Centre since this involves among other questions that of representation of the Indian States which still needs further discussion. They will, of course, when considering the composition, pay full regard to the claims of all communities for adequate representation therein.

21. His Majesty's Government have already accepted the principle that Sind should be constituted a separate Province, if satisfactory means of financing it can be found. As the financial problems involved still have to be reviewed in connection with other problems of federal finance, His Majesty's Government have thought it preferable to include, at this stage, figures for a Legislature for the existing Province of Bombay, in addition to the scheme for separate Legislatures for Bombay Presidency proper and Sind.

22. The figures given for Bihar and Orissa relate to the existing Province. The question of constituting a separate Province of Orissa is still under investigation.

23. The inclusion in the table of figures relating to a Legislature for the Central Provinces including Berar does not imply that any decision has yet been reached regarding the future constitutional position of Berar.

London,

4th August 1932.

Supplementary Communal Award (a)

"Then there was the question of the representation of communities in the Centre, particularly of the Muslim community. There, I think, I can say, definitely—I think I have said it indirectly very often before—that the Government consider that the Moslem community should have a representation 33 1/3 per cent. in the Federal Centre. As far as Indian India is concerned that must be a matter for arrangement between the communities affected and the princes, but, so far as the British Government has any part in the question we will, at any time, give our good offices to making it as easy as possible for the arrangement between those parties with regard to the future allocation of seats."

- (a) The Communal Award of His Majesty's Government did not give any decision regarding the Muslim claim for 33 1/3 per cent. representation in the Central Government. The decision of His Majesty's Government on this claim was announced by the Secretary of State for India on 24th December, 1932 in the course of his statement to the Third Round Table Conference.

The Poona Pact. (a) — Signed on 25th September, 1932.

(1) *There shall be seats reserved for the Depressed Classes out of the general electorate seats in the Provincial Legislatures as follows:—*

Madras 30: Bombay with Sind 15: Punjab 8: Bihar and Orissa 18:
Central Provinces 20: Assam 7: Bengal 30: United Provinces 20:
Total 148.

These figures are based on the total strength of the Provincial Councils, announced in the Prime Minister's decision.

(2) Election to these seats shall be by joint electorates subject, however, to the following procedure:

All the members of the Depressed Classes registered in the general electoral roll in a constituency will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats, by the method of the single vote; the four persons getting the highest number of votes in such primary election, shall be candidates for election by the general electorate.

(3) Representation of the Depressed Classes in the Central Legislature shall likewise be on the principle of joint electorates and reserved seats by the method of primary election in the manner provided for in Clause two above for their representation in the Provincial Legislatures.

(4) In the Central Legislatures, eighteen per cent. of the seats allotted to the general electorate for British India in the said Legislature shall be reserved for the Depressed Classes.

(5) The system of primary election to a panel of candidates for election to the Central and Provincial Legislatures, as hereinbefore mentioned, shall come to an end after the first ten years, unless terminated sooner by mutual agreement under the provision of Clause six below.

(6) The system of representation of Depressed Classes by reserved seats in the Provincial and Central Legislatures as provided for in Clauses 1 and 4 shall continue until determined by mutual agreement between the communities concerned in the settlement.

(7) Franchise for the Central and Provincial Legislatures for the Depressed Classes shall be as indicated in the Lothian Committee Report.

(8) There shall be no disabilities attaching to any one on the ground of his being a member of the Depressed Classes in regard to any elections to local bodies or appointment to the Public Services. Every endeavour shall be made to secure fair representation of the Depressed Classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Services.

(9) In every province out of the educational grant, an adequate sum shall be earmarked for providing educational facilities to the members of the Depressed Classes.

(a) This extract has been taken from "THOUGHTS ON PAKISTAN," by Dr. B. R. Ambedkar, pages 374-5.

COMMUNAL AWARD of Mr. Ramsay MacDonald, 1933**Grounds of Opposition—Hindu Mahasabha. (a)**

The Session of the Mahasabha held in 1932 at Delhi was of particular importance to the Hindu community in that it condemned the Communal Award on the following grounds:—

- (1) That it maintains and extends the scope of separate communal electorates against all canons of democratic, responsible and representative Government which the British Government are pledged to establish in Hindustan:
- (2) That it belies the Prime Minister's own declaration in the House of Commons on January 19, 1931, emphatically condemning communal electorates and weightages in representation as they leave no room for national political organisations or parties:
- (3) That it flouts the unanimous opinion of the vast Hindu community, of the Sikhs, of important sections of Muslims, Christians, and Depressed Classes, and also of the women of India in favour of joint electorates:
- (4) That it practically forces separate communal electorates on unwilling Hindu minorities in the Punjab and Bengal:
- (5) That it even extends separate electorates to women against their agreed demands to the contrary:
- (6) That in the name of protection of minorities it has only granted protection to Muslims whether they form majority or minority, while not only no protection has been granted to Hindu minorities, but they have been even deprived of a part of their representation which they are entitled to on the basis of their proportion in population:
- (7) That it provides for differential treatment of minorities favouring Muslim and European minorities in that
 - (i) it adds an artificial and arbitrary weightage to the representation of Muslim minorities;
 - (ii) it reduces the representation of the Hindu minorities of Bengal and Punjab below what they are entitled to on the basis of their proportion to the population;
 - (iii) it denies to the Sikhs the weightage in representation which it grants to Muslim minorities under similar conditions;
 - (iv) it grants to European and Anglo-Indian minorities a weightage of representation which is grossly out of proportion to their strength in population; and
 - (v) it reduces the representation of the Hindu Minorities of Bengal and the Punjab to what is flagrantly out of proportion to their contributions to taxation and to the culture, charitable benefactions and general progress of their respective provinces.

- (8) That it destroys the communal equipoise of the Lucknow Pact which was an agreed solution of the communal problem and which was endorsed even by the Simon Commission in the absence of any other agreed solution:
- (9) That the communal decision is not an award of an arbitrator to which the parties concerned are committed, but it is the decision of the British Government:
- (10) That the contention that an agreed Indian solution of the communal problem is not forthcoming is unwarrantable in as much as the problem was, at its origin, the creation of the Government itself:
- (11) That its solution has been obstructed by conditions created by Government such as the publication of the Government of India's despatch on Simon Commission practically conceding in advance almost all the demands of the Muslims and by the exclusion of nationalist Muslims from the Round Table Conference.

