

federal state', says Professor Newton, 'is a perpetual union of several sovereign states, based first upon a treaty between those states, or upon some historical status common to them all, and secondly, upon a federal constitution accepted by their citizens. The central government acts not only upon the associated states but also directly upon their citizens. Both the internal and external sovereignty of the states is impaired and the federal union in most cases alone enters into international relations'. It would be, in our opinion, a most one sided arrangement if the Indian States desire to join the federation, so as to influence by their votes and otherwise, the policy and legislation of the Indian Legislature, without submitting themselves to common legislation passed by it. It would be a travesty of the federal idea. If the Indian States would be willing to join such a federation, after realizing the full implications of the federal idea, we shall heartily welcome their decision and do all that lies in our power to secure to them the full enjoyment of their rights and privileges. But it must be clearly borne in mind that it would necessitate, perhaps in varying degrees, a modification of the system of government and administration prevailing within their territories. We hope and trust that in the light of experience gained the Indian States may make up their mind to join formally the federation. Meanwhile, we think that it is by no means impracticable to provide suitable machinery for the settlement of mutual differences on administrative and other matters. The practical question of the preservation of their treaty rights and such independence as they have enjoyed or as they claim, is, in our opinion, far more important than the arid and academic discussion of the question, whether in theory their relations are with the Government of India or with the Crown.

Accordingly, we have provided that (a) all treaties made between the East India Company and the Indian States and all such subsequent treaties, so far as they are in force at the commencement of this Act, shall be binding on the Commonwealth. (b) The Commonwealth shall exercise the same rights in relation to, and discharge the same obligations towards, the Indian States as the Government of

India exercised and discharged previous to the passing of this Act. We have made these suggestions in no spirit of vanity or idealism. We fully realise their implications and the obligations that such provisions will impose upon the future Government of India. We do believe that the Government of India of the future will discharge their obligations in their integrity and with every desire to promote harmonious relations and no desire to override cherished privileges or sentiments. Similarly, in regard to matters of a justiciable character, we have suggested that 'in case of any difference between the Commonwealth and any Indian State on any matter arising out of treaties, engagements, sanads or similar other documents, the Governor-General in Council may, with the consent of the State concerned, refer the said matter to the Supreme Court for its decision'. We think that this will be a far better method of settling such matters than the present arrangement under which the Government of India is both a party and a judge in a controversy between itself and an Indian State. We need scarcely point out that we anticipate that the judges of the Supreme Court will be men of the highest legal training, character and judicial independence.

In regard to non-justiciable matters involving financial and administrative relations, it should not be difficult to come to a settlement by mutual conferences and understandings. The position in the future will not, to our mind, be worse than it is. Indeed it is likely to be better, where, between different States, there are honest differences and an independent effort is made to arrive at just and equitable settlements. Practical goodwill and larger common interest are of far greater value than any meticulous considerations of ultimate sanctions. It is obvious to our mind that the question of common defence is one which is bound to be in future the rallying centre of the Government of India and the Indian States, and if it has been possible in the past to sustain common obligations and to keep alive a common sense of duty to the country at large, we do not despair of the future.

In making these observations we feel that we have not had the advantage of discussion with the represen-

tatives of the Indian princes, and we are alive to the possibility of much greater light being thrown on some dark corners of the entire problem by such discussions. Meanwhile, we content ourselves by saying that while we recognise that an Indian federation, compatible as it will be with the maximum degree of autonomy in the local units, whether provinces or States, can be the only solid foundation for responsible government, we are not prepared to concede that until Indian States have made up their minds to join this federation in the most formal manner, British India must be denied full responsible government or dominion status, merely because it is supposed that the obligations which the Crown or the present Government of India owe to the India States, can be discharged only by a central government which is, and must for that reason continue to be, undemocratic. Such an argument can only mean that the Indian States, while professing their sympathy with progress in British India, must effectually defeat our aims and aspirations by an attitude based not on enlightened self-interest, but on practical hostility to our aims and aspirations.

While however the Indian princes have not given us the benefit of mutual consultations and discussions, their subjects have been represented before the All Parties Conference and have put forward their case with ability. The recommendations made by the first committee of the Conference in regard to the Indian States have been severely criticised by Mr. Hosakoppa Krishna Rao, member of the Mysore Representative Assembly, who has also prepared a "Swaraj Constitution" which has been approved by a committee appointed by the All India States Subjects Conference, Madras. We have carefully considered these criticisms and the draft Swaraj constitution of Mr. Krishna Rao. But we regret that in view of the constitutional position we have discussed above we are unable at present to recommend a detailed constitution which would embrace both British India and the Indian States.

It is well-known that the expression "Indian States" does not connote any particular form of government. The authors of the report on Constitutional Reforms have thus described these States :

"They are in all stages of development, patriarchal, feudal or more advanced while in a few States are found the beginnings of representative institutions. The characteristic features of all of them however including the most advanced are the personal rule of the prince and his control over legislation and the administration of justice".

So long as this characteristic feature of personal rule does not undergo a material change the expression "Indian State" must be taken to mean "the individual ruling prince of the State concerned" and has no reference to the nature of the administration. This material change cannot be effected constitutionally without the consent of the rulers of the States who alone represent their governments. Mr. Rao says that "tradition convention, sentiment and above all an intense feeling of loyalty too deep to be rooted out and finally, a keen desire to preserve the individuality of their respective States firmly bind them (the people of the States) to the Ruling Houses. Consequently they do not hanker after unity but desire only union with British India". With all this tradition, convention, sentiment and intense loyalty to the rulers, Mr. Rao completely ignores their wishes, abolishes all treaties and arrangements between them and "His Majesty or the Parliament of the United Kingdom or the King in Council or the Secretary of State for India or the Governor-General in Council or all the said authorities" and declares by one sweep of the pen that such treaties or arrangements shall become null and void at the date of the commencement of the constitution. He then guarantees to the States "territorial integrity, internal autonomy and stability of constitutions and the fundamental rights of their people", subject to conditions which have never been accepted by them. He provides for the withdrawal of the guarantee in case the States fail to fulfil the conditions laid down by him. We are not told what is to happen if the rulers of the States do not accept either the guarantee or the conditions attached to it and what are the "necessary measures" which Mr. Rao proposes to take against them if they fail to fulfil his conditions. As regards the form of government it is to be a "hereditary monarchy, *i.e.*, a government in which the head of the State shall be the hereditary governor or administrator with a popular Assembly and an executive responsible to that

Assembly". He ends with a reservation of the "right of the people of the Confederation to claim the fullest national independence (that is an unqualified divorce of her political, economic and social relationship from Great Britain and the British Commonwealth of Nations) and evolve her future constitution on a full-fledged federal republican basis, in case no settlement is agreed to by the British and the Indian Governments on the basis of this Constitution".

It is hardly necessary to point out the inconsistencies of these provisions or to criticise them on constitutional grounds beyond which we have not permitted ourselves to go for reasons already stated.

We have hitherto dealt with the relations of the Government of India with the Indian States. We now propose briefly to advert to the relations of the Government of India with foreign states. In one sense we are aware that the position of India as compared to some of the dominions is peculiar. India has got a vast land frontier on the north-west and the north-east, and it has to come into contact with foreign powers and semi-independent tribes. The foreign department of the Government of India is practically in charge of the Foreign Secretary who works directly under the Governor-General. His duties are multifarious; he has to look after the North-West Frontier provinces, he is in control of the affairs of the tribes in the 'Agency Tracts', he has to deal with semi-independent chiefs in the North-West Province and elsewhere. His jurisdiction extends in some matters to the Persian Gulf and Aden. Some matters—not all—falling within his jurisdiction occasionally come up for discussion in the legislature and then he has to defend or explain the policy of the Government of India. The bigger questions of policy, having an imperial aspect, are settled not in India, but in England, and we realise that in a well-knit Commonwealth of Nations it is inevitable that, consistently with the independence of the dominions, there must be to some extent at least uniformity of foreign policy, but this is in the case of the dominions achieved more by mutual discussion and understandings than by any imperial mandates. Indeed the measure of freedom in regard to questions of foreign policy which in

recent years has been claimed and enjoyed by Canada, South Africa and Australia has been steadily increasing, though this has not tended to weaken the safety of the empire, or to affect the possibility of a unity of policy in larger questions of relations with foreign countries or states.

In point of fact the Government of India discharge and enforce those obligations which mutually exist between His Majesty's government and some neighbouring foreign Asiatic powers. We do not see any reason why the self-governing dominion of India should do anything less.

We are aware of the delicate nature of questions of foreign policy, and the inexpediency of discussing them at times on the floor of the legislature. We cannot see why the legislature of the dominion of India should not observe those rules of prudence and discretion which are observed in other legislatures.

CHAPTER VI

OTHER PROPOSALS.

We shall now consider the main provisions of the constitution, as suggested by us. These are framed as has already been stated, on the model of the dominions.

The resolution of the Madras Congress lays down that the basis of the constitution must be a Declaration of Fundamental Rights. Considerable stress has been laid on this and all the draft constitutions we have considered have formulated such a declaration. Canada, Australia and South Africa have no declaration of rights in their constitutions but there are various articles to be found in the constitution of the Irish Free State which may properly be grouped under the general head "fundamental rights". The reason for this is not far to seek. Ireland is the only country where the conditions obtaining before the treaty were the nearest approach to those we have in India. The first concern of the people of Ireland was, as indeed it is of the people of India today, to secure fundamental rights that have been denied to them. The other dominions had their rise from earlier British settlements which were supposed to have carried the law of England with them., Ireland was taken and kept under the rule of England against her own will and the acquisition of dominion status by her became a matter of treaty between the two nations. We conceive that the constitutional position in India is very much the same. That India is a dependency of Great Britain cannot be denied. That position can only be altered in one of two ways—force or mutual consent. It is the latter in furtherance of which we are called upon to recommend the principles of a constitution for India. In doing so it is obvious that our first

care should be to have our fundamental rights guaranteed in a manner which will not permit their withdrawal under any circumstances. With perhaps less reason than we have, most of the more modern constitutions of Europe have specific provisions to secure such rights to the people.

Another reason why great importance attaches to a declaration of rights is the unfortunate existence of communal differences in the country. Certain safeguards and guarantees are necessary to create and establish a sense of security among those who look upon each other with distrust and suspicion. We could not better secure the full enjoyment of religious and communal rights to all communities than by including them among the basic principles of the constitution.

A reference to the various clauses of the declaration of fundamental rights as adopted by us will show that we have kept both these aspects in view.

The first committee of the All Parties Conference went into this question carefully and we have adopted most of their articles. We have added to the declaration an independent recommendation regarding the rights of labour and peasantry, made by the first committee, with the exception that "Parliament shall make laws to ensure fair rent and fixity of tenure to agricultural tenants". We have left this out not because we do not approve of fixity of tenure but because we felt that if this was made a fundamental right it might become more of a hindrance and an obstruction in the way of the tenantry, preventing future progress, than a safeguard. The present system of land tenure in large parts of India is anything but desirable and requires radical change. We recognise that the present condition of the tenantry is very deplorable and even some fixity of tenure would bring great relief. But it would be a shortsighted policy indeed if to gain some relief now we were to barter away the future rights of the peasantry. So long as the present system endures the rights of the tenants might be safeguarded by the article in the Declaration of Rights requiring Parliament, *i. e.*, the Parliament of India, to make suitable laws for securing a living wage for every worker.

We have added an article to the Declaration dealing with the right of all citizens to access to, and use of, public roads, public wells, and all other places of public resort. This may be considered obvious enough but in view of the peculiar circumstances and the customs prevailing in some parts of the country we feel that it is desirable to lay emphasis on it.

Right to use of roads
etc.

Certain changes and additions have also been made in some other articles. In the article dealing with the right to free elementary education we have added that there will be no "distinction of caste or creed in the matter of admission into any educational institutions maintained or aided by the state".

No distinctions of caste
in schools

To the right to a writ of habeas corpus we have added that in case the central legislature is not sitting during a war or rebellion the executive authority of the Commonwealth will be entitled to suspend the right for the time being but the central legislature must be informed at the earliest opportunity for such action as it may deem fit.

Habeas Corpus

At the request of our colleague Sardar Mangal Singh we have added a note to the Declaration acknowledging the right of the Sikhs to carry kripans on any occasion.

Kripans

We are of opinion that the central legislature should be bi-cameral, consisting of a Senate and a House of Representatives. The provincial legislatures should, in our opinion, be uni-cameral.

The Legislature

For the Senate we recommend 200 members; for the House of Representatives 500 members, with provision to increase the number if necessary, on an uniform population basis. In the provinces, as a general rule, there should be one member for every 100,000 population. But in a province with a population of less than 10 millions there may be a maximum of 100 members.

Number of members

For the House of Representatives and the provincial councils we are of opinion that the largest possible franchise should be

Franchise

granted. Some of us were strongly in favour of adult suffrage, but others, while favouring adult suffrage as the objective to be aimed at, were of opinion that there would be too many practical difficulties in the way at the beginning. Various proposals were considered among them being, besides adult suffrage, the following:

- (i) Adult suffrage subject to registration by intending voters.
- (ii) The extension of the franchise from the present six millions to about 60 millions, leaving it to a committee to determine the franchise which would give this result.
- (iii) Any of the following
 - (a) All persons who may pay any revenue, rent or land or house rates, cesses and taxes.
 - (b) All literates.
 - (c) All persons who earn their livelihood by manual or intellectual labour,
 - (d) All such unemployed as are on the state register of the unemployed.
 - (e) Members of joint families.
 - (f) Wives of male electors.

The third proposal given above would in practice amount to something very near adult suffrage. Some of us were inclined to favour the second proposal, which increased the votes to 60 millions, as a stepping stone to adult suffrage. Adult suffrage would probably give us about 120 millions of voters in British India, and the second proposal would thus enfranchise half of these and would be a great step in advance. There were difficulties however in the way of this proposal. At present the voting ratio between different communities is not the same as the population ratio. Thus in the Punjab although the Muslims outnumber the Hindus and Sikhs combined the number of their votes is far less than the Hindu and Sikh voters. This is due to the superior economic position of the latter. We are strongly of opinion that this anomaly should be ended and the voting ratio should be made to correspond with the population ratio. With adult suffrage this happens auto-

matically, but with any other restricted franchise the only possible way to do it is to have different electoral qualifications for different groups and communities. Thus the basis of representation of different communities cannot be uniform and this may be considered a grievance by some groups. We were thus driven to the conclusion that the only solution is adult suffrage and we have recommended accordingly. We find that the Ceylon Reform Commission has come to the same conclusion. It has recommended a universal manhood suffrage with a restricted franchise for women over 30 years of age. The restriction has been imposed "in view of the necessity for keeping the number of votes within reasonable bounds". We see no such necessity. Any artificial restriction on the right to vote in a democratic constitution is an unwarranted restriction on democracy itself. It is quite a different thing to say that a system of universal adult suffrage is difficult to work. But the difficulty howsoever great has to be faced if what is contemplated is full responsible government in its true sense and with all its implications. The Ceylon Reform Commission have created a novel form of government which has no parallel in the constitutions of the world. But whatever else it may be, it certainly is not responsible government in any sense, and it is responsible government alone with which we are concerned. We do not therefore propose to put any restriction on the right of women to vote which does not equally apply to men.

