

Federal Constitution Plan For India

MR. M. N. ROY'S DRAFT

Mr. M. N. Roy has drafted a constitution for India, which it is claimed, visualises a Federal State, but avoids the rocks on which the Government of India Act of 1935 floundered. Endorsed by the Radical Democratic Party, the constitution recognises the people as the source of authority and lays down that the rights of minorities shall be protected by proportional representation through separate electorates on all elected public bodies.

The constitution provides for the setting up of people's committees in villages, towns and cities, elected every year by the adult population. These committees will, among other things, nominate candidates to seek election to the Federal Assembly and the Provincial People's Councils and give constant expression to the will of the people.

Provinces delimited by the Provisional Government on the basis of linguistic and cultural homogeneity, and in accordance with administrative convenience, would constitute a Federal State, which would be called the Federal Union of India. No province which desires to remain outside the Union shall be a constituent unit.

Before the Federal Union of India is constituted, the Provincial People's Councils (Provincial Legislatures), elected in the provinces under the constitution, shall have the right to entertain a proposal that the Province concerned may keep out of the proposed Federal Union. If the proposal is passed by a majority of the Provincial People's Council, it shall be submitted to a referendum of the adult population of the province.

Within the jurisdiction of the Federal Union of India, the Supreme People's Council will be the depository of all State power, the Council being composed of the Governor-General, the Council of State and the Federal Assembly.

PEOPLE'S DEPUTIES

The Federal Assembly will be composed of deputies of the people, there being one deputy for every 500,000 inhabitants. In the case of cities and towns having populations of more than 100,000 the proportion shall be one deputy for every 250,000 inhabitants. All men and women who have attained the age of 18 will be entitled to vote in the election of deputies to the Federal Assembly and every voter will be entitled to seek election.

The members of the Council of State will be appointed by the Provincial Governments of the Federating Provinces. The procedure prescribed ensures the nomination of engineers, economists, scientists, medical men, jurists, and historians.

The Governor-General will be elected for five years by the entire electorate.

The legislative power of the Federal Union will be vested in the Federal Assembly. Legislation enacted by the Federal Assembly and ratified by the Supreme People's Council will be binding on the federated provinces. Provincial People's Councils will have the right to object to an act of the Federal Assembly, provided that the particular legislation will not relate to any of the Federal subjects, namely, defence, foreign relations, posts and telegraphs, railway administration, ports and maritime shipping and air-navigation. The objected legislation will be referred to the local people's committees in the objecting province. A favourable verdict of the people's committees shall override the objection. If the referendum supports the objection, the dispute between the province and the Centre will be submitted to a Federal referendum, through the people's committees.

No legislation enacted by the Federal Assembly shall be signed by the Governor-General and put into operation unless it is ratified by the Supreme People's Council; the latter will also have the right to veto any provincial legislation on the ground that it is repugnant to the Federal Constitution or contradicts any particular Federal Law. The Provincial Government concerned will have the right to appeal to the Supreme Federal Court against the veto.

CHIEF EXECUTIVE HEAD

The Governor-General will be the chief executive head of the Federal Union and the government of the Union will be carried on by a Council of Ministers responsible to the Supreme People's Council.

Mr. Roy suggests that the British Parliament should pass an Act transferring power to the Indian people and that thereupon the Governor-General should set up a Provisional Government, to which all the constitutional powers of the Governor-General should be transferred, the Governor-General acting as its Prime Minister.

The Provisional Government, which will not be responsible to any elected body should fix the territorial extent and population basis of the People's Committees in all the territories in India, including areas covered by the Indian States, constitute People's Committees by conducting elections, delimit the areas of Indian Provinces on the basis of linguistic and cultural homogeneity and according to administrative convenience, conduct elections of Provincial People's Councils and Provincial Governors, ascertain from newly formed Provincial Governments whether any Province so delimited desires to remain out of the Union of India envisaged by the constitution and conduct the elections of the Governor-General and the deputies to the Federal Assembly and the nomination of the members of the Council of State. The Provisional Government should resign upon the formation of the Provincial and Federal Governments according to the constitution.