The Mahasabha's resolution embodying the above Grounds concluded as under:—

"Therefore, as circumstances favourable to an agreed solution do not exist the Hindus Mahasabha, in accordance with its previous resolutions, recommends that the communal problem of Hindustan be settled, on an all-India basis, on the lines of the International Communal Award as embodied in Minorities' Guarantee Treaties to which his Majesty's Government and the Government of India are already committed as parties and signatories, and which now form part of the public law of Europe and of the world, guaranteeing to minorities full protection, linguistic, cultural, educational and religious, but not through separate communal electorates.

The Hindu Mahasabha invites all other communities to stand for this International Communal Award formulated by the highest Arbitral Body of the world as their agreed solution of the communal problem."

The following resolution moved by Pandit Madan Mohan Malaviya was adopted by the Anti-Communal Award Conference held at New Delhi on the 23rd February 1935 presided over by Mr. C. Y. Chintamani:—

"Resolved that this second session of the All-India Anti-Communal Award Conference condemns without reservation or qualification the so-called Communal Award as being grossly unjust (to the Hindus and the Sikhs particularly) as making for increased communal discord, as being anti-national and undemocratic, and as rendering it very difficult for the legislatures to function on non-communal lines for the amelioration of the condition of the people as a whole as well as because it will have the effect of strengthening British domination over India." (a)

The following resolutions were adopted at the Communal Award Conference held at New Delhi on 24th March 1935 presided over by the Nawab of Dacca:—

- (1) This Conference is of opinion that the Award falls short of legitimate demands of Indian Muslims but in view of the fact that there is no better agreed scheme before the country, the Muslim Community is determined to accept and work it as far as it goes and so long as there is no other agreed settlement of communal problem.

- (2) This Conference strongly protests against the unjust, hostile and unreasonable attitude of a section of British politicians, fortunately small, towards the legitimate political safeguards demanded by Indian Muslims. It further opines that such expression of anti-Muslim feelings will exasperate the Muslims, imperil the trust of Muslims in British statesmanship, and hamper the growth of genuine Indian unity and political settlement.
- (3) (a) The Conference condemns in strongest terms the activities of the sponsors of Anti-Award movement, a movement which is calculated to create bitterness among the communities and would result in a setback of the political progress of the country:
- (b) this Conference particularly deplors the holding of Anti-Award Conference in Delhi and the decision to send a deputation to London headed by Pundit Malaviya to agitate against the Award and hereby requests Messrs. Jinnah, K. L. Gauba and other responsible Muslim leaders of India who happen to be in England this summer to do all in their power to counteract and expose the mischievous propaganda." (a)

The following resolutions were adopted by the All Bengal Depressed Classes Conference held at Jhendah (Jessore) on the 19/20th May, 1935 under the Presidentship of Si. Rajani Kanta Das of Dacca:—

- (1)
- (2) This Conference is definitely of opinion that the British Premier's Communal Award is anti-national, undemocratic and fraught with dangerous consequences, being primarily intended to consolidate British Imperialism in India upon the vivisection of our body politic, this Conference therefore rejects the Communal Award in all its aspects, and urges the launching of a country-wide campaign against the Award with a view to its replacement by a system of representation on the basis of joint electorate with adult franchise, which is the *sine qua non* for the growth of a free and democratic India.
- (3) In view of the unnecessary cost involved in the double system of election inherent in the Poona Pact, this Conference proposes that a Committee consisting of the following persons, with power to co-opt, may re-consider the provisions of the Poona Pact with a view to arrive at a satisfactory agreed settlement between the parties concerned. The Committee is hereby desired to announce their decision within two months and take the necessary steps for its acceptance by the authorities." (b)

The following resolution was adopted by the All-India Hindu Mahasabha at Cawnpore on the 21st April, 1935 under the Presidentship of the Revd. Ottama Bhikku:—

"The Hindu Mahasabha reiterates its complete condemnation of the communal 'award' decision of His Majesty's Government, as it is anti-national and glaringly unjust, particularly to Hindus and Sikhs, and declares its determination to carry on a campaign against the said communal decision until it is replaced by more equitable solution." (c)

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- (a) THE INDIAN ANNUAL REGISTER, 1935, Vol. I, page 328.
- (b) " " " " " " " " 345.
- (c) " " " " " " " " 333.

Resolution No. IX adopted by the All-India Hindu Mahasabha at their sessions in 1938:—

“The Hindu Mahasabha reiterates its condemnation of the Communal Award as it is grossly unjust to Hindus, anti-national and undemocratic in character and as it makes the growth of responsible government in India absolutely impossible.

The Mahasabha refusing as it does to look upon the Communal Award as a dead issue, calls upon the Hindus to carry on persistent agitation against it, both here and abroad, until it is replaced by a system of really National Representation.” (a)

Extract from the presidential address of Sir Bijoy Prasad Singh Roy, ex-Minister, Government of Bengal, at the annual sessions of the National Liberal Federation of India at Madras on the 26th December, 1941:—

“The Communal Award strikes at the basis of citizenship. Rights of citizenship are derived from the fact that citizens are members of society. The scheme of the Communal Award is strung on a different note: the common life is subordinated to the communal life: the social well-being is sacrificed to group interests.....The method of representation is to be judged by the test if the free will of the citizens is reflected in the legislature....” (b)

(a) THE INDIAN ANNUAL REGISTER, 1938, Vol. II, page 338.

(b) “ “ “ “ 1941, “ “ “ 252.

TABLE OF SEATS
PROVINCIAL LEGISLATIVE ASSEMBLIES (under the Government of India Act, 1935).

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Province.	Total Seats.	General Seats.		Seats for representatives of back-ward areas and tribes.	Sikh Seats.	Muhammadian Seats.	Anglo-Indian Seats.	European Seats.	Indian Christian Seats.	Seats for representatives of commerce, industry, mining and planting.	Landholders Seats.	University Seats.	Seats for representatives of labour.	General.	Sikh.	Muhammadian.	Anglo-Indian.	Indian Christian.
Madras	215	146	30	1	--	28	2	3	8	6	6	1	6	6	--	1	--	1
Bombay	175	114	15	1	--	29	2	3	3	7	2	1	7	5	--	1	--	--
Bengal	250	78	30	--	--	117	3	11	2	19	5	2	8	2	--	2	1	--
United Provinces	228	140	20	--	--	64	1	2	2	3	6	1	3	4	--	2	--	--
Punjab	175	42	8	--	31	84	1	1	2	1	5	1	3	1	1	2	--	--
Bihar	152	86	15	7	--	39	1	2	1	4	4	1	3	3	--	1	--	--
Central Provinces and Berar.	112	84	20	1	--	14	1	1	--	2	3	1	2	3	--	--	--	--
Assam	108	47	7	9	--	34	--	1	1	11	--	--	4	1	--	--	--	--
North-West Frontier Province.	50	9	--	--	3	36	--	--	--	--	2	--	--	--	--	--	--	--
Orissa	60	44	6	5	--	4	--	--	1	1	2	--	1	2	--	--	--	--
Sind	60	18	--	--	--	33	--	2	--	2	2	--	1	1	--	1	--	--

In Bombay seven of the general seats are reserved for Marathas.