Universal adult suffrage is at present being successfully worked on a small scale in the elections to the Shromani Gurdwara Prabandhak Committee (Central Sikh Shrines Committee), which are held all over the Punjab. Its introduction on a larger scale only means a multiplication of the machinery employed. We do not see why such multiplication with all the trouble and expense it involves should be considered unreasonable when it is necessary for the purpose of laying the foundation upon which responsible government rests.

We attach no weight to the objections based on the prevailing illiteracy of the masses and their lack of political experience. The proportion of literacy being very small the same objections will apply to the great

degree of intelligence, there is some chance that the right kind of men may be chosen, men who may not care to face the shouting and the tub-thumping which a modern democratic election with a wide electorate involves. Their electorate although restricted will not be based on status or vested interests or class. It will presumably reflect the temper of the mass electorates in the country. There will be a greater chance of minority and other special interests to be represented, specially, as we recommend, if the election for the Senate takes place by the system of proportional representation.

There will be another advantage in the adoption of this proposal. Provinces as such will be directly represented in the central legislature and provincial view points will be expressed in the Senate. This is specially desirable to co-ordinate the provincial legislatures with the central legislature and to promote the harmonious working of the constitution.

We have suggested that a specific number of seats should be allotted to each province, the basis being population, subject to a minimum. We have not fixed a minimum. Our idea is that although the rough population test should be applied in the allotment of seats, it should not be adhered to in its entirety, so that even the smaller provinces may have adequate representation. In some countries, like the United States of America, the constituent states of the Union send the same number of members to the Senate, regardless of population. In view of the great difference in size and population of our provinces this principle of equal representation of all provinces may not be desirable but the differences between the representation of one province and another in the Senate should not be wholly disproportionate.

We have suggested that the House of Representatives should continue for five years	and the Senate for seven years.
Term of legislatures	

We have adopted many of the recommendations of the first committee but we have added to them and made several changes. We have not provided for concurrent powers in any subject of both the central and provincial legis-	
Division of functions	

latures. This is likely to lead to friction, and so we have endeavoured to place the functions of the two in entirely separate compartments with no overlapping.

The other provisions relating to legislatures are on the lines of the dominion acts. In the case of the central legislature, the House of Representatives has been given sole power to deal with money bills.

We have recommended that the executive council of the Commonwealth should consist of a Prime Minister and not more than six ministers. There will probably be a tendency to increase the number of ministers so as to give representation to various communities. We do not approve of this, and in view of the provincial autonomy we are providing for, we feel that seven ministers ought to suffice in the central executive. The executive council will of course be collectively responsible to the legislature.

For the provincial executive we have suggested five ministers—a Chief Minister and four others.

The powers of the central and provincial executives are similar to those found in the dominion constitutions.

We have provided for a Supreme Court, besides the High Courts, and we suggest that ordinarily no appeals should go to the King in Council except under certain conditions, which we have specified.

We draw particular attention to the cases falling under the original jurisdiction of the Supreme Court. The most important of these are matters arising out of treaties, engagements, sanads, and similar other documents between the Commonwealth and Indian States which may be referred by the Governor-General in Council, with the consent of the State concerned, to the Supreme Court for its decision.

The division of the revenues of the country between the central and provincial governments, and the assignment of money for defence, education and other essential matters, will be difficult and will require the greatest care.

We have recommended that immediately after the establishment of the Commonwealth a commission be appointed to institute an enquiry into

Commission of En-
quiry

1. The sources of revenue which may be assigned to the Commonwealth and to the provinces, and

2. The financial relations between the central and the provincial governments.

In making the recommendation we have followed the constitution of the Union of South Africa, section 118, as the most suitable.

We have laid an additional duty on this commission to appoint

(i) a special committee to examine the whole question of the training of officers for the land, naval and air forces, and the establishment of schools and colleges to give this training.

Training of Officers

(ii) Another committee to investigate and report on the introduction of general primary education, and the grant of special educational facilities to backward classes.

Primary education
and backward classes

(iii) Such other committees as it may consider necessary.

We feel that the commission we have recommended will not be in a position to make a comprehensive report without the help of these committees which will be composed mostly of experts.

We have recommended that on the establishment of the Commonwealth a permanent Public Service Commission should also be appointed.

The Civil Services

One of the first duties of the Commonwealth on its establishment will be the reorganisation and readjustment of the departments of public services. It is notorious that the Indian administration today is top heavy and the services are paid at a higher rate than anywhere else in the world in spite of the grinding poverty of the country. The first problem before the dominion of India will be how to find money for defence, education, industry, sanitation and a host of other purposes. We cannot

possibly afford to keep extravagantly paid civil or military services and we must try to reduce the overhead charges of administration to find money for developing the country. The people, or rather the articulate section of them, have all along protested against the heavy salaries of our officials. But the only answer to these protests came in the shape of the Lee Commission. This commission as is well known was appointed in the teeth of unanimous Indian opposition and its recommendations were adopted over the head of the Indian Legislature. We feel therefore that the entire question of the sources and methods of recruitment of the services, their salaries, emoluments, pensions and allowances in the future will require re-examination in the light of the new political conditions which will be created under the new constitution. For this we have provided for the appointment of a special Public Service Commission which will cease to function after the reorganisation and readjustment of the services have been effected. But we have provided adequate guarantees for persons holding offices at the establishment of the Commonwealth both in case of their electing to retire and to remain in the service of the Commonwealth. We have given three years for the exercise of the option to retire on the same terms and conditions which may be applicable to those officers at the commencement of the Commonwealth.

We have made similar provisions for all officers serving in the army, the navy, the
Army Services Royal Indian Marine and in the Air Force of India serving in India at the commencement of the new constitution.

We have suggested the appointment of a Committee of Defence consisting of :
Defence

- (1) Prime Minister
- (2) Minister of Defence
- (3) Minister of Foreign Affairs
- (4) The Commander-in-Chief
- (5) The Commander of Air Forces
- (6) The Commander of Naval Forces
- (7) The Chief of the General Staff, and
- (8-9) Two other experts

The functions of this committee will be to advise the government upon questions of general policy and as to the practicability and means of effecting retrenchments in the expenditure on defence compatibly with the safety of India. We have also suggested that the annual estimates should be framed according to the recommendations of this committee. These provisions will, we believe, ensure the efficiency and proper administration of the army.

For other recommendations we refer to Chapter VII, where they are set out in detail.

CHAPTER VII

THE RECOMMENDATIONS

We have made no attempt to draft the constitution as a whole, with the precision necessary in the case of a bill intended to be introduced in the legislature. Our recommendations have by their very nature taken a form similar to that of clauses of a draft bill but they are not intended to be treated as such or understood as anything more than an indication of the principles involved, which was all we were called upon to do by our terms of reference. It will be for the Parliamentary draftsmen to put them into shape, add formal and consequential provisions, and such details as we have omitted. It may be mentioned that some of the drafts placed before us provide for transfer orders and orders in Council to give effect to the constitution. These are very important, but more for the draftsmen than for us. On some points we have gone into greater detail than on others. But this is more or less accidental. We have drawn freely on the constitutions of the dominions as well as on Dr. Besant's Commonwealth of India Bill and the drafts prepared by Messrs. Vijiaraghavachariar, Srinivasa Iyengar and Rangaswami Iyengar, and the committee of the Independent Labour Party, and also on the Government of India Act, but have found necessary in most cases to make some verbal and at times more important alterations. We have also omitted the preamble and the definitions excepting the definition of "citizen" which was settled by the first committee appointed by the All Parties Conference. We now give these recommendations under suitable headings.

Constitutional status of India

1. India shall have the same constitutional status in the comity of nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of

South Africa and the Irish Free State, with a Parliament having powers to make laws for the peace, order and good government of India, and an executive responsible to that Parliament, and shall be styled and known as the Commonwealth of India.

Operation of the constitution and laws

2. This Act and all laws made by the Parliament of the Commonwealth thereunder shall be binding on the courts and people of every province, and of every part of the Commonwealth, notwithstanding anything in the laws of the Indian Legislature or of any province or in any Act of the United Kingdom extending to British India; and the laws of the Commonwealth shall be enforced in all Indian territorial waters.

Definition of citizen

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

(a) who was born, or whose father was either born or naturalised, within the territorial limits of the Commonwealth and has not been naturalised as a citizen of any other country;

(b) who is naturalised in the Commonwealth under the law in force for the time being.

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

*Fundamental Rights**

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

(ii) No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law.

* The Conference has added another article to the Fundamental Rights. This deals with titles and private property. In article (XVII) an addition has also been made giving fixity of tenure. See resolutions 10 and 11 of the Conference.

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

(iv) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or unions, is hereby guaranteed for purposes not opposed to public order or morality.

(v) All citizens in the Commonwealth of India have the right to free elementary education without any distinction of caste or creed in the matter of admission into any educational institutions, maintained or aided by the state, and such right shall be enforceable as soon as due arrangements shall have been made by competent authority.

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

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

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

(ix) No corporal punishment or other punishment involving torture of any kind shall be lawful.

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

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

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

(xiii) No person shall by reason of his religion,

caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.

(xiv) All citizens have an equal right of access to, and use of, public roads, public wells and all other places of public resort.

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

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

(xvii) Parliament shall make suitable laws for the maintenance of health and fitness for work of all citizens, securing of a living wage for every worker, the protection of motherhood, welfare of children, and the economic consequences of old age, infirmity and unemployment. *

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

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

Note : Notwithstanding anything to the contrary in article (iv) the Sikhs are entitled to carry kripans.

Parliament

5. The legislative power of the Commonwealth shall be vested in a Parliament which shall consist of the King, a Senate and a House of Representatives herein called the Parliament.

6. The Governor-General shall be appointed by the King and shall have, and may exercise in the Commonwealth, during the King's pleasure, but subject to this constitution, such powers and functions of the King as His Majesty may assign to him.

7. (a) There shall be payable to the King out of the revenues of India for the salary of the Governor-General an annual sum which, until the Parliament of the Commonwealth otherwise provides, shall be as in the schedule hereof provided.

* The Conference has added a sentence here giving fixity of tenure to agricultural tenants. See resolution 11 of the Conference.

(b) The salary of a Governor-General shall not be altered during his continuance in office.

8. The Senate shall consist of 200 members to be elected by the Provincial Councils, a specific number of seats being allotted to each province on the basis of population, subject to a minimum. The election shall be held by the method of proportional representation with the single transferable vote. (The Hare system).

9. The House of Representatives shall consist of 500 members to be elected by constituencies determined by law. Every person of either sex who has attained the age of 21, and is not disqualified by law, shall be entitled to vote.

Provided that Parliament shall have the power to increase the number of members from time to time if necessary.

10. (1) Every House of Representatives shall continue for five years from its first meeting and every Senate shall continue for seven years.

Provided that—

- (a) either chamber of the legislature may be sooner dissolved by the Governor-General; and
- (b) any such period may be extended by the Governor-General if in special circumstances he so thinks fit; and
- (c) after the dissolution of either chamber the Governor-General shall appoint a date not more than six months after the date of dissolution for the next session of that chamber.

(2) The Governor-General may appoint such times and places for holding the sessions of either chamber of the Indian Legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions.

(3) Any meeting of either chamber of the Indian Legislature may be adjourned by the person presiding.

(4) All questions in either chamber shall be determined by a majority of votes of members present, other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

(5) The powers of either chamber of the Indian Legislature may be exercised notwithstanding any vacancy in the chamber.

11. There shall be a president of each House of Parliament who shall be a member of the House and shall be elected by the House. There shall also be a deputy president of each House who shall also be a member of the House and be similarly elected.

12. The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Representatives and by the members thereof respectively shall be such as are from time to time defined by Act of Parliament of the Commonwealth.

13. Parliament shall, subject to the provisions of this Constitution, have power to make laws

- (a) for the peace, order and good government of the Commonwealth in relation to all matters not coming in the classes of subjects by this Act assigned to the legislatures of provinces ;
- (b) for the nationals and servants of the Commonwealth within other parts of India as well as those without and beyond India ,
- (c) for the government officers, soldiers, airmen and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act or the Air Force Act , and
- (d) for all persons employed or serving in or belonging to the Royal Indian Marine Service or the Indian Navy.

For greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that notwithstanding anything in this Act the legislative authority of the Parliament of the

Commonwealth extends to all matters coming within the classes of subjects hereinafter enumerated and specified in Schedule I, attached hereto.

14. The powers of Parliament with respect to foreign affairs, not including the Indian States, shall be the same as exercised by the self-governing dominions.

15. Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the chambers of the Indian Legislature, and as to the persons to preside at the meetings of the House of Representatives in the absence of the president and the deputy president; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules.

16. (i) Any bill which appropriates revenue or monies for the ordinary annual services of the Commonwealth government shall deal only with such appropriations.

(ii) Bills imposing taxation shall deal only with the imposition of taxes, and any provision therein dealing with any other matter shall be of no effect.

(iii) Bills affecting the public debt or for the appropriation of revenues or monies or for imposing taxation shall be introduced only by a member of the executive council and can only originate in the House of Representatives.

17. A money bill means a bill which contains only provisions dealing with all or any of the following subjects, namely the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public revenues or monies, or the variation or repeal of any such charges; the supply, appropriation, receipt, custody, issue or audit of accounts of public money; the raising of any loan or the repayment thereof; or subordinate matters incidental to those subjects or any of them. In this definition the expression "taxation", "public money" and "loan" respectively do not include any taxation, money or loan raised by local authorities or bodies for local purposes.

18. The question whether a bill is or is not a money bill will be decided by the president of the House of Representatives.

19. A money bill passed by the House of Representatives shall be sent to the Senate for its recommendations and it shall be returned not later than days therefrom to the House of Representatives, which may pass it, accepting or rejecting all or any of the recommendations of the Senate; and the bill so passed shall be deemed to have been passed by both chambers.

20. (i) Subject to the provisions of this Act, a bill may be initiated in either House of Parliament and, if passed by the originating House, shall be introduced in the other House for being passed.

(ii) Except as otherwise provided under this Act, a bill shall not be deemed to have been passed by Parliament unless it has been agreed to by both Houses, either without amendments or with such amendments only as may be agreed to by both Houses.

(iii) If any bill which has been passed by the House of Representatives is not, within six months after the passage of the bill by that House, passed by the Senate, either without amendments or with such amendments as may be agreed to by both Houses, the Governor-General shall, on resolution passed by either House to that effect, refer the matter for decision to a joint sitting of both Houses. The members present at any such joint sitting may deliberate and shall vote together upon the bill as last proposed by the House of Representatives and upon amendments, if any, which have been made therein by one House of Parliament and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the Senate and the House of Representatives present at such sitting, shall be taken to have been duly passed by both Houses of Parliament.

21. (i) So soon as any bill shall have been passed, or deemed to have been passed by both Houses, it shall be presented to the Governor-General for the signification by him, in the King's name, of the King's assent, and the Governor-General may signify such assent or withhold the same or he may reserve the bill

for the signification of the King's pleasure.