In the Punjab one of the Landholders' seats is filled by a Tumandar.

In Assam and Orissa the seats reserved for women are non-communal seats.

TABLE OF SEATS

THE FEDERAL ASSEMBLY (as provided in the Government of India Act, 1935).

1	2	3	4	5	6	7	8	9	10	11	12	13
Province.	Total Seats.	General Seats:—		Sikh Seats.	Muham- madan Seats	Anglo- Indian Seats.	Euro- pean Seats.	Indian Chris- tian Seats.	Seats for repre- sentatives of commerce and industry.	Land- holders Seats.	Seats for repre- sentatives of labour.	Women's Seats.
		Total of General Seats.	General seats reserved for Sched- uled castes.									
Madras	37	19	4	--	8	1	1	2	2	1	1	2
Bombay	30	13	2	--	6	1	1	1	3	1	2	2
Bengal	37	10	3	--	17	1	1	1	3	1	2	1
United Provinces	37	19	3	--	12	1	1	1	--	1	1	1
Punjab	30	6	1	6	14	--	1	1	--	1	--	1
Bihar	30	16	2	--	9	--	1	1	--	1	1	1
Central Provinces and Berar	15	9	2	--	3	--	--	--	--	1	1	1
Assam	10	4	1	--	3	--	1	1	--	--	1	--
North-West Frontier Province	5	1	--	--	4	--	--	--	--	--	--	--
Orissa	5	4	1	--	1	--	--	--	--	--	--	--
Sind	5	1	--	--	3	--	1	--	--	--	--	--
British Baluchistan	1	--	--	--	1	--	--	--	--	--	--	--
Delhi	2	1	--	--	1	--	--	--	--	--	--	--
Ajmer-Merwara	1	1	--	--	--	--	--	--	--	--	--	--
Coorg	1	1	--	--	--	--	--	--	--	--	--	--
Non-Provincial Seats	4	--	--	--	--	--	--	--	3	--	1	--
Totals	250	105	19	6	82	4	8	8	11	7	10	9

COMPARATIVE STATEMENT OF PERCENTAGE OF MUSLIM SEATS TO THE TOTAL ELECTED MEMBERS

Legislatures.	1909 (Morley- Minto Reforms)	1915 (Lucknow Pact)	1919 (Montford Reforms)	1935 (Ramsay Macdonalds Communal Award).	
Bihar	(a) 19	(a) 25	25	26	(a) This also included Orissa which then with Bihar formed a single province.
Bombay	(b) 19	(b) 33 1/3	35	17	(b) Sind which then with Bombay formed a single province.
Central Provinces ..	19	15	13	13	
Madras	19	15	14	13	
United Provinces ..	19	30	30	28	
Orissa .. .. .	..	..	..	7	In 1936 Mr. Jinnah demanded a 50% share in the governance of the Country.
Assam	18	..	35.5	32	In 1940 the above demand was replaced by that for setting up Independent States in areas in which Muslims are in a majority.
Bengal	18	40	40.5	47	
Punjab	19	50	48.5	48	
North West Frontier Province .. .. .	..	..	..	72	The figures in this Table have been taken from "THE COMMUNAL TRIANGLE IN INDIA" by Ashoka Mehta and Achyut Patwardhan, (pp. 34, 106, 108).
Sind .. .. .	..	..	..	55	

APPENDIX—III

COMMUNAL REPRESENTATION ON LEGISLATURES AND IN SERVICES.

COMMUNAL REPRESENTATION IN SERVICES.

Government of India Resolution—Establishments—No. F. 14/17-B/33, dated the 4th July, 1934, published in the Gazette of India, part I, dated the 7th July, 1934. (a)

Section I—General.

In accordance with the undertakings given in the Legislative Assembly the Government of India have carefully reviewed the results of the policy followed since 1925 of reserving a certain percentage of direct appointments to Government service for the redress of communal inequalities. It has been represented that though this policy was adopted mainly with the object of securing increased representation for Muslims in the public services, it has failed to secure for them their due share of appointments and it has been contended that this position cannot be remedied unless a fixed percentage of vacancies is reserved for Muslims. In particular, attention has been drawn to the small number of Muslims in the Railway services, even on those railways which run through areas in which Muslims form a high percentage of the total population.

The review of the position has shown that these complaints are justified, and the Government of India are satisfied by the enquiries they have made that the instructions regarding recruitment must be revised with a view to improving the position of Muslims in the services.

2. In considering this general question the Government of India have also to take into account the claims of Anglo-Indians and Domiciled Europeans and of the depressed classes. Anglo-Indians have always held a large percentage of appointments in certain branches of the public service and it has been recognised that in view of the degree to which the community has been dependent on this employment steps must be taken to prevent in the new conditions anything in the nature of a rapid displacement of Anglo-Indians from their existing positions, which might occasion a violent dislocation of the economic structure of the community. The instructions which follow in regard to the employment of Anglo-Indians and Domiciled Europeans in certain departments are designed to give effect to this policy.

3. In regard to the depressed classes it is common ground that all reasonable steps should be taken to secure for them a fair degree of representation in the public services. The intention of caste Hindus in this respect was formally stated in the Poona Agreement of 1932 and His Majesty's Government in accepting that agreement took due note of this point. In the present state of general education in these classes the Government of India consider that no useful purpose will be served by reserving for them a definite percentage of vacancies out of the number available for Hindus as a whole, but they hope to ensure that duly qualified candidates from the depressed classes are not deprived of fair opportunities of appointment merely because they cannot succeed in open competition.

(a) This Resolution has been taken from "THOUGHTS ON PAKISTAN" by Dr. Ambedkar, pages 376-80.

4. The Government of India have also considered carefully the position of minority communities other than those mentioned above and are satisfied that the new rules will continue to provide for them, as at present, a reasonable degree of representation in the services.

Section II—Scope of Rules.

5. The Government of India propose to prescribe annual returns in order to enable them to watch the observance of the rules laid down below.

6. The general rules which the Government of India have with the approval of the Secretary of State adopted with the purpose of securing these objects are explained below. They relate only to direct recruitment and not to recruitment by promotion which will continue to be made as at present solely on merit. They apply to the Indian Civil Service, the Central Services, Class I and Class II, and the subordinate services under the administrative control of the Government of India with the exception of a few services and posts for which high technical or special qualifications are required, but do not apply to recruitment for these Services in the province of Burma. In regard to the Railways, they apply to all posts other than those of inferior servants or labourers on the four State-managed Railways, and the administrations of the Company-managed railways will be asked to adopt similar rules for the services on these railways.

Section III—Rules for Services recruited on an All-India basis

7. (1) *For the Indian Civil Service and the Central and Subordinate services to which recruitment is made on an All-India basis, the following rules will be observed:—*

- (i) 25 per cent. of all vacancies to be filled by direct recruitment of Indians, will be reserved for Muslims and $8\frac{1}{3}$ per cent. for other minority communities.
- (ii) When recruitment is made by open competition, if Muslims or the other minority communities obtain less than these percentages, these percentages will be secured to them by means of nomination; if, however, Muslims obtain more than their reserved percentage in open competition, no reduction will be made in the percentage reserved for other minorities, while if the other minorities obtain more than their reserved percentage in open competition, no reduction will be made in the percentage reserved for Muslims.
- (iii) If members of the other minority communities obtain less than their reserved percentage in open competition and if duly qualified candidates are not available for nomination, the residue of the $8\frac{1}{3}$ per cent. will be available for Muslims.
- (iv) The percentage of $8\frac{1}{3}$ reserved for the other minorities will not be distributed among them in any fixed proportion.
- (v) In all cases a minimum standard of qualification will be imposed and the reservations are subject to this condition.
- (vi) In order to secure fair representation for the depressed classes duly qualified members of these classes may be nominated to a public service, even though recruitment to that service is being made by competition. Members of these classes, if appointed by nomination, will not count against the percentages reserved in accordance with Clause (i) above.

(2) For the reasons given in paragraph 2 of this Resolution, the Government of India have paid special attention to the question of Anglo-Indians and Domiciled Europeans in the gazetted posts on the Railways for which recruitment is made on an All-India basis. In order to maintain approximately their present representation in these posts the Anglo-Indian and Domiciled community will require to obtain about 9 per cent. of the total vacancies available to members of Indian communities. The Government of India have satisfied themselves that at present the community is obtaining by promotions to these gazetted posts and by direct recruitment to them more than 9 per cent. of these vacancies. In these circumstances, it has been decided that no special reservation is at present required. If and when the community is shown to be receiving less than 9 per cent. of the vacancies, it will be considered what adjustments in regard to direct recruitment may be required to safeguard their legitimate interests.

Section IV—Rules for Services recruited Locally.

(3) In the case of all services to which recruitment is made by local areas and not on an All-India basis, *e.g.*, subordinate posts in the Railways, Posts and Telegraphs Department, Customs Service, Income-Tax Department, etc., the general rules prescribed above will apply subject to the following modifications:

(1) The total reservation for India as a whole of 25 per cent. for Muslims and of $8\frac{1}{3}$ per cent. for other minorities will be obtained by fixing a percentage for each Railway or local area or circle having regard to the population ratio of Muslims and other minority communities in the area and the rules for recruitment adopted by the local Government of the area concerned;

(2) In the case of the Railways and Posts and Telegraphs Department and Customs Service in which the Anglo-Indian and Domiciled European community is at present principally employed special provisions described in the next paragraph are required to give effect to the policy stated in paragraph 2 above.

9. (1) (a). The Anglo-Indian and Domiciled European community at present hold 8.8 per cent. of the subordinate posts on the railways. To safeguard their position 8 per cent. of all vacancies to be filled by direct recruitment will be reserved for members of this community. This total percentage will be obtained by fixing a separate percentage (i) for each railway having regard to the number of members of this community at present employed, (ii) for each branch or department of the Railway service, so as to ensure that Anglo-Indians continue to be employed in those branches in which they are at present principally employed, *e.g.*, the Mechanical Engineering, Civil Engineering and Traffic Departments. No posts in the higher grades of the subordinate posts will be reserved, and promotion to these grades will be made, as at present, solely on merit:

(b) the reservation of 25 per cent. for Muslims and 8 per cent. for Anglo-Indians makes it necessary to increase the reservation of $33\frac{1}{3}$ per cent. hitherto adopted for all minority communities, in order to safeguard the interests of minorities other than Muslims and Anglo-Indians. It has been decided, therefore, to reserve for them 6 per cent. of vacancies filled by direct recruitment, which is approximately the percentage of posts held by members of these communities at present. This total reservation will be obtained in the manner prescribed in paragraph 8 (1) of this Resolution and will not be further sub-divided among the minority communities.

(2) In the Posts and Telegraphs Department the same principles will be followed as in the case of the Railways for safeguarding the interests of the

Anglo-Indian and Domiciled European community which at present holds about 2.2 per cent. of all subordinate posts. It has been ascertained that if a reservation is made for this community of 5 per cent. of the vacancies in the branches, departments or categories which members of this community may reasonably be expected to enter, it will result in securing for them a percentage equal to slightly less than the percentage of subordinate posts which they at present hold. In the departments or branches in which a special reservation is made for Anglo-Indians the reservation of vacancies for other minorities will be fixed so as to be equal approximately to the percentage of subordinate posts at present held by them. The total reservation for Anglo-Indians and other minority communities, other than Muslims, will in any case be not less than $8\frac{1}{3}$ per cent.

(3) Anglo-Indians are at present largely employed in subordinate posts in the Appraising Department and in the Superior Preventive Service at the major ports. For the former department special technical qualifications are required, and in accordance with the general principles indicated in paragraph 6 of this Resolution it will be excluded from the operation of these rules. In the Preventive Service special qualifications are required, and the present system of recruitment whereby posts are reserved for Anglo-Indians will be maintained. ORDER—Ordered that this Resolution be communicated to all Local Governments and Administrations and the several Departments of the Government of India, for information (and guidance) and that it be also published in the Gazette of India.

M. G. HALLETT,

Secretary to the Government of India.

The following report of "Further Concessions to the Scheduled Classes" appeared in the Daily Gazette, Karachi, dated the 30th November 1943:—

"NEW DELHI, Nov. 29.—Concessions recently given by the Government of India to members of the scheduled classes include a seat in the Council of State, an additional seat in the Central Assembly, reservations in the Indian Civil Service, reservation of $8\frac{1}{2}$ per cent. in recruitment to the central services, reservations for technical training at railway shops and the Dhanbad School of Mines and a provision of Rs. 300,000 a year for these scholarships for technical training in India and abroad.

These are in response to a memorandum which, it is learned, soon after his appointment as Labour Member of the Government of India, Dr. B. R. Ambedkar submitted to the Viceroy on the "grievances of scheduled castes" in this country. This memorandum, *inter alia*, demanded adequate representation of scheduled castes in the Central Legislature, central executive, in the public services, and on the Federal Public Service Commission. It also emphasised the want of assistance for advanced education and technical training for the scheduled castes.