(ii) A bill passed by both Houses of Parliament shall not become an Act until the Governor-General signifies his assent thereto in the King's name, or in the case of a bill reserved for the signification of the King's pleasure, until he signifies by speech or message to each House of Parliament, or by proclamation that it has received the assent of the King in Council.

Provided that the Governor-General may, where a bill has been passed by both Houses of Parliament and presented to him for the signification by him of the King's assent, or has been reserved by him for the signification of the King's pleasure, return the bill for reconsideration by Parliament with a recommendation that Parliament shall consider amendments thereto.

(iii) Any bill so returned shall be further considered by Parliament together with the amendments, recommended by the Governor-General, and if re-affirmed with or without amendments, may be again presented to the Governor-General for the signification in the King's name of the King's assent.

The Commonwealth Executive

22. The executive power of the Commonwealth is vested in the King and is exercisable by the Governor-General as the King's representative, acting on the advice of the Executive Council, subject to the provisions of this Act and of the laws of the Commonwealth.

23. (a) There shall be an Executive Council consisting of the Prime Minister and, until Parliament otherwise provides, not more than six ministers of the Commonwealth.

(b) The Prime Minister shall be appointed by the Governor-General and the ministers shall also be appointed by him on the advice of the Prime Minister.

(c) The Executive Council shall be collectively responsible to the legislature for all matters concerning the departments of the Commonwealth administered by members of the Executive Council.

24. Until Parliament otherwise provides, the appointment and removal of all other officers of the executive government of the Commonwealth shall be

vested in the Governor-General in Council, unless the appointment is delegated by the Governor-General in Council, or by a law of the Commonwealth, to some other authority.

25. The Command-in-chief of the military, naval and air forces of the Commonwealth is vested in the Governor-General as the King's representative.

High Commissioner and Foreign Representatives

26. The Commonwealth shall have the power to appoint High Commissioners and other foreign representatives similar to that exercised by Canada and other dominions. Such appointments shall be made by the Governor-General in Council who shall also make provision by rules for their pay, powers and duties, and the conditions of employment.

Financial control

27. (1) The Auditor General in India shall be appointed by the Governor-General in Council who shall by rules make provision for his pay, powers and duties, and the conditions of employment, and for the discharge of his duties in the case of a temporary vacancy or absence from duty.

(2) Subject to any rules made by the Governor-General in Council, no office may be added to or withdrawn from the public service and the emoluments of no posts may be varied except after consultation with such finance authority as may be designated in the rules, being an authority of the province or of the Commonwealth according as it is or is not under the control of a local government.

The Provincial Legislature

28. The legislative power of a province shall be vested in the King and the local Legislative Council.

29. There shall be a Governor of every province who shall be appointed by the King and represent His Majesty in the province.

30. There shall be payable to the King out of the revenues of the province for the salary of the Governor an annual sum of.....which, until Parliament of the Commonwealth otherwise provides, shall be as in schedule.....hereof provided.

31. (i) There shall be one member of the Provincial Legislative Council for every 100,000 of the population of the said province, provided that in provinces with a population of less than ten millions there may be a maximum of 100 members.

(ii) Every member shall be elected by a constituency determined by law. Every person of either sex who has attained the age of 21 and is not disqualified by law shall be entitled to vote.

32. (i) Every Provincial Council shall continue for 5 years from its first sitting provided that—

(a) it may be sooner dissolved by the Governor;

(b) the term of 5 years may be extended by the Governor if in special circumstances he so thinks fit ;

(c) after the dissolution of the Council the Governor shall appoint a date not more than 6 months after the date of the dissolution, for the next session of the Council.

(ii) The Governor may appoint such times and places for holding the sessions of the Council as he thinks fit and may also from time to time, by notification or otherwise, prorogue such sessions.

(iii) Any meeting of the Council may be adjourned by the person presiding.

(iv) All questions in the Council shall be determined by the majority of votes of the members present, other than the presiding member, who shall however have and exercise a casting vote in the case of an equality of votes.

(v) The powers of the Council may be exercised notwithstanding any vacancy.

33. There shall be a president of every Council who shall be a member of the House and shall be elected by the House. There shall also be a deputy president who shall also be a member of the House and be similarly elected.

34. The local legislature of any province has power, subject to the provisions of this Act, to make

laws for the peace and good government of the territories for the time being constituting that province. The legislative authority of every provincial council extends to all matters coming within the classes of subjects hereinafter enumerated and specified in Schedule II, attached hereto.

35. The local legislature of any province may repeal or later, as to that province, any law relating to a provincial subject made either before or after the commencement of this Act by any authority in British India.

36. Any measure affecting the public revenues of a province, or imposing any charge on the revenue, shall be introduced only by a member of the executive council of the Governor.

37. When a bill has been passed by a local Legislative Council, the Governor may declare that he assents to or withholds his assent from the bill.

38. If the Governor withholds his assent from any such bill, the bill shall not become an Act.

39. If the Governor assents to any such bill, he shall forthwith send an authentic copy of the Act to the Governor-General, and the Act shall not have validity until the Governor-General has assented thereto and that assent has been signified by the Governor-General to, and published by the Governor.

40. Where the Governor-General withholds his assent from any such Act, he shall signify to the Governor in writing his reason for so withholding his assent.

41. When an Act has been assented to by the Governor-General it shall be lawful for His Majesty in Council to signify his disallowance of the Act.

42. Where the disallowance of an Act has been so signified, the Governor shall forthwith notify the disallowance, and thereupon the Act, as from the date of the notification, shall become void accordingly.

The Provincial Executive

43. The executive power of the province shall be vested in the Governor acting on the advice of the provincial Executive Council.

44. There shall be an Executive Council for every

province consisting of not more than five ministers appointed by the Governor.

45. In appointing the Executive Council the Governor shall select the Chief Minister and appoint others only on his advice.

The Judiciary

46. There shall be a Supreme Court which shall exercise such jurisdiction as Parliament shall determine. The Supreme Court shall consist of a Lord President, and as many other Justices, as Parliament may fix.

47. The Lord President of the Commonwealth and all other Judges of the Supreme Court of the Commonwealth to be appointed after the establishment of the Commonwealth shall be appointed by the Governor-General-in-Council, and shall receive such remuneration as Parliament shall prescribe, and their remuneration shall not be diminished during their continuance in office.

48. The Lord President of the Commonwealth and other judges of the Supreme Court of the Commonwealth shall not be removed from office except by the Governor-General-in-Council on an address from both Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity.

49. The Supreme Court shall have original jurisdiction in all matters—

- (i) referred to the Supreme Court by the Governor-General-in-Council under section 85 ;
- (ii) in which the Commonwealth, or person suing or being sued on behalf of the Commonwealth, is a party ;
- (iii) affecting consuls or other representatives of other countries ;
- (iv) between provinces ;
- (v) arising under this Constitution or involving its interpretation.

50. The Supreme Court shall have jurisdiction, with such exceptions and subject to such regulations as Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders and sentences—

- (a) of any Justice or Justices exercising the original jurisdiction of the Supreme Court;
- (b) of the high court of any province, or of any other court of any province from which at the establishment of the Commonwealth an appeal lies to the King in Council.

51. The judgment of the Supreme Court in all such cases shall be final and conclusive and shall not be reviewed, or be capable of being reviewed by any other court, tribunal or authority whatsoever.

Appeals to the King in Council

52. (i) No appeal shall be permitted to the King in Council from a decision of the Supreme Court upon any question howsoever arising, as to the limits *inter se* of the constitutional powers of the Commonwealth and those of any province or provinces, or as to the limits *inter se* of the constitutional powers of any two or more provinces, unless the Supreme Court shall certify that the question is one which ought to be determined by the King in Council.

(ii) The Supreme Court may so certify if satisfied that for any special reason the certificates should be granted, and thereafter an appeal shall lie to the King in Council on the question without further leave.

(iii) Parliament may make laws limiting the matters in which such leave may be asked, provided that such laws do not impair any right which the King may be pleased to exercise by virtue of his royal prerogative to grant special leave of appeal from the Supreme Court to the King in Council.

High Courts—Constitution

53. The high courts referred to in this Act are the high courts of judicature for the time being established in British India.

54. Each high court shall consist of a chief justice and as many other judges as the Governor-General-in-Council may think fit to appoint. Provided as follows:

- (i) The Governor-General-in-Council may appoint persons to act as additional judges

of any high court, for such period, not exceeding two years, as may be required; and the judges so appointed shall, whilst so acting, have all the powers of a judge of the high court appointed by the Governor-General-in-Council;

- (ii) the maximum number of judges of a high court including the chief justice and additional judges shall be 20.

55. A judge of a high court must be an advocate on the rolls of a high court of not less than ten years' standing, provided that nothing herein contained shall affect the continuance of the tenure of office of the judges who may be holding appointments at the commencement of this Act.

56. (i) Every judge of a high court shall hold office during his good behaviour.

(ii) Any such judge may resign his office to the local government.

57. The chief justice and other judges of the high court shall not be removed from office except by the Governor-General-in-Council on an address by the provincial legislature.

58. (i) The Governor-General-in-Council may fix the salaries, allowances, furloughs and retiring pensions, and may alter them, but any such alteration shall not affect the salary of any judge appointed before the date thereof.

(ii) The remuneration fixed for a judge under this section shall commence upon his taking upon himself the execution of his office.

59. (i) On the occurrence of a vacancy in the office of chief justice of a high court, and during any absence of such a chief justice, the local government shall appoint one of the other judges of the same high court to perform the duties of chief justice of the court, until some person has been appointed by the Governor-General to the office of chief justice of the court, and has entered on the discharge of his duties of that office, or until the chief justice has returned from his absence as the case requires.

(ii) On the occurrence of a vacancy in the office of any other judge of a high court, and during any absence of any such judge, or on the appointment of any such judge to act as chief justice, the local government may appoint a person with such qualifications as are required in persons to be appointed to the high court; and the person so appointed may sit and perform the duties of a judge of the court, until some person has been appointed by the Governor-General-in-Council to the office of judge of the court, and has entered on the discharge of the duties of the office, or until the absent judge has returned from his absence, or until the local government sees cause to cancel the appointment of the acting judge.

Jurisdiction

60. (i) The several high courts are courts of record and have such jurisdiction, original and appellate, including admiralty jurisdiction in respect of offences committed on the high seas, and all such powers and authority over or in relation to the administration of justice, including power to appoint clerks and other ministerial officers of the court, and power to make rules for regulating the practice of the court, as are vested in them by letters patent, and subject to the provisions of any such letters patent, all such jurisdiction, powers and authority as are vested in those courts respectively at the commencement of this Act.

(ii) The letters patent establishing, or vesting jurisdiction, power, or authority, in a high court may be amended from time to time by a further letters patent.

61. Each of the high courts has superintendence over all courts for the time being subject to its appellate jurisdiction, and may do any of the following things, that is to say—

- (a) call for returns;
- (b) direct the transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction;
- (c) make and issue general rules and prescribe forms for regulating the practice and pro-

ceedings of such courts ;

(d) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts ; and

(e) settle tables of fees to be allowed to the sheriff, attorneys, and all clerks and officers of courts ;

Provided that such rules, forms and tables shall not be inconsistent with the provisions of any law for the time being in force, and shall require the previous approval of the local government.

62. (i) Each high court may, by its own rules, provide as it thinks fit for the exercise, by one or more judges of the high court, of the original and appellate jurisdiction vested in the court.

(ii) The chief justice of each high court shall determine what judge in each case is to sit alone, and what judges of the court, whether with or without the chief judge, are to constitute the several division courts.

63. The Governor-General-in-Council may, by order, transfer any territory or place from the jurisdiction of one to the jurisdiction of any other of the high courts, and authorise any high court to exercise all or any portion of its jurisdiction in any part of British India not included within the limits for which the high court was established, and also to exercise any such jurisdiction in respect of any British subject for the time being within any part of India outside the Commonwealth.

64. (a) The Governor-General, each Governor, each of the members of the Executive Council, whether in the Commonwealth or in the provinces, shall not be subject to the original, appellate or revisional jurisdiction of any high court, by reason of anything counselled, ordered or done by any of them, in his public capacity only.

(b) The exemption shall extend also to the chief justices and other judges of the several high courts.

65. The Governor-General-in-Council may, if he sees fit, by letters patent, establish a high court of judi-

cature in any territory in the Commonwealth, whether or not included within the limits of the local jurisdiction of another high court, and confer on any high court so established, any such jurisdiction, powers and authority as are vested in, or may be conferred on, any high court existing at the commencement of this Act; and, where a high court is so established in any area included within the limits of the local jurisdiction of another high court, the Governor-General may, by letters patent, alter those limits, and make such incidental, consequential and supplemental provisions as may appear to be necessary by reason of the alteration.

Advocate General

66. The local government may appoint an advocate general for each of the provinces and may, on the occurrence of a vacancy in the office of advocate general, or during any absence or deputation of an advocate general, appoint a person to act as advocate general; and the person so appointed may exercise the powers of an advocate general until some person has been appointed by the Governor-General-in-Council and has entered on the discharge of his duties or until the advocate general has returned from his absence or deputation, as the case may be, or until the local government cancels the local appointment.

Property, Revenue and Finance

67. All property vested in, or arising or accruing from property or rights vested in, His Majesty or the Secretary of State in Council under the Government of India Acts, 1858, 1915 and 1919 shall vest in the Governor-General-in-Council.

68. The revenues of India shall vest in the Governor-General-in-Council and shall, subject to the provisions of this Act, be applied for the purposes of the Commonwealth alone.

69. The expression "the revenues of India" in this Act shall include all the territorial and other revenues of or arising in British India, and in particular,—

- (i) all tributes and other payments in respect of any territories which would have been re-

ceivable by or in the name of the East India Company if the Government of India Act, 1858, had not been passed ; and

- (ii) all fines and penalties incurred by the sentence or order of any court of justice in British India, and all forfeitures for crimes of any movable or immovable property in British India ; and
- (iii) all movable or immovable property in British India escheating or lapsing for want of an heir or successor and all property in British India devolving as *bona vacantia* for want of a rightful owner.

70. Parliament shall establish a Railway and Harbour Fund into which shall be paid all revenues raised or received by the Governor-General-in-Council from the administration of railways, posts and harbours, and such fund shall be appropriated by Parliament to the purposes of railways, posts and harbours, on such conditions and in such manner as it may prescribe. There shall also be formed a consolidated revenue fund into which shall be paid all other revenues raised or received by the Governor-General-in-Council and such fund shall be appropriated by Parliament for the purpose of the Commonwealth in the manner prescribed by this Act or by rules made in that behalf and subject to the charges imposed thereby.

71. There shall be charged on the revenues of India alone—

- (a) all the debts of the East India Company ; and
- (b) all sums of money, costs, charges and expenses which, if the Government of India Act, 1858, the Government of India Act, 1915, as amended by the Government of India Act 1919 or this Act had not been passed, would have been paid by the East India Company out of the revenues of India in respect of any treaties, covenants, contracts, grants or liabilities existing at the commencement of this Act ; and

(c) all expenses, debts and liabilities lawfully contracted and incurred on account of the Government of India; and

(d) all other charges and payments under this Act (except so far as is otherwise provided under this Act).

72. (i) As soon as may be after the establishment of the Commonwealth the Governor-General-in-Council shall appoint a Commission consisting of one representative from each province and . . . representatives of the government of the Commonwealth, and presided over by an officer of the Commonwealth, to institute an enquiry into (a) the sources of revenue which may be assigned to the government of the Commonwealth and to the governments of the provinces respectively with due regard to the efficient administration and development of the services or subjects under the respective control of either, and (b) the financial relations which should exist between the governments of the Commonwealth and the governments of the provinces, and (c) the means to be adopted for giving effect to such relations.

(ii) The said Commission shall appoint a committee to examine the whole question of the training of officers for the land, naval and air forces of the Commonwealth and the establishment of the requisite number of schools and colleges for military instruction.

(iii) The committee so appointed shall report to the Commission about the requisite number of such schools and colleges and their staffs, the places where they are to be established, and the standard of instruction to be imparted in each, and an estimate of the initial and maintenance cost of the said schools and colleges.

(iv) The said Commission shall also appoint a committee to investigate and report on the steps to be taken for the introduction of general primary education in the Commonwealth and the affording of special educational facilities for backward classes.

(v) The said Commission shall have the power to appoint such other committees as it may consider necessary, for the purposes of its inquiry.

(vi) The said Commission shall report to the Gover-

nor-General-in-Council on matters recommended in clause (i), and shall make special recommendations fixing minimum charges on the revenues of the Commonwealth and the provinces for the purposes mentioned in (ii), (iii) and (iv).

73. The Governor-General-in-Council shall lay the entire report of the Commission together with his recommendations before Parliament for such legislative or other action as it may deem fit.

74. Pending the completion of the said enquiry, and until Parliament has taken action under clause 68, the existing sources of revenue and the financial relations shall continue to be in force.

Defence

75. (a) The Governor-General-in-Council shall appoint a Committee of Defence consisting of (1) the Prime Minister, (2) the Minister of Defence, (3) the Minister of Foreign Affairs, (4) the Commander-in-Chief, (5) the Commander of the Air Forces, (6) the Commander of the Naval Forces, (7) the Chief of the General Staff, and two other experts.

(b) The Prime Minister shall be the chairman of the committee; and there shall be a permanent staff including a secretary attached to this committee.

(c) The functions of this committee shall be to advise the government and the various departments concerned with questions of defence and upon general questions of policy.

(d) As soon as the committee is appointed the Governor-General-in-Council may take the advice of the Committee of Defence as to the practicability and means of effecting a retrenchment in the expenditure on defence compatibly with the safety of India. The estimates shall be framed according to the recommendations of the committee.

76. The proposals of the Governor-General-in-Council for the appropriation of revenues or monies classified as "Defence", shall be submitted to the vote of the House of Representatives.

77. Notwithstanding anything to the contrary in

the foregoing provisions, the Governor-General-in-Council may, in the event of any foreign aggression on India by land, air or sea, or upon his being satisfied that there is a reasonable apprehension of such aggression, authorise such expenditure as may be necessary for the safety of British India or any part thereof. Such action taken by the Governor-General shall be reported by him immediately to the Legislature, if in session, or if the Legislature is not in session, to a special session to be summoned as soon as possible thereafter.

78. No measure affecting the discipline or maintenance of any part of the military, naval and air forces of the Commonwealth shall be introduced in Parliament except on the recommendation of the Committee of Defence appointed under this constitution.

The Civil Services

79. Subject to the provisions of the next succeeding section, all officers of the public services shall, at the establishment of the Commonwealth, become officers of the Commonwealth.

80. As soon as possible after the establishment of the Commonwealth, the Governor-General-in-Council shall appoint a Public Service Commission to make recommendations for such reorganisation and readjustment of the departments of the public services as may be necessary.

81. Parliament may make laws for regulating the classification of the civil services in India, the sources and methods of their recruitment, the conditions of service, pay and allowances, and discipline and conduct. Parliament may also, to such extent and in respect of such matters as it may prescribe, delegate the power of making rules under the said laws to the Governor-General-in-Council or to local governments.

82. (i) After the establishment of the Commonwealth the Governor-General-in-Council shall appoint a permanent Public Service Commission with such powers and duties relating to the recruitment, appointment, discipline, retirement and superannuation of public officers as Parliament shall determine.

(ii) Members of the permanent Public Service Com-

mission shall hold office for five years from the date of appointment.

83. Any officer of the public services who desires to retire within three years of the establishment of the Commonwealth, or is not retained in the service of the Commonwealth, shall be entitled to receive such pension, gratuity or other compensation as he would have received in like circumstances if the Commonwealth had not been established.

The Army Services

84. All officers, British and Indian, serving in the army, the navy, the Royal Indian Marine, or the Air Force of India, serving in India at the commencement of the new constitution, shall retain all their existing rights as to salaries, allowances or pensions or shall receive such compensation for the loss of any of them, as the Governor-General-in-Council may consider just and equitable, or as they would have received in like circumstances if the Commonwealth had not been established.

Further all such officers, British or Indian, who were in receipt of pensions at the date of the commencement of the new constitution, shall continue to receive the same pension from the revenues of India.

Indian States

85. The Commonwealth shall exercise the same rights in relation to, and discharge the same obligations towards, the Indian States, arising out of treaties or otherwise, as the Government of India has hitherto exercised and discharged.

In case of any difference between the Commonwealth and any Indian State on any matter arising out of treaties, engagements, sanads or similar other documents, the Governor-General-in-Council may, with the consent of the State concerned, refer the said matter to the Supreme Court for its decision.

New Provinces

86. The redistribution of provinces should take place on a linguistic basis on the demand of the majority

of the population of the area concerned, subject to financial and administrative considerations.

Amendment of the Constitution

87. * Parliament may, by law, repeal or alter any of the provisions of the constitution. Provided that the bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together and at the third reading shall be agreed to by not less than two-thirds of the total number of the members of both Houses. A bill so passed at such a joint sitting shall be taken to have been duly passed by both Houses of Parliament.

*Note:—*The following are the recommendations on communal and other controversial matters.

Communal representation †

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

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

III. In the provinces

(a) there shall be no reservation of seats for any community in the Punjab and Bengal ;

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

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

* The Conference has referred this clause back to the Constitution Committee for amendment. See resolution 7 of the Conference.

† Some of these clauses have been altered by the Conference. See resolutions 4 and 6 of the Conference.

IV. Reservation of seats where allowed shall be for a fixed period of ten years.

Redistribution and status of provinces†.

V. Sind should be separated from Bombay and constituted into a separate province after such enquiry about the financial position as may be considered necessary.

VI. Parts of the Karnataka, except the small islands on the other side of the Mysore territory, should similarly be separated from the provinces in which they are at present included and formed into a single separate province.

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

MOTILAL NEHRU
S. ALI IMAM
TEJ BAHADUR SAPRU
M. S. ANEY
MANGAL SINGH
SHUAIB QURESHI*
SUBHAS CHANDRA BOSE
G. R. PRADHAN

**Mr. Shuaib Qureshi was unfortunately unable to be present at the last meeting of the Committee when the draft report was considered. The draft however was sent to him and he has informed us that in regard to the recommendations contained in chapter III he is of opinion that one third seats in the central legislature should be reserved for Muslims. Further, he says "I agree with the resolution adopted at the Informal Conference of July 7th but do not subscribe to all the figures and arguments produced in its support"*

Sir Ali Imam, Mr. Subhas Chandra Bose and Mr. G. R. Pradhan were also unable to be present at the final meeting of the Committee but they signified their concurrence with the report after reading the draft.

† The Conference passed a comprehensive resolution on the redistribution of provinces. The Sind agreement deals with the separation of Sind. In clause VII Baluchistan has been added after N.-W. F. Province. See resolutions 4, 5 and 12 of the Conference.

Note on the Informal Conference and after

The resolution of the Informal Conference, given on page 50 of the report, was passed on July 7th, 1928. It was signed by Dr. M. A. Ansari, Pandit Motilal Nehru, Pandit Madan Mohan Malaviya, Sir Ali Imam, Sir Tej Bahadur Sapru and Messrs. Abulkalam Azad, Sachchidanand Sinha, C. Y. Chintamani, T. A. K. Sherwani, Mangal Singh, Mohammad Shafee Daudi, M. S. Aney, S. D. Kitchlew, Subhas Chandra Bose, Shuaib Qureshi, Khaliq-uz-Zaman, D. R. Ranjit Singh, Syed Mahmud, A. M. Khwaja and Jawaharlal Nehru. Some others, who were present, agreed with this resolution but had left when signatures were taken.

This resolution was later considered by the All Parties Committee together with some non members who had been invited. Extracts from the proceedings of the Committee are given below.

*Extract from the proceedings of the Committee,
dated 8th July*

Morning session

Present :

Pandit Motilal Nehru.
Mr. M. S. Aney.
Mr. Shuaib Qureshi
Sardar Mangal Singh.
Mr. Subhas Chandra Bose.

The following non-members were also present by invitation .

Dr. M. A. Ansari.
Maulana Abulkalam Azad.
Mr. T. A. K. Sherwani
Mr. Mohammad Shafee Daudi.
Dr. S. D. Kitchlew.
Mr. Khaliq-uz-Zaman.
Dr. Syed Mahmud and
Mr. Jawaharlal Nehru.

The question of reservation of seats for the Muslim minority in the central legislature was considered. It was stated however that under yesterday's agreement (first part) there could be no such reservation even for minorities. On the other hand

it was pointed out that without reservation it was probable that only about 30 or 40 Muslims may be returned to a central legislature of 500 members. This same result would be arrived at, it was shown, in the provinces where Muslims were in a small minority. A suggestion was made that this difficulty could be got over by a reservation of seats for small minorities in both central and provincial legislatures but not for majorities. This would mean a revision of yesterday's agreement. No decision was arrived at and the matter was postponed to the evening session.

July 8th

Evening session

Present as in morning session with the exception of Dr. S. D. Kitchlew and Dr. Syed Mahmud

Also present Sir Tej Bahadur Sapru

The question of minority representation left over at the morning session was then taken up. It was unanimously agreed to modify the first part of the resolution of the Informal Conference held on the 7th July so as to permit reservation of seats in the central legislature for minorities on population basis.

The question of reservation of seats for small minorities in the Provincial Council was then considered. The Committee, with the exception of Mr Shuaib Qureshi, was of opinion that the reasons favouring such reservation in the central legislature apply with equal force to the provincial legislature also. This opinion was supported by non members present. It was therefore agreed to report to the All Parties Conference that reservation of seats for small minorities in proportion to their population, with the right to contest additional seats, should be permitted in provincial legislatures.

SCHEDULE I

CENTRAL SUBJECTS

1. Trade and commerce with other countries and in India and the incorporation of trading, financial or foreign corporations in India.

2. Taxation, excluding the taxation assigned under this constitution to the provinces or parts of them ; but including customs, revenue, excise, income-tax, super-tax, corporation profits tax, opium, including control of its cultivation, manufacture, and sale, export duties.

3. Bounties on the production of export of goods.

4. Borrowing money on the credit, the assets and the property of the Commonwealth, the public debt of the Government of the Commonwealth.

5. Currency, coinage and legal tender.

6. Banking and insurance and savings banks ; the incorporation of banks and the issue of paper money and stock exchanges.

7. Bills of exchange, cheques, *hundies* and promissory notes.

8. Shipping and navigation, including shipping and navigation on such inland waterways as may be declared to be of national importance ; harbours, major ports, lighthouses, beacons, lightships, buoys.

9. Railways, and roads of all India and military importance.

10. Aircraft and all matters connected therewith.

11. Posts, telegraphs and telephones, including wireless communications and installations.

12. The defence of India and all matters connected with the naval, military and air forces of the Commonwealth, including militia, Indian Marine Service and any other force raised in India other than military and armed police wholly maintained by the provincial government ; naval and military works and cantonments ; schools and colleges for military, naval and air training.

13. Foreign and external relations including relations with States in India and political charges ; domicile, naturalization and aliens ; passports ; and pilgrimages beyond India

14. Emigration and immigration.
15. Port quarantine and marine hospitals.
16. The Commonwealth Public Services and the Commonwealth Public Service Commission.
17. The Audit department of the Commonwealth.
18. The Supreme Court of India, and legislation relating to High Courts.
19. Civil Law including laws regarding status, contract, property, civil rights and liabilities and civil procedure.
20. Criminal Law including criminal procedure and extradition laws.
21. Bankruptcy and insolvency.
22. Legislation regarding marriage, divorce and matrimonial matters, parental rights, the custody and guardianship of infants ; their status and age of majority.
23. Copyright ; newspapers and books ; patents of inventions and designs and trade marks
24. Land acquisition by or for the purposes of the Government of the Commonwealth.
25. Laws relating to registration of deeds and documents.
26. Laws relating to registration of births, deaths and marriages.
27. Census and statistics.
28. Control of arms and ammunition.
29. (a) Control of petroleum and explosives.
(b) Control of poisons.
30. The standards of weights and measures.
31. Fisheries in Indian waters beyond the three miles limit.
32. Survey of India ; geological survey and astronomical and meteorological observations.
33. Parliamentary elections.
34. The seat of the Government of the Commonwealth
35. Inter-provincial matters.
36. Factory legislation,
37. Industrial matters :
(a) Welfare of labour
(b) Provident fund.
(c) Industrial Insurance—General health and accident
38. Control of mines.

39. Medical qualifications and standards.
 40. Stores and stationery for the Commonwealth.
 41. Central publicity and intelligence department.
 42. Zoological survey ; botanical survey ; archaeology.
 43. Central agencies and institutions for research (including observatories) and for professional and technical training or promotion of special studies.
 44. Territorial changes, other than intra-provincial, and declaration of laws in connection therewith.
 45. All property of the Commonwealth.
 46. Legislation regarding forests.
 47. Legislation relating to non-judicial stamps.
-

SCHEDULE II

PROVINCIAL SUBJECTS

1. Land revenue including assigned land revenue ; any other tax that may be imposed on land or agricultural income ; charges for water ; survey and settlement ; disposal and colonisation of public land and management of government estates.

2. Excise, that is to say, the control of manufacture, transport, possession, purchase and sale of alcoholic liquor and intoxicating drugs (except opium), and the levying of excise duties and licence fees on, or in relation to, such articles and other restrictive excises.

3. All local taxation, such as tolls ; cesses on land or land values ; tax on buildings ; tax on vehicles or boats ; tax on animals ; octroi and a terminal tax on goods imported into or exported from a local area ; tax on trades, professions and callings ; tax on private markets ; tax on advertisements ; tax on amusements or entertainments ; tax on gambling : taxes imposed in return for services rendered by the local authority.

4. Land acquisition by and within the province.

5. Administration of forests and preservation of game.

6. Agriculture, including research institutes, experimental and demonstration farms, protection against destruction by insects and pests.