After analysing the representation given to the various communities in Central Legislature Dr. Ambedkar pointed out that the Legislature was "quite an unbalanced body" and suffered from over-representation of some communities and under-representation of other communities. He asserted that the power of nomination was wrongly used and did not rectify the inequalities of representation. The scheduled castes had only one representative in a house of 141 (Central Assembly), and it had not been possible for him to ventilate the grievances of the scheduled castes.

As a result of this representation, the scheduled castes have been given one more seat in the Central Assembly and one seat, for the first time, in the Council of State.

As for the central executive, Dr. Ambedkar asserted that the position of the scheduled castes in Indian politics needed a great deal of stabilisation and the only effective remedy was to give them representation in the Cabinet, which is demanded by their numbers and their needs.

As for the I. C. S., Dr. Ambedkar pointed out that there was one scheduled caste I. C. S. out of the present cadre of 1,056. The July, 1934, resolution did not declare the scheduled castes as a minority nor did it allot to them any fixed proportion of the annual vacancies. He demanded that his community should be declared a minority for the purpose of services and a quota of $13\frac{1}{2}$ per cent. should be allotted for them. The Government have now declared the scheduled castes a minority and have fixed a quota of $8\frac{1}{2}$ per cent. for them. The age limit has been raised for them and also a reduction in examination fees allowed."

JOINT/SEPARATE ELECTORATES

Separate Electorates

No. 5 of Mr. Jinnah's 14 POINTS laid down that

"representation of communal groups shall continue to be by means of separate electorates as at present, provided that it shall be open to any community, at any time, to abandon its separate electorate in favour of joint electorates." (a)

Electorates and Services

Extract from the presidential address of Dr. Promotho Nath Banerjee at the sessions of the Indian Political Science Conference held at Lahore on 2nd January, 1940:—

"The question of representation in the legislatures and the local bodies is a source of acute difference in India. The system which prevails at present is not the representation of the people but the representation of races, creeds, classes, sexes, and special interests. In some cases differences have been deliberately fostered. The consequence of this system of separate communal representation has been an enormous growth of dissensions. Separation has led to the demands for further separation, and antagonism has taken the place of harmony. This system of representation, therefore, must be regarded as an evil, and in the interests of the unity and peace of the country it should be removed at the earliest possible moment. Recruitment to the public services is a subject which has given rise to a great deal of controversy. Unfortunately, both at the Centre and in some of the provinces, certain percentages have for some time past been fixed for recruitment from the different communities, and in the case of some of these communities only the minimum qualifications have been demanded of the candidates. This has resulted in considerable deterioration of administrative efficiency, and it is apprehended that a continuance of this policy will be a source of greater harm in future. The true way of getting out of this difficulty, however, lies in affording adequate educational facilities to the less advanced communities and not in giving them unfair advantages." (b)

(a) THE INDIAN ANNUAL REGISTER, 1938, Vol. I, page 59.

(b) " " " " 1940, " I, " 422.

Communal Electorates

Extract from the Proceedings of the Annual Sessions of the National Liberal Federation of India held at Madras on 27th December, 1941:—

"Mr. M. D. Altekar moved the last resolution on the order paper for the day. The resolution affirmed that the aim of India's political evolution should be democracy not based on considerations of race, or creed; that the Federation was opposed to the permanent existence of communal electorates and the present communal award and that, as it would not be practicable to effect the reforms immediately, steps should be taken to eliminate separate communal electorates by the creation of joint electorates with reserved seats for a definite period.

A good deal of the mischief that had assumed dangerous forms today, the speaker said, could be traced to the introduction of separate electorates. This system bred a certain amount of religious and credal fanaticism as a result of which nationalism suffered. In a country where nationalism had to be evolved out of various elements there was grave danger to that objective in having a system which gave prominence to race and religion and not to nationalism." (a)

The Search For Security

"The root of the matter lies in the search for security which is fundamental to politics. The innate quest of the individual and the family for security in the supply of food, clothing and shelter, is one of the prime reasons for the emergence of the state. The search of states for security is one of the governing factors in international affairs. The search of groups and associations for security economic, cultural and religious supplies a large part of the tissue of domestic politics. It finds its sanction in power or a share in power. Politics, therefore, revolve largely round security and power; much depends on the manner in which security is guaranteed and power exercised. Institutions that assist a pursuit of security in common and an exercise of power in unison foster the General Will, a disinterested regard for the common welfare. All that favours an isolationist search for security, and therefore for power, makes for inter-group conflict. (b)

A religion or social cleavage must be recognised in politics, but it is unsafe to make it the foundation of a superstructure and to give a separatist turn to the search for security and power. Corporate life cannot be built on the basis of differences. The art of creative politics consists in opening new avenues of co-operation and integrating the differences into a new synthesis. (c)

The Muslims' search for security led them to demand special safeguards and as large a share in the devolution of power as was commensurate with their position, importance and aspirations. These tendencies were accentuated and transformed into new antagonisms by the institution of separate electorates in 1909." (d)

Students of politics have asserted that

(a) proportional representation with weightage to minorities, or

(a) THE INDIAN ANNUAL REGISTER, 1941, Vol. II, page 255.

(b) THE HINDU-MUSLIM QUESTIONS, by Beni Prasad, page 43.

(c) " " " " " " " " 44.

(d) " " " " " " " " 42.

(b) general electorates with reservation of seats for the Muslims might have met the case as it stood about 1906-09 and satisfied the Muslims. Separate electorates introduced in 1909 promptly reinforced all the disintegrating tendencies, all the separatist elements of revivalism and in fact became their political counterpart. Joint electorates would have favoured modernist forces and progress on nationalist lines: as it was, revivalism and separate electorates supplemented each other and favoured a cultural and political milieu on the separatist basis.

"There began the habit of regarding the Hindus and the Musalmans as separate political entities. The system freed the majority representatives from the obligation of canvassing the support of the minorities and more than neutralised the advantages of the weightage. It enfeebled the capacity of every group to throw the centre of gravity outside itself and protect its interests in the national context. It loosened the control which considerations of general welfare should exercise on the course of affairs. It hampered the growth of public opinion as distinct from sectional opinion. Co-operation, eliminated from the polling booth, was rendered more and more difficult in the legislature and in public life as a whole. The poison worked steadily." (a)

"...a number of Hindu communalists as distinct from nationalists were always returned by Hindu constituencies. The Muslim constituencies quite as naturally rang with cries of danger to religion, language and culture and need of protection in all possible ways. The Hindu reaction conjured up a danger to Hindu rights, stigmatised the Congress as pro-Muslim and often looked upon compromise as surrender. Brooding converts a craving for protection into offensive conflict. As the separate electorate stabilised itself, the sense of disintegration grew more and more intense and the ideal of social justice had to fight a losing battle against the longing for privilege and domination." (b)

I have quoted the above extracts at length to show how the introduction of separate electorates in 1906-09 have operated to keep the major communities apart. However, I am prepared to accept them and to allow them to continue. The Plan of Representation that I have proposed in this work not only permits of their continuance, but makes them a necessary vehicle of expression of the communities' undiluted and unfettered voice.

"It is necessary to stabilise the proportion of the communities in the legislatures both federal and provincial. There are four conditions of a general character which a communal settlement must satisfy in order to be durable and conducive to social harmony:—

- (1) It must not reduce a majority to minority or to equality with the minorities as a whole anywhere;
- (2) It must not reduce the representation of a minority below its numerical proportion;
- (3) It must give a reasonable weightage to minorities in an inverse proportion to their numbers;
- (4) The weightage must not be so large as to jar on the sense of justice and fairness and require the exertion of force rather than an appeal to the twin principles of justice and political expediency for its maintenance."

(a) THE HINDU-MUSLIM QUESTIONS, by Beni Prasad, pages 45-46.

(b) " " " " " " " " " " 46-47.

On the above considerations Prof. Beni Prasad holds that it would be desirable to accept the Communal Award and the Poona Pact of 1932 for the most part, a revision being called for in the case of Bengal where the Muslim majority has been reduced to a minority and the Hindu minority to a yet smaller minority in the legislature, the balance being held by the European and other groups who have been awarded a disproportionately large number of seats. (a)

I grant that the four conditions recited by Prof. Beni Prasad are vital for the correct functioning of democratic bodies under normal circumstances. The circumstances in India, however, are far from normal. They are not only not normal, but the drift of the last decade has forced them into a state which is scarcely natural. The whole atmosphere has been vitiated and surcharged by a most unhealthy suspicion. Abnormal conditions call for abnormal adjustments if the body politic is to be given a chance of being restored to normalcy. Democratic principles may enjoin that a majority shall not be reduced to a minority. This may be readily granted, for to attempt the opposite would be to seek to produce an unnatural state which cannot be sustained by any means except unremitting force. We know that in India today the second largest single community, the Muslims, would go out and have a state of their own with all its handicaps rather than continue within a state where they may be in a perpetual position of a minority. They, a minority, demand a position of equality with the majority. Democratic principles could not sanction it. Prof. Beni Prasad criticises such demand in the following words:—

“But in regard to British India it seems desirable to accept the British Government’s decision announced in 1932 to allot one-third of the seats to Musalmans, *inter alia* on the ground that a revision would provoke keen controversy and embitter public life. On the other hand it is necessary to sound a note of warning against the demand for equal representation of Hindus and Musalmans in the centre or in any of the provinces. Political settlements which flagrantly violate the sense of fairness can be sustained only by force—force which creates more problems than it can solve. It postulates perpetual British control and, therefore, nullification of self-government. It entails the possibility of the British Government getting tired of the job of upholding an inequitable settlement and letting it fall to pieces. Secondly, the grant of a 50 per cent. of the seats to Musalmans will lead the other minorities, the Christians, the Sikhs, the Parsis and, it may be, the depressed classes, to demand a disproportionately large number of seats so that a satisfactory settlement would always remain beyond reach.” (b)

And yet, Expediency demands that it shall be sanctioned—call the resultant situation by whatever name we like. But a state of equality must be brought about, if peace and harmony are to return to the land and if the major communities are to live together as good brothers, or good sisters, or good partners. The Plan of this work would secure this.

(a) Beni Prasad, page 149.

(b) “ ” ” 150.

APPENDIX—IV

CONSTITUENT ASSEMBLY

Extract from the Report of the General Secretary of the Indian National Congress for the period March, 1939 to February, 1940:— (a)

"The resolution passed by the Working Committee emphasised that the freedom that the Congress contemplated for the country included the full recognition and protection of the rights of all minorities to which the Congress had always pledged itself. They also emphasised that the easiest method of arriving at a solution of the communal problem was provided by demand for a Constituent Assembly. It would represent the various parties and interests in the country according to their exact numerical strength and set at rest the otherwise interminable controversies with regard to the representative character of this or that organisation. Muslims would have representation on it to the full extent of their numerical strength in the country, through separate electorate, if they so desired. Seats may be reserved for other accepted minorities. It will be the special responsibility of the Constituent Assembly to frame safeguards to the satisfaction of the minorities. Matters whereon agreement was not possible would be referred to a previously agreed Tribunal. The settling of details was an easy matter if once the proposition that all communities desired independence, with a Constitution framed by the Constituent Assembly, was accepted. This was the most democratic method conceivable in the circumstances for arriving at an agreed solution."

The National Liberal Federation's idea of a Constitution-Framing Body as against the Congress idea of Constituent Assembly—

(Resolution passed at the sessions of the National Liberal Federation held at Allahabad on 27-29th December, 1939)—(b)

"The Liberal Federation is strongly of opinion that the future constitution of India should be framed by Indians themselves, but considers that the idea of the proposed Constituent Assembly is impracticable and is likely to retard our progress.

The Federation therefore suggests that a conference be convened in India by His Majesty's Government for framing the constitution and that it should be composed of:—

- (1) The representatives of elected members of Provincial and Central Legislatures in British India elected on the basis of proportional representation:
- (2) The representatives of elected members of legislatures of Indian States:
- (3) The Rulers of major States or their ministers invited by the Viceroy and the representatives of other Princes elected by the Chamber of Princes:
- (4) Representatives elected by landholders' associations, associations representing trade and commerce, and associations representing agricultural and industrial labour:

(a) THE INDIAN ANNUAL REGISTER, 1939, Vol. II, page 270.

(b) " " " " " " " " pages 296-7.