7. Fisheries, excluding Commonwealth fisheries.

8. Water supplies, irrigation canals, drainage and embankment, water storage and water power except where they involve a matter of inter-provincial concern or affect the relations of a province with an Indian State or any other territory.

9. Public works and undertakings within the province including buildings, roads, bridges, ferries, tunnels, ropeways, causeways, tramways, light and feeder railways, inland waterways and other means of communications except :

(a) such railways, roads and inland waterways as are central subjects.

(b) all such works as extend beyond the borders of the province.

- (c) such works (although wholly situate within the province) as may be declared by Parliament to be of all India importance.
10. Co operative societies.
 11. Development of mineral resources.
 12. Famine relief.
 13. Pilgrimages within India.
 14. Local self-government including constitution and powers of Municipal Corporations, Local Boards, Village Panchayats Improvement Trusts, Town Planning Boards and other local authorities in the province.
 15. Medical administration including hospitals, dispensaries, asylums, and provision for medical education.
 16. Public health and sanitation and vital statistics.
 17. Education, including universities and technical institutes, provincial institutions for professional or technical training and for promotion of technical studies.
 18. Court of Wards and encumbered and attached estates.
 19. Land improvement and agricultural loans.
 20. Land tenures and landlord and tenant, rent law.
 21. Administrator-General and Official Trustees subject to legislation by central legislature.
 22. Development of industries, including industrial research.
 23. Police, including military and armed police maintained by the province and Railway Police, subject in the case of Railway Police to such rules as may be prescribed by Parliament as to limits of jurisdiction and railway contribution to cost of maintenance.
 24. Adulteration of foodstuffs and other articles.
 25. (a) Control of vehicles, subject in the case of motor vehicles to legislation by the central legislature as regards licences valid throughout India.
(b) Control of dramatic performances and cinematographs.
 26. Prisons, prisoners and reformatories and vagrancy.
 27. Backward tribes and their settlements.
 28. Treasure trove.
 29. Administration of justice in the province including the constitution, maintenance and organisation of courts of civil and criminal jurisdiction.
 30. Election for the legislature of the province.

31. Legislation imposing punishments by fine, penalty or imprisonment for breach of any law of the province in relation to any provincial matter.

32. The borrowing of money on the sole credit of the province, subject to sanction of central government ; assets and property of the province.

33. Administration of the law relating to the registration of births, deaths and marriages.

34. Provincial law reports.

35. Minor ports.

36. Public libraries, except the Imperial Library at Calcutta; museums, except the Indian Museum, the Imperial War Museum and the Victoria Memorial in Calcutta; zoological and botanical gardens and registration of societies

37. Pounds and prevention of cattle trespass.

38. Civil Veterinary Department, including provisions for veterinary training, improvement of stock and prevention of animal diseases

39. Factories, subject to legislation by central legislature

40. Settlement of labour disputes

41. Gas and electricity

42. Boilers.

43. Smoke nuisances.

44. Housing of labour.

45. Coroners.

46. Provincial stores and stationery

47. Provincial government press

48. Provincial services and Provincial Services Commission

49. The seat of the provincial government

50. Control of elections, subject to regulation by central government

51. Fees, including court fees ; probate duties ; succession or estate duties

52. Control of production, supply and distribution, subject to rules made by the central legislature

53. Development of industries, subject to rules made by the central legislature.

54. Religious and charitable endowments, subject to legislation by central legislature.

55. Regulation of betting and gambling, subject to legislation

by the central legislature.

56. Prevention of cruelty to animals and protection of wild birds and animals, subject to legislation by the central legislature.

57. Non-judicial stamps, subject to legislation by the central legislature; and judicial stamps, subject to legislation by the central legislature as regards amount of court-fees levied in relation to suits and proceedings in the high courts under their original jurisdiction.

58. Registration of deeds and documents, subject to legislation by the central legislature

59. Weights and measures, subject to legislation by the central legislature as regards standards.

60. Control of poisons ; arms and ammunition ; petroleum and explosives, subject to legislation by the central legislature.

61. Control of newspapers, subject to legislation by the central legislature.

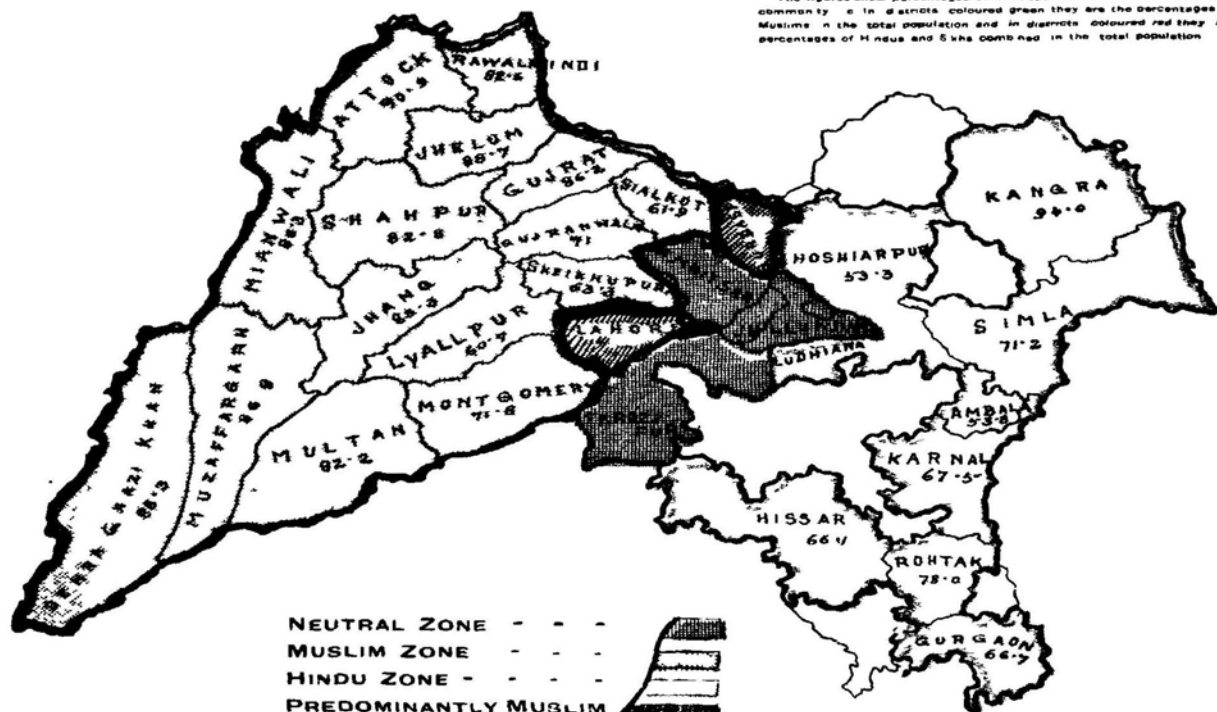
62. Regulation of medical and other professional qualifications and standards, subject to legislation by the central legislature

63. Local Fund Audit

THE APPENDICES

PUNJAB

The figures show percentages of the population of the predominant community in districts coloured green they are the percentages of Muslims in the total population and in districts coloured red they are percentages of Hindus and Sikhs combined in the total population



APPENDIX A

An analysis of the population figures of the Punjab according to religion

*Being a note on the population figures of the Punjab with special reference
to the probable extent of the representation of various religious
groups in the legislature*

This note is based on the following assumptions

1. That there is ordinary territorial representation with what are called joint or mixed electorates and without any reservation of seats
2. That there is adult franchise, or at any rate some franchise which ensures that the numbers of electors of the various communities bear the same ratio to each other as the population figures of those communities

The figures and calculations in these notes are based entirely on the 1921 census. It may be mentioned however that the ratio of increase of Muslims in the Punjab is slightly greater than that of Hindus. This according to the census report is not due now to conversions but to certain social causes—widow remarriage and a higher marriage age amongst the Muslims. Infantile mortality is greater amongst the Hindus owing to early marriages. Hence it is probable that the Muslim population in the Punjab today is slightly greater proportionately than is evidenced by the 1921 census figures. The next census may show this increase. This means that the calculations in these notes are conservative figures so far as the Muslims are concerned, and the actuality is more favourable to them.

It is not possible to arrive at any accurate conclusion regarding representation in legislatures on population figures from a census report. A great deal must depend on the grouping of constituencies. It is also by no means certain, and it certainly is most undesirable, that in a joint electorate a Hindu should always vote for a Hindu, and a Muslim for a Muslim. But it is not possible to make allowances for this in these calculations. As the question is being considered in its communal aspect we must presume that as a general rule votes will be cast on communal lines. The constituencies not having been formed the only alternative is to examine the figures for the individual districts. It is likely that either a whole district or a part of it will form a single constituency.

The population of the Punjab (excluding Indian States) in 1921 was 20,685,024. This was made up as follows

Muslims	..	..	11,444,321	..	55.3%
Hindus	..	..	6,579,260	..	31.8%
Sikhs	..	..	2,294,207	..	11.1%
Others (mainly Christians)	..	..	367,236	..	1.8%
			20,685,024		100.0%

Thus the Muslims are in a clear but not a great majority over all others combined. If the distribution of population is more closely examined it will be seen that the Muslims are in an even stronger position than the all Punjab figures might indicate. This is due to the fact that the Hindus and Sikhs are present in large numbers in the southern part of the province—Ambala and Jullundur divisions. Muslims are in a minority in these two divisions but they make up for it by increasing their majorities elsewhere.

The Punjab can be divided roughly into three natural belts or areas (1) the predominantly Muslim area, (2) the neutral area but with Muslim majority and (3) the Hindu-Sikh area. If we take the existing divisions as corresponding approximately to these areas we have the following three belts :

- I. **Rawalpindi and Multan divisions** forming the Muslim zone with Muslims in very great majorities (86.9% and 76.9% respectively).
- II. **Lahore division** forming the neutral zone, but Muslims in a majority (57.0%) over all others combined.
- III. **Ambala and Jullundur divisions** forming the Hindu-Sikh zone. Muslims are in a minority (26.3% and 32.8%) respectively).

We can form some rough idea of the representation in the legislature on the basis of these communal zones. Allowing one member for every hundred thousand of population we have :

	<i>Population in thousands</i>		<i>Members of legislatures</i>	
Punjab.....	..	20,685	..	207
I. { Rawalpindi division	..	3461	..	35
{ Multan division	..	4218	..	42
II. Lahore division	..	4997	..	50
III. { Ambala division	..	3827	..	38
{ Jullundur division	..	4182	..	42
				207

We may presume that the Muslims will capture all the seats in the Muslim zone and Hindus all the seats in the Hindu-Sikh zone. In the Lahore division there may be a division of the spoils. This of course cannot and should not happen in its entirety. It is not desirable that each division should be represented by one community only. But in making a rough calculation one may presume this much—the seats gained by the Muslims in the Hindu-Sikh area will probably be counterbalanced by the seats gained by the Hindu-Sikhs in the Muslim area.

As a matter of fact there is more chance of the Muslims gaining a seat in the Hindu-Sikh area than the reverse, as the Muslim majorities in Rawalpindi and Multan divisions are tremendous (86.0% and 76.9%).

Thus we arrive at the conclusion that the Muslims are bound to get 77 seats in their zone, and the Hindu-Sikhs combined 80 seats in their zone. The third zone—Lahore division—will probably be divided between the two, but the division is likely to be very much in favour of the Muslims. They are 57.0% of the population, the Hindus being 20.7% and the Sikhs 16.2%. Christians etc. amount to 6.1% but they may be left out of consideration here as presumably they have no special affiliations to the major communities and can certainly not be considered as being anti-Muslim or as belonging to the Hindu-Sikh bloc. Hindus and Sikhs together amount to 36.9% as against the 57.0% of the Muslims. The Muslims are thus more than one and a half times stronger than the Hindu-Sikh group. The difference is considerable and the Muslim strength must make itself felt in an election. The Muslim majority in this division should ordinarily gain more seats than it is entitled to on basis of population. But even if it got seats exactly in proportion to its population in the division, it would have 29 seats. This added to the 77 seats in the Muslim belt gives the figure 106 which gives a small but clear majority in the legislature of 207, over all other communities and groups combined. The majority will really be much greater over the Hindu-Sikh bloc as the "others" may also be in the minority.

All this proceeds on the basis that Hindu and Sikh interests are identical and the two groups hang together on all occasions. This of course is not a justifiable presumption and it is more than likely that they may not always act together. In such a contingency each community's hopeless minority in the face of the solid Muslim majority will become even more obvious.

As the Lahore division is likely to be the critical one, it may be examined in greater detail. Out of the 6 districts in this division three districts—Sialkot, Gujranwala and Sheikhupura—have very substantial Muslim majorities. And as "others" (Christians etc.) are present in appreciable numbers in these districts the Muslim majorities *vis-a-vis* the Hindu-Sikh bloc become even greater and are really overwhelming.

The figures are :

Sialkot district

Muslims	61.9%	} .. 9½ seats
Hindus	..	..	19.5%
Sikhs	..	..	8.0%
Others	..	..	10.5%

The Hindu-Sikh bloc totals 27.5% as against the 61.9% of the Muslims. The latter thus are considerably more than double the number of the Hindus and Sikhs combined.

Gujranwala district

Muslims	71.0%	} .. 6½ seats
Hindus	..	..	15.8%
Sikhs	..	..	8.2%
Others	..	..	5.1%

The Hindu-Sikh *bloc* totals 24.0% as against the 71.0% of the Muslims. The latter are thus nearly three times the number of Hindus and Sikhs combined.

Sheikhupura district

Muslims	63.3%	} .. 5½ seats
Hindus	..	..	16.0%
Sikhs	..	..	15.9%
Others	..	..	4.8%

The Hindu-Sikh *bloc* totals 31.9% as against the 63.3% of the Muslims. The latter are thus just double the number of the Hindus and Sikhs combined.

In these three districts the Muslims are in an impregnable position. Indeed they really form part of the Muslim zone and should be considered along with it. These districts will be entitled to send 21 members to the legislature. These can be added to 77 members from the Muslim zone giving the total 98.

In the other districts of Lahore division the position is as follows :

Lahore district

Muslims	57.3%	} .. 11 seats
Hindus	..	..	21.5%
Sikhs	..	..	15.9%
Others	..	..	5.3%

Here the Hindu-Sikh *bloc* totals 37.4% as against the 57.3% of the Muslims. The Muslim majority is not so great as in the northern districts but it is substantial. The Muslims greatly outnumber the Hindus and Sikhs, being over one and a half times their number.

Amritsar district

Muslims	45.6%	} .. 9 seats
Hindus	..	..	21.6%
Sikhs	..	..	30.9%
Others	..	..	1.8%

In this district the Hindus and Sikhs combined amount to 52.5% and are in a fair majority over the 45.6% Muslims.

Gurdaspur district

Muslims	49.6%	} .. 8½ seats
Hindus	..	..	26.0%
Sikhs	..	..	16.2%
Others	..	..	8.2%

Here the Muslims outnumber the Hindus and Sikhs combined—49.6% against 42.2—but the majority is not great. The position in Amritsar district is reversed. There are a fair number of "others" here.