- (5) a certain number of members of the Conference to be nominated by the Viceroy to represent such interests and views as may otherwise go unrepresented :”

Extract from the Presidential Address of Dr. R. P. Paranjpye at the sessions of the National Liberal Federation at Allahabad held on the 27-29th December, 1939:— (a)

“The insistence on a Constituent Assembly seems to be equally impolitic. The scheme can be riddled with objections and its discussion is likely to create further difficulties. It seems magnificent to call such an assembly elected on adult suffrage: but does one seriously think that the illiterate villager, who would form the vast portion of the electorate, is capable of pronouncing an opinion upon complicated matters like the machinery of the Government of a vast country like India? Is it too uncharitable to say that Mr. Gandhi expects to carry the uneducated voter off his feet by means of a whirlwind campaign in which high sounding words like truth, *ahimsa*, *charkha*, *dharma*, untouchability, reinforced, if need be, by the threat of a fast, would be used as slogans to give him a mandate to do what he likes? Is it not likely that such a campaign will lead to inter-communal riots unless there is previous understanding with the leaders of other parties? Already there have been several modifications of the original idea of the adult suffrage: minorities are to be given the right of separate election for the purpose of electing this assembly: the question of weightage has been left beautifully vague: the question of representation of Indian States has been untouched: the way in which minorities of opinion that do not bow the knee at the Shegaon shrine are to be represented has been left unconsidered: and a vast number of other questions have been held over possibly to give a chance to the Mahatma's ‘inner voice’ to express itself. Several of these questions are to be first settled, according to Mr. Gandhi, by a consultation among the leaders of the various parties, or even by the award of the Government which it is intended to replace. If such an agreement is possible on these vital preliminary points in regard to the formation of the constituent assembly by a friendly discussion among the leaders or even through the benevolent intervention of Government itself, what objection can there be to such discussion on the whole question of our constitution itself? If the thing is possible in one connection, it should be possible in another. I am reminded of the ambitious chemist who desired to discover a reagent which could dissolve every solid substance, but was non-plussed when asked by a plain man in what receptacle he was going to store this reagent. Is it too much to say that Mr. Gandhi is like this chemist who does not see such a practical objection to his ambitious scheme? The history of all constituent assemblies, whenever they appear to have succeeded, shows that the ground was first of all fully prepared by informal discussion among all leaders and by securing an almost complete preliminary unanimity and then, if at all it was considered necessary, a formal cachet of approval was given to it by means of a constituent assembly if it could be convoked. Many such ambitious projects have on the other hand led to heated disputes that ended in nothing as at the time of the French Revolution.

I am inclined to think that a more appropriate course for our leaders would be to follow the path, which though it actually failed in the end, seemed to be so promising, and get together a small informal and manageable

conference like that which drafted the Nehru report. Even Pundit Jawaharlal may condescend to take a leaf out of his father's book."

Extracts from the Presidential Address of Moulana Abul Kalam Azad at the Ramgarh Congress, March 1940 :—

"We could attach no greater importance to it (the Communal Problem) than to make it the first condition for the attainment of our national goal. The Congress has always held this belief : no one can challenge this fact. It has always held to two basic principles in this connection, and every step was taken deliberately with these in view :—

- (1) whatever constitution is adopted for India, there must be the fullest guarantees in it for the rights and interests of minorities
- (2) the minorities should judge for themselves what safeguards are necessary for the protection of their rights and interests. The majority should not decide this. Therefore the decision in this respect must depend upon the consent of the minorities and not on a majority vote.

.....

The manner in which the Congress has dealt with this problem today in connection with the Constituent Assembly throws a flood of light on these two principles and clarifies them. The recognised minorities have a right, if they so please, to choose their representatives by their vote. Their representatives will not have to rely upon the votes of any other community except their own. So far as the question of the rights and the interests of the minorities is concerned, the decision will not dwell upon the majority of the votes in the Constituent Assembly. It will be subject to the consent of the minority. If unanimity is not achieved on any question, then an impartial tribunal to which the minorities have also consented, will decide the matter. This last proviso is merely in the nature of a provision for a possible contingency, and is most unlikely to be required. If a more practical proposal is made, there can be no objection to it." (a)

The following resolution was adopted by the Azad Muslim Conference at New Delhi on the 30th April 1940 :— (b)

"It is the considered opinion of this Conference that the future constitution of India should be framed by a Constituent Assembly elected on the basis of adult suffrage. In that constitution, the safeguards for protecting the rights and interests of the Musalmans should be determined by the Muslim members of the Constituent Assembly. The representatives of other communities or any foreign Power shall have no right to interfere in that decision."

By a further resolution the Azad Conference recorded that

"since the safeguards of the communal rights of different communities will be determined in the Constituent Assembly, this Conference considers it necessary to declare that Muslim members of the Constituent Assembly will be elected by Muslims themselves." (c)

(a) THE INDIAN ANNUAL REGISTER, 1940, Vol. I, page 296.

(b) " " " " " " " " 330.

(c) " " " " " " " " 331.

Mr. Jinnah on a Constituent Assembly:—

“Let us consider briefly the implications of this nebulous and impracticable Constituent Assembly? To commence with, the question arises, why is this demand made at this particular time? The answer is obvious. The war is to the Working Committee (of the Congress) a heaven-sent means of increasing its rule from over eight provinces to over the whole of India, State and Province. If the British Government are stampeded and fall into the trap under stress of the critical situation created by the war, India will face a crisis the result of which no man could prophesy, and I feel certain that Muslim India will never submit to such a position and will be forced to resist it with every means in their power.

And of what type of constitutionalist will this Constituent Assembly consist? There are in India roughly 400 million souls who, through no fault of their own, are hopelessly illiterate and consequently, priest and caste ridden. They have no real conception of how they are being governed even today, and it is proposed that to the elected representatives of such, should India's future constitution be entrusted. Is it too much to say that since the vast majority of the elected representatives will be illiterate Hindus, the Constituent Assembly will be under the influence of Mahatma Gandhi and the Congress leaders, and the constitution that will emerge will be as the Working Committee directs?

Thus, through the Constituent Assembly will the Working Committee attain its ends. British control and commerce will disappear; the Indian States will be abolished! Minority opposition will be stifled and a great Hindu nation will emerge, governed by its beloved leader, Mahatma Gandhi, and the Congress Working Committee.” (a)

The composition of a Constitution-Making Body as suggested in the CRIPPS PROPOSAL will be found at page 45 *ante*.

(a) Extract from an article by Mr. Jinnah in the “TIME AND TIDE” dated the 19th January 1940, as reproduced at pages 27-28 of “INDIA'S PROBLEM OF HER FUTURE CONSTITUTION.”

APPENDIX—V

NATIONAL MINORITIES AND INTERNATIONAL GUARANTEES

The following Summary (compiled from 'NATIONAL STATES AND NATIONAL MINORITIES' by C. A. Macartney, and Great Britain, Treaty Series, Vol. 112, pages 232 ff: History of the Peace Conference, Vol. V, pages 437-42) has been extracted from "WHITHER MINORITIES?" by M. N. DALAL, pages 41-47:—

"The rights guaranteed to the minorities, which are described as 'racial, religious, or linguistic,' are contained in the treaties made with new States set up in 1919-20, or in the declarations made by some of these States before the League of Nations. A standard pattern of these rights is contained in the treaty with Poland, a short summary of which is given below:—

- (1) Poland undertook to assure full and complete protection of life and liberty of all inhabitants of Poland, without distinction of birth, nationality, language, race, or religion.
- (2) All inhabitants (not only citizens) of Poland are entitled to the free exercise, whether public or private, of any creed, religion, or belief, whose practices were not inconsistent with public order or public morals.
- (3) Inhabitants of regions made part of Poland, under the arrangements which set up the State of Poland, were admitted to be Polish nationals without any formality. But those inhabitants over 18 years of age, who desired to retain their former nationality,—German, Austrian, Hungarian, or Russian,—would be entitled to retain their nationality. Such option exercised by a husband would include his wife, and by parents would include their children under 18 years of age. Those who exercised such right of option were, however, required within a year to transfer their residence to the State for which they had opted, retain their immovable property in Poland, and allowed to carry all their moveable property with them. No export duties were to be charged on such transfer of moveable property.
- (4) All persons of German, Austrian, Hungarian, or Russian nationality, who were born in these territories, of parents habitually residing there, were to be admitted as Polish nationals.

In their case, the right was allowed to make a declaration before competent Polish authorities in the country they were residing, stating that they desired to abandon their Polish nationality. On such a declaration being made, they would cease to be regarded as Polish nationals. The same provision, as regards the declaration by a husband including his wife, and by parents including their children, would apply in this case also.

- (5) Poland bound itself to put no obstacle in the way of the declaration of these rights of option provided for in the treaties with Germany, Austria, Hungary, or Russia. Those born in Polish territory must be regarded as Polish nationals, if they are not born national of any other State.

- (6) In Poland, all Polish nationals are equal before the law. All enjoy the same civil and political rights, irrespective of race, language or religion. Differences in religion do not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, such as admission to public employment, functions and honours, or the exercise of any professions or industries.
- (7) No restriction must be imposed on the full use by any Polish national of any language, in private intercourse, in commerce, in religion, in the press, or in publications of any kind, or at public meetings. This does not debar the Polish government from having an official language of the State. But if such an official language is established, adequate facilities must be given to Polish nationals of other than Polish speech, to use their national language in speech or writing before the courts.
- (8) Polish citizens belonging to racial, religious, or linguistic minorities are assured the same treatment and security, in law and in fact, as all other Polish nationals; and particularly, they have equal rights, to establish and control at their own expense charitable, religious, and social institutions, schools and other educational establishments, along with the right to use their own language, and to exercise their religion freely therein.
- (9) In the public educational system of Poland, both in town and country, wherever Polish nationals of other than Polish speech were to be found in considerable proportion, adequate facilities must be provided to ensure that, in the primary schools, instruction is provided to the children of such Polish nationals through the medium of their own language. Polish language may, however, be made compulsory by government as a subject for instruction in these schools.
- (10) Wherever in town and country, there is a considerable proportion of such Polish nationals, belonging to racial, religious or linguistic minorities, these minorities are assured a share in the enjoyment and application of the money which may be provided out of public funds by the State, municipal, or other budgets, for educational, religious, or charitable purposes. Provisions of this article apply to Polish citizens of German speech, only in that part of Poland which was German in August 1914.
- (11) Educational committees appointed locally by Jews in Poland will, subject to the general control of the State, provide for the distribution of the proportional share of public funds allocated to Jewish schools. The right of using their own language, also, applies as regards these schools. Jews are not compelled to perform any act, which constitutes a violation of the Sabbath, nor are they placed under any disability, because of their refusal to attend courts of law, or to perform any legal business on their Sabbath. But this would not exempt them from such obligation as shall be imposed upon all other Polish citizens for the necessary purposes military service, national defence, or the preservation of public order.
- (12) On the other hand Poland declared her intention to refrain from ordering or permitting elections, whether general or local, to be held on a Saturday, nor would registration for electoral or other purposes be compelled to be performed on a Saturday.

- (13) Poland agreed that the stipulations in the preceding articles, in so far as they affect persons of racial, religious or linguistic minorities, constitute 'obligation of international concern.' These are placed under the guarantee of the League of Nations. They should not be modified without the assent of the majority of the League Council. The United States, British Empire, France, Italy, and Japan, agreed, that such consent would not be withheld, if the majority of the Council of the League of Nations had already assented to such modification.
- (14) Poland also agreed that any member of the Council of the League of Nations had the right to bring to the attention of the Council any infraction, or danger of infraction, of any of these obligations. The Council may thereupon take such action, and give such direction, as it may think proper and effective in the circumstances.
- (15) Any difference of opinion as to questions of law or fact, arising out of these Articles, between the Polish Government and any member of the Principal Allied and Associated Powers, or any other Power, which was a member of the League Council, must be held to be of an international character, under Article 14 of the Covenant of the League of Nations; and, as such, it must be referred, if the other party so demands, to the Permanent Court of International Justice; and the decision of the Court must be final."
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APPENDIX — VI — THE CENSUS 1941

(From the Census of India, 1941—Vol. I—INDIA—TABLE XIII).

	Provinces	States and Agencies	Total	Percentage (Approx)
Hindus	19,08,10,953	6,41,19,583	25,49,30,506	65.50
Scheduled Castes	3,99,20,807	88,92,373	4,88,13,180	12.90
Others	15,08,90,146	5,52,27,180	20,61,17,326	52.60
Muslims	7,93,98,503	1,49,90,925	9,43,89,428	24.50
Christians				
Indian Christians	32,45,706	27,94,959	60,40,665	1.50
Anglo-Indians	1,13,936	26,486	1,40,422	0.05
Others	1,22,788	12,674	1,35,462	0.05
Sikhs	41,65,097	15,26,350	56,91,447	1.30
Jains	5,78,372	8,70,914	14,49,286	0.25
Parsees	1,01,968	12,922	1,14,890	0.05
Buddhists	1,67,413	64,590	2,32,003	0.10
Jews	19,327	3,153	22,480	0.05
Tribes	1,67,13,256	87,28,233	2,54,41,489	6.50
Others	3,71,403	38,474	4,09,877	0.15
	29,58,08,722	9,31,89,233	38,89,97,955	100.00

The following Note appears in the Census Reports:—

“The figures for tribes include all members of tribal communities, no matter what their individual religion may be. The tribal figures therefore include a considerable number of persons who profess Hinduism, tribal religion, Buddhism, Christianity and Islam. Conversely, the columns allotted to Hindus, Buddhists, Indian-Christians and Muslims give figures which exclude the tribal adherents of those religions.”

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