Thus in these three districts, the Muslim position is strong in Lahore, fair in Gurdaspur and weak in Amritsar. But even in the last mentioned place the Muslims are by far the strongest single community.

It is highly likely that Muslims will capture some seats in these districts, specially in Lahore.

The Lahore division will thus be largely represented by Muslims and this representation added to that from the Muslim zone in the north and west ought to give them a clear majority.

This question can be considered from another point of view. Instead of looking at the divisions as a whole the individual districts may be taken. This will probably give a more accurate idea of the result.

There are 29 districts in the Punjab. These may be divided into four groups (1) overwhelmingly Muslim districts where the Muslim position is impregnable; (2) predominantly Muslim districts, where there is a Muslim majority but not so great as in (1); (3) districts where there is no special predominance of any community, and (4) overwhelmingly or predominantly Hindu-Sikh districts.

I. Overwhelmingly Muslim districts

<i>Percentage of Muslims given after districts</i>		<i>No. of members in legislatures</i>
1. Gujrat	86.2	8
2. Shahpur	82.8	7
3. Jhelum	88.7	5
4. Rawalpindi	82.6	6
5. Attock	90.9	5
6. Mianwali	86.3	4
7. Montgomery	71.8	7
8. Lyallpur	60.7	10
9. Jhang	83.3	6
10. Multan	82.2	9
11. Muzaffargarh	86.8	5½
12. Dera Ghazi Khan	88.3	5
13. Sialkot	61.9	9½
14. Gujranwala	71.0	6
15. Sheikhupura	63.3	5
		<hr/> 98

II. Predominantly Muslim districts

1. Lahore	H.	21.5	}	11
	M.	57.3				
	S.	15.9				
	O.	5.3				
2. Gurdaspur	H.	26.0	}	8½
	M.	49.6				
	S.	16.2				
	O.	8.2				
						<hr/> 10½

III. Districts with no special predominance of any community

1. Jullundur	H.	29.4	}	8
	S.	25.1				
	M.	44.5				
	O.	1.0				

2. Ferozepur	H.	27.6	}	11
	S.	27.6				
	M.	43.9				
	O.	.9				
3. Amritsar	H.	21.6	}	9
	S.	30.9				
	M.	45.6				
	O.	1.8				

28

Even in these three districts the strongest single community is the Muslim.

IV. Overwhelmingly or predominantly Hindu-Sikh districts

1. Hissar	H.	66.1				8
2. Rohtak	H.	78.0				8
3. Gurgaon	H.	66.7				7
4. Karnal	H.	67.5				8
5. Ambala	H.	53.8				7
6. Simla	H.	71.2				$\frac{1}{2}$
7. Kangra	H.	94.0				8
8. Hoshiarpur	H.	53.3				9
9. Ludhiana	H.	23.6	}	..	..	6
	S.	41.5				
	M.	34.0				
	O.	.9				

61 $\frac{1}{2}$

According to this the Muslims get from their special zone of 15 districts where they are impregnable 98

The Hindus similarly get from their zone .. 61 $\frac{1}{2}$

Two districts predominantly Muslim return .. 19 $\frac{1}{2}$

Three districts more or less neutral, but Muslims strongest single community in each .. 28

207

104 seats give an absolute majority in the legislature.

The result of the analysis of the figures for the districts leads us to the following conclusions:—

1. From the Muslim zone alone, where the Muslim position is unassailable, the Muslims get 98 seats or 47.3 of the total seats
2. From the Hindu Sikh belt where the Hindu-Sikh position is very strong the Hindus and Sikhs get 61 $\frac{1}{2}$ seats or .. . 29.8 Do
3. In two districts where Muslims are predominant there are 19 $\frac{1}{2}$ seats or 9.4 Do

4. In 3 districts the strength of the various communities is more or less evenly balanced but Muslims are the strongest single community in each,
 total 28 seats or 13.5 of the
 total
 100.0 seats.

It is exceedingly likely that from group II above, which is predominantly Muslim, the Muslims will get at least 10 out of the 19½ seats. This added to their seats from their particular zone gives them 108 seats which is a clear majority in the legislature. In group III above the Muslims should also get some seats as they are the strongest single community. They might safely count on 12 out of the 28. This raises the Muslim number in the legislature to 120 out of 207 or 58% of the total. Thus on a conservative estimate Muslims are highly likely to have 58% of the seats in the legislature.

PUNJAB (BRITISH TERRITORY)

Detailed population figures

Punjab

Total population	..	20,685,024	..	100.0 per cent.
Muslims	..	11,444,321	..	55.3 "
Hindus	..	6,579,260	..	31.8 "
Sikh	..	2,294,207	..	11.1 "
Others (mainly Christians)	..	367,236	..	1.8 "

PUNJAB DIVISIONS

(Population figures in thousands)

Ambala Division	Populations	Percentage	No. of members in legislature 1 for 100,000
Total	.. 3827	100	} .. 38
H	.. 2556	66.6	
M	.. 1006	26.3	
S	.. 158	4.2	
O	.. 106	2.8	
Jullundur Division			
Total	.. 4128	100	} .. 42
H	.. 1893	45	
M	.. 1370	32.5	
S	.. 880	21.0	
O	.. 40	.9	
Lahore Division			
Total	.. 4997	100	} .. 50
H	.. 1033	20.7	
M	.. 2849	57.0	
S	.. 813	16.2	
O	.. 303	6.1	

Rawalpindi Division

Total	..	3461	100	} .. 35
H	..	296	8.5	
M	..	2973	86.0	
S	..	153	4.4	
O	..	38	1.1	

Multan Division

Total	..	4218	100	} .. 42
H	..	602	14.3	
M	..	3246	76.9	
S	..	290	6.9	
O	..	80	1.9	

Note —H=Hindu M=Muslim S=Sikh O=Others

PUNJAB DISTRICTS

1. Overwhelmingly Muslim Districts

<i>District</i>		<i>Population in Thousands</i>	<i>Percentage</i>	<i>No. of members in legislature</i>
1 Gujrat	F	824	100	} .. 8.2
	H	59	7.2	
	M	710	86.2	
	S	49	6.0	
	O	6	.7	
2 Shahpur	F	720	100	} 7.2
	H	79	11	
	M	596	82.8	
	S	30	4.2	
	O	15	2.1	
3 Jhelum	F	477	100	} .. 4.8
	H	33	6.9	
	M	423	88.7	
	S	19	4.0	
	O	2	.4	
4 Rawalpindi	F	569	100	} 5.7
	H	55	9.7	
	M	470	82.6	
	S	32	5.6	
	O	12	2.1	
5 Attock	F	512	100	} .. 5.1
	H	25.5	5.0	
	M	465.5	90.9	
	S	20	3.9	
	O	1	.2	
6 Mianwali	T	358	100	} .. 3.6
	H	45	12.6	
	M	309	86.3	
	S	3	.8	
	O	1	.3	

7. Montgomery ..	T.	714	100	} .. 7'1
	H.	92	12'9	
	M.	513	71'8	
	S.	96	13'4	
	O.	13	1'8	
8. Lyallpur ..	T.	980	100	} .. 9'8
	H.	177	18'1	
	M.	595	60'7	
	S.	161	16'4	
	O.	47	4'8	
9. Jhang ..	T.	570	100	} .. 5'7
	H.	84	14'7	
	M.	475	83'3	
	S.	9	1'6	
	O.	2	'4	
10. Multan ..	T.	890	100	} .. 8'9
	H.	129	14'5	
	M.	732	82'2	
	S.	18	2'0	
	O.	11	1'2	
11. Muzaffargarh	T.	568	100	} .. 5'7
	H.	66	11'6	
	M.	493	86'8	
	S.	5	'9	
	O.	4	'7	
12. Dera Ghazi Khan .. (including Biloch H tract)	T.	496	100	} .. 5'0
	H.	54	10'9	
	M.	438	88'3	
	S.	1	'2	
	O.	3	'6	
13. Sialkot ..	T.	938	100	} .. 9'4
	H.	183	19'5	
	M.	581	61'9	
	S.	75	8'0	
	O.	99	10'5	
14. Gujranwala ..	T.	623	100	} .. 6'2
	H.	98	15'8	
	M.	443	71	
	S.	51	8'2	
	O.	31	5'1	
15. Sheikhupura ..	T.	523	100	} .. 5'2
	H.	84	16'0	
	M.	331	63'3	
	S.	83	15'9	
	O.	25	4'8	

15 Districts.

97'6 members.

II.—Predominantly Muslim Districts

(Where Muslims are greater than Hindus and Sikhs combined but are not so many as in I above).

1. Lahore	.. T.	1131	100	} .. 11.3
	H.	243	21.5	
	M.	648	57.3	
	S.	180	15.9	
	O.	60	5.3	
2. Gurdaspur	.. T.	852	100	} .. 8.5
	H.	222	26.0	
	M.	423	49.6	
	S.	137.5	16.2	
	O.	69.5	8.2	
<hr/> 2 Districts.				<hr/> 19.8 members.

III.—Districts in which there is no special predominance of any community but Muslim community strongest single group

1. Jullundur	.. T.	822.5	100	} .. 8.2
	H.	242	29.4	
	M.	366.5	44.5	
	S.	206	25.1	
	O.	8	1.0	
2. Ferozepur	.. T.	1098	100	} .. 11
	H.	303	27.6	
	M.	482	43.9	
	S.	303	27.6	
	O.	10	.9	
3. Amritsar	.. T.	929	100	} .. 9.3
	H.	201	21.6	
	M.	424	45.6	
	S.	287	30.9	
	O.	17	1.8	
<hr/> 3 Districts.				<hr/> 28.5 members.

IV.—Overwhelmingly or predominantly Hindu-Sikh Districts

1. Hissar	.. T.	817	100	} .. 8.2
	H.	540	66.1	
	M.	216	26.4	
	S.	46	5.6	
	O.	15	1.8	
2. Rohtak	.. T.	772	100	} .. 7.7
	H.	602	78.0	
	M.	125	16.2	
	S.	1	.1	
	O.	44	5.7	

3. Gurgaon	..	T.	682	100	}	.. 6.8
		H.	455	66.7		
		M.	217	31.8		
		S.	1	.1		
		O.	9	1.3		
4. Karnal	..	T.	829	100	}	.. 8.3
		H.	560	67.5		
		M.	236	28.5		
		S.	12	1.4		
		O.	21	2.6		
5. Ambala	..	T.	682	100	}	.. 6.8
		H.	367	53.8		
		M.	206	30.2		
		S.	98	14.4		
		O.	11	1.6		
6. Simla	..	T.	45	100	}	0.4
		H.	32	71.2		
		M.	7	15.5		
		S.	1	2.2		
		O.	5	11.1		
7. Kangra	..	T.	766	100	}	.. 7.7
		H.	722.3	94.0		
		M.	38.3	5.0		
		S.	2	3		
		O.	3.4	.7		
8. Hoshiarpur	..	T.	927	100	}	.. 9.3
		H.	494	53.3		
		M.	289	31.2		
		S.	133	14.3		
		O.	11	1.2		
9. Ludhiana	..	T.	568	100	}	. 5.7
		H.	134	23.6		
		M.	193	34.0		
		S.	236	41.5		
		O.	5	9		
9 Districts						60.9 members.

These figures demonstrate that quite apart from any artificial reservation of seats there is a natural reservation in more than three-fourths of the Punjab. In less than one-fourth there is some chance of free play. The distribution of population favours the majority community, Muslims, considerably.

APPENDIX B

A note on the population figures of Bengal by religion

The population of the British territory in Bengal at the 1921 census was 46,695,536. This was divided up by religion as follows:—

Muslims	..	25,210,802	..	54.0 per cent.
Hindus	..	20,203,527	..	43.3 „
Others	..	1,281,207	..	2.7 „

“Others” are chiefly tribal religions and Christians, the former being found largely in the hill tracts. They also include Jains and Buddhists etc., but there are not many of these.

The Muslims thus have a slight majority of 4% over all the others put together. This majority however is not evenly distributed over the province. The Hindus are as a matter of fact largely concentrated in one part of Bengal—the Burdwan division and part of the Presidency division—with the result that the Muslim majority elsewhere is far more than 4%. Bengal like the Punjab, presents definite zones of Hindu or Muslim population. Examining these zones roughly by divisions we find that three divisions are overwhelmingly Muslim, one is overwhelmingly Hindu, and one is more or less evenly balanced but with a 4% Hindu majority.

*No. of members of legislature
1 per 100,000 population*

A. Muslim Zone

1. Chittagong division	..	60
Muslims	.. 72.6 per cent	
Hindus	.. 23.8 „	
2. Dacca division	..	128
Muslims	.. 69.7 „	
Hindus	.. 29.7 „	
3. Rajshahi division	..	103
Muslims	.. 61.4 „	
Hindus	.. 33.7 „	

B. Overwhelmingly Hindu Zone

4. Burdwan division	..	80
Muslims	.. 13.4 „	
Hindus	.. 84.4 „	

C. Moderately Hindu Zone

5. Presidency division	..	95
Muslims	.. 47.5 „	
Hindus	.. 51.4 „	

Total seats for Bengal on this ratio 466

We see that the Muslim zone has 291 seats in it; the strong Hindu zone 80 seats and the moderately Hindu zone 95 seats. The total number of seats if one member is to be given for every 1,00,000 population comes to 466. Thus 234 gives a clear majority. In the Muslim zone alone there are 291 seats, that is 57 more than are necessary for a majority. In the Presidency division however Muslims are 47.5% and it is not conceivable that they can be ignored. They are sure to get a number of seats there. The distribution of population is such that they are bound to get more seats than these numbers warrant. They may suffer from economic causes or educational backwardness but the loss from this cannot outbalance the gains from solid majorities in the Muslim zone.

The population figures can be examined in greater detail by districts. The actual figures by religions are given at the end of this note. These figures can be classified as follows:—

			<i>No. of members in legislature.</i>
A. Overwhelmingly Muslim Districts			
Chittagong	..	..	16
Noakhali	..	.	15
Tippera	..	.	27
Mymensing	.	..	48
Bakerganj		..	26
Faridpur			23
Dacca	.		31
Pabna	..		14
Bogra	..	.	10
Rangpur	..		25
Rajshahi	..	..	15
Jessore	..	..	17
Nadia	.	..	15
			<hr/> 282 <hr/>
B. Predominantly Muslim Districts			
Murshidabad	..	..	13
Malda	..	..	10
			<hr/> 23 <hr/>
C. Predominantly Hindu District			
Jalpaiguri	..	..	9
			<hr/>
D. Neutral Districts			
Khuina	.	..	14
Dinajpur	..	..	17
Chittagong Hill Tracts		..	2
			<hr/> 33 <hr/>

E. Overwhelmingly Hindu Districts

Burdwan	..	..	14
Birbhum	.	..	8
Bankura	..	..	10
Midnapur	.	..	27
Hooghly	..	..	11
Howrah	..	..	10
24 Parganas	..	.	26
Calcutta	..	..	9
Darjeeling	..	..	3
			<hr/>
			118
			<hr/>

This analysis of district figures leads us to the same conclusion as the analysis of the division figures. The Muslim and Hindu zones are solid blocks which are natural areas of reservation if voting is to take place on religious lines. The Muslim zone including both groups A and B gives us as many as 305 seats. Even leaving out group B we have 282 seats which is far more than the number required to give a majority.

ANALYSIS OF POPULATION OF BENGAL BY RELIGION

A Bengal Divisions

<i>Population in thousands</i>		<i>Percentage</i>	<i>No of members in Legislature 1 per 100,000</i>	
Burdwan Division				
Total	8050	100	}	.. 80
Hindus	6607	82.1		
Mohammedans	1082	13.4		
Others	361	4.5		
Presidency Division				
Total	9461	100	}	.. 95
Hindus	4864	51.4		
Mohammedans	4476	47.5		
Others	120	1.2		
Rajshahi Division				
Total	10345	100	}	.. 103
Hindus	3487	33.71		
Mohammedans	6149	61.4		
Others	508	4.9		
Dacca Division				
Total	12837	100	}	.. 128
Hindus	3813	29.7		
Mohammedans	8946	69.7		
Others	78	.6		
Chittagong Division				
Total	6000	100	}	.. 60
Hindus	1432	23.8		
Mohammedans	4356	72.6		
Others	212	3.5		

All Bengal British Territory

Total	46695	100	} . 467
Hindus	20203	43'4	
Mohammedans	25211	54'0	
Others	1281	2'7	

B. Bengal Districts




<i>Districts</i>	<i>Population in thousands</i>	<i>Percentage</i>	<i>No. of members in Legislature 1 per 100,000</i>
Burdwan Division			
1. Burdwan .. T.	1439	100	} .. 14
H.	1122	78'0	
M.	266	18'5	
O.	50	3'5	
2. Birbhum .. T.	848	100	} .. 8
H.	577	68'1	
M.	213	25'1	
O.	58	6'8	
3. Bankura .. T.	1020	100	} .. 10
H.	880	86'3	
M.	47	4'6	
O.	93	9'1	
4. Midnapur .. T.	2667	100	} .. 27
H.	2352	88'2	
M.	181	6'8	
O.	134	5'0	
5. Hooghly .. T.	1080	100	} .. 11
H.	885	81'9	
M.	173	16'0	
O.	22	2'1	
6. Howrah .. T.	997	100	} .. 10
H.	791	79'3	
M.	202	20'3	
O.	4	'4	

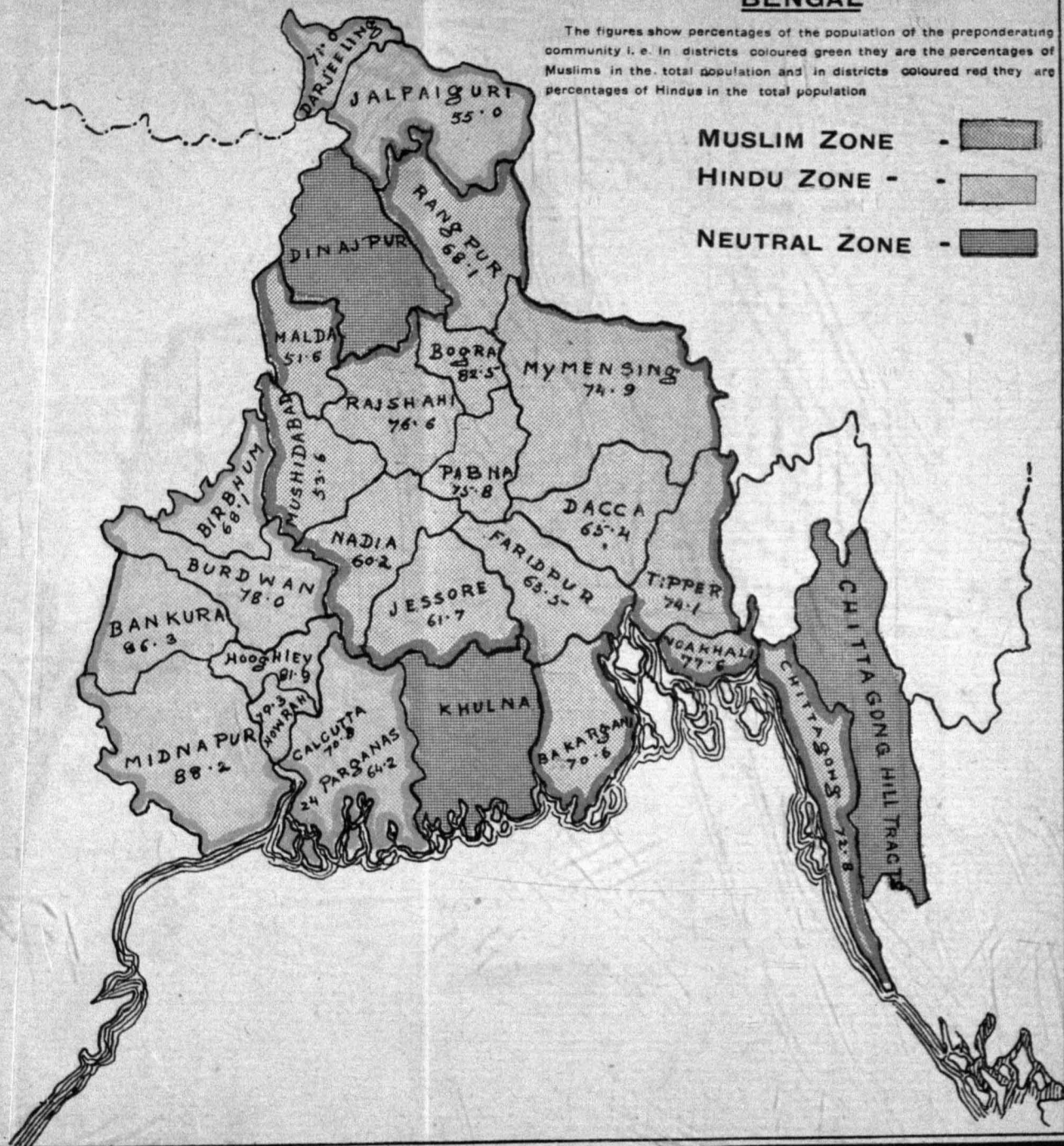
Presidency Division

7. 24 parganas.. T.	2628	100	} .. 26
H.	1687	64'2	
M.	910	34'6	
O.	31	1'2	
8. Calcutta .. T.	908	100	} .. 9
H.	643	70'8	
M.	209	23'0	
O.	56	6'2	
9. Nadia .. T.	1487	100	} .. 15
H.	582	39'1	
M.	895	60'2	
O.	10	'7	

BENGAL

The figures show percentages of the population of the preponderating community i. e. in districts coloured green they are the percentages of Muslims in the total population and in districts coloured red they are percentages of Hindus in the total population

- MUSLIM ZONE - 
- HINDU ZONE - 
- NEUTRAL ZONE - 



10. Murshidabad	T.	1262	100	}	.. 13
	H.	569	45·1		
	M.	676	53·6		
	O.	17	1·3		
11. Jessore	T.	1722	100	}	.. 17
	H.	656	38·2		
	M.	1063	61·7		
	O.	2	·1		
12. Khulna	T.	1453	100	}	.. 14
	H.	727	50·0		
	M.	723	49·8		
	O.	3	·2		
Rajshahi Division					
13. Rajshahi	T.	1489	100	}	.. 15
	H.	318	213		
	M.	1140	766		
	O.	31	2·1		
14. Dinajpur	T.	1705	100	}	.. 17
	H.	752	44·1		
	M.	837	49·1		
	O.	116	6·8		
15. Jalpaiguri	T.	936	100	}	.. 9
	H.	515	55·0		
	M.	232	24·8		
	O.	189	20·2		
16. Rangpur	T.	2507	100	}	.. 25
	H.	791	31·5		
	M.	1706	68·1		
	O.	10	·4		
17. Bogra	T.	1048	100	}	.. 10
	H.	174	16·6		
	M.	865	82·5		
	O.	9	·9		
18. Darjeeling	T.	283	100	}	.. 3
	H.	201	71·0		
	M.	9	3·2		
	O.	73	25·8		
19. Pabna	T.	1389	100	}	.. 14
	H.	334	24·1		
	M.	1055	75·8		
	O.	1	·1		
20. Malda	T.	985	100	}	.. 10
	H.	400	40·6		
	M.	508	51·6		
	O.	77	7·8		
Dacca Division					
21. Dacca	T.	3125	100	}	.. 31
	H.	1069	34·2		
	M.	2043	65·4		
	O.	13	·4		

22. Faridpur	..	T.	2250	100	}	.. 23
		H.	816	36.3		
		M.	1428	63.5		
		O.	6	.3		
23. Bakarganj	..	T.	2623	100	}	.. 26
		H.	754	28.7		
		M.	1851	70.6		
		O.	18	.7		
24. Mymensing	..	T.	4838	100	}	.. 48
		H.	1174	24.3		
		M.	3624	74.9		
		O.	40	.8		
Chittagong Division						
25. Tippera	..	T.	2743	100	}	.. 27
		H.	708	25.8		
		M.	2033	74.1		
		O.	2	.1		
26. Noakhali	..	T.	1472	100	}	.. 15
		H.	329	22.3		
		M.	1142	77.6		
		O.	1	.1		
27. Chittagong	..	T.	1611	100	}	.. 16
		H.	364	22.6		
		M.	1172	72.8		
		O.	74	4.6		
28 Chittagong Hill tracts	..	T.	173	100	}	.. 2
		H.	32	18.5		
		M.	7	4.1		
		O.	134	77.4		
TOTAL				..	465	

T.=Total
 H.=Hindus
 M.=Mohammedans
 O.=Others

APPENDIX C

Statement about elected members of the District Boards in Bengal (1927-1928)

<i>Names of districts</i>	<i>Total no of seats</i>	<i>No. of Hindu members</i>	<i>No. of Moham medan members</i>
1. 24 Parganas..	20	16 (64·2)	4 (34·6)
2. Bogra .	15	4 (16·6)	11 (82·5)
3. Bakargunj ..	20	5 (1 Christian) (28·7)	15 (70·6)
4. Midnapore ..	22	21 (88·2)	1 (6·8)
5. Rajshahi ..	18	7 (21·3)	11 (76·6)
6. Rangpore .	18	7 (31·5)	11 (68·1)
7. Khulna ..	16	11 (50·0)	5 (49·8)
8. Hooghly ..	20	17 (81·9)	3 (16 0)
9. Darjeeling	20	18 (Non Mohammedan) (71 0)	2 (3·2)
		Others 25·8	
10. Mymensingh	22	Nil (24·3)	22 (74·9)
11. Pabna .	16	3 (24·1)	13 (75·8)
12. Noakhali ..	16	6 (22·3)	10 (77·6)
13. Jalpaiguri ..	16	14 (55·0)	2 (24·8)
		Others 20·2	
14. Tippera ..	19	13 (25·8)	6 (74·1)
		(3 nominated, election having failed in C h a n d pur Sub-Division)	(2 nominated)
15. Nadia ..	20	15 (39·1)	5 (60·2)
16. Burdwan ..	16	14 (78·0)	2 (18·5)
17. Murshidabad	15	7 (45·1)	8 (53·6)
18. Faridpur ..	20	8 (36·3)	12 (63·5)
19. Malda ..	15	8 (40·6)	7 (51·6)
(Election failed all nominated)			

20. Howrah ..	12 ⁴	10 (79·3)	2 (20·3)
21. Beerbhum ..	16	15 (68·1)	1 (?) (25·1)
22. Bankura ..	10	9 (86·3)	1 (4·6)
23. Jessore ..	16	1 (38·2)	15 (61·7)
24. Dacca ..	22	16 (34·2)	6 (65·4)
25. Chittagong ..	20	Nil (22·6)	20 (72·8)
26. Dinajpur ..	18	4 (44·1)	14 (49·1)

N. B.—The figures given in brackets are ratios to the total population.

Proceedings of All Parties
Conference Lucknow
28th to 31st August 1928

ALL PARTIES CONFERENCE

Lucknow, August 28th to 31st, 1928

SUMMARY OF PROCEEDINGS

The fourth sessions of the All Parties Conference were held in the Kaiserbagh Baradari in Lucknow from August 28th to 31st, 1928. Among the organisations represented, apart from the Congress Working Committee, were :

All India Liberal Federation
All India Muslim League
Hindu Maha Sabha
Central Khilafat Committee
Central Sikh League
Home Rule League
All India Conference of Indian Christians
Jamiat-ul-Ulema
All India States Peoples Conference
Congress Party in the Assembly
Nationalist Party in the Assembly
British Indian Association of Oudh
Indian Association of Calcutta
Maharashtra Chamber of Commerce
Sind National League
Deccan Sabha
Swadhin Bharat Sangh and
The Provincial Congress Committees of Ajmer, Andhra,
Behar, Bengal, Burma, Central Provinces (Hindustani),
Central Provinces (Marathi), Delhi, Gujrat, Karnatak,
Kerala, Punjab, Sind, United Provinces, and Utkal.

A number of messages were received from delegates who were unable to be present expressing their regret at their inability to attend and sending their good wishes to the Conference. A very large number of telegrams and letters were also received from all parts of the country wishing success to the Conference.

The proceedings began soon after midday on the 28th August with the president of the Conference, Dr. M. A. Ansari, in the chair.

The Maharaja of Mahmudabad welcomed the delegates. He reminded them of the Lucknow pact of 1916 and trusted that the same spirit

would prevail in the deliberations of the Conference. He hoped that all parties would give unqualified support to the Nehru Committee's report.

The president then addressed the House. He congratulated the Nehru Committee and testified to the noble and single-minded devotion with which the chairman and members of that committee had applied themselves to this epoch-making work. Emphasising the tremendous implications attaching to the report, he said :

" India has gone through many and varied phases of the struggle for liberty, but never in the chequered history of this country's fight for freedom had representatives of all schools of political thought assembled together to draw up a definite scheme of our constitution. That has now been done by the committee. It is in itself a historic event, and when we see the background of the dark events of the last few years, resulting in spasmodic and ineffective attempts to introduce some light into the darkness of wilderness, of confused aims and objects in which we had lost ourselves, and of complacent challenges that were being thrown at us both from within the country and beyond the seven seas, I need hardly tell you that this report becomes a doubly historic event. Members of this Conference, the consequences of what we do today will not die tomorrow or the day after. They will endure. It is in our hands to make or mar our future. Let there be no mistake about the consequences that will arise out of our actions today".

Proceeding, the president said that the Nehru scheme was the last hope of 300 millions of human beings suffering intolerably under the double misery of foreign domination and internal dissensions, but he did not claim infallibility for it.

He concluded with this appeal :—"If the representatives assembled here today have got the key to India's happiness, they have also got the key to her continued misery that will become doubly acute now. The terrible responsibility lies on you of choosing between the two, which will decide India's destiny. I earnestly hope you will choose well".

The president then called upon Pandit Motilal Nehru to submit the Committee's report and Mr. Nehru formally placed the report before the Conference.

Lala Lajpat Rai then moved the following resolution :

1. " This Conference places on record its grateful appreciation of the work done by Pandit Motilal Nehru, the chairman, and his colleagues, Sir Ali Imam, Sir Tej Bahadur Sapru, Mr. Aney, Sardar Mangal Singh, Mr. Shuaib Qureshi, Mr. Subhas Bose and Mr. G. Pradhan, members of the Committee appointed by this Conference to determine the principles of a constitution for India".

This was seconded by Maulana Abul Kalam Azad. Speeches in favour of the resolution were delivered by Pandit Madan Mohan Malaviya, Maulana Shaukat Ali, Dr. Annie Besant, Mr. J. M. Sen—Gupta, Moulvi Mohammad Yakub, Mrs. Sarojini Naidu, Mr. C. Vijjara-

ghavachariar, Gyani Sher Singh, Raja Sir Rampal Singh, Maulana Ahmad Said, Mr. C. Y. Chintamani, Mr. M. Chagla, Choudhri Behari Lal and Mr. Tufail Ahmad.

One member of the Conference, Mr. Hasrat Mohani however opposed the resolution. The resolution was passed with only one dissentient.

Pandit Motilal Nehru and Sir Ali Imam thanked the Conference on behalf of the Committee.

The second resolution was proposed by Pandit Madan Mohan Malaviya. It was as follows :—

2. Without restricting the liberty of action of those political parties whose goal is complete independence this Conference declares :

Dominion Status

(1) that the form of government to be established in India should be responsible, that is to say, a government in which the executive should be responsible to a popularly elected legislature possessing full and plenary powers ;

(2) that such form of government shall in no event be lower than that of any self-governing dominion.

Sir C. P. Ramaswamy Iyer seconded the resolution and Sir Tej Bahadur Sapru supported it. The discussion on this resolution was not concluded when the Conference was adjourned to the next day.

Second Day—29th August

The discussion on Pandit Madan Mohan Malaviya's resolution on Dominion Status was continued.

Pandit Jawaharlal Nehru opposed Dominion Status and said that independence should be the goal. On behalf of those who stood for independence he read the following statement —

“ We, the signatories of this statement, are of opinion that the constitution of India should only be based on full independence. We feel that the resolution that has been placed before the All Parties Conference definitely commits those who support it to a constitution based on what is termed Dominion Status. We are not prepared to accept this, and we, therefore, cannot accept or support this resolution. We recognise that the preamble to the resolution gives us the right to carry on our activity in favour of independence, but this preamble does not in any way lessen the commitment contained in the second part of the resolution.

We have decided, however, not to obstruct or hamper the work of this Conference, but we desire to record our considered opinion on this question and to dissociate ourselves from this particular resolution in so far as it commits us to the acceptance of Dominion Status. We shall not take any part in this resolution by moving amendments or by voting on it. We propose to carry

of such activity as we consider proper and necessary in favour of complete independence”.

Maulana Kifayatullah, Moulvi Mohammad Shafi, Mr. Subhas Chandra Bose, Pandit Hriday Nath Kunzru, Dr. Kitchlew, Dr. Mohammad Alam, Mr. T. Viswanatham and Sardar Sardul Singh also took part in the discussion.

Mr. Hasrat Mohani moved an amendment to delete the second clause of the resolution. The amendment fell for want of a seconder.

After Pandit Malaviya had replied the original resolution was put to the vote and carried *nem con* with acclamation.

The Conference then adjourned till the next day.

Third Day—30th August

The third resolution of the Conference was moved by Mr. Manilal Kothari. It related to the Indian States and ran as follows :—

3. This Conference approves the recommendations of the Committee in regard to the Indian States.

This was seconded by Mr. Pathik. Sir Tej Bahadur Sapru, Maulana Zafar Ali Khan and Pandit Madan Mohan Malaviya also spoke on the resolution, which was adopted unanimously.

At this stage the president announced that an agreement had been arrived at on the Sind question. This announcement was greeted with great applause. The president placed this agreement in the form of a resolution from the chair. It ran as follows :—

4. Simultaneously with the establishment of Government in accordance with the Nehru Committee's report Sind shall be separated from Bombay and constituted into a separate province.

Provided

- (1) after an enquiry it is found
- (a) that Sind is financially self-supporting,
 - (b) in the event of its being found that it is not financially self-supporting, on the scheme of separation being laid before the people of Sind with its financial and administrative aspects, the majority of the inhabitants favour the scheme and express their readiness to bear the financial responsibility of the new arrangement;
- (2) that the form of Government in Sind shall be the same as in the other provinces under the constitution;
- (3) that the non-Muslim minority in Sind shall be given the same privileges in the matter of representation in the Provincial and Central Legislatures as the Muslim minorities are given under the Nehru Committee's report in areas where they are in a minority.

The resolution was adopted unanimously with acclamation.

The fifth resolution of the Conference dealt with the redistribution of provinces and was moved by Pandit Dwarka Prasad Mishra. Mouli Abdul Majid seconded.

Various amendments had been tabled but eventually an agreed resolution embodying some of the amendments was placed before the Conference. This ran as follows :—

5. This Conference having taken into consideration the recommendations contained in the report about the redistribution and the status of provinces, accords its approval to them, as an integral part of the agreed constitution.

And recommends that the Commission provided for in clause 72 of the draft constitution shall in conformity with the principles of the said recommendations, and with the assistance of such committee or committees as it may consider desirable to appoint,

- (a) take all necessary steps to constitute Karnataka and Andhra into separate provinces;
- (b) take steps to amalgamate the Oriya speaking tracts in the different provinces and constitute this amalgamated area into a separate province if the people of that area are able or are prepared to bear the financial burden which is incidental to separation;
- (c) report on the cases of C P Hindustani, Kerala and any other linguistic areas which may desire to be constituted into separate provinces;
- (d) resettle the boundaries of Assam and Bengal, Behar and Orissa and C. P. Hindustani, Kerala and Karnataka in accordance with the principles recommended by the Committee.

The president put this from the chair and it was carried unanimously

Lala Lajpat Rai then moved a resolution adopting in principle the constitution outlined in the Nehru Committee's report. This was seconded by Mr. A. Rangaswami Iyengar and supported by Mr. Bepin Chandra Pal. Mr. Chagla moved an amendment relating to the amendment of the constitution. Mr. Chagla's amendment was subsequently altered and was adopted by the Conference as a substantive resolution on the 31st August. It is given in the proceedings of that day.

The Conference adjourned to the 31st August.

Fourth Day—31st August

The discussion on Lala Lajpat Rai's resolution was continued. Mr. Vijayaraghavachariar moved an amendment suggesting that instead of adopting in principle the report, it should be considered clause by

clause. This was seconded by Mr. Viswanatham and opposed by Mr. Bepin Chandra Pal.

At this stage further discussion on Lala Lajpat Rai's resolution was adjourned as news was received that the Punjab delegates had come to an agreement on the Punjab question. Lala Lajpat Rai's resolution was taken up in an amended form, at a later stage of the proceedings.

The announcement by the president about the Punjab agreement was received by the Conference with prolonged applause. The agreement was signed by Dr. S. D. Kitchlew, Maulana Zafar Ali Khan, Dr. Mohammad Alam, Mr. Abdur Rahman Ghazi, M. Daud Ghaznavi, Mr. Afzal Haq, Mr. Siraj Din Piracha, Mr. Abdul Qader, Mr. S. Husamud Din, Sardar Sardul Singh Caveeshar, Lala Lajpat Rai, Lala Duni Chand, Pandit Hara Datta Sharma, Dr. Satyapal, and Lala Girdhari Lal.

Master Tara Singh and Gyani Sher Singh added a statement to the agreement.

The president placed this agreement and statement before the Conference for its approval. The following is the text of the agreement and the statement :

6. The Punjab Muslims directly with the introduction of the scheme recommended by the Nehru Committee report accept its recommendations on communal representation including joint electorates without reservation of seats for any community in the Punjab, provided that the franchise is based on adult suffrage.

Provided further that the question of communal representation will be open for reconsideration, if so desired by any community after working the recommended system for ten years in the province.

Statement of Master Tara Singh and Gyani Sher Singh :

- "1. We the undersigned Sikhs agree to support the Nehru Committee report provided that the method of election in the Punjab is by proportional representation.
- 2 We agree that adult suffrage is the most democratic principle but we feel that it is not practicable under the present circumstances, and is premature.
3. If however it is decided to introduce adult suffrage immediately our expression of opinion as stated above may be noted.

We desire however to make it clear that we shall not make it a grievance if adult suffrage is introduced as we recognise that adult suffrage is based on a most democratic principle. We presume that the introduction of adult suffrage does not carry with it the recognition of any principle of communal representation directly or indirectly to which we are strongly opposed".

Maulana Shaukat Ali made a statement that the Central Khilafat

Committee had not so far altered its original resolution on the matters dealt with in the Punjab agreement. This resolution supported the Delhi Muslim proposals and the Committee still stood by it. Dr. Mohammad Alam and Mr. Abdul Qader however disagreed with Maulana Shaikat Ali and stated that the Central Khilafat Committee had not authorised him to make the statement he had made. They stated that the Committee had left the Punjab question to the delegates from the Punjab for decision and these delegates having decided and come to an agreement, their decision must be taken to be the decision of the Khilafat Committee.

The Conference then expressed its approval of the Punjab agreement and adopted it with acclamation.

Dr. Annie Besant and Mrs. Sarojini Naidu then addressed the house and congratulated all parties and the country on this happy termination of an old dispute. Dr. Besant said that Indian unity and Indian freedom had triumphed over communalism and sectarianism.

Mr. Akram Khan and Mr. J. M. Sen-Gupta formally accepted on behalf of Bengal Muslims and Hindus the clauses of the report relating to Bengal.

There was some discussion on Mr. Chagla's proposal about the amendment of the constitution. Ultimately the following resolution was unanimously adopted :

7. This Conference recommends that the Nehru Committee be authorised to reconsider clause 87 of their recommendations and to amend it so as to safeguard the interests and rights of the various minorities in the Central Legislature with regard to the amendment of the constitution.

Amendment of constitution

The Conference then passed the following resolution unanimously:—

8. That every citizen of an Indian State who ordinarily carries on business or resides in the territories of the Commonwealth shall have the rights of a citizen of the Commonwealth.

Citizen of Indian State

Moulvi Shafi Daudi then moved that the language of the Commonwealth of India should be Hindustani written in Hindi or Urdu script.

There was some discussion on this and various amendments were suggested. Ultimately the following resolution was unanimously adopted.

9. The Committee of the All Parties Conference to consider and report on the following points:—

Language

- (i) the protection of the right of the minorities to give instruction to their children in schools through the medium of their own language and in such script as may be in vogue among them ;
- (ii) the use of Hindustani as the language of the Com-

monwealth with the right to use either Hindi or Urdu character as the ordinary scripts, the use of English being permitted;

- (iii) the use in every province of its provincial language as the official language with liberty to use Hindustani or English.

Pandit M. M. Malaviya then proposed that the following article be added to the Declaration of Rights :

10. All titles to private and personal property, lawfully acquired and enjoyed at the establishment of the Commonwealth, are hereby guaranteed.

Titles and property
This was opposed but after some discussion was passed by a majority.

The Conference also passed by a majority that

11. In the Declaration of Rights Article *viii* after the word "unemployment" add "and Parliament shall also make laws to ensure fair rent and fixity and permanence of tenure to agricultural tenants".

Fixity of tenure
The Conference passed unanimously that

12. "Baluchistan" be added after "N. W. F. Province" in recommendation VII p. 124 of the report.

Baluchistan
Discussion was then resumed on Lala Lajpat Rai's resolution about the adoption in principle of the Nehru Committee's report. This resolution was added to considerably. Various amendments to it were lost. Ultimately this resolution was passed with one dissentient in the following form :—

13. This Conference having taken into consideration the report submitted to it by the Nehru Committee adopts in principle the constitution outlined and recommended by it in the report.

Committee re-appointed

This Conference resolves to reappoint the Nehru Committee with power to co-opt and authorises it to select and instruct a Parliamentary draftsman to put the constitution outlined and recommended by it as accepted by this Conference with all necessary ancillary and consequential provisions, in the shape of a bill to be placed before a convention of the representatives of all political, commercial, labour and other organisations in the country present at this Conference and others of not less than two years' standing, provided that nothing will be added or altered which is inconsistent with the agreements and decisions arrived at by this Conference.

The Committee shall take all necessary steps for the holding of the said convention on such date as may be fixed by it.

In drafting the bill the Committee shall take into consideration Schedule I and Schedule II to the Report and the Committee is authorised to make such alterations in the said schedules as it may think necessary.

Master Tara Singh and Gyanı Sher Singh made the following statement in regard to this resolution —

“We accept this resolution subject to our statement already submitted as a part of the Punjab settlement”

On behalf of the All India Conference of Indian Christians, Mr. E. Ahmed Shah made the following statement —

“The All India Conference of Indian Christians emphatically places its case before the All Parties Conference and requests that inasmuch as a special case has been made for the largest majority community (the Hindus) in the N. W. F. Province, and for the strongest minority community (the Mohamedans) in all provinces of India where they are in minority, and finally even a special provision has been made for the proportionate representation of the Sikhs in the Punjab*, we request, that in the name of fairness and justice a similar representation in the legislatures be given to the third largest community in India *i.e.*, the Indian Christians”

The President put the following resolution from the chair —

14. This Conference declares that the agreements contained in the foregoing resolutions and decision are based upon the assumption that the general scheme sketched out in the Nehru report adopted by this Conference shall be given effect to as a whole inasmuch as the various provisions thereof are interdependent upon each other, and all the parties assembled in this Conference hereby agree that every one of them will stand by it as a whole and will refuse to accept any single part of it without giving full force and effect to all other parts

Provided that any modification of this scheme may be accepted by the consent and agreement of all the parties

The resolution was passed with one member dissenting

The next and last resolution was also put from the Chair and was passed. It ran as follows. —

15. This All Parties Conference requests and authorises Mrs. Sarojini Naidu to carry the greetings of the people of India to the people of the West, whom she is about to visit, and also to convey India's determination to win her freedom and thereby provide the necessary atmosphere for world peace.

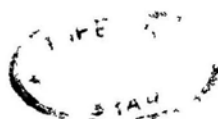
Pt. Madan Mohan Malaviya then proposed a vote of thanks to the President. The Maharaja of Mahmudabad seconded and the Conference carried it with acclamation. The President replied to it.

* NOTE by Secretary A. I. C. C. : This statement is not correct. No special provision has been made for the proportionate representation of the Sikhs in the Punjab.

Mr. Motilal Nehru proposed a vote of thanks to all those in Lucknow who had helped in making arrangements for the Conference, the workers and the volunteers. Mrs. Sarojini Naidu seconded. The house passed the vote with applause.

The President then declared the sessions of the Conference ended.

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REPORT OF COMMITTEE AND
SUMMARY OF PROCEEDINGS
